



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

4           161.085 Rigid coastal armoring structures.--

5           (3) If erosion occurs as a result of a storm event  
6 ~~that which~~ threatens private structures or public  
7 infrastructure and a permit has not been issued pursuant to  
8 subsection (2), unless the authority has been revoked by order  
9 of the department pursuant to subsection (8), an the agency,  
10 political subdivision, or municipality having jurisdiction  
11 over the impacted area may install or authorize installation  
12 of rigid coastal armoring structures for the protection of  
13 private structures or public infrastructure, or take other  
14 measures to relieve the threat to private structures or public  
15 infrastructure as long as the following items are considered  
16 and incorporated into such emergency measures:

17           (a) Protection of the beach-dune system.

18           (b) Siting and design criteria for the protective  
19 structure.

20           (c) Impacts on adjacent properties.

21           (d) Preservation of public beach access.

22           (e) Protection of native coastal vegetation and  
23 nesting marine turtles and their hatchlings.

24           (8) If an agency, political subdivision, or  
25 municipality installs or authorizes installation of a rigid  
26 coastal armoring structure that does not comply with  
27 subsection (3), and if the department determines that the  
28 action harms or interferes with the protection of the  
29 beach-dune system, adversely impacts adjacent properties;  
30 interferes with public beach access, or harms native coastal  
31 vegetation or nesting marine turtles or their hatchlings, the

1 department may revoke by order the authority of the agency,  
2 political subdivision, or municipality under subsection (3) to  
3 install or authorize the installation of the rigid coastal  
4 armoring structure.

5 Section 2. Paragraph (h) of subsection (2) of section  
6 163.3178, Florida Statutes, is amended to read:

7 163.3178 Coastal management.--

8 (2) Each coastal management element required by s.  
9 163.3177(6)(g) shall be based on studies, surveys, and data;  
10 be consistent with coastal resource plans prepared and adopted  
11 pursuant to general or special law; and contain:

12 (h) Designation of high-hazard coastal areas, which  
13 for uniformity and planning purposes herein, are defined as  
14 category 1 evacuation zones. Category 1 evacuation zones are  
15 based on the regional hurricane evacuation studies. The  
16 Division of Emergency Management shall manage the update of  
17 regional hurricane evacuation studies, ensure such studies are  
18 done in a consistent manner, and ensure that the methodology  
19 used for modeling storm surge is that used by the National  
20 Hurricane Center. ~~However,~~ Application of mitigation and  
21 redevelopment policies, pursuant to s. 380.27(2), and any  
22 rules adopted thereunder, shall be at the discretion of local  
23 government.

24 Section 3. Subsection (4) of section 381.0065, Florida  
25 Statutes, is amended to read:

26 381.0065 Onsite sewage treatment and disposal systems;  
27 regulation.--

28 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
29 may not construct, repair, modify, abandon, or operate an  
30 onsite sewage treatment and disposal system without first  
31 obtaining a permit approved by the department. The department

1 may issue permits to carry out this section, but shall not  
2 make the issuance of such permits contingent upon prior  
3 approval by the Department of Environmental Protection, except  
4 that issuance of a permit for work seaward of the coastal  
5 construction control line established under s. 161.053 shall  
6 be contingent upon receipt of any required coastal  
7 construction control line permit from the Department of  
8 Environmental Protection. A construction permit is valid for  
9 18 months from the issuance date and may be extended by the  
10 department for one 90-day period under rules adopted by the  
11 department. A repair permit is valid for 90 days from the  
12 date of issuance. An operating permit must be obtained prior  
13 to the use of any aerobic treatment unit or if the  
14 establishment generates commercial waste. Buildings or  
15 establishments that use an aerobic treatment unit or generate  
16 commercial waste shall be inspected by the department at least  
17 annually to assure compliance with the terms of the operating  
18 permit. The operating permit for a commercial wastewater  
19 system is valid for 1 year from the date of issuance and must  
20 be renewed annually. The operating permit for an aerobic  
21 treatment unit is valid for 2 years from the date of issuance  
22 and must be renewed every 2 years. If all information  
23 pertaining to the siting, location, and installation  
24 conditions or repair of an onsite sewage treatment and  
25 disposal system remains the same, a construction or repair  
26 permit for the onsite sewage treatment and disposal system may  
27 be transferred to another person, if the transferee files,  
28 within 60 days after the transfer of ownership, an amended  
29 application providing all corrected information and proof of  
30 ownership of the property. There is no fee associated with  
31 the processing of this supplemental information. A person may

