

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           providing requirements for independent special  
 6           districts that choose to exercise certain powers;  
 7           providing an exception for certain entities to  
 8           construct or maintain water supply or sewage disposal  
 9           systems; providing an effective date.

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

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 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 that 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, or the county  
 27 | commission for each county in which the independent special  
 28 | district is exercising the authority of this section, ~~shall~~  
 29 | ~~have~~ available to it a comprehensive study and report.

30 | (a) The study and report must include ~~setting forth~~ either  
 31 | or both of the following:

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

45 | 2.(2)(a) The type of treatment and estimate of cost of  
 46 | each sewage disposal plant or system, the purchase, or  
 47 | construction of which is ~~shall be~~ deemed by the county  
 48 | commission or governing board of the independent special  
 49 | district to be desirable and feasible, together with the  
 50 | location thereof and of each integral part, and also setting

51 | forth what sewer improvements, if any, are deemed ~~it deems~~  
 52 | necessary to purchase or construct to protect the health of the  
 53 | inhabitants of the county or independent special district, as  
 54 | applicable, together with the location by terminal points and  
 55 | route of each such improvement, a description thereof by its  
 56 | material, nature, character, and size and an estimate of the  
 57 | cost of its purchase or construction.

58 | (b) If the ~~such~~ study and report reveals, or if it is a  
 59 | fact that any parcel, plot, or area of land proposed to be  
 60 | served by facilities owned and operated by a county or an  
 61 | independent special district pursuant to ~~county-owned and~~  
 62 | ~~operated facilities as contemplated by~~ this chapter is being  
 63 | served by ~~or there is available to it for service such~~  
 64 | facilities ~~which are~~ owned and operated by private individuals,  
 65 | copartnerships, corporations, or associations or service by such  
 66 | facilities is available to the parcel, plot, or area of land,  
 67 | ~~then~~ the county or independent special district is ~~hereby~~  
 68 | prohibited from furnishing the facilities provided by this  
 69 | chapter to such land property without the written consent of the  
 70 | owner or owners of the ~~such~~ privately owned and operated  
 71 | facilities.

72 | (c) The obtaining of ~~such~~ surveys, investigations,  
 73 | studies, borings, maps, plans, drawings, and estimates pursuant  
 74 | to this subsection serves ~~is hereby declared to be a public~~  
 75 | ~~county~~ purpose and the costs thereof may be paid out of the

76 | general funds of the county or independent special district.

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

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

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

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

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