

By the Committee on Health Regulation; and Senator Dean

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1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal systems; amending s. 381.0065, F.S.; deleting
4 legislative intent; defining the term "bedroom";
5 providing for any permit issued and approved by the
6 Department of Health for the installation,
7 modification, or repair of an onsite sewage treatment
8 and disposal system to transfer with the title of the
9 property; providing circumstances in which an onsite
10 sewage treatment and disposal system is not considered
11 abandoned; providing for the validity of an onsite
12 sewage treatment and disposal system permit if rules
13 change before final approval of the constructed
14 system; providing that a system modification,
15 replacement, or upgrade is not required unless a
16 bedroom is added to a single-family home; deleting
17 provisions requiring the Department of Health to
18 administer an evaluation and assessment program of
19 onsite sewage treatment and disposal systems and
20 requiring property owners to have such systems
21 evaluated at least once every 5 years; deleting
22 provisions prohibiting the land application of septage
23 and requiring the Department of Environmental
24 Protection to recommend to the Governor and
25 Legislature alternative methods for land application
26 of septage; creating s. 381.00651, F.S.; requiring a
27 county or municipality to adopt under certain
28 circumstances a local ordinance creating a program for
29 the periodic evaluation and assessment of onsite

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30 sewage treatment and disposal systems; requiring the
31 county or municipality to notify the Secretary of
32 State of the ordinance; authorizing a county or
33 municipality, in specified circumstances, to opt out
34 of certain requirements by a specified date;
35 authorizing a county or municipality to adopt or
36 repeal, after a specified date, an ordinance creating
37 an evaluation and assessment program; providing
38 criteria for evaluations, qualified contractors,
39 repair of systems, exemptions, notifications, fees,
40 and penalties; requiring that certain procedures be
41 used for conducting tank and drainfield evaluations;
42 providing for certain procedures in special
43 circumstances; providing for assessment procedures;
44 requiring the county or municipality to develop a
45 system for tracking the evaluations; providing
46 criteria; requiring counties and municipalities to
47 notify the Secretary of Environmental Protection that
48 an evaluation program ordinance is adopted; requiring
49 the department to notify those counties or
50 municipalities of the use of, and access to, certain
51 state and federal program funds; requiring the
52 department to provide certain advice and technical
53 assistance, within existing resources, upon request
54 from a county or municipality; amending s. 381.00656,
55 F.S.; extending the date by which the Department of
56 Health is required to begin administering the grant
57 program for the repair of onsite sewage treatment
58 disposal systems; adding a cross-reference; amending

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59 s. 381.0066, F.S.; conforming a cross-reference;
60 lowering the fees imposed by the department for
61 evaluation reports; providing an effective date.
62

63 Be It Enacted by the Legislature of the State of Florida:
64

65 Section 1. Subsections (1), (5), (6), and (7) of section
66 381.0065, Florida Statutes, as amended by chapter 2010-283, Laws
67 of Florida, are amended, present paragraphs (b) through (p) of
68 subsection (2) of that section are redesignated as paragraphs
69 (c) through (q), respectively, a new paragraph (b) is added to
70 that subsection, and paragraphs (w), (x), (y), and (z) are added
71 to subsection (4) of that section, to read:

72 381.0065 Onsite sewage treatment and disposal systems;
73 regulation.—

74 (1) LEGISLATIVE INTENT.—

75 ~~(a) It is the intent of the Legislature that proper~~
76 ~~management of onsite sewage treatment and disposal systems is~~
77 ~~paramount to the health, safety, and welfare of the public. It~~
78 ~~is further the intent of the Legislature that the department~~
79 ~~shall administer an evaluation program to ensure the operational~~
80 ~~condition of the system and identify any failure with the~~
81 ~~system.~~

82 ~~(b)~~ It is the intent of the Legislature that where a
83 publicly owned or investor-owned sewerage system is not
84 available, the department shall issue permits for the
85 construction, installation, modification, abandonment, or repair
86 of onsite sewage treatment and disposal systems under conditions
87 as described in this section and rules adopted under this

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88 section. It is further the intent of the Legislature that the
89 installation and use of onsite sewage treatment and disposal
90 systems not adversely affect the public health or significantly
91 degrade the groundwater or surface water.

