

1 F.S.; removing provisions requiring the
2 Department of Environmental Protection to
3 develop a mechanism consolidating federal and
4 state wetland permitting programs; authorizing
5 implementation of a statewide programmatic
6 general permit by the department and water
7 management districts for certain dredge and
8 fill activities; specifying conditions
9 applicable to such permit; authorizing the
10 department to adopt rules and apply program
11 criteria; amending s. 373.4211, F.S.; revising
12 provisions concerning the vegetative index used
13 to delineate the landward extent of wetlands
14 and surface waters; providing a definition;
15 providing for permit modification under certain
16 circumstances; providing for certain
17 declaratory statements from the department;
18 providing exemptions for certain permit
19 petitions and applications relating to
20 specified activities; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (2), (3), (4) and (10) of
26 section 259.105, Florida Statutes, are amended to read:

27 259.105 The Florida Forever Act.--

28 (2)(a) The Legislature finds and declares that:

29 1. The Preservation 2000 program provided tremendous
30 financial resources for purchasing environmentally significant
31 lands to protect those lands from imminent development,

1 | thereby assuring present and future generations access to
2 | important open spaces and recreation and conservation lands.

3 | 2. The continued alteration and development of
4 | Florida's natural areas to accommodate the state's rapidly
5 | growing population have contributed to the degradation of
6 | water resources, the fragmentation and destruction of wildlife
7 | habitats, the loss of outdoor recreation space, and the
8 | diminishment of wetlands, forests, and public beaches.

9 | 3. The potential development of Florida's remaining
10 | natural areas and escalation of land values require a
11 | continuation of government efforts to restore, bring under
12 | public protection, or acquire lands and water areas to
13 | preserve the state's invaluable quality of life.

14 | 4. Florida's groundwater, surface waters, and springs
15 | are under tremendous pressure due to population growth and
16 | economic expansion and require special protection and
17 | restoration efforts. To ensure that sufficient quantities of
18 | water are available to meet the current and future needs of
19 | the natural systems and citizens of the state, and assist in
20 | achieving the planning goals of the department and the water
21 | management districts, water resource development projects on
22 | public lands, where compatible with the resource values of and
23 | management objectives for the lands, are appropriate.

24 | 5. The needs of urban Florida for high-quality outdoor
25 | recreational opportunities, greenways, trails, and open space
26 | have not been fully met by previous acquisition programs.
27 | Through such programs as the Florida Communities Trust and the
28 | Florida Recreation Development Assistance Program, the state
29 | shall place additional emphasis on acquiring, protecting,
30 | preserving, and restoring open space, greenways, and
31 | recreation properties within urban areas where pristine

1 natural communities or water bodies no longer exist because of
2 the proximity of developed property.

3 6. Many of Florida's unique ecosystems, such as the
4 Florida Everglades, are facing ecological collapse due to
5 Florida's burgeoning population. To preserve these valuable
6 ecosystems for future generations, parcels of land must be
7 acquired to facilitate ecosystem restoration.

8 7. Access to public lands to support a broad range of
9 outdoor recreational opportunities and the development of
10 necessary infrastructure, where compatible with the resource
11 values of and management objectives for such lands, promotes
12 an appreciation for Florida's natural assets and improves the
13 quality of life.

14 8. Acquisition of lands, in fee simple or in any
15 lesser interest, should be based on a comprehensive assessment
16 of Florida's natural resources and planned so as to protect
17 the integrity of ecological systems and provide multiple
18 benefits, including preservation of fish and wildlife habitat,
19 recreation space for urban as well as rural areas, and water
20 recharge.

21 9. The state has embraced performance-based program
22 budgeting as a tool to evaluate the achievements of publicly
23 funded agencies, build in accountability, and reward those
24 agencies which are able to consistently achieve quantifiable
25 goals. While previous and existing state environmental
26 programs have achieved varying degrees of success, few of
27 these programs can be evaluated as to the extent of their
28 achievements, primarily because performance measures,
29 standards, outcomes, and goals were not established at the
30 outset. Therefore, the Florida Forever program shall be
31

1 developed and implemented in the context of measurable state
2 goals and objectives.

