

By 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 an
22 obsolete reporting requirement; creating s. 381.00651,
23 F.S.; requiring a county or municipality containing a
24 first magnitude spring to adopt by ordinance, under
25 certain circumstances, the program for the periodic
26 evaluation and assessment of onsite sewage treatment
27 and disposal systems; requiring the county or
28 municipality to notify the Secretary of State of the
29 ordinance; authorizing a county or municipality, in

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30 specified circumstances, to opt out of certain
31 requirements by a specified date; authorizing a county
32 or municipality to adopt or repeal, after a specified
33 date, an ordinance creating an evaluation and
34 assessment program; providing criteria for
35 evaluations, qualified contractors, repair of systems,
36 exemptions, and notifications; requiring that certain
37 procedures be used for conducting tank and drainfield
38 evaluations; providing for certain procedures and
39 exemptions in special circumstances; providing for
40 assessment procedures; requiring the county or
41 municipality to develop a system for collecting data
42 on evaluations; providing criteria; requiring counties
43 and municipalities to notify the Secretary of
44 Environmental Protection that an evaluation program
45 ordinance is adopted; requiring the department to
46 notify those counties or municipalities of the use of,
47 and access to, certain state and federal program
48 funds; requiring that the department provide certain
49 guidance and technical assistance to a county or
50 municipality upon request; repealing s. 381.00656,
51 F.S., relating to a grant program for the repair of
52 onsite sewage treatment disposal systems; amending s.
53 381.0066, F.S.; lowering the permit fees imposed by
54 the department for certain types of toilets; deleting
55 provisions relating to an evaluation and assessment
56 program, to conform to changes made by the act;
57 providing an effective date.
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59 Be It Enacted by the Legislature of the State of Florida:

60
61 Section 1. Subsections (1), (4), (5), (6), and (7) of
62 section 381.0065, Florida Statutes, are amended, present
63 paragraphs (b) through (p) of subsection (2) of that section are
64 redesignated as paragraphs (c) through (q), respectively, a new
65 paragraph (b) is added to that subsection, 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)1. "Bedroom" means a room that can be used for sleeping
89 and that:

90 a. For site-built dwellings, has a minimum of 70 square
91 feet of conditioned space;

92 b. For manufactured homes, is constructed according to
93 standards of the United States Department of Housing and Urban
94 Development and has a minimum square footage of 50 square feet
95 of floor area;

96 c. Is located along an exterior wall;

97 d. Has a closet and a door or an entrance where a door
98 could be reasonably installed; and

99 e. Has an emergency means of escape and rescue opening to
100 the outside.

101 2. A room is not a bedroom if it is used to access another
102 room except a bathroom or closet.

103 3. The term does not include a hallway, bathroom, kitchen,
104 living room, family room, dining room, den, breakfast nook,
105 pantry, laundry room, sunroom, recreation room, media/video
106 room, or exercise room.

107 4. For the purpose of determining system capacity,
108 occupancy is calculated at a 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 administer ~~carry out~~ this section, but may ~~shall~~ not make the
114 issuance of a permit ~~such permits~~ contingent upon prior approval
115 by the Department of Environmental Protection, except that the
116 issuance of a permit for work seaward of the coastal

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

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146 registered under part III of chapter 489. A property owner who
147 personally performs construction, maintenance, or repairs to a
148 system serving his or her own owner-occupied single-family
149 residence is exempt from registration requirements for
150 performing such construction, maintenance, or repairs on that
151 residence, but is subject to all permitting requirements. A
152 municipality or political subdivision of the state may not issue
153 a building or plumbing permit for any building that requires the
154 use of an onsite sewage treatment and disposal system unless the
155 owner or builder has received a construction permit for such
156 system from the department. A building or structure may not be
157 occupied and a municipality, political subdivision, or any state
158 or federal agency may not authorize occupancy until the
159 department approves the final installation of the onsite sewage
160 treatment and disposal system. A municipality or political
161 subdivision of the state may not approve any change in occupancy
162 or tenancy of a building that uses an onsite sewage treatment
163 and disposal system until the department has reviewed the use of
164 the system with the proposed change, approved the change, and
165 amended the operating permit.

166 (a) Subdivisions and lots in which each lot has a minimum
167 area of at least one-half acre and either a minimum dimension of
168 100 feet or a mean of at least 100 feet of the side bordering
169 the street and the distance formed by a line parallel to the
170 side bordering the street drawn between the two most distant
171 points of the remainder of the lot may be developed with a water
172 system regulated under s. 381.0062 and onsite sewage treatment
173 and disposal systems, provided the projected daily sewage flow
174 does not exceed an average of 1,500 gallons per acre per day,

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175 and provided satisfactory drinking water can be obtained and all
176 distance and setback, soil condition, water table elevation, and
177 other related requirements of this section and rules adopted
178 under this section can be met.

179 (b) Subdivisions and lots using a public water system as
180 defined in s. 403.852 may use onsite sewage treatment and
181 disposal systems, provided there are no more than four lots per
182 acre, provided the projected daily sewage flow does not exceed
183 an average of 2,500 gallons per acre per day, and provided that
184 all distance and setback, soil condition, water table elevation,
185 and other related requirements that are generally applicable to
186 the use of onsite sewage treatment and disposal systems are met.

187 (c) Notwithstanding paragraphs (a) and (b), for
188 subdivisions platted of record on or before October 1, 1991,
189 when a developer or other appropriate entity has previously made
190 or makes provisions, including financial assurances or other
191 commitments, acceptable to the Department of Health, that a
192 central water system will be installed by a regulated public
193 utility based on a density formula, private potable wells may be
194 used with onsite sewage treatment and disposal systems until the
195 agreed-upon densities are reached. In a subdivision regulated by
196 this paragraph, the average daily sewage flow may not exceed
197 2,500 gallons per acre per day. This section does not affect the
198 validity of existing prior agreements. After October 1, 1991,
199 the exception provided under this paragraph is not available to
200 a developer or other appropriate entity.

201 (d) Paragraphs (a) and (b) do not apply to any proposed
202 residential subdivision with more than 50 lots or to any
203 proposed commercial subdivision with more than 5 lots where a

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204 publicly owned or investor-owned sewerage system is available.
205 It is the intent of this paragraph not to allow development of
206 additional proposed subdivisions in order to evade the
207 requirements of this paragraph.

208 (e) Onsite sewage treatment and disposal systems must not
209 be placed closer than:

210 1. Seventy-five feet from a private potable well.

