

1 (b) Each reclamation program application shall include
2 a timetable for completion of the program and a completion
3 date.

4 (4) The department staff shall review each reclamation
5 program application to determine whether it complies with the
6 standards and criteria for a reclamation program or for land
7 acquisition and to determine its consistency with the master
8 reclamation plan.

9 (5)(a) The department staff shall, by February 1 of
10 each year, present to the committee for its consideration
11 those reclamation program applications received by the
12 preceding November 1.

13 (b) The department staff shall recommend an order of
14 priority for the reclamation program applications that is
15 consistent with subsection (6).

16 (c) The recommendation of the department staff shall
17 include an estimate of the cost of each reclamation program or
18 land acquisition.

19 (6) The committee shall recommend approval,
20 modification, or denial of the reclamation program
21 applications, associated cost estimates, and the department
22 staff's recommended prioritized list. Recommendations on the
23 order of priority shall be based, among other criteria, on the
24 following criteria; however, the committee may give greater
25 weight to one or more of the criteria depending on the overall
26 needs of the nonmandatory land reclamation program:

27 (a) Whether health and safety hazards exist; and, if
28 so, such hazards shall be given the greatest weight;

29 (b) Whether the economic or environmental utility or
30 the aesthetic value of the land will return naturally within a
31 reasonable period of time;

1 (c) Whether there is a reasonable geographic and
2 applicant diversity in light of previously awarded reclamation
3 contracts, reclamation program applications before the
4 committee, and the remaining eligible lands;

5 (d) Whether reclamation is in the public interest;

6 (e) Whether the land has been naturally reclaimed or
7 is eligible for acquisition by the state for hunting, fishing,
8 or other outdoor recreation purposes or for wildlife
9 preservation;

10 (f) Whether the land is to be reclaimed for
11 agricultural use and the applicant has agreed to maintain the
12 land in agricultural use for at least 5 years after the
13 completion of the reclamation;

14 (g) Whether the program, alone or in conjunction with
15 other reclamation programs, will provide a substantial
16 regional benefit;

17 (h) Whether the program, alone or in conjunction with
18 other reclamation programs, will benefit regional drainage
19 patterns;

20 (i) Whether the land is publicly owned and will be
21 reclaimed for public purposes;

22 (j) Whether the program includes a donation or
23 agreement to sell a portion of the program application area to
24 the state for outdoor recreational or wildlife habitat
25 protection purposes;

26 (k) Whether the program is cost-effective in achieving
27 the goals of the nonmandatory land reclamation program; and

28 (l) Whether the program will reclaim lands described
29 in subsection (2).

30 (7) ~~Until 1995, the funds available for approved~~
31 ~~reclamation contracts and acquisitions of nonmandatory lands~~

1 ~~shall not exceed 20 percent of the uncommitted fund balance of~~
2 ~~the trust fund at the beginning of each year.~~ The prioritized
3 list approved by the committee may contain more reclamation
4 program applications than there are funds available during the
5 year.

6 (8) Each year, 15 percent of the funds available for
7 approved reclamation contracts, as set forth in subsection
8 (7), shall be reserved for reclamation programs which are
9 submitted by applicants other than corporations primarily
10 engaged in the mining or processing of phosphate ores to
11 create lands to be actively used for agricultural activities.
12 In the event that, in any given year, there are insufficient
13 applicants that meet the department criteria for approval to
14 use the funds reserved under this subsection, the remaining
15 moneys may be made available to other applicants.

16 (9) The committee recommendations shall be submitted
17 to the secretary by April 1 of each year for final agency
18 action by June 1 of that year. The secretary shall approve, in
19 whole or in part, the list of reclamation program applications
20 in the order of priority in which the applications are
21 presented.

22 (10) Any approved reclamation program application that
23 was not funded shall, at the request of the applicant, be
24 considered by the committee at its next meeting called for
25 that purpose, together with other reclamation program
26 applications received by November 1 of the next year.

27 (11)(a) After receiving the approval of the secretary,
28 the department shall offer a reclamation contract to an
29 applicant within 30 days after the applicant's reclamation
30 program has been approved. The contracts shall be offered to
31 the applicants in their approved order on the priority list to

1 | the extent funds are available. Each applicant shall have 30
2 | days in which to execute a reclamation contract. If the
3 | contract is not executed within 30 days, the application shall
4 | be dropped from the approved list for the current year.

5 | (b) Reclamation contracts may not be signed and
6 | available funds may not be committed after June 30 of the year
7 | in which a reclamation program application is approved by the
8 | secretary.

9 | (c) The amount of reimbursement for reclamation
10 | activities allowed in the contract shall be a grant of money
11 | equal to the estimated cost of the program as approved by the
12 | secretary. In no event, however, shall the grant amount exceed
13 | the maximum amounts specified in s. 378.037(1)(b).

14 | (d) After receiving the approval of the Governor and
15 | Cabinet, each reclamation program application for the
16 | acquisition of land shall be transferred to the Division of
17 | State Lands, which shall acquire the lands in compliance with
18 | the acquisition procedures of s. 253.025.

