



369170

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2011	.	
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The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (5), and (6), of section 381.0065, Florida Statutes, as amended by chapter 2010-283, Laws of Florida, are amended, present paragraphs (b) through (p) of subsection (2) of that section are redesignated as paragraphs (c) through (q), respectively, a new paragraph (b) is added to that subsection, and paragraphs (w), (x), (y), and (z) are added to subsection (4) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems;



13 regulation.-

14 (1) LEGISLATIVE INTENT.-

15 ~~(a) It is the intent of the Legislature that proper~~
16 ~~management of onsite sewage treatment and disposal systems is~~
17 ~~paramount to the health, safety, and welfare of the public. It~~
18 ~~is further the intent of the Legislature that the department~~
19 ~~shall administer an evaluation program to ensure the operational~~
20 ~~condition of the system and identify any failure with the~~
21 ~~system.~~

22 ~~(b)~~ It is the intent of the Legislature that where a
23 publicly owned or investor-owned sewerage system is not
24 available, the department shall issue permits for the
25 construction, installation, modification, abandonment, or repair
26 of onsite sewage treatment and disposal systems under conditions
27 as described in this section and rules adopted under this
28 section. It is further the intent of the Legislature that the
29 installation and use of onsite sewage treatment and disposal
30 systems not adversely affect the public health or significantly
31 degrade the groundwater or surface water.

32 (2) DEFINITIONS.-As used in ss. 381.0065-381.0067, the
33 term:

34 (b) "Bedroom" means a room that can be used for sleeping
35 which, for site-built dwellings, has a minimum 70 square feet of
36 conditioned space, or, for manufactured homes constructed to HUD
37 standards, has a minimum square footage of 50 square feet of
38 floor area and is located along an exterior wall, has a closet
39 and a door or an entrance where a door could be reasonably
40 installed, and an emergency means of escape and rescue opening
41 to the outside. A room may not be considered a bedroom if it is



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42 used to access another room, unless the room that is accessed is
43 a bathroom or closet and does not include a hallway, bathroom,
44 kitchen, living room, family room, dining room, den, breakfast
45 nook, pantry, laundry room, sunroom, recreation room,
46 media/video room, or exercise room. For the purpose of
47 determining system capacity, occupancy is calculated at a
48 maximum of two persons per bedroom.

49 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
50 construct, repair, modify, abandon, or operate an onsite sewage
51 treatment and disposal system without first obtaining a permit
52 approved by the department. The department may issue permits to
53 carry out this section, but shall not make the issuance of such
54 permits contingent upon prior approval by the Department of
55 Environmental Protection, except that the issuance of a permit
56 for work seaward of the coastal construction control line
57 established under s. 161.053 shall be contingent upon receipt of
58 any required coastal construction control line permit from the
59 Department of Environmental Protection. A construction permit is
60 valid for 18 months from the issuance date and may be extended
61 by the department for one 90-day period under rules adopted by
62 the department. A repair permit is valid for 90 days from the
63 date of issuance. An operating permit must be obtained prior to
64 the use of any aerobic treatment unit or if the establishment
65 generates commercial waste. Buildings or establishments that use
66 an aerobic treatment unit or generate commercial waste shall be
67 inspected by the department at least annually to assure
68 compliance with the terms of the operating permit. The operating
69 permit for a commercial wastewater system is valid for 1 year
70 from the date of issuance and must be renewed annually. The



71 operating permit for an aerobic treatment unit is valid for 2
72 years from the date of issuance and must be renewed every 2
73 years. If all information pertaining to the siting, location,
74 and installation conditions or repair of an onsite sewage
75 treatment and disposal system remains the same, a construction
76 or repair permit for the onsite sewage treatment and disposal
77 system may be transferred to another person, if the transferee
78 files, within 60 days after the transfer of ownership, an
79 amended application providing all corrected information and
80 proof of ownership of the property. There is no fee associated
81 with the processing of this supplemental information. A person
82 may not contract to construct, modify, alter, repair, service,
83 abandon, or maintain any portion of an onsite sewage treatment
84 and disposal system without being registered under part III of
85 chapter 489. A property owner who personally performs
86 construction, maintenance, or repairs to a system serving his or
87 her own owner-occupied single-family residence is exempt from
88 registration requirements for performing such construction,
89 maintenance, or repairs on that residence, but is subject to all
90 permitting requirements. A municipality or political subdivision
91 of the state may not issue a building or plumbing permit for any
92 building that requires the use of an onsite sewage treatment and
93 disposal system unless the owner or builder has received a
94 construction permit for such system from the department. A
95 building or structure may not be occupied and a municipality,
96 political subdivision, or any state or federal agency may not
97 authorize occupancy until the department approves the final
98 installation of the onsite sewage treatment and disposal system.
99 A municipality or political subdivision of the state may not



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100 approve any change in occupancy or tenancy of a building that
101 uses an onsite sewage treatment and disposal system until the
102 department has reviewed the use of the system with the proposed
103 change, approved the change, and amended the operating permit.

