

1 A bill to be entitled
2 An act relating to environmental protection;
3 amending s. 373.4137, F.S.; requiring ongoing
4 annual submissions, to the Department of
5 Environmental Protection and water management
6 districts, by the Department of Transportation
7 of its adopted work program and inventory of
8 impacted habitats; authorizing inclusion of
9 habitat impacts of future transportation
10 projects; providing activities associated with
11 development of mitigation plans; requiring
12 water management districts to consult with
13 entities operating mitigation banks when
14 developing mitigation plans; providing that a
15 water management district's preliminary
16 approval of a mitigation plan does not
17 constitute a decision affecting substantial
18 interests; requiring mitigation plans to
19 include certain information; authorizing
20 exclusion of certain projects from the
21 environmental impact inventory; extending
22 certain mitigation funding through fiscal year
23 2004-2005; authorizing amendment of annual
24 mitigation plans for certain purposes;
25 providing for uses of funds not directed to
26 implement mitigation plans; deleting obsolete
27 language relating to a report; creating s.
28 373.4139, F.S.; providing legislative findings
29 and intent; providing for mitigation for mining
30 activities within certain areas; levying a
31 mitigation fee; providing for collection and

1 disposition of such mitigation fees; providing
2 duties of the Department of Revenue; providing
3 for adjustment of the mitigation fee;
4 specifying uses of fee proceeds; amending s.
5 373.4149, F.S.; revising requirements for
6 development of Phase II of the Lake Belt Plan;
7 repealing s. 373.4149(10), F.S.; amending s.
8 338.223, F.S.; requiring environmental
9 feasibility review prior to advance
10 right-of-way purchases for a proposed turnpike
11 project; providing exceptions for hardship and
12 protective purchases; amending Ch. 93-213, Laws
13 of Florida; deleting the requirement for
14 certain repayment; providing an effective date.
15

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

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18 Section 1. Section 373.4137, Florida Statutes, is
19 amended to read:

20 373.4137 Mitigation requirements.--

21 (1) The Legislature finds that environmental
22 mitigation for the impact of transportation projects proposed
23 by the Department of Transportation can be more effectively
24 achieved by regional, long-range mitigation planning rather
25 than on a project-by-project basis. It is the intent of the
26 Legislature that mitigation to offset the adverse effects of
27 these transportation projects be funded by the Department of
28 Transportation and be carried out by the Department of
29 Environmental Protection and the water management districts,
30 including the use of mitigation banks established pursuant to
31 this part.

1 (2) Environmental impact inventories for
2 transportation projects proposed by the Department of
3 Transportation shall be developed as follows:

4 (a) Each June 1 ~~Beginning July 1, 1996~~, the Department of
5 Transportation shall submit ~~annually~~ to the Department of
6 Environmental Protection and the water management districts a
7 copy of its adopted work program and an inventory of habitats
8 addressed in the rules adopted pursuant to this part and s.
9 404 of the Clean Water Act, 33 U.S.C. s. 1344, which may be
10 impacted by its plan of construction for transportation
11 projects in the next first 3 years of the adopted work
12 program. The Department of Transportation may also include in
13 its inventory the habitat impacts of any future transportation
14 project identified in the adopted work program.~~For the July~~
15 ~~1996 submittal,~~The inventory may exclude those projects which
16 have received permits pursuant to this part and s. 404 of the
17 Clean Water Act, 33 U.S.C. s. 1344, projects for which
18 mitigation planning or design has commenced, or projects for
19 which mitigation has been implemented in anticipation of
20 future permitting needs.

21 (b) The environmental impact inventory shall include a
22 description of these habitat impacts, including their
23 location, acreage, and type; state water quality
24 classification of impacted wetlands and other surface waters;
25 any other state or regional designations for these habitats;
26 and a survey of threatened species, endangered species, and
27 species of special concern affected by the proposed project.

