

Amendment No. 8 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Alexander offered the following:

Amendment (with title amendment)

On page 15, lines 24 and 25,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 4. Section 403.0882, Florida Statutes, is amended to read:

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

403.0882 Discharge of demineralization concentrate.--

(1) The Legislature finds and declares that it is in the public interest to conserve and protect water resources; provide adequate water supplies and provide for natural systems; and promote brackish water demineralization as an alternative to ground and surface water withdrawals of freshwater, by removing institutional barriers to demineralization and through conducting research, including demonstration projects, to advance water and water byproduct treatment technology, sound waste byproduct disposal methods,

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1 and regional solutions to water resources issues. In order to
2 promote the state objective of alternative water supply
3 development, including the use of demineralization
4 technologies, and encourage the conservation and protection of
5 Florida's natural resources, the concentrate resulting from
6 demineralization shall be classified as potable water
7 byproduct regardless of flow quantity and shall be
8 appropriately treated, and discharged or reused.

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

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

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

21 (3) The department shall initiate rulemaking no later
22 than October 1, 2000, to address facilities that discharge
23 demineralization concentrate. The department shall convene a
24 technical advisory committee to assist in the development of
25 the rules, which shall include one representative each from
26 the demineralization industry, local government, water and
27 wastewater utilities, the engineering profession, business,
28 and environmental organizations. The technical advisory
29 committee shall also include one member representing the five
30 water management districts and one representative from the
31 Florida Marine Research Institute with expertise in sea

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1 grasses. In convening the technical advisory committee,
2 consideration shall be given to geographical balance. The
3 rules shall address, at a minimum:

4 (a) Permit application forms for concentrate disposal.

5 (b) Specific options and requirements for
6 demineralization concentrate disposal, including a
7 standardized list of effluent and monitoring parameters, which
8 may be adjusted or expanded by the department as necessary to
9 protect water quality.

10 (c) Specific requirements and accepted methods for
11 evaluating mixing of effluent in receiving waters.

12 (d) Specific toxicity provisions.

13 (4)(a) For facilities that discharge demineralization
14 concentrate, the failure of whole effluent toxicity tests
15 predominately due to the presence of constituents naturally
16 occurring in the source water, limited to calcium, potassium,
17 sodium, magnesium, chloride, bromide, and other constituents
18 designated by the department, shall not be the basis for
19 denial of a permit, denial of a permit renewal, revocation of
20 a permit, or other enforcement action by the department, as
21 long as the volume of water necessary to achieve water quality
22 standards is available within a distance not in excess of two
23 times the natural water depth at the point of discharge under
24 all flow conditions.

25 (b) In the event failure of whole effluent toxicity
26 tests is due predominately to the presence of the naturally
27 occurring constituents identified in paragraph (a), or
28 designated by the department pursuant to paragraph (a), the
29 department shall issue a permit for the demineralization
30 concentrate discharge, if:

31 1. The volume of water necessary to achieve water

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1 quality standards is available within a distance not in excess
2 of two times the natural water depth at the point of discharge
3 under all flow conditions; and

4 2. All other permitting requirements are met.

5
6 A variance for toxicity under the circumstance described in
7 this paragraph shall not be required.

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

12 (5) Blending of demineralization concentrate with
13 reclaimed water shall be allowed in accordance with the
14 department's reuse rules.

15 (6) This subsection applies only to small water
16 utility businesses.

17 (a) The discharge of demineralization concentrate from
18 small water utility businesses shall be presumed to be
19 allowable and permittable in all waters in the state, if:

20 1. The discharge meets the effluent limitations in s.
21 403.086(4), except that high-level disinfection shall not be
22 required unless the presence of fecal coliforms in the source
23 water will result in the discharge not meeting applicable
24 water quality standards;

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

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

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1 (b) The presumption in paragraph (a) that the
2 discharge of demineralization concentrate from a small water
3 utility is allowable and permittable may be overcome only by a
4 demonstration that one or more of the following conditions is
5 present:

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

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

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

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

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

19 6. The discharge fails to meet applicable surface
20 water and groundwater quality standards.

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

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

27 1. Require more stringent effluent limitations;

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

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

31 4. Prohibit the discharge if there is no alternative

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1 that meets the conditions of subparagraphs 1.-3.

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

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

9 2. Require such businesses to obtain a
10 water-quality-based effluent limitation determination.