104 (w) Any permit issued and approved by the department for
105 the installation, modification, or repair of an onsite sewage
106 treatment and disposal system shall transfer with the title to
107 the property. A title is not encumbered at the time of transfer
108 by new permit requirements by a governmental entity for an
109 onsite sewage treatment and disposal system which differ from
110 the permitting requirements in effect at the time the system was
111 permitted, modified, or repaired.

112 (x) An onsite sewage treatment and disposal system is not
113 considered abandoned if the properly functioning onsite sewage
114 treatment and disposal system is disconnected from a structure
115 that was made unusable or destroyed following a disaster and the
116 system was not adversely affected by the disaster. The onsite
117 system may be reconnected to a rebuilt structure if:

118 1. The reconnection of the onsite sewage treatment and
119 disposal system is to the same type and approximate size of
120 rebuilt structure that existed prior to the disaster;

121 2. The onsite sewage treatment and disposal system is not a
122 sanitary nuisance; and

123 3. The onsite sewage treatment and disposal system has not
124 been altered without prior authorization.

125
126 An onsite sewage treatment and disposal system that serves
127 a property that is foreclosed upon is not an abandoned system.

128 (y) If an onsite sewage treatment and disposal system



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129 permittee receives, relies upon, and undertakes construction of
130 a system based upon a validly issued construction permit under
131 rules applicable at the time of construction, but a change to a
132 rule occurs after the approval of the system for construction
133 but before the final approval of the system, the rules
134 applicable and in effect at the time of construction approval
135 apply at the time of final approval if fundamental site
136 conditions have not changed between the time of construction
137 approval and final approval.

138 (z) A modification, replacement, or upgrade of an onsite
139 sewage treatment and disposal system is not required for a
140 remodeling addition to a single-family home if a bedroom is not
141 added.

142 ~~(5) EVALUATION AND ASSESSMENT.—~~

143 ~~(a) Beginning July 1, 2011, the department shall administer~~
144 ~~an onsite sewage treatment and disposal system evaluation~~
145 ~~program for the purpose of assessing the fundamental operational~~
146 ~~condition of systems and identifying any failures within the~~
147 ~~systems. The department shall adopt rules implementing the~~
148 ~~program standards, procedures, and requirements, including, but~~
149 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
150 ~~requirements for the pump-out of a system or repair of a failing~~
151 ~~system, enforcement procedures for failure of a system owner to~~
152 ~~obtain an evaluation of the system, and failure of a contractor~~
153 ~~to timely submit evaluation results to the department and the~~
154 ~~system owner. The department shall ensure statewide~~
155 ~~implementation of the evaluation and assessment program by~~
156 ~~January 1, 2016.~~

157 ~~(b) Owners of an onsite sewage treatment and disposal~~



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158 ~~system, excluding a system that is required to obtain an~~
159 ~~operating permit, shall have the system evaluated at least once~~
160 ~~every 5 years to assess the fundamental operational condition of~~
161 ~~the system, and identify any failure within the system.~~

162 ~~(c) All evaluation procedures must be documented and~~
163 ~~nothing in this subsection limits the amount of detail an~~
164 ~~evaluator may provide at his or her professional discretion. The~~
165 ~~evaluation must include a tank and drainfield evaluation, a~~
166 ~~written assessment of the condition of the system, and, if~~
167 ~~necessary, a disclosure statement pursuant to the department's~~
168 ~~procedure.~~

169 ~~(d)1. Systems being evaluated that were installed prior to~~
170 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
171 ~~bottom of the drainfield to the wettest season water table~~
172 ~~elevation as defined by department rule. All drainfield repairs,~~
173 ~~replacements or modifications to systems installed prior to~~
174 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
175 ~~the bottom of the drainfield to the wettest season water table~~
176 ~~elevation as defined by department rule.~~

