

1                   A bill to be entitled  
2           An act relating to water protection; amending  
3           s. 403.8532, F.S.; authorizing the Department  
4           of Environmental Protection to make loans to  
5           certain public water systems; authorizing use  
6           of certain federal Safe Drinking Water Act  
7           funds for specified purposes; providing loan  
8           criteria, requirements, and limitations;  
9           providing for department rules; requiring an  
10          annual report; providing for audits; providing  
11          for loan service fees; providing for  
12          disposition of funds; providing for default;  
13          providing penalties for delinquent payments or  
14          noncompliance with loan terms and conditions;  
15          amending s. 403.860, F.S.; authorizing  
16          administrative penalties for failure of a  
17          public water system to comply with the Florida  
18          Safe Drinking Water Act; providing for rules  
19          and procedures; creating s. 403.8615, F.S.;  
20          requiring certain new water systems to  
21          demonstrate specified technical, managerial,  
22          and financial capabilities; creating s.  
23          403.865, F.S.; providing legislative findings  
24          and intent relating to operation of water and  
25          wastewater treatment facilities by qualified  
26          personnel; creating s. 403.866, F.S.; providing  
27          definitions; creating s. 403.867, F.S.;  
28          requiring such operators to be licensed by the  
29          department; creating s. 403.868, F.S.;  
30          authorizing a utility to have more stringent  
31          requirements; creating s. 403.869, F.S.;

1 authorizing department rules; creating s.  
2 403.87, F.S.; authorizing appointment of a  
3 technical advisory council for water and  
4 domestic wastewater operator certification;  
5 creating s. 403.871, F.S.; providing for  
6 application and examination, reexamination,  
7 licensure, renewal, and recordmaking and  
8 recordkeeping fees; providing for disposition  
9 thereof; creating s. 403.872, F.S.; specifying  
10 requirements for licensure; creating s.  
11 403.873, F.S.; providing for biennial license  
12 renewal; creating s. 403.874, F.S.; providing  
13 for inactive status and reactivation of  
14 inactive licenses; creating s. 403.875, F.S.;  
15 specifying prohibited acts; providing a  
16 penalty; creating s. 403.876, F.S.; requiring  
17 the department to establish grounds for  
18 disciplinary actions; providing for an  
19 administrative fine; providing for transfer of  
20 powers and duties relating to regulation of  
21 operators of water treatment plants and  
22 domestic wastewater treatment plants from the  
23 Department of Business and Professional  
24 Regulation to the Department of Environmental  
25 Protection; providing for continuation of  
26 certain rules; providing a grandfather  
27 provision for operators certified prior to the  
28 transfer; amending s. 403.087, F.S.; increasing  
29 the maximum term for issuance of permits for  
30 stationary water pollution sources; specifying  
31 conditions for renewing operation permits for

1 domestic wastewater treatment facilities for an  
 2 extended term at the same fee; requiring the  
 3 department to keep certain records; amending s.  
 4 403.0871, F.S.; correcting cross references;  
 5 amending s. 403.0872; clarifying air pollution  
 6 fee deadline; repealing ss. 468.540, 468.541,  
 7 468.542, 468.543, 468.544, 468.545, 468.546,  
 8 468.547, 468.548, 468.549, 468.550, 468.551,  
 9 and 468.552, F.S., relating to water and  
 10 wastewater treatment plant operator  
 11 certification by the Department of Business and  
 12 Professional Regulation; providing an  
 13 appropriation; amending s. 367.022, F.S.;  
 14 providing regulatory exemptions for nonpotable  
 15 irrigation water, under certain circumstances;  
 16 deregulating bulk supplies of water for sale or  
 17 resale; amending s. 193.625, F.S.; allowing  
 18 high-water recharge assessments when lands will  
 19 be used primarily for bona fide high-water  
 20 recharge purposes for a period of at least 5  
 21 years; amending s. 403.1835, F.S.; expanding  
 22 the sewage treatment facilities revolving loan  
 23 program to provide loans to local governmental  
 24 agencies for construction of stormwater  
 25 management systems; defining "stormwater  
 26 management system"; providing additional  
 27 responsibilities of local governments under the  
 28 program; providing priority for certain  
 29 stormwater management system projects;  
 30 providing for funding; providing an effective  
 31 date.

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

2

3 Section 1. Section 403.8532, Florida Statutes, is  
4 amended to read:

5 403.8532 Drinking water state revolving loan fund;  
6 use; rules.--

7 (1) The purpose of this section is to assist in  
8 implementing the legislative declarations of public policy  
9 contained in ss. 403.021 and 403.851 by establishing  
10 infrastructure financing, technical assistance, and source  
11 water protection programs to assist public drinking water  
12 systems in achieving and maintaining compliance with the  
13 Florida Safe Drinking Water Act and the federal Safe Drinking  
14 Water Act, as amended, and to conserve and protect the quality  
15 of waters of the state.

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

17 (a) "Financially disadvantaged community" means the  
18 service area of a project to be served by a public water  
19 system that meets criteria established by department rule and  
20 in accordance with federal guidance.

21 (b) "Local governmental agency" means any  
22 municipality, county, district, or authority, or any agency  
23 thereof, or a combination of two or more of the foregoing  
24 acting jointly in connection with a project, having  
25 jurisdiction over a public water system.

26 (c) "Public water system" means all facilities,  
27 including land, necessary for the treatment and distribution  
28 of water for human consumption and includes public water  
29 systems as defined in s. 403.852 and as otherwise defined in  
30 the federal Safe Drinking Water Act, as amended. Such systems

31

1 may be publicly owned, privately owned, investor-owned, or  
2 cooperatively held.

3 (d) "Small public water system" means a public water  
4 system which regularly serves fewer than 10,000 people.

5 (3) The department is authorized to make loans to  
6 community water systems, nonprofit noncommunity water systems,  
7 and nonprofit nontransient noncommunity water systems to  
8 assist them in planning, designing, and constructing public  
9 water systems, unless such public water systems are for-profit  
10 privately owned or investor-owned systems that regularly serve  
11 1,500 service connections or more within a single certified or  
12 franchised area. However, a for-profit privately owned or  
13 investor-owned public water system that regularly serves 1,500  
14 service connections or more within a single certified or  
15 franchised area may qualify for a loan only if the proposed  
16 project will result in the consolidation of two or more public  
17 water systems. The department is authorized to provide loan  
18 guarantees, to purchase loan insurance, and to refinance local  
19 debt through the issue of new loans for projects approved by  
20 the department. Public water systems are authorized to borrow  
21 funds made available pursuant to this section and may pledge  
22 any revenues or other adequate security available to them to  
23 repay any funds borrowed. The department shall administer  
24 loans so that amounts credited to the Drinking Water Revolving  
25 Loan Trust Fund in any fiscal year are reserved for the  
26 following purposes:

27 (a) At least 15 percent to qualifying small public  
28 water systems.