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

14 Section 5. Paragraph (b) of subsection (11) of section
15 403.061, Florida Statutes, is amended to read:

16 403.061 Department; powers and duties.--The department
17 shall have the power and the duty to control and prohibit
18 pollution of air and water in accordance with the law and
19 rules adopted and promulgated by it and, for this purpose, to:

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

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

27 1. Sources which have received permits from the
28 department prior to April 1, 1982, or the date of designation,
29 whichever is later.†

30 2. Blowdown from new power plants certified pursuant
31 to the Florida Electrical Power Plant Siting Act.†~~and~~

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1 3. Discharges of water necessary for water management
2 purposes which have been approved by the governing board of a
3 water management district and, if required by law, by the
4 secretary.

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

9 Section 6. Section 403.065, Florida Statutes, is
10 created to read:

11 403.065 Aquifer storage and recovery wells.--

12 (1) The Legislature finds and declares that it is in
13 the public interest to conserve and protect water resources,
14 provide adequate water supplies, provide for natural systems,
15 and promote quality aquifer storage and recovery projects by
16 removing inappropriate institutional barriers.

17 (2) Aquifer storage and recovery wells shall be
18 classified and permitted according to department rules,
19 consistent with the federal Safe Drinking Water Act. Such
20 wells shall be constructed to prevent violation of state
21 groundwater quality standards at the point of discharge,
22 except as specifically provided in this section.

23 (3) Aquifer storage and recovery wells shall be
24 allowed a zone of discharge for sodium and secondary drinking
25 water standards, provided the requirements of paragraphs
26 (4)(b), (c), and (d) and subsection (6) are met.

27 (4) Aquifer storage and recovery wells used to inject
28 water from a surface water or groundwater source shall be
29 allowed a zone of discharge for total coliform bacteria when
30 the applicant for the aquifer storage and recovery well permit
31 demonstrates, through a risk-based analysis, the following:

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1 (a) The native groundwater within the proposed zone of
2 discharge contains no less than 1,500 milligrams per liter
3 total dissolved solids.

4 (b) The native groundwater within the proposed zone of
5 discharge is not currently being used as a public or private
6 drinking water supply, nor can any person other than the
7 permit applicant be reasonably expected to withdraw water from
8 the zone of discharge in the future for such use.

9 (c) The presence of the stored water shall not cause
10 any person other than the permit applicant to treat its source
11 water in any way that would not have been required in the
12 absence of the aquifer storage and recovery well.

13 (d) The department has approved a monitoring plan that
14 specifies the number and location of monitor wells, monitoring
15 parameters, and frequency of monitoring.

16 (e) Total coliform bacteria is the only primary
17 drinking water standard other than sodium that will not be met
18 prior to injection.

19 (f) The permit applicant demonstrates that biological
20 contaminants will experience die-off such that primary
21 drinking water standards will be met at the edge of the zone
22 of discharge and that those contaminants will not pose an
23 adverse risk to human health.

24 (g) The permit applicant documents the environmental
25 benefits to be derived from the storage, recovery, and future
26 use of the injected water.

27 (h) The use of the recovered water is consistent with
28 its intended primary purpose.

29 (i) The storage of water shall not endanger drinking
30 water sources, as defined in the federal Safe Drinking Water
31 Act, 42 U.S.C. ss. 300h.

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1 (5) The department may allow a zone of discharge for
2 sodium, total coliform bacteria, and secondary drinking water
3 standards if the total dissolved solids concentration of the
4 native groundwater within the proposed zone of discharge is
5 less than 1,500 milligrams per liter and if the requirements
6 of paragraphs (4)(b)-(i) are satisfied, and:

7 (a) The applicant for the aquifer storage and recovery
8 well permit demonstrates that no person, other than the permit
9 applicant, may in the future withdraw water from the zone of
10 discharge for use as a public or private drinking water supply
11 because of legal restrictions imposed by a water management
12 district, state agency, local government, or other
13 governmental entity having jurisdiction over water supply or
14 well construction.

15 (b) The permit applicant provides written notice,
16 including specific information about the proposed aquifer
17 storage and recovery project, to each landowner whose property
18 overlies the zone of discharge.

19 (6) A zone of discharge for aquifer storage and
20 recovery wells shall not intersect or include any part of a
21 500-foot radius surrounding any well that uses the injection
22 zone to supply drinking water.