28 (3) To fund the mitigation plan for the projected
29 impacts identified in the inventory described in subsection
30 (2), ~~beginning July 1, 1997~~, the Department of Transportation
31 shall identify funds quarterly in an escrow account within the

1 State Transportation Trust Fund established by the Department
2 of Transportation for the benefit of the Department of
3 Environmental Protection. Any interest earnings from the
4 escrow account shall be returned to the Department of
5 Transportation. The Department of Environmental Protection
6 shall request a transfer of funds from the escrow account to
7 the Ecosystem Management and Restoration Trust Fund no sooner
8 than 30 days prior to the date the funds are needed to pay for
9 activities contained in the mitigation programs. The amount
10 transferred each year by the Department of Transportation
11 shall correspond to a cost per acre of \$75,000 multiplied by
12 the projected acres of impact identified in the inventory
13 described in subsection (2) within the water management
14 district for that year. The water management district may
15 draw from the trust fund no sooner than 30 days prior to the
16 date funds are needed to pay for activities associated with
17 development or implementation of the mitigation plan described
18 in subsection (4). Activities associated with the development
19 of the mitigation plan include, but are not limited to,
20 design, engineering, production, and staff support. Each July
21 1, ~~beginning in 1998,~~ the cost per acre shall be adjusted by
22 the percentage change in the average of the Consumer Price
23 Index issued by the United States Department of Labor for the
24 most recent 12-month period ending September 30, compared to
25 the base year average, which is the average for the 12-month
26 period ending September 30, 1996. At the end of each year,
27 the projected acreage of impact shall be reconciled with the
28 acreage of impact of projects as permitted pursuant to this
29 part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and
30 the following year's transfer of funds shall be adjusted
31 accordingly to reflect the overtransfer or undertransfer of

1 funds from the preceding year. The Department of Environmental
2 Protection is authorized to transfer such funds from the
3 Ecosystem Management and Restoration Trust Fund to the water
4 management districts to carry out the mitigation programs.

5 (4) Prior to December 1 of each year ~~31, 1996~~, each
6 water management district, in consultation with the Department
7 of Environmental Protection, the United States Army Corps of
8 Engineers, ~~and~~ other appropriate federal, state, and local
9 governments, and entities operating mitigation banks which
10 have obtained a permit pursuant to s. 373.4136, shall develop
11 a plan for the primary purpose of complying with the
12 mitigation requirements adopted pursuant to this part and 33
13 U.S.C. s. 1344. ~~This plan shall also address significant~~
14 ~~aquatic and exotic plant problems within wetlands and other~~
15 ~~surface waters~~. In developing such plans, the districts shall
16 utilize sound ecosystem management practices to address
17 significant water resource needs focusing on department or
18 water management district activities such as surface water
19 improvement and management projects and lands identified for
20 potential acquisition or restoration, to the extent such
21 activities comply with the mitigation requirements adopted
22 pursuant to this part and 33 U.S.C. s. 1344. In determining
23 the activities to be included in such plans, the districts
24 shall also consider the purchase of credits from public or
25 private mitigation banks permitted under this part and shall
26 include such purchase as a part of the mitigation plan when
27 such purchase would offset the impact of the transportation
28 project, provide equal benefits to the water resources than
29 other mitigation options being considered, and provide the
30 most cost-effective mitigation option. The mitigation plan
31 shall be preliminarily approved by the water management

1 district governing board and shall be submitted to the
2 secretary of the Department of Environmental Protection for
3 review and final approval. The preliminary approval by the
4 water management district governing board does not constitute
5 a decision that affects substantial interests as provided by
6 s. 120.569.At least 30 days prior to preliminary approval,
7 the water management district shall provide a copy of the
8 draft mitigation plan to any person who has requested a copy.

9 (a) Each mitigation plan shall include a brief
10 explanation of why a mitigation bank was or was not chosen as
11 a mitigation option for each transportation project addressed
12 in the plan, including an estimation and description of
13 identifiable costs of the mitigation bank and nonmitigation
14 bank option to the extent practicable.