177 ~~2. Systems being evaluated that were installed on or after~~
178 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
179 ~~the bottom of the drainfield to the wettest season water table~~
180 ~~elevation as defined by department rule. All drainfield repairs,~~
181 ~~replacements or modification to systems developed on or after~~
182 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
183 ~~the bottom of the drainfield to the wettest season water table~~
184 ~~elevation.~~

185 ~~(e) If documentation of a tank pump out or a permitted new~~
186 ~~installation, repair, or modification of the system within the~~



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187 ~~previous 5 years is provided, and states the capacity of the~~
188 ~~tank and indicates that the condition of the tank is not a~~
189 ~~sanitary or public health nuisance pursuant to department rule,~~
190 ~~a pump-out of the system is not required.~~

191 ~~(f) Owners are responsible for paying the cost of any~~
192 ~~required pump-out, repair, or replacement pursuant to department~~
193 ~~rule, and may not request partial evaluation or the omission of~~
194 ~~portions of the evaluation.~~

195 ~~(g) Each evaluation or pump-out required under this~~
196 ~~subsection must be performed by a septic tank contractor or~~
197 ~~master septic tank contractor registered under part III of~~
198 ~~chapter 489, a professional engineer with wastewater treatment~~
199 ~~system experience licensed pursuant to chapter 471, or an~~
200 ~~environmental health professional certified under chapter 381 in~~
201 ~~the area of onsite sewage treatment and disposal system~~
202 ~~evaluation.~~

203 ~~(h) The evaluation report fee collected pursuant to s.~~
204 ~~381.0066(2)(b) shall be remitted to the department by the~~
205 ~~evaluator at the time the report is submitted.~~

206 ~~(i) Prior to any evaluation deadline, the department must~~
207 ~~provide a minimum of 60 days' notice to owners that their~~
208 ~~systems must be evaluated by that deadline. The department may~~
209 ~~include a copy of any homeowner educational materials developed~~
210 ~~pursuant to this section which provides information on the~~
211 ~~proper maintenance of onsite sewage treatment and disposal~~
212 ~~systems.~~

213 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

214 (a) Department personnel who have reason to believe
215 noncompliance exists, may at any reasonable time, enter the



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216 premises permitted under ss. 381.0065-381.0066, or the business
217 premises of any septic tank contractor or master septic tank
218 contractor registered under part III of chapter 489, or any
219 premises that the department has reason to believe is being
220 operated or maintained not in compliance, to determine
221 compliance with the provisions of this section, part I of
222 chapter 386, or part III of chapter 489 or rules or standards
223 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
224 part III of chapter 489. As used in this paragraph, the term
225 "premises" does not include a residence or private building. To
226 gain entry to a residence or private building, the department
227 must obtain permission from the owner or occupant or secure an
228 inspection warrant from a court of competent jurisdiction.

229 (b)1. The department may issue citations that may contain
230 an order of correction or an order to pay a fine, or both, for
231 violations of ss. 381.0065-381.0067, part I of chapter 386, or
232 part III of chapter 489 or the rules adopted by the department,
233 when a violation of these sections or rules is enforceable by an
234 administrative or civil remedy, or when a violation of these
235 sections or rules is a misdemeanor of the second degree. A
236 citation issued under ss. 381.0065-381.0067, part I of chapter
237 386, or part III of chapter 489 constitutes a notice of proposed
238 agency action.

239 2. A citation must be in writing and must describe the
240 particular nature of the violation, including specific reference
241 to the provisions of law or rule allegedly violated.

242 3. The fines imposed by a citation issued by the department
243 may not exceed \$500 for each violation. Each day the violation
244 exists constitutes a separate violation for which a citation may



245 be issued.

246 4. The department shall inform the recipient, by written
247 notice pursuant to ss. 120.569 and 120.57, of the right to an
248 administrative hearing to contest the citation within 21 days
249 after the date the citation is received. The citation must
250 contain a conspicuous statement that if the recipient fails to
251 pay the fine within the time allowed, or fails to appear to
252 contest the citation after having requested a hearing, the
253 recipient has waived the recipient's right to contest the
254 citation and must pay an amount up to the maximum fine.

255 5. The department may reduce or waive the fine imposed by
256 the citation. In determining whether to reduce or waive the
257 fine, the department must consider the gravity of the violation,
258 the person's attempts at correcting the violation, and the
259 person's history of previous violations including violations for
260 which enforcement actions were taken under ss. 381.0065-
261 381.0067, part I of chapter 386, part III of chapter 489, or
262 other provisions of law or rule.