19 | (12) The department shall require by rule that owners
20 | of eligible properties who intend to seek approval of a
21 | reclamation program submit, not later than December 31, 1993,
22 | a notice of intent to file an application for approval,
23 | indicating the date upon which the application will be filed.

24 | Section 2. Section 378.035, Florida Statutes, is
25 | amended to read:

26 | 378.035 Department responsibilities and duties with
27 | respect to Nonmandatory Land Reclamation Trust Fund.--

28 | (1) The department shall administer the Nonmandatory
29 | Land Reclamation Trust Fund.

30 | (2)(a) The department shall verify that reclamation
31 | activities or portions thereof have been accomplished in

1 accordance with the reclamation contract and shall certify the
2 cost of such reclamation activities to the Chief Financial
3 Officer for reimbursement.

4 (b) Beginning in 1985, the department shall determine
5 the maximum dollar amount a landowner may be reimbursed per
6 reclaimed acre under an approved reclamation program.

7 (c) Nothing in this act precludes a landowner from
8 performing the reclamation pursuant to the approved
9 reclamation program, provided the landowner complies with the
10 provisions of this act.

11 (3) If an applicant who has signed a reclamation
12 contract abandons the reclamation program prior to substantial
13 completion of the program, the department may spend the
14 remaining balance of funds not expended under the contract to
15 complete the program.

16 (a) The contract amount and any amounts spent by the
17 department in excess of the remaining balance of the funds
18 under the contract become a lien upon the property,
19 enforceable pursuant to chapter 85. The moneys received as a
20 result of a lien foreclosure or as repayment shall be
21 deposited into the trust fund.

22 (b) If the land acquired pursuant to the lien
23 foreclosure has recreational or wildlife value, the department
24 may retain ownership as with other property acquired pursuant
25 to s. 378.036. If the department sells the property, the
26 department shall deposit the proceeds of the sale into the
27 trust fund.

28 (4) Interest on moneys deposited in the Nonmandatory
29 Land Reclamation Trust Fund shall accrue to that fund.

30
31

1 (5) Funds within the Nonmandatory Land Reclamation
2 Trust Fund are also authorized for use by the department for
3 the following purposes:

4 (a) To reclaim lands disturbed by the severance of
5 phosphate rock on or after July 1, 1975, in the event that a
6 mining company ceases mining and the associated reclamation
7 prior to all lands disturbed by the operation being reclaimed.
8 Moneys expended by the department to accomplish reclamation
9 pursuant to this subsection shall become a lien upon the
10 property enforceable pursuant to chapter 85. The moneys
11 received as a result of a lien foreclosure or as repayment
12 shall be deposited into the trust fund. In the event the money
13 received as a result of lien foreclosure or repayment is less
14 than the amount expended for reclamation, the department shall
15 use all means available to recover, for the use of the fund,
16 the difference from the affected parties. Paragraph (3)(b)
17 shall apply to lands acquired as a result of a lien
18 foreclosure.

19 (b) For the abatement of an imminent hazard as
20 provided by s. 403.4154(4) and for the purpose of closing an
21 abandoned phosphogypsum stack system and carrying out
22 postclosure care as provided by s. 403.4154(6).

23 (c) For the purpose of funding basic management or
24 protection of reclaimed, restored, or preserved phosphate
25 lands:

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

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

1 3. For which other management funding options are not
2 available.

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

8 (d) For the sole purpose of funding the department's
9 implementation of:

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

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

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

19 (6) Should the nonmandatory land reclamation program
20 encumber all the funds in the Nonmandatory Land Reclamation
21 Trust Fund except those reserved by subsection (5) prior to
22 funding all the reclamation applications for eligible parcels,
23 the funds reserved by subsection (5) shall be available to the
24 program to the extent required to complete the reclamation of
25 all eligible parcels for which the department has received
26 applications.

27 (7) The department may not accept any applications for
28 nonmandatory land reclamation programs after January 1, 2005.

29 (8) The Bureau of Mine Reclamation shall review the
30 sufficiency of the Nonmandatory Land Reclamation Trust Fund to
31

1 support the stated objectives and report to the secretary
2 annually with recommendations as appropriate.

3 ~~(9) For the 2003-2004 fiscal year only,~~
4 ~~notwithstanding the provisions of subsections (5) and (6), the~~
5 ~~department is authorized to expend the moneys appropriated in~~
6 ~~the General Appropriations Act for the abatement of imminent~~
7 ~~hazards caused by, and for the closure of, abandoned~~
8 ~~phosphogypsum stack systems as provided in subsections (3) and~~
9 ~~(5) of s. 403.4154, respectively. This subsection expires July~~
10 ~~1, 2004.~~

11
12 ~~For the 2003-2004 fiscal year the department may not approve~~
13 ~~or encumber nonmandatory reclamation projects in amounts~~
14 ~~greater than \$15 million.~~

15 Section 3. This act shall take effect July 1, 2005.

16
17 *****

18 SENATE SUMMARY

19 Deletes obsolete provisions limiting funding for
20 reclamation activities on phosphate-mined lands. Deletes
21 an expired provision authorizing the Department of
Environmental Protection to expend funds for closed or
abandoned phosphogypsum stack systems.