

By the Committees on Appropriations; and Transportation

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1                   A bill to be entitled  
2           An act relating to the Department of Transportation;  
3           repealing s. 316.530(3), F.S., relating to load limits  
4           for certain towed vehicles; amending s. 316.545, F.S.;  
5           increasing the weight used in calculating whether a  
6           vehicle equipped with fully functional idle-reduction  
7           technology is overweight; updating terminology;  
8           amending s. 332.007, F.S.; authorizing the department  
9           to fund strategic airport investments; providing  
10          criteria; amending s. 334.044, F.S.; prohibiting the  
11          department from entering into a lease-purchase  
12          agreement with certain transportation authorities;  
13          providing that certain lease-purchase agreements are  
14          not invalidated; providing an exception from the  
15          requirement to purchase all plant materials from  
16          Florida commercial nursery stock; amending s. 338.161,  
17          F.S.; revising the authorization of the department to  
18          enter into an agreement with an owner of a  
19          transportation facility under which the department  
20          uses its electronic toll collection and video billing  
21          systems to collect for the owner certain charges for  
22          use of the owner's transportation facility; amending  
23          s. 338.26, F.S.; revising the uses of fees generated  
24          from Alligator Alley tolls to include the cost of  
25          design and construction of a fire station that may be  
26          used by certain local governments and certain related  
27          operating costs; providing that excess tolls, after  
28          payment of certain expenses, be transferred to the  
29          Everglades Trust Fund; amending ss. 343.82 and

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30 343.922, F.S.; removing references to advances from  
31 the previously repealed Toll Facilities Revolving  
32 Trust Fund as a source of funding for certain  
33 authority projects; amending s. 373.4137, F.S.;

34 providing legislative intent that environmental  
35 mitigation be implemented in a manner that promotes  
36 efficiency, timeliness in project delivery, and cost-  
37 effectiveness; revising the criteria for the  
38 environmental impact inventory and for mitigation of  
39 projected impacts identified in the environmental  
40 impact inventory; requiring the Department of  
41 Transportation to include funding for environmental  
42 mitigation for projects in its work program; revising  
43 the process and criteria for the payment by the  
44 department or participating transportation authorities  
45 of mitigation implemented by water management  
46 districts or the Department of Environmental  
47 Protection; revising the requirements for the payment  
48 to a water management district or the Department of  
49 Environmental Protection of the costs of mitigation  
50 planning and implementation of the mitigation required  
51 by a permit; revising the payment criteria for  
52 preparing and implementing mitigation plans adopted by  
53 water management districts for transportation impacts  
54 based on the environmental impact inventory; adding  
55 federal requirements for the development of a  
56 mitigation plan; providing for transportation projects  
57 in the environmental mitigation plan for which  
58 mitigation has not been specified; revising a water

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59 management district's responsibilities relating to a  
60 mitigation plan; amending s. 373.618, F.S.; subjecting  
61 certain public information systems to local government  
62 review or approval and to the requirements of ch. 479,  
63 F.S., relating to outdoor advertising; providing an  
64 effective date.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Subsection (3) of section 316.530, Florida  
69 Statutes, is repealed.

70 Section 2. Subsection (3) of section 316.545, Florida  
71 Statutes, is amended to read:

72 316.545 Weight and load unlawful; special fuel and motor  
73 fuel tax enforcement; inspection; penalty; review.—

74 (3) A Any person who violates the overloading provisions of  
75 this chapter is shall be conclusively presumed to have damaged  
76 the highways of this state by reason of such overloading, and a  
77 fine shall be assessed ~~which damage is hereby fixed~~ as follows:

78 (a) When the excess weight is 200 pounds or less than the  
79 maximum ~~herein~~ provided in this chapter, the fine is ~~penalty~~  
80 ~~shall be~~ \$10;

81 (b) Five cents per pound for each pound of weight in excess  
82 of the maximum ~~herein~~ provided in this chapter if when the  
83 excess weight is greater than ~~exceeds~~ 200 pounds. If However,  
84 ~~whenever~~ the gross weight of the vehicle or combination of  
85 vehicles is not greater than ~~does not exceed~~ the maximum  
86 allowable gross weight, the maximum fine for the first 600  
87 pounds of unlawful axle weight is shall be \$10;

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88 (c) For a vehicle equipped with fully functional idle-  
89 reduction technology, the fine is ~~any penalty shall be~~  
90 calculated by reducing the actual gross vehicle weight or the  
91 internal bridge weight by the certified weight of the idle-  
92 reduction technology or by 550 ~~400~~ pounds, whichever is less.  
93 The vehicle operator must present written certification of the  
94 weight of the idle-reduction technology and must demonstrate or  
95 certify that the idle-reduction technology is fully functional  
96 at all times. This calculation is not allowed for vehicles  
97 described in s. 316.535(6);

98 (d) An apportionable vehicle~~r~~, as defined in s. 320.01~~r~~,  
99 operating on the highways of this state which is not ~~without~~  
100 ~~being~~ properly licensed and registered is ~~shall be~~ subject to  
101 the penalties ~~as~~ provided in this section; and

102 (e) A vehicle ~~Vehicles~~ operating on the highways of this  
103 state from nonmember International Registration Plan  
104 jurisdictions which is ~~are~~ not in compliance with ~~the provisions~~  
105 ~~of~~ s. 316.605 is ~~shall be~~ subject to the penalties ~~as herein~~  
106 provided in this section.