29 (b) Up to 15 percent to qualifying financially  
30 disadvantaged communities.

31

1           (c) However, if an insufficient number of the projects  
2 for which funds are reserved under this paragraph have been  
3 submitted to the department at the time the funding priority  
4 list authorized under this section is adopted, the reservation  
5 of these funds shall no longer apply. The department may  
6 award the unreserved funds as otherwise provided in this  
7 section.

8           (4) The department is authorized, subject to  
9 legislative appropriation authority and authorization of  
10 positions, to use funds from the annual capitalization grant  
11 for activities authorized under the federal Safe Drinking  
12 Water Act, as amended, such as:

13           (a) Program administration.

14           (b) Technical assistance.

15           (c) Source water protection program development and  
16 implementation, including wellhead and aquifer protection  
17 programs, programs to alleviate water quality and water supply  
18 problems associated with saltwater intrusion, programs to  
19 identify, monitor and assess source waters, and contaminant  
20 source inventories.

21           (d) Capacity development and financial assessment  
22 program development and administration.

23           (e) The costs of establishing and administering an  
24 operator certification program for drinking water treatment  
25 plant operators, to the extent such costs cannot be paid for  
26 from fees.

27  
28 This subsection does not limit the department's ability to  
29 apply for and receive other funds made available for specific  
30 purposes under the federal Safe Drinking Water Act, as  
31 amended.

1           (5) The term of loans made pursuant to this section  
2 shall not exceed 30 years. The interest rate on such loans  
3 shall be no greater than that paid on the last bonds sold  
4 pursuant to s. 14, Art. VII of the State Constitution.

5           (6)(a) The department may provide financial assistance  
6 to financially disadvantaged communities for the purpose of  
7 planning, designing, and constructing public water systems.  
8 Such assistance may include the forgiveness of loan principal.

9           (b) The department shall establish by rule the  
10 criteria for determining whether a public water system serves  
11 a financially disadvantaged community. Such criteria shall be  
12 based on the median household income of the service population  
13 or other reliably documented measures of disadvantaged status.

14           (7) To the extent not allowed by federal law, the  
15 department shall not provide financial assistance for projects  
16 primarily intended to serve future growth.

17           (8) In order to ensure that public moneys are managed  
18 in an equitable, prudent, and cost-effective manner, the total  
19 amount of money loaned to any public water system during a  
20 fiscal year shall be no more than 25 percent of the total  
21 funds available for making loans during that year. The minimum  
22 amount of a loan shall be \$75,000.

23           (9) The department is authorized to make rules  
24 necessary to carry out the purposes of this section and the  
25 federal Safe Drinking Water Act, as amended. Such rules shall:

26           (a) Set forth a priority system for loans based on  
27 public health considerations, compliance with state and  
28 federal requirements relating to public drinking water  
29 systems, and affordability. The priority system shall give  
30 special consideration to the following:

1           1. Projects that provide for the development of  
2 alternative drinking water supply projects and management  
3 techniques in areas where existing source waters are limited  
4 or threatened by saltwater intrusion, excessive drawdowns,  
5 contamination, or other problems;

6           2. Projects that provide for a dependable, sustainable  
7 supply of drinking water and that are not otherwise  
8 financially feasible; and

9           3. Projects that contribute to the sustainability of  
10 regional water sources.

11           (b) Establish the requirements for the award and  
12 repayment of financial assistance.

13           (c) Require adequate security to ensure that each loan  
14 recipient can meet its loan repayment requirements.

15           (d) Require each project receiving financial  
16 assistance to be cost-effective, environmentally sound,  
17 implementable, and self-supporting.

18           (e) Implement other provisions of the federal Safe  
19 Drinking Water Act, as amended.

20           (10) The department shall prepare a report at the end  
21 of each fiscal year, detailing the financial assistance  
22 provided under this section, service fees collected, interest  
23 earned, and loans outstanding.

24           (11) Prior to approval of a loan, the local government  
25 or public water system shall, at a minimum:

26           (a) Provide a repayment schedule.

27           (b) Submit evidence of the permissibility or  
28 implementability of the project proposed for financial  
29 assistance.

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1       (c) Submit plans and specifications, biddable contract  
2 documents, or other documentation of appropriate procurement  
3 of goods and services.

4       (d) Provide assurance that records will be kept using  
5 accepted government accounting standards and that the  
6 department and the Auditor General, or their agents will have  
7 access to all records pertaining to the loan.

8       (e) Provide assurance that the public water system  
9 will be properly operated and maintained in order to achieve  
10 or maintain compliance with the requirements of the Florida  
11 Safe Drinking Water Act and the federal Safe Drinking Water  
12 Act, as amended.

13       (f) Document that the public water system will be  
14 self-supporting.

15       (12) The department may conduct an audit of the loan  
16 project upon completion, or may require that a separate  
17 project audit, prepared by an independent certified public  
18 accountant, be submitted.

19       (13) The department may require reasonable service  
20 fees on loans made to public water systems to ensure that the  
21 Drinking Water Revolving Loan Trust Fund will be operated in  
22 perpetuity and to implement the purposes authorized under this  
23 section. Service fees shall not be less than 2 percent nor  
24 greater than 4 percent of the loan amount exclusive of the  
25 service fee. Service fee revenues shall be deposited into the  
26 department's Grants and Donations Trust Fund. The fee  
27 revenues, and interest earnings thereon, shall be used  
28 exclusively to carry out the purposes of this section.

29       (14) All moneys available for financial assistance  
30 under this section shall be deposited in the Drinking Water  
31 Revolving Loan Trust Fund exclusively to carry out the

1 purposes of this section. Any funds therein which are not  
 2 needed on an immediate basis for financial assistance shall be  
 3 invested pursuant to s. 215.49. State revolving fund  
 4 capitalization grants awarded by the Federal Government, state  
 5 matching funds, and investment earnings thereon shall be  
 6 deposited into the fund. The principal and interest of all  
 7 loans repaid and investment earnings thereon shall be  
 8 deposited into the fund.

