

1 A bill to be entitled
 2 An act relating to hazard mitigation for coastal
 3 redevelopment; amending s. 161.085, F.S.; specifying
 4 entities that are authorized to install or authorize
 5 installation of rigid coastal armoring structures;
 6 authorizing the Department of Environmental Protection to
 7 revoke certain authority; amending s. 163.3178, F.S.;
 8 requiring the Division of Emergency Management to manage
 9 certain hurricane evacuation studies; requiring that such
 10 studies be performed in a specified manner; amending s.
 11 381.0065, F.S.; requiring the issuance of certain permits
 12 by the Department of Health to be contingent upon the
 13 receipt of certain permits issued by the Department of
 14 Environmental Protection; creating s. 689.264, F.S.;
 15 requiring disclosure of property location within a
 16 hurricane evacuation zone to prospective purchaser;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Subsection (3) of section 161.085, Florida
 22 Statutes, is amended, and subsection (8) is added to that
 23 section, to read:

24 161.085 Rigid coastal armoring structures.--

25 (3) If erosion occurs as a result of a storm event which
 26 threatens private structures or public infrastructure and a
 27 permit has not been issued pursuant to subsection (2), unless
 28 the authority has been revoked by order of the department

29 pursuant to subsection (8), an ~~the~~ agency, political
 30 subdivision, or municipality having jurisdiction over the
 31 impacted area may install or authorize installation of rigid
 32 coastal armoring structures for the protection of private
 33 structures or public infrastructure, or take other measures to
 34 relieve the threat to private structures or public
 35 infrastructure as long as the following items are considered and
 36 incorporated into such emergency measures:

- 37 (a) Protection of the beach-dune system.
- 38 (b) Siting and design criteria for the protective
 39 structure.
- 40 (c) Impacts on adjacent properties.
- 41 (d) Preservation of public beach access.
- 42 (e) Protection of native coastal vegetation and nesting
 43 marine turtles and their hatchlings.

44 (8) If an agency, political subdivision, or municipality
 45 installs or authorizes installation of a rigid coastal armoring
 46 structure that does not comply with subsection (3), and if the
 47 department determines that the action harms or interferes with
 48 the protection of the beach-dune system, adversely impacts
 49 adjacent properties, interferes with public beach access, or
 50 harms native coastal vegetation or nesting marine turtles or
 51 their hatchlings, the department may revoke by order the
 52 authority of the agency, political subdivision, or municipality
 53 under subsection (3) to install or authorize the installation of
 54 rigid coastal armoring structures.

55 Section 2. Paragraph (h) of subsection (2) of section
 56 163.3178, Florida Statutes, is amended to read:

57 | 163.3178 Coastal management.--

58 | (2) Each coastal management element required by s.
 59 | 163.3177(6)(g) shall be based on studies, surveys, and data; be
 60 | consistent with coastal resource plans prepared and adopted
 61 | pursuant to general or special law; and contain:

62 | (h) Designation of high-hazard coastal areas, which for
 63 | uniformity and planning purposes herein, are defined as category
 64 | 1 evacuation zones. Category 1 evacuation zones are based on the
 65 | regional hurricane evacuation studies. The Division of Emergency
 66 | Management is responsible for managing the update of the
 67 | regional hurricane evacuation studies and ensuring that such
 68 | studies are done in a consistent manner using the methodology
 69 | for modeling storm surge that is used by the National Hurricane
 70 | Center. ~~However,~~ Application of mitigation and redevelopment
 71 | policies, pursuant to s. 380.27(2), and any rules adopted
 72 | thereunder, shall be at the discretion of local government.

