

By the Committee on Natural Resources & Environmental  
Protection and Representative Harrington

1                                   A bill to be entitled  
2           An act relating to water resources; amending s.  
3           373.323, F.S.; revising requirements for  
4           licensure of water well contractors; providing  
5           conditions under which water well contractors  
6           may install, repair, or modify pumps, tanks,  
7           and water conditioning equipment; amending s.  
8           373.324, F.S.; requiring the Department of  
9           Environmental Protection to adopt rules;  
10          requiring a continuing education requirement  
11          for renewal of water well contractor licenses;  
12          amending s. 373.325, F.S.; providing continuing  
13          education requirements for renewal or  
14          reactivation of an inactive license; amending  
15          ss. 403.061 and 403.1832, F.S.; conforming  
16          cross references; amending s. 403.1835, F.S.;  
17          providing a definition of "local governmental  
18          agencies"; amending s. 403.804, F.S.; deleting  
19          language to conform to the act; amending s.  
20          403.852, F.S.; revising and reorganizing  
21          definitions; redefining "noncommunity water  
22          system," "nontransient noncommunity water  
23          system," and "public water system"; defining  
24          "transient noncommunity water system"; amending  
25          s. 403.853, F.S.; requiring the department to  
26          adopt primary and secondary drinking water  
27          regulations for nontransient noncommunity water  
28          systems and transient noncommunity water  
29          systems; providing that certified operators are  
30          not required for certain transient noncommunity  
31          water systems; amending s. 403.8532, F.S.;

1 authorizing the department to make loans to  
2 nonprofit transient noncommunity water systems;  
3 amending s. 403.854, F.S.; requiring the  
4 department to waive on a case-by-case basis  
5 certain disinfection and operator requirements  
6 applicable to transient noncommunity water  
7 systems; amending s. 403.859, F.S.; providing  
8 that failure to comply with certain permit  
9 requirements is a violation, for which a  
10 penalty is provided; amending s. 403.861, F.S.;  
11 authorizing the department to issue permits for  
12 altering or extending a public water system  
13 based on specified criteria; requiring  
14 department approval of record drawings prior to  
15 operation of any new, altered, or extended  
16 public water system; providing that periodic  
17 operating reports and testing data submitted by  
18 water suppliers may include raw water data for  
19 certain purposes; amending s. 403.865, F.S.;  
20 providing a legislative finding that water and  
21 wastewater treatment plants and water  
22 distribution systems must be operated by  
23 qualified personnel; amending s. 403.866, F.S.;  
24 redefining "operator" and "water distribution  
25 system"; amending s. 403.867, F.S.; requiring  
26 water distribution system operators to be  
27 licensed; amending s. 403.871, F.S.; requiring  
28 the department to establish certain fees  
29 sufficient to cover the entire cost of  
30 administering ss. 403.865-403.876, F.S.,  
31 relating to water and wastewater operator

1 certification; amending s. 403.872, F.S.;  
2 requiring examination for licensure as a water  
3 distribution system operator; amending s.  
4 403.875, F.S.; prohibiting performing the  
5 duties or using the title of a water  
6 distribution system operator unless licensed;  
7 providing a penalty; amending s. 403.88, F.S.;  
8 requiring the department to classify water  
9 treatment plants and water distribution systems  
10 by size, complexity, and level of treatment  
11 necessary to render the source water suitable  
12 for its intended purpose; requiring the  
13 department to establish the levels of  
14 certification and staffing requirements for  
15 water treatment plant, water distribution  
16 system, and wastewater treatment plant  
17 operators; providing that a water treatment  
18 plant operator's license is also valid as a  
19 water distribution system license of the same  
20 classification or lower; repealing s. 403.1821,  
21 F.S., relating to short title of ss.  
22 403.1821-403.1832, F.S., the "Florida Water  
23 Pollution Control and Sewage Treatment Plant  
24 Grant Act"; repealing s. 403.1822, F.S.,  
25 relating to definitions; repealing s. 403.1823,  
26 F.S., relating to rulemaking authority and  
27 administration of funds; repealing s. 403.1826,  
28 F.S., relating to grants and requirements for  
29 eligibility; repealing s. 403.1829, F.S.,  
30 relating to priorities for funding projects;  
31 providing effective dates.

