

By Senator Diaz de la Portilla

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1 A bill to be entitled
2 An act relating to dredge and fill activities;
3 amending s. 373.4144, F.S.; revising the acreage of
4 wetlands and other surface waters subject to impact by
5 dredge and fill activities under a state programmatic
6 general permit; providing that seeking to use such a
7 permit consents to specified federal wetland
8 jurisdiction criteria; authorizing the Department of
9 Environmental Protection to delegate federal
10 permitting programs for the discharge of dredged or
11 fill material under certain conditions; providing an
12 effective date.

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

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16 Section 1. Subsections (2) and (3) of section 373.4144,
17 Florida Statutes, are amended to read:

18 373.4144 Federal environmental permitting.—

19 (2) (a) In order to effectuate efficient wetland permitting
20 and avoid duplication, the department and water management
21 districts are authorized to implement a voluntary state
22 programmatic general permit for all dredge and fill activities
23 impacting 10 ~~3~~ acres or less of wetlands or other surface
24 waters, including navigable waters, subject to agreement with
25 the United States Army Corps of Engineers, if the general permit
26 is at least as protective of the environment and natural
27 resources as existing state law under this part and federal law
28 under the Clean Water Act and the Rivers and Harbors Act of
29 1899.

30 (b) By seeking to use a statewide programmatic general
31 permit, an applicant consents to applicable federal wetland
32 jurisdiction criteria, which are not included pursuant to this

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33 part, but which are authorized by the regulations implementing
34 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,
35 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors
36 Act of 1899 as required by the United States Army Corps of
37 Engineers, notwithstanding s. 373.4145 and for the limited
38 purpose of implementing the state programmatic general permit
39 authorized by this subsection.

40 (3) The department may pursue ~~This section may not preclude~~
41 ~~the department from pursuing~~ a series of regional general
42 permits for construction activities in wetlands or surface
43 waters or delegation or ~~complete~~ assumption of federal
44 permitting programs regulating the discharge of dredged or fill
45 material pursuant to s. 404 of the Clean Water Act, Pub. L. No.
46 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the
47 Rivers and Harbors Act of 1899, so long as the delegation or
48 assumption encompasses all dredge and fill activities in, on, or
49 over jurisdictional wetlands or waters, including navigable
50 waters, within the state.

51 Section 2. This act shall take effect upon becoming a law.