

FOR CONSIDERATION By the Committee on 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 in accordance with a specified

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30 memorandum; removing authority of the South Florida
31 Water Management District to issue bonds or notes;
32 amending ss. 343.82 and 343.922, F.S.; removing
33 references to advances from the previously repealed
34 Toll Facilities Revolving Trust Fund as a source of
35 funding for certain authority projects; amending s.
36 373.4137, F.S.; providing legislative intent that
37 environmental mitigation be implemented in a manner
38 that promotes efficiency, timeliness in project
39 delivery, and cost-effectiveness; revising the
40 criteria for the environmental impact inventory and
41 for mitigation of projected impacts identified in the
42 environmental impact inventory; requiring the
43 Department of Transportation to include funding for
44 environmental mitigation for projects in its work
45 program; revising the process and criteria for the
46 payment by the department or participating
47 transportation authorities of mitigation implemented
48 by water management districts or the Department of
49 Environmental Protection; revising the requirements
50 for the payment to a water management district or the
51 Department of Environmental Protection of the costs of
52 mitigation planning and implementation of the
53 mitigation required by a permit; revising the payment
54 criteria for preparing and implementing mitigation
55 plans adopted by water management districts for
56 transportation impacts based on the environmental
57 impact inventory; adding federal requirements for the
58 development of a mitigation plan; providing for

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59 transportation projects in the environmental
60 mitigation plan for which mitigation has not been
61 specified; revising a water management district's
62 responsibilities relating to a mitigation plan;
63 amending s. 373.618, F.S.; subjecting certain public
64 information systems to local government review or
65 approval and to the requirements of ch. 479, F.S.,
66 relating to outdoor advertising; providing an
67 effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Subsection (3) of section 316.530, Florida
72 Statutes, is repealed.

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

75 316.545 Weight and load unlawful; special fuel and motor
76 fuel tax enforcement; inspection; penalty; review.—

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

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

84 (b) Five cents per pound for each pound of weight in excess
85 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the
86 excess weight is greater than ~~exceeds~~ 200 pounds. If ~~However,~~
87 ~~whenever~~ the gross weight of the vehicle or combination of

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88 vehicles is not greater than ~~does not exceed~~ the maximum
89 allowable gross weight, the maximum fine for the first 600
90 pounds of unlawful axle weight is ~~shall be~~ \$10;

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

101 (d) An apportionable vehicle~~7~~, as defined in s. 320.01~~7~~,
102 operating on the highways of this state which is not ~~without~~
103 ~~being~~ properly licensed and registered is ~~shall be~~ subject to
104 the penalties ~~as~~ provided in this section; and

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

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

112 332.007 Administration and financing of aviation and
113 airport programs and projects; state plan.-

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

116 (a) Important access and on-airport capacity improvements

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117 are provided;

118 (b) Capital improvements that strategically position the
119 state to maximize opportunities in international trade,
120 logistics, and the aviation industry are provided;

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

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

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

127 334.044 Department; powers and duties.—The department shall
128 have the following general powers and duties:

129 (16) To plan, acquire, lease, construct, maintain, and
130 operate toll facilities; to authorize the issuance and refunding
131 of bonds; and to fix and collect tolls or other charges for
132 travel on any such facilities. Notwithstanding any other law,
133 the department may not enter into a lease-purchase agreement
134 with an expressway authority, regional transportation authority,
135 or other entity. This provision does not invalidate a lease-
136 purchase agreement authorized under chapter 348 or chapter 2000-
137 411, Laws of Florida, existing as of July 1, 2013, and does not
138 limit the department's authority under s. 334.30.