23 (7) The department shall specify in the permit for the
24 aquifer storage and recovery well the vertical and lateral
25 limits of the approved zone of discharge. The zone of
26 discharge limits shall be based on hydrogeological conditions,
27 for which the permit applicant shall provide calculations or
28 the results of modeling that include, but are not limited to,
29 reasonable assumptions about the expected volume of water to
30 be stored and recovered and reasonable assumptions regarding
31 aquifer thickness and porosity. Compliance with the primary

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1 drinking water standard for total coliform bacteria, sodium,
2 and the secondary drinking water standards shall be required
3 at the edge of the zone of discharge.

4 (8) After the aquifer storage and recovery well is in
5 operation, groundwater monitoring must demonstrate that
6 biological die-off is occurring, no exceedances of the primary
7 drinking water standards have occurred outside of the zone of
8 discharge, and there is no adverse risk to human health from
9 the injection activity. Failure of the applicant to make this
10 demonstration shall result in revocation of the zone of
11 discharge.

12 (9) If drinking water supply wells are present in the
13 injection zone within 2.5 miles of the edge of the zone of
14 discharge, additional monitor wells may be required to detect
15 the possible movement of injected fluids in the direction of
16 the drinking water wells.

17 (10) Monitor wells shall be sampled at least monthly
18 for the parameters specified in the permit for the aquifer
19 storage and recovery well. The department may modify the
20 monitoring requirements if necessary to provide reasonable
21 assurance that underground sources of drinking water are
22 adequately protected.

23 (11) An aquifer exemption shall be obtained prior to
24 injection if the injection fluid exceeds any primary drinking
25 water standard maximum contaminant level other than total
26 coliform bacteria or sodium, or if the presence of any
27 contaminant in the injection fluid may adversely affect the
28 health of persons and the applicant cannot demonstrate with
29 reasonable certainty that such contaminant will experience
30 die-off within the proposed zone of discharge.

31 (12) The department shall make a reasonable effort to

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1 issue or deny a permit within 90 days after determining the
2 permit application to be complete. In accordance with s.
3 403.0876(2)(b), the failure of the department to issue or deny
4 an underground injection control permit for an aquifer storage
5 and recovery well within the 90-day time period shall not
6 result in the automatic issuance or denial of the permit and
7 shall not prevent the inclusion of specific permit conditions
8 which are necessary to ensure compliance with applicable
9 statutes and rules.

10 (13) The department may adopt rules for the regulation
11 of aquifer storage and recovery wells to implement the
12 provisions of this section.

13 Section 7. Paragraph (c) of subsection (2) of section
14 287.042, Florida Statutes, is amended to read:

15 287.042 Powers, duties, and functions.--The department
16 shall have the following powers, duties, and functions:

17 (2)

18 (c) Any person who files an action protesting a
19 decision or intended decision pertaining to contracts
20 administered by the department, a water management district,
21 or a state agency pursuant to s. 120.57(3)(b) shall post with
22 the department, the water management district, or the state
23 agency at the time of filing the formal written protest a bond
24 payable to the department, water management district, or state
25 agency in an amount equal to 1 percent of the department's,
26 the water management district's, or the state agency's
27 estimate of the total volume of the contract or \$5,000,
28 whichever is less, which bond shall be conditioned upon the
29 payment of all costs which may be adjudged against him or her
30 in the administrative hearing in which the action is brought
31 and in any subsequent appellate court proceeding. For protests

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1 of decisions or intended decisions of the department
2 pertaining to agencies' requests for approval of exceptional
3 purchases, the bond shall be in an amount equal to 1 percent
4 of the requesting agency's estimate of the contract amount for
5 the exceptional purchase requested or \$5,000, whichever is
6 less. In lieu of a bond, the department, water management
7 district, or state agency may, in either case, accept a
8 cashier's check or money order in the amount of the bond. If,
9 after completion of the administrative hearing process and any
10 appellate court proceedings, the water management district or
11 agency prevails, it shall recover all costs and charges which
12 shall be included in the final order or judgment, excluding
13 attorney's fees. This section shall not apply to protests
14 filed by the Minority Business Advocacy and Assistance Office.
15 Upon payment of such costs and charges by the person
16 protesting the award, the bond, cashier's check, or money
17 order shall be returned to him or her. If the person
18 protesting the award prevails, he or she shall recover from
19 the agency or water management district all costs and charges
20 which shall be included in the final order of judgment,
21 excluding attorney's fees.

