

Bill No. SB 1730

Barcode 443818

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Clary)
recommended the following amendment:

Senate Amendment (with title amendment)

On page 3, lines 19 and 20, delete those lines

and insert:

Section 3. Notwithstanding the repeal of subsections
(1), (2), (3), and (4) of section 373.4145, Florida Statutes,
scheduled for July 1, 2005, those subsections are reenacted,
and subsection (6) of that section is amended, to read:

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

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

(a) Chapter 17-25, Florida Administrative Code, shall
remain in full force and effect, and shall be implemented by
the department. Notwithstanding the provisions of this

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1 section, chapter 17-25, Florida Administrative Code, may be
 2 amended by the department as necessary to comply with any
 3 requirements of state or federal laws or regulations, or any
 4 condition imposed by a federal program, or as a requirement
 5 for receipt of federal grant funds.

6 (b) Rules adopted pursuant to the authority of ss.
 7 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
 8 as amended, in effect prior to July 1, 1994, shall remain in
 9 full force and effect, and shall be implemented by the
 10 department. However, the department is authorized to establish
 11 additional exemptions and general permits for dredging and
 12 filling, if such exemptions or general permits do not allow
 13 significant adverse impacts to occur individually or
 14 cumulatively. However, for the purpose of chapter 17-312,
 15 Florida Administrative Code, the landward extent of surface
 16 waters of the state identified in rule 17-312.030(2), Florida
 17 Administrative Code, shall be determined in accordance with
 18 the methodology in rules 17-340.100 through 17-340.600,
 19 Florida Administrative Code, as ratified in s. 373.4211, upon
 20 the effective date of such ratified methodology. In
 21 implementing s. 373.421(2), the department shall determine the
 22 extent of those surface waters and wetlands within the
 23 regulatory authority of the department as described in this
 24 paragraph. At the request of the petitioner, the department
 25 shall also determine the extent of surface waters and wetlands
 26 which can be delineated by the methodology ratified in s.
 27 373.4211, but which are not subject to the regulatory
 28 authority of the department as described in this paragraph.

29 (c) The department may implement chapter 40A-4,
 30 Florida Administrative Code, in effect prior to July 1, 1994,
 31 pursuant to an interagency agreement with the Northwest

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1 Florida Water Management District adopted under s. 373.046(4).

2 (2) The authority of the Northwest Florida Water
3 Management District to implement this part or to implement any
4 authority pursuant to delegation by the department shall not
5 be affected by this section. The rule adoption deadline in s.
6 373.414(9) shall not apply to said district.

7 (3) The division of permitting responsibilities in s.
8 373.046(4) shall not apply within the geographical
9 jurisdiction of the Northwest Florida Water Management
10 District.

11 (4) If the United States Environmental Protection
12 Agency approves an assumption of the federal program to
13 regulate the discharge of dredged or fill material by the
14 department or the water management districts, or both,
15 pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,
16 as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army
17 Corps of Engineers issues one or more state programmatic
18 general permits under the referenced statutes; or the United
19 States Environmental Protection Agency or the United States
20 Corps of Engineers approves any other delegation of regulatory
21 authority under the referenced statutes, then the department
22 may implement any permitting authority granted in this part
23 within the Northwest Florida Water Management District which
24 is prescribed as a condition of granting such assumption,
25 general permit, or delegation.

26 (6) Subsections (1), (2), (3), and (4) shall be
27 repealed effective July 1, 2010 ~~2005~~.

28 Section 4. This act shall take effect upon becoming a
29 law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 10, after the semicolon,

4

5 insert:

6 amending s. 373.4145, F.S., and reenacting

7 subsections (1)-(4) of that section, to

8 continue the interim part IV permitting program

9 for the Northwest Florida Water Management

10 District; providing for the future repeal of

11 the interim program;

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