73 | Section 3. Subsection (4) of section 381.0065, Florida
 74 | Statutes, is amended to read:

75 | 381.0065 Onsite sewage treatment and disposal systems;
 76 | regulation.--

77 | (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
 78 | not construct, repair, modify, abandon, or operate an onsite
 79 | sewage treatment and disposal system without first obtaining a
 80 | permit approved by the department. The department may issue
 81 | permits to carry out this section, but shall not make the
 82 | issuance of such permits contingent upon prior approval by the
 83 | Department of Environmental Protection, except that the issuance
 84 | of a permit for work seaward of the coastal construction control

85 line established under s. 161.053 shall be contingent upon
86 receipt of any required coastal construction control line permit
87 from the Department of Environmental Protection. A construction
88 permit is valid for 18 months from the issuance date and may be
89 extended by the department for one 90-day period under rules
90 adopted by the department. A repair permit is valid for 90 days
91 from the date of issuance. An operating permit must be obtained
92 prior to the use of any aerobic treatment unit or if the
93 establishment generates commercial waste. Buildings or
94 establishments that use an aerobic treatment unit or generate
95 commercial waste shall be inspected by the department at least
96 annually to assure compliance with the terms of the operating
97 permit. The operating permit for a commercial wastewater system
98 is valid for 1 year from the date of issuance and must be
99 renewed annually. The operating permit for an aerobic treatment
100 unit is valid for 2 years from the date of issuance and must be
101 renewed every 2 years. If all information pertaining to the
102 siting, location, and installation conditions or repair of an
103 onsite sewage treatment and disposal system remains the same, a
104 construction or repair permit for the onsite sewage treatment
105 and disposal system may be transferred to another person, if the
106 transferee files, within 60 days after the transfer of
107 ownership, an amended application providing all corrected
108 information and proof of ownership of the property. There is no
109 fee associated with the processing of this supplemental
110 information. A person may not contract to construct, modify,
111 alter, repair, service, abandon, or maintain any portion of an
112 onsite sewage treatment and disposal system without being

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113 registered under part III of chapter 489. A property owner who
114 personally performs construction, maintenance, or repairs to a
115 system serving his or her own owner-occupied single-family
116 residence is exempt from registration requirements for
117 performing such construction, maintenance, or repairs on that
118 residence, but is subject to all permitting requirements. A
119 municipality or political subdivision of the state may not issue
120 a building or plumbing permit for any building that requires the
121 use of an onsite sewage treatment and disposal system unless the
122 owner or builder has received a construction permit for such
123 system from the department. A building or structure may not be
124 occupied and a municipality, political subdivision, or any state
125 or federal agency may not authorize occupancy until the
126 department approves the final installation of the onsite sewage
127 treatment and disposal system. A municipality or political
128 subdivision of the state may not approve any change in occupancy
129 or tenancy of a building that uses an onsite sewage treatment
130 and disposal system until the department has reviewed the use of
131 the system with the proposed change, approved the change, and
132 amended the operating permit.

133 (a) Subdivisions and lots in which each lot has a minimum
134 area of at least one-half acre and either a minimum dimension of
135 100 feet or a mean of at least 100 feet of the side bordering
136 the street and the distance formed by a line parallel to the
137 side bordering the street drawn between the two most distant
138 points of the remainder of the lot may be developed with a water
139 system regulated under s. 381.0062 and onsite sewage treatment
140 and disposal systems, provided the projected daily sewage flow

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141 does not exceed an average of 1,500 gallons per acre per day,
142 and provided satisfactory drinking water can be obtained and all
143 distance and setback, soil condition, water table elevation, and
144 other related requirements of this section and rules adopted
145 under this section can be met.

146 (b) Subdivisions and lots using a public water system as
147 defined in s. 403.852 may use onsite sewage treatment and
148 disposal systems, provided there are no more than four lots per
149 acre, provided the projected daily sewage flow does not exceed
150 an average of 2,500 gallons per acre per day, and provided that
151 all distance and setback, soil condition, water table elevation,
152 and other related requirements that are generally applicable to
153 the use of onsite sewage treatment and disposal systems are met.

154 (c) Notwithstanding the provisions of paragraphs (a) and
155 (b), for subdivisions platted of record on or before October 1,
156 1991, when a developer or other appropriate entity has
157 previously made or makes provisions, including financial
158 assurances or other commitments, acceptable to the Department of
159 Health, that a central water system will be installed by a
160 regulated public utility based on a density formula, private
161 potable wells may be used with onsite sewage treatment and
162 disposal systems until the agreed-upon densities are reached.
163 The department may consider assurances filed with the Department
164 of Business and Professional Regulation under chapter 498 in
165 determining the adequacy of the financial assurance required by
166 this paragraph. In a subdivision regulated by this paragraph,
167 the average daily sewage flow may not exceed 2,500 gallons per
168 acre per day. This section does not affect the validity of

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169 existing prior agreements. After October 1, 1991, the exception
170 provided under this paragraph is not available to a developer or
171 other appropriate entity.