9 (15)(a) If a local governmental agency defaults under  
 10 the terms of its loan agreement, the department shall so  
 11 certify to the Comptroller, who shall forward the amount  
 12 delinquent to the department from any unobligated funds due to  
 13 the local governmental agency under any revenue-sharing or  
 14 tax-sharing fund established by the state, except as otherwise  
 15 provided by the State Constitution. Certification of  
 16 delinquency shall not limit the department from pursuing other  
 17 remedies available for default on a loan, including  
 18 accelerating loan repayments, eliminating all or part of the  
 19 interest rate subsidy on the loan, and court appointment of a  
 20 receiver to manage the public water system.

21 (b) If a public water system owned by a person other  
 22 than a local governmental agency defaults under the terms of  
 23 its loan agreement, the department may take all actions  
 24 available under law to remedy the default.

25 (c) The department may impose a penalty for delinquent  
 26 loan payments in the amount of 6 percent of the amount due, in  
 27 addition to charging the cost to handle and process the debt.  
 28 Penalty interest shall accrue on any amount due and payable  
 29 beginning on the 30th day following the date upon which  
 30 payment is due.

1           (16) The department is authorized to terminate or  
2 rescind a financial assistance agreement when the recipient  
3 fails to comply with the terms and conditions of the  
4 agreement.

5           ~~(1) If federal funds become available for a drinking~~  
6 ~~water state revolving loan fund, the Department of~~  
7 ~~Environmental Protection may use the funds to make grants and~~  
8 ~~loans to the owners of public water systems, as defined in s.~~  
9 ~~403.852(2), and as otherwise authorized by the law making the~~  
10 ~~funds available. The department may adopt rules necessary to~~  
11 ~~satisfy requirements to receive these federal funds and to~~  
12 ~~carry out the provisions of this subsection. The rules shall~~  
13 ~~include, but not be limited to, a priority system based on~~  
14 ~~public health considerations, system type, and population~~  
15 ~~served; requirements for proper system operation and~~  
16 ~~maintenance; and, where applicable, consideration of ability~~  
17 ~~to repay loans.~~

18           ~~(2) The department shall, by January 1, 1995, report~~  
19 ~~to the Legislature the status of any drinking water state~~  
20 ~~revolving fund program authorized by federal law and shall~~  
21 ~~include in the report recommendations as to appropriate and~~  
22 ~~necessary statutory changes to govern its implementation.~~

23           Section 2. Intended Use Plan.--

24           (1) The Florida Legislature recognizes that over 80  
25 percent of the state's population lives in coastal areas and  
26 is dependent on groundwater sources for drinking water  
27 supplies. Further, the Legislature recognizes that saltwater  
28 intrusion is an increased threat to healthful and safe  
29 drinking water supplies.

30           (2) The Intended Use Plan required of the department  
31 under the federal Safe Drinking Water Act, as amended, shall

1 provide, in general, to the maximum extent practicable, that  
2 priority for the use of funds be given to projects that:

3 (a) Address the most serious risk to human health,  
4 especially projects that would develop alternative water  
5 supply in areas with saltwater intrusion problems;

6 (b) Are necessary to ensure compliance with the  
7 requirements of the federal Safe Drinking Water Act, as  
8 amended, including requirements for filtration; and

9 (c) Assist systems most in need on a per-household  
10 basis according to affordability criteria established by the  
11 Department of Environmental Protection by rule.

12 Section 3. Subsection (6) of section 403.860, Florida  
13 Statutes, is renumbered as subsection (7), and a new  
14 subsection (6) is added to said section to read:

15 403.860 Penalties and remedies.--

16 (6) The department is authorized to assess  
17 administrative penalties for failure to comply with the  
18 requirements of the Florida Safe Drinking Water Act.

19 (a)1. Prior to the assessment of an administrative  
20 penalty, the department shall provide the public water system  
21 a reasonable amount of time to complete the corrective action  
22 necessary to bring the system back into compliance.

23 (b)1. At the time of assessment of the administrative  
24 penalty, the department shall give the public water system  
25 notice setting forth the amount assessed, the specific  
26 provision of law, rule, or order alleged to be violated, the  
27 facts alleged to constitute the violation, the corrective  
28 action needed to bring the party into compliance, and the  
29 rights available under chapter 120 to challenge the  
30 assessment. The assessment shall be final and effective,  
31 unless an administrative hearing is requested within 20 days

1 after receipt of the written notice, and shall be enforceable  
2 pursuant to s. 120.69.

3 2. The department shall adopt rules to implement the  
4 provisions of this subsection. The rules shall establish  
5 specific procedures for implementing the penalties and shall  
6 identify assessment amounts. The rules shall authorize the  
7 application of adjustment factors for the purpose of  
8 increasing or decreasing the total amount assessed subsequent  
9 to initial assessment. Such factors may include the lack or  
10 degree of good faith to comply with the requirements, the lack  
11 or degree of willfulness or negligence on the part of the  
12 owner, the compliance history of the public water system, the  
13 economic benefit derived by the failure to comply with the  
14 requirements, and the ability to pay.

15 (c) The amount of the penalties assessed shall be as  
16 follows:

17 1. In the case of a public water system serving a  
18 population of more than 10,000, the penalty shall be not less  
19 than \$1,000 per day per violation.

20 2. In the case of any other public water system, the  
21 penalty shall be adequate to ensure compliance.

22  
23 However, the total amount of the penalty assessed on any  
24 public water system may not exceed \$10,000 per violation.

25 Section 4. Section 403.8615, Florida Statutes, is  
26 created to read:

27 403.8615 Determination of capability and capacity  
28 development.--

29 (1) The department shall require all new community  
30 water systems and new nontransient, noncommunity water systems  
31 seeking to commence operations after October 1, 1999, to

1 demonstrate the technical, managerial, and financial  
2 capabilities to comply with national primary drinking water  
3 regulations as required by the federal Safe Drinking Water  
4 Act, as amended. The department shall establish by rule,  
5 consistent with any federal guidance on capacity development,  
6 the criteria for determining technical, managerial, and  
7 financial capabilities. At a minimum, such water systems  
8 must:

9 (a) Employ or contract for the services of a certified  
10 operator, unless the department has waived this requirement  
11 pursuant to s. 403.854(5).

