

**By** the Committees on Appropriations; and Environmental Preservation and Conservation; and Senators Grimsley and Gaetz

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1                                   A bill to be entitled  
2       An act relating to environmental control; amending s.  
3       20.255, F.S.; revising the organizational structure of  
4       the Department of Environmental Protection; amending  
5       s. 373.227, F.S.; prohibiting water management  
6       districts from modifying permitted allocation amounts  
7       under certain circumstances; requiring water  
8       management districts to adopt rules to promote water  
9       conservation incentives; amending s. 373.323, F.S.;  
10      revising eligibility requirements for taking the water  
11      well contractor licensure examination; amending s.  
12      373.467, F.S.; revising the qualifications for  
13      membership on the Harris Chain of Lakes Restoration  
14      Council; authorizing the Lake County legislative  
15      delegation to waive such membership qualifications for  
16      good cause; providing for council vacancies; amending  
17      s. 373.705, F.S.; requiring water management districts  
18      to promote expanded cost-share criteria for additional  
19      conservation practices; amending s. 378.209, F.S.;  
20      excluding clay settling areas from reclamation rate  
21      requirements under certain circumstances; amending s.  
22      403.067, F.S.; authorizing land set-asides and land-  
23      use modifications that reduce nutrient loads into  
24      nutrient-impaired surface waters to be used under the  
25      water quality credit trading program; amending s.  
26      403.201, F.S.; providing applicability of prohibited  
27      variances relating to certain discharges of waste;  
28      amending s. 403.709, F.S.; establishing a solid waste  
29      landfill closure account within the Solid Waste

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30 Management Trust Fund to be used for specified  
31 purposes; providing for the deposit of certain funds  
32 into the account; providing an appropriation; amending  
33 s. 403.713, F.S.; providing a limit on the exercise of  
34 flow control authority for landfill gas-to-energy  
35 facilities; reenacting s. 373.414(17), F.S., relating  
36 to additional criteria for activities in surface  
37 waters and wetlands, to incorporate the amendment made  
38 to s. 403.201, F.S.; providing an effective date.  
39

40 Be It Enacted by the Legislature of the State of Florida:  
41

42 Section 1. Paragraph (a) of subsection (2) and subsection  
43 (3) of section 20.255, Florida Statutes, are amended to read:

44 20.255 Department of Environmental Protection.—There is  
45 created a Department of Environmental Protection.

46 (2) (a) There shall be three deputy secretaries who are to  
47 be appointed by and shall serve at the pleasure of the  
48 secretary. The secretary may assign any deputy secretary the  
49 responsibility to supervise, coordinate, and formulate policy  
50 for any division, office, or district. The following special  
51 offices are established and headed by managers, each of whom is  
52 to be appointed by and serve at the pleasure of the secretary:

- 53 1. Office of Chief of Staff;
- 54 2. Office of General Counsel;
- 55 3. Office of Technology and Information Services ~~Inspector~~  
56 ~~General~~;
- 57 4. Office of External Affairs;
- 58 5. Office of Legislative Affairs;

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59           6. Office of Operations Intergovernmental Programs; and  
60           7. Florida Coastal Office; ~~of Greenways and Trails.~~  
61           8. Office of Preparedness and of Emergency Response;~~-~~  
62           9. Office of the Florida Geological Survey; and  
63           10. Office of Inspector General. The Inspector General is  
64 to be appointed by the Chief Inspector General of the Governor's  
65 office and is subject to the general supervision of the  
66 secretary.

67  
68 The managers of all divisions and offices specifically named in  
69 this section and the directors of the six administrative  
70 districts are exempt from part II of chapter 110 and are  
71 included in the Senior Management Service in accordance with s.  
72 110.205(2)(j).

73           (3) The following divisions of the Department of  
74 Environmental Protection are established:

75           (a) Division of Administrative Services.

76           (b) Division of Air Resource Management.

77           (c) Division of Water Resource Management.

78           (d) Division of Environmental Assessment and Restoration.

79           (e) Division of Waste Management.

80           (f) Division of Recreation and Parks.

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

85           (h) Division of Water Restoration Assistance.

86  
87 In order to ensure statewide and intradepartmental consistency,

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88 the department's divisions shall direct the district offices and  
89 bureaus on matters of interpretation and applicability of the  
90 department's rules and programs.

91 Section 2. Present subsection (5) of section 373.227,  
92 Florida Statutes, is redesignated as subsection (7), and a new  
93 subsection (5) and a subsection (6) are added to that section,  
94 to read:

95 373.227 Water conservation; legislative findings and  
96 intent; objectives; comprehensive statewide water conservation  
97 program requirements.—

98 (5) In order to incentivize water conservation, if actual  
99 water use is less than permitted water use due to documented  
100 implementation of water conservation measures beyond those  
101 required in the consumptive use permit, including, but not  
102 limited to, those measures identified in best management  
103 practices pursuant to s. 570.93, the permitted allocation may  
104 not be modified solely due to such water conservation during the  
105 term of the permit. In order to promote water conservation and  
106 the implementation of measures that produce significant water  
107 savings beyond what is required in a consumptive use permit,  
108 each water management district shall adopt rules providing water  
109 conservation incentives, which may include permit extensions.

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

116 Section 3. Paragraph (b) of subsection (3) of section

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117 373.323, Florida Statutes, is amended to read:

118 373.323 Licensure of water well contractors; application,  
119 qualifications, and examinations; equipment identification.—

120 (3) An applicant who meets the following requirements shall  
121 be entitled to take the water well contractor licensure  
122 examination:

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

126 1. Evidence of the length of time the applicant has been  
127 engaged in the business of the construction, repair, or  
128 abandonment of water wells as a major activity, as attested to  
129 by a letter from a water well contractor or ~~and~~ a letter from a  
130 water well inspector employed by a governmental agency.

