

1 A bill to be entitled
 2 An act relating to sanitary sewer laterals; amending
 3 s. 153.52, F.S.; providing a definition for the term
 4 "sanitary sewer lateral"; amending s. 153.62, F.S.;
 5 requiring districts to notify homeowners if they
 6 discover a leaky sanitary sewer lateral on the
 7 homeowner's property; specifying that a homeowner is
 8 not required to take action; requiring districts to
 9 notify specified homeowners for past discoveries of
 10 leaky sanitary sewer laterals; requiring certain
 11 districts to create publicly accessible databases for
 12 certain purposes; providing that certain districts are
 13 not liable for failure to maintain records of
 14 notifications; providing an effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Section 153.52, Florida Statutes, is reordered
 19 and amended to read:

20 153.52 Definitions.—As used in this law, the following
 21 words and terms shall have the following meanings, unless some
 22 other meaning is plainly intended:

23 (1)~~(7)~~ "Assessable improvements" shall mean that portion
 24 or portions of a sewer system or a water system of a local
 25 nature and of benefit to the premises or lands served thereby

26 | and particularly, without limiting the generality of the
27 | foregoing, with reference to a sewer system, shall include,
28 | without being limited to, laterals and mains for the collection
29 | and reception of sewage from premises connected therewith, local
30 | or auxiliary pumping or lift stations, treatment plants or
31 | disposal plants, and other appurtenant facilities and equipment
32 | for the collection, treatment and disposal of sewage; and with
33 | reference to a water system shall include such mains and
34 | laterals and other distribution facilities, pumping stations,
35 | and sources of supply as are of benefit to the property served
36 | by such water system together with incidental equipment and
37 | appurtenances necessary therefor.

38 | (2)~~(11)~~ "Assessment bonds" shall mean bonds or other
39 | obligations secured by and payable from special assessments
40 | levied against benefited lands, and which may be additionally
41 | secured by a pledge of the full faith and credit of the
42 | district.

43 | (3)~~(2)~~ "Board of county commissioners" shall mean the
44 | board of county commissioners of the county in which a district
45 | created pursuant to this law is located.

46 | (4)~~(6)~~ "Cost" as applied to the acquisition and
47 | construction of a water system or a sewer system or extensions,
48 | additions or improvements thereto shall include the cost of
49 | construction or reconstruction, acquisition or purchase, the
50 | cost of all labor, materials, machinery and equipment, cost of

51 all lands and interest therein, property, rights, easements and
52 franchises of any nature whatsoever, financing charges, interest
53 prior to and during construction and for not more than 2 years
54 after completion of the construction or acquisition of such
55 water system or sewer system or extensions, additions or
56 improvements thereto, the creation of initial reserve or debt
57 service funds, bond discount, cost of plans and specifications,
58 surveys and estimates of costs and revenues, cost of
59 engineering, financial and legal services, and all other
60 expenses necessary or incidental in determining the feasibility
61 or practicability of such construction, reconstruction or
62 acquisition, administrative expenses and such other expenses as
63 may be necessary or incidental to financing authorized by this
64 law, and including reimbursement of the county or any other
65 person, firm or corporation for any moneys advanced to a
66 district for any expenses incurred by a district or county in
67 connection with any of the foregoing items of cost, or the
68 creation of such district.

69 (5)~~(1)~~ "District" shall mean any unincorporated contiguous
70 area comprising part but not all of the area of any county
71 created into and existing as a water and sewer district pursuant
72 and subject to this law, having the rights, powers and
73 privileges granted in this law.

74 (6)~~(3)~~ "District board" shall mean the board of county
75 commissioners of any county constituting the governing body of

76 any district as provided for in this law, and acting for and on
 77 behalf of such district as a body corporate and politic.

78 (7)~~(8)~~ "District clerk" shall mean the clerk of the
 79 circuit court and ex officio clerk of the board of county
 80 commissioners in and for any county having or establishing a
 81 district pursuant to this law, who shall be clerk and treasurer
 82 of the district.

83 (8)~~(10)~~ "General obligation bonds" shall mean bonds or
 84 other obligations secured by the full faith and credit and
 85 taxing power of the district and payable from ad valorem taxes
 86 levied and collected on all taxable property in the district,
 87 without limitation of rate or amount, and may be additionally
 88 secured by the pledge of either or both the proceeds of special
 89 assessments levied against benefited property, or revenues
 90 derived from said water system or sewer system, or both.