12 (b) Demonstrate the capabilities to conduct required  
13 monitoring and reporting programs and maintain appropriate  
14 records of such monitoring.

15 (c) Demonstrate financial soundness through the  
16 posting of a bond, creation of a reserve, documentation of an  
17 unreserved revenue source, or other appropriate means  
18 established by department rule.

19 (2) If the department determines that such a water  
20 system can not demonstrate technical, managerial, or financial  
21 capability, a permit may not be issued for that system  
22 pursuant to s. 403.861(7) until the water system has been  
23 determined to have the required capabilities.

24 Section 5. Section 403.865, Florida Statutes, is  
25 created to read:

26 403.865 Purpose.--The Legislature finds that the  
27 threat to the public health and the environment from the  
28 operation of water and wastewater treatment plants mandates  
29 that qualified personnel operate these facilities. It is the  
30 legislative intent that any person who performs the duties of  
31 an operator and who falls below minimum competency or who

1 otherwise presents a danger to the public be prohibited from  
2 operating a plant or system in this state.

3 Section 6. Section 403.866, Florida Statutes, is  
4 created to read:

5 403.866 Definitions.--As used in ss. 403.865-403.876,  
6 the term:

7 (1) "Domestic wastewater collection system" means  
8 pipelines or conduits, pumping stations, and force mains and  
9 all other structures, devices, appurtenances, and facilities  
10 used for collecting or conducting wastes to an ultimate point  
11 for treatment or disposal.

12 (2) "Domestic wastewater treatment plant" means any  
13 plant or other works used for the purpose of treating,  
14 stabilizing, or holding domestic wastes.

15 (3) "Operator" means any person, including the owner,  
16 who is in onsite charge of the actual operation, supervision,  
17 and maintenance of a water treatment plant or domestic  
18 wastewater treatment plant and includes the person in onsite  
19 charge of a shift or period of operation during any part of  
20 the day.

21 (4) "Public water system" has the same meaning as it  
22 has in s. 403.852.

23 (5) "Water distribution system" means those components  
24 of a public water system used in conveying water for human  
25 consumption from the water plant to the consumer's property,  
26 including pipelines, conduits, pumping stations, and all other  
27 structures, devices, appurtenances, and facilities used  
28 specifically for such purpose.

29 (6) "Water treatment plant" means those components of  
30 a public water system used in collection, treatment, and  
31 storage of water for human consumption, whether or not such

1 components are under the control of the operator of such  
2 system.

3 Section 7. Section 403.867, Florida Statutes, is  
4 created to read:

5 403.867 License required.--A person may not perform  
6 the duties of an operator of a water treatment plant or a  
7 domestic wastewater treatment plant unless he or she holds a  
8 current operator's license issued by the department.

9 Section 8. Section 403.868, Florida Statutes, is  
10 created to read:

11 403.868 Requirements by a utility.--A utility may have  
12 more stringent requirements than set by law, including  
13 certification requirements for water distribution systems and  
14 domestic wastewater collection systems operations, except that  
15 a utility may not require a licensed contractor, as defined in  
16 s. 489.105(3) to have any additional license for work in water  
17 distribution systems or domestic wastewater collection  
18 systems.

19 Section 9. Section 403.869, Florida Statutes, is  
20 created to read:

21 403.869 Authority to adopt rules.--The department may  
22 adopt rules necessary to carry out the provisions of ss.  
23 403.865-403.876.

24 Section 10. Section 403.87, Florida Statutes, is  
25 created to read:

26 403.87 Technical advisory council for water and  
27 domestic wastewater operator certification.--Within 90 days of  
28 the effective date of this act, the secretary of the  
29 department shall appoint a technical advisory council as  
30 necessary for the purposes of ss. 403.865-403.876. The  
31 technical advisory council shall meet upon the request of the

1 chair, upon request of a majority of its members, or upon  
2 request of the secretary. Members shall provide for their own  
3 expenses. The council shall consist of not less than five  
4 persons who, collectively, are expert in domestic wastewater  
5 and drinking water treatment, facilities operation, public  
6 health and environmental protection, including at least one  
7 licensed wastewater treatment plant operator and one licensed  
8 water treatment plant operator.

9 Section 11. Section 403.871, Florida Statutes, is  
10 created to read:

11 403.871 Fees.--The department shall, by rule,  
12 establish fees to be paid for application and examination,  
13 reexamination, licensing and renewal, renewal of an inactive  
14 license, reactivation of an inactive license, recordmaking,  
15 and recordkeeping. The department shall establish fees  
16 adequate to administer and implement ss. 403.865-403.876.

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

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

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

25 Section 12. Section 403.872, Florida Statutes, is  
26 created to read:

27 403.872 Requirements for licensure.--

28 (1) Any person desiring to be licensed as a water  
29 treatment plant operator or a domestic wastewater treatment  
30 plant operator must apply to the department to take the  
31 licensure examination.

1           (2) The department shall examine the qualifications of  
2 any applicant who meets the criteria established by the  
3 department for licensure, submits a completed application, and  
4 remits the required fee.

5           (3) The department shall license as an operator any  
6 applicant who has passed the examination under this section.

7           (4) The department shall establish, by rule, the  
8 criteria for licensure, including, but not limited to, a  
9 requirement of a high school diploma or its equivalent, a  
10 training course approved by the department, and onsite  
11 operational experience.

12           (5) The department may also include a requirement that  
13 an operator must not be the subject of a disciplinary or  
14 enforcement action in another state at the time of application  
15 for licensure in this state.

16           Section 13. Section 403.873, Florida Statutes, is  
17 created to read:

18           403.873 Renewal of license.--

19           (1) The department shall renew a license upon receipt  
20 of the renewal application and fee and in accordance with the  
21 other provisions of ss. 403.865-403.876.

22           (2) The department shall adopt rules establishing a  
23 procedure for the biennial renewal of licenses.

24           Section 14. Section 403.874, Florida Statutes, is  
25 created to read:

26           403.874 Inactive status.--

27           (1) The department shall reactivate an inactive  
28 license upon receipt of the reactivation application and fee.

29           (2) The department shall adopt rules relating to  
30 licenses that have become inactive and for the reactivation of  
31 inactive licenses.

