

By the Committee on Transportation

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1                   A bill to be entitled  
2           An act relating to the Department of Transportation;  
3           repealing s. 316.530(3), F.S., relating to load limits  
4           for certain towed vehicles; amending s. 316.545, F.S.;  
5           increasing the weight used in calculating whether a  
6           vehicle equipped with fully functional idle-reduction  
7           technology is overweight; updating terminology;  
8           amending s. 332.007, F.S.; authorizing the department  
9           to fund strategic airport investments; providing  
10          criteria; amending s. 334.044, F.S.; prohibiting the  
11          department from entering into a lease-purchase  
12          agreement with certain transportation authorities;  
13          providing that certain lease-purchase agreements are  
14          not invalidated; providing an exception from the  
15          requirement to purchase all plant materials from  
16          Florida commercial nursery stock; amending s. 338.161,  
17          F.S.; revising the authorization of the department to  
18          enter into an agreement with an owner of a  
19          transportation facility under which the department  
20          uses its electronic toll collection and video billing  
21          systems to collect for the owner certain charges for  
22          use of the owner's transportation facility; amending  
23          s. 338.26, F.S.; revising the uses of fees generated  
24          from Alligator Alley tolls to include the cost of  
25          design and construction of a fire station that may be  
26          used by certain local governments and certain related  
27          operating costs; providing that excess tolls, after  
28          payment of certain expenses, be transferred to the  
29          Everglades Trust Fund in accordance with a specified

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30 memorandum; removing authority of the South Florida  
31 Water Management District to issue bonds or notes;  
32 amending ss. 343.82 and 343.922, F.S.; removing  
33 references to advances from the previously repealed  
34 Toll Facilities Revolving Trust Fund as a source of  
35 funding for certain authority projects; amending s.  
36 373.4137, F.S.; providing legislative intent that  
37 environmental mitigation be implemented in a manner  
38 that promotes efficiency, timeliness in project  
39 delivery, and cost-effectiveness; revising the  
40 criteria for the environmental impact inventory and  
41 for mitigation of projected impacts identified in the  
42 environmental impact inventory; requiring the  
43 Department of Transportation to include funding for  
44 environmental mitigation for projects in its work  
45 program; revising the process and criteria for the  
46 payment by the department or participating  
47 transportation authorities of mitigation implemented  
48 by water management districts or the Department of  
49 Environmental Protection; revising the requirements  
50 for the payment to a water management district or the  
51 Department of Environmental Protection of the costs of  
52 mitigation planning and implementation of the  
53 mitigation required by a permit; revising the payment  
54 criteria for preparing and implementing mitigation  
55 plans adopted by water management districts for  
56 transportation impacts based on the environmental  
57 impact inventory; adding federal requirements for the  
58 development of a mitigation plan; providing for

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59 transportation projects in the environmental  
60 mitigation plan for which mitigation has not been  
61 specified; revising a water management district's  
62 responsibilities relating to a mitigation plan;  
63 amending s. 373.618, F.S.; subjecting certain public  
64 information systems to local government review or  
65 approval and to the requirements of ch. 479, F.S.,  
66 relating to outdoor advertising; providing an  
67 effective date.

68  
69 Be It Enacted by the Legislature of the State of Florida:

70  
71 Section 1. Subsection (3) of section 316.530, Florida  
72 Statutes, is repealed.

73 Section 2. Subsection (3) of section 316.545, Florida  
74 Statutes, is amended to read:

75 316.545 Weight and load unlawful; special fuel and motor  
76 fuel tax enforcement; inspection; penalty; review.—

77 (3) A ~~Any~~ person who violates the overloading provisions of  
78 this chapter is ~~shall be~~ conclusively presumed to have damaged  
79 the highways of this state by reason of such overloading, and a  
80 fine shall be assessed ~~which damage is hereby fixed~~ as follows:

81 (a) When the excess weight is 200 pounds or less than the  
82 maximum ~~herein~~ provided in this chapter, the fine is ~~penalty~~  
83 ~~shall be~~ \$10;

84 (b) Five cents per pound for each pound of weight in excess  
85 of the maximum ~~herein~~ provided in this chapter if ~~when~~ the  
86 excess weight is greater than ~~exceeds~~ 200 pounds. If ~~However,~~  
87 ~~whenever~~ the gross weight of the vehicle or combination of

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88 vehicles is not greater than ~~does not exceed~~ the maximum  
89 allowable gross weight, the maximum fine for the first 600  
90 pounds of unlawful axle weight is ~~shall be~~ \$10;

91 (c) For a vehicle equipped with fully functional idle-  
92 reduction technology, the fine is ~~any penalty shall be~~  
93 calculated by reducing the actual gross vehicle weight or the  
94 internal bridge weight by the certified weight of the idle-  
95 reduction technology or by 550 ~~400~~ pounds, whichever is less.  
96 The vehicle operator must present written certification of the  
97 weight of the idle-reduction technology and must demonstrate or  
98 certify that the idle-reduction technology is fully functional  
99 at all times. This calculation is not allowed for vehicles  
100 described in s. 316.535(6);

101 (d) An apportionable vehicle~~7~~, as defined in s. 320.01~~7~~,  
102 operating on the highways of this state which is not ~~without~~  
103 ~~being~~ properly licensed and registered is ~~shall be~~ subject to  
104 the penalties ~~as~~ provided in this section; and

105 (e) A vehicle ~~Vehicles~~ operating on the highways of this  
106 state from nonmember International Registration Plan  
107 jurisdictions which is ~~are~~ not in compliance with ~~the provisions~~  
108 ~~of~~ s. 316.605 is ~~shall be~~ subject to the penalties ~~as herein~~  
109 provided in this section.

