



26 | qualifications, and examinations; equipment identification.—

27 |         (3) An applicant who meets all of the following  
 28 | requirements is eligible ~~shall be entitled~~ to take the water  
 29 | well contractor licensure examination:

30 |             (a) Is at least 18 years of age.

31 |             (b) Has at least 2 years of experience in constructing,  
 32 | repairing, or abandoning water wells permitted in this state.

33 | The applicant must demonstrate satisfactory proof of such  
 34 | experience ~~shall be demonstrated~~ by providing:

35 |             1. Evidence of the length of time he or she ~~the applicant~~  
 36 | has been engaged in the business of the construction, repair, or  
 37 | abandonment of water wells as a major activity, as attested to  
 38 | by a letter from a water well contractor or a letter from a  
 39 | water well inspector employed by a governmental agency.

40 |             2. A list of at least 10 water wells permitted in this  
 41 | state which he or she ~~that the applicant~~ has constructed,  
 42 | repaired, or abandoned within the preceding 5 years. Of these  
 43 | wells, at least seven must have been constructed, as defined in  
 44 | s. 373.303(2), by the applicant. The list must ~~shall~~ also  
 45 | include:

46 |             a. The name and address of the owner or owners of each  
 47 | well.

48 |             b. The location, primary use, and approximate depth and  
 49 | diameter of each well that the applicant has constructed,  
 50 | repaired, or abandoned.

51 c. The approximate date the construction, repair, or  
 52 abandonment of each well was completed.

53 (c) Has completed the application form and remitted a  
 54 nonrefundable application fee.

55 (10) Water well contractors licensed under this section  
 56 may install, repair, and modify pumps and tanks in accordance  
 57 with the Florida Building Code, Plumbing; Section 614-Wells  
 58 ~~Section 612-Wells~~ Pumps And Tanks Used For Private Potable Water  
 59 Systems. In addition, licensed water well contractors may  
 60 install pumps, tanks, and water conditioning equipment for all  
 61 water systems.

62 Section 2. Subsections (1) and (3) of section 373.333,  
 63 Florida Statutes, are amended to read:

64 373.333 Disciplinary guidelines; adoption and enforcement;  
 65 license suspension or revocation.—

66 (1) The department shall adopt by rule disciplinary  
 67 guidelines applicable to each specific ground for disciplinary  
 68 action which may be imposed by the water management districts,  
 69 providing each water management district and representatives of  
 70 the water well contracting industry with meaningful opportunity  
 71 to participate in the development of the disciplinary guideline  
 72 rules as they are drafted. The disciplinary guidelines must  
 73 ~~shall~~ be adopted by each water management district. The  
 74 guideline rules must ~~shall~~ be consistently applied by the water  
 75 management districts, or by an authority to whom a water

76 | management district has delegated enforcement powers, and must  
 77 | do all of the following shall:

78 | (a) Specify a meaningful range of designated penalties  
 79 | based upon the severity and repetition of specific offenses.

80 | (b) Distinguish minor violations from those which endanger  
 81 | public health, safety, and welfare or contaminate the water  
 82 | resources.

83 | (c) Inform the public of likely penalties which may be  
 84 | imposed for proscribed conduct.

85 |  
 86 | A specific finding of mitigating or aggravating circumstances  
 87 | shall allow a water management district to impose a penalty  
 88 | other than that provided in the guidelines. Disciplinary action  
 89 | may be taken by any water management district, regardless of  
 90 | where the contractor's license was issued.

