



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

13 Be It Enacted by the Legislature of the State of Florida:  
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15 Section 1. Section 153.54, Florida Statutes, is  
16 amended to read:

17 153.54 Preliminary report by county commissioners with  
18 respect to creation of proposed district.--

19 (1) Upon receipt of a petition duly signed by no fewer  
20 ~~not less~~ than 25 qualified electors who are also freeholders  
21 residing within an area proposed to be incorporated into a  
22 water and sewer district pursuant to this law and describing  
23 in general terms the proposed boundaries of such proposed  
24 district, the board of county commissioners if it shall deem  
25 it necessary and advisable to create and establish such  
26 proposed district for the purpose of constructing,  
27 establishing or acquiring a water system or a sewer system or  
28 both in and for such district (herein called "improvements"),  
29 shall first cause a preliminary report to be made which ~~such~~  
30 report together with any other relevant or pertinent matters,  
31 shall include at least the following:

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

3           ~~(b)(2)~~ A general estimate of the cost of the proposed  
4 improvements.

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

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

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

19           (2) 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

1 central sewerage system; and other factors deemed relevant by  
2 the local authority.

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

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

11           (2)

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

26           Section 3. Paragraph (a) of subsection (2) of section  
27 163.3180, Florida Statutes, is amended to read:

28           163.3180 Concurrency.--

29           (2)(a) Consistent with public health and safety,  
30 sanitary sewer, solid waste, drainage, adequate water  
31 supplies, and potable water facilities shall be in place and

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

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

15 180.03 Resolution or ordinance proposing construction  
16 or extension of utility; objections to same.--

17 (3) For the construction of a proposed new sewerage  
18 system or the extension of an existing sewerage system that  
19 was not previously approved, the report must include a study  
20 that includes the available information from the Department of  
21 Health concerning the history of onsite sewage treatment and  
22 disposal systems currently in use in the area; a comparison of  
23 the projected costs to the owner of a typical lot or parcel of  
24 connecting to and using the proposed sewerage system versus  
25 installing, operating, and properly maintaining an onsite  
26 sewage treatment system that is approved by the Department of  
27 Health and that provides for a level of environmental and  
28 health protection comparable to that provided by the proposed  
29 central sewerage system; and other factors deemed relevant by  
30 the local authority. The results of such a study shall be  
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1 included in the resolution or ordinance required under  
2 subsection (1).

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

5           381.00655 Connection of existing onsite sewage  
6 treatment and disposal systems to central sewerage system;  
7 requirements.--

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

10           (c) A local government or water and sewer district  
11 responsible for the operation of a centralized sewer system  
12 under s. 381.0065 may grant a variance to an owner of a  
13 performance-based onsite sewage treatment and disposal system  
14 permitted by the department as long as the onsite system is  
15 functioning properly and satisfying the conditions of the  
16 operating permit. This paragraph does not require a local  
17 government or water and sewer district responsible for the  
18 operation of a centralized sewer system under s. 381.0065 to  
19 issue a variance under any circumstances. A local government  
20 or water and sewer district responsible for the operation of a  
21 centralized sewer system under s. 381.0065 located within an  
22 area of critical state concern or located in an area that was  
23 designated as an area of critical state concern for at least  
24 20 consecutive years prior to removal of the designation is  
25 not required to issue a variance under any circumstance, and  
26 this paragraph does not limit the authority of a local  
27 government to enact ordinances under s. 4 of chapter 99-395,  
28 Laws of Florida. A local government or water and sewer  
29 district responsible for the operation of a centralized sewer  
30 system under s. 381.0065 in an area designated by the Lake  
31

1 Okeechobee Protection Act is not required to issue a variance  
2 under any circumstance.

3 Section 6. Section 381.0067, Florida Statutes, is  
4 amended to read:

5 381.0067 Corrective orders; private and certain public  
6 water systems and onsite sewage treatment and disposal  
7 systems.--When the department or its agents, through  
8 investigation, find that any private water system, public  
9 water system not covered or included in the Florida Safe  
10 Drinking Water Act (part VI of chapter 403) or onsite sewage  
11 treatment and disposal system constitutes a nuisance or menace  
12 to the public health, the department or its agents ~~it~~ may  
13 issue an order requiring the owner to correct the improper  
14 condition. If the improper condition relates to the drainage  
15 field of an onsite sewage treatment and disposal system, the  
16 department or its agents may issue an order requiring the  
17 owner to repair or replace the drainage field. If an onsite  
18 sewage treatment and disposal system has failed, the  
19 department or its agents shall issue an order requiring the  
20 owner to replace the system. For the purposes of this section,  
21 an onsite sewage treatment and disposal system has failed if  
22 the operation of the system constitutes a nuisance or menace  
23 to the public health and the system cannot be repaired.

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

26 489.554 Registration renewal.--

27 (2) At a minimum, annual renewal shall include  
28 continuing education requirements of not less than 12 ~~6~~  
29 classroom hours annually for septic tank contractors and not  
30 less than 18 ~~12~~ classroom hours annually for master septic  
31 tank contractors. The 18 ~~12~~ classroom hours of continuing

1 education required for master septic tank contractors may  
2 include the 12 ~~6~~ classroom hours required for septic tank  
3 contractors, but at a minimum must include 6 classroom hours  
4 of approved master septic tank contractor coursework.

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

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 CS for Senate Bill 1874

10 The committee substitute requires local governments and water  
11 and sewage districts planning to construct a new sewerage  
12 system, or extend an existing system, to conduct a study of  
13 the use of onsite sewage treatment and disposal systems in  
14 their jurisdiction. The study must include a comparison of the  
15 cost to the average property owner of connecting to the  
16 centralized system versus installing, operating, and properly  
17 maintaining an onsite system, and other factors determined  
18 appropriate for the study.

19 The committee substitute allows a local government to meet any  
20 concurrency requirement for a sanitary sewer through the use  
21 of onsite systems approved by the Department of Health. It  
22 allows a local government or water and sewer district to grant  
23 a variance to an owner of a performance-based onsite system as  
24 long as the system is functioning appropriately, although a  
25 local government or water and sewer district is not required  
26 to grant the variance, and specifies that certain local  
27 governments are not required to issue a variance under any  
28 circumstances.

29 The committee substitute allows the department or its agent to  
30 issue an order requiring the owner of an onsite system that is  
31 in improper condition to repair or replace the system. The  
amendment increases the number of continuing education credits  
necessary for septic tank contractors and master septic tank  
contractors.