110 Section 3. Subsection (10) is added to section 332.007,  
111 Florida Statutes, to read:

112 332.007 Administration and financing of aviation and  
113 airport programs and projects; state plan.-

114 (10) The department may fund strategic airport investment  
115 projects at up to 100 percent of the project's cost if:

116 (a) Important access and on-airport capacity improvements

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117 are provided;

118 (b) Capital improvements that strategically position the  
119 state to maximize opportunities in international trade,  
120 logistics, and the aviation industry are provided;

121 (c) Goals of an integrated intermodal transportation system  
122 for the state are achieved; and

123 (d) Feasibility and availability of matching funds through  
124 federal, local, or private partners are demonstrated.

125 Section 4. Subsections (16) and (26) of section 334.044,  
126 Florida Statutes, are amended to read:

127 334.044 Department; powers and duties.—The department shall  
128 have the following general powers and duties:

129 (16) To plan, acquire, lease, construct, maintain, and  
130 operate toll facilities; to authorize the issuance and refunding  
131 of bonds; and to fix and collect tolls or other charges for  
132 travel on any such facilities. Notwithstanding any other law,  
133 the department may not enter into a lease-purchase agreement  
134 with an expressway authority, regional transportation authority,  
135 or other entity. This provision does not invalidate a lease-  
136 purchase agreement authorized under chapter 348 or chapter 2000-  
137 411, Laws of Florida, existing as of July 1, 2013, and does not  
138 limit the department's authority under s. 334.30.

139 (26) To provide for the enhancement of environmental  
140 benefits, including air and water quality; to prevent roadside  
141 erosion; to conserve the natural roadside growth and scenery;  
142 and to provide for the implementation and maintenance of  
143 roadside conservation, enhancement, and stabilization programs.  
144 At least ~~No less than~~ 1.5 percent of the amount contracted for  
145 construction projects shall be allocated by the department on a

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146 statewide basis for the purchase of plant materials. Department  
147 districts may not expend funds for landscaping in connection  
148 with any project that is limited to resurfacing existing lanes  
149 unless the expenditure has been approved by the department's  
150 secretary or the secretary's designee. To the greatest extent  
151 practical, at least ~~a minimum of~~ 50 percent of the funds  
152 allocated under this subsection shall be allocated for large  
153 plant materials and the remaining funds for other plant  
154 materials. Except as prohibited by applicable federal law or  
155 regulation, all plant materials shall be purchased from Florida  
156 commercial nursery stock in this state on a uniform competitive  
157 bid basis. The department shall develop grades and standards for  
158 landscaping materials purchased through this process. To  
159 accomplish these activities, the department may contract with  
160 nonprofit organizations having the primary purpose of developing  
161 youth employment opportunities.

162 Section 5. Subsection (5) of section 338.161, Florida  
163 Statutes, is amended to read:

164 338.161 Authority of department or toll agencies to  
165 advertise and promote electronic toll collection; expanded uses  
166 of electronic toll collection system; authority of department to  
167 collect tolls, fares, and fees for private and public entities.-

168 (5) If the department finds that it can increase nontoll  
169 revenues or add convenience or other value for its customers,  
170 and if a public or private transportation facility owner agrees  
171 that its facility will become interoperable with the  
172 department's electronic toll collection and video billing  
173 systems, the department may ~~is authorized to~~ enter into an  
174 agreement with the owner of such facility under which the

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175 ~~department uses private or public entities for the department's~~  
 176 ~~use of its electronic toll collection and video billing systems~~  
 177 ~~to collect and enforce for the owner tolls, fares,~~  
 178 ~~administrative fees, and other applicable charges due imposed in~~  
 179 ~~connection with use of the owner's facility transportation~~  
 180 ~~facilities of the private or public entities that become~~  
 181 ~~interoperable with the department's electronic toll collection~~  
 182 ~~system. The department may modify its rules regarding toll~~  
 183 ~~collection procedures and the imposition of administrative~~  
 184 ~~charges to be applicable to toll facilities that are not part of~~  
 185 ~~the turnpike system or otherwise owned by the department. This~~  
 186 ~~subsection does may not be construed to limit the authority of~~  
 187 ~~the department under any other ~~provision of~~ law or under any~~  
 188 ~~agreement entered into before prior to July 1, 2012.~~

189 Section 6. Subsections (3) and (4) of section 338.26,  
 190 Florida Statutes, are amended to read:

191 338.26 Alligator Alley toll road.—

192 (3) (a) Fees generated from tolls shall be deposited in the  
 193 State Transportation Trust Fund and shall be used; ~~and any~~  
 194 ~~amount of funds generated annually in excess of that required~~

