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HB 749, Engrossed 1

2006 Legislature

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 authorizing local governments and certain water and sewer
20 districts to grant variances from connecting to a publicly
21 owned or investor-owned sewerage system under certain
22 circumstances; providing construction; amending s.
23 381.0067, F.S.; authorizing the department or its agents
24 to require repair or replacement of drainfields under
25 certain circumstances; requiring the department or its
26 agents to issue an order for the replacement of an onsite
27 sewage treatment and disposal system under certain

ENROLLED

HB 749, Engrossed 1

2006 Legislature

28 | circumstances; providing construction; amending s.
 29 | 489.554, F.S.; increasing annual continuing education
 30 | requirements for septic tank contractors and master septic
 31 | tank contractors; providing an effective date.

32 |

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

34 |

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

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

51 | (5) For the construction of a new proposed sewerage system
 52 | or the extension of an existing sewerage system that was not
 53 | previously approved, the report shall include a study that
 54 | includes the available information from the Department of Health

ENROLLED

HB 749, Engrossed 1

2006 Legislature

55 on the history of onsite sewage treatment and disposal systems
 56 currently in use in the area and a comparison of the projected
 57 costs to the owner of a typical lot or parcel of connecting to
 58 and using the proposed sewerage system versus installing,
 59 operating, and properly maintaining an onsite sewage treatment
 60 system that is approved by the Department of Health and that
 61 provides for the comparable level of environmental and health
 62 protection as the proposed central sewerage system;
 63 consideration of the local authority's obligations or reasonably
 64 anticipated obligations for water body cleanup and protection
 65 under state or federal programs, including requirements for
 66 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
 67 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
 68 deemed relevant by the local authority.

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
 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)

ENROLLED

HB 749, Engrossed 1

2006 Legislature

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, the report shall include a study that
85 includes the available information from the Department of Health
86 on the history of onsite sewage treatment and disposal systems
87 currently in use in the area and a comparison of the projected
88 costs to the owner of a typical lot or parcel of connecting to
89 and using the proposed sewerage system versus installing,
90 operating, and properly maintaining an onsite sewage treatment
91 system that is approved by the Department of Health and that
92 provides for the comparable level of environmental and health
93 protection as the proposed central sewerage system;
94 consideration of the local authority's obligations or reasonably
95 anticipated obligations for water body cleanup and protection
96 under state or federal programs, including requirements for
97 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
98 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
99 deemed relevant by the local authority.

100 Section 3. Paragraph (a) of subsection (2) of section
101 163.3180, Florida Statutes, is amended to read:

102 163.3180 Concurrency.--

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

ENROLLED

HB 749, Engrossed 1

2006 Legislature

109 functional equivalent, the local government shall consult with
 110 the applicable water supplier to determine whether adequate
 111 water supplies to serve the new development will be available no
 112 later than the anticipated date of issuance by the local
 113 government of a certificate of occupancy or its functional
 114 equivalent. A local government may meet the concurrency
 115 requirement for sanitary sewer through the use of onsite sewage
 116 treatment and disposal systems approved by the Department of
 117 Health to serve new development.

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

120 180.03 Resolution or ordinance proposing construction or
 121 extension of utility; objections to same.--

122 (3) For the construction of a new proposed sewerage system
 123 or the extension of an existing sewerage system that was not
 124 previously approved, the report shall include a study that
 125 includes the available information from the Department of Health
 126 on the history of onsite sewage treatment and disposal systems
 127 currently in use in the area and a comparison of the projected
 128 costs to the owner of a typical lot or parcel of connecting to
 129 and using the proposed sewerage system versus installing,
 130 operating, and properly maintaining an onsite sewage treatment
 131 system that is approved by the Department of Health and that
 132 provides for the comparable level of environmental and health
 133 protection as the proposed central sewerage system;
 134 consideration of the local authority's obligations or reasonably
 135 anticipated obligations for water body cleanup and protection

ENROLLED

HB 749, Engrossed 1

2006 Legislature

136 under state or federal programs, including requirements for
137 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
138 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
139 deemed relevant by the local authority. The results of such a
140 study shall be included in the resolution or ordinance required
141 under subsection (1).

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

144 381.00655 Connection of existing onsite sewage treatment
145 and disposal systems to central sewerage system; requirements.--

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

148 (c) A local government or water and sewer district
149 responsible for the operation of a centralized sewer system
150 under s. 153.62 may grant a variance to an owner of a
151 performance-based onsite sewage treatment and disposal system
152 permitted by the department as long as the onsite system is
153 functioning properly and satisfying the conditions of the
154 operating permit. Nothing in this paragraph shall be construed
155 to require a local government or water and sewer district to
156 issue a variance under any circumstance. Nothing in this
157 paragraph shall be construed as limiting local government
158 authority to enact ordinances under s. 4 of chapter 99-395, Laws
159 of Florida. A local government or water and sewer district
160 located in any of the following areas shall not be required to
161 issue a variance under any circumstance:

162 1. An area of critical state concern.

ENROLLED

HB 749, Engrossed 1

2006 Legislature

163 2. An area that was designated as an area of critical
 164 state concern for at least 20 consecutive years prior to removal
 165 of the designation.

166 3. An area in the South Florida Water Management District
 167 west C-11 basin that discharges through the S-9 pump into the
 168 Everglades.

169 4. An area designated by the Lake Okeechobee Protection
 170 Act.

171 Section 6. Section 381.0067, Florida Statutes, is amended
 172 to read:

173 381.0067 Corrective orders; private and certain public
 174 water systems and onsite sewage treatment and disposal
 175 systems.--When the department or its agents, through
 176 investigation, find that any private water system, public water
 177 system not covered or included in the Florida Safe Drinking
 178 Water Act (part VI of chapter 403), or onsite sewage treatment
 179 and disposal system constitutes a nuisance or menace to the
 180 public health or significantly degrades the groundwater or
 181 surface water, the department or its agents ~~it~~ may issue an
 182 order requiring the owner to correct the improper condition. If
 183 the improper condition relates to the drainfield of an onsite
 184 sewage treatment and disposal system, the department or its
 185 agents may issue an order requiring the owner to repair or
 186 replace the drainfield. If an onsite sewage treatment and
 187 disposal system has failed, the department or its agents shall
 188 issue an order requiring the owner to replace the system. For
 189 purposes of this section, an onsite sewage treatment and

ENROLLED

HB 749, Engrossed 1

2006 Legislature

190 disposal system has failed if the operation of the system
191 constitutes a nuisance or menace to the public health or
192 significantly degrades the groundwater or surface water and the
193 system cannot be repaired.

194 Section 7. Subsection (2) of section 489.554, Florida
195 Statutes, is amended to read:

196 489.554 Registration renewal.--

197 (2) At a minimum, annual renewal shall include continuing
198 education requirements of not less than 12 ~~6~~ classroom hours
199 annually for septic tank contractors and not less than 18 ~~12~~
200 classroom hours annually for master septic tank contractors. The
201 18 ~~12~~ classroom hours of continuing education required for
202 master septic tank contractors may include the 12 ~~6~~ classroom
203 hours required for septic tank contractors, but at a minimum
204 must include 6 classroom hours of approved master septic tank
205 contractor coursework.

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