

By the Committee on Transportation; and Senator Brandes

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1 A bill to be entitled
2 An act relating to the environment; amending s.
3 334.044, F.S.; providing an exclusion from provisions
4 that require all plant materials for highway
5 landscaping be purchased from Florida commercial
6 nursery stock in this state on a uniform competitive
7 bid basis if prohibited by federal law or regulation;
8 amending s. 335.06, F.S.; revising the
9 responsibilities of the Department of Transportation,
10 a county, or a municipality to improve or maintain a
11 road that provides access to property within the state
12 park system; amending s. 373.4137, F.S.; providing
13 legislative intent that mitigation be implemented in a
14 manner that promotes efficiency, timeliness, and cost-
15 effectiveness in project delivery; revising the
16 criteria of the environmental impact inventory;
17 revising the criteria for mitigation of projected
18 impacts identified in the environmental impact
19 inventory; requiring the Department of Transportation
20 to include funding for environmental mitigation for
21 its projects in its work program; revising the process
22 and criteria for the payment by the department or
23 participating transportation authorities of mitigation
24 implemented by water management districts or the
25 Department of Environmental Protection; revising the
26 requirements for the payment to a water management
27 district or the Department of Environmental Protection
28 of the costs of mitigation planning and implementation
29 of the mitigation required by a permit; revising the

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30 payment criteria for preparing and implementing
31 mitigation plans adopted by water management districts
32 for transportation impacts based on the environmental
33 impact inventory; adding federal requirements for the
34 development of a mitigation plan; providing for
35 transportation projects in the environmental
36 mitigation plan for which mitigation has not been
37 specified; revising a water management district's
38 responsibilities relating to a mitigation plan;
39 amending s. 373.618, F.S.; revising the outdoor
40 advertisement exemption criteria for a public
41 information system; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 1. Subsection (26) of section 334.044,
46 Florida Statutes, is amended to read:

47 334.044 Department; powers and duties.—The department shall
48 have the following general powers and duties:

49 (26) To provide for the enhancement of environmental
50 benefits, including air and water quality; to prevent roadside
51 erosion; to conserve the natural roadside growth and scenery;
52 and to provide for the implementation and maintenance of
53 roadside conservation, enhancement, and stabilization programs.
54 No less than 1.5 percent of the amount contracted for
55 construction projects shall be allocated by the department on a
56 statewide basis for the purchase of plant materials. Department
57 districts may not expend funds for landscaping in connection
58 with any project that is limited to resurfacing existing lanes

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59 unless the expenditure has been approved by the department's
60 secretary or the secretary's designee. To the greatest extent
61 practical, a minimum of 50 percent of the funds allocated under
62 this subsection shall be allocated for large plant materials and
63 the remaining funds for other plant materials. Except as
64 prohibited by applicable federal law or regulation, all plant
65 materials shall be purchased from Florida commercial nursery
66 stock in this state on a uniform competitive bid basis. The
67 department shall develop grades and standards for landscaping
68 materials purchased through this process. To accomplish these
69 activities, the department may contract with nonprofit
70 organizations having the primary purpose of developing youth
71 employment opportunities.

72 Section 2. Section 335.06, Florida Statutes, is amended to
73 read:

74 335.06 Access roads to the state park system.—~~A Any~~ road
75 that ~~which~~ provides access to property within the state park
76 system must ~~shall~~ be maintained by the department if the road is
77 a part of the State Highway System and may be improved and
78 maintained by the department if the road is part of a county
79 road system or city street system. If the department does not
80 maintain a county or city road that is a part of the county road
81 system or the city street system and that provides access to the
82 state park system, the road must ~~or shall~~ be maintained by the
83 appropriate county or municipality ~~if the road is a part of the~~
84 ~~county road system or the city street system.~~

85 Section 3. Section 373.4137, Florida Statutes, is amended
86 to read:

87 373.4137 Mitigation requirements for specified

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88 transportation projects.—

89 (1) The Legislature finds that environmental mitigation for
90 the impact of transportation projects proposed by the Department
91 of Transportation or a transportation authority established
92 pursuant to chapter 348 or chapter 349 can be more effectively
93 achieved by regional, long-range mitigation planning rather than
94 on a project-by-project basis. It is the intent of the
95 Legislature that mitigation to offset the adverse effects of
96 these transportation projects be funded by the Department of
97 Transportation and be carried out by the use of mitigation banks
98 and any other mitigation options that satisfy state and federal
99 requirements in an efficient, timely, and cost-effective manner.

