

By Senator Hays

11-01375A-16

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1 A bill to be entitled
2 An act relating to mitigation; amending s. 373.4135,
3 F.S.; providing an exception from certain restrictions
4 on the use of governmental lands for mitigation of
5 impacts from the mining of construction aggregate
6 materials; authorizing such mitigation to include the
7 removal and management of exotic plant species;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (b) of subsection (1) of section
13 373.4135, Florida Statutes, is amended to read:

14 373.4135 Mitigation banks and offsite regional mitigation.—

15 (1) The Legislature finds that the adverse impacts of
16 activities regulated under this part may be offset by the
17 creation, maintenance, and use of mitigation banks and offsite
18 regional mitigation. Mitigation banks and offsite regional
19 mitigation can enhance the certainty of mitigation and provide
20 ecological value due to the improved likelihood of environmental
21 success associated with their proper construction, maintenance,
22 and management. Therefore, the department and the water
23 management districts are directed to participate in and
24 encourage the establishment of private and public mitigation
25 banks and offsite regional mitigation. Mitigation banks and
26 offsite regional mitigation should emphasize the restoration and
27 enhancement of degraded ecosystems and the preservation of
28 uplands and wetlands as intact ecosystems rather than alteration
29 of landscapes to create wetlands. This is best accomplished
30 through restoration of ecological communities that were
31 historically present.

32 (b) Notwithstanding the provisions of this section, a

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33 governmental entity may not create or provide mitigation for a
34 project other than its own unless the governmental entity uses
35 land that was not previously purchased for conservation and
36 unless the governmental entity provides the same financial
37 assurances as required for mitigation banks permitted under s.
38 373.4136. This paragraph does not apply to:

39 1. Mitigation banks permitted before December 31, 2011,
40 under s. 373.4136;

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

43 3. Mitigation for transportation projects under ss.
44 373.4137 and 373.4139;

45 4. Mitigation for impacts from mining activities under s.
46 373.41492 or impacts from mining construction aggregate
47 materials as defined in s. 337.0261. This mitigation may include
48 the removal and management of exotic plant species;

49 5. Mitigation provided for single-family lots or homeowners
50 under subsection (7);

51 6. Entities authorized in chapter 98-492, Laws of Florida;

52 7. Mitigation provided for electric utility impacts
53 certified under part II of chapter 403; or

54 8. Mitigation provided on sovereign submerged lands under
55 subsection (6).

56 Section 2. This act shall take effect July 1, 2016.