1 not contract to construct, modify, alter, repair, service,  
2 abandon, or maintain any portion of an onsite sewage treatment  
3 and disposal system without being registered under part III of  
4 chapter 489. A property owner who personally performs  
5 construction, maintenance, or repairs to a system serving his  
6 or her own owner-occupied single-family residence is exempt  
7 from registration requirements for performing such  
8 construction, maintenance, or repairs on that residence, but  
9 is subject to all permitting requirements. A municipality or  
10 political subdivision of the state may not issue a building or  
11 plumbing permit for any building that requires the use of an  
12 onsite sewage treatment and disposal system unless the owner  
13 or builder has received a construction permit for such system  
14 from the department. A building or structure may not be  
15 occupied and a municipality, political subdivision, or any  
16 state or federal agency may not authorize occupancy until the  
17 department approves the final installation of the onsite  
18 sewage treatment and disposal system. A municipality or  
19 political subdivision of the state may not approve any change  
20 in occupancy or tenancy of a building that uses an onsite  
21 sewage treatment and disposal system until the department has  
22 reviewed the use of the system with the proposed change,  
23 approved the change, and amended the operating permit.

24 (a) Subdivisions and lots in which each lot has a  
25 minimum area of at least one-half acre and either a minimum  
26 dimension of 100 feet or a mean of at least 100 feet of the  
27 side bordering the street and the distance formed by a line  
28 parallel to the side bordering the street drawn between the  
29 two most distant points of the remainder of the lot may be  
30 developed with a water system regulated under s. 381.0062 and  
31 onsite sewage treatment and disposal systems, provided the

1 | projected daily sewage flow does not exceed an average of  
2 | 1,500 gallons per acre per day, and provided satisfactory  
3 | drinking water can be obtained and all distance and setback,  
4 | soil condition, water table elevation, and other related  
5 | requirements of this section and rules adopted under this  
6 | section can be met.

7 |         (b) Subdivisions and lots using a public water system  
8 | as defined in s. 403.852 may use onsite sewage treatment and  
9 | disposal systems, provided there are no more than four lots  
10 | per acre, provided the projected daily sewage flow does not  
11 | exceed an average of 2,500 gallons per acre per day, and  
12 | provided that all distance and setback, soil condition, water  
13 | table elevation, and other related requirements that are  
14 | generally applicable to the use of onsite sewage treatment and  
15 | disposal systems are met.

16 |         (c) Notwithstanding the provisions of paragraphs (a)  
17 | and (b), for subdivisions platted of record on or before  
18 | October 1, 1991, when a developer or other appropriate entity  
19 | has previously made or makes provisions, including financial  
20 | assurances or other commitments, acceptable to the Department  
21 | of Health, that a central water system will be installed by a  
22 | regulated public utility based on a density formula, private  
23 | potable wells may be used with onsite sewage treatment and  
24 | disposal systems until the agreed-upon densities are reached.  
25 | The department may consider assurances filed with the  
26 | Department of Business and Professional Regulation under  
27 | chapter 498 in determining the adequacy of the financial  
28 | assurance required by this paragraph. In a subdivision  
29 | regulated by this paragraph, the average daily sewage flow may  
30 | not exceed 2,500 gallons per acre per day. This section does  
31 | not affect the validity of existing prior agreements. After

1 October 1, 1991, the exception provided under this paragraph  
2 is not available to a developer or other appropriate entity.

3 (d) Paragraphs (a) and (b) do not apply to any  
4 proposed residential subdivision with more than 50 lots or to  
5 any proposed commercial subdivision with more than 5 lots  
6 where a publicly owned or investor-owned sewerage system is  
7 available. It is the intent of this paragraph not to allow  
8 development of additional proposed subdivisions in order to  
9 evade the requirements of this paragraph.

