

By Representative Laurent

1 A bill to be entitled
2 An act relating to water protection; amending
3 s. 403.8532, F.S.; authorizing the Department
4 of Environmental Protection to make loans to
5 certain public water systems; authorizing use
6 of certain federal Safe Drinking Water Act
7 funds for specified purposes; providing loan
8 criteria, requirements, and limitations;
9 providing for department rules; requiring an
10 annual report; providing for audits; providing
11 for loan service fees; providing for
12 disposition of funds; providing for default;
13 providing penalties for delinquent payments or
14 noncompliance with loan terms and conditions;
15 amending s. 403.860, F.S.; authorizing
16 administrative penalties for failure of a
17 public water system to comply with the Florida
18 Safe Drinking Water Act; providing for rules
19 and procedures; creating s. 403.8615, F.S.;
20 requiring certain new water systems to
21 demonstrate specified technical, managerial,
22 and financial capabilities; creating s.
23 403.865, F.S.; providing legislative findings
24 and intent relating to operation of water and
25 wastewater treatment facilities by qualified
26 personnel; creating s. 403.866, F.S.; providing
27 definitions; creating s. 403.867, F.S.;
28 requiring such operators to be licensed by the
29 department; creating s. 403.868, F.S.;
30 authorizing a utility to have more stringent
31 requirements; creating s. 403.869, F.S.;

1 authorizing department rules; creating s.
2 403.87, F.S.; authorizing appointment of a
3 technical advisory council for water and
4 domestic wastewater operator certification;
5 creating s. 403.871, F.S.; providing for
6 application and examination, reexamination,
7 licensure, renewal, and recordmaking and
8 recordkeeping fees; providing for disposition
9 thereof; creating s. 403.872, F.S.; specifying
10 requirements for licensure; creating s.
11 403.873, F.S.; providing for biennial license
12 renewal; creating s. 403.874, F.S.; providing
13 for inactive status and reactivation of
14 inactive licenses; creating s. 403.875, F.S.;
15 specifying prohibited acts; providing a
16 penalty; creating s. 403.876, F.S.; requiring
17 the department to establish grounds for
18 disciplinary actions; providing for an
19 administrative fine; providing for transfer of
20 powers and duties relating to regulation of
21 operators of water treatment plants and
22 domestic wastewater treatment plants from the
23 Department of Business and Professional
24 Regulation to the Department of Environmental
25 Protection; providing for continuation of
26 certain rules; providing a grandfather
27 provision for operators certified prior to the
28 transfer; amending s. 403.087, F.S.; increasing
29 the maximum term for issuance of permits for
30 stationary water pollution sources; specifying
31 conditions for renewing operation permits for

1 domestic wastewater treatment facilities for an
2 extended term at the same fee; requiring the
3 department to keep certain records; amending
4 ss. 403.0871 and 403.0872, F.S.; correcting
5 cross references; repealing ss. 468.540,
6 468.541, 468.542, 468.543, 468.544, 468.545,
7 468.546, 468.547, 468.548, 468.549, 468.550,
8 468.551, and 468.552, F.S., relating to water
9 and wastewater treatment plant operator
10 certification by the Department of Business and
11 Professional Regulation; providing an
12 appropriation; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 403.8532, Florida Statutes, is
17 amended to read:

18 403.8532 Drinking water state revolving loan fund;
19 use; rules.--

20 (1) The purpose of this section is to assist in
21 implementing the legislative declarations of public policy
22 contained in ss. 403.021 and 403.851 by establishing
23 infrastructure financing, technical assistance, and source
24 water protection programs to assist public drinking water
25 systems in achieving and maintaining compliance with the
26 Florida Safe Drinking Water Act and the federal Safe Drinking
27 Water Act, as amended, and to conserve and protect the quality
28 of waters of the state.

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

30 (a) "Financially disadvantaged community" means the
31 service area of a project to be served by a public water

1 system that meets criteria established by department rule and
2 in accordance with federal guidance. The population of the
3 service area must be fewer than 10,000 people.

4 (b) "Local governmental agency" means any
5 municipality, county, district, or authority, or any agency
6 thereof, or a combination of two or more of the foregoing
7 acting jointly in connection with a project, having
8 jurisdiction over a public water system.