195 1. To reimburse outstanding contractual obligations;; ~~and~~

196 2. To operate and maintain the highway and toll facilities,  
 197 including reconstruction and restoration;; ~~and~~

198 3. To pay for those projects that are funded with Alligator  
 199 Alley toll revenues and that are contained in the 1993-1994  
 200 adopted work program or the 1994-1995 tentative work program  
 201 submitted to the Legislature on February 22, 1994;; ~~and~~

202 4. To design develop and construct ~~operate~~ a fire station  
 203 at mile marker 63 on Alligator Alley, which may be used by a

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204 county or another local governmental entity to provide fire,  
205 rescue, and emergency management services to the public on  
206 adjacent counties along Alligator Alley; and

207 5. By interlocal agreement effective July 1, 2014, through  
208 no later than June 30, 2017, to reimburse a county or another  
209 local governmental entity for the direct actual costs of  
210 operating such fire station.

211 (b) Funds generated annually in excess of those required to  
212 pay the expenses in paragraph (a) may be transferred to the  
213 Everglades Fund of the South Florida Water Management District  
214 in accordance with the memorandum of understanding of June 30,  
215 1997, between the district and the department. The South Florida  
216 Water Management District shall deposit funds for projects  
217 undertaken pursuant to s. 373.4592 in the Everglades Trust Fund  
218 pursuant to s. 373.45926(4) (a). Any funds remaining in the  
219 Everglades Fund may be used for environmental projects to  
220 restore the natural values of the Everglades, subject to  
221 compliance with any applicable federal laws and regulations.  
222 Projects must shall be limited to:

223 1.(a) Highway redesign to allow for improved sheet flow of  
224 water across the southern Everglades.

225 2.(b) Water conveyance projects to enable more water  
226 resources to reach Florida Bay to replenish marine estuary  
227 functions.

228 3.(c) Engineering design plans for wastewater treatment  
229 facilities as recommended in the Water Quality Protection  
230 Program Document for the Florida Keys National Marine Sanctuary.

231 4.(d) Acquisition of lands to move STA 3/4 out of the Toe  
232 of the Boot, provided such lands are located within 1 mile of



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233 the northern border of STA 3/4.

234 5.(e) Other Everglades Construction Projects as described  
235 in the February 15, 1994, conceptual design document.

236 ~~(4) The district may issue revenue bonds or notes under s.~~  
237 ~~373.584 and pledge the revenue from the transfers from the~~  
238 ~~Alligator Alley toll revenues as security for such bonds or~~  
239 ~~notes. The proceeds from such revenue bonds or notes shall be~~  
240 ~~used for environmental projects; at least 50 percent of said~~  
241 ~~proceeds must be used for projects that benefit Florida Bay, as~~  
242 ~~described in this section subject to resolutions approving such~~  
243 ~~activity by the Board of Trustees of the Internal Improvement~~  
244 ~~Trust Fund and the governing board of the South Florida Water~~  
245 ~~Management District and the remaining proceeds must be used for~~  
246 ~~restoration activities in the Everglades Protection Area.~~

247 Section 7. Paragraph (d) of subsection (3) of section  
248 343.82, Florida Statutes, is amended to read:

249 343.82 Purposes and powers.—

250 (3)

251 (d) The authority may undertake projects or other  
252 improvements in the master plan in phases as particular projects  
253 or segments thereof become feasible, as determined by the  
254 authority. In carrying out its purposes and powers, the  
255 authority may request funding and technical assistance from the  
256 department and appropriate federal and local agencies,  
257 including, but not limited to, state infrastructure bank loans,  
258 ~~advances from the Toll Facilities Revolving Trust Fund, and from~~  
259 ~~any other sources.~~

260 Section 8. Subsection (4) of section 343.922, Florida  
261 Statutes, is amended to read:

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262 343.922 Powers and duties.—

263 (4) The authority may undertake projects or other  
264 improvements in the master plan in phases as particular projects  
265 or segments become feasible, as determined by the authority. The  
266 authority shall coordinate project planning, development, and  
267 implementation with the applicable local governments. The  
268 authority's projects that are transportation oriented must ~~shall~~  
269 be consistent to the maximum extent feasible with the adopted  
270 local government comprehensive plans at the time such projects  
271 ~~they~~ are funded for construction. Authority projects that are  
272 not transportation oriented and meet the definition of  
273 development pursuant to s. 380.04 must ~~shall~~ be consistent with  
274 the local comprehensive plans. In carrying out its purposes and  
275 powers, the authority may request funding and technical  
276 assistance from the department and appropriate federal and local  
277 agencies, including, but not limited to, state infrastructure  
278 bank loans, ~~advances from the Toll Facilities Revolving Trust~~  
279 ~~Fund, and funding and technical assistance from any other~~  
280 ~~source.~~

281 Section 9. Section 373.4137, Florida Statutes, is amended  
282 to read:

283 373.4137 Mitigation requirements for specified  
284 transportation projects.—

285 (1) The Legislature finds that environmental mitigation for  
286 the impact of transportation projects proposed by the Department  
287 of Transportation or a transportation authority established  
288 pursuant to chapter 348 or chapter 349 can be more effectively  
289 achieved by regional, long-range mitigation planning rather than  
290 on a project-by-project basis. It is the intent of the

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291 Legislature that mitigation to offset the adverse effects of  
292 these transportation projects be funded by the Department of  
293 Transportation and be carried out by the use of mitigation banks  
294 and any other mitigation options that satisfy state and federal  
295 requirements in a manner that promotes efficiency, timeliness in  
296 project delivery, and cost-effectiveness.

