

By Representative Putnam

1                                   A bill to be entitled  
 2           An act relating to local government  
 3           comprehensive plans; amending s. 163.3177,  
 4           F.S.; specifying that, with respect to the  
 5           general sanitary sewer, solid waste, drainage,  
 6           potable water, and natural groundwater aquifer  
 7           recharge element, the suitability of soils for  
 8           septic tanks shall be established pursuant to  
 9           s. 381.0065, F.S.; amending s. 381.0065, F.S.;  
 10          specifying the authority of the Department of  
 11          Community Affairs with respect to review of  
 12          plan amendments related to said element;  
 13          providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Paragraph (c) of subsection (6) of section  
 18   163.3177, Florida Statutes, 1998 Supplement, is amended to  
 19   read:

20           163.3177 Required and optional elements of  
 21   comprehensive plan; studies and surveys.--

22           (6) In addition to the requirements of subsections  
 23   (1)-(5), the comprehensive plan shall include the following  
 24   elements:

25           (c) A general sanitary sewer, solid waste, drainage,  
 26   potable water, and natural groundwater aquifer recharge  
 27   element correlated to principles and guidelines for future  
 28   land use, indicating ways to provide for future potable water,  
 29   drainage, sanitary sewer, solid waste, and aquifer recharge  
 30   protection requirements for the area. The element may be a  
 31   detailed engineering plan including a topographic map

1 depicting areas of prime groundwater recharge. The element  
2 shall describe the problems and needs and the general  
3 facilities that will be required for solution of the problems  
4 and needs. The element shall also include a topographic map  
5 depicting any areas adopted by a regional water management  
6 district as prime groundwater recharge areas for the Floridan  
7 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
8 shall be given special consideration when the local government  
9 is engaged in zoning or considering future land use for said  
10 designated areas. ~~For areas served by septic tanks, soil~~  
11 ~~surveys shall be provided which indicate~~ The suitability of  
12 soils for septic tanks shall be established pursuant to s.  
13 381.0065 and the rules promulgated thereunder.

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

16 381.0065 Onsite sewage treatment and disposal systems;  
17 regulation.--

18 (1) LEGISLATIVE INTENT.--It is the intent of the  
19 Legislature that where a publicly owned or investor-owned  
20 sewerage system is not available, the department shall issue  
21 permits for the construction, installation, modification,  
22 abandonment, or repair of onsite sewage treatment and disposal  
23 systems under conditions as described in this section and  
24 rules adopted under this section. It is further the intent of  
25 the Legislature that the installation and use of onsite sewage  
26 treatment and disposal systems not adversely affect the public  
27 health or significantly degrade the groundwater or surface  
28 water. The Legislature acknowledges the Department of  
29 Community Affairs' responsibility to review and evaluate  
30 comprehensive plan amendments to the general sanitary sewer,  
31 solid waste, drainage, potable water, and natural groundwater

1 aquifer recharge element exclusively pursuant to s.  
2 163.3177(6)(c). In considering comprehensive plan amendments,  
3 the Department of Community Affairs may not require the use of  
4 standards or conditions that are more stringent than the  
5 applicable statutes or rules adopted by the Department of  
6 Health regarding the location, installation, and use of onsite  
7 sewage treatment and disposal systems. Other than to determine  
8 the compliance of a plan amendment pursuant to s.  
9 163.3184(1)(b), the Department of Community Affairs may not  
10 require the use of publicly owned or investor-owned sewerage  
11 systems or other sewerage treatment processes as an  
12 alternative to the proposed use of onsite sewage treatment and  
13 disposal systems where such onsite sewage treatment and  
14 disposal systems would be permissible under this section and  
15 the rules promulgated thereunder.

16 Section 3. This act shall take effect upon becoming a  
17 law.

18 \*\*\*\*\*

19 HOUSE SUMMARY

20  
21 Specifies that, with respect to the general sanitary  
22 sewer, solid waste, drainage, potable water, and natural  
23 groundwater aquifer recharge element of a local  
24 government comprehensive plan, the suitability of soils  
25 for septic tanks shall be established pursuant to s.  
26 381.0065, F.S. Specifies the authority of the Department  
27 of Community Affairs with respect to review of plan  
28 amendments related to said element.  
29  
30  
31