The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education

BILL:	CS/SB 168
INTRODUCER:	Education Committee and Senator Cruz and others
SUBJECT:	Drinking Water in Public Schools
DATE:	November 14, 2019 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Sikes	ED	**Fav/CS**
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 168 requires each school district to filter drinking water at each source for each district school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install and maintain a filter that meets specified standards and capacity to reduce lead at each school water source.
- Post a conspicuous sign near each school non-drinking-water source warning that water from such source should not be used for human consumption or food preparation.
- Publish on the school district's website information about filters and location for each drinking water source.

The bill provides a $3 million nonrecurring appropriation from the Drinking Water Revolving Loan Trust Fund to the board of a county water and sewer district to implement the requirements of the bill.

The bill takes effect July 1, 2020.

II. Present Situation:

Lead is a common hazardous contaminant found in the plumbing systems of older homes, businesses and schools. Although rarely found in source water, lead can enter tap water through

the corrosion of aging plumbing materials. The three main sources of lead in water found in schools include:[1]

- Lead-containing service lines connected to public water systems, most often in schools built prior to 1950;
- Lead solder used in copper piping systems prior to 1986; and
- Lead-containing brass or galvanized pipe and fittings, which includes many products manufactured prior to the mid-1990s.[2]

Lead is a neurotoxin that can accumulate in the body over time with long-lasting effects, particularly for children. Lead in a child's body can slow down growth and development, damage hearing and speech, and lead to learning disabilities. For adults, lead can have detrimental effects on cardiovascular, renal, and reproductive systems and can prompt memory loss. The concentration of lead, total amount consumed, and duration of exposure influence the severity of health effects.[3] Lead in school drinking water is a concern because it is a daily source of water for over 50 million children enrolled in public schools.[4]

Federal Safe Water Requirements

The federal Safe Drinking Water Act (SDWA) was passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. [5] The SWDA authorizes the United States Environmental Protection Agency (EPA) to set standards for drinking water contaminants in public water systems.[6] The SDWA applies to every public water system in the

[1] NSF, *Lead in School Water and Lead Plumbing Pipes*, http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools, (last visited Oct. 24, 2019).
[2] In 1986, Congress amended the Safe Drinking Water Act (SWDA), prohibiting the use of pipes, solder, or flux that were not "lead free" in public water systems or plumbing providing water for human consumption. At the time "lead free" was defined as solder and flux with no more than 0.2 percent lead and pipes with no more than 8 percent. In 1996 Congress further amended the SWDA, requiring plumbing fittings and fixtures to be in compliance with voluntary lead leaching standards. The amendments also prohibited the sale of any pipe, pipe or plumbing fitting or fixture that is not lead free. United States Environmental Protection Agency, *Use of Lead Free Pipes, Fittings, Fixtures, Solder and Flux for Drinking Water*, https://www.epa.gov/dwstandardsregulations/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water (last visited Oct. 24, 2019).
[3] United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), *available at* https://www.gao.gov/assets/700/692979.pdf, at 5.
[4] *Id.* at 1.
[5] United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), available at https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf, at 1. The SWDA is administered through programs that establish standards and treatment requirements for public water supplies, finance drinking water infrastructure projects, promote water system compliance, and control the underground injection of fluids to protect underground sources of drinking water. Congressional Research Service, *Safe Drinking Water Act (SDWA): A Summary of the Act and Its Major Requirements* (Mar. 1. 2017), *available at* https://fas.org/sgp/crs/misc/RL31243.pdf, at 5.
[6] United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), *available at* https://www.gao.gov/assets/700/692979.pdf, at 5. For a given contaminant the act requires the EPA to first establish a maximum contaminant level goal, which is the level at which no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety. EPA must then set an enforceable maximum contaminant level as close to the maximum contaminant level goal as is feasible, or require water systems to use a treatment technique to prevent known or anticipated adverse effects on the health of persons to the extent feasible.