9 (c) "Public water system" means all facilities,
10 including land, necessary for the treatment and distribution
11 of water for human consumption and includes public water
12 systems as defined in s. 403.852 and as otherwise defined in
13 the federal Safe Drinking Water Act, as amended. Such systems
14 may be publicly owned, privately owned, investor-owned, or
15 cooperatively held.

16 (d) "Small public water system" means a public water
17 system which regularly serves fewer than 10,000 people.

18 (3) The department is authorized to make loans to
19 community water systems, nonprofit noncommunity water systems,
20 and nonprofit nontransient noncommunity water systems to
21 assist them in planning, designing, and constructing public
22 water systems, unless such public water systems are privately
23 owned or investor-owned systems that regularly serve 1,000
24 people or more. The department is authorized to provide loan
25 guarantees, to purchase loan insurance, and to refinance local
26 debt through the issue of new loans for projects approved by
27 the department. Public water systems are authorized to borrow
28 funds made available pursuant to this section and may pledge
29 any revenues or other adequate security available to them to
30 repay any funds borrowed. The department shall administer
31 loans so that amounts credited to the Drinking Water Revolving

1 Loan Trust Fund in any fiscal year are reserved for the
2 following purposes:
3 (a) At least 15 percent to qualifying small public
4 water systems.
5 (b) Up to 15 percent to qualifying financially
6 disadvantaged communities.
7 (c) At least 33 and one-third percent to qualifying
8 public water systems for projects that address the development
9 of alternative drinking water supplies in areas with saltwater
10 intrusion problems. Such funds must be used for projects for
11 alternative drinking water supplies, such as desalination and
12 aquifer storage and retrieval, where feasible, but may not
13 include projects for the development of new groundwater
14 sources. However, if within the last 2 months of any fiscal
15 year an insufficient number of projects qualifying for loans
16 have been identified, the reservation of these funds shall no
17 longer apply and the department may award the remaining
18 portion of the reserved funds to other qualifying public water
19 systems.
20 (4) The department is authorized, subject to
21 legislative appropriation authority and authorization of
22 positions, to use funds from the annual capitalization grant
23 for activities authorized under the federal Safe Drinking
24 Water Act, as amended, such as:
25 (a) Program administration.
26 (b) Technical assistance.
27 (c) Source water protection program development and
28 implementation, including wellhead protection programs,
29 programs to delineate, monitor, and assess source waters, and
30 contaminant source inventories.
31

1 (d) Capacity development and financial assessment
2 program development and administration.

3 (e) The costs of establishing and administering an
4 operator certification program for drinking water treatment
5 plant operators, to the extent such costs cannot be paid for
6 from fees.

7
8 This subsection does not limit the department's ability to
9 apply for and receive other funds made available for specific
10 purposes under the federal Safe Drinking Water Act, as
11 amended.

12 (5) The term of loans made pursuant to this section
13 shall not exceed 30 years. The interest rate on such loans
14 shall be no greater than that paid on the last bonds sold
15 pursuant to s. 14, Art. VII of the State Constitution.

16 (6)(a) The department may provide financial assistance
17 to financially disadvantaged communities for the purpose of
18 planning, designing, and constructing public water systems.
19 Such assistance may include the forgiveness of loan principal.

20 (b) The department shall establish by rule the
21 criteria for determining whether a public water system serves
22 a financially disadvantaged community. Such criteria shall be
23 based on the median household income of the service population
24 or other reliably documented measures of disadvantaged status.

25 (7) To the extent not allowed by federal law, the
26 department shall not provide financial assistance for projects
27 primarily intended to serve future growth.

28 (8) In order to ensure that public moneys are managed
29 in an equitable, prudent, and cost-effective manner, the total
30 amount of money loaned to any public water system during a
31 fiscal year shall be no more than 25 percent of the total

1 funds available for making loans during that year. The minimum
2 amount of a loan shall be \$75,000.

3 (9) The department is authorized to make rules
4 necessary to carry out the purposes of this section and the
5 federal Safe Drinking Water Act, as amended. Such rules shall:

6 (a) Set forth a priority system for loans based on
7 public health considerations, compliance with state and
8 federal requirements relating to public drinking water
9 systems, and affordability.