92 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
93 term:

94 (b) "Bedroom" means a room that can be used for sleeping
95 which, for site-built dwellings, has a minimum 70 square feet of
96 conditioned space, or, for manufactured homes constructed to HUD
97 standards, has a minimum square footage of 50 square feet of
98 floor area and is located along an exterior wall, has a closet
99 and a door or an entrance where a door could be reasonably
100 installed, and an emergency means of escape and rescue opening
101 to the outside. A room may not be considered a bedroom if it is
102 used to access another room, unless the room that is accessed is
103 a bathroom or closet and does not include a hallway, bathroom,
104 kitchen, living room, family room, dining room, den, breakfast
105 nook, pantry, laundry room, sunroom, recreation room,
106 media/video room, or exercise room. For the purpose of
107 determining system capacity, occupancy is calculated at a
108 maximum of two persons per bedroom.

109 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
110 construct, repair, modify, abandon, or operate an onsite sewage
111 treatment and disposal system without first obtaining a permit
112 approved by the department. The department may issue permits to
113 carry out this section, but shall not make the issuance of such
114 permits contingent upon prior approval by the Department of
115 Environmental Protection, except that the issuance of a permit
116 for work seaward of the coastal construction control line

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117 established under s. 161.053 shall be contingent upon receipt of
118 any required coastal construction control line permit from the
119 Department of Environmental Protection. A construction permit is
120 valid for 18 months from the issuance date and may be extended
121 by the department for one 90-day period under rules adopted by
122 the department. A repair permit is valid for 90 days from the
123 date of issuance. An operating permit must be obtained prior to
124 the use of any aerobic treatment unit or if the establishment
125 generates commercial waste. Buildings or establishments that use
126 an aerobic treatment unit or generate commercial waste shall be
127 inspected by the department at least annually to assure
128 compliance with the terms of the operating permit. The operating
129 permit for a commercial wastewater system is valid for 1 year
130 from the date of issuance and must be renewed annually. The
131 operating permit for an aerobic treatment unit is valid for 2
132 years from the date of issuance and must be renewed every 2
133 years. If all information pertaining to the siting, location,
134 and installation conditions or repair of an onsite sewage
135 treatment and disposal system remains the same, a construction
136 or repair permit for the onsite sewage treatment and disposal
137 system may be transferred to another person, if the transferee
138 files, within 60 days after the transfer of ownership, an
139 amended application providing all corrected information and
140 proof of ownership of the property. There is no fee associated
141 with the processing of this supplemental information. A person
142 may not contract to construct, modify, alter, repair, service,
143 abandon, or maintain any portion of an onsite sewage treatment
144 and disposal system without being registered under part III of
145 chapter 489. A property owner who personally performs

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146 construction, maintenance, or repairs to a system serving his or
147 her own owner-occupied single-family residence is exempt from
148 registration requirements for performing such construction,
149 maintenance, or repairs on that residence, but is subject to all
150 permitting requirements. A municipality or political subdivision
151 of the state may not issue a building or plumbing permit for any
152 building that requires the use of an onsite sewage treatment and
153 disposal system unless the owner or builder has received a
154 construction permit for such system from the department. A
155 building or structure may not be occupied and a municipality,
156 political subdivision, or any state or federal agency may not
157 authorize occupancy until the department approves the final
158 installation of the onsite sewage treatment and disposal system.
159 A municipality or political subdivision of the state may not
160 approve any change in occupancy or tenancy of a building that
161 uses an onsite sewage treatment and disposal system until the
162 department has reviewed the use of the system with the proposed
163 change, approved the change, and amended the operating permit.

164 (w) Any permit issued and approved by the department for
165 the installation, modification, or repair of an onsite sewage
166 treatment and disposal system shall transfer with the title to
167 the property. A title is not encumbered at the time of transfer
168 by new permit requirements by a governmental entity for an
169 onsite sewage treatment and disposal system which differ from
170 the permitting requirements in effect at the time the system was
171 permitted, modified, or repaired.

172 (x) An onsite sewage treatment and disposal system is not
173 considered abandoned if the properly functioning onsite sewage
174 treatment and disposal system is disconnected from a structure

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175 that was made unusable or destroyed following a disaster and the
176 system was not adversely affected by the disaster. The onsite
177 system may be reconnected to a rebuilt structure if:

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

181 2. The onsite sewage treatment and disposal system is not a
182 sanitary nuisance; and

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

185
186 An onsite sewage treatment and disposal system that serves a
187 property that is foreclosed upon is not an abandoned system.