172 (d) Paragraphs (a) and (b) do not apply to any proposed
173 residential subdivision with more than 50 lots or to any
174 proposed commercial subdivision with more than 5 lots where a
175 publicly owned or investor-owned sewerage system is available.
176 It is the intent of this paragraph not to allow development of
177 additional proposed subdivisions in order to evade the
178 requirements of this paragraph.

179 (e) Onsite sewage treatment and disposal systems must not
180 be placed closer than:

- 181 1. Seventy-five feet from a private potable well.
- 182 2. Two hundred feet from a public potable well serving a
183 residential or nonresidential establishment having a total
184 sewage flow of greater than 2,000 gallons per day.
- 185 3. One hundred feet from a public potable well serving a
186 residential or nonresidential establishment having a total
187 sewage flow of less than or equal to 2,000 gallons per day.
- 188 4. Fifty feet from any nonpotable well.
- 189 5. Ten feet from any storm sewer pipe, to the maximum
190 extent possible, but in no instance shall the setback be less
191 than 5 feet.
- 192 6. Seventy-five feet from the mean high-water line of a
193 tidally influenced surface water body.
- 194 7. Seventy-five feet from the mean annual flood line of a
195 permanent nontidal surface water body.

196 8. Fifteen feet from the design high-water line of
197 retention areas, detention areas, or swales designed to contain
198 standing or flowing water for less than 72 hours after a
199 rainfall or the design high-water level of normally dry drainage
200 ditches or normally dry individual lot stormwater retention
201 areas.

202 (f) Except as provided under paragraphs (e) and (t), no
203 limitations shall be imposed by rule, relating to the distance
204 between an onsite disposal system and any area that either
205 permanently or temporarily has visible surface water.

206 (g) All provisions of this section and rules adopted under
207 this section relating to soil condition, water table elevation,
208 distance, and other setback requirements must be equally applied
209 to all lots, with the following exceptions:

210 1. Any residential lot that was platted and recorded on or
211 after January 1, 1972, or that is part of a residential
212 subdivision that was approved by the appropriate permitting
213 agency on or after January 1, 1972, and that was eligible for an
214 onsite sewage treatment and disposal system construction permit
215 on the date of such platting and recording or approval shall be
216 eligible for an onsite sewage treatment and disposal system
217 construction permit, regardless of when the application for a
218 permit is made. If rules in effect at the time the permit
219 application is filed cannot be met, residential lots platted and
220 recorded or approved on or after January 1, 1972, shall, to the
221 maximum extent possible, comply with the rules in effect at the
222 time the permit application is filed. At a minimum, however,
223 those residential lots platted and recorded or approved on or

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224 after January 1, 1972, but before January 1, 1983, shall comply
225 with those rules in effect on January 1, 1983, and those
226 residential lots platted and recorded or approved on or after
227 January 1, 1983, shall comply with those rules in effect at the
228 time of such platting and recording or approval. In determining
229 the maximum extent of compliance with current rules that is
230 possible, the department shall allow structures and
231 appurtenances thereto which were authorized at the time such
232 lots were platted and recorded or approved.

233 2. Lots platted before 1972 are subject to a 50-foot
234 minimum surface water setback and are not subject to lot size
235 requirements. The projected daily flow for onsite sewage
236 treatment and disposal systems for lots platted before 1972 may
237 not exceed:

238 a. Two thousand five hundred gallons per acre per day for
239 lots served by public water systems as defined in s. 403.852.

240 b. One thousand five hundred gallons per acre per day for
241 lots served by water systems regulated under s. 381.0062.