United States, which are regulated by the EPA under the Lead and Copper Rule (LCR),[7] as required by the SDWA.[8]

In the LCR, the EPA established a maximum contaminant level[9] goal of zero, concluding that there was no established safe level of lead exposure. However, the rule established an "action level" of 15 micrograms of lead per liter (15 parts-per-billion (ppb)) of water, a level the EPA believed was generally representative of what could be feasibly achieved at the tap.[10] If more than 10 percent of tap water samples exceed the lead action level of 15 ppb, then water systems are required to take specified treatment actions.[11]

Because the LCR regulates public water systems, it does not directly address individual schools that are served by a public water system. There is no federal law requiring testing of lead in drinking water for schools receiving water from a public water system.[12] States and local jurisdictions may establish their own voluntary or mandatory programs for testing drinking water in schools and child-care facilities.[13]

The most direct oversight of water systems is conducted by state drinking water programs. States can apply to the EPA for "primacy," the authority to implement the SDWA within their jurisdictions, if they can show that they will adopt standards at least as stringent as the EPA's and make sure water systems meet these standards. All states and territories, except Wyoming and the District of Columbia, have received primacy.[14]

Florida Safe Water Requirements

The "Florida Safe Drinking Water Act"[15] (Act) establishes the Florida Department of Environmental Protection (department) as the lead-agency with primary responsibility for the Act, with support by the Department of Health and its units, including county health departments. The Act is intended to: [16]

[7] 40 C.F.R. Sections 141.80-141.91.
[8] Pub. L. No. 93-523, 88 Stat. 1660 (1974). Under the Safe Drinking Water Act, the EPA is authorized to regulate contaminants in public drinking water systems. Since 1974, EPA has implemented its drinking water program under three separate legislative frameworks—first under the initial statute and subsequently under major amendments in 1986 and 1996. United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), *available at* https://www.gao.gov/assets/700/692979.pdf, at 2.
[9] The maximum contaminant level goal is the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, allowing an adequate margin of safety.
[10] United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), *available at* https://www.gao.gov/assets/700/692979.pdf, at 6.
[11] United States Environmental Protection Agency, *Basic Information about Lead in Drinking Water*, https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water (last visited Oct. 24, 2019).
[12] United States Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance* (July 2018), *available at* https://www.gao.gov/assets/700/692979.pdf, at 2.
[13] United States Environmental Protection Agency, *3Ts for Reducing Lead in Drinking Water Toolkit*, https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit (last visited Oct. 24, 2019).
[14] United States Environmental Protection Agency, *Understanding the Safe Drinking Water Act* (June 2004), *available at* https://www.epa.gov/sites/production/files/2015-04/documents/epa816f04030.pdf, at 2.
[15] Section 403.850, F.S. The Act includes ss. 403.850-403.891, F.S.
[16] Section 403.851, F.S.

- Implement the federal Safe Drinking Water Act.
- Encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.
- Provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

In Florida, lead is monitored by the LCR and state rules.[17] The Inorganics Monitoring Rule[18] requires specified public water systems[19] to monitor for lead at each point of entry to its distribution system. This requires monitoring to occur after the water leaves the treatment plant, but before it reaches the water system's first customer.[20] The LCR also requires that public water systems notify the department that they have complied with their obligation to notify consumers of the results of lead and copper sampling.[21]

Florida law does not require schools to test or filter drinking water.[22] However, Florida regulations do require that any school with an on-site potable water system must be in proper working order and comply with the Florida Safe Drinking Water Act, which requires sampling and testing of the water supply.[23]

Florida School District Actions Relating to Lead in Water

Recent examples of Florida school districts testing for lead and taking remedial actions include the:

- Hillsborough County School District, which tested more than 1,780 individual drinking or cooking water sources, prioritizing older schools. Remediation actions include replacing the fixture, adding water filters, or other plumbing projects.[24]