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

- 12 1. Seventy-five feet from a private potable well.
- 13 2. Two hundred feet from a public potable well serving  
14 a residential or nonresidential establishment having a total  
15 sewage flow of greater than 2,000 gallons per day.
- 16 3. One hundred feet from a public potable well serving  
17 a residential or nonresidential establishment having a total  
18 sewage flow of less than or equal to 2,000 gallons per day.
- 19 4. Fifty feet from any nonpotable well.
- 20 5. Ten feet from any storm sewer pipe, to the maximum  
21 extent possible, but in no instance shall the setback be less  
22 than 5 feet.
- 23 6. Seventy-five feet from the mean high-water line of  
24 a tidally influenced surface water body.
- 25 7. Seventy-five feet from the mean annual flood line  
26 of a permanent nontidal surface water body.
- 27 8. Fifteen feet from the design high-water line of  
28 retention areas, detention areas, or swales designed to  
29 contain standing or flowing water for less than 72 hours after  
30 a rainfall or the design high-water level of normally dry  
31

1 drainage ditches or normally dry individual lot stormwater  
2 retention areas.

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

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

11 1. Any residential lot that was platted and recorded  
12 on or after January 1, 1972, or that is part of a residential  
13 subdivision that was approved by the appropriate permitting  
14 agency on or after January 1, 1972, and that was eligible for  
15 an onsite sewage treatment and disposal system construction  
16 permit on the date of such platting and recording or approval  
17 shall be eligible for an onsite sewage treatment and disposal  
18 system construction permit, regardless of when the application  
19 for a permit is made. If rules in effect at the time the  
20 permit application is filed cannot be met, residential lots  
21 platted and recorded or approved on or after January 1, 1972,  
22 shall, to the maximum extent possible, comply with the rules  
23 in effect at the time the permit application is filed. At a  
24 minimum, however, those residential lots platted and recorded  
25 or approved on or after January 1, 1972, but before January 1,  
26 1983, shall comply with those rules in effect on January 1,  
27 1983, and those residential lots platted and recorded or  
28 approved on or after January 1, 1983, shall comply with those  
29 rules in effect at the time of such platting and recording or  
30 approval. In determining the maximum extent of compliance  
31 with current rules that is possible, the department shall



1 | allow structures and appurtenances thereto which were  
2 | authorized at the time such lots were platted and recorded or  
3 | approved.

4 |         2. Lots platted before 1972 are subject to a 50-foot  
5 | minimum surface water setback and are not subject to lot size  
6 | requirements. The projected daily flow for onsite sewage  
7 | treatment and disposal systems for lots platted before 1972  
8 | may not exceed:

9 |             a. Two thousand five hundred gallons per acre per day  
10 | for lots served by public water systems as defined in s.  
11 | 403.852.

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

14 |             (h)1. The department may grant variances in hardship  
15 | cases which may be less restrictive than the provisions  
16 | specified in this section. If a variance is granted and the  
17 | onsite sewage treatment and disposal system construction  
18 | permit has been issued, the variance may be transferred with  
19 | the system construction permit, if the transferee files,  
20 | within 60 days after the transfer of ownership, an amended  
21 | construction permit application providing all corrected  
22 | information and proof of ownership of the property and if the  
23 | same variance would have been required for the new owner of  
24 | the property as was originally granted to the original  
25 | applicant for the variance. There is no fee associated with  
26 | the processing of this supplemental information. A variance  
27 | may not be granted under this section until the department is  
28 | satisfied that:

29 |             a. The hardship was not caused intentionally by the  
30 | action of the applicant;

31 |

1           b. No reasonable alternative, taking into  
2 consideration factors such as cost, exists for the treatment  
3 of the sewage; and

4           c. The discharge from the onsite sewage treatment and  
5 disposal system will not adversely affect the health of the  
6 applicant or the public or significantly degrade the  
7 groundwater or surface waters.

8  
9 Where soil conditions, water table elevation, and setback  
10 provisions are determined by the department to be  
11 satisfactory, special consideration must be given to those  
12 lots platted before 1972.