211 2. Two hundred feet from a public potable well serving a
212 residential or nonresidential establishment having a total
213 sewage flow of greater than 2,000 gallons per day.

214 3. One hundred feet from a public potable well serving a
215 residential or nonresidential establishment having a total
216 sewage flow of less than or equal to 2,000 gallons per day.

217 4. Fifty feet from any nonpotable well.

218 5. Ten feet from any storm sewer pipe, to the maximum
219 extent possible, but in no instance shall the setback be less
220 than 5 feet.

221 6. Seventy-five feet from the mean high-water line of a
222 tidally influenced surface water body.

223 7. Seventy-five feet from the mean annual flood line of a
224 permanent nontidal surface water body.

225 8. Fifteen feet from the design high-water line of
226 retention areas, detention areas, or swales designed to contain
227 standing or flowing water for less than 72 hours after a
228 rainfall or the design high-water level of normally dry drainage
229 ditches or normally dry individual lot stormwater retention
230 areas.

231 (f) Except as provided under paragraphs (e) and (t), no
232 limitations shall be imposed by rule, relating to the distance

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233 between an onsite disposal system and any area that either
234 permanently or temporarily has visible surface water.

235 (g) All provisions of this section and rules adopted under
236 this section relating to soil condition, water table elevation,
237 distance, and other setback requirements must be equally applied
238 to all lots, with the following exceptions:

239 1. Any residential lot that was platted and recorded on or
240 after January 1, 1972, or that is part of a residential
241 subdivision that was approved by the appropriate permitting
242 agency on or after January 1, 1972, and that was eligible for an
243 onsite sewage treatment and disposal system construction permit
244 on the date of such platting and recording or approval shall be
245 eligible for an onsite sewage treatment and disposal system
246 construction permit, regardless of when the application for a
247 permit is made. If rules in effect at the time the permit
248 application is filed cannot be met, residential lots platted and
249 recorded or approved on or after January 1, 1972, shall, to the
250 maximum extent possible, comply with the rules in effect at the
251 time the permit application is filed. At a minimum, however,
252 those residential lots platted and recorded or approved on or
253 after January 1, 1972, but before January 1, 1983, shall comply
254 with those rules in effect on January 1, 1983, and those
255 residential lots platted and recorded or approved on or after
256 January 1, 1983, shall comply with those rules in effect at the
257 time of such platting and recording or approval. In determining
258 the maximum extent of compliance with current rules that is
259 possible, the department shall allow structures and
260 appurtenances thereto which were authorized at the time such
261 lots were platted and recorded or approved.

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262 2. Lots platted before 1972 are subject to a 50-foot
263 minimum surface water setback and are not subject to lot size
264 requirements. The projected daily flow for onsite sewage
265 treatment and disposal systems for lots platted before 1972 may
266 not exceed:

267 a. Two thousand five hundred gallons per acre per day for
268 lots served by public water systems as defined in s. 403.852.

269 b. One thousand five hundred gallons per acre per day for
270 lots served by water systems regulated under s. 381.0062.

271 (h)1. The department may grant variances in hardship cases
272 which may be less restrictive than the provisions specified in
273 this section. If a variance is granted and the onsite sewage
274 treatment and disposal system construction permit has been
275 issued, the variance may be transferred with the system
276 construction permit, if the transferee files, within 60 days
277 after the transfer of ownership, an amended construction permit
278 application providing all corrected information and proof of
279 ownership of the property and if the same variance would have
280 been required for the new owner of the property as was
281 originally granted to the original applicant for the variance.
282 There is no fee associated with the processing of this
283 supplemental information. A variance may not be granted under
284 this section until the department is satisfied that:

285 a. The hardship was not caused intentionally by the action
286 of the applicant;

287 b. No reasonable alternative, taking into consideration
288 factors such as cost, exists for the treatment of the sewage;
289 and

290 c. The discharge from the onsite sewage treatment and

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291 disposal system will not adversely affect the health of the
292 applicant or the public or significantly degrade the groundwater
293 or surface waters.

294
295 Where soil conditions, water table elevation, and setback
296 provisions are determined by the department to be satisfactory,
297 special consideration must be given to those lots platted before
298 1972.

299 2. The department shall appoint and staff a variance review
300 and advisory committee, which shall meet monthly to recommend
301 agency action on variance requests. The committee shall make its
302 recommendations on variance requests at the meeting in which the
303 application is scheduled for consideration, except for an
304 extraordinary change in circumstances, the receipt of new
305 information that raises new issues, or when the applicant
306 requests an extension. The committee shall consider the criteria
307 in subparagraph 1. in its recommended agency action on variance
308 requests and shall also strive to allow property owners the full
309 use of their land where possible. The committee consists of the
310 following:

311 a. The Division Director for Environmental Health of the
312 department or his or her designee.

313 b. A representative from the county health departments.

314 c. A representative from the home building industry
315 recommended by the Florida Home Builders Association.

316 d. A representative from the septic tank industry
317 recommended by the Florida Onsite Wastewater Association.

318 e. A representative from the Department of Environmental
319 Protection.

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320 f. A representative from the real estate industry who is
321 also a developer in this state who develops lots using onsite
322 sewage treatment and disposal systems, recommended by the
323 Florida Association of Realtors.

324 g. A representative from the engineering profession
325 recommended by the Florida Engineering Society.

326
327 Members shall be appointed for a term of 3 years, with such
328 appointments being staggered so that the terms of no more than
329 two members expire in any one year. Members shall serve without
330 remuneration, but if requested, shall be reimbursed for per diem
331 and travel expenses as provided in s. 112.061.

332 (i) A construction permit may not be issued for an onsite
333 sewage treatment and disposal system in any area zoned or used
334 for industrial or manufacturing purposes, or its equivalent,
335 where a publicly owned or investor-owned sewage treatment system
336 is available, or where a likelihood exists that the system will
337 receive toxic, hazardous, or industrial waste. An existing
338 onsite sewage treatment and disposal system may be repaired if a
339 publicly owned or investor-owned sewerage system is not
340 available within 500 feet of the building sewer stub-out and if
341 system construction and operation standards can be met. This
342 paragraph does not require publicly owned or investor-owned
343 sewerage treatment systems to accept anything other than
344 domestic wastewater.

345 1. A building located in an area zoned or used for
346 industrial or manufacturing purposes, or its equivalent, when
347 such building is served by an onsite sewage treatment and
348 disposal system, must not be occupied until the owner or tenant

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349 has obtained written approval from the department. The
350 department shall not grant approval when the proposed use of the
351 system is to dispose of toxic, hazardous, or industrial
352 wastewater or toxic or hazardous chemicals.

