

1 (1) Within the geographical jurisdiction of the
2 Northwest Florida Water Management District, taking into
3 consideration the differing physical and natural
4 characteristics of the area, the department and the district
5 shall the permitting authority of the department under this
6 part shall consist solely of the following, notwithstanding
7 the rule adoption deadline in s. 373.414(9):

8 (a) Jointly develop rules to regulate the
9 construction, operation, alteration, maintenance, abandonment,
10 and removal of stormwater management systems. The department
11 shall adopt the rules by January 1, 2007. The district may
12 implement the department's rules without adoption pursuant to
13 s. 120.54. Until the rules for stormwater management systems
14 take effect, chapter 62-25 Chapter 17-25, Florida
15 Administrative Code, shall remain in full force and effect,
16 and shall be implemented by the department. Notwithstanding
17 the provisions of this section, chapter 62-25 17-25, Florida
18 Administrative Code, may be amended by the department as
19 necessary to comply with any requirements of state or federal
20 laws or regulations, or any condition imposed by a federal
21 program, or as a requirement for receipt of federal grant
22 funds. The intent of these rules is to modify the stormwater
23 rules to improve water quality and flood protection. This
24 objective may be accomplished by applying comparable measures
25 and criteria adopted by the other water management districts
26 which are appropriate considering the differing physical and
27 natural character of the area.

28 (b) Jointly develop rules for the management and
29 storage of surface waters under this part. The department
30 shall adopt the rules by January 1, 2008. Pursuant to s.
31 120.54, the district may implement the department's rules

1 before the rules are adopted. Until the rules for the
2 management and storage of surface waters under this part take
3 effect, rules adopted pursuant to the authority of ss.
4 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
5 as amended, in effect prior to July 1, 1994, shall remain in
6 full force and effect, and shall be implemented by the
7 department. However, the department is authorized to
8 establish additional exemptions and general permits for
9 dredging and filling, if such exemptions or general permits do
10 not allow significant adverse impacts to occur individually or
11 cumulatively. However, for the purpose of chapter 62-312
12 ~~17-312~~, Florida Administrative Code, the landward extent of
13 surface waters of the state identified in rule 62-312.030(2)
14 ~~17-312.030(2)~~, Florida Administrative Code, shall be
15 determined in accordance with the methodology in rules
16 62-340.100 through 62-340.600 ~~17-340.100 through 17-340.600~~,
17 Florida Administrative Code, ~~as ratified in s. 373.4211, upon~~
18 ~~the effective date of such ratified methodology.~~ In
19 implementing s. 373.421(2), the department shall determine the
20 extent of those surface waters and wetlands within the
21 regulatory authority of the department as described in this
22 paragraph. At the request of the petitioner, the department
23 shall also determine the extent of surface waters and wetlands
24 ~~that which~~ can be delineated by the methodology ratified in s.
25 373.4211, but ~~that which~~ are not subject to the regulatory
26 authority of the department as described in this paragraph.
27 The intent of these rules is to preserve property interests
28 while improving the management and storage of surface waters.
29 The scope of these rules must recognize the historically rural
30 nature, current development trends, and the abundant natural
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1 resources of the district, and the permitting thresholds and
2 requirements must reflect this distinction.

3 (c) Pursue streamlining of the federal and state
4 wetland permitting programs pursuant to ss. 373.4143 and
5 373.4144.

6 (d) Implement, to the maximum extent possible,
7 streamlining measures, including electronic permitting, field
8 permitting, and certification programs for activities having
9 minimal individual or cumulative impact, informal wetland
10 determinations, and other similar measures.

11 (2)(e) The department may implement chapter 40A-4,
12 Florida Administrative Code, in effect prior to July 1, 1994,
13 pursuant to an interagency agreement with the Northwest
14 Florida Water Management District adopted under s. 373.046(4).

15 (3) The rules adopted under subsection (1), as
16 applicable, shall:

17 (a) Incorporate the exemptions in ss. 373.406 and
18 403.813(2).

19 (b) Incorporate the provisions of rule
20 62-341.475(1)(f), Florida Administrative Code, applicable to
21 single-family homes located entirely or partially within
22 wholly owned, isolated wetlands.

