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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/31/2024	.	
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The Committee on Community Affairs (Trumbull) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 56 - 197

and insert:

Section 1. Subsections (1) and (3) of section 373.333, Florida Statutes, are amended to read:

373.333 Disciplinary guidelines; adoption and enforcement; license suspension or revocation.—

(1) The department shall adopt by rule disciplinary guidelines applicable to each specific ground for disciplinary



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11 action which may be imposed by the water management districts,
12 providing each water management district and representatives of
13 the water well contracting industry with meaningful opportunity
14 to participate in the development of the disciplinary guideline
15 rules as they are drafted. The disciplinary guidelines must
16 ~~shall~~ be adopted by each water management district. The
17 guideline rules must ~~shall~~ be consistently applied by the water
18 management districts, or by an authority to whom a water
19 management district has delegated enforcement powers, and must
20 do all of the following shall:

21 (a) Specify a meaningful range of designated penalties
22 based upon the severity and repetition of specific offenses.

23 (b) Distinguish minor violations from those which endanger
24 public health, safety, and welfare or contaminate the water
25 resources.

26 (c) Inform the public of likely penalties which may be
27 imposed for proscribed conduct.

28
29 A specific finding of mitigating or aggravating circumstances
30 shall allow a water management district to impose a penalty
31 other than that provided in the guidelines. Disciplinary action
32 may be taken by any water management district, regardless of
33 where the contractor's license was issued.

34 (3) Such notice must ~~shall~~ be served in the manner required
35 by law for the service of process upon a person in a civil
36 action or by certified ~~registered~~ United States mail to the last
37 known address of the person. The water management district shall
38 send copies of such notice only to persons who have specifically
39 requested such notice or to entities with which the water



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40 management district has formally agreed to provide such notice.
41 Notice alleging a violation of a rule setting minimum standards
42 for the location, construction, repair, or abandonment of wells
43 must ~~shall~~ be accompanied by an order of the water management
44 district requiring remedial action which, if taken within the
45 time specified in such order, will effect compliance with ~~the~~
46 ~~requirements of~~ this part and regulations issued hereunder. Such
47 order is ~~shall become~~ final unless a request for hearing as
48 provided in chapter 120 is made within 30 days after ~~from~~ the
49 date of service of such order. Upon compliance, notice must
50 ~~shall~~ be served by the water management district in a timely
51 manner upon each person and entity who received notice of a
52 violation, stating that compliance with the order has been
53 achieved.

54 Section 2. Subsections (1) and (3) of section 373.336,
55 Florida Statutes, are amended to read:

56 373.336 Unlawful acts; penalties.—

57 (1) It is unlawful for any person or business entity, as
58 applicable, to do any of the following:

59 (a) Practice water well contracting without an active
60 license issued pursuant to this part.

61 (b) Construct, repair, or abandon a water well, or operate
62 drilling equipment for such purpose, unless employed by or under
63 the supervision of a licensed water well contractor or exempt
64 under s. 373.326.

65 (c) Give false or forged evidence to obtain a license.

66 (d) Present as his or her own the license of another.

67 (e) Use or attempt to use a license to practice water well
68 contracting which license has been suspended, revoked, or placed



69 on inactive status.

70 (f) Engage in willful or repeated violation of this part or
71 of any department rule or regulation or water management
72 district or state agency rule or regulation relating to water
73 wells which endangers the public health, safety, and welfare.

74 (g) Advertise water well drilling or construction services
75 if the business entity is not owned by a licensed water well
76 contractor or does not employ a full-time water well contractor.

77 (3) ~~A Any person who violates any provision of this part or~~
78 ~~a regulation or an order issued hereunder commits shall, upon~~
79 ~~conviction, be guilty of a misdemeanor of the second degree,~~
80 punishable as provided in s. 775.082 or s. 775.083. Continuing
81 violation after an order or a conviction constitutes shall
82 ~~constitute~~ a separate violation for each day so continued.

