



200258

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/25/2022	.	
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The Committee on Appropriations (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete 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,



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11 the owner of an onsite sewage treatment and disposal system or a  
12 contractor upon the owner's written authorization may hire a  
13 private provider to perform an inspection that follows  
14 applicable regulatory requirements of the onsite sewage  
15 treatment and disposal system.

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

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

24 1. An environmental health professional certified under s.  
25 381.0101;

26 2. A master septic tank contractor registered under part  
27 III of chapter 489;

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

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

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



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40 notice must include all of the following information:

41 1. For each private provider or authorized representative  
42 performing the inspection:

43 a. Name and firm name, address, telephone number, and e-  
44 mail address.

45 b. Professional license or certification number.

46 c. Qualification statement or resume.

47 2. An acknowledgment from the owner in substantially the  
48 following form:

49

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



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69 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

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

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

89 (f) This subsection does not prevent the department from  
90 investigating complaints.

91 (g) By October 1, 2023, the department shall submit a  
92 report to the President of the Senate and the Speaker of the  
93 House of Representatives reviewing the use of private providers  
94 to perform onsite sewage treatment and disposal system  
95 inspections as authorized by this subsection. The report must  
96 include, at a minimum, the number of such inspections performed  
97 by private providers.



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

100           Section 2. This act shall take effect July 1, 2022.  
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102 ===== T I T L E   A M E N D M E N T =====

103 And the title is amended as follows:

104           Delete everything before the enacting clause  
105 and insert:

106                                   A bill to be entitled

107           An act relating to private provider inspections of  
108 onsite sewage treatment and disposal systems; amending  
109 s. 381.0065, F.S.; authorizing private provider  
110 inspections of onsite sewage treatment and disposal  
111 systems under certain conditions; specifying  
112 requirements for private providers and onsite sewage  
113 treatment and disposal system owners and authorized  
114 contractors; authorizing the Department of  
115 Environmental Protection to audit the performance of a  
116 specified percentage of such inspections; providing  
117 audit conditions and construction; requiring the  
118 department to submit a report to the Legislature  
119 reviewing the use of private providers to perform  
120 onsite sewage treatment and disposal system  
121 inspections by a specified date; providing report  
122 requirements; requiring the department to adopt rules  
123 and to initiate rulemaking by a specified date;  
124 providing an effective date.