

HB 1075

2007

1 A bill to be entitled

2 An act relating to onsite sewage treatment and disposal
3 systems; amending s. 381.0065, F.S.; requiring specified
4 owners of onsite sewage treatment and disposal systems to
5 conduct periodic inspections; requiring inspections to be
6 conducted by licensed contractors or other licensed
7 professionals; requiring that the licensed contractors and
8 professionals provide and file certain reports; requiring
9 a written disclosure statement prior to the transfer or
10 sale of real property on which an onsite sewage treatment
11 and disposal system is located; providing for a filing
12 fee; authorizing the department to take certain action for
13 noncompliance; amending s. 381.0066, F.S.; establishing
14 fees for the filing of onsite sewage treatment and
15 disposal system inspection reports; providing for the
16 deposit, use, and distribution of fees collected; creating
17 s. 381.00656, F.S.; requiring the department to administer
18 a grant program to assist owners in the repair of
19 specified onsite sewage treatment and disposal systems;
20 providing eligibility requirements; authorizing the
21 department to prioritize applications; requiring the
22 department to adopt rules; requiring the department to
23 seek to award grants in each fiscal year to the extent of
24 funds available and carry forward excess funds; providing
25 an effective date.

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27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Subsection (5) of section 381.0065, Florida
30 Statutes, is renumbered as subsection (6), and a new subsection
31 (5) is added to that section, to read:

32 381.0065 Onsite sewage treatment and disposal systems;
33 regulation.--

34 (5) PERIODIC INSPECTIONS.--If the owner of an onsite
35 sewage treatment and disposal system is not required to obtain
36 an operating permit, the owner must have the system inspected
37 every 5 years to ensure the system's continued compliance with
38 this section and the rules adopted hereunder. The inspection
39 shall be conducted by a septic tank contractor or master septic
40 tank contractor licensed under part III of chapter 489, a
41 plumbing contractor licensed under part I of chapter 489, or an
42 environmental health professional licensed under chapter 381.

43 (a) Within 30 days after completing an inspection, the
44 contractor or environmental health professional shall furnish
45 the owner with an inspection report and shall file a copy of the
46 report with the department, along with the appropriate filing
47 fee. The required elements of the inspection, the form for the
48 inspection report, and the filing fee shall be established by
49 the department by rule. If the inspection reveals that the
50 system is not in compliance with this section and the rules
51 adopted hereunder, the inspection report shall identify the
52 measures necessary for remediation of the system and notify the
53 owner of its permitting obligations.

54 (b) Prior to the transfer or sale of real property on
55 which an onsite sewage treatment and disposal system is located,
56 the transferor or seller of the property shall provide a written

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57 disclosure statement to the prospective buyer in the following
58 form, which may be included in the contract or in a separate
59 writing:

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61 The property being purchased utilizes an onsite wastewater
62 treatment and disposal system and is subject to mandatory
63 inspection once every 5 years by a licensed septic tank
64 contractor, master septic tank contractor, plumbing contractor,
65 or environmental health professional. This requirement ensures
66 that the system is performing effectively and is not causing
67 damage to the environment. If an inspection determines the
68 system is not in compliance with the rules established by the
69 Department of Health in chapter 64E-6 of the Florida
70 Administrative Code, the owner is responsible for any
71 remediation necessary to bring the system into compliance.
72 Additional information regarding this requirement can be
73 obtained from the Department of Health.

74
75 (c) Failure to comply with the requirements of this
76 subsection shall not constitute a lien, encumbrance, defect, or
77 restriction on title to real property, nor shall it create any
78 cause of action or liability against a real property seller or
79 title insurer.

80 (d) The department shall create a database of the
81 locations of all onsite wastewater systems in Florida within 3
82 years after the effective date of this act and may seek an
83 administrative remedy under subsection (6) against an owner who
84 fails to comply with the inspection requirements of paragraph

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85 (a), provided, however, that the department may not impose a
86 fine on any owner unless the owner has received an initial
87 citation notifying him or her of the violation and has failed to
88 remedy the violation with 60 days after receipt of that
89 citation.

90 Section 2. Paragraph (m) is added to subsection (2) of
91 section 381.0066, Florida Statutes, to read:

92 381.0066 Onsite sewage treatment and disposal systems;
93 fees.--

94 (2) The minimum fees in the following fee schedule apply
95 until changed by rule by the department within the following
96 limits:

97 (m) Filing fee for inspection reports pursuant to s.
98 381.0065(5): a fee of not less than \$50, or more than \$100. From
99 this fee, \$10 shall be used to fund and administer the grant
100 program established in s. 381.00656; up to \$5 shall be used to
101 fund onsite sewage treatment and disposal system research,
102 demonstration, and training projects; and up to \$3 may be used
103 to educate the public, local governments, building officials,
104 and construction professionals about available onsite sewage
105 treatment and disposal systems and their proper maintenance.

106
107 The funds collected pursuant to this subsection must be
108 deposited in a trust fund administered by the department, to be
109 used for the purposes stated in this section and ss. 381.0065
110 and 381.00655.

111 Section 3. Section 381.00656, Florida Statutes, is created
112 to read:

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113 381.00656 Grant program for repair of onsite sewage
114 treatment and disposal systems.--The department shall administer
115 a grant program to assist owners of onsite sewage treatment and
116 disposal systems that are found to be in violation of s.
117 381.0065 or the rules adopted thereunder. Such grants may be
118 awarded to an owner for the purpose of repairing and bringing
119 into compliance a system serving a single-family residence
120 occupied by the owner and where the family occupying the
121 residence has an income of less than or equal to 200 percent of
122 the federal poverty level at the time of application. The
123 department may prioritize applications for an award of grant
124 funds based upon the severity of a system's noncompliance, its
125 relative environmental impact, the income of the family, or any
126 combination thereof. The department shall adopt rules
127 establishing the grant application and award process, including
128 an application form. The department shall seek to make grants in
129 each fiscal year equal to the total amount of grant funds
130 available, with any excess used for grant awards in subsequent
131 years.

132 Section 4. This act shall take effect July 1, 2007.