

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 653 (2015)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Pigman offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (2) and (3) of section 20.255,
7 Florida Statutes, are amended to read:

8 20.255 Department of Environmental Protection.—There is
9 created a Department of Environmental Protection.

10 (2) (a) There shall be three deputy secretaries who are to
11 be appointed by and shall serve at the pleasure of the
12 secretary. The secretary may assign any deputy secretary the
13 responsibility to supervise, coordinate, and formulate policy
14 for any division, office, or district. The following special
15 offices are established and headed by managers, each of whom is
16 to be appointed by and serve at the pleasure of the secretary:

17 1. Office of Chief of Staff;

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18 2. Office of General Counsel;

19 3. Office of Technology and Information Services; ~~Office~~
20 ~~of Inspector General;~~

21 4. Office of External Affairs;

22 5. Office of Legislative Affairs;

23 6. Office of Operations; ~~Office of Intergovernmental~~
24 ~~Programs; and~~

25 7. Florida Coastal Office; ~~Office of Greenways and Trails.~~

26 8. Office of Preparedness and Emergency Response;

27 9. Office of the Florida Geological Survey; and

28 10. Office of the Inspector General, the Inspector General
29 is to be appointed by the Chief Inspector General of the
30 Governor's Office, and is subject to general supervision of the
31 secretary.

32 (b) There shall be six administrative districts involved
33 in regulatory matters of waste management, water resource
34 management, wetlands, and air resources, which shall be headed
35 by managers, each of whom is to be appointed by and serve at the
36 pleasure of the secretary. Divisions of the department may have
37 one assistant or two deputy division directors, as required to
38 facilitate effective operation.

39
40 The managers of all divisions and offices specifically named in
41 this section and the directors of the six administrative
42 districts are exempt from part II of chapter 110 and are

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43 included in the Senior Management Service in accordance with s.
44 110.205(2)(j).

45 (3) The following divisions of the Department of
46 Environmental Protection are established:

47 (a) Division of Administrative Services.

48 (b) Division of Air Resource Management.

49 (c) Division of Water Resource Management.

50 (d) Division of Environmental Assessment and Restoration.

51 (e) Division of Waste Management.

52 (f) Division of Recreation and Parks.

53 (g) Division of State Lands, the director of which is to
54 be appointed by the secretary of the department, subject to
55 confirmation by the Governor and Cabinet sitting as the Board of
56 Trustees of the Internal Improvement Trust Fund.

57 (h) Division of Water Restoration Assistance.

58

59 In order to ensure statewide and intradepartmental consistency,
60 the department's divisions shall direct the district offices and
61 bureaus on matters of interpretation and applicability of the
62 department's rules and programs.

63 Section 2. Subsection (5) of section 373.227, Florida
64 Statutes, is renumbered as subsection (6), and a new subsection
65 (5) is added to that section, to read:

66 373.227 Water conservation; legislative findings and
67 intent; objectives; comprehensive statewide water conservation
68 program requirements.—

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69 (5) To incentivize water conservation, if actual water use
70 is less than permitted water use due to documented
71 implementation of water conservation measures beyond those
72 required in the consumptive use permit, including, but not
73 limited to, those measures identified in best management
74 practices pursuant to s. 570.93, the permitted allocation may
75 not be modified solely due to such water conservation during the
76 term of the permit. To promote water conservation and the
77 implementation of measures that produce significant water
78 savings beyond what is required in a consumptive use permit,
79 each water management district shall adopt rules providing water
80 conservation incentives, which may include permit extensions.

81 (6) For consumptive use permits for agricultural
82 irrigation, if actual water use is less than permitted water use
83 due to weather events, crop diseases, nursery stock
84 availability, market conditions, or changes in crop type, a
85 district may not, as a result, reduce permitted allocation
86 amounts during the term of the permit.

87 Section 3. Paragraph (b) of subsection (3) of section
88 373.323, Florida Statutes, is amended to read:

89 373.323 Licensure of water well contractors; application,
90 qualifications, and examinations; equipment identification.—

91 (3) An applicant who meets the following requirements shall
92 be entitled to take the water well contractor licensure
93 examination:

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94 (b) Has at least 2 years of experience in constructing,
95 repairing, or abandoning water wells. Satisfactory proof of such
96 experience shall be demonstrated by providing:

97 1. Evidence of the length of time the applicant has been
98 engaged in the business of the construction, repair, or
99 abandonment of water wells as a major activity, as attested to
100 by a letter from a water well contractor or ~~and~~ a letter from a
101 water well inspector employed by a governmental agency.