100 (2) Environmental impact inventories for transportation
101 projects proposed by the Department of Transportation or a
102 transportation authority established pursuant to chapter 348 or
103 chapter 349 shall be developed as follows:

104 (a) By July 1 of each year, the Department of
105 Transportation, or a transportation authority established
106 pursuant to chapter 348 or chapter 349 which chooses to
107 participate in the program, shall submit to the water management
108 districts a list of its projects in the adopted work program and
109 an environmental impact inventory of habitat impacts and the
110 proposed amount of mitigation needed to offset impacts as
111 described in paragraph (b). The environmental impact inventory
112 must be based on ~~habitats addressed in~~ the rules adopted
113 pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
114 U.S.C. s. 1344, and which may be impacted by the Department of
115 Transportation ~~its~~ plan of construction for transportation
116 projects in the next 3 years of the tentative work program. The

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117 Department of Transportation or a transportation authority
118 established pursuant to chapter 348 or chapter 349 may also
119 include in its environmental impact inventory the habitat
120 impacts and the proposed amount of mitigation needed for ~~of~~ any
121 future transportation project. The Department of Transportation
122 and each transportation authority established pursuant to
123 chapter 348 or chapter 349 may fund any mitigation activities
124 for future projects using current year funds.

125 (b) The environmental impact inventory must ~~shall~~ include a
126 description of ~~these~~ habitat impacts, including ~~their~~ location,
127 acreage, and type; the proposed amount of mitigation needed
128 based on the functional loss as determined through the Uniform
129 Mitigation Assessment Method (UMAM) adopted in Chapter 62-345,
130 F.A.C.; identification of the proposed mitigation option; state
131 water quality classification of impacted wetlands and other
132 surface waters; any other state or regional designations for
133 these habitats; and a list of threatened species, endangered
134 species, and species of special concern affected by the proposed
135 project.

136 (c) Before projects are identified for inclusion in a water
137 management district mitigation plan as described in subsection
138 (4), the Department of Transportation must consider using
139 credits from a permitted mitigation bank. The Department of
140 Transportation must consider availability of suitable and
141 sufficient mitigation bank credits within the transportation
142 project's area, ability to satisfy commitments to regulatory and
143 resource agencies, availability of suitable and sufficient
144 mitigation purchased or developed through this section, ability
145 to complete existing water management district or Department of

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146 Environmental Protection suitable mitigation sites initiated
147 with Department of Transportation mitigation funds, and ability
148 to satisfy state and federal requirements including long-term
149 maintenance and liability.

150 (3) (a) To implement the mitigation option ~~fund development~~
151 ~~and implementation of the mitigation plan for the projected~~
152 ~~impacts~~ identified in the environmental impact inventory
153 described in subsection (2), the Department of Transportation
154 may purchase credits for current and future use directly from a
155 mitigation bank; purchase mitigation services through the water
156 management districts or the Department of Environmental
157 Protection; conduct its own mitigation; or use other mitigation
158 options that meet state and federal requirements. ~~shall identify~~
159 ~~funds quarterly in an escrow account within the State~~
160 ~~Transportation Trust Fund for the environmental mitigation phase~~
161 ~~of projects budgeted by~~ Funding for the identified mitigation
162 option as described in the environmental impact inventory must
163 be included in the Department of Transportation's work program
164 developed pursuant to s. 339.135. ~~for the current fiscal year.~~
165 ~~The escrow account shall be maintained by the Department of~~
166 ~~Transportation for the benefit of the water management~~
167 ~~districts. Any interest earnings from the escrow account shall~~
168 ~~remain with the Department of Transportation.~~ The amount
169 programmed each year by the Department of Transportation and
170 participating transportation authorities established pursuant to
171 chapter 348 or chapter 349 must correspond to an estimated cost
172 per credit of \$150,000 multiplied by the projected number of
173 credits identified in the environmental impact inventory
174 described in subsection (2). This estimated cost per credit will

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175 be adjusted every 2 years by the Department of Transportation
176 based on the average cost per UMAM credit paid through this
177 section.

