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LEGISLATIVE ACTION

Senate

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House

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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 160

and insert:

private provider to perform an inspection that follows  
applicable regulatory requirements of the onsite sewage  
treatment and disposal system and pay the private provider  
directly if the inspection is the subject of a written contract  
between the private provider or the private provider's firm and  
the owner or the authorized contractor.



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11           (b) The department may not charge an inspection fee for an  
12 onsite sewage treatment and disposal system inspection performed  
13 by a private provider under written contract with an owner or  
14 authorized contractor in accordance with this section and  
15 department rules.

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

19           1. An environmental health professional certified under s.  
20 381.0101;

21           2. A master septic tank contractor registered under part  
22 III of chapter 489;

23           3. A professional engineer licensed under chapter 471 and  
24 has passed all parts of the Onsite Sewage Treatment Disposal  
25 System Accelerated Certification Training; or

26           4. Working under the supervision of a licensed professional  
27 engineer and has passed all parts of the Onsite Sewage Treatment  
28 Disposal System Accelerated Certification Training.

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

35           1. For each private provider or authorized representative  
36 performing the inspection:

37           a. Name and firm name, address, telephone number, and e-  
38 mail address.

39           b. Professional license or certification number.



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40 c. Qualification statement or resume.

41 2. An acknowledgment from the owner in substantially the  
42 following form:

43  
44 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM  
45 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT  
46 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND  
47 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE  
48 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE  
49 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY  
50 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED  
51 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY  
52 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY  
53 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE  
54 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY  
55 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE  
56 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED  
57 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO  
58 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM  
59 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT  
60 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE  
61 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH  
62 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING  
63 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

64  
65 If an owner or authorized contractor makes any changes to the  
66 listed private provider or the service to be performed by the  
67 private provider, the owner or the authorized contractor must  
68 update the notice to reflect the change within 1 business day



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69 after the change. The change of an authorized representative  
70 identified in the permit application does not require a revision  
71 of the permit and the department may not charge a fee for making  
72 such change.

73 (e) The department may audit up to 25 percent of private  
74 providers each year to ensure the accurate performance of onsite  
75 sewage treatment and disposal system inspections. This  
76 subsection may not be construed to prevent the department from  
77 investigating complaints. Work on an onsite sewage treatment and  
78 disposal system may proceed after inspection and approval by a  
79 private provider if the owner or authorized contractor has given  
80 notice of the inspection pursuant to paragraph (d). Subsequent  
81 to such inspection and approval, such work may not be delayed  
82 for completion of an inspection audit by the department unless  
83 deficiencies are found in the audit.

84 (f) The department shall adopt rules to implement this  
85 subsection and shall initiate such rulemaking by August 31,  
86 2022.

87 Section 2. Paragraph (b) of subsection (6) and subsection  
88 (8) of section 381.00651, Florida Statutes, are amended to read:

89 381.00651 Periodic evaluation and assessment of onsite  
90 sewage treatment and disposal systems.—

91 (6) The requirements for an onsite sewage treatment and  
92 disposal system evaluation and assessment program are as  
93 follows:

94 (b) *Qualified contractors.*—Each evaluation required under  
95 this subsection must be performed by a qualified contractor, who  
96 may be a private provider or an authorized representative of a  
97 private provider as described in s. 381.0065(8)(c) a septic tank



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98 ~~contractor or master septic tank contractor registered under~~  
99 ~~part III of chapter 489, a professional engineer having~~  
100 ~~wastewater treatment system experience and licensed under~~  
101 ~~chapter 471, or an environmental health professional certified~~  
102 ~~under this chapter in the area of onsite sewage treatment and~~  
103 ~~disposal system evaluation.~~ Evaluations and pump-outs may also  
104 be performed by an authorized employee working under the  
105 supervision of an individual listed in this paragraph; however,  
106 all evaluation forms must be signed by a qualified contractor in  
107 writing or by electronic signature.

108 (8) The county health department, in coordination with the  
109 department, shall administer any evaluation program on behalf of  
110 a county, or a municipality within the county, that has adopted  
111 an evaluation program pursuant to this section. In order to  
112 administer the evaluation program, the county or municipality,  
113 in consultation with the county health department, may develop a  
114 reasonable fee schedule to be used solely to pay for the costs  
115 of administering the evaluation program. Such a fee schedule  
116 shall be identified in the ordinance that adopts the evaluation  
117 program. When arriving at a reasonable fee schedule, the  
118 estimated annual revenues to be derived from fees may not exceed  
119 reasonable estimated annual costs of the program. Fees shall be  
120 assessed to the system owner during an inspection and separately  
121 identified on the invoice of the qualified contractor. Fees  
122 shall be remitted by the qualified contractor to the county  
123 health department.

124 (a) The county health department's administrative  
125 responsibilities include the following:

126 1. ~~(a)~~ Providing a notice to the system owner at least 60



127 days before the system is due for an evaluation. The notice may  
128 include information on the proper maintenance of onsite sewage  
129 treatment and disposal systems.

130 2.~~(b)~~ In consultation with the department, providing  
131 uniform disciplinary procedures and penalties for qualified  
132 contractors who do not comply with the requirements of the  
133 adopted ordinance, including, but not limited to, failure to  
134 provide the evaluation report as required in this subsection to  
135 the system owner and the county health department. Only the  
136 county health department may assess penalties against system  
137 owners for failure to comply with the adopted ordinance,  
138 consistent with existing requirements of law.

139 (b) Nothing in this subsection may be construed as  
140 authorizing the department to charge an inspection fee for an  
141 onsite sewage treatment and disposal system inspection performed  
142 by a private provider in accordance with s. 381.0065(8).

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

144  
145 ===== T I T L E A M E N D M E N T =====

146 And the title is amended as follows:

147 Delete lines 12 - 13

148 and insert:

149 performance of a specified percentage of such  
150 inspections; providing construction; providing audit  
151 conditions; requiring the department to adopt rules  
152 and to initiate rulemaking by a specified date;  
153 amending s. 381.00651, F.S.; revising the