



26 (a) Notwithstanding any other law, ordinance, or policy,  
27 the owner of an onsite sewage treatment and disposal system or a  
28 contractor upon the owner's written authorization may hire a  
29 private provider to perform an inspection that follows  
30 applicable regulatory requirements of the onsite sewage  
31 treatment and disposal system and pay the private provider  
32 directly if the inspection is the subject of a written contract  
33 between the private provider or the private provider's firm and  
34 the owner or the authorized contractor.

35 (b) An inspection of an onsite sewage treatment and  
36 disposal system required under this section may not be conducted  
37 by the private provider or authorized representative of the  
38 private provider that installed the onsite sewage treatment and  
39 disposal system.

40 (c) The department may not charge an inspection fee for an  
41 onsite sewage treatment and disposal system inspection performed  
42 by a private provider under written contract with an owner or  
43 authorized contractor in accordance with this section and  
44 department rules.

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

48 1. An environmental health professional certified under s.  
49 381.0101;

50           2. A master septic tank contractor registered under part  
 51 III of chapter 489;

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

55           4. Working under the supervision of a licensed  
 56 professional engineer and have passed all parts of the Onsite  
 57 Sewage Treatment and Disposal System Accelerated Certification  
 58 Training.

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

65           1. For each private provider or authorized representative  
 66 performing the inspection:

67           a. Name and firm name, address, telephone number, and e-  
 68 mail address.

69           b. Professional license or certification number.

70           c. Qualification statement or resume.

71           2. An acknowledgement from the owner in substantially the  
 72 following form:

73

74 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM  
 75 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT  
 76 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND  
 77 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE  
 78 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE  
 79 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY  
 80 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED  
 81 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY  
 82 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY  
 83 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE  
 84 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY  
 85 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE  
 86 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED  
 87 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO  
 88 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM  
 89 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT  
 90 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE  
 91 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH  
 92 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING  
 93 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

94  
 95 If an owner or authorized contractor makes any changes to the  
 96 listed private provider or the service to be performed by the  
 97 private provider, the owner or the authorized contractor must  
 98 update the notice to reflect the change within 1 business day

99 after the change. The change of an authorized representative  
100 identified in the permit application does not require a revision  
101 of the permit and the department may not charge a fee for making  
102 such change.

103 (f) The department may audit up to 25 percent of private  
104 providers each year to ensure the accurate performance of onsite  
105 sewage treatment and disposal system inspections. Work on an  
106 onsite sewage treatment and disposal system may proceed after  
107 inspection and approval by a private provider if the owner or  
108 authorized contractor has given notice of the inspection  
109 pursuant to paragraph (e) and, subsequent to such inspection and  
110 approval, such work may not be delayed for completion of an  
111 inspection audit by the department unless deficiencies are found  
112 in the audit.

113 (g) This subsection does not prevent the department from  
114 investigating complaints.

115 (h) The department shall adopt rules to implement this  
116 subsection and must initiate such rulemaking by August 31, 2022.

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

119 381.00651 Periodic evaluation and assessment of onsite  
120 sewage treatment and disposal systems.—

121 (6) The requirements for an onsite sewage treatment and  
122 disposal system evaluation and assessment program are as  
123 follows:

124 (b) Qualified contractors.—Each evaluation required under  
 125 this subsection must be performed by a qualified contractor, who  
 126 may be a private provider or an authorized representative of a  
 127 private provider as described in s. 381.0065(8) (d) ~~septic tank~~  
 128 ~~contractor or master septic tank contractor registered under~~  
 129 ~~part III of chapter 489, a professional engineer having~~  
 130 ~~wastewater treatment system experience and licensed under~~  
 131 ~~chapter 471, or an environmental health professional certified~~  
 132 ~~under this chapter in the area of onsite sewage treatment and~~  
 133 ~~disposal system evaluation.~~ Evaluations and pump-outs may also  
 134 be performed by an authorized employee working under the  
 135 supervision of an individual listed in this paragraph; however,  
 136 all evaluation forms must be signed by a qualified contractor in  
 137 writing or by electronic signature.

138 (8) The county health department, in coordination with the  
 139 department, shall administer any evaluation program on behalf of  
 140 a county, or a municipality within the county, that has adopted  
 141 an evaluation program pursuant to this section. In order to  
 142 administer the evaluation program, the county or municipality,  
 143 in consultation with the county health department, may develop a  
 144 reasonable fee schedule to be used solely to pay for the costs  
 145 of administering the evaluation program. Such a fee schedule  
 146 shall be identified in the ordinance that adopts the evaluation  
 147 program. When arriving at a reasonable fee schedule, the  
 148 estimated annual revenues to be derived from fees may not exceed

149 reasonable estimated annual costs of the program. Fees shall be  
150 assessed to the system owner during an inspection and separately  
151 identified on the invoice of the qualified contractor. Fees  
152 shall be remitted by the qualified contractor to the county  
153 health department.

154 (a) The county health department's administrative  
155 responsibilities include the following:

156 1.~~(a)~~ Providing a notice to the system owner at least 60  
157 days before the system is due for an evaluation. The notice may  
158 include information on the proper maintenance of onsite sewage  
159 treatment and disposal systems.

160 2.~~(b)~~ In consultation with the department, providing  
161 uniform disciplinary procedures and penalties for qualified  
162 contractors who do not comply with the requirements of the  
163 adopted ordinance, including, but not limited to, failure to  
164 provide the evaluation report as required in this subsection to  
165 the system owner and the county health department. Only the  
166 county health department may assess penalties against system  
167 owners for failure to comply with the adopted ordinance,  
168 consistent with existing requirements of law.

169 (b) This subsection does not authorize the department to  
170 charge an inspection fee for an onsite sewage treatment and  
171 disposal system inspection performed by a private provider in  
172 accordance with s. 381.0065(8).

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