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1  
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.