

1                                   A bill to be entitled  
2           An act relating to environmental control; amending s.  
3           20.255, F.S.; revising provisions establishing special  
4           offices and divisions within the Department of  
5           Environmental Protection; clarifying that the  
6           inspector general of the department is appointed by  
7           the Chief Inspector General and subject to general  
8           supervision by the secretary; amending s. 373.227,  
9           F.S.; prohibiting water management districts from  
10          modifying or reducing consumptive use permit  
11          allocations if actual water use is less than permitted  
12          water use due to water conservation measures or  
13          specified circumstances; requiring water management  
14          districts to adopt rules providing water conservation  
15          incentives, including permit extensions; amending s.  
16          373.323, F.S.; revising eligibility requirements for  
17          taking the water well contractor licensure  
18          examination; amending s. 373.467, F.S.; revising  
19          membership qualifications for the Harris Chain of  
20          Lakes Restoration Council; authorizing the Lake County  
21          legislative delegation to waive such membership  
22          qualifications for good cause; providing for council  
23          vacancies; amending s. 373.705, F.S.; requiring water  
24          management districts to promote expanded cost-share  
25          criteria for additional conservation practices;  
26          amending s. 378.209, F.S.; exempting certain

27 constructed clay settling areas from reclamation rate  
28 and financial responsibility requirements; amending s.  
29 403.067, F.S.; authorizing the use of land set-asides  
30 and land use modifications, including constructed  
31 wetlands or other water quality improvement projects,  
32 in water quality credit trading; amending s. 403.201,  
33 F.S.; providing applicability of prohibited variances  
34 concerning discharges of waste into waters of the  
35 state and hazardous waste management; amending s.  
36 403.709, F.S.; establishing a solid waste landfill  
37 closure account within the Solid Waste Management  
38 Trust Fund to provide funding for the closing and  
39 long-term care of solid waste facilities; authorizing  
40 the department to contract with a third party for such  
41 closing and long-term care under certain conditions;  
42 requiring the department to deposit certain funds into  
43 the solid waste landfill closure account; amending s.  
44 403.713, F.S.; excluding landfill gas-to-energy  
45 systems and facilities from certain resource recovery;  
46 reenacting s. 373.414(17), F.S., relating to variances  
47 for activities in surface waters and wetlands, to  
48 incorporate the amendment made by the act to s.  
49 403.201, F.S., in a reference thereto; providing an  
50 appropriation; providing an effective date.

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

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Section 1. Subsections (2) and (3) of section 20.255, Florida Statutes, are amended to read:

20.255 Department of Environmental Protection.—There is created a Department of Environmental Protection.

(2) (a) There shall be three deputy secretaries who are to be appointed by and shall serve at the pleasure of the secretary. The secretary may assign any deputy secretary the responsibility to supervise, coordinate, and formulate policy for any division, office, or district. The following special offices are established and headed by managers, each of whom is to be appointed by and serve at the pleasure of the secretary:

1. Office of Chief of Staff;
2. Office of General Counsel;
3. Office of Inspector General, with the inspector general being appointed by the Chief Inspector General and subject to general supervision by the secretary pursuant to s. 20.055;
4. Office of External Affairs;
5. Office of Legislative Affairs;
6. Office of Operations ~~Intergovernmental Programs; and~~
7. Florida Coastal Office; ~~of Greenways and Trails.~~
8. Office of Preparedness and Emergency Response;
9. Office of Technology and Information Services; and
10. Office of the Florida Geological Survey.

(b) There shall be six administrative districts involved in regulatory matters of waste management, water resource

79 management, wetlands, and air resources, which shall be headed  
 80 by managers, each of whom is to be appointed by and serve at the  
 81 pleasure of the secretary. Divisions of the department may have  
 82 one assistant or two deputy division directors, as required to  
 83 facilitate effective operation.

84  
 85 The managers of all divisions and offices specifically named in  
 86 this section and the directors of the six administrative  
 87 districts are exempt from part II of chapter 110 and are  
 88 included in the Senior Management Service in accordance with s.  
 89 110.205(2)(j).

