

1                   A bill to be entitled  
2           An act relating to onsite sewage treatment and  
3           disposal system inspections; repealing s. 381.00651,  
4           F.S., relating to the periodic evaluation and  
5           assessment of onsite sewage treatment and disposal  
6           systems; creating s. 381.00653, F.S.; directing the  
7           Department of Environmental Protection to administer  
8           an onsite sewage treatment and disposal system  
9           periodic inspection program; requiring owners of  
10          certain onsite sewage treatment and disposal systems  
11          to have periodic inspections of such systems beginning  
12          on a specified date; providing program requirements  
13          and exemptions; defining the terms "repair" and  
14          "system failure"; requiring the onsite sewage  
15          treatment and disposal systems technical advisory  
16          committee to determine criteria for advanced nutrient  
17          removal systems; requiring system owners to pay the  
18          costs of the required inspections, repairs, and  
19          replacements; prohibiting system owners from  
20          requesting a partial inspection or the omission of a  
21          portion of the inspection; authorizing local  
22          governments to create certain grant programs;  
23          directing the department to submit program reports to  
24          the Governor, Legislature, Chief Science Officer, and  
25          Blue-Green Algae Task Force beginning on a specified

26 |           date; directing the department, in consultation with  
 27 |           the onsite sewage treatment and disposal systems  
 28 |           technical advisory committee, to adopt rules;  
 29 |           providing an effective date.

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

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 33 |           Section 1. Section 381.00651, Florida Statutes, is  
 34 | repealed.

35 |           Section 2. Section 381.00653, Florida Statutes, is created  
 36 | to read:

37 |           381.00653 Periodic inspections of onsite sewage treatment  
 38 | and disposal systems.-

39 |           (1) (a) The department shall administer an onsite sewage  
 40 | treatment and disposal system periodic inspection program for  
 41 | the purpose of assessing the fundamental operational condition  
 42 | of the system, prolonging the life of the system, and  
 43 | identifying any failure or underperformance within the system.

44 |           (b) Effective July 1, 2025, the owner of an onsite sewage  
 45 | treatment and disposal system must have the system inspected at  
 46 | least once every 5 years if the system is:

- 47 |           1. More than 5 years old; and  
 48 |           2. Located within the watershed of an Outstanding Florida  
 49 | Water or one of its tributaries; or  
 50 |           3. Included in a basin management action plan in which:

51 a. Twenty percent or more of nutrient pollution is  
 52 attributed to onsite sewage treatment and disposal systems; or

53 b. A reduction of septic pollution is necessary to meet  
 54 the total maximum daily load requirement.

55 (2) (a) Each inspection required under this section must be  
 56 performed by a qualified contractor or by an authorized employee  
 57 working under the supervision of a qualified contractor.

58 (b) A qualified contractor is:

59 1. A septic tank contractor or master septic tank  
 60 contractor who is registered under part III of chapter 489;

61 2. A professional engineer who has wastewater treatment  
 62 system experience and is licensed under chapter 471; or

63 3. An environmental health professional who is certified  
 64 under this chapter in the area of onsite sewage treatment and  
 65 disposal system inspection.

66 (c) All inspection forms must be signed by a qualified  
 67 contractor in writing or by electronic signature.

68 (3) (a) For purposes of this subsection:

69 1. "Repair" means any replacement of or modification or  
 70 addition to a failing onsite sewage treatment and disposal  
 71 system which is necessary to allow the system to function in  
 72 accordance with its design or to eliminate a public health or  
 73 pollution hazard, including the use of any treatment method that  
 74 is intended to improve the functioning of any part of the system

75 or to prolong or sustain the length of time the system  
76 functions.

77 2. "System failure" means a condition existing within an  
78 onsite sewage treatment and disposal system which results in the  
79 discharge of untreated or partially treated wastewater onto the  
80 ground surface or into surface water or that results in the  
81 failure of building plumbing to discharge properly and presents  
82 a sanitary nuisance.

83 (b) If a system failure is identified and several  
84 allowable remedial measures are available to resolve the  
85 failure, the onsite sewage treatment and disposal system owner  
86 may choose the least costly allowable remedial measure to repair  
87 the system, including pumpouts. Allowable remedial measures to  
88 resolve a system failure are limited to what is necessary to  
89 resolve the failure and must meet, to the maximum extent  
90 practicable, the requirements of the repair code in effect when  
91 the repair is made, subject to the exceptions specified in s.  
92 381.0065(4)(g) and the requirements of the basin management  
93 action plan for the area where the onsite sewage treatment and  
94 disposal system is located.

95 (c) If a system requires replacement, the homeowner must  
96 install an advanced nutrient removal system or, if available,  
97 connect to a central sewerage system. The onsite sewage  
98 treatment and disposal systems technical advisory committee

99 established pursuant to s. 381.00652 shall determine the  
 100 criteria for advanced nutrient removal systems.

101 (d) The onsite sewage treatment and disposal system owner  
 102 is responsible for paying the cost of the inspection and any  
 103 repair or replacement and may not request partial inspections or  
 104 the omission of portions of the inspection. A local government  
 105 may create a program in accordance with s. 403.0673(3) to  
 106 provide grants to homeowners for replacement costs.

107 (4) An onsite sewage treatment and disposal system is  
 108 exempt from the requirements of this section if:

109 (a) The system is required to obtain an operating permit  
 110 pursuant to state law or is inspected by the department pursuant  
 111 to the annual permit inspection requirements of chapter 513;

112 (b) A connection to a sewer system is available,  
 113 connection is imminent, and written arrangements for payment of  
 114 any utility assessments or connection fees have been made by the  
 115 onsite sewage treatment and disposal system owner; or

116 (c) The system is located in an area that has a water  
 117 quality restoration plan that identifies the system for  
 118 inclusion in a septic-to-sewer project or conversion of the  
 119 system to an advanced nutrient removal system within 2 years.

120 (5) Beginning December 1, 2026, and every 3 years  
 121 thereafter, the department shall submit a report on the  
 122 implementation of the program to the Governor, the President of  
 123 the Senate, the Speaker of the House of Representatives, the

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124 | Chief Science Officer, and the Blue-Green Algae Task Force.

125 |       (6) The department, in consultation with the onsite sewage  
126 | treatment and disposal systems technical advisory committee,  
127 | shall adopt rules to implement this section.

128 |       Section 3. This act shall take effect July 1, 2022.