

By Senator Gruters

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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.;
4 directing the Department of Health to identify certain
5 information for onsite sewage treatment and disposal
6 systems, update the current database of such systems,
7 and submit a report to the Governor and Legislature by
8 a specified date; requiring owners of onsite sewage
9 treatment and disposal systems to have such systems
10 periodically inspected; providing an exception;
11 directing the department to administer an onsite
12 sewage treatment and disposal system inspection
13 program; requiring the department to adopt specified
14 rules and implement program standards, procedures, and
15 requirements; providing inspection requirements;
16 providing that pump-outs are not required under
17 certain circumstances; requiring system owners to pay
18 the costs of required inspections and pump-outs;
19 requiring that inspections and pump-outs be performed
20 by registered septic tank or master septic tank
21 contractors; providing notice requirements; defining
22 the terms "failure" or "failing" and "repair";
23 creating s. 689.30, F.S.; requiring an onsite sewage
24 treatment and disposal system disclosure summary for
25 certain properties before or at the execution of a
26 contract for sale; requiring that prospective
27 purchasers acknowledge in writing receipt of such
28 summary disclosures; defining the term "onsite sewage
29 treatment and disposal system"; providing an effective

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30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Subsections (5) and (6) of section 381.0065,
35 Florida Statutes, are renumbered as subsections (6) and (7),
36 respectively, paragraph (o) is added to subsection (3) of that
37 section, and a new subsection (5) is added to that section, to
38 read:

39 381.0065 Onsite sewage treatment and disposal systems;
40 regulation.—

41 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
42 department shall:

43 (o) By January 1, 2021, do all of the following:

44 1. Identify all onsite sewage treatment and disposal
45 systems in the state, including, at a minimum, the location and
46 operational condition of the systems and any other available
47 information the department deems appropriate. The department may
48 use only existing information available from a state, local, or
49 commercial data source to identify onsite sewage treatment and
50 disposal systems and the operational condition of such systems
51 pursuant to this subparagraph. The department may not visit or
52 inspect a property to obtain information regarding an onsite
53 sewage treatment and disposal system or the operational
54 condition of such system pursuant to this subparagraph.

55 2. Incorporate the information identified under
56 subparagraph 1. into and update the current database of onsite
57 sewage treatment and disposal systems.

58 3. Generate a report from the database which includes, at a

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59 minimum, the total number of onsite sewage treatment and
60 disposal systems in the state, the number of onsite sewage
61 treatment and disposal systems in each county, and a statewide
62 map of the systems, and submit the report to the Governor, the
63 President of the Senate, and the Speaker of the House of
64 Representatives.

65 (5) PERIODIC INSPECTIONS.—

66 (a) Effective July 1, 2022, the owner of an onsite sewage
67 treatment and disposal system, excluding a system that is
68 required to have an operating permit, must have the system
69 inspected at least once every 5 years to assess the fundamental
70 operational condition of the system, prolong the life of the
71 system, and identify any failure within the system. The
72 department shall administer an onsite sewage treatment and
73 disposal system inspection program for such periodic
74 inspections. The department shall implement the program
75 standards, procedures, and requirements, and adopt rules that
76 must include, but are not limited to:

77 1. A schedule for a 5-year inspection cycle;

78 2. A county-by-county implementation plan phased in over a
79 10-year period with first priority given to those areas within a
80 springshed protection area identified by the Department of
81 Environmental Protection;

82 3. Minimum standards for a functioning system;

83 4. Requirements for the pump-out or repair of a failing
84 system; and

85 5. Enforcement procedures for failure of a system owner to
86 obtain an inspection of the system and failure of a contractor
87 to timely report inspection results to the department and the

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88 system owner.

89 (b) The department's Procedure for Voluntary Inspection and
90 Assessment of Existing Systems shall be applied to inspections
91 under this subsection, except as otherwise provided. All
92 inspection procedures used by an inspector must be documented
93 and nothing in this subsection limits the amount of detail an
94 inspector may provide at his or her professional discretion. The
95 inspection must include:

96 1. A tank inspection;

97 2. A drainfield inspection;

98 3. A written assessment of the condition of the system; and

99 4. If necessary, a disclosure statement pursuant to the
100 department's procedure.

101 (c) A pump-out of the system is not required, if
102 documentation of a tank pump-out or a permitted new
103 installation, repair, or modification of the system within the
104 previous 3 years is provided, which states the capacity of the
105 tank and indicates that the condition of the tank is not a
106 sanitary or public health nuisance pursuant to department rule.

