

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. Barcode 073484

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Dyer moved the following amendment to amendment (510902):

Senate Amendment (with title amendment)

On page 109, between lines 25 and 26

insert:

Section 53. Subsection (18) of section 373.414, Florida Statutes, is amended to read:

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

(18) The department and each water management district responsible for implementation of the environmental resource permitting program shall develop a uniform wetland mitigation assessment method no later than October 1, 2001. The department shall adopt the uniform wetland mitigation assessment method by rule no later than January 31, 2002.

Rules promulgated pursuant to this subsection shall be submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature no later than 30 days prior to the 2002 regular session, and

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. ____ Barcode 073484

1 shall become effective only after legislative review. In its
2 review, the Legislature may reject, modify, or take no action
3 relative to such rules.Once the department adopts the uniform
4 wetland mitigation assessment method by rule, the uniform
5 wetland mitigation assessment method shall be binding on the
6 department, the water management districts, local governments,
7 and any other governmental agencies and shall be the sole
8 means to determine mitigation needed to offset adverse impacts
9 and to award and deduct mitigation bank credits. A water
10 management district and any other governmental agency subject
11 to chapter 120 may apply the uniform wetland mitigation
12 assessment method without the need to adopt it pursuant to s.
13 120.54. It shall be a goal of the department and water
14 management districts that the uniform wetland mitigation
15 assessment method developed be practicable for use within the
16 timeframes provided in the permitting process and result in a
17 consistent process for determining mitigation requirements. It
18 shall be recognized that any such method shall require the
19 application of reasonable scientific judgment. The uniform
20 wetland mitigation assessment method must determine the value
21 of functions provided by wetlands and other surface waters
22 considering the current conditions of these areas, utilization
23 by fish and wildlife, location, uniqueness, and hydrologic
24 connection, in addition to the factors listed in s.
25 373.4136(4). The uniform wetland mitigation assessment method
26 shall also account for the expected time-lag associated with
27 offsetting impacts and the degree of risk associated with the
28 proposed mitigation. The uniform wetland mitigation assessment
29 method shall account for different ecological communities in
30 different areas of the state. In developing the uniform
31 wetland mitigation assessment method, the department and water

Bill No. _____

Amendment No. ____ Barcode 073484

1 management districts shall consult with approved local
3 mitigation program. The department and water management
4 districts shall consider the recommendations submitted by such
6 relating to the adoption by the department and water
7 management districts of any uniform wetland mitigation
9 local program in its established wetland mitigation program.
10 Environmental resource permitting rules may establish
12 which the use of the uniform wetland mitigation assessment
13 method will not be required. The application of the uniform
15 70.001. In the event the rule establishing the uniform wetland
16 mitigation assessment method is deemed to be invalid, the
18 existence prior to the adoption of the uniform wetland
19 mitigation assessment method, including those adopted by a
21 and the method described in paragraph (b) for existing
22 mitigation banks, shall be authorized for use by the
24 other state agencies.

25 (a) In developing the uniform wetland mitigation
27 United States Army Corps of Engineers in order to promote
28 consistency in the mitigation assessment methods used by the

30 (b) An entity which has received a mitigation bank
31 permit prior to the adoption of the uniform wetland mitigation

Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. ____ Barcode 073484

1 assessment method shall have impact sites assessed, for the
2 purpose of deducting bank credits, using the credit assessment
3 method, including any functional assessment methodology, which
4 was in place when the bank was permitted; unless the entity
5 elects to have its credits redetermined, and thereafter have
6 its credits deducted, using the uniform wetland mitigation
7 assessment method.

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

11 And the title is amended as follows:

12 On page 172, lines 9, after the semicolon

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14 and insert:

15 amending s. 373.414, F.S.; providing for
16 legislative review of the uniform wetland
17 mitigation assessment method rule; amending s.
18 475.011, F.S.;

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