15 ~~(b)~~(a) If the Department of Environmental Protection
16 and water management districts are unable to identify
17 mitigation that would offset the impacts of a project included
18 in the inventory, either due to the nature of the impact or
19 the amount of funds available, that project shall not be
20 addressed in the mitigation plan and the project shall not be
21 subject to the provisions of this section.

22 ~~(c)~~(b) Specific projects may be excluded from the
23 environmental impact inventory and the mitigation plan and
24 shall not be subject to this section upon the agreement of the
25 Department of Transportation, the Department of Environmental
26 Protection, and the appropriate water management district that
27 the inclusion of such projects would hamper the efficiency or
28 timeliness of the mitigation planning and permitting process.

29 ~~(d)~~(c) Those transportation projects that are proposed
30 to commence in fiscal year 1996-1997 shall not be addressed in
31 the mitigation plan, and the provisions of subsection (7)

1 shall not apply to these projects. The Department of
2 Transportation may enter into interagency agreements with the
3 Department of Environmental Protection or any water management
4 district to perform mitigation planning and implementation for
5 these projects.

6 (e) Surface water improvement and management or
7 aquatic or exotic plant control projects undertaken using the
8 \$12 million advance transferred from the Department of
9 Transportation to the Department of Environmental Protection
10 in fiscal year 1996-1997 shall remain available for mitigation
11 until the \$12 million is fully credited up to and including
12 fiscal year 2004-2005. When these projects are used as
13 mitigation, the \$12 million advance shall be reduced by
14 \$75,000 per acre of impact mitigated. For any fiscal year
15 through and including fiscal year 2004-2005, to the extent the
16 cost of developing and implementing the mitigation plans is
17 less than the amount transferred from the Department of
18 Transportation to the Department of Environmental Protection
19 pursuant to subsection (3), the difference shall be credited
20 towards the \$12 million advance.

21 ~~(d) On July 1, 1996, the Department of Transportation~~
22 ~~shall transfer to the Department of Environmental Protection~~
23 ~~\$12 million from the State Transportation Trust Fund for the~~
24 ~~purposes of the surface water improvement management program~~
25 ~~and to address statewide aquatic and exotic plant problems~~
26 ~~within wetlands and other surface waters. Such funds shall be~~
27 ~~considered an advance upon funds that the Department of~~
28 ~~Transportation would provide for statewide mitigation during~~
29 ~~the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This~~
30 ~~use of mitigation funds for surface water improvement~~
31 ~~management projects or aquatic and exotic plant control may be~~

1 ~~utilized as mitigation for transportation projects to the~~
2 ~~extent that it complies with the mitigation requirements~~
3 ~~adopted pursuant to this part and 33 U.S.C. s. 1344. To the~~
4 ~~extent that such activities result in mitigation credit for~~
5 ~~projects permitted in fiscal year 1996-1997, all or part of~~
6 ~~the \$12 million funding for surface water improvement~~
7 ~~management projects or aquatic and exotic plant control in~~
8 ~~fiscal year 1996-1997 shall be drawn from Department of~~
9 ~~Transportation mitigation funding for fiscal year 1996-1997~~
10 ~~rather than from mitigation funding for fiscal years~~
11 ~~1997-1998, 1998-1999, and 1999-2000, in an amount equal to the~~
12 ~~cost per acre of impact described in subsection (3), times the~~
13 ~~acreage of impact that is mitigated by such plant control~~
14 ~~activities. Any part of the \$12 million that does not result~~
15 ~~in mitigation credit for projects permitted in fiscal year~~
16 ~~1996-1997 shall remain available for mitigation credit during~~
17 ~~fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

18 (5) The water management district shall be responsible
19 for ensuring that mitigation requirements pursuant to 33
20 U.S.C. s. 1344 are met for the impacts identified in the
21 inventory described in subsection (2), by implementation of
22 the approved plan described in subsection (4) to the extent
23 funding is provided ~~as funded~~ by the Department of
24 Transportation. During the federal permitting process, the
25 water management district may deviate from the approved
26 mitigation plan in order to comply with federal permitting
27 requirements.

