

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; amending s. 373.323, F.S.; providing  
8 continuing education requirements for water  
9 well contractors; authorizing water well  
10 contractors to install and repair certain  
11 equipment on water systems; amending s.  
12 373.324, F.S.; providing continuing education  
13 requirements for license renewal; repealing s.  
14 403.1821, F.S., relating to the short title of  
15 the "Florida Water Pollution Control and Sewage  
16 Treatment Plant Grant Act"; repealing s.  
17 403.1822, F.S., relating to definitions;  
18 repealing s. 403.1823, F.S., relating to  
19 rulemaking authority; repealing s. 403.1826,  
20 F.S., relating to grants and requirements for  
21 eligibility; repealing s. 403.1829, F.S.,  
22 relating to funding project priorities;  
23 providing an effective date.  
24

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

26  
27 Section 1. Subsections (2), (4), and (17) of section  
28 403.852, Florida Statutes, are amended, and subsection (18) is  
29 added to that section, to read:

30 403.852 Definitions; ss. 403.850-403.864.--As used in  
31 ss. 403.850-403.864:

1           (2) "Public water system" means a ~~community,~~  
2 ~~nontransient noncommunity, or noncommunity~~ system for the  
3 provision to the public of ~~pip~~ed water for human consumption  
4 through pipes or other constructed conveyances if, provided  
5 ~~that~~ such system has at least 15 service connections or  
6 regularly serves at least 25 individuals daily at least 60  
7 days out of the year. A public water system is either a  
8 community water system or a noncommunity water system. The  
9 term "public water system" includes:

10           (a) Any collection, treatment, storage, and  
11 distribution facility or facilities under control of the  
12 operator of such system and used primarily in connection with  
13 such system.

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

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

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

30           (18) "Transient noncommunity water system" means a  
31 noncommunity water system that has at least 15 service

1 connections or regularly serves at least 25 persons daily at  
2 least 60 days out of the year but that does not regularly  
3 serve 25 or more of the same persons for more than 6 months  
4 per year.

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

7 403.853 Drinking water standards.--

8 (1) The department shall adopt and enforce:

9 (a)1. State primary drinking water regulations that  
10 shall be no less stringent at any given time than the complete  
11 interim or revised national primary drinking water regulations  
12 in effect at such time; and

13 2. State secondary drinking water regulations  
14 patterned after the national secondary drinking water  
15 regulations.

16 (b) Primary and secondary drinking water regulations  
17 for nontransient noncommunity water systems and transient  
18 noncommunity water systems, which shall be no more stringent  
19 than the corresponding national primary or secondary drinking  
20 water regulations in effect at such time, except that  
21 nontransient, noncommunity systems shall monitor and comply  
22 with additional primary drinking water regulations as  
23 determined by the department.

24 (6) Upon the request of the owner or operator of a  
25 transient noncommunity water system serving businesses, other  
26 than restaurants or other public food service establishments,  
27 and using groundwater as a source of supply, the department,  
28 or a local county health department designated by the  
29 department, shall perform a sanitary survey of the facility.  
30 Upon receipt of satisfactory survey results according to  
31 department criteria, the department shall reduce the

1 requirements of such owner or operator from monitoring and  
2 reporting on a quarterly basis to performing these functions  
3 on an annual basis. Any revised monitoring and reporting  
4 schedule approved by the department under this subsection  
5 shall apply until such time as a violation of applicable state  
6 or federal primary drinking water standards is determined by  
7 the system owner or operator, by the department, or by an  
8 agency designated by the department, after a random or routine  
9 sanitary survey. Certified operators are not required for  
10 transient noncommunity water systems of the type and size  
11 covered by this subsection. Any reports required of such  
12 system shall be limited to the minimum as required by federal  
13 law. When not contrary to the provisions of federal law, the  
14 department may, upon request and by rule, waive additional  
15 provisions of state drinking water regulations for such  
16 systems.

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

19 403.8532 Drinking water state revolving loan fund;  
20 use; rules.--

21 (3) The department is authorized to make loans to  
22 community water systems, nonprofit transient noncommunity  
23 water systems, and nonprofit nontransient noncommunity water  
24 systems to assist them in planning, designing, and  
25 constructing public water systems, unless such public water  
26 systems are for-profit privately owned or investor-owned  
27 systems that regularly serve 1,500 service connections or more  
28 within a single certified or franchised area. However, a  
29 for-profit privately owned or investor-owned public water  
30 system that regularly serves 1,500 service connections or more  
31 within a single certified or franchised area may qualify for a

1 loan only if the proposed project will result in the  
2 consolidation of two or more public water systems. The  
3 department is authorized to provide loan guarantees, to  
4 purchase loan insurance, and to refinance local debt through  
5 the issue of new loans for projects approved by the  
6 department. Public water systems are authorized to borrow  
7 funds made available pursuant to this section and may pledge  
8 any revenues or other adequate security available to them to  
9 repay any funds borrowed. The department shall administer  
10 loans so that amounts credited to the Drinking Water Revolving  
11 Loan Trust Fund in any fiscal year are reserved for the  
12 following purposes:

13 (a) At least 15 percent to qualifying small public  
14 water systems.