178 (b) Each transportation authority established pursuant to
179 chapter 348 or chapter 349 that chooses to participate in this
180 program shall create an escrow account within its financial
181 structure and deposit funds in the account to pay for the
182 environmental mitigation phase of projects budgeted for the
183 current fiscal year. The escrow account shall be maintained by
184 the authority for the benefit of the water management districts.
185 Any interest earnings from the escrow account shall remain with
186 the authority.

187 (c) For mitigation implemented by the water management
188 district or the Department of Environmental Protection, as
189 appropriate, the amount paid each year must be based on
190 mitigation services provided by the water management districts
191 or Department of Environmental Protection pursuant to an
192 approved water management district plan, as described in
193 subsection (4). ~~Except for current mitigation projects in the~~
194 ~~monitoring and maintenance phase and except as allowed by~~
195 ~~paragraph (d),~~ The water management districts or the Department
196 of Environmental Protection, as appropriate, may request payment
197 ~~a transfer of funds from an escrow account~~ no sooner than 30
198 days before the date the funds are needed to pay for activities
199 associated with development or implementation of ~~the~~ permitted
200 mitigation meeting the requirements pursuant to this part, 33
201 U.S.C. s. 1344, and 33 C.F.R. s. 332, in the approved mitigation
202 plan described in subsection (4) for the current fiscal year.~~7~~
203 ~~including, but not limited to, design, engineering, production,~~

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204 ~~and staff support. Actual conceptual plan preparation costs~~
205 ~~incurred before plan approval may be submitted to the Department~~
206 ~~of Transportation or the appropriate transportation authority~~
207 ~~each year with the plan. The conceptual plan preparation costs~~
208 ~~of each water management district will be paid from mitigation~~
209 ~~funds associated with the environmental impact inventory for the~~
210 ~~current year. The amount transferred to the escrow accounts each~~
211 ~~year by the Department of Transportation and participating~~
212 ~~transportation authorities established pursuant to chapter 348~~
213 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
214 ~~multiplied by the projected acres of impact identified in the~~
215 ~~environmental impact inventory described in subsection (2).~~
216 ~~However, the \$75,000 cost per acre does not constitute an~~
217 ~~admission against interest by the state or its subdivisions and~~
218 ~~is not admissible as evidence of full compensation for any~~
219 ~~property acquired by eminent domain or through inverse~~
220 ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
221 ~~by the percentage change in the average of the Consumer Price~~
222 ~~Index issued by the United States Department of Labor for the~~
223 ~~most recent 12-month period ending September 30, compared to the~~
224 ~~base year average, which is the average for the 12-month period~~
225 ~~ending September 30, 1996. Each quarter, the projected amount of~~
226 ~~mitigation must acreage of impact shall be reconciled with the~~
227 ~~actual amount of mitigation needed for acreage of impact of~~
228 ~~projects as permitted, including permit modifications, pursuant~~
229 ~~to this part and s. 404 of the Clean Water Act, 33 U.S.C. s.~~
230 ~~1344. The subject year's programming transfer of funds shall be~~
231 ~~adjusted accordingly to reflect the mitigation acreage of~~
232 ~~impacts as permitted. The Department of Transportation and~~

