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2988 subsection (5) of that section is renumbered as subsection (6),
2989 and new subsections (5) and (7) are added to that section, to
2990 read:

2991 381.0065 Onsite sewage treatment and disposal systems;
2992 regulation.—

2993 (1) LEGISLATIVE INTENT.—

2994 (a) It is the intent of the Legislature that proper
2995 management of onsite sewage treatment and disposal systems is
2996 paramount to the health, safety, and welfare of the public. It
2997 is further the intent of the Legislature that the department
2998 shall administer an evaluation program to ensure the operational
2999 condition of the system and identify any failure with the
3000 system.

3001 (b) It is the intent of the Legislature that where a
3002 publicly owned or investor-owned sewerage system is not
3003 available, the department shall issue permits for the
3004 construction, installation, modification, abandonment, or repair
3005 of onsite sewage treatment and disposal systems under conditions
3006 as described in this section and rules adopted under this
3007 section. It is further the intent of the Legislature that the
3008 installation and use of onsite sewage treatment and disposal
3009 systems not adversely affect the public health or significantly
3010 degrade the groundwater or surface water.

3011 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
3012 construct, repair, modify, abandon, or operate an onsite sewage
3013 treatment and disposal system without first obtaining a permit
3014 approved by the department. The department may issue permits to
3015 carry out this section, but shall not make the issuance of such
3016 permits contingent upon prior approval by the Department of

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3017 Environmental Protection, except that the issuance of a permit
3018 for work seaward of the coastal construction control line
3019 established under s. 161.053 shall be contingent upon receipt of
3020 any required coastal construction control line permit from the
3021 Department of Environmental Protection. A construction permit is
3022 valid for 18 months from the issuance date and may be extended
3023 by the department for one 90-day period under rules adopted by
3024 the department. A repair permit is valid for 90 days from the
3025 date of issuance. An operating permit must be obtained prior to
3026 the use of any aerobic treatment unit or if the establishment
3027 generates commercial waste. Buildings or establishments that use
3028 an aerobic treatment unit or generate commercial waste shall be
3029 inspected by the department at least annually to assure
3030 compliance with the terms of the operating permit. The operating
3031 permit for a commercial wastewater system is valid for 1 year
3032 from the date of issuance and must be renewed annually. The
3033 operating permit for an aerobic treatment unit is valid for 2
3034 years from the date of issuance and must be renewed every 2
3035 years. If all information pertaining to the siting, location,
3036 and installation conditions or repair of an onsite sewage
3037 treatment and disposal system remains the same, a construction
3038 or repair permit for the onsite sewage treatment and disposal
3039 system may be transferred to another person, if the transferee
3040 files, within 60 days after the transfer of ownership, an
3041 amended application providing all corrected information and
3042 proof of ownership of the property. There is no fee associated
3043 with the processing of this supplemental information. A person
3044 may not contract to construct, modify, alter, repair, service,
3045 abandon, or maintain any portion of an onsite sewage treatment

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3046 and disposal system without being registered under part III of
3047 chapter 489. A property owner who personally performs
3048 construction, maintenance, or repairs to a system serving his or
3049 her own owner-occupied single-family residence is exempt from
3050 registration requirements for performing such construction,
3051 maintenance, or repairs on that residence, but is subject to all
3052 permitting requirements. A municipality or political subdivision
3053 of the state may not issue a building or plumbing permit for any
3054 building that requires the use of an onsite sewage treatment and
3055 disposal system unless the owner or builder has received a
3056 construction permit for such system from the department. A
3057 building or structure may not be occupied and a municipality,
3058 political subdivision, or any state or federal agency may not
3059 authorize occupancy until the department approves the final
3060 installation of the onsite sewage treatment and disposal system.
3061 A municipality or political subdivision of the state may not
3062 approve any change in occupancy or tenancy of a building that
3063 uses an onsite sewage treatment and disposal system until the
3064 department has reviewed the use of the system with the proposed
3065 change, approved the change, and amended the operating permit.