263 6. Any person who willfully refuses to sign and accept a
264 citation issued by the department commits a misdemeanor of the
265 second degree, punishable as provided in s. 775.082 or s.
266 775.083.

267 7. The department, pursuant to ss. 381.0065-381.0067, part
268 I of chapter 386, or part III of chapter 489, shall deposit any
269 fines it collects in the county health department trust fund for
270 use in providing services specified in those sections.

271 8. This section provides an alternative means of enforcing
272 ss. 381.0065-381.0067, part I of chapter 386, and part III of
273 chapter 489. This section does not prohibit the department from



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274 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
275 III of chapter 489, or its rules, by any other means. However,
276 the department must elect to use only a single method of
277 enforcement for each violation.

278 Section 2. Section 381.00651, Florida Statutes, is created
279 to read:

280 381.00651 Periodic evaluation and assessment of onsite
281 sewage treatment and disposal systems.-

282 (1) Effective January 1, 2012, any county or municipality
283 that does not opt out of this section shall adopt by ordinance
284 the local onsite sewage treatment and disposal system evaluation
285 and assessment program within all or part of its geographic area
286 which meets the requirements of this subsection. The county or
287 municipality shall notify the Secretary of State and the local
288 county health department by letter of the adoption of such an
289 ordinance pursuant to this section. The program shall be
290 administered by the county health department pursuant to
291 subsection (3). By a majority of the local elected body, a
292 county or municipality may opt out of the requirements of this
293 section at any time before January 1, 2012, by adopting a
294 separate resolution. The resolution shall be directed to and
295 filed with the Secretary of State and shall state the intent of
296 the county or municipality not to adopt an onsite sewage
297 treatment and disposal system evaluation and assessment program.
298 A county or municipality may subsequently adopt an ordinance
299 imposing an onsite sewage treatment and disposal system
300 evaluation and assessment program if the program meets the
301 requirements of this subsection. A county or municipality may
302 repeal an ordinance adopted pursuant to this section if the



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303 county or municipality notifies the Secretary of State by letter
304 of the repeal. Any county identified as having a first magnitude
305 spring within its boundaries is prohibited from opting out of
306 this section. The local ordinances may not deviate from or
307 exceed the substantive requirements of this subsection. Such
308 adopted ordinance shall include the following:

309 (a) *Evaluations.*—An evaluation of any septic tank within
310 all or part of the county's or municipality's jurisdiction must
311 take place once every 5 years to assess the fundamental
312 operational condition of the system and to identify system
313 failures. The ordinance may not mandate an evaluation at the
314 point of sale in a real estate transaction and may not require a
315 soil examination. The location of the system shall be
316 identified. A tank and drainfield evaluation and a written
317 assessment of the overall condition of the system pursuant to
318 the assessment procedure prescribed in paragraph (2) (d) are
319 required.

320 (b) *Qualified contractors.*—Each evaluation required under
321 this subsection must be performed by a septic tank contractor or
322 master septic tank contractor registered under part III of
323 chapter 489, a professional engineer having wastewater treatment
324 system experience and licensed pursuant to chapter 471, or an
325 environmental health professional certified under this chapter
326 in the area of onsite sewage treatment and disposal system
327 evaluation. Evaluations and pump outs may also be performed by
328 an authorized employee working under the supervision of the
329 individuals listed in this paragraph; however, all evaluation
330 forms must be written or electronically signed by a qualified
331 contractor.



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332 (c) Repair of systems.—The local ordinance may not require
333 a repair, modification, or replacement of a system as a result
334 of an evaluation unless the evaluation identifies a system
335 failure. For purposes of this subsection, the term “system
336 failure” is defined as a condition existing within an onsite
337 sewage treatment and disposal system which results in the
338 discharge of untreated or partially treated wastewater onto the
339 ground surface or into surface water, or which results in a
340 sanitary nuisance caused by the failure of building plumbing to
341 discharge properly. A system is not a failure if the system does
342 not have a minimum separation distance between the drainfield
343 and the wet season water table, or if an obstruction in a
344 sanitary line or an effluent screen or filter prevents effluent
345 from flowing into a drainfield. If a system failure is
346 identified and several remedial options are available to resolve
347 the failure, the local ordinance may not require more than the
348 least costly remedial measure to resolve the system failure. The
349 homeowner may choose the remedial measure to fix the system.
350 There may be instances in which a pump out is sufficient to
351 resolve a system failure. Remedial measures to resolve a system
352 failure must meet the requirements in effect at the times
353 specified in section 381.0065(4)(g).