23 (c) Exempt from the notice and permitting requirements
24 of this part the construction or private use of a
25 single-family dwelling unit, duplex, triplex, or quadruplex
26 that:

27 1. Is not part of a larger common plan of development
28 or sale proposed by the applicant.

29 2. Does not involve wetlands or other surface waters.

30 (d) At a minimum and taking into consideration the
31 physical and natural character of the area, incorporate the

1 exemptions and general permits under this part in effect
2 elsewhere in the state. These rules shall exempt resurfacing
3 or paving of unpaved roads consistent with the exemptions in
4 s. 403.813(2).

5 (e) Exempt from the rule criteria under paragraph
6 (1)(b) the alteration of wholly owned, artificially created
7 surface waters created entirely from uplands that do not
8 connect to waters of the state, except for those created for
9 the purpose of providing mitigation under this part.

10 ~~(2) The authority of the Northwest Florida Water~~
11 ~~Management District to implement this part or to implement any~~
12 ~~authority pursuant to delegation by the department shall not~~
13 ~~be affected by this section. The rule adoption deadline in s.~~
14 ~~373.414(9) shall not apply to said district.~~

15 ~~(4)(3) The department and division of permitting~~
16 ~~responsibilities in s. 373.046(4) shall not apply within the~~
17 ~~geographical jurisdiction of the Northwest Florida Water~~
18 ~~Management District shall enter into an operating agreement~~
19 ~~under s. 373.046 to effectively implement this section and~~
20 ~~provide the district with the amount of responsibility under~~
21 ~~the agreement which resources allow, including, at a minimum,~~
22 ~~the responsibility for regulating silviculture and~~
23 ~~agriculture. The operating agreement shall encourage local~~
24 ~~delegation of the responsibilities under this section pursuant~~
25 ~~to s. 373.441.~~

26 (5) The provisions of s. 373.414(11)-(14) do not apply
27 to rules adopted under this section.

28 (6) The following activities shall continue to be
29 governed by the provisions of s. 373.4145, Florida Statutes,
30 1994:

1 (a) The operation and routine custodial maintenance of
2 activities legally in existence before the effective date of
3 the rules adopted under subsection (1), as long as the terms
4 and conditions of the permit, exemption, or other
5 authorization for such activities continue to be met.

6 (b) The activities approved in a permit issued
7 pursuant to s. 373.4145, Florida Statutes 1994, and the review
8 of activities proposed in applications received and completed
9 before the effective date of the rules adopted under
10 subsection (1), as applicable. This paragraph applies to any
11 modification of the plans, terms, and conditions of a permit
12 issued pursuant to s. 373.4145, Florida Statutes 1994, which
13 lessens the environmental impact, except any such modification
14 may not extend the time limit for construction beyond 2
15 additional years.

16
17 This subsection does not apply to any activity that is
18 altered, modified, expanded, abandoned, or removed after
19 adoption of the applicable rules under subsection (1).

20 (7) Unless the petitioner elects to apply rule 62-340,
21 Florida Administrative Code, to all wetlands, the delineation
22 of the landward extent of wetlands and other surface waters
23 for petitions filed under s. 373.421(2) before the effective
24 date of the rules adopted under paragraph (1)(b) shall
25 continue to be determined in accordance with rule
26 62-312.030(2), Florida Administrative Code, in effect July 1,
27 1994, and rules 62-340.100 through 62-340.600, Florida
28 Administrative Code, as ratified in s. 373.4211.

