



# **Using Private Providers for Onsite Sewage Treatment and Disposal System Inspections**

**Onsite Sewage Program  
Division of Water Resource Management  
Florida Department of Environmental Protection  
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# Using Private Providers for Onsite Sewage Treatment and Disposal System Inspections

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## Executive Summary

On May 12, 2022, Florida Governor Ron DeSantis approved Senate Bill 856 (Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems), codified into law as Chapter 2022-105, Laws of Florida. Effective July 1, 2022, section 381.0065, Florida Statutes (Onsite Sewage Treatment and Disposal Systems; Regulation) was amended to include a new subsection 8 (Private Provider Inspections), which authorizes qualified Private Provider Inspectors (PPI) to inspect onsite sewage treatment and disposal systems (OSTDS) upon written authorization by the owner of the OSTDS to determine compliance with applicable regulatory requirements.

Pursuant to paragraph 381.0065(8)(g), F.S., by Oct. 1, 2023, the Florida Department of Environmental Protection (DEP) “shall submit a report to the President of the Senate and the Speaker of the House of Representatives reviewing the use of private providers to perform onsite sewage treatment and disposal system inspections as authorized by this subsection. The report must include, at a minimum, the number of such inspections performed by private providers.”

As of June 30, 2023, DEP has registered 283 qualified PPIs. During state Fiscal Year 2023-24, PPIs performed 16,493 OSTDS inspections out of a total of 98,319 inspections.

DEP regulates OSTDS under Chapter 62-6, Florida Administrative Code (Standards for Onsite Sewage Treatment and Disposal Systems). On July 1, 2022, DEP initiated rulemaking to amend Chapter 62-6, F.A.C., to implement the new requirements relating to PPIs. During FY 2023-24, DEP will complete the needed updates to Chapter 62-6, F.A.C., audit PPI performance pursuant to paragraph 381.0065(8)(e), F.S.,<sup>1</sup> and develop data management tools to implement the new statutory requirements efficiently.

## Background

Pursuant to Florida’s Clean Waterways Act of 2020, the Legislature transferred the Onsite Sewage Program (OSP) from the Florida Department of Health (DOH) to DEP, effective July 1, 2021. As detailed in the *Interagency Agreement Between the Florida Department of Environmental Protection and the Florida Department of Health in Compliance with the 2020*

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<sup>1</sup> Pursuant to paragraph 381.0065(8)(e), F.S., “The department may audit up to 25 percent of private providers each year to ensure the accurate performance of onsite sewage treatment and disposal system inspections.”

*Clean Waterways Act for Transfer of the Onsite Sewage Program* (Interagency Agreement), DOH County Health Department (CHD) staff continue to perform the permitting, inspections, data management and tracking for OSTDS under the direction of DEP until the transfer from DOH to DEP is fully realized. This interagency agreement is effective through June 30, 2026.

Approximately one-third of Florida's population utilize OSTDS (commonly known as septic systems). Permitting demands for OSTDS closely follow building trends. New system construction permits grew from around 11,000 in FY 2014-15 to nearly 41,000 in FY 2021-22. The number of repair permits increased from 19,000 in FY 2014-15 to 24,000 in FY 2021-22.

Prior to the new statutory authorization for PPIs, inspections in each of these permit categories were primarily performed by permitting agency staff (i.e., DOH-CHD field staff).<sup>2</sup>

## Legislative Mandate

Subsection 381.0065(8), F.S, now allows for qualified PPIs to perform required inspections during the OSTDS construction phase in place of a state inspector under written authorization by a property owner or their designated contractor. This authorization must include an acknowledgment that the owner has verified the qualifications of the PPI and that the owner is satisfied that their interests are adequately protected and accepts responsibility for remediating the system in the event the OSTDS does not comply with applicable rules and law. The property owner agrees to indemnify DEP from claims arising from their use of a PPI. The inspection may not be conducted by a PPI who installed the OSTDS themselves.

The law identifies four groups of PPIs qualified to conduct private OSTDS inspections.

- 1) A Certified Environmental Health Professional (CEHP) certified in the OSTDS area of practice under section 381.0101, F.S. This certification is currently required for all DOH-CHD employees who inspect OSTDS or issue permits.
- 2) A registered Master Septic Tank Contractor, the qualifications for which are detailed in subsection 489.551(2), F.S., and Rule 62-6.020, F.A.C.
- 3) A Professional Engineer licensed under Chapter 471, F.S., who has passed all parts of the OSTDS Accelerated Certification Training (ACT).

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<sup>2</sup> Master Septic Tank Contractors were allowed to conduct an initial construction inspection for OSTDS repairs under limited conditions as described in paragraph 62-6.003(3)(a), F.A.C.

- 4) An individual who is working under the supervision of a licensed Professional Engineer and who has passed all parts of the OSTDS ACT.