297 (2) Environmental impact inventories for transportation  
298 projects proposed by the Department of Transportation or a  
299 transportation authority established pursuant to chapter 348 or  
300 chapter 349 shall be developed as follows:

301 (a) By July 1 of each year, the Department of  
302 Transportation, or a transportation authority established  
303 pursuant to chapter 348 or chapter 349 which chooses to  
304 participate in the program, shall submit to the water management  
305 districts a list of its projects in the adopted work program and  
306 an environmental impact inventory of habitat impacts and the  
307 anticipated mitigation needed to offset impacts as described in  
308 paragraph (b). The environmental impact inventory must be based  
309 on ~~habitats addressed in~~ the rules adopted pursuant to this  
310 part, ~~and~~ s. 404 of the Clean Water Act, 33 U.S.C. s. 1344, ~~and~~  
311 the Department of Transportation's ~~which may be impacted by its~~  
312 plan of construction for transportation projects in the next 3  
313 years of the tentative work program. The Department of  
314 Transportation or a transportation authority established  
315 pursuant to chapter 348 or chapter 349 may also include in its  
316 environmental impact inventory the habitat impacts and the  
317 anticipated amount of mitigation needed for ~~of~~ any future  
318 transportation project. The Department of Transportation and  
319 each transportation authority established pursuant to chapter

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320 348 or chapter 349 may fund any mitigation activities for future  
321 projects using current year funds.

322 (b) The environmental impact inventory must ~~shall~~ include a  
323 description of ~~these~~ habitat impacts, including ~~their~~ location,  
324 acreage, and type; the anticipated mitigation needed based on  
325 the functional loss as determined through the Uniform Mitigation  
326 Assessment Method (UMAM) adopted in chapter 62-345, Florida  
327 Administrative Code; identification of the proposed mitigation  
328 option; state water quality classification of impacted wetlands  
329 and other surface waters; any other state or regional  
330 designations for these habitats; and a list of threatened  
331 species, endangered species, and species of special concern  
332 affected by the proposed project.

333 (c) Before projects are identified for inclusion in a water  
334 management district mitigation plan as described in subsection  
335 (4), the Department of Transportation must consider using  
336 credits from a permitted mitigation bank. The Department of  
337 Transportation must consider the availability of suitable and  
338 sufficient mitigation bank credits within the transportation  
339 project's area, the ability to satisfy commitments to regulatory  
340 and resource agencies, the availability of suitable and  
341 sufficient mitigation purchased or developed under this section,  
342 the ability to complete suitable existing water management  
343 district or Department of Environmental Protection mitigation  
344 sites initiated with Department of Transportation mitigation  
345 funds, and the ability to satisfy state and federal  
346 requirements, including long-term maintenance and liability.

347 (3) (a) To implement the mitigation option ~~fund development~~  
348 ~~and implementation of the mitigation plan for the projected~~

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349 ~~impacts~~ identified in the environmental impact inventory  
350 described in subsection (2), the Department of Transportation  
351 may purchase credits for current and future use directly from a  
352 mitigation bank, purchase mitigation services through the water  
353 management districts or the Department of Environmental  
354 Protection, conduct its own mitigation, or use other mitigation  
355 options that meet state and federal requirements. Funding for  
356 the identified mitigation option as described in the  
357 environmental impact inventory must be included in shall  
358 ~~identify funds quarterly in an escrow account within the State~~  
359 ~~Transportation Trust Fund for the environmental mitigation phase~~  
360 ~~of projects budgeted by the Department of Transportation's work~~  
361 ~~program developed pursuant to s. 339.135 Transportation for the~~  
362 ~~current fiscal year. The amount programmed each year by the~~  
363 ~~Department of Transportation and participating transportation~~  
364 ~~authorities established pursuant to chapter 348 or chapter 349~~  
365 ~~must correspond to an estimated cost per credit of \$150,000~~  
366 ~~multiplied by the projected number of credits identified in the~~  
367 ~~environmental impact inventory described in subsection (2). This~~  
368 ~~estimated cost per credit must be adjusted every 2 years by the~~  
369 ~~Department of Transportation based on the average cost per UMAM~~  
370 ~~credit paid through this section The escrow account shall be~~  
371 ~~maintained by the Department of Transportation for the benefit~~  
372 ~~of the water management districts. Any interest earnings from~~  
373 ~~the escrow account shall remain with the Department of~~  
374 ~~Transportation.~~

375 (b) Each transportation authority established pursuant to  
376 chapter 348 or chapter 349 which ~~that~~ chooses to participate in  
377 this program shall create an escrow account within its financial

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378 structure and deposit funds in the account to pay for the  
379 environmental mitigation phase of projects budgeted for the  
380 current fiscal year. The escrow account shall be maintained by  
381 the authority for the benefit of the water management districts.  
382 Any interest earnings from the escrow account must ~~shall~~ remain  
383 with the authority.