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

2

3 Section 1. Subsection (5) of section 373.323, Florida  
4 Statutes, is amended to read:

5 373.323 Licensure of water well contractors;  
6 application, qualifications, and examinations; equipment  
7 identification.--

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

18 Section 2. Effective October 1, 2001, subsection (10)  
19 is added to section 373.323, Florida Statutes, to read:

20 373.323 Licensure of water well contractors;  
21 application, qualifications, and examinations; equipment  
22 identification.--

23 (10) Water well contractors licensed under this  
24 section may install, repair, and modify pumps and tanks in  
25 accordance with the Florida Building Code, Plumbing; Section  
26 612: Well Pumps and Tanks Used For Private Potable Water  
27 Systems. In addition, licensed water well contractors may  
28 install pumps, tanks, and water conditioning equipment for all  
29 water well systems.

30 Section 3. Subsections (2) and (3) of section 373.324,  
31 Florida Statutes, are amended to read:

1           373.324 License renewal.--

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

6           (3) The department shall adopt rules establishing a  
7 procedure for the biennial renewal of licenses, which shall be  
8 adopted by each water management district and shall include  
9 continuing education requirements of not less than 12  
10 classroom hours for each renewal cycle.

11           Section 4. Section 373.325, Florida Statutes, is  
12 amended to read:

13           373.325 Inactive status.--A license which has become  
14 inactive pursuant to s. 373.324 may be renewed or reactivated  
15 upon application to the water management district, as follows:

16           (1) A license which has been inactive for 1 year or  
17 less after the end of the biennium prescribed by the  
18 department may be renewed pursuant to s. 373.324 upon  
19 application to the water management district, proof of  
20 completion of 12 classroom hours of continuing education, if  
21 applicable, and ~~upon~~ payment of the renewal and penalty fees  
22 as provided in s. 373.329. Such renewed license shall expire  
23 2 years after the date the license automatically reverted to  
24 inactive status.

25           (2) A license which has been inactive for more than 1  
26 year may be reactivated upon application to the water  
27 management district for licensure and proof of completion of  
28 12 classroom hours of continuing education, pursuant to the  
29 requirements of s. 373.323.

30           Section 5. Paragraph (a) of subsection (24) of section  
31 403.061, Florida Statutes, is amended to read:

1           403.061 Department; powers and duties.--The department  
2 shall have the power and the duty to control and prohibit  
3 pollution of air and water in accordance with the law and  
4 rules adopted and promulgated by it and, for this purpose, to:  
5           (24)(a) Establish a permit system to provide for spoil  
6 site approval, as may be requested and required by local  
7 governmental agencies as defined in s. 403.1835(2)(a)  
8 ~~403.1822(3)~~, or mosquito control districts as defined in s.  
9 388.011(5), to facilitate these agencies in providing spoil  
10 sites for the deposit of spoil from maintenance dredging of  
11 navigation channels, port harbors, turning basins, and harbor  
12 berths, as part of a federal project, when the agency is  
13 acting as sponsor of a contemplated dredge and fill operation  
14 involving an established navigation channel, harbor, turning  
15 basin, or harbor berth. A spoil site approval granted to the  
16 agency shall be granted for a period of 10 to 25 years when  
17 such site is not inconsistent with an adopted local  
18 governmental comprehensive plan and the requirements of this  
19 chapter. The department shall periodically review each permit  
20 to determine compliance with the terms and conditions of the  
21 permit. Such review shall be conducted at least once every 10  
22 years.