13           2. The department shall appoint and staff a variance  
14 review and advisory committee, which shall meet monthly to  
15 recommend agency action on variance requests. The committee  
16 shall make its recommendations on variance requests at the  
17 meeting in which the application is scheduled for  
18 consideration, except for an extraordinary change in  
19 circumstances, the receipt of new information that raises new  
20 issues, or when the applicant requests an extension. The  
21 committee shall consider the criteria in subparagraph 1. in  
22 its recommended agency action on variance requests and shall  
23 also strive to allow property owners the full use of their  
24 land where possible. The committee consists of the following:

25           a. The Division Director for Environmental Health of  
26 the department or his or her designee.

27           b. A representative from the county health  
28 departments.

29           c. A representative from the home building industry  
30 recommended by the Florida Home Builders Association.

31

1           d. A representative from the septic tank industry  
2 recommended by the Florida Onsite Wastewater Association.

3           e. A representative from the Department of  
4 Environmental Protection.

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

9           g. A representative from the engineering profession  
10 recommended by the Florida Engineering Society.

11  
12 Members shall be appointed for a term of 3 years, with such  
13 appointments being staggered so that the terms of no more than  
14 two members expire in any one year. Members shall serve  
15 without remuneration, but if requested, shall be reimbursed  
16 for per diem and travel expenses as provided in s. 112.061.

17           (i) A construction permit may not be issued for an  
18 onsite sewage treatment and disposal system in any area zoned  
19 or used for industrial or manufacturing purposes, or its  
20 equivalent, where a publicly owned or investor-owned sewage  
21 treatment system is available, or where a likelihood exists  
22 that the system will receive toxic, hazardous, or industrial  
23 waste. An existing onsite sewage treatment and disposal  
24 system may be repaired if a publicly owned or investor-owned  
25 sewerage system is not available within 500 feet of the  
26 building sewer stub-out and if system construction and  
27 operation standards can be met. This paragraph does not  
28 require publicly owned or investor-owned sewerage treatment  
29 systems to accept anything other than domestic wastewater.

30           1. A building located in an area zoned or used for  
31 industrial or manufacturing purposes, or its equivalent, when

1 such building is served by an onsite sewage treatment and  
2 disposal system, must not be occupied until the owner or  
3 tenant has obtained written approval from the department. The  
4 department shall not grant approval when the proposed use of  
5 the system is to dispose of toxic, hazardous, or industrial  
6 wastewater or toxic or hazardous chemicals.

7         2. Each person who owns or operates a business or  
8 facility in an area zoned or used for industrial or  
9 manufacturing purposes, or its equivalent, or who owns or  
10 operates a business that has the potential to generate toxic,  
11 hazardous, or industrial wastewater or toxic or hazardous  
12 chemicals, and uses an onsite sewage treatment and disposal  
13 system that is installed on or after July 5, 1989, must obtain  
14 an annual system operating permit from the department. A  
15 person who owns or operates a business that uses an onsite  
16 sewage treatment and disposal system that was installed and  
17 approved before July 5, 1989, need not obtain a system  
18 operating permit. However, upon change of ownership or  
19 tenancy, the new owner or operator must notify the department  
20 of the change, and the new owner or operator must obtain an  
21 annual system operating permit, regardless of the date that  
22 the system was installed or approved.

23         3. The department shall periodically review and  
24 evaluate the continued use of onsite sewage treatment and  
25 disposal systems in areas zoned or used for industrial or  
26 manufacturing purposes, or its equivalent, and may require the  
27 collection and analyses of samples from within and around such  
28 systems. If the department finds that toxic or hazardous  
29 chemicals or toxic, hazardous, or industrial wastewater have  
30 been or are being disposed of through an onsite sewage  
31 treatment and disposal system, the department shall initiate

1 enforcement actions against the owner or tenant to ensure  
2 adequate cleanup, treatment, and disposal.

