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CS/CS/CS/HB 589, Engrossed 1

2016 Legislature

1
2 An act relating to environmental control; repealing s.
3 373.245, F.S., relating to violations of consumptive
4 use permit conditions; amending s. 373.323, F.S.;
5 revising eligibility requirements for taking the water
6 well contractor licensure examination; amending s.
7 378.209, F.S.; providing conditions under which
8 certain constructed clay settling areas are exempt
9 from reclamation rate and financial responsibility
10 requirements; amending s. 403.067, F.S.; authorizing
11 the use of land set-asides and land use modifications,
12 including constructed wetlands or other water quality
13 improvement projects, in water quality credit trading;
14 amending s. 403.201, F.S.; providing applicability of
15 prohibited variances concerning discharges of waste
16 into waters of the state and hazardous waste
17 management; amending s. 403.709, F.S.; revising
18 conditions under which the Department of Environmental
19 Protection may use specified funds to contract with a
20 third party for the closing and long-term care of
21 solid waste management facilities; abrogating the
22 scheduled expiration of such authorization; amending
23 s. 403.814, F.S.; requiring Florida registered
24 professionals to certify that certain stormwater
25 management systems will meet additional requirements
26 for a general permit; requiring that such



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

35

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

37

38 Section 1. Section 373.245, Florida Statutes, is repealed.

39 Section 2. 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
 44 shall 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



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53 water well inspector employed by a governmental agency.

54 2. A list of at least 10 water wells that the applicant
55 has constructed, repaired, or abandoned within the preceding 5
56 years. Of these wells, at least seven must have been
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 3. 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 4. 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.—



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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, that reduce nutrient loads into nutrient impaired
 83 surface waters may be used under this subsection.

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

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 6. Subsections (2) through (4) of section 403.709,
 97 Florida Statutes, are renumbered as subsections (3) through (5),
 98 respectively, present subsection (5) is amended, and a new
 99 subsection (2) is added to that section, 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) Notwithstanding subsection (1), a solid waste landfill
 104 closure account is established within the Solid Waste Management



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105 Trust Fund to provide funding for the closing and long-term care
106 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, had, or was not required to obtain a
111 department permit to operate the facility;

112 2. The permittee, where required by permit or rule,
113 provided proof of financial assurance for closure in the form of
114 an insurance certificate or an alternative form of financial
115 assurance mechanism established pursuant to s. 403.7125;

116 3. The department has ordered the facility closed or has
117 deemed the facility abandoned;

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

121 5. The department has sufficient documentation to confirm
122 that the issuer of the insurance policy or alternative form of
123 financial assurance will provide or reimburse the funds required
124 to complete the closing and long-term care of the facility.

125 (b) The department shall deposit all funds received from
126 the insurer or other parties for reimbursing the costs of
127 closing or long-term care of the facility under this subsection
128 into the solid waste landfill closure account.

129 (c) If the amount available under the insurance policy or
130 alternative form of financial assurance is insufficient, or is



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131 otherwise unavailable, to perform or complete the facility
132 closing or long-term care under this subsection, and the
133 department has used all such funds from the insurance policy or
134 alternative form of financial assurance, the department may use
135 funds from the Solid Waste Management Trust Fund to pay for or
136 reimburse additional expenses needed for performing or
137 completing the approved facility closure or long-term care
138 activities.

139 ~~(5) (a) Notwithstanding subsection (1), a solid waste~~
140 ~~landfill closure account is established within the Solid Waste~~
141 ~~Management Trust Fund to provide funding for the closing and~~
142 ~~long-term care of solid waste management facilities. The~~
143 ~~department may use funds from the account to contract with a~~
144 ~~third party for the closing and long-term care of a solid waste~~
145 ~~management facility if:~~

146 ~~1. The facility has or had a department permit to operate~~
147 ~~the facility;~~

148 ~~2. The permittee provided proof of financial assurance for~~
149 ~~closure in the form of an insurance certificate;~~

150 ~~3. The facility is deemed to be abandoned or was ordered~~
151 ~~to close by the department;~~

152 ~~4. Closure is accomplished in substantial accordance with~~
153 ~~a closure plan approved by the department; and~~

154 ~~5. The department has written documentation that the~~
155 ~~insurance company issuing the closure insurance policy will~~
156 ~~provide or reimburse the funds required to complete closing and~~



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157 ~~long-term care of the facility.~~

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

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

163 Section 7. Subsection (12) of section 403.814, Florida
 164 Statutes, is amended to read:

165 403.814 General permits; delegation.—

166 (12) A general permit is granted for the construction,
 167 alteration, and maintenance of a stormwater management system
 168 serving a total project area of up to 10 acres meeting the
 169 criteria of this subsection. ~~Such~~ ~~When the~~ stormwater management
 170 systems must be ~~system is~~ designed, operated, and maintained in
 171 accordance with applicable rules adopted pursuant to part IV of
 172 chapter 373.7 There is a rebuttable presumption that the
 173 discharge from ~~for~~ such systems complies ~~system will comply~~ with
 174 state water quality standards. The construction of such a system
 175 may proceed without any further agency action by the department
 176 or water management district if, before ~~within 30 days after~~
 177 construction begins, an electronic self-certification is
 178 submitted to the department or water management district which
 179 ~~that~~ certifies that the proposed system was designed by a
 180 Florida registered professional and that the registered
 181 professional has certified that the proposed system will ~~to~~ meet
 182 the following additional requirements:



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

185 (b) ~~No~~ Activities will not impact wetlands or other
 186 surface waters;

187 (c) ~~No~~ Activities are not conducted in, on, or over
 188 wetlands or other surface waters;

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

192 (e) The project is not part of a larger common plan,
 193 development, or sale; and

194 (f) The project does not:

195 1. Cause adverse water quantity or flooding impacts to
 196 receiving water and adjacent lands;

197 2. Cause adverse impacts to existing surface water storage
 198 and conveyance capabilities;

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

200 4. Cause an adverse impact to the maintenance of surface
 201 or ground water levels or surface water flows established
 202 pursuant to s. 373.042 or a work of the district established
 203 pursuant to s. 373.086.

204 Section 8. For the purpose of incorporating the amendment
 205 made by this act to section 403.201, Florida Statutes, in a
 206 reference thereto, subsection (17) of section 373.414, Florida
 207 Statutes, is reenacted to read:

208 373.414 Additional criteria for activities in surface



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209 | waters and wetlands.—

210 | (17) The variance provisions of s. 403.201 are applicable
211 | to the provisions of this section or any rule adopted pursuant
212 | to this section. The governing boards and the department are
213 | authorized to review and take final agency action on petitions
214 | requesting such variances for those activities they regulate
215 | under this part and s. 373.4145.

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