

1 A bill to be entitled
 2 An act relating to onsite sewage treatment and
 3 disposal system inspections; amending s. 381.0065,
 4 F.S.; requiring that onsite sewage treatment and
 5 disposal systems be inspected by specified
 6 professionals at the point of sale in real estate
 7 transactions; deleting provisions prohibiting local
 8 governments from mandating such inspections; amending
 9 s. 381.00651, F.S.; deleting provisions prohibiting
 10 specified ordinances from mandating onsite sewage
 11 treatment and disposal system evaluations and soil
 12 examinations at the point of sale in real estate
 13 transactions; providing an effective date.

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

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 17 Section 1. Paragraph (w) of subsection (4) of section
 18 381.0065, Florida Statutes, is amended to read:

19 381.0065 Onsite sewage treatment and disposal systems;
 20 regulation.—

21 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 22 not construct, repair, modify, abandon, or operate an onsite
 23 sewage treatment and disposal system without first obtaining a
 24 permit approved by the department. The department may issue
 25 permits to carry out this section, but shall not make the

26 | issuance of such permits contingent upon prior approval by the
27 | Department of Environmental Protection, except that the issuance
28 | of a permit for work seaward of the coastal construction control
29 | line established under s. 161.053 shall be contingent upon
30 | receipt of any required coastal construction control line permit
31 | from the Department of Environmental Protection. A construction
32 | permit is valid for 18 months from the issuance date and may be
33 | extended by the department for one 90-day period under rules
34 | adopted by the department. A repair permit is valid for 90 days
35 | from the date of issuance. An operating permit must be obtained
36 | prior to the use of any aerobic treatment unit or if the
37 | establishment generates commercial waste. Buildings or
38 | establishments that use an aerobic treatment unit or generate
39 | commercial waste shall be inspected by the department at least
40 | annually to assure compliance with the terms of the operating
41 | permit. The operating permit for a commercial wastewater system
42 | is valid for 1 year from the date of issuance and must be
43 | renewed annually. The operating permit for an aerobic treatment
44 | unit is valid for 2 years from the date of issuance and must be
45 | renewed every 2 years. If all information pertaining to the
46 | siting, location, and installation conditions or repair of an
47 | onsite sewage treatment and disposal system remains the same, a
48 | construction or repair permit for the onsite sewage treatment
49 | and disposal system may be transferred to another person, if the
50 | transferee files, within 60 days after the transfer of

51 ownership, an amended application providing all corrected
52 information and proof of ownership of the property. There is no
53 fee associated with the processing of this supplemental
54 information. A person may not contract to construct, modify,
55 alter, repair, service, abandon, or maintain any portion of an
56 onsite sewage treatment and disposal system without being
57 registered under part III of chapter 489. A property owner who
58 personally performs construction, maintenance, or repairs to a
59 system serving his or her own owner-occupied single-family
60 residence is exempt from registration requirements for
61 performing such construction, maintenance, or repairs on that
62 residence, but is subject to all permitting requirements. A
63 municipality or political subdivision of the state may not issue
64 a building or plumbing permit for any building that requires the
65 use of an onsite sewage treatment and disposal system unless the
66 owner or builder has received a construction permit for such
67 system from the department. A building or structure may not be
68 occupied and a municipality, political subdivision, or any state
69 or federal agency may not authorize occupancy until the
70 department approves the final installation of the onsite sewage
71 treatment and disposal system. A municipality or political
72 subdivision of the state may not approve any change in occupancy
73 or tenancy of a building that uses an onsite sewage treatment
74 and disposal system until the department has reviewed the use of
75 the system with the proposed change, approved the change, and

76 amended the operating permit.

77 (w) Any permit issued and approved by the department for
78 the installation, modification, or repair of an onsite sewage
79 treatment and disposal system shall transfer with the title to
80 the property in a real estate transaction. A title may not be
81 encumbered at the time of transfer by new permit requirements by
82 a governmental entity for an onsite sewage treatment and
83 disposal system which differ from the permitting requirements in
84 effect at the time the system was permitted, modified, or
85 repaired. An inspection of a system must be performed by a
86 septic tank contractor or master septic tank contractor
87 registered under part III of chapter 489, a professional
88 engineer having wastewater treatment system experience and
89 licensed under chapter 471, or an environmental health
90 professional certified under this chapter in the area of onsite
91 sewage treatment and disposal system evaluation ~~may not be~~
92 ~~mandated by a governmental entity~~ at the point of sale in a real
93 estate transaction. This paragraph does not affect a septic tank
94 phase-out deferral program implemented by a consolidated
95 government as defined in s. 9, Art. VIII of the State
96 Constitution (1885).

97 Section 2. Paragraph (a) of subsection (6) of section
98 381.00651, Florida Statutes, is amended to read:

99 381.00651 Periodic evaluation and assessment of onsite
100 sewage treatment and disposal systems.-

101 (6) The requirements for an onsite sewage treatment and
102 disposal system evaluation and assessment program are as
103 follows:

104 (a) Evaluations.—An evaluation of each onsite sewage
105 treatment and disposal system within all or part of the county's
106 or municipality's jurisdiction must take place once every 5
107 years to assess the fundamental operational condition of the
108 system and to identify system failures. ~~The ordinance may not~~
109 ~~mandate an evaluation at the point of sale in a real estate~~
110 ~~transaction and may not require a soil examination.~~ The location
111 of the system shall be identified. A tank and drainfield
112 evaluation and a written assessment of the overall condition of
113 the system pursuant to the assessment procedure prescribed in
114 subsection (7) are required.

115 Section 3. This act shall take effect July 1, 2017.

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