

1 A bill to be entitled

2 An act relating to environmental control; amending s.
3 373.323, F.S.; revising eligibility requirements for
4 taking the water well contractor licensure
5 examination; amending s. 378.209, F.S.; providing
6 conditions under which certain constructed clay
7 settling areas are exempt from reclamation rate and
8 financial responsibility requirements; amending s.
9 403.067, F.S.; authorizing the use of land set-asides
10 and land use modifications, including constructed
11 wetlands or other water quality improvement projects,
12 in water quality credit trading; amending s. 403.201,
13 F.S.; providing applicability of prohibited variances
14 concerning discharges of waste into waters of the
15 state and hazardous waste management; amending s.
16 403.709, F.S.; revising conditions under which the
17 Department of Environmental Protection may use
18 specified funds to contract with a third party for the
19 closing and long-term care of solid waste management
20 facilities; abrogating the scheduled expiration of
21 such authorization; amending s. 403.713, F.S.;
22 authorizing local governments to implement a flow
23 control ordinance only upon ownership and use of a
24 resource recovery facility and a proven need of flow
25 control for the facility; providing applicability of
26 such ordinance; excluding certain landfill systems and

27 facilities from regulation under such ordinance;
 28 reenacting s. 373.414(17), F.S., relating to variances
 29 for activities in surface waters and wetlands, to
 30 incorporate the amendment made by the act to s.
 31 403.201, F.S., in a reference thereto; providing an
 32 effective date.

33

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

35

36 Section 1. Paragraph (b) of subsection (3) of section
 37 373.323, Florida Statutes, is amended to read:

38 373.323 Licensure of water well contractors; application,
 39 qualifications, and examinations; equipment identification.—

40 (3) An applicant who meets the following requirements
 41 shall be entitled to take the water well contractor licensure
 42 examination:

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

46 1. Evidence of the length of time the applicant has been
 47 engaged in the business of the construction, repair, or
 48 abandonment of water wells as a major activity, as attested to
 49 by a letter from a water well contractor or ~~and~~ a letter from a
 50 water well inspector employed by a governmental agency.

51 2. A list of at least 10 water wells that the applicant
 52 has constructed, repaired, or abandoned within the preceding 5

53 | years. Of these wells, at least seven must have been
 54 | constructed, as defined in s. 373.303(2), by the applicant. The
 55 | list shall also include:

56 | a. The name and address of the owner or owners of each
 57 | well.

58 | b. The location, primary use, and approximate depth and
 59 | diameter of each well that the applicant has constructed,
 60 | repaired, or abandoned.

61 | c. The approximate date the construction, repair, or
 62 | abandonment of each well was completed.

63 | Section 2. Subsection (4) is added to section 378.209,
 64 | Florida Statutes, to read:

65 | 378.209 Timing of reclamation.—

66 | (4) If the beneficial use of a constructed clay settling
 67 | area is extended, the rate-of-reclamation requirements of
 68 | paragraphs (1)(a)-(e) and the requirements of s. 378.208 do not
 69 | apply to the clay settling area until the beneficial use of such
 70 | area is completed.

71 | Section 3. Paragraph (i) is added to subsection (8) of
 72 | section 403.067, Florida Statutes, to read:

73 | 403.067 Establishment and implementation of total maximum
 74 | daily loads.—

75 | (8) WATER QUALITY CREDIT TRADING.—

76 | (i) Land set-asides and land use modifications not
 77 | otherwise required by state law or a permit, including
 78 | constructed wetlands or other water quality improvement

79 projects, that reduce nutrient loads into nutrient impaired
 80 surface waters may be used under this subsection.

81 Section 4. Subsection (2) of section 403.201, Florida
 82 Statutes, is amended to read:

83 403.201 Variances.—

84 (2) A ~~No~~ variance may not ~~shall~~ be granted from any
 85 provision or requirement concerning discharges of waste into
 86 waters of the state or hazardous waste management which would
 87 result in the provision or requirement being less stringent than
 88 a comparable federal provision or requirement, except as
 89 provided in s. 403.70715. However, this subsection does not
 90 prohibit the issuance of moderating provisions or requirements
 91 under state law, subject to any necessary approval by the United
 92 States Environmental Protection Agency.

93 Section 5. Subsections (2) through (4) of section 403.709,
 94 Florida Statutes, are renumbered as subsections (3) through (5),
 95 respectively, present subsection (5) is amended, and a new
 96 subsection (2) is added to that section, to read:

97 403.709 Solid Waste Management Trust Fund; use of waste
 98 tire fees.—There is created the Solid Waste Management Trust
 99 Fund, to be administered by the department.

100 (2) Notwithstanding subsection (1), a solid waste landfill
 101 closure account is established within the Solid Waste Management
 102 Trust Fund to provide funding for the closing and long-term care
 103 of solid waste management facilities.

