



452156

LEGISLATIVE ACTION

Senate	.	House
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Senator Dean moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1), (5), and (6) of section
381.0065, Florida Statutes, as amended by chapter 2010-283, Laws
of Florida, are amended, present paragraphs (b) through (p) of
subsection (2) of that section are redesignated as paragraphs
(c) through (q), respectively, a new paragraph (b) is added to
that subsection, and paragraphs (w), (x), (y), and (z) are added
to subsection (4) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems;
regulation.—



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14 (1) LEGISLATIVE INTENT.—

15 ~~(a) It is the intent of the Legislature that proper~~
16 ~~management of onsite sewage treatment and disposal systems is~~
17 ~~paramount to the health, safety, and welfare of the public. It~~
18 ~~is further the intent of the Legislature that the department~~
19 ~~shall administer an evaluation program to ensure the operational~~
20 ~~condition of the system and identify any failure with the~~
21 ~~system.~~

22 ~~(b)~~ It is the intent of the Legislature that where a
23 publicly owned or investor-owned sewerage system is not
24 available, the department shall issue permits for the
25 construction, installation, modification, abandonment, or repair
26 of onsite sewage treatment and disposal systems under conditions
27 as described in this section and rules adopted under this
28 section. It is further the intent of the Legislature that the
29 installation and use of onsite sewage treatment and disposal
30 systems not adversely affect the public health or significantly
31 degrade the groundwater or surface water.

32 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
33 term:

34 (b) "Bedroom" means a room that can be used for sleeping
35 and that, for site-built dwellings, has a minimum 70 square feet
36 of conditioned space, or, for manufactured homes is constructed
37 to HUD standards, has a minimum square footage of 50 square feet
38 of floor area, is located along an exterior wall, has a closet
39 and a door or an entrance where a door could be reasonably
40 installed, and has an emergency means of escape and rescue
41 opening to the outside. A room may not be considered a bedroom
42 if it is used to access another room, unless the room that is



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43 accessed is a bathroom or closet and does not include a hallway,
44 bathroom, kitchen, living room, family room, dining room, den,
45 breakfast nook, pantry, laundry room, sunroom, recreation room,
46 media/video room, or exercise room. For the purpose of
47 determining system capacity, occupancy is calculated at a
48 maximum of two persons per bedroom.

49 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
50 construct, repair, modify, abandon, or operate an onsite sewage
51 treatment and disposal system without first obtaining a permit
52 approved by the department. The department may issue permits to
53 carry out this section, but shall not make the issuance of such
54 permits contingent upon prior approval by the Department of
55 Environmental Protection, except that the issuance of a permit
56 for work seaward of the coastal construction control line
57 established under s. 161.053 shall be contingent upon receipt of
58 any required coastal construction control line permit from the
59 Department of Environmental Protection. A construction permit is
60 valid for 18 months from the issuance date and may be extended
61 by the department for one 90-day period under rules adopted by
62 the department. A repair permit is valid for 90 days from the
63 date of issuance. An operating permit must be obtained prior to
64 the use of any aerobic treatment unit or if the establishment
65 generates commercial waste. Buildings or establishments that use
66 an aerobic treatment unit or generate commercial waste shall be
67 inspected by the department at least annually to assure
68 compliance with the terms of the operating permit. The operating
69 permit for a commercial wastewater system is valid for 1 year
70 from the date of issuance and must be renewed annually. The
71 operating permit for an aerobic treatment unit is valid for 2



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72 years from the date of issuance and must be renewed every 2
73 years. If all information pertaining to the siting, location,
74 and installation conditions or repair of an onsite sewage
75 treatment and disposal system remains the same, a construction
76 or repair permit for the onsite sewage treatment and disposal
77 system may be transferred to another person, if the transferee
78 files, within 60 days after the transfer of ownership, an
79 amended application providing all corrected information and
80 proof of ownership of the property. There is no fee associated
81 with the processing of this supplemental information. A person
82 may not contract to construct, modify, alter, repair, service,
83 abandon, or maintain any portion of an onsite sewage treatment
84 and disposal system without being registered under part III of
85 chapter 489. A property owner who personally performs
86 construction, maintenance, or repairs to a system serving his or
87 her own owner-occupied single-family residence is exempt from
88 registration requirements for performing such construction,
89 maintenance, or repairs on that residence, but is subject to all
90 permitting requirements. A municipality or political subdivision
91 of the state may not issue a building or plumbing permit for any
92 building that requires the use of an onsite sewage treatment and
93 disposal system unless the owner or builder has received a
94 construction permit for such system from the department. A
95 building or structure may not be occupied and a municipality,
96 political subdivision, or any state or federal agency may not
97 authorize occupancy until the department approves the final
98 installation of the onsite sewage treatment and disposal system.
99 A municipality or political subdivision of the state may not
100 approve any change in occupancy or tenancy of a building that



