

Bill No. CS for SB 384

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Dyer moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 6, between lines 20 and 21,		
15			
16	insert:		
17	Section 3. 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, <u>either by rule or order</u> , those		
24	activities that the district or department determines will		
25	have only minimal or insignificant individual or cumulative		
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 <u>is exempt</u>		
29	comes within this exemption. Requests to qualify for this		
30	exemption shall be submitted in writing to the district or		
31	department, and such activities shall not be commenced without		

Bill No. CS for SB 384

Amendment No. ____

1 a written determination from the district or department
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
5 or a part of the requirements of this part or the rules
6 adopted to implement this part is ratified and affirmed.
7 However, this subsection shall not be construed to modify
8 exemptions currently in existence or to limit the authority of
9 the water management districts or the department to amend
10 these rules or to adopt rules creating additional exemptions.

11 Section 4. Section 373.108, Florida Statutes, is
12 created to read:

13 373.108 In the case of a proceeding under s. 120.569
14 and a proceeding under s. 120.57, requested by a third party
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
19 application satisfies the applicable permitting standards and
20 criteria.

21
22 (Redesignate subsequent sections.)

23
24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, line 9, after the semicolon,
28
29 insert:

30 amending s. 373.406, F.S.; authorizing
31 districts or department to enact certain

Bill No. CS for SB 384

Amendment No. ____

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