139 (26) To provide for the enhancement of environmental
140 benefits, including air and water quality; to prevent roadside
141 erosion; to conserve the natural roadside growth and scenery;
142 and to provide for the implementation and maintenance of
143 roadside conservation, enhancement, and stabilization programs.
144 At least ~~No less than~~ 1.5 percent of the amount contracted for
145 construction projects shall be allocated by the department on a

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146 statewide basis for the purchase of plant materials. Department
147 districts may not expend funds for landscaping in connection
148 with any project that is limited to resurfacing existing lanes
149 unless the expenditure has been approved by the department's
150 secretary or the secretary's designee. To the greatest extent
151 practical, at least ~~a minimum of~~ 50 percent of the funds
152 allocated under this subsection shall be allocated for large
153 plant materials and the remaining funds for other plant
154 materials. Except as prohibited by applicable federal law or
155 regulation, all plant materials shall be purchased from Florida
156 commercial nursery stock in this state on a uniform competitive
157 bid basis. The department shall develop grades and standards for
158 landscaping materials purchased through this process. To
159 accomplish these activities, the department may contract with
160 nonprofit organizations having the primary purpose of developing
161 youth employment opportunities.

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

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

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

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

189 Section 6. Subsections (3) and (4) of section 338.26,
 190 Florida Statutes, are amended to read:

191 338.26 Alligator Alley toll road.—

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

195 1. To reimburse outstanding contractual obligations;; ~~and~~

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

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

202 4. To design develop and construct ~~operate~~ a fire station
 203 at mile marker 63 on Alligator Alley, which may be used by a

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204 county or another local governmental entity to provide fire,
205 rescue, and emergency management services to the public on
206 adjacent counties along Alligator Alley; and

207 5. By interlocal agreement effective July 1, 2014, through
208 no later than June 30, 2017, to reimburse a county or another
209 local governmental entity for the direct actual costs of
210 operating such fire station.

211 (b) Funds generated annually in excess of those required to
212 pay the expenses in paragraph (a) may be transferred to the
213 Everglades Fund of the South Florida Water Management District
214 in accordance with the memorandum of understanding of June 30,
215 1997, between the district and the department. The South Florida
216 Water Management District shall deposit funds for projects
217 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
218 pursuant to s. 373.45926(4) (a). Any funds remaining in the
219 Everglades Fund may be used for environmental projects to
220 restore the natural values of the Everglades, subject to
221 compliance with any applicable federal laws and regulations.
222 Projects must shall be limited to:

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

225 2.(b) Water conveyance projects to enable more water
226 resources to reach Florida Bay to replenish marine estuary
227 functions.

228 3.(c) Engineering design plans for wastewater treatment
229 facilities as recommended in the Water Quality Protection
230 Program Document for the Florida Keys National Marine Sanctuary.

231 4.(d) Acquisition of lands to move STA 3/4 out of the Toe
232 of the Boot, provided such lands are located within 1 mile of

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233 the northern border of STA 3/4.

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

236 ~~(4) The district may issue revenue bonds or notes under s.~~
237 ~~373.584 and pledge the revenue from the transfers from the~~
238 ~~Alligator Alley toll revenues as security for such bonds or~~
239 ~~notes. The proceeds from such revenue bonds or notes shall be~~
240 ~~used for environmental projects; at least 50 percent of said~~
241 ~~proceeds must be used for projects that benefit Florida Bay, as~~
242 ~~described in this section subject to resolutions approving such~~
243 ~~activity by the Board of Trustees of the Internal Improvement~~
244 ~~Trust Fund and the governing board of the South Florida Water~~
245 ~~Management District and the remaining proceeds must be used for~~
246 ~~restoration activities in the Everglades Protection Area.~~

247 Section 7. Paragraph (d) of subsection (3) of section
248 343.82, Florida Statutes, is amended to read:

249 343.82 Purposes and powers.—

250 (3)

251 (d) The authority may undertake projects or other
252 improvements in the master plan in phases as particular projects
253 or segments thereof become feasible, as determined by the
254 authority. In carrying out its purposes and powers, the
255 authority may request funding and technical assistance from the
256 department and appropriate federal and local agencies,
257 including, but not limited to, state infrastructure bank loans,
258 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~
259 ~~any other sources.~~

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

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262 343.922 Powers and duties.—

