

26 private provider to perform an inspection of the onsite sewage
 27 treatment and disposal system and pay the private provider
 28 directly if the inspection is the subject of a written contract
 29 between the private provider or the private provider's firm and
 30 the owner or the authorized contractor.

31 (b) The department may not charge an inspection fee for an
 32 onsite sewage treatment and disposal system inspection performed
 33 by a private provider under written contract with an owner or
 34 authorized contractor in accordance with this section and
 35 department rules.

36 (c) Onsite sewage treatment and disposal system
 37 inspections may only be performed by a private provider or an
 38 authorized representative of a private provider who is:

39 1. An environmental health professional certified under s.
 40 381.0101;

41 2. A master septic contractor registered under part III of
 42 chapter 489;

43 3. A professional engineer licensed under chapter 471 and
 44 has passed all parts of the Onsite Sewage Treatment Disposal
 45 System Accelerated Certification Training; or

46 4. Working under the supervision of a licensed
 47 professional engineer and has passed all parts of the Onsite
 48 Sewage Treatment Disposal System Accelerated Certification
 49 Training.

50 (d) An owner or authorized contractor using a private

51 provider for an onsite sewage treatment and disposal system
 52 inspection must provide notice to the department at the time of
 53 permit application or by 2 p.m. local time, 2 business days
 54 before the first scheduled inspection by the department. The
 55 notice must include all of the following information:

56 1. For each private provider or authorized representative
 57 performing the inspection:

58 a. Name and firm name, address, telephone number, and e-
 59 mail address.

60 b. Professional license or certification number.

61 c. Qualification statement or resume.

62 2. An acknowledgment from the owner in substantially the
 63 following form:

64
 65 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
 66 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
 67 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
 68 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
 69 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
 70 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY
 71 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
 72 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
 73 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
 74 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE
 75 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY

76 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
77 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
78 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
79 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
80 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
81 APPLICATION.

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

91 (e) The department may audit the performance of an onsite
92 sewage treatment and disposal system inspection by a private
93 provider. However, the same private provider may not be audited
94 more than four times in a month unless the department determines
95 that an onsite sewage treatment and disposal system inspected by
96 the private provider should not have passed inspection. Work on
97 a building, a structure, or an onsite sewage treatment and
98 disposal system may proceed after inspection and approval by a
99 private provider if the owner or authorized contractor has given
100 notice of the inspection pursuant to paragraph (d) and,

HB 309

2022

101 | subsequent to such inspection and approval, such work may not be
102 | delayed for completion of an inspection audit by the department.

103 | Section 2. This act shall take effect upon becoming a law.