28 (6) The mitigation plan shall be updated annually to
29 reflect the most current Department of Transportation work
30 program, and may be amended throughout the year to anticipate
31 schedule changes or additional projects which may arise. Each

1 update and amendment of the mitigation plan shall be submitted
2 to the secretary of the Department of Environmental Protection
3 for approval ~~as described in subsection (4)~~. However, such
4 approval shall not be applicable to a deviation as described
5 in subsection (5).

6 (7) Upon approval by the secretary of the Department
7 of Environmental Protection, the mitigation plan shall be
8 deemed to satisfy the mitigation requirements under this part
9 and any other mitigation requirements imposed by local,
10 regional, and state agencies for impacts identified in the
11 inventory described in subsection (2). The approval of the
12 secretary shall authorize the activities proposed in the
13 mitigation plan, and no other state, regional, or local permit
14 or approval shall be necessary.

15 (8) This section shall not be construed to eliminate
16 the need for the Department of Transportation to comply with
17 the requirement to implement practicable design modifications,
18 including realignment of transportation projects, to reduce or
19 eliminate the impacts of its transportation projects on
20 wetlands and other surface waters as required by rules adopted
21 pursuant to this part, or to diminish the authority under this
22 part to regulate other impacts, including water quantity or
23 water quality impacts, or impacts regulated under this part
24 that are not identified in the inventory described in
25 subsection (2).

26 (9) The recommended mitigation plan shall be annually
27 submitted to the Executive Office of the Governor and the
28 Legislature through the legislative budget request of the
29 Department of Environmental Protection in accordance with
30 chapter 216. Any funds not directed to implement the
31 mitigation plan should, to the greatest extent possible, be

1 directed to fund department or water management district
2 activities such as surface water improvement and management
3 projects and lands identified for potential acquisition or
4 restoration ~~aquatic and exotic plant problems within the~~
5 ~~wetlands and other surface waters.~~

6 ~~(10) By December 1, 1997, the Department of~~
7 ~~Environmental Protection, in consultation with the water~~
8 ~~management districts, shall submit a report to the Governor,~~
9 ~~the President of the Senate, and the Speaker of the House of~~
10 ~~Representatives describing the implementation of this section,~~
11 ~~including the use of public and private mitigation banks and~~
12 ~~other types of mitigation approved in the mitigation plan.~~
13 ~~The report shall also recommend any amendments to this section~~
14 ~~necessary to improve the process for developing and~~
15 ~~implementing mitigation plans for the Department of~~
16 ~~Transportation. The report shall also include a specific~~
17 ~~section on how private and public mitigation banks are~~
18 ~~utilized within the mitigation plans.~~

19 Section 2. Section 373.4139, Florida Statutes, is
20 created to read:

21 373.4139 Dade County Lake Belt Mitigation Plan;
22 mitigation for mining activities within the Dade County Lake
23 Belt.--

24 (1) The Legislature finds that the impact of mining
25 within the Dade County Lake Belt Area can best be offset by a
26 mitigation plan that is designated the "Lake Belt Mitigation
27 Plan." The per-ton mitigation fee assessed on limestone sold
28 from the Dade County Lake Belt Area shall be used for
29 acquiring environmentally sensitive lands and for restoration,
30 maintenance, and other environmental purposes. Further, the
31 Legislature finds that the public benefit of a sustainable

1 supply of limestone construction materials for public and
2 private projects requires a coordinated approach to permitting
3 activities on wetlands within the Dade County Lake Belt in
4 order to provide the certainty necessary to encourage
5 substantial and continued investment in the limestone
6 processing plant and equipment required to efficiently extract
7 the limestone resource. It is the intent of the Legislature
8 that the Lake Belt Mitigation Plan satisfy all local, state,
9 and federal requirements for mining activity with the Dade
10 County Lake Belt Area.

