

By Representative Bainter

1                                   A bill to be entitled  
2           An act relating to water quality; amending s.  
3           376.307, F.S.; providing that certain persons  
4           may be entitled to subsidies or filters from  
5           the Water Quality Assurance Trust Fund under  
6           certain circumstances; amending s. 373.309,  
7           F.S.; authorizing the Department of  
8           Environmental Protection to establish criteria  
9           for the acceptance of certain water quality  
10          testing results; providing an effective date.

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

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14           Section 1. Paragraph (e) of subsection (1) of section  
15   376.307, Florida Statutes, as amended by chapter 96-321, Laws  
16   of Florida, is amended to read:

17           376.307 Water Quality Assurance Trust Fund.--

18           (1) The Water Quality Assurance Trust Fund is intended  
19   to serve as a broad-based fund for use in responding to  
20   incidents of contamination that pose a serious danger to the  
21   quality of groundwater and surfacewater resources or otherwise  
22   pose a serious danger to the public health, safety, or  
23   welfare. Moneys in this fund may be used:

24           (e) To restore or replace contaminated private potable  
25   water wells or water systems. However, funds used as provided  
26   in this paragraph must be expended for water supply systems or  
27   filters for contaminated potable water wells only as follows:

28           1. Persons who have contaminated potable water wells  
29   that were permitted and constructed after January 1, 1989, in  
30   accordance with standards adopted under s. 373.309 are  
31   eligible for:

1           a. Subsidies to connect to existing water supply  
2 systems or extensions thereof. However, the subsidy may not  
3 exceed the present worth of the 10-year cost of providing and  
4 maintaining filters for residents served by the connections;  
5 or

6           b. Filters and filter maintenance to provide treatment  
7 for water from contaminated wells sufficient to ensure its  
8 potability. However, a filter may not be provided for a  
9 potable water well designed to provide water to a household  
10 that is part of a subdivision or development of a size that  
11 would, according to the department, be more effectively served  
12 by a water supply system, if the subdivision or development  
13 received its development order after January 1, 1989.

14           2. Subsidies to develop new water supply systems to be  
15 permitted and constructed after January 1, 1989, in accordance  
16 with standards adopted pursuant to s. 373.309 because of  
17 actual or potential contamination of potable water wells.  
18 However, a subsidy may not exceed one-half of the present  
19 worth of the 10-year cost of providing and maintaining filters  
20 for the residents to be served by the system.

21           3. The most cost-effective remedy, as determined by  
22 the department, for wells drilled before January 1, 1989.

23           4. Persons permitting and constructing potable water  
24 wells on or after July 1, 1996, in accordance with standards  
25 adopted pursuant to s. 373.309 because of actual or potential  
26 contamination, may be eligible for:

27           a. Subsidies or filters as identified in  
28 sub-subparagraphs 1.a. and b.; or

29           b. Subsidies for any increased costs associated with  
30 potable water well construction pursuant to s.  
31 373.309(1)(e)4., provided that no such subsidy shall exceed

1 one-half the cost of the well including testing, or one-half  
2 the present worth of the 10-year cost of providing and  
3 maintaining filters for the residents to be served by said  
4 well, whichever is less, provided that the household is not  
5 part of a subdivision or development of a size that would,  
6 according to the department, be more effectively served by a  
7 water supply system, if such subdivision or development  
8 received its development order on or after July 1, 1996.

