

## CHAMBER ACTION

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1 The State Resources Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
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. 381.0062, F.S.;

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24 | authorizing the Department of Health to delegate authority  
25 | for the issuance of permits for private and multifamily  
26 | water systems under certain circumstances; amending s.  
27 | 381.0065, F.S.; authorizing the department to delegate  
28 | authority for the issuance of permits for onsite sewage  
29 | treatment and disposal systems under certain  
30 | circumstances; amending s. 381.00655, F.S.; authorizing  
31 | local governments to grant variances from connecting to a  
32 | publicly owned or investor-owned sewerage system under  
33 | certain circumstances; providing construction; amending s.  
34 | 381.0067, F.S.; authorizing the department or its agents  
35 | to require repair or replacement of drainfields under  
36 | certain circumstances; requiring the department or its  
37 | agents to issue an order for the replacement of an onsite  
38 | sewage treatment and disposal system under certain  
39 | circumstances; providing construction; amending s.  
40 | 489.554, F.S.; increasing annual continuing education  
41 | requirements for septic tank contractors and master septic  
42 | tank contractors; providing an effective date.

43 |  
44 | Be It Enacted by the Legislature of the State of Florida:

45 |  
46 | Section 1. Subsection (5) is added to section 153.54,  
47 | Florida Statutes, to read:

48 | 153.54 Preliminary report by county commissioners with  
49 | respect to creation of proposed district.--Upon receipt of a  
50 | petition duly signed by not less than 25 qualified electors who  
51 | are also freeholders residing within an area proposed to be

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52 | incorporated into a water and sewer district pursuant to this  
53 | law and describing in general terms the proposed boundaries of  
54 | such proposed district, the board of county commissioners if it  
55 | shall deem it necessary and advisable to create and establish  
56 | such proposed district for the purpose of constructing,  
57 | establishing or acquiring a water system or a sewer system or  
58 | both in and for such district (herein called "improvements"),  
59 | shall first cause a preliminary report to be made which such  
60 | report together with any other relevant or pertinent matters,  
61 | shall include at least the following:

62 |       (5) For the construction of a new proposed sewerage system  
63 | or the extension of an existing sewerage system that was not  
64 | previously approved, the report shall include a study that  
65 | includes the available information from the Department of Health  
66 | on the history of onsite sewage treatment and disposal systems  
67 | currently in use in the area and a comparison of the projected  
68 | costs to the owner of a typical lot or parcel of connecting to  
69 | and using the proposed sewerage system versus installing,  
70 | operating, and properly maintaining an onsite sewage treatment  
71 | system that is approved by the Department of Health and that  
72 | provides for the comparable level of environmental and health  
73 | protection as the proposed central sewerage system;  
74 | consideration of the local authority's obligations or reasonably  
75 | anticipated obligations for water body cleanup and protection  
76 | under state or federal programs, including requirements for  
77 | water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
78 | L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
79 | deemed relevant by the local authority.

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

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80 Such report shall be filed in the office of the clerk of the  
81 circuit court and shall be open for the inspection of any  
82 taxpayer, property owner, qualified elector or any other  
83 interested or affected person.

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

86 153.73 Assessable improvements; levy and payment of  
87 special assessments.--Any district may provide for the  
88 construction or reconstruction of assessable improvements as  
89 defined in s. 153.52, and for the levying of special assessments  
90 upon benefited property for the payment thereof, under the  
91 provisions of this section.

92 (2)

93 (c) For the construction of a new proposed sewerage system  
94 or the extension of an existing sewerage system that was not  
95 previously approved, the report shall include a study that  
96 includes the available information from the Department of Health  
97 on the history of onsite sewage treatment and disposal systems  
98 currently in use in the area and a comparison of the projected  
99 costs to the owner of a typical lot or parcel of connecting to  
100 and using the proposed sewerage system versus installing,  
101 operating, and properly maintaining an onsite sewage treatment  
102 system that is approved by the Department of Health and that  
103 provides for the comparable level of environmental and health  
104 protection as the proposed central sewerage system;  
105 consideration of the local authority's obligations or reasonably  
106 anticipated obligations for water body cleanup and protection  
107 under state or federal programs, including requirements for

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108 | water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
109 | L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
110 | deemed relevant by the local authority.

111 | Section 3. Paragraph (a) of subsection (2) of section  
112 | 163.3180, Florida Statutes, is amended to read:

113 | 163.3180 Concurrency.--

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

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

131 | 180.03 Resolution or ordinance proposing construction or  
132 | extension of utility; objections to same.--

133 | (3) For the construction of a new proposed sewerage system  
134 | or the extension of an existing sewerage system that was not  
135 | previously approved, the report shall include a study that

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136 | includes the available information from the Department of Health  
137 | on the history of onsite sewage treatment and disposal systems  
138 | currently in use in the area and a comparison of the projected  
139 | costs to the owner of a typical lot or parcel of connecting to  
140 | and using the proposed sewerage system versus installing,  
141 | operating, and properly maintaining an onsite sewage treatment  
142 | system that is approved by the Department of Health and that  
143 | provides for the comparable level of environmental and health  
144 | protection as the proposed central sewerage system;  
145 | consideration of the local authority's obligations or reasonably  
146 | anticipated obligations for water body cleanup and protection  
147 | under state or federal programs, including requirements for  
148 | water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
149 | L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
150 | deemed relevant by the local authority. The results of such a  
151 | study shall be included in the resolution or ordinance required  
152 | under subsection (1).

