

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By:

BILL: SB 2 A

INTRODUCER: Senator Gaetz and others

SUBJECT: Septic Tank Evaluation Program

DATE: November 15, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill extends the implementation date of the statewide septic tank evaluation program from January 1, 2011 to July 1, 2011.

This bill amends section 381.0065 of the Florida Statutes.

II. Present Situation:

Administration of Septic Tanks in Florida

The Department of Health (DOH) oversees an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. One component of the program is an onsite sewage treatment and disposal function.¹ The DOH estimates there are 2.67 million septic tanks in use statewide, serving approximately one-third of the state's domestic wastewater disposal needs. The Bureau of Onsite Sewage develops statewide rules and provides training and standardization for County Health Department employees responsible for permitting the installation and repair of onsite sewage treatment and disposal systems (septic tanks) within the state. The bureau also licenses septic tank contractors, approves continuing education courses and courses provided for septic tank contractors, funds a hands-on training center, and mediates septic tank contracting complaints. The bureau manages a state-funded research program, prepares research grants, and reviews and approves innovative products and septic tank designs.²

¹ Fla. Stat. § 381.006 (2010).

² DOH, Bureau of Onsite Sewage, *OSTDS Description*,

Three Florida counties, Charlotte, Escambia and Santa Rosa, have implemented mandatory septic tank inspections at a cost of between \$83.93 to \$215 per inspection.³ In 2008, approximately 0.5 percent of septic tanks were inspected and pumped out. According to DOH statistics, approximately 2 million systems in the ground are 20 years or older,⁴ which is the average lifespan of a septic tank in Florida.⁵ The DOH estimates 10 percent of septic tanks are currently failing.

Statewide Evaluation Program

Senate bill 550 passed during the 2010 Regular Session and was signed into law by the Governor on June 4, 2010. The bill contained a number of provisions that created a statewide septic tank evaluation program. The DOH is responsible for administering the program. The program will require all owners of septic tanks to have them and their associated drain fields evaluated every five years to ensure they are working to their designed operational and permitted specifications. The DOH must provide septic tank owners with a minimum of 60 days notice that their evaluations are due. The department is authorized to collect an evaluation report fee of up to \$30 per evaluation to cover programmatic costs and fund the low-income grant program. Evaluations may only be conducted by individuals certified by the DOH. The law requires that the DOH undertake rulemaking and implement the first phase of the evaluation program by January 1, 2011, with full statewide implementation by January 1, 2016.

III. Effect of Proposed Changes:

The bill extends implementation date of the septic tank evaluation program by the DOH from January 1, 2011 to July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

<http://www.doh.state.fl.us/environment/ostds/OSTDSdescription.html> (last visited November 10, 2010).

³ DOH, *Report on Range Costs to Implement a Mandatory Statewide 5-Year Septic Tank Inspection Program* (Oct 2008), available at <http://www.doh.state.fl.us/environment/ostds/pdfiles/forms/MSIP.pdf> (last visited Nov. 10, 2010).

⁴ DOH, *Onsite Sewage Treatment and Disposal Systems in Florida* (2010), available at <http://www.doh.state.fl.us/Environment/ostds/statistics/newInstallations.pdf> (last visited Nov. 15, 2010).

⁵ DOH, Bureau of Onsite Sewage, *What's New?*, <http://www.doh.state.fl.us/environment/ostds/New.htm> (last visited November 15, 2010).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The DOH may collect up to \$30 for each evaluation report.

B. Private Sector Impact:

The delay may negatively affect septic tank contractors that have spent funds for training, personnel, equipment, or other business expenditures in anticipation of the January 2011 deadline to begin implementation. However, it also may give additional contractors time to gear up for a substantial increase in the number of inspections they may conduct.

Septic tank owners will not be required to pay for evaluations for an additional six months. However, beginning July 1, 2011, septic tank owners will be required to pay up to \$30 for the evaluation report plus the costs of an evaluation, which may include a pumpout. The DOH estimates that evaluations will cost between \$150 to \$200, including the evaluation report fee, and pumpouts will range from \$150 to \$450 per tank. If the evaluation discovers failures in the system, the owner would also be required to cover the costs of repairs or replacement. According to the DOH, new septic systems average between \$5,000 to \$7,000 but can cost \$10,000 or more based on specific circumstances.

C. Government Sector Impact:

It is unknown whether delaying the implementation of the evaluation program will result in a fiscal impact to the DOH. Further, it is unknown what impact the implementation of numeric nutrient criteria will have on government resources to restore water bodies that do meet the nutrient criteria where septic tanks are proven to cause nitrogen loading.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.