

1                                   A bill to be entitled  
 2           An act relating to onsite sewage treatment and  
 3           disposal systems; repealing s. 381.00651, F.S.,  
 4           relating to the periodic evaluation and assessment of  
 5           onsite sewage treatment and disposal systems; creating  
 6           s. 381.00653, F.S.; requiring owners of onsite sewage  
 7           treatment and disposal systems to have periodic  
 8           inspections of such systems; directing the Department  
 9           of Health to administer an onsite sewage treatment and  
 10          disposal system inspection program; providing program  
 11          requirements, exemptions, inspection procedures, and  
 12          reporting and notice requirements; authorizing the  
 13          department to develop a fee schedule by rule;  
 14          requiring system owners to pay the costs of the  
 15          required inspections and pump-outs; prohibiting system  
 16          owners from requesting a partial inspection or the  
 17          omission of a portion of the inspection; providing an  
 18          effective date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22           Section 1. Section 381.00651, Florida Statutes, is  
 23 repealed.

24           Section 2. Section 381.00653, Florida Statutes, is created  
 25 to read:

26 | 381.00653 Periodic inspections of onsite sewage treatment  
 27 | and disposal systems.—

28 | (1) Effective July 1, 2022, the owner of an onsite sewage  
 29 | treatment and disposal system that is more than 5 years old must  
 30 | have the system inspected at least once every 5 years to assess  
 31 | the fundamental operational condition of the system, prolong the  
 32 | life of the system, and identify any failure within the system.  
 33 | The department shall administer an onsite sewage treatment and  
 34 | disposal system inspection program for such periodic  
 35 | inspections.

36 | (2) The requirements for an onsite sewage treatment and  
 37 | disposal system inspection program are as follows:

38 | (a) Schedule.—

39 | 1. A county-by-county implementation plan must be phased  
 40 | in over a 10-year period with priority given to those areas  
 41 | within a basin management action plan identified by the  
 42 | Department of Environmental Protection.

43 | 2. An inspection of each onsite sewage treatment and  
 44 | disposal system must take place once every 5 years to assess the  
 45 | fundamental operational condition of the system and to identify  
 46 | system failures.

47 | (b) Qualified contractors.—Each inspection required under  
 48 | this section must be performed by a qualified contractor.

49 | 1. A qualified contractor is:

- 50        a. A septic tank contractor or master septic tank  
 51 contractor who is registered under part III of chapter 489;  
 52        b. A professional engineer who has wastewater treatment  
 53 system experience and is licensed under chapter 471; or  
 54        c. An environmental health professional who is certified  
 55 under this chapter in the area of onsite sewage treatment and  
 56 disposal system inspection.
- 57        2. Inspections and pump-outs may be performed by an  
 58 authorized employee working under the supervision of a qualified  
 59 contractor.
- 60        3. All inspection forms must be signed by a qualified  
 61 contractor in writing or by electronic signature.
- 62        (c) Repair of systems.—For purposes of this subsection:  
 63        1. "Repair" means any replacement of or modification or  
 64 addition to a failing onsite sewage treatment and disposal  
 65 system which is necessary to allow the system to function in  
 66 accordance with its design or is necessary to eliminate a public  
 67 health or pollution hazard, including the use of any treatment  
 68 method that is intended to improve the functioning of any part  
 69 of the system or to prolong or sustain the length of time the  
 70 system functions. Repair does not include:
- 71        a. The service or replacement of mechanical or electrical  
 72 parts of an approved system with like kind and quality parts;  
 73        b. Any minor structural corrections to a tank or  
 74 distribution box;

75 c. The use of an authorized additive in indoor building  
76 plumbing by the onsite sewage treatment and disposal system  
77 owner;

78 d. The removal of the contents of any tank or the  
79 installation of an approved outlet filter device without  
80 disturbing the drainfield;

81 e. The replacement of any broken tank lid; or

82 f. The splicing of a drip emitter line, provided the  
83 emitter is not eliminated.

