

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Payne offered the following:

Amendment to Amendment (061065)

Between lines 969 and 970 of the amendment, insert:

Section 9. Effective July 1, 2021, paragraph (d) of subsection (7) and subsections (8) and (9) of section 381.00651, Florida Statutes, are amended to read:

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

(7) The following procedures shall be used for conducting evaluations:

(d) Assessment procedure.-All evaluation procedures used by a qualified contractor shall be documented in the

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14 environmental health database of the department ~~of Health~~. The
15 qualified contractor shall provide a copy of a written, signed
16 evaluation report to the property owner upon completion of the
17 evaluation and to the county health department within 30 days
18 after the evaluation. The report shall contain the name and
19 license number of the company providing the report. A copy of
20 the evaluation report shall be retained by the local county
21 health department for a minimum of 5 years and until a
22 subsequent inspection report is filed. The front cover of the
23 report must identify any system failure and include a clear and
24 conspicuous notice to the owner that the owner has a right to
25 have any remediation of the failure performed by a qualified
26 contractor other than the contractor performing the evaluation.
27 The report must further identify any crack, leak, improper fit,
28 or other defect in the tank, manhole, or lid, and any other
29 damaged or missing component; any sewage or effluent visible on
30 the ground or discharging to a ditch or other surface water
31 body; any downspout, stormwater, or other source of water
32 directed onto or toward the system; and any other maintenance
33 need or condition of the system at the time of the evaluation
34 which, in the opinion of the qualified contractor, would
35 possibly interfere with or restrict any future repair or
36 modification to the existing system. The report shall conclude
37 with an overall assessment of the fundamental operational
38 condition of the system.

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39 (8) The county health department, in coordination with the
40 department, shall administer any evaluation program on behalf of
41 a county, or a municipality within the county, that has adopted
42 an evaluation program pursuant to this section. In order to
43 administer the evaluation program, the county or municipality,
44 in consultation with the county health department, may develop a
45 reasonable fee schedule to be used solely to pay for the costs
46 of administering the evaluation program. Such a fee schedule
47 shall be identified in the ordinance that adopts the evaluation
48 program. When arriving at a reasonable fee schedule, the
49 estimated annual revenues to be derived from fees may not exceed
50 reasonable estimated annual costs of the program. Fees shall be
51 assessed to the system owner during an inspection and separately
52 identified on the invoice of the qualified contractor. Fees
53 shall be remitted by the qualified contractor to the county
54 health department. The county health department's administrative
55 responsibilities include the following:

56 (a) Providing a notice to the system owner at least 60
57 days before the system is due for an evaluation. The notice may
58 include information on the proper maintenance of onsite sewage
59 treatment and disposal systems.

60 (b) In consultation with the department ~~of Health,~~
61 providing uniform disciplinary procedures and penalties for
62 qualified contractors who do not comply with the requirements of
63 the adopted ordinance, including, but not limited to, failure to

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64 provide the evaluation report as required in this subsection to
65 the system owner and the county health department. Only the
66 county health department may assess penalties against system
67 owners for failure to comply with the adopted ordinance,
68 consistent with existing requirements of law.

69 (9) (a) A county or municipality that adopts an onsite
70 sewage treatment and disposal system evaluation and assessment
71 program pursuant to this section shall notify the Secretary of
72 Environmental Protection, the Department of Health, and the
73 applicable county health department upon the adoption of its
74 ordinance establishing the program.

75 (b) Upon receipt of the notice under paragraph (a), the
76 department ~~of Environmental Protection~~ shall, within existing
77 resources, notify the county or municipality of the potential
78 use of, and access to, program funds under the Clean Water State
79 Revolving Fund or s. 319 of the Clean Water Act, provide
80 guidance in the application process to receive such moneys, and
81 provide advice and technical assistance to the county or
82 municipality on how to establish a low-interest revolving loan
83 program or how to model a revolving loan program after the low-
84 interest loan program of the Clean Water State Revolving Fund.
85 This paragraph does not obligate the department ~~of Environmental~~
86 ~~Protection~~ to provide any county or municipality with money to
87 fund such programs.

88 (c) The department ~~of Health~~ may not adopt any rule that

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89 | alters the provisions of this section.

90 | (d) The department ~~of Health~~ must allow county health
91 | departments and qualified contractors access to the
92 | environmental health database to track relevant information and
93 | assimilate data from assessment and evaluation reports of the
94 | overall condition of onsite sewage treatment and disposal
95 | systems. The environmental health database must be used by
96 | contractors to report each service and evaluation event and by a
97 | county health department to notify owners of onsite sewage
98 | treatment and disposal systems when evaluations are due. Data
99 | and information must be recorded and updated as service and
100 | evaluations are conducted and reported.

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