

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Agriculture & Natural  
2 Resources Subcommittee

3 Representative McClure offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (b) through (f) of subsection (1) of  
8 section 373.4135, Florida Statutes, are renumbered as (c)  
9 through (g), respectively, and a new paragraph (b) is created to  
10 read:

11 373.4135 Mitigation banks and offsite regional  
12 mitigation.—

13 (1) The Legislature finds that the adverse impacts of  
14 activities regulated under this part may be offset by the  
15 creation, maintenance, and use of mitigation banks and offsite  
16 regional mitigation. Mitigation banks and offsite regional

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

30 (b) The Legislature recognizes the importance of  
31 mitigation banks as an appropriate and allowable mitigation  
32 alternative to permittee-responsible mitigation. However, the  
33 Legislature also recognizes that certain timing and geographical  
34 constraints could result in the unavailability of mitigation  
35 bank credits for a certain project upon completion of the  
36 project's application. If state and federal mitigation credits  
37 are not available to offset the adverse impacts of a project, a  
38 local government may allow permittee-responsible mitigation  
39 consisting of the restoration or enhancement of lands purchased  
40 and owned by a local government for conservation purposes, and  
41 such mitigation must conform to the permitting requirements of

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42 s. 373.4136. Except where a local government has allowed a  
43 public or private mitigation project to be created on land it  
44 has purchased for conservation purposes pursuant to this  
45 paragraph~~Notwithstanding the provisions of this section,~~ a  
46 governmental entity may not create or provide mitigation for a  
47 project other than its own unless the governmental entity uses  
48 land that was not previously purchased for conservation and  
49 unless the governmental entity provides the same financial  
50 assurances as required for mitigation banks permitted under s.  
51 373.4136. This paragraph does not apply to:

52 1. Mitigation banks permitted before December 31, 2011,  
53 under s. 373.4136;

54 2. Offsite regional mitigation areas established before  
55 December 31, 2011, under subsection (6) or, when credits are not  
56 available at a mitigation bank permitted under s. 373.4136,  
57 mitigation areas created by a local government which were  
58 awarded mitigation credits pursuant to the uniform mitigation  
59 assessment method as provided in chapter 62-345, Florida  
60 Administrative Code, under a permit issued before December 31,  
61 2011;

62 3. Mitigation for transportation projects under ss.  
63 373.4137 and 373.4139;

64 4. Mitigation for impacts from mining activities under s.  
65 373.41492;

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- 66           5. Mitigation provided for single-family lots or  
67 homeowners under subsection (7);  
68           6. Entities authorized in chapter 98-492, Laws of Florida;  
69           7. Mitigation provided for electric utility impacts  
70 certified under part II of chapter 403; or  
71           8. Mitigation provided on sovereign submerged lands under  
72 subsection (6).

73           Section 2. This act shall take effect July 1, 2019.  
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76                           **T I T L E   A M E N D M E N T**

77           Remove everything before the enacting clause and insert:  
78 An act relating to wetland mitigation; amending s. 373.4135,  
79 F.S.; providing legislative intent; allowing the use of offsite  
80 regional mitigation areas when mitigation credits are  
81 unavailable; providing an effective date.