84 2. "System failure" means a condition existing within an  
85 onsite sewage treatment and disposal system which results in the  
86 discharge of untreated or partially treated wastewater onto the  
87 ground surface or into surface water or that results in the  
88 failure of building plumbing to discharge properly and presents  
89 a sanitary nuisance.

90 a. A system is not in failure if the system does not have  
91 a minimum separation distance between the drainfield and the  
92 wettest season water table or if an obstruction in a sanitary  
93 line or an effluent screen or filter prevents effluent from  
94 flowing into a drainfield.

95 b. If a system failure is identified and several allowable  
96 remedial measures are available to resolve the failure, the  
97 onsite sewage treatment and disposal system owner may choose the  
98 least costly allowable remedial measure to repair the system.  
99 There may be instances in which a pump-out is sufficient to

100 resolve a system failure. Allowable remedial measures to resolve  
101 a system failure are limited to what is necessary to resolve the  
102 failure and must meet, to the maximum extent practicable, the  
103 requirements of the repair code in effect when the repair is  
104 made, subject to the exceptions specified in s. 381.0065(4)(g).

105 c. An engineer-designed performance-based treatment system  
106 to reduce nutrients may not be required as an alternative  
107 remediation measure to resolve the failure of a conventional  
108 system.

109 (d) Exemptions.—An onsite sewage treatment and disposal  
110 system is exempt from the requirements of this section if:

111 1. The system is required to obtain an operating permit  
112 pursuant to state law or is inspected by the department pursuant  
113 to the annual permit inspection requirements of chapter 513;

114 2. A connection to a sewer system is available, connection  
115 is imminent, and written arrangements for payment of any utility  
116 assessments or connection fees have been made by the onsite  
117 sewage treatment and disposal system owner;

118 3. The system is in an area that has a water quality  
119 restoration plan that identifies the system for inclusion in a  
120 septic-to-sewer project or conversion of the system to an  
121 advanced nutrient removal system within 5 years; or

122 4. The system serves a residential dwelling unit on a lot  
123 with one bedroom or more per acre.

124       (3) The following procedures must be used for conducting  
125 inspections:

126       (a) Tank inspection.—The tank inspection must assess the  
127 apparent structural condition and watertightness of the tank and  
128 estimate the size of the tank.

129       1. The inspection must include a pump-out. A pump-out is  
130 not required if there is documentation that:

131       a. Indicates a tank pump-out or a permitted new  
132 installation, repair, or modification of the system has occurred  
133 within the previous 3 years;

134       b. Identifies the capacity of the tank; and

135       c. Indicates the condition of the tank is structurally  
136 sound and watertight.

137       2. Visual inspection of the tank must be made when the  
138 tank is empty to detect cracks, leaks, or other defects. The  
139 tank must be refilled before concluding the inspection if, in  
140 the opinion of the qualified contractor, the tank is in danger  
141 of being damaged by leaving the tank empty after inspection.

142       3. Baffles or tees must be checked to ensure that they are  
143 intact and secure.

144       4. The inspection must note:

145       a. The presence and condition of outlet devices, effluent  
146 filters, and compartment walls;

147       b. Any structural defect in the tank;

148 c. The condition and fit of the tank lid, including  
149 manholes;

150 d. Whether surface water can infiltrate the tank; and

151 e. Whether the tank was pumped out.

152 5. The replacement of a broken or damaged lid or manhole  
153 does not require a repair permit.

154 (b) Drainfield inspection.—The drainfield inspection must  
155 include a determination of the approximate size and location of  
156 the drainfield. The inspection must state whether there is any  
157 sewage or effluent visible on the ground or discharging to a  
158 ditch or other water body and the location of any downspout or  
159 other source of water near or in the vicinity of the drainfield.

160 (c) Special circumstances.—

161 1. If the onsite sewage treatment and disposal system  
162 contains pumps, siphons, or alarms, the following information  
163 may be provided at the request of the system owner:

164 a. An assessment of dosing tank integrity, including the  
165 approximate volume and the type of material used in the tank's  
166 construction;

167 b. Whether the pump is elevated off the bottom of the  
168 chamber and its operational status;

169 c. Whether the system has a check valve and purge hole;  
170 and

171 d. Whether the system has a high-water alarm, and if so  
172 whether the alarm is audio or visual or both, the location and

173 operational condition of the alarm, and whether the electrical  
174 connections to the alarm appear satisfactory.

