

By Senator Dockery

15-1344-05

See HB 759

1   A bill to be entitled

2           An act relating to environmental permitting

3           programs; creating s. 373.4143, F.S.; providing

4           legislative intent; creating s. 373.4144, F.S.;

5           providing for the consolidation of federal and

6           state wetland permitting programs; providing

7           duties of the Department of Environmental

8           Protection; requiring a report to the

9           Legislature and coordination with the Florida

10          Congressional Delegation; providing an

11          effective date.

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13                WHEREAS, the Legislature recognizes that consolidation

14          of existing federal and state permitting associated with

15          wetlands and navigable waters is in the public interest by

16          eliminating unnecessary duplication and reducing subjective

17          and potentially inconsistent permitting decisions, and

18                WHEREAS, the Legislature further recognizes that

19          consolidation of federal and state wetland and navigable

20          waters permitting would reduce the substantial costs to both

21          public and private sectors, provide a more efficient delivery

22          of government services, and avoid protracted processing delays

23          while maintaining the federal and state protection afforded to

24          Florida's natural resources, NOW, THEREFORE,

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

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28                Section 1.   Section 373.4143, Florida Statutes, is

29          created to read:

30                373.4143 Declaration of policy.--It is the policy of

31          the Legislature that the state provide efficient government

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

1 services by consolidating, to the maximum extent practicable,  
2 federal and state permitting associated with wetlands and  
3 navigable waters within the state.

4 Section 2. Section 373.4144, Florida Statutes, is  
5 created to read:

6 373.4144 Federal environmental permitting.--

7 (1) The department is directed to develop, on or  
8 before October 1, 2005, a mechanism or plan to consolidate, to  
9 the maximum extent practicable, the federal and state wetland  
10 permitting programs. It is the intent of the Legislature that  
11 all dredge and fill activities impacting 10 acres or less of  
12 wetlands or waters, including navigable waters, be processed  
13 by the state as part of the environmental resource permitting  
14 program implemented by the department and the water management  
15 districts. The resulting mechanism or plan shall analyze and  
16 propose the development of an expanded state programmatic  
17 general permit program in conjunction with the United States  
18 Army Corps of Engineers pursuant to s. 404 of the Clean Water  
19 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et  
20 seq., and s. 10 of the Rivers and Harbors Act of 1899.  
21 Alternatively, or in combination with an expanded state  
22 programmatic general permit, the mechanism or plan may propose  
23 the creation of a series of regional general permits issued by  
24 the United States Army Corps of Engineers pursuant to the  
25 referenced statutes. It is intended that the expansion of the  
26 state programmatic general permit program or the creation of a  
27 series of regional general permits provide the exclusive  
28 federal and state regulation of all dredge and fill activities  
29 impacting 10 acres or less of wetlands or waters, including  
30 navigable waters, within the state. All of the regional

1 general permits must be administered by the department or the  
2 water management districts.

3 (2) The department is directed to file with the  
4 Speaker of the House of Representatives and the President of  
5 the Senate a report proposing any required federal and state  
6 statutory changes that would be necessary to accomplish the  
7 directives listed in this section and to coordinate with the  
8 Florida Congressional Delegation on any necessary changes to  
9 federal law to implement the directives.

10 (3) Nothing in this section shall be construed to  
11 preclude the department from pursuing complete assumption of  
12 federal permitting programs regulating the discharge of  
13 dredged or fill material pursuant to s. 404 of the Clean Water  
14 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et  
15 seq., and s. 10 of the Rivers and Harbors Act of 1899, so long  
16 as the assumption encompasses all dredge and fill activities  
17 in, on, or over jurisdictional wetlands or waters, including  
18 navigable waters, within the state.

19 Section 3. This act shall take effect upon becoming a  
20 law.

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