

By Senator Burton

12-01241-24

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1 A bill to be entitled
2 An act relating to the management and storage of
3 surface waters; amending s. 373.406, F.S.; providing
4 an exemption from surface water management and storage
5 regulations for the implementation of certain measures
6 and practices for environmental restoration,
7 enhancement, and creation activities and water quality
8 improvements on specified agricultural and government-
9 owned lands; specifying requirements for such measures
10 and practices; deleting requirements relating to
11 adverse impacts on water resources, certain
12 notification by the department and water management
13 districts, and commencement of activities; providing
14 an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (9) of section 373.406, Florida
19 Statutes, is amended to read:

20 373.406 Exemptions.—The following exemptions shall apply:

21 (9) Implementation of measures or practices for ~~having~~ the
22 primary purpose of environmental restoration, enhancement, or
23 creation activities or water quality improvements ~~improvement~~ on
24 lands classified as agricultural pursuant to s. 193.461 or
25 government-owned lands are exempt from regulation under this
26 part ~~where these measures or practices are determined by the~~
27 ~~district or department, on a case-by-case basis, to have minimal~~
28 ~~or insignificant individual and cumulative adverse impact on the~~
29 ~~water resources of the state.~~

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30 (a) The measures or practices may alter the topography of a
31 tract of land, including activities and improvements that divert
32 or impede the flow of water on the property or impact wetlands,
33 if the activities or improvements result in a net increase in
34 wetland resource functions. The activities or improvements must
35 be implemented to result in a wetland habitat that resembles a
36 wetland habitat that exists in the region, such as a herbaceous
37 or forested wetland.

38 (b) This exemption may not be used to establish a
39 mitigation bank or offsite regional mitigation area pursuant to
40 s. 373.4135 or s. 373.4136, as applicable ~~The district or~~
41 ~~department shall provide written notification as to whether the~~
42 ~~proposed activity qualifies for the exemption within 30 days~~
43 ~~after receipt of a written notice requesting the exemption. No~~
44 ~~activity under this exemption shall commence until the district~~
45 ~~or department has provided written notice that the activity~~
46 ~~qualifies for the exemption.~~

47 Section 2. This act shall take effect July 1, 2024.