91 (9) "Revenue bonds" shall mean bonds or other obligations
 92 secured by and payable from the revenues derived from rates,
 93 fees and charges collected by a district from the users of the
 94 facilities of any water system or sewer system, or both, and
 95 which may be additionally secured by a pledge of the proceeds of
 96 special assessments levied against benefited property or by a
 97 pledge of the full faith and credit of the district, or both.

98 (10) "Sanitary sewer lateral" means the pipe from the
 99 public sanitary sewer main to the premises.

100 (11)~~(4)~~ "Sewer system" shall mean and shall include any

101 | plant, system, facility or property and additions, extensions
 102 | and improvements thereto at any future time constructed or
 103 | acquired as part thereof, useful or necessary or having the
 104 | present capacity for future use in connection with the
 105 | collection, treatment, purification or disposal of sewage of any
 106 | nature or originating from any source, including industrial
 107 | wastes resulting from any processes of industry, manufacture,
 108 | trade or business or from the development of any natural
 109 | resources; and without limiting the generality of the foregoing
 110 | definition shall embrace treatment plants, pumping stations,
 111 | lift stations, valves, force mains, intercepting sewers,
 112 | laterals, pressure lines, mains and all necessary appurtenances
 113 | and equipment, all sewer mains and laterals for the reception
 114 | and collection of sewage from premises connected therewith, and
 115 | shall include all real and personal property and any interest
 116 | therein, rights, easements and franchises of any nature
 117 | whatsoever relating to any such system and necessary or
 118 | convenient for the operation thereof.

119 | (12)~~(5)~~ "Water system" shall mean and include any plant,
 120 | system, facility or property and additions, extensions and
 121 | improvements thereto at any future time constructed or acquired
 122 | as part thereof, useful or necessary or having the present
 123 | capacity for future use in connection with the development of
 124 | sources, treatment or purification and distribution of water and
 125 | alternative water supplies, including, but not limited to,

126 reclaimed water and water from aquifer storage and recovery and
 127 desalination systems, for domestic or industrial use and,
 128 without limiting the generality of the foregoing, shall include
 129 dams, reservoirs, storage tanks, mains, lines, valves, pumping
 130 stations, laterals, and pipes for the purpose of carrying water
 131 to the premises connected with such system and shall include all
 132 real and personal property and any interests therein, rights,
 133 easements and franchises of any nature whatsoever relating to
 134 any such system and necessary or convenient for the operation
 135 thereof.

136 Section 2. Subsection (8) of section 153.62, Florida
 137 Statutes, is amended to read:

138 153.62 District board; powers.—The district board for and
 139 on behalf of any district created hereunder in addition to and
 140 supplementing other powers granted in this law, is authorized
 141 and empowered:

142 (8) To exercise exclusive jurisdiction, control and
 143 supervision over any water system or sewer system or both, or
 144 any part thereof owned, operated and maintained by the district
 145 and to make and enforce such rules and regulations for the
 146 maintenance and operation of any water system or sewer system or
 147 both as may be, in the judgment of the district board, necessary
 148 or desirable for the efficient operation of any such systems or
 149 improvements in accomplishing the purposes of this law.

150 (a) If, on or after July 1, 2019, a district discovers a

151 leaky sanitary sewer lateral on a homeowner's property, the
152 district shall notify the homeowner of the leaky sanitary sewer
153 lateral within 30 days after the discovery. The notification
154 does not require the homeowner to take action. The district must
155 provide the information to the property appraiser who must
156 maintain in perpetuity a database containing a record of each
157 notification including the name of the person notified, the
158 address of the property, and the date and method of
159 notification.

160 (b) By July 1, 2020, each district must notify each
161 homeowner on whose property a leaky sanitary sewer lateral was
162 discovered between July 1, 2014, and June 30, 2019. A district
163 that has already notified such homeowners is not required to
164 provide another notification.

165 (c) If a district maintained records of properties on
166 which a leaky sanitary sewer lateral was discovered between July
167 1, 2014, and June 30, 2019, the district must create a publicly
168 accessible database by December 31, 2019, and store those
169 records in that database. The database must include the name of
170 the person notified and the address of the property, and, if
171 known, the date and method of notification.

172 (d) A district is not liable for failure to maintain
173 records before July 1, 2019, of homeowners on whose property
174 leaky sanitary sewer laterals were discovered before July 1,
175 2019.

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176 | Section 3. This act shall take effect July 1, 2019. |