263 (4) The authority may undertake projects or other
264 improvements in the master plan in phases as particular projects
265 or segments become feasible, as determined by the authority. The
266 authority shall coordinate project planning, development, and
267 implementation with the applicable local governments. The
268 authority's projects that are transportation oriented must ~~shall~~
269 be consistent to the maximum extent feasible with the adopted
270 local government comprehensive plans at the time such projects
271 ~~they~~ are funded for construction. Authority projects that are
272 not transportation oriented and meet the definition of
273 development pursuant to s. 380.04 must ~~shall~~ be consistent with
274 the local comprehensive plans. In carrying out its purposes and
275 powers, the authority may request funding and technical
276 assistance from the department and appropriate federal and local
277 agencies, including, but not limited to, state infrastructure
278 bank loans, ~~advances from the Toll Facilities Revolving Trust~~
279 ~~Fund, and funding and technical assistance from any other~~
280 ~~source.~~

281 Section 9. Section 373.4137, Florida Statutes, is amended
282 to read:

283 373.4137 Mitigation requirements for specified
284 transportation projects.—

285 (1) The Legislature finds that environmental mitigation for
286 the impact of transportation projects proposed by the Department
287 of Transportation or a transportation authority established
288 pursuant to chapter 348 or chapter 349 can be more effectively
289 achieved by regional, long-range mitigation planning rather than
290 on a project-by-project basis. It is the intent of the

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291 Legislature that mitigation to offset the adverse effects of
292 these transportation projects be funded by the Department of
293 Transportation and be carried out by the use of mitigation banks
294 and any other mitigation options that satisfy state and federal
295 requirements in a manner that promotes efficiency, timeliness in
296 project delivery, and cost-effectiveness.

297 (2) Environmental impact inventories for transportation
298 projects proposed by the Department of Transportation or a
299 transportation authority established pursuant to chapter 348 or
300 chapter 349 shall be developed as follows:

301 (a) By July 1 of each year, the Department of
302 Transportation, or a transportation authority established
303 pursuant to chapter 348 or chapter 349 which chooses to
304 participate in the program, shall submit to the water management
305 districts a list of its projects in the adopted work program and
306 an environmental impact inventory of habitat impacts and the
307 anticipated mitigation needed to offset impacts as described in
308 paragraph (b). The environmental impact inventory must be based
309 on habitats addressed in the rules adopted pursuant to this
310 part, and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, and
311 the Department of Transportation's which may be impacted by its
312 plan of construction for transportation projects in the next 3
313 years of the tentative work program. The Department of
314 Transportation or a transportation authority established
315 pursuant to chapter 348 or chapter 349 may also include in its
316 environmental impact inventory the habitat impacts and the
317 anticipated amount of mitigation needed for ~~of~~ any future
318 transportation project. The Department of Transportation and
319 each transportation authority established pursuant to chapter

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320 348 or chapter 349 may fund any mitigation activities for future
321 projects using current year funds.

322 (b) The environmental impact inventory must ~~shall~~ include a
323 description of ~~these~~ habitat impacts, including ~~their~~ location,
324 acreage, and type; the anticipated mitigation needed based on
325 the functional loss as determined through the Uniform Mitigation
326 Assessment Method (UMAM) adopted in chapter 62-345, Florida
327 Administrative Code; identification of the proposed mitigation
328 option; state water quality classification of impacted wetlands
329 and other surface waters; any other state or regional
330 designations for these habitats; and a list of threatened
331 species, endangered species, and species of special concern
332 affected by the proposed project.

333 (c) Before projects are identified for inclusion in a water
334 management district mitigation plan as described in subsection
335 (4), the Department of Transportation must consider using
336 credits from a permitted mitigation bank. The Department of
337 Transportation must consider the availability of suitable and
338 sufficient mitigation bank credits within the transportation
339 project's area, the ability to satisfy commitments to regulatory
340 and resource agencies, the availability of suitable and
341 sufficient mitigation purchased or developed under this section,
342 the ability to complete suitable existing water management
343 district or Department of Environmental Protection mitigation
344 sites initiated with Department of Transportation mitigation
345 funds, and the ability to satisfy state and federal
346 requirements, including long-term maintenance and liability.

