

CHAPTER 2012-114

House Bill No. 4123

An act relating to federal environmental permitting; amending s. 373.4144, F.S.; repealing provisions directing the Department of Environmental Protection to file specified reports with the Speaker of the House of Representatives and the President of the Senate and to coordinate with the Florida Congressional Delegation on certain matters; providing an effective date.

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

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

373.4144 Federal environmental permitting.—

(1) The department is directed to develop, on or before October 1, 2005, a mechanism or plan to consolidate, to the maximum extent practicable, the federal and state wetland permitting programs. It is the intent of the Legislature that all dredge and fill activities impacting 10 acres or less of wetlands or waters, including navigable waters, be processed by the state as part of the environmental resource permitting program implemented by the department and the water management districts. The resulting mechanism or plan shall analyze and propose the development of an expanded state programmatic general permit program in conjunction with the United States Army Corps of Engineers pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors Act of 1899. Alternatively, or in combination with an expanded state programmatic general permit, the mechanism or plan may propose the creation of a series of regional general permits issued by the United States Army Corps of Engineers pursuant to the referenced statutes. All of the regional general permits must be administered by the department or the water management districts or their designees.

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

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

jurisdictional wetlands or waters, including navigable waters, within the state.

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

Approved by the Governor April 13, 2012.

Filed in Office Secretary of State April 13, 2012.