



510850

576-03419-16

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to environmental control; amending s. 373.323, F.S.; revising eligibility requirements for taking the water well contractor licensure examination; amending s. 378.209, F.S.; exempting certain constructed clay settling areas from reclamation rate and financial responsibility requirements; amending s. 403.067, F.S.; authorizing the use of land set-asides and land use modifications in water quality credit trading; amending s. 403.201, F.S.; providing applicability of prohibited variances concerning discharges of waste into waters of the state and hazardous waste management; amending s. 403.709, F.S.; establishing a solid waste landfill closure account within the Solid Waste Management Trust Fund to provide funding for the closing and long-term care of solid waste facilities; authorizing the department to contract with a third party for such closing and long-term care under certain conditions; requiring the department to deposit certain funds in the solid waste landfill closure account; authorizing the department to use funds from the solid waste landfill closure account to pay for facility closing and long-term care under certain circumstances; deleting an expiration date; amending s. 403.814, F.S.; requiring that a Florida registered professional certify that certain projects meet additional



510850

576-03419-16

28 requirements; requiring such certification to be
29 submitted to the department before, rather than after,
30 construction of a stormwater management system begins;
31 reenacting s. 373.414(17), F.S., relating to variances
32 for activities in surface waters and wetlands, to
33 incorporate the amendment made by the act to s.
34 403.201, F.S., in a reference thereto; providing an
35 effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

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39 Section 1. Paragraph (b) of subsection (3) of section
40 373.323, Florida Statutes, is amended to read:

41 373.323 Licensure of water well contractors; application,
42 qualifications, and examinations; equipment identification.—

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

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

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

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



510850

576-03419-16

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

59 a. The name and address of the owner or owners of each
60 well.

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

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

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

68 378.209 Timing of reclamation.—

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

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

76 403.067 Establishment and implementation of total maximum
77 daily loads.—

78 (8) WATER QUALITY CREDIT TRADING.—

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

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



510850

576-03419-16

86 403.201 Variances.—

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

96 Section 5. Present subsections (2) through (4) of section
97 403.709, Florida Statutes, are redesignated as subsections (3)
98 through (5), respectively, and present subsection (5) is
99 amended, to read:

100 403.709 Solid Waste Management Trust Fund; use of waste
101 tire fees.—There is created the Solid Waste Management Trust
102 Fund, to be administered by the department.

103 ~~(2)(5)(a)~~ Notwithstanding subsection (1), a solid waste
104 landfill closure account is established within the Solid Waste
105 Management Trust Fund to provide funding for the closing and
106 long-term care of solid waste management facilities.

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

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

113 2. The permittee, when required by permit or rule, provided
114 proof of financial assurance for closure in the form of an



510850

576-03419-16

115 insurance certificate or an alternative form of financial
116 assurance mechanism established pursuant to s. 403.7125;

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

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

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

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

133 (c) If the amount available under the insurance policy or
134 alternative form of financial assurance is insufficient or is
135 otherwise inaccessible to perform or complete the facility
136 closing or long-term care under this subsection and the
137 department has used all such funds from the insurance policy or
138 alternative form of financial assurance, the department may use
139 funds from the solid waste landfill closure account to pay for
140 or reimburse additional expenses needed to perform or complete
141 the approved facility closure or long-term care activities ~~This~~
142 ~~subsection expires July 1, 2016.~~

143 Section 6. Subsection (12) of section 403.814, Florida



510850

576-03419-16

144 Statutes, is amended to read:

145 403.814 General permits; delegation.—

146 (12) A general permit is granted for the construction,
147 alteration, and maintenance of a stormwater management system
148 serving a total project area of up to 10 acres meeting the
149 criteria of this subsection. Such ~~When the~~ stormwater management
150 systems must be ~~system is~~ designed, operated, and maintained in
151 accordance with applicable rules adopted pursuant to part IV of
152 chapter 373.7 There is a rebuttable presumption that the
153 discharge from ~~for~~ such systems complies ~~system will comply~~ with
154 state water quality standards. The construction of such a system
155 may proceed without any further agency action by the department
156 or water management district if, before ~~within 30 days after~~
157 construction begins, an electronic self-certification is
158 submitted to the department or water management district which
159 ~~that~~ certifies that the proposed system was designed by a
160 Florida registered professional, and that the registered
161 professional has certified that the proposed system will ~~to~~ meet
162 the following additional requirements:

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

165 (b) No activities will impact wetlands or other surface
166 waters;

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

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

172 (e) The project is not part of a larger common plan,



510850

576-03419-16

173 development, or sale; and

174 (f) The project does not:

175 1. Cause adverse water quantity or flooding impacts to
176 receiving water and adjacent lands;

177 2. Cause adverse impacts to existing surface water storage
178 and conveyance capabilities;

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

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

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

188 373.414 Additional criteria for activities in surface
189 waters and wetlands.—

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

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

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