10 (b) Establish the requirements for the award and
11 repayment of financial assistance.

12 (c) Require adequate security to ensure that each loan
13 recipient can meet its loan repayment requirements.

14 (d) Require each project receiving financial
15 assistance to be cost-effective, environmentally sound,
16 implementable, and self-supporting.

17 (e) Implement other provisions of the federal Safe
18 Drinking Water Act, as amended.

19 (10) The department shall prepare a report at the end
20 of each fiscal year, detailing the financial assistance
21 provided under this section, service fees collected, interest
22 earned, and loans outstanding.

23 (11) Prior to approval of a loan, the local government
24 or public water system shall, at a minimum:

25 (a) Provide a repayment schedule.

26 (b) Submit evidence of the permissibility or
27 implementability of the project proposed for financial
28 assistance.

29 (c) Submit plans and specifications, biddable contract
30 documents, or other documentation of appropriate procurement
31 of goods and services.

1 (d) Provide assurance that records will be kept using
2 accepted government accounting standards and that the
3 department and the Auditor General, or their agents will have
4 access to all records pertaining to the loan.

5 (e) Provide assurance that the public water system
6 will be properly operated and maintained in order to achieve
7 or maintain compliance with the requirements of the Florida
8 Safe Drinking Water Act and the federal Safe Drinking Water
9 Act, as amended.

10 (f) Document that the public water system will be
11 self-supporting.

12 (12) The department may conduct an audit of the loan
13 project upon completion, or may require that a separate
14 project audit, prepared by an independent certified public
15 accountant, be submitted.

16 (13) The department may require reasonable service
17 fees on loans made to public water systems to ensure that the
18 Drinking Water Revolving Loan Trust Fund will be operated in
19 perpetuity and to implement the purposes authorized under this
20 section. Service fees shall not be less than 2 percent nor
21 greater than 4 percent of the loan amount exclusive of the
22 service fee. Service fee revenues shall be deposited into the
23 Drinking Water Revolving Loan Trust Fund. The fee revenues,
24 and interest earnings thereon, shall be used exclusively to
25 carry out the purposes of this section.

26 (14) All moneys available for financial assistance
27 under this section shall be deposited in the Drinking Water
28 Revolving Loan Trust Fund exclusively to carry out the
29 purposes of this section. Any funds therein which are not
30 needed on an immediate basis for financial assistance shall be
31 invested pursuant to s. 215.49. State revolving fund

1 capitalization grants awarded by the Federal Government, state
2 matching funds, and investment earnings thereon shall be
3 deposited into the fund. The principal and interest of all
4 loans repaid and investment earnings thereon shall be
5 deposited into the fund.

6 (15)(a) If a local governmental agency defaults under
7 the terms of its loan agreement, the department shall so
8 certify to the Comptroller, who shall forward the amount
9 delinquent to the department from any unobligated funds due to
10 the local governmental agency under any revenue-sharing or
11 tax-sharing fund established by the state, except as otherwise
12 provided by the State Constitution. Certification of
13 delinquency shall not limit the department from pursuing other
14 remedies available for default on a loan, including
15 accelerating loan repayments, eliminating all or part of the
16 interest rate subsidy on the loan, and court appointment of a
17 receiver to manage the public water system.

18 (b) If a public water system owned by a person other
19 than a local governmental agency defaults under the terms of
20 its loan agreement, the department may take all actions
21 available under law to remedy the default.

22 (c) The department may impose a penalty for delinquent
23 loan payments in the amount of 6 percent of the amount due, in
24 addition to charging the cost to handle and process the debt.
25 Penalty interest shall accrue on any amount due and payable
26 beginning on the 30th day following the date upon which
27 payment is due.

28 (16) The department is authorized to terminate or
29 rescind a financial assistance agreement when the recipient
30 fails to comply with the terms and conditions of the
31 agreement.

