

1                                   A bill to be entitled  
2           An act relating to environmental control; amending s.  
3           373.227, F.S.; prohibiting water management districts  
4           from modifying consumptive use permit allocations if  
5           actual water use is less than permitted water use due  
6           to water conservation measures; requiring water  
7           management districts to adopt rules providing water  
8           conservation incentives, including permit extensions;  
9           amending s. 373.323, F.S.; revising eligibility  
10          requirements for taking the water well contractor  
11          licensure examination; amending s. 373.705, F.S.;  
12          requiring water management districts to promote  
13          expanded cost share criteria for additional  
14          conservation practices; amending s. 403.067, F.S.;  
15          authorizing the use of land set-asides and land use  
16          modifications, including constructed wetlands or other  
17          water quality improvement projects, in water quality  
18          credit trading; amending s. 403.201, F.S.; providing  
19          applicability of prohibited variances concerning  
20          discharges of waste into waters of the state and  
21          hazardous waste management; amending s. 403.709, F.S.;  
22          establishing a solid waste landfill closure account  
23          within the Solid Waste Management Trust Fund to  
24          provide funding for the closing and long-term care of  
25          solid waste facilities; authorizing the Department of  
26          Environmental Protection to contract with a third

27 party for such closing and long-term care under  
 28 certain conditions; requiring the department to  
 29 deposit certain funds into the solid waste landfill  
 30 closure account; providing an effective date.

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

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34 Section 1. Subsection (5) of section 373.227, Florida  
 35 Statutes, is renumbered as subsection (6), and a new subsection  
 36 (5) is added to that section, to read:

37 373.227 Water conservation; legislative findings and  
 38 intent; objectives; comprehensive statewide water conservation  
 39 program requirements.—

40 (5) To incentivize water conservation, if actual water use  
 41 is less than permitted water use due to documented  
 42 implementation of water conservation measures, including, but  
 43 not limited to, those measures identified in best management  
 44 practices pursuant to s. 570.93, the permitted allocation may  
 45 not be modified due to such water conservation during the term  
 46 of the permit. To promote water conservation and the  
 47 implementation of measures that produce significant water  
 48 savings beyond what is required in a consumptive use permit,  
 49 each water management district shall adopt rules providing water  
 50 conservation incentives, including permit extensions.

51 Section 2. Paragraph (b) of subsection (3) of section  
 52 373.323, Florida Statutes, is amended to read:

53           373.323 Licensure of water well contractors; application,  
54 qualifications, and examinations; equipment identification.—

55           (3) An applicant who meets the following requirements  
56 shall be entitled to take the water well contractor licensure  
57 examination:

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

61           1. Evidence of the length of time the applicant has been  
62 engaged in the business of the construction, repair, or  
63 abandonment of water wells as a major activity, as attested to  
64 by a letter from a water well contractor or ~~and~~ a letter from a  
65 water well inspector employed by a governmental agency.

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

71           a. The name and address of the owner or owners of each  
72 well.

73           b. The location, primary use, and approximate depth and  
74 diameter of each well that the applicant has constructed,  
75 repaired, or abandoned.

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

78           Section 3. Subsection (5) is added to section 373.705,

79 Florida Statutes, to read:

80 373.705 Water resource development; water supply  
81 development.—

82 (5) The water management districts shall promote expanded  
83 cost share criteria for additional conservation practices, such  
84 as soil and moisture sensors, and other irrigation improvements,  
85 water-saving equipment, and water-saving household fixtures.

86 Section 4. Paragraph (i) is added to subsection (8) of  
87 section 403.067, Florida Statutes, to read:

88 403.067 Establishment and implementation of total maximum  
89 daily loads.—

90 (8) WATER QUALITY CREDIT TRADING.—

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

96 Section 5. Subsection (2) of section 403.201, Florida  
97 Statutes, is amended to read:

98 403.201 Variances.—

99 (2) A ~~No~~ variance may not ~~shall~~ be granted from any  
100 provision or requirement concerning discharges of waste into  
101 waters of the state or hazardous waste management which would  
102 result in the provision or requirement being less stringent than  
103 a comparable federal provision or requirement, except as  
104 provided in s. 403.70715. However, this subsection does not

105 prohibit the issuance of moderating provisions or requirements  
106 under state law, subject to any necessary approval by the United  
107 States Environmental Protection Agency.

108 Section 6. Subsections (2) through (4) of section 403.709,  
109 Florida Statutes, are renumbered as subsections (3) through (5),  
110 respectively, and a new subsection (2) is added to that section  
111 to read:

112 403.709 Solid Waste Management Trust Fund; use of waste  
113 tire fees.—There is created the Solid Waste Management Trust  
114 Fund, to be administered by the department.

115 (2) (a) Notwithstanding subsection (1), a solid waste  
116 landfill closure account is established within the Solid Waste  
117 Management Trust Fund to provide funding for the closing and  
118 long-term care of solid waste management facilities. The  
119 department may use funds from the account to contract with a  
120 third party for the closing and long-term care of a solid waste  
121 management facility if:

122 1. The facility has or had a department permit to operate  
123 the facility.

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

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

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

130 5. The department has written documentation that the

131 insurance company issuing the closure insurance policy will  
132 provide or reimburse the funds required to complete closing and  
133 long-term care of the facility.

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

138 Section 7. This act shall take effect upon becoming a law.