Under paragraph 381.0065(8)(e), F.S., DEP may audit up to 25% of PPIs annually to ensure that inspections are conducted accurately. These audits cannot, however, delay approval of a system unless deficiencies are found.

DEP is required to initiate rulemaking to implement the new statutory requirements by Aug. 31, 2022, and to submit a status report to the Legislature by Oct. 1, 2023.

## Rulemaking

On July 1, 2022, DEP published in the Florida Administrative Register a Notice of Development of Rulemaking for potential revisions to Chapter 62-6, F.A.C. DEP held a virtual rule development workshop on July 19, 2022, at which 101 attendees participated and 66 public comments were submitted. On Dec. 6, 2022, DEP held a second workshop (both in-person and virtually) to refine draft rule language. A total of 103 attendees participated and 118 public comments were submitted at this second workshop.

Draft rule language, draft forms, public comments and responses can be found on the [Division of Water Resource Management's Rules in Development webpage](#).

## Statutory Implementation

### Administration & Information Management

On June 28, 2022, DEP issued interim guidance to the DOH-CHDs to aid in implementing the new statutory requirements, including intake of PPI-related information, forms for documentation of inspections and owner authorizations, and correspondence procedures between owners, installers and PPIs. See [DEP's Private Provider Inspections of OSTDS webpage](#).

DOH maintains an Environmental Health Database (EHD) that DOH-CHDs use to issue and record permit and inspection activities. During this first year of implementing the PPI program, DOH facilitated limited updates to EHD that were made to improve documentation of qualified PPIs, PPI inspections performed and PPI audits performed. The existing statewide activity reporting system was updated to enable data collection on private inspection support work, including administrative processing, fee processing, data entry, enforcement activities and audits.

In coordination with DEP, DOH modified its web-based data entry and submission portal specifically for PPI uses. This portal launched at the end of May 2023. PPIs are now able to submit OSTDS inspection results, upload supporting documentation, incorporate the

information into EHD and notify DOH-CHDs to conduct an inspection review. PPIs used the portal for 8% of all PPI inspections in June 2023, and DEP continues to track usage data.

## Training

During FY 2022-23, DEP staff conducted 10 separate OSTDS-ACT courses, which trained at least 50 individuals (25 CEHPs, eight Professional Engineers and 17 PE supervised staff) seeking to become PPIs.<sup>3</sup> This was in addition to training for 35 Master Septic Tank Contractors and 172 state agency CEHPs.

## PPI Demographics

As of June 30, 2023, DEP maintains records for 283 qualified PPIs. **Table 1** shows the breakdown between the four PPI qualification types.<sup>4</sup>

**Table 1. Authorized OSTDS PPI by Qualification Type, as of June 30, 2023**

PPI Qualification Type	Number of PPIs	Percent of Total PPIs
CEHP	191	67.5%
Master Septic Tank Contractor	71	25.1%
PE supervised staff	12	4.2%
PE	9	3.2%
<b>Total</b>	<b>283</b>	<b>100%</b>

## PPI Inspections

During FY 2022-23, PPIs conducted 16,493 recorded OSTDS inspections in connection with the permitting and construction of new, repaired and modified OSTDS, and system abandonments (see **Table 2**). This equates to 17% of the 98,319 total inspections conducted

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<sup>3</sup> It is important to note that not all the individuals who attended OSTDS-ACT training completed the examination process.

<sup>4</sup> Note that some qualified PPIs may not yet be conducting OSTDS inspections. In FY 2022-23, only 125 PPIs performed one or more OSTDS inspections, which is 44% of the total qualified PPIs.

and recorded in FY 2022-23. First-year data indicate that PPI inspections were more likely for new system installations than for repairs. Nearly 77% of all PPI inspections were inspections of new systems.