3 10. It is the intent of the Legislature to change the
4 focus and direction of the state's major land acquisition
5 programs and to extend funding and bonding capabilities, so
6 that future generations may enjoy the natural resources of
7 Florida.

8 (b) The Legislature recognizes that acquisition is
9 only one way to achieve the aforementioned goals and
10 encourages the development of creative partnerships between
11 governmental agencies and private landowners. Land protection
12 agreements and similar tools should be used, where
13 appropriate, to bring environmentally sensitive tracts under
14 an acceptable level of protection at a lower financial cost to
15 the public, and to provide private landowners with the
16 opportunity to enjoy and benefit from their property.

17 (c) Public agencies or other entities that receive
18 funds under this section are encouraged to better coordinate
19 their expenditures so that project acquisitions, when combined
20 with acquisitions under Preservation 2000, Save Our Rivers,
21 the Florida Communities Trust, and other public land
22 acquisition programs, will form more complete patterns of
23 protection for natural areas and functioning ecosystems, to
24 better accomplish the intent of this section.

25 (d) A long-term financial commitment to managing
26 Florida's public lands must accompany any new land acquisition
27 program to ensure that the natural resource values of such
28 lands are protected, that the public has the opportunity to
29 enjoy the lands to their fullest potential, and that the state
30 achieves the full benefits of its investment of public
31 dollars.

1 (e) With limited dollars available for restoration and
2 acquisition of land and water areas and for providing
3 long-term management and capital improvements, a competitive
4 selection process can select those projects best able to meet
5 the goals of Florida Forever and maximize the efficient use of
6 the program's funding.

7 (f) To ensure success and provide accountability to
8 the citizens of this state, it is the intent of the
9 Legislature that any bond proceeds used pursuant to this
10 section be used to implement the goals and objectives
11 recommended by the Florida Forever Advisory Council as
12 approved by the Board of Trustees of the Internal Improvement
13 Trust Fund and the Legislature.

14 (g) As it has with previous land acquisition programs,
15 the Legislature recognizes the desires of the citizens of this
16 state to prosper through economic development and to preserve
17 the natural areas and recreational open space of Florida. The
18 Legislature further recognizes the urgency of restoring the
19 natural functions of public lands or water bodies before they
20 are degraded to a point where recovery may never occur, yet
21 acknowledges the difficulty of ensuring adequate funding for
22 restoration efforts in light of other equally critical
23 financial needs of the state. It is the Legislature's desire
24 and intent to fund the implementation of this section and to
25 do so in a fiscally responsible manner, by issuing bonds to be
26 repaid with documentary stamp tax revenue.

27 (h) The Legislature further recognizes the importance
28 of state and federal military installations in protecting and
29 preserving the state and its natural resources, and in
30 contributing to the economic prosperity of the state. It is
31 therefore the Legislature's intent that where the goals of the

1 Florida Forever program overlap with the protection needs of
2 military installations, agencies receiving funds under the
3 Florida Forever program shall cooperate with the state's
4 military partners to protect and buffer military
5 installations, including areas identified as clear zones,
6 accident potential zones, air installation compatible use
7 zones, and other buffer zones as delineated by the state's
8 military partners.

9 (3) Less the costs of issuing and the costs of funding
10 reserve accounts and other costs associated with bonds, the
11 proceeds of bonds issued pursuant to this section shall be
12 deposited into the Florida Forever Trust Fund created by s.
13 259.1051. The proceeds shall be distributed by the Department
14 of Environmental Protection in the following manner:

15 (a) Thirty-five percent to the Department of
16 Environmental Protection for the acquisition of lands and
17 capital project expenditures necessary to implement the water
18 management districts' priority lists developed pursuant to s.
19 373.199. The funds are to be distributed to the water
20 management districts as provided in subsection (11). A
21 minimum of 50 percent of the total funds provided over the
22 life of the Florida Forever program pursuant to this paragraph
23 shall be used for the acquisition of lands.