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233 ~~participating transportation authorities established pursuant to~~
234 ~~chapter 348 or chapter 349 are authorized to transfer such funds~~
235 ~~from the escrow accounts to the water management districts to~~
236 ~~carry out the mitigation programs. Environmental mitigation~~
237 ~~funds that are identified for or maintained in an escrow account~~
238 ~~for the benefit of a water management district may be released~~
239 ~~if the associated transportation project is excluded in whole or~~
240 ~~part from the mitigation plan. For a mitigation project that is~~
241 ~~in the maintenance and monitoring phase, the water management~~
242 ~~district may request and receive a one-time payment based on the~~
243 ~~project's expected future maintenance and monitoring costs. If~~
244 ~~the water management district excludes a project from an~~
245 ~~approved water management district mitigation plan, cannot~~
246 ~~timely permit a mitigation site to offset the impacts of a~~
247 ~~Department of Transportation project identified in the~~
248 ~~environmental impact inventory, or if the proposed mitigation~~
249 ~~does not meet state and federal requirements, the Department of~~
250 ~~Transportation may use the associated funds for the purchase of~~
251 ~~mitigation bank credits or any other mitigation option that~~
252 ~~satisfies state and federal requirements. Upon final~~
253 ~~disbursement of the final maintenance and monitoring payment for~~
254 ~~mitigation of a transportation project as permitted, the~~
255 ~~obligation of the Department of Transportation or the~~
256 ~~participating transportation authority is satisfied and the~~
257 ~~water management district or the Department of Environmental~~
258 ~~Protection, as appropriate, will have continuing responsibility~~
259 ~~for the mitigation project. , the escrow account for the project~~
260 ~~established by the Department of Transportation or the~~
261 ~~participating transportation authority may be closed. Any~~

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262 ~~interest earned on these disbursed funds shall remain with the~~
263 ~~water management district and must be used as authorized under~~
264 ~~this section.~~

265 (d) Beginning with the March 2014 water management district
266 mitigation plans, in the 2005-2006 fiscal year, each water
267 management district or the Department of Environmental
268 Protection, as appropriate, shall invoice the Department of
269 Transportation for mitigation services to offset only the
270 impacts of a Department of Transportation project identified in
271 the environmental impact inventory, including planning, design,
272 construction, maintenance and monitoring, and other costs
273 necessary to meet requirements pursuant to this section, 33
274 U.S.C. s. 1344, and 33 C.F.R. s. 332. be paid a lump-sum amount
275 ~~of \$75,000 per acre, adjusted as provided under paragraph (c),~~
276 ~~for federally funded transportation projects that are included~~
277 ~~on the environmental impact inventory and that have an approved~~
278 ~~mitigation plan. Beginning in the 2009-2010 fiscal year, each~~
279 ~~water management district shall be paid a lump-sum amount of~~
280 ~~\$75,000 per acre, adjusted as provided under paragraph (c), for~~
281 ~~federally funded and nonfederally funded transportation projects~~
282 ~~that have an approved mitigation plan. All mitigation costs,~~
283 ~~including, but not limited to, the costs of preparing conceptual~~
284 ~~plans and the costs of design, construction, staff support,~~
285 ~~future maintenance, and monitoring the mitigated acres shall be~~
286 ~~funded through these lump-sum amounts. If the water management~~
287 ~~district identifies the use of mitigation bank credits to offset~~
288 ~~a Department of Transportation impact, the water management~~
289 ~~district shall exclude that purchase from the mitigation plan,~~
290 ~~and the Department of Transportation must purchase the bank~~

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291 credits.

292 (e) For mitigation activities occurring on existing water
293 management district or Department of Environmental Protection
294 mitigation sites initiated with Department of Transportation
295 mitigation funds before July 1, 2013, the water management
296 district or Department of Environmental Protection shall invoice
297 the Department of Transportation or a participating
298 transportation authority at a cost per acre of \$75,000
299 multiplied by the projected acres of impact as identified in the
300 environmental impact inventory. The cost per acre must be
301 adjusted by the percentage change in the average of the Consumer
302 Price Index issued by the United States Department of Labor for
303 the most recent 12-month period ending September 30, compared to
304 the base year average, which is the average for the 12-month
305 period ending September 30, 1996. When implementing the
306 mitigation activities necessary to offset the permitted impacts
307 as provided in the approved mitigation plan, the water
308 management district shall maintain records of the costs incurred
309 in implementing the mitigation. The records must include, but
310 are not limited to, costs for planning, land acquisition,
311 design, construction, staff support, long-term maintenance and
312 monitoring of the mitigation site, and other costs necessary to
313 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.

