

1 A bill to be entitled
2 An act relating to onsite sewage treatment and
3 disposal system inspections; repealing s. 381.00651,
4 F.S., relating to the periodic evaluation and
5 assessment of onsite sewage treatment and disposal
6 systems; creating s. 381.00653, F.S.; requiring owners
7 of certain onsite sewage treatment and disposal
8 systems to have periodic inspections of such systems
9 beginning on a specified date; requiring the
10 Department of Environmental Protection to administer
11 an onsite sewage treatment and disposal system
12 periodic inspection program; providing for scheduled
13 implementation, qualified contractors, system repairs,
14 exemptions, and inspection and assessment procedures;
15 defining the terms "repair" and "system failure";
16 authorizing the department to develop a fee schedule
17 by rule; requiring the department to provide certain
18 disciplinary procedures, penalties, and inspection
19 notices; requiring system owners to pay the costs of
20 the required inspections and pumpouts; prohibiting
21 system owners from requesting a partial inspection or
22 the omission of a portion of the inspection; providing
23 an effective date.

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

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Section 1. Section 381.00651, Florida Statutes, is repealed.

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

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

(1) Effective July 1, 2025, the owner of an onsite sewage treatment and disposal system that is more than 5 years old must have the system inspected at least once every 5 years to assess the fundamental operational condition of the system, prolonging the life of the system, and identifying any failure or underperformance within the system.

(2) The department shall administer an onsite sewage treatment and disposal system periodic inspection program. The program must include the following requirements:

(a) Schedule.—

1. A county-by-county implementation plan must be phased in over a 10-year period with priority given to those areas within a basin management action plan identified by the department.

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

51 (b) Qualified contractors.-

52 1. Each inspection required under this section must be
53 performed by a qualified contractor or by an authorized employee
54 working under the supervision of a qualified contractor. A
55 qualified contractor is:

56 a. A septic tank contractor or master septic tank
57 contractor who is registered under part III of chapter 489;

58 b. A professional engineer who has wastewater treatment
59 system experience and is licensed under chapter 471; or

60 c. An environmental health professional who is certified
61 under this chapter in the area of onsite sewage treatment and
62 disposal system inspection.

63 2. Inspections and pumpouts may be performed by an
64 authorized employee working under the supervision of a qualified
65 contractor.

66 3. All inspection forms must be signed by a qualified
67 contractor in writing or by electronic signature.

68 (c) Repair of systems.-For purposes of this subsection:

69 1. "Repair" means any replacement of or modification or
70 addition to a failing onsite sewage treatment and disposal
71 system which is necessary to allow the system to function in
72 accordance with its design or is necessary to eliminate a public
73 health or pollution hazard, including the use of any treatment
74 method that is intended to improve the functioning of any part

75 of the system or to prolong or sustain the length of time the
76 system functions. Repair does not include:

77 a. The service or replacement of mechanical or electrical
78 parts of an approved system with like kind and quality parts;

79 b. Any minor structural corrections to a tank or
80 distribution box;

81 c. The use of an authorized additive in indoor building
82 plumbing by the onsite sewage treatment and disposal system
83 owner;

84 d. The removal of the contents of any tank or the
85 installation of an approved outlet filter device without
86 disturbing the drainfield;

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

88 f. The splicing of a drip emitter line if the emitter is
89 not eliminated.

90 2. "System failure" means a condition existing within an
91 onsite sewage treatment and disposal system which results in the
92 discharge of untreated or partially treated wastewater onto the
93 ground surface or into surface water or that results in the
94 failure of building plumbing to discharge properly and presents
95 a sanitary nuisance.

96 a. A system is not in failure if the system does not have
97 a minimum separation distance between the drainfield and the
98 wettest season water table or if an obstruction in a sanitary
99 line or an effluent screen or filter prevents effluent from

100 flowing into a drainfield.

101 b. If a system failure is identified and several allowable
 102 remedial measures are available to resolve the failure, the
 103 onsite sewage treatment and disposal system owner may choose the
 104 least costly allowable remedial measure to repair the system.
 105 There may be instances in which a pumpout is sufficient to
 106 resolve a system failure. Allowable remedial measures to resolve
 107 a system failure are limited to what is necessary to resolve the
 108 failure and must meet, to the maximum extent practicable, the
 109 requirements of the repair code in effect when the repair is
 110 made, subject to the exceptions specified in s. 381.0065(4)(g).

111 c. An engineer-designed performance-based treatment system
 112 to reduce nutrients may not be required as an alternative
 113 remediation measure to resolve the failure of a conventional
 114 system.

