

By the Committee on Natural Resources and Senator Bronson

312-1497-01

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 403.852, F.S.; redefining the terms "public
4 water system," "noncommunity water system,"
5 "nontransient noncommunity water system," and
6 "transient noncommunity water system"; amending
7 s. 403.853, F.S.; requiring the Department of
8 Environmental Protection to adopt primary and
9 secondary drinking water regulations for
10 nontransient noncommunity water systems and
11 transient noncommunity water systems; providing
12 that certified operators are not required for
13 certain transient noncommunity water systems;
14 amending s. 403.8532, F.S.; authorizing the
15 Department of Environmental Protection to make
16 loans to nonprofit transient noncommunity water
17 systems; amending s. 403.854, F.S.; requiring
18 the Department of Environmental Protection to
19 waive on a case-by-case basis certain
20 disinfection and operator requirements
21 applicable to transient noncommunity water
22 systems; amending s. 403.589, F.S.; providing
23 that it is a violation for failure to comply
24 with certain permit requirements; amending s.
25 403.861, F.S.; authorizing the Department of
26 Environmental Protection to issue permits for
27 altering or extending a public water system
28 based on the size of the system under certain
29 circumstances; requiring suppliers of water to
30 submit periodic operating reports and testing
31 data which may include certain raw water data;

1 amending s. 403.865, F.S.; providing a
2 legislative finding that the operation of water
3 and wastewater treatment systems must be
4 operated by qualified personnel; amending s.
5 403.866, F.S.; redefining the terms "operator"
6 and "water distribution system"; amending s.
7 403.867, F.S.; requiring water distribution
8 system operators to be licensed; amending s.
9 403.871, F.S.; requiring the Department of
10 Environmental Protection to establish certain
11 fees sufficient to cover the entire cost of
12 administering ss. 403.865-403.876, F.S.,
13 relating to water and wastewater operator
14 certification; amending s. 403.872, F.S.;
15 requiring any person to be licensed as a water
16 distribution system operator to take the
17 licensure examination; amending s. 403.875,
18 F.S.; prohibiting any person from performing
19 the duties of an operator of a water
20 distribution system unless licensed; amending
21 s. 403.88, F.S.; requiring the Department of
22 Environmental Protection to classify water
23 treatment plants and water distribution systems
24 by size, complexity, and level of treatment
25 necessary to render the source water suitable
26 for its intended purpose; requiring the
27 Department of Environmental Protection to
28 establish the levels of certification and the
29 staffing requirements for water treatment
30 plant, water distribution system, and
31 wastewater treatment plant operators; providing

1 a water treatment plant operator's license is
2 also valid as a water distribution system
3 license of the same classification or lower;
4 amending s. 403.1832, F.S.; conforming a
5 cross-reference; amending s. 403.1835, F.S.;
6 providing a definition of local governmental
7 agencies; repealing s. 403.1821, F.S., relating
8 to the short title of the "Florida Water
9 Pollution Control and Sewage Treatment Plant
10 Grant Act"; repealing s. 403.1822, F.S.,
11 relating to definitions; repealing s. 403.1823,
12 F.S., relating to rulemaking authority;
13 repealing s. 403.1826, F.S., relating to grants
14 and requirements for eligibility; repealing s.
15 403.1829, F.S., relating to funding project
16 priorities; providing an effective date.

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

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20 Section 1. Subsections (2), (4), and (17) of section
21 403.852, Florida Statutes, are amended, and subsection (18) is
22 added to that section, to read:

23 403.852 Definitions; ss. 403.850-403.864.--As used in
24 ss. 403.850-403.864:

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

1 community water system or a noncommunity water system. The
2 term "public water system" includes:

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

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

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

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

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

29 Section 2. Subsections (1) and (6) of section 403.853,
30 Florida Statutes, are amended to read:

31 403.853 Drinking water standards.--

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

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

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

12 403.8532 Drinking water state revolving loan fund;
13 use; rules.--

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

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

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

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

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

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

19 403.854 Variances, exemptions, and waivers.--

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

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

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

3 Section 5. Subsection (6) of section 403.859, Florida
4 Statutes, is amended to read:

5 403.859 Prohibited acts.--The following acts and the
6 causing thereof are prohibited and are violations of this act:

7 (6) Failure by a supplier of water to comply with the
8 requirements of a permit issued under s. 403.861(7)any
9 ~~approved plans and specifications or condition to the approval~~
10 ~~of plans and specifications issued by the department pursuant~~
11 ~~to this act.~~

12 Section 6. Subsections (7), (10), and (17) of section
13 403.861, Florida Statutes, are amended to read:

14 403.861 Department; powers and duties.--The department
15 shall have the power and the duty to carry out the provisions
16 and purposes of this act and, for this purpose, to:

17 (7) Issue permits for constructing, altering,
18 extending,or operating a public water ~~supply~~ system, based
19 upon the size of the system, type of treatment provided by the
20 system, or population served by the system. The department may
21 issue a permit for a public water system based upon review of
22 a preliminary design report or plans and specifications and a
23 completed permit application form and other required
24 information as set forth in department rule.

25 (10) Review ~~Require department or county health~~
26 ~~department review~~ and approve record drawings ~~approval of~~
27 ~~complete plans and specifications~~ prior to allowing the
28 ~~installation,operation, alteration, or extension of any new,~~
29 altered, or extended public water system for which a valid
30 permit has been issued under subsection (7).

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1 (17) Require suppliers of water to submit periodic
2 operating reports and testing data which the department
3 determines are reasonably necessary to ascertain the adequacy
4 of water supply systems. The information may include raw water
5 data to determine whether additional treatment will be
6 required to ensure that water at the consumer's tap meets
7 applicable drinking water standards and action levels.

