

Bill No. CS for CS for SB 1312

Amendment No. ____ Barcode 465120

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2	04/29/2003	2/AD/2R	
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11 Senator Alexander moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 16, lines 7- 19 delete those lines

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16 and insert:

17 Section 6. Subsection (1) of section 378.212, Florida
18 Statutes, is amended to read:

19 378.212 Variances.--

20 (1) Upon application, the secretary may grant a
21 variance from the provisions of this part or the rules adopted
22 pursuant thereto. Variances and renewals thereof may be
23 granted for any one of the following reasons:

24 (a) There is no practicable means known or available
25 to comply with the provisions of this part or the rules
26 adopted pursuant thereto.

27 (b) Compliance with a particular requirement or
28 requirements from which a variance is sought will necessitate
29 the taking of measures which must be spread over a
30 considerable period of time. A variance granted for this
31 reason shall prescribe a timetable for the taking of the

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1 measures required.

2 (c) To relieve or prevent hardship, including economic
3 hardship, of a kind other than those provided for in
4 paragraphs (a) and (b).

5 (d) To accommodate specific phosphate mining,
6 processing or chemical plant uses that otherwise would be
7 inconsistent with the requirements of this part.

8 (e) To provide for an experimental technique that
9 would advance the knowledge of reclamation and restoration
10 methods.

11 (f) To accommodate projects, including those proposing
12 offsite mitigation, that provide a significant regional
13 benefit for wildlife and the environment.

14 (g) To accommodate reclamation that provides water
15 supply development or water resource development not
16 inconsistent with the applicable regional water supply plan
17 approved pursuant to s. 373.0361, provided adverse impacts are
18 not caused to the water resources in the basin. A variance may
19 also be granted from the requirements of part IV of chapter
20 373, or the rules adopted thereunder, when a project provides
21 an improvement in water availability in the basin and does not
22 cause adverse impacts to water resources in the basin.

23 Section 7. Subsection (9) is added to section 378.404,
24 Florida Statutes, to read:

25 378.404 Department of Environmental Protection; powers
26 and duties.--The department shall have the following powers
27 and duties:

28 (9) To grant variances from the provisions of this
29 part to accommodate reclamation that provides for water supply
30 development or water resource development not inconsistent
31 with the applicable regional water supply plan approved

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1 pursuant to s. 373.0361, appropriate stormwater management,
 2 improved wildlife habitat, recreation, or a mixture thereof,
 3 provided adverse impacts are not caused to the water resources
 4 in the basin and public health and safety are not adversely
 5 affected.

6
 7 (Redesignate subsequent sections.)
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9
 10 ===== T I T L E A M E N D M E N T =====
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11 And the title is amended as follows:

12 On page 1, line 23, after the semicolon

13
 14 insert:

15 amending s. 378.404, F.S.; allowing variances
 16 for water supply development;

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