

By the Committees on Appropriations; and Environment and Natural Resources; and Senators Brodeur and Rodrigues

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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 submit a report to the Legislature
14 reviewing the use of private providers to perform
15 onsite sewage treatment and disposal system
16 inspections by a specified date; providing report
17 requirements; requiring the department to adopt rules
18 and to initiate rulemaking by a specified date;
19 providing an effective date.
20

21 Be It Enacted by the Legislature of the State of Florida:
22

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

25 381.0065 Onsite sewage treatment and disposal systems;
26 regulation.—

27 (8) PRIVATE PROVIDER INSPECTIONS.—

28 (a) Notwithstanding any other law, ordinance, or policy,
29 the owner of an onsite sewage treatment and disposal system or a

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30 contractor upon the owner's written authorization may hire a
31 private provider to perform an inspection that follows
32 applicable regulatory requirements of the onsite sewage
33 treatment and disposal system.

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

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

42 1. An environmental health professional certified under s.
43 381.0101;

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

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

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

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

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

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

63 b. Professional license or certification number.

64 c. Qualification statement or resume.

65 2. An acknowledgment from the owner in substantially the
66 following form:

67
68 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
69 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
70 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
71 THAT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY NOT PERFORM
72 THE REQUIRED ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
73 INSPECTION TO DETERMINE COMPLIANCE WITH THE APPLICABLE CODES,
74 EXCEPT TO THE EXTENT AUTHORIZED BY LAW. INSTEAD, THE INSPECTION
75 WILL BE PERFORMED BY THE LICENSED OR CERTIFIED PRIVATE PROVIDER
76 IDENTIFIED IN THE APPLICATION. BY EXECUTING THIS FORM, I
77 ACKNOWLEDGE THAT I HAVE MADE INQUIRY REGARDING THE COMPETENCE OF
78 THE LICENSED OR CERTIFIED PRIVATE PROVIDER AND AM SATISFIED THAT
79 MY INTERESTS ARE ADEQUATELY PROTECTED. I AGREE TO INDEMNIFY,
80 DEFEND, AND HOLD HARMLESS THE DEPARTMENT FROM ANY CLAIMS ARISING
81 FROM MY USE OF THE LICENSED OR CERTIFIED PRIVATE PROVIDER
82 IDENTIFIED IN THE APPLICATION TO PERFORM THE ONSITE SEWAGE
83 TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT IS THE SUBJECT OF
84 THE ENCLOSED PERMIT APPLICATION. ADDITIONALLY, I UNDERSTAND THAT
85 IN THE EVENT THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
86 DOES NOT COMPLY WITH APPLICABLE RULES AND LAW, I WILL BE
87 RESPONSIBLE FOR REMEDIATING THE SYSTEM IN ACCORDANCE WITH

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88 EXISTING LAW.

89

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

98 (e) The department may audit up to 25 percent of private
99 providers each year to ensure the accurate performance of onsite
100 sewage treatment and disposal system inspections. Work on an
101 onsite sewage treatment and disposal system may proceed after
102 inspection and approval by a private provider if the owner or
103 authorized contractor has given notice of the inspection
104 pursuant to paragraph (d) and, subsequent to such inspection and
105 approval, such work may not be delayed for completion of an
106 inspection audit by the department unless deficiencies are found
107 in the audit.

108 (f) This subsection does not prevent the department from
109 investigating complaints.

110 (g) By October 1, 2023, the department shall submit a
111 report to the President of the Senate and the Speaker of the
112 House of Representatives reviewing the use of private providers
113 to perform onsite sewage treatment and disposal system
114 inspections as authorized by this subsection. The report must
115 include, at a minimum, the number of such inspections performed
116 by private providers.

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

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