90 (3) The following divisions of the Department of  
 91 Environmental Protection are established:

- 92 (a) Division of Administrative Services.
- 93 (b) Division of Air Resource Management.
- 94 (c) Division of Water Resource Management.
- 95 (d) Division of Environmental Assessment and Restoration.
- 96 (e) Division of Waste Management.
- 97 (f) Division of Recreation and Parks.
- 98 (g) Division of State Lands, the director of which is to  
 99 be appointed by the secretary of the department, subject to  
 100 confirmation by the Governor and Cabinet sitting as the Board of  
 101 Trustees of the Internal Improvement Trust Fund.
- 102 (h) Division of Water Restoration Assistance.

103  
 104 In order to ensure statewide and intradepartmental consistency,

105 the department's divisions shall direct the district offices and  
106 bureaus on matters of interpretation and applicability of the  
107 department's rules and programs.

108 Section 2. Subsection (5) of section 373.227, Florida  
109 Statutes, is renumbered as subsection (7), and new subsections  
110 (5) and (6) are added to that section, to read:

111 373.227 Water conservation; legislative findings and  
112 intent; objectives; comprehensive statewide water conservation  
113 program requirements.—

114 (5) To incentivize water conservation, if actual water use  
115 is less than permitted water use due to documented  
116 implementation of water conservation measures beyond those  
117 required in a consumptive use permit, including, but not limited  
118 to, those measures identified in best management practices  
119 pursuant to s. 570.93, the permitted allocation may not be  
120 modified solely due to such water conservation during the term  
121 of the permit. To promote water conservation and the  
122 implementation of measures that produce significant water  
123 savings beyond what is required in a consumptive use permit,  
124 each water management district shall adopt rules providing water  
125 conservation incentives, which may include permit extensions.

126 (6) For consumptive use permits for agricultural  
127 irrigation, if actual water use is less than permitted water use  
128 due to weather events, crop diseases, nursery stock  
129 availability, market conditions, or changes in crop type, the  
130 permitted allocation may not be reduced as a result of such

131 actual use.

132 Section 3. Paragraph (b) of subsection (3) of section  
133 373.323, Florida Statutes, is amended to read:

134 373.323 Licensure of water well contractors; application,  
135 qualifications, and examinations; equipment identification.—

136 (3) An applicant who meets the following requirements  
137 shall be entitled to take the water well contractor licensure  
138 examination:

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

142 1. Evidence of the length of time the applicant has been  
143 engaged in the business of the construction, repair, or  
144 abandonment of water wells as a major activity, as attested to  
145 by a letter from a water well contractor or ~~and~~ a letter from a  
146 water well inspector employed by a governmental agency.

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

152 a. The name and address of the owner or owners of each  
153 well.

154 b. The location, primary use, and approximate depth and  
155 diameter of each well that the applicant has constructed,  
156 repaired, or abandoned.

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

159 Section 4. Paragraph (a) of subsection (1) and subsection  
 160 (3) of section 373.467, Florida Statutes, are amended to read:

161 373.467 The Harris Chain of Lakes Restoration Council.—  
 162 There is created within the St. Johns River Water Management  
 163 District, with assistance from the Fish and Wildlife  
 164 Conservation Commission and the Lake County Water Authority, the  
 165 Harris Chain of Lakes Restoration Council.

166 (1) (a) The council shall consist of nine voting members,  
 167 which shall include~~÷~~ a representative of waterfront property  
 168 owners, a representative of the sport fishing industry, a person  
 169 with experience in an environmental science or regulation  
 170 engineer, a person with training in biology or another  
 171 scientific discipline, ~~a person with training as an attorney, a~~  
 172 ~~physician, a person with training as an engineer,~~ and two  
 173 residents of the county who are ~~de~~ not required to meet any  
 174 additional of the other qualifications for membership enumerated  
 175 in this paragraph, each to be appointed by the Lake County  
 176 legislative delegation. The Lake County legislative delegation  
 177 may waive the qualifications for membership on a case-by-case  
 178 basis if good cause is shown. ~~A~~ ~~Ne~~ person serving on the council  
 179 may not be appointed to a council, board, or commission of any  
 180 council advisory group agency. The council members shall serve  
 181 as advisors to the governing board of the St. Johns River Water  
 182 Management District. The council is subject to the provisions of

183 chapters 119 and 120.

