



1           153.54 Preliminary report by county commissioners with  
2 respect to creation of proposed district.--Upon receipt of a  
3 petition duly signed by not less than 25 qualified electors  
4 who are also freeholders residing within an area proposed to  
5 be incorporated into a water and sewer district pursuant to  
6 this law and describing in general terms the proposed  
7 boundaries of such proposed district, the board of county  
8 commissioners if it shall deem it necessary and advisable to  
9 create and establish such proposed district for the purpose of  
10 constructing, establishing or acquiring a water system or a  
11 sewer system or both in and for such district (herein called  
12 "improvements"), shall first cause a preliminary report to be  
13 made which such report together with any other relevant or  
14 pertinent matters, shall include at least the following:

15           (5) For the construction of a new proposed sewerage  
16 system or the extension of an existing sewerage system, a  
17 detailed feasibility study comparing the costs to the owner of  
18 each affected lot or parcel of construction and operation of  
19 the proposed sewerage system or extension of the existing  
20 sewerage system to the costs of construction and operation of  
21 an onsite sewage treatment and disposal system approved by the  
22 Department of Health that provides for decentralized  
23 distribution or for treatment meeting advanced secondary  
24 treatment standards.

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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:

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, the  
10 engineer shall also prepare a detailed feasibility study  
11 comparing the costs to the owner of each affected lot or  
12 parcel of construction and operation of the proposed sewerage  
13 system or extension of the existing sewerage system to the  
14 costs of construction and operation of an onsite sewage  
15 treatment and disposal system approved by the Department of  
16 Health that provides for decentralized distribution or for  
17 treatment meeting advanced secondary treatment standards.

18           Section 3. Paragraph (a) of subsection (2) of section  
19 163.3180, Florida Statutes, is amended to read:

20           163.3180 Concurrency.--

21           (2)(a) Consistent with public health and safety,  
22 sanitary sewer, solid waste, drainage, adequate water  
23 supplies, and potable water facilities shall be in place and  
24 available to serve new development no later than the issuance  
25 by the local government of a certificate of occupancy or its  
26 functional equivalent. Prior to approval of a building permit  
27 or its functional equivalent, the local government shall  
28 consult with the applicable water supplier to determine  
29 whether adequate water supplies to serve the new development  
30 will be available no later than the anticipated date of  
31 issuance by the local government of a certificate of occupancy

1 or its functional equivalent. A local government may meet the  
2 concurrency requirement for sanitary sewer through the use of  
3 onsite sewage treatment and disposal systems approved by the  
4 Department of Health to serve new development.

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

7 180.03 Resolution or ordinance proposing construction  
8 or extension of utility; objections to same.--

9 (3) For the construction of a new proposed sewerage  
10 system or the extension of an existing sewerage system, prior  
11 to adopting the resolution or ordinance required in subsection  
12 (1), the municipality shall prepare a detailed feasibility  
13 study comparing the costs to the owner of each affected lot or  
14 parcel of construction and operation of the proposed sewerage  
15 system or extension of the existing sewerage system to the  
16 costs of construction and operation of an onsite sewage  
17 treatment and disposal system approved by the Department of  
18 Health that provides for decentralized distribution or for  
19 treatment meeting advanced secondary treatment standards. The  
20 results of such a study shall be included in the resolution or  
21 ordinance required in subsection (1).

22 Section 5. Paragraphs (c), (d), and (e) are added to  
23 subsection (2) of section 381.00655, Florida Statutes, to  
24 read:

25 381.00655 Connection of existing onsite sewage  
26 treatment and disposal systems to central sewerage system;  
27 requirements.--

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

30 (c) The owner of a decentralized onsite sewage  
31 treatment and disposal system permitted by the department

1 shall not be required to connect to a publicly owned or  
2 investor-owned sewerage system as long as the onsite system is  
3 functioning properly and satisfying the conditions of the  
4 operating permit.

5 (d) The owner of a performance-based onsite sewage  
6 treatment and disposal system permitted by the department that  
7 provides for treatment meeting advanced secondary treatment  
8 standards shall not be required to connect to a publicly owned  
9 or investor-owned sewerage system as long as the onsite system  
10 is functioning properly and satisfying the conditions of the  
11 operating permit.

12 (e) The owner of an onsite sewage treatment and  
13 disposal system not described in paragraph (c) or paragraph  
14 (d) but permitted by the department shall not be required to  
15 connect to a publicly owned or investor-owned sewerage system  
16 if the owner executes a legally binding agreement requiring  
17 the owner to install a system described in paragraph (c) or  
18 paragraph (d) upon the failure of the existing onsite system.

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