

By Senator Brodeur

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1 A bill to be entitled
2 An act relating to private provider inspections of
3 onsite sewage treatment and disposal systems; amending
4 s. 381.0065, F.S.; authorizing private provider
5 inspections of onsite sewage treatment and disposal
6 systems under certain conditions; prohibiting the
7 Department of Environmental Protection from charging
8 certain inspection and permit fees; specifying
9 requirements for private providers and onsite sewage
10 treatment and disposal system owners and authorized
11 contractors; authorizing the department to audit the
12 performance of such inspections; providing audit
13 conditions; providing an effective date.

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

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

19 381.0065 Onsite sewage treatment and disposal systems;
20 regulation.—

21 (8) PRIVATE PROVIDER INSPECTIONS.—

22 (a) Notwithstanding any other law, ordinance, or policy,
23 the owner of an onsite sewage treatment and disposal system or a
24 contractor upon the owner's written authorization may hire a
25 private provider to perform an inspection of the onsite sewage
26 treatment and disposal system and pay the private provider
27 directly if the inspection is the subject of a written contract
28 between the private provider or the private provider's firm and
29 the owner or the authorized contractor.

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

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

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

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

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

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

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

54 1. For each private provider or authorized representative
55 performing the inspection:

56 a. Name and firm name, address, telephone number, and e-
57 mail address.

58 b. Professional license or certification number.

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c. Qualification statement or resume.

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

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

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

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88 such change.

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

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