3 (j) An onsite sewage treatment and disposal system for  
4 a single-family residence that is designed by a professional  
5 engineer registered in the state and certified by such  
6 engineer as complying with performance criteria adopted by the  
7 department must be approved by the department subject to the  
8 following:

9 1. The performance criteria applicable to  
10 engineer-designed systems must be limited to those necessary  
11 to ensure that such systems do not adversely affect the public  
12 health or significantly degrade the groundwater or surface  
13 water. Such performance criteria shall include consideration  
14 of the quality of system effluent, the proposed total sewage  
15 flow per acre, wastewater treatment capabilities of the  
16 natural or replaced soil, water quality classification of the  
17 potential surface-water-receiving body, and the structural and  
18 maintenance viability of the system for the treatment of  
19 domestic wastewater. However, performance criteria shall  
20 address only the performance of a system and not a system's  
21 design.

22 2. The technical review and advisory panel shall  
23 assist the department in the development of performance  
24 criteria applicable to engineer-designed systems.

25 3. A person electing to utilize an engineer-designed  
26 system shall, upon completion of the system design, submit  
27 such design, certified by a registered professional engineer,  
28 to the county health department. The county health department  
29 may utilize an outside consultant to review the  
30 engineer-designed system, with the actual cost of such review  
31 to be borne by the applicant. Within 5 working days after

1 receiving an engineer-designed system permit application, the  
2 county health department shall request additional information  
3 if the application is not complete. Within 15 working days  
4 after receiving a complete application for an  
5 engineer-designed system, the county health department either  
6 shall issue the permit or, if it determines that the system  
7 does not comply with the performance criteria, shall notify  
8 the applicant of that determination and refer the application  
9 to the department for a determination as to whether the system  
10 should be approved, disapproved, or approved with  
11 modification. The department engineer's determination shall  
12 prevail over the action of the county health department. The  
13 applicant shall be notified in writing of the department's  
14 determination and of the applicant's rights to pursue a  
15 variance or seek review under the provisions of chapter 120.

16 4. The owner of an engineer-designed performance-based  
17 system must maintain a current maintenance service agreement  
18 with a maintenance entity permitted by the department. The  
19 maintenance entity shall obtain a biennial system operating  
20 permit from the department for each system under service  
21 contract. The department shall inspect the system at least  
22 annually, or on such periodic basis as the fee collected  
23 permits, and may collect system-effluent samples if  
24 appropriate to determine compliance with the performance  
25 criteria. The fee for the biennial operating permit shall be  
26 collected beginning with the second year of system operation.  
27 The maintenance entity shall inspect each system at least  
28 twice each year and shall report quarterly to the department  
29 on the number of systems inspected and serviced.

30 5. If an engineer-designed system fails to properly  
31 function or fails to meet performance standards, the system

1 shall be re-engineered, if necessary, to bring the system into  
2 compliance with the provisions of this section.

3 (k) An innovative system may be approved in  
4 conjunction with an engineer-designed site-specific system  
5 which is certified by the engineer to meet the  
6 performance-based criteria adopted by the department.

7 (l) For the Florida Keys, the department shall adopt a  
8 special rule for the construction, installation, modification,  
9 operation, repair, maintenance, and performance of onsite  
10 sewage treatment and disposal systems which considers the  
11 unique soil conditions and which considers water table  
12 elevations, densities, and setback requirements. On lots  
13 where a setback distance of 75 feet from surface waters,  
14 saltmarsh, and buttonwood association habitat areas cannot be  
15 met, an injection well, approved and permitted by the  
16 department, may be used for disposal of effluent from onsite  
17 sewage treatment and disposal systems.

18 (m) No product sold in the state for use in onsite  
19 sewage treatment and disposal systems may contain any  
20 substance in concentrations or amounts that would interfere  
21 with or prevent the successful operation of such system, or  
22 that would cause discharges from such systems to violate  
23 applicable water quality standards. The department shall  
24 publish criteria for products known or expected to meet the  
25 conditions of this paragraph. In the event a product does not  
26 meet such criteria, such product may be sold if the  
27 manufacturer satisfactorily demonstrates to the department  
28 that the conditions of this paragraph are met.

29 (n) Evaluations for determining the seasonal  
30 high-water table elevations or the suitability of soils for  
31 the use of a new onsite sewage treatment and disposal system

1 shall be performed by department personnel, professional  
2 engineers registered in the state, or such other persons with  
3 expertise, as defined by rule, in making such evaluations.  
4 Evaluations for determining mean annual flood lines shall be  
5 performed by those persons identified in paragraph (2)(i). The  
6 department shall accept evaluations submitted by professional  
7 engineers and such other persons as meet the expertise  
8 established by this section or by rule unless the department  
9 has a reasonable scientific basis for questioning the accuracy  
10 or completeness of the evaluation.