384 (c) For mitigation implemented by the water management  
385 district or the Department of Environmental Protection, as  
386 appropriate, the amount paid each year must be based on  
387 mitigation services provided by the water management districts  
388 or the Department of Environmental Protection pursuant to an  
389 approved water management district mitigation plan, as described  
390 in subsection (4). ~~Except for current mitigation projects in the~~  
391 ~~monitoring and maintenance phase and except as allowed by~~  
392 ~~paragraph (d),~~ The water management districts or the Department  
393 of Environmental Protection, as appropriate, may request payment  
394 ~~a transfer of funds from an escrow account~~ no sooner than 30  
395 days before the date the funds are needed to pay for activities  
396 associated with development or implementation of permitted  
397 mitigation that meets the requirements of this part, 33 U.S.C.  
398 s. 1344, and 33 C.F.R. part 332, in the approved water  
399 management district mitigation plan described in subsection (4)  
400 ~~for the current fiscal year, including, but not limited to,~~  
401 ~~design, engineering, production, and staff support. Actual~~  
402 ~~conceptual plan preparation costs incurred before plan approval~~  
403 ~~may be submitted to the Department of Transportation or the~~  
404 ~~appropriate transportation authority each year with the plan.~~  
405 ~~The conceptual plan preparation costs of each water management~~  
406 ~~district will be paid from mitigation funds associated with the~~

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407 ~~environmental impact inventory for the current year. The amount~~  
408 ~~transferred to the escrow accounts each year by the Department~~  
409 ~~of Transportation and participating transportation authorities~~  
410 ~~established pursuant to chapter 348 or chapter 349 shall~~  
411 ~~correspond to a cost per acre of \$75,000 multiplied by the~~  
412 ~~projected acres of impact identified in the environmental impact~~  
413 ~~inventory described in subsection (2). However, the \$75,000 cost~~  
414 ~~per acre does not constitute an admission against interest by~~  
415 ~~the state or its subdivisions and is not admissible as evidence~~  
416 ~~of full compensation for any property acquired by eminent domain~~  
417 ~~or through inverse condemnation. Each July 1, the cost per acre~~  
418 ~~shall be adjusted by the percentage change in the average of the~~  
419 ~~Consumer Price Index issued by the United States Department of~~  
420 ~~Labor for the most recent 12-month period ending September 30,~~  
421 ~~compared to the base year average, which is the average for the~~  
422 ~~12-month period ending September 30, 1996. Each quarter, The~~  
423 ~~projected amount of mitigation acreage of impact shall be~~  
424 ~~reconciled each quarter with the actual amount of mitigation~~  
425 ~~needed for acreage of impact of projects as permitted, including~~  
426 ~~permit modifications, pursuant to this part and s. 404 of the~~  
427 ~~Clean Water Act, 33 U.S.C. s. 1344. The subject year's~~  
428 ~~programming transfer of funds shall be adjusted accordingly to~~  
429 ~~reflect the mitigation acreage of impacts as permitted. If the~~  
430 ~~water management district excludes a project from an approved~~  
431 ~~water management district mitigation plan, if the water~~  
432 ~~management district cannot timely permit a mitigation site to~~  
433 ~~offset the impacts of a Department of Transportation project~~  
434 ~~identified in the environmental impact inventory, or if the~~  
435 ~~proposed mitigation does not meet state and federal~~

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436 requirements, the Department of Transportation may use the  
437 associated funds for the purchase of mitigation bank credits or  
438 any other mitigation option that satisfies state and federal  
439 requirements. ~~The Department of Transportation and participating~~  
440 ~~transportation authorities established pursuant to chapter 348~~  
441 ~~or chapter 349 are authorized to transfer such funds from the~~  
442 ~~escrow accounts to the water management districts to carry out~~  
443 ~~the mitigation programs. Environmental mitigation funds that are~~  
444 ~~identified for or maintained in an escrow account for the~~  
445 ~~benefit of a water management district may be released if the~~  
446 ~~associated transportation project is excluded in whole or part~~  
447 ~~from the mitigation plan. For a mitigation project that is in~~  
448 ~~the maintenance and monitoring phase, the water management~~  
449 ~~district may request and receive a one-time payment based on the~~  
450 ~~project's expected future maintenance and monitoring costs. Upon~~  
451 final disbursement of the final maintenance and monitoring  
452 payment for mitigation of a transportation project as permitted,  
453 the obligation of the Department of Transportation or the  
454 participating transportation authority is satisfied, and the  
455 water management district or the Department of Environmental  
456 Protection, as appropriate, has continuing responsibility for  
457 the mitigation project, ~~the escrow account for the project~~  
458 ~~established by the Department of Transportation or the~~  
459 ~~participating transportation authority may be closed. Any~~  
460 ~~interest earned on these disbursed funds shall remain with the~~  
461 ~~water management district and must be used as authorized under~~  
462 ~~this section.~~

