

1 A bill to be entitled
2 An act relating to surface water protection programs;
3 amending s. 373.414, F.S.; providing for the regulation of
4 peat mines in certain wetlands; providing legislative
5 intent; providing definitions; providing specific rule
6 authority to the Department of Environmental Protection;
7 providing applicability of variance provisions for
8 activities in surface waters and wetlands in the Northwest
9 Florida Water Management District; amending s. 373.4142,
10 F.S.; providing an exemption for certain water quality
11 standards in the Northwest Florida Water Management
12 District; amending s. 373.459, F.S.; exempting the
13 Suwannee River Water Management District, the Northwest
14 Florida Water Management District, and specified local
15 governments from certain funding requirements for the
16 implementation of surface water improvement and management
17 projects; eliminating provisions subject to expiration for
18 the deposit, expenditure, release, and transfer of funds
19 relating to the Ecosystem Restoration and Management Trust
20 Fund and the Water Protection and Sustainability Trust
21 Fund; amending s. 373.4595, F.S.; authorizing the
22 Department of Environmental Protection and the South
23 Florida Water Management District to adopt basin-specific
24 criteria under the Lake Okeechobee Watershed Phosphorus
25 Control Program; eliminating certain requirements for the
26 authorization of discharges related to proposed changes in
27 land use; amending s. 378.403, F.S.; revising definitions
28 relating to the regulation of surface waters; defining the

29 term "peat"; amending s. 378.503, F.S.; conforming
 30 provisions; amending s. 378.804, F.S.; revising the
 31 exemption provided to certain mine operators from the
 32 requirement to notify the secretary of the department when
 33 beginning to mine certain substances; repealing s.
 34 403.265, F.S.; relating to the permitting of peat mining;
 35 providing an effective date.
 36

37 Be It Enacted by the Legislature of the State of Florida:
 38

39 Section 1. Paragraph (e) is added to subsection (6) of
 40 section 373.414, Florida Statutes, and subsection (17) of that
 41 section is amended to read:

42 373.414 Additional criteria for activities in surface
 43 waters and wetlands.--

44 (6)

45 (e) The Legislature recognizes that the state's
 46 horticultural industry contributes to the economic strength of
 47 Florida and that high-quality peat is a limited resource that is
 48 an important component of horticultural production. The
 49 Legislature further recognizes that obtaining high-quality peat
 50 typically and uniquely requires the mining of wetlands and other
 51 surface waters and that the use of recycled and renewable
 52 material to replace or reduce the use of natural peat is
 53 necessary for the future of the horticultural industry.

54 1. As used in this paragraph, the term:

55 a. "High-quality peat" means peat from a freshwater
 56 herbaceous wetland that grades H1 to H4 on the von Post

57 Humification Scale and has a pH less than 7.

58 b. "Horticultural industry" means the industry that
59 cultivates plants, including, but not limited to, trees, shrubs,
60 flowers, annuals, perennials, tropical foliage, liners, ferns,
61 vines, bulbs, grafts, scions, or buds, but excludes turf grasses
62 grown or kept for or capable of propagation or distribution for
63 retail, wholesale, or rewholesale purposes.

64 2. The department shall develop rules for permitting and
65 mitigation of peat mines in herbaceous or historically
66 herbaceous wetlands where high-quality peat is extracted
67 predominately for use in the horticultural industry provided:

68 a. The permitting and mitigation rules shall be applicable
69 where no less than 80 percent of the extracted peat is high-
70 quality peat and 80 percent of the high-quality peat is used by
71 the horticultural industry in products that incorporate other
72 renewable or recycled materials to replace or reduce the use of
73 natural peat;

74 b. No extraction is occurring in the underlying sand or
75 rock strata;

76 c. No portion of the extraction or mitigation area is part
77 of an existing or proposed larger plan of development; and

78 d. No portion of the mine is located in a body of water
79 designated as Outstanding Florida Waters.

80 3. In adopting rules as directed in subparagraph 2.,
81 design modifications shall not be required to reduce or
82 eliminate adverse impacts to herbaceous wetlands that score
83 below a specific value, as provided by rule using the uniform
84 mitigation assessment method of evaluation, except to require

85 that the project meet water quality standards, not cause adverse
86 offsite flooding, not adversely impact significant historical
87 and archeological resources pursuant to s. 267.061, and not
88 cause adverse impacts to listed species or their habitats. In
89 assessing mitigation for mines that are not required to reduce
90 or eliminate adverse impacts, retaining a percentage of the
91 reclaimed wetland as open water shall be deemed appropriate
92 wetland mitigation. The rules must establish the amount of open
93 water allowable as mitigation based upon a consideration of the
94 type and amount of other wetland mitigation proposed, the value
95 of those wetlands as evaluated using the uniform mitigation
96 assessment method, and the amount of preservation of wetlands.
97 The amount of open water shall not exceed 60 percent of the
98 premining wetlands within the extracted area.

99 4. Rule 62-345.600, Florida Administrative Code, shall not
100 be applied to mitigation for mines qualifying under this
101 paragraph.

102 5. The department shall initiate rulemaking within 90 days
103 after July 1, 2007, and water management districts may implement
104 the proposed rules without adoption pursuant to s. 120.54.

