

By the Committee on Environment and Natural Resources; and  
Senator Rodriguez

592-02887-21

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1 A bill to be entitled  
2 An act relating to construction and maintenance of  
3 water supply and sewage disposal systems by counties  
4 and independent special districts; amending s. 153.04,  
5 F.S.; providing requirements for independent special  
6 districts that choose to exercise certain powers  
7 granted under ch. 153, F.S.; providing an exception  
8 for certain entities to construct water supply  
9 systems; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 153.04, Florida Statutes, is amended to  
14 read:

15 153.04 Construction of water supply systems, water system  
16 improvements, sewage disposal systems, and sewer improvements.-

17 (1) Whenever a the county commission of any of the several  
18 counties of the state by resolution chooses to exercise the  
19 powers granted by this chapter, or the governing board of an  
20 independent special district chooses to exercise the powers  
21 granted in the charter of the special district which are  
22 coextensive with the powers granted by this chapter, it shall  
23 make or cause to be made ~~such~~ surveys, investigations, studies,  
24 borings, maps, plans, drawings and estimates of costs and ~~of~~  
25 revenues as it deems ~~may deem~~ necessary to prepare or have  
26 prepared so that the ~~such~~ county commission has ~~shall have~~  
27 available to it a comprehensive study and report.

28 (a) The study and report must include ~~setting forth~~ either  
29 or both of the following:

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30        1.~~(1)~~ The type and estimate of costs of each water supply  
31 system, the purchase or construction of which is ~~shall be~~ deemed  
32 by the county commission or the governing board of the  
33 independent special district ~~it~~ to be desirable and feasible,  
34 together with the location thereof, and of each integral part,  
35 and also setting forth what water system improvements, if any,  
36 are deemed ~~it deems~~ necessary to purchase or construct to  
37 protect the health of and render fire protection to the  
38 inhabitants of the county or the independent special district,  
39 as applicable, together with the location by terminal points and  
40 route of each ~~such~~ improvement, a description thereof by its  
41 material, nature, character, and size, and an estimate of the  
42 cost of its purchase or construction.

43        2.~~(2)~~ (a) The type of treatment and estimate of cost of each  
44 sewage disposal plant or system, the purchase, or construction  
45 of which is ~~shall be~~ deemed by the county commission or  
46 governing board of the independent special district to be  
47 desirable and feasible, together with the location thereof and  
48 of each integral part, and also setting forth what sewer  
49 improvements, if any, are deemed ~~it deems~~ necessary to purchase  
50 or construct to protect the health of the inhabitants of the  
51 county or the independent special district, as applicable,  
52 together with the location by terminal points and route of each  
53 such improvement, a description thereof by its material, nature,  
54 character, and size and an estimate of the cost of its purchase  
55 or construction.

56        (b) If the ~~such~~ study and report reveals, or if it is a  
57 fact that any parcel, plot, or area of land proposed to be  
58 served by facilities owned and operated by a county or an

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59 independent special district pursuant to ~~county-owned and~~  
60 ~~operated facilities as contemplated by~~ this chapter is being  
61 served by ~~or there is available to it for service such~~  
62 facilities ~~which are~~ owned and operated by private individuals,  
63 copartnerships, corporations or associations or service by such  
64 facilities is available to the parcel, plot, or area of land,  
65 ~~then~~ the county or the independent special district is hereby  
66 prohibited from furnishing the facilities provided by this  
67 chapter to such land property without the written consent of the  
68 owner or owners of the such privately owned and operated  
69 facilities.

70 (c) The obtaining of ~~such~~ surveys, investigations, studies,  
71 borings, maps, plans, drawings and estimates pursuant to this  
72 subsection serves ~~is hereby declared to be a public county~~  
73 purpose and the costs thereof may be paid out of the general  
74 funds of the county or the independent special district.

75 (d) Upon receipt of the such report, the county commission  
76 or the county commission for each county in which the  
77 independent special district is exercising the authority granted  
78 under this section may authorize the purchase and and/or  
79 construction of ~~such~~ facilities as it deems ~~may deem~~ feasible  
80 and practicable.

81 (e) All public or private property damaged or destroyed in  
82 carrying out the powers granted by this chapter must ~~shall~~ be  
83 restored or repaired and placed in its original condition as  
84 nearly as practicable or adequate compensation made therefor out  
85 of the funds provided to the county by this chapter or, if the  
86 damage or destruction is caused by an independent special  
87 district, from the funds derived from the revenue sources

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88 authorized for the district in its charter.

89 (f) The state ~~hereby~~ consents to the use of all state lands  
90 lying under water which are necessary for the accomplishments or  
91 purposes of this chapter.

92 (2) The construction or maintenance of a water supply or  
93 sewage disposal system by a county or an independent special  
94 district is exempt from the requirements of s. 253.77, provided  
95 the county or the independent special district utility completes  
96 the requirements of subsection (1).

97 Section 2. This act shall take effect July 1, 2021.