347 (3) (a) To implement the mitigation option ~~fund development~~
348 ~~and implementation of the mitigation plan for the projected~~

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349 ~~impacts~~ identified in the environmental impact inventory
350 described in subsection (2), the Department of Transportation
351 may purchase credits for current and future use directly from a
352 mitigation bank, purchase mitigation services through the water
353 management districts or the Department of Environmental
354 Protection, conduct its own mitigation, or use other mitigation
355 options that meet state and federal requirements. Funding for
356 the identified mitigation option as described in the
357 environmental impact inventory must be included in shall
358 ~~identify funds quarterly in an escrow account within the State~~
359 ~~Transportation Trust Fund for the environmental mitigation phase~~
360 ~~of projects budgeted by the Department of Transportation's work~~
361 ~~program developed pursuant to s. 339.135 Transportation for the~~
362 ~~current fiscal year. The amount programmed each year by the~~
363 ~~Department of Transportation and participating transportation~~
364 ~~authorities established pursuant to chapter 348 or chapter 349~~
365 ~~must correspond to an estimated cost per credit of \$150,000~~
366 ~~multiplied by the projected number of credits identified in the~~
367 ~~environmental impact inventory described in subsection (2). This~~
368 ~~estimated cost per credit must be adjusted every 2 years by the~~
369 ~~Department of Transportation based on the average cost per UMAM~~
370 ~~credit paid through this section The escrow account shall be~~
371 ~~maintained by the Department of Transportation for the benefit~~
372 ~~of the water management districts. Any interest earnings from~~
373 ~~the escrow account shall remain with the Department of~~
374 ~~Transportation.~~

375 (b) Each transportation authority established pursuant to
376 chapter 348 or chapter 349 which ~~that~~ chooses to participate in
377 this program shall create an escrow account within its financial

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378 structure and deposit funds in the account to pay for the
379 environmental mitigation phase of projects budgeted for the
380 current fiscal year. The escrow account shall be maintained by
381 the authority for the benefit of the water management districts.
382 Any interest earnings from the escrow account must ~~shall~~ remain
383 with the authority.

384 (c) For mitigation implemented by the water management
385 district or the Department of Environmental Protection, as
386 appropriate, the amount paid each year must be based on
387 mitigation services provided by the water management districts
388 or the Department of Environmental Protection pursuant to an
389 approved water management district mitigation plan, as described
390 in subsection (4). ~~Except for current mitigation projects in the~~
391 ~~monitoring and maintenance phase and except as allowed by~~
392 ~~paragraph (d),~~ The water management districts or the Department
393 of Environmental Protection, as appropriate, may request payment
394 ~~a transfer of funds from an escrow account~~ no sooner than 30
395 days before the date the funds are needed to pay for activities
396 associated with development or implementation of permitted
397 mitigation that meets the requirements of this part, 33 U.S.C.
398 s. 1344, and 33 C.F.R. part 332, in the approved water
399 management district mitigation plan described in subsection (4)
400 ~~for the current fiscal year, including, but not limited to,~~
401 ~~design, engineering, production, and staff support. Actual~~
402 ~~conceptual plan preparation costs incurred before plan approval~~
403 ~~may be submitted to the Department of Transportation or the~~
404 ~~appropriate transportation authority each year with the plan.~~
405 ~~The conceptual plan preparation costs of each water management~~
406 ~~district will be paid from mitigation funds associated with the~~

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407 ~~environmental impact inventory for the current year. The amount~~
408 ~~transferred to the escrow accounts each year by the Department~~
409 ~~of Transportation and participating transportation authorities~~
410 ~~established pursuant to chapter 348 or chapter 349 shall~~
411 ~~correspond to a cost per acre of \$75,000 multiplied by the~~
412 ~~projected acres of impact identified in the environmental impact~~
413 ~~inventory described in subsection (2). However, the \$75,000 cost~~
414 ~~per acre does not constitute an admission against interest by~~
415 ~~the state or its subdivisions and is not admissible as evidence~~
416 ~~of full compensation for any property acquired by eminent domain~~
417 ~~or through inverse condemnation. Each July 1, the cost per acre~~
418 ~~shall be adjusted by the percentage change in the average of the~~
419 ~~Consumer Price Index issued by the United States Department of~~
420 ~~Labor for the most recent 12-month period ending September 30,~~
421 ~~compared to the base year average, which is the average for the~~
422 ~~12-month period ending September 30, 1996. Each quarter, The~~
423 ~~projected amount of mitigation acreage of impact shall be~~
424 ~~reconciled each quarter with the actual amount of mitigation~~
425 ~~needed for acreage of impact of projects as permitted, including~~
426 ~~permit modifications, pursuant to this part and s. 404 of the~~
427 ~~Clean Water Act, 33 U.S.C. s. 1344. The subject year's~~
428 ~~programming transfer of funds shall be adjusted accordingly to~~
429 ~~reflect the mitigation acreage of impacts as permitted. If the~~
430 ~~water management district excludes a project from an approved~~
431 ~~water management district mitigation plan, if the water~~
432 ~~management district cannot timely permit a mitigation site to~~
433 ~~offset the impacts of a Department of Transportation project~~
434 ~~identified in the environmental impact inventory, or if the~~
435 ~~proposed mitigation does not meet state and federal~~

