

By Senator Bennett

21-1786-03

See HB

1                                   A bill to be entitled  
 2           An act relating to phosphate mining; amending  
 3           s. 378.021, F.S.; authorizing the Department of  
 4           Environmental Protection to amend the master  
 5           reclamation plan for nonmandatory reclamation  
 6           lands; providing additional criteria to be  
 7           considered when identifying lands mined or  
 8           disturbed by the severance of phosphate rock;  
 9           amending s. 378.031, F.S.; revising legislative  
 10          intent to provide economic incentives for  
 11          nonmandatory land reclamation to include  
 12          reclaimed lands that provide benefits to  
 13          certain surface water bodies; amending s.  
 14          378.033, F.S.; providing additional  
 15          responsibilities for the Nonmandatory Land  
 16          Reclamation Committee; increasing the size of  
 17          the committee; amending s. 378.207, F.S.;  
 18          revising the statewide criteria and standards  
 19          for reclamation activities on mandatory  
 20          reclamation lands; providing an effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Section 378.021, Florida Statutes, is  
 25 amended to read:

26           378.021 Master reclamation plan.--

27           (1) The Department of Environmental Protection ~~Natural~~  
 28 ~~Resources~~ shall amend the ~~adopt by rule, as expeditiously as~~  
 29 ~~possible upon receipt of the report of the Land Use Advisory~~  
 30 ~~Committee, a~~ master reclamation plan that provides ~~to provide~~  
 31 guidelines for the reclamation of lands mined or disturbed by

1 the severance of phosphate rock prior to July 1, 1975, which  
2 lands are not subject to mandatory reclamation under part II  
3 of chapter 211. In amending the ~~developing~~ said master  
4 reclamation plan, the Department of Environmental Protection  
5 ~~Natural Resources~~ shall continue to conduct an onsite  
6 evaluation of all lands mined or disturbed by the severance of  
7 phosphate rock prior to July 1, 1975, which lands are not  
8 subject to mandatory reclamation under part II of chapter 211,  
9 and shall consider the report and plan prepared by the Land  
10 Use Advisory Committee under s. 378.011 and submitted to the  
11 former Department of Natural Resources for adoption by rule on  
12 or before July 1, 1979. The master reclamation plan when  
13 amended ~~adopted~~ by the Department of Environmental Protection  
14 ~~Natural Resources~~ shall be consistent with local government  
15 plans prepared pursuant to the Local Government Comprehensive  
16 Planning and Land Development Regulation Act.

17 (2) The amended master reclamation plan shall identify  
18 which of the lands mined or disturbed by the severance of  
19 phosphate rock prior to July 1, 1975, meet the following  
20 criteria:

21 (a) The quality of surface waters leaving the land  
22 does not meet applicable water quality standards, if any; or,  
23 health and safety hazards exist on the land; or, the soil has  
24 not stabilized and revegetated; or, the remaining natural  
25 resources associated with the land are not being conserved;

26 (b) The environmental or economic utility or aesthetic  
27 value of the land would not naturally return within a  
28 reasonable time, and reclamation would substantially promote  
29 the environmental or economic utility or the aesthetic value  
30 of the land; ~~and~~

31

1 (c) The reclamation of the land is in the public  
2 interest because the reclamation, when combined with other  
3 reclamation under the master plan, would provide a substantial  
4 regional benefit; and

5 (d) The reclamation of the land is in the public  
6 interest because the reclamation, when combined with other  
7 reclamation under the master plan, will provide significant  
8 benefits to surface water bodies supplying water for  
9 environmental and public purposes in those areas of the state  
10 where phosphate mining has been permitted.

11 (3) Lands evaluated by the department under subsection  
12 (1) which meet the criteria set forth in subsection (2) shall  
13 be identified with specificity in the master reclamation plan.  
14 Lands evaluated by the department under subsection (1) which  
15 do not meet the criteria set forth in subsection (2) shall  
16 also be identified with specificity in the master reclamation  
17 plan as lands which are acceptable in their present form.

18 (4) Upon adoption of the amendments to the master  
19 reclamation plan as a rule, such plan shall provide the  
20 guidelines for approval of reclamation programs for lands  
21 covered in the plan, recognizing that reclamation of such  
22 lands is not mandatory, but that any payment of costs expended  
23 for reclamation paid under s. 378.031 shall be contingent upon  
24 conformity with the guidelines set forth in the master  
25 reclamation plan.

26 Section 2. Section 378.031, Florida Statutes, is  
27 amended to read:

28 378.031 Reclamation or acquisition of nonmandatory  
29 lands; legislative intent.--It is the intent of the  
30 Legislature to provide an economic incentive to encourage the  
31 reclamation of the maximum number of acres of eligible

1 nonmandatory lands in the most timely and efficient manner or  
2 the donation or purchase of nonmandatory lands, especially  
3 those lands for which reclamation activities will result in  
4 significant improvements to surface water bodies of regional  
5 importance in those areas of the state where phosphate mining  
6 has been permitted. The Legislature recognizes that certain  
7 lands mined or disturbed prior to July 1, 1975, have been  
8 naturally reclaimed.

9 Section 3. Subsections (1) and (4) of section 378.033,  
10 Florida Statutes, are amended to read:

11 378.033 Nonmandatory Land Reclamation Committee;  
12 creation; composition.--

13 (1) The Nonmandatory Land Reclamation Committee is  
14 created within the department to serve as an advisory body on  
15 matters relating to nonmandatory land reclamation, including  
16 reclamation activities that will result in significant  
17 improvements to surface water bodies of regional importance in  
18 those areas of the state where phosphate mining has been  
19 permitted. The committee shall be composed of seven ~~five~~  
20 members appointed by the Governor and confirmed by the  
21 Cabinet. In making the appointments, the Governor shall  
22 consider the needs of the program for engineering, fiscal,  
23 reclamation, and environmental expertises. ~~Five~~ Three of the  
24 committee members shall be selected respectively from Hamilton  
25 County, Polk County, Charlotte County, Manatee County, and  
26 Hillsborough County.

27 (4) The committee shall meet at least annually at the  
28 call of the chair. The presence of six ~~four~~ members is  
29 required to constitute a quorum; a vote of five ~~three~~ members  
30 is necessary for committee action.

31

1           Section 4. Subsection (1) of section 378.207, Florida  
2 Statutes, is amended to read:

3           378.207 Reclamation criteria and standards.--

4           (1) The department, by rule, shall adopt statewide  
5 criteria and standards for reclamation. Such rules shall  
6 recognize that surface mining takes place in diverse areas  
7 where the geologic, topographic, and edaphic conditions are  
8 different, and that reclamation operations and the  
9 specifications therefor may vary accordingly. The rules,  
10 recognizing technological limitations and economic  
11 considerations, shall require the return of the natural  
12 function of wetlands or a particular habitat or condition to  
13 that in existence prior to mining and shall include criteria  
14 that, when combined with other reclamation activities, will  
15 result in significant benefits to surface water bodies  
16 supplying water for environmental and public purposes in those  
17 areas of the state where phosphate mining is permitted.

18           Section 5. This act shall take effect upon becoming a  
19 law.