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[17] Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water (last visited Oct. 24, 2019).
[18] Rule 62-550.513, F.A.C.
[19] Sections 403.852(3), (17), and (18). These include water systems that regularly serve at least 25 persons.
[20] Florida Department of Environmental Protection, *Monitoring Lead and Copper in Florida Drinking Water*, https://floridadep.gov/water/source-drinking-water/content/monitoring-lead-and-copper-florida-drinking-water (last visited Oct. 24, 2019).
[21] *Id.*
[22] Nationwide, an estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO's nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO's survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.). U.S. Government Accountability Office, *Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance*, https://www.gao.gov/products/GAO-18-382 (last visited Oct. 24, 2019).
[23] Florida Department of Education, *State Requirements for Educational Facilities* (2014), *available at* http://www.fldoe.org/core/fileparse.php/7738/urlt/srefrule14.pdf, at 62.
[24] Hillsborough County Public Schools, *Water Testing FAQ*, https://www.sdhc.k12.fl.us/doc/2012/maintenance/resources/watertesting-faq/ (last visited Oct. 24, 2019). The testing revealed 1.5 percent of fixtures required remediation. Florida Department of Health, *Florida Department of Health in Hillsborough County Applauds School District's Lead Testing Efforts*, http://hillsborough.floridahealth.gov/newsroom/2018/08/lead-testing-efforts.html (last visited Oct. 24, 2019).

- Polk County School District, which implemented a testing program in 2016,[25] and prioritized testing for schools built before 1986. If results were above the action level, a correction plan was implemented, which included a flushing protocol with follow-up testing, bottled water, installation of NSF-approved lead contaminant filters, and new plumbing.[26]

Filtering Water for Lead

Point-of-use (POU) and point-of-entry (POE) devices are different types of filtration options. A POU device is installed at each outlet, while a POE device is installed where the water enters the building. Specifically:[27]

- POU units are commercially available and can be effective in removing lead. There are a number of POU cartridge filter units available that effectively remove lead. They can be relatively inexpensive ($65 to $250) or more expensive ($250 to $500)[28] and their effectiveness varies. Filters need routine maintenance (e.g., cartridge filter units need to be replaced periodically) to remain effective.
- POE devices are typically used by public water system under the SDWA, which are required to meet the federal and state regulations for drinking water, including additional water quality monitoring. In addition, POE devices are not effective in removing lead that comes from plumbing materials within the school.

The American National Standards Institute and NSF Standards

The American National Standards Institute (ANSI) is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system. Founded in 1918, the ANSI works in close collaboration with stakeholders from industry and government to identify and develop standards.[29]

The National Sanitation Foundation (NSF)[30] is an independent, not-for-profit ANSI-accredited organization that facilitates development of consensus-based national standards for the safety,

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[25] Pinellas County Schools, *Water Quality Assessment*, https://www.pcsb.org/site/handlers/filedownload.ashx?moduleinstanceid=39444&dataid=51816&FileName=water-treatment-brochure-v8-marksandbleed.pdf.

[26] Polk County Schools, *Water Quality Assessment*, https://polkschoolsfl.com/leadinformationcenter/ (last visited Oct. 24, 2019).

[27] United States Environmental Protection Agency, *3Ts: Training, Testing, Taking Action, Module 6: Remediation and Establishing Routine Practices, Remediation Options* (Oct. 2018), *available at* https://www.epa.gov/sites/production/files/2018-09/documents/module_6_remediation_options_508.pdf, at 2.

[28] Alachua County Schools recently began installing water filters at all schools in the district. The school district installed Omnipure K5615_KK filters that are NSF/ANSI-53 rated, with a maximum life of one year. The cost of such installation for all schools was $30,000, which compares to an estimated cost of $300,000 to test each school individually for lead contaminants. The Gainesville Sun, *Alachua County schools install filters to remove lead* (Oct. 15, 2018), https://www.gainesville.com/news/20181015/alachua-county-schools-install-filters-to-remove-lead (last visited Oct. 24, 2019).