22 Section 8. Subsection (9) of section 211.3103, Florida
23 Statutes, is repealed.

24 Section 9. Section 258.398, Florida Statutes, 1997, is
25 repealed.

26 Section 10. Subsection (5) of section 373.323, Florida
27 Statutes, is amended, and subsection (10) is added to said
28 section, to read:

29 373.323 Licensure of water well contractors;
30 application, qualifications, and examinations; equipment
31 identification.--

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1 (5) The water management district shall issue a water
2 well contracting license to any applicant who receives a
3 passing grade on the examination, has paid the initial
4 application fee, takes and completes to the satisfaction of
5 the department a minimum of 12 hours of approved course work,
6 and has complied with the requirements of this section. A
7 passing grade on the examination shall be as established by
8 the department by rule. A license issued by any water
9 management district shall be valid in every water management
10 district in the state.

11 (10) Effective July 1, 2001, water well contractors
12 licensed under the provisions of this section shall be able to
13 install, repair and modify pumps and tanks in accordance with
14 the Florida Building Code, Chapter 29, Section 612--Well Pumps
15 and Tanks Used for Private Potable Water Systems.

16 Section 11. Subsection (2) of section 373.324, Florida
17 Statutes, is amended, subsections (3), (4), and (5) are
18 renumbered as subsections (4), (5), and (6), respectively, and
19 a new subsection (3) is added to said section, to read:

20 373.324 License renewal.--

21 (2) The water management district shall renew a
22 license upon receipt of the renewal application, proof of
23 completion of 12 classroom hours of continuing education
24 annually, and renewal fee.

25 (3) The department shall prescribe by rule the method
26 for renewal of licenses, which shall include continuing
27 education requirements of not less than 12 classroom hours
28 annually.

29 Section 12. Subsection (6) of section 373.406, Florida
30 Statutes, is amended, and subsection (9) is added to said
31 section, to read:

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1 373.406 Exemptions.--The following exemptions shall
2 apply:

3 (6) Any district or the department may exempt from
4 regulation under this part, either by rule or order, those
5 activities that the district or department determines will
6 have only minimal or insignificant individual or cumulative
7 adverse impacts on the water resources of the district. The
8 district and the department are also authorized to determine,
9 on a case-by-case basis, whether a specific activity should be
10 exempt ~~comes within this exemption~~. Requests to qualify for
11 this exemption shall be submitted in writing to the district
12 or department, and such activities shall not be commenced
13 without a written determination from the district or
14 department confirming that the activity qualifies for the
15 exemption.

16 (9) Any rule adopted by any district or the department
17 prior to October 3, 1995, creating an exemption from all or a
18 part of the requirements of this part or the rules adopted to
19 implement this part, including, but not limited to, rules
20 relating to the implementation of chapter 84-79, Laws of
21 Florida, is hereby ratified and affirmed. However, this
22 subsection shall not be construed to limit the authority of
23 the water management districts or the department to adopt
24 rules creating exemptions to implement other provisions of
25 this part.

26 Section 13. Subsection (5) is added to section
27 403.088, Florida Statutes, to read:

28 403.088 Water pollution operation permits;
29 conditions.--

30 (5) A person permitted under this section shall report
31 to the department, upon discovery, any noncompliance that may

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1 endanger public health or the environment. Notification shall
2 be provided orally to the department immediately after
3 notification of appropriate local health and emergency
4 management authorities. A written report detailing the
5 noncompliance circumstances and actions taken to resolve the
6 noncompliance also shall be provided to the department within
7 5 days after discovery unless the department waives the
8 report. The department may adopt rules to:

9 (a) Specify the circumstances of noncompliance that
10 warrant notification, including, but not limited to, bypasses,
11 upsets, violations of permitted discharge limits, and
12 unauthorized discharges to surface or ground waters.

13 (b) Specify the information to be included in oral and
14 written notifications of noncompliance.

15 (c) Specify the persons to be notified of
16 noncompliance and the manner of notification, with
17 consideration given to use of the statewide emergency response
18 system.

19 (d) Specify any followup actions necessary to ensure
20 resolution of the noncompliance and prevention of future
21 noncompliance.