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1 ~~(1) If federal funds become available for a drinking~~
2 ~~water state revolving loan fund, the Department of~~
3 ~~Environmental Protection may use the funds to make grants and~~
4 ~~loans to the owners of public water systems, as defined in s.~~
5 ~~403.852(2), and as otherwise authorized by the law making the~~
6 ~~funds available. The department may adopt rules necessary to~~
7 ~~satisfy requirements to receive these federal funds and to~~
8 ~~carry out the provisions of this subsection. The rules shall~~
9 ~~include, but not be limited to, a priority system based on~~
10 ~~public health considerations, system type, and population~~
11 ~~served; requirements for proper system operation and~~
12 ~~maintenance; and, where applicable, consideration of ability~~
13 ~~to repay loans.~~

14 ~~(2) The department shall, by January 1, 1995, report~~
15 ~~to the Legislature the status of any drinking water state~~
16 ~~revolving fund program authorized by federal law and shall~~
17 ~~include in the report recommendations as to appropriate and~~
18 ~~necessary statutory changes to govern its implementation.~~

19 Section 2. Subsection (6) of section 403.860, Florida
20 Statutes, is renumbered as subsection (7), and a new
21 subsection (6) is added to said section to read:

22 403.860 Penalties and remedies.--

23 (6) The department is authorized to assess
24 administrative penalties for failure to comply with the
25 requirements of the Florida Safe Drinking Water Act.

26 (a)1. At the time of assessment of the administrative
27 penalty, the department shall give the public water system
28 notice setting forth the amount assessed, the specific
29 provision of law, rule, or order alleged to be violated, the
30 facts alleged to constitute the violation, the corrective
31 action needed to bring the party into compliance, and the

1 rights available under chapter 120 to challenge the
2 assessment. The assessment shall be final and effective,
3 unless an administrative hearing is requested within 20 days
4 after receipt of the written notice, and shall be enforceable
5 pursuant to s. 120.69.

6 2. The department shall adopt rules to implement the
7 provisions of this subsection. The rules shall establish
8 specific procedures for implementing the penalties and shall
9 identify assessment amounts. The rules shall authorize the
10 application of adjustment factors for the purpose of
11 increasing or decreasing the total amount assessed subsequent
12 to initial assessment. Such factors may include the lack or
13 degree of good faith to comply with the requirements, the lack
14 or degree of willfulness or negligence on the part of the
15 owner, the compliance history of the public water system, the
16 economic benefit derived by the failure to comply with the
17 requirements, and the ability to pay.

18 (b) The amount of the penalties assessed shall be as
19 follows:

20 1. In the case of a public water system serving a
21 population of more than 10,000, the penalty shall be not less
22 than \$1,000 per day per violation.

23 2. In the case of any other public water system, the
24 penalty shall be adequate to ensure compliance.

25
26 However, the total amount of the penalty assessed on any
27 public water system may not exceed \$10,000 per violation.

28 Section 3. Section 403.8615, Florida Statutes, is
29 created to read:

30 403.8615 Determination of capability and capacity
31 development.--

1 (1) The department shall require all new community
2 water systems and new nontransient, noncommunity water systems
3 seeking to commence operations after October 1, 1999, to
4 demonstrate the technical, managerial, and financial
5 capabilities to comply with national primary drinking water
6 regulations as required by the federal Safe Drinking Water
7 Act, as amended. The department shall establish by rule,
8 consistent with any federal guidance on capacity development,
9 the criteria for determining technical, managerial, and
10 financial capabilities. At a minimum, such water systems
11 must:

12 (a) Employ or contract for the services of a certified
13 operator, unless the department has waived this requirement
14 pursuant to s. 403.854(5).

15 (b) Demonstrate the capabilities to conduct required
16 monitoring and reporting programs and maintain appropriate
17 records of such monitoring.

18 (c) Demonstrate financial soundness through the
19 posting of a bond, creation of a reserve, documentation of an
20 unreserved revenue source, or other appropriate means
21 established by department rule.

22 (2) If the department determines that such a water
23 system can not demonstrate technical, managerial, or financial
24 capability, a permit may not be issued for that system
25 pursuant to s. 403.861(7) until the water system has been
26 determined to have the required capabilities.