353 2. Each person who owns or operates a business or facility
354 in an area zoned or used for industrial or manufacturing
355 purposes, or its equivalent, or who owns or operates a business
356 that has the potential to generate toxic, hazardous, or
357 industrial wastewater or toxic or hazardous chemicals, and uses
358 an onsite sewage treatment and disposal system that is installed
359 on or after July 5, 1989, must obtain an annual system operating
360 permit from the department. A person who owns or operates a
361 business that uses an onsite sewage treatment and disposal
362 system that was installed and approved before July 5, 1989, need
363 not obtain a system operating permit. However, upon change of
364 ownership or tenancy, the new owner or operator must notify the
365 department of the change, and the new owner or operator must
366 obtain an annual system operating permit, regardless of the date
367 that the system was installed or approved.

368 3. The department shall periodically review and evaluate
369 the continued use of onsite sewage treatment and disposal
370 systems in areas zoned or used for industrial or manufacturing
371 purposes, or its equivalent, and may require the collection and
372 analyses of samples from within and around such systems. If the
373 department finds that toxic or hazardous chemicals or toxic,
374 hazardous, or industrial wastewater have been or are being
375 disposed of through an onsite sewage treatment and disposal
376 system, the department shall initiate enforcement actions
377 against the owner or tenant to ensure adequate cleanup,

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378 treatment, and disposal.

379 (j) An onsite sewage treatment and disposal system for a
380 single-family residence that is designed by a professional
381 engineer registered in the state and certified by such engineer
382 as complying with performance criteria adopted by the department
383 must be approved by the department subject to the following:

384 1. The performance criteria applicable to engineer-designed
385 systems must be limited to those necessary to ensure that such
386 systems do not adversely affect the public health or
387 significantly degrade the groundwater or surface water. Such
388 performance criteria shall include consideration of the quality
389 of system effluent, the proposed total sewage flow per acre,
390 wastewater treatment capabilities of the natural or replaced
391 soil, water quality classification of the potential surface-
392 water-receiving body, and the structural and maintenance
393 viability of the system for the treatment of domestic
394 wastewater. However, performance criteria shall address only the
395 performance of a system and not a system's design.

396 2. The technical review and advisory panel shall assist the
397 department in the development of performance criteria applicable
398 to engineer-designed systems.

399 3. A person electing to utilize an engineer-designed system
400 shall, upon completion of the system design, submit such design,
401 certified by a registered professional engineer, to the county
402 health department. The county health department may utilize an
403 outside consultant to review the engineer-designed system, with
404 the actual cost of such review to be borne by the applicant.
405 Within 5 working days after receiving an engineer-designed
406 system permit application, the county health department shall

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407 request additional information if the application is not
408 complete. Within 15 working days after receiving a complete
409 application for an engineer-designed system, the county health
410 department either shall issue the permit or, if it determines
411 that the system does not comply with the performance criteria,
412 shall notify the applicant of that determination and refer the
413 application to the department for a determination as to whether
414 the system should be approved, disapproved, or approved with
415 modification. The department engineer's determination shall
416 prevail over the action of the county health department. The
417 applicant shall be notified in writing of the department's
418 determination and of the applicant's rights to pursue a variance
419 or seek review under the provisions of chapter 120.

420 4. The owner of an engineer-designed performance-based
421 system must maintain a current maintenance service agreement
422 with a maintenance entity permitted by the department. The
423 maintenance entity shall obtain a biennial system operating
424 permit from the department for each system under service
425 contract. The department shall inspect the system at least
426 annually, or on such periodic basis as the fee collected
427 permits, and may collect system-effluent samples if appropriate
428 to determine compliance with the performance criteria. The fee
429 for the biennial operating permit shall be collected beginning
430 with the second year of system operation. The maintenance entity
431 shall inspect each system at least twice each year and shall
432 report quarterly to the department on the number of systems
433 inspected and serviced.

434 5. If an engineer-designed system fails to properly
435 function or fails to meet performance standards, the system

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436 shall be re-engineered, if necessary, to bring the system into
437 compliance with the provisions of this section.

438 (k) An innovative system may be approved in conjunction
439 with an engineer-designed site-specific system which is
440 certified by the engineer to meet the performance-based criteria
441 adopted by the department.

442 (l) For the Florida Keys, the department shall adopt a
443 special rule for the construction, installation, modification,
444 operation, repair, maintenance, and performance of onsite sewage
445 treatment and disposal systems which considers the unique soil
446 conditions and water table elevations, densities, and setback
447 requirements. On lots where a setback distance of 75 feet from
448 surface waters, saltmarsh, and buttonwood association habitat
449 areas cannot be met, an injection well, approved and permitted
450 by the department, may be used for disposal of effluent from
451 onsite sewage treatment and disposal systems. The following
452 additional requirements apply to onsite sewage treatment and
453 disposal systems in Monroe County:

454 1. The county, each municipality, and those special
455 districts established for the purpose of the collection,
456 transmission, treatment, or disposal of sewage shall ensure, in
457 accordance with the specific schedules adopted by the
458 Administration Commission under s. 380.0552, the completion of
459 onsite sewage treatment and disposal system upgrades to meet the
460 requirements of this paragraph.

461 2. Onsite sewage treatment and disposal systems must cease
462 discharge by December 31, 2015, or must comply with department
463 rules and provide the level of treatment which, on a permitted
464 annual average basis, produces an effluent that contains no more

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465 than the following concentrations:

- 466 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
467 b. Suspended Solids of 10 mg/l.
468 c. Total Nitrogen, expressed as N, of 10 mg/l.
469 d. Total Phosphorus, expressed as P, of 1 mg/l.

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471 In addition, onsite sewage treatment and disposal systems
472 discharging to an injection well must provide basic disinfection
473 as defined by department rule.

474 3. On or after July 1, 2010, all new, modified, and
475 repaired onsite sewage treatment and disposal systems must
476 provide the level of treatment described in subparagraph 2.
477 However, in areas scheduled to be served by central sewer by
478 December 31, 2015, if the property owner has paid a connection
479 fee or assessment for connection to the central sewer system, an
480 onsite sewage treatment and disposal system may be repaired to
481 the following minimum standards:

482 a. The existing tanks must be pumped and inspected and
483 certified as being watertight and free of defects in accordance
484 with department rule; and

485 b. A sand-lined drainfield or injection well in accordance
486 with department rule must be installed.

487 4. Onsite sewage treatment and disposal systems must be
488 monitored for total nitrogen and total phosphorus concentrations
489 as required by department rule.

