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1 A bill to be entitled

2 An act relating to the Northwest Florida Water Management
3 District; amending s. 373.4145, F.S.; continuing the
4 interim part IV permitting program for the Northwest
5 Florida Water Management District; providing a future
6 contingent repeal of such interim program; removing
7 obsolete provisions; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Notwithstanding the repeal of subsections (1),
12 (2), (3), and (4) of section 373.4145, Florida Statutes,
13 scheduled for July 1, 2003, said subsections are reenacted, and
14 subsections (6) and (7) of said section are amended, to read:

15 373.4145 Interim part IV permitting program for the
16 Northwest Florida Water Management District.--

17 (1) Within the geographical jurisdiction of the Northwest
18 Florida Water Management District, the permitting authority of
19 the department under this part shall consist solely of the
20 following, notwithstanding the rule adoption deadline in s.
21 373.414(9):

22 (a) Chapter 17-25, Florida Administrative Code, shall
23 remain in full force and effect, and shall be implemented by the
24 department. Notwithstanding the provisions of this section,
25 chapter 17-25, Florida Administrative Code, may be amended by
26 the department as necessary to comply with any requirements of
27 state or federal laws or regulations, or any condition imposed
28 by a federal program, or as a requirement for receipt of federal
29 grant funds.



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30 (b) Rules adopted pursuant to the authority of ss. 403.91-
31 403.929, 1984 Supplement to the Florida Statutes 1983, as
32 amended, in effect prior to July 1, 1994, shall remain in full
33 force and effect, and shall be implemented by the department.
34 However, the department is authorized to establish additional
35 exemptions and general permits for dredging and filling, if such
36 exemptions or general permits do not allow significant adverse
37 impacts to occur individually or cumulatively. However, for the
38 purpose of chapter 17-312, Florida Administrative Code, the
39 landward extent of surface waters of the state identified in
40 rule 17-312.030(2), Florida Administrative Code, shall be
41 determined in accordance with the methodology in rules 17-
42 340.100 through 17-340.600, Florida Administrative Code, as
43 ratified in s. 373.4211, upon the effective date of such
44 ratified methodology. In implementing s. 373.421(2), the
45 department shall determine the extent of those surface waters
46 and wetlands within the regulatory authority of the department
47 as described in this paragraph. At the request of the
48 petitioner, the department shall also determine the extent of
49 surface waters and wetlands which can be delineated by the
50 methodology ratified in s. 373.4211, but which are not subject
51 to the regulatory authority of the department as described in
52 this paragraph.

53 (c) The department may implement chapter 40A-4, Florida
54 Administrative Code, in effect prior to July 1, 1994, pursuant
55 to an interagency agreement with the Northwest Florida Water
56 Management District adopted under s. 373.046(4).

57 (2) The authority of the Northwest Florida Water
58 Management District to implement this part or to implement any
59 authority pursuant to delegation by the department shall not be



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60 affected by this section. The rule adoption deadline in s.
61 373.414(9) shall not apply to said district.

62 (3) The division of permitting responsibilities in s.
63 373.046(4) shall not apply within the geographical jurisdiction
64 of the Northwest Florida Water Management District.

65 (4) If the United States Environmental Protection Agency
66 approves an assumption of the federal program to regulate the
67 discharge of dredged or fill material by the department or the
68 water management districts, or both, pursuant to s. 404 of the
69 Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss.
70 1251 et seq.; the United States Army Corps of Engineers issues
71 one or more state programmatic general permits under the
72 referenced statutes; or the United States Environmental
73 Protection Agency or the United States Corps of Engineers
74 approves any other delegation of regulatory authority under the
75 referenced statutes, then the department may implement any
76 permitting authority granted in this part within the Northwest
77 Florida Water Management District which is prescribed as a
78 condition of granting such assumption, general permit, or
79 delegation.

80 (6) Subsections (1), (2), (3), and (4) shall be repealed
81 effective 12 months after the effective date of a voter-approved
82 amendment to s. 9, Art. VII of the State Constitution increasing
83 the authorized millage available to the Northwest Florida Water
84 Management District. The Legislature acknowledges the plan
85 statutorily required to be prepared by the Northwest Florida
86 Water Management District and the Department of Environmental
87 Protection in 2003 for wetland protection, but due to limited
88 financial resources available at the local and state level in



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89 2003, implementation of the recommended plan must be postponed
90 until such revenues become available July 1, 2003.

91 ~~(7)(a) The department and the Northwest Florida Water~~
92 ~~Management District are directed to begin developing a plan by~~
93 ~~which the permitting for activities proposed in surface waters~~
94 ~~and wetlands shall fully comply with the provisions of this~~
95 ~~part, beginning July 1, 2003. The plan also shall address the~~
96 ~~division of environmental resource permitting responsibilities~~
97 ~~between the department and the Northwest Florida Water~~
98 ~~Management District; the methodology of delineating wetlands in~~
99 ~~the Northwest Florida Water Management District; authority of~~
100 ~~the Northwest Florida Water Management District to implement~~
101 ~~federal permitting programs related to activities in surface~~
102 ~~waters and wetlands; and the chapter 70 implications of~~
103 ~~implementing the provisions of this part within the jurisdiction~~
104 ~~of the Northwest Florida Water Management District.~~

105 ~~(b) The department and Northwest Florida Water Management~~
106 ~~District shall jointly prepare an interim report on their~~
107 ~~progress in developing the aforementioned plan, to be presented~~
108 ~~March 1, 2001 to the Governor, the President of the Senate, the~~
109 ~~Speaker of the House of Representatives, and the chairs of the~~
110 ~~relevant substantive and fiscal committees. The department and~~
111 ~~district shall present a final report on March 1, 2003.~~

112 ~~(c) Any jurisdictional declaratory statement issued for a~~
113 ~~project within the geographic jurisdiction of the Northwest~~
114 ~~Florida Water Management District that is valid on July 1, 1999,~~
115 ~~and for which there has been issued a permit pursuant to this~~
116 ~~chapter and chapter 403 for a phase of that project and which~~
117 ~~identified proposed future development, including mitigation,~~



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118 ~~that would require an additional permit pursuant to this chapter~~
119 ~~and chapter 403 shall not expire until January 1, 2002.~~

120 Section 2. This act shall take effect upon becoming a law.