

By Senator Bronson

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A bill to be entitled
An act relating to environmental mitigation;
amending s. 373.4137, F.S.; providing for the
admissibility of specified costs in cases
involving Department of Transportation
mitigation projects; providing an effective
date.

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

Section 1. Subsection (3) of section 373.4137, Florida
Statutes, is amended to read:

373.4137 Mitigation requirements.--

(3) To fund the mitigation plan for the projected
impacts identified in the inventory described in subsection
(2), beginning July 1, 1997, the Department of Transportation
shall identify funds quarterly in an escrow account within the
State Transportation Trust Fund established by the Department
of Transportation for the benefit of the Department of
Environmental Protection. Any interest earnings from the
escrow account shall be returned to the Department of
Transportation. The Department of Environmental Protection
shall request a transfer of funds from the escrow account to
the Ecosystem Management and Restoration Trust Fund no sooner
than 30 days prior to the date the funds are needed to pay for
activities contained in the mitigation programs. The amount
transferred each year by the Department of Transportation
shall correspond to a cost per acre of \$75,000 multiplied by
the projected acres of impact identified in the inventory
described in subsection (2) within the water management
district for that year. However, the \$75,000 cost per acre

1 does not constitute an admission against interest against the
2 state or its subdivisions nor is the cost admissible as
3 evidence of full compensation for any property acquired by
4 eminent domain or through inverse condemnation.The water
5 management district may draw from the trust fund no sooner
6 than 30 days prior to the date funds are needed to pay for
7 activities associated with development or implementation of
8 the mitigation plan described in subsection (4). Each July 1,
9 beginning in 1998, the cost per acre shall be adjusted by the
10 percentage change in the average of the Consumer Price Index
11 issued by the United States Department of Labor for the most
12 recent 12-month period ending September 30, compared to the
13 base year average, which is the average for the 12-month
14 period ending September 30, 1996. At the end of each year,
15 the projected acreage of impact shall be reconciled with the
16 acreage of impact of projects as permitted pursuant to this
17 part and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and
18 the following year's transfer of funds shall be adjusted
19 accordingly to reflect the overtransfer or undertransfer of
20 funds from the preceding year. The Department of Environmental
21 Protection is authorized to transfer such funds from the
22 Ecosystem Management and Restoration Trust Fund to the water
23 management districts to carry out the mitigation programs.

24 Section 2. This act shall take effect upon becoming a
25 law.

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28 SENATE SUMMARY

29 Provides for the admissibility of specific costs in
30 judicial proceedings involving environmental mitigation
31 projects of the Department of Transportation.