188 (y) If an onsite sewage treatment and disposal system
189 permittee receives, relies upon, and undertakes construction of
190 a system based upon a validly issued construction permit under
191 rules applicable at the time of construction, but a change to a
192 rule occurs after the approval of the system for construction
193 but before the final approval of the system, the rules
194 applicable and in effect at the time of construction approval
195 apply at the time of final approval if fundamental site
196 conditions have not changed between the time of construction
197 approval and final approval.

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

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

203 ~~(a) Beginning July 1, 2011, the department shall administer~~

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204 ~~an onsite sewage treatment and disposal system evaluation~~
205 ~~program for the purpose of assessing the fundamental operational~~
206 ~~condition of systems and identifying any failures within the~~
207 ~~systems. The department shall adopt rules implementing the~~
208 ~~program standards, procedures, and requirements, including, but~~
209 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
210 ~~requirements for the pump-out of a system or repair of a failing~~
211 ~~system, enforcement procedures for failure of a system owner to~~
212 ~~obtain an evaluation of the system, and failure of a contractor~~
213 ~~to timely submit evaluation results to the department and the~~
214 ~~system owner. The department shall ensure statewide~~
215 ~~implementation of the evaluation and assessment program by~~
216 ~~January 1, 2016.~~

217 ~~(b) Owners of an onsite sewage treatment and disposal~~
218 ~~system, excluding a system that is required to obtain an~~
219 ~~operating permit, shall have the system evaluated at least once~~
220 ~~every 5 years to assess the fundamental operational condition of~~
221 ~~the system, and identify any failure within the system.~~

222 ~~(c) All evaluation procedures must be documented and~~
223 ~~nothing in this subsection limits the amount of detail an~~
224 ~~evaluator may provide at his or her professional discretion. The~~
225 ~~evaluation must include a tank and drainfield evaluation, a~~
226 ~~written assessment of the condition of the system, and, if~~
227 ~~necessary, a disclosure statement pursuant to the department's~~
228 ~~procedure.~~

229 ~~(d)1. Systems being evaluated that were installed prior to~~
230 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
231 ~~bottom of the drainfield to the wettest season water table~~
232 ~~elevation as defined by department rule. All drainfield repairs,~~

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233 ~~replacements or modifications to systems installed prior to~~
234 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
235 ~~the bottom of the drainfield to the wettest season water table~~
236 ~~elevation as defined by department rule.~~

237 ~~2. Systems being evaluated that were installed on or after~~
238 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
239 ~~the bottom of the drainfield to the wettest season water table~~
240 ~~elevation as defined by department rule. All drainfield repairs,~~
241 ~~replacements or modification to systems developed on or after~~
242 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
243 ~~the bottom of the drainfield to the wettest season water table~~
244 ~~elevation.~~

245 ~~(e) If documentation of a tank pump-out or a permitted new~~
246 ~~installation, repair, or modification of the system within the~~
247 ~~previous 5 years is provided, and states the capacity of the~~
248 ~~tank and indicates that the condition of the tank is not a~~
249 ~~sanitary or public health nuisance pursuant to department rule,~~
250 ~~a pump-out of the system is not required.~~

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

255 ~~(g) Each evaluation or pump-out required under this~~
256 ~~subsection must be performed by a septic tank contractor or~~
257 ~~master septic tank contractor registered under part III of~~
258 ~~chapter 489, a professional engineer with wastewater treatment~~
259 ~~system experience licensed pursuant to chapter 471, or an~~
260 ~~environmental health professional certified under chapter 381 in~~
261 ~~the area of onsite sewage treatment and disposal system~~

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262 evaluation.

263 ~~(h) The evaluation report fee collected pursuant to s.~~
264 ~~381.0066(2)(b) shall be remitted to the department by the~~
265 ~~evaluator at the time the report is submitted.~~

266 ~~(i) Prior to any evaluation deadline, the department must~~
267 ~~provide a minimum of 60 days' notice to owners that their~~
268 ~~systems must be evaluated by that deadline. The department may~~
269 ~~include a copy of any homeowner educational materials developed~~
270 ~~pursuant to this section which provides information on the~~
271 ~~proper maintenance of onsite sewage treatment and disposal~~
272 ~~systems.~~

273 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

274 (a) Department personnel who have reason to believe
275 noncompliance exists, may at any reasonable time, enter the
276 premises permitted under ss. 381.0065-381.0066, or the business
277 premises of any septic tank contractor or master septic tank
278 contractor registered under part III of chapter 489, or any
279 premises that the department has reason to believe is being
280 operated or maintained not in compliance, to determine
281 compliance with the provisions of this section, part I of
282 chapter 386, or part III of chapter 489 or rules or standards
283 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
284 part III of chapter 489. As used in this paragraph, the term
285 "premises" does not include a residence or private building. To
286 gain entry to a residence or private building, the department
287 must obtain permission from the owner or occupant or secure an
288 inspection warrant from a court of competent jurisdiction.