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101 uses an onsite sewage treatment and disposal system until the
102 department has reviewed the use of the system with the proposed
103 change, approved the change, and amended the operating permit.

104 (w) Any permit issued and approved by the department for
105 the installation, modification, or repair of an onsite sewage
106 treatment and disposal system shall transfer with the title to
107 the property. A title is not encumbered at the time of transfer
108 by new permit requirements by a governmental entity for an
109 onsite sewage treatment and disposal system which differ from
110 the permitting requirements in effect at the time the system was
111 permitted, modified, or repaired.

112 (x) An onsite sewage treatment and disposal system is not
113 considered abandoned if the properly functioning onsite sewage
114 treatment and disposal system is disconnected from a structure
115 that was made unusable or destroyed following a disaster and the
116 system was not adversely affected by the disaster. The onsite
117 system may be reconnected to a rebuilt structure if:

118 1. The reconnection of the onsite sewage treatment and
119 disposal system is to the same type and approximate size of
120 rebuilt structure that existed prior to the disaster;

121 2. The onsite sewage treatment and disposal system is not a
122 sanitary nuisance; and

123 3. The onsite sewage treatment and disposal system has not
124 been altered without prior authorization.

125
126 An onsite sewage treatment and disposal system that serves a
127 property that is foreclosed upon is not an abandoned system.

128 (y) If an onsite sewage treatment and disposal system
129 permittee receives, relies upon, and undertakes construction of



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130 a system based upon a validly issued construction permit under
131 rules applicable at the time of construction, but a change to a
132 rule occurs after the approval of the system for construction
133 but before the final approval of the system, the rules
134 applicable and in effect at the time of construction approval
135 apply at the time of final approval if fundamental site
136 conditions have not changed between the time of construction
137 approval and final approval.

138 (z) A modification, replacement, or upgrade of an onsite
139 sewage treatment and disposal system is not required for a
140 remodeling addition to a single-family home if a bedroom is not
141 added.

142 ~~(5) EVALUATION AND ASSESSMENT.—~~

143 ~~(a) Beginning July 1, 2011, the department shall administer~~
144 ~~an onsite sewage treatment and disposal system evaluation~~
145 ~~program for the purpose of assessing the fundamental operational~~
146 ~~condition of systems and identifying any failures within the~~
147 ~~systems. The department shall adopt rules implementing the~~
148 ~~program standards, procedures, and requirements, including, but~~
149 ~~not limited to, a schedule for a 5-year evaluation cycle,~~
150 ~~requirements for the pump-out of a system or repair of a failing~~
151 ~~system, enforcement procedures for failure of a system owner to~~
152 ~~obtain an evaluation of the system, and failure of a contractor~~
153 ~~to timely submit evaluation results to the department and the~~
154 ~~system owner. The department shall ensure statewide~~
155 ~~implementation of the evaluation and assessment program by~~
156 ~~January 1, 2016.~~

157 ~~(b) Owners of an onsite sewage treatment and disposal~~
158 ~~system, excluding a system that is required to obtain an~~



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159 ~~operating permit, shall have the system evaluated at least once~~
160 ~~every 5 years to assess the fundamental operational condition of~~
161 ~~the system, and identify any failure within the system.~~

162 ~~(c) All evaluation procedures must be documented and~~
163 ~~nothing in this subsection limits the amount of detail an~~
164 ~~evaluator may provide at his or her professional discretion. The~~
165 ~~evaluation must include a tank and drainfield evaluation, a~~
166 ~~written assessment of the condition of the system, and, if~~
167 ~~necessary, a disclosure statement pursuant to the department's~~
168 ~~procedure.~~

