

## Committee Substitute for Senate Bill No. 1030

An act relating to water resources; amending s. 403.852, F.S.; redefining the terms “public water system,” “noncommunity water system,” “nontransient noncommunity water system,” and “transient noncommunity water system”; amending s. 403.853, F.S.; requiring the Department of Environmental Protection to adopt primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; providing that certified operators are not required for certain transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the Department of Environmental Protection to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; requiring the Department of Environmental Protection to waive on a case-by-case basis certain disinfection and operator requirements applicable to transient noncommunity water systems; amending s. 403.589, F.S.; providing that it is a violation for failure to comply with certain permit requirements; amending s. 403.861, F.S.; authorizing the Department of Environmental Protection to issue permits for altering or extending a public water system based on the size of the system under certain circumstances; requiring suppliers of water to submit periodic operating reports and testing data which may include certain raw water data; amending s. 403.865, F.S.; providing a legislative finding that the operation of water and wastewater treatment systems must be operated by qualified personnel; amending s. 403.866, F.S.; redefining the terms “operator” and “water distribution system”; amending s. 403.867, F.S.; requiring water distribution system operators to be licensed; amending s. 403.871, F.S.; requiring the Department of Environmental Protection to establish certain fees sufficient to cover the entire cost of administering ss. 403.865-403.876, F.S., relating to water and wastewater operator certification; amending s. 403.872, F.S.; requiring any person to be licensed as a water distribution system operator to take the licensure examination; amending s. 403.875, F.S.; prohibiting any person from performing the duties of an operator of a water distribution system unless licensed; amending s. 403.88, F.S.; requiring the Department of Environmental Protection to classify water treatment plants and water distribution systems by size, complexity, and level of treatment necessary to render the source water suitable for its intended purpose; requiring the Department of Environmental Protection to establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators; providing a water treatment plant operator’s license is also valid as a water distribution system license of the same classification or lower; amending s. 403.1832, F.S.; conforming a cross-reference; amending s. 403.1835, F.S.; providing a definition of local governmental agencies; amending s. 373.323, F.S.; providing continuing education requirements for water well contractors; authorizing water well contractors to install and repair certain equipment on water systems;

amending s. 373.324, F.S.; providing continuing education requirements for license renewal; repealing s. 403.1821, F.S., relating to the short title of the “Florida Water Pollution Control and Sewage Treatment Plant Grant Act”; repealing s. 403.1822, F.S., relating to definitions; repealing s. 403.1823, F.S., relating to rulemaking authority; repealing s. 403.1826, F.S., relating to grants and requirements for eligibility; repealing s. 403.1829, F.S., relating to funding project priorities; providing an effective date.

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

Section 1. Subsections (2), (4), and (17) of section 403.852, Florida Statutes, are amended, and subsection (18) is added to that section, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(2) “Public water system” means a ~~community, nontransient noncommunity, or noncommunity~~ system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances if, provided that such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a noncommunity water system. The term “public water system” includes:

(a) Any collection, treatment, storage, and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system.

(b) Any collection or pretreatment storage facility or facilities not under control of the operator of such system but used primarily in connection with such system.

(4) “Noncommunity water system” means a public water system ~~that for provision to the public of piped water for human consumption, which serves at least 25 individuals daily at least 60 days out of the year, but which is not a community water system; except that a water system for a wilderness educational camp is a noncommunity water system.~~ A noncommunity water system is either a nontransient noncommunity water system or a transient noncommunity water system.

(17) “Nontransient noncommunity water system” means a noncommunity public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

(18) “Transient noncommunity water system” means a noncommunity water system that has at least 15 service connections or regularly serves at least 25 persons daily at least 60 days out of the year but that does not regularly serve 25 or more of the same persons for more than 6 months per year.

Section 2. Subsections (1) and (6) of section 403.853, Florida Statutes, are amended to read:

## 403.853 Drinking water standards.—

(1) The department shall adopt and enforce:

(a)1. State primary drinking water regulations that shall be no less stringent at any given time than the complete interim or revised national primary drinking water regulations in effect at such time; and

2. State secondary drinking water regulations patterned after the national secondary drinking water regulations.

(b) Primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems, which shall be no more stringent than the corresponding national primary or secondary drinking water regulations in effect at such time, except that nontransient, noncommunity systems shall monitor and comply with additional primary drinking water regulations as determined by the department.