[29] American National Standards Institute, *What is ANSI? An Overview, available at* https://share.ansi.org/Shared%20Documents/News%20and%20Publications/Brochures/WhatIsANSI_brochure.pdf at 1.

[30] NSF International was founded as the National Sanitation Foundation in 1944, but changed its name to NSF International in 1990 with expansion of services beyond sanitation and into global markets. The letters NSF do not represent any specific words today. NSF, *Mission, Values, and History*, http://www.nsf.org/about-nsf/mission-values-history (last visited Oct. 24, 2019).

health and performance of food, water and consumer products. This includes developing standards for drinking water treatment products, including plumbing supplies, and testing these products to ensure their compliance with NSF and other consensus-based standards.[31]

In the 1970s, NSF led the development of standards for materials and products that treat or come in contact with drinking water, including water filters used in homes and businesses. While no federal regulations exist for residential water treatment filters, voluntary national standards and NSF International protocols have been developed that establish minimum requirements for the safety and performance of these products to treat drinking water. Most standards do not include filtering lead from drinking water, but apply to filters targeting other specified contaminants or aesthetic impurities, such as chlorine, bacteria, viruses, pharmaceuticals, microcystin, chemicals, or iodine.[32]

NSF Standard 53 (NSF-53) *Drinking Water Treatment Units - Health Effects* is the nationally recognized standard for evaluating and certifying drinking water treatment systems for the reduction of contaminants.[33] NSF-53 establishes the minimum requirements for the certification of POU or POE filtration systems designed to reduce specific health-related contaminants, including lead, that may be present in drinking water.[34]

Drinking Water State Revolving Trust Fund

The Drinking Water State Revolving Fund (DWSRF) program was created as part of the 1996 amendments to the SDWA[35] to help communities finance infrastructure improvements that are needed to protect public health and ensure compliance with federal drinking water standards. Each state provides a 20 percent match[36] to annual capitalization grants from the EPA, which provide low-interest loans and other types of assistance to eligible[37] public water systems. As

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[31] NSF, *Lead in School Water and Lead Plumbing Pipes*, http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools (last visited Oct. 24, 2019).
[32] NSF, *NSF Standards for Water Treatment Systems*, http://www.nsf.org/consumer-resources/water-quality/water-filters-testing-treatment/standards-water-treatment-systems (last visited Oct. 24, 2019).
[33] NSF, *Certified Product Listings for Lead Reduction*, http://info.nsf.org/Certified/DWTU/listings_leadreduction.asp?ProductFunction=053|Lead+Reduction&ProductFunction=058|Lead+Reduction&ProductType;=&submit2=Search (last visited Oct. 24, 2019).
[34] NSF, *Residential Drinking Water Treatment Standards*, http://www.nsf.org/services/by-industry/water-wastewater/residential-water-treatment/residential-drinking-water-treatment-standards (last visited Oct. 24, 2019). NSF/ANSI Standard 61 (NSF-61) *Drinking Water System Components – Health Effects* relates to plumbing products and water treatment and establishes requirements for the control of equipment that may introduce lead into drinking water because of the materials used in the product. NSF, *Lead in School Water and Lead Plumbing Pipes*, http://www.nsf.org/consumer-resources/water-quality/faucets-plumbing/lead-schools (last visited Oct. 24, 2019). However, this standard does not include POU devices. NSF, *NSF/ANSI-61-2016, available at* https://www.nsf.org/newsroom_pdf/NSF-ANSI_61_watemarked.pdf, at 1.
[35] Public Law 104-182, 110 Stat. 1613.
[36] The 2019 GAA appropriated $11,090,000 in general revenue funds and authorized the use of $114,457,958 from the Drinking Water Revolving Loan Trust Fund. Specific Appropriation 1659, ch. 2019-115, L.O.F.
[37] Eligible water systems for DWSRF financial assistance include: existing privately-owned and publicly-owned community water systems and non-profit non-community water systems, including systems utilizing point of entry or residential central treatment; and new community water systems that represent cost-effective solutions to existing public health problems with serious risks. U.S. Environmental Protection Agency, *Drinking Water State Revolving Fund Eligibility Handbook* (June 2017), *available at* https://www.epa.gov/sites/production/files/2019-10/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_versioni.pdf, at 8.

