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1  
2 An act relating to the regulation of water resources;  
3 amending s. 373.323, F.S.; revising the qualification  
4 requirements a person must meet in order to take the  
5 water well contractor license examination; updating  
6 the reference to the Florida Building Code standards  
7 that a licensed water well contractor's work must  
8 meet; amending s. 373.333, F.S.; authorizing certain  
9 authorities who have been delegated enforcement powers  
10 by water management districts to apply disciplinary  
11 guidelines adopted by the districts; requiring that  
12 certain notices be delivered by certified, rather than  
13 registered, mail; making technical changes; amending  
14 s. 373.336, F.S.; prohibiting a person or business  
15 entity from advertising water well drilling or  
16 construction services in specified circumstances;  
17 amending s. 381.0065, F.S.; providing that the  
18 Department of Environmental Protection's variance  
19 review and advisory committee is not responsible for  
20 reviewing water well permitting; requiring the  
21 committee to consider certain requirements when making  
22 recommendations on variance requests for onsite sewage  
23 treatment and disposal system permits; making  
24 technical changes; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsections (3) and (10) of section 373.323,  
29 Florida Statutes, are amended to read:

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30 373.323 Licensure of water well contractors; application,  
31 qualifications, and examinations; equipment identification.—

32 (3) An applicant who meets all of the following  
33 requirements is eligible ~~shall be entitled~~ to take the water  
34 well contractor licensure examination:

35 (a) Is at least 18 years of age.

36 (b) Has at least 2 years of experience in constructing,  
37 repairing, or abandoning water wells permitted in this state.  
38 The applicant must demonstrate satisfactory proof of such  
39 experience ~~shall be demonstrated~~ by providing:

40 1. Evidence of the length of time he or she ~~the applicant~~  
41 has been engaged in the business of the construction, repair, or  
42 abandonment of water wells as a major activity, as attested to  
43 by a letter from a water well contractor or a letter from a  
44 water well inspector employed by a governmental agency.

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

51 a. The name and address of the owner or owners of each  
52 well.

53 b. The location, primary use, and approximate depth and  
54 diameter of each well that the applicant has constructed,  
55 repaired, or abandoned.

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

58 (c) Has completed the application form and remitted a

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59 nonrefundable application fee.

60 (10) Water well contractors licensed under this section may  
61 install, repair, and modify pumps and tanks in accordance with  
62 the Florida Building Code, Plumbing; Section 614-Wells ~~Section~~  
63 ~~612-Wells~~ Pumps And Tanks Used For Private Potable Water  
64 Systems. In addition, licensed water well contractors may  
65 install pumps, tanks, and water conditioning equipment for all  
66 water systems.

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

69 373.333 Disciplinary guidelines; adoption and enforcement;  
70 license suspension or revocation.—

71 (1) The department shall adopt by rule disciplinary  
72 guidelines applicable to each specific ground for disciplinary  
73 action which may be imposed by the water management districts,  
74 providing each water management district and representatives of  
75 the water well contracting industry with meaningful opportunity  
76 to participate in the development of the disciplinary guideline  
77 rules as they are drafted. The disciplinary guidelines must  
78 ~~shall~~ be adopted by each water management district. The  
79 guideline rules must ~~shall~~ be consistently applied by the water  
80 management districts, or by an authority to whom a water  
81 management district has delegated enforcement powers, and must  
82 do all of the following shall:

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

85 (b) Distinguish minor violations from those which endanger  
86 public health, safety, and welfare or contaminate the water  
87 resources.

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

90  
91 A specific finding of mitigating or aggravating circumstances  
92 shall allow a water management district to impose a penalty  
93 other than that provided in the guidelines. Disciplinary action  
94 may be taken by any water management district, regardless of  
95 where the contractor's license was issued.

96 (3) Such notice must ~~shall~~ be served in the manner required  
97 by law for the service of process upon a person in a civil  
98 action or by certified ~~registered~~ United States mail to the last  
99 known address of the person. The water management district shall  
100 send copies of such notice only to persons who have specifically  
101 requested such notice or to entities with which the water  
102 management district has formally agreed to provide such notice.  
103 Notice alleging a violation of a rule setting minimum standards  
104 for the location, construction, repair, or abandonment of wells  
105 must ~~shall~~ be accompanied by an order of the water management  
106 district requiring remedial action which, if taken within the  
107 time specified in such order, will effect compliance with ~~the~~  
108 ~~requirements of~~ this part and regulations issued hereunder. Such  
109 order is ~~shall become~~ final unless a request for hearing as  
110 provided in chapter 120 is made within 30 days after ~~from~~ the  
111 date of service of such order. Upon compliance, notice must  
112 ~~shall~~ be served by the water management district in a timely  
113 manner upon each person and entity who received notice of a  
114 violation, stating that compliance with the order has been  
115 achieved.

116 Section 3. Subsections (1) and (3) of section 373.336,

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117 Florida Statutes, are amended to read:

118 373.336 Unlawful acts; penalties.—

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

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

123 (b) Construct, repair, or abandon a water well, or operate  
124 drilling equipment for such purpose, unless employed by or under  
125 the supervision of a licensed water well contractor or exempt  
126 under s. 373.326.

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

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

129 (e) Use or attempt to use a license to practice water well  
130 contracting which license has been suspended, revoked, or placed  
131 on inactive status.

