

By the Committees on Environmental Preservation and Conservation; and 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; creating s.
22 381.00651, F.S.; requiring a county or municipality to
23 adopt under certain circumstances a local ordinance
24 creating a program for the periodic evaluation and
25 assessment of onsite sewage treatment and disposal
26 systems; requiring the county or municipality to
27 notify the Secretary of State of the ordinance;
28 authorizing a county or municipality, in specified
29 circumstances, to opt out of certain requirements by a

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30 specified date; authorizing a county or municipality
31 to adopt or repeal, after a specified date, an
32 ordinance creating an evaluation and assessment
33 program; providing criteria for evaluations, qualified
34 contractors, repair of systems, exemptions,
35 notifications, fees, and penalties; requiring that
36 certain procedures be used for conducting tank and
37 drainfield evaluations; providing for certain
38 procedures in special circumstances; providing for
39 assessment procedures; requiring the county or
40 municipality to develop a system for tracking the
41 evaluations; providing criteria; prohibiting a county
42 having a first magnitude spring from opting out of the
43 provisions of the act; requiring counties and
44 municipalities to notify the Secretary of
45 Environmental Protection that an evaluation program
46 ordinance is adopted; requiring the department to
47 notify those counties or municipalities of the use of,
48 and access to, certain state and federal program
49 funds; department to provide certain guidance, within
50 existing resources, upon request from a county or
51 municipality; amending s. 381.00656, F.S.; extending
52 the date by which the Department of Health is required
53 to begin administering the grant program for the
54 repair of onsite sewage treatment disposal systems;
55 adding a cross-reference; amending s. 381.0066, F.S.;
56 conforming a cross-reference; lowering the fees
57 imposed by the department for evaluation reports;
58 providing an effective date.

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

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; regulation.—

(1) LEGISLATIVE INTENT.—

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

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

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88 degrade the groundwater or surface water.

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

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

106 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
107 construct, repair, modify, abandon, or operate an onsite sewage
108 treatment and disposal system without first obtaining a permit
109 approved by the department. The department may issue permits to
110 carry out this section, but shall not make the issuance of such
111 permits contingent upon prior approval by the Department of
112 Environmental Protection, except that the issuance of a permit
113 for work seaward of the coastal construction control line
114 established under s. 161.053 shall be contingent upon receipt of
115 any required coastal construction control line permit from the
116 Department of Environmental Protection. A construction permit is

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

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

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

169 (x) An onsite sewage treatment and disposal system is not
170 considered abandoned if the properly functioning onsite sewage
171 treatment and disposal system is disconnected from a structure
172 that was made unusable or destroyed following a disaster and the
173 system was not adversely affected by the disaster. The onsite
174 system may be reconnected to a rebuilt structure if:

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

178 2. The onsite sewage treatment and disposal system is not a
179 sanitary nuisance; and

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

182
183 An onsite sewage treatment and disposal system that serves a
184 property that is foreclosed upon is not an abandoned system.

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

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

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

200 ~~(a) Beginning July 1, 2011, the department shall administer~~
201 ~~an onsite sewage treatment and disposal system evaluation~~
202 ~~program for the purpose of assessing the fundamental operational~~
203 ~~condition of systems and identifying any failures within the~~

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204 ~~systems. The department shall adopt rules implementing the~~
205 ~~program standards, procedures, and requirements, including, but~~
206 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
207 ~~requirements for the pump-out of a system or repair of a failing~~
208 ~~system, enforcement procedures for failure of a system owner to~~
209 ~~obtain an evaluation of the system, and failure of a contractor~~
210 ~~to timely submit evaluation results to the department and the~~
211 ~~system owner. The department shall ensure statewide~~
212 ~~implementation of the evaluation and assessment program by~~
213 ~~January 1, 2016.~~

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

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

226 ~~(d)1. Systems being evaluated that were installed prior to~~
227 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
228 ~~bottom of the drainfield to the wettest season water table~~
229 ~~elevation as defined by department rule. All drainfield repairs,~~
230 ~~replacements or modifications to systems installed prior to~~
231 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
232 ~~the bottom of the drainfield to the wettest season water table~~

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233 ~~elevation as defined by department rule.~~

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

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

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

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

260 ~~(h) The evaluation report fee collected pursuant to s.~~
261 ~~381.0066(2)(b) shall be remitted to the department by the~~

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262 ~~evaluator at the time the report is submitted.~~