107 Section 3. Subsection (10) is added to section 332.007,  
108 Florida Statutes, to read:

109 332.007 Administration and financing of aviation and  
110 airport programs and projects; state plan.-

111 (10) The department may fund strategic airport investment  
112 projects at up to 100 percent of the project's cost if:

113 (a) Important access and on-airport capacity improvements  
114 are provided;

115 (b) Capital improvements that strategically position the  
116 state to maximize opportunities in international trade,

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117 logistics, and the aviation industry are provided;

118 (c) Goals of an integrated intermodal transportation system  
119 for the state are achieved; and

120 (d) Feasibility and availability of matching funds through  
121 federal, local, or private partners are demonstrated.

122 Section 4. Subsections (16) and (26) of section 334.044,  
123 Florida Statutes, are amended to read:

124 334.044 Department; powers and duties.—The department shall  
125 have the following general powers and duties:

126 (16) To plan, acquire, lease, construct, maintain, and  
127 operate toll facilities; to authorize the issuance and refunding  
128 of bonds; and to fix and collect tolls or other charges for  
129 travel on any such facilities. Notwithstanding any other law,  
130 the department may not enter into a lease-purchase agreement  
131 with an expressway authority, regional transportation authority,  
132 or other entity. This provision does not invalidate a lease-  
133 purchase agreement authorized under chapter 348 or chapter 2000-  
134 411, Laws of Florida, existing as of July 1, 2013, and does not  
135 limit the department's authority under s. 334.30.

136 (26) To provide for the enhancement of environmental  
137 benefits, including air and water quality; to prevent roadside  
138 erosion; to conserve the natural roadside growth and scenery;  
139 and to provide for the implementation and maintenance of  
140 roadside conservation, enhancement, and stabilization programs.  
141 At least ~~No less than~~ 1.5 percent of the amount contracted for  
142 construction projects shall be allocated by the department on a  
143 statewide basis for the purchase of plant materials. Department  
144 districts may not expend funds for landscaping in connection  
145 with any project that is limited to resurfacing existing lanes

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146 unless the expenditure has been approved by the department's  
147 secretary or the secretary's designee. To the greatest extent  
148 practical, at least ~~a minimum~~ of 50 percent of the funds  
149 allocated under this subsection shall be allocated for large  
150 plant materials and the remaining funds for other plant  
151 materials. Except as prohibited by applicable federal law or  
152 regulation, all plant materials shall be purchased from Florida  
153 commercial nursery stock in this state on a uniform competitive  
154 bid basis. The department shall develop grades and standards for  
155 landscaping materials purchased through this process. To  
156 accomplish these activities, the department may contract with  
157 nonprofit organizations having the primary purpose of developing  
158 youth employment opportunities.

159 Section 5. Subsection (5) of section 338.161, Florida  
160 Statutes, is amended to read:

161 338.161 Authority of department or toll agencies to  
162 advertise and promote electronic toll collection; expanded uses  
163 of electronic toll collection system; authority of department to  
164 collect tolls, fares, and fees for private and public entities.-

165 (5) If the department finds that it can increase nontoll  
166 revenues or add convenience or other value for its customers,  
167 and if a public or private transportation facility owner agrees  
168 that its facility will become interoperable with the  
169 department's electronic toll collection and video billing  
170 systems, the department may ~~is authorized to~~ enter into an  
171 agreement with the owner of such facility under which the  
172 department uses ~~private or public entities for the department's~~  
173 ~~use of~~ its electronic toll collection and video billing systems  
174 to collect and enforce for the owner tolls, fares,

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175 administrative fees, and other applicable charges due ~~imposed~~ in  
 176 connection with use of the owner's facility ~~transportation~~  
 177 ~~facilities of the private or public entities that become~~  
 178 ~~interoperable with the department's electronic toll collection~~  
 179 ~~system~~. The department may modify its rules regarding toll  
 180 collection procedures and the imposition of ~~administrative~~  
 181 charges to be applicable to toll facilities that are not part of  
 182 the turnpike system or otherwise owned by the department. This  
 183 subsection does ~~may not be construed to~~ limit the authority of  
 184 the department under any other ~~provision of~~ law or under any  
 185 agreement entered into before ~~prior to~~ July 1, 2012.

