

Bill No. CS for CS for SB 972

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Forman moved the following amendment:

**Senate Amendment (with title amendment)**

On page 80, between lines 10 and 11,

insert:

Section 37. Subsection (18) is added to section 373.414, Florida Statutes, to read:

373.414 Additional criteria for activities in surface waters and wetlands.--

(18) MITIGATION STUDIES.--

(a) For impacts resulting from activities regulated under part IV of chapter 373, the Legislature finds that successful mitigation performed by the public and private sectors has helped to preserve the state's natural resources.

(b) To enhance mitigation processes while continuing to ensure mitigation success, the Office of Program Policy Analysis and Governmental Accountability shall study mitigation options as defined in s. 373.414(1)(b) and issue a report by January 1, 2000. At a minimum, the report shall contain:

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1           1. A comparison of each currently utilized mitigation  
2 option to determine whether each mitigation option offsets the  
3 losses of wetlands and wetland functions in an equitable and  
4 effective manner, including an assessment of the timing of the  
5 mitigation in relation to the impact.

6           2. An analysis of whether certain forms or aspects of  
7 mitigation are more effectively accomplished by the private  
8 sector and whether certain forms or aspects are more  
9 effectively accomplished by the public sector.

10           3. An analysis of the costs of providing these  
11 mitigation options.

12           4. An analysis of off-site mitigation options,  
13 including the application of the cumulative impact  
14 consideration under s. 373.414 to projects seeking off-site  
15 mitigation and an evaluation of the ability of a mitigation  
16 bank to use its credits within its mitigation service area  
17 without causing unacceptable cumulative impacts.

18           5. An analysis of the process for determining  
19 mitigation service areas for mitigation banks.

20           6. Recommendations for statutory changes, if  
21 necessary, to address problems identified in the report.

22           7. Recommendations for rule changes, if necessary, to  
23 address problems identified in the report.

24           (c) The staff of the Office of Program Policy Analysis  
25 and Governmental Accountability shall form a workgroup of  
26 affected parties to assist in developing this report. The  
27 affected parties shall include representatives from the  
28 private mitigation banking industry, entities operating or  
29 using off-site regional mitigation, the environmental  
30 community, the water management districts, the Department of  
31 Environmental Protection, the development community, the U.S.

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1 Army Corps of Engineers, and the Florida Local Environmental  
2 Resource Agencies. Other entities with appropriate technical  
3 expertise or knowledge may be asked to advise the Office of  
4 Program Policy Analysis and Governmental Accountability. All  
5 participants in the study shall serve voluntarily, and may not  
6 receive compensation for their participation or travel  
7 expenses. The Office of Program Policy Analysis and  
8 Governmental Accountability shall conduct at least two public  
9 workshops, notice of which shall be provided pursuant to  
10 chapter 120, at which the work group, other entities, and the  
11 public shall be given the opportunity to participate, provide  
12 information, and comment on the study, including the  
13 development of the study's scope and an interim update. Prior  
14 to publishing the final report and recommendations, the Office  
15 of Program Policy Analysis and Governmental Accountability  
16 shall submit preliminary findings and recommendations to all  
17 affected parties. These affected parties shall be given the  
18 opportunity to respond, collectively or individually, to the  
19 findings within 30 calendar days after receipt of the  
20 tentative findings. Such response and the Office of Program  
21 Policy Analysis and Governmental Accountability rebuttal to  
22 the response shall be included in the final study report.

23 (d) A technical work group, co-chaired by the  
24 Department of Environmental Protection, South Florida Water  
25 Management District, Southwest Florida Water Management  
26 District, and St. Johns River Water Management District, shall  
27 be established to analyze the methods by which the assessment  
28 of the functional aspects of impact and mitigation sites are  
29 made and to develop a uniform functional assessment  
30 methodology based on this analysis which recognizes regional  
31 ecological differences, is cost-effective, is repeatable and

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1 objective, and accurately reflects the extent of adverse  
2 impacts and ecological improvements. The analysis shall assess  
3 the criteria used by the uniform functional assessment methods  
4 presently in use and compare their consistency with the rules  
5 adopted by the agencies pursuant to the requirements of  
6 subsection (9). Affected parties, including the regulated  
7 community and local governments, shall be invited to  
8 participate in the analysis and development of recommendations  
9 for a uniform functional assessment methodology. The work  
10 group co-chairs shall report on the progress of their findings  
11 to the Governor, the President of the Senate, and the Speaker  
12 of the House of Representatives by January 1, 2000.

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14 (Redesignate subsequent sections.)

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17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 On page 5, line 21, after the word "process;"

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21 insert:

22 amending s. 373.414, F.S.; providing for

23 mitigation studies; requiring a report;

24 providing for workgroups to assist in

25 conducting the study;

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