



323744

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2022	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 28 - 160

and insert:

private provider to perform an inspection that follows
applicable regulatory requirements of the onsite sewage
treatment and disposal system and pay the private provider
directly if the inspection is the subject of a written contract
between the private provider or the private provider's firm and
the owner or the authorized contractor.



323744

11 (b) The department may not charge an inspection fee for an
12 onsite sewage treatment and disposal system inspection performed
13 by a private provider under written contract with an owner or
14 authorized contractor in accordance with this section and
15 department rules.

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

19 1. An environmental health professional certified under s.
20 381.0101;

21 2. A master septic tank contractor registered under part
22 III of chapter 489;

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

26 4. Working under the supervision of a licensed professional
27 engineer and has passed all parts of the Onsite Sewage Treatment
28 Disposal System Accelerated Certification Training.

29 (d) An owner or authorized contractor using a private
30 provider for an onsite sewage treatment and disposal system
31 inspection must provide notice to the department at the time of
32 permit application or by 2 p.m. local time, 2 business days
33 before the first scheduled inspection by the department. The
34 notice must include all of the following information:

35 1. For each private provider or authorized representative
36 performing the inspection:

37 a. Name and firm name, address, telephone number, and e-
38 mail address.

39 b. Professional license or certification number.



323744

40 c. Qualification statement or resume.

41 2. An acknowledgment from the owner in substantially the
42 following form:

43
44 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
45 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
46 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
47 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
48 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
49 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY
50 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
51 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
52 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
53 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE
54 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY
55 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
56 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
57 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
58 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM
59 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
60 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE
61 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH
62 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING
63 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

64
65 If an owner or authorized contractor makes any changes to the
66 listed private provider or the service to be performed by the
67 private provider, the owner or the authorized contractor must
68 update the notice to reflect the change within 1 business day



323744

69 after the change. The change of an authorized representative
70 identified in the permit application does not require a revision
71 of the permit and the department may not charge a fee for making
72 such change.

73 (e) The department may audit up to 25 percent of private
74 providers each year to ensure the accurate performance of onsite
75 sewage treatment and disposal system inspections. This
76 subsection may not be construed to prevent the department from
77 investigating complaints. Work on an onsite sewage treatment and
78 disposal system may proceed after inspection and approval by a
79 private provider if the owner or authorized contractor has given
80 notice of the inspection pursuant to paragraph (d). Subsequent
81 to such inspection and approval, such work may not be delayed
82 for completion of an inspection audit by the department unless
83 deficiencies are found in the audit.

84 (f) The department shall adopt rules to implement this
85 subsection and shall initiate such rulemaking by August 31,
86 2022.

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

89 381.00651 Periodic evaluation and assessment of onsite
90 sewage treatment and disposal systems.—

91 (6) The requirements for an onsite sewage treatment and
92 disposal system evaluation and assessment program are as
93 follows:

94 (b) *Qualified contractors.*—Each evaluation required under
95 this subsection must be performed by a qualified contractor, who
96 may be a private provider or an authorized representative of a
97 private provider as described in s. 381.0065(8)(c) a ~~septic tank~~



323744

98 ~~contractor or master septic tank contractor registered under~~
99 ~~part III of chapter 489, a professional engineer having~~
100 ~~wastewater treatment system experience and licensed under~~
101 ~~chapter 471, or an environmental health professional certified~~
102 ~~under this chapter in the area of onsite sewage treatment and~~
103 ~~disposal system evaluation.~~ Evaluations and pump-outs may also
104 be performed by an authorized employee working under the
105 supervision of an individual listed in this paragraph; however,
106 all evaluation forms must be signed by a qualified contractor in
107 writing or by electronic signature.

108 (8) The county health department, in coordination with the
109 department, shall administer any evaluation program on behalf of
110 a county, or a municipality within the county, that has adopted
111 an evaluation program pursuant to this section. In order to
112 administer the evaluation program, the county or municipality,
113 in consultation with the county health department, may develop a
114 reasonable fee schedule to be used solely to pay for the costs
115 of administering the evaluation program. Such a fee schedule
116 shall be identified in the ordinance that adopts the evaluation
117 program. When arriving at a reasonable fee schedule, the
118 estimated annual revenues to be derived from fees may not exceed
119 reasonable estimated annual costs of the program. Fees shall be
120 assessed to the system owner during an inspection and separately
121 identified on the invoice of the qualified contractor. Fees
122 shall be remitted by the qualified contractor to the county
123 health department.

124 (a) The county health department's administrative
125 responsibilities include the following:

126 1. ~~(a)~~ Providing a notice to the system owner at least 60



323744

127 days before the system is due for an evaluation. The notice may
128 include information on the proper maintenance of onsite sewage
129 treatment and disposal systems.

130 2.~~(b)~~ In consultation with the department, providing
131 uniform disciplinary procedures and penalties for qualified
132 contractors who do not comply with the requirements of the
133 adopted ordinance, including, but not limited to, failure to
134 provide the evaluation report as required in this subsection to
135 the system owner and the county health department. Only the
136 county health department may assess penalties against system
137 owners for failure to comply with the adopted ordinance,
138 consistent with existing requirements of law.

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

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

144
145 ===== T I T L E A M E N D M E N T =====

146 And the title is amended as follows:

147 Delete lines 12 - 13

148 and insert:

149 performance of a specified percentage of such
150 inspections; providing construction; providing audit
151 conditions; requiring the department to adopt rules
152 and to initiate rulemaking by a specified date;
153 amending s. 381.00651, F.S.; revising the