

House Bill No. 623

An act relating to the Northwest Florida Water Management District; amending s. 373.4145, F.S.; continuing the interim part IV permitting program for the Northwest Florida Water Management District; providing a future repeal of such interim program; removing obsolete provisions; providing an effective date.

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

Section 1. Notwithstanding the repeal of subsections (1), (2), (3), and (4) of section 373.4145, Florida Statutes, scheduled for July 1, 2003, said subsections are reenacted, and subsections (6) and (7) of said section are amended, to read:

373.4145 Interim part IV permitting program for the Northwest Florida Water Management District.—

(1) Within the geographical jurisdiction of the Northwest Florida Water Management District, the permitting authority of the department under this part shall consist solely of the following, notwithstanding the rule adoption deadline in s. 373.414(9):

(a) Chapter 17-25, Florida Administrative Code, shall remain in full force and effect, and shall be implemented by the department. Notwithstanding the provisions of this section, chapter 17-25, Florida Administrative Code, may be amended by the department as necessary to comply with any requirements of state or federal laws or regulations, or any condition imposed by a federal program, or as a requirement for receipt of federal grant funds.

(b) Rules adopted pursuant to the authority of ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, in effect prior to July 1, 1994, shall remain in full force and effect, and shall be implemented by the department. However, the department is authorized to establish additional exemptions and general permits for dredging and filling, if such exemptions or general permits do not allow significant adverse impacts to occur individually or cumulatively. However, for the purpose of chapter 17-312, Florida Administrative Code, the landward extent of surface waters of the state identified in rule 17-312.030(2), Florida Administrative Code, shall be determined in accordance with the methodology in rules 17-340.100 through 17-340.600, Florida Administrative Code, as ratified in s. 373.4211, upon the effective date of such ratified methodology. In implementing s. 373.421(2), the department shall determine the extent of those surface waters and wetlands within the regulatory authority of the department as described in this paragraph. At the request of the petitioner, the department shall also determine the extent of surface waters and wetlands which can be delineated by the methodology ratified in s. 373.4211, but which are not subject to the regulatory authority of the department as described in this paragraph.

(c) The department may implement chapter 40A-4, Florida Administrative Code, in effect prior to July 1, 1994, pursuant to an interagency agreement with the Northwest Florida Water Management District adopted under s. 373.046(4).

(2) The authority of the Northwest Florida Water Management District to implement this part or to implement any authority pursuant to delegation by the department shall not be affected by this section. The rule adoption deadline in s. 373.414(9) shall not apply to said district.

(3) The division of permitting responsibilities in s. 373.046(4) shall not apply within the geographical jurisdiction of the Northwest Florida Water Management District.

(4) If the United States Environmental Protection Agency approves an assumption of the federal program to regulate the discharge of dredged or fill material by the department or the water management districts, or both, pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.; the United States Army Corps of Engineers issues one or more state programmatic general permits under the referenced statutes; or the United States Environmental Protection Agency or the United States Corps of Engineers approves any other delegation of regulatory authority under the referenced statutes, then the department may implement any permitting authority granted in this part within the Northwest Florida Water Management District which is prescribed as a condition of granting such assumption, general permit, or delegation.

(6) Subsections (1), (2), (3), and (4) shall be repealed effective July 1, 2005 2003.

~~(7)(a) The department and the Northwest Florida Water Management District are directed to begin developing a plan by which the permitting for activities proposed in surface waters and wetlands shall fully comply with the provisions of this part, beginning July 1, 2003. The plan also shall address the division of environmental resource permitting responsibilities between the department and the Northwest Florida Water Management District; the methodology of delineating wetlands in the Northwest Florida Water Management District; authority of the Northwest Florida Water Management District to implement federal permitting programs related to activities in surface waters and wetlands; and the chapter 70 implications of implementing the provisions of this part within the jurisdiction of the Northwest Florida Water Management District.~~

~~(b) The department and Northwest Florida Water Management District shall jointly prepare an interim report on their progress in developing the aforementioned plan, to be presented March 1, 2001 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the relevant substantive and fiscal committees. The department and district shall present a final report on March 1, 2003.~~

~~(c) Any jurisdictional declaratory statement issued for a project within the geographic jurisdiction of the Northwest Florida Water Management District that is valid on July 1, 1999, and for which there has been issued~~

~~a permit pursuant to this chapter and chapter 403 for a phase of that project and which identified proposed future development, including mitigation, that would require an additional permit pursuant to this chapter and chapter 403 shall not expire until January 1, 2002.~~

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 20, 2003.

Filed in Office Secretary of State June 20, 2003.