

CHAMBER ACTION

1 The Committee on Natural Resources recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to phosphate mining restoration,
7 reclamation, and cleanup; amending s. 211.3103, F.S.;
8 providing for an additional alternative distribution of
9 certain phosphate severance tax revenues to the
10 Nonmandatory Land Reclamation Trust Fund for certain
11 purposes for certain fiscal years; providing an effective
12 date.

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

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16 Section 1. Subsections (3) and (4) of section 211.3103,
17 Florida Statutes, as amended by chapter 2003-423, Laws of
18 Florida, are amended to read:

19 211.3103 Levy of tax on severance of phosphate rock; rate,
20 basis, and distribution of tax.--

21 (3) Beginning July 1, 2005 ~~2004~~, the proceeds of all
22 taxes, interest, and penalties imposed under this section shall
23 be paid into the State Treasury as follows:

24 (a) The first \$10 million in revenue collected from the
 25 tax during each fiscal year from fiscal year 2005-2006 through
 26 and including fiscal year 2011-2012 shall be paid to the credit
 27 of the Nonmandatory Land Reclamation Trust Fund to be used to
 28 close the phosphogypsum stacks at Mulberry and Piney Point and
 29 to reclaim lands disturbed by the severance of phosphate rock
 30 prior to July 1, 1975, and thereafter shall be paid to the
 31 credit of the Conservation and Recreation Lands Trust Fund.

32 (b) The remaining revenues collected from the tax during
 33 that fiscal year, after the required payment under paragraph
 34 (a), shall be paid into the State Treasury as follows:

35 1. To the credit of the General Revenue Fund of the state,
 36 40.1 percent. The first \$10 million of the amount credited to
 37 the General Revenue Fund from fiscal year 2005-2006 through and
 38 including fiscal year 2011-2012 shall be transferred to the
 39 Nonmandatory Land Reclamation Trust Fund to fund the closure of
 40 the phosphogypsum stacks at Mulberry and Piney Point and the
 41 reclamation of lands disturbed by the severance of phosphate
 42 rock prior to July 1, 1975.

43 2. For payment to counties in proportion to the number of
 44 tons of phosphate rock produced from a phosphate rock matrix
 45 located within such political boundary, 16.5 percent. The
 46 department shall distribute this portion of the proceeds
 47 annually based on production information reported by the
 48 producers on the annual returns for the taxable year. Any such
 49 proceeds received by a county shall be used only for phosphate-
 50 related expenses.

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51 3. For payment to counties that have been designated a
52 rural area of critical economic concern pursuant to s. 288.0656
53 in proportion to the number of tons of phosphate rock produced
54 from a phosphate rock matrix located within such political
55 boundary, 13 percent. The department shall distribute this
56 portion of the proceeds annually based on production information
57 reported by the producers on the annual returns for the taxable
58 year. Payments under this subparagraph shall be made to the
59 counties unless the Legislature by special act creates a local
60 authority to promote and direct the economic development of the
61 county. If such authority exists, payments shall be made to that
62 authority.

63 4. To the credit of the Phosphate Research Trust Fund in
64 the Division of Universities of the Department of Education, 9.3
65 percent.

66 5. To the credit of the Minerals Trust Fund, 10.7 percent.

67 6. To the credit of the Nonmandatory Land Reclamation
68 Trust Fund, 10.4 percent.

69 (4) ~~Beginning July 1, 2003, and annually thereafter,~~ The
70 Department of Environmental Protection may use up to \$2 million
71 of the funds in the Nonmandatory Land Reclamation Trust Fund
72 each year to purchase a surety bond or a policy of insurance,
73 the proceeds of which would pay the cost of restoration,
74 reclamation, and cleanup of any phosphogypsum stack system and
75 phosphate mining activities in the event that an operator or
76 permittee thereof has been subject to a final order of
77 bankruptcy and all funds available therefrom are determined to
78 be inadequate to accomplish such restoration, reclamation, and

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79 | cleanup. This section does not imply that such operator or
80 | permittee is thereby relieved of its obligations or relieved of
81 | any liabilities pursuant to any other remedies at law,
82 | administrative remedies, statutory remedies, or remedies
83 | pursuant to bankruptcy law. The department shall adopt rules to
84 | implement this subsection, including the purchase and oversight
85 | of the bond or policy.

86 | Section 2. This act shall take effect July 1, 2005.