3066 (1) For the Florida Keys, the department shall adopt a
3067 special rule for the construction, installation, modification,
3068 operation, repair, maintenance, and performance of onsite sewage
3069 treatment and disposal systems which considers the unique soil
3070 conditions and ~~which considers~~ water table elevations,
3071 densities, and setback requirements. On lots where a setback
3072 distance of 75 feet from surface waters, saltmarsh, and
3073 buttonwood association habitat areas cannot be met, an injection
3074 well, approved and permitted by the department, may be used for

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3075 disposal of effluent from onsite sewage treatment and disposal
3076 systems. The following additional requirements apply to onsite
3077 sewage treatment and disposal systems in Monroe County:

3078 1. The county, each municipality, and those special
3079 districts established for the purpose of the collection,
3080 transmission, treatment, or disposal of sewage shall ensure, in
3081 accordance with the specific schedules adopted by the
3082 Administration Commission under s. 380.0552, the completion of
3083 onsite sewage treatment and disposal system upgrades to meet the
3084 requirements of this paragraph.

3085 2. Onsite sewage treatment and disposal systems must cease
3086 discharge by December 31, 2015, or must comply with department
3087 rules and provide the level of treatment which, on a permitted
3088 annual average basis, produces an effluent that contains no more
3089 than the following concentrations:

3090 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3091 b. Suspended Solids of 10 mg/l.

3092 c. Total Nitrogen, expressed as N, of 10 mg/l.

3093 d. Total Phosphorus, expressed as P, of 1 mg/l.

3094

3095 In addition, onsite sewage treatment and disposal systems
3096 discharging to an injection well must provide basic disinfection
3097 as defined by department rule.

3098 3. On or after July 1, 2010, all new, modified, and
3099 repaired onsite sewage treatment and disposal systems must
3100 provide the level of treatment described in subparagraph 2.
3101 However, in areas scheduled to be served by central sewer by
3102 December 31, 2015, if the property owner has paid a connection
3103 fee or assessment for connection to the central sewer system, an

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3104 onsite sewage treatment and disposal system may be repaired to
3105 the following minimum standards:

3106 a. The existing tanks must be pumped and inspected and
3107 certified as being watertight and free of defects in accordance
3108 with department rule; and

3109 b. A sand-lined drainfield or injection well in accordance
3110 with department rule must be installed.

3111 4. Onsite sewage treatment and disposal systems must be
3112 monitored for total nitrogen and total phosphorus concentrations
3113 as required by department rule.

3114 5. The department shall enforce proper installation,
3115 operation, and maintenance of onsite sewage treatment and
3116 disposal systems pursuant to this chapter, including ensuring
3117 that the appropriate level of treatment described in
3118 subparagraph 2. is met.

3119 6. The authority of a local government, including a special
3120 district, to mandate connection of an onsite sewage treatment
3121 and disposal system is governed by section 4 of chapter 99-395,
3122 Laws of Florida.

3123 (5) EVALUATION AND ASSESSMENT.—

3124 (a) Beginning January 1, 2011, the department shall
3125 administer an onsite sewage treatment and disposal system
3126 evaluation program for the purpose of assessing the fundamental
3127 operational condition of systems and identifying any failures
3128 within the systems. The department shall adopt rules
3129 implementing the program standards, procedures, and
3130 requirements, including, but not limited to, a schedule for a 5-
3131 year evaluation cycle, requirements for the pump-out of a system
3132 or repair of a failing system, enforcement procedures for

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3133 failure of a system owner to obtain an evaluation of the system,
3134 and failure of a contractor to timely submit evaluation results
3135 to the department and the system owner. The department shall
3136 ensure statewide implementation of the evaluation and assessment
3137 program by January 1, 2016.

3138 (b) Owners of an onsite sewage treatment and disposal
3139 system, excluding a system that is required to obtain an
3140 operating permit, shall have the system evaluated at least once
3141 every 5 years to assess the fundamental operational condition of
3142 the system, and identify any failure within the system.