(6) Upon the request of the owner or operator of a transient noncommunity water system serving businesses, other than restaurants or other public food service establishments, and using groundwater as a source of supply, the department, or a local county health department designated by the department, shall perform a sanitary survey of the facility. Upon receipt of satisfactory survey results according to department criteria, the department shall reduce the requirements of such owner or operator from monitoring and reporting on a quarterly basis to performing these functions on an annual basis. Any revised monitoring and reporting schedule approved by the department under this subsection shall apply until such time as a violation of applicable state or federal primary drinking water standards is determined by the system owner or operator, by the department, or by an agency designated by the department, after a random or routine sanitary survey. Certified operators are not required for transient noncommunity water systems of the type and size covered by this subsection. Any reports required of such system shall be limited to the minimum as required by federal law. When not contrary to the provisions of federal law, the department may, upon request and by rule, waive additional provisions of state drinking water regulations for such systems.

Section 3. Subsection (3) of section 403.8532, Florida Statutes, is amended to read:

## 403.8532 Drinking water state revolving loan fund; use; rules.—

(3) The department is authorized to make loans to community water systems, nonprofit transient noncommunity water systems, and nonprofit nontransient noncommunity water systems to assist them in planning, designing, and constructing public water systems, unless such public water systems are for-profit privately owned or investor-owned systems that regularly serve 1,500 service connections or more within a single certified or franchised area. However, a for-profit privately owned or investor-owned public water system that regularly serves 1,500 service connections or more within a single certified or franchised area may qualify for a loan only if the

proposed project will result in the consolidation of two or more public water systems. The department is authorized to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Public water systems are authorized to borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed. The department shall administer loans so that amounts credited to the Drinking Water Revolving Loan Trust Fund in any fiscal year are reserved for the following purposes:

- (a) At least 15 percent to qualifying small public water systems.
- (b) Up to 15 percent to qualifying financially disadvantaged communities.
- (c) However, if an insufficient number of the projects for which funds are reserved under this paragraph have been submitted to the department at the time the funding priority list authorized under this section is adopted, the reservation of these funds shall no longer apply. The department may award the unreserved funds as otherwise provided in this section.

Section 4. Subsections (4), (5), and (8) of section 403.854, Florida Statutes, are amended to read:

403.854 Variances, exemptions, and waivers.—

(4)(a) The department shall, except upon a showing of good cause, waive on a case-by-case basis any disinfection chlorination requirement applicable to transient noncommunity water systems using ground water as a source of supply upon an affirmative showing by the supplier of water that no hazard to health will result. This showing shall be based upon the following:

1. The completion of a satisfactory sanitary survey;
2. The history of the quality of water provided by the system and monthly monitoring tests for bacteriological contamination;
3. Evaluation of the well and the site on which it is located, including geology, depth of well, casing, grouting, and other relevant factors which have an impact on the quality of water supplied; and
4. The number of connections and size of the distribution system.

(b) The department may as a condition of waiver require a monitoring program of sufficient frequency to assure that safe drinking water standards are being met.

(5) The department shall, except upon a showing of good cause, waive on a case-by-case basis any requirement for a certified operator for a transient nontransient noncommunity or noncommunity water system using ground water as a source of supply having a design flow of less than 10,000 gallons per day upon an affirmative showing by the supplier of water that the system can be properly maintained without a certified operator. The department shall consider:

- (a) The results of a sanitary survey if deemed necessary;
- (b) The operation and maintenance records for the year preceding an application for waiver;
- (c) The adequacy of monitoring procedures for maximum contaminant levels included in primary drinking water regulations;
- (d) The feasibility of the supplier of water becoming a certified operator; and
- (e) Any threat to public health that could result from nonattendance of the system by a certified operator.

(8) Neither the department nor any of its employees shall be held liable for money damages for any injury, sickness, or death sustained by any person as a result of drinking water from any transient noncommunity water system granted a waiver under subsection (4) or subsection (5).

Section 5. Subsection (6) of section 403.859, Florida Statutes, is amended to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(6) Failure by a supplier of water to comply with the requirements of a permit issued under s. 403.861(7) any approved plans and specifications or condition to the approval of plans and specifications issued by the department pursuant to this act.