11 (2) To provide for the mitigation of wetland resources
12 lost to mining activities within the Dade County Lake Belt
13 Area, effective October 1, 1998, a mitigation fee is imposed
14 on each ton of limerock and sand extracted by any person who
15 engages in the business of extracting limerock or sand from
16 within the Dade County Lake Belt Area. The mitigation fee
17 shall be at the initial rate of 5 cents for each ton of
18 limerock and sand sold from within the Dade County Lake Belt
19 Area in raw, processed, or manufactured form, including, but
20 not limited to, sized aggregate, asphalt, cement, concrete,
21 and other limerock and concrete products. Any limerock or
22 sand that is used within the mine from which the limerock or
23 sand is extracted is exempt from the mitigation fee. The
24 amount of the mitigation fee imposed under this section must
25 be stated separately on the invoice provided to the purchaser
26 of the limerock product from the limerock miner, or its
27 subsidiary or affiliate, for which the mitigation fee applies.
28 The limerock miner, or its subsidiary or affiliate, who sells
29 the limerock product shall collect the mitigation fee and
30 forward the proceeds to the Department of Revenue on or before

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1 the 20th day of the month following the calendar month in
2 which the sale occurs.

3 (3) The mitigation fee imposed by this section must be
4 reported to the Department of Revenue. Payment of the
5 mitigation fee must be accompanied by a form prescribed by the
6 Department of Revenue. The proceeds of the mitigation fee,
7 less administrative costs, must be transferred by the
8 Department of Revenue to the South Florida Water Management
9 District and deposited into the Lake Belt Mitigation Trust
10 Fund. As used in this section, the term "proceeds of the
11 mitigation fee" means all funds collected and received by the
12 Department of Revenue under this section, including interest
13 and penalties on delinquent mitigation fees. The amount
14 deducted for administrative costs may not exceed 3 percent of
15 the total revenues collected under this section and may equal
16 only those administrative costs reasonably attributable to the
17 mitigation fee.

18 (4)(a) The Department of Revenue shall administer,
19 collect, and enforce the mitigation fee authorized under this
20 section in accordance with the procedures used to administer,
21 collect, and enforce the general sales tax imposed under
22 chapter 212. The provisions of chapter 212 with respect to
23 the authority of the Department of Revenue for auditing and
24 making assessments, the keeping of books and records, and the
25 interest and penalties imposed on delinquent mitigation fees
26 apply to this section. The mitigation fee may not be included
27 in computing estimated taxes under s. 212.11 and the dealer's
28 credit for collecting taxes or fees provided for in s. 212.12
29 does not apply to the mitigation fee imposed by this section.

30 (b) In administering this section, the Department of
31 Revenue may employ persons and incur expenses for which funds

1 are appropriated by the Legislature. The Department of
2 Revenue shall adopt rules and prescribe and publish forms
3 necessary to administer this section. The Department of
4 Revenue shall establish audit procedures and may assess
5 delinquent fees.

6 (5) Beginning January 1, 2000, and each January 1,
7 thereafter, the per-ton mitigation fee shall be increased by
8 1.9 percentage points plus a cost growth index. The cost
9 growth index shall be the percentage change in the weighted
10 average of the Employment Cost Index For All Civilian Workers
11 (ecu 10001I) issued by the United States Department of Labor
12 for the most recent 12-month period ending on September 30,
13 and the percentage change in the Producer Price Index For All
14 Commodities (WPU 00000000), issued by the United States
15 Department of Labor for the most recent 12-month period ending
16 on September 30, compared to the weighted average of these
17 indices for the previous year. The weighted average shall be
18 calculated as 0.6 times the percentage change in the
19 Employment Cost Index For All Civilian Workers (ecu 10001I)
20 plus 0.4 times the percentage change in the Producer Price
21 Index For All Commodities (WPU 00000000). If either index is
22 discontinued, it shall be replaced by its successor index as
23 identified by the United States Department of Labor.

