

**By** the Committee on Environmental Preservation and Conservation;  
and Senator Diaz de la Portilla

592-02667-16

20161176c1

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; deleting certain conditions limiting  
12 when the department may assume federal permitting  
13 programs for the discharge of dredged or fill  
14 material; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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

20 373.4144 Federal environmental permitting.—

21 (2) (a) In order to effectuate efficient wetland permitting  
22 and avoid duplication, the department and water management  
23 districts are authorized to implement a voluntary state  
24 programmatic general permit for all dredge and fill activities  
25 impacting 10 ~~3~~ acres or less of wetlands or other surface  
26 waters, including navigable waters, subject to agreement with  
27 the United States Army Corps of Engineers, if the general permit  
28 is at least as protective of the environment and natural  
29 resources as existing state law under this part and federal law  
30 under the Clean Water Act and the Rivers and Harbors Act of  
31 1899.

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32       (b) By seeking to use a statewide programmatic general  
33 permit, an applicant consents to applicable federal wetland  
34 jurisdiction criteria, which are not included pursuant to this  
35 part, but which are authorized by the regulations implementing  
36 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,  
37 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors  
38 Act of 1899 as required by the United States Army Corps of  
39 Engineers, notwithstanding s. 373.4145 and for the limited  
40 purpose of implementing the state programmatic general permit  
41 authorized by this subsection.

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

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