153 |       Section 5. Paragraph (1) is added to subsection (3) of  
154 | section 381.0062, Florida Statutes, to read:

155 |       381.0062 Supervision; private and certain public water  
156 | systems.--

157 |       (3) SUPERVISION.--The department and its agents shall have  
158 | general supervision and control over all private water systems,  
159 | multifamily water systems, and public water systems not covered  
160 | or included in the Florida Safe Drinking Water Act (part VI of  
161 | chapter 403), and over those aspects of the public water supply  
162 | program for which it has the duties and responsibilities  
163 | provided for in part VI of chapter 403. The department shall:

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164        (1) Notwithstanding any other provision of this section,  
165 have the authority to delegate any of its ministerial authority  
166 to issue permits for private and multifamily water systems under  
167 the regulations provided in this section and applicable rules to  
168 a political subdivision of the state if the department finds it  
169 necessary or desirable to do so and the political subdivision  
170 agrees to accept such delegated authority.

171        Section 6. Subsection (6) is added to section 381.0065,  
172 Florida Statutes, to read:

173        381.0065 Onsite sewage treatment and disposal systems;  
174 regulation.--

175        (6) DELEGATION OF AUTHORITY.--Notwithstanding any other  
176 provision of this section, the department may delegate any of  
177 its ministerial authority to issue permits for onsite sewage  
178 treatment and disposal systems under the regulations provided in  
179 this section and applicable rules to a political subdivision of  
180 the state if the department finds it necessary or desirable to  
181 do so and the political subdivision agrees to accept such  
182 delegated authority.

183        Section 7. Paragraph (c) is added to subsection (2) of  
184 section 381.00655, Florida Statutes, to read:

185        381.00655 Connection of existing onsite sewage treatment  
186 and disposal systems to central sewerage system; requirements.--

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

189        (c) A local government may grant a variance to an owner of  
190 a performance-based onsite sewage treatment and disposal system  
191 permitted by the department as long as the onsite system is

192 functioning properly and satisfying the conditions of the  
 193 operating permit. Nothing in this paragraph shall be construed  
 194 to require a local government to issue a variance under any  
 195 circumstance. Nothing in this paragraph shall be construed as  
 196 limiting local government authority to enact ordinances under s.  
 197 4 of chapter 99-395, Laws of Florida. A local government located  
 198 in any of the following areas shall not be required to issue a  
 199 variance under any circumstance:

- 200 1. An area of critical state concern.
- 201 2. An area that was designated as an area of critical  
 202 state concern for at least 20 consecutive years prior to removal  
 203 of the designation.
- 204 3. An area in the South Florida Water Management District  
 205 west C-11 basin that discharges through the S-9 pump into the  
 206 Everglades.
- 207 4. An area designated by the Lake Okeechobee Protection  
 208 Act.

209 Section 8. Section 381.0067, Florida Statutes, is amended  
 210 to read:

211 381.0067 Corrective orders; private and certain public  
 212 water systems and onsite sewage treatment and disposal  
 213 systems.--When the department or its agents, through  
 214 investigation, find that any private water system, public water  
 215 system not covered or included in the Florida Safe Drinking  
 216 Water Act (part VI of chapter 403), or onsite sewage treatment  
 217 and disposal system constitutes a nuisance or menace to the  
 218 public health or significantly degrades the groundwater or  
 219 surface water, the department or its agents ~~it~~ may issue an



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220 order requiring the owner to correct the improper condition. If  
221 the improper condition relates to the drainfield of an onsite  
222 sewage treatment and disposal system, the department or its  
223 agents may issue an order requiring the owner to repair or  
224 replace the drainfield. If an onsite sewage treatment and  
225 disposal system has failed, the department or its agents shall  
226 issue an order requiring the owner to replace the system. For  
227 purposes of this section, an onsite sewage treatment and  
228 disposal system has failed if the operation of the system  
229 constitutes a nuisance or menace to the public health or  
230 significantly degrades the groundwater or surface water and the  
231 system cannot be repaired.

232 Section 9. Subsection (2) of section 489.554, Florida  
233 Statutes, is amended to read:

234 489.554 Registration renewal.--

235 (2) At a minimum, annual renewal shall include continuing  
236 education requirements of not less than 12 ~~6~~ classroom hours  
237 annually for septic tank contractors and not less than 18 ~~12~~  
238 classroom hours annually for master septic tank contractors. The  
239 18 ~~12~~ classroom hours of continuing education required for  
240 master septic tank contractors may include the 12 ~~6~~ classroom  
241 hours required for septic tank contractors, but at a minimum  
242 must include 6 classroom hours of approved master septic tank  
243 contractor coursework.

244 Section 10. This act shall take effect July 1, 2006.