102 2. A list of at least 10 water wells that the applicant has
103 constructed, repaired, or abandoned within the preceding 5
104 years. Of these wells, at least seven must have been
105 constructed, as defined in s. 373.303(2), by the applicant. The
106 list shall also include:

107 a. The name and address of the owner or owners of each
108 well.

109 b. The location, primary use, and approximate depth and
110 diameter of each well that the applicant has constructed,
111 repaired, or abandoned.

112 c. The approximate date the construction, repair, or
113 abandonment of each well was completed.

114 Section 4. Paragraph (a) of subsection (1) and subsection
115 (3) of section 373.467, Florida Statutes, are amended, to read:

116 373.467 The Harris Chain of Lakes Restoration Council.—
117 There is created within the St. Johns River Water Management
118 District, with assistance from the Fish and Wildlife

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119 Conservation Commission and the Lake County Water Authority, the
120 Harris Chain of Lakes Restoration Council.

121 (1) (a) The council shall consist of nine voting members,
122 which shall include~~+~~ a representative of waterfront property
123 owners, a representative of the sport fishing industry, a person
124 with experience in an environmental science or regulation
125 engineer, a person with training in biology or another
126 scientific discipline, ~~a person with training as an attorney, a~~
127 ~~physician, a person with training as an engineer,~~ and two
128 residents of the county who are ~~do~~ not required to meet any
129 additional ~~of the other~~ qualifications for membership ~~enumerated~~
130 ~~in this paragraph~~, each to be appointed by the Lake County
131 legislative delegation. The Lake County legislative delegation
132 may waive the qualifications for membership on a case-by-case
133 basis if good cause is shown. A ~~No~~ person serving on the council
134 may not be appointed to a council, board, or commission of any
135 council advisory group agency. The council members shall serve
136 as advisors to the governing board of the St. Johns River Water
137 Management District. The council is subject to ~~the provisions of~~
138 chapters 119 and 120.

139 (3) The council shall meet at the call of its chair, at the
140 request of six of its members, or at the request of the chair of
141 the governing board of the St. Johns River Water Management
142 District. Resignation by a council member, or failure by a
143 council member to attend three consecutive meetings without an

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144 excuse approved by the chair, results in a vacancy on the
145 council.

146 Section 5. Subsection (5) of section 373.705, Florida
147 Statutes is added to that section to read:

148 373.705 Water resource development; water supply
149 development.—

150 (5) The water management districts shall promote expanded
151 cost-share criteria for additional conservation practices, such
152 as soil and moisture sensors and other irrigation improvements,
153 water-saving equipment, and water-saving household fixtures, as
154 well as software technologies that can achieve verifiable water
155 conservation by providing water use information to utility
156 customers.

157 Section 6. Subsection (4) of section 378.209, Florida
158 Statutes, is created to read:

159 378.209 Timing of reclamation.—

160 (4) The rate of reclamation requirements in paragraphs
161 (1) (a)-(e) and the requirements of s. 378.208 do not apply to
162 constructed clay settling areas where its beneficial use has
163 been extended.

164 Section 7. Paragraph (i) is added to subsection (8) of
165 section 403.067, Florida Statutes, to read:

166 403.067 Establishment and implementation of total maximum
167 daily loads.—

168 (8) WATER QUALITY CREDIT TRADING.—

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169 (i) Land set-asides and land use modifications not
170 otherwise required by state law or a permit, including
171 constructed wetlands or other water quality improvement
172 projects, that reduce nutrient loads into nutrient impaired
173 surface waters may be used under this subsection.

174 Section 8. Subsection (2) of section 403.201, Florida
175 Statutes, is amended to read:

176 403.201 Variances.—

177 (2) A ~~No~~ variance may not shall be granted from any
178 provision or requirement concerning discharges of waste into
179 waters of the state or hazardous waste management which would
180 result in the provision or requirement being less stringent than
181 a comparable federal provision or requirement, except as
182 provided in s. 403.70715. However, this subsection does not
183 prohibit the issuance of moderating provisions or requirements
184 under state law, subject to any necessary approval by the United
185 States Environmental Protection Agency.

