

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WITHDRAWN	_____	(Y/N)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		

Committee/Subcommittee hearing bill: Natural Resources & Disasters Subcommittee

Representative Duggan offered the following:

Amendment

Remove lines 29-203 and insert:

(5) SCHEDULE FOR CREDIT RELEASE.—After July 1, 2025, when
~~issuing awarding mitigation credits to~~ a mitigation bank permit,
the department or the water management district shall adhere to
the credit release schedule set forth in this subsection a
~~schedule~~ for the release of ~~those~~ credits awarded by ~~in~~ the
mitigation bank permit. A mitigation credit that has been
released may be sold or used to offset adverse impacts from an
activity regulated under this part.

(a) Thirty percent of awarded credits shall be released
for the recording of the conservation easement and establishment

Amendment No.

17 of financial assurances required by the mitigation bank permit.

18 If a preservation-only bank is used, 100 percent of awarded

19 credits shall be released for the recording of the conservation

20 easement and establishment of financial assurances required by

21 the mitigation bank permit ~~The department or the water~~

22 ~~management district shall allow a portion of the mitigation~~

23 ~~credits awarded to a mitigation bank to be released for sale or~~

24 ~~use prior to meeting all of the performance criteria specified~~

25 ~~in the mitigation bank permit. The department or the water~~

26 ~~management district shall allow release of all of a mitigation~~

27 ~~bank's awarded mitigation credits only after the bank meets the~~

28 ~~mitigation success criteria specified in the permit.~~

29 (b) Thirty percent of awarded credits shall be released

30 following completion of initial construction activities as

31 established by the mitigation bank permit.

32 (c) Twenty percent of awarded credits shall be released in

33 increments as monitoring indicates interim performance criteria

34 established by the mitigation bank permit are being met.

35 (d) Twenty percent of awarded credits shall be released

36 upon meeting final success criteria established by the

37 mitigation bank permit ~~The number of credits and schedule for~~

38 ~~release shall be determined by the department or water~~

39 ~~management district based upon the performance criteria for the~~

40 ~~mitigation bank and the success criteria for each mitigation~~

41 ~~activity. The release schedule for a specific mitigation bank or~~

518335 - h1175-line.29.docx

Published On: 3/17/2025 11:13:42 AM

Amendment No.

42 ~~phase thereof shall be related to the actions required to~~
43 ~~implement the bank, such as site protection, site preparation,~~
44 ~~earthwork, removal of wastes, planting, removal or control of~~
45 ~~nuisance and exotic species, installation of structures, and~~
46 ~~annual monitoring and management requirements for success. In~~
47 ~~determining the specific release schedule for a bank, the~~
48 ~~department or water management district shall consider, at a~~
49 ~~minimum, the following factors:~~

50 ~~1. Whether the mitigation consists solely of preservation~~
51 ~~or includes other types of mitigation.~~

52 ~~2. The length of time anticipated to be required before a~~
53 ~~determination of success can be achieved.~~

54 ~~3. The ecological value to be gained from each action~~
55 ~~required to implement the bank.~~

56 ~~4. The financial expenditure required for each action to~~
57 ~~implement the bank.~~

58 ~~(e)(e)~~ Notwithstanding the provisions of this subsection,
59 a mitigation ~~no~~ credit may not shall be released for freshwater
60 wetland creation until the success criteria established ~~included~~
61 in the mitigation bank permit for initial construction
62 activities are met.

63 ~~(f)(d)~~ The withdrawal of mitigation credits from a
64 mitigation bank shall be accomplished as a minor modification of
65 the mitigation bank permit. A processing fee is not ~~shall not be~~
66 required by the department or water management district for this

Amendment No.

67 | minor modification.

68 | (6) MITIGATION SERVICE AREA.—The department or water
69 | management district shall establish a mitigation service area
70 | for each mitigation bank permit. The department or water
71 | management district shall notify and consider comments received
72 | on the proposed mitigation service area from each local
73 | government within the proposed mitigation service area. Except
74 | as provided in this section herein, mitigation credits may be
75 | withdrawn and used only to offset adverse impacts in the
76 | mitigation service area. The boundaries of the mitigation
77 | service area shall depend upon the geographic area where the
78 | mitigation bank could reasonably be expected to offset adverse
79 | impacts. Mitigation service areas may overlap, and mitigation
80 | service areas for two or more mitigation banks may be approved
81 | for a regional watershed.

82 | (a) In determining the boundaries of the mitigation
83 | service area, the department or the water management district
84 | shall consider the characteristics, size, and location of the
85 | mitigation bank and, at a minimum, the extent to which the
86 | mitigation bank:

87 | 1. Contributes to a regional integrated ecological
88 | network;

89 | 2. Will significantly enhance the water quality or
90 | restoration of an offsite receiving water body that is
91 | designated as an Outstanding Florida Water, a Wild and Scenic

518335 - h1175-line.29.docx

Published On: 3/17/2025 11:13:42 AM

Amendment No.