169 ~~(d)1. Systems being evaluated that were installed prior to~~
170 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
171 ~~bottom of the drainfield to the wettest season water table~~
172 ~~elevation as defined by department rule. All drainfield repairs,~~
173 ~~replacements or modifications to systems installed prior to~~
174 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
175 ~~the bottom of the drainfield to the wettest season water table~~
176 ~~elevation as defined by department rule.~~

177 ~~2. Systems being evaluated that were installed on or after~~
178 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
179 ~~the bottom of the drainfield to the wettest season water table~~
180 ~~elevation as defined by department rule. All drainfield repairs,~~
181 ~~replacements or modification to systems developed on or after~~
182 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
183 ~~the bottom of the drainfield to the wettest season water table~~
184 ~~elevation.~~

185 ~~(e) If documentation of a tank pump-out or a permitted new~~
186 ~~installation, repair, or modification of the system within the~~
187 ~~previous 5 years is provided, and states the capacity of the~~



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188 ~~tank and indicates that the condition of the tank is not a~~
189 ~~sanitary or public health nuisance pursuant to department rule,~~
190 ~~a pump-out of the system is not required.~~

191 ~~(f) Owners are responsible for paying the cost of any~~
192 ~~required pump-out, repair, or replacement pursuant to department~~
193 ~~rule, and may not request partial evaluation or the omission of~~
194 ~~portions of the evaluation.~~

195 ~~(g) Each evaluation or pump-out required under this~~
196 ~~subsection must be performed by a septic tank contractor or~~
197 ~~master septic tank contractor registered under part III of~~
198 ~~chapter 489, a professional engineer with wastewater treatment~~
199 ~~system experience licensed pursuant to chapter 471, or an~~
200 ~~environmental health professional certified under chapter 381 in~~
201 ~~the area of onsite sewage treatment and disposal system~~
202 ~~evaluation.~~

203 ~~(h) The evaluation report fee collected pursuant to s.~~
204 ~~381.0066(2)(b) shall be remitted to the department by the~~
205 ~~evaluator at the time the report is submitted.~~

206 ~~(i) Prior to any evaluation deadline, the department must~~
207 ~~provide a minimum of 60 days' notice to owners that their~~
208 ~~systems must be evaluated by that deadline. The department may~~
209 ~~include a copy of any homeowner educational materials developed~~
210 ~~pursuant to this section which provides information on the~~
211 ~~proper maintenance of onsite sewage treatment and disposal~~
212 ~~systems.~~

213 ~~(5)(6) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-~~

214 (a) Department personnel who have reason to believe
215 noncompliance exists, may at any reasonable time, enter the
216 premises permitted under ss. 381.0065-381.0066, or the business



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217 premises of any septic tank contractor or master septic tank
218 contractor registered under part III of chapter 489, or any
219 premises that the department has reason to believe is being
220 operated or maintained not in compliance, to determine
221 compliance with the provisions of this section, part I of
222 chapter 386, or part III of chapter 489 or rules or standards
223 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
224 part III of chapter 489. As used in this paragraph, the term
225 "premises" does not include a residence or private building. To
226 gain entry to a residence or private building, the department
227 must obtain permission from the owner or occupant or secure an
228 inspection warrant from a court of competent jurisdiction.

229 (b)1. The department may issue citations that may contain
230 an order of correction or an order to pay a fine, or both, for
231 violations of ss. 381.0065-381.0067, part I of chapter 386, or
232 part III of chapter 489 or the rules adopted by the department,
233 when a violation of these sections or rules is enforceable by an
234 administrative or civil remedy, or when a violation of these
235 sections or rules is a misdemeanor of the second degree. A
236 citation issued under ss. 381.0065-381.0067, part I of chapter
237 386, or part III of chapter 489 constitutes a notice of proposed
238 agency action.

239 2. A citation must be in writing and must describe the
240 particular nature of the violation, including specific reference
241 to the provisions of law or rule allegedly violated.

242 3. The fines imposed by a citation issued by the department
243 may not exceed \$500 for each violation. Each day the violation
244 exists constitutes a separate violation for which a citation may
245 be issued.



