



HB 0867

2003

A bill to be entitled

An act relating to phosphate mining; amending s. 378.021, F.S.; authorizing the Department of Environmental Protection to amend the master reclamation plan for nonmandatory reclamation lands; providing additional criteria to be considered when identifying lands mined or disturbed by the severance of phosphate rock; amending s. 378.031, F.S.; revising legislative intent to provide economic incentives for nonmandatory land reclamation to include reclaimed lands that provide benefits to certain surface water bodies; amending s. 378.033, F.S.; providing additional responsibilities for the Nonmandatory Land Reclamation Committee; increasing the size of the committee; amending s. 378.207, F.S.; revising the statewide criteria and standards for reclamation activities on mandatory reclamation lands; providing an effective date.

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

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

378.021 Master reclamation plan.--

(1) The Department of Environmental Protection ~~Natural Resources~~ shall amend the ~~adopt by rule, as expeditiously as possible upon receipt of the report of the Land Use Advisory Committee,~~ a master reclamation plan that provides ~~to provide~~ guidelines for the reclamation of lands mined or disturbed by the severance of phosphate rock prior to July 1, 1975, which lands are not subject to mandatory reclamation under part II of



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31 chapter 211. In amending the ~~developing said~~ master reclamation
32 plan, the Department of Environmental Protection ~~Natural~~
33 ~~Resources~~ shall continue to conduct an onsite evaluation of all
34 lands mined or disturbed by the severance of phosphate rock
35 prior to July 1, 1975, which lands are not subject to mandatory
36 reclamation under part II of chapter 211, and shall consider the
37 report and plan prepared by the Land Use Advisory Committee
38 under s. 378.011 and submitted to the former Department of
39 Natural Resources for adoption by rule on or before July 1,
40 1979. The master reclamation plan when amended ~~adopted~~ by the
41 Department of Environmental Protection ~~Natural Resources~~ shall
42 be consistent with local government plans prepared pursuant to
43 the Local Government Comprehensive Planning and Land Development
44 Regulation Act.

45 (2) The amended master reclamation plan shall identify
46 which of the lands mined or disturbed by the severance of
47 phosphate rock prior to July 1, 1975, meet the following
48 criteria:

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

54 (b) The environmental or economic utility or aesthetic
55 value of the land would not naturally return within a reasonable
56 time, and reclamation would substantially promote the
57 environmental or economic utility or the aesthetic value of the
58 land; ~~and~~

59 (c) The reclamation of the land is in the public interest
60 because the reclamation, when combined with other reclamation



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61 under the master plan, would provide a substantial regional
62 benefit; and

63 (d) The reclamation of the land is in the public interest
64 because the reclamation, when combined with other reclamation
65 under the master plan, will provide significant benefits to
66 surface water bodies supplying water for environmental and
67 public purposes in those areas of the state where phosphate
68 mining has been permitted.

69 (3) Lands evaluated by the department under subsection (1)
70 which meet the criteria set forth in subsection (2) shall be
71 identified with specificity in the master reclamation plan.
72 Lands evaluated by the department under subsection (1) which do
73 not meet the criteria set forth in subsection (2) shall also be
74 identified with specificity in the master reclamation plan as
75 lands which are acceptable in their present form.

76 (4) Upon adoption of the amendments to the master
77 reclamation plan as a rule, such plan shall provide the
78 guidelines for approval of reclamation programs for lands
79 covered in the plan, recognizing that reclamation of such lands
80 is not mandatory, but that any payment of costs expended for
81 reclamation paid under s. 378.031 shall be contingent upon
82 conformity with the guidelines set forth in the master
83 reclamation plan.

84 Section 2. Section 378.031, Florida Statutes, is amended
85 to read:

86 378.031 Reclamation or acquisition of nonmandatory lands;
87 legislative intent.--It is the intent of the Legislature to
88 provide an economic incentive to encourage the reclamation of
89 the maximum number of acres of eligible nonmandatory lands in
90 the most timely and efficient manner or the donation or purchase



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91 of nonmandatory lands, especially those lands for which
92 reclamation activities will result in significant improvements
93 to surface water bodies of regional importance in those areas of
94 the state where phosphate mining has been permitted. The
95 Legislature recognizes that certain lands mined or disturbed
96 prior to July 1, 1975, have been naturally reclaimed.

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

99 378.033 Nonmandatory Land Reclamation Committee; creation;
100 composition.--

101 (1) The Nonmandatory Land Reclamation Committee is created
102 within the department to serve as an advisory body on matters
103 relating to nonmandatory land reclamation, including reclamation
104 activities that will result in significant improvements to
105 surface water bodies of regional importance in those areas of
106 the state where phosphate mining has been permitted. The
107 committee shall be composed of seven ~~five~~ members appointed by
108 the Governor and confirmed by the Cabinet. In making the
109 appointments, the Governor shall consider the needs of the
110 program for engineering, fiscal, reclamation, and environmental
111 expertises. Five ~~Three~~ of the committee members shall be
112 selected respectively from Hamilton County, Polk County,
113 Charlotte County, Manatee County, and Hillsborough County.

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

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

120 378.207 Reclamation criteria and standards.--



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121 (1) The department, by rule, shall adopt statewide
122 criteria and standards for reclamation. Such rules shall
123 recognize that surface mining takes place in diverse areas where
124 the geologic, topographic, and edaphic conditions are different,
125 and that reclamation operations and the specifications therefor
126 may vary accordingly. The rules, recognizing technological
127 limitations and economic considerations, shall require the
128 return of the natural function of wetlands or a particular
129 habitat or condition to that in existence prior to mining and
130 shall include criteria that, when combined with other
131 reclamation activities, will result in significant benefits to
132 surface water bodies supplying water for environmental and
133 public purposes in those areas of the state where phosphate
134 mining is permitted.

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