

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 773 Sanitary Sewer Laterals

SPONSOR(S): Local Administration & Veterans Affairs Subcommittee, McClure and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1058

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Environment, Agriculture & Flooding Subcommittee	15 Y, 0 N	Melkun	Moore
2) Local Administration & Veterans Affairs Subcommittee	15 Y, 0 N, As CS	Miller	Miller
3) State Affairs Committee			

SUMMARY ANALYSIS

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system. Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices. Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan. Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the sewer system, which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.

In 2020, the Legislature passed House Bill 1091, which encouraged each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.

The bill authorizes each county or municipality that has established an evaluation and rehabilitation program to develop detailed specifications and standards for repairing or replacing any leaking, damaged, deteriorated, or clogged laterals on such properties. The bill requires such specifications and standards to accord with industry standards for such work and provides guidance as to the specific standards the local governments may consult.

If specifications and standards have been developed, beginning July 1, 2023, the bill authorizes a county or municipality to access residential or commercial properties to clean, repair, recondition, or replace the sanitary sewer laterals and to reestablish a sealed sanitary sewer system as originally designed for the safe and proper transfer and conveyance of sewage from the property to the wastewater treatment plant.

The bill specifies that before a county or municipality accesses a residential or commercial property, it must notify the property owner by mail at least 14 days before the start of the project of the county's or municipality's intent to access the property to clean, repair, recondition, or replace the sanitary sewer lateral.

The bill may have an indeterminate negative fiscal impact on local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Sanitary Sewer Laterals

A sanitary sewer lateral is the portion of the sewer network connecting individual private properties to the public sewer system.¹ Sanitary sewer laterals are often in poor condition, and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.² Defects in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plan. Private laterals are estimated to contribute to about 40 percent of a system's infiltration and inflow to sanitary sewers.³ Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the sewer system, which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.⁴

The Florida Building Code requires every building in which plumbing fixtures are installed to be connected to a publicly owned or investor-owned sewage system, when available, or an approved onsite sewage treatment and disposal system.⁵ A building that has plumbing fixtures installed and is intended for human habitation, occupancy, or use on premises abutting a street, alley, or easement in which there is a public sewer is required to have a separate connection to the sewer.⁶

Currently, state law does not specify who is responsible for maintaining or replacing defective sanitary sewer laterals. However, certain municipalities, through city ordinances, require property owners to be responsible for the maintenance, operation, or repair of sanitary sewer laterals.⁷

Evaluation and Rehabilitation Program

In 2020, the Legislature passed House Bill 1091, which encouraged each county and municipality to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.⁸

The programs, at a minimum, are authorized to establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals; consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified.⁹

Effect of the Bill

The bill authorizes each county or municipality that has established an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's or municipality's jurisdiction to develop detailed specifications and standards for repairing or replacing any leaking, damaged, deteriorated, or clogged laterals on such properties. The bill requires the

¹ United States Environmental Protection Agency (EPA), *Private Sewer Laterals* (June 2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf> (last visited Mar. 1, 2021).

² *Id.* at 1-2.

³ *Id.* at 2.

⁴ *Id.* at 4.

⁵ Florida Building Code – Plumbing, 6th edition (July 2017) ch. 7, s. 701.2.

⁶ Florida Building Code – Plumbing, 6th edition (July 2017) ch. 7, s. 701.3.

⁷ Ch. 30.02, s. 4.2(k), City of Orlando Code of Ordinances; Chapter 20, article IX, s. 20-110(d), City of Tarpon Springs Code of Ordinances.

⁸ Chapter 2020-158, Laws of Fla.; ss. 125.569 and 166.0481, F.S.

⁹ Sections 125.569(2) and 166.0481(2), F.S.

specifications and standards to accord with industry standards for such work and provides guidance as to the specific standards the local governments may consult.

If specifications and standards have been developed, beginning July 1, 2023, the bill authorizes a county or municipality to access residential or commercial properties to clean, repair, recondition, or replace the sanitary sewer laterals and to reestablish a sealed sanitary sewer system as originally designed for the safe and proper transfer and conveyance of sewage from the property to the wastewater treatment plant.

The bill specifies that before a county or municipality accesses a residential or commercial property, it must notify the property owner by mail at least 14 days before the start of the project of the county's or municipality's intent to access the property to clean, repair, recondition, or replace the sanitary sewer lateral. The notice must:

- Provide a proposed timeline and plan for the completion of the sanitary sewer lateral project.
- Provide an estimate of the start and completion dates.
- Inform the property owner that the owner will be completely indemnified and held harmless in the process and will assume no liability or responsibility for accidents or problems that may occur during the project.
- State that the county or municipality, by way of the contractor procured to perform the work, will restore the property to the prework condition or better and must incur any and all costs associated with the sanitary sewer lateral project.

B. SECTION DIRECTORY:

Section 1. Amends s. 125.569, F.S., to authorize counties to develop standards for repairing or replacing sanitary sewer laterals.

Section 2. Amends s. 166.0481, F.S., to authorize municipalities to develop standards for repairing or replacing sanitary sewer laterals.

Section 3. Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill may have an indeterminate negative fiscal impact on counties and municipalities that choose to implement a sanitary sewer lateral program associated with the costs of repairing sanitary sewer laterals, providing notice to property owners, and any damages that may occur during the repair.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate positive fiscal impact on private contractors in counties and municipalities that choose to implement sanitary sewer lateral repairs associated with increased project procurement.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 1, 2021, the Local Administration & Veterans Affairs Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment added the requirement for the specifications and standards adopted by a county or a municipality to accord with industry standards for such activity and provided guidance as to the standards local governments may consult when adopting their own specifications and standards.

This analysis is drafted to the committee substitute as approved by the Local Administration & Veterans Affairs Subcommittee.