186 Section 6. Subsection (3) of section 338.26, Florida  
 187 Statutes, is amended to read:

188 338.26 Alligator Alley toll road.-

189 (3) (a) Fees generated from tolls shall be deposited in the  
 190 State Transportation Trust Fund and shall be used; ~~and any~~  
 191 ~~amount of funds generated annually in excess of that required~~

192 1. To reimburse outstanding contractual obligations;;~~;~~

193 2. To operate and maintain the highway and toll facilities,  
 194 including reconstruction and restoration;;~~;~~

195 3. To pay for those projects that are funded with Alligator  
 196 Alley toll revenues and that are contained in the 1993-1994  
 197 adopted work program or the 1994-1995 tentative work program  
 198 submitted to the Legislature on February 22, 1994;;~~and~~

199 4. To design ~~develop~~ and construct ~~operate~~ a fire station  
 200 at mile marker 63 on Alligator Alley, which may be used by a  
 201 county or another local governmental entity to provide fire,  
 202 rescue, and emergency management services to the public on  
 203 ~~adjacent counties along~~ Alligator Alley; and

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204       5. By interlocal agreement effective July 1, 2014, through  
205 no later than June 30, 2018, to reimburse a county or another  
206 local governmental entity for the direct actual costs of  
207 operating such fire station.

208       (b) Funds generated annually in excess of those required to  
209 pay the expenses in paragraph (a) may be transferred to the  
210 Everglades Fund of the South Florida Water Management District.  
211 The South Florida Water Management District shall deposit funds  
212 for projects undertaken pursuant to s. 373.4592 in the  
213 Everglades Trust Fund pursuant to s. 373.45926(4) (a). Any funds  
214 remaining in the Everglades Fund may be used for environmental  
215 projects to restore the natural values of the Everglades,  
216 subject to compliance with any applicable federal laws and  
217 regulations. Projects must ~~shall~~ be limited to:

218       1.(a) Highway redesign to allow for improved sheet flow of  
219 water across the southern Everglades.

220       2.(b) Water conveyance projects to enable more water  
221 resources to reach Florida Bay to replenish marine estuary  
222 functions.

223       3.(e) Engineering design plans for wastewater treatment  
224 facilities as recommended in the Water Quality Protection  
225 Program Document for the Florida Keys National Marine Sanctuary.

226       4.(d) Acquisition of lands to move STA 3/4 out of the Toe  
227 of the Boot, provided such lands are located within 1 mile of  
228 the northern border of STA 3/4.

229       5.(e) Other Everglades Construction Projects as described  
230 in the February 15, 1994, conceptual design document.

231       Section 7. Paragraph (d) of subsection (3) of section  
232 343.82, Florida Statutes, is amended to read:



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233 343.82 Purposes and powers.—

234 (3)

235 (d) The authority may undertake projects or other  
236 improvements in the master plan in phases as particular projects  
237 or segments thereof become feasible, as determined by the  
238 authority. In carrying out its purposes and powers, the  
239 authority may request funding and technical assistance from the  
240 department and appropriate federal and local agencies,  
241 including, but not limited to, state infrastructure bank loans,  
242 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~  
243 ~~any other sources.~~

244 Section 8. Subsection (4) of section 343.922, Florida  
245 Statutes, is amended to read:

246 343.922 Powers and duties.—

247 (4) The authority may undertake projects or other  
248 improvements in the master plan in phases as particular projects  
249 or segments become feasible, as determined by the authority. The  
250 authority shall coordinate project planning, development, and  
251 implementation with the applicable local governments. The  
252 authority's projects that are transportation oriented must ~~shall~~  
253 be consistent to the maximum extent feasible with the adopted  
254 local government comprehensive plans at the time such projects  
255 ~~they~~ are funded for construction. Authority projects that are  
256 not transportation oriented and meet the definition of  
257 development pursuant to s. 380.04 must ~~shall~~ be consistent with  
258 the local comprehensive plans. In carrying out its purposes and  
259 powers, the authority may request funding and technical  
260 assistance from the department and appropriate federal and local  
261 agencies, including, but not limited to, state infrastructure

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262 bank loans, ~~advances from the Toll Facilities Revolving Trust~~  
263 ~~Fund, and funding and technical assistance from any other~~  
264 ~~source.~~

265 Section 9. Section 373.4137, Florida Statutes, is amended  
266 to read:

267 373.4137 Mitigation requirements for specified  
268 transportation projects.—

269 (1) The Legislature finds that environmental mitigation for  
270 the impact of transportation projects proposed by the Department  
271 of Transportation or a transportation authority established  
272 pursuant to chapter 348 or chapter 349 can be more effectively  
273 achieved by regional, long-range mitigation planning rather than  
274 on a project-by-project basis. It is the intent of the  
275 Legislature that mitigation to offset the adverse effects of  
276 these transportation projects be funded by the Department of  
277 Transportation and be carried out by the use of mitigation banks  
278 and any other mitigation options that satisfy state and federal  
279 requirements in a manner that promotes efficiency, timeliness in  
280 project delivery, and cost-effectiveness.

