

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 of Health to administer an  
12          onsite sewage treatment and disposal system inspection  
13          program; requiring the department to adopt rules and  
14          implement program standards, procedures, and  
15          requirements; providing inspection requirements;  
16          providing an exception for required pump-outs under  
17          certain conditions; requiring system owners to pay the  
18          costs of required inspections and pump-outs; requiring  
19          inspections and pump-outs to be performed by  
20          registered septic tank or master septic tank  
21          contractors; providing notice requirements; providing  
22          definitions; creating s. 689.30, F.S.; requiring an  
23          onsite sewage treatment and disposal system disclosure  
24          summary for certain properties before or at the  
25          execution of a contract for sale; requiring that

26 prospective purchasers acknowledge in writing receipt  
 27 of such summary disclosures; providing a definition;  
 28 providing an effective date.

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

31  
 32 Section 1. Subsections (5) and (6) of section 381.0065,  
 33 Florida Statutes, are renumbered as subsections (6) and (7),  
 34 respectively, paragraph (o) is added to subsection (3), and a  
 35 new subsection (5) is added to that section, to read:

36 381.0065 Onsite sewage treatment and disposal systems;  
 37 regulation.—

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

40 (o) By January 1, 2021, the department shall:

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

51 condition of such system pursuant to this subparagraph.

52 2. Incorporate the information identified under  
53 subparagraph 1. into and update the current database of onsite  
54 sewage treatment and disposal systems.

55 3. Generate a report from the database that includes, at a  
56 minimum, the total number of onsite sewage treatment and  
57 disposal systems in the state, the number of onsite sewage  
58 treatment and disposal systems in each county, and a statewide  
59 map of the systems, and submit the report to the Governor, the  
60 President of the Senate, and the Speaker of the House of  
61 Representatives.

62 (5) PERIODIC INSPECTIONS.—

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

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

75 2. A county-by-county implementation plan phased in over a

76 | 10-year period with first priority given to those areas within a  
 77 | springshed protection area identified by the Department of  
 78 | Environmental Protection;

79 | 3. Minimum standards for a functioning system;

80 | 4. Requirements for the pump-out or repair of a failing  
 81 | system; and

82 | 5. Enforcement procedures for failure of a system owner to  
 83 | obtain an inspection of the system and failure of a contractor  
 84 | to timely report inspection results to the department and the  
 85 | system owner.

86 | (b) The department's Procedure for Voluntary Inspection  
 87 | and Assessment of Existing Systems shall be applied to  
 88 | inspections under this subsection, except as otherwise provided.

89 | All inspection procedures used by an inspector must be  
 90 | documented and nothing in this subsection limits the amount of  
 91 | detail an inspector may provide at his or her professional  
 92 | discretion. The inspection must include:

93 | 1. A tank inspection;

94 | 2. A drainfield inspection;

95 | 3. A written assessment of the condition of the system;

96 | and

97 | 4. If necessary, a disclosure statement pursuant to the  
 98 | department's procedure.

99 | (c) A pump-out of the system is not required, if  
 100 | documentation of a tank pump-out or a permitted new

101 installation, repair, or modification of the system within the  
102 previous 3 years is provided, which states the capacity of the  
103 tank and indicates that the condition of the tank is not a  
104 sanitary or public health nuisance pursuant to department rule.

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

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

113 (f) Before any inspection deadline, the department must  
114 provide a minimum of 60 days' notice to owners that their  
115 systems must be inspected by that deadline. The notice must  
116 include a provision stating that the purpose of the inspection  
117 is to assess the fundamental operational condition of the  
118 system, prolong the life of the system, and identify any failure  
119 within the system, and not to determine code compliance, require  
120 a complete upgrade or overhaul of a system to meet current code  
121 requirements, or demonstrate that the system will adequately  
122 serve the use to be placed upon it by the current or any  
123 subsequent owner. The department must include a copy of the  
124 Procedure for Voluntary Inspection and Assessment of Existing  
125 Systems with the notice.

126 (g) As used in this subsection:

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

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

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

147 b. Any minor structural corrections to a tank or  
148 distribution box.

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

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

154 e. The replacement of any broken tank lid.

155 f. The splicing of a drip emitter line, provided the  
 156 emitter is not eliminated.

157 Section 2. Section 689.30, Florida Statutes, is created to  
 158 read:

159 689.30 Sale of property; disclosure of onsite sewage and  
 160 treatment disposal system.—

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

169 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

170 DISCLOSURE SUMMARY

171 THIS PROPERTY CONTAINS AN ONSITE SEWAGE TREATMENT AND DISPOSAL  
 172 SYSTEM (SYSTEM), ALSO KNOWN AS A SEPTIC TANK. A SYSTEM THAT IS  
 173 NOT PROPERLY MAINTAINED IS OFTEN A SOURCE OF NUTRIENTS AND FECAL  
 174 COLIFORM BACTERIA IN GROUNDWATER. A SYSTEM HAS A LIFE SPAN OF  
 175 APPROXIMATELY 25 YEARS IF PROPERLY MAINTAINED AND USED. ALL

176 SYSTEM TANKS SHOULD BE PUMPED OUT EVERY 3 TO 5 YEARS TO PREVENT  
177 SYSTEM FAILURE. IT IS RECOMMENDED THAT YOU REQUEST THE LATEST  
178 INSPECTION REPORT AND ASSESSMENT OF THE SYSTEM. IF ONE DOES NOT  
179 EXIST, IT IS RECOMMENDED THAT YOU REQUEST AN INSPECTION AND  
180 ASSESSMENT OF THE SYSTEM. IF YOU HAVE ANY QUESTIONS CONCERNING  
181 THE SYSTEM, HOW TO MAINTAIN IT, OR HOW TO INSPECT IT, CONTACT  
182 THE COUNTY HEALTH DEPARTMENT FOR INFORMATION.

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.