

1 A bill to be entitled
 2 An act relating to environmental permitting programs;
 3 creating s. 373.4143, F.S.; providing legislative intent;
 4 creating s. 373.4144, F.S.; providing for the
 5 consolidation of federal and state wetland permitting
 6 programs; providing duties of the Department of
 7 Environmental Protection; requiring a report to the
 8 Legislature and coordination with the Florida
 9 Congressional Delegation; providing an effective date.

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 11 WHEREAS, the Legislature recognizes that consolidation of
 12 existing federal and state permitting associated with wetlands
 13 and navigable waters is in the public interest by eliminating
 14 unnecessary duplication and reducing subjective and potentially
 15 inconsistent permitting decisions, and

16 WHEREAS, the Legislature further recognizes that
 17 consolidation of federal and state wetland and navigable waters
 18 permitting would reduce the substantial costs to both public and
 19 private sectors, provide a more efficient delivery of government
 20 services, and avoid protracted processing delays while
 21 maintaining the federal and state protection afforded to
 22 Florida's natural resources, NOW, THEREFORE,

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

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 26 Section 1. Section 373.4143, Florida Statutes, is created
 27 to read:

28 373.4143 Declaration of policy.--It is the policy of the
 29 Legislature that the state provide efficient government services
 30 by consolidating, to the maximum extent practicable, federal and
 31 state permitting associated with wetlands and navigable waters
 32 within the state.

33 Section 2. Section 373.4144, Florida Statutes, is created
 34 to read:

35 373.4144 Federal environmental permitting.--

36 (1) The department is directed to develop, on or before
 37 October 1, 2005, a mechanism or plan to consolidate, to the
 38 maximum extent practicable, the federal and state wetland
 39 permitting programs. It is the intent of the Legislature that
 40 all dredge and fill activities impacting 10 acres or less of
 41 wetlands or waters, including navigable waters, be processed by
 42 the state as part of the environmental resource permitting
 43 program implemented by the department and the water management
 44 districts. The resulting mechanism or plan shall analyze and
 45 propose the development of an expanded state programmatic
 46 general permit program in conjunction with the United States
 47 Army Corps of Engineers pursuant to s. 404 of the Clean Water
 48 Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,
 49 and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,
 50 or in combination with an expanded state programmatic general
 51 permit, the mechanism or plan may propose the creation of a
 52 series of regional general permits issued by the United States
 53 Army Corps of Engineers pursuant to the referenced statutes. It
 54 is intended that the expansion of the state programmatic general
 55 permit program or the creation of a series of regional general

56 permits provide the exclusive federal and state regulation of
57 all dredge and fill activities impacting 10 acres or less of
58 wetlands or waters, including navigable waters, within the
59 state. All of the regional general permits must be administered
60 by the department or the water management districts.

61 (2) The department is directed to file with the Speaker of
62 the House of Representatives and the President of the Senate a
63 report proposing any required federal and state statutory
64 changes that would be necessary to accomplish the directives
65 listed in this section and to coordinate with the Florida
66 Congressional Delegation on any necessary changes to federal law
67 to implement the directives.

68 (3) Nothing in this section shall be construed to preclude
69 the department from pursuing complete assumption of federal
70 permitting programs regulating the discharge of dredged or fill
71 material pursuant to s. 404 of the Clean Water Act, Pub. L. No.
72 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the
73 Rivers and Harbors Act of 1899, so long as the assumption
74 encompasses all dredge and fill activities in, on, or over
75 jurisdictional wetlands or waters, including navigable waters,
76 within the state.

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