

By the Committee on Natural Resources and Senator Latvala

312-2007-00

1 A bill to be entitled
2 An act relating to water management; amending
3 s. 287.042, F.S.; providing requirements to
4 protest contracts administered by water
5 management districts; amending s. 373.083,
6 F.S.; authorizing a water management district
7 governing board to delegate its powers, duties,
8 and functions to district staff; amending s.
9 373.414, F.S.; revising the criteria to be
10 considered in determining the cumulative
11 impacts of activities upon surface waters and
12 wetlands; creating s. 403.065, F.S.; providing
13 findings and declarations; providing for
14 classification and permitting of aquifer
15 storage and recovery wells; providing a zone of
16 discharge for aquifer storage and recovery
17 wells meeting specific criteria; providing
18 monitoring requirements for aquifer storage and
19 recovery wells; requiring an aquifer exemption
20 for aquifer storage and recovery wells
21 exceeding primary drinking water standards
22 other than total coliform bacteria or sodium;
23 requiring the Department of Environmental
24 Protection to make a reasonable effort to issue
25 or deny permits within 90 days; providing the
26 department with rulemaking authority; amending
27 s. 403.0882, F.S.; reorganizing and clarifying
28 provisions; directing the department to adopt
29 rules; creating a technical advisory committee
30 to assist in rule development; providing
31 permitting requirements relating to failure of

1 toxicity tests due to naturally occurring
2 constituents; amending s. 403.061, F.S.;
3 providing an exemption allowing
4 demineralization concentrate mixing zones in
5 Outstanding Florida Waters with specific
6 requirements; amending s. 403.852, F.S.;
7 redefining the terms "public water system,"
8 "noncommunity water system," and "nontransient
9 noncommunity water system," and defining the
10 term "transient noncommunity water system";
11 amending s. 403.853, F.S.; requiring the
12 department to adopt and enforce certain primary
13 and secondary drinking water regulations for
14 nontransient noncommunity water systems and
15 transient noncommunity water systems; amending
16 s. 403.8532, F.S.; authorizing the department
17 to make loans to nonprofit transient
18 noncommunity water systems; amending s.
19 403.854, F.S.; allowing the department to waive
20 disinfection requirements and operator
21 requirements for certain water systems on a
22 case-by-case basis; amending s. 403.866, F.S.;
23 redefining the term "water distribution
24 system"; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (c) of subsection (2) of section
29 287.042, Florida Statutes, is amended to read:

30 287.042 Powers, duties, and functions.--The department
31 shall have the following powers, duties, and functions:

1 (2)

2 (c) Any person who files an action protesting a

3 decision or intended decision pertaining to contracts

4 administered by the department, a water management district,

5 or a state agency pursuant to s. 120.57(3)(b) shall post with

6 the department, the water management district, or the state

7 agency at the time of filing the formal written protest a bond

8 payable to the department, the water management district, or

9 the state agency in an amount equal to 1 percent of the

10 department's, the water management district's, or the state

11 agency's estimate of the total volume of the contract or

12 \$5,000, whichever is less, which bond shall be conditioned

13 upon the payment of all costs which may be adjudged against

14 him or her in the administrative hearing in which the action

15 is brought and in any subsequent appellate court proceeding.

16 For protests of decisions or intended decisions of the

17 department pertaining to agencies' requests for approval of

18 exceptional purchases, the bond shall be in an amount equal to

19 1 percent of the requesting agency's estimate of the contract

20 amount for the exceptional purchase requested or \$5,000,

21 whichever is less. In lieu of a bond, the department, the

22 water management district, or the state agency may, in either

23 case, accept a cashier's check or money order in the amount of

24 the bond. If, after completion of the administrative hearing

25 process and any appellate court proceedings, the water

26 management district or the agency prevails, it shall recover

27 all costs and charges which shall be included in the final

28 order or judgment, excluding attorney's fees. This section

29 shall not apply to protests filed by the Minority Business

30 Advocacy and Assistance Office. Upon payment of such costs and

31 charges by the person protesting the award, the bond,

1 cashier's check, or money order shall be returned to him or
2 her. If the person protesting the award prevails, he or she
3 shall recover from the water management district or the agency
4 all costs and charges which shall be included in the final
5 order of judgment, excluding attorney's fees.

