

1 A bill to be entitled
2 An act relating to land reclamation; amending
3 s. 378.601, F.S.; exempting certain heavy
4 mineral mining operations from requirements for
5 development of regional impact review;
6 requiring certain permits or plan approvals;
7 amending s. 378.035, F.S.; providing for use of
8 Nonmandatory Land Reclamation Trust Fund moneys
9 for reclamation and management of phosphate
10 lands; providing for liens; requiring a report;
11 amending s. 378.901, F.S.; providing conditions
12 when a life-of-the-mine permit for sand mines
13 may be issued; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (5) is added to section 378.601,
18 Florida Statutes, to read:

19 378.601 Heavy minerals.--

20 (5) Any heavy mineral mining operation which annually
21 mines less than 500 acres and whose proposed consumption of
22 water is 3 million gallons per day or less shall not be
23 required to undergo development of regional impact review
24 pursuant to s. 380.06, provided permits and plan approvals
25 pursuant to either this section and part IV of chapter 373, or
26 s. 378.901, are issued. This subsection applies only in the
27 following circumstances:

28 (a) Mining is conducted in counties where the operator
29 has conducted heavy mineral mining activities prior to March
30 1, 1997; and

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1 (b) The operator of the heavy mineral mining operation
2 has executed a developer agreement pursuant to s. 380.032 as
3 of March 1, 1997. Lands mined pursuant to this section need
4 not be the subject of the developer agreement.

5 Section 2. Subsections (5), (6), and (7) are added to
6 section 378.035, Florida Statutes, to read:

7 378.035 Department responsibilities and duties with
8 respect to Nonmandatory Land Reclamation Trust Fund.--

9 (5) On July 1, 1997, \$30 million of the unencumbered
10 funds within the Nonmandatory Land Reclamation Trust Fund are
11 hereby reserved for use by the department. These reserved
12 moneys are to be used to reclaim lands disturbed by the
13 severance of phosphate rock on or after July 1, 1975, in the
14 event that a mining company ceases mining and the associated
15 reclamation prior to all lands disturbed by the operation
16 being reclaimed. Moneys expended by the department to
17 accomplish reclamation pursuant to this subsection shall
18 become a lien upon the property enforceable pursuant to
19 chapter 85. The moneys received as a result of a lien
20 foreclosure or as repayment shall be deposited into the trust
21 fund. In the event the money received as a result of lien
22 foreclosure or repayment is less than the amount expended for
23 reclamation, the department shall use all means available to
24 recover, for the use of the fund, the difference from the
25 affected parties. Paragraph (3)(b) shall apply to lands
26 acquired as a result of a lien foreclosure.

27 (6)(a) Up to one-half of the interest income accruing
28 to the funds reserved by subsection (5) shall be available to
29 the department annually for the purpose of funding basic
30 management or protection of reclaimed, restored, or preserved
31 phosphate lands:

1 1. Which have wildlife habitat value as determined by
2 the Bureau of Mine Reclamation;

3 2. Which have been transferred by the landowner to a
4 public agency or a private, nonprofit land conservation and
5 management entity in fee simple, or which have been made
6 subject to a conservation easement pursuant to s. 704.06; and

7 3. For which other management funding options are not
8 available.

9
10 These funds may, after the basic management or protection has
11 been assured for all such lands, be combined with other
12 available funds to provide a higher level of management for
13 such lands.

14 (b) Up to one-half of the interest income accruing to
15 the funds reserved by subsection (5) shall be available to the
16 department annually for the sole purpose of funding the
17 department's implementation of:

18 1. The NPDES permitting program authorized by s.
19 403.0885, as it applies to phosphate mining and beneficiation
20 facilities, phosphate fertilizer production facilities, and
21 phosphate loading and handling facilities;

22 2. The regulation of dams in accordance with
23 department Rule 62-672, Florida Administrative Code; and

24 3. The phosphogypsum management program pursuant to s.
25 403.4154 and department Rule 62-673, Florida Administrative
26 Code.

27
28 On or before August 1 of each fiscal year, the department
29 shall prepare a report presenting the expenditures using the
30 interest income allocated by this section made by the
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1 department during the immediately preceding fiscal year, which
2 report shall be available to the public upon request.

3 (7) Should the nonmandatory land reclamation program
4 encumber all the funds in the Nonmandatory Land Reclamation
5 Trust Fund except those reserved by subsection (5) prior to
6 funding all the reclamation applications for eligible parcels,
7 the funds reserved by subsection (5) shall be available to the
8 program to the extent required to complete the reclamation of
9 all eligible parcels for which the department has received
10 applications.

11 Section 3. Subsections (3) through (9) of section
12 378.901, Florida Statutes, 1996 Supplement, are renumbered as
13 subsections (4) through (10), respectively, and a new
14 subsection (3) is added to said section to read:

15 378.901 Life-of-the-mine permit.--

16 (3) The bureau may also issue life-of-the-mine permits
17 to operators of sand mines as part of the consideration for
18 conveyance to the Board of Trustees of the Internal
19 Improvement Trust Fund of environmentally sensitive lands in
20 an amount equal to or greater than the acreage included in the
21 life-of-the-mine permit and provided such environmentally
22 sensitive lands are contiguous to or within reasonable
23 proximity to the lands included in the life-of-the-mine
24 permit.

25 Section 4. This act shall take effect upon becoming a
26 law.