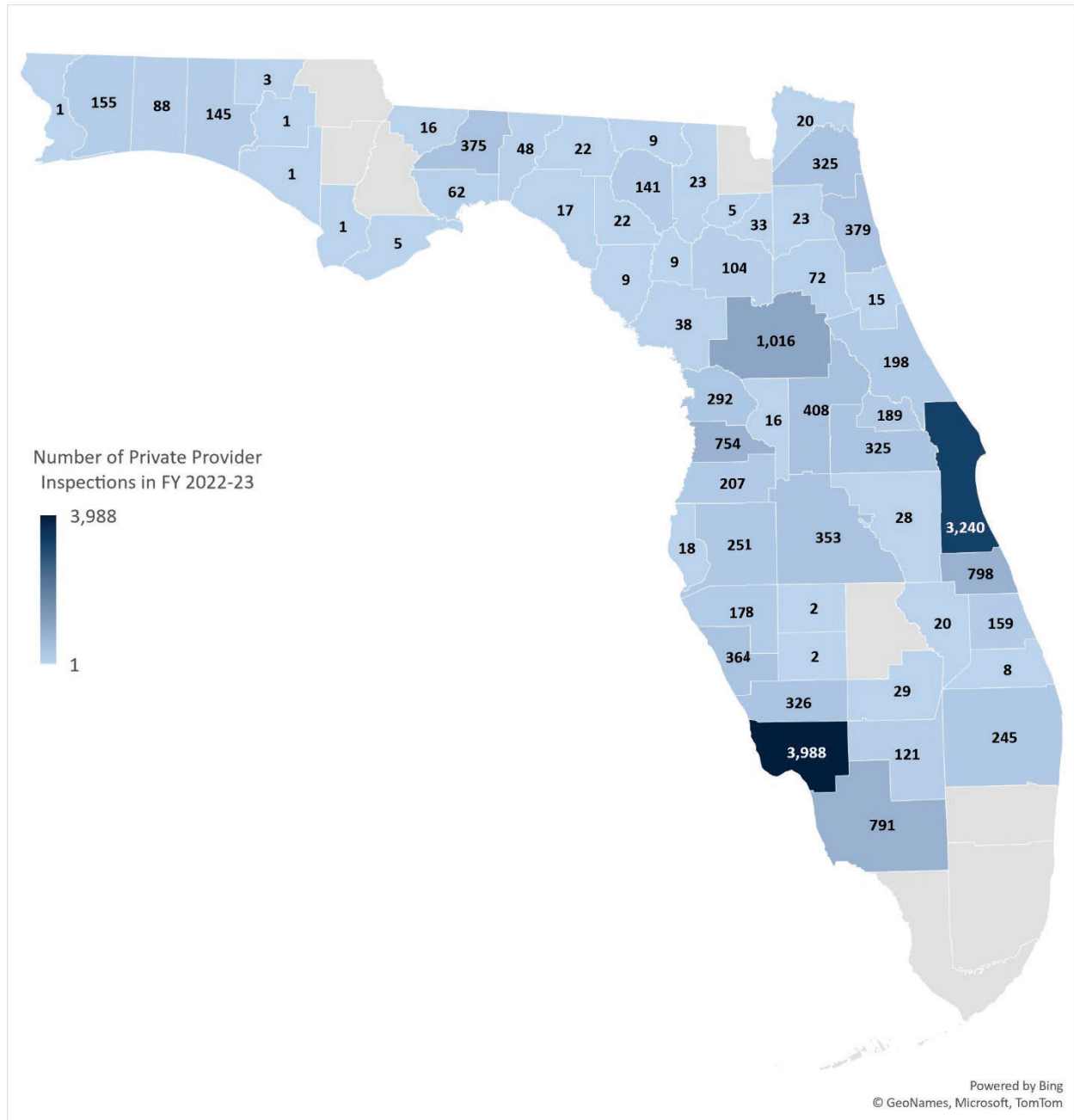
To assess the number of systems utilizing a PPI, DEP compared the number of fees paid for inspections with the number of fees paid for construction permit applications in fiscal years 2021-22 and 2022-23. The total number of fee payments across all categories dropped by approximately 14% between the two fiscal years, and the number of fee payments for inspections dropped by 25%. The additional 11% decrease in fee payments for inspections was attributable to a PPI performing the inspection. Applicants used the PPI option approximately 7,500 times during FY 2022-23, accounting for nearly 13% of the total applications received.

**Table 2. Number of OSTDS Inspections by Inspector Type (FY 2022-23)**

Inspector Type	Number of Inspections FY 2022-23
DOH-CHD	81,826
PPI	16,493
<b>Total</b>	<b>98,319</b>

PPI usage varies across the state. **Figure 1** shows the total number of system inspections conducted during FY 2022-23 in Florida’s 67 counties. By the end of the fiscal year, 59 of 67 counties had at least one PPI inspection recorded. **Table 3** compares the fraction of inspections by each type of inspector for the three counties with the largest number of inspections: Lee, Marion and Brevard counties. The PPI use percentage in the three counties ranged from 13% to 47%. Although Brevard County had fewer total inspections than Marion County, it had three times the number of PPI inspections.

Figure 1. Number of OSTDS PPI Inspections by County, FY 2022-23





**Table 3. Percent of OSTDS Inspections by Inspector Type Statewide and for the Three Counties with the Highest Number of Inspections, FY 2022-23**

Inspector Type	Statewide (n=98,319)	Lee County (n=10,988)	Marion County (n=8,112)	Brevard County (n=6,943)
DOH-CHD	83%	64%	87%	53%
PPI	17%	36%	13%	47%

**Figure 2** compares the proportion of inspections involving a PPI to those performed by the DOH-CHD over time. After a rapid ramp up in the first quarter (from zero inspections to 1,000 per month), the increase of PPI inspections through the remainder of the year was more gradual.

**Figure 2. Number of OSTDS Inspections by Month and Inspector Type (FY 2022-23)**

