

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Fetterhoff offered the following:

Amendment (with title amendment)

Between lines 31 and 32, 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 INSPECTION SERVICES.—

(a) Notwithstanding any other law, ordinance, or policy, the fee owner of an onsite sewage treatment and disposal system, or the fee owner's contractor upon written authorization from the fee owner, may select a private provider to provide

292225

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Amendment No.

14 inspection services for onsite sewage treatment and disposal
15 systems and may pay the private provider directly for such
16 services if such services are the subject of a written contract
17 between the private provider, or the private provider's firm,
18 and the fee owner or the fee owner's contractor, upon written
19 authorization of the fee owner.

20 (b) It is the intent of the Legislature that owners and
21 contractors pay reduced fees related to onsite sewage treatment
22 disposal system inspections when selecting a private provider to
23 provide such inspections. The department must calculate the cost
24 savings to the department based on a fee owner or contractor
25 hiring a private provider to perform inspections in lieu of the
26 department and reduce permit fees accordingly. The department
27 may not charge fees for an inspection if the fee owner or
28 contractor hires a private provider to perform the inspection.

29 (c) Onsite sewage treatment and disposal system inspection
30 services may be performed only by a private provider or a duly
31 authorized representative of a private provider within the
32 disciplines covered under such person's licensure or if the
33 person is certified under s. 381.0101, is a master septic
34 contractor licensed under chapter 489, is a professional
35 engineer who has passed all three parts of the OSTDS Accelerated
36 Certification Training, or is a person working as staff under
37 the supervision of a licensed professional engineer and has

292225

Approved For Filing: 4/19/2021 2:57:01 PM

Amendment No.

38 passed all three parts of the OSTDS Accelerated Certification
39 Training.

40 (d)1. A fee owner or the fee owner's contractor using a
41 private provider for onsite sewage treatment and disposal system
42 inspection services must provide notice to the department at the
43 time of permit application, or by 2 p.m. local time, 2 business
44 days before the first scheduled inspection by the department.
45 The notice must include all of the following information:

46 a. The name, firm, address, telephone number, and e-mail
47 address of each private provider who is performing or will
48 perform such services, the private provider's professional
49 license or certification number, and qualification statements or
50 resumes for each private provider.

51 b. An acknowledgment from the fee owner in substantially
52 the following form:

53
54 I have elected to use one or more private providers to
55 provide onsite sewage treatment and disposal system
56 inspection services that are the subject of the
57 enclosed permit application. I understand that the
58 department may not perform the required onsite sewage
59 treatment and disposal system inspections to determine
60 compliance with the applicable codes, except to the
61 extent authorized by law. Instead, inspections will be
62 performed by the licensed or certified personnel

292225

Approved For Filing: 4/19/2021 2:57:01 PM

Amendment No.

63 identified in the application. By executing this form,
64 I acknowledge that I have made inquiry regarding the
65 competence of the licensed or certified personnel and
66 am satisfied that my interests are adequately
67 protected. I agree to indemnify, defend, and hold
68 harmless the department from any and all claims
69 arising from my use of these licensed or certified
70 personnel to perform onsite sewage treatment and
71 disposable system inspections with respect to the
72 onsite sewage treatment and disposable system that are
73 the subject of the enclosed permit application.

74
75 2. If the fee owner or the fee owner's contractor makes
76 any changes to the listed private providers or the services to
77 be provided by the private providers, the fee owner or the fee
78 owner's contractor must update the notice to reflect the change
79 within 1 business day after the change. A change of a duly
80 authorized representative named in the permit application does
81 not require a revision of the permit and the department may not
82 charge a fee for making such change.

83 (e) The department may audit the performance of onsite
84 sewage treatment and disposal system inspection services by
85 private providers. However, the same private provider may not be
86 audited more than four times in a month unless the department
87 determines that an onsite sewage treatment and disposal system

292225

Approved For Filing: 4/19/2021 2:57:01 PM

Amendment No.

88 inspected by the private provider should not have passed
 89 inspection. Work on a building, a structure, or an onsite sewage
 90 treatment and disposal system may proceed after inspection and
 91 approval by a private provider if the fee owner or fee owner's
 92 contractor has given notice of the inspection pursuant to
 93 subsection (4) and, subsequent to such inspection and approval,
 94 may not be delayed for completion of an inspection audit by the
 95 department.

96
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T I T L E A M E N D M E N T

Remove line 2 and insert:

100 An act relating to building construction; amending s.
 101 381.0065, F.S.; authorizing fee owners or fee owners'
 102 contractors to select private providers to provide
 103 inspection services for onsite sewage treatment and
 104 disposal systems if certain requirements are met;
 105 providing legislative intent; requiring the Department
 106 of Health to reduce certain permit fees; prohibiting
 107 the department from charging inspection fees if the
 108 fee owner or contractor hires a private provider to
 109 perform an inspection; providing requirements for
 110 private providers or duly authorized representatives
 111 of private providers performing such inspections;
 112 requiring fee owners or contractors to provide

292225

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Amendment No.

113 specified notice to the department when using a
114 private provider for such inspections; providing
115 requirements for the contents of such notice;
116 prohibiting the department from charging a fee for
117 changing the duly authorized representative named in a
118 permit application; authorizing the department to
119 audit the performance of private providers; providing
120 requirements relating to work on a building, a
121 structure, or an onsite sewage treatment and disposal
122 system relating to such audits; amending

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