

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senator Hays

576-04234-16

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1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 373.323, F.S.; revising eligibility requirements for
4 taking the water well contractor licensure
5 examination; repealing s. 373.245, F.S., relating to
6 violations of consumptive use permit conditions;
7 amending s. 378.209, F.S.; exempting certain
8 constructed clay settling areas from reclamation rate
9 and financial responsibility requirements; amending s.
10 403.067, F.S.; authorizing the use of land set-asides
11 and land use modifications in water quality credit
12 trading; amending s. 403.201, F.S.; providing
13 applicability of prohibited variances concerning
14 discharges of waste into waters of the state and
15 hazardous waste management; amending s. 403.709, F.S.;
16 establishing a solid waste landfill closure account
17 within the Solid Waste Management Trust Fund to
18 provide funding for the closing and long-term care of
19 solid waste facilities; authorizing the department to
20 contract with a third party for such closing and long-
21 term care under certain conditions; requiring the
22 department to deposit certain funds in the solid waste
23 landfill closure account; authorizing the department
24 to use funds from the solid waste landfill closure
25 account to pay for facility closing and long-term care
26 under certain circumstances; deleting an expiration
27 date; amending s. 403.814, F.S.; requiring that a
28 Florida registered professional certify that certain
29 projects meet additional requirements; requiring such
30 certification to be submitted to the department
31 before, rather than after, construction of a

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32 stormwater management system begins; reenacting s.
33 373.414(17), F.S., relating to variances for
34 activities in surface waters and wetlands, to
35 incorporate the amendment made by the act to s.
36 403.201, F.S., in a reference thereto; providing an
37 effective date.

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

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41 Section 1. Paragraph (b) of subsection (3) of section
42 373.323, Florida Statutes, is amended to read:

43 373.323 Licensure of water well contractors; application,
44 qualifications, and examinations; equipment identification.—

45 (3) An applicant who meets the following requirements shall
46 be entitled to take the water well contractor licensure
47 examination:

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

51 1. Evidence of the length of time the applicant has been
52 engaged in the business of the construction, repair, or
53 abandonment of water wells as a major activity, as attested to
54 by a letter from a water well contractor or ~~and~~ a letter from a
55 water well inspector employed by a governmental agency.

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

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61 a. The name and address of the owner or owners of each
62 well.

63 b. The location, primary use, and approximate depth and
64 diameter of each well that the applicant has constructed,
65 repaired, or abandoned.

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

68 Section 2. Section 373.245, Florida Statutes, is repealed.

69 Section 3. Subsection (4) is added to section 378.209,
70 Florida Statutes, to read:

71 378.209 Timing of reclamation.—

72 (4) When the beneficial use of a constructed clay settling
73 area has been extended, the rate of reclamation requirements in
74 paragraphs (1)(a)-(e) and the requirements of s. 378.208 apply
75 to such settling area when the beneficial use of such settling
76 area is completed.

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

79 403.067 Establishment and implementation of total maximum
80 daily loads.—

81 (8) WATER QUALITY CREDIT TRADING.—

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

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

89 403.201 Variances.—

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90 (2) A ~~No~~ variance may not shall be granted from any
91 provision or requirement concerning discharges of waste into
92 waters of the state or hazardous waste management which would
93 result in the provision or requirement being less stringent than
94 a comparable federal provision or requirement, except as
95 provided in s. 403.70715. However, this subsection does not
96 prohibit the issuance of moderating provisions or requirements
97 under state law, subject to any necessary approval by the United
98 States Environmental Protection Agency.

99 Section 6. Present subsections (2) through (4) of section
100 403.709, Florida Statutes, are redesignated as subsections (3)
101 through (5), respectively, and present subsection (5) is
102 amended, to read:

103 403.709 Solid Waste Management Trust Fund; use of waste
104 tire fees.—There is created the Solid Waste Management Trust
105 Fund, to be administered by the department.