22 (e) Otherwise carry out the purposes of this
23 subsection.

24
25 Until such rules are implemented, the department shall notify
26 all affected permittees about the existing statewide toll-free
27 emergency management communications system and other
28 appropriate means of reporting the instances of noncompliance
29 identified in this subsection.

30 Section 14. Paragraph (b) of subsection (2) of section
31 403.813, Florida Statutes, is amended to read:

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1 403.813 Permits issued at district centers;
2 exceptions.--

3 (2) No permit under this chapter, chapter 373, chapter
4 61-691, Laws of Florida, or chapter 25214 or chapter 25270,
5 1949, Laws of Florida, shall be required for activities
6 associated with the following types of projects; however,
7 nothing in this subsection relieves an applicant from any
8 requirement to obtain permission to use or occupy lands owned
9 by the Board of Trustees of the Internal Improvement Trust
10 Fund or any water management district in its governmental or
11 proprietary capacity or from complying with applicable local
12 pollution control programs authorized under this chapter or
13 other requirements of county and municipal governments:

14 (b) The installation and repair of mooring pilings and
15 dolphins associated with private docking facilities or piers
16 and the installation of private docks, piers and recreational
17 docking facilities, or piers and recreational docking
18 facilities of local governmental entities when the local
19 governmental entity's activities will not take place in any
20 manatee habitat, any of which docks:

21 1. Has 500 square feet or less of over-water surface
22 area for a dock which is located in an area designated as
23 Outstanding Florida Waters or 1,000 square feet or less of
24 over-water surface area for a dock which is located in an area
25 which is not designated as Outstanding Florida Waters;

26 2. Is constructed on or held in place by pilings or is
27 a floating dock which is constructed so as not to involve
28 filling or dredging other than that necessary to install the
29 pilings;

30 3. Shall not substantially impede the flow of water or
31 create a navigational hazard;

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1 4. Is used for recreational, noncommercial activities
2 associated with the mooring or storage of boats and boat
3 paraphernalia; and

4 5. Is the sole dock constructed pursuant to this
5 exemption as measured along the shoreline for a distance of 65
6 feet, unless the parcel of land or individual lot as platted
7 is less than 65 feet in length along the shoreline, in which
8 case there may be one exempt dock allowed per parcel or lot.

9
10 Nothing in this paragraph shall prohibit the department from
11 taking appropriate enforcement action pursuant to this chapter
12 to abate or prohibit any activity otherwise exempt from
13 permitting pursuant to this paragraph if the department can
14 demonstrate that the exempted activity has caused water
15 pollution in violation of this chapter. With the exception of
16 regulations governing dock structures in aquatic preserves or
17 associated with undeveloped barrier islands or condominiums,
18 neither the department nor the Board of Trustees of the
19 Internal Improvement Trust Fund shall restrict the number of
20 vessels moored at private, single-family residential docks
21 exempted under the provisions of this paragraph.

22 Section 15. Subsections (2), (4), and (17) of section
23 403.852, Florida Statutes, are amended, and subsection (18) is
24 added to said section, to read:

25 403.852 Definitions; ss. 403.850-403.864.--As used in
26 ss. 403.850-403.864:

27 (2) "Public water system" means a ~~community,~~
28 ~~nontransient noncommunity, or noncommunity~~ system for the
29 provision to the public of ~~pip~~ed water for human consumption
30 through pipes or other constructed conveyances if, provided
31 ~~that~~ such system has at least 15 service connections or

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1 regularly serves at least 25 individuals daily at least 60
2 days out of the year. A public water system is either a
3 community water system or a noncommunity water system.The
4 term "public water system" includes:

5 (a) Any collection, treatment, storage, and
6 distribution facility or facilities under control of the
7 operator of such system and used primarily in connection with
8 such system.

