



200258

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

381.0065 Onsite sewage treatment and disposal systems;
regulation.—

(8) PRIVATE PROVIDER INSPECTIONS.—

(a) Notwithstanding any other law, ordinance, or policy,



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11 the owner of an onsite sewage treatment and disposal system or a
12 contractor upon the owner's written authorization may hire a
13 private provider to perform an inspection that follows
14 applicable regulatory requirements of the onsite sewage
15 treatment and disposal system.

16 (b) An inspection of an onsite sewage treatment and
17 disposal system required under this section may not be conducted
18 by the private provider or authorized representative of the
19 private provider that installed the onsite sewage treatment and
20 disposal system.

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

24 1. An environmental health professional certified under s.
25 381.0101;

26 2. A master septic tank contractor registered under part
27 III of chapter 489;

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

31 4. Working under the supervision of a licensed professional
32 engineer and have passed all parts of the Onsite Sewage
33 Treatment and Disposal System Accelerated Certification
34 Training.

35 (d) An owner or authorized contractor using a private
36 provider for an onsite sewage treatment and disposal system
37 inspection must provide notice to the department at the time of
38 permit application or by 2 p.m. local time, 2 business days
39 before the first scheduled inspection by the department. The



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40 notice must include all of the following information:

41 1. For each private provider or authorized representative
42 performing the inspection:

43 a. Name and firm name, address, telephone number, and e-
44 mail address.

45 b. Professional license or certification number.

46 c. Qualification statement or resume.

47 2. An acknowledgment from the owner in substantially the
48 following form:

49

50 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
51 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
52 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
53 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
54 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
55 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY
56 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
57 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
58 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
59 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE
60 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY
61 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
62 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
63 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
64 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
65 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
66 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE
67 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH
68 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING



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69 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

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71 If an owner or authorized contractor makes any changes to the
72 listed private provider or the service to be performed by the
73 private provider, the owner or the authorized contractor must
74 update the notice to reflect the change within 1 business day
75 after the change. The change of an authorized representative
76 identified in the permit application does not require a revision
77 of the permit and the department may not charge a fee for making
78 such change.

79 (e) The department may audit up to 25 percent of private
80 providers each year to ensure the accurate performance of onsite
81 sewage treatment and disposal system inspections. Work on an
82 onsite sewage treatment and disposal system may proceed after
83 inspection and approval by a private provider if the owner or
84 authorized contractor has given notice of the inspection
85 pursuant to paragraph (d) and, subsequent to such inspection and
86 approval, such work may not be delayed for completion of an
87 inspection audit by the department unless deficiencies are found
88 in the audit.

89 (f) This subsection does not prevent the department from
90 investigating complaints.

91 (g) By October 1, 2023, the department shall submit a
92 report to the President of the Senate and the Speaker of the
93 House of Representatives reviewing the use of private providers
94 to perform onsite sewage treatment and disposal system
95 inspections as authorized by this subsection. The report must
96 include, at a minimum, the number of such inspections performed
97 by private providers.



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98 (h) The department shall adopt rules to implement this
99 subsection and must initiate such rulemaking by August 31, 2022.

100 Section 2. This act shall take effect July 1, 2022.

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102 ===== T I T L E A M E N D M E N T =====

103 And the title is amended as follows:

104 Delete everything before the enacting clause
105 and insert:

106 A bill to be entitled
107 An act relating to private provider inspections of
108 onsite sewage treatment and disposal systems; amending
109 s. 381.0065, F.S.; authorizing private provider
110 inspections of onsite sewage treatment and disposal
111 systems under certain conditions; specifying
112 requirements for private providers and onsite sewage
113 treatment and disposal system owners and authorized
114 contractors; authorizing the Department of
115 Environmental Protection to audit the performance of a
116 specified percentage of such inspections; providing
117 audit conditions and construction; requiring the
118 department to submit a report to the Legislature
119 reviewing the use of private providers to perform
120 onsite sewage treatment and disposal system
121 inspections by a specified date; providing report
122 requirements; requiring the department to adopt rules
123 and to initiate rulemaking by a specified date;
124 providing an effective date.