

By Senator Hays

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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 or reducing consumptive use permit  
5       allocations if actual water use is less than permitted  
6       water use due to water conservation measures or  
7       specified circumstances; requiring water management  
8       districts to adopt rules providing water conservation  
9       incentives, including permit extensions; amending s.  
10      373.323, F.S.; revising eligibility requirements for  
11      taking the water well contractor licensure  
12      examination; amending s. 373.467, F.S.; revising  
13      membership qualifications for the Harris Chain of  
14      Lakes Restoration Council; authorizing the Lake County  
15      legislative delegation to waive such membership  
16      qualifications for good cause; providing that  
17      resignation or removal of a council member results in  
18      a council vacancy; amending s. 373.705, F.S.;  
19      requiring water management districts to promote  
20      expanded cost-share criteria for additional  
21      conservation practices; amending s. 378.209, F.S.;  
22      exempting certain constructed clay settling areas from  
23      reclamation rate and financial responsibility  
24      requirements; amending s. 403.061, F.S.; requiring the  
25      Department of Environmental Protection to adopt by  
26      rule a specific surface water classification to  
27      protect surface waters used for treated potable water  
28      supply; providing criteria for such rule; authorizing  
29      the reclassification of surface waters used for

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30 treated potable water supply notwithstanding such  
31 rule; amending s. 403.067, F.S.; authorizing the use  
32 of land set-asides and land use modifications,  
33 including constructed wetlands or other water quality  
34 improvement projects, in water quality credit trading;  
35 amending s. 403.201, F.S.; providing applicability of  
36 prohibited variances concerning discharges of waste  
37 into waters of the state and hazardous waste  
38 management; amending s. 403.713, F.S.; authorizing  
39 local governments to implement a flow control  
40 ordinance only upon ownership and utilization of a  
41 resource recovery facility and a proven need of flow  
42 control for the facility; excluding landfill gas-to-  
43 energy systems and facilities from being classified as  
44 resource recovery facilities under certain  
45 circumstances; amending s. 403.861, F.S.; requiring  
46 the department to add treated potable water supply as  
47 a designated use of a surface water segment under  
48 certain circumstances; reenacting s. 373.414(17),  
49 F.S., relating to variances for activities in surface  
50 waters and wetlands, to incorporate the amendment made  
51 by the act to s. 403.201, F.S., in a reference  
52 thereto; providing an appropriation; providing an  
53 effective date.

54  
55 Be It Enacted by the Legislature of the State of Florida:

56  
57 Section 1. Present subsection (5) of section 373.227,  
58 Florida Statutes, is renumbered as subsection (7), and new

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59 subsections (5) and (6) are added to that section, to read:

60 373.227 Water conservation; legislative findings and  
61 intent; objectives; comprehensive statewide water conservation  
62 program requirements.-

63 (5) To incentivize water conservation, if actual water use  
64 is less than permitted water use due to documented  
65 implementation of water conservation measures beyond those  
66 required in a consumptive use permit, including, but not limited  
67 to, those measures identified in best management practices  
68 pursuant to s. 570.93, the permitted allocation may not be  
69 modified solely due to such water conservation during the term  
70 of the permit. To promote water conservation and the  
71 implementation of measures that produce significant water  
72 savings beyond those required in a consumptive use permit, each  
73 water management district shall adopt rules providing water  
74 conservation incentives, which may include limited permit  
75 extensions.

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

82 Section 2. Paragraph (b) of subsection (3) of section  
83 373.323, Florida Statutes, is amended to read:

84 373.323 Licensure of water well contractors; application,  
85 qualifications, and examinations; equipment identification.-

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

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88 examination:

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

92 1. Evidence of the length of time the applicant has been  
93 engaged in the business of the construction, repair, or  
94 abandonment of water wells as a major activity, as attested to  
95 by a letter from a water well contractor or ~~and~~ a letter from a  
96 water well inspector employed by a governmental agency.

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

102 a. The name and address of the owner or owners of each  
103 well.

104 b. The location, primary use, and approximate depth and  
105 diameter of each well that the applicant has constructed,  
106 repaired, or abandoned.

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

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

111 373.467 The Harris Chain of Lakes Restoration Council.—  
112 There is created within the St. Johns River Water Management  
113 District, with assistance from the Fish and Wildlife  
114 Conservation Commission and the Lake County Water Authority, the  
115 Harris Chain of Lakes Restoration Council.

116 (1) (a) The council shall consist of nine voting members,

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117 which shall include~~+~~ a representative of waterfront property  
118 owners, a representative of the sport fishing industry, a person  
119 with experience in an environmental science or regulation  
120 ~~engineer~~, a person with training in biology or another  
121 scientific discipline, ~~a person with training as an attorney, a~~  
122 ~~physician, a person with training as an engineer~~, and two  
123 residents of the county who are ~~de~~ not required to meet any  
124 additional ~~of the other~~ qualifications for membership enumerated  
125 in this paragraph, each to be appointed by the Lake County  
126 legislative delegation. The Lake County legislative delegation  
127 may waive the qualifications for membership on a case-by-case  
128 basis if good cause is shown. ~~A~~ ~~Ne~~ person serving on the council  
129 may not be appointed to a council, board, or commission of any  
130 council advisory group agency. The council members shall serve  
131 as advisors to the governing board of the St. Johns River Water  
132 Management District. The council is subject to the provisions of  
133 chapters 119 and 120.

134 (3) The council shall meet at the call of its chair, at the  
135 request of six of its members, or at the request of the chair of  
136 the governing board of the St. Johns River Water Management  
137 District. Resignation by a council member, or removal of a  
138 council member for failure to attend three consecutive meetings  
139 without an excuse approved by the chair, shall result in a  
140 vacancy on the council.