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

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

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

145 Section 4. Paragraph (h) of subsection (4) of section

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146 381.0065, Florida Statutes, is amended to read:

147 381.0065 Onsite sewage treatment and disposal systems;  
148 regulation.—

149 (4) PERMITS; INSTALLATION; CONDITIONS.—A person may not  
150 construct, repair, modify, abandon, or operate an onsite sewage  
151 treatment and disposal system without first obtaining a permit  
152 approved by the department. The department may issue permits to  
153 carry out this section, except that the issuance of a permit for  
154 work seaward of the coastal construction control line  
155 established under s. 161.053 shall be contingent upon receipt of  
156 any required coastal construction control line permit from the  
157 department. A construction permit is valid for 18 months after  
158 the date of issuance and may be extended by the department for  
159 one 90-day period under rules adopted by the department. A  
160 repair permit is valid for 90 days after the date of issuance.  
161 An operating permit must be obtained before the use of any  
162 aerobic treatment unit or if the establishment generates  
163 commercial waste. Buildings or establishments that use an  
164 aerobic treatment unit or generate commercial waste shall be  
165 inspected by the department at least annually to assure  
166 compliance with the terms of the operating permit. The operating  
167 permit for a commercial wastewater system is valid for 1 year  
168 after the date of issuance and must be renewed annually. The  
169 operating permit for an aerobic treatment unit is valid for 2  
170 years after the date of issuance and must be renewed every 2  
171 years. If all information pertaining to the siting, location,  
172 and installation conditions or repair of an onsite sewage  
173 treatment and disposal system remains the same, a construction  
174 or repair permit for the onsite sewage treatment and disposal

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175 system may be transferred to another person, if the transferee  
176 files, within 60 days after the transfer of ownership, an  
177 amended application providing all corrected information and  
178 proof of ownership of the property. A fee is not associated with  
179 the processing of this supplemental information. A person may  
180 not contract to construct, modify, alter, repair, service,  
181 abandon, or maintain any portion of an onsite sewage treatment  
182 and disposal system without being registered under part III of  
183 chapter 489. A property owner who personally performs  
184 construction, maintenance, or repairs to a system serving his or  
185 her own owner-occupied single-family residence is exempt from  
186 registration requirements for performing such construction,  
187 maintenance, or repairs on that residence, but is subject to all  
188 permitting requirements. A municipality or political subdivision  
189 of the state may not issue a building or plumbing permit for any  
190 building that requires the use of an onsite sewage treatment and  
191 disposal system unless the owner or builder has received a  
192 construction permit for such system from the department. A  
193 building or structure may not be occupied and a municipality,  
194 political subdivision, or any state or federal agency may not  
195 authorize occupancy until the department approves the final  
196 installation of the onsite sewage treatment and disposal system.  
197 A municipality or political subdivision of the state may not  
198 approve any change in occupancy or tenancy of a building that  
199 uses an onsite sewage treatment and disposal system until the  
200 department has reviewed the use of the system with the proposed  
201 change, approved the change, and amended the operating permit.

202 (h)1. The department may grant variances in hardship cases  
203 which may be less restrictive than the provisions specified in

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

216 a. The hardship was not caused intentionally by the action  
217 of the applicant;

218 b. A reasonable alternative, taking into consideration  
219 factors such as cost, does not exist for the treatment of the  
220 sewage; and

221 c. The discharge from the onsite sewage treatment and  
222 disposal system will not adversely affect the health of the  
223 applicant or the public or significantly degrade the groundwater  
224 or surface waters.

225  
226 Where soil conditions, water table elevation, and setback  
227 provisions are determined by the department to be satisfactory,  
228 special consideration must be given to those lots platted before  
229 1972.

230 2. The department shall appoint and staff a variance review  
231 and advisory committee, which shall meet monthly to recommend  
232 agency action on variance requests. The committee shall make its



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233 recommendations on variance requests at the meeting in which the  
234 application is scheduled for consideration, except for an  
235 extraordinary change in circumstances, the receipt of new  
236 information that raises new issues, or when the applicant  
237 requests an extension. The committee shall consider the criteria  
238 in subparagraph 1. in its recommended agency action on variance  
239 requests and shall also strive to allow property owners the full  
240 use of their land where possible.

241 a. The committee is composed ~~consists~~ of the following:

242 (I)~~a.~~ The Secretary of Environmental Protection or his or  
243 her designee.

244 (II)~~b.~~ A representative from the county health departments.

245 (III)~~c.~~ A representative from the home building industry  
246 recommended by the Florida Home Builders Association.

247 (IV)~~d.~~ A representative from the septic tank industry  
248 recommended by the Florida Onsite Wastewater Association.

249 (V)~~e.~~ A representative from the Department of Health.

250 (VI)~~f.~~ A representative from the real estate industry who  
251 is also a developer in this state who develops lots using onsite  
252 sewage treatment and disposal systems, recommended by the  
253 Florida Association of Realtors.

254 (VII)~~g.~~ A representative from the engineering profession  
255 recommended by the Florida Engineering Society.

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

261 3. The variance review and advisory committee is not

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262 responsible for reviewing water well permitting. However, the  
263 committee shall consider all requirements of law related to  
264 onsite sewage treatment and disposal systems when making  
265 recommendations on variance requests for onsite sewage treatment  
266 and disposal system permits.

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