490 5. The department shall enforce proper installation,
491 operation, and maintenance of onsite sewage treatment and
492 disposal systems pursuant to this chapter, including ensuring
493 that the appropriate level of treatment described in

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494 subparagraph 2. is met.

495 6. The authority of a local government, including a special
496 district, to mandate connection of an onsite sewage treatment
497 and disposal system is governed by s. 4, chapter 99-395, Laws of
498 Florida.

499 (m) No product sold in the state for use in onsite sewage
500 treatment and disposal systems may contain any substance in
501 concentrations or amounts that would interfere with or prevent
502 the successful operation of such system, or that would cause
503 discharges from such systems to violate applicable water quality
504 standards. The department shall publish criteria for products
505 known or expected to meet the conditions of this paragraph. In
506 the event a product does not meet such criteria, such product
507 may be sold if the manufacturer satisfactorily demonstrates to
508 the department that the conditions of this paragraph are met.

509 (n) Evaluations for determining the seasonal high-water
510 table elevations or the suitability of soils for the use of a
511 new onsite sewage treatment and disposal system shall be
512 performed by department personnel, professional engineers
513 registered in the state, or such other persons with expertise,
514 as defined by rule, in making such evaluations. Evaluations for
515 determining mean annual flood lines shall be performed by those
516 persons identified in paragraph (2) (i). The department shall
517 accept evaluations submitted by professional engineers and such
518 other persons as meet the expertise established by this section
519 or by rule unless the department has a reasonable scientific
520 basis for questioning the accuracy or completeness of the
521 evaluation.

522 (o) The department shall appoint a research review and

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523 advisory committee, which shall meet at least semiannually. The
524 committee shall advise the department on directions for new
525 research, review and rank proposals for research contracts, and
526 review draft research reports and make comments. The committee
527 is comprised of:

- 528 1. A representative of the Division of Environmental Health
529 of the Department of Health.
- 530 2. A representative from the septic tank industry.
- 531 3. A representative from the home building industry.
- 532 4. A representative from an environmental interest group.
- 533 5. A representative from the State University System, from
534 a department knowledgeable about onsite sewage treatment and
535 disposal systems.
- 536 6. A professional engineer registered in this state who has
537 work experience in onsite sewage treatment and disposal systems.
- 538 7. A representative from local government who is
539 knowledgeable about domestic wastewater treatment.
- 540 8. A representative from the real estate profession.
- 541 9. A representative from the restaurant industry.
- 542 10. A consumer.

543
544 Members shall be appointed for a term of 3 years, with the
545 appointments being staggered so that the terms of no more than
546 four members expire in any one year. Members shall serve without
547 remuneration, but are entitled to reimbursement for per diem and
548 travel expenses as provided in s. 112.061.

549 (p) An application for an onsite sewage treatment and
550 disposal system permit shall be completed in full, signed by the
551 owner or the owner's authorized representative, or by a

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552 contractor licensed under chapter 489, and shall be accompanied
553 by all required exhibits and fees. No specific documentation of
554 property ownership shall be required as a prerequisite to the
555 review of an application or the issuance of a permit. The
556 issuance of a permit does not constitute determination by the
557 department of property ownership.

558 (q) The department may not require any form of subdivision
559 analysis of property by an owner, developer, or subdivider prior
560 to submission of an application for an onsite sewage treatment
561 and disposal system.

562 (r) Nothing in this section limits the power of a
563 municipality or county to enforce other laws for the protection
564 of the public health and safety.

565 (s) In the siting of onsite sewage treatment and disposal
566 systems, including drainfields, shoulders, and slopes, guttering
567 shall not be required on single-family residential dwelling
568 units for systems located greater than 5 feet from the roof drip
569 line of the house. If guttering is used on residential dwelling
570 units, the downspouts shall be directed away from the
571 drainfield.

572 (t) Notwithstanding the provisions of subparagraph (g)1.,
573 onsite sewage treatment and disposal systems located in
574 floodways of the Suwannee and Aucilla Rivers must adhere to the
575 following requirements:

576 1. The absorption surface of the drainfield shall not be
577 subject to flooding based on 10-year flood elevations. Provided,
578 however, for lots or parcels created by the subdivision of land
579 in accordance with applicable local government regulations prior
580 to January 17, 1990, if an applicant cannot construct a

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581 drainfield system with the absorption surface of the drainfield
582 at an elevation equal to or above 10-year flood elevation, the
583 department shall issue a permit for an onsite sewage treatment
584 and disposal system within the 10-year floodplain of rivers,
585 streams, and other bodies of flowing water if all of the
586 following criteria are met:

- 587 a. The lot is at least one-half acre in size;
- 588 b. The bottom of the drainfield is at least 36 inches above
589 the 2-year flood elevation; and
- 590 c. The applicant installs either: a waterless,
591 incinerating, or organic waste composting toilet and a graywater
592 system and drainfield in accordance with department rules; an
593 aerobic treatment unit and drainfield in accordance with
594 department rules; a system approved by the State Health Office
595 that is capable of reducing effluent nitrate by at least 50
596 percent; or a system approved by the county health department
597 pursuant to department rule other than a system using
598 alternative drainfield materials. The United States Department
599 of Agriculture Soil Conservation Service soil maps, State of
600 Florida Water Management District data, and Federal Emergency
601 Management Agency Flood Insurance maps are resources that shall
602 be used to identify flood-prone areas.

603 2. The use of fill or mounding to elevate a drainfield
604 system out of the 10-year floodplain of rivers, streams, or
605 other bodies of flowing water shall not be permitted if such a
606 system lies within a regulatory floodway of the Suwannee and
607 Aucilla Rivers. In cases where the 10-year flood elevation does
608 not coincide with the boundaries of the regulatory floodway, the
609 regulatory floodway will be considered for the purposes of this

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610 subsection to extend at a minimum to the 10-year flood
611 elevation.

612 (u) The owner of an aerobic treatment unit system shall
613 maintain a current maintenance service agreement with an aerobic
614 treatment unit maintenance entity permitted by the department.
615 The maintenance entity shall obtain a system operating permit
616 from the department for each aerobic treatment unit under
617 service contract. The maintenance entity shall inspect each
618 aerobic treatment unit system at least twice each year and shall
619 report quarterly to the department on the number of aerobic
620 treatment unit systems inspected and serviced. The owner shall
621 allow the department to inspect during reasonable hours each
622 aerobic treatment unit system at least annually, and such
623 inspection may include collection and analysis of system-
624 effluent samples for performance criteria established by rule of
625 the department.

