

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Appropriations Subcommittee
 3 Representative Fetterhoff offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (8) is added to section 381.0065,
 8 Florida Statutes, to read:

9 381.0065 Onsite sewage treatment and disposal systems;
 10 regulation.—

(8) PRIVATE PROVIDER INSPECTIONS.—

12 (a) Notwithstanding any other law, ordinance, or policy,
 13 the owner of an onsite sewage treatment and disposal system or a
 14 contractor upon the owner's written authorization may hire a
 15 private provider to perform an inspection that follows

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16 applicable regulatory requirements of the onsite sewage
17 treatment and disposal system.

18 (b) An inspection of an onsite sewage treatment and
19 disposal system required under this section may not be conducted
20 by the private provider or authorized representative of the
21 private provider that installed the onsite sewage treatment and
22 disposal system.

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

26 1. An environmental health professional certified under s.
27 381.0101;

28 2. A master septic tank contractor registered under part
29 III of chapter 489;

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

33 4. Working under the supervision of a licensed
34 professional engineer and have passed all parts of the Onsite
35 Sewage Treatment and Disposal System Accelerated Certification
36 Training.

37 (d) An owner or authorized contractor using a private
38 provider for an onsite sewage treatment and disposal system
39 inspection must provide notice to the department at the time of
40 permit application or by 2 p.m. local time, 2 business days

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41 before the first scheduled inspection by the department. The
42 notice must include all of the following information:

43 1. For each private provider or authorized representative
44 performing the inspection:

45 a. Name and firm name, address, telephone number, and e-
46 mail address.

47 b. Professional license or certification number.

48 c. Qualification statement or resume.

49 2. An acknowledgement from the owner in substantially the
50 following form:

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

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66 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
67 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
68 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE
69 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH
70 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING
71 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

72
73 If an owner or authorized contractor makes any changes to the
74 listed private provider or the service to be performed by the
75 private provider, the owner or the authorized contractor must
76 update the notice to reflect the change within 1 business day
77 after the change. The change of an authorized representative
78 identified in the permit application does not require a revision
79 of the permit and the department may not charge a fee for making
80 such change.

81 (e) The department may audit up to 25 percent of private
82 providers each year to ensure the accurate performance of onsite
83 sewage treatment and disposal system inspections. Work on an
84 onsite sewage treatment and disposal system may proceed after
85 inspection and approval by a private provider if the owner or
86 authorized contractor has given notice of the inspection
87 pursuant to paragraph (d) and, subsequent to such inspection and
88 approval, such work may not be delayed for completion of an
89 inspection audit by the department unless deficiencies are found
90 in the audit.

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91 (f) This subsection does not prevent the department from
92 investigating complaints.

93 (g) The department shall adopt rules to implement this
94 subsection and must initiate such rulemaking by August 31, 2022.

95 Section 2. Paragraph (b) of subsection (6) of section
96 381.00651, Florida Statutes, is amended to read:

97 381.00651 Periodic evaluation and assessment of onsite
98 sewage treatment and disposal systems.—

99 (6) The requirements for an onsite sewage treatment and
100 disposal system evaluation and assessment program are as
101 follows:

102 (b) Qualified contractors.—Each evaluation required under
103 this subsection must be performed by a qualified contractor, who
104 may be a private provider or an authorized representative of a
105 private provider as described in s. 381.0065(8)(c) ~~septic tank~~
106 contractor or master septic tank contractor registered under
107 part III of chapter 489, a professional engineer having
108 wastewater treatment system experience and licensed under
109 chapter 471, or an environmental health professional certified
110 under this chapter in the area of onsite sewage treatment and
111 disposal system evaluation. Evaluations and pump-outs may also
112 be performed by an authorized employee working under the
113 supervision of an individual listed in this paragraph; however,
114 all evaluation forms must be signed by a qualified contractor in
115 writing or by electronic signature.

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

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

Remove everything before the enacting clause and insert:
An act relating to private provider inspections of onsite sewage treatment and disposal systems; amending s. 381.0065, F.S.; authorizing private provider inspections of onsite sewage treatment and disposal systems under certain conditions; specifying requirements for private providers and onsite sewage treatment and disposal system owners and authorized contractors; authorizing the department to audit the performance of such inspections; providing audit conditions and construction; amending s. 381.00651, F.S.; authorizing private providers to conduct certain evaluations and assessments of onsite sewage treatment and disposal systems; providing construction; providing an effective date.