27 Section 4. Section 403.865, Florida Statutes, is
28 created to read:

29 403.865 Purpose.--The Legislature finds that the
30 threat to the public health and the environment from the
31 operation of water and wastewater treatment plants mandates

1 that qualified personnel operate these facilities. It is the
2 legislative intent that any person who performs the duties of
3 an operator and who falls below minimum competency or who
4 otherwise presents a danger to the public be prohibited from
5 operating a plant or system in this state.

6 Section 5. Section 403.866, Florida Statutes, is
7 created to read:

8 403.866 Definitions.--As used in ss. 403.865-403.876,
9 the term:

10 (1) "Domestic wastewater collection system" means
11 pipelines or conduits, pumping stations, and force mains and
12 all other structures, devices, appurtenances, and facilities
13 used for collecting or conducting wastes to an ultimate point
14 for treatment or disposal.

15 (2) "Domestic wastewater treatment plant" means any
16 plant or other works used for the purpose of treating,
17 stabilizing, or holding domestic wastes.

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

24 (4) "Public water system" has the same meaning as it
25 has in s. 403.852.

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

1 (6) "Water treatment plant" means those components of
2 a public water system used in collection, treatment, and
3 storage of water for human consumption, whether or not such
4 components are under the control of the operator of such
5 system.

6 Section 6. Section 403.867, Florida Statutes, is
7 created to read:

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

12 Section 7. Section 403.868, Florida Statutes, is
13 created to read:

14 403.868 Requirements by a utility.--A utility may have
15 more stringent requirements than set by law, including
16 certification requirements for water distribution systems and
17 domestic wastewater collection systems operations, except that
18 a utility may not require a licensed contractor, as defined in
19 s. 489.105(3) to have any additional license for work in water
20 distribution systems or domestic wastewater collection
21 systems.

22 Section 8. Section 403.869, Florida Statutes, is
23 created to read:

24 403.869 Authority to adopt rules.--The department may
25 adopt rules necessary to carry out the provisions of ss.
26 403.865-403.876.

27 Section 9. Section 403.87, Florida Statutes, is
28 created to read:

29 403.87 Technical advisory council for water and
30 domestic wastewater operator certification.--The secretary of
31 the department may appoint a technical advisory council for

1 water and domestic wastewater operator certification, as
2 necessary.

3 Section 10. Section 403.871, Florida Statutes, is
4 created to read:

5 403.871 Fees.--The department shall, by rule,
6 establish fees to be paid for application and examination,
7 reexamination, licensing and renewal, renewal of an inactive
8 license, reactivation of an inactive license, recordmaking,
9 and recordkeeping. The department shall establish fees
10 adequate to administer and implement ss. 403.865-403.876.

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

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

15 (3) All fees collected pursuant to ss. 403.865-403.876
16 from domestic wastewater treatment plant operators must be
17 deposited into the department's Sewage Treatment Revolving
18 Loan Fund. All fees collected pursuant to ss. 403.865-403.876
19 from water treatment plant operators must be deposited into
20 the department's Drinking Water Revolving Loan Trust Fund. The
21 fees shall be used exclusively to implement the provisions of
22 ss. 403.865-403.876.

23 Section 11. Section 403.872, Florida Statutes, is
24 created to read:

25 403.872 Requirements for licensure.--

26 (1) Any person desiring to be licensed as a water
27 treatment plant operator or a domestic wastewater treatment
28 plant operator must apply to the department to take the
29 licensure examination.

30 (2) The department shall examine the qualifications of
31 any applicant who meets the criteria established by the

1 department for licensure, submits a completed application, and
2 remits the required fee.

3 (3) The department shall license as an operator any
4 applicant who has passed the examination under this section.

5 (4) The department shall establish, by rule, the
6 criteria for licensure, including, but not limited to, a
7 requirement of a high school diploma or its equivalent, a
8 training course approved by the department, and onsite
9 operational experience.

10 (5) The department may also include a requirement that
11 an operator must not be the subject of a disciplinary or
12 enforcement action in another state at the time of application
13 for licensure in this state.

14 Section 12. Section 403.873, Florida Statutes, is
15 created to read:

16 403.873 Renewal of license.--

17 (1) The department shall renew a license upon receipt
18 of the renewal application and fee and in accordance with the
19 other provisions of ss. 403.865-403.876.

