

1 A bill to be entitled
 2 An act relating to onsite sewage treatment and
 3 disposal system inspections; amending s. 381.0065,
 4 F.S.; requiring that onsite sewage treatment and
 5 disposal systems be inspected by specified
 6 professionals before the sale of certain properties;
 7 deleting provisions prohibiting local governments from
 8 mandating such inspections at the point of sale in
 9 real estate transactions; amending s. 381.00651, F.S.;
 10 deleting provisions prohibiting specified ordinances
 11 from mandating onsite sewage treatment and disposal
 12 system evaluations and soil examinations at the point
 13 of sale in real estate transactions; providing an
 14 effective date.

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

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 18 Section 1. Paragraph (w) of subsection (4) of section
 19 381.0065, Florida Statutes, is amended to read:

20 381.0065 Onsite sewage treatment and disposal systems;
 21 regulation.—

22 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 23 not construct, repair, modify, abandon, or operate an onsite
 24 sewage treatment and disposal system without first obtaining a
 25 permit approved by the department. The department may issue

26 | permits to carry out this section, but shall not make the
27 | issuance of such permits contingent upon prior approval by the
28 | Department of Environmental Protection, except that the issuance
29 | of a permit for work seaward of the coastal construction control
30 | line established under s. 161.053 shall be contingent upon
31 | receipt of any required coastal construction control line permit
32 | from the Department of Environmental Protection. A construction
33 | permit is valid for 18 months from the issuance date and may be
34 | extended by the department for one 90-day period under rules
35 | adopted by the department. A repair permit is valid for 90 days
36 | from the date of issuance. An operating permit must be obtained
37 | prior to the use of any aerobic treatment unit or if the
38 | establishment generates commercial waste. Buildings or
39 | establishments that use an aerobic treatment unit or generate
40 | commercial waste shall be inspected by the department at least
41 | annually to assure compliance with the terms of the operating
42 | permit. The operating permit for a commercial wastewater system
43 | is valid for 1 year from the date of issuance and must be
44 | renewed annually. The operating permit for an aerobic treatment
45 | unit is valid for 2 years from the date of issuance and must be
46 | renewed every 2 years. If all information pertaining to the
47 | siting, location, and installation conditions or repair of an
48 | onsite sewage treatment and disposal system remains the same, a
49 | construction or repair permit for the onsite sewage treatment
50 | and disposal system may be transferred to another person, if the

51 transferee files, within 60 days after the transfer of
52 ownership, an amended application providing all corrected
53 information and proof of ownership of the property. There is no
54 fee associated with the processing of this supplemental
55 information. A person may not contract to construct, modify,
56 alter, repair, service, abandon, or maintain any portion of an
57 onsite sewage treatment and disposal system without being
58 registered under part III of chapter 489. A property owner who
59 personally performs construction, maintenance, or repairs to a
60 system serving his or her own owner-occupied single-family
61 residence is exempt from registration requirements for
62 performing such construction, maintenance, or repairs on that
63 residence, but is subject to all permitting requirements. A
64 municipality or political subdivision of the state may not issue
65 a building or plumbing permit for any building that requires the
66 use of an onsite sewage treatment and disposal system unless the
67 owner or builder has received a construction permit for such
68 system from the department. A building or structure may not be
69 occupied and a municipality, political subdivision, or any state
70 or federal agency may not authorize occupancy until the
71 department approves the final installation of the onsite sewage
72 treatment and disposal system. A municipality or political
73 subdivision of the state may not approve any change in occupancy
74 or tenancy of a building that uses an onsite sewage treatment
75 and disposal system until the department has reviewed the use of

76 | the system with the proposed change, approved the change, and
77 | amended the operating permit.

78 | (w) Any permit issued and approved by the department for
79 | the installation, modification, or repair of an onsite sewage
80 | treatment and disposal system shall transfer with the title to
81 | the property in a real estate transaction. A title may not be
82 | encumbered at the time of transfer by new permit requirements by
83 | a governmental entity for an onsite sewage treatment and
84 | disposal system which differ from the permitting requirements in
85 | effect at the time the system was permitted, modified, or
86 | repaired. An inspection of a system is required before the sale
87 | of any property within an impaired waterway as designated by the
88 | Department of Environmental Protection under s. 403.067 and its
89 | designated watershed area. The inspection must be completed
90 | within 1 year before the sale and must be performed by a septic
91 | tank contractor or master septic tank contractor registered
92 | under part III of chapter 489, a professional engineer having
93 | wastewater treatment system experience and licensed under
94 | chapter 471, or an environmental health professional certified
95 | under this chapter in the area of onsite sewage treatment and
96 | disposal system evaluation ~~may not be mandated by a governmental~~
97 | ~~entity at the point of sale in a real estate transaction.~~ This
98 | paragraph does not affect a septic tank phase-out deferral
99 | program implemented by a consolidated government as defined in
100 | s. 9, Art. VIII of the State Constitution (1885).

101 Section 2. Paragraph (a) of subsection (6) of section
102 381.00651, Florida Statutes, is amended to read:

103 381.00651 Periodic evaluation and assessment of onsite
104 sewage treatment and disposal systems.—

105 (6) The requirements for an onsite sewage treatment and
106 disposal system evaluation and assessment program are as
107 follows:

108 (a) Evaluations.—An evaluation of each onsite sewage
109 treatment and disposal system within all or part of the county's
110 or municipality's jurisdiction must take place once every 5
111 years to assess the fundamental operational condition of the
112 system and to identify system failures. ~~The ordinance may not~~
113 ~~mandate an evaluation at the point of sale in a real estate~~
114 ~~transaction and may not require a soil examination.~~ The location
115 of the system shall be identified. A tank and drainfield
116 evaluation and a written assessment of the overall condition of
117 the system pursuant to the assessment procedure prescribed in
118 subsection (7) are required.

119 Section 3. This act shall take effect July 1, 2017.