91 | (3) Such notice must ~~shall~~ be served in the manner  
 92 | required by law for the service of process upon a person in a  
 93 | civil action or by certified ~~registered~~ United States mail to  
 94 | the last known address of the person. The water management  
 95 | district shall send copies of such notice only to persons who  
 96 | have specifically requested such notice or to entities with  
 97 | which the water management district has formally agreed to  
 98 | provide such notice. Notice alleging a violation of a rule  
 99 | setting minimum standards for the location, construction,  
 100 | repair, or abandonment of wells must ~~shall~~ be accompanied by an

101 order of the water management district requiring remedial action  
 102 which, if taken within the time specified in such order, will  
 103 effect compliance with ~~the requirements of~~ this part and  
 104 regulations issued hereunder. Such order is ~~shall become~~ final  
 105 unless a request for hearing as provided in chapter 120 is made  
 106 within 30 days after ~~from~~ the date of service of such order.  
 107 Upon compliance, notice must ~~shall~~ be served by the water  
 108 management district in a timely manner upon each person and  
 109 entity who received notice of a violation, stating that  
 110 compliance with the order has been achieved.

111 Section 3. Subsections (1) and (3) of section 373.336,  
 112 Florida Statutes, are amended to read:

113 373.336 Unlawful acts; penalties.—

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

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

118 (b) Construct, repair, or abandon a water well, or operate  
 119 drilling equipment for such purpose, unless employed by or under  
 120 the supervision of a licensed water well contractor or exempt  
 121 under s. 373.326.

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

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

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

126 on inactive status.

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

131 (g) Advertise water well drilling or construction services  
 132 if the business entity is not owned by a licensed water well  
 133 contractor or does not employ a full-time licensed water well  
 134 contractor.

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

141 Section 4. Paragraphs (h) and (w) of subsection (4) of  
 142 section 381.0065, Florida Statutes, are amended to read:

143 381.0065 Onsite sewage treatment and disposal systems;  
 144 regulation.—

145 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
 146 construct, repair, modify, abandon, or operate an onsite sewage  
 147 treatment and disposal system without first obtaining a permit  
 148 approved by the department. The department may issue permits to  
 149 carry out this section, except that the issuance of a permit for  
 150 work seaward of the coastal construction control line

151 established under s. 161.053 shall be contingent upon receipt of  
152 any required coastal construction control line permit from the  
153 department. A construction permit is valid for 18 months after  
154 the date of issuance and may be extended by the department for  
155 one 90-day period under rules adopted by the department. A  
156 repair permit is valid for 90 days after the date of issuance.  
157 An operating permit must be obtained before the use of any  
158 aerobic treatment unit or if the establishment generates  
159 commercial waste. Buildings or establishments that use an  
160 aerobic treatment unit or generate commercial waste shall be  
161 inspected by the department at least annually to assure  
162 compliance with the terms of the operating permit. The operating  
163 permit for a commercial wastewater system is valid for 1 year  
164 after the date of issuance and must be renewed annually. The  
165 operating permit for an aerobic treatment unit is valid for 2  
166 years after the date of issuance and must be renewed every 2  
167 years. If all information pertaining to the siting, location,  
168 and installation conditions or repair of an onsite sewage  
169 treatment and disposal system remains the same, a construction  
170 or repair permit for the onsite sewage treatment and disposal  
171 system may be transferred to another person, if the transferee  
172 files, within 60 days after the transfer of ownership, an  
173 amended application providing all corrected information and  
174 proof of ownership of the property. A fee is not associated with  
175 the processing of this supplemental information. A person may

176 not contract to construct, modify, alter, repair, service,  
 177 abandon, or maintain any portion of an onsite sewage treatment  
 178 and disposal system without being registered under part III of  
 179 chapter 489. A property owner who personally performs  
 180 construction, maintenance, or repairs to a system serving his or  
 181 her own owner-occupied single-family residence is exempt from  
 182 registration requirements for performing such construction,  
 183 maintenance, or repairs on that residence, but is subject to all  
 184 permitting requirements. A municipality or political subdivision  
 185 of the state may not issue a building or plumbing permit for any  
 186 building that requires the use of an onsite sewage treatment and  
 187 disposal system unless the owner or builder has received a  
 188 construction permit for such system from the department. A  
 189 building or structure may not be occupied and a municipality,  
 190 political subdivision, or any state or federal agency may not  
 191 authorize occupancy until the department approves the final  
 192 installation of the onsite sewage treatment and disposal system.  
 193 A municipality or political subdivision of the state may not  
 194 approve any change in occupancy or tenancy of a building that  
 195 uses an onsite sewage treatment and disposal system until the  
 196 department has reviewed the use of the system with the proposed  
 197 change, approved the change, and amended the operating permit.

