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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/11/2016	.	
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	.	

Appropriations Subcommittee on General Government (Hays)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(3) An applicant who meets the following requirements shall
be entitled to take the water well contractor licensure



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11 examination:

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

15 1. Evidence of the length of time the applicant has been
16 engaged in the business of the construction, repair, or
17 abandonment of water wells as a major activity, as attested to
18 by a letter from a water well contractor or ~~and~~ a letter from a
19 water well inspector employed by a governmental agency.

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

25 a. The name and address of the owner or owners of each
26 well.

27 b. The location, primary use, and approximate depth and
28 diameter of each well that the applicant has constructed,
29 repaired, or abandoned.

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

32 Section 2. Subsection (4) is added to section 378.209,
33 Florida Statutes, to read:

34 378.209 Timing of reclamation.—

35 (4) When the beneficial use of a constructed clay settling
36 area has been extended, the rate of reclamation requirements in
37 paragraphs (1)(a)-(e) and the requirements of s. 378.208 apply
38 to such settling area when the beneficial use of such settling
39 area is completed.



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

42 403.067 Establishment and implementation of total maximum
43 daily loads.—

44 (8) WATER QUALITY CREDIT TRADING.—

45 (i) Land set-asides and land use modifications not
46 otherwise required by state law or a permit, including
47 constructed wetlands or other water quality improvement
48 projects, which reduce nutrient loads into nutrient impaired
49 surface waters may be used under this subsection.

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

52 403.201 Variances.—

53 (2) A ~~No~~ variance may not ~~shall~~ be granted from any
54 provision or requirement concerning discharges of waste into
55 waters of the state or hazardous waste management which would
56 result in the provision or requirement being less stringent than
57 a comparable federal provision or requirement, except as
58 provided in s. 403.70715. However, this subsection does not
59 prohibit the issuance of moderating provisions or requirements
60 under state law, subject to any necessary approval by the United
61 States Environmental Protection Agency.

62 Section 5. Present subsections (2) through (4) of section
63 403.709, Florida Statutes, are redesignated as subsections (3)
64 through (5), respectively, and present subsection (5) is
65 amended, to read:

66 403.709 Solid Waste Management Trust Fund; use of waste
67 tire fees.—There is created the Solid Waste Management Trust
68 Fund, to be administered by the department.



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69 ~~(2)-(5)-(a)~~ Notwithstanding subsection (1), a solid waste
70 landfill closure account is established within the Solid Waste
71 Management Trust Fund to provide funding for the closing and
72 long-term care of solid waste management facilities.

73 (a) The department may use funds from the account to
74 contract with a third party for the closing and long-term care
75 of a solid waste management facility if:

76 1. The facility has, ~~or had,~~ or was not required to obtain
77 a department permit to operate as a solid waste management ~~the~~
78 facility;

79 2. The permittee, when required by permit or rule, provided
80 proof of financial assurance for closure in the form of an
81 insurance certificate or an alternative form of financial
82 assurance mechanism established pursuant to s. 403.7125;

83 3. The department has ordered the facility closed or has
84 deemed the facility abandoned ~~facility is deemed to be abandoned~~
85 ~~or was ordered to close by the department;~~

86 4. The closure of the facility is accomplished in
87 substantial accordance with a closure plan approved by the
88 department; and

89 5. The department has sufficient ~~written~~ documentation to
90 confirm that the issuer of ~~insurance company issuing~~ the closure
91 insurance policy or alternative form of financial assurance will
92 provide or reimburse the funds required to complete closing and
93 long-term care of the facility.

94 (b) The department shall deposit all ~~the~~ funds received
95 from the insurer or other parties for reimbursing ~~insurance~~
96 ~~company as reimbursement for~~ the costs of closing or long-term
97 care of the facility into the solid waste landfill closure



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98 account.