281 (2) Environmental impact inventories for transportation  
282 projects proposed by the Department of Transportation or a  
283 transportation authority established pursuant to chapter 348 or  
284 chapter 349 shall be developed as follows:

285 (a) By July 1 of each year, the Department of  
286 Transportation, or a transportation authority established  
287 pursuant to chapter 348 or chapter 349 which chooses to  
288 participate in the program, shall submit to the water management  
289 districts a list of its projects in the adopted work program and  
290 an environmental impact inventory of habitat impacts and the

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291 anticipated mitigation needed to offset impacts as described in  
292 paragraph (b). The environmental impact inventory must be based  
293 on habitats addressed in the rules adopted pursuant to this  
294 part, and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and  
295 the Department of Transportation's which may be impacted by its  
296 plan of construction for transportation projects in the next 3  
297 years of the tentative work program. The Department of  
298 Transportation or a transportation authority established  
299 pursuant to chapter 348 or chapter 349 may also include in its  
300 environmental impact inventory the habitat impacts and the  
301 anticipated amount of mitigation needed for of any future  
302 transportation project. The Department of Transportation and  
303 each transportation authority established pursuant to chapter  
304 348 or chapter 349 may fund any mitigation activities for future  
305 projects using current year funds.

306 (b) The environmental impact inventory must ~~shall~~ include a  
307 description of ~~these~~ habitat impacts, including ~~their~~ location,  
308 acreage, and type; the anticipated mitigation needed based on  
309 the functional loss as determined through the Uniform Mitigation  
310 Assessment Method (UMAM) adopted in chapter 62-345, Florida  
311 Administrative Code; identification of the proposed mitigation  
312 option; state water quality classification of impacted wetlands  
313 and other surface waters; any other state or regional  
314 designations for these habitats; and a list of threatened  
315 species, endangered species, and species of special concern  
316 affected by the proposed project.

317 (c) Before projects are identified for inclusion in a water  
318 management district mitigation plan as described in subsection  
319 (4), the Department of Transportation must consider using

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320 credits from a permitted mitigation bank. The Department of  
321 Transportation must consider the availability of suitable and  
322 sufficient mitigation bank credits within the transportation  
323 project's area, the ability to satisfy commitments to regulatory  
324 and resource agencies, the availability of suitable and  
325 sufficient mitigation purchased or developed under this section,  
326 the ability to complete suitable existing water management  
327 district or Department of Environmental Protection mitigation  
328 sites initiated with Department of Transportation mitigation  
329 funds, and the ability to satisfy state and federal  
330 requirements, including long-term maintenance and liability.

331 (3) (a) To implement the mitigation option ~~fund development~~  
332 ~~and implementation of the mitigation plan for the projected~~  
333 ~~impacts identified in the environmental impact inventory~~  
334 ~~described in subsection (2), the Department of Transportation~~  
335 may purchase credits for current and future use directly from a  
336 mitigation bank, purchase mitigation services through the water  
337 management districts or the Department of Environmental  
338 Protection, conduct its own mitigation, or use other mitigation  
339 options that meet state and federal requirements. Funding for  
340 the identified mitigation option as described in the  
341 environmental impact inventory must be included in ~~shall~~  
342 ~~identify funds quarterly in an escrow account within the State~~  
343 ~~Transportation Trust Fund for the environmental mitigation phase~~  
344 ~~of projects budgeted by the Department of~~ Transportation's work  
345 program developed pursuant to s. 339.135 ~~Transportation for the~~  
346 ~~current fiscal year. The amount programmed each year by the~~  
347 Department of Transportation and participating transportation  
348 authorities established pursuant to chapter 348 or chapter 349

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349 must correspond to an estimated cost to mitigate for the  
350 functional loss identified in the environmental impact inventory  
351 described in subsection (2) ~~The escrow account shall be~~  
352 ~~maintained by the Department of Transportation for the benefit~~  
353 ~~of the water management districts. Any interest earnings from~~  
354 ~~the escrow account shall remain with the Department of~~  
355 ~~Transportation.~~

356 (b) Each transportation authority established pursuant to  
357 chapter 348 or chapter 349 which ~~that~~ chooses to participate in  
358 this program shall create an escrow account within its financial  
359 structure and deposit funds in the account to pay for the  
360 environmental mitigation phase of projects budgeted for the  
361 current fiscal year. The escrow account shall be maintained by  
362 the authority for the benefit of the water management districts.  
363 Any interest earnings from the escrow account must ~~shall~~ remain  
364 with the authority.