24 (6)(a) The proceeds of the mitigation fee must be used
25 to conduct mitigation activities that are appropriate to
26 offset the loss of the value and functions of wetlands as a
27 result of mining activities in the Dade County Lake Belt Area
28 and must be used in a manner consistent with the
29 recommendations contained in the reports submitted to the
30 Legislature by the Dade County Lake Belt Plan Implementation
31 Committee and adopted under s. 373.4149. Such mitigation may

1 include the purchase, enhancement, restoration, and management
2 of wetlands and uplands, the purchase of mitigation credit
3 from a permitted mitigation bank, and any structural
4 modifications to the existing drainage system to enhance the
5 hydrology of the Dade County Lake Belt Area. Funds may also
6 be used to reimburse other funding sources, including the Save
7 Our Rivers Land Acquisition program and the Internal
8 Improvement Trust Fund, for the purchase of lands that were
9 acquired in areas appropriate for mitigation due to rock
10 mining and to reimburse governmental agencies that exchanged
11 land under s. 373.4149 for mitigation due to rock mining.

12 (b) Expenditures must be approved by an interagency
13 committee that consists of a representative from each of the
14 following: the Miami-Dade County Department of Environmental
15 Resource Management, the Department of Environmental
16 Protection, the South Florida Water Management District, and
17 the Game and Fresh Water Fish Commission. In addition, the
18 limerock mining industry shall select a representative to
19 serve as a nonvoting member of the interagency committee. At
20 the discretion of the committee, additional members may be
21 added to represent federal regulatory, environmental, and fish
22 and wildlife agencies.

23 (7) Payment of the mitigation fee imposed by this
24 section satisfies the mitigation requirements imposed under
25 ss. 373.403-373.439 and any applicable county ordinance for
26 loss of the value and functions of the wetlands mined. In
27 addition, it is the intent of the Legislature that the payment
28 of the mitigation fee imposed by this section satisfy all
29 federal mitigation requirements for the wetlands mined.

30 (8) If a general permit by the United States Army
31 Corps of Engineers, or an appropriate long-term permit for

1 mining consistent with the Dade County Lake Belt Plan, this
2 section, and ss. 378.4115, 373.4149, and 373.4415, is not
3 issued on or before September 30, 2000, the mitigation fee
4 imposed by this section is suspended until reenacted by the
5 Legislature.

6 (9)(a) The interagency committee established pursuant
7 to this section shall, on an annual basis, prepare and submit
8 to the governing board of the South Florida Water Management
9 District a report evaluating the mitigation costs and revenues
10 generated by the mitigation fee.

11 (b) No sooner than January 31, 2010, and no more
12 frequently than every 10 years thereafter, the interagency
13 committee shall submit to the Legislature a report
14 recommending any needed adjustments to the mitigation fee to
15 ensure that the revenue generated reflects the actual costs of
16 the mitigation.

17 Section 3. Subsection (10) of section 373.4149,
18 Florida Statutes, is hereby repealed and subsections (5) and
19 (6) of said section are amended to read:

20 373.4149 Dade County Lake Belt Plan.--

21 (5) The committee shall develop Phase II of the Lake
22 Belt Plan which shall:

23 (a) Include a detailed master plan to further
24 implementation;

25 (b) Further address compatible land uses,
26 opportunities, and potential conflicts;

27 (c) Provide for additional wellfield protection;

28 (d) Provide measures to prevent the reclassification
29 of the Northwest Dade County wells as groundwater under the
30 direct influence of surface water; ~~and~~

31 (e) Secure additional funding sources; ~~and~~

1 (f) Consider the need to establish a land authority;
2 ~~and-~~

3 (g) Analyze the hydrological impacts resulting from
4 the future mining included in the Lake Belt Plan and recommend
5 appropriate mitigation measures, if needed, to be incorporated
6 into the Lake Belt Mitigation Plan.

