

1 A bill to be entitled
 2 An act relating to private provider inspections of
 3 onsite sewage treatment and disposal systems; amending
 4 s. 381.0065, F.S.; authorizing private provider
 5 inspections of onsite sewage treatment and disposal
 6 systems under certain conditions; specifying
 7 requirements for private providers and onsite sewage
 8 treatment and disposal system owners and authorized
 9 contractors; authorizing the department to audit the
 10 performance of a specified percentage of such
 11 inspections; providing audit conditions and
 12 construction; requiring the department to adopt rules
 13 and to initiate rulemaking by a specified date;
 14 amending s. 381.00651, F.S.; revising the list of
 15 providers authorized to perform evaluations and
 16 assessments of onsite sewage treatment and disposal
 17 systems; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (8) is added to section 381.0065,
 22 Florida Statutes, to read:

23 381.0065 Onsite sewage treatment and disposal systems;
 24 regulation.—

25 (8) PRIVATE PROVIDER INSPECTIONS.—

26 (a) Notwithstanding any other law, ordinance, or policy,
 27 the owner of an onsite sewage treatment and disposal system or a
 28 contractor upon the owner's written authorization may hire a
 29 private provider to perform an inspection that follows
 30 applicable regulatory requirements of the onsite sewage
 31 treatment and disposal system.

32 (b) An inspection of an onsite sewage treatment and
 33 disposal system required under this section may not be conducted
 34 by the private provider or authorized representative of the
 35 private provider that installed the onsite sewage treatment and
 36 disposal system.

37 (c) A private provider or an authorized representative of
 38 a private provider may perform onsite sewage treatment and
 39 disposal system inspections if they are:

40 1. An environmental health professional certified under s.
 41 381.0101;

42 2. A master septic tank contractor registered under part
 43 III of chapter 489;

44 3. A professional engineer licensed under chapter 471 and
 45 have passed all parts of the Onsite Sewage Treatment and
 46 Disposal System Accelerated Certification Training; or

47 4. Working under the supervision of a licensed
 48 professional engineer and have passed all parts of the Onsite
 49 Sewage Treatment and Disposal System Accelerated Certification
 50 Training.

51 (d) An owner or authorized contractor using a private
 52 provider for an onsite sewage treatment and disposal system
 53 inspection must provide notice to the department at the time of
 54 permit application or by 2 p.m. local time, 2 business days
 55 before the first scheduled inspection by the department. The
 56 notice must include all of the following information:

57 1. For each private provider or authorized representative
 58 performing the inspection:

59 a. Name and firm name, address, telephone number, and e-
 60 mail address.

61 b. Professional license or certification number.

62 c. Qualification statement or resume.

63 2. An acknowledgement from the owner in substantially the
 64 following form:

65
 66 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
 67 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
 68 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
 69 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
 70 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
 71 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY
 72 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
 73 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
 74 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
 75 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE

76 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY
 77 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
 78 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
 79 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
 80 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
 81 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
 82 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE
 83 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH
 84 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING
 85 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

86
 87 If an owner or authorized contractor makes any changes to the
 88 listed private provider or the service to be performed by the
 89 private provider, the owner or the authorized contractor must
 90 update the notice to reflect the change within 1 business day
 91 after the change. The change of an authorized representative
 92 identified in the permit application does not require a revision
 93 of the permit and the department may not charge a fee for making
 94 such change.

95 (e) The department may audit up to 25 percent of private
 96 providers each year to ensure the accurate performance of onsite
 97 sewage treatment and disposal system inspections. Work on an
 98 onsite sewage treatment and disposal system may proceed after
 99 inspection and approval by a private provider if the owner or
 100 authorized contractor has given notice of the inspection

101 pursuant to paragraph (d) and, subsequent to such inspection and
 102 approval, such work may not be delayed for completion of an
 103 inspection audit by the department unless deficiencies are found
 104 in the audit.

105 (f) This subsection does not prevent the department from
 106 investigating complaints.

107 (g) The department shall adopt rules to implement this
 108 subsection and must initiate such rulemaking by August 31, 2022.

109 Section 2. Paragraph (b) of subsection (6) of section
 110 381.00651, Florida Statutes, is amended to read:

111 381.00651 Periodic evaluation and assessment of onsite
 112 sewage treatment and disposal systems.—

113 (6) The requirements for an onsite sewage treatment and
 114 disposal system evaluation and assessment program are as
 115 follows:

116 (b) Qualified contractors.—Each evaluation required under
 117 this subsection must be performed by a qualified contractor, who
 118 may be a private provider or an authorized representative of a
 119 private provider as described in s. 381.0065(8) (c) ~~septic tank~~
 120 contractor or master septic tank contractor registered under
 121 part III of chapter 489, a professional engineer having
 122 wastewater treatment system experience and licensed under
 123 chapter 471, or an environmental health professional certified
 124 under this chapter in the area of onsite sewage treatment and
 125 disposal system evaluation. Evaluations and pump-outs may also

CS/CS/HB 309

2022

126 | be performed by an authorized employee working under the
127 | supervision of an individual listed in this paragraph; however,
128 | all evaluation forms must be signed by a qualified contractor in
129 | writing or by electronic signature.

130 | Section 3. This act shall take effect July 1, 2022.