29 ~~(4) If the United States Environmental Protection~~
30 ~~Agency approves an assumption of the federal program to~~
31 ~~regulate the discharge of dredged or fill material by the~~

1 ~~department or the water management districts, or both,~~
2 ~~pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,~~
3 ~~as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army~~
4 ~~Corps of Engineers issues one or more state programmatic~~
5 ~~general permits under the referenced statutes; or the United~~
6 ~~States Environmental Protection Agency or the United States~~
7 ~~Corps of Engineers approves any other delegation of regulatory~~
8 ~~authority under the referenced statutes, then the department~~
9 ~~may implement any permitting authority granted in this part~~
10 ~~within the Northwest Florida Water Management District which~~
11 ~~is prescribed as a condition of granting such assumption,~~
12 ~~general permit, or delegation.~~

13 ~~(8)(5)~~ Within the geographical jurisdiction of the
14 Northwest Florida Water Management District, the methodology
15 for determining the landward extent of surface waters of the
16 state under chapter 403 in effect prior to the effective date
17 of the methodology ratified in s. 373.4211 shall apply to:

18 (a) Activities permitted under the rules adopted
19 pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida
20 Statutes 1983, as amended, or which were exempted from
21 regulation under such rules, prior to July 1, 1994, and which
22 were permitted under chapter ~~62-25~~ 17-25, Florida
23 Administrative Code, or exempt from chapter ~~62-25~~ 17-25,
24 Florida Administrative Code, prior to July 1, 1994, provided:

25 1. An activity authorized by such permits is conducted
26 in accordance with the plans, terms, and conditions of such
27 permits.

28 2. An activity exempted from the permitting
29 requirements of the rules adopted pursuant to ss.
30 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
31

1 as amended, or chapter ~~62-25~~ 17-25, Florida Administrative
2 Code, is:

3 a. Commenced prior to July 1, 1994, and completed by
4 July 1, 1999;

5 b. Conducted in accordance with a plan depicting the
6 activity which has been submitted to and approved for
7 construction by the department, the appropriate local
8 government, the United States Army Corps of Engineers, or the
9 Northwest Florida Water Management District; and

10 c. Conducted in accordance with the terms of the
11 exemption.

12 (b) An activity within the boundaries of a valid
13 jurisdictional declaratory statement issued pursuant to s.
14 403.914, 1984 Supplement to the Florida Statutes 1983, as
15 amended, or the rules adopted thereunder, in response to a
16 petition received prior to June 1, 1994.

17 (c) Any modification of a permitted or exempt activity
18 as described in paragraph (a) which does not constitute a
19 substantial modification or which lessens the environmental
20 impact of such permitted or exempt activity. For the purposes
21 of this section, a substantial modification is one ~~that~~ which
22 is reasonably expected to lead to substantially different
23 environmental impacts.

24 (d) Applications for activities permitted under the
25 rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement
26 to the 1983 Florida Statutes, as amended, which were pending
27 on June 15, 1994, unless the application elects to have
28 applied the delineation methodology ratified in s. 373.4211.

29 (9) Subsections (2) and (8) are repealed on the date
30 the rules adopted pursuant to subsection (1) take effect.

31

1 (10) If the Legislature fails to fund and staff the
2 environmental resource permitting program established under
3 this section in any fiscal year, the environmental resource
4 permitting program shall be suspended for that fiscal year and
5 the rules and statutes governing development activity in the
6 district shall revert to those in effect on April 1, 2006,
7 until such time as funding and staffing levels are restored
8 consistent with this section.

9 ~~(6) Subsections (1), (2), (3), and (4) shall be~~
10 ~~repealed effective July 1, 2006.~~

11 Section 2. The sum of \$2,418,816 in recurring funds
12 and \$525,000 in nonrecurring funds are appropriated from the
13 General Revenue Fund in the Department of Environmental
14 Protection as a transfer to the Northwest Florida Water
15 Management District for the 2006-2007 fiscal year. Funds are
16 provided in order to implement the environmental resource
17 permitting program authorized by s. 373.4145, Florida
18 Statutes.

19 Section 3. This act shall take effect July 1, 2006.

20
21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
22 COMMITTEE SUBSTITUTE FOR
23 Senate Bill 2062

24 Authorizes environmental resource permitting (ERP) in
25 Northwest Florida.

26 Requires the Department of Environmental Protection and the
27 Northwest Florida Water Management District to jointly develop
28 rules for the regulation of stormwater and surface waters.
29 Rules for stormwater management are to be developed by January
30 1, 2007, and rules for the management and storage of surface
31 waters by January 1, 2008.

29 Appropriates a total of \$2.9 million from the General Revenue
30 Fund to the district to implement this act.