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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/11/2011	.	
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The Committee on Environmental Preservation and Conservation (Latvala) recommended the following:

1 **Senate Amendment to Amendment (464514) (with title**
2 **amendment)**

3
4 Delete lines 362 - 388
5 and insert:

6 Section 11. Subsection (3) of section 373.441, Florida
7 Statutes, is amended, present subsections (4) and (5) of that
8 section are renumbered as subsections (7) and (8), respectively,
9 and new subsections (4), (5), and (6) are added to that section,
10 to read:

11 373.441 Role of counties, municipalities, and local
12 pollution control programs in permit processing; delegation.-



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13 (3) The department may delegate the environmental resource
14 permitting program to local governments. The department shall
15 approve delegation to a local government if:

16 1. The local government has provided reasonable assurance
17 that the delegation would further the goal of providing an
18 efficient, effective, and streamlined permitting system;

19 2. The local government has the financial, technical, and
20 administrative capabilities and desire to effectively and
21 efficiently implement and enforce the program;

22 3. The protection of environmental resources will be
23 maintained; and

24 4. The local government meets the requirements set forth by
25 department rule. The department may delegate a portion of the
26 environmental resource permit program to local governments,
27 including those wherein the stormwater management system
28 regulations or the wetland or other surface water resource
29 regulations are retained by the department or the district, and
30 the other portion is delegated to the local government.

31 ~~Delegation of authority shall be approved if the local~~
32 ~~government meets the requirements set forth in rule 62-344,~~
33 ~~Florida Administrative Code. This section does not require a~~
34 ~~local government to seek delegation of the environmental~~
35 ~~resource permit program.~~

36 (4) If the department approves and delegates the
37 environmental resource permit, the local government has the
38 authority to issue environmental resource permits that provide
39 the equivalent level of protection as the environmental resource
40 program under this part. Local governments may also apply
41 stricter standards in addition to the applicable environmental



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42 resource permit program rules.

43 (5) The environmental resource permit program may be
44 delegated to a local government under either of the following
45 two options:

46 (a) The local government agrees to implement the state
47 environmental resource permit program pursuant to this part,
48 applicable agency rules, and chapter 120.

49 (b) The local government incorporates the relevant portions
50 of the department's or water management district's environmental
51 resource permit program rules into the local rules or
52 ordinances. The local program must be substantially equivalent
53 to the existing state environmental resource permitting program.

54 1. The local government program may incorporate stricter
55 substantive provisions of the state environmental resource
56 program or the substantially equivalent provisions.

57 2. The local government program is not required to include
58 or incorporate any less strict substantive state standards, such
59 as exemptions or general permits, in order to obtain delegation
60 of the environmental resource program.

61 3. The local government program shall use administrative
62 and procedural requirements that are the same as or
63 substantially equivalent to the provisions of ss. 120.52,
64 120.53, 120.533, 120.565, 120.57, 120.62, 120.66, 120.69,
65 373.114(1), and 373.413(3), and any notice or other procedural
66 requirements that apply to activities reviewed under this part.

67 (6) If the department and water management district
68 delegates authority to a local government pursuant to this
69 section, it may not regulate the activities delegated.

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71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete lines 1647 - 1655

74 and insert:

75 amending s. 373.441, F.S.; authorizing the department

76 and water management districts to delegate certain

77 pollution control programs to local governments;

78 providing criteria; amending s. 376.30715, F.S.;