99 (c) If the amount available under the insurance policy or
100 alternative form of financial assurance is insufficient or is
101 otherwise inaccessible to perform or complete the facility
102 closing or long-term care under this subsection and the
103 department has used all such funds from the insurance policy or
104 alternative form of financial assurance, the department may use
105 funds from the solid waste landfill closure account to pay for
106 or reimburse additional expenses needed to perform or complete
107 the approved facility closure or long-term care activities ~~This~~
108 ~~subsection expires July 1, 2016.~~

109 Section 6. Subsection (12) of section 403.814, Florida
110 Statutes, is amended to read:

111 403.814 General permits; delegation.—

112 (12) A general permit is granted for the construction,
113 alteration, and maintenance of a stormwater management system
114 serving a total project area of up to 10 acres meeting the
115 criteria of this subsection. Such ~~When the~~ stormwater management
116 must be system is designed, operated, and maintained in
117 accordance with applicable rules adopted pursuant to part IV of
118 chapter 373.7 There is a rebuttable presumption that the
119 discharge from for such systems complies ~~system will comply~~ with
120 state water quality standards. The construction of such a system
121 may proceed without any further agency action by the department
122 or water management district if, before ~~within 30 days after~~
123 construction begins, an electronic self-certification is
124 submitted to the department or water management district which
125 ~~that~~ certifies that the proposed system was designed to meet,
126 and certified by a Florida registered professional as meeting,



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127 ~~to meet~~ the following additional requirements:

128 (a) The total project area involves less than 10 acres and
129 less than 2 acres of impervious surface;

130 (b) No activities will impact wetlands or other surface
131 waters;

132 (c) No activities are conducted in, on, or over wetlands or
133 other surface waters;

134 (d) Drainage facilities will not include pipes having
135 diameters greater than 24 inches, or the hydraulic equivalent,
136 and will not use pumps in any manner;

137 (e) The project is not part of a larger common plan,
138 development, or sale; and

139 (f) The project does not:

140 1. Cause adverse water quantity or flooding impacts to
141 receiving water and adjacent lands;

142 2. Cause adverse impacts to existing surface water storage
143 and conveyance capabilities;

144 3. Cause a violation of state water quality standards; or

145 4. Cause an adverse impact to the maintenance of surface or
146 ground water levels or surface water flows established pursuant
147 to s. 373.042 or a work of the district established pursuant to
148 s. 373.086.

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

153 373.414 Additional criteria for activities in surface
154 waters and wetlands.—

155 (17) The variance provisions of s. 403.201 are applicable



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156 to the provisions of this section or any rule adopted pursuant
157 to this section. The governing boards and the department are
158 authorized to review and take final agency action on petitions
159 requesting such variances for those activities they regulate
160 under this part and s. 373.4145.

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

162
163 ===== T I T L E A M E N D M E N T =====

164 And the title is amended as follows:

165 Delete everything before the enacting clause
166 and insert:

167 A bill to be entitled
168 An act relating to environmental control; amending s.
169 373.323, F.S.; revising eligibility requirements for
170 taking the water well contractor licensure
171 examination; amending s. 378.209, F.S.; exempting
172 certain constructed clay settling areas from
173 reclamation rate and financial responsibility
174 requirements; amending s. 403.067, F.S.; authorizing
175 the use of land set-asides and land use modifications
176 in water quality credit trading; amending s. 403.201,
177 F.S.; providing applicability of prohibited variances
178 concerning discharges of waste into waters of the
179 state and hazardous waste management; amending s.
180 403.709, F.S.; establishing a solid waste landfill
181 closure account within the Solid Waste Management
182 Trust Fund to provide funding for the closing and
183 long-term care of solid waste facilities; authorizing
184 the department to contract with a third party for such



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185 closing and long-term care under certain conditions;
186 requiring the department to deposit certain funds in
187 the solid waste landfill closure account; authorizing
188 the department to use funds from the solid waste
189 landfill closure account to pay for facility closing
190 and long-term care under certain circumstances;
191 deleting an expiration date; amending s. 403.814,
192 F.S.; requiring that a Florida registered professional
193 certify that certain projects meet additional
194 requirements; requiring such certification to be
195 submitted to the department before, rather than after,
196 construction of a stormwater management system begins;
197 reenacting s. 373.414(17), F.S., relating to variances
198 for activities in surface waters and wetlands, to
199 incorporate the amendment made by the act to s.
200 403.201, F.S., in a reference thereto; providing an
201 effective date.