6 Section 2. Subsection (5) is added to section 373.083,
7 Florida Statutes, to read:

8 373.083 General powers and duties of the governing
9 board.--In addition to other powers and duties allowed it by
10 law, the governing board is authorized to:

11 (5) Execute any of the powers, duties, and functions
12 vested in the governing board through a member or members
13 thereof, the executive director, or other district staff as
14 designated by the governing board. The governing board may
15 establish the scope and terms of any delegation. However, if
16 the governing board delegates the authority to take final
17 action on permit applications under part II or part IV, or
18 petitions for variances or waivers of permitting requirements
19 under part II or part IV, the governing board shall provide a
20 process for referring any denial of such application or
21 petition to the governing board to take final action. The
22 authority in this subsection is supplemental to any other
23 provision of this chapter granting authority to the governing
24 board to delegate specific powers, duties, or functions.

25 Section 3. Subsection (8) of section 373.414, Florida
26 Statutes, is amended to read:

27 373.414 Additional criteria for activities in surface
28 waters and wetlands.--

29 (8)(a) The governing board or the department, in
30 deciding whether to grant or deny a permit for an activity
31 regulated under this part shall consider the cumulative

1 impacts upon surface water and wetlands, as delineated in s.
2 373.421(1), within the same drainage basin as defined in s.
3 373.403(9), of:

4 1.(a) The activity for which the permit is sought.

5 2.(b) Projects which are existing or activities
6 regulated under this part which are under construction or
7 projects for which permits or determinations pursuant to s.
8 373.421 or s. 403.914 have been sought.

9 3.(c) Activities which are under review, approved, or
10 vested pursuant to s. 380.06, or other activities regulated
11 under this part which may reasonably be expected to be located
12 within surface waters or wetlands, as delineated in s.
13 373.421(1), in the same drainage basin as defined in s.
14 373.403(9), based upon the comprehensive plans, adopted
15 pursuant to chapter 163, of the local governments having
16 jurisdiction over the activities, or applicable land use
17 restrictions and regulations.

18 (b) If an applicant proposes mitigation within the
19 same drainage basin where adverse effects are to be mitigated
20 and if the mitigation offsets these adverse effects, the
21 governing board and department shall consider the regulated
22 activity to meet the requirements of paragraph (a). However,
23 this paragraph may not be construed to prohibit mitigation
24 outside the drainage basin which offsets the adverse effects
25 within the drainage basin.

26 Section 4. Section 403.065, Florida Statutes, is
27 created to read:

28 403.065 Aquifer Storage and Recovery Wells.--

29 (1) The Legislature finds and declares that it is in
30 the public interest to conserve and protect water resources,
31 provide adequate water supplies, provide for natural systems,

1 and promote quality aquifer storage and recovery projects by
2 removing inappropriate institutional barriers.

3 (2) Aquifer storage and recovery wells shall be
4 classified and permitted according to department rules,
5 consistent with the federal Safe Drinking Water Act. They
6 shall be constructed to prevent violation of state groundwater
7 quality standards at the point of discharge, except as
8 specifically provided in this section.

9 (3) Aquifer storage and recovery wells shall be
10 allowed a zone of discharge for sodium and secondary drinking
11 water standards, provided that the requirements of paragraphs
12 (4)(b), (c), and (d) and subsection (6) are met.

13 (4) Aquifer storage and recovery wells used to inject
14 water from a surfacewater or groundwater source shall be
15 allowed a zone of discharge for total coliform bacteria when
16 the applicant for the aquifer storage and recovery well permit
17 demonstrates, through a risk-based analysis, the following:

18 (a) The groundwater within the zone of discharge
19 contains no less than 1,500 milligrams per liter total
20 dissolved solids;

21 (b) The groundwater within the zone of discharge is
22 not currently being used nor is it reasonably expected to be
23 used as a public or private drinking water supply, except by
24 the permit applicant;

25 (c) The presence of the stored water will not cause
26 any person other than the permit applicant to treat its source
27 water in any way that would not have been required in the
28 absence of the aquifer storage and recovery well;

29 (d) The department has approved a monitoring plan that
30 specifies the number and location of monitor wells, monitoring
31 parameters, and frequency of monitoring;

1 (e) Total coliform bacteria is the only primary
2 drinking water standard other than sodium that will not be met
3 prior to injection;

4 (f) The permit applicant demonstrates that biological
5 contaminants will experience die-off such that primary
6 drinking water standards will be met at the edge of the zone
7 of discharge and that those contaminants will not pose an
8 adverse risk to human health;

9 (g) The permit applicant documents the environmental
10 benefits to be derived from the storage, recovery, and future
11 use of the injected water;

12 (h) The use of the recovered water is consistent with
13 its intended primary purpose; and

14 (i) The storage of water will not endanger drinking
15 water sources, as defined in the federal Safe Drinking Water
16 Act, 42 U.S.C. s. 300h.

