

Bill No. HB 7163, 1st Eng.

Barcode 751060

CHAMBER ACTION

Senate

House

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Senator Clary moved the following amendment:

**Senate Amendment**

Lines 50 through 146, delete those lines

and insert:

(a) Jointly develop rules to regulate the construction, operation, alteration, maintenance, abandonment, and removal of stormwater management systems. The department shall adopt the rules by January 1, 2007. The district may implement the department's rules without adoption pursuant to s. 120.54. Until the rules for stormwater management systems take effect, chapter 62-25 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 62-25 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. The intent of these rules is to modify the stormwater

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1 rules to improve water quality and flood protection. This  
 2 objective may be accomplished by applying comparable measures  
 3 and criteria adopted by the other water management districts  
 4 which are appropriate considering the differing physical and  
 5 natural character of the area.

6 (b) Jointly develop rules for the management and  
 7 storage of surface waters under this part. The department  
 8 shall adopt the rules by January 1, 2008. The district may  
 9 implement the department's rules without adoption pursuant to  
 10 s. 120.54. Until the rules for the management and storage of  
 11 surface waters under this part take effect, rules adopted  
 12 pursuant to the authority of ss. 403.91-403.929, 1984  
 13 Supplement to the Florida Statutes 1983, as amended, in effect  
 14 prior to July 1, 1994, shall remain in full force and effect,  
 15 and shall be implemented by the department. However, the  
 16 department is authorized to establish additional exemptions  
 17 and general permits for dredging and filling, if such  
 18 exemptions or general permits do not allow significant adverse  
 19 impacts to occur individually or cumulatively. However, for  
 20 the purpose of chapter ~~62-312 17-312~~, Florida Administrative  
 21 Code, the landward extent of surface waters of the state  
 22 identified in rule ~~62-312.030(2) 17-312.030(2)~~, Florida  
 23 Administrative Code, shall be determined in accordance with  
 24 the methodology in rules ~~62-340.100 through 62-340.600~~  
 25 ~~17-340.100 through 17-340.600~~, Florida Administrative Code, as  
 26 ~~ratified in s. 373.4211, upon the effective date of such~~  
 27 ~~ratified methodology.~~ In implementing s. 373.421(2), the  
 28 department shall determine the extent of those surface waters  
 29 and wetlands within the regulatory authority of the department  
 30 as described in this paragraph. At the request of the  
 31 petitioner, the department shall also determine the extent of

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1 surface waters and wetlands that ~~which~~ can be delineated by  
 2 the methodology ratified in s. 373.4211, but that ~~which~~ are  
 3 not subject to the regulatory authority of the department as  
 4 described in this paragraph. The intent of these rules is to  
 5 preserve property interests while improving the management and  
 6 storage of surface waters. The scope of these rules must  
 7 recognize the historically rural nature, current development  
 8 trends, and the abundant natural resources of the district,  
 9 and the permitting thresholds and requirements must reflect  
 10 this distinction.

11 (c) Pursue streamlining of the federal and state  
 12 wetland permitting programs pursuant to ss. 373.4143 and  
 13 373.4144.

14 (d) Implement, to the maximum extent possible,  
 15 streamlining measures, including electronic permitting, field  
 16 permitting, and certification programs for activities having  
 17 minimal individual or cumulative impact, informal wetland  
 18 determinations, and other similar measures.

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

23 (3) The rules adopted under subsection (1), as  
 24 applicable, shall:

25 (a) Incorporate the exemptions in ss. 373.406 and  
 26 403.813(2).

27 (b) Incorporate the provisions of rule  
 28 62-341.475(1)(f), Florida Administrative Code, applicable to  
 29 single-family homes located entirely or partially within  
 30 wholly owned, isolated wetlands.

31 (c) Exempt from the notice and permitting requirements

1 of this part the construction or private use of a  
2 single-family dwelling unit, duplex, triplex, or quadruplex  
3 that:

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

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

7 (d) At a minimum and taking into consideration the  
8 physical and natural character of the area, incorporate the  
9 exemptions and general permits under this part in effect  
10 elsewhere in the state. These rules shall provide an exemption  
11 for the repair, stabilization, or paving of county maintained  
12 roads existing on or before January 1, 2002, and the repair or  
13 replacement of bridges that are part of the roadway consistent  
14 with s. 403.813(2)(t), notwithstanding s. 403.813(2)(t)7.,  
15 which requires adoption of a general permit applicable within  
16 the Northwest Florida Water Management District and the repeal  
17 of such exemption upon the adoption of a general permit.

18 (e) Exempt from the rule criteria under paragraph  
19 (1)(b) the alteration of wholly owned, artificially created  
20 surface waters created entirely from uplands that do not  
21 connect to waters of the state, except for those created for  
22 the purpose of providing mitigation under this part.

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