

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. The district may
31 implement the department's rules without adoption pursuant to

1 s. 120.54. Until the rules for the management and storage of
2 surface waters under this part take effect, rules adopted
3 pursuant to the authority of ss. 403.91-403.929, 1984
4 Supplement to the Florida Statutes 1983, as amended, in effect
5 prior to July 1, 1994, shall remain in full force and effect,
6 and shall be implemented by the department. However, the
7 department is authorized to establish additional exemptions
8 and general permits for dredging and filling, if such
9 exemptions or general permits do not allow significant adverse
10 impacts to occur individually or cumulatively. However, for
11 the purpose of chapter 62-312 ~~17-312~~, Florida Administrative
12 Code, the landward extent of surface waters of the state
13 identified in rule 62-312.030(2) ~~17-312.030(2)~~, Florida
14 Administrative Code, shall be determined in accordance with
15 the methodology in rules 62-340.100 through 62-340.600
16 ~~17-340.100 through 17-340.600~~, Florida Administrative Code, ~~as~~
17 ~~ratified in s. 373.4211, upon the effective date of such~~
18 ~~ratified methodology~~. In implementing s. 373.421(2), the
19 department shall determine the extent of those surface waters
20 and wetlands within the regulatory authority of the department
21 as described in this paragraph. At the request of the
22 petitioner, the department shall also determine the extent of
23 surface waters and wetlands that ~~which~~ can be delineated by
24 the methodology ratified in s. 373.4211, but that ~~which~~ are
25 not subject to the regulatory authority of the department as
26 described in this paragraph. The intent of these rules is to
27 preserve property interests while improving the management and
28 storage of surface waters. The scope of these rules must
29 recognize the historically rural nature, current development
30 trends, and the abundant natural resources of the district,
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1 and the permitting thresholds and requirements must reflect
2 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 provide an exemption
3 for the repair, stabilization, or paving of county maintained
4 roads existing on or before January 1, 2002, and the repair or
5 replacement of bridges that are part of the roadway consistent
6 with s. 403.813(2)(t), notwithstanding s. 403.813(2)(t)7.,
7 which requires adoption of a general permit applicable within
8 the Northwest Florida Water Management District and the repeal
9 of such exemption upon the adoption of a general permit.

10 (e) Exempt from the rule criteria under paragraph
11 (1)(b) the alteration of wholly owned, artificially created
12 surface waters created entirely from uplands that do not
13 connect to waters of the state, except for those created for
14 the purpose of providing mitigation under this part.

15 ~~(2) The authority of the Northwest Florida Water~~
16 ~~Management District to implement this part or to implement any~~
17 ~~authority pursuant to delegation by the department shall not~~
18 ~~be affected by this section. The rule adoption deadline in s.~~
19 ~~373.414(9) shall not apply to said district.~~

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

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

3 (6) The following activities shall continue to be
4 governed by the provisions of s. 373.4145, Florida Statutes,
5 1994:

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

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

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

25 (7) Unless the petitioner elects to apply rule 62-340,
26 Florida Administrative Code, to all wetlands, the delineation
27 of the landward extent of wetlands and other surface waters
28 for petitions filed under s. 373.421(2) before the effective
29 date of the rules adopted under paragraph (1)(b) shall
30 continue to be determined in accordance with rule
31 62-312.030(2), Florida Administrative Code, in effect July 1,

1 1994, and rules 62-340.100 through 62-340.600, Florida
2 Administrative Code, as ratified in s. 373.4211.

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

18 (8)(5) Within the geographical jurisdiction of the
19 Northwest Florida Water Management District, the methodology
20 for determining the landward extent of surface waters of the
21 state under chapter 403 in effect prior to the effective date
22 of the methodology ratified in s. 373.4211 shall apply to:

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

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

4 2. An activity exempted from the permitting
5 requirements of the rules adopted pursuant to ss.
6 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
7 as amended, or chapter 62-25 ~~17-25~~, Florida Administrative
8 Code, is:

9 a. Commenced prior to July 1, 1994, and completed by
10 July 1, 1999;

11 b. Conducted in accordance with a plan depicting the
12 activity which has been submitted to and approved for
13 construction by the department, the appropriate local
14 government, the United States Army Corps of Engineers, or the
15 Northwest Florida Water Management District; and

16 c. Conducted in accordance with the terms of the
17 exemption.

18 (b) An activity within the boundaries of a valid
19 jurisdictional declaratory statement issued pursuant to s.
20 403.914, 1984 Supplement to the Florida Statutes 1983, as
21 amended, or the rules adopted thereunder, in response to a
22 petition received prior to June 1, 1994.

23 (c) Any modification of a permitted or exempt activity
24 as described in paragraph (a) which does not constitute a
25 substantial modification or which lessens the environmental
26 impact of such permitted or exempt activity. For the purposes
27 of this section, a substantial modification is one that ~~which~~
28 is reasonably expected to lead to substantially different
29 environmental impacts.

30 (d) Applications for activities permitted under the
31 rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement

1 to the 1983 Florida Statutes, as amended, which were pending
2 on June 15, 1994, unless the application elects to have
3 applied the delineation methodology ratified in s. 373.4211.

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

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

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

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

24 Section 3. This act shall take effect July 1, 2006.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for Senate Bill 2062

The committee substitute for committee substitute provides that when the Department of Environmental Protection is developing rules to implement environmental resource permitting within the geographic area of the Northwest Florida Water Management District, the rules must incorporate the exemptions and general permits under Part IV of chapter 373, F.S., and incorporate the permit exemption for repair, stabilization, or paving of county maintained roads existing on or before January 1, 2002, and the repair or replacement of bridges that are part of the roadways, using the criteria provided in s. 403.813 (2)(t), F.S., notwithstanding the fact that s. 403.813 (2)(t)7., F.S., requires the department to adopt a statewide general permit and provides for the repeal of the permit exemption upon adoption of the general permit.

The committee substitute for committee substitute also removes provisions of the bill requiring that the rules exempt resurfacing or paving of unpaved roads consistent with the exemptions in s. 403.813 (2), F.S.