24 (b) Thirty-five percent to the Department of
25 Environmental Protection for the acquisition of lands and
26 capital project expenditures described in this section. Of the
27 proceeds distributed pursuant to this paragraph, it is the
28 intent of the Legislature that an increased priority be given
29 to those acquisitions which achieve a combination of
30 conservation goals, including protecting Florida's water
31 resources and natural groundwater recharge, and those

1 acquisitions that protect and buffer military installations
2 where such needs are delineated by the state's military
3 partners. Capital project expenditures may not exceed 10
4 percent of the funds allocated pursuant to this paragraph.

5 (c) Twenty-two percent to the Department of Community
6 Affairs for use by the Florida Communities Trust for the
7 purposes of part III of chapter 380, as described and limited
8 by this subsection, and grants to local governments or
9 nonprofit environmental organizations that are tax exempt
10 under s. 501(c)(3) of the United States Internal Revenue Code
11 for the acquisition of community-based projects, urban open
12 spaces, parks, and greenways to implement local government
13 comprehensive plans. From funds available to the trust and
14 used for land acquisition, 75 percent shall be matched by
15 local governments on a dollar-for-dollar basis. The
16 Legislature intends that the Florida Communities Trust
17 emphasize funding projects in low-income or otherwise
18 disadvantaged communities. At least 30 percent of the total
19 allocation provided to the trust shall be used in Standard
20 Metropolitan Statistical Areas, but one-half of that amount
21 shall be used in localities in which the project site is
22 located in built-up commercial, industrial, or mixed-use areas
23 and functions to intersperse open spaces within congested
24 urban core areas. From funds allocated to the trust, no less
25 than 5 percent shall be used to acquire lands for recreational
26 trail systems, provided that in the event these funds are not
27 needed for such projects, they will be available for other
28 trust projects. Local governments may use federal grants or
29 loans, private donations, or environmental mitigation funds,
30 including environmental mitigation funds required pursuant to
31 s. 338.250, for any part or all of any local match required

1 | for acquisitions funded through the Florida Communities Trust.
2 | Any lands purchased by nonprofit organizations using funds
3 | allocated under this paragraph must provide for such lands to
4 | remain permanently in public use through a reversion of title
5 | to local or state government, conservation easement, or other
6 | appropriate mechanism. Projects funded with funds allocated
7 | to the Trust shall be selected in a competitive process
8 | measured against criteria adopted in rule by the Trust.

9 | (d) Two percent to the Department of Environmental
10 | Protection for grants to qualified local entities for the
11 | acquisition or development of land for public outdoor
12 | recreation purposes under ~~pursuant to~~ s. 375.075.

13 | (e) One and five-tenths percent to the Department of
14 | Environmental Protection for the purchase of inholdings and
15 | additions to state parks and for capital project expenditures
16 | as described in this section. Capital project expenditures may
17 | not exceed 10 percent of the funds allocated under this
18 | paragraph. For the purposes of this paragraph, "state park"
19 | means any real property in the state which is under the
20 | jurisdiction of the Division of Recreation and Parks of the
21 | department, or which may come under its jurisdiction.

22 | (f) One and five-tenths percent to the Division of
23 | Forestry of the Department of Agriculture and Consumer
24 | Services to fund the acquisition of state forest inholdings
25 | and additions pursuant to s. 589.07, the implementation of
26 | reforestation plans or sustainable forestry management
27 | practices, and for capital project expenditures as described
28 | in this section. Capital project expenditures may not exceed
29 | 10 percent of the funds allocated under this paragraph.

30 | (g) One and five-tenths percent to the Fish and
31 | Wildlife Conservation Commission to fund the acquisition of

1 inholdings and additions to lands managed by the commission
2 which are important to the conservation of fish and wildlife
3 and for capital project expenditures as described in this
4 section. Capital project expenditures may not exceed 10
5 percent of the funds allocated under this paragraph.