242 (h)1. The department may grant variances in hardship cases
243 which may be less restrictive than the provisions specified in
244 this section. If a variance is granted and the onsite sewage
245 treatment and disposal system construction permit has been
246 issued, the variance may be transferred with the system
247 construction permit, if the transferee files, within 60 days
248 after the transfer of ownership, an amended construction permit
249 application providing all corrected information and proof of
250 ownership of the property and if the same variance would have
251 been required for the new owner of the property as was

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252 originally granted to the original applicant for the variance.
253 There is no fee associated with the processing of this
254 supplemental information. A variance may not be granted under
255 this section until the department is satisfied that:

256 a. The hardship was not caused intentionally by the action
257 of the applicant;

258 b. No reasonable alternative, taking into consideration
259 factors such as cost, exists for the treatment of the sewage;
260 and

261 c. The discharge from the onsite sewage treatment and
262 disposal system will not adversely affect the health of the
263 applicant or the public or significantly degrade the groundwater
264 or surface waters.

265

266 Where soil conditions, water table elevation, and setback
267 provisions are determined by the department to be satisfactory,
268 special consideration must be given to those lots platted before
269 1972.

270 2. The department shall appoint and staff a variance
271 review and advisory committee, which shall meet monthly to
272 recommend agency action on variance requests. The committee
273 shall make its recommendations on variance requests at the
274 meeting in which the application is scheduled for consideration,
275 except for an extraordinary change in circumstances, the receipt
276 of new information that raises new issues, or when the applicant
277 requests an extension. The committee shall consider the criteria
278 in subparagraph 1. in its recommended agency action on variance
279 requests and shall also strive to allow property owners the full

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280 use of their land where possible. The committee consists of the
281 following:

282 a. The Division Director for Environmental Health of the
283 department or his or her designee.

284 b. A representative from the county health departments.

285 c. A representative from the home building industry
286 recommended by the Florida Home Builders Association.

287 d. A representative from the septic tank industry
288 recommended by the Florida Onsite Wastewater Association.

289 e. A representative from the Department of Environmental
290 Protection.

291 f. A representative from the real estate industry who is
292 also a developer in this state who develops lots using onsite
293 sewage treatment and disposal systems, recommended by the
294 Florida Association of Realtors.

295 g. A representative from the engineering profession
296 recommended by the Florida Engineering Society.

297

298 Members shall be appointed for a term of 3 years, with such
299 appointments being staggered so that the terms of no more than
300 two members expire in any one year. Members shall serve without
301 remuneration, but if requested, shall be reimbursed for per diem
302 and travel expenses as provided in s. 112.061.

303 (i) A construction permit may not be issued for an onsite
304 sewage treatment and disposal system in any area zoned or used
305 for industrial or manufacturing purposes, or its equivalent,
306 where a publicly owned or investor-owned sewage treatment system
307 is available, or where a likelihood exists that the system will

308 receive toxic, hazardous, or industrial waste. An existing
309 onsite sewage treatment and disposal system may be repaired if a
310 publicly owned or investor-owned sewerage system is not
311 available within 500 feet of the building sewer stub-out and if
312 system construction and operation standards can be met. This
313 paragraph does not require publicly owned or investor-owned
314 sewerage treatment systems to accept anything other than
315 domestic wastewater.

316 1. A building located in an area zoned or used for
317 industrial or manufacturing purposes, or its equivalent, when
318 such building is served by an onsite sewage treatment and
319 disposal system, must not be occupied until the owner or tenant
320 has obtained written approval from the department. The
321 department shall not grant approval when the proposed use of the
322 system is to dispose of toxic, hazardous, or industrial
323 wastewater or toxic or hazardous chemicals.

324 2. Each person who owns or operates a business or facility
325 in an area zoned or used for industrial or manufacturing
326 purposes, or its equivalent, or who owns or operates a business
327 that has the potential to generate toxic, hazardous, or
328 industrial wastewater or toxic or hazardous chemicals, and uses
329 an onsite sewage treatment and disposal system that is installed
330 on or after July 5, 1989, must obtain an annual system operating
331 permit from the department. A person who owns or operates a
332 business that uses an onsite sewage treatment and disposal
333 system that was installed and approved before July 5, 1989, need
334 not obtain a system operating permit. However, upon change of
335 ownership or tenancy, the new owner or operator must notify the

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336 department of the change, and the new owner or operator must
337 obtain an annual system operating permit, regardless of the date
338 that the system was installed or approved.

