

By the Committee on Water & Resource Management and
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, 1996 Supplement, is amended to
16 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, 1997, 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, 1997.

9 Section 2. Paragraph (e) of subsection (1) of section
10 373.309, Florida Statutes, 1996 Supplement, is amended to
11 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 laboratories certified by the
11 Department of Health, and is authorized to establish
12 requirements for sample collection quality assurance.

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

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

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

29 6. A procedure for clearing for use all potable water
30 wells, except wells that serve a public water supply system,
31 in areas of known contamination. If contaminants are found

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

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

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

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

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