11 (o) The department shall appoint a research review and  
12 advisory committee, which shall meet at least semiannually.  
13 The committee shall advise the department on directions for  
14 new research, review and rank proposals for research  
15 contracts, and review draft research reports and make  
16 comments. The committee is comprised of:

17 1. A representative of the Division of Environmental  
18 Health of the Department of Health.

19 2. A representative from the septic tank industry.

20 3. A representative from the home building industry.

21 4. A representative from an environmental interest  
22 group.

23 5. A representative from the State University System,  
24 from a department knowledgeable about onsite sewage treatment  
25 and disposal systems.

26 6. A professional engineer registered in this state  
27 who has work experience in onsite sewage treatment and  
28 disposal systems.

29 7. A representative from the real estate profession.

30 8. A representative from the restaurant industry.

31 9. A consumer.



1  
2 Members shall be appointed for a term of 3 years, with the  
3 appointments being staggered so that the terms of no more than  
4 four members expire in any one year. Members shall serve  
5 without remuneration, but are entitled to reimbursement for  
6 per diem and travel expenses as provided in s. 112.061.

7 (p) An application for an onsite sewage treatment and  
8 disposal system permit shall be completed in full, signed by  
9 the owner or the owner's authorized representative, or by a  
10 contractor licensed under chapter 489, and shall be  
11 accompanied by all required exhibits and fees. No specific  
12 documentation of property ownership shall be required as a  
13 prerequisite to the review of an application or the issuance  
14 of a permit. The issuance of a permit does not constitute  
15 determination by the department of property ownership.

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

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

23 (s) In the siting of onsite sewage treatment and  
24 disposal systems, including drainfields, shoulders, and  
25 slopes, guttering shall not be required on single-family  
26 residential dwelling units for systems located greater than 5  
27 feet from the roof drip line of the house. If guttering is  
28 used on residential dwelling units, the downspouts shall be  
29 directed away from the drainfield.

30 (t) Notwithstanding the provisions of subparagraph  
31 (g)1., onsite sewage treatment and disposal systems located in

1 floodways of the Suwannee and Aucilla Rivers must adhere to  
2 the following requirements:

3         1. The absorption surface of the drainfield shall not  
4 be subject to flooding based on 10-year flood elevations.  
5 Provided, however, for lots or parcels created by the  
6 subdivision of land in accordance with applicable local  
7 government regulations prior to January 17, 1990, if an  
8 applicant cannot construct a drainfield system with the  
9 absorption surface of the drainfield at an elevation equal to  
10 or above 10-year flood elevation, the department shall issue a  
11 permit for an onsite sewage treatment and disposal system  
12 within the 10-year floodplain of rivers, streams, and other  
13 bodies of flowing water if all of the following criteria are  
14 met:

15             a. The lot is at least one-half acre in size;  
16             b. The bottom of the drainfield is at least 36 inches  
17 above the 2-year flood elevation; and  
18             c. The applicant installs either: a waterless,  
19 incinerating, or organic waste composting toilet and a  
20 graywater system and drainfield in accordance with department  
21 rules; an aerobic treatment unit and drainfield in accordance  
22 with department rules; a system approved by the State Health  
23 Office that is capable of reducing effluent nitrate by at  
24 least 50 percent; or a system approved by the county health  
25 department pursuant to department rule other than a system  
26 using alternative drainfield materials. The United States  
27 Department of Agriculture Soil Conservation Service soil maps,  
28 State of Florida Water Management District data, and Federal  
29 Emergency Management Agency Flood Insurance maps are resources  
30 that shall be used to identify flood-prone areas.  
31

1           2. The use of fill or mounding to elevate a drainfield  
2 system out of the 10-year floodplain of rivers, streams, or  
3 other bodies of flowing water shall not be permitted if such a  
4 system lies within a regulatory floodway of the Suwannee and  
5 Aucilla Rivers. In cases where the 10-year flood elevation  
6 does not coincide with the boundaries of the regulatory  
7 floodway, the regulatory floodway will be considered for the  
8 purposes of this subsection to extend at a minimum to the  
9 10-year flood elevation.