17 (5) The department may allow a zone of discharge for
18 sodium, total coliform bacteria, and secondary drinking water
19 standards if the total dissolved solids concentration within
20 the zone of discharge is less than 1,500 milligrams per liter
21 and if the requirements of paragraphs (4)(c)-(i) are satisfied
22 and:

23 (a) The applicant for the aquifer storage and recovery
24 well permit demonstrates that groundwater within the zone of
25 discharge is not currently being used and will not in the
26 future be used as a public or private drinking water supply
27 except by the permit applicant;

28 (b) The permit applicant provides written notice,
29 including specific information about the proposed aquifer
30 storage and recovery project, to each land owner whose
31 property overlies the zone of discharge.

1 (6) A zone of discharge for aquifer storage and
2 recovery wells shall not intersect or include any part of a
3 500-foot radius surrounding any well that uses the injection
4 zone to supply drinking water.

5 (7) The department shall specify in the permit for the
6 aquifer storage and recovery well the vertical and lateral
7 limits of the approved zone of discharge. The zone of
8 discharge limits shall be based on hydrogeological conditions,
9 for which the permit applicant shall provide calculations or
10 the results of modeling that include, but are not limited to,
11 reasonable assumptions about the expected volume of water to
12 be stored and recovered and reasonable assumptions regarding
13 aquifer thickness and porosity. Compliance with the primary
14 drinking water standard for total coliform bacteria, sodium,
15 and the secondary drinking water standards shall be required
16 at the edge of the zone of discharge.

17 (8) After the aquifer storage and recovery well is in
18 operation, groundwater monitoring must demonstrate that
19 biological die-off is occurring, no exceedances of the primary
20 drinking water standards have occurred outside of the zone of
21 discharge, and there is no adverse risk to human health from
22 the injection activity. Failure of the applicant to make this
23 demonstration shall result in revocation of the zone of
24 discharge.

25 (9) If drinking water supply wells are present in the
26 injection zone within 2.5 miles of the edge of the zone of
27 discharge, additional monitor wells may be required to detect
28 the possible movement of injected fluids in the direction of
29 the drinking water wells.

30 (10) Monitor wells shall be sampled at least monthly
31 for the parameters specified in the permit for the aquifer

1 storage and recovery well. The department may modify the
2 monitoring requirements if necessary to provide reasonable
3 assurance that underground sources of drinking water are
4 adequately protected.

5 (11) An aquifer exemption shall be obtained prior to
6 injection if the injection fluid exceeds any primary drinking
7 water standard maximum contaminant level other than total
8 coliform bacteria or sodium, or if the injection fluid may
9 adversely affect the health of persons.

10 (12) The department shall make a reasonable effort to
11 issue or deny a permit within 90 days after determining the
12 permit application to be complete. In accordance with s.
13 403.0876(2)(b), the failure of the department to issue or deny
14 an underground injection control permit for an aquifer storage
15 and recovery well within the 90-day time period shall not
16 result in the automatic issuance or denial of the permit and
17 shall not prevent the inclusion of specific permit conditions
18 that are necessary to ensure compliance with applicable
19 statutes and rules.

20 (13) The department may adopt rules for the regulation
21 of aquifer storage and recovery wells to implement the
22 provisions of this section.

23 Section 5. Section 403.0882, Florida Statutes, is
24 amended to read:

25 (Substantial rewording of section. See s.
26 403.0882, F.S., for present text.)

27 403.0882 Discharge of demineralization concentrate.--

28 (1) The Legislature finds and declares that it is in
29 the public interest to conserve and protect water resources,
30 provide adequate water supplies and provide for natural
31 systems, and promote brackish water demineralization as an

1 alternative to withdrawals of freshwater from groundwater and
2 surface water by removing institutional barriers to
3 demineralization and through research, including demonstration
4 projects, to advance water and water byproduct treatment
5 technology, sound waste byproduct disposal methods, and
6 regional solutions to water resources issues. In order to
7 promote the state objective of alternative water supply
8 development, including the use of demineralization
9 technologies, and to encourage the conservation and protection
10 of the state's natural resources, the concentrate resulting
11 from demineralization must be classified as potable water
12 byproduct regardless of flow quantity and must be
13 appropriately treated and discharged or reused.