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

270 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

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

286 (b)1. The department may issue citations that may contain
287 an order of correction or an order to pay a fine, or both, for
288 violations of ss. 381.0065-381.0067, part I of chapter 386, or
289 part III of chapter 489 or the rules adopted by the department,
290 when a violation of these sections or rules is enforceable by an

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

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

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

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

312 5. The department may reduce or waive the fine imposed by
313 the citation. In determining whether to reduce or waive the
314 fine, the department must consider the gravity of the violation,
315 the person's attempts at correcting the violation, and the
316 person's history of previous violations including violations for
317 which enforcement actions were taken under ss. 381.0065-
318 381.0067, part I of chapter 386, part III of chapter 489, or
319 other provisions of law or rule.

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

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

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

335 Section 2. Section 381.00651, Florida Statutes, is created
336 to read:

337 381.00651 Periodic evaluation and assessment of onsite
338 sewage treatment and disposal systems.-

339 (1) Effective January 1, 2012, any county or municipality
340 that does not opt out of this section shall develop and adopt by
341 ordinance a local onsite sewage treatment and disposal system
342 evaluation and assessment program within all or part of its
343 geographic area which meets the requirements of this subsection.
344 The county or municipality shall notify the Secretary of State
345 by letter of the adoption of such an ordinance pursuant to this
346 section. By a majority of the local elected body, a county or
347 municipality may opt out of the requirements of this section at
348 any time before January 1, 2012, by adopting a separate

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349 resolution. The resolution shall be directed to and filed with
350 the Secretary of State and shall state the intent of the county
351 or municipality not to adopt an onsite sewage treatment and
352 disposal system evaluation and assessment program. A county or
353 municipality may subsequently adopt an ordinance imposing an
354 onsite sewage treatment and disposal system evaluation and
355 assessment program if the program meets the requirements of this
356 subsection. A county or municipality may repeal an ordinance
357 adopted pursuant to this section if the county or municipality
358 notifies the Secretary of State by letter of the repeal. Any
359 county identified as having a first magnitude spring within its
360 boundaries is prohibited from opting out of this section. The
361 local ordinances may not deviate from or exceed the substantive
362 requirements of this subsection. Such adopted ordinance shall
363 provide for the following:

364 (a) *Evaluations.*—An evaluation of any septic tank within
365 all or part of the county's or municipality's jurisdiction must
366 take place once every 5 years to assess the fundamental
367 operational condition of the system and to identify system
368 failures. The ordinance may not mandate an evaluation at the
369 point of sale in a real estate transaction and may not require a
370 soil examination. The location of the system shall be
371 identified. A tank and drainfield evaluation and a written
372 assessment of the overall condition of the system pursuant to
373 the assessment procedure prescribed in paragraph (2) (d) are
374 required.

375 (b) *Qualified contractors.*—Each evaluation required under
376 this subsection must be performed by a septic tank contractor or
377 master septic tank contractor registered under part III of

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378 chapter 489, a professional engineer having wastewater treatment
379 system experience and licensed pursuant to chapter 471, or an
380 environmental health professional certified under this chapter
381 in the area of onsite sewage treatment and disposal system
382 evaluation. Evaluations and pump outs may also be performed by
383 an authorized employee working under the supervision of the
384 individuals listed in this paragraph; however, all evaluation
385 forms must be signed by a qualified contractor.

386 (c) *Repair of systems.*—A local ordinance may not require a
387 repair, modification, or replacement of a system as a result of
388 an evaluation unless the evaluation identifies a system failure.
389 For purposes of this subsection, the term "system failure" is
390 defined as a condition existing within an onsite sewage
391 treatment and disposal system which results in the discharge of
392 untreated or partially treated wastewater onto the ground
393 surface or into surface water, or which results in a sanitary
394 nuisance caused by the failure of building plumbing to discharge
395 properly. A system is not a failure if the system does not have
396 a minimum separation distance between the drainfield and the wet
397 season water table, or if an obstruction in a sanitary line or
398 an effluent screen or filter prevents effluent from flowing into
399 a drainfield. If a system failure is identified and several
400 remedial options are available to resolve the failure, the local
401 ordinance may not require more than the least costly remedial
402 measure to resolve the system failure. The homeowner may choose
403 the remedial measure to fix the system. There may be instances
404 in which a pump out is sufficient to resolve a system failure.
405 Remedial measures to resolve a system failure must meet the
406 requirements of the code in effect at the time the system's

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407 remedial measures are permitted and installed.

