

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., relating to  
8 development of a comprehensive mitigation plan;  
9 amending s. 338.223, F.S.; requiring  
10 environmental feasibility review prior to  
11 advance right-of-way purchases for a proposed  
12 turnpike project; providing exceptions for  
13 hardship and protective purchases; amending s.  
14 86 of ch. 93-213, Laws of Florida; deleting the  
15 requirement for certain repayment of funds  
16 appropriated for the state NPDES program from  
17 the Pollution Recovery Trust Fund; providing an  
18 effective date.

19

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

21

22 Section 1. Section 373.4137, Florida Statutes, is  
23 amended to read:

24 373.4137 Mitigation requirements.--

25 (1) The Legislature finds that environmental  
26 mitigation for the impact of transportation projects proposed  
27 by the Department of Transportation can be more effectively  
28 achieved by regional, long-range mitigation planning rather  
29 than on a project-by-project basis. It is the intent of the  
30 Legislature that mitigation to offset the adverse effects of  
31 these transportation projects be funded by the Department of

1 Transportation and be carried out by the Department of  
2 Environmental Protection and the water management districts,  
3 including the use of mitigation banks established pursuant to  
4 this part.

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

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

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

1           (3) To fund the mitigation plan for the projected  
2 impacts identified in the inventory described in subsection  
3 (2), ~~beginning July 1, 1997,~~ the Department of Transportation  
4 shall identify funds quarterly in an escrow account within the  
5 State Transportation Trust Fund established by the Department  
6 of Transportation for the benefit of the Department of  
7 Environmental Protection. Any interest earnings from the  
8 escrow account shall be returned to the Department of  
9 Transportation. The Department of Environmental Protection  
10 shall request a transfer of funds from the escrow account to  
11 the Ecosystem Management and Restoration Trust Fund no sooner  
12 than 30 days prior to the date the funds are needed to pay for  
13 activities contained in the mitigation programs. The amount  
14 transferred each year by the Department of Transportation  
15 shall correspond to a cost per acre of \$75,000 multiplied by  
16 the projected acres of impact identified in the inventory  
17 described in subsection (2) within the water management  
18 district for that year. The water management district may  
19 draw from the trust fund no sooner than 30 days prior to the  
20 date funds are needed to pay for activities associated with  
21 development or implementation of the mitigation plan described  
22 in subsection (4). Activities associated with the development  
23 of the mitigation plan include, but are not limited to,  
24 design, engineering, production, and staff support. Each July  
25 1, ~~beginning in 1998,~~ the cost per acre shall be adjusted by  
26 the percentage change in the average of the Consumer Price  
27 Index issued by the United States Department of Labor for the  
28 most recent 12-month period ending September 30, compared to  
29 the base year average, which is the average for the 12-month  
30 period ending September 30, 1996. At the end of each year,  
31 the projected acreage of impact shall be reconciled with the

1 acreage of impact of projects as permitted pursuant to this  
2 part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and  
3 the following year's transfer of funds shall be adjusted  
4 accordingly to reflect the overtransfer or undertransfer of  
5 funds from the preceding year. The Department of Environmental  
6 Protection is authorized to transfer such funds from the  
7 Ecosystem Management and Restoration Trust Fund to the water  
8 management districts to carry out the mitigation programs.

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

1 project, provide equal benefits to the water resources than  
2 other mitigation options being considered, and provide the  
3 most cost-effective mitigation option. The mitigation plan  
4 shall be preliminarily approved by the water management  
5 district governing board and shall be submitted to the  
6 secretary of the Department of Environmental Protection for  
7 review and final approval. The preliminary approval by the  
8 water management district governing board does not constitute  
9 a decision that affects substantial interests as provided by  
10 s. 120.569.At least 30 days prior to preliminary approval,  
11 the water management district shall provide a copy of the  
12 draft mitigation plan to any person who has requested a copy.

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

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

26 (c)~~(b)~~ Specific projects may be excluded from the  
27 environmental impact inventory and the mitigation plan and  
28 shall not be subject to this section upon the agreement of the  
29 Department of Transportation, the Department of Environmental  
30 Protection, and the appropriate water management district that  
31

1 the inclusion of such projects would hamper the efficiency or  
2 timeliness of the mitigation planning and permitting process.

3 ~~(d)(c)~~ Those transportation projects that are proposed  
4 to commence in fiscal year 1996-1997 shall not be addressed in  
5 the mitigation plan, and the provisions of subsection (7)  
6 shall not apply to these projects. The Department of  
7 Transportation may enter into interagency agreements with the  
8 Department of Environmental Protection or any water management  
9 district to perform mitigation planning and implementation for  
10 these projects.