175 2. If the onsite sewage treatment and disposal system  
176 owner does not request the information in subparagraph 1., the  
177 qualified contractor or any employee of the qualified contractor  
178 is not liable for any damages directly resulting from a failure  
179 of the system's pumps, siphons, or alarms. This exclusion of  
180 liability must be stated on the front cover of the report  
181 required under paragraph (d).

182 (d) Assessment procedure.—

183 1. All inspection procedures used by a qualified  
184 contractor must be documented in the department's environmental  
185 health database.

186 2. The qualified contractor shall provide a copy of a  
187 written, signed inspection report to the onsite sewage treatment  
188 and disposal system owner upon completion of the inspection and  
189 to the county health department within 30 days after the  
190 inspection. The report must contain the name and license number  
191 of the contractor providing the report. The local county health  
192 department must maintain a copy of the inspection report for at  
193 least 5 years and until a subsequent inspection report is filed.

194 3. The front cover of the report must:

195 a. Identify any system failure;

196 b. Include a clear and conspicuous notice that the onsite  
197 sewage treatment and disposal system owner has the right to have



198 any remediation of a system failure performed by a qualified  
199 contractor other than the contractor performing the inspection;  
200 and  
201 c. Include a clear and conspicuous statement of the  
202 exclusion of liability under paragraph (c).  
203 4. The report must identify any:  
204 a. Crack, leak, improper fit, or other defect in the tank,  
205 manhole, or lid, and any other damaged or missing component;  
206 b. Sewage or effluent visible on the ground or discharging  
207 to a ditch or other surface water body;  
208 c. Downspout, stormwater, or other source of water  
209 directed onto or toward the system; and  
210 d. Maintenance need or condition of the system at the time  
211 of the inspection which, in the opinion of the qualified  
212 contractor, would possibly interfere with or restrict any future  
213 repair or modification to the existing system.  
214 5. The report must conclude with an overall assessment of  
215 the fundamental operational condition of the system.  
216 (4) (a) In order to administer the inspection program, the  
217 department may develop a reasonable fee schedule to be used  
218 solely to pay for the costs of administering the inspection  
219 program. The fee schedule must be identified in the rule that  
220 adopts the inspection program. When arriving at a reasonable fee  
221 schedule, the estimated annual revenues to be derived from fees  
222 may not exceed reasonable estimated annual costs of the program.

223 Fees must be assessed to the onsite sewage treatment and  
224 disposal system owner during an inspection and separately  
225 identified on the invoice of the qualified contractor. Fees must  
226 be remitted by the qualified contractor to the department.

227 (b) The department's administrative responsibilities  
228 include the following:

229 1. Providing notice to the onsite sewage treatment and  
230 disposal system owner at least 60 days before the system is due  
231 for an inspection. The notice must include information on the  
232 proper maintenance of onsite sewage treatment and disposal  
233 systems and a provision stating that the purpose of the  
234 inspection is to assess the fundamental operational condition of  
235 the system, prolong the life of the system, and identify any  
236 failure within the system, and not to determine code compliance,  
237 require a complete upgrade or overhaul of the system to meet  
238 current code requirements, or demonstrate that the system will  
239 adequately serve the use to be placed upon it by the current or  
240 any subsequent owner.

241 2. Providing uniform disciplinary procedures and penalties  
242 for qualified contractors who do not comply with the  
243 requirements of department rules, including, but not limited to,  
244 failure to provide the inspection report as required in this  
245 subsection to the onsite sewage treatment and disposal system  
246 owner and the county health department.

247        (5) An onsite sewage treatment and disposal system owner  
248 is responsible for paying the cost of the inspection and any  
249 required pump-out pursuant to department rule and may not  
250 request partial inspections or the omission of portions of the  
251 inspection.

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