365 (c) For mitigation implemented by the water management  
366 district or the Department of Environmental Protection, as  
367 appropriate, the amount paid each year must be based on  
368 mitigation services provided by the water management districts  
369 or the Department of Environmental Protection pursuant to an  
370 approved water management district mitigation plan, as described  
371 in subsection (4). ~~Except for current mitigation projects in the~~  
372 ~~monitoring and maintenance phase and except as allowed by~~  
373 ~~paragraph (d),~~ The water management districts or the Department  
374 of Environmental Protection, as appropriate, may request payment  
375 ~~a transfer of funds from an escrow account~~ no sooner than 30  
376 days before the date the funds are needed to pay for activities  
377 associated with development or implementation of permitted

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378 mitigation that meets the requirements of this part, 33 U.S.C.  
379 s. 1344, and 33 C.F.R. part 332, in the approved water  
380 management district mitigation plan described in subsection (4)  
381 for the current fiscal year, ~~including, but not limited to,~~  
382 ~~design, engineering, production, and staff support. Actual~~  
383 ~~conceptual plan preparation costs incurred before plan approval~~  
384 ~~may be submitted to the Department of Transportation or the~~  
385 ~~appropriate transportation authority each year with the plan.~~  
386 ~~The conceptual plan preparation costs of each water management~~  
387 ~~district will be paid from mitigation funds associated with the~~  
388 ~~environmental impact inventory for the current year. The amount~~  
389 ~~transferred to the escrow accounts each year by the Department~~  
390 ~~of Transportation and participating transportation authorities~~  
391 ~~established pursuant to chapter 348 or chapter 349 shall~~  
392 ~~correspond to a cost per acre of \$75,000 multiplied by the~~  
393 ~~projected acres of impact identified in the environmental impact~~  
394 ~~inventory described in subsection (2). However, the \$75,000 cost~~  
395 ~~per acre does not constitute an admission against interest by~~  
396 ~~the state or its subdivisions and is not admissible as evidence~~  
397 ~~of full compensation for any property acquired by eminent domain~~  
398 ~~or through inverse condemnation. Each July 1, the cost per acre~~  
399 ~~shall be adjusted by the percentage change in the average of the~~  
400 ~~Consumer Price Index issued by the United States Department of~~  
401 ~~Labor for the most recent 12-month period ending September 30,~~  
402 ~~compared to the base year average, which is the average for the~~  
403 ~~12-month period ending September 30, 1996. Each quarter, The~~  
404 ~~projected amount of mitigation acreage of impact shall be~~  
405 ~~reconciled each quarter with the actual amount of mitigation~~  
406 ~~needed for acreage of impact of projects as permitted, including~~

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407 permit modifications, pursuant to this part and s. 404 of the  
408 Clean Water Act, 33 U.S.C. s. 1344. The subject year's  
409 programming ~~transfer~~ of funds shall be adjusted ~~accordingly~~ to  
410 reflect the mitigation acreage ~~of impacts~~ as permitted. If the  
411 water management district excludes a project from an approved  
412 water management district mitigation plan, if the water  
413 management district cannot timely permit a mitigation site to  
414 offset the impacts of a Department of Transportation project  
415 identified in the environmental impact inventory, or if the  
416 proposed mitigation does not meet state and federal  
417 requirements, the Department of Transportation may use the  
418 associated funds for the purchase of mitigation bank credits or  
419 any other mitigation option that satisfies state and federal  
420 requirements. ~~The Department of Transportation and participating~~  
421 ~~transportation authorities established pursuant to chapter 348~~  
422 ~~or chapter 349 are authorized to transfer such funds from the~~  
423 ~~escrow accounts to the water management districts to carry out~~  
424 ~~the mitigation programs. Environmental mitigation funds that are~~  
425 ~~identified for or maintained in an escrow account for the~~  
426 ~~benefit of a water management district may be released if the~~  
427 ~~associated transportation project is excluded in whole or part~~  
428 ~~from the mitigation plan. For a mitigation project that is in~~  
429 ~~the maintenance and monitoring phase, the water management~~  
430 ~~district may request and receive a one-time payment based on the~~  
431 ~~project's expected future maintenance and monitoring costs. Upon~~  
432 final disbursement of the final maintenance and monitoring  
433 payment for mitigation of a transportation project as permitted,  
434 the obligation of the Department of Transportation or the  
435 participating transportation authority is satisfied, and the

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436 water management district or the Department of Environmental  
437 Protection, as appropriate, has continuing responsibility for  
438 the mitigation project, ~~the escrow account for the project~~  
439 ~~established by the Department of Transportation or the~~  
440 ~~participating transportation authority may be closed. Any~~  
441 ~~interest earned on these disbursed funds shall remain with the~~  
442 ~~water management district and must be used as authorized under~~  
443 ~~this section.~~

