

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 to identify certain
5 information for onsite sewage treatment and disposal
6 systems, update the current database of such systems,
7 and submit a report to the Governor and Legislature by
8 a specified date; requiring owners of onsite sewage
9 treatment and disposal systems to have such systems
10 periodically inspected; providing an exception;
11 directing the Department of Health to administer an
12 onsite sewage treatment and disposal system inspection
13 program; requiring the department to adopt rules and
14 implement program standards, procedures, and
15 requirements; providing inspection requirements;
16 providing an exception for required pump-outs under
17 certain conditions; requiring system owners to pay the
18 costs of required inspections and pump-outs; requiring
19 inspections and pump-outs to be performed by
20 registered septic tank or master septic tank
21 contractors; providing notice requirements; providing
22 definitions; creating s. 689.30, F.S.; requiring an
23 onsite sewage treatment and disposal system disclosure
24 summary for certain properties before or at the
25 execution of a contract for sale; requiring that

26 prospective purchasers acknowledge in writing receipt
 27 of such summary disclosures; providing a definition;
 28 providing an effective date.

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

31
 32 Section 1. Subsections (5) and (6) of section 381.0065,
 33 Florida Statutes, are renumbered as subsections (6) and (7),
 34 respectively, paragraph (o) is added to subsection (3), and a
 35 new subsection (5) is added to that section, to read:

36 381.0065 Onsite sewage treatment and disposal systems;
 37 regulation.—

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

40 (o) By January 1, 2021, the department shall:

41 1. Identify all onsite sewage treatment and disposal
 42 systems in the state, including, at a minimum, the location and
 43 operational condition of the systems and any other available
 44 information the department deems appropriate. The department may
 45 only use existing information available from a state, local, or
 46 commercial data source to identify onsite sewage treatment and
 47 disposal systems and the operational condition of such systems
 48 pursuant to this subparagraph. The department may not visit or
 49 inspect a property to obtain information regarding an onsite
 50 sewage treatment and disposal system or the operational

51 condition of such system pursuant to this subparagraph.

52 2. Incorporate the information identified under
53 subparagraph 1. into and update the current database of onsite
54 sewage treatment and disposal systems.

55 3. Generate a report from the database that includes, at a
56 minimum, the total number of onsite sewage treatment and
57 disposal systems in the state, the number of onsite sewage
58 treatment and disposal systems in each county, and a statewide
59 map of the systems, and submit the report to the Governor, the
60 President of the Senate, and the Speaker of the House of
61 Representatives.

62 (5) PERIODIC INSPECTIONS.—

63 (a) Effective July 1, 2022, the owner of an onsite sewage
64 treatment and disposal system, excluding a system that is
65 required to have an operating permit, must have the system
66 inspected at least once every 5 years to assess the fundamental
67 operational condition of the system, prolong the life of the
68 system, and identify any failure within the system. The
69 department shall administer an onsite sewage treatment and
70 disposal system inspection program for such periodic
71 inspections. The department shall implement the program
72 standards, procedures, and requirements, and adopt rules that
73 must include, but are not limited to:

74 1. A schedule for a 5-year inspection cycle;

75 2. A county-by-county implementation plan phased in over a

76 10-year period with first priority given to those areas within a
77 springshed protection area identified by the Department of
78 Environmental Protection;

79 3. Minimum standards for a functioning system;

80 4. Requirements for the pump-out or repair of a failing
81 system; and

82 5. Enforcement procedures for failure of a system owner to
83 obtain an inspection of the system and failure of a contractor
84 to timely report inspection results to the department and the
85 system owner.

86 (b) The department's Procedure for Voluntary Inspection
87 and Assessment of Existing Systems shall be applied to
88 inspections under this subsection, except as otherwise provided.
89 All inspection procedures used by an inspector must be
90 documented and nothing in this subsection limits the amount of
91 detail an inspector may provide at his or her professional
92 discretion. The inspection must include:

93 1. A tank inspection;

94 2. A drainfield inspection;

95 3. A written assessment of the condition of the system;

96 and

97 4. If necessary, a disclosure statement pursuant to the
98 department's procedure.

99 (c) A pump-out of the system is not required, if
100 documentation of a tank pump-out or a permitted new

101 installation, repair, or modification of the system within the
102 previous 3 years is provided, which states the capacity of the
103 tank and indicates that the condition of the tank is not a
104 sanitary or public health nuisance pursuant to department rule.

105 (d) Owners are responsible for paying the cost of the
106 inspection and any required pump-out pursuant to department rule
107 and may not request partial inspections or the omission of
108 portions of the inspection.