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

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

24 Section 4. Subsections (4), (5), and (8) of section  
25 403.854, Florida Statutes, are amended to read:

26 403.854 Variances, exemptions, and waivers.--

27 (4)(a) The department shall, except upon a showing of  
28 good cause, waive on a case-by-case basis any disinfection  
29 ~~chlorination~~ requirement applicable to transient noncommunity  
30 water systems using ground water as a source of supply upon an  
31 affirmative showing by the supplier of water that no hazard to

1 health will result. This showing shall be based upon the  
2 following:

- 3 1. The completion of a satisfactory sanitary survey;
- 4 2. The history of the quality of water provided by the  
5 system and monthly monitoring tests for bacteriological  
6 contamination;
- 7 3. Evaluation of the well and the site on which it is  
8 located, including geology, depth of well, casing, grouting,  
9 and other relevant factors which have an impact on the quality  
10 of water supplied; and
- 11 4. The number of connections and size of the  
12 distribution system.

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

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

24 (a) The results of a sanitary survey if deemed  
25 necessary;

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

28 (c) The adequacy of monitoring procedures for maximum  
29 contaminant levels included in primary drinking water  
30 regulations;

31



1 (d) The feasibility of the supplier of water becoming  
2 a certified operator; and

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

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

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

12 403.859 Prohibited acts.--The following acts and the  
13 causing thereof are prohibited and are violations of this act:

14 (6) Failure by a supplier of water to comply with the  
15 requirements of a permit issued under s. 403.861(7)any  
16 ~~approved plans and specifications or condition to the approval~~  
17 ~~of plans and specifications issued by the department pursuant~~  
18 ~~to this act.~~

19 Section 6. Subsections (7), (10), and (17) of section  
20 403.861, Florida Statutes, are amended to read:

21 403.861 Department; powers and duties.--The department  
22 shall have the power and the duty to carry out the provisions  
23 and purposes of this act and, for this purpose, to:

24 (7) Issue permits for constructing, altering,  
25 extending,or operating a public water ~~supply~~ system, based  
26 upon the size of the system, type of treatment provided by the  
27 system, or population served by the system. The department may  
28 issue a permit for a public water system based upon review of  
29 a preliminary design report or plans and specifications and a  
30 completed permit application form and other required  
31 information as set forth in department rule.

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

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

14           Section 7. Section 403.865, Florida Statutes, is  
15 amended to read:

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

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

27           403.866 Definitions; ss. 403.865-403.876.--As used in  
28 ss. 403.865-403.876, the term:

29           (3) "Operator" means any person, including the owner,  
30 who is in onsite charge of the actual operation, supervision,  
31 and maintenance of a water treatment plant, water distribution

1 system,or domestic wastewater treatment plant and includes  
2 the person in onsite charge of a shift or period of operation  
3 during any part of the day.

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

11 Section 9. Section 403.867, Florida Statutes, is  
12 amended to read:

13 403.867 License required.--A person may not perform  
14 the duties of an operator of a water treatment plant, water  
15 distribution system,or a domestic wastewater treatment plant  
16 unless he or she holds a current operator's license issued by  
17 the department.

18 Section 10. Section 403.871, Florida Statutes, is  
19 amended to read:

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

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

3           (2) The renewal fee may not exceed \$100 and is not  
4 refundable.

5           (3) All fees collected under this section must be  
6 deposited into the Water Quality Assurance Trust Fund. The  
7 fees shall be used exclusively to implement the provisions of  
8 ss. 403.865-403.876.

9           Section 11. Subsections (1) and (3) of section  
10 403.872, Florida Statutes, are amended to read:

11           403.872 Requirements for licensure.--

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

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

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

22           403.875 Prohibitions; penalties.--

23           (1) A person may not:

24           (a) Perform the duties of an operator of a water  
25 treatment plant, water distribution system, or domestic  
26 wastewater treatment plant unless he or she is licensed under  
27 ss. 403.865-403.876.

28           (b) Use the name or title "water treatment plant  
29 operator," "water distribution system operator," ~~or~~ "domestic  
30 wastewater treatment plant operator" or any other words,  
31 letters, abbreviations, or insignia indicating or implying

1 that he or she is an operator, or otherwise holds himself or  
2 herself out as an operator, unless the person is the holder of  
3 a valid license issued under ss. 403.865-403.876.

4 (f) Employ unlicensed persons to perform the duties of  
5 an operator of a water treatment or domestic wastewater  
6 treatment plant or a water distribution system.

