

By Senator Lawson

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A bill to be entitled

An act relating to wetland protection; amending s. 373.4145, F.S.; postponing the scheduled repeal of certain provisions pertaining to the Northwest Florida Water Management District; repealing s. 4 of chapter 2005-273, Laws of Florida, and s. 32 of chapter 2005-71, Laws of Florida, which specified dates certain for such repeal; providing an effective date.

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

Section 1. Notwithstanding the repeal of subsections (1), (2), (3), and (4) of section 373.4145, Florida Statutes, scheduled for July 1, 2006, 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 section, chapter 17-25, Florida Administrative Code, may be amended by the department as necessary to comply with any requirements of state or federal laws or regulations, or any condition imposed by a federal program, or as a requirement for receipt of federal grant funds.

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

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

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

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

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

22 | (6) Subsections (1), (2), (3), and (4) shall be
23 | repealed effective 24 months after the effective date of an
24 | amendment to s. 9, Art. VII of the State Constitution which
25 | increases the authorized millage available to the Northwest
26 | Florida Water Management District. The Legislature
27 | acknowledges the statutorily required plan prepared by the
28 | Northwest Florida Water Management District and the Department
29 | of Environmental Protection in 2003 for wetland protection,
30 | but, due to limited financial resources available at the local
31 | and state levels, implementation of the recommended plan must