106 ~~(2)-(5)-(a)~~ Notwithstanding subsection (1), a solid waste
107 landfill closure account is established within the Solid Waste
108 Management Trust Fund to provide funding for the closing and
109 long-term care of solid waste management facilities.

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

113 1. The facility has, ~~or~~ had, or was not required to obtain
114 a department permit to operate the facility;

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

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119 3. The department has ordered the facility closed or has
120 deemed the facility abandoned ~~facility is deemed to be abandoned~~
121 ~~or was ordered to close by the department;~~

122 4. The closure of the facility is accomplished in
123 substantial accordance with a closure plan approved by the
124 department; and

125 5. The department has sufficient ~~written~~ documentation to
126 confirm that the issuer of the insurance ~~company issuing the~~
127 ~~closure~~ insurance policy or alternative form of financial
128 assurance will provide or reimburse the funds required to
129 complete the closing and long-term care of the facility.

130 (b) The department shall deposit all ~~the~~ funds received
131 from the insurer or other parties for reimbursing ~~insurance~~
132 ~~company as reimbursement for~~ the costs of closing or long-term
133 care of the facility under this subsection into the solid waste
134 landfill closure account.

135 (c) If the amount available under the insurance policy or
136 alternative form of financial assurance is insufficient, or is
137 otherwise unavailable, to perform or complete the facility
138 closing or long-term care under this subsection, and the
139 department has used all such funds from the insurance policy or
140 alternative form of financial assurance, the department may use
141 funds from the Solid Waste Management Trust Fund to pay for or
142 reimburse additional expenses needed for performing or
143 completing the approved facility closure or long-term care
144 activities ~~This subsection expires July 1, 2016.~~

145 Section 7. Subsection (12) of section 403.814, Florida
146 Statutes, is amended to read:

147 403.814 General permits; delegation.-

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148 (12) A general permit is granted for the construction,
149 alteration, and maintenance of a stormwater management system
150 serving a total project area of up to 10 acres meeting the
151 criteria of this subsection. ~~Such~~ ~~when the~~ stormwater management
152 systems must be ~~system is~~ designed, operated, and maintained in
153 accordance with applicable rules adopted pursuant to part IV of
154 chapter 373.~~7~~ There is a rebuttable presumption that the
155 discharge from ~~for~~ such systems complies ~~system will comply~~ with
156 state water quality standards. The construction of such a system
157 may proceed without any further agency action by the department
158 or water management district if, before ~~within 30 days after~~
159 construction begins, an electronic self-certification is
160 submitted to the department or water management district which
161 ~~that~~ certifies that the proposed system was designed by a
162 Florida registered professional, and that the registered
163 professional has certified that the proposed system will ~~to~~ meet
164 the following additional requirements:

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

167 (b) No activities will impact wetlands or other surface
168 waters;

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

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

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

176 (f) The project does not:

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177 1. Cause adverse water quantity or flooding impacts to
178 receiving water and adjacent lands;

179 2. Cause adverse impacts to existing surface water storage
180 and conveyance capabilities;

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

182 4. Cause an adverse impact to the maintenance of surface or
183 ground water levels or surface water flows established pursuant
184 to s. 373.042 or a work of the district established pursuant to
185 s. 373.086.

186 Section 8. For the purpose of incorporating the amendment
187 made by this act to section 403.201, Florida Statutes, in a
188 reference thereto, subsection (17) of section 373.414, Florida
189 Statutes, is reenacted to read:

190 373.414 Additional criteria for activities in surface
191 waters and wetlands.—

192 (17) The variance provisions of s. 403.201 are applicable
193 to the provisions of this section or any rule adopted pursuant
194 to this section. The governing boards and the department are
195 authorized to review and take final agency action on petitions
196 requesting such variances for those activities they regulate
197 under this part and s. 373.4145.

198 Section 9. This act shall take effect upon becoming a law.