

HB 1283

2016

1 A bill to be entitled
2 An act relating to mitigation banks; amending s.
3 373.4135, F.S.; providing an exemption from mitigation
4 bank requirements for impacts from mining construction
5 aggregate materials and the removal and management of
6 exotic plant species; providing an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraph (b) of subsection (1) of section
11 373.4135, Florida Statutes, is amended to read:

12 373.4135 Mitigation banks and offsite regional
13 mitigation.—

14 (1) The Legislature finds that the adverse impacts of
15 activities regulated under this part may be offset by the
16 creation, maintenance, and use of mitigation banks and offsite
17 regional mitigation. Mitigation banks and offsite regional
18 mitigation can enhance the certainty of mitigation and provide
19 ecological value due to the improved likelihood of environmental
20 success associated with their proper construction, maintenance,
21 and management. Therefore, the department and the water
22 management districts are directed to participate in and
23 encourage the establishment of private and public mitigation
24 banks and offsite regional mitigation. Mitigation banks and
25 offsite regional mitigation should emphasize the restoration and
26 enhancement of degraded ecosystems and the preservation of

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27 | uplands and wetlands as intact ecosystems rather than alteration
28 | of landscapes to create wetlands. This is best accomplished
29 | through restoration of ecological communities that were
30 | historically present.

31 | (b) Notwithstanding the provisions of this section, a
32 | governmental entity may not create or provide mitigation for a
33 | project other than its own unless the governmental entity uses
34 | land that was not previously purchased for conservation and
35 | unless the governmental entity provides the same financial
36 | assurances as required for mitigation banks permitted under s.
37 | 373.4136. This paragraph does not apply to:

38 | 1. Mitigation banks permitted before December 31, 2011,
39 | under s. 373.4136;

40 | 2. Offsite regional mitigation areas established before
41 | December 31, 2011, under subsection (6);

42 | 3. Mitigation for transportation projects under ss.
43 | 373.4137 and 373.4139;

44 | 4. Mitigation for impacts from mining activities under s.
45 | 373.41492 or impacts from mining construction aggregate
46 | materials as defined in s. 337.0261, including mitigation for
47 | the removal and management of exotic plant species;

48 | 5. Mitigation provided for single-family lots or
49 | homeowners under subsection (7);

50 | 6. Entities authorized in chapter 98-492, Laws of Florida;

51 | 7. Mitigation provided for electric utility impacts
52 | certified under part II of chapter 403; or

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53 | 8. Mitigation provided on sovereign submerged lands under
54 | subsection (6).

55 | Section 2. This act shall take effect July 1, 2016.