

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Payne offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 754-810 and insert:

5 Section 6. Paragraph (b) of subsection (1) of section
6 373.4135, Florida Statutes, is amended to read:

7 373.4135 Mitigation banks and offsite regional
8 mitigation.—

9 (1) The Legislature finds that the adverse impacts of
10 activities regulated under this part may be offset by the
11 creation, maintenance, and use of mitigation banks and offsite
12 regional mitigation. Mitigation banks and offsite regional
13 mitigation can enhance the certainty of mitigation and provide

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14 ecological value due to the improved likelihood of environmental
15 success associated with their proper construction, maintenance,
16 and management. Therefore, the department and the water
17 management districts are directed to participate in and
18 encourage the establishment of private and public mitigation
19 banks and offsite regional mitigation. Mitigation banks and
20 offsite regional mitigation should emphasize the restoration and
21 enhancement of degraded ecosystems and the preservation of
22 uplands and wetlands as intact ecosystems rather than alteration
23 of landscapes to create wetlands. This is best accomplished
24 through restoration of ecological communities that were
25 historically present.

26 (b) Notwithstanding the provisions of this section, a
27 governmental entity may not create or provide mitigation for a
28 project other than its own unless the governmental entity uses
29 land that was not previously purchased for conservation and
30 unless the governmental entity provides the same financial
31 assurances as required for mitigation banks permitted under s.
32 373.4136. This paragraph does not apply to:

33 1. Mitigation banks permitted before December 31, 2011,
34 under s. 373.4136;

35 2. Offsite regional mitigation areas established before
36 December 31, 2011, under subsection (6) or, when credits are not
37 available at a mitigation bank permitted under s. 373.4136,
38 mitigation areas created by a local government which were

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39 awarded mitigation credits pursuant to the uniform mitigation
40 assessment method as provided in chapter 62-345, Florida
41 Administrative Code, under a permit issued before December 31,
42 2011;

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45 **T I T L E A M E N D M E N T**

46 Remove lines 40-44 and insert:

47 requirements; amending