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436 requirements, the Department of Transportation may use the
437 associated funds for the purchase of mitigation bank credits or
438 any other mitigation option that satisfies state and federal
439 requirements. ~~The Department of Transportation and participating~~
440 ~~transportation authorities established pursuant to chapter 348~~
441 ~~or chapter 349 are authorized to transfer such funds from the~~
442 ~~escrow accounts to the water management districts to carry out~~
443 ~~the mitigation programs. Environmental mitigation funds that are~~
444 ~~identified for or maintained in an escrow account for the~~
445 ~~benefit of a water management district may be released if the~~
446 ~~associated transportation project is excluded in whole or part~~
447 ~~from the mitigation plan. For a mitigation project that is in~~
448 ~~the maintenance and monitoring phase, the water management~~
449 ~~district may request and receive a one-time payment based on the~~
450 ~~project's expected future maintenance and monitoring costs. Upon~~
451 final disbursement of the final maintenance and monitoring
452 payment for mitigation of a transportation project as permitted,
453 the obligation of the Department of Transportation or the
454 participating transportation authority is satisfied, and the
455 water management district or the Department of Environmental
456 Protection, as appropriate, has continuing responsibility for
457 the mitigation project, ~~the escrow account for the project~~
458 ~~established by the Department of Transportation or the~~
459 ~~participating transportation authority may be closed. Any~~
460 ~~interest earned on these disbursed funds shall remain with the~~
461 ~~water management district and must be used as authorized under~~
462 ~~this section.~~

463 (d) Beginning with the March 2015 water management district
464 mitigation plans in the 2005-2006 fiscal year, each water

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465 management district or the Department of Environmental
466 Protection, as appropriate, shall invoice the Department of
467 Transportation for mitigation services to offset only the
468 impacts of a Department of Transportation project identified in
469 the environmental impact inventory, including planning, design,
470 construction, maintenance and monitoring, and other costs
471 necessary to meet the requirements of this section, 33 U.S.C. s.
472 1344, and 33 C.F.R. part 332 ~~be paid a lump-sum amount of~~
473 ~~\$75,000 per acre, adjusted as provided under paragraph (c), for~~
474 ~~federally funded transportation projects that are included on~~
475 ~~the environmental impact inventory and that have an approved~~
476 ~~mitigation plan. If the water management district identifies the~~
477 use of mitigation bank credits to offset a Department of
478 Transportation impact, the water management district shall
479 exclude that purchase from the mitigation plan, and the
480 Department of Transportation shall purchase the bank credits.
481 ~~Beginning in the 2009-2010 fiscal year, each water management~~
482 ~~district shall be paid a lump-sum amount of \$75,000 per acre,~~
483 ~~adjusted as provided under paragraph (c), for federally funded~~
484 ~~and nonfederally funded transportation projects that have an~~
485 ~~approved mitigation plan. All mitigation costs, including, but~~
486 ~~not limited to, the costs of preparing conceptual plans and the~~
487 ~~costs of design, construction, staff support, future~~
488 ~~maintenance, and monitoring the mitigated acres shall be funded~~
489 ~~through these lump-sum amounts.~~

490 (e) For mitigation activities occurring on existing water
491 management district or Department of Environmental Protection
492 mitigation sites initiated with Department of Transportation
493 mitigation funds before July 1, 2013, the water management