104 (a) The department may use funds from the account to

105 contract with a third party for the closing and long-term care
106 of a solid waste management facility if:

107 1. The facility has, had, or was not required to obtain a
108 department permit to operate the facility;

109 2. The permittee, where required by permit or rule,
110 provided proof of financial assurance for closure in the form of
111 an insurance certificate or an alternative form of financial
112 assurance mechanism established pursuant to s. 403.7125;

113 3. The department has ordered the facility closed or has
114 deemed the facility abandoned;

115 4. The closure of the facility is accomplished in
116 substantial accordance with a closure plan approved by the
117 department; and

118 5. The department has sufficient documentation to confirm
119 that the issuer of the insurance policy or alternative form of
120 financial assurance will provide or reimburse the funds required
121 to complete the closing and long-term care of the facility.

122 (b) The department shall deposit all funds received from
123 the insurer or other parties for reimbursing the costs of
124 closing or long-term care of the facility under this subsection
125 into the solid waste landfill closure account.

126 (c) If the amount available under the insurance policy or
127 alternative form of financial assurance is insufficient, or is
128 otherwise unavailable, to perform or complete the facility
129 closing or long-term care under this subsection, and the
130 department has used all such funds from the insurance policy or

131 alternative form of financial assurance, the department may use
132 funds from the Solid Waste Management Trust Fund to pay for or
133 reimburse additional expenses needed for performing or
134 completing the approved facility closure or long-term care
135 activities.

136 ~~(5) (a) Notwithstanding subsection (1), a solid waste~~
137 ~~landfill closure account is established within the Solid Waste~~
138 ~~Management Trust Fund to provide funding for the closing and~~
139 ~~long-term care of solid waste management facilities. The~~
140 ~~department may use funds from the account to contract with a~~
141 ~~third party for the closing and long-term care of a solid waste~~
142 ~~management facility if:~~

143 ~~1. The facility has or had a department permit to operate~~
144 ~~the facility;~~

145 ~~2. The permittee provided proof of financial assurance for~~
146 ~~closure in the form of an insurance certificate;~~

147 ~~3. The facility is deemed to be abandoned or was ordered~~
148 ~~to close by the department;~~

149 ~~4. Closure is accomplished in substantial accordance with~~
150 ~~a closure plan approved by the department; and~~

151 ~~5. The department has written documentation that the~~
152 ~~insurance company issuing the closure insurance policy will~~
153 ~~provide or reimburse the funds required to complete closing and~~
154 ~~long-term care of the facility.~~

155 ~~(b) The department shall deposit the funds received from~~
156 ~~the insurance company as reimbursement for the costs of closing~~

157 ~~or long-term care of the facility into the solid waste landfill~~
 158 ~~closure account.~~

159 ~~(c) This subsection expires July 1, 2016.~~

160 Section 6. Subsection (2) of section 403.713, Florida
 161 Statutes, is amended, and subsection (3) is added to that
 162 section, to read:

163 403.713 Ownership and control of solid waste and recovered
 164 materials.—

165 (2) Any local government that ~~which~~ undertakes resource
 166 recovery from solid waste pursuant to general law or special act
 167 may implement ~~institute~~ a flow control ordinance for the purpose
 168 of ensuring that the resource recovery facility receives an
 169 adequate quantity of solid waste from solid waste generated
 170 within its jurisdiction. Such authority does ~~shall~~ not extend to
 171 recovered materials, whether separated at the point of
 172 generation or after collection, which ~~that~~ are intended to be
 173 held for purposes of recycling pursuant to the requirements of
 174 this part; however, the handling of such materials is ~~shall be~~
 175 subject to applicable state and local public health and safety
 176 laws. A flow control ordinance may be implemented under this
 177 section by a local government only after it owns and actively
 178 uses a resource recovery facility and the local government
 179 proves the necessity of implementing flow control to ensure
 180 sufficient materials for that resource recovery facility. A flow
 181 control ordinance does not limit the ability of other entities
 182 and districts to contract for waste management services.

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

186 Section 7. For the purpose of incorporating the amendment
187 made by this act to section 403.201, Florida Statutes, in a
188 reference thereto, subsection (17) of section 373.414, Florida
189 Statutes, is reenacted to read:

190 373.414 Additional criteria for activities in surface
191 waters and wetlands.—

192 (17) The variance provisions of s. 403.201 are applicable
193 to the provisions of this section or any rule adopted pursuant
194 to this section. The governing boards and the department are
195 authorized to review and take final agency action on petitions
196 requesting such variances for those activities they regulate
197 under this part and s. 373.4145.

198 Section 8. This act shall take effect upon becoming a law.