

By the Committees on Community Affairs; 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 by ordinance under certain circumstances the
24 program for the periodic evaluation and assessment of
25 onsite sewage treatment and disposal systems;
26 requiring the county or municipality to notify the
27 Secretary of State of the ordinance; authorizing a
28 county or municipality, in specified circumstances, to
29 opt out of certain requirements by a specified date;

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

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Subsections (1), (5), and (6) of section
60 381.0065, Florida Statutes, as amended by chapter 2010-283, Laws
61 of Florida, are amended, present paragraphs (b) through (p) of
62 subsection (2) of that section are redesignated as paragraphs
63 (c) through (q), respectively, a new paragraph (b) is added to
64 that subsection, and paragraphs (w), (x), (y), and (z) are added
65 to subsection (4) of that section, to read:

66 381.0065 Onsite sewage treatment and disposal systems;
67 regulation.—

68 (1) LEGISLATIVE INTENT.—

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

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

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

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

103 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
104 construct, repair, modify, abandon, or operate an onsite sewage
105 treatment and disposal system without first obtaining a permit
106 approved by the department. The department may issue permits to
107 carry out this section, but shall not make the issuance of such
108 permits contingent upon prior approval by the Department of
109 Environmental Protection, except that the issuance of a permit
110 for work seaward of the coastal construction control line
111 established under s. 161.053 shall be contingent upon receipt of
112 any required coastal construction control line permit from the
113 Department of Environmental Protection. A construction permit is
114 valid for 18 months from the issuance date and may be extended
115 by the department for one 90-day period under rules adopted by
116 the department. A repair permit is valid for 90 days from the

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

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

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

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

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

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175 2. The onsite sewage treatment and disposal system is not a
176 sanitary nuisance; and

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

179
180 An onsite sewage treatment and disposal system that serves a
181 property that is foreclosed upon is not an abandoned system.

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

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

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

197 ~~(a) Beginning July 1, 2011, the department shall administer~~
198 ~~an onsite sewage treatment and disposal system evaluation~~
199 ~~program for the purpose of assessing the fundamental operational~~
200 ~~condition of systems and identifying any failures within the~~
201 ~~systems. The department shall adopt rules implementing the~~
202 ~~program standards, procedures, and requirements, including, but~~
203 ~~not limited to, a schedule for a 5-year evaluation cycle,~~

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204 ~~requirements for the pump-out of a system or repair of a failing~~
205 ~~system, enforcement procedures for failure of a system owner to~~
206 ~~obtain an evaluation of the system, and failure of a contractor~~
207 ~~to timely submit evaluation results to the department and the~~
208 ~~system owner. The department shall ensure statewide~~
209 ~~implementation of the evaluation and assessment program by~~
210 ~~January 1, 2016.~~

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

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

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

231 ~~2. Systems being evaluated that were installed on or after~~
232 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~

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233 ~~the bottom of the drainfield to the wettest season water table~~
234 ~~elevation as defined by department rule. All drainfield repairs,~~
235 ~~replacements or modification to systems developed on or after~~
236 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
237 ~~the bottom of the drainfield to the wettest season water table~~
238 ~~elevation.~~

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

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

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

257 ~~(h) The evaluation report fee collected pursuant to s.~~
258 ~~381.0066(2)(b) shall be remitted to the department by the~~
259 ~~evaluator at the time the report is submitted.~~

260 ~~(i) Prior to any evaluation deadline, the department must~~
261 ~~provide a minimum of 60 days' notice to owners that their~~

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262 ~~systems must be evaluated by that deadline. The department may~~
263 ~~include a copy of any homeowner educational materials developed~~
264 ~~pursuant to this section which provides information on the~~
265 ~~proper maintenance of onsite sewage treatment and disposal~~
266 ~~systems.~~

267 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

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

283 (b)1. The department may issue citations that may contain
284 an order of correction or an order to pay a fine, or both, for
285 violations of ss. 381.0065-381.0067, part I of chapter 386, or
286 part III of chapter 489 or the rules adopted by the department,
287 when a violation of these sections or rules is enforceable by an
288 administrative or civil remedy, or when a violation of these
289 sections or rules is a misdemeanor of the second degree. A
290 citation issued under ss. 381.0065-381.0067, part I of chapter

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291 386, or part III of chapter 489 constitutes a notice of proposed
292 agency action.