107 (d) Owners are responsible for paying the cost of the
108 inspection and any required pump-out pursuant to department rule
109 and may not request partial inspections or the omission of
110 portions of the inspection.

111 (e) Each inspection or pump-out required under this
112 subsection must be performed by a septic tank contractor or
113 master septic tank contractor registered under part III of
114 chapter 489.

115 (f) Before any inspection deadline, the department must
116 provide a minimum of 60 days' notice to owners that their

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117 systems must be inspected by that deadline. The notice must
118 include a provision stating that the purpose of the inspection
119 is to assess the fundamental operational condition of the
120 system, prolong the life of the system, and identify any failure
121 within the system, and not to determine code compliance, require
122 a complete upgrade or overhaul of a system to meet current code
123 requirements, or demonstrate that the system will adequately
124 serve the use to be placed upon it by the current or any
125 subsequent owner. The department must include a copy of the
126 Procedure for Voluntary Inspection and Assessment of Existing
127 Systems with the notice.

128 (g) As used in this subsection, the term:

129 1. "Failure" or "failing" means a condition that exists
130 within an onsite sewage treatment and disposal system that
131 prohibits the system from functioning in a sanitary manner and
132 results in the discharge of untreated or partially treated
133 wastewater onto the surface of the ground or into surface waters
134 or groundwaters or results in the failure of building plumbing
135 to discharge properly. For the purposes of this subsection, a
136 system may not be deemed in failure solely because the system
137 does not have the minimum separation distance between the
138 drainfield and groundwater table.

139 2. "Repair" means any replacement of or modification or
140 addition to a failing system which is necessary to allow the
141 system to function in accordance with its design or is necessary
142 to eliminate a public health or pollution hazard, including the
143 use of any treatment method that is intended to improve the
144 functioning of any part of the system or to prolong or sustain
145 the length of time the system functions, excluding:

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146 a. The service or replacement of mechanical or electrical
 147 parts of an approved onsite sewage treatment and disposal system
 148 with like kind and quality parts.

149 b. Any minor structural corrections to a tank or
 150 distribution box.

151 c. The use of an authorized additive in indoor building
 152 plumbing by the system owner.

153 d. The removal of the contents of any tank or the
 154 installation of an approved outlet filter device without
 155 disturbing the drainfield.

156 e. The replacement of any broken tank lid.

157 f. The splicing of a drip emitter line, provided the
 158 emitter is not eliminated.

159 Section 2. Section 689.30, Florida Statutes, is created to
 160 read:

161 689.30 Sale of property; disclosure of onsite sewage and
 162 treatment disposal system.-

163 (1) A seller of property shall provide a prospective
 164 purchaser with a disclosure summary before or at the execution
 165 of the contract for sale if the property contains or will
 166 contain an onsite sewage treatment and disposal system. The
 167 prospective purchaser shall acknowledge in writing the receipt
 168 of the disclosure summary required by this section. The
 169 disclosure summary must be conspicuous, in boldface type, and in
 170 a form substantially similar to the following:

171
 172 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
 173 DISCLOSURE SUMMARY
 174

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175 THIS PROPERTY CONTAINS AN ONSITE SEWAGE TREATMENT AND DISPOSAL
176 SYSTEM (SYSTEM). PROPERLY MAINTAINED AND UTILIZED SYSTEMS HAVE A
177 LIFESPAN OF SPPOXIMATELY 25 YEARS. SYSTEMS THAT ARE NOT
178 PROPERLY DESIGNED, CONSTRUCTED, AND MAINTAINED CAN LEAD TO THE
179 RELEASE OF HARMFUL NUTRIENTS IN GROUNDWATER. SYSTEMS SHOULD BE
180 REGULARLY INSPECTED TO PREVENT SYSTEM FAILURE AND YOU ARE
181 ENCOURAGED TO HAVE THIS SYSTEM INSPECTED. ADDITIONAL INFORMATION
182 MAY BE OBTAINED BY CONTACTING THE COUNTY HEALTH DEPARTMENT.

183 (PURCHASER'S INITIALS)

184 (2) As used in this section, the term "onsite sewage
185 treatment and disposal system" has the same meaning as in s.
186 381.0065.

187 Section 3. This act shall take effect October 1, 2019.