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246 4. The department shall inform the recipient, by written
247 notice pursuant to ss. 120.569 and 120.57, of the right to an
248 administrative hearing to contest the citation within 21 days
249 after the date the citation is received. The citation must
250 contain a conspicuous statement that if the recipient fails to
251 pay the fine within the time allowed, or fails to appear to
252 contest the citation after having requested a hearing, the
253 recipient has waived the recipient's right to contest the
254 citation and must pay an amount up to the maximum fine.

255 5. The department may reduce or waive the fine imposed by
256 the citation. In determining whether to reduce or waive the
257 fine, the department must consider the gravity of the violation,
258 the person's attempts at correcting the violation, and the
259 person's history of previous violations including violations for
260 which enforcement actions were taken under ss. 381.0065-
261 381.0067, part I of chapter 386, part III of chapter 489, or
262 other provisions of law or rule.

263 6. Any person who willfully refuses to sign and accept a
264 citation issued by the department commits a misdemeanor of the
265 second degree, punishable as provided in s. 775.082 or s.
266 775.083.

267 7. The department, pursuant to ss. 381.0065-381.0067, part
268 I of chapter 386, or part III of chapter 489, shall deposit any
269 fines it collects in the county health department trust fund for
270 use in providing services specified in those sections.

271 8. This section provides an alternative means of enforcing
272 ss. 381.0065-381.0067, part I of chapter 386, and part III of
273 chapter 489. This section does not prohibit the department from
274 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part



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275 III of chapter 489, or its rules, by any other means. However,
276 the department must elect to use only a single method of
277 enforcement for each violation.

278 Section 2. Section 381.00651, Florida Statutes, is created
279 to read:

280 381.00651 Periodic evaluation and assessment of onsite
281 sewage treatment and disposal systems.-

282 (1) Effective January 1, 2012, any county or municipality
283 that has not adopted an onsite sewage treatment and disposal
284 system evaluation and assessment program, or that does not opt
285 out of this section, shall adopt by ordinance a local onsite
286 sewage treatment and disposal system evaluation and assessment
287 program within all or part of the geographic area within its
288 jurisdiction which meets the requirements of this section. Any
289 county or municipality that has adopted such a program before
290 July 1, 2011, may continue to enforce its program and is not
291 required to comply with the requirements of this section so long
292 as its program remains in effect. Any county or municipality
293 that does not opt out of this section shall notify the Secretary
294 of State by letter of the adoption of the ordinance pursuant to
295 this section. By a majority of the local elected body, a county
296 or municipality may opt out of the requirements of this section
297 at any time before January 1, 2012, by adopting a separate
298 resolution. The resolution shall be directed to and filed with
299 the Secretary of State and shall state the intent of the county
300 or municipality not to adopt an onsite sewage treatment and
301 disposal system evaluation and assessment program. Absent an
302 interlocal agreement or county charter provision to the
303 contrary, a municipality may elect to opt out of the



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304 requirements of this section notwithstanding the decision of the
305 county in which it is located. A county or municipality may
306 subsequently adopt an ordinance imposing an onsite sewage
307 treatment and disposal system evaluation and assessment program
308 if the program meets the requirements of this section. A county
309 or municipality may repeal an ordinance adopted pursuant to this
310 section if the county or municipality notifies the Secretary of
311 State by letter of the repeal. A county identified as having a
312 first magnitude spring within its boundaries is prohibited from
313 opting out of this section, but the county may apply its
314 ordinance within all or part of its geographic area. This
315 section sets forth the uniform procedure for local governments
316 to follow in establishing an onsite sewage treatment and
317 disposal system evaluation and assessment program. Except as
318 otherwise provided in this section, a local ordinance may not
319 deviate from or exceed the substantive requirements of the
320 evaluation and assessment program as provided in this section.
321 This section does not derogate or limit county and municipal
322 home rule authority to act outside the scope of this program and
323 does not repeal or affect any other law that may relate to the
324 subject matter in this section. This section does not prohibit
325 counties and municipalities from enforcing existing ordinances
326 or adopting new ordinances relating to onsite sewage treatment
327 facilities to address public health and safety or from adopting
328 local environmental and pollution abatement measures for water
329 quality improvement consistent with and provided for by law if
330 such ordinances do not alter the prescriptive requirements or
331 limitations within the evaluation and assessment program as
332 provided in this section. This subsection is not intended to