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

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

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

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

317 6. Any person who willfully refuses to sign and accept a
318 citation issued by the department commits a misdemeanor of the
319 second degree, punishable as provided in s. 775.082 or s.

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320 775.083.

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

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

332 Section 2. Section 381.00651, Florida Statutes, is created
333 to read:

334 381.00651 Periodic evaluation and assessment of onsite
335 sewage treatment and disposal systems.-

336 (1) Effective July 1, 2011, any county or municipality that
337 has not adopted an onsite sewage treatment and disposal system
338 evaluation and assessment program, or that does not opt out of
339 this section, shall develop and adopt by ordinance a local
340 onsite sewage treatment and disposal system evaluation and
341 assessment program within all or part of its geographic area
342 which meets the requirements of this section. Any county or
343 municipality that has adopted such a program before July 1,
344 2011, may continue to enforce its provisions. Any county or
345 municipality that does not opt out of this section shall notify
346 the Secretary of State by letter of the adoption of the
347 ordinance pursuant to this section. By a majority of the local
348 elected body, a county or municipality may opt out of the

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349 requirements of this section at any time before January 1, 2012,
350 by adopting a separate resolution. The resolution shall be
351 directed to and filed with the Secretary of State and shall
352 state the intent of the county or municipality not to adopt an
353 onsite sewage treatment and disposal system evaluation and
354 assessment program. Absent an interlocal agreement or county
355 charter provision to the contrary, a municipality may elect to
356 opt out of the requirements of this section notwithstanding the
357 decision of the county in which it is located. A county or
358 municipality may subsequently adopt an ordinance imposing an
359 onsite sewage treatment and disposal system evaluation and
360 assessment program if the program meets the requirements of this
361 section. A county or municipality may repeal an ordinance
362 adopted pursuant to this section if the county or municipality
363 notifies the Secretary of State by letter of the repeal. Any
364 county identified as having a first magnitude spring within its
365 boundaries is prohibited from opting out of this section. Any
366 county in which a Total Maximum Daily Load for nutrients or
367 bacteria has been established is prohibited from opting out of
368 this section. Such counties may, however, adopt a local onsite
369 sewage treatment and disposal system evaluation and assessment
370 program that is more stringent than that required by this
371 section. Except as otherwise provided, the local ordinances may
372 not deviate from or exceed the substantive requirements of this
373 section. Such adopted ordinance shall provide for the following:
374 (a) Evaluations.—An evaluation of any septic tank within
375 all or part of the county's or municipality's jurisdiction must
376 take place once every 5 years to assess the fundamental
377 operational condition of the system and to identify system

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378 failures. The ordinance may not mandate an evaluation at the
379 point of sale in a real estate transaction and may not require a
380 soil examination. The location of the system shall be
381 identified. A tank and drainfield evaluation and a written
382 assessment of the overall condition of the system pursuant to
383 the assessment procedure prescribed in paragraph (2) (d) are
384 required.

385 (b) *Qualified contractors.*—Each evaluation required under
386 this subsection must be performed by a septic tank contractor or
387 master septic tank contractor registered under part III of
388 chapter 489, a professional engineer having wastewater treatment
389 system experience and licensed pursuant to chapter 471, or an
390 environmental health professional certified under this chapter
391 in the area of onsite sewage treatment and disposal system
392 evaluation. Evaluations and pump outs may also be performed by
393 an authorized employee working under the supervision of the
394 individuals listed in this paragraph; however, all evaluation
395 forms must be written or electronically signed by a qualified
396 contractor.