water systems repay their loans, the repayments and interest flow back into the dedicated revolving fund, which may be used to make additional loans. The DWSRF programs are administered by state agencies that oversee drinking water systems and therefore can effectively prioritize infrastructure needs for funding.[38]

The DWSRF program funds a wide range of drinking water infrastructure projects. The six categories of projects that are eligible to receive DWSRF assistance are:[39]

- Treatment: Installation or upgrade of facilities to improve drinking water quality to comply with SDWA regulations. POU and POE treatment devices (i.e. filters) are only eligible if the device is a designated compliance treatment technology[40] and is owned and maintained by the public water system.[41]
- Transmission and distribution: Rehabilitation, replacement, or installation of pipes to improve water pressure to safe levels or to prevent contamination caused by leaky or broken pipes.
- Source: Rehabilitation of wells or development of eligible sources to replace contaminated sources.
- Storage: Installation or upgrade of finished water storage tanks to prevent microbiological contamination from entering the distribution system.
- Consolidation: Interconnecting two or more water systems.
- Creation of new systems: Construction of a new system to serve homes with contaminated individual wells or consolidation of existing systems into a new regional water system.

Each state is currently authorized to transfer up to 33 percent of its capitalization grants between the DWSRF and the Clean Water State Revolving Fund (CWSRF).[42] Recent legislation[43] authorized states, in consultation with the EPA, to transfer up to 5 percent more of the federal grant funds in their CWSRF to their DWSRF for projects to address public health threats related to lead exposure in drinking water. States may use transferred funds to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these).

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[38] U.S. Department of Environmental Protection, *Drinking Water State Revolving Fund* (September 2018), *available at* https://www.epa.gov/sites/production/files/2019-11/documents/fact_sheet_-_dwsrf_overview_final_0.pdf, at 1.
[39] U.S. Department of Environmental Protection, *DWSRF Eligibilities*, https://www.epa.gov/dwsrf/dwsrf-eligibilities-0 (last visited Nov. 13, 2019), see also 40 CFR 35.3520.
[40] The challenges facing small public water systems (systems serving 10,000 people or fewer) were a major focus of the 1996 Amendments SDWA. One way Congress sought to help systems meet these challenges was by explicitly allowing systems to install POU and POE treatment devices to achieve compliance with some of the maximum contaminant levels established in the National Primary Drinking Water Regulations. POU filters that are identified by the EPA as small system compliance technology (SSCT) for lead reduction are those that employ cation exchange and reverse osmosis. Distillation filters will reduce lead, but are not listed by the EPA as SSCT filters. U.S. Environmental Protection Agency, *Point-of-Use or Point-of-Entry Treatment Options for Small Drinking Water Systems* (April 2006), *available at* https://www.epa.gov/sites/production/files/2015-09/documents/guide_smallsystems_pou-poe_june6-2006.pdf at 3-3.
[41] U.S. Department of Environmental Protection, *Drinking Water State Revolving Fund Eligibility Handbook* (June 2017), *available at* https://www.epa.gov/sites/production/files/2019-10/documents/dwsrf_eligibility_handbook_june_13_2017_updated_508_versioni.pdf, at 10.
[42] The CWSRF is similar to the DWSRF, except is targeted toward wastewater infrastructure projects.
[43] Public Law No: 116-63, 133 Stat. 1120 (Oct. 4, 2019).