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333 alter the ability of a local government to exercise its
334 independent and existing authority to meet the requirements of
335 s. 381.00655. The evaluation and assessment program ordinance
336 shall provide the following:

337 (a) Evaluations.—An evaluation of any septic tank within
338 all or part of the county's or municipality's jurisdiction must
339 take place once every 5 years to assess the fundamental
340 operational condition of the system and to identify system
341 failures. The ordinance may not mandate an evaluation at the
342 point of sale in a real estate transaction and may not require a
343 soil examination. The location of the system shall be
344 identified. A tank and drainfield evaluation and a written
345 assessment of the overall condition of the system pursuant to
346 the assessment procedure prescribed in paragraph (2) (d) are
347 required.

348 (b) Qualified contractors.—Each evaluation required under
349 this subsection must be performed by a septic tank contractor or
350 master septic tank contractor registered under part III of
351 chapter 489, a professional engineer having wastewater treatment
352 system experience and licensed pursuant to chapter 471, or an
353 environmental health professional certified under this chapter
354 in the area of onsite sewage treatment and disposal system
355 evaluation. Evaluations and pump outs may also be performed by
356 an authorized employee working under the supervision of the
357 individuals listed in this paragraph; however, all evaluation
358 forms must be written or electronically signed by a qualified
359 contractor.

360 (c) Repair of systems.—The local ordinance may not require
361 a repair, modification, or replacement of a system as a result



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362 of an evaluation unless the evaluation identifies a system
363 failure. For purposes of this subsection, the term "system
364 failure" is defined as a condition existing within an onsite
365 sewage treatment and disposal system which results in the
366 discharge of untreated or partially treated wastewater onto the
367 ground surface or into surface water, or which results in a
368 sanitary nuisance caused by the failure of building plumbing to
369 discharge properly. A system is not in failure if it does not
370 have a minimum separation distance between the bottom of the
371 drainfield and the wettest season water table, or if an
372 obstruction in a sanitary line or an effluent screen or filter
373 prevents effluent from flowing into a drainfield. If a system
374 failure is identified and several permittable remedial options
375 are available to cure the failure, the homeowner may select the
376 least costly permittable remedial measure. There may be
377 instances in which a pump out is sufficient to resolve a system
378 failure. Remedial measures to resolve a system failure must be
379 limited to what is necessary to resolve the failure, but must
380 otherwise meet, to the maximum extent practicable, the
381 requirements of the repair code in effect at the time of the
382 repair, provided the exceptions contained in s. 381.0065(4)(g)
383 relating to soil condition, water table elevation, distance, and
384 other setback requirements apply. For purposes of this section,
385 an engineer-designed performance system to reduce nutrients may
386 not be required as an alternative remediation measure to resolve
387 the failure of a conventional system.

388 (d) Exemptions.—The local ordinance shall exempt from the
389 evaluation requirements any system that is required to obtain an
390 operating permit pursuant to state law or that is inspected by



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391 the department pursuant to the annual permit inspection
392 requirements of chapter 513. The local ordinance may also
393 provide for an exemption or an extension of time to obtain an
394 evaluation and assessment where sewer service is available,
395 connection is imminent, and written arrangements for payment of
396 any utility assessments or connection fees have been made by a
397 septic tank owner.

398 (2) The following procedures shall be used for conducting
399 evaluations:

400 (a) Tank evaluation.—The tank evaluation shall assess the
401 apparent structural condition and water tightness of the tank
402 and shall estimate the size of the tank. The evaluation must
403 include a pump out. However, an ordinance may not require a pump
404 out if there is documentation that a tank pump out or a
405 permitted new installation, repair, or modification of the
406 system has occurred within the previous 5 years, and that
407 identifies the capacity of the tank and indicates that the
408 condition of the tank is structurally sound and watertight.
409 Visual inspection of the tank must be made when the tank is
410 empty to detect cracks, leaks, or other defects. Baffles or tees
411 must be checked to ensure that they are intact and secure. The
412 evaluation shall note the presence and condition of outlet
413 devices, effluent filters, and compartment walls; any structural
414 defect in the tank; and the condition and fit of the tank lid,
415 including manholes. If the tank, in the opinion of the qualified
416 contractor, is in danger of being damaged by leaving the tank
417 empty after inspection, the tank shall be refilled before
418 concluding the inspection. Broken or damaged lids or manholes
419 shall be replaced but do not require a repair permit.



