

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; amending s. 378.209, F.S.; providing
6 conditions under which certain constructed clay
7 settling areas are exempt from reclamation rate and
8 financial responsibility requirements; amending s.
9 403.067, F.S.; authorizing the use of land set-asides
10 and land use modifications, including constructed
11 wetlands or other water quality improvement projects,
12 in water quality credit trading; amending s. 403.201,
13 F.S.; providing applicability of prohibited variances
14 concerning discharges of waste into waters of the
15 state and hazardous waste management; amending s.
16 403.709, F.S.; revising conditions under which the
17 department may use specified funds to contract with a
18 third party for the closing and long-term care of
19 solid waste facilities; abrogating the scheduled
20 expiration of such authorization; amending s. 403.713,
21 F.S.; authorizing local governments to implement a
22 flow control ordinance only upon ownership and use of
23 a resource recovery facility and a proven need of flow
24 control for the facility; providing applicability of
25 such ordinance; excluding certain landfill systems and
26 facilities from regulation under such ordinance;

27 | reenacting s. 373.414(17), F.S., relating to variances
 28 | for activities in surface waters and wetlands, to
 29 | incorporate the amendment made by the act to s.
 30 | 403.201, F.S., in a reference thereto; providing an
 31 | appropriation; providing an effective date.

32 |
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |
 35 | Section 1. Paragraph (b) of subsection (3) of section
 36 | 373.323, Florida Statutes, is amended to read:

37 | 373.323 Licensure of water well contractors; application,
 38 | qualifications, and examinations; equipment identification.—

39 | (3) An applicant who meets the following requirements
 40 | shall be entitled to take the water well contractor licensure
 41 | examination:

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

45 | 1. Evidence of the length of time the applicant has been
 46 | engaged in the business of the construction, repair, or
 47 | abandonment of water wells as a major activity, as attested to
 48 | by a letter from a water well contractor or ~~and~~ a letter from a
 49 | water well inspector employed by a governmental agency.

50 | 2. A list of at least 10 water wells that the applicant
 51 | has constructed, repaired, or abandoned within the preceding 5
 52 | years. Of these wells, at least seven must have been

53 constructed, as defined in s. 373.303(2), by the applicant. The
 54 list shall also include:

55 a. The name and address of the owner or owners of each
 56 well.

57 b. The location, primary use, and approximate depth and
 58 diameter of each well that the applicant has constructed,
 59 repaired, or abandoned.

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

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

64 378.209 Timing of reclamation.—

65 (4) If the beneficial use of a constructed clay settling
 66 area is extended, the rate-of-reclamation requirements of
 67 paragraphs (1)(a)-(e) and the requirements of s. 378.208 do not
 68 apply to the clay settling area until the beneficial use of such
 69 area is completed.

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

72 403.067 Establishment and implementation of total maximum
 73 daily loads.—

74 (8) WATER QUALITY CREDIT TRADING.—

75 (i) Land set-asides and land use modifications not
 76 otherwise required by state law or a permit, including
 77 constructed wetlands or other water quality improvement
 78 projects, that reduce nutrient loads into nutrient impaired

79 surface waters may be used under this subsection.

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

82 403.201 Variances.—

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

92 Section 5. Subsection (5) of section 403.709, Florida
93 Statutes, is amended to read:

94 403.709 Solid Waste Management Trust Fund; use of waste
95 tire fees.—There is created the Solid Waste Management Trust
96 Fund, to be administered by the department.

97 (5)(a) Notwithstanding subsection (1), a solid waste
98 landfill closure account is established within the Solid Waste
99 Management Trust Fund to provide funding for the closing and
100 long-term care of solid waste management facilities. The
101 department may use funds from the account to contract with a
102 third party for the closing and long-term care of a solid waste
103 management facility if:

104 1. The facility has or had a department permit to operate

105 as a solid waste management ~~the~~ facility;

106 2. The permittee provided proof of financial assurance for
107 closure in the form of an insurance certificate;

108 3. The department deemed the facility ~~is deemed~~ to be
109 abandoned or ~~was~~ ordered the facility to close ~~by the~~
110 department;

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

113 5. The department has written documentation that the
114 insurance company issuing the closure insurance policy will
115 provide or reimburse the funds required to complete closing and
116 long-term care of the facility.

117 (b) The department shall deposit the funds received from
118 the insurance company as reimbursement for the costs of the
119 closure ~~closing~~ or long-term care of the facility into the solid
120 waste landfill closure account.

121 ~~(c) This subsection expires July 1, 2016.~~

122 Section 6. Subsection (2) of section 403.713, Florida
123 Statutes, is amended, and subsection (3) is added to that
124 section, to read:

125 403.713 Ownership and control of solid waste and recovered
126 materials.—

127 (2) Any local government that ~~which~~ undertakes resource
128 recovery from solid waste pursuant to general law or special act
129 may implement ~~institute~~ a flow control ordinance for the purpose
130 of ensuring that the resource recovery facility receives an

131 adequate quantity of solid waste from solid waste generated
 132 within its jurisdiction. Such authority does ~~shall~~ not extend to
 133 recovered materials, whether separated at the point of
 134 generation or after collection, which ~~that~~ are intended to be
 135 held for purposes of recycling pursuant to the requirements of
 136 this part; however, the handling of such materials is ~~shall be~~
 137 subject to applicable state and local public health and safety
 138 laws. A flow control ordinance may be implemented under this
 139 section by a local government only after it owns and actively
 140 uses a resource recovery facility and the local government
 141 proves the necessity of implementing flow control to ensure
 142 sufficient materials for that resource recovery facility. A flow
 143 control ordinance does not limit the ability of other entities
 144 and districts to contract for waste management services.

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

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

152 373.414 Additional criteria for activities in surface
 153 waters and wetlands.—

154 (17) The variance provisions of s. 403.201 are applicable
 155 to the provisions of this section or any rule adopted pursuant
 156 to this section. The governing boards and the department are

157 | authorized to review and take final agency action on petitions
158 | requesting such variances for those activities they regulate
159 | under this part and s. 373.4145.

160 | Section 8. For the 2016-2017 fiscal year, the sum of
161 | \$2,339,764 in nonrecurring funds is appropriated to the
162 | Department of Environmental Protection from the Solid Waste
163 | Management Trust Fund in the Fixed Capital Outlay-Agency
164 | Managed-Closing and Long-Term Care of Solid Waste Management
165 | Facilities appropriation category for the closing and long-term
166 | care of solid waste management facilities.

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