444 (d) Beginning with the March 2015 water management district  
445 mitigation plans in the 2005-2006 fiscal year, each water  
446 management district or the Department of Environmental  
447 Protection, as appropriate, shall invoice the Department of  
448 Transportation for mitigation services to offset only the  
449 impacts of a Department of Transportation project identified in  
450 the environmental impact inventory, including planning, design,  
451 construction, maintenance and monitoring, and other costs  
452 necessary to meet the requirements of this section, 33 U.S.C. s.  
453 1344, and 33 C.F.R. part 332 ~~be paid a lump-sum amount of~~  
454 ~~\$75,000 per acre, adjusted as provided under paragraph (c), for~~  
455 ~~federally funded transportation projects that are included on~~  
456 ~~the environmental impact inventory and that have an approved~~  
457 ~~mitigation plan. If the water management district identifies the~~  
458 use of mitigation bank credits to offset a Department of  
459 Transportation impact, the water management district shall  
460 exclude that purchase from the mitigation plan, and the  
461 Department of Transportation shall purchase the bank credits.  
462 ~~Beginning in the 2009-2010 fiscal year, each water management~~  
463 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~  
464 ~~adjusted as provided under paragraph (c), for federally funded~~



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465 ~~and nonfederally funded transportation projects that have an~~  
466 ~~approved mitigation plan. All mitigation costs, including, but~~  
467 ~~not limited to, the costs of preparing conceptual plans and the~~  
468 ~~costs of design, construction, staff support, future~~  
469 ~~maintenance, and monitoring the mitigated acres shall be funded~~  
470 ~~through these lump-sum amounts.~~

471 (e) For mitigation activities occurring on existing water  
472 management district or Department of Environmental Protection  
473 mitigation sites initiated with Department of Transportation  
474 mitigation funds before July 1, 2013, the water management  
475 district or the Department of Environmental Protection, as  
476 appropriate, shall invoice the Department of Transportation or a  
477 participating transportation authority at a cost per acre of  
478 \$75,000 multiplied by the projected acres of impact as  
479 identified in the environmental impact inventory. The cost per  
480 acre must be adjusted by the percentage change in the average of  
481 the Consumer Price Index issued by the United States Department  
482 of Labor for the most recent 12-month period ending September  
483 30, compared to the base year average, which is the average for  
484 the 12-month period ending September 30, 1996. When implementing  
485 the mitigation activities necessary to offset the permitted  
486 impacts as provided in the approved mitigation plan, the water  
487 management district shall maintain records of the costs incurred  
488 in implementing the mitigation. The records must include, but  
489 are not limited to, costs for planning, land acquisition,  
490 design, construction, staff support, long-term maintenance and  
491 monitoring of the mitigation site, and other costs necessary to  
492 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
493 332.

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494 (f) For purposes of preparing and implementing the  
495 mitigation plans to be adopted by the water management districts  
496 on or before March 1, 2014, for impacts based on the July 1,  
497 2013, environmental impact inventory, the funds identified in  
498 the Department of Transportation's work program or participating  
499 transportation authorities' escrow accounts must correspond to a  
500 cost per acre of \$75,000 multiplied by the projected acres of  
501 impact as identified in the environmental impact inventory. The  
502 cost per acre must be adjusted by the percentage change in the  
503 average of the Consumer Price Index issued by the United States  
504 Department of Labor for the most recent 12-month period ending  
505 September 30, compared to the base year average, which is the  
506 average for the 12-month period ending September 30, 1996.  
507 Payment under this paragraph is limited to mitigation activities  
508 that are identified in the first year of the 2013 mitigation  
509 plan and for which the transportation project is permitted and  
510 are in the Department of Transportation's adopted work program,  
511 or equivalent for a transportation authority. When implementing  
512 the mitigation activities necessary to offset the permitted  
513 impacts as provided in the approved mitigation plan, the water  
514 management district shall maintain records of the costs incurred  
515 in implementing the mitigation. The records must include, but  
516 are not limited to, costs for planning, land acquisition,  
517 design, construction, staff support, long-term maintenance and  
518 monitoring of the mitigation site, and other costs necessary to  
519 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
520 332. To the extent moneys paid to a water management district by  
521 the Department of Transportation or a participating  
522 transportation authority are greater than the amount spent by

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523 the water management districts in implementing the mitigation to  
524 offset the permitted impacts, these funds must be refunded to  
525 the Department of Transportation or participating transportation  
526 authority. This paragraph expires June 30, 2015.

527 (4) Before March 1 of each year, each water management  
528 district shall develop a mitigation plan to offset only the  
529 impacts of transportation projects in the environmental impact  
530 inventory for which a water management district is implementing  
531 mitigation that meets the requirements of this section, 33  
532 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management  
533 district mitigation plan must be developed, in consultation with  
534 the Department of Environmental Protection, the United States  
535 Army Corps of Engineers, the Department of Transportation,  
536 participating transportation authorities established pursuant to  
537 chapter 348 or chapter 349, ~~and~~ other appropriate federal,  
538 state, and local governments, and other interested parties,  
539 including entities operating mitigation banks, ~~shall develop a~~  
540 ~~plan for the primary purpose of complying with the mitigation~~  
541 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~  
542 ~~1344.~~ In developing such plans, the water management districts  
543 shall use sound ecosystem management practices to address  
544 significant water resource needs and consider ~~shall focus on~~  
545 activities of the Department of Environmental Protection and the  
546 water management districts, such as surface water improvement  
547 and management (SWIM) projects and lands identified for  
548 potential acquisition for preservation, restoration, or  
549 enhancement, and the control of invasive and exotic plants in  
550 wetlands and other surface waters, to the extent that the  
551 activities comply with the mitigation requirements adopted under