198 (h)~~1~~. The department may grant variances in hardship cases  
 199 which may be less restrictive than the provisions specified in  
 200 this section. If a variance is granted and the onsite sewage



201 treatment and disposal system construction permit has been  
202 issued, the variance may be transferred with the system  
203 construction permit, if the transferee files, within 60 days  
204 after the transfer of ownership, an amended construction permit  
205 application providing all corrected information and proof of  
206 ownership of the property and if the same variance would have  
207 been required for the new owner of the property as was  
208 originally granted to the original applicant for the variance. A  
209 fee is not associated with the processing of this supplemental  
210 information. A variance may not be granted under this section  
211 until the department is satisfied that:

212 ~~1.a.~~ The hardship was not caused intentionally by the  
213 action of the applicant;

214 ~~2.b.~~ A reasonable alternative, taking into consideration  
215 factors such as cost, does not exist for the treatment of the  
216 sewage; and

217 ~~3.c.~~ The discharge from the onsite sewage treatment and  
218 disposal system will not adversely affect the health of the  
219 applicant or the public or significantly degrade the groundwater  
220 or surface waters.

221  
222 Where soil conditions, water table elevation, and setback  
223 provisions are determined by the department to be satisfactory,  
224 special consideration must be given to those lots platted before  
225 1972.

226           ~~2. The department shall appoint and staff a variance~~  
227 ~~review and advisory committee, which shall meet monthly to~~  
228 ~~recommend agency action on variance requests. The committee~~  
229 ~~shall make its recommendations on variance requests at the~~  
230 ~~meeting in which the application is scheduled for consideration,~~  
231 ~~except for an extraordinary change in circumstances, the receipt~~  
232 ~~of new information that raises new issues, or when the applicant~~  
233 ~~requests an extension. The committee shall consider the criteria~~  
234 ~~in subparagraph 1. in its recommended agency action on variance~~  
235 ~~requests and shall also strive to allow property owners the full~~  
236 ~~use of their land where possible. The committee consists of the~~  
237 ~~following:~~

238           ~~a. The Secretary of Environmental Protection or his or her~~  
239 ~~designee.~~

240           ~~b. A representative from the county health departments.~~

241           ~~c. A representative from the home building industry~~  
242 ~~recommended by the Florida Home Builders Association.~~

243           ~~d. A representative from the septic tank industry~~  
244 ~~recommended by the Florida Onsite Wastewater Association.~~

245           ~~e. A representative from the Department of Health.~~

246           ~~f. A representative from the real estate industry who is~~  
247 ~~also a developer in this state who develops lots using onsite~~  
248 ~~sewage treatment and disposal systems, recommended by the~~  
249 ~~Florida Association of Realtors.~~

250           ~~g. A representative from the engineering profession~~

251 ~~recommended by the Florida Engineering Society.~~

252

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

258 (w) A governmental entity, including a municipality,  
 259 county, or statutorily created commission, may not require an  
 260 engineer-designed performance-based treatment system, excluding  
 261 a passive engineer-designed performance-based treatment system,  
 262 before the completion of the Florida Onsite Sewage Nitrogen  
 263 Reduction Strategies Project. This paragraph does not apply to a  
 264 governmental entity, including a municipality, county, or  
 265 statutorily created commission, which adopted a local law,  
 266 ordinance, or regulation on or before January 31, 2012.

267 ~~Notwithstanding this paragraph, an engineer-designed~~  
 268 ~~performance-based treatment system may be used to meet the~~  
 269 ~~requirements of the variance review and advisory committee~~  
 270 ~~recommendations.~~

271 Section 5. This act shall take effect July 1, 2024.