23           Section 6. Subsection (1) of section 403.1832, Florida  
24 Statutes, is amended to read:

25           403.1832 Department to accept federal aid; Grants and  
26 Donations Trust Fund.--

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

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

15 Section 7. Paragraph (a) of subsection (2) of section  
16 403.1835, Florida Statutes, is amended to read:

17 403.1835 Water pollution control financial  
18 assistance.--

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

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

30 Section 8. Subsection (3) of section 403.804, Florida  
31 Statutes, is amended to read:

1           403.804 Environmental Regulation Commission; powers  
2 and duties.--  
3           (3) The commission shall establish priorities and have  
4 final state approval on applications for, and disbursements  
5 of, federal and state grants for the construction of  
6 wastewater or water treatment works. ~~In establishing~~  
7 ~~priorities for state grants under this act, an application~~  
8 ~~shall not receive a lower priority solely because the proposed~~  
9 ~~project includes reserve capacity for which the incremental~~  
10 ~~costs will be paid by the applicant in accordance with s.~~  
11 ~~403.1826(6).~~  
12           Section 9. Section 403.852, Florida Statutes, is  
13 amended to read:  
14           403.852 Definitions; ss. 403.850-403.864.--As used in  
15 ss. 403.850-403.864:  
16           (1)~~(10)~~ "Administrator" means the administrator of the  
17 United States Environmental Protection Agency.  
18           (2)~~(3)~~ "Community water system" means a public water  
19 system which serves at least 15 service connections used by  
20 year-round residents or regularly serves at least 25  
21 year-round residents.  
22           (3)~~(9)~~ "Contaminant" means any physical, chemical,  
23 biological, or radiological substance or matter in water.  
24           (4)~~(1)~~ "Department" means the Department of  
25 Environmental Protection, which is charged with the primary  
26 responsibility for the administration and implementation of  
27 the Florida Safe Drinking Water Act.  
28           (5)~~(11)~~ "Federal act" means the Safe Drinking Water  
29 Act, Pub. L. No. 93-523.  
30           (6)~~(7)~~ "Federal agency" means any department, agency,  
31 or instrumentality of the United States Government.



1           ~~(7)(6)~~ "Municipality" means a city, town, or other  
2 public body created by or pursuant to state law or an Indian  
3 tribal organization authorized by law.

4           ~~(8)(14)~~ "National primary drinking water regulations"  
5 means primary drinking water regulations promulgated by the  
6 administrator pursuant to the federal act.

7           ~~(9)(15)~~ "National secondary drinking water  
8 regulations" means secondary drinking water regulations  
9 promulgated by the administrator pursuant to the federal act.

10           ~~(10)(4)~~ "Noncommunity water system" means a public  
11 water system ~~that for provision to the public of piped water~~  
12 ~~for human consumption, which serves at least 25 individuals~~  
13 ~~daily at least 60 days out of the year, but which is not a~~  
14 ~~community water system; except that a water system for a~~  
15 ~~wilderness 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           ~~(11)(17)~~ "Nontransient noncommunity water system"  
20 means a noncommunity public water system that ~~is not a~~  
21 ~~community water system and that~~ regularly serves at least 25  
22 of the same persons over 6 months per year.

23           ~~(12)(5)~~ "Person" means an individual, public or  
24 private corporation, company, association, partnership,  
25 municipality, agency of the state, district, federal agency,  
26 or any other legal entity, or its legal representative, agent,  
27 or assigns.

28           ~~(13)(12)~~ "Primary drinking water regulation" means a  
29 rule which:

30           (a) Applies to public water systems;

31

1 (b) Specifies contaminants which, in the judgment of  
2 the department, after consultation with the Department of  
3 Health, may have an adverse effect on the health of the  
4 public;

5 (c) Specifies for each such contaminant either:

6 1. A maximum contaminant level if, in the judgment of  
7 the department, it is economically and technologically  
8 feasible to ascertain the level of such contaminant in water  
9 in public water systems; or

10 2. Each treatment technique known to the department  
11 which leads to a reduction in the level of the contaminant  
12 sufficient to satisfy the requirements of s. 403.853 if, in  
13 the judgment of the department, it is not economically or  
14 technologically feasible to ascertain the level of such  
15 contaminant; and

16 (d) Contains criteria and procedures to assure a  
17 supply of drinking water which dependably complies with such  
18 maximum contaminant levels, including quality control and  
19 testing procedures to assure compliance with such levels and  
20 to ensure proper operation and maintenance of the system, and  
21 which contains requirements as to:

22 1. The minimum quality of water which may be taken  
23 into the system; and

24 2. Siting for new facilities for public water systems.

