

CHAPTER 2023-204

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 162

An act relating to water and wastewater facility operators; amending s. 403.865, F.S.; revising legislative findings and intent; defining the term “water and wastewater facility personnel”; amending s. 403.867, F.S.; conforming a provision to changes made by the act; creating s. 403.8721, F.S.; requiring the Department of Environmental Protection to issue water treatment plant operator licenses, water distribution system operator licenses, and domestic wastewater treatment plant operator licenses by reciprocity to certain applicants; providing licensure requirements; authorizing the department to issue temporary operator licenses during a declared state of emergency; requiring the department to waive the application fee for temporary operator licenses; requiring the department to adopt rules; providing an effective date.

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

Section 1. Section 403.865, Florida Statutes, is amended to read:

403.865 Water and wastewater facility personnel; legislative purpose.

(1) The Legislature finds that:

(a) Water and wastewater services are essential to the health and well-being of all citizens.

(b) Water and wastewater facility personnel are essential first responders. As used in this section, the term “water and wastewater facility personnel” means any employee of a governmental authority as defined in s. 367.021; a utility as defined in s. 367.021; a state, municipal, or county sewerage system as defined in s. 403.031(9); or a public water system as defined in s. 403.852(2).

(c) 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.

(2) It is the legislative intent of the Legislature 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 2. 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 an active and valid

~~operator a current operator's~~ license issued by the department under s. 403.872 or s. 403.8721.

Section 3. Section 403.8721, Florida Statutes, is created to read:

403.8721 Requirements for licensure by reciprocity.—

(1) The department shall issue a license by reciprocity to any applicant who, at a minimum, meets all of the following requirements:

(a) Is a water treatment plant operator, water distribution system operator, or domestic wastewater treatment plant operator and holds an active and valid license from another state, the Federal Government, a territory or tribal government that has been designated as the primary agency by the United States Environmental Protection Agency, or any unit thereof for which the licensure requirements, including education and operational experience, are comparable to or exceed the licensure requirements of s. 403.872.

(b) Has passed a licensure examination comparable to the licensure examination of the department, subject to approval by the department.

(c) Is not the subject of a disciplinary or enforcement action outside this state at the time of application for reciprocal licensure.

(d) Submits a completed application for reciprocal licensure and any required supporting documentation.

(e) Remits the application fee.

(2) The department shall issue a license by reciprocity to any applicant who has performed duties comparable to a water treatment plant operator, water distribution system operator, or domestic wastewater treatment plant operator while serving in the United States Armed Forces for which the requirements for performing the duties, including education and operational experience, are comparable to or exceed the licensure requirements of s. 403.872.

(a) Any person applying for a license by reciprocity under this subsection must, at a minimum, meet all of the following requirements:

1. Have passed a skill assessment or competency examination comparable to the licensure examination of the department, subject to approval by the department.

2. Not have been the subject of a disciplinary or enforcement action at the time of application for reciprocal licensure.

3. Submit a completed application for reciprocal licensure and any required supporting documentation.

4. Remit the application fee.

(b) If an applicant does not meet the requirements for licensure under subparagraphs (a)1. and 2., the department must award education and operational experience credits for licensure under s. 403.872.

(3) During a state of emergency declared pursuant to s. 252.36, the department:

(a) May issue a temporary water treatment plant operator license, water distribution system operator license, or domestic wastewater treatment plant operator license by reciprocity to any applicant who meets the requirements of subsection (1) or subsection (2).

(b) Shall waive the application fee for a temporary operator license under this subsection.

(4) The department shall adopt rules to implement this section.

Section 4. This act shall take effect July 1, 2023.

Approved by the Governor June 9, 2023.

Filed in Office Secretary of State June 9, 2023.