Florida law[44] establishes the state Drinking Water Revolving Loan Trust Fund administered by the Florida Department of Environmental Protection (DEP) to make, loans, grants, and deposits to various water systems to assist them in planning, designing, and constructing public water systems. The DEP receives requests for funding, which are used to establish the annual project priority list.[45] Specific to lead abatement, the Florida DWSRF program may provide loans for:[46]

- Replacement of water supplies with new sources.
- Construction or upgrade of treatment facilities.
- Lining or coating a lead service line.
- Lead service line replacement.

III. Effect of Proposed Changes:

CS/SB 168 requires each school district to filter drinking water at each source for each district school built before 1986. Specifically, for such schools the bill requires each school district to:

- Install and maintain a filter that meets specified standards and capacity to reduce lead at each school water source.
- Post a conspicuous sign near each school non-drinking-water source warning that water from such source should not be used for human consumption or food preparation.
- Publish on the school district's website information about filters and location for each drinking water source.

The bill creates s. 1013.29, F.S., to control or eliminate lead in school water sources to prevent the harmful effects of lead poisoning. The bill requires, subject to appropriation by the legislature, each district board[47] to coordinate with the local school district to determine which district schools were built before 1986, and to provide funding for school districts to:

- Install a point of use filter[48] that reduces lead content in drinking water on each drinking water source[49] and maintain each filter in a manner consistent with the manufacturer's recommendations. In addition, the filter:
  - Must be installed by school district staff.
  - Must meet the National Sanitation Foundation/American National Standards Institute Standard 53: Drinking Water Treatment Units-Health Effects.

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[44] Section 403.8533, F.S. See also s. 403.8532, F.S.

[45] Florida Department of Environmental Protection, *DWSRF Program*, https://floridadep.gov/wra/srf/content/dwsrf-program (last visited Nov. 12, 2019).

[46] Florida Department of Environmental Protection, *Funding Assistance in Florida for Drinking Water Systems with Excessive Lead and Copper*, https://floridadep.gov/sites/default/files/FundingLeadCopper_DrinkingWater.pdf (last visited Nov. 12, 2019).

[47] The "district board" is the board of county commissioners of any county constituting the governing body of any water and sewer district, and acting for and on behalf of such district as a body corporate and politic. Section 153.52(3), F.S. A county water and sewer district is a special district, which a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. Section 189.012(6), F.S. Special districts are very similar to municipalities and counties, but with local specialized governmental services and limited, related, and explicit powers. Florida Department of Economic Opportunity, *Introduction to Special Districts*, http://www.floridajobs.org/community-planning-and-development/special-districts/special-district-accountability-program/florida-special-district-handbook-online/introduction-to-special-districts (last visited Nov. 13, 2019).

[48] The bill defines a "point of use filter" or "filter" as a water filtration system that treats water at a single tap.

[49] The bill defines a "drinking water source" as any water source used for drinking, food preparation, or cooking, and includes water fountains, ice makers, and kitchen sinks.

  - Must have a certified capacity of 7,900 gallons and, at a minimum, must be changed or replaced annually.
- Post a conspicuous sign near each school water source that is not a drinking water source. The sign must include wording and an image that clearly communicate that water from the source should not be used for human consumption, food preparation, or cooking.
- Publish on the school district's website a list of drinking water sources at such schools. At a minimum, the list must include for each drinking water source all of the following:
  - The date on which the current filter was installed.
  - The date on which the current filter is scheduled to be replaced.
  - The location of each water source.
  - Any actions necessary to comply with the requirements of the law which have been completed or are pending.

The bill authorizes the State Board of Education to adopt rules to implement these requirements.

The bill appropriates, for the 2020-2021 fiscal year, $3 million in nonrecurring funds from the Drinking Water Revolving Loan Trust Fund to boards of county water and sewer districts to implement these requirements. In addition, each such board may request additional funds for the purpose of compensating school district staff for the installation or replacement of filters. However, additional funds provided may not exceed the total appropriation.