Section 6. Subsections (7), (10), and (17) of section 403.861, Florida Statutes, are amended to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(7) Issue permits for constructing, altering, extending, or operating a public water ~~supply~~ system, based upon the size of the system, type of treatment provided by the system, or population served by the system. The department may issue a permit for a public water system based upon review of a preliminary design report or plans and specifications and a completed permit application form and other required information as set forth in department rule.

(10) Review ~~Require~~ department or county health department review and approve record drawings approval of complete plans and specifications prior to allowing the installation, operation, alteration, or extension of any new, altered, or extended public water system for which a valid permit has been issued under subsection (7).

(17) Require suppliers of water to submit periodic operating reports and testing data which the department determines are reasonably necessary to

ascertain the adequacy of water supply systems. The information may include raw water data to determine whether additional treatment will be required to ensure that water at the consumer's tap meets applicable drinking water standards and action levels.

Section 7. Section 403.865, Florida Statutes, is amended to read:

403.865 Water and wastewater facility personnel; legislative purpose.—The Legislature finds that the threat to the public health and the environment from the operation of water and wastewater treatment plants and water distribution systems mandates that qualified personnel operate these facilities. It is the legislative intent that any person who performs the duties of an operator and who falls below minimum competency or who otherwise presents a danger to the public be prohibited from operating a plant or system in this state.

Section 8. Subsections (3) and (5) of section 403.866, Florida Statutes, are amended to read:

403.866 Definitions; ss. 403.865-403.876.—As used in ss. 403.865-403.876, the term:

(3) “Operator” means any person, including the owner, who is in onsite charge of the actual operation, supervision, and maintenance of a water treatment plant, water distribution system, or domestic wastewater treatment plant and includes the person in onsite charge of a shift or period of operation during any part of the day.

(5) “Water distribution system” means those components of a public water system used in conveying water for human consumption from the water treatment plant to the consumer's property, including pipes, tanks, pumps, pipelines, conduits, pumping stations, and all other constructed conveyances structures, devices, appurtenances, and facilities used specifically for such purpose.

Section 9. Section 403.867, Florida Statutes, is amended to read:

403.867 License required.—A person may not perform the duties of an operator of a water treatment plant, water distribution system, or a domestic wastewater treatment plant unless he or she holds a current operator's license issued by the department.

Section 10. Section 403.871, Florida Statutes, is amended to read:

403.871 Fees.—The department shall, by rule, establish fees to be paid by persons seeking licensure or license renewal to cover the entire cost to the department of administering ss. 403.865-403.876, including, but not limited to, the costs associated with ~~for~~ application review and examination, reexamination, licensing and renewal, renewal of an inactive license, reactivation of an inactive license, recordmaking, and recordkeeping, and the costs of ensuring compliance with ss. 403.865-403.876. The fees for license application and license renewal shall be nonrefundable. The department shall establish fees adequate to administer and implement ss. 403.865-403.876.

(1) The application fee may not exceed \$100 and is not refundable.

(2) The renewal fee may not exceed \$100 and is not refundable.

(3) All fees collected under this section must be deposited into the Water Quality Assurance Trust Fund. The fees shall be used exclusively to implement the provisions of ss. 403.865-403.876.

Section 11. Subsections (1) and (3) of section 403.872, Florida Statutes, are amended to read:

403.872 Requirements for licensure.—

(1) Any person desiring to be licensed as a water treatment plant operator, a water distribution system operator, or a domestic wastewater treatment plant operator must apply to the department to take the licensure examination.

(3) The department shall license as an operator any applicant who has passed the examination and meets the other criteria established under this section.

Section 12. Paragraphs (a), (b), and (f) of subsection (1) of section 403.875, Florida Statutes, are amended to read:

403.875 Prohibitions; penalties.—

(1) A person may not:

(a) Perform the duties of an operator of a water treatment plant, water distribution system, or domestic wastewater treatment plant unless he or she is licensed under ss. 403.865-403.876.

(b) Use the name or title “water treatment plant operator,” “water distribution system operator,” or “domestic wastewater treatment plant operator” or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an operator, or otherwise holds himself or herself out as an operator, unless the person is the holder of a valid license issued under ss. 403.865-403.876.

