

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

---

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
 2 Resources Subcommittee

3 Representative Robinson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 381.00651, Florida Statutes, is  
 8 repealed.

9 Section 2. Section 381.00653, Florida Statutes, is created  
 10 to read:

11 381.00653 Periodic inspections of onsite sewage treatment  
 12 and disposal systems.-

13 (1) Effective July 1, 2022, the owner of an onsite sewage  
 14 treatment and disposal system that is older than 5 years of age  
 15 shall have the system inspected at least once every 5 years to  
 16 assess the fundamental operational condition of the system,

Amendment No.

17 prolong the life of the system, and identify any failure within  
18 the system. The department shall administer an onsite sewage  
19 treatment and disposal system inspection program for such  
20 periodic inspections. The requirements for an onsite sewage  
21 treatment and disposal system inspection program are as follows:

22 (a) Schedule.—

23 1. A county-by-county implementation plan phased in over a  
24 10-year period is to be created with priority given to those  
25 areas within a basin management action plan identified by the  
26 Department of Environmental Protection.

27 2. An inspection of each onsite sewage treatment and  
28 disposal system must take place once every 5 years to assess the  
29 fundamental operational condition of the system and to identify  
30 system failures.

31 (b) Qualified contractors.—Each inspection required under  
32 this section must be performed by a qualified contractor, who  
33 may be a septic tank contractor or master septic tank contractor  
34 registered under part III of chapter 489, a professional  
35 engineer having wastewater treatment system experience and  
36 licensed under chapter 471, or an environmental health  
37 professional certified under this chapter in the area of onsite  
38 sewage treatment and disposal system inspection. Inspections and  
39 pump-outs may also be performed by an authorized employee  
40 working under the supervision of an individual listed in this

Amendment No.

41 paragraph; however, all inspection forms must be signed by a  
42 qualified contractor in writing or by electronic signature.

43 (c) Repair of systems.—

44 1. For the purposes of this subsection, the term "repair"  
45 means any replacement of or modification or addition to a  
46 failing system which is necessary to allow the system to  
47 function in accordance with its design or is necessary to  
48 eliminate a public health or pollution hazard, including the use  
49 of any treatment method that is intended to improve the  
50 functioning of any part of the system or to prolong or sustain  
51 the length of time the system functions, excluding:

52 a. The service or replacement of mechanical or electrical  
53 parts of an approved onsite sewage treatment and disposal system  
54 with like kind and quality parts.

55 b. Any minor structural corrections to a tank or  
56 distribution box.

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

59 d. The removal of the contents of any tank or the  
60 installation of an approved outlet filter device without  
61 disturbing the drainfield.

62 e. The replacement of any broken tank lid.

63 f. The splicing of a drip emitter line, provided the  
64 emitter is not eliminated.

Amendment No.

65        2. For purposes of this subsection, the term "system  
66 failure" means a condition existing within an onsite sewage  
67 treatment and disposal system which results in the discharge of  
68 untreated or partially treated wastewater onto the ground  
69 surface or into surface water or that results in the failure of  
70 building plumbing to discharge properly and presents a sanitary  
71 nuisance. A system is not in failure if the system does not have  
72 a minimum separation distance between the drainfield and the  
73 wettest season water table or if an obstruction in a sanitary  
74 line or an effluent screen or filter prevents effluent from  
75 flowing into a drainfield. If a system failure is identified and  
76 several allowable remedial measures are available to resolve the  
77 failure, the system owner may choose the least costly allowable  
78 remedial measure to repair the system. There may be instances in  
79 which a pump-out is sufficient to resolve a system failure.  
80 Allowable remedial measures to resolve a system failure are  
81 limited to what is necessary to resolve the failure and must  
82 meet, to the maximum extent practicable, the requirements of the  
83 repair code in effect when the repair is made, subject to the  
84 exceptions specified in s. 381.0065(4)(g). An engineer-designed  
85 performance-based treatment system to reduce nutrients may not  
86 be required as an alternative remediation measure to resolve the  
87 failure of a conventional system.

88        (d) Exemptions.-

Amendment No.

89 1. Any system that is required to obtain an operating  
90 permit pursuant to state law or that is inspected by the  
91 department pursuant to the annual permit inspection requirements  
92 of chapter 513.

93 2. A connection to a sewer system is available, connection  
94 is imminent, and written arrangements for payment of any utility  
95 assessments or connection fees have been made by the system  
96 owner.

97 3. The system is in an area with a water quality  
98 restoration plan that identifies the onsite sewage disposal and  
99 treatment system for inclusion in a septic to sewer project or  
100 conversion of the system to an advanced nutrient removal system  
101 within 5 years.

102 4. An onsite sewage treatment and disposal system serving  
103 a residential dwelling unit on a lot with a ratio of one bedroom  
104 per acre or greater is exempt from the requirements of this  
105 section.

106 (2) The following procedures shall be used for conducting  
107 inspections:

108 (a) Tank inspection.—The tank inspection shall assess the  
109 apparent structural condition and watertightness of the tank and  
110 shall estimate the size of the tank. The inspection must include  
111 a pump-out. However, a pump-out is not required if there is  
112 documentation indicating that a tank pump-out or a permitted new  
113 installation, repair, or modification of the system has occurred

413433 - h0085-strike.docx

Published On: 3/25/2019 5:39:11 PM

Amendment No.