8 Section 7. Section 403.865, Florida Statutes, is
9 amended to read:

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

19 Section 8. Subsections (3) and (5) of section 403.866,
20 Florida Statutes, are amended to read:

21 403.866 Definitions; ss. 403.865-403.876.--As used in
22 ss. 403.865-403.876, the term:

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

29 (5) "Water distribution system" means those components
30 of a public water system used in conveying water for human
31 consumption from the water treatment plant to the consumer's

1 property, including pipes, tanks, pumps ~~pipelines, conduits,~~
2 ~~pumping stations,~~ and all other constructed conveyances
3 ~~structures, devices, appurtenances, and facilities used~~
4 ~~specifically for such purpose.~~

5 Section 9. Section 403.867, Florida Statutes, is
6 amended to read:

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

12 Section 10. Section 403.871, Florida Statutes, is
13 amended to read:

14 403.871 Fees.--The department shall, by rule,
15 establish fees to be paid by persons seeking licensure or
16 license renewal to cover the entire cost to the department of
17 administering ss. 403.865-403.876, including, but not limited
18 to, the costs associated with for application review and
19 examination, reexamination, licensing and renewal, renewal of
20 an inactive license, reactivation of an inactive license,
21 recordmaking, and recordkeeping, and the costs of ensuring
22 compliance with ss. 403.865-403.876. The fees for license
23 application and license renewal shall be nonrefundable. ~~The~~
24 ~~department shall establish fees adequate to administer and~~
25 ~~implement ss. 403.865-403.876.~~

26 ~~(1) The application fee may not exceed \$100 and is not~~
27 ~~refundable.~~

28 ~~(2) The renewal fee may not exceed \$100 and is not~~
29 ~~refundable.~~

30 ~~(3) All fees collected under this section must be~~
31 ~~deposited into the Water Quality Assurance Trust Fund. The~~

1 fees shall be used exclusively to implement the provisions of
2 ss. 403.865-403.876.

3 Section 11. Subsections (1) and (3) of section
4 403.872, Florida Statutes, are amended to read:

5 403.872 Requirements for licensure.--

6 (1) Any person desiring to be licensed as a water
7 treatment plant operator, a water distribution system
8 operator, or a domestic wastewater treatment plant operator
9 must apply to the department to take the licensure
10 examination.

11 (3) The department shall license as an operator any
12 applicant who has passed the examination and meets the other
13 criteria established under this section.

14 Section 12. Paragraphs (a), (b), and (f) of subsection
15 (1) of section 403.875, Florida Statutes, are amended to read:

16 403.875 Prohibitions; penalties.--

17 (1) A person may not:

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

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

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

1 Section 13. Section 403.88, Florida Statutes, is
2 amended to read:

3 403.88 Classification of water and wastewater
4 treatment facilities and facility operators.--

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

11 (2) The department shall establish the levels of
12 certification and the staffing requirements for water
13 treatment plant, water distribution system, and wastewater
14 treatment plant operators certified under ss. 403.865-403.876
15 necessary to carry out subsection (1).

16 (3) A water treatment plant operator's license is also
17 valid as a water distribution system license of the same
18 classification or lower.

19 ~~(4)~~(3) The department shall adopt rules necessary to
20 carry out this section.

21 Section 14. Subsection (1) of section 403.1832,
22 Florida Statutes, is amended to read:

23 403.1832 Department to accept federal aid; Grants and
24 Donations Trust Fund.--

25 (1) The department is designated as the administrative
26 agency of the state to apply for and accept any funds or other
27 aid and to cooperate and enter into contracts and agreements
28 with the Federal Government relating to the planning, design,
29 construction, operation, maintenance, and enforcement
30 activities of the program to provide clean air and water and
31 pollution abatement of the air and waters of the state,

1 including solid waste management, hazardous waste management,
2 and ecosystem management and restoration, or to any other
3 related environmental purposes authorized by the Congress of
4 the United States. The department may, in the name of the
5 state, make such applications, sign such documents, give such
6 assurances, and do such other things as are necessary to
7 obtain such aid from or cooperate with the United States
8 Government or any agency thereof. The department may consent
9 to enter into contracts and agreements and cooperate with any
10 other state agency, local governmental agency, person, or
11 other state when it is necessary to carry out the provisions
12 of this section ~~ss. 403.1821-403.1832~~.

13 Section 15. Paragraph (a) of subsection (2) of section
14 403.1835, Florida Statutes, is amended to read:

15 403.1835 Water pollution control financial
16 assistance.--

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

18 (a) "Local governmental agencies" refers to any
19 municipality, county, district, or authority, or any agency
20 thereof, or a combination of two or more of the foregoing,
21 acting jointly in connection with a project having
22 jurisdiction over collection, transmission, treatment, or
23 disposal of sewage, industrial wastes, stormwater, or other
24 wastes and includes a district or authority the principal
25 responsibility of which is to provide airport, industrial or
26 research park, or port facilities to the public ~~means local~~
27 ~~governmental agencies as defined in s. 403.1822(3).~~

28 Section 16. Sections 403.1821, 403.1822, 403.1823,
29 403.1826, and 403.1829, Florida Statutes, are repealed.

30 Section 17. This act shall take effect July 1, 2001.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1030

The committee substitute make a number of technical and clarifying amendments to conform Florida's Safe Drinking Water Act to the federal Safe Drinking Water Act. Suppliers of water are required to submit periodic operating reports and testing data which may include raw water data. Water distribution system operators would be required to be licensed by the Department of Environmental Protection. Certain outdated provisions of the Florida Water Pollution Control and Sewage Treatment Plant Grant Act are repealed.