

By Senator Oelrich

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20101738

1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.;
4 requiring owners of onsite sewage treatment and
5 disposal systems to have such systems periodically
6 inspected; providing an exception; directing the
7 Department of Health to administer an onsite sewage
8 treatment and disposal system inspection program;
9 requiring the department to adopt rules implementing
10 program standards, procedures, and requirements;
11 requiring system owners to pay the costs of required
12 inspections and pump-outs; requiring inspections and
13 pump-outs to be performed by registered septic tank or
14 master septic tank contractors; providing notice
15 requirements; providing definitions; creating s.
16 381.00656, F.S.; requiring the department to
17 administer a grant program to assist owners in the
18 repair of specified onsite sewage treatment and
19 disposal systems; providing eligibility and program
20 requirements; authorizing the department to prioritize
21 applications; requiring the department to adopt rules;
22 requiring the department to seek to award grants in
23 each fiscal year to the extent of funds available and
24 to carry forward excess funds; amending s. 381.0066,
25 F.S.; revising the fees for application review, permit
26 issuance, or system inspection of onsite sewage
27 treatment and disposal systems; establishing fees for
28 the filing of onsite sewage treatment and disposal
29 system inspection reports; providing for deposit and

14-01556-10

20101738

use of the fees collected; amending s. 489.557, F.S.;
 revising the fees for septic tank contractor and
 master septic tank contractor registrations; providing
 for deposit and use of the fees collected; providing
 an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) of section 381.0065, Florida
 Statutes, is redesignated as subsection (6), and a new
 subsection (5) is added to that section, to read:

381.0065 Onsite sewage treatment and disposal systems;
 regulation.—

(5) PERIODIC INSPECTIONS.—

(a) Effective July 1, 2013, the owner of an onsite sewage
 treatment and disposal system, excluding a system that is
 required to obtain an operating permit, shall have the system
 inspected at least once every 5 years to assess the fundamental
 operational condition of the system, prolong the life of the
 system, and identify any failure within the system. The
 department shall administer an onsite sewage treatment and
 disposal system inspection program for that purpose and shall
 adopt rules implementing the program standards, procedures, and
 requirements, including, but not limited to, a schedule for a 5-
 year inspection cycle; a county-by-county implementation plan
 phased in over a 10-year period with first priority given to
 those areas within a springshed protection area identified by
 the Department of Environmental Protection; minimum standards
 for a functioning system; requirements for the pump-out or

14-01556-10

20101738

59 repair of a failing system; and enforcement procedures for
60 failure of a system owner to obtain an inspection of the system
61 and failure of a contractor to timely report inspection results
62 to the department and the system owner.

63 (b) The department's Procedure for Voluntary Inspection and
64 Assessment of Existing Systems shall be applied to inspections
65 under this subsection, except as otherwise provided. All
66 inspection procedures used by an inspector must be documented
67 and nothing in this subsection limits the amount of detail an
68 inspector may provide at his or her professional discretion. The
69 inspection must include a tank inspection, a drainfield
70 inspection, and a written assessment of the condition of the
71 system, and, if necessary, a disclosure statement pursuant to
72 the department's procedure.

73 (c) If documentation of a tank pump-out or a permitted new
74 installation, repair, or modification of the system within the
75 previous 3 years is provided, which states the capacity of the
76 tank and indicates that the condition of the tank is not a
77 sanitary or public health nuisance pursuant to department rule,
78 a pump-out of the system is not required.

79 (d) Owners are responsible for paying the cost of the
80 inspection and any required pump-out pursuant to department rule
81 and may not request partial inspections or the omission of
82 portions of the inspection.

83 (e) Each inspection or pump-out required under this
84 subsection must be performed by a septic tank contractor or
85 master septic tank contractor registered under part III of
86 chapter 489.

87 (f) Prior to any inspection deadline, the department must

14-01556-10

20101738

88 provide a minimum of 60 days' notice to owners that their
89 systems must be inspected by that deadline. The notice must
90 include a provision which states that the purpose of the
91 inspection is to assess the fundamental operational condition of
92 the system, prolong the life of the system, and identify any
93 failure within the system, and not to determine code compliance,
94 require a complete upgrade or overhaul of a system to meet
95 current code requirements, or demonstrate that the system will
96 adequately serve the use to be placed upon it by the current or
97 any subsequent owner. The department must include a copy of the
98 Procedure for Voluntary Inspection and Assessment of Existing
99 Systems and information about the grant program established
100 pursuant to s. 381.00656 with the notice.

101 (g) As used in this subsection:

102 1. "Failure" or "failing" means a condition that exists
103 within an onsite sewage treatment and disposal system that
104 prohibits the system from functioning in a sanitary manner and
105 results in the discharge of untreated or partially treated
106 wastewater onto the surface of the ground or into surface waters
107 or groundwaters or results in the failure of building plumbing
108 to discharge properly. For the purposes of this subsection, a
109 system may not be deemed in failure solely because the system
110 does not have the minimum separation distance between the
111 drainfield and groundwater table.

