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LEGISLATIVE ACTION

Senate

House

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03/09/2012 04:59 PM

Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 33 and 34

insert:

Section 1. Paragraph (d) of subsection (6) of section 373.4136, Florida Statutes, is amended to read:

373.4136 Establishment and operation of mitigation banks.—

(6) MITIGATION SERVICE AREA.—The department or water management district shall establish a mitigation service area for each mitigation bank permit. The department or water management district shall notify and consider comments received on the proposed mitigation service area from each local government within the proposed mitigation service area. Except



14 as provided herein, mitigation credits may be withdrawn and used
15 only to offset adverse impacts in the mitigation service area.
16 The boundaries of the mitigation service area shall depend upon
17 the geographic area where the mitigation bank could reasonably
18 be expected to offset adverse impacts. Mitigation service areas
19 may overlap, and mitigation service areas for two or more
20 mitigation banks may be approved for a regional watershed.

21 (d) If the requirements in s. 373.414(1)(b) and (8) are
22 met, the following projects or activities regulated under this
23 part shall be eligible to use a mitigation bank, regardless of
24 whether they are located within the mitigation service area:

25 1. Projects with adverse impacts partially located within
26 the mitigation service area.

27 2. Linear projects, such as roadways, transmission lines,
28 distribution lines, pipelines, ~~or~~ railways, or seaports listed
29 in s. 311.09(1).

30 3. Projects with total adverse impacts of less than 1 acre
31 in size.

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete line 2

36 and insert:

37 An act relating to mitigation; amending s. 373.4136,
38 F.S.; authorizing certain seaport projects to use a
39 mitigation bank; amending s. 373.4137,