



415400

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
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	.	
	.	

The Committee on Transportation (Storms) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 217 - 226.

Delete line 227

and insert:

Section 2. Present paragraphs (b) through (e) of subsection (1) of section 373.4135, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and a new paragraph (b) is added to that subsection, to read:

373.4135 Mitigation banks and offsite regional mitigation.—

(1) The Legislature finds that the adverse impacts of activities regulated under this part may be offset by the



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13 creation, maintenance, and use of mitigation banks and offsite
14 regional mitigation. Mitigation banks and offsite regional
15 mitigation can enhance the certainty of mitigation and provide
16 ecological value due to the improved likelihood of environmental
17 success associated with their proper construction, maintenance,
18 and management. Therefore, the department and the water
19 management districts are directed to participate in and
20 encourage the establishment of private and public mitigation
21 banks and offsite regional mitigation. Mitigation banks and
22 offsite regional mitigation should emphasize the restoration and
23 enhancement of degraded ecosystems and the preservation of
24 uplands and wetlands as intact ecosystems rather than alteration
25 of landscapes to create wetlands. This is best accomplished
26 through restoration of ecological communities that were
27 historically present.

28 (b) Notwithstanding subsection (5), a governmental entity
29 may not create or provide mitigation for a project other than
30 its own unless the governmental entity uses land that was not
31 previously purchased for conservation and unless the
32 governmental entity provides the same financial assurances as
33 required for mitigation banks permitted under s. 373.4136 and
34 regional offsite mitigation areas permitted under subsection
35 (6). This paragraph does not apply to:

36 1. Mitigation banks permitted before December 31, 2011,
37 under s. 373.4136;

38 2. Offsite regional mitigation areas established before
39 December 31, 2011, under subsection (6);

40 3. Mitigation for transportation projects under ss.
41 373.4137 and 373.4139;



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42 4. Mitigation for impacts from mining activities under s.
43 373.41492; or

44 5. Mitigation provided for single-family lots or homeowners
45 under subsection (6).

46 Section 3. This act shall take effect upon becoming a law.

47
48 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

49 And the directory clause is amended as follows:

50 Delete lines 34 - 35

51 and insert:

52 Florida Statutes, are amended to read:

53
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 2 - 3

57 and insert:

58 An act relating to mitigation; amending s. 373.4137,
59 F.S.;

60 Delete lines 26 - 28

61 and insert:

62 plan; amending s. 373.4135, F.S.; limiting the
63 circumstances under which a governmental entity may
64 create or provide mitigation for a project other than
65 its own project; specifying certain exceptions;
66 providing an effective date.