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DATE: April 1, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION
ANALYSIS**

BILL #: HB 1949 (PCB NREP 01-04)

RELATING TO: Water Resources

SPONSOR(S): Committee on Natural Resources & Environmental Protection and
Representative Harrington

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 10 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

HB 1949 proposes to amend requirements for licensing of new water well contractors by adding educational criteria to section 373.323, Florida Statutes. The Department of Environmental Protection (DEP) is authorized to prescribe by rule the method for renewal of water well contractors licenses, and must include education requirements.

HB 1949 makes technical changes to conform Florida's Safe Drinking Water Act to the federal Safe Drinking Water Act, and redefines the terms "public water system" and "noncommunity water system" to provide for "nontransient noncommunity water systems" and "transient noncommunity water systems". The DEP is authorized to issue permits for public water systems based upon preliminary design reports, plans, or specification reviews, the size of the system, and the system treatment method. Raw water data may be included in reports used to determine the adequacy of water supply systems. Licensing requirements are established for water distribution system operators, and although the DEP can set the licensing fee by rule, the application fee may not exceed \$100.

HB 1949 will take effect on July 1, 2001, except as otherwise provided.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

HB 1949 does not support the idea of less government because it creates new educational licensing requirements for water well contractors, and new licensing requirements for water distribution system operators.

B. PRESENT SITUATION:

Florida Safe Drinking Water Act

The Florida Safe Drinking Water Act is established in ss. 403.850-403.88, F.S., and authorizes the Department of Environmental Protection (DEP) to administer and enforce the provisions of the Act, and all rules and orders adopted, issued, or made effective. The DEP issues permits for constructing or operating public water supply systems, and is authorized to impose permit fees in amounts sufficient to cover the costs of reviewing and acting upon permit applications.

Federal Safe Drinking Water Act

In 1996, amendments to the federal Safe Drinking Water Act expanded the definition of a regulated public water system to include not just water "piped" for human consumption, but also water provided through "other constructed conveyances" for human consumption. This includes open channels used for the transport of water by irrigation districts and other special connections where water is also to be used for human consumption. These other methods of conveyance must supply treated drinking water under the federal definition, but the Florida Safe Drinking Water Act does not reflect the changes.

Water and Wastewater Operator Certification Program

The DEP implements Florida's Water and Wastewater Operator Certification Program to develop and enforce requirements to ensure that our public water systems and wastewater treatment plants are operated by appropriately educated, trained, tested, and licensed personnel. The federal Safe Drinking Water Act mandates that drinking water distribution system operators also be certified. Under the provisions of the Florida Safe Drinking Water Act, only water and wastewater treatment plant operators must be licensed.

The DEP believes that a portion of the Drinking Water State Revolving Fund capitalization grant may be withheld by the Environmental Protection Agency if Florida's Operator Certification Program does not meet federal requirements.

C. EFFECT OF PROPOSED CHANGES:

HB 1949 proposes the following changes:

- Creates education requirements for persons applying to become licensed water well contractors, or persons that want to renew an existing water well contractor's license.
- Provides that effective October 1, 2001, certain licensed water well contractors will be able to install, repair, or modify pumps or tanks in accordance with the provisions of the Florida Building Code, Plumbing – Section 612.
- Provides that water distribution system operators must be licensed.
- Confirms the Florida Safe Drinking Water Act to the federal Safe Drinking Water Act.
- Repeals outdated provisions related to the Florida Water Pollution Control and Sewage Treatment Plant Grant Act.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 373.323, F.S., to provide that persons wishing to receive a well contractors license must complete a minimum of twelve hours of approved course work to the satisfaction of the DEP.

Section 2. Amends s. 373.323, F.S., effective October 1, 2001, to provide that water well contractors licensed under the provisions of s. 373.323, F.S., can install, repair, and modify pumps and tanks in accordance with provisions of the Florida Building Code, Plumbing – Section 612. Provides that in addition to the above, licensed water well contractors may install pumps, tanks, and water conditioning equipment for all water well systems.

Section 3. Amends 373.324, F.S., to provide continuing education requirements to license renewal provisions for water well contractors. Authorizes the DEP to prescribe by rule that method for license renewal, and provides that the method must include no less than twelve classroom hours of continuing education requirements.

Section 4. Amends s. 403.852, F.S., to conform definitions in Florida's Safe Drinking Water Act to definitions in the federal Safe Drinking Water Act.

