A bill to be entitled
An act relating to wetland mitigation; amending s. 373.4135, F.S.; revising the conditions under which a governmental entity may create or provide mitigation for a project other than its own under certain circumstances; providing an effective date.

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

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

373.4135 Mitigation banks and offsite regional mitigation.—
(1) The Legislature finds that the adverse impacts of activities regulated under this part may be offset by the creation, maintenance, and use of mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance, and management. Therefore, the department and the water management districts are directed to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation should emphasize the restoration and enhancement of degraded ecosystems and the preservation of uplands and wetlands as intact ecosystems rather than alteration of landscapes to create wetlands. This is best accomplished through restoration of ecological communities that were historically present.
(b) Notwithstanding the provisions of this section, a governmental entity may not create or provide mitigation for a project other than its own if the mitigation credits available from such mitigation are only sold or used when alternative mitigation credits are not available from a governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136, as determined by the department or water management district. The restrictions in this paragraph do not apply to:

1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;
2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6);
3. Mitigation for transportation projects under ss. 373.4137 and 373.4139;
4. Mitigation for impacts from mining activities under s. 373.4142;
5. Mitigation provided for single-family lots or homeowners under subsection (7);
7. Mitigation provided for electric utility impacts certified under part II of chapter 403; or
8. Mitigation provided on sovereign submerged lands under subsection (6).

Section 2. This act shall take effect July 1, 2019.