25 (14)(2) "Public water system" means a ~~community,~~  
26 ~~nontransient noncommunity, or noncommunity~~ system for the  
27 provision to the public of ~~pip~~ed 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       (15)~~(16)~~ "Sanitary survey" means an onsite review of  
11 the water source, facilities, equipment, operation, and  
12 maintenance of a public water system for the purpose of  
13 evaluating the adequacy of such source, facilities, equipment,  
14 operation, and maintenance for producing and distributing safe  
15 drinking water.  
16       (16)~~(13)~~ "Secondary drinking water regulation" means a  
17 rule which:  
18       (a) Applies to public water systems; and  
19       (b) Specifies the maximum contaminant levels which, in  
20 the judgment of the department after public hearings, are  
21 requisite to protect the public welfare. Such regulation may  
22 apply to any contaminant in drinking water:  
23       1. Which may adversely affect the odor or appearance  
24 of such water and consequently may cause a substantial number  
25 of the persons served by the public water system providing  
26 such water to discontinue its use; or  
27       2. Which may otherwise adversely affect the public  
28 welfare.  
29  
30 Such regulations may vary according to geographic and other  
31 circumstances.

1           ~~(17)~~<sup>(8)</sup> "Supplier of water" means any person who owns  
2 or operates a public water system.

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

9           Section 10. Subsections (1) and (6) of section  
10 403.853, Florida Statutes, are amended to read:

11           403.853 Drinking water standards.--

12           (1) The department shall adopt and enforce:

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

17           2. State secondary drinking water regulations  
18 patterned after the national secondary drinking water  
19 regulations.

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

28           (6) Upon the request of the owner or operator of a  
29 transient noncommunity water system serving businesses, other  
30 than restaurants or other public food service establishments,  
31 and using groundwater as a source of supply, the department,

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

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

23 403.8532 Drinking water state revolving loan fund;  
24 use; rules.--

25 (3) The department is authorized to make loans to  
26 community water systems, nonprofit transient noncommunity  
27 water systems, and nonprofit nontransient noncommunity water  
28 systems to assist them in planning, designing, and  
29 constructing public water systems, unless such public water  
30 systems are for-profit privately owned or investor-owned  
31 systems that regularly serve 1,500 service connections or more

1 within a single certified or franchised area. However, a  
2 for-profit privately owned or investor-owned public water  
3 system that regularly serves 1,500 service connections or more  
4 within a single certified or franchised area may qualify for a  
5 loan only if the proposed project will result in the  
6 consolidation of two or more public water systems. The  
7 department is authorized to provide loan guarantees, to  
8 purchase loan insurance, and to refinance local debt through  
9 the issue of new loans for projects approved by the  
10 department. Public water systems are authorized to borrow  
11 funds made available pursuant to this section and may pledge  
12 any revenues or other adequate security available to them to  
13 repay any funds borrowed. The department shall administer  
14 loans so that amounts credited to the Drinking Water Revolving  
15 Loan Trust Fund in any fiscal year are reserved for the  
16 following purposes:

17 (a) At least 15 percent to qualifying small public  
18 water systems.

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

21  
22 ~~(c)~~ However, if an insufficient number of the projects  
23 for which funds are reserved under paragraphs (a) and (b)~~this~~  
24 ~~paragraph~~ have been submitted to the department at the time  
25 the funding priority list authorized under this section is  
26 adopted, the reservation of these funds shall no longer apply.  
27 The department may award the unreserved funds as otherwise  
28 provided in this section.