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552 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The  
553 water management district mitigation plan must identify each  
554 site where the water management district will mitigate for a  
555 transportation project. For each mitigation site, the water  
556 management district shall provide the scope of the mitigation  
557 services; provide the functional gain as determined through the  
558 UMAM adopted in chapter 62-345, Florida Administrative Code;  
559 describe how the mitigation offsets the impacts of each  
560 transportation project as permitted; and provide a schedule for  
561 the mitigation services. The water management districts shall  
562 maintain records of costs incurred and payments received for  
563 providing these services. Records must include, but are not  
564 limited to, planning, land acquisition, design, construction,  
565 staff support, long-term maintenance and monitoring of the  
566 mitigation site, and other costs necessary to meet the  
567 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the  
568 extent moneys paid to a water management district by the  
569 Department of Transportation or a participating transportation  
570 authority are greater than the amount spent by the water  
571 management districts in providing the mitigation services to  
572 offset the permitted transportation project impacts, these  
573 moneys must be refunded to the Department of Transportation or  
574 participating transportation authority ~~In determining the~~  
575 ~~activities to be included in the plans, the districts shall~~  
576 ~~consider the purchase of credits from public or private~~  
577 ~~mitigation banks permitted under s. 373.4136 and associated~~  
578 ~~federal authorization and shall include the purchase as a part~~  
579 ~~of the mitigation plan when the purchase would offset the impact~~  
580 ~~of the transportation project, provide equal benefits to the~~

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581 ~~water resources than other mitigation options being considered,~~  
582 ~~and provide the most cost-effective mitigation option.~~ The  
583 mitigation plan shall be submitted to the water management  
584 district governing board~~,~~ or its designee~~,~~ for review and  
585 approval. At least 14 days before approval by the governing  
586 board, the water management district shall provide a copy of the  
587 draft mitigation plan to the Department of Environmental  
588 Protection and any person who has requested a copy. Subsequent  
589 to the governing board approval, the mitigation plan shall be  
590 submitted to the Department of Environmental Protection for  
591 approval. The plan may not be implemented until it is submitted  
592 to, and approved, in part or in its entirety~~,~~ by, the Department  
593 of Environmental Protection.

594 ~~(a) For each transportation project with a funding request~~  
595 ~~for the next fiscal year, the mitigation plan must include a~~  
596 ~~brief explanation of why a mitigation bank was or was not chosen~~  
597 ~~as a mitigation option, including an estimation of identifiable~~  
598 ~~costs of the mitigation bank and nonbank options and other~~  
599 ~~factors such as time saved, liability for success of the~~  
600 ~~mitigation, and long-term maintenance.~~

601 (a)(b) Specific projects may be excluded from the  
602 mitigation plan, in whole or in part, and are not subject to  
603 this section upon the election of the Department of  
604 Transportation, a transportation authority if applicable, or the  
605 appropriate water management district. The Department of  
606 Transportation or a participating transportation authority may  
607 not exclude a transportation project from the mitigation plan if  
608 mitigation is scheduled for implementation by the water  
609 management district in the current fiscal year unless the

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610 transportation project is removed from the Department of  
611 Transportation's work program or transportation authority  
612 funding plan, the mitigation cannot be timely permitted to  
613 offset the impacts of a Department of Transportation project  
614 identified in the environmental impact inventory, or the  
615 proposed mitigation does not meet state and federal  
616 requirements. If a project is removed from the work program or  
617 the mitigation plan, costs spent by the water management  
618 district before removal are eligible for reimbursement by the  
619 Department of Transportation or participating transportation  
620 authority.

621 (b)~~(e)~~ When determining which projects to include in or  
622 exclude from the mitigation plan, the Department of  
623 Transportation shall investigate using credits from a permitted  
624 mitigation bank before those projects are submitted for  
625 inclusion in a water management district mitigation ~~the~~ plan.  
626 The Department of Transportation shall exclude a project from  
627 the mitigation plan if the investigation undertaken pursuant to  
628 this paragraph results in the conclusion that the use of credits  
629 from a permitted mitigation bank promotes efficiency, timeliness  
630 in project delivery, ~~The investigation shall consider the cost-~~  
631 ~~effectiveness, and of mitigation bank credits, including, but~~  
632 ~~not limited to, factors such as time saved, transfer of~~  
633 ~~liability for success of the mitigation, and long-term~~  
634 maintenance.