354 (d) Exemptions.—The local ordinance shall exempt from the
355 evaluation requirements any system that is required to obtain an
356 operating permit pursuant to state law or that is inspected by
357 the department pursuant to the annual permit inspection
358 requirements of chapter 513.

359 (2) The following procedures shall be used for conducting
360 evaluations:



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361 (a) Tank evaluation.—The tank evaluation shall assess the
362 apparent structural condition and water tightness of the tank
363 and shall estimate the size of the tank. The evaluation must
364 include a pump out. However, an ordinance may not require a pump
365 out if there is documentation that a tank pump out or a
366 permitted new installation, repair, or modification of the
367 system has occurred within the previous 5 years, and that
368 identifies the capacity of the tank and indicates that the
369 condition of the tank is structurally sound and watertight.
370 Visual inspection of the tank must be made when the tank is
371 empty to detect cracks, leaks, or other defects. Baffles or tees
372 must be checked to ensure that they are intact and secure. The
373 evaluation shall note the presence and condition of outlet
374 devices, effluent filters, and compartment walls; any structural
375 defect in the tank; and the condition and fit of the tank lid,
376 including manholes. If the tank, in the opinion of the qualified
377 contractor, is in danger of being damaged by leaving the tank
378 empty after inspection, the tank shall be refilled before
379 concluding the inspection.

380 (b) Drainfield evaluation.—The drainfield evaluation must
381 include a determination of the approximate size and location of
382 the drainfield. The evaluation shall state the condition of
383 surface vegetation, identify whether there is any sewage or
384 effluent visible on the ground or discharging to a ditch or
385 other water body, and identify the location of any downspout or
386 other source of water near or in the vicinity of the drainfield.

387 (c) Special circumstances.—If the system contains pumps,
388 siphons, or alarms, the following information must be provided:

389 1. An assessment of dosing tank integrity, including the



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390 approximate volume and the type of material used in
391 construction;

392 2. Whether the pump is elevated off of the bottom of the
393 chamber and its operational status;

394 3. Whether there are a check valve and purge hole; whether
395 there is a high-water alarm, including whether the type of alarm
396 is audio or visual or both, the location of the alarm, and its
397 operational condition; and whether electrical connections appear
398 satisfactory; and

399 4. Whether surface water can infiltrate into the tank and
400 whether the tank was pumped out.

401 (d) Assessment procedure.—All evaluation procedures used by
402 a qualified contractor shall be documented. The qualified
403 contractor shall provide a copy of a written, signed evaluation
404 report to the property owner upon completion of the evaluation,
405 to the county health department within 30 days of the
406 evaluation. The report shall contain the name and license number
407 of the company providing the report. A copy of the evaluation
408 report shall be retained by the local county health department
409 for a minimum of 5 years until a subsequent inspection report is
410 filed. The front cover of the report must identify any system
411 failure and include a clear and conspicuous notice to the owner
412 that the owner has a right to have any remediation of the
413 failure performed by a qualified contractor other than the
414 contractor performing the evaluation. The report must further
415 identify any crack, leak, improper fit or other defect in the
416 tank, manhole, or lid, and any other damaged or missing
417 component; any sewage or effluent visible on the ground or
418 discharging to a ditch or other surface water body; any



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419 downspout, stormwater or other source of water directed onto or
420 toward the system and any other maintenance need or condition of
421 the system at the time of the evaluation which, in the opinion
422 of the qualified contractor, would possibly interfere with or
423 restrict any future repair or modification to the existing
424 system. The report shall conclude with an overall assessment of
425 the fundamental operational condition of the system.