92 River, an aquatic preserve, a water body designated in a plan
93 approved pursuant to the Surface Water Improvement and
94 Management Act, or a nationally designated estuarine preserve;

95 3. Will provide for the long-term viability of endangered
96 or threatened species or species of special concern;

97 4. Is consistent with the objectives of a regional
98 management plan adopted or endorsed by the department or water
99 management districts; and

100 5. Can reasonably be expected to offset specific types of
101 wetland impacts within a specific geographic area. A mitigation
102 bank need not be able to offset all expected impacts within its
103 service area.

104 (b) The department and water management districts shall
105 use regional watersheds to guide the establishment of mitigation
106 service areas. Drainage basins established pursuant to s.
107 373.414(8) may be used as regional watersheds when they are
108 established based on the hydrological or ecological
109 characteristics of the basin. A mitigation service area may
110 extend beyond the regional watershed in which the bank is
111 located into all or part of other regional watersheds when the
112 mitigation bank has the ability to offset adverse impacts
113 outside that regional watershed. Similarly, a mitigation service
114 area may be smaller than the regional watershed in which the
115 mitigation bank is located when adverse impacts throughout the
116 regional watershed cannot reasonably be expected to be offset by

518335 - h1175-line.29.docx

Published On: 3/17/2025 11:13:42 AM

Amendment No.

117 the mitigation bank because of local ecological or hydrological
118 conditions.

119 (c) Once a mitigation bank service area has been
120 established by the department or a water management district for
121 a mitigation bank, such service area shall be accepted by all
122 water management districts, local governments, and the
123 department and shall be considered to have met the cumulative
124 impact requirements of s. 373.414(8)(a) for impacts permitted
125 within any regional watershed included in the mitigation bank
126 service area and deemed regionally ecologically significant.

127 (d) If the requirements in s. 373.414(1)(b) and (8) are
128 met, the following projects or activities regulated under this
129 part shall be eligible to use credits released from a mitigation
130 bank to offset impacts resulting from such projects or
131 activities a mitigation bank, regardless of whether they are
132 located within the mitigation service area:

133 1. Projects with adverse impacts partially located within
134 the mitigation service area.

135 2. Linear projects, such as roadways, transmission lines,
136 distribution lines, pipelines, railways, or seaports listed in
137 s. 311.09(1).

138 3. Projects with total adverse impacts of less than 1 acre
139 in size.

140 4. Projects that meet the requirements of s. 373.414(1)(b)
141 and the criteria in paragraphs (e)-(g).

Amendment No.

142 (e) If the requirements of s. 373.414(1)(a) are met and an
143 insufficient number or type of credits have been released within
144 the mitigation bank service area in which the impacts associated
145 with a proposed project are located, the project applicant is
146 entitled to a one-time use of credits released from a mitigation
147 bank outside the mitigation bank service area to offset impacts
148 pursuant to s. 373.414(1)(b), as established by the procedure in
149 paragraph (h), and upon verification by the department or water
150 management district that mitigation banks within the regional
151 watershed in which the adverse impacts are located lack the
152 appropriate credit type to offset impacts associated with the
153 proposed project. If the number of released credits within a
154 mitigation service area only partially offset the impacts
155 associated with a proposed project in the mitigation service
156 area, the project applicant may use out-of-service-area credits
157 to account for the difference between the released credits
158 available in the mitigation bank service area and the credits
159 required to offset the impacts associated with the proposed
160 project. In implementing this subsection, the department and
161 water management districts shall apply a proximity factor to
162 determine adequate compensatory mitigation as follows:

163 1. A multiplier may not be applied for use of out-of-
164 service-area credits located within the same regional watershed
165 as the proposed impacts.

166 2. A 1.2 multiplier shall be applied for use of out-of-

Amendment No.

167 service-area credits located within a regional watershed
168 immediately adjacent to the regional watershed in which proposed
169 impacts are located.

170 3. When credits are not available in the regional
171 watershed immediately adjacent to the regional watershed in
172 which the proposed impacts are located, an additional 0.25
173 multiplier shall be applied for each additional regional
174 watershed located outside the regional watershed immediately
175 adjacent to the regional watershed in which the proposed impacts
176 are located.

177 4. An additional 0.50 multiplier shall be applied after
178 any multipliers required in subparagraphs 1.-3., if the
179 mitigation used to offset impacts entails an out-of-kind
180 replacement which does not replace the same type of freshwater
181 wetland or surface water impacted.

182 (f) Use of the multipliers in subparagraphs (e)1.-4. meets
183 the requirements of s. 373.414(8)(a) for addressing cumulative
184 impacts.