

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

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

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

21 (a) Evaluates the present age, condition, and
22 maintenance history of onsite sewage treatment and disposal
23 systems currently in use in the area.

24 (b) Compares the projected costs to the owner of a
25 typical lot or parcel of connecting to and using the proposed
26 sewerage system versus installing, operating, and properly
27 maintaining an onsite sewage treatment system that is approved
28 by the Department of Health and provides for a level of
29 environmental and health protection comparable to that of the
30 proposed central sewerage system.

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1 (c) Evaluates whether the density required to
2 accommodate onsite sewage treatment and disposal systems would
3 meet the local government's comprehensive plan requirements
4 for density for the area and environmental protection of the
5 area's surface and groundwater.

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

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10 Such report shall be filed in the office of the clerk of the
11 circuit court and shall be open for the inspection of any
12 taxpayer, property owner, qualified elector or any other
13 interested or affected person.

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

16 153.73 Assessable improvements; levy and payment of
17 special assessments.--Any district may provide for the
18 construction or reconstruction of assessable improvements as
19 defined in s. 153.52, and for the levying of special
20 assessments upon benefited property for the payment thereof,
21 under the provisions of this section.

22 (2)

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

28 1. Evaluates the present age, condition, and
29 maintenance history of onsite sewage treatment and disposal
30 systems currently in use in the area.

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1 2. Compares the projected costs to the owner of a
2 typical lot or parcel of connecting to and using the proposed
3 sewerage system versus installing, operating, and properly
4 maintaining an onsite sewage treatment system that is approved
5 by the Department of Health and provides for a level of
6 environmental and health protection comparable to that of the
7 proposed central sewerage system.

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

13 4. Considers the local government's obligations or
14 reasonably anticipated obligations for water body cleanup and
15 protection under state or federal programs.

16 Section 3. Paragraph (a) of subsection (2) of section
17 163.3180, Florida Statutes, is amended to read:

18 163.3180 Concurrency.--

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

1 onsite sewage treatment and disposal systems approved by the
2 Department of Health to serve new development.

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

5 180.03 Resolution or ordinance proposing construction
6 or extension of utility; objections to same.--

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

12 (a) Evaluates the present age, condition, and
13 maintenance history of onsite sewage treatment and disposal
14 systems currently in use in the area.

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

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

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

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

3 Section 5. Paragraphs (c) and (d) are added to
4 subsection (2) of section 381.00655, Florida Statutes, to
5 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) The owner of a performance-based onsite sewage
12 treatment and disposal system permitted by the department that
13 provides for treatment meeting advanced secondary treatment
14 standards shall not be required to connect to a publicly owned
15 or investor-owned sewerage system as long as the onsite system
16 is functioning properly and satisfying the conditions of the
17 operating permit.

18 (d) The requirements of paragraph (c) shall not apply
19 if:

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

24 2. The area is clearly subject to a state or federal
25 requirement or court order requiring connection to a central
26 sewer system;

27 3. The area is located in Monroe County;

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

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1 5. The area is designated in a local comprehensive
2 plan as an urban service area; or

3 6. The area is in the South Florida Water Management
4 District west C-11 basin that discharges through the S-9 pump
5 into the Everglades.

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

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1874

4 The committee substitute (CS) exempts the extension or new
5 construction of a sewerage system that was previously approved
6 or which is not located in an urban services area from the
7 detailed feasibility study requirement in the CS. It specifies
8 certain information that must be included in the detailed
9 feasibility study. The feasibility study must:

- 10 o Evaluate the age, condition, and maintenance history
11 of onsite systems in the area;
- 12 o Compare the projected cost of connecting to and
13 using the proposed system versus installing,
14 operating, and maintaining an onsite system approved
15 by the Department of health that provides a
16 comparable level of environmental and health
17 protection;
- 18 o Evaluate whether the density required to accommodate
19 the system is consistent with densities for the area
20 under the local comprehensive plan and is sufficient
21 for environmental protection of the area's surface
22 and groundwater; and
- 23 o Consider the local government's obligations or
24 reasonably anticipated obligations for water body
25 cleanup and protection under state and federal law.

26 This CS also provides exceptions to the exemption from
27 mandatory hookup to a sewerage system. Those areas that may
28 not be exempted from hookup are:

- 29 o Areas requiring hookup to a central system because
30 of sewer utility or authority bond covenant in
31 effect on July 1, 2006;
- o Areas required to hookup under state or federal
 regulations or under court order;
- o Areas in Monroe County;
- o Areas in a basin containing an impaired water body
 listed under the federal Clean Water Act;
- o Areas designated in a local comprehensive plan as an
 urban service area; and
- o Areas in the South Florida Water Management District
 west C-11 basin that discharges through the S-9 pump
 into the Everglades.