3143 (c) All evaluation procedures must be documented and
3144 nothing in this subsection limits the amount of detail an
3145 evaluator may provide at his or her professional discretion. The
3146 evaluation must include a tank and drainfield evaluation, a
3147 written assessment of the condition of the system, and, if
3148 necessary, a disclosure statement pursuant to the department's
3149 procedure.

3150 (d)1. Systems being evaluated that were installed prior to
3151 January 1, 1983, shall meet a minimum 6-inch separation from the
3152 bottom of the drainfield to the wettest season water table
3153 elevation as defined by department rule. All drainfield repairs,
3154 replacements or modifications to systems installed prior to
3155 January 1, 1983, shall meet a minimum 12-inch separation from
3156 the bottom of the drainfield to the wettest season water table
3157 elevation as defined by department rule.

3158 2. Systems being evaluated that were installed on or after
3159 January 1, 1983, shall meet a minimum 12-inch separation from
3160 the bottom of the drainfield to the wettest season water table
3161 elevation as defined by department rule. All drainfield repairs,

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3162 replacements or modification to systems developed on or after
3163 January 1, 1983, shall meet a minimum 24-inch separation from
3164 the bottom of the drainfield to the wettest season water table
3165 elevation.

3166 (e) If documentation of a tank pump-out or a permitted new
3167 installation, repair, or modification of the system within the
3168 previous 5 years is provided, and states the capacity of the
3169 tank and indicates that the condition of the tank is not a
3170 sanitary or public health nuisance pursuant to department rule,
3171 a pump-out of the system is not required.

3172 (f) Owners are responsible for paying the cost of any
3173 required pump-out, repair, or replacement pursuant to department
3174 rule, and may not request partial evaluation or the omission of
3175 portions of the evaluation.

3176 (g) Each evaluation or pump-out required under this
3177 subsection must be performed by a septic tank contractor or
3178 master septic tank contractor registered under part III of
3179 chapter 489, a professional engineer with wastewater treatment
3180 system experience licensed pursuant to chapter 471, or an
3181 environmental health professional certified under chapter 381 in
3182 the area of onsite sewage treatment and disposal system
3183 evaluation.

3184 (h) The evaluation report fee collected pursuant to s.
3185 381.0066(2)(b) shall be remitted to the department by the
3186 evaluator at the time the report is submitted.

3187 (i) Prior to any evaluation deadline, the department must
3188 provide a minimum of 60 days' notice to owners that their
3189 systems must be evaluated by that deadline. The department may
3190 include a copy of any homeowner educational materials developed

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3191 pursuant to this section which provides information on the
3192 proper maintenance of onsite sewage treatment and disposal
3193 systems.

3194 (6)~~(5)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

3195 (a) Department personnel who have reason to believe
3196 noncompliance exists, may at any reasonable time, enter the
3197 premises permitted under ss. 381.0065-381.0066, or the business
3198 premises of any septic tank contractor or master septic tank
3199 contractor registered under part III of chapter 489, or any
3200 premises that the department has reason to believe is being
3201 operated or maintained not in compliance, to determine
3202 compliance with the provisions of this section, part I of
3203 chapter 386, or part III of chapter 489 or rules or standards
3204 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
3205 part III of chapter 489. As used in this paragraph, the term
3206 "premises" does not include a residence or private building. To
3207 gain entry to a residence or private building, the department
3208 must obtain permission from the owner or occupant or secure an
3209 inspection warrant from a court of competent jurisdiction.

3210 (b)1. The department may issue citations that may contain
3211 an order of correction or an order to pay a fine, or both, for
3212 violations of ss. 381.0065-381.0067, part I of chapter 386, or
3213 part III of chapter 489 or the rules adopted by the department,
3214 when a violation of these sections or rules is enforceable by an
3215 administrative or civil remedy, or when a violation of these
3216 sections or rules is a misdemeanor of the second degree. A
3217 citation issued under ss. 381.0065-381.0067, part I of chapter
3218 386, or part III of chapter 489 constitutes a notice of proposed
3219 agency action.