186 Section 9. Subsections (2) through (4) of section 403.709,
187 Florida Statutes, are renumbered as subsections (3) through (5),
188 respectively, and a new subsection (2) is added to that section
189 to read:

190 403.709 Solid Waste Management Trust Fund; use of waste
191 tire fees.—There is created the Solid Waste Management Trust
192 Fund, to be administered by the department.

193 (2) (a) Notwithstanding subsection (1), a solid waste
194 landfill closure account is established within the Solid Waste

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195 Management Trust Fund to provide funding for the closing and
196 long-term care of solid waste management facilities. The
197 department may use funds from the account to contract with a
198 third party for the closing and long-term care of a solid waste
199 management facility if:

200 1. The facility has or had a department permit to operate
201 the facility.

202 2. The permittee provided proof of financial assurance for
203 closure in the form of an insurance certificate.

204 3. The facility is deemed to be abandoned or was ordered to
205 close by the department.

206 4. Closure is accomplished in substantial accordance with a
207 closure plan approved by the department.

208 5. The department has written documentation that the
209 insurance company issuing the closure insurance policy will
210 provide or reimburse the funds required to complete closing and
211 long-term care of the facility.

212 (b) The department shall deposit the funds received from
213 the insurance company as reimbursement for the costs of closing
214 or long-term care of the facility into the solid waste landfill
215 closure account.

216 Section 10. Subsection (3) is added to section 403.713,
217 Florida Statutes, to read:

218 403.713 Ownership and control of solid waste and recovered
219 materials.—

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220 (3) For the purposes of exercising flow control authority
221 under this section 403.713, a resource recovery facility does
222 not include a landfill gas-to-energy system or facility.

223 Section 11. For the purpose of incorporating the amendment
224 made by this act to section 403.201, Florida Statutes, in a
225 reference thereto, subsection (17) of section 373.414, Florida
226 Statutes, is reenacted to read:

227 373.414 Additional criteria for activities in surface
228 waters and wetlands.—

229 (17) The variance provisions of s. 403.201 are applicable
230 to the provisions of this section or any rule adopted pursuant
231 to this section. The governing boards and the department are
232 authorized to review and take final agency action on petitions
233 requesting such variances for those activities they regulate
234 under this part and s. 373.4145.

235 Section 12. For the 2015-2016 fiscal year, the sum of
236 \$2,339,764 in nonrecurring funds is appropriated to the
237 Department of Environmental Protection from the Solid Waste
238 Management Trust Fund in the Fixed Capital Outlay-Agency
239 Managed-Closing and Long-Term Care of Solid Waste Management
240 Facilities appropriation category for the closing and long-term
241 care of solid waste management facilities pursuant to s.
242 403.709(2), Florida Statutes.

243 Section 13. This act shall take effect upon becoming a
244 law.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to environmental control; amending s. 373.227, F.S.; prohibiting water management districts from modifying consumptive use permit allocations if actual water use is less than permitted water use due to water conservation measures; requiring the water management districts to adopt rules to promote water conservation incentives, including permit extensions; amending s. 373.323, F.S.; revising eligibility requirements for taking the water well contractor licensure examination; amending 373.467, F.S.; revising the qualifications for membership on the Harris Chain of Lakes Restoration Council; authorizing the Lake County legislative delegation to waive such membership qualifications for good cause; providing for council vacancies; amending s. 373.705, F.S.; requiring water management districts to promote expanded cost-share criteria for additional conservation practices; amending s. 378.209, F.S.; excluding clay settling areas from reclamation rate requirements under specified circumstances; amending s. 403.067, F.S.; authorizing the use of land set-asides and land use modifications, including constructed wetlands or other water quality improvement projects, in water quality credit trading; amending s. 403.201, F.S.; providing applicability of prohibited variances concerning discharges of waste into waters of the state and hazardous waste

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272 management; amending s. 403.709, F.S.; establishing a solid
273 waste landfill closure account within the Solid Waste Management
274 Trust Fund to provide funding for the closing and long-term care
275 of solid waste facilities; authorizing the Department of
276 Environmental Protection to contract with a third party for such
277 closing and long-term care under certain conditions; requiring
278 the department to deposit certain funds into the solid waste
279 landfill closure account; amending s. 403.713, F.S.; providing a
280 limit on the exercise of flow control authority for landfill
281 gas-to-energy facilities; reenacting s. 373.414(17), F.S.;
282 providing an appropriation; providing an effective date.