20 (2) The department shall adopt rules establishing a
21 procedure for the biennial renewal of licenses.

22 Section 13. Section 403.874, Florida Statutes, is
23 created to read:

24 403.874 Inactive status.--

25 (1) The department shall reactivate an inactive
26 license upon receipt of the reactivation application and fee.

27 (2) The department shall adopt rules relating to
28 licenses that have become inactive and for the reactivation of
29 inactive licenses.

30 Section 14. Section 403.875, Florida Statutes, is
31 created to read:

1 403.875 Prohibitions; penalties.--
2 (1) A person may not:
3 (a) Perform the duties of an operator of a water
4 treatment plant or domestic wastewater treatment plant unless
5 he or she is licensed under ss. 403.865-403.876.
6 (b) Use the name or title "water treatment plant
7 operator" or "domestic wastewater treatment plant operator" or
8 any other words, letters, abbreviations, or insignia
9 indicating or implying that he or she is an operator, or
10 otherwise holds himself or herself out as an operator, unless
11 the person is the holder of a valid license issued under ss.
12 403.865-403.876.
13 (c) Present as his or her own the license of another.
14 (d) Knowingly give false or forged evidence to the
15 department.
16 (e) Use or attempt to use a license that has been
17 suspended, revoked, or placed on inactive or delinquent
18 status.
19 (f) Employ unlicensed persons to perform the duties of
20 an operator of a water treatment or domestic wastewater
21 treatment plant.
22 (g) Conceal information relative to any violation of
23 ss. 403.865-403.876.
24 (2) Any person who violates any provision of this
25 section commits a misdemeanor of the first degree, punishable
26 as provided in s. 775.082 or s. 775.083.
27 Section 15. Section 403.876, Florida Statutes, is
28 created to read:
29 403.876 Grounds for disciplinary action.--
30 (1) The department shall establish, by rule, the
31 grounds for taking disciplinary action, including suspending

1 or revoking a valid license, placing a licensee on probation,
2 refusing to issue a license, refusing to renew a license, or
3 refusing to reactivate a license, and the imposition of an
4 administrative fine, not to exceed \$1,000 per count or
5 offense. The fines collected under this section from domestic
6 wastewater treatment plant operators shall be deposited into
7 the department's Sewage Treatment Revolving Loan Fund. The
8 fines collected under this section from water treatment plant
9 operators shall be deposited into the Drinking Water Revolving
10 Loan Trust Fund.

11 (2) The department shall conduct disciplinary
12 proceedings in accordance with chapter 120.

13 (3) The department shall reissue the license of a
14 disciplined operator when that operator has complied with all
15 terms and conditions of the department's final order.

16 Section 16. All powers, duties and functions, rules,
17 records, personnel, property, and unexpended balances of
18 appropriations, allocations, or other funds of the Department
19 of Business and Professional Regulation related to the
20 classification and regulation of operators of water treatment
21 plants and domestic wastewater treatment plants are
22 transferred by a type two transfer, as defined in s. 20.06(2),
23 Florida Statutes, from the Department of Business and
24 Professional Regulation to the Department of Environmental
25 Protection. The rules of the Department of Professional and
26 Business Regulation that regulate plant operators remain in
27 effect until the Department of Environmental Protection has
28 adopted rules to supersede those of the Department of
29 Professional and Business Regulation.

30 Section 17. Operators certified by the Department of
31 Professional and Business Regulation as of the effective date

1 of this act shall be deemed to be licensed by the Department
2 of Environmental Protection until the expiration of the term
3 of their certification.

4 Section 18. Subsections (1) and (2) of section
5 403.087, Florida Statutes, are amended, present subsections
6 (3) through (8) of that section are redesignated as
7 subsections (4) through (9), respectively, and new subsection
8 (3) is added to that section to read:

9 403.087 Permits; general issuance; denial; revocation;
10 prohibition; penalty.--

11 (1) A ~~No~~ stationary installation that is ~~which will~~
12 reasonably ~~be~~ expected to be a source of air or water
13 pollution must not ~~shall~~ be operated, maintained, constructed,
14 expanded, or modified without an appropriate and currently
15 valid permit issued by the department, unless exempted by
16 department rule. In no event shall a permit for a water
17 pollution source be issued for a term of more than 10 5 years,
18 ~~<U>nor and in no event~~ may an operation permit issued after July
19 1, 1992, for a major source of air pollution have a fixed term
20 of more than 5 years. However, upon expiration, a new permit
21 may be issued by the department in accordance with this
22 chapter act and the rules ~~and regulations~~ of the department.