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420 (b) Drainfield evaluation.—The drainfield evaluation must
421 include a determination of the approximate size and location of
422 the drainfield. The evaluation shall state the condition of
423 surface vegetation, identify whether there is any sewage or
424 effluent visible on the ground or discharging to a ditch or
425 other water body, and identify the location of any downspout or
426 other source of water near or in the vicinity of the drainfield.

427 (c) Special circumstances.—If the system contains pumps,
428 siphons, or alarms, the following information must be provided:

429 1. An assessment of dosing tank integrity, including the
430 approximate volume and the type of material used in
431 construction;

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

434 3. Whether there are a check valve and purge hole; whether
435 there is a high-water alarm, including whether the type of alarm
436 is audio or visual or both, the location of the alarm, and its
437 operational condition; and whether electrical connections appear
438 satisfactory; and

439 4. Whether surface water can infiltrate into the tank and
440 whether the tank was pumped out.

441 (d) Assessment procedure.—All evaluation procedures used by
442 a qualified contractor shall be documented. The qualified
443 contractor shall provide a copy of a written, signed evaluation
444 report to the property owner upon completion of the evaluation
445 and to the county health department within 30 days after the
446 evaluation. The report shall contain the name and license number
447 of the company providing the report. A copy of the evaluation
448 report shall be retained by the local county health department



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449 for a minimum of 5 years until a subsequent inspection report is
450 filed. The front cover of the report must identify any system
451 failure and include a clear and conspicuous notice to the owner
452 that the owner has a right to have any remediation of the
453 failure performed by a qualified contractor other than the
454 contractor performing the evaluation. The report must further
455 identify any crack, leak, improper fit, or other defect in the
456 tank, manhole, or lid, and any other damaged or missing
457 component; any sewage or effluent visible on the ground or
458 discharging to a ditch or other surface water body; any
459 downspout, stormwater, or other source of water directed onto or
460 toward the system; and any other maintenance need or condition
461 of the system at the time of the evaluation which, in the
462 opinion of the qualified contractor, would possibly interfere
463 with or restrict any future repair or modification to the
464 existing system. The report shall conclude with an overall
465 assessment of the fundamental operational condition of the
466 system.

467 (3) It shall be the responsibility of the county health
468 department to administer any evaluation program on behalf of a
469 county, or a local government within the county, which has
470 adopted an evaluation program pursuant to this section. In order
471 to administer the evaluation program, a local government, in
472 consultation with the county health department, may develop a
473 reasonable fee schedule to be used solely to pay for the costs
474 of administering the evaluation program. Such fee schedule shall
475 be identified in the local ordinance that adopts the evaluation
476 program. When arriving at a reasonable fee schedule, the
477 estimated annual revenues to be derived from fees may not exceed



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478 reasonable estimated annual costs of the program. Fees shall be
479 assessed to the septic tank owner during an inspection and
480 separately identified on the invoice of the qualified
481 contractor. Fees shall be remitted by the qualified contractor
482 to the county health department. The county health department's
483 administrative responsibilities include the following:

484 (a) Providing a notice to the septic tank owner at least 60
485 days before the septic tank is due for an evaluation. The notice
486 may include information on the proper maintenance of onsite
487 sewage treatment and disposal systems.

488 (b) In consultation with the Department of Health,
489 providing uniform disciplinary procedures and penalties for
490 qualified contractors who do not comply with the requirements of
491 the adopted ordinance, including, but not limited to, failure to
492 provide the evaluation report as required in this subsection to
493 the septic tank owner and the county health department. The
494 county health department may also assess penalties against
495 septic tank owners for failure to comply with the adopted
496 ordinance, consistent with existing requirements of law.

