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576-01982-22

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Agriculture, Environment, and
General Government)

A bill to be entitled

An act relating to private provider inspections of
onsite sewage treatment and disposal systems; amending
s. 381.0065, F.S.; authorizing private provider
inspections of onsite sewage treatment and disposal
systems under certain conditions; prohibiting the
Department of Environmental Protection from charging
certain inspection and permit fees; specifying
requirements for private providers and onsite sewage
treatment and disposal system owners and authorized
contractors; authorizing the department to audit the
performance of a specified percentage of such
inspections; providing construction; providing audit
conditions; requiring the department to adopt rules
and to initiate rulemaking by a specified date;
amending s. 381.00651, F.S.; revising the list of
providers authorized to perform onsite sewage
treatment and disposal system evaluations; providing
for applicability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (8) is added to section 381.0065,
Florida Statutes, to read:

381.0065 Onsite sewage treatment and disposal systems;
regulation.—



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27 (8) PRIVATE PROVIDER INSPECTIONS.—

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

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

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

45 1. An environmental health professional certified under s.
46 381.0101;

47 2. A master septic tank contractor registered under part
48 III of chapter 489;

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

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

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



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

61 1. For each private provider or authorized representative
62 performing the inspection:

63 a. Name and firm name, address, telephone number, and e-
64 mail address.

65 b. Professional license or certification number.

66 c. Qualification statement or resume.

67 2. An acknowledgment from the owner in substantially the
68 following form:

69
70 I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM
71 AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT
72 IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND
73 THAT THE DEPARTMENT MAY NOT PERFORM THE REQUIRED ONSITE SEWAGE
74 TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE
75 WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY
76 LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED
77 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY
78 EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY
79 REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE
80 PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY
81 PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE
82 DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED
83 OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO
84 PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM



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85 INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT
86 APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE
87 ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH
88 APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING
89 THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

90
91 If an owner or authorized contractor makes any changes to the
92 listed private provider or the service to be performed by the
93 private provider, the owner or the authorized contractor must
94 update the notice to reflect the change within 1 business day
95 after the change. The change of an authorized representative
96 identified in the permit application does not require a revision
97 of the permit and the department may not charge a fee for making
98 such change.

99 (e) The department may audit up to 25 percent of private
100 providers each year to ensure the accurate performance of onsite
101 sewage treatment and disposal system inspections. This
102 subsection may not be construed to prevent the department from
103 investigating complaints. Work on an onsite sewage treatment and
104 disposal system may proceed after inspection and approval by a
105 private provider if the owner or authorized contractor has given
106 notice of the inspection pursuant to paragraph (d). Subsequent
107 to such inspection and approval, such work may not be delayed
108 for completion of an inspection audit by the department unless
109 deficiencies are found in the audit.

110 (f) The department shall adopt rules to implement this
111 subsection and shall initiate such rulemaking by August 31,
112 2022.

113 Section 2. Paragraph (b) of subsection (6) and subsection



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114 (8) of section 381.00651, Florida Statutes, are amended to read:

115 381.00651 Periodic evaluation and assessment of onsite
116 sewage treatment and disposal systems.—

117 (6) The requirements for an onsite sewage treatment and
118 disposal system evaluation and assessment program are as
119 follows:

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

134 (8) The county health department, in coordination with the
135 department, shall administer any evaluation program on behalf of
136 a county, or a municipality within the county, that has adopted
137 an evaluation program pursuant to this section. In order to
138 administer the evaluation program, the county or municipality,
139 in consultation with the county health department, may develop a
140 reasonable fee schedule to be used solely to pay for the costs
141 of administering the evaluation program. Such a fee schedule
142 shall be identified in the ordinance that adopts the evaluation



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143 program. When arriving at a reasonable fee schedule, the
144 estimated annual revenues to be derived from fees may not exceed
145 reasonable estimated annual costs of the program. Fees shall be
146 assessed to the system owner during an inspection and separately
147 identified on the invoice of the qualified contractor. Fees
148 shall be remitted by the qualified contractor to the county
149 health department.

150 (a) The county health department's administrative
151 responsibilities include the following:

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

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

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

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