6 (h) One and five-tenths percent to the Department of
7 Environmental Protection for the Florida Greenways and Trails
8 Program, to acquire greenways and trails or greenways and
9 trail systems pursuant to chapter 260, including, but not
10 limited to, abandoned railroad rights-of-way and the Florida
11 National Scenic Trail and for capital project expenditures as
12 described in this section. Capital project expenditures may
13 not exceed 10 percent of the funds allocated under this
14 paragraph.

15 (i) It is the intent of the Legislature that proceeds
16 of Florida Forever bonds distributed under this section shall
17 be expended in an efficient and fiscally responsible manner.
18 An agency that receives proceeds from Florida Forever bonds
19 under this section may not maintain a balance of unencumbered
20 funds in its Florida Forever subaccount beyond 3 fiscal years
21 from the date of deposit of funds from each bond issue. Any
22 funds that have not been expended or encumbered after 3 fiscal
23 years from the date of deposit shall be distributed by the
24 Legislature at its next regular session for use in the Florida
25 Forever program.

26 (j) For the purposes of paragraphs (d), (e), (f), and
27 (g), the agencies which receive the funds shall develop their
28 individual acquisition or restoration lists. Proposed
29 additions may be acquired if they are identified within the
30 original project boundary, the management plan required
31 pursuant to s. 253.034(5), or the management prospectus

1 required pursuant to s. 259.032(9)(d). Proposed additions not
2 meeting the requirements of this paragraph shall be submitted
3 to the Acquisition and Restoration Council for approval. The
4 council may only approve the proposed addition if it meets two
5 or more of the following criteria: serves as a link or
6 corridor to other publicly owned property; enhances the
7 protection or management of the property; would add a
8 desirable resource to the property; would create a more
9 manageable boundary configuration; has a high resource value
10 that otherwise would be unprotected; or can be acquired at
11 less than fair market value.

12 (4) It is the intent of the Legislature that projects
13 or acquisitions funded pursuant to paragraphs (3)(a) and (b)
14 contribute to the achievement of the following goals:

15 (a) Enhance the coordination and completion of land
16 acquisition projects, as measured by:

17 1. The number of acres acquired through the state's
18 land acquisition programs that contribute to the completion of
19 Florida Preservation 2000 projects or projects begun before
20 Preservation 2000;

21 2. The number of acres protected through the use of
22 alternatives to fee simple acquisition; or

23 3. The number of shared acquisition projects among
24 Florida Forever funding partners and partners with other
25 funding sources, including local governments and the Federal
26 Government.

27 (b) Increase the protection of Florida's biodiversity
28 at the species, natural community, and landscape levels, as
29 measured by:

30 1. The number of acres acquired of significant
31 strategic habitat conservation areas;

1 2. The number of acres acquired of highest priority
2 conservation areas for Florida's rarest species;

3 3. The number of acres acquired of significant
4 landscapes, landscape linkages, and conservation corridors,
5 giving priority to completing linkages;

6 4. The number of acres acquired of underrepresented
7 native ecosystems;

8 5. The number of landscape-sized protection areas of
9 at least 50,000 acres that exhibit a mosaic of predominantly
10 intact or restorable natural communities established through
11 new acquisition projects or augmentations to previous
12 projects; or

13 6. The percentage increase in the number of
14 occurrences of endangered species, threatened species, or
15 species of special concern on publicly managed conservation
16 areas.

17 (c) Protect, restore, and maintain the quality and
18 natural functions of land, water, and wetland systems of the
19 state, as measured by:

20 1. The number of acres of publicly owned land
21 identified as needing restoration, acres undergoing
22 restoration, and acres with restoration activities completed;

23 2. The percentage of water segments that fully meet,
24 partially meet, or do not meet their designated uses as
25 reported in the Department of Environmental Protection's State
26 Water Quality Assessment 305(b) Report;

27 3. The percentage completion of targeted capital
28 improvements in surface water improvement and management plans
29 created under s. 373.453(2), regional or master stormwater
30 management system plans, or other adopted restoration plans;