463 (d) Beginning with the March 2015 water management district  
464 mitigation plans in the 2005-2006 fiscal year, each water



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465 management district or the Department of Environmental  
466 Protection, as appropriate, shall invoice the Department of  
467 Transportation for mitigation services to offset only the  
468 impacts of a Department of Transportation project identified in  
469 the environmental impact inventory, including planning, design,  
470 construction, maintenance and monitoring, and other costs  
471 necessary to meet the requirements of this section, 33 U.S.C. s.  
472 1344, and 33 C.F.R. part 332 be paid a lump-sum amount of  
473 \$75,000 per acre, adjusted as provided under paragraph (c), for  
474 federally funded transportation projects that are included on  
475 the environmental impact inventory and that have an approved  
476 mitigation plan. If the water management district identifies the  
477 use of mitigation bank credits to offset a Department of  
478 Transportation impact, the water management district shall  
479 exclude that purchase from the mitigation plan, and the  
480 Department of Transportation shall purchase the bank credits.  
481 Beginning in the 2009-2010 fiscal year, each water management  
482 district shall be paid a lump-sum amount of \$75,000 per acre,  
483 adjusted as provided under paragraph (c), for federally funded  
484 and nonfederally funded transportation projects that have an  
485 approved mitigation plan. All mitigation costs, including, but  
486 not limited to, the costs of preparing conceptual plans and the  
487 costs of design, construction, staff support, future  
488 maintenance, and monitoring the mitigated acres shall be funded  
489 through these lump-sum amounts.

490 (e) For mitigation activities occurring on existing water  
491 management district or Department of Environmental Protection  
492 mitigation sites initiated with Department of Transportation  
493 mitigation funds before July 1, 2013, the water management

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494 district or the Department of Environmental Protection, as  
495 appropriate, shall invoice the Department of Transportation or a  
496 participating transportation authority at a cost per acre of  
497 \$75,000 multiplied by the projected acres of impact as  
498 identified in the environmental impact inventory. The cost per  
499 acre must be adjusted by the percentage change in the average of  
500 the Consumer Price Index issued by the United States Department  
501 of Labor for the most recent 12-month period ending September  
502 30, compared to the base year average, which is the average for  
503 the 12-month period ending September 30, 1996. When implementing  
504 the mitigation activities necessary to offset the permitted  
505 impacts as provided in the approved mitigation plan, the water  
506 management district shall maintain records of the costs incurred  
507 in implementing the mitigation. The records must include, but  
508 are not limited to, costs for planning, land acquisition,  
509 design, construction, staff support, long-term maintenance and  
510 monitoring of the mitigation site, and other costs necessary to  
511 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
512 332.

513 (f) For purposes of preparing and implementing the  
514 mitigation plans to be adopted by the water management districts  
515 on or before March 1, 2014, for impacts based on the July 1,  
516 2013, environmental impact inventory, the funds identified in  
517 the Department of Transportation's work program or participating  
518 transportation authorities' escrow accounts must correspond to a  
519 cost per acre of \$75,000 multiplied by the projected acres of  
520 impact as identified in the environmental impact inventory. The  
521 cost per acre must be adjusted by the percentage change in the  
522 average of the Consumer Price Index issued by the United States

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523 Department of Labor for the most recent 12-month period ending  
524 September 30, compared to the base year average, which is the  
525 average for the 12-month period ending September 30, 1996.  
526 Payment under this paragraph is limited to mitigation activities  
527 that are identified in the first year of the 2013 mitigation  
528 plan and for which the transportation project is permitted and  
529 are in the Department of Transportation's adopted work program,  
530 or equivalent for a transportation authority. When implementing  
531 the mitigation activities necessary to offset the permitted  
532 impacts as provided in the approved mitigation plan, the water  
533 management district shall maintain records of the costs incurred  
534 in implementing the mitigation. The records must include, but  
535 are not limited to, costs for planning, land acquisition,  
536 design, construction, staff support, long-term maintenance and  
537 monitoring of the mitigation site, and other costs necessary to  
538 meet the requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part  
539 332. To the extent moneys paid to a water management district by  
540 the Department of Transportation or a participating  
541 transportation authority are greater than the amount spent by  
542 the water management districts in implementing the mitigation to  
543 offset the permitted impacts, these funds must be refunded to  
544 the Department of Transportation or participating transportation  
545 authority. This paragraph expires June 30, 2015.