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

26 ~~(d) On July 1, 1996, the Department of Transportation~~  
27 ~~shall transfer to the Department of Environmental Protection~~  
28 ~~\$12 million from the State Transportation Trust Fund for the~~  
29 ~~purposes of the surface water improvement management program~~  
30 ~~and to address statewide aquatic and exotic plant problems~~  
31 ~~within wetlands and other surface waters. Such funds shall be~~

1 ~~considered an advance upon funds that the Department of~~  
2 ~~Transportation would provide for statewide mitigation during~~  
3 ~~the 1997-1998, 1998-1999, and 1999-2000 fiscal years. This~~  
4 ~~use of mitigation funds for surface water improvement~~  
5 ~~management projects or aquatic and exotic plant control may be~~  
6 ~~utilized as mitigation for transportation projects to the~~  
7 ~~extent that it complies with the mitigation requirements~~  
8 ~~adopted pursuant to this part and 33 U.S.C. s. 1344. To the~~  
9 ~~extent that such activities result in mitigation credit for~~  
10 ~~projects permitted in fiscal year 1996-1997, all or part of~~  
11 ~~the \$12 million funding for surface water improvement~~  
12 ~~management projects or aquatic and exotic plant control in~~  
13 ~~fiscal year 1996-1997 shall be drawn from Department of~~  
14 ~~Transportation mitigation funding for fiscal year 1996-1997~~  
15 ~~rather than from mitigation funding for fiscal years~~  
16 ~~1997-1998, 1998-1999, and 1999-2000, in an amount equal to the~~  
17 ~~cost per acre of impact described in subsection (3), times the~~  
18 ~~acreage of impact that is mitigated by such plant control~~  
19 ~~activities. Any part of the \$12 million that does not result~~  
20 ~~in mitigation credit for projects permitted in fiscal year~~  
21 ~~1996-1997 shall remain available for mitigation credit during~~  
22 ~~fiscal years 1997-1998, 1998-1999, or 1999-2000.~~

23 (5) The water management district shall be responsible  
24 for ensuring that mitigation requirements pursuant to 33  
25 U.S.C. s. 1344 are met for the impacts identified in the  
26 inventory described in subsection (2), by implementation of  
27 the approved plan described in subsection (4) to the extent  
28 funding is provided ~~as funded~~ by the Department of  
29 Transportation. During the federal permitting process, the  
30 water management district may deviate from the approved  
31



1 mitigation plan in order to comply with federal permitting  
2 requirements.

3 (6) The mitigation plan shall be updated annually to  
4 reflect the most current Department of Transportation work  
5 program, and may be amended throughout the year to anticipate  
6 schedule changes or additional projects which may arise. Each  
7 update and amendment of the mitigation plan shall be submitted  
8 to the secretary of the Department of Environmental Protection  
9 for approval ~~as described in subsection (4)~~. However, such  
10 approval shall not be applicable to a deviation as described  
11 in subsection (5).

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

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

1           (9) The recommended mitigation plan shall be annually  
 2 submitted to the Executive Office of the Governor and the  
 3 Legislature through the legislative budget request of the  
 4 Department of Environmental Protection in accordance with  
 5 chapter 216. Any funds not directed to implement the  
 6 mitigation plan should, to the greatest extent possible, be  
 7 directed to fund department or water management district  
 8 activities such as surface water improvement and management  
 9 projects and lands identified for potential acquisition or  
 10 restoration aquatic and exotic plant problems within the  
 11 wetlands and other surface waters.

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

25           Section 2. Section 373.4139, Florida Statutes, is  
 26 created to read:

27           373.4139 Dade County Lake Belt Mitigation Plan;  
 28 mitigation for mining activities within the Dade County Lake  
 29 Belt.--

30           (1) The Legislature finds that the impact of mining  
 31 within the Dade County Lake Belt Area can best be offset by a

1 mitigation plan that is designated the "Lake Belt Mitigation  
2 Plan." The per-ton mitigation fee assessed on limestone sold  
3 from the Dade County Lake Belt Area shall be used for  
4 acquiring environmentally sensitive lands and for restoration,  
5 maintenance, and other environmental purposes. Further, the  
6 Legislature finds that the public benefit of a sustainable  
7 supply of limestone construction materials for public and  
8 private projects requires a coordinated approach to permitting  
9 activities on wetlands within the Dade County Lake Belt in  
10 order to provide the certainty necessary to encourage  
11 substantial and continued investment in the limestone  
12 processing plant and equipment required to efficiently extract  
13 the limestone resource. It is the intent of the Legislature  
14 that the Lake Belt Mitigation Plan satisfy all local, state,  
15 and federal requirements for mining activity with the Dade  
16 County Lake Belt Area.

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

1 of the limerock product from the limerock miner, or its  
 2 subsidiary or affiliate, for which the mitigation fee applies.  
 3 The limerock miner, or its subsidiary or affiliate, who sells  
 4 the limerock product shall collect the mitigation fee and  
 5 forward the proceeds to the Department of Revenue on or before  
 6 the 20th day of the month following the calendar month in  
 7 which the sale occurs.