109 (e) Each inspection or pump-out required under this
110 subsection must be performed by a septic tank contractor or
111 master septic tank contractor registered under part III of
112 chapter 489.

113 (f) Before any inspection deadline, the department must
114 provide a minimum of 60 days' notice to owners that their
115 systems must be inspected by that deadline. The notice must
116 include a provision stating that the purpose of the inspection
117 is to assess the fundamental operational condition of the
118 system, prolong the life of the system, and identify any failure
119 within the system, and not to determine code compliance, require
120 a complete upgrade or overhaul of a system to meet current code
121 requirements, or demonstrate that the system will adequately
122 serve the use to be placed upon it by the current or any
123 subsequent owner. The department must include a copy of the
124 Procedure for Voluntary Inspection and Assessment of Existing
125 Systems with the notice.

126 (g) As used in this subsection:

127 1. "Failure" or "failing" means a condition that exists
128 within an onsite sewage treatment and disposal system that
129 prohibits the system from functioning in a sanitary manner and
130 results in the discharge of untreated or partially treated
131 wastewater onto the surface of the ground or into surface waters
132 or groundwaters or results in the failure of building plumbing
133 to discharge properly. For the purposes of this subsection, a
134 system may not be deemed in failure solely because the system
135 does not have the minimum separation distance between the
136 drainfield and groundwater table.

137 2. "Repair" means any replacement of or modification or
138 addition to a failing system which is necessary to allow the
139 system to function in accordance with its design or is necessary
140 to eliminate a public health or pollution hazard, including the
141 use of any treatment method that is intended to improve the
142 functioning of any part of the system or to prolong or sustain
143 the length of time the system functions, excluding:

144 a. The service or replacement of mechanical or electrical
145 parts of an approved onsite sewage treatment and disposal system
146 with like kind and quality parts.

147 b. Any minor structural corrections to a tank or
148 distribution box.

149 c. The use of an authorized additive in indoor building
150 plumbing by the system owner.

151 d. The removal of the contents of any tank or the
 152 installation of an approved outlet filter device without
 153 disturbing the drainfield.

154 e. The replacement of any broken tank lid.

155 f. The splicing of a drip emitter line, provided the
 156 emitter is not eliminated.

157 Section 2. Section 689.30, Florida Statutes, is created to
 158 read:

159 689.30 Sale of property; disclosure of onsite sewage and
 160 treatment disposal system.—

161 (1) A seller of property must provide a prospective
 162 purchaser with a disclosure summary before or at the execution
 163 of the contract for sale if the property contains or will
 164 contain an onsite sewage treatment and disposal system. The
 165 prospective purchaser must acknowledge in writing the receipt of
 166 the disclosure summary required by this section. The disclosure
 167 summary must be conspicuous, in boldface type, and in a form
 168 substantially similar to the following:

169 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

170 DISCLOSURE SUMMARY

171 THIS PROPERTY CONTAINS AN ONSITE SEWAGE TREATMENT AND DISPOSAL
 172 SYSTEM (SYSTEM), ALSO KNOWN AS A SEPTIC TANK. A SYSTEM THAT IS
 173 NOT PROPERLY MAINTAINED IS OFTEN A SOURCE OF NUTRIENTS AND FECAL
 174 COLIFORM BACTERIA IN GROUNDWATER. A SYSTEM HAS A LIFE SPAN OF
 175 APPROXIMATELY 25 YEARS IF PROPERLY MAINTAINED AND USED. ALL

176 SYSTEM TANKS SHOULD BE PUMPED OUT EVERY 3 TO 5 YEARS TO PREVENT
177 SYSTEM FAILURE. IT IS RECOMMENDED THAT YOU REQUEST THE LATEST
178 INSPECTION REPORT AND ASSESSMENT OF THE SYSTEM. IF ONE DOES NOT
179 EXIST, IT IS RECOMMENDED THAT YOU REQUEST AN INSPECTION AND
180 ASSESSMENT OF THE SYSTEM. IF YOU HAVE ANY QUESTIONS CONCERNING
181 THE SYSTEM, HOW TO MAINTAIN IT, OR HOW TO INSPECT IT, CONTACT
182 THE COUNTY HEALTH DEPARTMENT FOR INFORMATION.

183 (PURCHASER'S INITIALS)

184 (2) As used in this section, the term "onsite sewage
185 treatment and disposal system" has the same meaning as in s.
186 381.0065.

187 Section 3. This act shall take effect October 1, 2019.