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494 district or the Department of Environmental Protection, as
495 appropriate, shall invoice the Department of Transportation or a
496 participating transportation authority at a cost per acre of
497 \$75,000 multiplied by the projected acres of impact as
498 identified in the environmental impact inventory. The cost per
499 acre must be adjusted by the percentage change in the average of
500 the Consumer Price Index issued by the United States Department
501 of Labor for the most recent 12-month period ending September
502 30, compared to the base year average, which is the average for
503 the 12-month period ending September 30, 1996. When implementing
504 the mitigation activities necessary to offset the permitted
505 impacts as provided in the approved mitigation plan, the water
506 management district shall maintain records of the costs incurred
507 in implementing the mitigation. The records must include, but
508 are not limited to, costs for planning, land acquisition,
509 design, construction, staff support, long-term maintenance and
510 monitoring of the mitigation site, and other costs necessary to
511 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
512 332.

513 (f) For purposes of preparing and implementing the
514 mitigation plans to be adopted by the water management districts
515 on or before March 1, 2014, for impacts based on the July 1,
516 2013, environmental impact inventory, the funds identified in
517 the Department of Transportation's work program or participating
518 transportation authorities' escrow accounts must correspond to a
519 cost per acre of \$75,000 multiplied by the projected acres of
520 impact as identified in the environmental impact inventory. The
521 cost per acre must be adjusted by the percentage change in the
522 average of the Consumer Price Index issued by the United States

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523 Department of Labor for the most recent 12-month period ending
524 September 30, compared to the base year average, which is the
525 average for the 12-month period ending September 30, 1996.
526 Payment under this paragraph is limited to mitigation activities
527 that are identified in the first year of the 2013 mitigation
528 plan and for which the transportation project is permitted and
529 are in the Department of Transportation's adopted work program,
530 or equivalent for a transportation authority. When implementing
531 the mitigation activities necessary to offset the permitted
532 impacts as provided in the approved mitigation plan, the water
533 management district shall maintain records of the costs incurred
534 in implementing the mitigation. The records must include, but
535 are not limited to, costs for planning, land acquisition,
536 design, construction, staff support, long-term maintenance and
537 monitoring of the mitigation site, and other costs necessary to
538 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part
539 332. To the extent moneys paid to a water management district by
540 the Department of Transportation or a participating
541 transportation authority are greater than the amount spent by
542 the water management districts in implementing the mitigation to
543 offset the permitted impacts, these funds must be refunded to
544 the Department of Transportation or participating transportation
545 authority. This paragraph expires June 30, 2015.

546 (4) Before March 1 of each year, each water management
547 district shall develop a mitigation plan to offset only the
548 impacts of transportation projects in the environmental impact
549 inventory for which a water management district is implementing
550 mitigation that meets the requirements of this section, 33
551 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management

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552 district mitigation plan must be developed, in consultation with
553 the Department of Environmental Protection, the United States
554 Army Corps of Engineers, the Department of Transportation,
555 participating transportation authorities established pursuant to
556 chapter 348 or chapter 349, ~~and~~ other appropriate federal,
557 state, and local governments, and other interested parties,
558 including entities operating mitigation banks, ~~shall develop a~~
559 ~~plan for the primary purpose of complying with the mitigation~~
560 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~
561 ~~1344.~~ In developing such plans, the water management districts
562 shall use sound ecosystem management practices to address
563 significant water resource needs and consider ~~shall focus on~~
564 activities of the Department of Environmental Protection and the
565 water management districts, such as surface water improvement
566 and management (SWIM) projects and lands identified for
567 potential acquisition for preservation, restoration, or
568 enhancement, and the control of invasive and exotic plants in
569 wetlands and other surface waters, to the extent that the
570 activities comply with the mitigation requirements adopted under
571 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The
572 water management district mitigation plan must identify each
573 site where the water management district will mitigate for a
574 transportation project. For each mitigation site, the water
575 management district shall provide the scope of the mitigation
576 services; provide the functional gain as determined through the
577 UMAM adopted in chapter 62-345, Florida Administrative Code;
578 describe how the mitigation offsets the impacts of each
579 transportation project as permitted; and provide a schedule for
580 the mitigation services. The water management districts shall