112 2. "Repair" means any replacement of or modification or
113 addition to a failing system which is necessary to allow the
114 system to function in accordance with its design or is necessary
115 to eliminate a public health or pollution hazard, including the
116 use of any treatment method that is intended to improve the

14-01556-10

20101738

117 functioning of any part of the system or to prolong or sustain
118 the length of time the system functions, excluding:

119 a. The service or replacement of mechanical or electrical
120 parts of an approved onsite sewage treatment and disposal system
121 with like kind and quality parts.

122 b. Any minor structural corrections to a tank or
123 distribution box.

124 c. The use of an authorized additive in indoor building
125 plumbing by the system owner.

126 d. The removal of the contents of any tank or the
127 installation of an approved outlet filter device without
128 disturbing the drainfield.

129 e. The replacement of any broken tank lid.

130 f. The splicing of a drip emitter line, provided the
131 emitter is not eliminated.

132 Section 2. Section 381.00656, Florida Statutes, is created
133 to read:

134 381.00656 Grant program for repair of onsite sewage
135 treatment and disposal systems.—Effective July 1, 2013, the
136 department shall administer a grant program to assist owners of
137 failing onsite sewage treatment and disposal systems identified
138 pursuant to s. 381.0065 or the rules adopted thereunder. A grant
139 under the program may be awarded to an owner only for the
140 purpose of repairing a failing system serving a single-family
141 residence occupied by an owner with a family income of less than
142 or equal to 200 percent of the federal poverty level at the time
143 of application. When possible, program grants shall be used to
144 install or modify nongravity onsite sewage treatment and
145 disposal systems. The department may prioritize applications for

14-01556-10

20101738

146 an award of grant funds based upon the severity of a system's
147 failure, its relative environmental impact, the income of the
148 family, or any combination thereof. The department shall adopt
149 rules establishing the grant application and award process,
150 including an application form. The department shall seek to make
151 grants in each fiscal year equal to the total amount of grant
152 funds available, with any excess funds used for grant awards in
153 subsequent fiscal years.

154 Section 3. Paragraph (a) of subsection (2) of section
155 381.0066, Florida Statutes, is amended, and paragraph (m) is
156 added to that subsection, to read:

157 381.0066 Onsite sewage treatment and disposal systems;
158 fees.—

159 (2) The minimum fees in the following fee schedule apply
160 until changed by rule by the department within the following
161 limits:

162 (a) Application review, permit issuance, or system
163 inspection, including repair of a subsurface, mound, filled, or
164 other alternative system or permitting of an abandoned system: a
165 fee of not less than \$25, or more than \$125, plus an additional
166 \$5. The additional \$5 collected pursuant to this paragraph shall
167 be used to fund the grant program established under s.
168 381.00656.

169 (m) Filing an inspection report under s. 381.0065(5): a fee
170 of not less than \$75, or more than \$150. Twenty-five percent of
171 the fee collected pursuant to this paragraph shall be used to
172 fund the grant program established under s. 381.00656.

173
174 The funds collected pursuant to this subsection must be

14-01556-10

20101738

175 deposited in a trust fund administered by the department, to be
176 used for the purposes stated in this section and ss. 381.0065
177 and 381.00655.

178 Section 4. Paragraphs (a) and (b) of subsection (1) of
179 section 489.557, Florida Statutes, are amended to read:

180 489.557 Fees, establishment.—

181 (1) The department shall, by rule, establish fees as
182 follows:

183 (a) For septic tank contractor registration:

184 1. Application and examination fee: not less than \$25 or
185 more than \$75.

186 2. Initial registration fee: not less than \$50 or more than
187 \$100, plus an additional \$50. The additional \$50 collected
188 pursuant to this subparagraph shall be used to fund the grant
189 program established under s. 381.00656.

190 3. Renewal of registration fee: not less than \$50 or more
191 than \$100, plus an additional \$50. The additional \$50 collected
192 pursuant to this subparagraph shall be used to fund the grant
193 program established under s. 381.00656.

194 (b) For master septic tank contractor registration:

195 1. Application and examination fee: not less than \$25 or
196 more than \$75.

197 2. Initial registration fee: not less than \$50 or more than
198 \$100, plus an additional \$50. The additional \$50 collected
199 pursuant to this subparagraph shall be used to fund the grant
200 program established under s. 381.00656.

201 3. Renewal of registration fee: not less than \$50 or more
202 than \$100, plus an additional \$50. The additional \$50 collected
203 pursuant to this subparagraph shall be used to fund the grant

14-01556-10

20101738__

204 program established under s. 381.00656.

205 Section 5. This act shall take effect July 1, 2010.