546 (4) Before March 1 of each year, each water management  
547 district shall develop a mitigation plan to offset only the  
548 impacts of transportation projects in the environmental impact  
549 inventory for which a water management district is implementing  
550 mitigation that meets the requirements of this section, 33  
551 U.S.C. s. 1344, and 33 C.F.R. part 332. The water management

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552 district mitigation plan must be developed, in consultation with  
553 the Department of Environmental Protection, the United States  
554 Army Corps of Engineers, the Department of Transportation,  
555 participating transportation authorities established pursuant to  
556 chapter 348 or chapter 349, ~~and~~ other appropriate federal,  
557 state, and local governments, and other interested parties,  
558 including entities operating mitigation banks, ~~shall develop a~~  
559 ~~plan for the primary purpose of complying with the mitigation~~  
560 ~~requirements adopted pursuant to this part and 33 U.S.C. s.~~  
561 ~~1344.~~ In developing such plans, the water management districts  
562 shall use sound ecosystem management practices to address  
563 significant water resource needs and consider ~~shall focus on~~  
564 activities of the Department of Environmental Protection and the  
565 water management districts, such as surface water improvement  
566 and management (SWIM) projects and lands identified for  
567 potential acquisition for preservation, restoration, or  
568 enhancement, and the control of invasive and exotic plants in  
569 wetlands and other surface waters, to the extent that the  
570 activities comply with the mitigation requirements adopted under  
571 this part, ~~and~~ 33 U.S.C. s. 1344, and 33 C.F.R. part 332. The  
572 water management district mitigation plan must identify each  
573 site where the water management district will mitigate for a  
574 transportation project. For each mitigation site, the water  
575 management district shall provide the scope of the mitigation  
576 services; provide the functional gain as determined through the  
577 UMAM adopted in chapter 62-345, Florida Administrative Code;  
578 describe how the mitigation offsets the impacts of each  
579 transportation project as permitted; and provide a schedule for  
580 the mitigation services. The water management districts shall

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581 maintain records of costs incurred and payments received for  
582 providing these services. Records must include, but are not  
583 limited to, planning, land acquisition, design, construction,  
584 staff support, long-term maintenance and monitoring of the  
585 mitigation site, and other costs necessary to meet the  
586 requirements of 33 U.S.C. s. 1344 and 33 C.F.R. part 332. To the  
587 extent moneys paid to a water management district by the  
588 Department of Transportation or a participating transportation  
589 authority are greater than the amount spent by the water  
590 management districts in providing the mitigation services to  
591 offset the permitted transportation project impacts, these  
592 moneys must be refunded to the Department of Transportation or  
593 participating transportation authority ~~In determining the~~  
594 ~~activities to be included in the plans, the districts shall~~  
595 ~~consider the purchase of credits from public or private~~  
596 ~~mitigation banks permitted under s. 373.4136 and associated~~  
597 ~~federal authorization and shall include the purchase as a part~~  
598 ~~of the mitigation plan when the purchase would offset the impact~~  
599 ~~of the transportation project, provide equal benefits to the~~  
600 ~~water resources than other mitigation options being considered,~~  
601 ~~and provide the most cost-effective mitigation option. The~~  
602 mitigation plan shall be submitted to the water management  
603 district governing board, or its designee, for review and  
604 approval. At least 14 days before approval by the governing  
605 board, the water management district shall provide a copy of the  
606 draft mitigation plan to the Department of Environmental  
607 Protection and any person who has requested a copy. Subsequent  
608 to the governing board approval, the mitigation plan shall be  
609 submitted to the Department of Environmental Protection for

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610 approval. The plan may not be implemented until it is submitted  
611 to, and approved, in part or in its entirety, by, the Department  
612 of Environmental Protection.

613 ~~(a) For each transportation project with a funding request~~  
614 ~~for the next fiscal year, the mitigation plan must include a~~  
615 ~~brief explanation of why a mitigation bank was or was not chosen~~  
616 ~~as a mitigation option, including an estimation of identifiable~~  
617 ~~costs of the mitigation bank and nonbank options and other~~  
618 ~~factors such as time saved, liability for success of the~~  
619 ~~mitigation, and long-term maintenance.~~

620 (a) (b) Specific projects may be excluded from the  
621 mitigation plan, in whole or in part, and are not subject to  
622 this section upon the election of the Department of  
623 Transportation, a transportation authority if applicable, or the  
624 appropriate water management district. The Department of  
625 Transportation or a participating transportation authority may  
626 not exclude a transportation project from the mitigation plan if  
627 mitigation is scheduled for implementation by the water  
628 management district in the current fiscal year unless the  
629 transportation project is removed from the Department of  
630 Transportation's work program or transportation authority  
631 funding plan, the mitigation cannot be timely permitted to  
632 offset the impacts of a Department of Transportation project  
633 identified in the environmental impact inventory, or the  
634 proposed mitigation does not meet state and federal  
635 requirements. If a project is removed from the work program or  
636 the mitigation plan, costs spent by the water management  
637 district before removal are eligible for reimbursement by the  
638 Department of Transportation or participating transportation

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639 authority.

640 (b)~~(e)~~ When determining which projects to include in or  
641 exclude from the mitigation plan, the Department of  
642 Transportation shall investigate using credits from a permitted  
643 mitigation bank before those projects are submitted for  
644 inclusion in a water management district mitigation ~~the~~ plan.  
645 The Department of Transportation shall exclude a project from  
646 the mitigation plan if the investigation undertaken pursuant to  
647 this paragraph results in the conclusion that the use of credits  
648 from a permitted mitigation bank promotes efficiency, timeliness  
649 in project delivery, ~~The investigation shall consider the cost-~~  
650 ~~effectiveness, and of mitigation bank credits, including, but~~  
651 ~~not limited to, factors such as time saved, transfer of~~  
652 ~~liability for success of the mitigation, and long-term~~  
653 maintenance.