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581 maintain records of costs incurred and payments received for
582 providing these services. Records must include, but are not
583 limited to, planning, land acquisition, design, construction,
584 staff support, long-term maintenance and monitoring of the
585 mitigation site, and other costs necessary to meet the
586 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the
587 extent moneys paid to a water management district by the
588 Department of Transportation or a participating transportation
589 authority are greater than the amount spent by the water
590 management districts in providing the mitigation services to
591 offset the permitted transportation project impacts, these
592 moneys must be refunded to the Department of Transportation or
593 participating transportation authority ~~In determining the~~
594 ~~activities to be included in the plans, the districts shall~~
595 ~~consider the purchase of credits from public or private~~
596 ~~mitigation banks permitted under s. 373.4136 and associated~~
597 ~~federal authorization and shall include the purchase as a part~~
598 ~~of the mitigation plan when the purchase would offset the impact~~
599 ~~of the transportation project, provide equal benefits to the~~
600 ~~water resources than other mitigation options being considered,~~
601 ~~and provide the most cost-effective mitigation option. The~~
602 ~~mitigation plan shall be submitted to the water management~~
603 ~~district governing board, or its designee, for review and~~
604 ~~approval. At least 14 days before approval by the governing~~
605 ~~board, the water management district shall provide a copy of the~~
606 ~~draft mitigation plan to the Department of Environmental~~
607 ~~Protection and any person who has requested a copy. Subsequent~~
608 ~~to the governing board approval, the mitigation plan shall be~~
609 ~~submitted to the Department of Environmental Protection for~~

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610 approval. The plan may not be implemented until it is submitted
611 to, and approved, in part or in its entirety, by, the Department
612 of Environmental Protection.

613 ~~(a) For each transportation project with a funding request~~
614 ~~for the next fiscal year, the mitigation plan must include a~~
615 ~~brief explanation of why a mitigation bank was or was not chosen~~
616 ~~as a mitigation option, including an estimation of identifiable~~
617 ~~costs of the mitigation bank and nonbank options and other~~
618 ~~factors such as time saved, liability for success of the~~
619 ~~mitigation, and long-term maintenance.~~

620 (a) (b) Specific projects may be excluded from the
621 mitigation plan, in whole or in part, and are not subject to
622 this section upon the election of the Department of
623 Transportation, a transportation authority if applicable, or the
624 appropriate water management district. The Department of
625 Transportation or a participating transportation authority may
626 not exclude a transportation project from the mitigation plan if
627 mitigation is scheduled for implementation by the water
628 management district in the current fiscal year unless the
629 transportation project is removed from the Department of
630 Transportation's work program or transportation authority
631 funding plan, the mitigation cannot be timely permitted to
632 offset the impacts of a Department of Transportation project
633 identified in the environmental impact inventory, or the
634 proposed mitigation does not meet state and federal
635 requirements. If a project is removed from the work program or
636 the mitigation plan, costs spent by the water management
637 district before removal are eligible for reimbursement by the
638 Department of Transportation or participating transportation

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639 authority.

640 (b)~~(e)~~ When determining which projects to include in or
641 exclude from the mitigation plan, the Department of
642 Transportation shall investigate using credits from a permitted
643 mitigation bank before those projects are submitted for
644 inclusion in a water management district mitigation ~~the~~ plan.
645 The Department of Transportation shall exclude a project from
646 the mitigation plan if the investigation undertaken pursuant to
647 this paragraph results in the conclusion that the use of credits
648 from a permitted mitigation bank promotes efficiency, timeliness
649 in project delivery, ~~The investigation shall consider the cost-~~
650 ~~effectiveness, and of mitigation bank credits, including, but~~
651 ~~not limited to, factors such as time saved, transfer of~~
652 ~~liability for success of the mitigation, and long-term~~
653 maintenance.

654 (5) The water management district shall ensure that
655 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
656 C.F.R. part 332 are met for the impacts identified in the
657 environmental impact inventory for which the water management
658 district will implement mitigation described in subsection (2),
659 by implementation of the approved mitigation plan described in
660 subsection (4) to the extent funding is provided by the
661 Department of Transportation, or a transportation authority
662 established pursuant to chapter 348 or chapter 349, if
663 applicable. In developing and implementing the mitigation plan,
664 the water management district shall comply with federal
665 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33
666 C.F.R. part 332. During the federal permitting process, the
667 water management district may deviate from the approved

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668 mitigation plan in order to comply with federal permitting
669 requirements upon notice and coordination with the Department of
670 Transportation or participating transportation authority.

