

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 directing 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.; directing 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
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.; excluding
39 landfill gas-to-energy systems and facilities from
40 certain resource recovery; amending s. 403.861, F.S.;
41 directing the department to add treated potable water
42 supply as a designated use of a surface water segment
43 under certain circumstances; reenacting s.
44 373.414(17), F.S., relating to variances for
45 activities in surface waters and wetlands, to
46 incorporate the amendment made by the act to s.
47 403.201, F.S., in a reference thereto; providing an
48 appropriation; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsection (5) of section 373.227, Florida

HB 589

2016

53 Statutes, is renumbered as subsection (7), and new subsections
54 (5) and (6) are added to that section to read:

55 373.227 Water conservation; legislative findings and
56 intent; objectives; comprehensive statewide water conservation
57 program requirements.—

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

70 (6) For consumptive use permits for agricultural
71 irrigation, if actual water use is less than permitted water use
72 due to weather events, crop diseases, nursery stock
73 availability, market conditions, or changes in crop type, the
74 permitted allocation may not be reduced as a result of such
75 actual use.

76 Section 2. Paragraph (b) of subsection (3) of section
77 373.323, Florida Statutes, is amended to read:

78 373.323 Licensure of water well contractors; application,

HB 589

2016

79 qualifications, and examinations; equipment identification.—

80 (3) An applicant who meets the following requirements
81 shall be entitled to take the water well contractor licensure
82 examination:

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

86 1. Evidence of the length of time the applicant has been
87 engaged in the business of the construction, repair, or
88 abandonment of water wells as a major activity, as attested to
89 by a letter from a water well contractor or ~~and~~ a letter from a
90 water well inspector employed by a governmental agency.

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

96 a. The name and address of the owner or owners of each
97 well.

98 b. The location, primary use, and approximate depth and
99 diameter of each well that the applicant has constructed,
100 repaired, or abandoned.

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

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

105 373.467 The Harris Chain of Lakes Restoration Council.—
 106 There is created within the St. Johns River Water Management
 107 District, with assistance from the Fish and Wildlife
 108 Conservation Commission and the Lake County Water Authority, the
 109 Harris Chain of Lakes Restoration Council.

110 (1) (a) The council shall consist of nine voting members,
 111 which shall include: a representative of waterfront property
 112 owners, a representative of the sport fishing industry, a person
 113 with experience in an environmental science or regulation
 114 engineer, a person with training in biology or another
 115 scientific discipline, ~~a person with training as an attorney, a~~
 116 ~~physician, a person with training as an engineer,~~ and two
 117 residents of the county who are ~~de~~ not required to meet any
 118 additional ~~of the other~~ qualifications for membership enumerated
 119 in this paragraph, each to be appointed by the Lake County
 120 legislative delegation. The Lake County legislative delegation
 121 may waive the qualifications for membership on a case-by-case
 122 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council
 123 may not be appointed to a council, board, or commission of any
 124 council advisory group agency. The council members shall serve
 125 as advisors to the governing board of the St. Johns River Water
 126 Management District. The council is subject to the provisions of
 127 chapters 119 and 120.

128 (3) The council shall meet at the call of its chair, at
 129 the request of six of its members, or at the request of the
 130 chair of the governing board of the St. Johns River Water

131 Management District. Resignation by a council member, or removal
132 of a council member for failure to attend three consecutive
133 meetings without an excuse approved by the chair, shall result
134 in a vacancy on the council.

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

137 373.705 Water resource development; water supply
138 development.—

139 (5) The water management districts shall promote expanded
140 cost-share criteria for additional conservation practices, such
141 as soil and moisture sensors and other irrigation improvements,
142 water-saving equipment, water-saving household fixtures, and
143 software technologies that can achieve verifiable water
144 conservation by providing water use information to utility
145 customers.

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

148 378.209 Timing of reclamation.—

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

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

155 403.061 Department; powers and duties.—The department
156 shall have the power and the duty to control and prohibit

157 | pollution of air and water in accordance with the law and rules
158 | adopted and promulgated by it and, for this purpose, to:

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

164 | (b) Adopt by rule a specific surface water classification
165 | to protect surface waters used for treated potable water supply.
166 | These designated surface waters shall have the same water
167 | quality criteria protections as waters designated for fish
168 | consumption, recreation, and the propagation and maintenance of
169 | a healthy, well-balanced population of fish and wildlife, and
170 | shall be free from discharged substances at a concentration
171 | that, alone or in combination with other discharged substances,
172 | would require significant alteration of permitted treatment
173 | processes at the permitted treatment facility or that would
174 | otherwise prevent compliance with applicable state drinking
175 | water standards in the treated water. Notwithstanding this
176 | classification or the inclusion of treated water supply as a
177 | designated use of a surface water, a surface water used for
178 | treated potable water supply may be reclassified to the potable
179 | water supply classification.

180 |
181 | The department shall implement such programs in conjunction with
182 | its other powers and duties and shall place special emphasis on

183 reducing and eliminating contamination that presents a threat to
 184 humans, animals or plants, or to the environment.

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

187 403.067 Establishment and implementation of total maximum
 188 daily loads.—

189 (8) WATER QUALITY CREDIT TRADING.—

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

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

197 403.201 Variances.—

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

207 Section 9. Subsection (3) is added to section 403.713,
 208 Florida Statutes, to read:

209 403.713 Ownership and control of solid waste and recovered
 210 materials.—

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

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

216 403.861 Department; powers and duties.—The department
 217 shall have the power and the duty to carry out the provisions
 218 and purposes of this act and, for this purpose, to:

219 (21) (a) Upon issuance of a construction permit to
 220 construct a new public water system drinking water treatment
 221 facility to provide potable water supply using a surface water
 222 that, at the time of the permit application, is not being used
 223 as a potable water supply, and the classification of which does
 224 not include potable water supply as a designated use, the
 225 department shall add treated potable water supply as a
 226 designated use of the surface water segment in accordance with
 227 s. 403.061(29) (b).

228 (b) For existing public water system drinking water
 229 treatment facilities that use a surface water as a treated
 230 potable water supply, which surface water classification does
 231 not include potable water supply as a designated use, the
 232 department shall add treated potable water supply as a
 233 designated use of the surface water segment in accordance with
 234 s. 403.061(29) (b).

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

239 373.414 Additional criteria for activities in surface
 240 waters and wetlands.—

241 (17) The variance provisions of s. 403.201 are applicable
 242 to the provisions of this section or any rule adopted pursuant
 243 to this section. The governing boards and the department are
 244 authorized to review and take final agency action on petitions
 245 requesting such variances for those activities they regulate
 246 under this part and s. 373.4145.

247 Section 12. For the 2016-2017 fiscal year, the sum of
 248 \$2,339,764 in nonrecurring funds is appropriated to the
 249 Department of Environmental Protection from the Solid Waste
 250 Management Trust Fund in the Fixed Capital Outlay-Agency
 251 Managed-Closing and Long-Term Care of Solid Waste Management
 252 Facilities appropriation category for the closing and long-term
 253 care of solid waste management facilities pursuant to s.
 254 403.709(2), Florida Statutes.

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