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

23 (4)(a) The Department of Revenue shall administer,  
 24 collect, and enforce the mitigation fee authorized under this  
 25 section in accordance with the procedures used to administer,  
 26 collect, and enforce the general sales tax imposed under  
 27 chapter 212. The provisions of chapter 212 with respect to  
 28 the authority of the Department of Revenue for auditing and  
 29 making assessments, the keeping of books and records, and the  
 30 interest and penalties imposed on delinquent mitigation fees  
 31 apply to this section. The mitigation fee may not be included

1 in computing estimated taxes under s. 212.11 and the dealer's  
2 credit for collecting taxes or fees provided for in s. 212.12  
3 does not apply to the mitigation fee imposed by this section.

4 (b) In administering this section, the Department of  
5 Revenue may employ persons and incur expenses for which funds  
6 are appropriated by the Legislature. The Department of  
7 Revenue shall adopt rules and prescribe and publish forms  
8 necessary to administer this section. The Department of  
9 Revenue shall establish audit procedures and may assess  
10 delinquent fees.

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

29 (6)(a) The proceeds of the mitigation fee must be used  
30 to conduct mitigation activities that are appropriate to  
31 offset the loss of the value and functions of wetlands as a

1 result of mining activities in the Dade County Lake Belt Area  
2 and must be used in a manner consistent with the  
3 recommendations contained in the reports submitted to the  
4 Legislature by the Dade County Lake Belt Plan Implementation  
5 Committee and adopted under s. 373.4149. Such mitigation may  
6 include the purchase, enhancement, restoration, and management  
7 of wetlands and uplands, the purchase of mitigation credit  
8 from a permitted mitigation bank, and any structural  
9 modifications to the existing drainage system to enhance the  
10 hydrology of the Dade County Lake Belt Area. Funds may also  
11 be used to reimburse other funding sources, including the Save  
12 Our Rivers Land Acquisition program and the Internal  
13 Improvement Trust Fund, for the purchase of lands that were  
14 acquired in areas appropriate for mitigation due to rock  
15 mining and to reimburse governmental agencies that exchanged  
16 land under s. 373.4149 for mitigation due to rock mining.

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

28 (7) Payment of the mitigation fee imposed by this  
29 section satisfies the mitigation requirements imposed under  
30 ss. 373.403-373.439 and any applicable county ordinance for  
31 loss of the value and functions of the wetlands mined. In

1 addition, it is the intent of the Legislature that the payment  
2 of the mitigation fee imposed by this section satisfy all  
3 federal mitigation requirements for the wetlands mined.

4 (8) If a general permit by the United States Army  
5 Corps of Engineers, or an appropriate long-term permit for  
6 mining consistent with the Dade County Lake Belt Plan, this  
7 section, and ss. 378.4115, 373.4149, and 373.4415, is not  
8 issued on or before September 30, 2000, the mitigation fee  
9 imposed by this section is suspended until reenacted by the  
10 Legislature.

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

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

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

25 373.4149 Dade County Lake Belt Plan.--

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

28 (a) Include a detailed master plan to further  
29 implementation;

30 (b) Further address compatible land uses,  
31 opportunities, and potential conflicts;

- 1 (c) Provide for additional wellfield protection;  
2 (d) Provide measures to prevent the reclassification  
3 of the Northwest Dade County wells as groundwater under the  
4 direct influence of surface water;  
5 (e) Secure additional funding sources; ~~and~~  
6 (f) Consider the need to establish a land authority;  
7 ~~and~~  
8 (g) Analyze the hydrological impacts resulting from  
9 the future mining included in the Lake Belt Plan and recommend  
10 appropriate mitigation measures, if needed, to be incorporated  
11 into the Lake Belt Mitigation Plan.
- 12 (6) The committee shall remain in effect until January  
13 1, 2002 ~~2001~~, and shall meet as deemed necessary by the chair.  
14 The committee shall monitor and direct progress toward  
15 developing and implementing the plan. The committee shall  
16 submit progress reports to the governing board of the South  
17 Florida Water Management District and the Legislature by  
18 December 31 of each year. These reports shall include a  
19 summary of the activities of the committee, updates on all  
20 ongoing studies, any other relevant information gathered  
21 during the calendar year, and the committee recommendations  
22 for legislative and regulatory revisions. The committee shall  
23 submit a Phase II report and plan to the governing board of  
24 the South Florida Water Management District and the  
25 Legislature by December 31, 2000, to supplement the Phase I  
26 report submitted on February 28, 1997. The Phase II report  
27 must include the detailed master plan for the Dade County Lake  
28 Belt Area together with the final reports on all studies, the  
29 final recommendations of the committee, the status of  
30 implementation of Phase I recommendations and other relevant  
31



1 information, and the committee's recommendation for  
2 legislative and regulatory revisions.

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

5 338.223 Proposed turnpike projects.--

6 (2)

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

1 dispose of property acquired as hardship and protective  
2 purchases are considered costs of doing business for the  
3 department and shall not be considered in the determination of  
4 environmental feasibility for the project.

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

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

22 Section 6. This act shall take effect upon becoming a  
23 law.