114 within the previous 3 years, identifying the capacity of the  
115 tank, and indicating that the condition of the tank is  
116 structurally sound and watertight. Visual inspection of the tank  
117 must be made when the tank is empty to detect cracks, leaks, or  
118 other defects. Baffles or tees must be checked to ensure that  
119 they are intact and secure. The inspection shall note the  
120 presence and condition of outlet devices, effluent filters, and  
121 compartment walls; any structural defect in the tank; the  
122 condition and fit of the tank lid, including manholes; whether  
123 surface water can infiltrate the tank; and whether the tank was  
124 pumped out. If the tank, in the opinion of the qualified  
125 contractor, is in danger of being damaged by leaving the tank  
126 empty after inspection, the tank shall be refilled before  
127 concluding the inspection. Broken or damaged lids or manholes  
128 shall be replaced without obtaining a repair permit.

129 (b) *Drainfield inspection.*—The drainfield inspection must  
130 include a determination of the approximate size and location of  
131 the drainfield. The inspection shall state whether there is any  
132 sewage or effluent visible on the ground or discharging to a  
133 ditch or other water body and the location of any downspout or  
134 other source of water near or in the vicinity of the drainfield.

135 (c) *Special circumstances.*—If the system contains pumps,  
136 siphons, or alarms, the following information may be provided at  
137 the request of the homeowner:

Amendment No.

138       1. An assessment of dosing tank integrity, including the  
139 approximate volume and the type of material used in the tank's  
140 construction;

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

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

145       4. Whether the system has a high-water alarm, and if so  
146 whether the alarm is audio or visual or both, the location and  
147 operational condition of the alarm, and whether the electrical  
148 connections to the alarm appear satisfactory.

149  
150 If the homeowner does not request this information, the  
151 qualified contractor and its employee are not liable for any  
152 damages directly relating from a failure of the system's pumps,  
153 siphons, or alarms. This exclusion of liability must be stated  
154 on the front cover of the report required under paragraph (d).

155       (d) Assessment procedure.—All inspection procedures used  
156 by a qualified contractor shall be documented in the  
157 environmental health database of the Department of Health. The  
158 qualified contractor shall provide a copy of a written, signed  
159 inspection report to the property owner upon completion of the  
160 inspection and to the county health department within 30 days  
161 after the inspection. The report shall contain the name and  
162 license number of the company providing the report. A copy of

413433 - h0085-strike.docx

Published On: 3/25/2019 5:39:11 PM

Amendment No.

163 the inspection report shall be retained by the local county  
164 health department for a minimum of 5 years and until a  
165 subsequent inspection report is filed. The front cover of the  
166 report must identify any system failure and include a clear and  
167 conspicuous notice to the owner that the owner has a right to  
168 have any remediation of the failure performed by a qualified  
169 contractor other than the contractor performing the inspection.  
170 The report must further identify any crack, leak, improper fit,  
171 or other defect in the tank, manhole, or lid, and any other  
172 damaged or missing component; any sewage or effluent visible on  
173 the ground or discharging to a ditch or other surface water  
174 body; any downspout, stormwater, or other source of water  
175 directed onto or toward the system; and any other maintenance  
176 need or condition of the system at the time of the inspection  
177 which, in the opinion of the qualified contractor, would  
178 possibly interfere with or restrict any future repair or  
179 modification to the existing system. The report shall conclude  
180 with an overall assessment of the fundamental operational  
181 condition of the system.

182 (3) In order to administer the inspection program, the  
183 department may develop a reasonable fee schedule to be used  
184 solely to pay for the costs of administering the inspection  
185 program. Such a fee schedule shall be identified in the rule  
186 that adopts the inspection program. When arriving at a  
187 reasonable fee schedule, the estimated annual revenues to be

413433 - h0085-strike.docx

Published On: 3/25/2019 5:39:11 PM



Amendment No.

188 derived from fees may not exceed reasonable estimated annual  
189 costs of the program. Fees shall be assessed to the system owner  
190 during an inspection and separately identified on the invoice of  
191 the qualified contractor. Fees shall be remitted by the  
192 qualified contractor to the department. The department's  
193 administrative responsibilities include the following:

194 (a) Providing a notice to the system owner at least 60  
195 days before the system is due for an inspection. The notice must  
196 include information on the proper maintenance of onsite sewage  
197 treatment and disposal systems and a provision stating that the  
198 purpose of the inspection is to assess the fundamental  
199 operational condition of the system, prolong the life of the  
200 system, and identify any failure within the system, and not to  
201 determine code compliance, require a complete upgrade or  
202 overhaul of a system to meet current code requirements, or  
203 demonstrate that the system will adequately serve the use to be  
204 placed upon it by the current or any subsequent owner.

205 (b) The department must provide uniform disciplinary  
206 procedures and penalties for qualified contractors who do not  
207 comply with the requirements of department rule, including, but  
208 not limited to, failure to provide the inspection report as  
209 required in this subsection to the system owner and the county  
210 health department.

211 (4) Owners are responsible for paying the cost of the  
212 inspection and any required pump-out pursuant to department rule

413433 - h0085-strike.docx

Published On: 3/25/2019 5:39:11 PM

Amendment No.

213 and may not request partial inspections or the omission of  
214 portions of the inspection.

215 Section 3. This act shall take effect on October 1, 2019.  
216  
217

218 -----

219 **T I T L E A M E N D M E N T**

220 Remove everything before the enacting clause and insert:  
221 An act relating to onsite sewage treatment and disposal systems;  
222 repealing s.381.00651, F.S.; creating s. 381.00653, F.S.;  
223 requiring owners of onsite sewage treatment and disposal systems  
224 to have periodic inspections of such systems; directing the  
225 Department of Health to administer an onsite sewage treatment  
226 and disposal system inspection program; requiring inspections  
227 and pump-outs to be performed by qualified contractors;  
228 providing definitions; providing exemptions under certain  
229 conditions; providing inspection procedure requirements;  
230 providing reporting requirements; providing notice requirements;  
231 requiring system owners to pay the costs of the required  
232 inspections and pump-outs; providing an effective date.