339 3. The department shall periodically review and evaluate
340 the continued use of onsite sewage treatment and disposal
341 systems in areas zoned or used for industrial or manufacturing
342 purposes, or its equivalent, and may require the collection and
343 analyses of samples from within and around such systems. If the
344 department finds that toxic or hazardous chemicals or toxic,
345 hazardous, or industrial wastewater have been or are being
346 disposed of through an onsite sewage treatment and disposal
347 system, the department shall initiate enforcement actions
348 against the owner or tenant to ensure adequate cleanup,
349 treatment, and disposal.

350 (j) An onsite sewage treatment and disposal system for a
351 single-family residence that is designed by a professional
352 engineer registered in the state and certified by such engineer
353 as complying with performance criteria adopted by the department
354 must be approved by the department subject to the following:

355 1. The performance criteria applicable to engineer-
356 designed systems must be limited to those necessary to ensure
357 that such systems do not adversely affect the public health or
358 significantly degrade the groundwater or surface water. Such
359 performance criteria shall include consideration of the quality
360 of system effluent, the proposed total sewage flow per acre,
361 wastewater treatment capabilities of the natural or replaced
362 soil, water quality classification of the potential surface-
363 water-receiving body, and the structural and maintenance

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364 viability of the system for the treatment of domestic
365 wastewater. However, performance criteria shall address only the
366 performance of a system and not a system's design.

367 2. The technical review and advisory panel shall assist
368 the department in the development of performance criteria
369 applicable to engineer-designed systems.

370 3. A person electing to utilize an engineer-designed
371 system shall, upon completion of the system design, submit such
372 design, certified by a registered professional engineer, to the
373 county health department. The county health department may
374 utilize an outside consultant to review the engineer-designed
375 system, with the actual cost of such review to be borne by the
376 applicant. Within 5 working days after receiving an engineer-
377 designed system permit application, the county health department
378 shall request additional information if the application is not
379 complete. Within 15 working days after receiving a complete
380 application for an engineer-designed system, the county health
381 department either shall issue the permit or, if it determines
382 that the system does not comply with the performance criteria,
383 shall notify the applicant of that determination and refer the
384 application to the department for a determination as to whether
385 the system should be approved, disapproved, or approved with
386 modification. The department engineer's determination shall
387 prevail over the action of the county health department. The
388 applicant shall be notified in writing of the department's
389 determination and of the applicant's rights to pursue a variance
390 or seek review under the provisions of chapter 120.

391 4. The owner of an engineer-designed performance-based
392 system must maintain a current maintenance service agreement
393 with a maintenance entity permitted by the department. The
394 maintenance entity shall obtain a biennial system operating
395 permit from the department for each system under service
396 contract. The department shall inspect the system at least
397 annually, or on such periodic basis as the fee collected
398 permits, and may collect system-effluent samples if appropriate
399 to determine compliance with the performance criteria. The fee
400 for the biennial operating permit shall be collected beginning
401 with the second year of system operation. The maintenance entity
402 shall inspect each system at least twice each year and shall
403 report quarterly to the department on the number of systems
404 inspected and serviced.

405 5. If an engineer-designed system fails to properly
406 function or fails to meet performance standards, the system
407 shall be re-engineered, if necessary, to bring the system into
408 compliance with the provisions of this section.

409 (k) An innovative system may be approved in conjunction
410 with an engineer-designed site-specific system which is
411 certified by the engineer to meet the performance-based criteria
412 adopted by the department.

413 (l) For the Florida Keys, the department shall adopt a
414 special rule for the construction, installation, modification,
415 operation, repair, maintenance, and performance of onsite sewage
416 treatment and disposal systems which considers the unique soil
417 conditions and which considers water table elevations,
418 densities, and setback requirements. On lots where a setback

419 distance of 75 feet from surface waters, saltmarsh, and
420 buttonwood association habitat areas cannot be met, an injection
421 well, approved and permitted by the department, may be used for
422 disposal of effluent from onsite sewage treatment and disposal
423 systems.