1           Section 15. Section 403.875, Florida Statutes, is  
2 created to read:

3           403.875 Prohibitions; penalties.--

4           (1) A person may not:

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

8           (b) Use the name or title "water treatment plant  
9 operator" or "domestic wastewater treatment plant operator" or  
10 any other words, letters, abbreviations, or insignia  
11 indicating or implying that he or she is an operator, or  
12 otherwise holds himself or herself out as an operator, unless  
13 the person is the holder of a valid license issued under ss.  
14 403.865-403.876.

15           (c) Present as his or her own the license of another.

16           (d) Knowingly give false or forged evidence to the  
17 department.

18           (e) Use or attempt to use a license that has been  
19 suspended, revoked, or placed on inactive or delinquent  
20 status.

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

24           (g) Conceal information relative to any violation of  
25 ss. 403.865-403.876.

26           (2) Any person who violates any provision of this  
27 section commits a misdemeanor of the first degree, punishable  
28 as provided in s. 775.082 or s. 775.083.

29           Section 16. Section 403.876, Florida Statutes, is  
30 created to read:

31           403.876 Grounds for disciplinary action.--

1           (1) The department shall establish, by rule, the  
2 grounds for taking disciplinary action, including suspending  
3 or revoking a valid license, placing a licensee on probation,  
4 refusing to issue a license, refusing to renew a license, or  
5 refusing to reactivate a license, and the imposition of an  
6 administrative fine, not to exceed \$1,000 per count or  
7 offense. The fines collected under this section shall be  
8 deposited into the Water Quality Assurance Trust Fund.

9           (2) The department shall conduct disciplinary  
10 proceedings in accordance with chapter 120.

11           (3) The department shall reissue the license of a  
12 disciplined operator when that operator has complied with all  
13 terms and conditions of the department's final order.

14           Section 17. All powers, duties and functions, rules,  
15 records, personnel, property, and unexpended balances of  
16 appropriations, allocations, or other funds of the Department  
17 of Business and Professional Regulation related to the  
18 classification and regulation of operators of water treatment  
19 plants and domestic wastewater treatment plants are  
20 transferred by a type two transfer, as defined in s. 20.06(2),  
21 Florida Statutes, from the Department of Business and  
22 Professional Regulation to the Department of Environmental  
23 Protection. The Department of Business and Professional  
24 Regulation shall transfer to the Department of Environmental  
25 Protection six positions, along with sufficient supporting  
26 budget, as determined by the Department of Environmental  
27 Protection. The rules of the Department of Business and  
28 Professional Regulation that regulate plant operators remain  
29 in effect until the Department of Environmental Protection has  
30 adopted rules to supersede those of the Department of  
31 Professional and Business Regulation.

1           Section 18. Operators certified by the Department of  
2 Professional and Business Regulation as of the effective date  
3 of this act shall be deemed to be licensed by the Department  
4 of Environmental Protection until the expiration of the term  
5 of their certification.

6           Section 19. Paragraph (g) is added to subsection (7)  
7 of section 163.01, Florida Statutes, 1996 Supplement, to read:

8           163.01 Florida Interlocal Cooperation Act of 1969.--  
9           (7)

10          (g)1. Notwithstanding any other provisions of this  
11 section, any separate legal entity created under this section,  
12 the membership of which is limited to municipalities and  
13 counties of the state, may acquire, own, construct, improve,  
14 operate, and manage public facilities relating to a  
15 governmental function or purpose, including, but not limited  
16 to, wastewater facilities, water or alternative water supply  
17 facilities, and water reuse facilities, which may serve  
18 populations within or outside of the members of the entity.  
19 Notwithstanding s. 367.171(7), any separate legal entity  
20 created under this paragraph is not subject to commission  
21 jurisdiction and may not provide utility services within the  
22 service area of an existing utility system unless it has  
23 received the consent of the utility. The entity may finance or  
24 refinance the acquisition, construction, expansion, and  
25 improvement of the public facility through the issuance of its  
26 bonds, notes, or other obligations under this section. The  
27 entity has all the powers provided by the interlocal agreement  
28 under which it is created or which are necessary to own,  
29 operate, or manage the public facility, including, without  
30 limitation, the power to establish rates, charges, and fees  
31 for products or services provided by it, the power to levy

1 special assessments, the power to sell all or a portion of its  
 2 facility, and the power to contract with a public or private  
 3 entity to manage and operate its facilities or to provide or  
 4 receive services or products. Except as may be limited by the  
 5 interlocal agreement under which the entity is created, all of  
 6 the privileges, benefits, powers, and terms of s. 125.01,  
 7 relating to counties, and s. 166.021, relating to  
 8 municipalities, are fully applicable to the entity. However,  
 9 neither the entity nor any of its members on behalf of the  
 10 entity may exercise the power of eminent domain over the  
 11 facilities or property of any existing water or wastewater  
 12 plant utility system, nor may the entity acquire title to any  
 13 water or wastewater plant utility facilities or property which  
 14 was acquired by the use of eminent domain after the effective  
 15 date of this act. Bonds, notes, and other obligations issued  
 16 by the entity are issued on behalf of the public agencies that  
 17 are members of the entity.

18 2. Any entity created under this section may also  
 19 issue bond anticipation notes in connection with the  
 20 authorization, issuance, and sale of bonds. The bonds may be  
 21 issued as serial bonds or as term bonds or both. Any entity  
 22 may issue capital appreciation bonds or variable rate bonds.  
 23 Any bonds, notes, or other obligations must be authorized by  
 24 resolution of the governing body of the entity and bear the  
 25 date or dates, mature at the time or times, not exceeding 40  
 26 years from their respective dates, bear interest at the rate  
 27 or rates, be payable at the time or times, be in the  
 28 denomination, be in the form, carry the registration  
 29 privileges, be executed in the manner, be payable from the  
 30 sources and in the medium or payment and at the place, and be  
 31 subject to the terms of redemption, including redemption prior