- Redefines "public water system" to mean systems providing the public with drinking water through pipes or other constructed conveyances, and having at least 15 service connections, or regularly serving at least 25 individuals daily at least 60 days out of the year. Public water systems can be either community water systems or noncommunity water systems.
- Defines "noncommunity water system" to mean a public water system that is not a community water system (serving at least 25 year-round residents). Noncommunity systems can be either nontransient noncommunity water systems, or transient noncommunity water systems.
- "Nontransient noncommunity water systems" are noncommunity water systems that regularly serve at least 25 of the same persons over 6 months per year.
- "Transient noncommunity water systems" are noncommunity water systems that have at least 15 service connections, or regularly serve at least 25 persons a day for at least 60 days out of the year, but that do not regularly serve 25 or more of the same persons for more than 6 months per year.

Section 5. Amends s. 403.853, F.S., to provide that the DEP will adopt and enforce primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems.

Section 6. Amends s. 403.8532, F.S., to provide that the DEP is authorized to make loans from the Drinking Water State Revolving Loan Fund to nonprofit transient noncommunity water systems.

Section 7. Amends s. 403.954, F.S., to allow the DEP, under certain conditions, to waive on a case-by-case basis any disinfection requirement or certified operator requirement applicable to transient noncommunity water systems using groundwater as a supply source.

Section 8. Amends s. 403.859, F.S., to provide that failure by a water supplier to comply with certain DEP permit requirements is a violation of the Florida Safe Drinking Water Act.

Section 9. Amends s. 403.861, F.S., to provide that the DEP will issue permits for altering or extending public water systems, based on the size of the system and the type of treatment, as well as the population served. Provides that the DEP may issue a permit for a public water system based upon a review of the preliminary design report or plans and specifications, and a completed permit application, and other required information as set forth in department rule. Provides that raw water data may be included in information submitted to the DEP for determining the adequacy of water supply systems.

Section 10. Amends s. 403.865, F.S., to provide that in order to protect the public health and the environment, water distribution systems, and water and wastewater treatment plants, must be operated by qualified personnel.

Section 11. Amends s. 403.866, F.S., to provide that “operator” means persons in charge of water distribution systems. Redefines “water distribution system” to mean those components of a public water system used to convey drinking water from the water treatment plant to the consumer’s property, including pipes, tanks, pumps, and other constructed conveyances.

Section 12. Amends s. 403.867, F.S., to provide that water distribution system operators must be licensed.

Section 13. Amends s. 403.871, F.S., to provide that licensing fees established through rule of the DEP must cover the entire cost of the licensing program, including license renewals. Provides that license application and renewal fees are non-refundable.

Section 14. Amends s. 403.872, F.S., to provide that persons wanting to be licensed as water distribution system operators must apply to the DEP to take the licensing exam, and must pass the exam and meet additional criteria established by rule of the DEP.

Section 15. Amends s. 403.875, F.S., to provide that persons may not perform, and may not be hired to perform, the duties of a water distribution system operator without being licensed.

Section 16. Amends s. 403.88, F.S., to provide that the DEP will classify water treatment plants, wastewater treatment plants, and water distribution systems by size, complexity, and level of treatment. Provides that the DEP will establish levels of certification and the staffing requirements for water treatment plants, water distribution systems, and wastewater treatment plants.

Section 17. Amends s. 403.1832, F.S., to correct a cross-reference.

Section 18. Amends s. 403.1835, F.S., to transfer the definition of “local governmental agencies” from s. 403.1822, F.S.,

Section 19. Repeals ss. 403.1821, 403.1822, 403.1823, 403.1826, and 403.1829, F.S., that are outdated provisions relating to the Florida Water Pollution Control and Sewage Treatment Plant Grant Act.

Section 20. Provides an effective date of July 1, 2001, except where otherwise indicated in the proposed bill.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. The DEP is authorized to adopt rules to ensure that the costs of implementing the licensing program are covered by the fees assessed.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The private sector will be impacted by the provisions of this bill because water distribution system operators have to be licensed. Also, water well contractors have additional education requirements to meet before receiving or renewing a license.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 1949 does not require municipalities or counties to spend money or to take action that requires a significant expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1949 does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 1949 does not reduce the percentage of state tax revenues shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The DEP is authorized to prescribe by rule a method for water well contractors to renew a license which shall include continuing education requirements of not less than twelve classroom hours for each renewal cycle. Also, the DEP is authorized to issue permits for public water supply systems, after reviewing, in part, additional information as required by the department rule.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

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