29 Section 12. Subsections (4), (5), and (8) of section  
30 403.854, Florida Statutes, are amended to read:

31 403.854 Variances, exemptions, and waivers.--

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

8           1. The completion of a satisfactory sanitary survey;

9           2. The history of the quality of water provided by the  
10 system and monthly monitoring tests for bacteriological  
11 contamination;

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

16           4. The number of connections and size of the  
17 distribution system.

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

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

29           (a) The results of a sanitary survey if deemed  
30 necessary;

31

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

3 (c) The adequacy of monitoring procedures for maximum  
4 contaminant levels included in primary drinking water  
5 regulations;

6 (d) The feasibility of the supplier of water becoming  
7 a certified operator; and

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

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

15 Section 13. Subsection (6) of section 403.859, Florida  
16 Statutes, is amended to read:

17 403.859 Prohibited acts.--The following acts and the  
18 causing thereof are prohibited and are violations of this act:

19 (6) Failure by a supplier of water to comply with the  
20 requirements of a permit issued under s. 403.861(7)any  
21 ~~approved plans and specifications or condition to the approval~~  
22 ~~of plans and specifications issued by the department pursuant~~  
23 ~~to this act.~~

24 Section 14. Subsections (7), (10), and (17) of section  
25 403.861, Florida Statutes, are amended to read:

26 403.861 Department; powers and duties.--The department  
27 shall have the power and the duty to carry out the provisions  
28 and purposes of this act and, for this purpose, to:

29 (7) Issue permits for constructing, altering,  
30 extending, or operating a public water supply system, based  
31 upon the size of the system, type of treatment provided by the



1 system, or population served by the system. The department may  
2 issue a permit for a public water system based upon review of  
3 a preliminary design report or review of plans and  
4 specifications, and a completed permit application form, and  
5 other required information as set forth in department rule.

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

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

20           Section 15. Section 403.865, Florida Statutes, is  
21 amended to read:

22           403.865 Water and wastewater facility personnel;  
23 legislative purpose.--The Legislature finds that the threat to  
24 the public health and the environment from the operation of  
25 water and wastewater treatment plants and water distribution  
26 systems mandates that qualified personnel operate these  
27 facilities. It is the legislative intent that any person who  
28 performs the duties of an operator and who falls below minimum  
29 competency or ~~who~~ otherwise presents a danger to the public be  
30 prohibited from operating a plant or system in this state.  
31

1 Section 16. Subsections (3) and (5) of section  
2 403.866, Florida Statutes, are amended to read:

3 403.866 Definitions; ss. 403.865-403.876.--As used in  
4 ss. 403.865-403.876, the term:

5 (3) "Operator" means any person, including the owner,  
6 who is in onsite charge of the actual operation, supervision,  
7 and maintenance of a water treatment plant, water distribution  
8 system, or domestic wastewater treatment plant and includes  
9 the person in onsite charge of a shift or period of operation  
10 during any part of the day.

11 (5) "Water distribution system" means those components  
12 of a public water system used in conveying water for human  
13 consumption from the water treatment plant to the consumer's  
14 property, including pipes, tanks, pumps pipelines, conduits,  
15 ~~pumping stations,~~ and all other constructed conveyances  
16 ~~structures, devices, appurtenances, and facilities used~~  
17 ~~specifically for such purpose.~~

18 Section 17. Section 403.867, Florida Statutes, is  
19 amended to read:

20 403.867 License required.--A person may not perform  
21 the duties of an operator of a water treatment plant, water  
22 distribution system, or a domestic wastewater treatment plant  
23 unless he or she holds a current operator's license issued by  
24 the department.

