

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.; exempting
6 certain constructed clay settling areas from
7 reclamation rate and financial responsibility
8 requirements; amending s. 403.067, F.S.; authorizing
9 the use of land set-asides and land use modifications,
10 including constructed wetlands or other water quality
11 improvement projects, in water quality credit trading;
12 amending s. 403.201, F.S.; providing applicability of
13 prohibited variances concerning discharges of waste
14 into waters of the state and hazardous waste
15 management; amending s. 403.709, F.S.; establishing a
16 solid waste landfill closure account within the Solid
17 Waste Management Trust Fund to provide funding for the
18 closing and long-term care of solid waste facilities;
19 authorizing the department to contract with a third
20 party for such closing and long-term care under certain
21 conditions; requiring the department to deposit
22 certain funds in the solid waste landfill closure
23 account; amending s. 403.713, F.S.; authorizing local
24 governments to implement a flow control ordinance only
25 upon ownership and utilization of a resource recovery
26 facility and a proven need of flow control for the

27 facility; excluding landfill gas-to-energy systems and
 28 facilities from certain resource recovery; reenacting
 29 s. 373.414(17), F.S., relating to variances for
 30 activities in surface waters and wetlands, to
 31 incorporate the amendment made by the act to s.
 32 403.201, F.S., in a reference thereto; providing an
 33 appropriation; providing an effective date.

34

35 Be It Enacted by the Legislature of the State of Florida:

36

37 Section 1. Paragraph (b) of subsection (3) of section
 38 373.323, Florida Statutes, is amended to read:

39 373.323 Licensure of water well contractors; application,
 40 qualifications, and examinations; equipment identification.—

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

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

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

52 2. A list of at least 10 water wells that the applicant

53 has constructed, repaired, or abandoned within the preceding 5
 54 years. Of these wells, at least seven must have been
 55 constructed, as defined in s. 373.303(2), by the applicant. The
 56 list shall also include:

57 a. The name and address of the owner or owners of each
 58 well.

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

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

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

66 378.209 Timing of reclamation.—

67 (4) Where the beneficial use of a constructed clay
 68 settling area has been extended, the rate of reclamation
 69 requirements in paragraphs (1)(a)-(e) and the requirements of s.
 70 378.208 shall become applicable to the constructed clay settling
 71 area when beneficial use of the constructed clay settling area
 72 is completed.

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

75 403.067 Establishment and implementation of total maximum
 76 daily loads.—

77 (8) WATER QUALITY CREDIT TRADING.—

78 (i) Land set-asides and land use modifications not

79 otherwise required by state law or a permit, including
 80 constructed wetlands or other water quality improvement
 81 projects, that reduce nutrient loads into nutrient impaired
 82 surface waters may be used under this subsection.

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

85 403.201 Variances.—

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

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

97 403.709 Solid Waste Management Trust Fund; use of waste
 98 tire fees.—There is created the Solid Waste Management Trust
 99 Fund, to be administered by the department.

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

105 third party for the closing and long-term care of a solid waste
 106 management facility if:

107 1. The facility has or had a department permit to operate
 108 as a solid waste management ~~the~~ facility;

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

111 3. The department deemed the facility ~~is deemed~~ to be
 112 abandoned or ~~was~~ ordered the facility to close ~~by the~~
 113 ~~department~~;

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

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

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

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

125 Section 6. Subsection (3) is added to section 403.713,
 126 Florida Statutes, and subsection (2) is amended to read:

127 403.713 Ownership and control of solid waste and recovered
 128 materials.—

129 (2) Any local government that ~~which~~ undertakes resource
 130 recovery from solid waste pursuant to general law or special act

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

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

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

155 373.414 Additional criteria for activities in surface
156 waters and wetlands.—

157 (17) The variance provisions of s. 403.201 are applicable
158 to the provisions of this section or any rule adopted pursuant
159 to this section. The governing boards and the department are
160 authorized to review and take final agency action on petitions
161 requesting such variances for those activities they regulate
162 under this part and s. 373.4145.

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

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