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

15 (a) "Demineralization concentrate" means the
16 concentrated byproduct water, brine, or reject water produced
17 by ion exchange or membrane separation technologies such as
18 reverse osmosis, membrane softening, ultra-filtration,
19 membrane filtration, electrodialysis, and electrodialysis
20 reversal used for desalination, softening, or reducing total
21 dissolved solids during water treatment for public water
22 supply purposes.

23 (b) "Small water utility business" means any facility
24 that distributes potable water to two or more customers with a
25 concentrate discharge of less than 50,000 gallons per day.

26 (3) The department shall initiate rulemaking no later
27 than October 1, 2000, to address facilities that discharge
28 demineralization concentrate. The department shall convene a
29 technical advisory committee to assist in the development of
30 the rules, which committee shall include one representative
31 each from the demineralization industry, local government,

1 water and wastewater utilities, the engineering profession,
2 business, and environmental organizations. The technical
3 advisory committee shall also include one member representing
4 the five water management districts and one representative
5 from the Florida Marine Research Institute. In convening the
6 technical advisory committee, consideration must be given to
7 geographical balance. The rules must address, at a minimum:
8 (a) Permit application forms for concentrate disposal;
9 (b) Specific options and requirements for
10 demineralization concentrate disposal, including a
11 standardized list of effluent and monitoring parameters, which
12 may be adjusted or expanded by the department as necessary to
13 protect water quality;
14 (c) Specific requirements and accepted methods for
15 evaluating mixing of effluent in receiving waters; and
16 (d) Specific toxicity provisions.
17 (4)(a) For facilities that discharge demineralization
18 concentrate, the failure of whole effluent toxicity tests
19 predominantly due to the presence of constituents naturally
20 occurring in the source water, limited to calcium, potassium,
21 sodium, magnesium, chloride, bromide, and other constituents
22 designated by the department, may not be the basis for denial
23 of a permit, denial of a permit renewal, revocation of a
24 permit, or other enforcement action by the department as long
25 as the volume of water necessary to achieve water quality
26 standards is available within a distance not in excess of two
27 times the natural water depth at the point of discharge under
28 all flow conditions.
29 (b) If failure of whole effluent toxicity tests is due
30 predominately to the presence of the naturally occurring
31 constituents identified in paragraph (a), the department shall

1 issue a permit for the demineralization concentrate discharge
2 if:

3 1. The volume of water necessary to achieve water
4 quality standards is available within a distance not in excess
5 of two times the natural water depth at the point of discharge
6 under all flow conditions; and

7 2. All other permitting requirements are met.

8
9 A variance for toxicity under the circumstance described in
10 this paragraph is not required.

11 (c) Facilities that fail to meet the requirements of
12 this subsection may be permitted in accordance with department
13 rule, including all applicable moderating provisions such as
14 variances, exemptions, and mixing zones.

15 (5) Blending of demineralization concentrate with
16 reclaimed water shall be allowed in accordance with the
17 department's reuse rules.

18 (6) This subsection applies only to small water
19 utility businesses.

20 (a) The discharge of demineralization concentrate from
21 small water utility businesses is presumed to be allowable and
22 permissible in all waters in the state if:

23 1. The discharge meets the effluent limitations in s.
24 403.086(4), except that high-level disinfection is not
25 required unless the presence of fecal coliforms in the source
26 water will result in the discharge not meeting applicable
27 water quality standards;

28 2. The discharge of demineralization concentrate
29 achieves a minimum of 4-to-1 dilution within a distance not in
30 excess of two times the natural water depth at the point of
31 discharge under all flow conditions; and

1 3. The point of discharge is located at a reasonably
2 accessible point that minimizes water quality impacts to the
3 greatest extent possible.