1 to maturity, as the resolution may provide. If any officer  
2 whose signature, or a facsimile of whose signature, appears on  
3 any bonds, notes, or other obligations ceases to be an officer  
4 before the delivery of the bonds, notes, or other obligations,  
5 the signature or facsimile is valid and sufficient for all  
6 purposes as if he or she had remained in office until the  
7 delivery. The bonds, notes, or other obligations may be sold  
8 at public or private sale for such price as the governing body  
9 of the entity shall determine. Pending preparation of the  
10 definitive bonds, the entity may issue interim certificates,  
11 which shall be exchanged for the definitive bonds. The bonds  
12 may be secured by a form of credit enhancement, if any, as the  
13 entity deems appropriate. The bonds may be secured by an  
14 indenture of trust or trust agreement. In addition, the  
15 governing body of the legal entity may delegate, to an  
16 officer, official, or agent of the legal entity as the  
17 governing body of the legal entity may select, the power to  
18 determine the time; manner of sale, public or private;  
19 maturities; rate of interest, which may be fixed or may vary  
20 at the time and in accordance with a specified formula or  
21 method of determination; and other terms and conditions as may  
22 be deemed appropriate by the officer, official, or agent so  
23 designated by the governing body of the legal entity. However,  
24 the amount and maturity of the bonds, notes, or other  
25 obligations and the interest rate of the bonds, notes or other  
26 obligations must be within the limits prescribed by the  
27 governing body of the legal entity and its resolution  
28 delegating to an officer, official, or agent the power to  
29 authorize the issuance and sale of the bonds, notes, or other  
30 obligations.

31

1           3. Bonds, notes, or other obligations issued under  
 2 subparagraph 1. may be validated as provided in chapter 75.  
 3 The complaint in any action to validate the bonds, notes, or  
 4 other obligations must be filed only in the Circuit Court for  
 5 Leon County. The notice required to be published by s. 75.06  
 6 must be published in Leon County and in each county that is a  
 7 member of the entity issuing the bonds, notes, or other  
 8 obligations, or in which a member of the entity is located,  
 9 and the complaint and order of the circuit court must be  
 10 served only on the State Attorney of the Second Judicial  
 11 Circuit and on the state attorney of each circuit in each  
 12 county that is a member of the entity issuing the bonds,  
 13 notes, or other obligations or in which a member of the entity  
 14 is located. Section 75.04(2) does not apply to a complaint for  
 15 validation brought by the legal entity.

16           4. The accomplishment of the authorized purposes of a  
 17 legal entity created under this paragraph is in all respects  
 18 for the benefit of the people of the state, for the increase  
 19 of their commerce and prosperity, and for the improvement of  
 20 their health and living conditions. Since the legal entity  
 21 will perform essential governmental functions in accomplishing  
 22 its purposes, the legal entity is not required to pay any  
 23 taxes or assessments of any kind whatsoever upon any property  
 24 acquired or used by it for such purposes or upon any revenues  
 25 at any time received by it. The bonds, notes, and other  
 26 obligations of an entity, their transfer and the income  
 27 therefrom, including any profits made on the sale thereof, are  
 28 at all times free from taxation of any kind by the state or by  
 29 any political subdivision or other agency or instrumentality  
 30 thereof. The exemption granted in this subparagraph is not  
 31

1 applicable to any tax imposed by chapter 220 on interest,  
 2 income, or profits on debt obligations owned by corporations.

3 Section 20. Subsections (1) and (2) of section  
 4 403.087, Florida Statutes, are amended, present subsections  
 5 (3) through (8) of that section are redesignated as  
 6 subsections (4) through (9), respectively, and new subsection  
 7 (3) is added to that section to read:

8 403.087 Permits; general issuance; denial; revocation;  
 9 prohibition; penalty.--

10 (1) A ~~No~~ stationary installation that is ~~which will~~  
 11 reasonably ~~be~~ expected to be a source of air or water  
 12 pollution must not ~~shall~~ be operated, maintained, constructed,  
 13 expanded, or modified without an appropriate and currently  
 14 valid permit issued by the department, unless exempted by  
 15 department rule. In no event shall a permit for a water  
 16 pollution source be issued for a term of more than 10 ~~5~~ years,  
 17 ~~<U>nor and in no event~~ may an operation permit issued after July  
 18 1, 1992, for a major source of air pollution have a fixed term  
 19 of more than 5 years. However, upon expiration, a new permit  
 20 may be issued by the department in accordance with this  
 21 chapter act and the rules ~~and regulations~~ of the department.

22 (2) The department shall adopt, and may amend, or  
 23 repeal, ~~rules, regulations, and standards~~ for the issuance,  
 24 denial, modification, and revocation of permits under this  
 25 section.

26 (3) A renewal of an operation permit for a domestic  
 27 wastewater treatment facility other than a facility regulated  
 28 under the National Pollutant Discharge Elimination System  
 29 (NPDES) Program under s. 403.0885 must be issued upon request  
 30 for a term of up to 10 years, for the same fee and under the  
 31

1 same conditions as a 5-year permit, in order to provide the  
2 owner or operator with a financial incentive, if:

3 (a) The waters from the treatment facility are not  
4 discharged to Class 1 municipal injection wells or the  
5 treatment facility is not required to comply with the federal  
6 standards under the Underground Injection Control program  
7 under chapter 62-528 of the Florida Administrative Code;

8 (b) The treatment facility is not operating under a  
9 temporary operating permit or a permit with an accompanying  
10 administrative order and does not have any enforcement action  
11 pending against it by the United States Environmental  
12 Protection Agency, the department, or a local program approved  
13 under s. 403.182;

14 (c) The treatment facility has operated under an  
15 operation permit for 5 years and, for at least the preceding 2  
16 years, has generally operated in conformance with the limits  
17 of permitted flows and other conditions specified in the  
18 permit;

19 (d) The department has reviewed the  
20 discharge-monitoring reports required under department rule  
21 and is satisfied that the reports are accurate;

22 (e) The treatment facility has generally met water  
23 quality standards in the preceding 2 years, except for  
24 violations attributable to events beyond the control of the  
25 treatment plant or its operator, such as destruction of  
26 equipment by fire, wind, or other abnormal events that could  
27 not reasonably be expected to occur; and

28 (f) The department, or a local program approved under  
29 s. 403.182, has conducted, in the preceding 12 months, an  
30 inspection of the facility and has verified in writing to the  
31

1 operator of the facility that it is not exceeding the  
2 permitted capacity and is in substantial compliance.

3  
4 The department shall keep records of the number of 10-year  
5 permits applied for and the number and duration of permits  
6 issued for longer than 5 years.