314 (f) For purposes of preparing and implementing the
315 mitigation plans to be adopted by the water management districts
316 on or before March 1, 2013, for impacts based on the July 1,
317 2012, environmental impact inventory, the funds identified in
318 the Department of Transportation's work program or participating
319 transportation authorities' escrow accounts must correspond to a

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320 cost per acre of \$75,000 multiplied by the project acres of
321 impact as identified in the environmental impact inventory. The
322 cost per acre shall be adjusted by the percentage change in the
323 average of the Consumer Price Index issued by the United States
324 Department of Labor for the most recent 12-month period ending
325 September 30, compared to the base year average, which is the
326 average for the 12-month period ending September 30, 1996.
327 Payment as provided under this paragraph is limited to those
328 mitigation activities that are identified in the first year of
329 the 2013 mitigation plan and for which the transportation
330 project is permitted and is in the Department of
331 Transportation's adopted work program, or equivalent for a
332 transportation authority. When implementing the mitigation
333 activities necessary to offset the permitted impacts as provided
334 in the approved mitigation plan, the water management district
335 shall maintain records of the costs incurred in implementing the
336 mitigation. The records must include, but are not limited to,
337 costs for planning, land acquisition, design, construction,
338 staff support, long-term maintenance and monitoring of the
339 mitigation site, and other costs necessary to meet the
340 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332. To the
341 extent moneys paid to a water management district by the
342 Department of Transportation or a participating transportation
343 authority exceed the amount expended by the water management
344 districts in implementing the mitigation to offset the permitted
345 impacts, these funds must be refunded to the Department of
346 Transportation or participating transportation authority. This
347 paragraph expires June 30, 2014.

348 (4) Before March 1 of each year, each water management

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349 district shall develop a mitigation plan to offset only the
350 impacts of transportation projects in the environmental impact
351 inventory for which a water management district is implementing
352 mitigation that meets the requirements of this section, 33
353 U.S.C. s. 1344, and 33 C.F.R. s. 332. The water management-
354 district mitigation plan must be developed, in consultation with
355 the Department of Environmental Protection, the United States
356 Army Corps of Engineers, the Department of Transportation,
357 participating transportation authorities established pursuant to
358 chapter 348 or chapter 349, and other appropriate federal,
359 state, and local governments, and other interested parties,
360 including entities operating mitigation banks, ~~shall develop a~~
361 ~~plan for the primary purpose of complying with the mitigation~~
362 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
363 ~~1344.~~ In developing such plans, the water management districts
364 shall use sound ecosystem management practices to address
365 significant water resource needs and consider ~~shall focus on~~
366 activities of the Department of Environmental Protection and the
367 water management districts, such as surface water improvement
368 and management (SWIM) projects and lands identified for
369 potential acquisition for preservation, restoration, or
370 enhancement, and the control of invasive and exotic plants in
371 wetlands and other surface waters, to the extent that the
372 activities comply with the mitigation requirements adopted under
373 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. s. 332. The
374 water management district mitigation plan must identify each
375 site where the water management district will mitigate for a
376 transportation project. For each mitigation site, the water
377 management district shall provide the scope of the mitigation

