

Amendment No. 2a (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Carlton offered the following:

Amendment to Amendment (465577) (with title amendment)

On page 114, between lines 7 & 8, of the amendment

insert:

Section 1. Present subsections (15) through (30) of section 334.044, Florida Statutes, are renumbered as subsections (16) through (31), respectively, and a new subsection (15) is added to that section, to read:

334.044 Department; powers and duties.--The department shall have the following general powers and duties:

(15) To regulate and prescribe conditions for the transfer of stormwater to the state right-of-way as a result of man-made changes to adjacent properties.

(a) Such regulation shall be through a permitting process designed to ensure the safety and integrity of the Department of Transportation facilities and to prevent an unreasonable burden on lower properties.

(b) The department is specifically authorized to adopt rules which set forth the purpose, necessary definitions,

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1 permit exceptions, permit and assurance requirements, permit
 2 application procedures, permit forms, general conditions for a
 3 drainage permit, provisions for suspension or revocation of a
 4 permit, and provisions for department recovery of fines,
 5 penalties and costs incurred due to permittee actions. In
 6 order to avoid duplication and overlap with other units of
 7 government, the department shall accept a surface water
 8 management permit issued by a water management district, the
 9 Department of Environmental Protection, a surface water
 10 management permit issued by a delegated local government or a
 11 permit issued pursuant to an approved Stormwater Management
 12 Plan or Master Drainage Plan; provided issuance is based on
 13 requirements equal to or more stringent than those of the
 14 department.

15 Section 2. Subsection (15) of section 334.044, Florida
 16 Statutes, as created by section 1 of Committee Substitute for
 17 Senate Bill 846 as enacted by the Legislature during 1998
 18 Regular Session is repealed.

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 21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows: On page 116, line 31;
 23 after the semicolon ";"

24
 25 insert:

26 amending s. 334.044, F.S.; providing specific
 27 rule-making authority; repealing s.
 28 334.044(15), F.S., relating to certain
 29 rulemaking authority;

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