10           (u) The owner of an aerobic treatment unit system  
11 shall maintain a current maintenance service agreement with an  
12 aerobic treatment unit maintenance entity permitted by the  
13 department. The maintenance entity shall obtain a system  
14 operating permit from the department for each aerobic  
15 treatment unit under service contract. The maintenance entity  
16 shall inspect each aerobic treatment unit system at least  
17 twice each year and shall report quarterly to the department  
18 on the number of aerobic treatment unit systems inspected and  
19 serviced. The owner shall allow the department to inspect  
20 during reasonable hours each aerobic treatment unit system at  
21 least annually, and such inspection may include collection and  
22 analysis of system-effluent samples for performance criteria  
23 established by rule of the department.

24           (v) The department may require the submission of  
25 detailed system construction plans that are prepared by a  
26 professional engineer registered in this state. The department  
27 shall establish by rule criteria for determining when such a  
28 submission is required.

29           Section 4. Section 689.262, Florida Statutes, is  
30 created to read:  
31

1           689.262 Sale of real property; disclosure of property  
2 location in hurricane evacuation zone to prospective  
3 purchaser.--

4           (1) A prospective purchaser of real property located  
5 in a hurricane evacuation zone must be presented a disclosure  
6 summary at or before execution of the contract for sale.  
7 Unless a substantially similar disclosure summary is included  
8 in the contract for sale, a separate disclosure summary must  
9 be attached to the contract for sale. The disclosure summary,  
10 whether separate or included in the contract, must be in a  
11 form substantially similar to the following:

12  
13                           PROPERTY IN HURRICANE EVACUATION ZONE

14   DISCLOSURE SUMMARY

15  
16 ALL OR A PORTION OF THIS PROPERTY CURRENTLY LIES WITHIN THE  
17 CATEGORY [INSERT ZONE(S)] HURRICANE EVACUATION ZONE(S)  
18 DESIGNATED BY THE COUNTY EMERGENCY MANAGEMENT DEPARTMENT. THIS  
19 DESIGNATION MAY REQUIRE OCCUPANTS OF THE PROPERTY TO EVACUATE  
20 DURING AN IMPENDING TROPICAL STORM OR HURRICANE EVENT. AS THIS  
21 DESIGNATION IS SUBJECT TO CHANGE, YOU SHOULD VERIFY YOUR  
22 HURRICANE EVACUATION ZONE DESIGNATION PRIOR TO THE START OF  
23 EACH HURRICANE SEASON. IF YOU HAVE ANY QUESTIONS REGARDING  
24 THIS DISCLOSURE, CONTACT THE COUNTY EMERGENCY MANAGEMENT  
25 AGENCY FOR INFORMATION.

26           (2) Unless included in the contract, the disclosure  
27 summary must be provided by the seller. If the disclosure  
28 summary is not included in the contract for sale, the contract  
29 for sale must refer to and incorporate by reference the  
30 disclosure summary and include, in prominent wording, a  
31 statement that the potential purchaser should not execute the

1 contract until he or she has read the disclosure summary  
2 required by this section.

3 Section 5. This act shall take effect July 1, 2006.

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6 SENATE SUMMARY

7 Authorizes an agency, political subdivision, or  
8 municipality having jurisdiction over an impacted area to  
9 install rigid coastal armoring structures. Authorizes the  
10 Department of Environmental Protection to revoke the  
11 authority of an agency, political subdivision, or  
12 municipality to install rigid coastal armoring  
13 structures. Requires the Division of Emergency Management  
14 to be responsible for managing the update of regional  
15 hurricane evacuation studies. Requires the issuance of a  
16 permit for work seaward of the coastal construction  
17 control line to be contingent upon receipt of a coastal  
18 construction control line permit from the Department of  
19 Environmental Protection. Requires that a prospective  
20 purchaser of real property located in a hurricane  
21 evacuation zone be presented a disclosure summary at or  
22 before execution of the contract for sale. Provides a  
23 format for the disclosure summary.  
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