

Committee on Environment and Natural Resources

CS/CS/SB 856 — Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems

by Appropriations Committee; Environment and Natural Resources Committee; and Senators Brodeur and Rodrigues

The bill amends s. 381.0065, F.S., which regulates onsite sewage treatment and disposal systems (OSTDSs), to authorize the owner of an OSTDS, or a contractor upon the owner's written authorization, to hire a private provider to perform an inspection of the owner's OSTDS.

The bill provides that an inspection of an OSTDS may not be conducted by the private provider or authorized representative of the private provider that installed the OSTDS. Inspections may only be performed by a private provider, or an authorized representative of a private provider, meeting certain specified qualifications.

The bill requires an owner or an authorized contractor using a private provider for an OSTDS inspection to provide notice to the Department of Environmental Protection (DEP) at the time of the permit application or by 2 p.m. local time, 2 business days before the first scheduled inspection by DEP. The notice must include information regarding each private provider or authorized representative performing the inspection and an acknowledgment form from the owner in a specified form. If an owner or authorized contractor makes any changes to the listed private provider or the service to be performed, the owner or the authorized contractor must update the notice to reflect the change within 1 business day after the change.

The bill authorizes DEP to audit up to 25 percent of private providers each year to ensure the accurate performance of OSTDS inspections. Work on an OSTDS may proceed after inspection and approval by a private provider if the owner or authorized contractor has given notice of the inspection as described in the bill and, subsequent to such inspection and approval, such work may not be delayed for completion of an inspection audit by DEP unless deficiencies are found in the audit.

The bill provides that the OSTDS private provider inspection regulations described in the bill do not prevent DEP from investigating complaints.

The bill provides that by October 1, 2023, DEP must submit a report to the President of the Senate and the Speaker of the House of Representatives reviewing the use of private providers to perform OSTDS inspections. The report must include, at a minimum, the number of inspections performed by private providers.

The bill requires DEP to adopt rules to implement the bill and to initiate the rulemaking process by August 31, 2022.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 37-0; House 116-0