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

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

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

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

30 Section 16. Subsections (1) and (6) of section
31 403.853, Florida Statutes, are amended to read:

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1 403.853 Drinking water standards.--
2 (1) The department shall adopt and enforce:
3 (a)1. State primary drinking water regulations that
4 shall be no less stringent at any given time than the complete
5 interim or revised national primary drinking water regulations
6 in effect at such time; and
7 2. State secondary drinking water regulations
8 patterned after the national secondary drinking water
9 regulations.
10 (b) Primary and secondary drinking water regulations
11 for nontransient noncommunity water systems and transient
12 noncommunity water systems, which shall be no more stringent
13 than the corresponding national primary or secondary drinking
14 water regulations in effect at such time, except that
15 nontransient, noncommunity systems shall monitor and comply
16 with additional primary drinking water regulations as
17 determined by the department.
18 (6) Upon the request of the owner or operator of a
19 transient noncommunity water system serving businesses, other
20 than restaurants or other public food service establishments,
21 and using groundwater as a source of supply, the department,
22 or a local county health department designated by the
23 department, shall perform a sanitary survey of the facility.
24 Upon receipt of satisfactory survey results according to
25 department criteria, the department shall reduce the
26 requirements of such owner or operator from monitoring and
27 reporting on a quarterly basis to performing these functions
28 on an annual basis. Any revised monitoring and reporting
29 schedule approved by the department under this subsection
30 shall apply until such time as a violation of applicable state
31 or federal primary drinking water standards is determined by

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1 the system owner or operator, by the department, or by an
2 agency designated by the department, after a random or routine
3 sanitary survey. Certified operators are not required for
4 transient noncommunity water systems of the type and size
5 covered by this subsection. Any reports required of such
6 system shall be limited to the minimum as required by federal
7 law. When not contrary to the provisions of federal law, the
8 department may, upon request and by rule, waive additional
9 provisions of state drinking water regulations for such
10 systems.

11 Section 17. Subsection (3) of section 403.8532,
12 Florida Statutes, is amended to read:

13 403.8532 Drinking water state revolving loan fund;
14 use; rules.--

15 (3) The department is authorized to make loans to
16 community water systems, nonprofit noncommunity water systems,
17 and nonprofit transient and nontransient noncommunity water
18 systems to assist them in planning, designing, and
19 constructing public water systems, unless such public water
20 systems are for-profit privately owned or investor-owned
21 systems that regularly serve 1,500 service connections or more
22 within a single certified or franchised area. However, a
23 for-profit privately owned or investor-owned public water
24 system that regularly serves 1,500 service connections or more
25 within a single certified or franchised area may qualify for a
26 loan only if the proposed project will result in the
27 consolidation of two or more public water systems. The
28 department is authorized to provide loan guarantees, to
29 purchase loan insurance, and to refinance local debt through
30 the issue of new loans for projects approved by the
31 department. Public water systems are authorized to borrow

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1 funds made available pursuant to this section and may pledge
2 any revenues or other adequate security available to them to
3 repay any funds borrowed. The department shall administer
4 loans so that amounts credited to the Drinking Water Revolving
5 Loan Trust Fund in any fiscal year are reserved for the
6 following purposes:

7 (a) At least 15 percent to qualifying small public
8 water systems.

9 (b) Up to 15 percent to qualifying financially
10 disadvantaged communities.

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

18 Section 18. Subsections (4), (5), and (8) of section
19 403.854, Florida Statutes, are amended to read:

20 403.854 Variances, exemptions, and waivers.--

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

- 28 1. The completion of a satisfactory sanitary survey;
- 29 2. The history of the quality of water provided by the
30 system and monthly or quarterly monitoring tests for
31 bacteriological contamination;

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

5 4. The number of connections and size of the
6 distribution system.

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

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

18 (a) The results of a sanitary survey if deemed
19 necessary;

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

22 (c) The adequacy of monitoring procedures for maximum
23 contaminant levels included in primary drinking water
24 regulations;

25 (d) The feasibility of the supplier of water becoming
26 a certified operator; and

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

29 (8) Neither the department nor any of its employees
30 shall be held liable for money damages for any injury,
31 sickness, or death sustained by any person as a result of

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1 drinking water from any transient noncommunity water system
2 granted a waiver under subsection (4) or subsection (5).

3 Section 19. Section 403.865, Florida Statutes, is
4 amended to read:

5 403.865 Water and wastewater facility personnel;
6 legislative purpose.--The Legislature finds that the threat to
7 the public health and the environment from the operation of
8 water and wastewater treatment plants and water distribution
9 systems mandates that qualified personnel operate these
10 facilities. It is the legislative intent that any person who
11 performs the duties of an operator and who falls below minimum
12 competency or who otherwise presents a danger to the public be
13 prohibited from operating a plant or system in this state.

