

Bill No. CS for SB 1874

Barcode 411284

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Health Care (Jones) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 153.54, Florida Statutes, is amended to read:

153.54 Preliminary report by county commissioners with respect to creation of proposed district.--

(1) Upon receipt of a petition duly signed by no fewer ~~not less~~ than 25 qualified electors who are also freeholders residing within an area proposed to be incorporated into a water and sewer district pursuant to this law and describing in general terms the proposed boundaries of such proposed district, the board of county commissioners if it shall deem it necessary and advisable to create and establish such proposed district for the purpose of constructing, establishing or acquiring a water system or a sewer system or both in and for such district (herein called "improvements"),

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1 shall first cause a preliminary report to be made which ~~such~~
2 report together with any other relevant or pertinent matters,
3 shall include at least the following:

4 ~~(a)(1)~~ A general description of the proposed
5 improvements to be made in such district.

6 ~~(b)(2)~~ A general estimate of the cost of the proposed
7 improvements.

8 ~~(c)(3)~~ The present condition of water and sewer
9 facilities in the area comprising such proposed district.

10 ~~(d)(4)~~ Findings with respect to the necessity or
11 reasonableness of the inclusion of lands proposed to be
12 included within the district with reference to the benefits to
13 be derived or able to be derived by such included lands from
14 such proposed improvements, and the necessity or
15 reasonableness of the exclusion of lands adjacent to or within
16 such proposed district with reference to such benefits.

17
18 Such report shall be filed in the office of the clerk of the
19 circuit court and shall be open for the inspection of any
20 taxpayer, property owner, qualified elector or any other
21 interested or affected person.

22 (2) For the construction of a proposed new sewerage
23 system or the extension of an existing sewerage system that
24 was not previously approved, the report must include a study
25 that includes the available information from the Department of
26 Health concerning the history of onsite sewage treatment and
27 disposal systems currently in use in the area; a comparison of
28 the projected costs to the owner of a typical lot or parcel of
29 connecting to and using the proposed sewerage system versus
30 installing, operating, and properly maintaining an onsite
31 sewage treatment system that is approved by the Department of

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1 Health and that provides for a level of environmental and
 2 health protection comparable to that provided by the proposed
 3 central sewerage system; and other factors deemed relevant by
 4 the local authority.

5 Section 2. Paragraph (c) is added to subsection (2) of
 6 section 153.73, Florida Statutes, to read:

7 153.73 Assessable improvements; levy and payment of
 8 special assessments.--Any district may provide for the
 9 construction or reconstruction of assessable improvements as
 10 defined in s. 153.52, and for the levying of special
 11 assessments upon benefited property for the payment thereof,
 12 under the provisions of this section.

13 (2)

14 (c) For the construction of a proposed new sewerage
 15 system or the extension of an existing sewerage system that
 16 was not previously approved, the report must include a study
 17 that includes the available information from the Department of
 18 Health concerning the history of onsite sewage treatment and
 19 disposal systems currently in use in the area; a comparison of
 20 the projected costs to the owner of a typical lot or parcel of
 21 connecting to and using the proposed sewerage system versus
 22 installing, operating, and properly maintaining an onsite
 23 sewage treatment system that is approved by the Department of
 24 Health and that provides for a level of environmental and
 25 health protection comparable to that provided by the proposed
 26 central sewerage system; and other factors deemed relevant by
 27 the local authority.

28 Section 3. Paragraph (a) of subsection (2) of section
 29 163.3180, Florida Statutes, is amended to read:

30 163.3180 Concurrency.--

31 (2)(a) Consistent with public health and safety,

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1 sanitary sewer, solid waste, drainage, adequate water
 2 supplies, and potable water facilities shall be in place and
 3 available to serve new development no later than the issuance
 4 by the local government of a certificate of occupancy or its
 5 functional equivalent. Prior to approval of a building permit
 6 or its functional equivalent, the local government shall
 7 consult with the applicable water supplier to determine
 8 whether adequate water supplies to serve the new development
 9 will be available no later than the anticipated date of
 10 issuance by the local government of a certificate of occupancy
 11 or its functional equivalent. A local government may meet the
 12 concurrency requirement for a sanitary sewer through the use
 13 of onsite sewage treatment and disposal systems approved by
 14 the Department of Health to serve new development.

15 Section 4. Subsection (3) is added to section 180.03,
 16 Florida Statutes, to read:

17 180.03 Resolution or ordinance proposing construction
 18 or extension of utility; objections to same.--

19 (3) For the construction of a proposed new sewerage
 20 system or the extension of an existing sewerage system that
 21 was not previously approved, the report must include a study
 22 that includes the available information from the Department of
 23 Health concerning the history of onsite sewage treatment and
 24 disposal systems currently in use in the area; a comparison of
 25 the projected costs to the owner of a typical lot or parcel of
 26 connecting to and using the proposed sewerage system versus
 27 installing, operating, and properly maintaining an onsite
 28 sewage treatment system that is approved by the Department of
 29 Health and that provides for a level of environmental and
 30 health protection comparable to that provided by the proposed
 31 central sewerage system; and other factors deemed relevant by

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1 the local authority. The results of such a study shall be
2 included in the resolution or ordinance required under
3 subsection (1).

