

## CHAMBER ACTION

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1 The Environmental Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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24 systems from connecting to a publicly owned or investor-  
25 owned sewerage system under certain circumstances;  
26 providing exceptions; providing an effective date.  
27

28 Be It Enacted by the Legislature of the State of Florida:  
29

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

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

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

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50        (a) Evaluates the present age, condition, and maintenance  
51 history of onsite sewage treatment and disposal systems  
52 currently in use in the area.

53        (b) Compares the projected costs to the owner of a typical  
54 lot or parcel of connecting to and using the proposed sewerage  
55 system versus installing, operating, and properly maintaining an  
56 onsite sewage treatment system that is approved by the  
57 Department of Health and provides for a level of environmental  
58 and health protection comparable to that of the proposed central  
59 sewerage system.

60        (c) Evaluates whether the density required to accommodate  
61 onsite sewage treatment and disposal systems would meet the  
62 local government's comprehensive plan requirements for density  
63 for the area and environmental protection of the area's surface  
64 and groundwater.

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

68

69 Such report shall be filed in the office of the clerk of the  
70 circuit court and shall be open for the inspection of any  
71 taxpayer, property owner, qualified elector or any other  
72 interested or affected person.

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

75        153.73 Assessable improvements; levy and payment of  
76 special assessments.--Any district may provide for the  
77 construction or reconstruction of assessable improvements as

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78 defined in s. 153.52, and for the levying of special assessments  
79 upon benefited property for the payment thereof, under the  
80 provisions of this section.

81 (2)

82 (c) For the construction of a new proposed sewerage system  
83 or the extension of an existing sewerage system that was not  
84 previously approved or not in a designated urban service area, a  
85 report shall be prepared that includes a detailed feasibility  
86 study that:

87 1. Evaluates the present age, condition, and maintenance  
88 history of onsite sewage treatment and disposal systems  
89 currently in use in the area.

90 2. Compares the projected costs to the owner of a typical  
91 lot or parcel of connecting to and using the proposed sewerage  
92 system versus installing, operating, and properly maintaining an  
93 onsite sewage treatment system that is approved by the  
94 Department of Health and provides for a level of environmental  
95 and health protection comparable to that of the proposed central  
96 sewerage system.

97 3. Evaluates whether the density required to accommodate  
98 onsite sewage treatment and disposal systems would meet the  
99 local government's comprehensive plan requirements for density  
100 for the area and environmental protection of the area's surface  
101 and groundwater.

102 4. Considers the local government's obligations or  
103 reasonably anticipated obligations for water body cleanup and  
104 protection under state or federal programs.

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105 Section 3. Paragraph (a) of subsection (2) of section  
106 163.3180, Florida Statutes, is amended to read:

107 163.3180 Concurrency.--

108 (2) (a) Consistent with public health and safety, sanitary  
109 sewer, solid waste, drainage, adequate water supplies, and  
110 potable water facilities shall be in place and available to  
111 serve new development no later than the issuance by the local  
112 government of a certificate of occupancy or its functional  
113 equivalent. Prior to approval of a building permit or its  
114 functional equivalent, the local government shall consult with  
115 the applicable water supplier to determine whether adequate  
116 water supplies to serve the new development will be available no  
117 later than the anticipated date of issuance by the local  
118 government of a certificate of occupancy or its functional  
119 equivalent. A local government may meet the concurrency  
120 requirement for sanitary sewer through the use of onsite sewage  
121 treatment and disposal systems approved by the Department of  
122 Health to serve new development.

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

125 180.03 Resolution or ordinance proposing construction or  
126 extension of utility; objections to same.--

127 (3) For the construction of a new proposed sewerage system  
128 or the extension of an existing sewerage system that was not  
129 previously approved or not in a designated urban service area,  
130 the municipality shall prepare a report that includes a detailed  
131 feasibility study that:

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132        (a) Evaluates the present age, condition, and maintenance  
133 history of onsite sewage treatment and disposal systems  
134 currently in use in the area.

135        (b) Compares the projected costs to the owner of a typical  
136 lot or parcel of connecting to and using the proposed sewerage  
137 system versus installing, operating, and properly maintaining an  
138 onsite sewage treatment system that is approved by the  
139 Department of Health and provides for a level of environmental  
140 and health protection comparable to that of the proposed central  
141 sewerage system.

142        (c) Evaluates whether the density required to accommodate  
143 onsite sewage treatment and disposal systems would meet the  
144 local government's comprehensive plan requirements for density  
145 for the area and environmental protection of the area's surface  
146 and groundwater.

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

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

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

155        381.00655 Connection of existing onsite sewage treatment  
156 and disposal systems to central sewerage system; requirements.--

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

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159        (c) The owner of a performance-based onsite sewage  
160 treatment and disposal system permitted by the department that  
161 provides for treatment meeting advanced secondary treatment  
162 standards shall not be required to connect to a publicly owned  
163 or investor-owned sewerage system as long as the onsite system  
164 is functioning properly and satisfying the conditions of the  
165 operating permit.

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

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

171        2. The area is clearly subject to a state or federal  
172 requirement or court order requiring connection to a central  
173 sewer system;

174        3. The area is located in Monroe County;

175        4. The area is located within a basin containing a water  
176 body listed under s. 303(d) of the Clean Water Act, Pub. L. No.  
177 99-500, 33 U.S.C. ss. 1251 et seq.; or

178        5. The area is designated in a local comprehensive plan as  
179 an urban service area.

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