

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; deleting a
12 condition for certain dredge and fill activities;
13 providing an effective date.

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

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

19 373.4144 Federal environmental permitting.—

20 (2) (a) In order to effectuate efficient wetland permitting
21 and avoid duplication, the department and water management
22 districts are authorized to implement a voluntary state
23 programmatic general permit for all dredge and fill activities
24 impacting 10 ~~3~~ acres or less of wetlands or other surface
25 waters, including navigable waters, subject to agreement with
26 the United States Army Corps of Engineers, if the general permit

27 is at least as protective of the environment and natural
 28 resources as existing state law under this part and federal law
 29 under the Clean Water Act and the Rivers and Harbors Act of
 30 1899.

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

41 (3) The department may pursue ~~This section may not~~
 42 ~~preclude the department from pursuing~~ a series of regional
 43 general permits for construction activities in wetlands or
 44 surface waters or delegation or ~~complete~~ assumption of federal
 45 permitting programs regulating the discharge of dredged or fill
 46 material pursuant to s. 404 of the Clean Water Act, Pub. L. No.
 47 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the
 48 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 upon becoming a law.