14 Section 20. Subsections (3) and (5) of section
15 403.866, Florida Statutes, are amended to read:

16 403.866 Definitions; ss. 403.865-403.876.--As used in
17 ss. 403.865-403.876, the term:

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

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

31 Section 21. Section 403.867, Florida Statutes, is

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1 amended to read:

2 403.867 License required.--A person may not perform
3 the duties of an operator of a water treatment plant, water
4 distribution system, or a domestic wastewater treatment plant
5 unless he or she holds a current operator's license issued by
6 the department.

7 Section 22. Subsection (1) of section 403.872, Florida
8 Statutes, is amended to read:

9 403.872 Requirements for licensure.--

10 (1) Any person desiring to be licensed as a water
11 treatment plant operator, a water distributions system
12 operator, or a domestic wastewater treatment plant operator
13 must apply to the department to take the licensure
14 examination.

15 Section 23. Paragraphs (a), (b), and (f) of subsection
16 (1) of section 403.875, Florida Statutes, are amended to read:

17 403.875 Prohibitions; penalties.--

18 (1) A person may not:

19 (a) Perform the duties of an operator of a water
20 treatment plant, water distribution system, or domestic
21 wastewater treatment plant unless he or she is licensed under
22 ss. 403.865-403.876.

23 (b) Use the name or title "water treatment plant
24 operator," "water distribution system operator," or "domestic
25 wastewater treatment plant operator" or any other words,
26 letters, abbreviations, or insignia indicating or implying
27 that he or she is an operator, or otherwise holds himself or
28 herself out as an operator, unless the person is the holder of
29 a valid license issued under ss. 403.865-403.876.

30 (f) Employ unlicensed persons to perform the duties of
31 an operator of a water treatment or domestic wastewater

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1 treatment plant or a water distribution system.

2 Section 24. Subsection (1) of section 403.88, Florida
3 Statutes, is amended to read:

4 403.88 Classification of water and wastewater
5 treatment facilities and facility operators.--

6 (1) The department shall classify water treatment
7 plants, and wastewater treatment plants, and water
8 distribution systems by size, complexity, and level of
9 treatment necessary to render the wastewater or source water
10 suitable for its intended purpose in compliance with this
11 chapter and department rules.

12 Section 25. The Department of Environmental Protection
13 in cooperation with the Santa Rosa Shores Homeowners
14 Association shall develop a proposal for dredging of a single
15 access channel connected to the existing channels and canals
16 within Santa Rosa Shores, Santa Rosa County, and extending to
17 navigable depths in Santa Rosa Sound. The proposal shall
18 include a plan of mitigation for offsetting adverse impacts of
19 the dredging, a plan for disposing of dredged materials, a
20 plan for protecting water quality and sea grass habitat during
21 dredging, a plan for long-term maintenance of the channel, and
22 a plan for inspection and study of the project, with annual
23 progress reports to be prepared by the Santa Rosa Shores
24 Homeowners Association for submittal to the Department of
25 Environmental Protection. The Santa Rosa Shores Homeowners
26 Association shall be responsible for the payment of costs
27 involved with the project and for submitting all required
28 applications required to authorize the project. Santa Rosa
29 Shores Homeowners Association and the Department of
30 Environmental Protection may contract with the University of
31 West Florida to provide the necessary monitoring services and

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1 reports. The Department of Environmental Protection shall
2 assist in expediting the processing of the required state
3 dredge and fill permit, and any associated authorizations
4 required from the Board of Trustees of the Internal
5 Improvement Trust Fund and the United States Army Corps of
6 Engineers. The Department of Environmental Protection shall
7 assist the Santa Rosa Shores Homeowners Association in
8 developing project criteria, including, but not limited to:
9 the length, width, and depth of the access channel; where and
10 how material is to be excavated and disposed; the method for
11 protecting water quality and sea grass habitat; long-term
12 maintenance of the channel as needed; mitigation design; and
13 design of the monitoring and reporting program.

14 Section 26. Except as otherwise provided herein, this
15 act shall take effect upon becoming a law.

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, line 2, thru page 2, line 2,
21 remove from the title of the bill: all of said lines

22

23 and insert in lieu thereof:

24 An act relating to environmental regulation;
25 amending s. 373.4135, F.S.; requiring
26 establishment and operation of mitigation
27 projects under a memorandum of agreement, under
28 certain conditions; providing requirements and
29 exclusions; authorizing certain mitigation
30 options for private single-family lots or
31 homeowners; providing for notice; amending s.