424 (m) No product sold in the state for use in onsite sewage
425 treatment and disposal systems may contain any substance in
426 concentrations or amounts that would interfere with or prevent
427 the successful operation of such system, or that would cause
428 discharges from such systems to violate applicable water quality
429 standards. The department shall publish criteria for products
430 known or expected to meet the conditions of this paragraph. In
431 the event a product does not meet such criteria, such product
432 may be sold if the manufacturer satisfactorily demonstrates to
433 the department that the conditions of this paragraph are met.

434 (n) Evaluations for determining the seasonal high-water
435 table elevations or the suitability of soils for the use of a
436 new onsite sewage treatment and disposal system shall be
437 performed by department personnel, professional engineers
438 registered in the state, or such other persons with expertise,
439 as defined by rule, in making such evaluations. Evaluations for
440 determining mean annual flood lines shall be performed by those
441 persons identified in paragraph (2)(i). The department shall
442 accept evaluations submitted by professional engineers and such
443 other persons as meet the expertise established by this section
444 or by rule unless the department has a reasonable scientific
445 basis for questioning the accuracy or completeness of the
446 evaluation.

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447 (o) The department shall appoint a research review and
448 advisory committee, which shall meet at least semiannually. The
449 committee shall advise the department on directions for new
450 research, review and rank proposals for research contracts, and
451 review draft research reports and make comments. The committee
452 is comprised of:

- 453 1. A representative of the Division of Environmental
454 Health of the Department of Health.
- 455 2. A representative from the septic tank industry.
- 456 3. A representative from the home building industry.
- 457 4. A representative from an environmental interest group.
- 458 5. A representative from the State University System, from
459 a department knowledgeable about onsite sewage treatment and
460 disposal systems.
- 461 6. A professional engineer registered in this state who
462 has work experience in onsite sewage treatment and disposal
463 systems.
- 464 7. A representative from the real estate profession.
- 465 8. A representative from the restaurant industry.
- 466 9. A consumer.

467
468 Members shall be appointed for a term of 3 years, with the
469 appointments being staggered so that the terms of no more than
470 four members expire in any one year. Members shall serve without
471 remuneration, but are entitled to reimbursement for per diem and
472 travel expenses as provided in s. 112.061.

473 (p) An application for an onsite sewage treatment and
474 disposal system permit shall be completed in full, signed by the

475 owner or the owner's authorized representative, or by a
 476 contractor licensed under chapter 489, and shall be accompanied
 477 by all required exhibits and fees. No specific documentation of
 478 property ownership shall be required as a prerequisite to the
 479 review of an application or the issuance of a permit. The
 480 issuance of a permit does not constitute determination by the
 481 department of property ownership.

482 (q) The department may not require any form of subdivision
 483 analysis of property by an owner, developer, or subdivider prior
 484 to submission of an application for an onsite sewage treatment
 485 and disposal system.

486 (r) Nothing in this section limits the power of a
 487 municipality or county to enforce other laws for the protection
 488 of the public health and safety.

489 (s) In the siting of onsite sewage treatment and disposal
 490 systems, including drainfields, shoulders, and slopes, guttering
 491 shall not be required on single-family residential dwelling
 492 units for systems located greater than 5 feet from the roof drip
 493 line of the house. If guttering is used on residential dwelling
 494 units, the downspouts shall be directed away from the
 495 drainfield.

496 (t) Notwithstanding the provisions of subparagraph (g)1.,
 497 onsite sewage treatment and disposal systems located in
 498 floodways of the Suwannee and Aucilla Rivers must adhere to the
 499 following requirements:

- 500 1. The absorption surface of the drainfield shall not be
- 501 subject to flooding based on 10-year flood elevations. Provided,
- 502 however, for lots or parcels created by the subdivision of land

503 in accordance with applicable local government regulations prior
504 to January 17, 1990, if an applicant cannot construct a
505 drainfield system with the absorption surface of the drainfield
506 at an elevation equal to or above 10-year flood elevation, the
507 department shall issue a permit for an onsite sewage treatment
508 and disposal system within the 10-year floodplain of rivers,
509 streams, and other bodies of flowing water if all of the
510 following criteria are met:

511 a. The lot is at least one-half acre in size;
512 b. The bottom of the drainfield is at least 36 inches
513 above the 2-year flood elevation; and
514 c. The applicant installs either: a waterless,
515 incinerating, or organic waste composting toilet and a graywater
516 system and drainfield in accordance with department rules; an
517 aerobic treatment unit and drainfield in accordance with
518 department rules; a system approved by the State Health Office
519 that is capable of reducing effluent nitrate by at least 50
520 percent; or a system approved by the county health department
521 pursuant to department rule other than a system using
522 alternative drainfield materials. The United States Department
523 of Agriculture Soil Conservation Service soil maps, State of
524 Florida Water Management District data, and Federal Emergency
525 Management Agency Flood Insurance maps are resources that shall
526 be used to identify flood-prone areas.

527 2. The use of fill or mounding to elevate a drainfield
528 system out of the 10-year floodplain of rivers, streams, or
529 other bodies of flowing water shall not be permitted if such a
530 system lies within a regulatory floodway of the Suwannee and

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531 Aucilla Rivers. In cases where the 10-year flood elevation does
532 not coincide with the boundaries of the regulatory floodway, the
533 regulatory floodway will be considered for the purposes of this
534 subsection to extend at a minimum to the 10-year flood
535 elevation.

536 (u) The owner of an aerobic treatment unit system shall
537 maintain a current maintenance service agreement with an aerobic
538 treatment unit maintenance entity permitted by the department.
539 The maintenance entity shall obtain a system operating permit
540 from the department for each aerobic treatment unit under
541 service contract. The maintenance entity shall inspect each
542 aerobic treatment unit system at least twice each year and shall
543 report quarterly to the department on the number of aerobic
544 treatment unit systems inspected and serviced. The owner shall
545 allow the department to inspect during reasonable hours each
546 aerobic treatment unit system at least annually, and such
547 inspection may include collection and analysis of system-
548 effluent samples for performance criteria established by rule of
549 the department.

550 (v) The department may require the submission of detailed
551 system construction plans that are prepared by a professional
552 engineer registered in this state. The department shall
553 establish by rule criteria for determining when such a
554 submission is required.

555 Section 4. Section 689.264, Florida Statutes, is created
556 to read:

557 689.264 Sale of real property; disclosure of property
 558 location in a hurricane evacuation zone to prospective
 559 purchaser.--

560 (1) A prospective purchaser of real property located in a
 561 hurricane evacuation zone must be presented a disclosure summary
 562 at or before execution of the contract for sale. Unless a
 563 substantially similar disclosure summary is included in the
 564 contract for sale, a separate disclosure summary must be
 565 attached to the contract for sale. The disclosure summary,
 566 whether separate or included in the contract, must be in a form
 567 substantially similar to the following:

568
 569 PROPERTY IN HURRICANE EVACUATION ZONE
 570 DISCLOSURE SUMMARY

571
 572 ALL OR A PORTION OF THIS PROPERTY CURRENTLY LIES
 573 WITHIN THE CATEGORY (INSERT ZONE(S)) HURRICANE
 574 EVACUATION ZONE(S) DESIGNATED BY THE COUNTY EMERGENCY
 575 MANAGEMENT DEPARTMENT. THIS DESIGNATION MAY REQUIRE
 576 OCCUPANTS OF THE PROPERTY TO EVACUATE DURING AN
 577 IMPENDING TROPICAL STORM OR HURRICANE EVENT. AS THIS
 578 DESIGNATION IS SUBJECT TO CHANGE, YOU SHOULD VERIFY
 579 YOUR HURRICANE EVACUATION ZONE DESIGNATION PRIOR TO
 580 THE START OF EACH HURRICANE SEASON. IF YOU HAVE ANY
 581 QUESTIONS REGARDING THIS DISCLOSURE, CONTACT THE
 582 COUNTY EMERGENCY MANAGEMENT AGENCY FOR INFORMATION.
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584 (2) Unless included in the contract, the disclosure
585 summary must be provided by the seller. If the disclosure
586 summary is not included in the contract for sale, the contract
587 for sale must refer to and incorporate by reference the
588 disclosure summary and include in prominent language a statement
589 that the potential purchaser should not execute the contract
590 until the disclosure summary required by this section has been
591 read.

592 Section 5. This act shall take effect upon becoming a law.