The bill requires point-of-use water filtration devices on specified drinking water sources, but does not amend the Florida Safe Drinking Water Act to require a school district to have water at district schools tested for lead. The installation of such filters may lower the risk of students and school personnel ingesting lead through drinking water. The bill may also increase public awareness of the risks of lead in drinking water, specifically in schools.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vendors that provide water filters, filter replacements, and signage may realize additional revenue from school districts in implementing the requirements of the bill.[50]

C. Government Sector Impact:

CS/SB 168 appropriates $3 million in nonrecurring funds from the Drinking Water Revolving Loan Trust Fund to the board of the county water and sewer district to implement the provisions of the bill.

According to the Department of Education (DOE),[51] there are 1,746 public schools in the state built prior to 1987, with a total of 1,124,204 student stations. Florida Building Codes require one water fountain for every 100 occupants or a fraction thereof. The total occupancy of 1,124,204 will necessitate the installation of 11,242 water filters. FISH also lists 2,656 kitchens in these schools. These include school dormitory and voc-tech kitchens.[52] If these kitchens have an average of five water sources per kitchen, 10,624 water filters would be required.

The estimated cost for each new water filter and installation is $323.20. Using this information, the DOE estimates that the costs for the initial installation of water filters and regular replacement of filters will be:

Initial cost for filter installation:

Number of Drinking Fountains	New Filter and Installation	Installed Cost
11,242	$323.20	$3,633,414
Number of Kitchen Fixtures	New Filter and Installation	Installed Cost
13,280	$323.20	$4,292,096

The total estimated filter installation cost for traditional public schools is $7,925,510.

[50] Florida Department of Education, *2020 Agency Analysis of SB 168* (Sept. 9, 2019), at 5.
[51] *Id.* at 4.
[52] School dormitory facilities are primarily at the Florida School for the Deaf and the Blind, but residential facilities make up less than 1 percent of the affected facilities. Career centers operated by district school boards are included in the number of public schools built prior to 1987. Email, Florida Department of Education (Nov. 5, 2019).

Recurring costs for filter replacements:

Number of Drinking Fountains 11,242	Filter Replacement and Installation $129.25	Changes Per Year 1	Annual Replacement Cost $1,453,028
Number of Kitchen Filters 10,624	Filter Replacement and Installation $129.25	Changes Per Year 4	Annual Replacement Cost $5,492,608
Number of Ice Maker Filters 2,656	Filter Replacement and Installation $129.25	Changes Per Year 2	Annual Replacement Cost $686,576

The total estimated annual recurring cost for traditional public schools is $7,632,212.

The DOE does not track the date of construction for charter school buildings. Therefore, the costs of new filter installation and annual filter replacements for charter schools are indeterminable.[53] The bill does not specify if charter schools are included in the requirements regarding filtering, signage, or publishing information on schools' websites.

The cost to each school district to install signage at each school water source that is not a drinking water source and for development and maintenance of a website of drinking water sources is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1013.29 of the Florida Statutes.
This bill creates an unnumbered section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on Nov. 12, 2019:
The committee substitute maintains the filtering, signage, and website tracking requirements in the bill, but also:

[53] Florida Department of Education, *2020 Agency Analysis of SB 168* (Sept. 9, 2019), at 5.

- Requires each board of a county water and sewer district and district school board to determine schools built before 1986, and the water and sewer district board to, subject to appropriation, provide funding to the district school board to complete the filtering, signage, and website tracking requirements.
- Appropriates $3 million in nonrecurring funds from the Drinking Water Revolving Loan Trust Fund to the board of a county water and sewer district to implement requirements in the bill.
- Authorizes the board of a county water and sewer district, rather than district school boards, to request additional funds to compensate school districts for staff installation or replacement of filters. Funds provided for such requests may not exceed the total appropriation.
- Requires the State Board of Education to adopt rules.

B. Amendments:

None.