115 (d) Exemptions.-An onsite sewage treatment and disposal
 116 system is exempt from the requirements of this section if:

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

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

124 3. The system is located in an area that has a water
125 quality restoration plan that identifies the system for
126 inclusion in a septic-to-sewer project or conversion of the
127 system to an advanced nutrient removal system within 5 years; or

128 4. The system serves a residential dwelling unit on a lot
129 with one bedroom or less per acre.

130 (e) Tank inspection.—The tank inspection must assess the
131 apparent structural condition and watertightness of the tank and
132 estimate the size of the tank.

133 1. The inspection must include a pumpout. A pumpout is not
134 required if there is documentation that:

135 a. Indicates a tank pumpout or a permitted new
136 installation, repair, or modification of the system has occurred
137 within the previous 3 years;

138 b. Identifies the capacity of the tank; and

139 c. Indicates the condition of the tank is structurally
140 sound and watertight.

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

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

148 4. The inspection must note:

- 149 a. The presence and condition of outlet devices, effluent
 150 filters, and compartment walls;
- 151 b. Any structural defect in the tank;
- 152 c. The condition and fit of the tank lid, including
 153 manholes;
- 154 d. Whether surface water can infiltrate the tank; and
 155 e. Whether the tank was pumped out.
- 156 5. The replacement of a broken or damaged lid or manhole
 157 does not require a repair permit.
- 158 (f) Drainfield inspection.—The drainfield inspection must
 159 include a determination of the approximate size and location of
 160 the drainfield. The inspection must state whether there is any
 161 sewage or effluent visible on the ground or discharging to a
 162 ditch or other water body and the location of any downspout or
 163 other source of water near or in the vicinity of the drainfield.
- 164 (g) Special circumstances.—
- 165 1. If the onsite sewage treatment and disposal system
 166 contains pumps, siphons, or alarms, the following information
 167 may be provided at the request of the system owner:
- 168 a. An assessment of dosing tank integrity, including the
 169 approximate volume and the type of material used in the tank's
 170 construction;
- 171 b. Whether the pump is elevated off the bottom of the
 172 chamber and its operational status;
- 173 c. Whether the system has a check valve and purge hole;

174 and

175 d. Whether the system has a high-water alarm, and if so
176 whether the alarm is audio or visual or both, the location and
177 operational condition of the alarm, and whether the electrical
178 connections to the alarm appear satisfactory.

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

186 (h) Assessment procedure.-

187 1. All inspection procedures used by a qualified
188 contractor must be documented in the department's environmental
189 health database.

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

198 3. The front cover of the report must:

199 a. Identify any system failure;
 200 b. Include a clear and conspicuous notice that the onsite
 201 sewage treatment and disposal system owner has the right to have
 202 any remediation of a system failure performed by a qualified
 203 contractor other than the contractor performing the inspection;
 204 and
 205 c. Include a clear and conspicuous statement of the
 206 exclusion of liability under paragraph (g).
 207 4. The report must identify any:
 208 a. Crack, leak, improper fit, or other defect in the tank,
 209 manhole, or lid, and any other damaged or missing component;
 210 b. Sewage or effluent visible on the ground or discharging
 211 to a ditch or other surface water body;
 212 c. Downspout, stormwater, or other source of water
 213 directed onto or toward the system; and
 214 d. Maintenance need or condition of the system at the time
 215 of the inspection which, in the opinion of the qualified
 216 contractor, would possibly interfere with or restrict any future
 217 repair or modification to the existing system.
 218 5. The report must conclude with an overall assessment of
 219 the fundamental operational condition of the system.
 220 (3) In administering the inspection program, the
 221 department:
 222 (a) May develop a reasonable fee schedule to be used
 223 solely to pay for the costs of administering the inspection

224 program. The fee schedule must be identified in the rule that
225 adopts the inspection program. When arriving at a reasonable fee
226 schedule, the estimated annual revenues to be derived from fees
227 may not exceed reasonable estimated annual costs of the program.
228 Fees must be assessed to the onsite sewage treatment and
229 disposal system owner during an inspection and separately
230 identified on the invoice of the qualified contractor. Fees must
231 be remitted by the qualified contractor to the department.

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

244 (c) Shall provide uniform disciplinary procedures and
245 penalties for qualified contractors who do not comply with the
246 requirements of department rules, including, but not limited to,
247 failure to provide the inspection report as required in this
248 subsection to the onsite sewage treatment and disposal system

HB 1425

2023

249 owner and the county health department.

250 (4) An onsite sewage treatment and disposal system owner
251 is responsible for paying the cost of the inspection and any
252 required pumpout pursuant to department rule and may not request
253 partial inspections or the omission of portions of the
254 inspection.

255 Section 3. This act shall take effect July 1, 2023.