408 (d) Exemptions.—The local ordinance shall exempt from the
409 evaluation requirements any system that is required to obtain an
410 operating permit or that is inspected by the department pursuant
411 to the annual permit inspection requirements of chapter 513.

412 (e) Notifications.—The local ordinance must require that
413 notice be given to the septic tank owner at least 60 days before
414 the septic tank is due for an evaluation. The notice may include
415 information on the proper maintenance of onsite sewage treatment
416 and disposal systems.

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

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

424 (2) The following procedures shall be used for conducting
425 evaluations:

426 (a) Tank evaluation.—The tank evaluation shall assess the
427 apparent structural condition and water tightness of the tank
428 and shall estimate the size of the tank. The evaluation must
429 include a pump out. However, an ordinance may not require a pump
430 out if there is documentation that a tank pump out or a
431 permitted new installation, repair, or modification of the
432 system has occurred within the previous 5 years, and that
433 identifies the capacity of the tank and indicates that the
434 condition of the tank is structurally sound and watertight.
435 Visual inspection of the tank must be made when the tank is

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436 empty to detect cracks, leaks, or other defects. Baffles or tees
437 must be checked to ensure that they are intact and secure. The
438 evaluation shall note the presence and condition of outlet
439 devices, effluent filters, and compartment walls; any structural
440 defect in the tank; and the condition and fit of the tank lid,
441 including manholes. If the tank, in the opinion of the qualified
442 contractor, is in danger of being damaged by leaving the tank
443 empty after inspection, the tank shall be refilled before
444 concluding the inspection.

445 (b) *Drainfield evaluation.*—The drainfield evaluation must
446 include a determination of the approximate size and location of
447 the drainfield. The evaluation shall state the condition of
448 surface vegetation, including whether there is any seepage
449 visible or excessively lush vegetation; state whether there is
450 ponding water within the drainfield; and identify the location
451 of any downspout or drain that encroaches or drains into the
452 drainfield area. The evaluation must contain an overall
453 assessment of the drainfield.

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

456 1. An assessment of dosing tank integrity, including the
457 approximate volume and the type of material used in
458 construction;

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

461 3. Whether there are a check valve and purge hole; whether
462 there is a high-water alarm, including whether the type of alarm
463 is audio or visual or both, the location of the alarm, and its
464 operational condition; and whether electrical connections appear

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465 satisfactory; and

466 4. Whether surface water can infiltrate into the tank and
467 whether the tank was pumped out.

468 (d) Assessment procedure.—All evaluation procedures used by
469 a qualified contractor shall be documented. The qualified
470 contractor shall provide a copy of a written, signed evaluation
471 report to the property owner, the county or municipality, and
472 the county health department. A copy of the evaluation report
473 shall be retained by the local county health department for a
474 minimum of 5 years until a subsequent inspection report is
475 filed. The front cover of the report must identify any system
476 failure and include a clear and conspicuous notice to the owner
477 that the owner has a right to have any remediation of the
478 failure performed by a qualified contractor other than the
479 contractor performing the evaluation. The report must further
480 identify any crack, leak, improper fit or other defect in the
481 tank, manhole, or lid, and any other damaged or missing
482 component; any ponding of the drainfield or uneven distribution
483 of effluent and the extent of such effluent; any downspout or
484 other stormwater or source of water directed onto or toward the
485 system, including recommendations that such sources be
486 redirected away from the system; and any other maintenance need
487 or condition of the system at the time of the evaluation which,
488 in the opinion of the qualified contractor, would possibly
489 interfere with or restrict any future repair or modification to
490 the existing system. The report shall conclude with an overall
491 assessment of the fundamental operational condition of the
492 system.

493 (e) Tracking system.—A county or municipality that adopts

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494 an evaluation program pursuant to this section shall develop,
495 accumulate, and assimilate its own database and establish a
496 computerized tracking system within its jurisdiction. Such
497 information shall be based upon information obtained from
498 written, signed evaluation reports given to property owners by
499 qualified contractors and filed with the county or municipality
500 and the county health department following an evaluation. The
501 information tracked must include:

- 502 1. The addresses or locations of the onsite systems;
- 503 2. The number of onsite systems within the local
504 jurisdiction;
- 505 3. The total number and types of system failures; and
- 506 4. Any other trends deemed relevant by the county or
507 municipality resulting from an assessment of the overall
508 condition of systems.