626 (v) The department may require the submission of detailed
627 system construction plans that are prepared by a professional
628 engineer registered in this state. The department shall
629 establish by rule criteria for determining when such a
630 submission is required.

631 (w) A permit issued and approved by the department for the
632 installation, modification, or repair of an onsite sewage
633 treatment and disposal system shall transfer with the title to
634 the property. A title is not encumbered at the time of transfer
635 by new permit requirements by a governmental entity for an
636 onsite sewage treatment and disposal system which differ from
637 the permitting requirements in effect at the time the system was
638 permitted, modified, or repaired.

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639 (x) An onsite sewage treatment and disposal system is not
640 considered abandoned if the properly functioning onsite sewage
641 treatment and disposal system is disconnected from a structure
642 that was made unusable or destroyed following a disaster and the
643 system was not adversely affected by the disaster. The onsite
644 system may be reconnected to a rebuilt structure if:

645 1. The reconnection of the onsite sewage treatment and
646 disposal system is to the same type and approximate size of the
647 rebuilt structure that existed before the disaster;

648 2. The onsite sewage treatment and disposal system is not a
649 sanitary nuisance; and

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

652
653 An onsite sewage treatment and disposal system serving a
654 property that is foreclosed upon is not an abandoned system.

655 (y) If an onsite sewage treatment and disposal system
656 permittee receives, relies upon, and undertakes construction of
657 a system based upon a valid construction permit issued pursuant
658 to rules applicable at the time of construction, but a change to
659 a rule occurs after the approval of the system for construction,
660 but before the final approval of the system, the rules
661 applicable and in effect at the time of the construction
662 approval apply to the final approval if the fundamental site
663 conditions have not changed between the time of construction
664 approval and final approval.

665 (z) A modification, replacement, or upgrade of an onsite
666 sewage treatment and disposal system is not required for a
667 remodeling addition to a single-family home if a bedroom is not

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668 added.

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

670 ~~(a) Beginning July 1, 2011, the department shall administer~~
671 ~~an onsite sewage treatment and disposal system evaluation~~
672 ~~program for the purpose of assessing the fundamental operational~~
673 ~~condition of systems and identifying any failures within the~~
674 ~~systems. The department shall adopt rules implementing the~~
675 ~~program standards, procedures, and requirements, including, but~~
676 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
677 ~~requirements for the pump-out of a system or repair of a failing~~
678 ~~system, enforcement procedures for failure of a system owner to~~
679 ~~obtain an evaluation of the system, and failure of a contractor~~
680 ~~to timely submit evaluation results to the department and the~~
681 ~~system owner. The department shall ensure statewide~~
682 ~~implementation of the evaluation and assessment program by~~
683 ~~January 1, 2016.~~

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

689 ~~(c) All evaluation procedures must be documented and~~
690 ~~nothing in this subsection limits the amount of detail an~~
691 ~~evaluator may provide at his or her professional discretion. The~~
692 ~~evaluation must include a tank and drainfield evaluation, a~~
693 ~~written assessment of the condition of the system, and, if~~
694 ~~necessary, a disclosure statement pursuant to the department's~~
695 ~~procedure.~~

696 ~~(d)1. Systems being evaluated that were installed prior to~~

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697 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
698 ~~bottom of the drainfield to the wettest season water table~~
699 ~~elevation as defined by department rule. All drainfield repairs,~~
700 ~~replacements or modifications to systems installed prior to~~
701 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
702 ~~the bottom of the drainfield to the wettest season water table~~
703 ~~elevation as defined by department rule.~~

704 ~~2. Systems being evaluated that were installed on or after~~
705 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
706 ~~the bottom of the drainfield to the wettest season water table~~
707 ~~elevation as defined by department rule. All drainfield repairs,~~
708 ~~replacements or modification to systems developed on or after~~
709 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
710 ~~the bottom of the drainfield to the wettest season water table~~
711 ~~elevation.~~

712 ~~(c) If documentation of a tank pump-out or a permitted new~~
713 ~~installation, repair, or modification of the system within the~~
714 ~~previous 5 years is provided, and states the capacity of the~~
715 ~~tank and indicates that the condition of the tank is not a~~
716 ~~sanitary or public health nuisance pursuant to department rule,~~
717 ~~a pump-out of the system is not required.~~

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

722 ~~(g) Each evaluation or pump-out required under this~~
723 ~~subsection must be performed by a septic tank contractor or~~
724 ~~master septic tank contractor registered under part III of~~
725 ~~chapter 489, a professional engineer with wastewater treatment~~

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726 ~~system experience licensed pursuant to chapter 471, or an~~
727 ~~environmental health professional certified under chapter 381 in~~
728 ~~the area of onsite sewage treatment and disposal system~~
729 ~~evaluation.~~

730 ~~(h) The evaluation report fee collected pursuant to s.~~
731 ~~381.0066(2) (b) shall be remitted to the department by the~~
732 ~~evaluator at the time the report is submitted.~~

733 ~~(i) Prior to any evaluation deadline, the department must~~
734 ~~provide a minimum of 60 days' notice to owners that their~~
735 ~~systems must be evaluated by that deadline. The department may~~
736 ~~include a copy of any homeowner educational materials developed~~
737 ~~pursuant to this section which provides information on the~~
738 ~~proper maintenance of onsite sewage treatment and disposal~~
739 ~~systems.~~

740 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

741 (a) Department personnel who have reason to believe
742 noncompliance exists, may at any reasonable time, enter the
743 premises permitted under ss. 381.0065-381.0066, or the business
744 premises of any septic tank contractor or master septic tank
745 contractor registered under part III of chapter 489, or any
746 premises that the department has reason to believe is being
747 operated or maintained not in compliance, to determine
748 compliance with the provisions of this section, part I of
749 chapter 386, or part III of chapter 489 or rules or standards
750 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
751 part III of chapter 489. As used in this paragraph, the term
752 "premises" does not include a residence or private building. To
753 gain entry to a residence or private building, the department
754 must obtain permission from the owner or occupant or secure an

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755 inspection warrant from a court of competent jurisdiction.

756 (b)1. The department may issue citations that may contain
757 an order of correction or an order to pay a fine, or both, for
758 violations of ss. 381.0065-381.0067, part I of chapter 386, or
759 part III of chapter 489 or the rules adopted by the department,
760 when a violation of these sections or rules is enforceable by an
761 administrative or civil remedy, or when a violation of these
762 sections or rules is a misdemeanor of the second degree. A
763 citation issued under ss. 381.0065-381.0067, part I of chapter
764 386, or part III of chapter 489 constitutes a notice of proposed
765 agency action.