289 (b)1. The department may issue citations that may contain
290 an order of correction or an order to pay a fine, or both, for

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291 violations of ss. 381.0065-381.0067, part I of chapter 386, or
292 part III of chapter 489 or the rules adopted by the department,
293 when a violation of these sections or rules is enforceable by an
294 administrative or civil remedy, or when a violation of these
295 sections or rules is a misdemeanor of the second degree. A
296 citation issued under ss. 381.0065-381.0067, part I of chapter
297 386, or part III of chapter 489 constitutes a notice of proposed
298 agency action.

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

302 3. The fines imposed by a citation issued by the department
303 may not exceed \$500 for each violation. Each day the violation
304 exists constitutes a separate violation for which a citation may
305 be issued.

306 4. The department shall inform the recipient, by written
307 notice pursuant to ss. 120.569 and 120.57, of the right to an
308 administrative hearing to contest the citation within 21 days
309 after the date the citation is received. The citation must
310 contain a conspicuous statement that if the recipient fails to
311 pay the fine within the time allowed, or fails to appear to
312 contest the citation after having requested a hearing, the
313 recipient has waived the recipient's right to contest the
314 citation and must pay an amount up to the maximum fine.

315 5. The department may reduce or waive the fine imposed by
316 the citation. In determining whether to reduce or waive the
317 fine, the department must consider the gravity of the violation,
318 the person's attempts at correcting the violation, and the
319 person's history of previous violations including violations for

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320 which enforcement actions were taken under ss. 381.0065-
321 381.0067, part I of chapter 386, part III of chapter 489, or
322 other provisions of law or rule.

323 6. Any person who willfully refuses to sign and accept a
324 citation issued by the department commits a misdemeanor of the
325 second degree, punishable as provided in s. 775.082 or s.
326 775.083.

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

331 8. This section provides an alternative means of enforcing
332 ss. 381.0065-381.0067, part I of chapter 386, and part III of
333 chapter 489. This section does not prohibit the department from
334 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
335 III of chapter 489, or its rules, by any other means. However,
336 the department must elect to use only a single method of
337 enforcement for each violation.

338 ~~(7) LAND APPLICATION OF SEPTAGE PROHIBITED. Effective~~
339 ~~January 1, 2016, the land application of septage from onsite~~
340 ~~sewage treatment and disposal systems is prohibited. By February~~
341 ~~1, 2011, the department, in consultation with the Department of~~
342 ~~Environmental Protection, shall provide a report to the~~
343 ~~Governor, the President of the Senate, and the Speaker of the~~
344 ~~House of Representatives, recommending alternative methods to~~
345 ~~establish enhanced treatment levels for the land application of~~
346 ~~septage from onsite sewage and disposal systems. The report~~
347 ~~shall include, but is not limited to, a schedule for the~~
348 ~~reduction in land application, appropriate treatment levels,~~

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349 ~~alternative methods for treatment and disposal, enhanced~~
350 ~~application site permitting requirements including any~~
351 ~~requirements for nutrient management plans, and the range of~~
352 ~~costs to local governments, affected businesses, and individuals~~
353 ~~for alternative treatment and disposal methods. The report shall~~
354 ~~also include any recommendations for legislation or rule~~
355 ~~authority needed to reduce land application of septage.~~

356 Section 2. Section 381.00651, Florida Statutes, is created
357 to read:

358 381.00651 Periodic evaluation and assessment of onsite
359 sewage treatment and disposal systems.-