184 (3) The council shall meet at the call of its chair, at  
185 the request of six of its members, or at the request of the  
186 chair of the governing board of the St. Johns River Water  
187 Management District. Resignation by a council member, or failure  
188 by a council member to attend three consecutive meetings without  
189 an excuse approved by the chair, results in a vacancy on the  
190 council.

191 Section 5. Subsection (5) is added to section 373.705,  
192 Florida Statutes, to read:

193 373.705 Water resource development; water supply  
194 development.—

195 (5) The water management districts shall promote expanded  
196 cost-share criteria for additional conservation practices, such  
197 as soil and moisture sensors and other irrigation improvements,  
198 water-saving equipment, water-saving household fixtures, and  
199 software technologies that can achieve verifiable water  
200 conservation by providing water use information to utility  
201 customers.

202 Section 6. Subsection (4) is added to section 378.209,  
203 Florida Statutes, to read:

204 378.209 Timing of reclamation.—

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



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

211 403.067 Establishment and implementation of total maximum  
 212 daily loads.—

213 (8) WATER QUALITY CREDIT TRADING.—

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

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

221 403.201 Variances.—

222 (2) A ~~No~~ variance may not ~~shall~~ be granted from any  
 223 provision or requirement concerning discharges of waste into  
 224 waters of the state or hazardous waste management which would  
 225 result in the provision or requirement being less stringent than  
 226 a comparable federal provision or requirement, except as  
 227 provided in s. 403.70715. However, this subsection does not  
 228 prohibit the issuance of moderating provisions or requirements  
 229 under state law, subject to any necessary approval by the United  
 230 States Environmental Protection Agency.

231 Section 9. Subsections (2) through (4) of section 403.709,  
 232 Florida Statutes, are renumbered as subsections (3) through (5),  
 233 respectively, and a new subsection (2) is added to that section  
 234 to read:

235 403.709 Solid Waste Management Trust Fund; use of waste  
236 tire fees.—There is created the Solid Waste Management Trust  
237 Fund, to be administered by the department.

238 (2)(a) Notwithstanding subsection (1), a solid waste  
239 landfill closure account is established within the Solid Waste  
240 Management Trust Fund to provide funding for the closing and  
241 long-term care of solid waste management facilities. The  
242 department may use funds from the account to contract with a  
243 third party for the closing and long-term care of a solid waste  
244 management facility if:

245 1. The facility has or had a department permit to operate  
246 the facility.

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

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

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

253 5. The department has written documentation that the  
254 insurance company issuing the closure insurance policy will  
255 provide or reimburse the funds required to complete closing and  
256 long-term care of the facility.

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

261 Section 10. Subsection (3) is added to section 403.713,  
 262 Florida Statutes, to read:

263 403.713 Ownership and control of solid waste and recovered  
 264 materials.—

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

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

272 373.414 Additional criteria for activities in surface  
 273 waters and wetlands.—

274 (17) The variance provisions of s. 403.201 are applicable  
 275 to the provisions of this section or any rule adopted pursuant  
 276 to this section. The governing boards and the department are  
 277 authorized to review and take final agency action on petitions  
 278 requesting such variances for those activities they regulate  
 279 under this part and s. 373.4145.

280 Section 12. For the 2015-2016 fiscal year, the sum of  
 281 \$2,339,764 in nonrecurring funds is appropriated to the  
 282 Department of Environmental Protection from the Solid Waste  
 283 Management Trust Fund in the Fixed Capital Outlay-Agency  
 284 Managed-Closing and Long-Term Care of Solid Waste Management  
 285 Facilities appropriation category for the closing and long-term  
 286 care of solid waste management facilities pursuant to s.

CS/CS/CS/HB 653

2015

287 | 403.709(2), Florida Statutes.

288 |       Section 13. This act shall take effect upon becoming a

289 | law.