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

769 3. The fines imposed by a citation issued by the department
770 may not exceed \$500 for each violation. Each day the violation
771 exists constitutes a separate violation for which a citation may
772 be issued.

773 4. The department shall inform the recipient, by written
774 notice pursuant to ss. 120.569 and 120.57, of the right to an
775 administrative hearing to contest the citation within 21 days
776 after the date the citation is received. The citation must
777 contain a conspicuous statement that if the recipient fails to
778 pay the fine within the time allowed, or fails to appear to
779 contest the citation after having requested a hearing, the
780 recipient has waived the recipient's right to contest the
781 citation and must pay an amount up to the maximum fine.

782 5. The department may reduce or waive the fine imposed by
783 the citation. In determining whether to reduce or waive the

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784 fine, the department must consider the gravity of the violation,
785 the person's attempts at correcting the violation, and the
786 person's history of previous violations including violations for
787 which enforcement actions were taken under ss. 381.0065-
788 381.0067, part I of chapter 386, part III of chapter 489, or
789 other provisions of law or rule.

790 6. Any person who willfully refuses to sign and accept a
791 citation issued by the department commits a misdemeanor of the
792 second degree, punishable as provided in s. 775.082 or s.
793 775.083.

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

798 8. This section provides an alternative means of enforcing
799 ss. 381.0065-381.0067, part I of chapter 386, and part III of
800 chapter 489. This section does not prohibit the department from
801 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
802 III of chapter 489, or its rules, by any other means. However,
803 the department must elect to use only a single method of
804 enforcement for each violation.

805 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
806 January 1, 2016, the land application of septage from onsite
807 sewage treatment and disposal systems is prohibited. ~~By February~~
808 ~~1, 2011, the department, in consultation with the Department of~~
809 ~~Environmental Protection, shall provide a report to the~~
810 ~~Governor, the President of the Senate, and the Speaker of the~~
811 ~~House of Representatives, recommending alternative methods to~~
812 ~~establish enhanced treatment levels for the land application of~~

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813 ~~septage from onsite sewage and disposal systems. The report~~
814 ~~shall include, but is not limited to, a schedule for the~~
815 ~~reduction in land application, appropriate treatment levels,~~
816 ~~alternative methods for treatment and disposal, enhanced~~
817 ~~application site permitting requirements including any~~
818 ~~requirements for nutrient management plans, and the range of~~
819 ~~costs to local governments, affected businesses, and individuals~~
820 ~~for alternative treatment and disposal methods. The report shall~~
821 ~~also include any recommendations for legislation or rule~~
822 ~~authority needed to reduce land application of septage.~~

823 Section 2. Section 381.00651, Florida Statutes, is created
824 to read:

825 381.00651 Periodic evaluation and assessment of onsite
826 sewage treatment and disposal systems.-

827 (1) For the purposes of this section, the term "first
828 magnitude spring" means a spring that has a median water
829 discharge of greater than or equal to 100 cubic feet per second
830 for the period of record, as determined by the Department of
831 Environmental Protection.

832 (2) Effective July 1, 2012, a county or municipality
833 containing a first magnitude spring that has not adopted an
834 onsite sewage treatment and disposal system evaluation and
835 assessment program, or that does not opt out of this section,
836 shall develop and adopt by ordinance a local onsite sewage
837 treatment and disposal system evaluation and assessment program
838 that meets the requirements of this section within all or part
839 of its geographic area. A county or municipality that does not
840 contain a first magnitude spring may develop and adopt by
841 ordinance a local onsite sewage treatment and disposal system

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842 evaluation and assessment program that meets the requirements of
843 this section within all or part of its geographic area. A county
844 or municipality that has adopted such a program before July 1,
845 2012, may continue to enforce its program. A county or
846 municipality that does not opt out of this section shall notify
847 the Secretary of State by letter of the adoption of the
848 ordinance pursuant to this section. By a majority vote of the
849 local governing body, a county or municipality containing a
850 first magnitude spring may opt out of the requirements of this
851 section at any time before January 1, 2013, by adopting a
852 separate resolution. The resolution shall be directed to and
853 filed with the Secretary of State and shall state the intent of
854 the county or municipality not to adopt an onsite sewage
855 treatment and disposal system evaluation and assessment program.
856 Absent an interlocal agreement or county charter provision to
857 the contrary, a municipality may elect to opt out of the
858 requirements of this section notwithstanding the decision of the
859 governing body of the county in which the municipality is
860 located. A county or municipality may subsequently adopt an
861 ordinance imposing an onsite sewage treatment and disposal
862 system evaluation and assessment program if the program meets
863 the requirements of this section. A county or municipality may
864 repeal an ordinance adopted pursuant to this section if the
865 county or municipality notifies the Secretary of State by letter
866 of the repeal. A local ordinance may not deviate from or exceed
867 the substantive requirements of this section. The adopted
868 ordinance shall provide that:

869 (a)1. Once every 5 years, each septic tank located within
870 all or part of the jurisdiction of the county or municipality is

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871 evaluated to assess the fundamental operational condition of the
872 system and to identify system failures. The ordinance may not
873 mandate an evaluation at the point of sale in a real estate
874 transaction and may not require a soil examination.

875 2. The location of each onsite sewage treatment and
876 disposal system is identified within the boundary of the county
877 or municipality.

878 3. A tank and drainfield is evaluated and a written
879 assessment of the overall condition of the system pursuant to
880 the assessment procedure prescribed in paragraph (c) is provided
881 to the county or municipality.

882 (b) The evaluation required under this subsection is
883 performed by a septic tank contractor or master septic tank
884 contractor registered under part III of chapter 489, a
885 professional engineer having wastewater treatment system
886 experience and licensed pursuant to chapter 471, or an
887 environmental health professional certified under this chapter
888 in the area of onsite sewage treatment and disposal system
889 evaluation. Evaluations and pump outs may also be performed by
890 an authorized employee working under the supervision of the
891 individuals listed in this paragraph; however, all evaluation
892 forms must be written or electronically signed by a qualified
893 contractor.