83 Section 3. Paragraphs (e), (h), and (w) of subsection (4)
84 of section 381.0065, Florida Statutes, are amended to read:

85 381.0065 Onsite sewage treatment and disposal systems;
86 regulation.—

87 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not
88 construct, repair, modify, abandon, or operate an onsite sewage
89 treatment and disposal system without first obtaining a permit
90 approved by the department. The department may issue permits to
91 carry out this section, except that the issuance of a permit for
92 work seaward of the coastal construction control line
93 established under s. 161.053 shall be contingent upon receipt of
94 any required coastal construction control line permit from the
95 department. A construction permit is valid for 18 months after
96 the date of issuance and may be extended by the department for
97 one 90-day period under rules adopted by the department. A



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98 repair permit is valid for 90 days after the date of issuance.
99 An operating permit must be obtained before the use of any
100 aerobic treatment unit or if the establishment generates
101 commercial waste. Buildings or establishments that use an
102 aerobic treatment unit or generate commercial waste shall be
103 inspected by the department at least annually to assure
104 compliance with the terms of the operating permit. The operating
105 permit for a commercial wastewater system is valid for 1 year
106 after the date of issuance and must be renewed annually. The
107 operating permit for an aerobic treatment unit is valid for 2
108 years after the date of issuance and must be renewed every 2
109 years. If all information pertaining to the siting, location,
110 and installation conditions or repair of an onsite sewage
111 treatment and disposal system remains the same, a construction
112 or repair permit for the onsite sewage treatment and disposal
113 system may be transferred to another person, if the transferee
114 files, within 60 days after the transfer of ownership, an
115 amended application providing all corrected information and
116 proof of ownership of the property. A fee is not associated with
117 the processing of this supplemental information. A person may
118 not contract to construct, modify, alter, repair, service,
119 abandon, or maintain any portion of an onsite sewage treatment
120 and disposal system without being registered under part III of
121 chapter 489. A property owner who personally performs
122 construction, maintenance, or repairs to a system serving his or
123 her own owner-occupied single-family residence is exempt from
124 registration requirements for performing such construction,
125 maintenance, or repairs on that residence, but is subject to all
126 permitting requirements. A municipality or political subdivision



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127 of the state may not issue a building or plumbing permit for any
128 building that requires the use of an onsite sewage treatment and
129 disposal system unless the owner or builder has received a
130 construction permit for such system from the department. A
131 building or structure may not be occupied and a municipality,
132 political subdivision, or any state or federal agency may not
133 authorize occupancy until the department approves the final
134 installation of the onsite sewage treatment and disposal system.
135 A municipality or political subdivision of the state may not
136 approve any change in occupancy or tenancy of a building that
137 uses an onsite sewage treatment and disposal system until the
138 department has reviewed the use of the system with the proposed
139 change, approved the change, and amended the operating permit.

140 (e) The department shall adopt rules relating to the
141 location of onsite sewage treatment and disposal systems,
142 including establishing setback distances, to prevent groundwater
143 contamination and surface water contamination and to preserve
144 the public health. The rules must:

145 1. Consider conventional and enhanced nutrient-reducing
146 onsite sewage treatment and disposal system designs, impaired or
147 degraded water bodies, domestic wastewater and drinking water
148 infrastructure, potable water sources, nonpotable wells,
149 stormwater infrastructure, the onsite sewage treatment and
150 disposal system remediation plans developed pursuant to s.
151 403.067(7)(a)9.b., nutrient pollution, and the recommendations
152 of the onsite sewage treatment and disposal systems technical
153 advisory committee established pursuant to former s. 381.00652.
154 The rules must also

155 2. Allow a person to apply for and receive a variance from



156 a rule requirement upon demonstration that the requirement would
157 cause an undue hardship and granting the variance would not
158 cause or contribute to the exceedance of a total maximum daily
159 load.

160 3. In consultation with the water management districts,
161 allow a licensed water well contractor to apply for and receive
162 a variance for the installation of a private or public potable
163 water well from the applicable water management district in the
164 region of installation.

165
166 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

167 And the directory clause is amended as follows:

168 Delete lines 24 - 25

169 and insert:

170 Section 4. Subsection (3) of section 373.323, Florida
171 Statutes, is amended to read:

172
173 ===== T I T L E A M E N D M E N T =====

174 And the title is amended as follows:

175 Delete lines 5 - 17

176 and insert:

177 water well contractor license examination; amending s.
178 373.333, F.S.; authorizing certain authorities who
179 have been delegated enforcement powers by water
180 management districts to apply disciplinary guidelines
181 adopted by the districts; requiring that certain
182 notices be delivered by certified, rather than
183 registered, mail; making technical changes; amending
184 s. 373.336, F.S.; prohibiting a person or business



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185 entity from advertising water well drilling or
186 construction services in specified circumstances;
187 amending s. 381.0065, F.S.; requiring the Department
188 of Environmental Protection to adopt rules that allow
189 licensed well contractors to apply for and receive
190 from water management districts within the region of
191 installation a variance for private and public potable
192 well installations; deleting provisions