

CHAMBER ACTION

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1 The Agriculture & Environment Appropriations Committee  
2 recommends the following:

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4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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24 | authorizing local governments to grant variances from  
25 | connecting to a publicly owned or investor-owned sewerage  
26 | system under certain circumstances; providing  
27 | construction; amending s. 381.0067, F.S.; authorizing the  
28 | Department of Health or its agents to require repair or  
29 | replacement of drainage fields under certain  
30 | circumstances; requiring the department or its agents to  
31 | issue an order for the replacement of an onsite sewage  
32 | treatment and disposal system under certain circumstances;  
33 | providing construction; amending s. 489.554, F.S.;  
34 | increasing annual continuing education requirements for  
35 | septic tank contractors and master septic tank  
36 | contractors; providing an effective date.

37

38 | Be It Enacted by the Legislature of the State of Florida:

39

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

42 | 153.54 Preliminary report by county commissioners with  
43 | respect to creation of proposed district.--Upon receipt of a  
44 | petition duly signed by not less than 25 qualified electors who  
45 | are also freeholders residing within an area proposed to be  
46 | incorporated into a water and sewer district pursuant to this  
47 | law and describing in general terms the proposed boundaries of  
48 | such proposed district, the board of county commissioners if it  
49 | shall deem it necessary and advisable to create and establish  
50 | such proposed district for the purpose of constructing,  
51 | establishing or acquiring a water system or a sewer system or

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52 both in and for such district (herein called "improvements"),  
53 shall first cause a preliminary report to be made which such  
54 report together with any other relevant or pertinent matters,  
55 shall include at least the following:

56 (5) For the construction of a new proposed sewerage system  
57 or the extension of an existing sewerage system that was not  
58 previously approved, the report shall include a study that  
59 includes the available information from the Department of Health  
60 on the history of onsite sewage treatment and disposal systems  
61 currently in use in the area and a comparison of the projected  
62 costs to the owner of a typical lot or parcel of connecting to  
63 and using the proposed sewerage system versus installing,  
64 operating, and properly maintaining an onsite sewage treatment  
65 system that is approved by the Department of Health and that  
66 provides for the comparable level of environmental and health  
67 protection as the proposed central sewerage system and other  
68 factors deemed relevant by the local authority.

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

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

76 153.73 Assessable improvements; levy and payment of  
77 special assessments.--Any district may provide for the  
78 construction or reconstruction of assessable improvements as  
79 defined in s. 153.52, and for the levying of special assessments

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80 upon benefited property for the payment thereof, under the  
81 provisions of this section.

82 (2)

83 (c) For the construction of a new proposed sewerage system  
84 or the extension of an existing sewerage system that was not  
85 previously approved, the report shall include a study that  
86 includes the available information from the Department of Health  
87 on the history of onsite sewage treatment and disposal systems  
88 currently in use in the area and a comparison of the projected  
89 costs to the owner of a typical lot or parcel of connecting to  
90 and using the proposed sewerage system versus installing,  
91 operating, and properly maintaining an onsite sewage treatment  
92 system that is approved by the Department of Health and that  
93 provides for the comparable level of environmental and health  
94 protection as the proposed central sewerage system and other  
95 factors deemed relevant by the local authority.

96 Section 3. Paragraph (a) of subsection (2) of section  
97 163.3180, Florida Statutes, is amended to read:

98 163.3180 Concurrency.--

99 (2)(a) Consistent with public health and safety, sanitary  
100 sewer, solid waste, drainage, adequate water supplies, and  
101 potable water facilities shall be in place and available to  
102 serve new development no later than the issuance by the local  
103 government of a certificate of occupancy or its functional  
104 equivalent. Prior to approval of a building permit or its  
105 functional equivalent, the local government shall consult with  
106 the applicable water supplier to determine whether adequate  
107 water supplies to serve the new development will be available no

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108 later than the anticipated date of issuance by the local  
109 government of a certificate of occupancy or its functional  
110 equivalent. A local government may meet the concurrency  
111 requirement for sanitary sewer through the use of onsite sewage  
112 treatment and disposal systems approved by the Department of  
113 Health to serve new development.

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

116 180.03 Resolution or ordinance proposing construction or  
117 extension of utility; objections to same.--

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

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

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135 381.00655 Connection of existing onsite sewage treatment  
136 and disposal systems to central sewerage system; requirements.--

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

139 (c) A local government may grant a variance to an owner of  
140 a performance-based onsite sewage treatment and disposal system  
141 permitted by the department as long as the onsite system is  
142 functioning properly and satisfying the conditions of the  
143 operating permit. Nothing in this paragraph shall be construed  
144 to require a local government to issue a variance under any  
145 circumstance. A local government located within an area of  
146 critical state concern or located in an area that was designated  
147 as an area of critical state concern for at least 20 consecutive  
148 years prior to removal of the designation shall not be required  
149 to issue a variance under any circumstance, and nothing in this  
150 paragraph shall be construed as limiting local government  
151 authority to enact ordinances under s. 4 of chapter 99-395, Laws  
152 of Florida.

153 Section 6. Section 381.0067, Florida Statutes, is amended  
154 to read:

155 381.0067 Corrective orders; private and certain public  
156 water systems and onsite sewage treatment and disposal  
157 systems.--When the department or its agents, through  
158 investigation, find that any private water system, public water  
159 system not covered or included in the Florida Safe Drinking  
160 Water Act (part VI of chapter 403) or onsite sewage treatment  
161 and disposal system constitutes a nuisance or menace to the  
162 public health, the department or its agents ~~it~~ may issue an

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163 | order requiring the owner to correct the improper condition. If  
164 | the improper condition relates to the drainage field of an  
165 | onsite sewage treatment and disposal system, the department or  
166 | its agents may issue an order requiring the owner to repair or  
167 | replace the drainage field. If an onsite sewage treatment and  
168 | disposal system has failed, the department or its agents shall  
169 | issue an order requiring the owner to replace the system. For  
170 | purposes of this section, an onsite sewage treatment and  
171 | disposal system has failed if the operation of the system  
172 | constitutes a nuisance or menace to the public health and the  
173 | system cannot be repaired.

174 |       Section 7. Subsection (2) of section 489.554, Florida  
175 | Statutes, is amended to read:

176 |       489.554 Registration renewal.--

177 |       (2) At a minimum, annual renewal shall include continuing  
178 | education requirements of not less than 12 ~~6~~ classroom hours  
179 | annually for septic tank contractors and not less than 18 ~~12~~  
180 | classroom hours annually for master septic tank contractors. The  
181 | 18 ~~12~~ classroom hours of continuing education required for  
182 | master septic tank contractors may include the 12 ~~6~~ classroom  
183 | hours required for septic tank contractors, but at a minimum  
184 | must include 6 classroom hours of approved master septic tank  
185 | contractor coursework.

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