31

- 1 4. The number of acres acquired that protect natural
2 floodplain functions;
- 3 5. The number of acres acquired that protect surface
4 waters of the state;
- 5 6. The number of acres identified for acquisition to
6 minimize damage from flooding and the percentage of those
7 acres acquired;
- 8 7. The number of acres acquired that protect fragile
9 coastal resources;
- 10 8. The number of acres of functional wetland systems
11 protected;
- 12 9. The percentage of miles of critically eroding
13 beaches contiguous with public lands that are restored or
14 protected from further erosion;
- 15 10. The percentage of public lakes and rivers in which
16 invasive, nonnative aquatic plants are under maintenance
17 control; or
- 18 11. The number of acres of public conservation lands
19 in which upland invasive, exotic plants are under maintenance
20 control.
- 21 (d) Ensure that sufficient quantities of water are
22 available to meet the current and future needs of natural
23 systems and the citizens of the state, as measured by:
- 24 1. The number of acres acquired which provide
25 retention and storage of surface water in naturally occurring
26 storage areas, such as lakes and wetlands, consistent with the
27 maintenance of water resources or water supplies and
28 consistent with district water supply plans;
- 29 2. The quantity of water made available through the
30 water resource development component of a district water
31

1 | supply plan for which a water management district is
2 | responsible; or
3 | 3. The number of acres acquired of groundwater
4 | recharge areas critical to springs, sinks, aquifers, other
5 | natural systems, or water supply.
6 | (e) Increase natural resource-based public
7 | recreational and educational opportunities, as measured by:
8 | 1. The number of acres acquired that are available for
9 | natural resource-based public recreation or education;
10 | 2. The miles of trails that are available for public
11 | recreation, giving priority to those that provide significant
12 | connections including those that will assist in completing the
13 | Florida National Scenic Trail; or
14 | 3. The number of new resource-based recreation
15 | facilities, by type, made available on public land.
16 | (f) Preserve significant archaeological or historic
17 | sites, as measured by:
18 | 1. The increase in the number of and percentage of
19 | historic and archaeological properties listed in the Florida
20 | Master Site File or National Register of Historic Places which
21 | are protected or preserved for public use; or
22 | 2. The increase in the number and percentage of
23 | historic and archaeological properties that are in state
24 | ownership.
25 | (g) Increase the amount of forestland available for
26 | sustainable management of natural resources, as measured by:
27 | 1. The number of acres acquired that are available for
28 | sustainable forest management;
29 | 2. The number of acres of state-owned forestland
30 | managed for economic return in accordance with current best
31 | management practices;

1 3. The number of acres of forestland acquired that
2 will serve to maintain natural groundwater recharge functions;
3 or

4 4. The percentage and number of acres identified for
5 restoration actually restored by reforestation.

6 (h) Increase the amount of open space available in
7 urban areas, as measured by:

8 1. The percentage of local governments that
9 participate in land acquisition programs and acquire open
10 space in urban cores; or

11 2. The percentage and number of acres of purchases of
12 open space within urban service areas.

13 (i) Recognize the importance of the role military
14 installations play in protecting and preserving the state's
15 natural resources, as measured by the percentage and number of
16 acres acquired to protect and buffer military installations.

17
18 Florida Forever projects and acquisitions funded pursuant to
19 paragraph (3)(c) shall be measured by goals developed by rule
20 by the Florida Communities Trust Governing Board created in s.
21 380.504.

22 (10) The Acquisition and Restoration Council shall
23 give increased priority to those projects for which matching
24 funds are available and to project elements previously
25 identified on an acquisition list pursuant to this section
26 that can be acquired at 80 percent or less of appraised value.
27 Where the goals of the Florida Forever program overlap with
28 the protection needs of military installations, the council
29 shall give increased priority to projects that protect and
30 buffer military installations and areas identified as clear
31 zones, accident potential zones, air installation compatible

1 use zones, or other buffer zones delineated by the state's
2 military partners.

3 Section 2. Paragraphs (c) and (e) of subsection (3) of
4 section 373.1961, Florida Statutes, are amended to read:

5 373.1961 Water production; general powers and duties;
6 identification of needs; funding criteria; economic
7 incentives; reuse funding.--

8 (3) FUNDING.--

9 (c) The financial assistance for alternative water
10 supply projects allocated in each district's budget as
11 required in s. 373.196(6) shall be combined with the state
12 funds and used to assist in funding the project construction
13 costs of alternative water supply projects selected by the
14 governing board. If a district has determined that a regional
15 water supply plan is not necessary, if the district has not
16 completed any regional water supply plan, or if the regional
17 water supply plan does not identify the need for any
18 alternative water supply projects, funds deposited in that
19 district's trust fund may also be used for water resource
20 development projects, including, but not limited to, springs
21 protection.

22 (e) Applicants for projects that may receive funding
23 assistance pursuant to the Water Protection and Sustainability
24 Program shall, at a minimum, be required to pay 60 percent of
25 the project's construction costs. The water management
26 districts may, at their discretion, totally or partially waive
27 this requirement for projects sponsored by financially
28 disadvantaged small local governments as defined in s.
29 403.885(4). The water management districts or basin boards
30 may, at their discretion, use ad valorem or federal revenues
31 to assist a project applicant in meeting the requirements of

1 | this paragraph. However, the state's share of financial
2 | assistance for project construction may not exceed 20 percent
3 | of the total project construction costs.

4 | Section 3. Subsection (2) of section 373.459, Florida
5 | Statutes, is amended to read:

6 | 373.459 Funds for surface water improvement and
7 | management.--

8 | (2) An entity that receives state funding for the
9 | implementation of programs specified in ss. 373.451-373.459,
10 | including a water management district except for the Suwannee
11 | River Water Management District, the Northwest Florida Water
12 | Management District, or financially disadvantaged small local
13 | governments as defined under s. 403.885(5), federal, local, or
14 | regional agency, university, or nonprofit or private
15 | organization, shall provide a 50-percent match of cash or
16 | in-kind services towards the implementation of the specific
17 | project for which it is contracting.

18 | Section 4. Subsection (9) of section 373.59, Florida
19 | Statutes, is amended to read:

20 | 373.59 Water Management Lands Trust Fund.--

21 | (9) Moneys in the fund not needed to meet current
22 | obligations incurred under this section shall be transferred
23 | to the Water Protection and Sustainability Program Trust Fund
24 | in the Department of Environmental Protection and shall
25 | supplement revenues transferred from the Department of Revenue
26 | for deposit into the Water Protection and Sustainability
27 | Program Trust Fund to be distributed by the Department of
28 | Environmental Protection to the water management districts to
29 | provide funding assistance for the development of alternative
30 | water supplies as provided in s. 373.1961. State Board of
31 | ~~Administration, to the credit of the fund, to be invested in~~

1 ~~the manner provided by law. Interest received on such~~
2 ~~investments shall be credited to the fund.~~

3 Section 5. Subsection (1) of section 403.891, Florida
4 Statutes, is amended to read:

5 403.891 Water Protection and Sustainability Program
6 Trust Fund of the Department of Environmental Protection.--

7 (1) The Water Protection and Sustainability Program
8 Trust Fund is created within the Department of Environmental
9 Protection. The purpose of the trust fund is to receive funds
10 pursuant to s. 201.15(1)(d)2., funds as provided under s.
11 373.59(9), funds from other sources provided for in law and
12 the General Appropriations Act, and funds received by the
13 department in order to implement the provisions of the Water
14 Sustainability and Protection Program created in s. 403.890.
15 However, funds transferred from the Water Management Lands
16 Trust under s. 373.59(9) may fund only alternative water
17 supply projects under s. 373.1961.

18 Section 6. Subsection (1) of section 373.4144, Florida
19 Statutes, is amended to read:

20 373.4144 Federal environmental permitting.--

21 (1) In order to effectuate efficient wetland
22 permitting and avoid duplication, the department and water
23 management districts are authorized to implement a voluntary
24 statewide programmatic general permit for all dredge and fill
25 activities impacting 10 acres or less of wetlands or other
26 surface waters, including navigable waters, subject to
27 agreement with the United States Army Corps of Engineers in
28 accordance with the following conditions:

29 (a) By seeking to use the statewide programmatic
30 general permit authorized by this section, an applicant
31 consents to the department or district applying the

1 landward-most delineation of wetlands or other surface waters
2 applicable pursuant to this part or the regulations
3 implementing s. 404 of the Clean Water Act, Pub. L. No.
4 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of
5 the Rivers and Harbors Act of 1899. In the implementation of
6 the 1987 Corps of Engineers Wetlands Manual Technical Report
7 (87-1), the department or district shall equate high organic
8 matter in the surface horizon in accordance with the National
9 Resource Conservation Service indications for hydric soils
10 approved for use in this state. The department shall ensure
11 statewide coordination and consistency in the delineation of
12 surface waters and wetlands, pursuant to the statewide
13 programmatic general permit authorized by this part, by
14 providing training and guidance to the department and
15 districts in the implementation of such permit.

16 (b) By seeking to use the statewide programmatic
17 general permit authorized by this subsection an applicant
18 consents to applicable substantive federal wetland regulatory
19 criteria, which are not included pursuant to this part, but
20 which are authorized by the regulation implementing s. 404 of
21 the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C.
22 ss. 1251 et seq., and s. 10 of the Rivers and Harbors Act of
23 1899 as required by the Corps of Engineers, notwithstanding
24 the provisions of s. 373.4145 and for the limited purposes of
25 implementing the statewide programmatic general permit
26 authorized by this section. ~~The department is directed to~~
27 ~~develop, on or before October 1, 2005, a mechanism or plan to~~
28 ~~consolidate, to the maximum extent practicable, the federal~~
29 ~~and state wetland permitting programs. It is the intent of the~~
30 ~~Legislature that all dredge and fill activities impacting 10~~
31 ~~acres or less of wetlands or waters, including navigable~~

1 | ~~waters, be processed by the state as part of the environmental~~
2 | ~~resource permitting program implemented by the department and~~
3 | ~~the water management districts. The resulting mechanism or~~
4 | ~~plan shall analyze and propose the development of an expanded~~
5 | ~~state programmatic general permit program in conjunction with~~
6 | ~~the United States Army Corps of Engineers pursuant to s. 404~~
7 | ~~of the Clean Water Act, Pub. L. No. 92-500, as amended, 33~~
8 | ~~U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors~~
9 | ~~Act of 1899. Alternatively, or in combination with an expanded~~
10 | ~~state programmatic general permit, the mechanism or plan may~~
11 | ~~propose the creation of a series of regional general permits~~
12 | ~~issued by the United States Army Corps of Engineers pursuant~~
13 | ~~to the referenced statutes. All of the regional general~~
14 | ~~permits must be administered by the department or the water~~
15 | ~~management districts or their designees.~~

16 | Section 7. Subsection (19) of section 373.4211,
17 | Florida Statutes, is amended to read:

18 | 373.4211 Ratification of chapter 17-340, Florida
19 | Administrative Code, on the delineation of the landward extent
20 | of wetlands and surface waters.--Pursuant to s. 373.421, the
21 | Legislature ratifies chapter 17-340, Florida Administrative
22 | Code, approved on January 13, 1994, by the Environmental
23 | Regulation Commission, with the following changes:

24 | (19)(a) Rule 17-340.450(3) is amended by adding, after
25 | the species list, the following language:

26 | "Within Monroe County and the Key Largo portion of Dade
27 | County only, the following species shall be listed as
28 | facultative: *Alternanthera paronychioides*, *Byrsonima lucida*,
29 | *Ernodea littoralis*, *Guapira discolor*, *Marnilkara bahamensis*,
30 | *Pisonis rotundata*, *Pithecellobium keyensis*, *Pithecellobium*

31 |

1 unquis-cati, Randia aculeata, Reynosia septentrionalis, and
2 Thrinax radiata."

3 (b) The vegetative index used to identify and
4 delineate wetlands is modified such that slash pine (pinus
5 elliotti) and gallberry (Ilex glabral) are classified as
6 facultative and thus added to the list in rule 62-340.450(3),
7 Florida Administrative Code.

8 (c) Surface water and wetland delineations identified
9 and approved by a permit issued under rules adopted pursuant
10 to this part prior to the effective date of the statewide
11 programmatic general permit authorized by s. 373.4144(1) shall
12 remain valid until expiration of such permit, notwithstanding
13 the changes to rule 62-340.450(3), Florida Administrative
14 Code, as described in this subsection. For purposes of this
15 paragraph, the term "identified and approved" means:

16 1. The delineation was field-verified by the
17 permitting agency and such verification was surveyed as part
18 of the application review process for the permit; or

19 2. The delineation was field-verified by the
20 permitting agency and approved pursuant to the permit.

21
22 Where surface water and wetland delineations were not
23 identified and approved pursuant to the permit issued under
24 rules adopted pursuant to this part, delineations within the
25 geographical area to which such permit applies shall be
26 determined pursuant to the rules applicable at the time the
27 permit was issued, notwithstanding the changes to rule
28 62-340.450(3), Florida Administrative Code, as described in
29 this subsection. This paragraph shall also apply to any
30 modification of the permit issued under rules adopted pursuant
31 to this part, which does not constitute a substantial

1 modification, within the geographical area to which the permit
2 applies.

3 (d) Any declaratory statement issued by the department
4 under s. 403.914, 1984 Supplement to the Florida Statutes
5 1983, as amended, pursuant to rules adopted thereunder, or by
6 the department or a water management district under s.
7 373.421, in response to a petition filed on or before the
8 effective date of the statewide programmatic general permit
9 authorized by s. 373.4144(1), shall continue to be valid for
10 the duration of such declaratory statement. Any such petition
11 pending on or before the effective date of the statewide
12 programmatic general permit authorized by s. 373.4144(1),
13 shall be exempt from the changes to rule 62-340.450(3),
14 Florida Administrative Code, as described in this subsection,
15 and shall be subject to the provisions of chapter 62-340,
16 Florida Administrative Code, in effect prior to such change.
17 Activities proposed within the boundaries of a valid
18 declaratory statement issued pursuant to a petition submitted
19 to either the department or the relevant water management
20 district on or before the effective date of the statewide
21 programmatic general permit authorized by s. 373.4144(1), or a
22 revalidated jurisdictional determination prior to its
23 expiration, shall continue thereafter to be exempt from the
24 changes to rule 62-340.450(3), Florida Administrative Code, as
25 described in this subsection.

26 (e) A permit application under this part for dredging
27 and filling or other activity which is pending on or before
28 the effective date of the statewide programmatic general
29 permit authorized by s. 373.4144(1) shall be exempt from the
30 changes to rule 62-340.450(3), Florida Administrative Code, as
31 described in this subsection.

1 (f) Activities associated with mining operations as
2 defined by and subject to ss. 378.201-378.212 and
3 378.701-378.703 and included in a conceptual reclamation plan
4 or modification application submitted on or before the
5 effective date of the statewide programmatic general permit
6 authorized by s. 373.4144(1) shall be exempt from changes to
7 rule 62-340.450(3), Florida Administrative Code, as described
8 in this subsection.

9 Section 8. This act shall take effect upon becoming a
10 law.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 2544

15 The committee substitute deletes provisions authorizing the
16 acceleration of the Florida Forever program and revises the
17 program to require that priority consideration be given to the
18 acquisition of lands that protect and buffer military
19 installations. Clarifying revisions are made to the state's
20 alternative water supply program, and matching fund
21 requirements for the surface water improvement and management
22 program are revised to provide an exemption for the Suwannee
23 River and Northwest Florida Water Management Districts, and
24 financially disadvantaged small local governments.

25 The Department of Environmental Protection and the water
26 management districts are required to implement a statewide
27 voluntary general programmatic permit for dredge and fill
28 activities impacting 10 acres or less of wetlands or waters,
29 including navigable waters, with the consent of the U.S. Army
30 Corps of Engineers. A rule modification to change slash pine
31 and gallberry from upland indicators to facultative indicators
for wetlands delineation is ratified. Exemptions from the
rule modification are provided.