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3220 2. A citation must be in writing and must describe the
3221 particular nature of the violation, including specific reference
3222 to the provisions of law or rule allegedly violated.

3223 3. The fines imposed by a citation issued by the department
3224 may not exceed \$500 for each violation. Each day the violation
3225 exists constitutes a separate violation for which a citation may
3226 be issued.

3227 4. The department shall inform the recipient, by written
3228 notice pursuant to ss. 120.569 and 120.57, of the right to an
3229 administrative hearing to contest the citation within 21 days
3230 after the date the citation is received. The citation must
3231 contain a conspicuous statement that if the recipient fails to
3232 pay the fine within the time allowed, or fails to appear to
3233 contest the citation after having requested a hearing, the
3234 recipient has waived the recipient's right to contest the
3235 citation and must pay an amount up to the maximum fine.

3236 5. The department may reduce or waive the fine imposed by
3237 the citation. In determining whether to reduce or waive the
3238 fine, the department must consider the gravity of the violation,
3239 the person's attempts at correcting the violation, and the
3240 person's history of previous violations including violations for
3241 which enforcement actions were taken under ss. 381.0065-
3242 381.0067, part I of chapter 386, part III of chapter 489, or
3243 other provisions of law or rule.

3244 6. Any person who willfully refuses to sign and accept a
3245 citation issued by the department commits a misdemeanor of the
3246 second degree, punishable as provided in s. 775.082 or s.
3247 775.083.

3248 7. The department, pursuant to ss. 381.0065-381.0067, part

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3249 I of chapter 386, or part III of chapter 489, shall deposit any
3250 fines it collects in the county health department trust fund for
3251 use in providing services specified in those sections.

3252 8. This section provides an alternative means of enforcing
3253 ss. 381.0065-381.0067, part I of chapter 386, and part III of
3254 chapter 489. This section does not prohibit the department from
3255 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
3256 III of chapter 489, or its rules, by any other means. However,
3257 the department must elect to use only a single method of
3258 enforcement for each violation.

3259 (7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
3260 January 1, 2016, the land application of septage from onsite
3261 sewage treatment and disposal systems is prohibited. By February
3262 1, 2011, the department, in consultation with the Department of
3263 Environmental Protection, shall provide a report to the
3264 Governor, the President of the Senate, and the Speaker of the
3265 House of Representatives, recommending alternative methods to
3266 establish enhanced treatment levels for the land application of
3267 septage from onsite sewage and disposal systems. The report
3268 shall include, but is not limited to, a schedule for the
3269 reduction in land application, appropriate treatment levels,
3270 alternative methods for treatment and disposal, enhanced
3271 application site permitting requirements including any
3272 requirements for nutrient management plans, and the range of
3273 costs to local governments, affected businesses and individuals
3274 for alternative treatment and disposal methods. The report shall
3275 also include any recommendations for legislation or rule
3276 authority needed to reduce land application of septage.

3277 Section 36. Section 381.00656, Florida Statutes, is created

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3278 to read:

3279 381.00656 Grant program for repair of onsite sewage
3280 treatment disposal systems.—Effective January 1, 2012, the
3281 department shall administer a grant program to assist owners of
3282 onsite sewage treatment and disposal systems identified pursuant
3283 to s. 381.0065 or the rules adopted thereunder. A grant under
3284 the program may be awarded to an owner only for the purpose of
3285 inspecting, pumping, repairing, or replacing a system serving a
3286 single-family residence occupied by an owner with a family
3287 income of less than or equal to 133 percent of the federal
3288 poverty level at the time of application. The department may
3289 prioritize applications for an award of grant funds based upon
3290 the severity of a system's failure, its relative environmental
3291 impact, the income of the family, or any combination thereof.
3292 The department shall adopt rules establishing the grant
3293 application and award process, including an application form.
3294 The department shall seek to make grants in each fiscal year
3295 equal to the total amount of grant funds available, with any
3296 excess funds used for grant awards in subsequent fiscal years.

