

1 A bill to be entitled

2 An act relating to sewage treatment and disposal systems;
3 amending s. 153.54, F.S.; requiring county commissions to
4 include certain studies for the construction of a new
5 proposed sewerage system or the extension of an existing
6 sewerage system in certain reports; amending s. 153.73,
7 F.S.; requiring county water and sewer districts to
8 conduct certain studies for the construction of a new
9 proposed sewerage system or the extension of an existing
10 sewerage system prior to the levying of certain
11 assessments; amending s. 163.3180, F.S.; authorizing local
12 governments to use certain onsite sewage treatment and
13 disposal systems to meet certain concurrency requirements;
14 amending s. 180.03, F.S.; requiring municipalities to
15 conduct certain studies for the construction of a new
16 proposed sewerage system or the extension of an existing
17 sewerage system prior to the adoption of certain
18 resolutions or ordinances; amending s. 381.00655, F.S.;
19 exempting certain onsite sewage treatment and disposal
20 systems from connecting to a publicly owned or investor-
21 owned sewerage system under certain circumstances;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (5) is added to section 153.54,
27 Florida Statutes, to read:

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28 153.54 Preliminary report by county commissioners with
29 respect to creation of proposed district.--Upon receipt of a
30 petition duly signed by not less than 25 qualified electors who
31 are also freeholders residing within an area proposed to be
32 incorporated into a water and sewer district pursuant to this
33 law and describing in general terms the proposed boundaries of
34 such proposed district, the board of county commissioners if it
35 shall deem it necessary and advisable to create and establish
36 such proposed district for the purpose of constructing,
37 establishing or acquiring a water system or a sewer system or
38 both in and for such district (herein called "improvements"),
39 shall first cause a preliminary report to be made which such
40 report together with any other relevant or pertinent matters,
41 shall include at least the following:

42 (5) For the construction of a new proposed sewerage system
43 or the extension of an existing sewerage system, a detailed
44 feasibility study comparing the costs to the owner of each
45 affected lot or parcel of construction and operation of the
46 proposed sewerage system or extension of the existing sewerage
47 system to the costs of construction and operation of an onsite
48 sewage treatment and disposal system approved by the Department
49 of Health that provides for decentralized distribution or for
50 treatment meeting advanced secondary treatment standards.

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52 Such report shall be filed in the office of the clerk of the
53 circuit court and shall be open for the inspection of any
54 taxpayer, property owner, qualified elector or any other
55 interested or affected person.

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

58 153.73 Assessable improvements; levy and payment of
59 special assessments.--Any district may provide for the
60 construction or reconstruction of assessable improvements as
61 defined in s. 153.52, and for the levying of special assessments
62 upon benefited property for the payment thereof, under the
63 provisions of this section.

64 (2)

65 (c) For the construction of a new proposed sewerage system
66 or the extension of an existing sewerage system, the engineer
67 shall also prepare a detailed feasibility study comparing the
68 costs to the owner of each affected lot or parcel of
69 construction and operation of the proposed sewerage system or
70 extension of the existing sewerage system to the costs of
71 construction and operation of an onsite sewage treatment and
72 disposal system approved by the Department of Health that
73 provides for decentralized distribution or for treatment meeting
74 advanced secondary treatment standards.

75 Section 3. Paragraph (a) of subsection (2) of section
76 163.3180, Florida Statutes, is amended to read:

77 163.3180 Concurrency.--

78 (2) (a) Consistent with public health and safety, sanitary
79 sewer, solid waste, drainage, adequate water supplies, and
80 potable water facilities shall be in place and available to
81 serve new development no later than the issuance by the local
82 government of a certificate of occupancy or its functional
83 equivalent. Prior to approval of a building permit or its

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84 functional equivalent, the local government shall consult with
85 the applicable water supplier to determine whether adequate
86 water supplies to serve the new development will be available no
87 later than the anticipated date of issuance by the local
88 government of a certificate of occupancy or its functional
89 equivalent. A local government may meet the concurrency
90 requirement for sanitary sewer through the use of onsite sewage
91 treatment and disposal systems approved by the Department of
92 Health to serve new development.

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

95 180.03 Resolution or ordinance proposing construction or
96 extension of utility; objections to same.--

97 (3) For the construction of a new proposed sewerage system
98 or the extension of an existing sewerage system, prior to
99 adopting the resolution or ordinance required in subsection (1),
100 the municipality shall prepare a detailed feasibility study
101 comparing the costs to the owner of each affected lot or parcel
102 of construction and operation of the proposed sewerage system or
103 extension of the existing sewerage system to the costs of
104 construction and operation of an onsite sewage treatment and
105 disposal system approved by the Department of Health that
106 provides for decentralized distribution or for treatment meeting
107 advanced secondary treatment standards. The results of such a
108 study shall be included in the resolution or ordinance required
109 in subsection (1).

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

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112 381.00655 Connection of existing onsite sewage treatment
113 and disposal systems to central sewerage system; requirements.--

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

116 (c) The owner of a decentralized onsite sewage treatment
117 and disposal system permitted by the department shall not be
118 required to connect to a publicly owned or investor-owned
119 sewerage system as long as the onsite system is functioning
120 properly and satisfying the conditions of the operating permit.

121 (d) The owner of a performance-based onsite sewage
122 treatment and disposal system permitted by the department that
123 provides for treatment meeting advanced secondary treatment
124 standards shall not be required to connect to a publicly owned
125 or investor-owned sewerage system as long as the onsite system
126 is functioning properly and satisfying the conditions of the
127 operating permit.

128 (e) The owner of an onsite sewage treatment and disposal
129 system not described in paragraph (c) or paragraph (d) but
130 permitted by the department shall not be required to connect to
131 a publicly owned or investor-owned sewerage system if the owner
132 executes a legally binding agreement requiring the owner to
133 install a system described in paragraph (c) or paragraph (d)
134 upon the failure of the existing onsite system.

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