7 Section 21. Section 403.0871, Florida Statutes, 1996  
8 Supplement, is amended to read:

9 403.0871 Florida Permit Fee Trust Fund.--There is  
10 established within the department a nonlapsing trust fund to  
11 be known as the "Florida Permit Fee Trust Fund." All funds  
12 received from applicants for permits pursuant to ss. 161.041,  
13 161.053, 161.0535, 403.087(~~6~~)(5), and 403.861(8) shall be  
14 deposited in the Florida Permit Fee Trust Fund and shall be  
15 used by the department with the advice and consent of the  
16 Legislature to supplement appropriations and other funds  
17 received by the department for the administration of its  
18 responsibilities under this chapter and chapter 161. In no  
19 case shall funds from the Florida Permit Fee Trust Fund be  
20 used for salary increases without the approval of the  
21 Legislature.

22 Section 22. Paragraphs (a)7. and (a)10. of subsection  
23 (11) of section 403.0872, Florida Statutes, 1996 Supplement,  
24 is amended to read:

25 403.0872 Operation permits for major sources of air  
26 pollution; annual operation license fee.--Provided that  
27 program approval pursuant to 42 U.S.C. s. 7661a has been  
28 received from the United States Environmental Protection  
29 Agency, beginning January 2, 1995, each major source of air  
30 pollution, including electrical power plants certified under  
31 s. 403.511, must obtain from the department an operation

1 permit for a major source of air pollution under this section,  
 2 which is the only department operation permit for a major  
 3 source of air pollution required for such source. Operation  
 4 permits for major sources of air pollution, except general  
 5 permits issued pursuant to s. 403.814, must be issued in  
 6 accordance with the following procedures and in accordance  
 7 with chapter 120; however, to the extent that chapter 120 is  
 8 inconsistent with the provisions of this section, the  
 9 procedures contained in this section prevail:

10 (11) Commencing in 1993, each major source of air  
 11 pollution permitted to operate in this state must pay between  
 12 January 15 and March 1 of each year, upon written notice from  
 13 the department, an annual operation license fee in an amount  
 14 determined by department rule. The annual operation license  
 15 fee shall be terminated immediately in the event the United  
 16 States Environmental Protection Agency imposes annual fees  
 17 solely to implement and administer the major source  
 18 air-operation permit program in Florida under 40 C.F.R. s.  
 19 70.10(d).

20 (a) The annual fee must be assessed based upon the  
 21 source's previous year's emissions and must be calculated by  
 22 multiplying the applicable annual operation license fee factor  
 23 times the tons of each regulated air pollutant (except carbon  
 24 monoxide) allowed to be emitted per hour by specific condition  
 25 of the source's most recent construction or operation permit,  
 26 times the annual hours of operation allowed by permit  
 27 condition; provided, however, that:

28 7. If the department has not received the fee by  
 29 February 15 of the calendar year, the permittee must be sent a  
 30 written warning of the consequences for failing to pay the fee  
 31 by March 1. If ~~the department has not received~~ the fee is not

1 postmarked by March 1 of the calendar year, commencing with  
2 calendar year 1997, the department shall impose, in addition  
3 to the fee, a penalty of 50 percent of the amount of the fee,  
4 plus interest on such amount computed in accordance with s.  
5 220.807. The department may not impose such penalty or  
6 interest on any amount underpaid, provided that the permittee  
7 has timely remitted payment of at least 90 percent of the  
8 amount determined to be due and remits full payment within 60  
9 days after receipt of notice of the amount underpaid. The  
10 department may waive the collection of underpayment and shall  
11 not be required to refund overpayment of the fee, if the  
12 amount due is less than 1 percent of the fee, up to \$50. The  
13 department may revoke any major air pollution source operation  
14 permit if it finds that the permitholder has failed to timely  
15 pay any required annual operation license fee, penalty, or  
16 interest.

17       10. Notwithstanding the provisions of s.  
18 403.087~~(6)(5)~~(a)4.a., authorizing air pollution construction  
19 permit fees, the department may not require such fees for  
20 changes or additions to a major source of air pollution  
21 permitted pursuant to this section, unless the activity  
22 triggers permitting requirements under Title I, Part C or Part  
23 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.  
24 Costs to issue and administer such permits shall be considered  
25 direct and indirect costs of the major stationary source  
26 air-operation permit program under s. 403.0873. The department  
27 shall, however, require fees pursuant to the provisions of s.  
28 403.087~~(6)(5)~~(a)4.a. for the construction of a new major  
29 source of air pollution that will be subject to the permitting  
30 requirements of this section once constructed and for  
31 activities triggering permitting requirements under Title I,

1 Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss.  
2 7470-7514a.

3 Section 23. Sections 468.540, 468.541, 468.542,  
4 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, and  
5 468.552, Florida Statutes, and sections 468.549, 468.550, and  
6 468.551, Florida Statutes, as amended by chapter 94-119, Laws  
7 of Florida, are hereby repealed.

8 Section 24. Subsections (11) and (12) are added to  
9 section 367.022, Florida Statutes, 1996 Supplement, to read:

10 367.022 Exemptions.--The following are not subject to  
11 regulation by the commission as a utility nor are they subject  
12 to the provisions of this chapter, except as expressly  
13 provided:

14 (11) Any person providing only nonpotable water for  
15 irrigation purposes in a geographic area where potable water  
16 service is available from a governmentally or privately owned  
17 utility or a private well.

18 (12) The sale for resale of bulk supplies of water to  
19 a governmental authority or to a utility regulated pursuant to  
20 this chapter either by the commission or the county.

21 Section 25. Subsection (5) of section 193.625, Florida  
22 Statutes, 1996 Supplement, is amended to read:

23 193.625 High-water recharge lands; classification and  
24 assessment.--

25 (5)(a) In years in which proper application for  
26 high-water recharge assessment has been made and granted under  
27 this section, for purposes of taxes levied by the county, the  
28 assessment of the land must be based on the formula adopted by  
29 the county as provided in paragraph (b).

30 (b) Counties that choose to have a high-water recharge  
31 protection tax assessment program must adopt by ordinance a

1 formula for determining the assessment of properties  
2 classified as high-water recharge property and a method of  
3 contracting with property owners who wish to be involved in  
4 the program.