426 (3) It shall be the responsibility of the county health
427 department to administer any evaluation program on behalf of a
428 county, or a local government within the county, that has
429 adopted an evaluation program pursuant to this section. In order
430 to administer the evaluation program a local government, in
431 consultation with the county health department, may develop a
432 reasonable fee schedule to be used solely to pay for the costs
433 of administering the evaluation program. Such fee schedule shall
434 be identified in the local ordinance which adopts the evaluation
435 program. When arriving at a reasonable fee schedule, the
436 estimated annual revenues to be derived from fees shall not
437 exceed reasonable estimated annual costs of the program. Fees
438 shall be assessed to the septic tank owner during an inspection
439 and separately identified on the invoice of the qualified
440 contractor. Fees shall be remitted by the qualified contractor
441 to the county health department. The county health department's
442 administrative responsibility includes the following:

443 (a) Providing a notice to the septic tank owner at least 60
444 days before the septic tank is due for an evaluation. The notice
445 may include information on the proper maintenance of onsite
446 sewage treatment and disposal systems.

447 (b) The county health department, in consultation with the



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448 Department of Health, shall provide uniform disciplinary
449 procedures and penalties for qualified contractors who do not
450 comply with the requirements of the adopted ordinance, including
451 but not limited to failure to provide the evaluation report as
452 required herein to the septic tank owner and the county health
453 department and may also assess penalties against septic tank
454 owners for compliance failures with the adopted ordinance,
455 consistent with existing requirements of law.

456 (c) Developing its own database and tracking systems to
457 encompass evaluations programs adopted by the county and/or
458 cities within its jurisdiction. The database shall be used to
459 collect, store and index information obtained from the
460 evaluation reports filed by the qualified contractor with the
461 county health department. The tracking system must include the
462 ability to collect and store:

- 463 1. The description, addresses or locations of the onsite
464 systems;
465 2. An inventory of the number of onsite systems within the
466 local jurisdiction;
467 3. The total number and types of system failures; and
468 4. Any other trends deemed relevant by the county health
469 department resulting from an assessment and evaluation of the
470 overall condition of systems.

471
472 The tracking system may be Internet-based and may be designed to
473 be used by contractors to report all service and evaluation
474 events and by the county health department to notify homeowners
475 when evaluations are due. Data and information shall be recorded
476 and updated as service and evaluations are conducted and



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477 reported

478 (4) A county or municipality that adopts an onsite sewage
479 treatment and disposal system evaluation and assessment program
480 pursuant to this section shall notify the Secretary of
481 Environmental Protection, the Department of Health and the
482 applicable county health department upon the adoption of an
483 ordinance. The Department of Environmental Protection shall,
484 within existing resources and upon receipt of such notice,
485 notify the county or municipality of the potential use of, and
486 access to, program funds under the Clean Water State Revolving
487 Fund or s. 319 of the Clean Water Act. Upon request by a county
488 or municipality, the Department of Environmental Protection
489 shall provide guidance in the application process to receive
490 moneys under the Clean Water State Revolving Fund or s. 319 of
491 the Clean Water Act. The Department of Environmental Protection
492 shall also, within existing resources and upon request by a
493 county or municipality, provide advice and technical assistance
494 to the county or municipality on how to establish a low-interest
495 revolving loan program or how to model a revolving loan program
496 after the low-interest loan program of the Clean Water State
497 Revolving Fund. This subsection does not obligate the Department
498 of Environmental Protection to provide any money to fund such
499 programs.

500 Section 3. Section 381.00656, Florida Statutes, is hereby
501 repealed.

502 Section 4. Subsection (2) of section 381.0066, Florida
503 Statutes, is amended to read:

504 381.0066 Onsite sewage treatment and disposal systems;
505 fees.-



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506 (2) The minimum fees in the following fee schedule apply
507 until changed by rule by the department within the following
508 limits:

509 (a) Application review, permit issuance, or system
510 inspection, including repair of a subsurface, mound, filled, or
511 other alternative system or permitting of an abandoned system: a
512 fee of not less than \$25, or more than \$125.

513 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
514 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
515 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
516 ~~shall be used to fund a grant program established under s.~~
517 ~~381.00656.~~

518 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
519 system previously in use, or a per annum septage disposal site
520 evaluation: a fee of not less than \$40, or more than \$115.

521 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
522 units or performance-based treatment systems: a fee of not more
523 than \$100.

524 (d)~~(e)~~ Annual operating permit for systems located in areas
525 zoned for industrial manufacturing or equivalent uses or where
526 the system is expected to receive wastewater which is not
527 domestic in nature: a fee of not less than \$150, or more than
528 \$300.

529 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

530 (f)~~(g)~~ Septage disposal service, septage stabilization
531 facility, portable or temporary toilet service, tank
532 manufacturer inspection: a fee of not less than \$25, or more
533 than \$200, per year.

