

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 consumptive use permit allocations if  
5           actual water use is less than permitted water use due  
6           to water conservation measures; requiring water  
7           management districts to adopt rules providing water  
8           conservation incentives, including permit extensions;  
9           amending s. 373.323, F.S.; revising eligibility  
10          requirements for taking the water well contractor  
11          licensure examination; amending s. 373.705, F.S.;  
12          requiring water management districts to promote  
13          expanded cost share criteria for additional  
14          conservation practices; amending s. 403.067, F.S.;  
15          authorizing the use of land set-asides and land use  
16          modifications, including constructed wetlands or other  
17          water quality improvement projects, in water quality  
18          credit trading; amending s. 403.201, F.S.; providing  
19          applicability of prohibited variances concerning  
20          discharges of waste into waters of the state and  
21          hazardous waste management; amending s. 403.709, F.S.;  
22          establishing a solid waste landfill closure account  
23          within the Solid Waste Management Trust Fund to  
24          provide funding for the closing and long-term care of  
25          solid waste facilities; authorizing the Department of  
26          Environmental Protection to contract with a third

27 party for such closing and long-term care under  
 28 certain conditions; requiring the department to  
 29 deposit certain funds into the solid waste landfill  
 30 closure account; providing an appropriation; providing  
 31 an effective date.

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

34  
 35 Section 1. Subsection (5) of section 373.227, Florida  
 36 Statutes, is renumbered as subsection (6), and a new subsection  
 37 (5) is added to that section, to read:

38 373.227 Water conservation; legislative findings and  
 39 intent; objectives; comprehensive statewide water conservation  
 40 program requirements.—

41 (5) To incentivize water conservation, if actual water use  
 42 is less than permitted water use due to documented  
 43 implementation of water conservation measures, including, but  
 44 not limited to, those measures identified in best management  
 45 practices pursuant to s. 570.93, the permitted allocation may  
 46 not be modified due to such water conservation during the term  
 47 of the permit. To promote water conservation and the  
 48 implementation of measures that produce significant water  
 49 savings beyond what is required in a consumptive use permit,  
 50 each water management district shall adopt rules providing water  
 51 conservation incentives, including permit extensions.

52 Section 2. Paragraph (b) of subsection (3) of section

53 | 373.323, Florida Statutes, is amended to read:

54 |       373.323 Licensure of water well contractors; application,  
55 | qualifications, and examinations; equipment identification.—

56 |       (3) An applicant who meets the following requirements  
57 | shall be entitled to take the water well contractor licensure  
58 | examination:

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

62 |       1. Evidence of the length of time the applicant has been  
63 | engaged in the business of the construction, repair, or  
64 | abandonment of water wells as a major activity, as attested to  
65 | by a letter from a water well contractor or ~~and~~ a letter from a  
66 | water well inspector employed by a governmental agency.

67 |       2. A list of at least 10 water wells that the applicant  
68 | has constructed, repaired, or abandoned within the preceding 5  
69 | years. Of these wells, at least seven must have been  
70 | constructed, as defined in s. 373.303(2), by the applicant. The  
71 | list shall also include:

72 |       a. The name and address of the owner or owners of each  
73 | well.

74 |       b. The location, primary use, and approximate depth and  
75 | diameter of each well that the applicant has constructed,  
76 | repaired, or abandoned.

77 |       c. The approximate date the construction, repair, or  
78 | abandonment of each well was completed.

79 Section 3. Subsection (5) is added to section 373.705,  
80 Florida Statutes, to read:

81 373.705 Water resource development; water supply  
82 development.—

83 (5) The water management districts shall promote expanded  
84 cost share criteria for additional conservation practices, such  
85 as soil and moisture sensors, and other irrigation improvements,  
86 water-saving equipment, and water-saving household fixtures.

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

89 403.067 Establishment and implementation of total maximum  
90 daily loads.—

91 (8) WATER QUALITY CREDIT TRADING.—

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

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

99 403.201 Variances.—

100 (2) A ~~No~~ variance may not ~~shall~~ be granted from any  
101 provision or requirement concerning discharges of waste into  
102 waters of the state or hazardous waste management which would  
103 result in the provision or requirement being less stringent than  
104 a comparable federal provision or requirement, except as

105 provided in s. 403.70715. However, this subsection does not  
 106 prohibit the issuance of moderating provisions or requirements  
 107 under state law, subject to any necessary approval by the United  
 108 States Environmental Protection Agency.

109 Section 6. Subsections (2) through (4) of section 403.709,  
 110 Florida Statutes, are renumbered as subsections (3) through (5),  
 111 respectively, and a new subsection (2) is added to that section  
 112 to read:

113 403.709 Solid Waste Management Trust Fund; use of waste  
 114 tire fees.—There is created the Solid Waste Management Trust  
 115 Fund, to be administered by the department.

116 (2) (a) Notwithstanding subsection (1), a solid waste  
 117 landfill closure account is established within the Solid Waste  
 118 Management Trust Fund to provide funding for the closing and  
 119 long-term care of solid waste management facilities. The  
 120 department may use funds from the account to contract with a  
 121 third party for the closing and long-term care of a solid waste  
 122 management facility if:

123 1. The facility has or had a department permit to operate  
 124 the facility.

125 2. The permittee provided proof of financial assurance for  
 126 closure in the form of an insurance certificate.

127 3. The facility is deemed to be abandoned or was ordered  
 128 to close by the department.

129 4. Closure is accomplished in substantial accordance with  
 130 a closure plan approved by the department.

131        5. The department has written documentation that the  
132 insurance company issuing the closure insurance policy will  
133 provide or reimburse the funds required to complete closing and  
134 long-term care of the facility.

135        (b) The department shall deposit the funds received from  
136 the insurance company as reimbursement for the costs of closing  
137 or long-term care of the facility into the solid waste landfill  
138 closure account.

139        Section 7. For the 2015-2016 fiscal year, the sum of  
140 \$2,339,764 in nonrecurring funds is appropriated to the  
141 Department of Environmental Protection from the Solid Waste  
142 Management Trust Fund in the Fixed Capital Outlay-Agency  
143 Managed-Closing and Long-Term Care of Solid Waste Management  
144 Facilities appropriation category for the closing and long-term  
145 care of solid waste management facilities pursuant to s.  
146 403.709(2), Florida Statutes.

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