

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Brown offered the following:

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Amendment to Amendment (742687) (with title amendment)

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On page 94, between lines 24 and 25 of the amendment

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insert:

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Section 49. Subsection (18) of section 373.414,

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Florida Statutes, is amended to read:

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

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(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.

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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 shall become effective only after legislative review. In its

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

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1 programs under s. 403.182 which have an established wetland
2 mitigation program. The department and water management
3 districts shall consider the recommendations submitted by such
4 approved local programs, including any recommendations
5 relating to the adoption by the department and water
6 management districts of any uniform wetland mitigation
7 methodology that has been adopted and used by an approved
8 local program in its established wetland mitigation program.
9 Environmental resource permitting rules may establish
10 categories of permits or thresholds for minor impacts under
11 which the use of the uniform wetland mitigation assessment
12 method will not be required. The application of the uniform
13 wetland mitigation assessment method is not subject to s.
14 70.001. In the event the rule establishing the uniform wetland
15 mitigation assessment method is deemed to be invalid, the
16 applicable rules related to establishing needed mitigation in
17 existence prior to the adoption of the uniform wetland
18 mitigation assessment method, including those adopted by a
19 county which is an approved local program under s. 403.182,
20 and the method described in paragraph (b) for existing
21 mitigation banks, shall be authorized for use by the
22 department, water management districts, local governments, and
23 other state agencies.

24 (a) In developing the uniform wetland mitigation
25 assessment method, the department shall seek input from the
26 United States Army Corps of Engineers in order to promote
27 consistency in the mitigation assessment methods used by the
28 state and federal permitting programs.

29 (b) An entity which has received a mitigation bank
30 permit prior to the adoption of the uniform wetland mitigation
31 assessment method shall have impact sites assessed, for the

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

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

10 And the title is amended as follows:

11 On page 155, line 16 of the amendment
12 remove: all of said line

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14 and insert in lieu thereof:

15 thereto; amending s. 373.414, F.S.; providing
16 for legislative review of the uniform wetland
17 mitigation assessment method rule; amending s.
18 475.011, F.S.; amending s. 380.06, F.S.,
19 relating to

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