509
510 The computerized tracking system may be Internet-based and shall
511 be used by the county or municipality to notify homeowners when
512 evaluations are due. Data and information shall be recorded and
513 updated as evaluations are conducted and reported to the county
514 or municipality and the county health department.

515 (3) A county or municipality that adopts an onsite sewage
516 treatment and disposal system evaluation and assessment program
517 pursuant to this section shall notify the Secretary of
518 Environmental Protection upon the adoption of an ordinance. The
519 Department of Environmental Protection shall, within existing
520 resources and upon receipt of such notice, notify the county or
521 municipality of the potential use of, and access to, program
522 funds under the Clean Water State Revolving Fund or s. 319 of

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523 the Clean Water Act. Upon request by a county or municipality,
524 the Department of Environmental Protection shall provide
525 guidance in the application process to receive moneys under the
526 Clean Water State Revolving Fund or s. 319 of the Clean Water
527 Act. The Department of Environmental Protection shall also,
528 within existing resources and upon request by a county or
529 municipality, provide advice and technical assistance to the
530 county or municipality on how to establish a low-interest
531 revolving loan program or how to model a revolving loan program
532 after the low-interest loan program of the Clean Water State
533 Revolving Fund. This subsection does not obligate the Department
534 of Environmental Protection to provide any money to fund such
535 programs.

536 Section 3. Section 381.00656, Florida Statutes, is amended
537 to read:

538 381.00656 Grant program for repair of onsite sewage
539 treatment disposal systems.—Effective January 1, 2013 ~~2012~~, the
540 department shall administer a grant program to assist owners of
541 onsite sewage treatment and disposal systems identified pursuant
542 to s. 381.0065, s. 381.00651, or the rules adopted thereunder. A
543 grant under the program may be awarded to an owner only for the
544 purpose of inspecting, pumping, repairing, or replacing a system
545 serving a single-family residence occupied by an owner with a
546 family income of less than or equal to 133 percent of the
547 federal poverty level at the time of application. The department
548 may prioritize applications for an award of grant funds based
549 upon the severity of a system's failure, its relative
550 environmental impact, the income of the family, or any
551 combination thereof. The department shall adopt rules

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552 establishing the grant application and award process, including
553 an application form. The department shall seek to make grants in
554 each fiscal year equal to the total amount of grant funds
555 available, with any excess funds used for grant awards in
556 subsequent fiscal years.

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

559 381.0066 Onsite sewage treatment and disposal systems;
560 fees.—

561 (2) The minimum fees in the following fee schedule apply
562 until changed by rule by the department within the following
563 limits:

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

568 (b) A 5-year evaluation report submitted pursuant to s.
569 381.00651 ~~381.0065(5)~~: a fee not less than \$10 ~~\$15~~, or more than
570 \$15 ~~\$30~~. At least ~~\$1 and no more than~~ \$5 collected pursuant to
571 this paragraph shall be used to fund a grant program established
572 under s. 381.00656.

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

576 (d) Biennial Operating permit for aerobic treatment units
577 or performance-based treatment systems: a fee of not more than
578 \$100.

579 (e) Annual operating permit for systems located in areas
580 zoned for industrial manufacturing or equivalent uses or where

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581 the system is expected to receive wastewater which is not
582 domestic in nature: a fee of not less than \$150, or more than
583 \$300.

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

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

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

591 (i) Annual operating permit for waterless, incinerating, or
592 organic waste composting toilets: a fee of not less than \$15
593 ~~\$50~~, or more than \$30 ~~\$150~~.

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

597 (k) Reinspection fee per visit for site inspection after
598 system construction approval or for noncompliant system
599 installation per site visit: a fee of not less than \$25, or more
600 than \$100.

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

607 (m) Annual operating permit, including annual inspection
608 and any required sampling and laboratory analysis of effluent,
609 for an engineer-designed performance-based system: a fee of not

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610 less than \$150, or more than \$300.

611

612 On or before January 1, 2011, the Surgeon General, after
613 consultation with the Revenue Estimating Conference, shall
614 determine a revenue neutral fee schedule for services provided
615 pursuant to s. 381.00651 ~~381.0065(5)~~ within the parameters set
616 in paragraph (b). Such determination is not subject to the
617 provisions of chapter 120. The funds collected pursuant to this
618 subsection must be deposited in a trust fund administered by the
619 department, to be used for the purposes stated in this section
620 and ss. 381.0065 and 381.00655.

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