7 Section 13. Section 403.88, Florida Statutes, is  
8 amended to read:

9 403.88 Classification of water and wastewater  
10 treatment facilities and facility operators.--

11 (1) The department shall classify water treatment  
12 plants, and wastewater treatment plants, and water  
13 distribution systems by size, complexity, and level of  
14 treatment necessary to render the wastewater or source water  
15 suitable for its intended purpose in compliance with this  
16 chapter and department rules.

17 (2) The department shall establish the levels of  
18 certification and the staffing requirements for water  
19 treatment plant, water distribution system, and wastewater  
20 treatment plant operators certified under ss. 403.865-403.876  
21 necessary to carry out subsection (1).

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

25 ~~(4)(3)~~ The department shall adopt rules necessary to  
26 carry out this section.

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

29 403.1832 Department to accept federal aid; Grants and  
30 Donations Trust Fund.--

31

1           (1) The department is designated as the administrative  
2 agency of the state to apply for and accept any funds or other  
3 aid and to cooperate and enter into contracts and agreements  
4 with the Federal Government relating to the planning, design,  
5 construction, operation, maintenance, and enforcement  
6 activities of the program to provide clean air and water and  
7 pollution abatement of the air and waters of the state,  
8 including solid waste management, hazardous waste management,  
9 and ecosystem management and restoration, or to any other  
10 related environmental purposes authorized by the Congress of  
11 the United States. The department may, in the name of the  
12 state, make such applications, sign such documents, give such  
13 assurances, and do such other things as are necessary to  
14 obtain such aid from or cooperate with the United States  
15 Government or any agency thereof. The department may consent  
16 to enter into contracts and agreements and cooperate with any  
17 other state agency, local governmental agency, person, or  
18 other state when it is necessary to carry out the provisions  
19 of this section ~~ss. 403.1821-403.1832~~.

20           Section 15. Paragraph (a) of subsection (2) of section  
21 403.1835, Florida Statutes, is amended to read:

22           403.1835 Water pollution control financial  
23 assistance.--

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

25           (a) "Local governmental agencies" refers to any  
26 municipality, county, district, or authority, or any agency  
27 thereof, or a combination of two or more of the foregoing,  
28 acting jointly in connection with a project having  
29 jurisdiction over collection, transmission, treatment, or  
30 disposal of sewage, industrial wastes, stormwater, or other  
31 wastes and includes a district or authority the principal

1 responsibility of which is to provide airport, industrial or  
2 research park, or port facilities to the public ~~means local~~  
3 ~~governmental agencies as defined in s. 403.1822(3).~~

4 Section 16. Subsection (5) is amended and subsection  
5 (10) is added to section 373.323, Florida Statutes, to read:

6 373.323 Licensure of water well contractors;  
7 application, qualifications, and examinations; equipment  
8 identification.--

9 (5) The water management district shall issue a water  
10 well contracting license to any applicant who receives a  
11 passing grade on the examination, has paid the initial  
12 application fee, take and completes, to the satisfaction of  
13 the department a minimum of 12 hours of approved coursework,  
14 and has complied with the requirements of this section. A  
15 passing grade on the examination shall be as established by  
16 the department by rule. A license issued by any water  
17 management district shall be valid in every water management  
18 district in the state.

19 (10) Water well contractors licensed pursuant to this  
20 section shall be authorized to install, repair and modify  
21 pumps and tanks in accordance with the Florida Building Code,  
22 chapter 29; Section 612 -- Well Pumps and Tanks Used for  
23 Private Potable Water Systems. In addition, licensed water  
24 well contractors shall be able to install pumps, tanks, and  
25 water conditioning equipment for all water well systems.

26 Section 17. Section 373.324, Florida Statutes, is  
27 amended to read:

28 373.324 License renewal.--

29 (1) A water well contractor shall submit an  
30 application for renewal of a license to the water management  
31 district which issued the license.

1           (2) The water management district shall renew a  
2 license upon receipt of the renewal application, proof of  
3 completion of 12 classroom hours of continuing education for  
4 each renewal cycle, and renewal fee.

5           (3) The department shall prescribe by rule the method  
6 for renewal of license which shall include continuing  
7 education requirements of not less than 12 classroom hours for  
8 each renewal cycle.

9           (4)~~(3)~~ The department shall adopt rules establishing a  
10 procedure for the biennial renewal of licenses, which shall be  
11 adopted by each water management district.

12           (5)~~(4)~~ A license which is not renewed at the end of  
13 the biennium prescribed by the department shall automatically  
14 revert to inactive status. Such license may be reactivated  
15 only if the licensee meets the qualifications for reactivation  
16 in s. 373.325.

17           (6)~~(5)~~ At least 60 days prior to the automatic  
18 reversion of a license to inactive status, the water  
19 management district shall mail a notice of such reversion to  
20 the last known address of the licensee.

21           Section 18. Sections 403.1821, 403.1822, 403.1823,  
22 403.1826, and 403.1829, Florida Statutes, are repealed.

23           Section 19. This act shall take effect July 1, 2001.  
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