654 (5) The water management district shall ensure that  
655 mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33  
656 C.F.R. part 332 are met for the impacts identified in the  
657 environmental impact inventory for which the water management  
658 district will implement mitigation described in subsection (2),  
659 by implementation of the approved mitigation plan described in  
660 subsection (4) to the extent funding is provided by the  
661 Department of Transportation, or a transportation authority  
662 established pursuant to chapter 348 or chapter 349, if  
663 applicable. In developing and implementing the mitigation plan,  
664 the water management district shall comply with federal  
665 permitting requirements pursuant to 33 U.S.C. s. 1344 and 33  
666 C.F.R. part 332. During the federal permitting process, the  
667 water management district may deviate from the approved

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668 mitigation plan in order to comply with federal permitting  
669 requirements upon notice and coordination with the Department of  
670 Transportation or participating transportation authority.

671 (6) The water management district mitigation plans shall be  
672 updated annually to reflect the most current Department of  
673 Transportation work program and project list of a transportation  
674 authority established pursuant to chapter 348 or chapter 349, if  
675 applicable, and may be amended throughout the year to anticipate  
676 schedule changes or additional projects that ~~which~~ may arise.  
677 Before amending the mitigation plan to include new projects, the  
678 Department of Transportation must consider mitigation banks and  
679 other available mitigation options that meet state and federal  
680 requirements. Each update and amendment of the mitigation plan  
681 shall be submitted to the governing board of the water  
682 management district or its designee for approval. However, such  
683 approval does ~~shall~~ not apply ~~be applicable~~ to a deviation as  
684 described in subsection (5).

685 (7) Upon approval by the governing board of the water  
686 management district and the Department of Environmental  
687 Protection ~~or its designee~~, the mitigation plan shall ~~be deemed~~  
688 ~~to~~ satisfy the mitigation requirements under this part for  
689 impacts specifically identified in the environmental impact  
690 inventory described in subsection (2) and any other mitigation  
691 requirements imposed by local, regional, and state agencies for  
692 these same impacts. The approval of the governing board of the  
693 water management district and the Department of Environmental  
694 Protection authorizes ~~or its designee shall authorize~~ the  
695 activities proposed in the mitigation plan, and no other state,  
696 regional, or local permit or approval is ~~shall be~~ necessary.



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697           (8) This section does ~~shall not be construed to~~ eliminate  
698 the need for the Department of Transportation or a  
699 transportation authority established pursuant to chapter 348 or  
700 chapter 349 to comply with the requirement to implement  
701 practicable design modifications, including realignment of  
702 transportation projects, to reduce or eliminate the impacts of  
703 its transportation projects on wetlands and other surface waters  
704 as required by rules adopted pursuant to this part, or to  
705 diminish the authority under this part to regulate other  
706 impacts, including water quantity or water quality impacts, or  
707 impacts regulated under this part which ~~that~~ are not identified  
708 in the environmental impact inventory described in subsection  
709 (2).

710           ~~(9) The process for environmental mitigation for the impact~~  
711 ~~of transportation projects under this section shall be available~~  
712 ~~to an expressway, bridge, or transportation authority~~  
713 ~~established under chapter 348 or chapter 349. Use of this~~  
714 ~~process may be initiated by an authority depositing the~~  
715 ~~requisite funds into an escrow account set up by the authority~~  
716 ~~and filing an environmental impact inventory with the~~  
717 ~~appropriate water management district. An authority that~~  
718 ~~initiates the environmental mitigation process established by~~  
719 ~~this section shall comply with subsection (6) by timely~~  
720 ~~providing the appropriate water management district with the~~  
721 ~~requisite work program information. A water management district~~  
722 ~~may draw down funds from the escrow account as provided in this~~  
723 ~~section.~~

724           Section 10. Section 373.618, Florida Statutes, is amended  
725 to read:

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726           373.618 Public service warnings, alerts, and  
727 announcements.—The Legislature believes it is in the public  
728 interest that each ~~all~~ water management district ~~districts~~  
729 created pursuant to s. 373.069 own, acquire, develop, construct,  
730 operate, and manage public information systems. Public  
731 information systems may be located on property owned by the  
732 water management district, upon terms and conditions approved by  
733 the water management district, and must display messages to the  
734 general public concerning water management services, activities,  
735 events, and sponsors, as well as other public service  
736 announcements, including watering restrictions, severe weather  
737 reports, amber alerts, and other essential information needed by  
738 the public. ~~Local government review or approval is not required~~  
739 ~~for a public information system owned or hereafter acquired,~~  
740 ~~developed, or constructed by the water management district on~~  
741 ~~its own property.~~ A public information system is subject to  
742 ~~exempt from~~ the requirements of chapter 479. Water management  
743 district funds may not be used to pay the cost to acquire,  
744 develop, construct, operate, or manage a public information  
745 system. Such system ~~Any necessary funds for a public information~~  
746 ~~system~~ shall be paid for with funds ~~and~~ collected from private  
747 sponsors, who may display commercial messages.

748           Section 11. This act shall take effect July 1, 2014.