360 (1) Effective January 1, 2012, any county or municipality
361 that does not opt out of this section shall develop and adopt by
362 ordinance a local onsite sewage treatment and disposal system
363 evaluation and assessment program within all or part of its
364 geographic area which meets the requirements of this subsection.
365 The county or municipality shall notify the Secretary of State
366 by letter of the adoption of such an ordinance pursuant to this
367 section. By a majority of the local elected body, a county or
368 municipality may opt out of the requirements of this section at
369 any time before January 1, 2012, by adopting a separate
370 resolution. The resolution shall be directed to and filed with
371 the Secretary of State and shall state the intent of the county
372 or municipality not to adopt an onsite sewage treatment and
373 disposal system evaluation and assessment program. A county or
374 municipality may subsequently adopt an ordinance imposing an
375 onsite sewage treatment and disposal system evaluation and
376 assessment program if the program meets the requirements of this
377 subsection. A county or municipality may repeal an ordinance

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378 adopted pursuant to this section if the county or municipality
379 notifies the Secretary of State by letter of the repeal. The
380 local ordinances may not deviate from or exceed the substantive
381 requirements of this subsection. Such adopted ordinance shall
382 provide for the following:

383 (a) *Evaluations.*—An evaluation of any septic tank within
384 all or part of the county's or municipality's jurisdiction must
385 take place once every 5 years to assess the fundamental
386 operational condition of the system and to identify system
387 failures. The ordinance may not mandate an evaluation at the
388 point of sale in a real estate transaction and may not require a
389 soil examination. The location of the system shall be
390 identified. A tank and drainfield evaluation and a written
391 assessment of the overall condition of the system pursuant to
392 the assessment procedure prescribed in paragraph (2) (d) are
393 required.

394 (b) *Qualified contractors.*—Each evaluation required under
395 this subsection must be performed by a septic tank contractor or
396 master septic tank contractor registered under part III of
397 chapter 489, a professional engineer having wastewater treatment
398 system experience and licensed pursuant to chapter 471, or an
399 environmental health professional certified under this chapter
400 in the area of onsite sewage treatment and disposal system
401 evaluation. Evaluations and pump outs may also be performed by
402 an authorized employee working under the supervision of the
403 individuals listed in this paragraph; however, all evaluation
404 forms must be signed by a qualified contractor.

405 (c) *Repair of systems.*—A local ordinance may not require a
406 repair, modification, or replacement of a system as a result of

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407 an evaluation unless the evaluation identifies a system failure.
408 For purposes of this subsection, the term "system failure" is
409 defined as a condition existing within an onsite sewage
410 treatment and disposal system which results in the discharge of
411 untreated or partially treated wastewater onto the ground
412 surface or into surface water, or which results in a sanitary
413 nuisance caused by the failure of building plumbing to discharge
414 properly. A system is not a failure if the system does not have
415 a minimum separation distance between the drainfield and the wet
416 season water table, or if an obstruction in a sanitary line or
417 an effluent screen or filter prevents effluent from flowing into
418 a drainfield. If a system failure is identified and several
419 remedial options are available to resolve the failure, the local
420 ordinance may not require more than the least costly remedial
421 measure to resolve the system failure. The homeowner may choose
422 the remedial measure to fix the system. There may be instances
423 in which a pump out is sufficient to resolve a system failure.
424 Remedial measures to resolve a system failure must meet the
425 requirements of the code in effect at the time the system was
426 originally permitted and installed, and are not required to meet
427 the current code requirements.

428 (d) Exemptions.—The local ordinance may exempt from the
429 evaluation requirements any system that is required to obtain an
430 operating permit or that is inspected by the department pursuant
431 to the annual permit inspection requirements of chapter 513.

432 (e) Notifications.—The local ordinance must require that
433 notice be given to the septic tank owner at least 60 days before
434 the septic tank is due for an evaluation. The notice may include
435 information on the proper maintenance of onsite sewage treatment

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436 and disposal systems.

437 (f) Fees.—The local ordinance may authorize the assessment
438 of a fee not to exceed \$30 paid by the owner of the septic tank
439 in order to cover the costs of administering the evaluation
440 program.

441 (g) Penalties.—The local ordinance must provide penalties
442 for qualified contractors and septic tank owners who do not
443 comply with requirements of the adopted ordinance.

