HB 863 2024

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 requirements for the measures and practices; removing 10 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 effective date. 17 18 19 Be It Enacted by the Legislature of the State of Florida: Subsection (9) of section 373.406, Florida 21 Section 1.

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Statutes, is amended to read:

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373.406 Exemptions.—The following exemptions shall apply:

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Implementation of measures or practices for having the primary purpose of environmental restoration, enhancement, or

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CODING: Words stricken are deletions; words underlined are additions.

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creation activities or water quality improvements improvement on lands classified as agricultural pursuant to s. 193.461 or government-owned lands are exempt from regulation under this part. The measures or practices may alter the topography of the land, divert or impede the flow of surface waters on the land, or impact wetlands, if the activities or improvements result in a net increase in wetland resource functions. The activities or improvements must be implemented to result in a wetland habitat that resembles the characteristics of a wetland habitat in the same region, such as an herbaceous or a forested wetland where these measures or practices are determined by the district or department, on a case-by-case basis, to have minimal or insignificant individual and cumulative adverse impact on the water resources of the state. The district or department shall provide written notification as to whether the proposed activity qualifies for the exemption within 30 days after receipt of a written notice requesting the exemption. No activity under this exemption shall commence until the district or department has provided written notice that the activity qualifies exemption. This exemption may not be used to establish a mitigation bank or regional offsite mitigation area under s. 373.4135 or s. 373.4136. Section 2. This act shall take effect July 1, 2024.

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