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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to environmental control; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring water management districts to adopt rules to promote water conservation incentives; amending s. 373.323, F.S.; revising eligibility requirements for taking the water well contractor licensure examination; amending s. 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 certain circumstances; amending s. 403.067, F.S.; authorizing land set-asides and land-use modifications that reduce nutrient loads into nutrient-impaired surface waters to be used under the water quality credit trading program; amending s. 403.201, F.S.; providing applicability of prohibited variances relating to certain discharges of waste; amending s. 403.709, F.S.; establishing a solid waste landfill closure account within the Solid Waste



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28 Management Trust Fund to be used for specified
29 purposes; providing for the deposit of certain funds
30 into the account; providing an appropriation; amending
31 s. 403.713, F.S.; providing a limit on the exercise of
32 flow control authority for landfill gas-to-energy
33 facilities; reenacting s. 373.414(17), F.S., relating
34 to additional criteria for activities in surface
35 waters and wetlands, to incorporate the amendment made
36 to s. 403.201, F.S.; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. Present subsection (5) of section 373.227,
41 Florida Statutes, is redesignated as subsection (7), and a new
42 subsection (5) and a subsection (6) are added to that section,
43 to read:

44 373.227 Water conservation; legislative findings and
45 intent; objectives; comprehensive statewide water conservation
46 program requirements.-

47 (5) In order to incentivize water conservation, if actual
48 water use is less than permitted water use due to documented
49 implementation of water conservation measures beyond those
50 required in the consumptive use permit, including, but not
51 limited to, those measures identified in best management
52 practices pursuant to s. 570.93, the permitted allocation may
53 not be modified solely due to such water conservation during the
54 term of the permit. In order to promote water conservation and
55 the implementation of measures that produce significant water
56 savings beyond what is required in a consumptive use permit,



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57 each water management district shall adopt rules providing water
58 conservation incentives, which may include permit extensions.

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

65 Section 2. Paragraph (b) of subsection (3) of section
66 373.323, Florida Statutes, is amended to read:

67 373.323 Licensure of water well contractors; application,
68 qualifications, and examinations; equipment identification.—

69 (3) An applicant who meets the following requirements shall
70 be entitled to take the water well contractor licensure
71 examination:

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

75 1. Evidence of the length of time the applicant has been
76 engaged in the business of the construction, repair, or
77 abandonment of water wells as a major activity, as attested to
78 by a letter from a water well contractor or ~~and~~ a letter from a
79 water well inspector employed by a governmental agency.

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

85 a. The name and address of the owner or owners of each



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86 well.

87 b. The location, primary use, and approximate depth and
88 diameter of each well that the applicant has constructed,
89 repaired, or abandoned.

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

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

94 373.467 The Harris Chain of Lakes Restoration Council.—
95 There is created within the St. Johns River Water Management
96 District, with assistance from the Fish and Wildlife
97 Conservation Commission and the Lake County Water Authority, the
98 Harris Chain of Lakes Restoration Council.

99 (1) (a) The council shall consist of nine voting members,
100 which shall include: a representative of waterfront property
101 owners, a representative of the sport fishing industry, a person
102 with experience in an environmental science or regulation
103 engineer, a person with training in biology or another
104 scientific discipline, ~~a person with training as an attorney, a~~
105 ~~physician, a person with training as an engineer,~~ and two
106 residents of the county who are ~~de~~ not required to meet any
107 additional of the other qualifications for membership ~~enumerated~~
108 ~~in this paragraph~~, each to be appointed by the Lake County
109 legislative delegation. The Lake County legislative delegation
110 may waive the qualifications for membership on a case-by-case
111 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council
112 may not be appointed to a council, board, or commission of any
113 council advisory group agency. The council members shall serve
114 as advisors to the governing board of the St. Johns River Water



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115 Management District. The council is subject to ~~the provisions of~~
116 chapters 119 and 120.

