

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

Committee/Subcommittee hearing bill: Environment, Agriculture & Flooding Subcommittee

Representative Fetterhoff offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and 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 INSPECTIONS.-

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

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17 treatment and disposal system and pay the private provider
18 directly if the inspection is the subject of a written contract
19 between the private provider or the private provider's firm and
20 the owner or the authorized contractor.

21 (b) An inspection of an onsite sewage treatment and
22 disposal system required pursuant to this section may not be
23 conducted by the private provider or authorized representative
24 of the private provider that installed the onsite sewage
25 treatment and disposal system.

26 (c) The department may not charge an inspection fee for an
27 onsite sewage treatment and disposal system inspection performed
28 by a private provider under written contract with an owner or
29 authorized contractor in accordance with this section and
30 department rules.

31 (d) A private provider or an authorized representative of
32 a private provider may perform onsite sewage treatment and
33 disposal system inspections if they are:

34 1. An environmental health professional certified under s.
35 381.0101;

36 2. A master septic tank contractor registered under part
37 III of chapter 489;

38 3. A professional engineer licensed under chapter 471 who
39 has passed all parts of the Onsite Sewage Treatment and Disposal
40 System Accelerated Certification Training; or

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41 4. Working under the supervision of a licensed
42 professional engineer and have passed all parts of the Onsite
43 Sewage Treatment and Disposal System Accelerated Certification
44 Training.

45 (e) An owner or authorized contractor using a private
46 provider for an onsite sewage treatment and disposal system
47 inspection must provide notice to the department at the time of
48 permit application or by 2 p.m. local time, 2 business days
49 before the first scheduled inspection by the department. The
50 notice must include all of the following information:

51 1. For each private provider or authorized representative
52 performing the inspection:

53 a. Name and firm name, address, telephone number, and e-
54 mail address.

55 b. Professional license or certification number.

56 c. Qualification statement or resume.

57 2. An acknowledgement from the owner in substantially the
58 following form:

59
60 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
61 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
62 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
63 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
64 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
65 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY

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66 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
67 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
68 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
69 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE
70 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY
71 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
72 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
73 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
74 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
75 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
76 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE
77 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH
78 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING
79 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

80
81 If an owner or authorized contractor makes any changes to the
82 listed private provider or the service to be performed by the
83 private provider, the owner or the authorized contractor must
84 update the notice to reflect the change within 1 business day
85 after the change. The change of an authorized representative
86 identified in the permit application does not require a revision
87 of the permit and the department may not charge a fee for making
88 such change.

89 (f) The department may audit up to 25 percent of private
90 providers each year to ensure the accurate performance of onsite

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91 sewage treatment and disposal system inspections. This
92 subsection may not be construed to prevent the department from
93 investigating complaints. Work on an onsite sewage treatment and
94 disposal system may proceed after inspection and approval by a
95 private provider if the owner or authorized contractor has given
96 notice of the inspection pursuant to paragraph (e) and,
97 subsequent to such inspection and approval, such work may not be
98 delayed for completion of an inspection audit by the department
99 unless deficiencies are found in the audit.

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

102 Section 2. Paragraph (b) of subsection (6) and subsection
103 (8) of section 381.00651, Florida Statutes, are amended to read:

104 381.00651 Periodic evaluation and assessment of onsite
105 sewage treatment and disposal systems.—

106 (6) The requirements for an onsite sewage treatment and
107 disposal system evaluation and assessment program are as
108 follows:

109 (b) Qualified contractors.—Each evaluation required under
110 this subsection must be performed by a qualified contractor, who
111 may be a private provider or an authorized representative of a
112 private provider as described in s. 381.0065(8)(d) ~~septic tank~~
113 contractor or master septic tank contractor registered under
114 part III of chapter 489, a professional engineer having
115 wastewater treatment system experience and licensed under

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116 ~~chapter 471, or an environmental health professional certified~~
117 ~~under this chapter in the area of onsite sewage treatment and~~
118 ~~disposal system evaluation.~~ Evaluations and pump-outs may also
119 be performed by an authorized employee working under the
120 supervision of an individual listed in this paragraph; however,
121 all evaluation forms must be signed by a qualified contractor in
122 writing or by electronic signature.

123 (8) The county health department, in coordination with the
124 department, shall administer any evaluation program on behalf of
125 a county, or a municipality within the county, that has adopted
126 an evaluation program pursuant to this section. In order to
127 administer the evaluation program, the county or municipality,
128 in consultation with the county health department, may develop a
129 reasonable fee schedule to be used solely to pay for the costs
130 of administering the evaluation program. Such a fee schedule
131 shall be identified in the ordinance that adopts the evaluation
132 program. When arriving at a reasonable fee schedule, the
133 estimated annual revenues to be derived from fees may not exceed
134 reasonable estimated annual costs of the program. Fees shall be
135 assessed to the system owner during an inspection and separately
136 identified on the invoice of the qualified contractor. Fees
137 shall be remitted by the qualified contractor to the county
138 health department.

139 (a) The county health department's administrative
140 responsibilities include the following:

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141 1.(a) Providing a notice to the system owner at least 60
142 days before the system is due for an evaluation. The notice may
143 include information on the proper maintenance of onsite sewage
144 treatment and disposal systems.

145 2.(b) In consultation with the department, providing
146 uniform disciplinary procedures and penalties for qualified
147 contractors who do not comply with the requirements of the
148 adopted ordinance, including, but not limited to, failure to
149 provide the evaluation report as required in this subsection to
150 the system owner and the county health department. Only the
151 county health department may assess penalties against system
152 owners for failure to comply with the adopted ordinance,
153 consistent with existing requirements of law.

154 (b) Nothing in this subsection may be construed as
155 authorizing the department to charge an inspection fee for an
156 onsite sewage treatment and disposal system inspection performed
157 by a private provider in accordance with s. 381.0065(8).

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

159

160

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

161

Remove everything before the enacting clause and insert:

162

An act relating to private provider inspections of onsite

163

sewage treatment and disposal systems; amending s.

164

381.0065, F.S.; authorizing private provider inspections of

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166 onsite sewage treatment and disposal systems under certain
167 conditions; prohibiting the Department of Environmental
168 Protection from charging certain inspection and permit
169 fees; specifying requirements for private providers and
170 onsite sewage treatment and disposal system owners and
171 authorized contractors; authorizing the department to audit
172 the performance of a specified percentage of such
173 inspections; providing audit conditions and construction;
174 requiring the department to adopt rules and initiate
175 rulemaking by a certain date; amending s. 381.00651, F.S.;
176 revising the list of providers authorized to perform onsite
177 sewage treatment and disposal system evaluations; providing
178 an effective date.