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378 services, provide the functional gain as determined through the
379 UMAM per Chapter 62-345, F.A.C., describe how the mitigation
380 offsets the impacts of each transportation project as permitted,
381 and provide a schedule for the mitigation services. The water
382 management districts shall maintain records of costs incurred
383 and payments received for providing these services. Records must
384 include, but are not limited to, planning, land acquisition,
385 design, construction, staff support, long-term maintenance and
386 monitoring of the mitigation site, and other costs necessary to
387 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. s. 332.
388 To the extent monies paid to a water management district by the
389 Department of Transportation or a participating transportation
390 authority exceed the amount expended by the water management
391 districts in providing the mitigation services to offset the
392 permitted transportation project impacts, these monies must be
393 refunded to the Department of Transportation or participating
394 transportation authority. ~~In determining the activities to be~~
395 ~~included in the plans, the districts shall consider the purchase~~
396 ~~of credits from public or private mitigation banks permitted~~
397 ~~under s. 373.4136 and associated federal authorization and shall~~
398 ~~include the purchase as a part of the mitigation plan when the~~
399 ~~purchase would offset the impact of the transportation project,~~
400 ~~provide equal benefits to the water resources than other~~
401 ~~mitigation options being considered, and provide the most cost-~~
402 ~~effective mitigation option.~~ The mitigation plan shall be
403 submitted to the water management district governing board, or
404 its designee, for review and approval. At least 14 days before
405 approval by the governing board, the water management district
406 shall provide a copy of the draft mitigation plan to the

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407 Department of Environmental Protection and any person who has
408 requested a copy. Subsequent to governing board approval, the
409 mitigation plan must be submitted to the Department of
410 Environmental Protection for approval. The plan may not be
411 implemented until it is submitted to and approved, in part or in
412 its entirety, by the Department of Environmental Protection.

413 ~~(a) For each transportation project with a funding request~~
414 ~~for the next fiscal year, the mitigation plan must include a~~
415 ~~brief explanation of why a mitigation bank was or was not chosen~~
416 ~~as a mitigation option, including an estimation of identifiable~~
417 ~~costs of the mitigation bank and nonbank options and other~~
418 ~~factors such as time saved, liability for success of the~~
419 ~~mitigation, and long-term maintenance.~~

420 (a) (b) Specific projects may be excluded from the
421 mitigation plan, in whole or in part, and are not subject to
422 this section upon the election of the Department of
423 Transportation, a transportation authority if applicable, or the
424 appropriate water management district. The Department of
425 Transportation or a participating transportation authority may
426 not exclude a transportation project from the mitigation plan
427 when mitigation is scheduled for implementation by the water
428 management district in the current fiscal year, except when the
429 transportation project is removed from the Department of
430 Transportation's work program or transportation authority
431 funding plan, the mitigation cannot be timely permitted to
432 offset the impacts of a Department of Transportation project
433 identified in the environmental impact inventory, or the
434 proposed mitigation does not meet state and federal
435 requirements. If a project is removed from the work program or

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436 the mitigation plan, costs expended by the water management
437 district prior to removal are eligible for reimbursement by the
438 Department of Transportation or participating transportation
439 authority.

440 (b) ~~(e)~~ When determining which projects to include in or
441 exclude from the mitigation plan, the Department of
442 Transportation shall investigate using credits from a permitted
443 mitigation bank before those projects are submitted for
444 inclusion in a water management district mitigation ~~the~~ plan.
445 ~~The investigation shall consider the cost-effectiveness of~~
446 ~~mitigation bank credits, including, but not limited to, factors~~
447 ~~such as time saved, transfer of liability for success of the~~
448 ~~mitigation, and long-term maintenance.~~ The Department of
449 Transportation shall exclude a project from the mitigation plan
450 if the investigation undertaken pursuant to this paragraph
451 results in the conclusion that the use of credits from a
452 permitted mitigation bank promotes efficiency, timeliness in
453 project delivery, cost-effectiveness, and transfer of liability
454 for success and long-term maintenance.

455 (5) The water management district shall ensure that
456 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
457 C.F.R. s. 332 are met for the impacts identified in the
458 environmental impact inventory for which the water management
459 district will implement mitigation described in subsection (2),
460 by implementation of the approved mitigation plan described in
461 subsection (4) to the extent funding is provided by the
462 Department of Transportation, or a transportation authority
463 established pursuant to chapter 348 or chapter 349, if
464 applicable. In developing and implementing the mitigation plan,

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465 the water management district shall comply with federal
466 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
467 C.F.R. s. 332. During the federal permitting process, the water
468 management district may deviate from the approved mitigation
469 plan in order to comply with federal permitting requirements
470 upon notice and coordination with the Department of
471 Transportation or participating transportation authority.