117 (3) The council shall meet at the call of its chair, at the
118 request of six of its members, or at the request of the chair of
119 the governing board of the St. Johns River Water Management
120 District. Resignation by a council member, or failure by a
121 council member to attend three consecutive meetings without an
122 excuse approved by the chair, results in a vacancy on the
123 council.

124 Section 4. Subsection (5) is added to section 373.705,
125 Florida Statutes, to read:

126 373.705 Water resource development; water supply
127 development.-

128 (5) The water management districts shall promote expanded
129 cost-share criteria for additional conservation practices, such
130 as soil and moisture sensors and other irrigation improvements,
131 water-saving equipment, water-saving household fixtures, and
132 software technologies that can achieve verifiable water
133 conservation by providing water use information to utility
134 customers.

135 Section 5. Subsection (4) is added to section 378.209,
136 Florida Statutes, to read:

137 378.209 Timing of reclamation.-

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

142 Section 6. Paragraph (i) is added to subsection (8) of
143 section 403.067, Florida Statutes, to read:



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144 403.067 Establishment and implementation of total maximum
145 daily loads.-

146 (8) WATER QUALITY CREDIT TRADING.-

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

152 Section 7. Subsection (2) of section 403.201, Florida
153 Statutes, is amended to read:

154 403.201 Variances.-

155 (2) A ~~No~~ variance may not ~~shall~~ be granted from any
156 provision or requirement concerning discharges of waste into
157 waters of the state or hazardous waste management which would
158 result in the provision or requirement being less stringent than
159 a comparable federal provision or requirement, except as
160 provided in s. 403.70715. However, this subsection does not
161 prohibit the issuance of moderating provisions or requirements
162 under state law, subject to any necessary approval by the United
163 States Environmental Protection Agency.

164 Section 8. Subsection (5) is added to section 403.709,
165 Florida Statutes, to read:

166 403.709 Solid Waste Management Trust Fund; use of waste
167 tire fees.-There is created the Solid Waste Management Trust
168 Fund, to be administered by the department.

169 (5) (a) Notwithstanding subsection (1), a solid waste
170 landfill closure account is established within the Solid Waste
171 Management Trust Fund to provide funding for the closing and
172 long-term care of solid waste management facilities. The



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173 department may use funds from the account to contract with a
174 third party for the closing and long-term care of a solid waste
175 management facility if:

176 1. The facility operates or operated under a department
177 permit;

178 2. The permittee provides proof of financial assurance for
179 closure in the form of an insurance certificate;

180 3. The facility is deemed to be abandoned or was ordered to
181 be closed by the department;

182 4. Closure is accomplished in substantial accordance with a
183 closure plan approved by the department; and

184 5. The department has written documentation that the
185 insurance company issuing the closure insurance policy will
186 provide or reimburse the funds required to complete closing and
187 long-term care of the facility.

188 (b) The department shall deposit funds received from an
189 insurance company as reimbursement for the costs of closing or
190 long-term care of the facility into the solid waste landfill
191 closure account.

192 Section 9. For the 2015-2016 fiscal year, the sum of
193 \$2,339,764 in nonrecurring funds from the Solid Waste Management
194 Trust Fund in the Fixed Capital Outlay-Agency Managed-Closing
195 and Long-Term Care of Solid Waste Management Facilities
196 appropriation category is appropriated to the Department of
197 Environmental Protection for the closing and long-term care of
198 solid waste management facilities pursuant to s. 403.709(5),
199 Florida Statutes.

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



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202 403.713 Ownership and control of solid waste and recovered
203 materials.-

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

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

211 373.414 Additional criteria for activities in surface
212 waters and wetlands.-

213 (17) The variance provisions of s. 403.201 are applicable
214 to the provisions of this section or any rule adopted pursuant
215 to this section. The governing boards and the department are
216 authorized to review and take final agency action on petitions
217 requesting such variances for those activities they regulate
218 under this part and s. 373.4145.

219 Section 12. This act shall take effect July 1, 2015.