671 (6) The water management district mitigation plans shall be
672 updated annually to reflect the most current Department of
673 Transportation work program and project list of a transportation
674 authority established pursuant to chapter 348 or chapter 349, if
675 applicable, and may be amended throughout the year to anticipate
676 schedule changes or additional projects that ~~which~~ may arise.
677 Before amending the mitigation plan to include new projects, the
678 Department of Transportation must consider mitigation banks and
679 other available mitigation options that meet state and federal
680 requirements. Each update and amendment of the mitigation plan
681 shall be submitted to the governing board of the water
682 management district or its designee for approval. However, such
683 approval does ~~shall~~ not apply ~~be applicable~~ to a deviation as
684 described in subsection (5).

685 (7) Upon approval by the governing board of the water
686 management district and the Department of Environmental
687 Protection ~~or its designee~~, the mitigation plan shall ~~be deemed~~
688 ~~to~~ satisfy the mitigation requirements under this part for
689 impacts specifically identified in the environmental impact
690 inventory described in subsection (2) and any other mitigation
691 requirements imposed by local, regional, and state agencies for
692 these same impacts. The approval of the governing board of the
693 water management district and the Department of Environmental
694 Protection authorizes ~~or its designee shall authorize~~ the
695 activities proposed in the mitigation plan, and no other state,
696 regional, or local permit or approval is ~~shall be~~ necessary.

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697 (8) This section does ~~shall~~ not be construed to eliminate
698 the need for the Department of Transportation or a
699 transportation authority established pursuant to chapter 348 or
700 chapter 349 to comply with the requirement to implement
701 practicable design modifications, including realignment of
702 transportation projects, to reduce or eliminate the impacts of
703 its transportation projects on wetlands and other surface waters
704 as required by rules adopted pursuant to this part, or to
705 diminish the authority under this part to regulate other
706 impacts, including water quantity or water quality impacts, or
707 impacts regulated under this part which ~~that~~ are not identified
708 in the environmental impact inventory described in subsection
709 (2).

710 ~~(9) The process for environmental mitigation for the impact~~
711 ~~of transportation projects under this section shall be available~~
712 ~~to an expressway, bridge, or transportation authority~~
713 ~~established under chapter 348 or chapter 349. Use of this~~
714 ~~process may be initiated by an authority depositing the~~
715 ~~requisite funds into an escrow account set up by the authority~~
716 ~~and filing an environmental impact inventory with the~~
717 ~~appropriate water management district. An authority that~~
718 ~~initiates the environmental mitigation process established by~~
719 ~~this section shall comply with subsection (6) by timely~~
720 ~~providing the appropriate water management district with the~~
721 ~~requisite work program information. A water management district~~
722 ~~may draw down funds from the escrow account as provided in this~~
723 ~~section.~~

724 Section 10. Section 373.618, Florida Statutes, is amended
725 to read:

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726 373.618 Public service warnings, alerts, and
727 announcements.—The Legislature believes it is in the public
728 interest that each ~~all~~ water management district ~~districts~~
729 created pursuant to s. 373.069 own, acquire, develop, construct,
730 operate, and manage public information systems. Public
731 information systems may be located on property owned by the
732 water management district, upon terms and conditions approved by
733 the water management district, and must display messages to the
734 general public concerning water management services, activities,
735 events, and sponsors, as well as other public service
736 announcements, including watering restrictions, severe weather
737 reports, amber alerts, and other essential information needed by
738 the public. ~~Local government review or approval is not required~~
739 ~~for a public information system owned or hereafter acquired,~~
740 ~~developed, or constructed by the water management district on~~
741 ~~its own property.~~ A public information system is subject to
742 ~~exempt from~~ the requirements of chapter 479. Water management
743 district funds may not be used to pay the cost to acquire,
744 develop, construct, operate, or manage a public information
745 system. Such system ~~Any necessary funds for a public information~~
746 ~~system~~ shall be paid for with funds ~~and~~ collected from private
747 sponsors, who may display commercial messages.

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