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1 373.4136, F.S.; revising provisions relating to
2 size and characteristics of the mitigation
3 service area; providing for use of regional
4 watersheds to guide establishment of mitigation
5 service areas; requiring satisfaction of
6 cumulative impact considerations; amending s.
7 373.414, F.S.; revising reporting requirements
8 relating to money donated as wetlands
9 mitigation; specifying conditions under which
10 proposed mitigation shall satisfy cumulative
11 impact considerations for a regulated activity;
12 requiring the Department of Environmental
13 Protection and certain water management
14 districts to adopt a single uniform wetland
15 mitigation assessment method, by rule, by a
16 specified date; directing local government use
17 of the assessment method; providing conditions
18 and procedures for use of the assessment
19 method; deleting obsolete language; directing
20 study by the Office of Program Policy Analysis
21 and Government Accountability on mitigation
22 cumulative impact considerations; amending s.
23 403.0882, F.S.; reorganizing and clarifying the
24 section; providing findings and declaration;
25 providing definitions; directing the Department
26 of Environmental Protection to initiate
27 rulemaking, by a specified date, to address
28 facilities that discharge demineralization
29 concentrate; creating a technical advisory
30 committee to assist in rule development;
31 providing permitting requirements relating to

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1 failure of toxicity tests due to naturally
2 occurring constituents; providing requirements
3 for discharge of demineralization concentrate
4 from small water utility businesses; providing
5 additional rulemaking authority; amending s.
6 403.061, F.S.; providing an exemption allowing
7 demineralization concentrate mixing zones in
8 Outstanding Florida Waters if specific
9 requirements are met; creating s. 403.065,
10 F.S.; providing findings and declarations;
11 providing for classification and permitting of
12 aquifer storage and recovery wells; providing a
13 zone of discharge for aquifer storage and
14 recovery wells meeting specific criteria;
15 providing monitoring requirements for aquifer
16 storage and recovery wells; requiring an
17 aquifer exemption for aquifer storage and
18 recovery wells not exceeding primary drinking
19 water standards other than total coliform
20 bacteria or sodium; requiring the department to
21 make a reasonable effort to issue or deny
22 permits within 90 days; providing the
23 department with rulemaking authority to
24 implement this section; amending s. 287.042,
25 F.S.; adding the water management districts to
26 the agencies that can require bid protesters to
27 file a bond; amending s. 373.323, F.S.;
28 providing additional licensure requirements for
29 water well contractors; amending s. 373.324,
30 F.S.; providing a continuing education
31 requirement for license renewal; providing for

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1 rules; amending s. 373.406, F.S.; authorizing a
2 water management district or the Department of
3 Environmental Protection to provide exemptions
4 from part IV of ch. 373, F.S., relating to
5 management and storage of surface waters, by
6 rule; ratifying and affirming certain
7 previously adopted rules; amending s. 403.088,
8 F.S.; creating a process by which water
9 pollution operation permittees must notify the
10 Department of Environmental Protection of any
11 noncompliance action that may endanger public
12 health or the environment; providing rulemaking
13 authority; directing the department to notify
14 permittees of the existing emergency management
15 communications process; amending s. 403.813,
16 F.S.; prohibiting the department and the Board
17 of Trustees of the Internal Improvement Trust
18 Fund from limiting the number of vessels that
19 can use single-family residential docks;
20 providing exceptions; amending s. 403.852,
21 F.S.; revising definitions relating to the
22 "Florida Safe Drinking Water Act"; providing
23 for transient noncommunity water systems;
24 amending ss. 403.853, 403.8532, and 803.854,
25 F.S.; revising provisions relating to drinking
26 water regulation, community water system loan
27 funding, and waiver of disinfection and
28 certified operator requirements for certain
29 noncommunity water systems; amending ss.
30 403.865, 403.866, 403.867, 403.872, 403.875,
31 and 403.88, F.S.; expanding provisions relating

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1 to water and wastewater facilities personnel to
2 include "water distribution systems," as
3 required by federal law; providing for a
4 navigational access channel in Santa Rosa
5 County; requiring certain mitigation, disposal,
6 water protection, and inspection plans;
7 requiring reports; providing responsibility for
8 costs; providing for an expedited process for
9 state dredge and fill permits; providing for
10 project criteria; providing an effective date.

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