23 (2) The department shall adopt, and may amend, or
24 repeal, ~~rules, regulations, and standards~~ for the issuance,
25 denial, modification, and revocation of permits under this
26 section.

27 (3) A renewal of an operation permit for a domestic
28 wastewater treatment facility other than a facility regulated
29 under the National Pollutant Discharge Elimination System
30 (NPDES) Program under s. 403.0885 must be issued upon request
31 for a term of up to 10 years, for the same fee and under the

1 same conditions as a 5-year permit, in order to provide the
2 owner or operator with a financial incentive, if:
3 (a) The waters from the treatment facility are not
4 discharged to Class 1 municipal injection wells or the
5 treatment facility is not required to comply with the federal
6 standards under the Underground Injection Control program
7 under chapter 62-528 of the Florida Administrative Code;
8 (b) The treatment facility is not operating under a
9 temporary operating permit or a permit with an accompanying
10 administrative order and does not have any enforcement action
11 pending against it by the United States Environmental
12 Protection Agency, the department, or a local program approved
13 under s. 403.182;
14 (c) The treatment facility has operated under an
15 operation permit for 5 years and, for at least the preceding 2
16 years, has operated satisfactorily within the limits of
17 permitted flows and other conditions specified in the permit;
18 (d) The department has reviewed the
19 discharge-monitoring reports required under department rule
20 and is satisfied that the reports are accurate;
21 (e) The treatment facility has met all water quality
22 standards in the preceding 2 years, except for violations
23 attributable to events beyond the control of the treatment
24 plant or its operator, such as destruction of equipment by
25 fire, wind, or other abnormal events that could not reasonably
26 be expected to occur; and
27 (f) The department, or a local program approved under
28 s. 403.182, has conducted, in the preceding 12 months, an
29 inspection of the facility and has verified in writing to the
30 operator of the facility that it is not exceeding the
31 permitted capacity and is in proper working order.

1
2 The department shall keep records of the number of 10-year
3 permits applied for and the number and duration of permits
4 issued for longer than 5 years.

5 Section 19. Section 403.0871, Florida Statutes, 1996
6 Supplement, is amended to read:

7 403.0871 Florida Permit Fee Trust Fund.--There is
8 established within the department a nonlapsing trust fund to
9 be known as the "Florida Permit Fee Trust Fund." All funds
10 received from applicants for permits pursuant to ss. 161.041,
11 161.053, 161.0535, 403.087(~~6~~+5), and 403.861(8) shall be
12 deposited in the Florida Permit Fee Trust Fund and shall be
13 used by the department with the advice and consent of the
14 Legislature to supplement appropriations and other funds
15 received by the department for the administration of its
16 responsibilities under this chapter and chapter 161. In no
17 case shall funds from the Florida Permit Fee Trust Fund be
18 used for salary increases without the approval of the
19 Legislature.

20 Section 20. Paragraph (a)10. of subsection (11) of
21 section 403.0872, Florida Statutes, 1996 Supplement, is
22 amended to read:

23 403.0872 Operation permits for major sources of air
24 pollution; annual operation license fee.--Provided that
25 program approval pursuant to 42 U.S.C. s. 7661a has been
26 received from the United States Environmental Protection
27 Agency, beginning January 2, 1995, each major source of air
28 pollution, including electrical power plants certified under
29 s. 403.511, must obtain from the department an operation
30 permit for a major source of air pollution under this section,
31 which is the only department operation permit for a major

1 source of air pollution required for such source. Operation
2 permits for major sources of air pollution, except general
3 permits issued pursuant to s. 403.814, must be issued in
4 accordance with the following procedures and in accordance
5 with chapter 120; however, to the extent that chapter 120 is
6 inconsistent with the provisions of this section, the
7 procedures contained in this section prevail:

8 (11) Commencing in 1993, each major source of air
9 pollution permitted to operate in this state must pay between
10 January 15 and March 1 of each year, upon written notice from
11 the department, an annual operation license fee in an amount
12 determined by department rule. The annual operation license
13 fee shall be terminated immediately in the event the United
14 States Environmental Protection Agency imposes annual fees
15 solely to implement and administer the major source
16 air-operation permit program in Florida under 40 C.F.R. s.
17 70.10(d).

