

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 of
 10 Environmental Protection to audit the performance of a
 11 specified percentage of such inspections; providing
 12 audit conditions and construction; requiring the
 13 department to adopt rules and to initiate rulemaking
 14 by a specified date; requiring the department to
 15 submit a report on private provider inspections of
 16 onsite sewage treatment and disposal systems to the
 17 Legislature by a specified date; providing a report
 18 requirement; providing an effective date.

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

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

24 381.0065 Onsite sewage treatment and disposal systems;
 25 regulation.-

26 (8) PRIVATE PROVIDER INSPECTIONS.-

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

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

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

41 1. An environmental health professional certified under s.
42 381.0101;

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

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

48 4. Working under the supervision of a licensed
49 professional engineer and have passed all parts of the Onsite

50 Sewage Treatment and Disposal System Accelerated Certification
 51 Training.

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

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

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

62 b. Professional license or certification number.

63 c. Qualification statement or resume.

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

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

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

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

96 (e) The department may audit up to 25 percent of private
 97 providers each year to ensure the accurate performance of onsite
 98 sewage treatment and disposal system inspections. Work on an
 99 onsite sewage treatment and disposal system may proceed after

100 inspection and approval by a private provider if the owner or
101 authorized contractor has given notice of the inspection
102 pursuant to paragraph (d) and, subsequent to such inspection and
103 approval, such work may not be delayed for completion of an
104 inspection audit by the department unless deficiencies are found
105 in the audit.

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

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

110 Section 2. The Department of Environmental Protection
111 shall submit a report no later than October 1, 2023, to the
112 President of the Senate and the Speaker of the House of
113 Representatives on the use of private providers for onsite
114 sewage treatment and disposal system inspections. The report
115 must include the number of onsite sewage treatment and disposal
116 system inspections performed by private providers.

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