7 (6) The committee shall remain in effect until January
8 1, ~~2001~~, and shall meet as deemed necessary by the chair.
9 The committee shall monitor and direct progress toward
10 developing and implementing the plan. The committee shall
11 submit progress reports to the governing board of the South
12 Florida Water Management District and the Legislature by
13 December 31 of each year. These reports shall include a
14 summary of the activities of the committee, updates on all
15 ongoing studies, any other relevant information gathered
16 during the calendar year, and the committee recommendations
17 for legislative and regulatory revisions. The committee shall
18 submit a Phase II report and plan to the governing board of
19 the South Florida Water Management District and the
20 Legislature by December 31, 2000, to supplement the Phase I
21 report submitted on February 28, 1997. The Phase II report
22 must include the detailed master plan for the Dade County Lake
23 Belt Area together with the final reports on all studies, the
24 final recommendations of the committee, the status of
25 implementation of Phase I recommendations and other relevant
26 information, and the committee's recommendation for
27 legislative and regulatory revisions.

28 Section 4. Paragraph (b) of subsection (2) of section
29 338.223, Florida Statutes, is amended to read:

30 338.223 Proposed turnpike projects.--

31 (2)

1 (b) In accordance with the legislative intent
2 expressed in s. 337.273, and after the requirements of
3 paragraph (1)(c) have been met, the department may acquire
4 lands and property before making a final determination of the
5 economic feasibility of a project. The requirements of
6 paragraph (1)(c) shall not apply to hardship and protective
7 purchases of advance right-of-way by the department. The cost
8 of advance acquisition of right-of-way may be paid from bonds
9 issued under s. 337.276 or from turnpike revenues. For
10 purposes of this paragraph, "hardship purchase" means purchase
11 from a property owner of a residential dwelling of not more
12 than four units who is at a disadvantage due to health
13 impairment, job loss, or significant loss of rental income.
14 For purposes of this subsection, "protective purchase" means a
15 purchase to limit development, building, or other
16 intensification of land uses within the area right-of-way
17 needed for transportation facilities. The department shall
18 give written notice to the Department of Environmental
19 Protection 30 days prior to final agency acceptance as set
20 forth in s. 119.07(3)(n), which notice shall allow the
21 Department of Environmental Protection to comment. Hardship
22 and protective purchases of right-of-way shall not influence
23 the environmental feasibility of the project, including the
24 decision relative to the need to construct the project or the
25 selection of a specific location. Costs to acquire and
26 dispose of property acquired as hardship and protective
27 purchases are considered costs of doing business for the
28 department and shall not be considered in the determination of
29 environmental feasibility for the project.

30 Section 5. Chapter 93-213, Laws of Florida, Section 86
31 is amended as follows:

1 Section 86. The Department of Environmental Regulation is
2 authorized 54 career service positions for administering the
3 state NPDES program. Twenty-five career service positions are
4 authorized for startup of the program beginning July 1, 1993,
5 and the remaining 29 career service positions beginning
6 January 1, 1994. The state NPDES program staffing shall start
7 July 1, 1993, with completion targeted for 6 months following
8 United States Environmental Protection Agency authorization to
9 administer the National Pollutant Discharge System program.
10 Implementation of positions is subject to review and final
11 approval by the secretary of the Department of Environmental
12 Regulation. The sum of \$3.2 million is hereby appropriated
13 from the Pollution Recovery Trust Fund to cover program
14 startup costs. ~~Such funds are to be repaid from a fund the~~
15 ~~legislature deems appropriate, no later than July 1, 2000.~~

16 Section 6. This act shall take effect upon becoming a
17 law.

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