HB 863

1	A bill to be entitled
2	An act relating to management and storage of surface
3	waters; amending s. 373.406, F.S.; providing an
4	exemption from surface water management and storage
5	regulations for the implementation of certain measures
6	and practices for environmental habitat restoration,
7	enhancement, and creation activities and water quality
8	improvements on specified agricultural lands and
9	government-owned lands; providing a condition and
10	requirements for the measures and practices; removing
11	requirements for adverse impacts on water resources,
12	certain notification by the Department of
13	Environmental Protection and water management
14	districts, and commencement of activities; prohibiting
15	use of the exemption to establish mitigation banks or
16	regional offsite mitigation areas; providing an
17	effective date.
18	
19	Be It Enacted by the Legislature of the State of Florida:
20	
21	Section 1. Subsection (9) of section 373.406, Florida
22	Statutes, is amended to read:
23	373.406 ExemptionsThe following exemptions shall apply:
24	(9) Implementation of measures <u>or practices for</u> having the
25	primary purpose of environmental restoration, enhancement, or
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26	<u>creation activities</u> or water quality <u>improvements</u> improvement on
27	<u>lands classified as</u> agricultural <u>pursuant to s. 193.461 or</u>
28	government-owned lands are exempt from regulation under this
29	part. The measures or practices may alter the topography of the
30	land, divert or impede the flow of surface waters on the land,
31	or impact wetlands, if the activities or improvements result in
32	a net increase in wetland resource functions. The activities or
33	improvements must be implemented to result in a wetland habitat
34	that resembles the characteristics of a wetland habitat in the
35	same region, such as an herbaceous or a forested wetland where
36	these measures or practices are determined by the district or
37	department, on a case-by-case basis, to have minimal or
38	insignificant individual and cumulative adverse impact on the
39	water resources of the state. The district or department shall
40	provide written notification as to whether the proposed activity
41	qualifies for the exemption within 30 days after receipt of a
42	written notice requesting the exemption. No activity under this
43	exemption shall commence until the district or department has
44	provided written notice that the activity qualifies for the
45	exemption. This exemption may not be used to establish a
46	mitigation bank or regional offsite mitigation area under s.
47	<u>373.4135 or s. 373.4136</u> .
48	Section 2. This act shall take effect July 1, 2024.

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