894 (c)1. A repair, modification, or replacement of a system as
895 a result of an evaluation is not required unless the evaluation
896 identifies a system failure. For purposes of this subsection,
897 the term "system failure" is a condition existing within an
898 onsite sewage treatment and disposal system which results in the
899 discharge of untreated or partially treated wastewater onto the

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900 ground surface, into surface water, or into groundwater, or that
901 results in a sanitary nuisance caused by the failure of building
902 plumbing to discharge properly. The term also includes failure
903 to achieve the required minimum separation from the bottom of
904 the drainfield to the wettest-season water table as determined
905 by department rule. For a system installed before January 1,
906 1983, the minimum separation from the bottom of the drainfield
907 to the wettest-season water table is 6 inches. For a system
908 installed on or after January 1, 1983, the minimum separation
909 from the bottom of the drainfield to the wettest-season water
910 table is 12 inches as determined by department rule. Repairs to
911 the drainfield of a system installed before January 1, 1983,
912 must achieve a minimum separation of 12 inches from the bottom
913 of the drainfield to the wettest-season water table. Repairs to
914 a drainfield of a system installed on or after January 1, 1983,
915 must achieve a minimum separation of 24 inches from the bottom
916 of the drainfield to the wettest-season water table.

917 2. A system may not be deemed a failure if an obstruction
918 in a sanitary line or an effluent screen or filter prevents
919 effluent from flowing into a drainfield. If a system failure is
920 identified and several remedial options are available to resolve
921 the failure, the local ordinance may not require more than the
922 least costly remedial measure to resolve the system failure. The
923 homeowner may choose the remedial measure to fix the system.
924 There may be instances in which a pump out is sufficient to
925 resolve a system failure. Remedial measures to resolve a system
926 failure must meet the requirements specified in s.
927 381.0065(4)(g).

928 (d)1. A system that is required to obtain an operating

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929 permit pursuant to state law or that is inspected by the
930 department pursuant to the annual permit inspection requirements
931 of chapter 513 is exempt from the evaluation requirements.

932 2. A septic tank system serving residential dwelling units
933 on lots with a ratio of one bedroom per acre or greater is
934 exempt from the requirements of this section and may not be
935 included in any septic tank inspection program.

936 3. The county or municipality may exempt specific
937 geographic areas from the requirements of this section if septic
938 tank systems within exempted areas will not reasonably lead to
939 additional or continued degradation of a first magnitude spring.

940 4. The county or municipality may exempt or grant an
941 extension of the time to obtain an evaluation and assessment if
942 connection to a sewer system is available, connection to the
943 sewer system is imminent, and written arrangements for payment
944 of any utility assessments or connection fees have been made by
945 the system owner.

946 (3) The following procedures shall be used for conducting
947 evaluations:

948 (a) A tank evaluation shall include an assessment of the
949 apparent structural condition and watertightness of the tank and
950 shall estimate the size of the tank. The evaluation must include
951 a pump out. However, an ordinance may not require a pump out if
952 there is documentation that a tank pump out or a permitted new
953 installation, repair, or modification of the system has occurred
954 within the previous 5 years, and documentation identifying the
955 capacity of the tank and indicating that the condition of the
956 tank is structurally sound and watertight. A visual inspection
957 of the tank must be made when the tank is empty in order to

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958 detect cracks, leaks, or other defects. The baffles or tees must
959 be checked in order to ensure that they are intact and secure
960 and the action shall be noted in the evaluation. The presence
961 and condition of outlet devices, effluent filters, and
962 compartment walls; any structural defect in the tank; and the
963 condition and fit of the tank lid, including manholes, shall be
964 noted in the evaluation. If the tank, in the opinion of the
965 qualified contractor, is in danger of being damaged by leaving
966 the tank empty after inspection, the tank shall be refilled
967 before the inspection is concluded. Broken or damaged lids or
968 manholes may be replaced without obtaining a repair permit.

969 (b) The drainfield evaluation must include a determination
970 of the approximate size and location of the drainfield and the
971 minimum separation from the bottom of the drainfield to the
972 wettest-season water table as determined by department rule. The
973 evaluation shall contain a statement regarding the condition of
974 surface vegetation, whether there is any sewage or effluent
975 visible on the ground or discharging to a ditch or other water
976 body, the separation from the bottom of the drainfield to the
977 wettest-season water table, and the location of any downspout or
978 other source of water near or in the vicinity of the drainfield.
979 If a measurement of the distance between the bottom of the
980 drainfield and the wettest-season water table would result in a
981 system failure, two additional measurements must be taken in
982 order to verify the failing condition. Only one measurement
983 needs to meet or exceed the minimum separation requirement.

984 (c) An assessment must be made for a system that contains a
985 pump, siphon, or alarm. The following information must be
986 provided in the assessment:

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987 1. The integrity of the dosing tank, including the
988 approximate volume and the type of material used in
989 construction;

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

992 3. Whether the system has a check valve and purge hole;

993 4. Whether the system has a high-water alarm, including
994 whether the type of alarm is audio or visual, or both; the
995 location of the alarm and its operational condition; and whether
996 the electrical connections appear satisfactory; and

997 5. Whether surface water can infiltrate into the tank if
998 the tank is pumped out.

999 (d) The evaluation procedures used by a qualified
1000 contractor or an authorized person working under the supervision
1001 of a qualified contractor shall be documented. The qualified
1002 contractor shall provide a copy of a written and signed
1003 evaluation report to the property owner upon completion of the
1004 evaluation and to the county health department within 30 days
1005 after the evaluation. The report shall contain the name and
1006 license number of the company providing the report. A copy of
1007 the evaluation report shall be retained by the local county
1008 health department for a minimum of 5 years and until a
1009 subsequent inspection report is filed. The front cover of the
1010 report must identify any system failure and include a clear and
1011 conspicuous notice to the owner that the owner has a right to
1012 have any remediation of the system failure performed by a
1013 qualified contractor other than the contractor performing the
1014 evaluation. The report must identify any crack, leak, improper
1015 fit, or other defect in the tank, manhole, or lid, and any other

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1016 damaged or missing component of the system; any sewage or
1017 effluent visible on the ground or discharging to a ditch or
1018 other surface water body; any drainfield separation failure such
1019 as a downspout, stormwater, or other source of water that is
1020 directed onto or toward the system; and any other maintenance
1021 need or condition of the system at the time of the evaluation
1022 which, in the opinion of the qualified contractor, has the
1023 potential to interfere with or restrict any future repair or
1024 modification to the existing system. The report shall conclude
1025 with an overall assessment of the fundamental operational
1026 condition of the system.

