

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Williams, T. offered the following:

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

4 Remove lines 449-572 and insert:

5 Section 11. Subsection (6) of section 373.4135, Florida
6 Statutes, is amended to read:

7 373.4135 Mitigation banks and offsite regional
8 mitigation.-

9 (6) An environmental creation, preservation, enhancement,
10 or restoration project, including regional offsite mitigation
11 areas, for which money is donated or paid as mitigation, that is
12 sponsored by a state agency ~~the department~~, a water management
13 district, or a local government and provides mitigation for five
14 or more applicants for permits under this part, or for 35 or
15 more acres of adverse impacts, shall be established and operated
16 under a memorandum of agreement. The memorandum of agreement

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17 shall be between the governmental entity proposing the
18 mitigation project and the state agency ~~department~~ or water
19 management district, as appropriate. Such memorandum of
20 agreement need not be adopted by rule. For the purposes of this
21 subsection, one creation, preservation, enhancement, or
22 restoration project shall mean one or more parcels of land with
23 similar ecological communities that are intended to be created,
24 preserved, enhanced, or restored under a common scheme. A not-
25 for-profit natural resource management entity that undertakes a
26 mitigation project as described in this subsection may
27 voluntarily elect to establish and operate such mitigation
28 project under a memorandum of agreement with the state agency or
29 water management district. Such memorandum of agreement need not
30 be adopted by rule.

31 (a) For any ongoing creation, preservation, enhancement,
32 or restoration project and regional offsite mitigation area
33 sponsored by a state agency ~~the department~~, a water management
34 district, or a local government, for which money was or is paid
35 as mitigation, that was begun prior to the effective date of
36 this subsection and has operated as of the effective date of
37 this subsection, or is anticipated to operate, in excess of the
38 mitigation thresholds provided in this subsection, the
39 governmental entity sponsoring such project shall submit a draft
40 memorandum of agreement to the water management district or
41 state agency ~~department~~ by October 1, 2000. The governmental
42 entity sponsoring such project shall make reasonable efforts to
43 obtain the final signed memorandum of agreement within 1 year
44 after such submittal. The governmental entity sponsoring such
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45 project may continue to receive moneys donated or paid toward
46 the project as mitigation, provided the requirements of this
47 paragraph are met.

48 (b) The memorandum of agreement shall establish criteria
49 that each environmental creation, preservation, enhancement, or
50 restoration project must meet. These criteria must address the
51 elements listed in paragraph (c). The entity sponsoring such
52 project, or category of projects, shall submit documentation or
53 other evidence to the water management district or state agency
54 ~~department~~ that the project meets, or individual projects within
55 a category meet, the specified criteria.

56 (c) At a minimum, the memorandum of agreement must address
57 the following for each project authorized:

58 1. A description of the work that will be conducted on the
59 site and a timeline for completion of such work.

60 2. A timeline for obtaining any required environmental
61 resource permit.

62 3. The environmental success criteria that the project
63 must achieve.

64 4. The monitoring and long-term management requirements
65 that must be undertaken for the project.

66 5. An assessment of the project in accordance with s.
67 373.4136(4)(a)-(i), until the adoption of the uniform wetland
68 mitigation assessment method pursuant to s. 373.414(18).

69 6. A designation of the entity responsible for the
70 successful completion of the mitigation work.

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71 7. A definition of the geographic area where the project
72 may be used as mitigation established using the criteria of s.
73 373.4136(6).

74 8. Full cost accounting of the project, including annual
75 review and adjustment.

76 9. Provision and a timetable for the acquisition of any
77 lands necessary for the project.

78 10. Provision for preservation of the site.

79 11. Provision for application of all moneys received
80 solely to the project for which they were collected.

81 12. Provision for termination of the agreement and
82 cessation of use of the project as mitigation if any material
83 contingency of the agreement has failed to occur.

84 (d) A single memorandum of understanding may authorize
85 more than one environmental creation, preservation, enhancement,
86 or restoration project, or category of projects, as long as the
87 elements listed in paragraph (c) are addressed for each project.

88 (e) Projects governed by this subsection, except for
89 projects established pursuant to subsection (7), shall be
90 subject to the provisions of s. 373.414(1)(b)1.

91 (f) The provisions of this subsection shall not apply to
92 mitigation areas established to implement the provisions of s.
93 373.4137.

94 (g) The provisions of this subsection shall not apply when
95 the state agency ~~department~~, water management district, or local
96 government
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T I T L E A M E N D M E N T

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Remove lines 58-61 and insert:

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373.4135, F.S.; providing for specified entities to