5 (c) The contract must include a provision that the  
6 land assessed as high-water recharge land will be used  
7 primarily for bona fide high-water recharge purposes for a  
8 period of at least 5 ~~10~~ years, as determined by the county,  
9 from January 1 of the year in which the assessment is made.  
10 Violation of the contract results in the property owner being  
11 subject to the payment of the difference between the total  
12 amount of taxes actually paid on the property and the amount  
13 of taxes which would have been paid in each previous year the  
14 contract was in effect if the high-water recharge assessment  
15 had not been used.

16 (d) A municipality located in any county that adopts  
17 an ordinance under paragraph (a) may adopt an ordinance  
18 providing for the assessment of land located in the  
19 incorporated areas in accordance with the county's ordinance.

20 (e) Property owners whose land lies within an area  
21 determined to be a high-water recharge area must not be  
22 required to have their land assessed according to the  
23 high-water recharge classification.

24 (f) In years in which proper application for  
25 high-water recharge assessment has not been made, the land  
26 must be assessed under s. 193.011.

27 Section 26. Subsections (3), (4), (6), and (9) of  
28 section 403.1835, Florida Statutes, are amended to read:

29 403.1835 Sewage treatment facilities revolving loan  
30 program.--

31

1           (3) The department is authorized to make loans and  
2 grants to local governmental agencies to assist them in  
3 planning, designing, and constructing sewage treatment  
4 facilities and stormwater management systems.

5           (a) The department is authorized to make loans, ~~use~~  
6 ~~the funds~~ to provide loan guarantees, to purchase loan  
7 insurance, and to refinance local debt through the issue of  
8 new loans for projects approved by the department. Local  
9 governmental agencies are authorized to borrow funds made  
10 available pursuant to this section and may pledge any revenue  
11 available to them to repay any funds borrowed. The department  
12 shall administer loans to local governmental agencies so that  
13 at least 15 percent of each annual allocation for loans is  
14 reserved for small communities.

15           (b) The department may make grants to financially  
16 disadvantaged small communities, as defined in s. 403.1838,  
17 using funds made available from grant allocations on loans  
18 authorized under subsection (4). The grants must be  
19 administered in accordance with s. 403.1838.

20           (c) The department may make grants to local government  
21 agencies as authorized under the Federal Water Pollution  
22 Control Act, or as a result of other federal action. The  
23 grants must be administered in accordance with this section  
24 and applicable federal requirements.

25           (4) The term of loans made pursuant to this section  
26 shall not exceed 30 years. The department may assess grant  
27 allocations on the loans for the purpose of making grants to  
28 financially disadvantaged small communities.~~The combined rate~~  
29 ~~of interest and grant allocations rate~~ on loans shall be no  
30 greater than the interest rate ~~that~~ paid on the last bonds  
31 sold pursuant to s. 14, Art. VII of the State Constitution.

1 The grant allocations on a loan shall be equal to or less than  
2 the interest rate on the loan.

3 (6) Prior to approval of a construction loan, the  
4 local government shall:

5 (a) Provide a repayment schedule.

6 (b) Submit plans and specifications and evidence of  
7 permittability for sewage treatment facilities and stormwater  
8 management systems.

9 (c) Provide assurance that records will be kept using  
10 accepted government accounting standards and that the  
11 department, the Auditor General, or their agents will have  
12 access to all records pertaining to the loan.

13 (d) Provide assurance that the facility will be  
14 properly operated and maintained.

15 (e) Document that the revenues generated will be  
16 sufficient to ensure that the facilities will be  
17 self-supporting.

18 (f) Provide assurance that annual financial audit  
19 reports, and a separate project audit prepared by an  
20 independent certified public accountant upon project  
21 completion, will be submitted to the department.

22 (g) Submit project planning documentation  
23 demonstrating cost-effectiveness, environmental soundness,  
24 public participation, and the implementability of the proposed  
25 sewage treatment facilities and stormwater management systems.

26 (9) Funds for the loans and grants authorized under  
27 this section must be managed as follows:

28 (a) A nonlapsing trust fund with revolving loan  
29 provisions to be known as the "Sewage Treatment Revolving Loan  
30 Fund" is hereby established in the State Treasury to be used  
31 as a revolving fund by the department to carry out the purpose

1 of this section. Any funds therein which are not needed on an  
 2 immediate basis for loans may be invested pursuant to s.  
 3 215.49. The cost of administering the program shall, ~~to the~~  
 4 ~~extent possible,~~ be paid from federal funds and, ~~when federal~~  
 5 ~~funds become no longer available,~~ from reasonable service fees  
 6 that may be imposed upon loans so as to enhance program  
 7 perpetuity. Grants awarded by the Federal Government, state  
 8 matching funds, and investment earnings thereon to fund  
 9 ~~revolving loans for local governmental agencies' sewage~~  
 10 ~~treatment facilities~~ shall be deposited into the fund. All  
 11 moneys available in the fund are hereby designated to carry  
 12 out the purpose of this section. The principal and interest of  
 13 all loans repaid and investment earnings shall be deposited  
 14 into this fund.

15 (b) Revenues from the loan grant allocations  
 16 authorized under subsection (4), federal appropriations, state  
 17 matching funds for grants authorized by federal statute or  
 18 other federal action, and service fees, and all earnings  
 19 thereon, shall be deposited into the department's Grants and  
 20 Donations Trust Fund. Service fees and all earnings thereon  
 21 must be used solely for program administration. The loan grant  
 22 allocation revenues and earnings thereon must be used solely  
 23 for the purpose of making grants to financially disadvantaged  
 24 small communities. Federal appropriations and state matching  
 25 funds for grants authorized by federal statute or other  
 26 federal action, and earnings thereon, must be used solely for  
 27 the purposes authorized. All deposits into the department's  
 28 Grants and Donations Trust Fund under this section, and  
 29 earnings thereon, must be accounted for separately from all  
 30 other moneys deposited into the fund.

31

1           Section 27. Beginning in fiscal year 1998-1999, the  
2 Department of Environmental Protection shall make available up  
3 to 10 percent of the annual revenue received in the Sewage  
4 Treatment Revolving Loan Fund for loans to local governmental  
5 agencies for constructing stormwater management systems  
6 authorized pursuant to s. 403.1835, Florida Statutes. During  
7 this period of time, if the department does not receive  
8 requests for projects to use the funds available for  
9 stormwater management systems, such funds shall be used for  
10 constructing sewage treatment facilities and other activities  
11 authorized by s. 403.1835, Florida Statutes.

12           Section 28. This act shall take effect July 1, 1997.  
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