9           Section 2. Paragraph (e) of subsection (1) of section  
10 373.309, Florida Statutes, as amended by chapter 96-321, Laws  
11 of Florida, is amended to read:

12           373.309 Authority to adopt rules and procedures.--

13           (1) The department shall adopt, and may from time to  
14 time amend, rules governing the location, construction,  
15 repair, and abandonment of water wells and shall be  
16 responsible for the administration of this part. With respect  
17 thereto, the department shall:

18           (e) Encourage prevention of potable water well  
19 contamination and promote cost-effective remediation of  
20 contaminated potable water supplies by use of the Water  
21 Quality Assurance Trust Fund as provided in s. 376.307(1)(e)  
22 and establish by rule:

23           1. Delineation of areas of groundwater contamination  
24 for implementation of well location and construction, testing,  
25 permitting, and clearance requirements as set forth in  
26 subparagraphs 2., 3., 4., 5., and 6. The department shall make  
27 available to water management districts, regional planning  
28 councils, the Department of Health and Rehabilitative  
29 Services, and county building and zoning departments, maps or  
30 other information on areas of contamination, including areas  
31 of ethylene dibromide contamination. Such maps or other

1 information shall be made available to property owners,  
2 realtors, real estate associations, property appraisers, and  
3 other interested persons upon request and upon payment of  
4 appropriate costs.

5           2. Requirements for testing for suspected  
6 contamination in areas of known contamination, as a  
7 prerequisite for clearance of a water well for drinking  
8 purposes. The department is authorized to establish criteria  
9 for acceptance of water quality testing results from the  
10 Department of Health and Rehabilitative Services and  
11 laboratories certified by the Department of Health and  
12 Rehabilitative Services, and is authorized to establish  
13 requirements for sample collection quality assurance.

14           3. Requirements for mandatory connection to available  
15 potable water systems in areas of known contamination, wherein  
16 the department may prohibit the permitting and construction of  
17 new potable water wells.

18           4. Location and construction standards for public and  
19 all other potable water wells permitted in areas of  
20 contamination. Such standards shall be designed to minimize  
21 the effects of such contamination.

22           5. A procedure for permitting all potable water wells  
23 in areas of known contamination. Any new water well that is to  
24 be used for drinking water purposes and that does not meet  
25 construction standards pursuant to subparagraph 4. must be  
26 abandoned and plugged by the owner. Water management districts  
27 shall implement, through delegation from the department, the  
28 permitting and enforcement responsibilities of this  
29 subparagraph.

30           6. A procedure for clearing for use all potable water  
31 wells, except wells that serve a public water supply system,

1 in areas of known contamination. If contaminants are found  
2 upon testing pursuant to subparagraph 2., a well may not be  
3 cleared for use without a filter or other means of preventing  
4 the users of the well from being exposed to deleterious  
5 amounts of contaminants. The Department of Health and  
6 Rehabilitative Services shall implement the responsibilities  
7 of this subparagraph.

8           7. Fees to be paid for well construction permits and  
9 clearance for use. The fees shall be based on the actual costs  
10 incurred by the water management districts, the Department of  
11 Health and Rehabilitative Services, or other political  
12 subdivisions in carrying out the responsibilities related to  
13 potable water well permitting and clearance for use. The fees  
14 shall provide revenue to cover all such costs and shall be set  
15 according to the following schedule:

16           a. The well construction permit fee may not exceed  
17 \$500.

18           b. The clearance fee may not exceed \$50.

19           8. Procedures for implementing well-location,  
20 construction, testing, permitting, and clearance requirements  
21 as set forth in subparagraphs 2.-6. within areas that research  
22 or monitoring data indicate are vulnerable to contamination  
23 with nitrate, or areas in which the department provides a  
24 subsidy for restoration or replacement of contaminated  
25 drinking water supplies through extending existing water lines  
26 or developing new water supply systems pursuant to s.  
27 376.307(1)(e). The department shall consult with the Florida  
28 Ground Water Association in the process of developing rules  
29 pursuant to this subparagraph.

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1 All fees and funds collected by each delegated entity pursuant  
2 to this part shall be deposited in the appropriate operating  
3 account of that entity.

4 Section 3. This act shall take effect upon becoming a  
5 law.

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8 HOUSE SUMMARY

9  
10 Provides that described persons may be entitled to  
11 subsidies or filters from the Water Quality Assurance  
Trust Fund under described circumstances.

12 Authorizes the Department of Environmental Protection to  
13 establish criteria for the acceptance of described water  
14 quality testing results.

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