

Bill No. CS for CS for SB 1312

Amendment No. \_\_\_\_ Barcode 192812

CHAMBER ACTION

Senate

House

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Senator Alexander moved the following amendment:

**Senate Amendment**

On page 13, line 1, through page 14, line 17, delete those lines

and insert:

Section 4. Subsections (5), (6), (7), (8), and (9) of section 378.035, Florida Statutes, are amended to read:

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

(5) ~~On July 1, 2001, \$50 million of the unencumbered~~ Funds within the Nonmandatory Land Reclamation Trust Fund are also authorized reserved for use by the department for the following purposes:-

(a) ~~These reserved moneys are to be used~~ To reclaim lands disturbed by the severance of phosphate rock on or after July 1, 1975, in the event that a mining company ceases mining and the associated reclamation prior to all lands disturbed by the operation being reclaimed. Moneys expended by the department to accomplish reclamation pursuant to this

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1 subsection shall become a lien upon the property enforceable  
 2 pursuant to chapter 85. The moneys received as a result of a  
 3 lien foreclosure or as repayment shall be deposited into the  
 4 trust fund. In the event the money received as a result of  
 5 lien foreclosure or repayment is less than the amount expended  
 6 for reclamation, the department shall use all means available  
 7 to recover, for the use of the fund, the difference from the  
 8 affected parties. Paragraph (3)(b) shall apply to lands  
 9 acquired as a result of a lien foreclosure.

10           (b) ~~The department may also expend funds from the \$50~~  
 11 ~~million reserve fund~~ For the abatement of an imminent hazard  
 12 as provided by s. 403.4154(3) and for the purpose of closing  
 13 an abandoned phosphogypsum stack system and carrying out  
 14 postclosure care as provided by s. 403.4154(5). ~~Fees deposited~~  
 15 ~~in the Nonmandatory Land Reclamation Trust Fund pursuant to s.~~  
 16 ~~403.4154(4) may be used for the purposes authorized in this~~  
 17 ~~paragraph. Fowevery, such fees may only be used at a stack~~  
 18 ~~system if closure or imminent-hazard-abatement activities~~  
 19 ~~initially commence on or after July 1, 2002.~~

20           (c)(6)(a) ~~Up to one-half of the interest income~~  
 21 ~~accruing to the funds reserved by subsection (5) shall be~~  
 22 ~~available to the department annually~~ For the purpose of  
 23 funding basic management or protection of reclaimed, restored,  
 24 or preserved phosphate lands:

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

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

31           3. For which other management funding options are not

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1 available.

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3 These funds may, after the basic management or protection has  
4 been assured for all such lands, be combined with other  
5 available funds to provide a higher level of management for  
6 such lands.

7 ~~(d)(b) Up to one-half of the interest income accruing~~  
8 ~~to the funds reserved by subsection (5) shall be available to~~  
9 ~~the department annually~~ For the sole purpose of funding the  
10 department's implementation of:

11 1. The NPDES permitting program authorized by s.  
12 403.0885, as it applies to phosphate mining and beneficiation  
13 facilities, phosphate fertilizer production facilities, and  
14 phosphate loading and handling facilities;

15 2. The regulation of dams in accordance with  
16 department rule 62-672, Florida Administrative Code; and

17 3. The phosphogypsum management program pursuant to s.  
18 403.4154 and department rule 62-673, Florida Administrative  
19 Code.

20

21 ~~On or before August 1 of each fiscal year, the department~~  
22 ~~shall prepare a report presenting the expenditures using the~~  
23 ~~interest income allocated by this section made by the~~  
24 ~~department during the immediately preceding fiscal year, which~~  
25 ~~report shall be available to the public upon request.~~

26 ~~(6)(7)~~ Should the nonmandatory land reclamation  
27 program encumber all the funds in the Nonmandatory Land  
28 Reclamation Trust Fund except those reserved by subsection (5)  
29 prior to funding all the reclamation applications for eligible  
30 parcels, the funds reserved by subsection (5) shall be  
31 available to the program to the extent required to complete

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1 the reclamation of all eligible parcels for which the  
2 department has received applications.

3 ~~(7)(8)~~ The department may not accept any applications  
4 for nonmandatory land reclamation programs after July 1, 2004  
5 ~~November 1, 2008~~.

6 ~~(8)(9)~~ The Bureau of Mine Reclamation shall review the  
7 sufficiency of the Nonmandatory Land Reclamation Trust Fund to  
8 support the stated objectives and report to the secretary  
9 annually with recommendations as appropriate. ~~The report~~  
10 ~~submittal for calendar year 2008 shall specifically address~~  
11 ~~the effect of providing a future refund of fees paid pursuant~~  
12 ~~to s. 403.4154(4) following certification of stack closure~~  
13 ~~pursuant to department rules, and the report shall be~~  
14 ~~submitted to the Governor, the President of the Senate, and~~  
15 ~~the Speaker of the House of Representatives on or before March~~  
16 ~~1, 2009.~~

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