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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2024	.	
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The Committee on Rules (Brodeur) recommended the following:

Senate Amendment

Delete lines 41 - 82
and insert:
subsection (1), paragraphs (b) and (c) of subsection (3), and
paragraphs (a) and (j) of subsection (7) of that section are
amended, to read:

373.4134 Water quality enhancement areas.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
that:

(b) An expansion of existing authority for regional



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12 treatment to include offsite compensatory treatment in water
13 quality enhancement areas to make enhancement credits available
14 for purchase by an applicant or a governmental entity ~~entities~~
15 to address impacts regulated under ss. 373.403-373.443 ~~this part~~
16 is needed.

17 (d) Water quality enhancement areas are a valuable tool to
18 assist an applicant ~~governmental entities~~ in providing a
19 satisfying the net improvement of the water quality in a
20 receiving waterbody that does not meet standards or in
21 satisfying the environmental resource permit performance
22 standard under s. 373.414(1)(b)3. to ensure significant
23 reductions of pollutant loadings.

24 (e) Water quality enhancement areas that provide water
25 quality enhancement credits to applicants ~~governmental entities~~
26 seeking permits under ss. 373.403-373.443 ~~this part~~ and to
27 governmental entities seeking to meet an assigned basin
28 management action plan allocation or reasonable assurance plan
29 under s. 403.067 are considered an appropriate and permissible
30 option.

31 (2) DEFINITIONS.—As used in this section, the term:

32 (a) "Applicant" means a governmental entity that seeks to
33 purchase water quality enhancement credits to meet an assigned
34 basin management action plan allocation or reasonable assurance
35 plan or a governmental entity or a private sector entity that
36 seeks to purchase water quality enhancement credits for the
37 purpose of achieving net improvement under s. 373.414(1)(b)3. or
38 satisfying environmental resource permit performance standards.

39 (3) WATER QUALITY ENHANCEMENT AREAS.—

40 (b) Water quality enhancement credits may be sold ~~only~~ to



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41 governmental entities seeking to meet an assigned basin
42 management action plan allocation or reasonable assurance plan
43 or to applicants for the purpose of achieving net improvement or
44 meeting environmental resource permit performance standards
45 under s. 373.414(1)(b)3. ~~after the governmental entity has~~
46 ~~provided~~ reasonable assurances have been provided for the
47 ~~assurance of meeting department rules for~~ design and
48 construction of all onsite stormwater management, as required by
49 law.

50 (c) A water quality enhancement area must be used to
51 address contributions of one or more pollutants or other
52 constituents in the watershed, basin, sub-basin, targeted
53 restoration area, waterbody, or section of waterbody, as
54 determined by the department, in which the water quality
55 enhancement area is located that do not meet applicable state
56 water quality standards or environmental resource permit
57 performance standards ~~criteria~~.

58 (7) ENHANCEMENT CREDITS.—

59 (a) The department or water management district shall
60 authorize the sale and use of enhancement credits to applicants
61 ~~governmental entities~~ to address adverse water quality impacts
62 of activities regulated under ss. 373.403-373.443 ~~this part~~ or
63 to assist