Bill No. CS for SB 2140

Amendment No. CHAMBER ACTION Senate House 1 2 3 4 5 6 7 8 9 10 11 Senator Latvala moved the following amendment: 12 13 Senate Amendment (with title amendment) 14 On page 21, between lines 9 and 10, 15 16 insert: 17 Section 12. Subsection (6) of section 373.406, Florida 18 Statutes, is amended and a new subsection is added to that 19 section to read: 20 373.406 Exemptions.--The following exemptions shall 21 apply: 22 (6) Any district or the department may exempt from 23 regulation under this part, either by rule or order, those 24 activities that the district or department determines will have only minimal or insignificant individual or cumulative 25 26 adverse impacts on the water resources of the district. The 27 district and the department are authorized to determine, on a 28 case-by-case basis, whether a specific activity is exempt 29 comes within this exemption. Requests to qualify for this 30 exemption shall be submitted in writing to the district or department, and such activities shall not be commenced without 31 1 8:55 PM 05/01/00 s2140c1c-19c1s

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a written determination from the district or department 1 2 confirming that the activity qualifies for the exemption. 3 (9) Any rule of a district or the department in 4 existence on October 3, 1995, creating an exemption from all or a part of the requirements of this part or the rules 5 6 adopted to implement this part is ratified and affirmed. 7 However, this subsection shall not be construed to modify exemptions currently in existence or to limit the authority of 8 the water management districts or the department to amend 9 10 these rules or to adopt rules creating additional exemptions. Section 13. Section 373.108, Florida Statutes, is 11 12 created to read: 373.108 In the case of a proceeding under s. 120.569 13 and a proceeding under s. 120.57, requested by a third party 14 15 opponent on a permit application under this chapter or chapter 16 403, a prima facie case shall be established by the applicant 17 through the introduction of the application and written 18 evidence or testimony from the department or district that the application satisfies the applicable permitting standards and 19 20 criteria. 21 22 (Redesignate subsequent sections.) 23 24 25 And the title is amended as follows: 26 27 On page 2, line 24, after the semicolon, 28 29 insert: 30 amending s. 373.406, F.S.; authorizing 31 districts or department to enact certain 2 8:55 PM 05/01/00 s2140c1c-19c1s

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1	exemptions by rule or order; ratifying certain
2	exemptions adopted by rule which existed on a
3	certain date; creating s. 373.108, F.S.;
4	establishing an applicant's burden of proof in
5	establishing permit entitlement under chapters
6	373 and 403, F.S.;
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