397 (c) *Repair of systems.*—The local ordinance may not require
398 a repair, modification, or replacement of a system as a result
399 of an evaluation unless the evaluation identifies a system
400 failure. For purposes of this subsection, the term “system
401 failure” is defined as a condition existing within an onsite
402 sewage treatment and disposal system which results in the
403 discharge of untreated or partially treated wastewater onto the
404 ground surface or into surface water, or which results in a
405 sanitary nuisance caused by the failure of building plumbing to
406 discharge properly. A system is not a failure if the system does

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407 not have a minimum separation distance between the drainfield
408 and the wet season water table, or if an obstruction in a
409 sanitary line or an effluent screen or filter prevents effluent
410 from flowing into a drainfield. If a system failure is
411 identified and several remedial options are available to resolve
412 the failure, the local ordinance may not require more than the
413 least costly remedial measure to resolve the system failure. The
414 homeowner may choose the remedial measure to fix the system.
415 There may be instances in which a pump out is sufficient to
416 resolve a system failure. Remedial measures to resolve a system
417 failure must meet the requirements in effect at the times
418 specified in s. 381.0065(4)(g).

419 (d) Exemptions.—The local ordinance shall exempt from the
420 evaluation requirements any system that is required to obtain an
421 operating permit pursuant to state law or that is inspected by
422 the department pursuant to the annual permit inspection
423 requirements of chapter 513.

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, identify whether there is any sewage or
449 effluent visible on the ground or discharging to a ditch or
450 other water body, and identify the location of any downspout or
451 other source of water near or in the vicinity of the drainfield.

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

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

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

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

464 4. Whether surface water can infiltrate into the tank and

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465 whether the tank was pumped out.

466 (d) Assessment procedure.—All evaluation procedures used by
467 a qualified contractor shall be documented. The qualified
468 contractor shall provide a copy of a written, signed evaluation
469 report to the property owner upon completion of the evaluation
470 and to the county health department within 30 days after the
471 evaluation. The report shall contain the name and license number
472 of the company providing the report. A copy of the evaluation
473 report shall be retained by the local county health department
474 for a 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 sewage or effluent visible on the ground or
483 discharging to a ditch or other surface water body; any
484 downspout, stormwater, or other source of water directed onto or
485 toward the system; and any other maintenance need or condition
486 of the system at the time of the evaluation which, in the
487 opinion of the qualified contractor, would possibly interfere
488 with or restrict any future repair or modification to the
489 existing system. The report shall conclude with an overall
490 assessment of the fundamental operational condition of the
491 system.

492 (3) It shall be the responsibility of the county health
493 department to administer any evaluation program on behalf of a

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494 county, or a local government within the county, which has
495 adopted an evaluation program pursuant to this section. In order
496 to administer the evaluation program, a local government, in
497 consultation with the county health department, may develop a
498 reasonable fee schedule to be used solely to pay for the costs
499 of administering the evaluation program. Such fee schedule shall
500 be identified in the local ordinance that adopts the evaluation
501 program. When arriving at a reasonable fee schedule, the
502 estimated annual revenues to be derived from fees may not exceed
503 reasonable estimated annual costs of the program. Fees shall be
504 assessed to the septic tank owner during an inspection and
505 separately identified on the invoice of the qualified
506 contractor. Fees shall be remitted by the qualified contractor
507 to the county health department. The county health department's
508 administrative responsibilities include the following:

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

513 (b) In consultation with the Department of Health,
514 providing uniform disciplinary procedures and penalties for
515 qualified contractors who do not comply with the requirements of
516 the adopted ordinance, including, but not limited to, failure to
517 provide the evaluation report as required in this subsection to
518 the septic tank owner and the county health department. The
519 county health department may also assess penalties against
520 septic tank owners for failure to comply with the adopted
521 ordinance, consistent with existing requirements of law.