4 (b) The presumption in paragraph (a) may be overcome
5 only by a demonstration that one or more of the following
6 conditions is present:

7 1. The discharge will be made directly into an
8 Outstanding Florida Water, except as provided in chapter
9 90-262, Laws of Florida;

10 2. The discharge will be made directly to Class I or
11 Class II waters;

12 3. The discharge will be made to a water body having a
13 total maximum daily load established by the department and the
14 discharge will cause or contribute to a violation of the
15 established load;

16 4. The discharge fails to meet the requirements of the
17 antidegradation policy contained in the department rules;

18 5. The discharge will be made to a sole-source
19 aquifer;

20 6. The discharge fails to meet applicable surfacewater
21 and groundwater quality standards; or

22 7. The results of any toxicity test performed by the
23 applicant under paragraph (d) or by the department indicate
24 that the discharge does not meet toxicity requirements at the
25 boundary of the mixing zone under subparagraph (a)2.

26 (c) If one or more of the conditions in paragraph (b)
27 has been demonstrated, the department may:

28 1. Require more stringent effluent limitations;

29 2. Require relocation of the discharge point or a
30 change in the method of discharge;

31 3. Limit the duration or volume of the discharge; or

1 4. Prohibit the discharge if there is no alternative
2 that meets the conditions of subparagraphs 1.-3.

3 (d) For facilities owned by small water utility
4 businesses, the department may not:

5 1. Require those businesses to perform toxicity
6 testing at other than the time of permit application, permit
7 renewal, or any requested permit modification, unless the
8 initial toxicity test or any subsequent toxicity test
9 performed by the department does not meet toxicity
10 requirements.

11 2. Require those businesses to obtain a
12 water-quality-based effluent limitation determination.

13 (7) The department may adopt additional rules for the
14 regulation of demineralization and to administer this section
15 and s. 403.061(11)(b).

16 Section 6. Paragraph (b) of subsection (11) of section
17 403.061, Florida Statutes, is amended to read:

18 403.061 Department; powers and duties.--The department
19 shall have the power and the duty to control and prohibit
20 pollution of air and water in accordance with the law and
21 rules adopted and promulgated by it and, for this purpose, to:

22 (11) Establish ambient air quality and water quality
23 standards for the state as a whole or for any part thereof,
24 and also standards for the abatement of excessive and
25 unnecessary noise. The department is authorized to establish
26 reasonable zones of mixing for discharges into waters.

27 (b) No mixing zone for point source discharges shall
28 be permitted in Outstanding Florida Waters except for:

29 1. Sources that ~~which~~ have received permits from the
30 department prior to April 1, 1982, or the date of designation,
31 whichever is later;

1 2. Blowdown from new power plants certified pursuant
2 to the Florida Electrical Power Plant Siting Act; ~~and~~

3 3. Discharges of water necessary for water management
4 purposes that ~~which~~ have been approved by the governing board
5 of a water management district and, if required by law, by the
6 secretary; ~~and~~;

7 4. The discharge of demineralization concentrate which
8 has been determined permittable under s. 403.0882 and which
9 meets the specific provisions of s. 403.0882(4)(a) and (b), if
10 the proposed discharge is clearly in the public interest.

11
12 Nothing in this act shall be construed to invalidate any
13 existing department rule relating to mixing zones. The
14 department shall cooperate with the Department of Highway
15 Safety and Motor Vehicles in the development of regulations
16 required by s. 316.272(1).

17 Section 7. Subsections (2), (4), and (17) of section
18 403.852, Florida Statutes, are amended, and subsection (18) is
19 added to that section to read:

20 403.852 Definitions; ss. 403.850-403.864.--As used in
21 ss. 403.850-403.864:

22 (2) "Public water system" means a ~~community,~~
23 ~~nontransient noncommunity, or noncommunity~~ system for the
24 provision to the public of ~~pip~~ed water for human consumption
25 through pipes or other constructed conveyances if, provided
26 ~~that~~ such system has at least 15 service connections or
27 regularly serves at least 25 individuals daily at least 60
28 days out of the year. A public water system is either a
29 community water system or a noncommunity water system.The
30 term "public water system" includes:

31

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

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

8 (4) "Noncommunity water system" means a public water
9 system ~~that for provision to the public of piped water for~~
10 ~~human consumption, which serves at least 25 individuals daily~~
11 ~~at least 60 days out of the year, but which is not a community~~
12 ~~water system; except that a water system for a wilderness~~
13 ~~educational camp is a noncommunity water system. A~~
14 noncommunity water system is either a nontransient
15 noncommunity water system or a transient noncommunity water
16 system.

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

21 (18) "Transient noncommunity water system" means a
22 noncommunity water system that has at least 15 service
23 connections or regularly serves at least 25 persons daily at
24 least 60 days out of the year but that does not regularly
25 serve 25 or more of the same persons over 6 months per year.