25 Section 18. Section 403.871, Florida Statutes, is  
26 amended to read:

27 403.871 Fees.--The department shall, by rule,  
28 establish fees to be paid by persons seeking licensure or  
29 license renewal to cover the entire cost to the department of  
30 administering ss. 403.865-403.876, including, but not limited  
31 to, the costs associated with for application review and

1 examination, reexamination, licensing and renewal, renewal of  
2 an inactive license, reactivation of an inactive license,  
3 recordmaking, and recordkeeping, and the costs of ensuring  
4 compliance with ss. 403.865-403.876. The fees for license  
5 application and license renewal shall be nonrefundable.The  
6 department shall establish fees adequate to administer and  
7 implement ss. 403.865-403.876.

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

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

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

16 Section 19. Subsections (1) and (3) of section  
17 403.872, Florida Statutes, are amended to read:

18 403.872 Requirements for licensure.--

19 (1) Any person desiring to be licensed as a water  
20 treatment plant operator, a water distribution system  
21 operator, or a domestic wastewater treatment plant operator  
22 must apply to the department to take the licensure  
23 examination.

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

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

29 403.875 Prohibitions; penalties.--

30 (1) A person may not:  
31

1           (a) Perform the duties of an operator of a water  
2 treatment plant, water distribution system, or domestic  
3 wastewater treatment plant unless he or she is licensed under  
4 ss. 403.865-403.876.

5           (b) Use the name or title "water treatment plant  
6 operator," "water distribution system operator," or "domestic  
7 wastewater treatment plant operator," or any other words,  
8 letters, abbreviations, or insignia indicating or implying  
9 that he or she is an operator, or otherwise holds himself or  
10 herself out as an operator, unless the person is the holder of  
11 a valid license issued under ss. 403.865-403.876.

12           (f) Employ unlicensed persons to perform the duties of  
13 an operator of a water treatment or domestic wastewater  
14 treatment plant or a water distribution system.

15           (2) Any person who violates any provision of this  
16 section commits a misdemeanor of the first degree, punishable  
17 as provided in s. 775.082 or s. 775.083.

18           Section 21. Section 403.88, Florida Statutes, is  
19 amended to read:

20           403.88 Classification of water and wastewater  
21 treatment facilities and facility operators.--

22           (1) The department shall classify water treatment  
23 plants, ~~and~~ wastewater treatment plants, and water  
24 distribution systems by size, complexity, and level of  
25 treatment necessary to render the wastewater or source water  
26 suitable for its intended purpose in compliance with this  
27 chapter and department rules.

28           (2) The department shall establish the levels of  
29 certification and the staffing requirements for water  
30 treatment plant, water distribution system, and wastewater  
31

1 treatment plant operators certified under ss. 403.865-403.876  
2 necessary to carry out subsection (1).

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

6 (4)(3) The department shall adopt rules necessary to  
7 carry out this section.

8 Section 22. Sections 403.1821, 403.1822, 403.1823,  
9 403.1826, and 403.1829, Florida Statutes, are repealed.

10 Section 23. Except as otherwise provided herein, this  
11 act shall take effect July 1, 2001.

12  
13 \*\*\*\*\*

14 HOUSE SUMMARY

15 Provides education and continuing education requirements  
16 for well water contractor licensure and license renewal  
17 and reactivation. Specifies conditions under which such  
18 contractors may install, repair, or modify pumps, tanks,  
19 and water conditioning equipment. Redefines "noncommunity  
20 water system," "nontransient noncommunity water system,"  
21 and "public water system," defines "transient  
22 noncommunity water system," and revises various  
23 provisions relating to regulation of such systems, and  
24 certification of operators thereof, by the Department of  
25 Environmental Protection. Authorizes permits for altering  
26 or extending a public water system, based on specified  
27 criteria, and provides a penalty for failure to comply  
28 with certain permit requirements. Revises provisions  
29 regulating water and wastewater treatment plants and  
30 includes requirements relating to regulation of water  
31 distribution systems and operators thereof. Provides for  
department fees sufficient to cover the costs of  
administration. Provides for classification of water  
treatment plants and distribution systems and for levels  
of certification and staffing requirements. Repeals  
provisions of the "Florida Water Pollution Control and  
Sewage Treatment Plant Grant Act." See bill for details.