(f) Employ unlicensed persons to perform the duties of an operator of a water treatment or domestic wastewater treatment plant or a water distribution system.

Section 13. Section 403.88, Florida Statutes, is amended to read:

403.88 Classification of water and wastewater treatment facilities and facility operators.—

(1) The department shall classify water treatment plants, ~~and wastewater treatment plants~~, and water distribution systems by size, complexity, and level of treatment necessary to render the wastewater or source water suitable for its intended purpose in compliance with this chapter and department rules.

(2) The department shall establish the levels of certification and the staffing requirements for water treatment plant, water distribution system, and wastewater treatment plant operators certified under ss. 403.865-403.876 necessary to carry out subsection (1).

(3) A water treatment plant operator's license is also valid as a water distribution system license of the same classification or lower.

~~(4)~~(3) The department shall adopt rules necessary to carry out this section.

Section 14. Subsection (1) of section 403.1832, Florida Statutes, is amended to read:

403.1832 Department to accept federal aid; Grants and Donations Trust Fund.—

(1) The department is designated as the administrative agency of the state to apply for and accept any funds or other aid and to cooperate and enter into contracts and agreements with the Federal Government relating to the planning, design, construction, operation, maintenance, and enforcement activities of the program to provide clean air and water and pollution abatement of the air and waters of the state, including solid waste management, hazardous waste management, and ecosystem management and restoration, or to any other related environmental purposes authorized by the Congress of the United States. The department may, in the name of the state, make such applications, sign such documents, give such assurances, and do such other things as are necessary to obtain such aid from or cooperate with the United States Government or any agency thereof. The department may consent to enter into contracts and agreements and cooperate with any other state agency, local governmental agency, person, or other state when it is necessary to carry out the provisions of this section ~~ss. 403.1821-403.1832~~.

Section 15. Paragraph (a) of subsection (2) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(2) For the purposes of this section, the term:

(a) “Local governmental agencies” refers to any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing, acting jointly in connection with a project having jurisdiction over collection, transmission, treatment, or disposal of sewage, industrial wastes, stormwater, or other wastes and includes a district or authority the principal responsibility of which is to provide airport, industrial or research park, or port facilities to the public means local governmental agencies as defined in s. 403.1822(3).

Section 16. Subsection (5) is amended and subsection (10) is added to section 373.323, Florida Statutes, to read:

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

(5) The water management district shall issue a water well contracting license to any applicant who receives a passing grade on the examination, has paid the initial application fee, take and completes, to the satisfaction of the department a minimum of 12 hours of approved coursework, and has complied with the requirements of this section. A passing grade on the examination shall be as established by the department by rule. A license issued by any water management district shall be valid in every water management district in the state.

(10) Water well contractors licensed pursuant to this section shall be authorized to install, repair and modify pumps and tanks in accordance with the Florida Building Code, chapter 29; Section 612—Well Pumps and Tanks Used for Private Potable Water Systems. In addition, licensed water well contractors shall be able to install pumps, tanks, and water conditioning equipment for all water well systems.

Section 17. Section 373.324, Florida Statutes, is amended to read:

373.324 License renewal.—

(1) A water well contractor shall submit an application for renewal of a license to the water management district which issued the license.

(2) The water management district shall renew a license upon receipt of the renewal application, proof of completion of 12 classroom hours of continuing education for each renewal cycle, and renewal fee.

(3) The department shall prescribe by rule the method for renewal of license which shall include continuing education requirements of not less than 12 classroom hours for each renewal cycle.

~~(4)~~(3) The department shall adopt rules establishing a procedure for the biennial renewal of licenses, which shall be adopted by each water management district.

~~(5)~~(4) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the qualifications for reactivation in s. 373.325.

~~(6)~~(5) At least 60 days prior to the automatic reversion of a license to inactive status, the water management district shall mail a notice of such reversion to the last known address of the licensee.

Section 18. Sections 403.1821, 403.1822, 403.1823, 403.1826, and 403.1829, Florida Statutes, are repealed.

Section 19. This act shall take effect July 1, 2001.

Approved by the Governor June 19, 2001.

Filed in Office Secretary of State June 19, 2001.