26 Section 8. Subsections (1) and (6) of section 403.853,
27 Florida Statutes, are amended to read:

28 403.853 Drinking water standards.--

29 (1) The department shall adopt and enforce:

30 (a)1. State primary drinking water regulations that
31 shall be no less stringent at any given time than the complete

1 interim or revised national primary drinking water regulations
2 in effect at such time; and

3 2. State secondary drinking water regulations
4 patterned after the national secondary drinking water
5 regulations.

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

14 (6) Upon the request of the owner or operator of a
15 transient noncommunity water system serving businesses, other
16 than restaurants or other public food service establishments,
17 and using groundwater as a source of supply, the department,
18 or a local county health department designated by the
19 department, shall perform a sanitary survey of the facility.
20 Upon receipt of satisfactory survey results according to
21 department criteria, the department shall reduce the
22 requirements of such owner or operator from monitoring and
23 reporting on a quarterly basis to performing these functions
24 on an annual basis. Any revised monitoring and reporting
25 schedule approved by the department under this subsection
26 shall apply until such time as a violation of applicable state
27 or federal primary drinking water standards is determined by
28 the system owner or operator, by the department, or by an
29 agency designated by the department, after a random or routine
30 sanitary survey. Certified operators are not required for
31 transient noncommunity water systems of the type and size

1 covered by this subsection. Any reports required of such
2 system shall be limited to the minimum as required by federal
3 law. When not contrary to the provisions of federal law, the
4 department may, upon request and by rule, waive additional
5 provisions of state drinking water regulations for such
6 systems.

7 Section 9. Subsection (3) of section 403.8532, Florida
8 Statutes, is amended to read:

9 403.8532 Drinking water state revolving loan fund;
10 use; rules.--

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

1 Loan Trust Fund in any fiscal year are reserved for the
2 following purposes:

3 (a) At least 15 percent to qualifying small public
4 water systems.

5 (b) Up to 15 percent to qualifying financially
6 disadvantaged communities.

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

14 Section 10. Subsections (4), (5), and (8) of section
15 403.854, Florida Statutes, are amended to read:

16 403.854 Variances, exemptions, and waivers.--

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

24 1. The completion of a satisfactory sanitary survey;

25 2. The history of the quality of water provided by the
26 system and monthly monitoring tests for bacteriological
27 contamination;

28 3. Evaluation of the well and the site on which it is
29 located, including geology, depth of well, casing, grouting,
30 and other relevant factors which have an impact on the quality
31 of water supplied; and

1 4. The number of connections and size of the
2 distribution system.

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

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

14 (a) The results of a sanitary survey if deemed
15 necessary;

16 (b) The operation and maintenance records for the year
17 preceding an application for waiver;

18 (c) The adequacy of monitoring procedures for maximum
19 contaminant levels included in primary drinking water
20 regulations;

21 (d) The feasibility of the supplier of water becoming
22 a certified operator; and

23 (e) Any threat to public health that could result from
24 nonattendance of the system by a certified operator.

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

30 Section 11. Subsection (5) of section 403.866, Florida
31 Statutes, is amended to read:

1 403.866 Definitions; ss. 403.865-403.876.--As used in
2 ss. 403.865-403.876, the term:

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

10 Section 12. This act shall take effect upon becoming a
11 law.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 2140

16 The committee substitute broadens the scope of the bill to
17 include the following provisions:

- 18 1. Provides that anyone protesting a decision on a contract
19 administered by water management districts must file a
20 written complaint and post a bond, cashier's check, or
21 money order in an amount equal to 1 percent of the
22 estimated total volume of the contract or \$5,000,
23 whichever is less.
- 24 2. Allows water management district governing boards to
25 delegate any of their powers, duties, and functions to a
26 member or members, the executive director or other
27 district staff. Requires the governing board to provide
28 a process for referring certain agency actions to the
29 governing board for final agency action.
- 30 3. Clarifies the way water management districts determine
31 the cumulative impacts of activities on surface waters
and wetlands.
4. Provides for aquifer storage and recovery wells and
allows a zone of discharge for certain specified
constituents, provided certain conditions are met and
drinking water supplies, public health, and the
environment are protected.
5. Revises certain provisions in Florida's Safe Drinking
Water Act to conform to the federal Safe Drinking Water
Act.