444 (2) The following procedures shall be used for conducting
445 evaluations:

446 (a) Tank evaluation.—The tank evaluation shall assess the
447 apparent structural condition and water tightness of the tank
448 and shall estimate the size of the tank. The evaluation must
449 include a pump out. However, an ordinance may not require a pump
450 out if there is documentation that a tank pump out or a
451 permitted new installation, repair, or modification of the
452 system has occurred within the previous 5 years, and that
453 identifies the capacity of the tank and indicates that the
454 condition of the tank is structurally sound and watertight.
455 Visual inspection of the tank must be made when the tank is
456 empty to detect cracks, leaks, or other defects. Baffles or tees
457 must be checked to ensure that they are intact and secure. The
458 evaluation shall note the presence and condition of outlet
459 devices, effluent filters, and compartment walls; any structural
460 defect in the tank; and the condition and fit of the tank lid,
461 including manholes. If the tank, in the opinion of the qualified
462 contractor, is in danger of being damaged by leaving the tank
463 empty after inspection, the tank shall be refilled before
464 concluding the inspection.

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465 (b) Drainfield evaluation.—The drainfield evaluation must
466 include a determination of the approximate size and location of
467 the drainfield. The evaluation shall state the condition of
468 surface vegetation, including whether there is any seepage
469 visible or excessively lush vegetation; state whether there is
470 ponding water within the drainfield; and identify the location
471 of any downspout or drain that encroaches or drains into the
472 drainfield area. The evaluation must contain an overall
473 assessment of the drainfield.

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

476 1. An assessment of dosing tank integrity, including the
477 approximate volume and the type of material used in
478 construction;

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

481 3. Whether there are a check valve and purge hole; whether
482 there is a high-water alarm, including whether the type of alarm
483 is audio or visual or both, the location of the alarm, and its
484 operational condition; and whether electrical connections appear
485 satisfactory; and

486 4. Whether surface water can infiltrate into the tank and
487 whether the tank was pumped out.

488 (d) Assessment procedure.—All evaluation procedures used by
489 a qualified contractor shall be documented. The qualified
490 contractor shall provide a copy of a written, signed evaluation
491 report to the property owner, the county or municipality, and
492 the county health department. A copy of the evaluation report
493 shall be retained by the local county health department for a

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494 minimum of 5 years until a subsequent inspection report is
495 filed. The front cover of the report must identify any system
496 failure and include a clear and conspicuous notice to the owner
497 that the owner has a right to have any remediation of the
498 failure performed by a qualified contractor other than the
499 contractor performing the evaluation. The report must further
500 identify any crack, leak, improper fit or other defect in the
501 tank, manhole, or lid, and any other damaged or missing
502 component; any ponding of the drainfield or uneven distribution
503 of effluent and the extent of such effluent; any downspout or
504 other stormwater or source of water directed onto or toward the
505 system, including recommendations that such sources be
506 redirected away from the system; and any other maintenance need
507 or condition of the system at the time of the evaluation which,
508 in the opinion of the qualified contractor, would possibly
509 interfere with or restrict any future repair or modification to
510 the existing system. The report shall conclude with an overall
511 assessment of the fundamental operational condition of the
512 system.

513 (e) Tracking system.—A county or municipality that adopts
514 an evaluation program pursuant to this section shall develop,
515 accumulate, and assimilate its own database and establish a
516 computerized tracking system within its jurisdiction. Such
517 information shall be based upon information obtained from
518 written, signed evaluation reports given to property owners by
519 qualified contractors and filed with the county or municipality
520 and the county health department following an evaluation. The
521 information tracked must include:

522 1. The addresses or locations of the onsite systems;

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- 523 2. The number of onsite systems within the local
524 jurisdiction;
- 525 3. The total number and types of system failures; and
526 4. Any other trends deemed relevant by the county or
527 municipality resulting from an assessment of the overall
528 condition of systems.

529

530 The computerized tracking system may be Internet-based and shall
531 be used by the county or municipality to notify homeowners when
532 evaluations are due. Data and information shall be recorded and
533 updated as evaluations are conducted and reported to the county
534 or municipality and the county health department.

535 (3) A county or municipality that adopts an onsite sewage
536 treatment and disposal system evaluation and assessment program
537 pursuant to this section shall notify the Secretary of
538 Environmental Protection upon the adoption of an ordinance. The
539 Department of Environmental Protection shall, within existing
540 resources and upon receipt of such notice, notify the county or
541 municipality of the potential use of, and access to, program
542 funds under the Clean Water State Revolving Fund or s. 319 of
543 the Clean Water Act. Upon request by a county or municipality,
544 the Department of Environmental Protection shall provide direct
545 technical assistance in the application process to receive
546 moneys under the Clean Water State Revolving Fund or s. 319 of
547 the Clean Water Act. The Department of Environmental Protection
548 shall also, within existing resources and upon request by a
549 county or municipality, provide advice and technical assistance
550 to the county or municipality on how to establish a low-interest
551 revolving loan program, how to model a revolving loan program

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552 after the low-interest loan program of the Clean Water State
553 Revolving Fund, or how to provide low-interest loans to
554 residents for the repair of failing systems. This subsection
555 does not obligate the Department of Environmental Protection to
556 provide any money to fund such programs.

