

Frequently Asked Question



Constructing a Single-Family Residence

In Florida, many of the platted subdivisions were created before the current laws were passed that address stormwater treatment, flood control and wetland protection. Even though a parcel is within a platted subdivision, it may include wetlands that fall under DEP permitting regulations.

Do I need a permit from the Department of Environmental Protection for my project?

A **permit** from the Department is required for any project located in, on, over wetlands or other surface waters.

A **verification of exemption** can be obtained if your project is **not** likely located in, on, over wetlands, and a local government and municipality is requesting a review by the Department.

How are wetlands identified?

Soils, hydrology (water patterns) and plants are used to identify wetlands. The Department's procedure is explained in Chapter 62-340 of the Florida Administrative Code, under "Delineation of the Landward Extent of Wetlands and Surface Waters."

Wetlands are typically found along shorelines (floodplains, tidal marshes, etc.), in depressions (cypress domes, freshwater marshes, etc.) and at groundwater upwellings (springs, seepage slopes, etc.).

How do I know if wetlands are on my property?

A professional environmental consultant can assist you in determining whether or not your property or project area contains wetlands. Ask your building consultant or contractor if they can determine the extent of wetlands as defined by Florida Administrative Code, Chapter 62-340.

The project could be in a wetland if the Onsite Sewage Treatment & Disposal System (OSTDS) drain field is required by the Department of Health to be elevated due to a high water table, or saturated or hydric soils.

It may be difficult to recognize wetland during dry periods or dry season because some wetlands have standing water for only part of the year or some will have no standing water. Additionally, it may be difficult to recognize a wetland based on the presence of common plants or trees typically associated with uplands (non-wetland areas). For example, the presence of pine trees or oak trees cannot be used alone to determine if you have a wetland or not.

PERMIT APPLICATION

The permit application process can be completed electronically here: <http://www.fldepportal.com/DepPortal/go/apply-build/>

Select "Individual or Conceptual Approval Environmental Resource Permit"

Alternately, the permit application forms can be completed and emailed to:
SED_Permitting@floridadep.gov

Section A and B of the application forms are required and are available here:

<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

VERIFICATION OF EXEMPTION

The exemption application process can be completed electronically here: <http://www.fldepportal.com/DepPortal/go/apply-build/>

Select "Request for Verification of ERP Exemption"

Alternately, the application forms can be completed and emailed to:
SED_Permitting@floridadep.gov

Request for Verification of an Exemption Form:
<https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

What information do I include with my application forms?

- Project Drawings (plan view and cross-sections)
- Construction methodology and description of best management practices
- Mitigation proposal for activities affecting wetlands or surface waters
- Application processing fee (this can be paid online during the electronic submittal process or electronically after submittal of your forms to the Department)

Additional Information about what to include on your drawings and with your application package can be found here:

[http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp508/mergedProjects/erphelp/Dredge and Fill.pdf](http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp508/mergedProjects/erphelp/Dredge%20and%20Fill.pdf)

A sample project drawing can be found here:

[http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp508/mergedProjects/erphelp/Single Family Package.pdf](http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp508/mergedProjects/erphelp/Single%20Family%20Package.pdf)

What happens if I build my project in wetlands without a DEP permit?

Dredging or filling in wetlands or surface waters without a permit from DEP is a violation of Sections 373.430(1)(b) and 403.161(1)(b) Florida Statutes. The DEP may require complete restoration of the unpermitted activity and can seek monetary fines of up to \$10,000 per violation per day. Additionally, other local, state and federal agencies may assess their own penalties and fines. **The contractor or agent of the owner can also be held accountable for violations of these Florida Statutes.**

MORE INFORMATION

A pre-application meeting can be scheduled to discuss your project in further detail with Department staff. Please visit our website for more information on scheduling: <https://floridadep.gov/south/sd-permitting>

Additional Online Department Resources:

ERP Online Help

<http://publicfiles.dep.state.fl.us/dwrm/slerp/erphelp/index.htm>

YouTube Videos

[Wetland Guidance – Where do I start? How do I know if I have wetlands?](#)

[Wetland Guidance – Mitigation](#)

[Wetland Guidance – Elimination and Reduction of Impacts](#)

A permit to construct in wetlands may be needed from the U.S. Army Corps of Engineers. For more information:

<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>

A permit may be needed from your local government. Please contact your county building permit/inspection office for more information.

FAST FACTS

Benefits of Wetlands:

- Flood control
- Improve water quality
- Provide habitat for wildlife
- Protect wildlife species
- Support commercial fishing, tourism, and recreation industry
- Erosion control

