

CHAMBER ACTION

1 The Local Government Council recommends the following:

2
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 authorizing local governments to grant variances from

HB 749 CS

2006
CS

24 connecting to a publicly owned or investor-owned sewerage
25 system under certain circumstances; providing
26 construction; 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, the report shall include a study that
49 includes the available information from the Department of Health
50 on the history of onsite sewage treatment and disposal systems
51 currently in use in the area and a comparison of the projected

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0749-02-c2

HB 749 CS

2006
CS

52 costs to the owner of a typical lot or parcel of connecting to
 53 and using the proposed sewerage system versus installing,
 54 operating, and properly maintaining an onsite sewage treatment
 55 system that is approved by the Department of Health and that
 56 provides for the comparable level of environmental and health
 57 protection as the proposed central sewerage system and other
 58 factors deemed relevant by the local authority.

59
 60 Such report shall be filed in the office of the clerk of the
 61 circuit court and shall be open for the inspection of any
 62 taxpayer, property owner, qualified elector or any other
 63 interested or affected person.

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

66 153.73 Assessable improvements; levy and payment of
 67 special assessments.--Any district may provide for the
 68 construction or reconstruction of assessable improvements as
 69 defined in s. 153.52, and for the levying of special assessments
 70 upon benefited property for the payment thereof, under the
 71 provisions of this section.

72 (2)

73 (c) For the construction of a new proposed sewerage system
 74 or the extension of an existing sewerage system that was not
 75 previously approved, the report shall include a study that
 76 includes the available information from the Department of Health
 77 on the history of onsite sewage treatment and disposal systems
 78 currently in use in the area and a comparison of the projected
 79 costs to the owner of a typical lot or parcel of connecting to

HB 749 CS

2006
CS

80 | and using the proposed sewerage system versus installing,
81 | operating, and properly maintaining an onsite sewage treatment
82 | system that is approved by the Department of Health and that
83 | provides for the comparable level of environmental and health
84 | protection as the proposed central sewerage system and other
85 | factors deemed relevant by the local authority.

86 | Section 3. Paragraph (a) of subsection (2) of section
87 | 163.3180, Florida Statutes, is amended to read:

88 | 163.3180 Concurrency.--

89 | (2)(a) Consistent with public health and safety, sanitary
90 | sewer, solid waste, drainage, adequate water supplies, and
91 | potable water facilities shall be in place and available to
92 | serve new development no later than the issuance by the local
93 | government of a certificate of occupancy or its functional
94 | equivalent. Prior to approval of a building permit or its
95 | functional equivalent, the local government shall consult with
96 | the applicable water supplier to determine whether adequate
97 | water supplies to serve the new development will be available no
98 | later than the anticipated date of issuance by the local
99 | government of a certificate of occupancy or its functional
100 | equivalent. A local government may meet the concurrency
101 | requirement for sanitary sewer through the use of onsite sewage
102 | treatment and disposal systems approved by the Department of
103 | Health to serve new development.

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

106 | 180.03 Resolution or ordinance proposing construction or
107 | extension of utility; objections to same.--

HB 749 CS

2006
CS

108 (3) For the construction of a new proposed sewerage system
109 or the extension of an existing sewerage system that was not
110 previously approved, the report shall include a study that
111 includes the available information from the Department of Health
112 on the history of onsite sewage treatment and disposal systems
113 currently in use in the area and a comparison of the projected
114 costs to the owner of a typical lot or parcel of connecting to
115 and using the proposed sewerage system versus installing,
116 operating, and properly maintaining an onsite sewage treatment
117 system that is approved by the Department of Health and that
118 provides for the comparable level of environmental and health
119 protection as the proposed central sewerage system and other
120 factors deemed relevant by the local authority. The results of
121 such a study shall be included in the resolution or ordinance
122 required under subsection (1).

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

125 381.00655 Connection of existing onsite sewage treatment
126 and disposal systems to central sewerage system; requirements.--

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

129 (c) A local government may grant a variance to an owner of
130 a performance-based onsite sewage treatment and disposal system
131 permitted by the department as long as the onsite system is
132 functioning properly and satisfying the conditions of the
133 operating permit. Nothing in this paragraph shall be construed
134 to require a local government to issue a variance under any
135 circumstance. A local government located within an area of

HB 749 CS

2006
CS

136 | critical state concern or located in an area that was designated
137 | as an area of critical state concern for at least 20 consecutive
138 | years prior to removal of the designation shall not be required
139 | to issue a variance under any circumstance, and nothing in this
140 | paragraph shall be construed as limiting local government
141 | authority to enact ordinances under s. 4 of chapter 99-395, Laws
142 | of Florida.

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