1027 (4) The county health department shall administer any
1028 evaluation program on behalf of a county, or a local government
1029 within the county, which has adopted an evaluation program
1030 pursuant to this section. In administering this section, the
1031 county health department shall:

1032 (a) In consultation with the county health department,
1033 develop a reasonable fee schedule, not to exceed \$20 per
1034 inspection. The fees shall cover only the costs of administering
1035 the evaluation program. The fee schedule shall be identified in
1036 the local ordinance that adopts the evaluation program. The fees
1037 shall be assessed to the septic tank owner during an inspection
1038 and be separately identified on the invoice of the qualified
1039 contractor. The fees shall be remitted by the qualified
1040 contractor to the county health department.

1041 (b) Provide a notice to the septic tank owner at least 60
1042 days before the septic tank is due for an evaluation. The notice
1043 may include information on the proper maintenance of onsite
1044 sewage treatment and disposal systems.

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1045 (c) In consultation with the Department of Health, adopt
1046 uniform disciplinary procedures and administrative penalties for
1047 qualified contractors who do not comply with the requirements of
1048 the adopted ordinance, including, but not limited to, failure to
1049 provide the evaluation report as required in paragraph (3) (d) to
1050 the septic tank owner and the county health department. The
1051 county health department may also assess penalties against a
1052 septic tank owner who fails to comply with the adopted
1053 ordinance, consistent with existing requirements of law.

1054 (d) Develop a database and data collection system to
1055 encompass evaluation programs adopted by the county or
1056 municipalities within its jurisdiction. The database shall also
1057 be used to collect, store, and index information obtained from
1058 the evaluation reports filed by each qualified contractor with
1059 the county health department. The data collection system must
1060 include the ability to collect and store:

1061 1. The description, addresses, or locations of the onsite
1062 systems;

1063 2. An inventory of the number of onsite systems within the
1064 local jurisdiction;

1065 3. The total number and types of system failures; and

1066 4. Any other trends deemed relevant by the county health
1067 department resulting from an assessment and evaluation of the
1068 overall condition of systems.

1069
1070 The database and any associated data collection system may be
1071 Internet-based and may be designed to be used by contractors to
1072 report all service and evaluation events and by the county
1073 health department to notify homeowners when evaluations are due.

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1074 Data and information shall be recorded and updated as service
1075 and evaluations are conducted and reported.

1076 (5) A county or municipality that adopts an onsite sewage
1077 treatment and disposal system evaluation and assessment program
1078 pursuant to this section shall notify the Secretary of
1079 Environmental Protection, the Department of Health, and the
1080 applicable county health department upon the adoption of an
1081 ordinance. The Department of Environmental Protection shall,
1082 within existing resources and upon receipt of such notice,
1083 notify the county or municipality of the potential use of, and
1084 access to, program funds under the Clean Water State Revolving
1085 Fund or s. 319 of the Clean Water Act. Upon request by a county
1086 or municipality, the Department of Environmental Protection
1087 shall provide guidance in the application process to receive
1088 moneys under the Clean Water State Revolving Fund or s. 319 of
1089 the Clean Water Act. The Department of Environmental Protection
1090 shall also, within existing resources and upon request by a
1091 county or municipality, provide advice and technical assistance
1092 to the county or municipality on how to establish a low-interest
1093 revolving loan program or how to model a revolving loan program
1094 after the low-interest loan program of the Clean Water State
1095 Revolving Fund. This subsection does not obligate the Department
1096 of Environmental Protection to provide any money to fund such
1097 programs.

1098 Section 3. Section 381.00656, Florida Statutes, is
1099 repealed.

1100 Section 4. Subsection (2) of section 381.0066, Florida
1101 Statutes, is amended to read:

1102 381.0066 Onsite sewage treatment and disposal systems;

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1103 fees.—

1104 (2) The minimum fees in the following fee schedule apply
1105 until changed by rule by the department within the following
1106 limits:

1107 (a) Application review, permit issuance, or system
1108 inspection, including repair of a subsurface, mound, filled, or
1109 other alternative system or permitting of an abandoned system: a
1110 fee of not less than \$25, or more than \$125.

1111 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
1112 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
1113 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
1114 ~~shall be used to fund a grant program established under s.~~
1115 ~~381.00656.~~

1116 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
1117 system previously in use, or a per annum septage disposal site
1118 evaluation: a fee of not less than \$40, or more than \$115.

1119 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
1120 units or performance-based treatment systems: a fee of not more
1121 than \$100.

1122 (d)~~(e)~~ Annual operating permit for systems located in areas
1123 zoned for industrial manufacturing or equivalent uses or where
1124 the system is expected to receive wastewater which is not
1125 domestic in nature: a fee of not less than \$150, or more than
1126 \$300.

1127 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

1128 (f)~~(g)~~ Septage disposal service, septage stabilization
1129 facility, portable or temporary toilet service, tank
1130 manufacturer inspection: a fee of not less than \$25, or more
1131 than \$200, per year.

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1132 (g)~~(h)~~ Application for variance: a fee of not less than
1133 \$150, or more than \$300.

1134 (h)~~(i)~~ Annual operating permit for waterless, incinerating,
1135 or organic waste composting toilets: a fee of not less than \$15
1136 ~~\$50~~, or more than \$30 ~~\$150~~.

1137 (i)~~(j)~~ Aerobic treatment unit or performance-based
1138 treatment system maintenance entity permit: a fee of not less
1139 than \$25, or more than \$150, per year.

1140 (j)~~(k)~~ Reinspection fee per visit for site inspection after
1141 system construction approval or for noncompliant system
1142 installation per site visit: a fee of not less than \$25, or more
1143 than \$100.

1144 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
1145 each new system construction permit issued to be used to fund
1146 onsite sewage treatment and disposal system research,
1147 demonstration, and training projects. Five dollars from any
1148 repair permit fee collected under this section shall be used for
1149 funding the hands-on training centers described in s.
1150 381.0065(3)(j).

1151 (l)~~(m)~~ Annual operating permit, including annual inspection
1152 and any required sampling and laboratory analysis of effluent,
1153 for an engineer-designed performance-based system: a fee of not
1154 less than \$150, or more than \$300.

1155
1156 ~~On or before January 1, 2011, the Surgeon General, after~~
1157 ~~consultation with the Revenue Estimating Conference, shall~~
1158 ~~determine a revenue neutral fee schedule for services provided~~
1159 ~~pursuant to s. 381.0065(5) within the parameters set in~~
1160 ~~paragraph (b). Such determination is not subject to the~~

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1161 ~~provisions of chapter 120.~~ The funds collected pursuant to this
1162 subsection must be deposited in a trust fund administered by the
1163 department, to be used for the purposes stated in this section
1164 and ss. 381.0065 and 381.00655.

1165 Section 5. This act shall take effect July 1, 2012.