472 (6) The water management district mitigation plans shall be
473 updated annually to reflect the most current Department of
474 Transportation work program and project list of a transportation
475 authority established pursuant to chapter 348 or chapter 349, if
476 applicable, and may be amended throughout the year to anticipate
477 schedule changes or additional projects which may arise. Before
478 amending the mitigation plan to include new projects, the
479 Department of Transportation shall consider mitigation banks and
480 other available mitigation options that meet state and federal
481 requirements. Each update and amendment of the mitigation plan
482 shall be submitted to the governing board of the water
483 management district or its designee for approval. However, such
484 approval shall not be applicable to a deviation as described in
485 subsection (5).

486 (7) Upon approval by the governing board of the water
487 management district and the Department of Environmental
488 Protection ~~or its designee~~, the mitigation plan shall be deemed
489 to satisfy the mitigation requirements under this part for
490 impacts specifically identified in the environmental impact
491 inventory described in subsection (2) and any other mitigation
492 requirements imposed by local, regional, and state agencies for
493 these same impacts. The approval of the governing board of the

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494 water management district ~~or its designee~~ and the Department of
495 Environmental Protection shall authorize the activities proposed
496 in the mitigation plan, and no other state, regional, or local
497 permit or approval shall be necessary.

498 (8) This section shall not be construed to eliminate the
499 need for the Department of Transportation or a transportation
500 authority established pursuant to chapter 348 or chapter 349 to
501 comply with the requirement to implement practicable design
502 modifications, including realignment of transportation projects,
503 to reduce or eliminate the impacts of its transportation
504 projects on wetlands and other surface waters as required by
505 rules adopted pursuant to this part, or to diminish the
506 authority under this part to regulate other impacts, including
507 water quantity or water quality impacts, or impacts regulated
508 under this part that are not identified in the environmental
509 impact inventory described in subsection (2).

510 ~~(9) The process for environmental mitigation for the impact~~
511 ~~of transportation projects under this section shall be available~~
512 ~~to an expressway, bridge, or transportation authority~~
513 ~~established under chapter 348 or chapter 349. Use of this~~
514 ~~process may be initiated by an authority depositing the~~
515 ~~requisite funds into an escrow account set up by the authority~~
516 ~~and filing an environmental impact inventory with the~~
517 ~~appropriate water management district. An authority that~~
518 ~~initiates the environmental mitigation process established by~~
519 ~~this section shall comply with subsection (6) by timely~~
520 ~~providing the appropriate water management district with the~~
521 ~~requisite work program information. A water management district~~
522 ~~may draw down funds from the escrow account as provided in this~~

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523 ~~section.~~

524 Section 4. Section 373.618, Florida Statutes, is amended to
525 read:

526 373.618 Public service warnings, alerts, and
527 announcements.—The Legislature believes it is in the public
528 interest that each ~~all~~ water management district ~~districts~~
529 created pursuant to s. 373.069 own, acquire, develop, construct,
530 operate, and manage public information systems. Public
531 information systems may be located on property owned by the
532 water management district, upon terms and conditions approved by
533 the water management district, and must display messages to the
534 general public concerning water management services, activities,
535 events, and sponsors, as well as other public service
536 announcements, including watering restrictions, severe weather
537 reports, amber alerts, and other essential information needed by
538 the public. Local government review or approval is not required
539 for a public information system owned or hereafter acquired,
540 developed, or constructed by the water management district on
541 its own property. A public information system is exempt from the
542 requirements of chapter 479; however, a public information
543 system that is subject to the Highway Beautification Act of 1965
544 must be approved by the Department of Transportation and the
545 Federal Highway Administration if required by federal law and
546 federal regulation under the agreement between the state and the
547 United States Department of Transportation, and federal
548 regulations enforced by the Department of Transportation under
549 s. 479.02(1). Water management district funds may not be used to
550 pay the cost to acquire, develop, construct, operate, or manage
551 a public information system. Any necessary funds for a public

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552 information system shall be paid for and collected from private
553 sponsors who may display commercial messages.

554 Section 5. This act shall take effect July 1, 2013.