

HB 1623

2005  
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CHAMBER ACTION

1 The Water & Natural Resources Committee recommends the  
2 following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Florida Coastal Management Program;  
8 amending s. 380.23, F.S.; clarifying the list of federally  
9 licensed and permitted activities reviewed for consistency  
10 under the Florida Coastal Management Program; revising  
11 provisions relating to the licensing and relicensing of  
12 hydroelectric power plants; requiring the inclusion of  
13 National Environmental Policy Act (NEPA) documents in  
14 consistency reviews for certain activities; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Paragraph (c) of subsection (3) and subsection  
20 (4) of section 380.23, Florida Statutes, are amended to read:

21 380.23 Federal consistency.--

22 (3) Consistency review shall be limited to review of the  
23 following activities, uses, and projects to ensure that such

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24 | activities and uses are conducted in accordance with the state's  
25 | coastal management program:

26 |       (c) Federally licensed or permitted activities affecting  
27 | land or water uses when such activities are in or seaward of the  
28 | jurisdiction of local governments required to develop a coastal  
29 | zone protection element as provided in s. 380.24 and when such  
30 | activities involve:

31 |       1. Permits and licenses required under the Rivers and  
32 | Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

33 |       2. Permits and licenses required under the Marine  
34 | Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.  
35 | 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

36 |       3. Permits and licenses required under the Federal Water  
37 | Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as  
38 | amended, unless such permitting activities have been delegated  
39 | to the state pursuant to said act.

40 |       4. Permits and licenses relating to the transportation of  
41 | hazardous substance materials or transportation and dumping  
42 | which are issued pursuant to the Hazardous Materials  
43 | Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or  
44 | 33 U.S.C. s. 1321, as amended.

45 |       5. Permits and licenses required under 15 U.S.C. ss. 717-  
46 | 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.  
47 | 1331-1356 for construction and operation of interstate gas  
48 | pipelines and storage facilities.

49 |       6. Permits and licenses required for the siting and  
50 | construction of any new electrical power plants as defined in s.  
51 | 403.503(12), as amended, and the licensing and relicensing of

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52 hydroelectric power plants under the Federal Power Act, 16  
 53 U.S.C. ss. 791a et seq., as amended.

54 7. Permits and licenses required under the Mining Law of  
 55 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands  
 56 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral  
 57 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as  
 58 amended; the Federal Land Policy and Management Act, 43 U.S.C.  
 59 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16  
 60 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43  
 61 U.S.C. ss. 1331 et seq., as amended, for drilling, and mining,  
 62 pipelines, geological and geophysical activities, or rights-of-  
 63 way on public lands and permits and licenses required under the  
 64 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as  
 65 amended.

66 8. Permits and licenses for areas leased under the OCS  
 67 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including  
 68 leases and approvals of exploration, development, and production  
 69 plans.

70 ~~9. Permits for pipeline rights-of-way for oil and gas~~  
 71 ~~transmissions.~~

72 ~~9.10.~~ Permits and licenses required ~~for deepwater ports~~  
 73 under the Deepwater Port Act of 1974, 33 U.S.C. ss. 1501 et seq.  
 74 ~~s. 1503,~~ as amended.

75 ~~10.11.~~ Permits required for the taking of marine mammals  
 76 under the Marine Mammal Protection Act of 1972, as amended, 16  
 77 U.S.C. s. 1374.

78 (4) The department is authorized to adopt rules  
 79 establishing procedures for conducting consistency reviews of

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80 activities, uses, and projects for which consistency review is  
81 required pursuant to subsections (1), (2), and (3). Such rules  
82 shall include procedures for the expeditious handling of  
83 emergency repairs to existing facilities for which consistency  
84 review is required. The department is also authorized to adopt  
85 rules prescribing the data and information necessary ~~needed~~ for  
86 state ~~the~~ review of consistency certifications and  
87 determinations. When an environmental impact statement or  
88 environmental assessment required by the National Environmental  
89 Policy Act (NEPA) has been prepared for a specific activity,  
90 use, or project subject to federal consistency review under this  
91 section, the environmental impact statement or environmental  
92 assessment shall be data and information necessary for the  
93 state's consistency review of that federal activity, use, or  
94 project under this section.

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