497 (c) Developing its own database and tracking systems to
498 encompass evaluation programs adopted by the county or
499 municipalities within its jurisdiction. The database shall also
500 be used to collect, store, and index information obtained from
501 the evaluation reports filed by each qualified contractor with
502 the county health department. The tracking system must include
503 the ability to collect and store:

504 1. The description, addresses, or locations of the onsite
505 systems;

506 2. An inventory of the number of onsite systems within the



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507 local jurisdiction;

508 3. The total number and types of system failures; and

509 4. Any other trends deemed relevant by the county health
510 department resulting from an assessment and evaluation of the
511 overall condition of systems.

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513 The tracking system may be Internet-based and may be designed to
514 be used by contractors to report all service and evaluation
515 events and by the county health department to notify homeowners
516 when evaluations are due. Data and information shall be recorded
517 and updated as service and evaluations are conducted and
518 reported.

519 (4) A county or municipality that adopts an onsite sewage
520 treatment and disposal system evaluation and assessment program
521 pursuant to this section shall notify the Secretary of
522 Environmental Protection, the Department of Health, and the
523 applicable county health department upon the adoption of an
524 ordinance. The Department of Environmental Protection shall,
525 within existing resources and upon receipt of such notice,
526 notify the county or municipality of the potential use of, and
527 access to, program funds under the Clean Water State Revolving
528 Fund or s. 319 of the Clean Water Act. Upon request by a county
529 or municipality, the Department of Environmental Protection
530 shall provide guidance in the application process to receive
531 moneys under the Clean Water State Revolving Fund or s. 319 of
532 the Clean Water Act. The Department of Environmental Protection
533 shall also, within existing resources and upon request by a
534 county or municipality, provide advice and technical assistance
535 to the county or municipality on how to establish a low-interest



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536 revolving loan program or how to model a revolving loan program
537 after the low-interest loan program of the Clean Water State
538 Revolving Fund. This subsection does not obligate the Department
539 of Environmental Protection to provide any money to fund such
540 programs.

541 (5) The Department of Health may not adopt any rule that
542 alters or has the effect of altering the onsite sewage treatment
543 and disposal system evaluation and assessment program as set
544 forth in this section.

545 Section 3. Section 381.00656, Florida Statutes, is
546 repealed.

547 Section 4. Subsection (2) of section 381.0066, Florida
548 Statutes, is amended to read:

549 381.0066 Onsite sewage treatment and disposal systems;
550 fees.—

551 (2) The minimum fees in the following fee schedule apply
552 until changed by rule by the department within the following
553 limits:

554 (a) Application review, permit issuance, or system
555 inspection, including repair of a subsurface, mound, filled, or
556 other alternative system or permitting of an abandoned system: a
557 fee of not less than \$25, or more than \$125.

558 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
559 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
560 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
561 ~~shall be used to fund a grant program established under s.~~
562 ~~381.00656.~~

563 (b)(e) Site evaluation, site reevaluation, evaluation of a
564 system previously in use, or a per annum septage disposal site



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565 evaluation: a fee of not less than \$40, or more than \$115.
566 ~~(c)(d)~~ Biennial Operating permit for aerobic treatment
567 units or performance-based treatment systems: a fee of not more
568 than \$100.
569 ~~(d)(e)~~ Annual operating permit for systems located in areas
570 zoned for industrial manufacturing or equivalent uses or where
571 the system is expected to receive wastewater which is not
572 domestic in nature: a fee of not less than \$150, or more than
573 \$300.
574 ~~(e)(f)~~ Innovative technology: a fee not to exceed \$25,000.
575 ~~(f)(g)~~ Septage disposal service, septage stabilization
576 facility, portable or temporary toilet service, tank
577 manufacturer inspection: a fee of not less than \$25, or more
578 than \$200, per year.
579 ~~(g)(h)~~ Application for variance: a fee of not less than
580 \$150, or more than \$300.
581 ~~(h)(i)~~ Annual operating permit for waterless, incinerating,
582 or organic waste composting toilets: a fee of not less than \$15
583 ~~\$50~~, or more than \$30 ~~\$150~~.
584 ~~(i)(j)~~ Aerobic treatment unit or performance-based
585 treatment system maintenance entity permit: a fee of not less
586 than \$25, or more than \$150, per year.
587 ~~(j)(k)~~ Reinspection fee per visit for site inspection after
588 system construction approval or for noncompliant system
589 installation per site visit: a fee of not less than \$25, or more
590 than \$100.
591 ~~(k)(l)~~ Research: An additional \$5 fee shall be added to
592 each new system construction permit issued to be used to fund
593 onsite sewage treatment and disposal system research,



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594 demonstration, and training projects. Five dollars from any
595 repair permit fee collected under this section shall be used for
596 funding the hands-on training centers described in s.
597 381.0065(3)(j).