18 (a) The annual fee must be assessed based upon the
19 source's previous year's emissions and must be calculated by
20 multiplying the applicable annual operation license fee factor
21 times the tons of each regulated air pollutant (except carbon
22 monoxide) allowed to be emitted per hour by specific condition
23 of the source's most recent construction or operation permit,
24 times the annual hours of operation allowed by permit
25 condition; provided, however, that:

26 10. Notwithstanding the provisions of s.
27 403.087(6)~~(5)~~(a)4.a., authorizing air pollution construction
28 permit fees, the department may not require such fees for
29 changes or additions to a major source of air pollution
30 permitted pursuant to this section, unless the activity
31 triggers permitting requirements under Title I, Part C or Part

1 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.
2 Costs to issue and administer such permits shall be considered
3 direct and indirect costs of the major stationary source
4 air-operation permit program under s. 403.0873. The department
5 shall, however, require fees pursuant to the provisions of s.
6 403.087~~(6)~~~~(5)~~(a)4.a. for the construction of a new major
7 source of air pollution that will be subject to the permitting
8 requirements of this section once constructed and for
9 activities triggering permitting requirements under Title I,
10 Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss.
11 7470-7514a.

12 Section 21. Sections 468.540, 468.541, 468.542,
13 468.543, 468.544, 468.545, 468.546, 468.547, 468.548, and
14 468.552, Florida Statutes, and sections 468.549, 468.550, and
15 468.551, Florida Statutes, as amended by chapter 94-119, Laws
16 of Florida, are hereby repealed.

17 Section 22. For fiscal year 1997-1998, there is hereby
18 transferred from the General Revenue Fund to the Drinking
19 Water Revolving Loan Trust Fund the sum of \$9 million, and the
20 sum of \$9 million is hereby appropriated from the Drinking
21 Water Revolving Loan Trust Fund to the Department of
22 Environmental Protection, and 7 positions are authorized, to
23 administer the provisions of s. 403.8532, Florida Statutes.
24 This appropriation is for the purpose of meeting federal
25 matching requirements for the annual capitalization grant
26 available from the United States Environmental Protection
27 Agency.

28 Section 23. This act shall take effect July 1, 1997.
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HOUSE SUMMARY

Authorizes the Department of Environmental Protection to make loans to certain small public drinking water systems to assist them in achieving and maintaining compliance with the federal and state Safe Drinking Water Acts and protect state water quality. Authorizes use of certain federal Safe Drinking Water Act funds, provides loan criteria, requirements, and limitations, provides for audits, authorizes loan service fees, provides for default and for delinquent payments or noncompliance with terms and conditions, and provides penalties. Authorizes department rules and requires an annual report. Authorizes administrative penalties for failure of a public water system to comply with the Florida Safe Drinking Water Act. Requires new water systems beginning operation after October 1, 1999, to demonstrate specified technical, managerial, and financial capabilities.

Transfers powers and duties relating to regulation of operators of water treatment plants and domestic wastewater treatment plants from the Department of Business and Professional Regulation to the Department of Environmental Protection. Transfers, revises, and conforms statutory provisions relating thereto, including those relating to licensure, fees, department rules, appointment of a technical advisory council, prohibited acts, penalties, disciplinary actions, and administrative fines. Provides for department rules and for disposition of fees and fines. Provides a grandfather provision for operators certified by the Department of Business and Professional Regulation prior to the transfer. Increases from 5 to 10 years the maximum term for issuance of permits for stationary water pollution sources. Specifies conditions for renewing operation permits for domestic wastewater treatment facilities for an extended term without a fee increase.