522 (c) Developing its own database and tracking systems to

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523 encompass evaluation programs adopted by the county or
524 municipalities within its jurisdiction. The database shall also
525 be used to collect, store, and index information obtained from
526 the evaluation reports filed by each qualified contractor with
527 the county health department. The tracking system must include
528 the ability to collect and store:

- 529 1. The description, addresses, or locations of the onsite
530 systems;
531 2. An inventory of the number of onsite systems within the
532 local jurisdiction;
533 3. The total number and types of system failures; and
534 4. Any other trends deemed relevant by the county health
535 department resulting from an assessment and evaluation of the
536 overall condition of systems.

537
538 The tracking system may be Internet-based and may be designed to
539 be used by contractors to report all service and evaluation
540 events and by the county health department to notify homeowners
541 when evaluations are due. Data and information shall be recorded
542 and updated as service and evaluations are conducted and
543 reported

544 (4) A county or municipality that adopts an onsite sewage
545 treatment and disposal system evaluation and assessment program
546 pursuant to this section shall notify the Secretary of
547 Environmental Protection, the Department of Health, and the
548 applicable county health department upon the adoption of an
549 ordinance. The Department of Environmental Protection shall,
550 within existing resources and upon receipt of such notice,
551 notify the county or municipality of the potential use of, and

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552 access to, program funds under the Clean Water State Revolving
553 Fund or s. 319 of the Clean Water Act. Upon request by a county
554 or municipality, the Department of Environmental Protection
555 shall provide guidance in the application process to receive
556 moneys under the Clean Water State Revolving Fund or s. 319 of
557 the Clean Water Act. The Department of Environmental Protection
558 shall also, within existing resources and upon request by a
559 county or municipality, provide advice and technical assistance
560 to the county or municipality on how to establish a low-interest
561 revolving loan program or how to model a revolving loan program
562 after the low-interest loan program of the Clean Water State
563 Revolving Fund. This subsection does not obligate the Department
564 of Environmental Protection to provide any money to fund such
565 programs.

566 Section 3. Section 381.00656, Florida Statutes, is
567 repealed.

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

570 381.0066 Onsite sewage treatment and disposal systems;
571 fees.—

572 (2) The minimum fees in the following fee schedule apply
573 until changed by rule by the department within the following
574 limits:

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

579 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
580 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~

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581 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
582 ~~shall be used to fund a grant program established under s.~~
583 ~~381.00656.~~

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

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

590 (d)~~(e)~~ Annual operating permit for systems located in areas
591 zoned for industrial manufacturing or equivalent uses or where
592 the system is expected to receive wastewater which is not
593 domestic in nature: a fee of not less than \$150, or more than
594 \$300.

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

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

600 (g)~~(h)~~ Application for variance: a fee of not less than
601 \$150, or more than \$300.

602 (h)~~(i)~~ Annual operating permit for waterless, incinerating,
603 or organic waste composting toilets: a fee of not less than \$15
604 ~~\$50~~, or more than \$30 ~~\$150~~.

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

608 (j)~~(k)~~ Reinspection fee per visit for site inspection after
609 system construction approval or for noncompliant system

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610 installation per site visit: a fee of not less than \$25, or more
611 than \$100.

612 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
613 each new system construction permit issued to be used to fund
614 onsite sewage treatment and disposal system research,
615 demonstration, and training projects. Five dollars from any
616 repair permit fee collected under this section shall be used for
617 funding the hands-on training centers described in s.
618 381.0065(3)(j).

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

623
624 ~~On or before January 1, 2011, the Surgeon General, after~~
625 ~~consultation with the Revenue Estimating Conference, shall~~
626 ~~determine a revenue neutral fee schedule for services provided~~
627 ~~pursuant to s. 381.0065(5) within the parameters set in~~
628 ~~paragraph (b). Such determination is not subject to the~~
629 ~~provisions of chapter 120.~~ The funds collected pursuant to this
630 subsection must be deposited in a trust fund administered by the
631 department, to be used for the purposes stated in this section
632 and ss. 381.0065 and 381.00655.

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