

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Williams, T. offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 577 and 578, insert:

5 Section 12. Paragraph (b) of subsection (1) of section
6 373.414, Florida Statutes, is amended to read:

7 373.414 Additional criteria for activities in surface
8 waters and wetlands.—

9 (1) As part of an applicant's demonstration that an
10 activity regulated under this part will not be harmful to the
11 water resources or will not be inconsistent with the overall
12 objectives of the district, the governing board or the
13 department shall require the applicant to provide reasonable
14 assurance that state water quality standards applicable to
15 waters as defined in s. 403.031(13) will not be violated and
16 reasonable assurance that such activity in, on, or over surface

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17 waters or wetlands, as delineated in s. 373.421(1), is not
18 contrary to the public interest. However, if such an activity
19 significantly degrades or is within an Outstanding Florida
20 Water, as provided by department rule, the applicant must
21 provide reasonable assurance that the proposed activity will be
22 clearly in the public interest.

23 (a) In determining whether an activity, which is in, on,
24 or over surface waters or wetlands, as delineated in s.
25 373.421(1), and is regulated under this part, is not contrary to
26 the public interest or is clearly in the public interest, the
27 governing board or the department shall consider and balance the
28 following criteria:

29 1. Whether the activity will adversely affect the public
30 health, safety, or welfare or the property of others;

31 2. Whether the activity will adversely affect the
32 conservation of fish and wildlife, including endangered or
33 threatened species, or their habitats;

34 3. Whether the activity will adversely affect navigation
35 or the flow of water or cause harmful erosion or shoaling;

36 4. Whether the activity will adversely affect the fishing
37 or recreational values or marine productivity in the vicinity of
38 the activity;

39 5. Whether the activity will be of a temporary or
40 permanent nature;

41 6. Whether the activity will adversely affect or will
42 enhance significant historical and archaeological resources
43 under the provisions of s. 267.061; and

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44 7. The current condition and relative value of functions
45 being performed by areas affected by the proposed activity.

46 (b) If the applicant is unable to otherwise meet the
47 criteria set forth in this subsection, the governing board or
48 the department, in deciding to grant or deny a permit, shall
49 consider measures proposed by or acceptable to the applicant to
50 mitigate adverse effects that may be caused by the regulated
51 activity. Such measures may include, but are not limited to,
52 onsite mitigation, offsite mitigation, offsite regional
53 mitigation, and the purchase of mitigation credits from
54 mitigation banks permitted under s. 373.4136. It shall be the
55 responsibility of the applicant to choose the form of
56 mitigation. The mitigation must offset the adverse effects
57 caused by the regulated activity. Except as provided in
58 subsection (6) and for mitigation established in a general
59 permit pursuant to subsection (9), an applicant proposing to use
60 mitigation, including a mitigation bank, or offsite, onsite, or
61 offsite regional mitigation, or any combination thereof, shall
62 not be required to demonstrate that the proposed mitigation
63 provides a greater improvement in ecological value than any
64 other means of mitigation, provided the mitigation proposed
65 offsets the adverse effects caused by the regulated activity.

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69 **T I T L E A M E N D M E N T**

70 Remove line 64 and insert:

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71 projects are exempt from certain rule adoption; amending s.
72 373.414, F.S.; providing criteria for mitigation bank
73 applicants; providing