4 Section 5. Paragraph (c) is added to subsection (2) of
5 section 381.00655, Florida Statutes, to read:

6 381.00655 Connection of existing onsite sewage
7 treatment and disposal systems to central sewerage system;
8 requirements.--

9 (2) The provisions of subsection (1) or any other
10 provision of law to the contrary notwithstanding:

11 (c) A local government may grant a variance to an
12 owner of a performance-based onsite sewage treatment and
13 disposal system permitted by the department as long as the
14 onsite system is functioning properly and satisfying the
15 conditions of the operating permit. This paragraph does not
16 require a local government to issue a variance under any
17 circumstances. A local government located within an area of
18 critical state concern or located in an area that was
19 designated as an area of critical state concern for at least
20 20 consecutive years prior to removal of the designation is
21 not required to issue a variance under any circumstance, and
22 this paragraph does not limit the authority of a local
23 government to enact ordinances under s. 4 of chapter 99-395,
24 Laws of Florida.

25 Section 6. Section 381.0067, Florida Statutes, is
26 amended to read:

27 381.0067 Corrective orders; private and certain public
28 water systems and onsite sewage treatment and disposal
29 systems.--When the department or its agents, through
30 investigation, find that any private water system, public
31 water system not covered or included in the Florida Safe

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1 Drinking Water Act (part VI of chapter 403) or onsite sewage
 2 treatment and disposal system constitutes a nuisance or menace
 3 to the public health, the department or its agents ~~it~~ may
 4 issue an order requiring the owner to correct the improper
 5 condition. If the improper condition relates to the drainage
 6 field of an onsite sewage treatment and disposal system, the
 7 department or its agents may issue an order requiring the
 8 owner to repair or replace the drainage field. If an onsite
 9 sewage treatment and disposal system has failed, the
 10 department or its agents shall issue an order requiring the
 11 owner to replace the system. For the purposes of this section,
 12 an onsite sewage treatment and disposal system has failed if
 13 the operation of the system constitutes a nuisance or menace
 14 to the public health and the system cannot be repaired.

15 Section 7. Subsection (2) of section 489.554, Florida
 16 Statutes, is amended to read:

17 489.554 Registration renewal.--

18 (2) At a minimum, annual renewal shall include
 19 continuing education requirements of not less than 12 ~~6~~
 20 classroom hours annually for septic tank contractors and not
 21 less than 18 ~~12~~ classroom hours annually for master septic
 22 tank contractors. The 18 ~~12~~ classroom hours of continuing
 23 education required for master septic tank contractors may
 24 include the 12 ~~6~~ classroom hours required for septic tank
 25 contractors, but at a minimum must include 6 classroom hours
 26 of approved master septic tank contractor coursework.

27 Section 8. This act shall take effect July 1, 2006.

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

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3 and insert:

4 A bill to be entitled

5 An act relating to sewage treatment and

6 disposal systems; amending s. 153.54, F.S.;

7 requiring county commissions to include certain

8 studies concerning the construction of a

9 proposed new sewerage system or the extension

10 of an existing sewerage system in certain

11 reports; amending s. 153.73, F.S.; requiring

12 county water and sewer districts to conduct

13 certain studies concerning the construction of

14 a new proposed sewerage system or the extension

15 of an existing sewerage system prior to the

16 levying of certain assessments; amending s.

17 163.3180, F.S.; authorizing local governments

18 to use certain onsite sewage treatment and

19 disposal systems to meet certain concurrency

20 requirements; amending s. 180.03, F.S.;

21 requiring municipalities to conduct certain

22 studies concerning the construction of a

23 proposed new sewerage system or the extension

24 of an existing sewerage system prior to the

25 adoption of certain resolutions or ordinances;

26 amending s. 381.00655, F.S.; authorizing local

27 governments to grant variances from connecting

28 to a publicly owned or investor-owned sewerage

29 system under certain circumstances; providing

30 for construction; amending s. 381.0067, F.S.;

31 authorizing the Department of Health or its

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1 agents to require repair or replacement of an
2 existing sewage treatment and disposal system
3 under certain circumstances; requiring the
4 department or its agents to issue an order
5 requiring an owner to repair or replace an
6 onsite sewage treatment and disposal system
7 under certain circumstances; providing for
8 construction; amending s. 489.554, F.S.;
9 increasing the annual continuing education
10 requirements for septic tank contractors and
11 master septic tank contractors; providing an
12 effective date.

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