

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, by a specified  
 5           date, to identify certain information for onsite  
 6           sewage treatment and disposal systems, update the  
 7           current database of onsite sewage treatment and  
 8           disposal systems, and submit a report to the Governor  
 9           and Legislature; creating s. 689.30, F.S.; requiring  
 10          an onsite sewage treatment and disposal system  
 11          disclosure summary for certain properties before or at  
 12          the execution of a contract for sale; requiring that  
 13          prospective purchasers acknowledge in writing receipt  
 14          of such summary disclosures; providing a definition;  
 15          providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Paragraph (o) is added to subsection (3) of  
 20           section 381.0065, Florida Statutes, to read:

21           381.0065 Onsite sewage treatment and disposal systems;  
 22           regulation.—

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

25           (o) By January 1, 2019, the department shall:

26 1. Identify all onsite sewage treatment and disposal  
27 systems in the state, including, at a minimum, the location and  
28 operational condition of the systems and any other available  
29 information the department deems appropriate.

30 2. Incorporate the information identified under  
31 subparagraph 1. into and update the current database of onsite  
32 sewage treatment and disposal systems.

33 3. Generate a report from the database that includes, at a  
34 minimum, the total number of onsite sewage treatment and  
35 disposal systems in the state, the number of onsite sewage  
36 treatment and disposal systems in each county, and a statewide  
37 map of the systems, and submit the report to the Governor, the  
38 President of the Senate, and the Speaker of the House of  
39 Representatives.

40 Section 2. Section 689.30, Florida Statutes, is created to  
41 read:

42 689.30 Sale of property; disclosure of onsite sewage and  
43 treatment disposal system.-

44 (1) A seller of property must provide a prospective  
45 purchaser with a disclosure summary before or at the execution  
46 of the contract for sale if the property contains or will  
47 contain an onsite sewage treatment and disposal system. The  
48 prospective purchaser must acknowledge in writing the receipt of  
49 the disclosure summary required by this section. The disclosure  
50 summary must be conspicuous, in boldface type, and in a form

51 substantially similar to the following:

52 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

53 DISCLOSURE SUMMARY

54 THE PROPERTY CONTAINS AN ONSITE SEWAGE TREATMENT AND DISPOSAL  
55 SYSTEM (SYSTEM). A SYSTEM THAT IS NOT PROPERLY DESIGNED,  
56 CONSTRUCTED, AND MAINTAINED IS OFTEN A SOURCE OF NUTRIENTS AND  
57 FECAL COLIFORM BACTERIA IN GROUNDWATER. GROUNDWATER IS THE  
58 SOURCE OF MOST DRINKING WATER IN THE STATE. A SYSTEM HAS A LIFE  
59 SPAN OF APPROXIMATELY 25 YEARS IF PROPERLY MAINTAINED AND USED.  
60 ALL SYSTEM TANKS SHOULD BE PUMPED OUT EVERY 3 TO 5 YEARS TO  
61 PREVENT SYSTEM FAILURE. YOU SHOULD REQUEST AN INSPECTION AND  
62 ASSESSMENT OF THE SYSTEM. ALL SYSTEM TANKS SHOULD BE PUMPED AND  
63 VISUALLY INSPECTED TO DETERMINE THEIR CAPACITY AND WATER  
64 TIGHTNESS. THE DRAINFIELD AREA SHOULD BE PROBED TO DETERMINE ITS  
65 LOCATION, SIZE, CONFIGURATION, AND TYPE OF DRAINFIELD MATERIAL.  
66 IF YOUR SYSTEM CONTAINS ADDITIONAL COMPONENTS, SUCH AS PUMPS OR  
67 ALARMS, THEY SHOULD ALSO BE INSPECTED. THE EVALUATOR MUST  
68 PROVIDE YOU WITH A COPY OF THE DEPARTMENT OF HEALTH *PROCEDURE*  
69 *FOR VOLUNTARY INSPECTION AND ASSESSMENT OF EXISTING SYSTEMS AND*  
70 *WRITTEN NOTICE OF YOUR RIGHT TO REQUEST AN EVALUATION BASED ON*  
71 *ALL OR PART OF THE STANDARDS. THE EVALUATION IS FOR YOUR USE AND*  
72 *IS INTENDED TO LET YOU MAKE AN INFORMED DECISION. IF THE*  
73 *EVALUATION SHOWS THE SYSTEM IS SUBSTANDARD, DAMAGED, OR THE*  
74 *FUNDAMENTAL OPERATIONAL CONDITION IS NOT AS DESIGNED, IT IS*  
75 *STRONGLY RECOMMENDED THAT THE SYSTEM IS REPAIRED, MODIFIED, OR*

76 | REPLACED, AS APPROPRIATE. IF REPAIRS OR MODIFICATIONS TO THE  
 77 | SYSTEM ARE MADE, A PERMIT IS REQUIRED FROM THE COUNTY HEALTH  
 78 | DEPARTMENT. IF YOU HAVE ANY QUESTIONS CONCERNING THE SYSTEM,  
 79 | CONTACT THE COUNTY HEALTH DEPARTMENT FOR INFORMATION.

80 | (Purchaser's Initials)

81 | (2) As used in this section, the term "onsite sewage  
 82 | treatment and disposal system" has the same meaning as in s.  
 83 | 381.0065.

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