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

143 373.705 Water resource development; water supply  
144 development.—

145 (5) The water management districts shall promote expanded

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146 cost-share criteria for additional conservation practices, such  
147 as soil and moisture sensors and other irrigation improvements,  
148 water-saving equipment, water-saving household fixtures, and  
149 software technologies that can achieve verifiable water  
150 conservation by providing water use information to utility  
151 customers.

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

154 378.209 Timing of reclamation.—

155 (4) The rate of reclamation requirements in paragraphs  
156 (1) (a)-(e) and the requirements of s. 378.208 do not apply to a  
157 constructed clay settling area if the beneficial use of such  
158 area has been extended.

159 Section 6. Subsection (29) of section 403.061, Florida  
160 Statutes, is amended to read:

161 403.061 Department; powers and duties.—The department shall  
162 have the power and the duty to control and prohibit pollution of  
163 air and water in accordance with the law and rules adopted and  
164 promulgated by it and, for this purpose, to:

165 (29) (a) Adopt by rule special criteria to protect Class II  
166 and Class III shellfish harvesting waters. Such rules may  
167 include special criteria for approving docking facilities that  
168 have 10 or fewer slips if the construction and operation of such  
169 facilities will not result in the closure of shellfish waters.

170 (b) Adopt by rule a specific surface water classification  
171 to protect surface waters used for treated potable water supply.  
172 These designated surface waters shall have the same water  
173 quality criteria protections as waters designated for fish  
174 consumption, recreation, and the propagation and maintenance of

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175 a healthy, well-balanced population of fish and wildlife, and  
176 shall be free from discharged substances at a concentration  
177 that, alone or in combination with other discharged substances,  
178 would require significant alteration of permitted treatment  
179 processes at the permitted treatment facility or that would  
180 otherwise prevent compliance with applicable state drinking  
181 water standards in the treated water. Notwithstanding this  
182 classification or the inclusion of treated water supply as a  
183 designated use of a surface water, a surface water used for  
184 treated potable water supply may be reclassified to the potable  
185 water supply classification.

186

187 The department shall implement such programs in conjunction with  
188 its other powers and duties and shall place special emphasis on  
189 reducing and eliminating contamination that presents a threat to  
190 humans, animals or plants, or to the environment.

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

193 403.067 Establishment and implementation of total maximum  
194 daily loads.—

195 (8) WATER QUALITY CREDIT TRADING.—

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

201 Section 8. Subsection (2) of section 403.201, Florida  
202 Statutes, is amended to read:

203 403.201 Variances.—

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

213 Section 9. Subsection (2) of section 403.713, Florida  
214 Statutes, is amended, and subsection (3) is added to that  
215 section, to read:

216 403.713 Ownership and control of solid waste and recovered  
217 materials.—

218 (2) Any local government that ~~which~~ undertakes resource  
219 recovery from solid waste pursuant to general law or special act  
220 may institute a flow control ordinance for the purpose of  
221 ensuring that the resource recovery facility receives an  
222 adequate quantity of solid waste from solid waste generated  
223 within its jurisdiction. Such authority does ~~shall~~ not extend to  
224 recovered materials, whether separated at the point of  
225 generation or after collection, which ~~that~~ are intended to be  
226 held for purposes of recycling pursuant to the requirements of  
227 this part; however, the handling of such materials is ~~shall be~~  
228 subject to applicable state and local public health and safety  
229 laws. A flow control ordinance may be instituted under this  
230 section by a local government only after it owns, and actively  
231 uses, a resource recovery facility and the local government  
232 proves the necessity of instituting flow control to ensure



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233 sufficient materials for that resource recovery facility. A flow  
234 control ordinance also does not limit the ability of other  
235 entities and districts to contract for waste management  
236 services.

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

240 Section 10. Subsection (21) is added to section 403.861,  
241 Florida Statutes, to read:

242 403.861 Department; powers and duties.—The department shall  
243 have the power and the duty to carry out the provisions and  
244 purposes of this act and, for this purpose, to:

245 (21) (a) Upon issuance of a construction permit to construct  
246 a new public water system drinking water treatment facility to  
247 provide potable water supply using a surface water that, at the  
248 time of the permit application, is not being used as a potable  
249 water supply, and the classification of which does not include  
250 potable water supply as a designated use, the department shall  
251 add treated potable water supply as a designated use of the  
252 surface water segment in accordance with s. 403.061(29) (b).

253 (b) For existing public water system drinking water  
254 treatment facilities that use a surface water as a treated  
255 potable water supply, which surface water classification does  
256 not include potable water supply as a designated use, the  
257 department shall add treated potable water supply as a  
258 designated use of the surface water segment in accordance with  
259 s. 403.061(29) (b).

260 Section 11. For the purpose of incorporating the amendment  
261 made by this act to section 403.201, Florida Statutes, in a

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262 reference thereto, subsection (17) of section 373.414, Florida  
263 Statutes, is reenacted to read:

264 373.414 Additional criteria for activities in surface  
265 waters and wetlands.—

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

272 Section 12. For the 2016-2017 fiscal year, the sum of  
273 \$2,339,764 in nonrecurring funds is appropriated to the  
274 Department of Environmental Protection from the Solid Waste  
275 Management Trust Fund in the Fixed Capital Outlay-Agency  
276 Managed-Closing and Long-Term Care of Solid Waste Management  
277 Facilities appropriation category for the closing and long-term  
278 care of solid waste management facilities.

279 Section 13. This act shall take effect upon becoming a law.