

By Senator Laurent

17-1095-99

1 A bill to be entitled
2 An act relating to public health; amending s.
3 163.3177, F.S.; providing guidelines for
4 determining the suitability of soils for septic
5 tanks; amending s. 381.0065, F.S.; providing
6 legislative intent relating to the regulation
7 of onsite sewage treatment and disposal
8 systems; providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (c) of subsection (6) of section
13 163.3177, Florida Statutes, 1998 Supplement, is amended to
14 read:

15 163.3177 Required and optional elements of
16 comprehensive plan; studies and surveys.--

17 (6) In addition to the requirements of subsections
18 (1)-(5), the comprehensive plan shall include the following
19 elements:

20 (c) A general sanitary sewer, solid waste, drainage,
21 potable water, and natural groundwater aquifer recharge
22 element correlated to principles and guidelines for future
23 land use, indicating ways to provide for future potable water,
24 drainage, sanitary sewer, solid waste, and aquifer recharge
25 protection requirements for the area. The element may be a
26 detailed engineering plan including a topographic map
27 depicting areas of prime groundwater recharge. The element
28 shall describe the problems and needs and the general
29 facilities that will be required for solution of the problems
30 and needs. The element shall also include a topographic map
31 depicting any areas adopted by a regional water management

1 district as prime groundwater recharge areas for the Floridan
2 or Biscayne aquifers, pursuant to s. 373.0395. These areas
3 shall be given special consideration when the local government
4 is engaged in zoning or considering future land use for said
5 designated areas. ~~For areas served by septic tanks, soil~~
6 ~~surveys shall be provided which indicate~~ The suitability of
7 soils for septic tanks must be established pursuant to s.
8 381.0065 and the rules adopted under that section.

9 Section 2. Subsection (1) of section 381.0065, Florida
10 Statutes, 1998 Supplement, is amended to read:

11 381.0065 Onsite sewage treatment and disposal systems;
12 regulation.--

13 (1) LEGISLATIVE INTENT.--It is the intent of the
14 Legislature that where a publicly owned or investor-owned
15 sewerage system is not available, the department shall issue
16 permits for the construction, installation, modification,
17 abandonment, or repair of onsite sewage treatment and disposal
18 systems under conditions as described in this section and
19 rules adopted under this section. It is further the intent of
20 the Legislature that the installation and use of onsite sewage
21 treatment and disposal systems not adversely affect the public
22 health or significantly degrade the groundwater or surface
23 water. The Legislature acknowledges the responsibility of the
24 Department of Community Affairs to review and evaluate
25 comprehensive plan amendments to the general sanitary sewer,
26 solid waste, drainage, and potable water element exclusively
27 pursuant to s. 163.3177(6)(c). In considering comprehensive
28 plan amendments, the Department of Community Affairs may not
29 require the use of standards or conditions that are more
30 stringent than the applicable statutes or the rules adopted by
31 the Department of Health regarding the location, installation,

1 and use of onsite sewage treatment and disposal systems. Other
2 than to determine the compliance of a plan amendment pursuant
3 to s. 163.3184(1)(b), the Department of Community Affairs may
4 not require the use of publicly owned or investor-owned
5 sewerage systems or other sewerage treatment processes as an
6 alternative to the proposed use of onsite sewage treatment and
7 disposal systems if those onsite sewage treatment and disposal
8 systems would be permissible under s. 381.0065 and the rules
9 adopted under that section.

10 Section 3. This act shall take effect upon becoming a
11 law.

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14 SENATE SUMMARY

15 Provides guidelines for determining the suitability of
16 soils for septic tanks. Provides legislative intent
17 relating to the regulation of onsite sewage treatment and
18 disposal systems.
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