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

136 a. The name and address of the owner or owners of each  
137 well.

138 b. The location, primary use, and approximate depth and  
139 diameter of each well that the applicant has constructed,  
140 repaired, or abandoned.

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

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

145 373.467 The Harris Chain of Lakes Restoration Council.—

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146 There is created within the St. Johns River Water Management  
147 District, with assistance from the Fish and Wildlife  
148 Conservation Commission and the Lake County Water Authority, the  
149 Harris Chain of Lakes Restoration Council.

150 (1) (a) The council shall consist of nine voting members,  
151 which shall include: a representative of waterfront property  
152 owners, a representative of the sport fishing industry, a person  
153 with experience in an environmental science or regulation  
154 engineer, a person with training in biology or another  
155 scientific discipline, ~~a person with training as an attorney, a~~  
156 ~~physician, a person with training as an engineer,~~ and two  
157 residents of the county who are ~~de~~ not required to meet any  
158 additional of the other qualifications for membership ~~enumerated~~  
159 ~~in this paragraph~~, each to be appointed by the Lake County  
160 legislative delegation. The Lake County legislative delegation  
161 may waive the qualifications for membership on a case-by-case  
162 basis if good cause is shown. A ~~No~~ person serving on the council  
163 may not be appointed to a council, board, or commission of any  
164 council advisory group agency. The council members shall serve  
165 as advisors to the governing board of the St. Johns River Water  
166 Management District. The council is subject to ~~the provisions of~~  
167 chapters 119 and 120.

168 (3) The council shall meet at the call of its chair, at the  
169 request of six of its members, or at the request of the chair of  
170 the governing board of the St. Johns River Water Management  
171 District. Resignation by a council member, or failure by a  
172 council member to attend three consecutive meetings without an  
173 excuse approved by the chair, results in a vacancy on the  
174 council.

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175 Section 5. Subsection (5) is added to section 373.705,  
176 Florida Statutes, to read:

177 373.705 Water resource development; water supply  
178 development.—

179 (5) The water management districts shall promote expanded  
180 cost-share criteria for additional conservation practices, such  
181 as soil and moisture sensors and other irrigation improvements,  
182 water-saving equipment, water-saving household fixtures, and  
183 software technologies that can achieve verifiable water  
184 conservation by providing water use information to utility  
185 customers.

186 Section 6. Subsection (4) is added to section 378.209,  
187 Florida Statutes, to read:

188 378.209 Timing of reclamation.—

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

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

195 403.067 Establishment and implementation of total maximum  
196 daily loads.—

197 (8) WATER QUALITY CREDIT TRADING.—

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

203 Section 8. Subsection (2) of section 403.201, Florida

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204 Statutes, is amended to read:

205 403.201 Variances.—

206 (2) A ~~No~~ variance may not shall be granted from any  
207 provision or requirement concerning discharges of waste into  
208 waters of the state or hazardous waste management which would  
209 result in the provision or requirement being less stringent than  
210 a comparable federal provision or requirement, except as  
211 provided in s. 403.70715. However, this subsection does not  
212 prohibit the issuance of moderating provisions or requirements  
213 under state law, subject to any necessary approval by the United  
214 States Environmental Protection Agency.

215 Section 9. Subsection (5) is added to section 403.709,  
216 Florida Statutes, to read:

217 403.709 Solid Waste Management Trust Fund; use of waste  
218 tire fees.—There is created the Solid Waste Management Trust  
219 Fund, to be administered by the department.

220 (5) (a) Notwithstanding subsection (1), a solid waste  
221 landfill closure account is established within the Solid Waste  
222 Management Trust Fund to provide funding for the closing and  
223 long-term care of solid waste management facilities. The  
224 department may use funds from the account to contract with a  
225 third party for the closing and long-term care of a solid waste  
226 management facility if:

227 1. The facility operates or operated under a department  
228 permit;

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

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



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

235 5. The department has written documentation that the  
236 insurance company issuing the closure insurance policy will  
237 provide or reimburse the funds required to complete closing and  
238 long-term care of the facility.

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

243 Section 10. For the 2015-2016 fiscal year, the sum of  
244 \$2,339,764 in nonrecurring funds from the Solid Waste Management  
245 Trust Fund in the Fixed Capital Outlay-Agency Managed-Closing  
246 and Long-Term Care of Solid Waste Management Facilities  
247 appropriation category is appropriated to the Department of  
248 Environmental Protection for the closing and long-term care of  
249 solid waste management facilities pursuant to s. 403.709(5),  
250 Florida Statutes.

251 Section 11. Subsection (3) is added to section 403.713,  
252 Florida Statutes, to read:

253 403.713 Ownership and control of solid waste and recovered  
254 materials.—

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

258 Section 12. For the purpose of incorporating the amendment  
259 made by this act to section 403.201, Florida Statutes, in a  
260 reference thereto, subsection (17) of section 373.414, Florida  
261 Statutes, is reenacted to read:

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262           373.414 Additional criteria for activities in surface  
263 waters and wetlands.—

264           (17) The variance provisions of s. 403.201 are applicable  
265 to the provisions of this section or any rule adopted pursuant  
266 to this section. The governing boards and the department are  
267 authorized to review and take final agency action on petitions  
268 requesting such variances for those activities they regulate  
269 under this part and s. 373.4145.

270           Section 13. This act shall take effect July 1, 2015.