

HB 4123

2012

1                                   A bill to be entitled  
2       An act relating to federal environmental permitting;  
3       amending s. 373.4144, F.S.; repealing provisions  
4       directing the Department of Environmental Protection  
5       to file specified reports with the Speaker of the  
6       House of Representatives and the President of the  
7       Senate and to coordinate with the Florida  
8       Congressional Delegation on certain matters; providing  
9       an effective date.

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

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13           Section 1.   Section 373.4144, Florida Statutes, is amended  
14   to read:

15           373.4144   Federal environmental permitting.—

16           (1)   The department is directed to develop, on or before  
17   October 1, 2005, a mechanism or plan to consolidate, to the  
18   maximum extent practicable, the federal and state wetland  
19   permitting programs. It is the intent of the Legislature that  
20   all dredge and fill activities impacting 10 acres or less of  
21   wetlands or waters, including navigable waters, be processed by  
22   the state as part of the environmental resource permitting  
23   program implemented by the department and the water management  
24   districts. The resulting mechanism or plan shall analyze and  
25   propose the development of an expanded state programmatic  
26   general permit program in conjunction with the United States  
27   Army Corps of Engineers pursuant to s. 404 of the Clean Water  
28   Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq.,

HB 4123

2012

29 | and s. 10 of the Rivers and Harbors Act of 1899. Alternatively,  
30 | or in combination with an expanded state programmatic general  
31 | permit, the mechanism or plan may propose the creation of a  
32 | series of regional general permits issued by the United States  
33 | Army Corps of Engineers pursuant to the referenced statutes. All  
34 | of the regional general permits must be administered by the  
35 | department or the water management districts or their designees.

36 | ~~(2) The department is directed to file with the Speaker of~~  
37 | ~~the House of Representatives and the President of the Senate a~~  
38 | ~~report proposing any required federal and state statutory~~  
39 | ~~changes that would be necessary to accomplish the directives~~  
40 | ~~listed in this section and to coordinate with the Florida~~  
41 | ~~Congressional Delegation on any necessary changes to federal law~~  
42 | ~~to implement the directives.~~

43 | ~~(2)(3)~~ Nothing in This section ~~does not shall be construed~~  
44 | ~~to~~ preclude the department from pursuing complete assumption of  
45 | federal permitting programs regulating the discharge of dredged  
46 | or fill material pursuant to s. 404 of the Clean Water Act, Pub.  
47 | L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10  
48 | of the Rivers and Harbors Act of 1899, so long as the assumption  
49 | encompasses all dredge and fill activities in, on, or over  
50 | jurisdictional wetlands or waters, including navigable waters,  
51 | within the state.

52 | Section 2. This act shall take effect July 1, 2012.