598 (1) ~~(m)~~ Annual operating permit, including annual inspection
599 and any required sampling and laboratory analysis of effluent,
600 for an engineer-designed performance-based system: a fee of not
601 less than \$150, or more than \$300.

602
603 ~~On or before January 1, 2011, the Surgeon General, after~~
604 ~~consultation with the Revenue Estimating Conference, shall~~
605 ~~determine a revenue neutral fee schedule for services provided~~
606 ~~pursuant to s. 381.0065(5) within the parameters set in~~
607 ~~paragraph (b). Such determination is not subject to the~~
608 ~~provisions of chapter 120.~~ The funds collected pursuant to this
609 subsection must be deposited in a trust fund administered by the
610 department, to be used for the purposes stated in this section
611 and ss. 381.0065 and 381.00655.

612 Section 5. This act shall take effect upon becoming a law.

613
614 ===== T I T L E A M E N D M E N T =====

615 And the title is amended as follows:

616 Delete everything before the enacting clause
617 and insert:

618 A bill to be entitled
619 An act relating to onsite sewage treatment and
620 disposal systems; amending s. 381.0065, F.S.; deleting
621 legislative intent; defining the term "bedroom";
622 providing for any permit issued and approved by the



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623 Department of Health for the installation,
624 modification, or repair of an onsite sewage treatment
625 and disposal system to transfer with the title of the
626 property; providing circumstances in which an onsite
627 sewage treatment and disposal system is not considered
628 abandoned; providing for the validity of an onsite
629 sewage treatment and disposal system permit if rules
630 change before final approval of the constructed
631 system; providing that a system modification,
632 replacement, or upgrade is not required unless a
633 bedroom is added to a single-family home; deleting
634 provisions requiring the Department of Health to
635 administer an evaluation and assessment program of
636 onsite sewage treatment and disposal systems and
637 requiring property owners to have such systems
638 evaluated at least once every 5 years; creating s.
639 381.00651, F.S.; requiring a county or municipality to
640 adopt by ordinance under certain circumstances the
641 program for the periodic evaluation and assessment of
642 onsite sewage treatment and disposal systems;
643 providing conditions; requiring the county or
644 municipality to notify the Secretary of State of the
645 ordinance; authorizing a county or municipality, in
646 specified circumstances, to opt out of certain
647 requirements by a specified date; prohibiting a county
648 having a first magnitude spring from opting out of the
649 provisions of the act; authorizing a county or
650 municipality to adopt or repeal, after a specified
651 date, an ordinance creating an evaluation and



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652 assessment program; providing criteria for
653 evaluations, qualified contractors, repair of systems,
654 exemptions, and notifications; requiring that certain
655 procedures be used for conducting tank and drainfield
656 evaluations; providing for certain procedures in
657 special circumstances; providing for assessment
658 procedures; requiring the county or municipality to
659 develop a system for tracking the evaluations;
660 providing criteria; requiring counties and
661 municipalities to notify the Secretary of
662 Environmental Protection that an evaluation program
663 ordinance is adopted; requiring the department to
664 notify those counties or municipalities of the use of,
665 and access to, certain state and federal program
666 funds; requiring that the department provide certain
667 guidance and technical assistance to a county or
668 municipality upon request; prohibiting the Department
669 of Health from adopting any rule that alters the
670 effect of the onsite sewage treatment and disposal
671 system evaluation and assessment program; repealing s.
672 381.00656, F.S., relating to a grant program for the
673 repair of onsite sewage treatment disposal systems;
674 amending s. 381.0066, F.S.; lowering the fees imposed
675 by the department for evaluation reports; providing an
676 effective date.