635 (5) The water management district shall ensure that  
636 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
637 C.F.R. part 332 are met for the impacts identified in the  
638 environmental impact inventory for which the water management

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639 district will implement mitigation described in subsection (2),  
640 by implementation of the approved mitigation plan described in  
641 subsection (4) to the extent funding is provided by the  
642 Department of Transportation, or a transportation authority  
643 established pursuant to chapter 348 or chapter 349, if  
644 applicable. In developing and implementing the mitigation plan,  
645 the water management district shall comply with federal  
646 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33  
647 C.F.R. part 332. During the federal permitting process, the  
648 water management district may deviate from the approved  
649 mitigation plan in order to comply with federal permitting  
650 requirements upon notice and coordination with the Department of  
651 Transportation or participating transportation authority.

652 (6) The water management district mitigation plans shall be  
653 updated annually to reflect the most current Department of  
654 Transportation work program and project list of a transportation  
655 authority established pursuant to chapter 348 or chapter 349, if  
656 applicable, and may be amended throughout the year to anticipate  
657 schedule changes or additional projects that ~~which~~ may arise.  
658 Before amending the mitigation plan to include new projects, the  
659 Department of Transportation must consider mitigation banks and  
660 other available mitigation options that meet state and federal  
661 requirements. Each update and amendment of the mitigation plan  
662 shall be submitted to the governing board of the water  
663 management district or its designee for approval. However, such  
664 approval ~~does shall~~ not apply ~~be applicable~~ to a deviation as  
665 described in subsection (5).

666 (7) Upon approval by the governing board of the water  
667 management district and the Department of Environmental

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668 Protection ~~or its designee~~, the mitigation plan shall ~~be deemed~~  
669 ~~to~~ satisfy the mitigation requirements under this part for  
670 impacts specifically identified in the environmental impact  
671 inventory described in subsection (2) and any other mitigation  
672 requirements imposed by local, regional, and state agencies for  
673 these same impacts. The approval of the governing board of the  
674 water management district and the Department of Environmental  
675 Protection authorizes ~~or its designee shall authorize~~ the  
676 activities proposed in the mitigation plan, and no other state,  
677 regional, or local permit or approval is ~~shall be~~ necessary.

678 (8) This section does ~~shall~~ not ~~be construed to~~ eliminate  
679 the need for the Department of Transportation or a  
680 transportation authority established pursuant to chapter 348 or  
681 chapter 349 to comply with the requirement to implement  
682 practicable design modifications, including realignment of  
683 transportation projects, to reduce or eliminate the impacts of  
684 its transportation projects on wetlands and other surface waters  
685 as required by rules adopted pursuant to this part, or to  
686 diminish the authority under this part to regulate other  
687 impacts, including water quantity or water quality impacts, or  
688 impacts regulated under this part which ~~that~~ are not identified  
689 in the environmental impact inventory described in subsection  
690 (2).

691 ~~(9) The process for environmental mitigation for the impact~~  
692 ~~of transportation projects under this section shall be available~~  
693 ~~to an expressway, bridge, or transportation authority~~  
694 ~~established under chapter 348 or chapter 349. Use of this~~  
695 ~~process may be initiated by an authority depositing the~~  
696 ~~requisite funds into an escrow account set up by the authority~~



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697 ~~and filing an environmental impact inventory with the~~  
698 ~~appropriate water management district. An authority that~~  
699 ~~initiates the environmental mitigation process established by~~  
700 ~~this section shall comply with subsection (6) by timely~~  
701 ~~providing the appropriate water management district with the~~  
702 ~~requisite work program information. A water management district~~  
703 ~~may draw down funds from the escrow account as provided in this~~  
704 ~~section.~~

705 Section 10. Section 373.618, Florida Statutes, is amended  
706 to read:

707 373.618 Public service warnings, alerts, and  
708 announcements.—The Legislature believes it is in the public  
709 interest that each ~~all~~ water management district ~~districts~~  
710 created pursuant to s. 373.069 own, acquire, develop, construct,  
711 operate, and manage public information systems. Public  
712 information systems may be located on property owned by the  
713 water management district, upon terms and conditions approved by  
714 the water management district, and must display messages to the  
715 general public concerning water management services, activities,  
716 events, and sponsors, as well as other public service  
717 announcements, including watering restrictions, severe weather  
718 reports, amber alerts, and other essential information needed by  
719 the public. ~~Local government review or approval is not required~~  
720 ~~for a public information system owned or hereafter acquired,~~  
721 ~~developed, or constructed by the water management district on~~  
722 ~~its own property.~~ A public information system is subject to  
723 ~~exempt from~~ the requirements of chapter 479. Water management  
724 district funds may not be used to pay the cost to acquire,  
725 develop, construct, operate, or manage a public information

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726 system. Such system ~~Any necessary funds for a public information~~  
727 ~~system~~ shall be paid for with funds ~~and~~ collected from private  
728 sponsors, who may display commercial messages.

729 Section 11. This act shall take effect July 1, 2014.