534 (g)~~(h)~~ Application for variance: a fee of not less than



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535 \$150, or more than \$300.

536 ~~(h)~~~~(i)~~ Annual operating permit for waterless, incinerating,
537 or organic waste composting toilets: a fee of not less than \$15
538 ~~\$50~~, or more than \$30 ~~\$150~~.

539 ~~(i)~~~~(j)~~ Aerobic treatment unit or performance-based
540 treatment system maintenance entity permit: a fee of not less
541 than \$25, or more than \$150, per year.

542 ~~(j)~~~~(k)~~ Reinspection fee per visit for site inspection after
543 system construction approval or for noncompliant system
544 installation per site visit: a fee of not less than \$25, or more
545 than \$100.

546 ~~(k)~~~~(l)~~ Research: An additional \$5 fee shall be added to
547 each new system construction permit issued to be used to fund
548 onsite sewage treatment and disposal system research,
549 demonstration, and training projects. Five dollars from any
550 repair permit fee collected under this section shall be used for
551 funding the hands-on training centers described in s.
552 381.0065(3)(j).

553 ~~(l)~~~~(m)~~ Annual operating permit, including annual inspection
554 and any required sampling and laboratory analysis of effluent,
555 for an engineer-designed performance-based system: a fee of not
556 less than \$150, or more than \$300.

557
558 ~~On or before January 1, 2011, the Surgeon General, after~~
559 ~~consultation with the Revenue Estimating Conference, shall~~
560 ~~determine a revenue neutral fee schedule for services provided~~
561 ~~pursuant to s. 381.0065(5) within the parameters set in~~
562 ~~paragraph (b). Such determination is not subject to the~~
563 ~~provisions of chapter 120.~~ The funds collected pursuant to this



564 subsection must be deposited in a trust fund administered by the
565 department, to be used for the purposes stated in this section
566 and ss. 381.0065 and 381.00655.

567 Section 5. This act shall take effect upon becoming law.
568

569
570 ===== T I T L E A M E N D M E N T =====

571 And the title is amended as follows:

572 Delete everything before the enacting clause
573 and insert:

574 A bill to be entitled

575 An act relating to onsite sewage treatment and disposal
576 systems; amending s. 381.0065, F.S.; deleting legislative
577 intent; defining the term "bedroom"; providing for any permit
578 issued and approved by the Department of Health for the
579 installation, modification, or repair of an onsite sewage
580 treatment and disposal system to transfer with the title of the
581 property; providing circumstances in which an onsite sewage
582 treatment and disposal system is not considered abandoned;
583 providing for the validity of an onsite sewage treatment and
584 disposal system permit if rules change before final approval of
585 the constructed system; providing that a system modification,
586 replacement, or upgrade is not required unless a bedroom is
587 added to a single-family home; deleting provisions requiring the
588 Department of Health to administer an evaluation and assessment
589 program of onsite sewage treatment and disposal systems and
590 requiring property owners to have such systems evaluated at
591 least once every 5 years; creating s. 381.00651, F.S.; requiring
592 a county or municipality to adopt by ordinance under certain



593 circumstances the program for the periodic evaluation and
594 assessment of onsite sewage treatment and disposal systems;
595 requiring the county or municipality to notify the Secretary of
596 State of the ordinance; authorizing a county or municipality, in
597 specified circumstances, to opt out of certain requirements by a
598 specified date; prohibiting a county having a first magnitude
599 spring from opting out of the provisions of the act; authorizing
600 a county or municipality to adopt or repeal, after a specified
601 date, an ordinance creating an evaluation and assessment
602 program; providing criteria for evaluations, qualified
603 contractors, repair of systems, exemptions, and notifications;
604 requiring that certain procedures be used for conducting tank
605 and drainfield evaluations; providing for certain procedures in
606 special circumstances; providing for assessment procedures;
607 requiring the county or municipality to develop a system for
608 tracking the evaluations; providing criteria; requiring counties
609 and municipalities to notify the Secretary of Environmental
610 Protection that an evaluation program ordinance is adopted;
611 requiring the department to notify those counties or
612 municipalities of the use of, and access to, certain state and
613 federal program funds; department to provide certain guidance,
614 within existing resources, upon request from a county or
615 municipality; repealing s. 381.00656, F.S.; amending s.
616 381.0066, F.S.; lowering the fees imposed by the department for
617 evaluation reports; providing an effective date.