557 Section 3. Section 381.00656, Florida Statutes, is amended
558 to read:

559 381.00656 Grant program for repair of onsite sewage
560 treatment disposal systems.—Effective January 1, 2013 ~~2012~~, the
561 department shall administer a grant program to assist owners of
562 onsite sewage treatment and disposal systems identified pursuant
563 to s. 381.0065, s. 381.00651, or the rules adopted thereunder. A
564 grant under the program may be awarded to an owner only for the
565 purpose of inspecting, pumping, repairing, or replacing a system
566 serving a single-family residence occupied by an owner with a
567 family income of less than or equal to 133 percent of the
568 federal poverty level at the time of application. The department
569 may prioritize applications for an award of grant funds based
570 upon the severity of a system's failure, its relative
571 environmental impact, the income of the family, or any
572 combination thereof. The department shall adopt rules
573 establishing the grant application and award process, including
574 an application form. The department shall seek to make grants in
575 each fiscal year equal to the total amount of grant funds
576 available, with any excess funds used for grant awards in
577 subsequent fiscal years.

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

580 381.0066 Onsite sewage treatment and disposal systems;

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581 fees.—

582 (2) The minimum fees in the following fee schedule apply
583 until changed by rule by the department within the following
584 limits:

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

589 (b) A 5-year evaluation report submitted pursuant to s.
590 381.00651 ~~381.0065(5)~~: a fee not less than \$10 ~~\$15~~, or more than
591 \$15 ~~\$30~~. At least ~~\$1 and no more than~~ \$5 collected pursuant to
592 this paragraph shall be used to fund a grant program established
593 under s. 381.00656.

594 (c) Site evaluation, site reevaluation, evaluation of a
595 system previously in use, or a per annum septage disposal site
596 evaluation: a fee of not less than \$40, or more than \$115.

597 (d) Biennial Operating permit for aerobic treatment units
598 or performance-based treatment systems: a fee of not more than
599 \$100.

600 (e) Annual operating permit for systems located in areas
601 zoned for industrial manufacturing or equivalent uses or where
602 the system is expected to receive wastewater which is not
603 domestic in nature: a fee of not less than \$150, or more than
604 \$300.

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

606 (g) Septage disposal service, septage stabilization
607 facility, portable or temporary toilet service, tank
608 manufacturer inspection: a fee of not less than \$25, or more
609 than \$200, per year.

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610 (h) Application for variance: a fee of not less than \$150,
611 or more than \$300.

612 (i) Annual operating permit for waterless, incinerating, or
613 organic waste composting toilets: a fee of not less than \$15
614 ~~\$50~~, or more than \$30 ~~\$150~~.

615 (j) Aerobic treatment unit or performance-based treatment
616 system maintenance entity permit: a fee of not less than \$25, or
617 more than \$150, per year.

618 (k) Reinspection fee per visit for site inspection after
619 system construction approval or for noncompliant system
620 installation per site visit: a fee of not less than \$25, or more
621 than \$100.

622 (l) Research: An additional \$5 fee shall be added to each
623 new system construction permit issued to be used to fund onsite
624 sewage treatment and disposal system research, demonstration,
625 and training projects. Five dollars from any repair permit fee
626 collected under this section shall be used for funding the
627 hands-on training centers described in s. 381.0065(3)(j).

628 (m) Annual operating permit, including annual inspection
629 and any required sampling and laboratory analysis of effluent,
630 for an engineer-designed performance-based system: a fee of not
631 less than \$150, or more than \$300.

632

633 On or before January 1, 2011, the Surgeon General, after
634 consultation with the Revenue Estimating Conference, shall
635 determine a revenue neutral fee schedule for services provided
636 pursuant to s. 381.00651 ~~381.0065(5)~~ within the parameters set
637 in paragraph (b). Such determination is not subject to the
638 provisions of chapter 120. The funds collected pursuant to this

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

642 Section 5. This act shall take effect upon becoming a law.