3297 Section 37. Subsection (2) of section 381.0066, Florida
3298 Statutes, is amended to read:

3299 381.0066 Onsite sewage treatment and disposal systems;
3300 fees.—

3301 (2) The minimum fees in the following fee schedule apply
3302 until changed by rule by the department within the following
3303 limits:

3304 (a) Application review, permit issuance, or system
3305 inspection, including repair of a subsurface, mound, filled, or
3306 other alternative system or permitting of an abandoned system: a

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3307 fee of not less than \$25, or more than \$125.

3308 (b) A 5-year evaluation report submitted pursuant to s.
3309 381.0065(5): a fee not less than \$15, or more than \$30. At least
3310 \$1 and no more than \$5 collected pursuant to this paragraph
3311 shall be used to fund a grant program established under s.
3312 381.00656.

3313 (c)~~(b)~~ Site evaluation, site reevaluation, evaluation of a
3314 system previously in use, or a per annum septage disposal site
3315 evaluation: a fee of not less than \$40, or more than \$115.

3316 (d)~~(e)~~ Biennial Operating permit for aerobic treatment
3317 units or performance-based treatment systems: a fee of not more
3318 than \$100.

3319 (e)~~(d)~~ Annual operating permit for systems located in areas
3320 zoned for industrial manufacturing or equivalent uses or where
3321 the system is expected to receive wastewater which is not
3322 domestic in nature: a fee of not less than \$150, or more than
3323 \$300.

3324 (f)~~(e)~~ Innovative technology: a fee not to exceed \$25,000.

3325 (g)~~(f)~~ Septage disposal service, septage stabilization
3326 facility, portable or temporary toilet service, tank
3327 manufacturer inspection: a fee of not less than \$25, or more
3328 than \$200, per year.

3329 (h)~~(g)~~ Application for variance: a fee of not less than
3330 \$150, or more than \$300.

3331 (i)~~(h)~~ Annual operating permit for waterless, incinerating,
3332 or organic waste composting toilets: a fee of not less than \$50,
3333 or more than \$150.

3334 (j)~~(i)~~ Aerobic treatment unit or performance-based
3335 treatment system maintenance entity permit: a fee of not less

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3336 than \$25, or more than \$150, per year.

3337 (k)~~(j)~~ Reinspection fee per visit for site inspection after
3338 system construction approval or for noncompliant system
3339 installation per site visit: a fee of not less than \$25, or more
3340 than \$100.

3341 (l)~~(k)~~ Research: An additional \$5 fee shall be added to
3342 each new system construction permit issued to be used to fund
3343 onsite sewage treatment and disposal system research,
3344 demonstration, and training projects. Five dollars from any
3345 repair permit fee collected under this section shall be used for
3346 funding the hands-on training centers described in s.
3347 381.0065(3)(j).

3348 (m)~~(l)~~ Annual operating permit, including annual inspection
3349 and any required sampling and laboratory analysis of effluent,
3350 for an engineer-designed performance-based system: a fee of not
3351 less than \$150, or more than \$300.

3352
3353 On or before January 1, 2011, the Surgeon General, after
3354 consultation with the Revenue Estimating Conference, shall
3355 determine a revenue neutral fee schedule for services provided
3356 pursuant to s. 381.0065(5) within the parameters set in
3357 paragraph (b). Such determination is not subject to the
3358 provisions of chapter 120. The funds collected pursuant to this
3359 subsection must be deposited in a trust fund administered by the
3360 department, to be used for the purposes stated in this section
3361 and ss. 381.0065 and 381.00655.

3362 Section 38. Subsection (9) of section 403.086, Florida
3363 Statutes, is amended, and subsection (10) is added to that
3364 section, to read: