

ENROLLED
HB 4123

2012 Legislature

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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.,

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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.