

Bill No. SB 1874

Barcode 680280

CHAMBER ACTION

Senate

House

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The Committee on Community Affairs (Villalobos) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (5) is added to section 153.54,
Florida Statutes, to read:

153.54 Preliminary report by county commissioners with
respect to creation of proposed district.--Upon receipt of a
petition duly signed by 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"), shall first cause a preliminary report to be

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1 made which such report together with any other relevant or
2 pertinent matters, shall include at least the following:

3 (5) For the construction of a new proposed sewerage
4 system or the extension of an existing sewerage system that
5 was not previously approved or not in a designated urban
6 service area, a detailed feasibility study that:

7 (a) Evaluates the present age, condition, and
8 maintenance history of onsite sewage treatment and disposal
9 systems currently in use in the area.

10 (b) Compares the projected costs to the owner of a
11 typical lot or parcel of connecting to and using the proposed
12 sewerage system versus installing, operating, and properly
13 maintaining an onsite sewage treatment system that is approved
14 by the Department of Health and provides for a level of
15 environmental and health protection comparable to that of the
16 proposed central sewerage system.

17 (c) Evaluates whether the density required to
18 accommodate onsite sewage treatment and disposal systems would
19 meet the local government's comprehensive plan requirements
20 for density for the area and environmental protection of the
21 area's surface and groundwater.

22 (d) Considers the local government's obligations or
23 reasonably anticipated obligations for water body cleanup and
24 protection under state or federal programs.

25
26 Such report shall be filed in the office of the clerk of the
27 circuit court and shall be open for the inspection of any
28 taxpayer, property owner, qualified elector or any other
29 interested or affected person.

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

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1 153.73 Assessable improvements; levy and payment of
 2 special assessments.--Any district may provide for the
 3 construction or reconstruction of assessable improvements as
 4 defined in s. 153.52, and for the levying of special
 5 assessments upon benefited property for the payment thereof,
 6 under the provisions of this section.

7 (2)

8 (c) For the construction of a new proposed sewerage
 9 system or the extension of an existing sewerage system that
 10 was not previously approved or not in a designated urban
 11 service area, a report shall be prepared that includes a
 12 detailed feasibility study that:

13 1. Evaluates the present age, condition, and
 14 maintenance history of onsite sewage treatment and disposal
 15 systems currently in use in the area.

16 2. Compares the projected costs to the owner of a
 17 typical lot or parcel of connecting to and using the proposed
 18 sewerage system versus installing, operating, and properly
 19 maintaining an onsite sewage treatment system that is approved
 20 by the Department of Health and provides for a level of
 21 environmental and health protection comparable to that of the
 22 proposed central sewerage system.

23 3. Evaluates whether the density required to
 24 accommodate onsite sewage treatment and disposal systems would
 25 meet the local government's comprehensive plan requirements
 26 for density for the area and environmental protection of the
 27 area's surface and groundwater.

28 4. Considers the local government's obligations or
 29 reasonably anticipated obligations for water body cleanup and
 30 protection under state or federal programs.

31 Section 3. Paragraph (a) of subsection (2) of section

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1 163.3180, Florida Statutes, is amended to read:

2 163.3180 Concurrency.--

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

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

20 180.03 Resolution or ordinance proposing construction
21 or extension of utility; objections to same.--

22 (3) For the construction of a new proposed sewerage
 23 system or the extension of an existing sewerage system that
 24 was not previously approved or not in a designated urban
 25 service area, the municipality shall prepare a report that
 26 includes a detailed feasibility study that:

27 (a) Evaluates the present age, condition, and
 28 maintenance history of onsite sewage treatment and disposal
 29 systems currently in use in the area.

30 (b) Compares the projected costs to the owner of a
 31 typical lot or parcel of connecting to and using the proposed

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1 sewerage system versus installing, operating, and properly
 2 maintaining an onsite sewage treatment system that is approved
 3 by the Department of Health and provides for a level of
 4 environmental and health protection comparable to that of the
 5 proposed central sewerage system.

6 (c) Evaluates whether the density required to
 7 accommodate onsite sewage treatment and disposal systems would
 8 meet the local government's comprehensive plan requirements
 9 for density for the area and environmental protection of the
 10 area's surface and groundwater.

11 (d) Considers the local government's obligations or
 12 reasonably anticipated obligations for water body cleanup and
 13 protection under state or federal programs.

14
 15 The report shall be included in the resolution or ordinance
 16 required in subsection (1).

17 Section 5. Paragraphs (c) and (d) are added to
 18 subsection (2) of section 381.00655, Florida Statutes, to
 19 read:

20 381.00655 Connection of existing onsite sewage
 21 treatment and disposal systems to central sewerage system;
 22 requirements.--

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

25 (c) The owner of a performance-based onsite sewage
 26 treatment and disposal system permitted by the department that
 27 provides for treatment meeting advanced secondary treatment
 28 standards shall not be required to connect to a publicly owned
 29 or investor-owned sewerage system as long as the onsite system
 30 is functioning properly and satisfying the conditions of the
 31 operating permit.

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1 (d) The requirements of paragraph (c) shall not apply

2 if:

3 1. The area is clearly subject to an existing sewer
4 utility or authority bond covenant or other financial
5 commitment that expressly provides for and requires connection
6 to the central system and was in effect on July 1, 2006;

7 2. The area is clearly subject to a state or federal
8 requirement or court order requiring connection to a central
9 sewer system;

10 3. The area is located in Monroe County;

11 4. The area is located within a basin containing a
12 water body listed under s. 303(d) of the Clean Water Act, Pub.
13 L. No. 99-500, 33 U.S.C. ss. 1251 et seq.; or

14 5. The area is designated in a local comprehensive
15 plan as an urban service area.

16 Section 6. This act shall take effect July 1, 2006.

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 A bill to be entitled

25 An act relating to sewage treatment and
26 disposal systems; amending s. 153.54, F.S.;
27 requiring county commissions to include certain
28 studies for the construction of a new proposed
29 sewerage system or the extension of an existing
30 sewerage system in certain reports; amending s.
31 153.73, F.S.; requiring county water and sewer

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1 districts to conduct certain studies for the
2 construction of a new proposed sewerage system
3 or the extension of an existing sewerage system
4 prior to the levying of certain assessments;
5 amending s. 163.3180, F.S.; authorizing local
6 governments to use certain onsite sewage
7 treatment and disposal systems to meet certain
8 concurrency requirements; amending s. 180.03,
9 F.S.; requiring municipalities to conduct
10 certain studies for the construction of a new
11 proposed sewerage system or the extension of an
12 existing sewerage system prior to the adoption
13 of certain resolutions or ordinances; amending
14 s. 381.00655, F.S.; exempting certain onsite
15 sewage treatment and disposal systems from
16 connecting to a publicly owned or
17 investor-owned sewerage system under certain
18 circumstances; providing exceptions; providing
19 an effective date.

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