105 (17) The variance provisions of s. 403.201 are applicable
106 to the provisions of this section or any rule adopted pursuant
107 to this section hereto. The governing boards and the department
108 are authorized to review and take final agency action on
109 petitions requesting such variances for those activities they
110 regulate under this part and s. 373.4145.

111 Section 2. Section 373.4142, Florida Statutes, is amended
112 to read:

113 373.4142 Water quality within stormwater treatment
114 systems.--State surface water quality standards applicable to
115 waters of the state, as defined in s. 403.031(13), shall not
116 apply within a stormwater management system which is designed,
117 constructed, operated, and maintained for stormwater treatment
118 in accordance with a valid permit or noticed exemption issued
119 pursuant to chapter 62-25 ~~17-25~~, Florida Administrative Code; a
120 valid permit or exemption under s. 373.4145 within the Northwest
121 Florida Water Management District; a valid permit issued on or
122 subsequent to April 1, 1986, within the Suwannee River Water
123 Management District or the St. Johns River Water Management
124 District pursuant to this part; a valid permit issued on or
125 subsequent to March 1, 1988, within the Southwest Florida Water
126 Management District pursuant to this part; or a valid permit
127 issued on or subsequent to January 6, 1982, within the South
128 Florida Water Management District pursuant to this part. Such
129 inapplicability of state water quality standards shall be
130 limited to that part of the stormwater management system located
131 upstream of a manmade water control structure permitted, or
132 approved under a noticed exemption, to retain or detain
133 stormwater runoff in order to provide treatment of the
134 stormwater. The additional use of such a stormwater management
135 system for flood attenuation or irrigation shall not divest the
136 system of the benefits of this exemption. This section shall not
137 affect the authority of the department and water management
138 districts to require reasonable assurance that the water quality
139 within such stormwater management systems will not adversely
140 impact public health, fish and wildlife, or adjacent waters.

141 Section 3. Subsection (6) of section 373.459, Florida
 142 Statutes, is amended to read:

143 373.459 Funds for surface water improvement and
 144 management.--

145 (6)(a) The match requirement of subsection (2) shall not
 146 apply to the Suwannee River Water Management District, the
 147 Northwest Florida Water Management District, or a financially
 148 disadvantaged small local government as defined in s. 403.885(3)
 149 ~~403.885(5)~~.

150 ~~(b) Notwithstanding the requirements of subsection (3),~~
 151 ~~the Ecosystem Management and Restoration Trust Fund and the~~
 152 ~~Water Protection and Sustainability Trust Fund shall be used for~~
 153 ~~the deposit of funds appropriated by the Legislature for the~~
 154 ~~purposes of ss. 373.451-373.4595. The department shall~~
 155 ~~administer all funds appropriated to or received for surface~~
 156 ~~water improvement and management activities. Expenditure of the~~
 157 ~~moneys shall be limited to the costs of details planning and~~
 158 ~~plan and program implementation for priority surface water~~
 159 ~~bodies. Moneys from the funds shall not be expended for planning~~
 160 ~~for, or construction or expansion of, treatment facilities for~~
 161 ~~domestic or industrial waste disposal.~~

162 ~~(c) Notwithstanding the requirements of subsection (4),~~
 163 ~~the department shall authorize the release of money from the~~
 164 ~~funds in accordance with the provisions of s. 373.501(2) and~~
 165 ~~procedures in s. 373.59(4) and (5).~~

166 ~~(d) Notwithstanding the requirements of subsection (5),~~
 167 ~~moneys in the Ecosystem Restoration and Management Trust Fund~~
 168 ~~that are not needed to meet current obligations incurred under~~

169 ~~this section shall be transferred to the State Board of~~
170 ~~Administration, to the credit of the trust fund, to be invested~~
171 ~~in the manner provided by law. Interest received on such~~
172 ~~investments shall be credited to the trust fund.~~

173 ~~(e) This subsection expires July 1, 2007.~~

174 Section 4. Paragraph (c) of subsection (3) of section
175 373.4595, Florida Statutes, is amended to read:

176 373.4595 Lake Okeechobee Protection Program.--

177 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
178 program for Lake Okeechobee that achieves phosphorus load
179 reductions for Lake Okeechobee shall be immediately implemented
180 as specified in this subsection. The program shall address the
181 reduction of phosphorus loading to the lake from both internal
182 and external sources. Phosphorus load reductions shall be
183 achieved through a phased program of implementation. Initial
184 implementation actions shall be technology-based, based upon a
185 consideration of both the availability of appropriate technology
186 and the cost of such technology, and shall include phosphorus
187 reduction measures at both the source and the regional level.
188 The initial phase of phosphorus load reductions shall be based
189 upon the district's Technical Publication 81-2 and the
190 district's WOD program, with subsequent phases of phosphorus
191 load reductions based upon the total maximum daily loads
192 established in accordance with s. 403.067. In the development
193 and administration of the Lake Okeechobee Protection Program,
194 the coordinating agencies shall maximize opportunities provided
195 by federal cost-sharing programs and opportunities for
196 partnerships with the private sector.

197 (c) Lake Okeechobee Watershed Phosphorus Control
198 Program.--The Lake Okeechobee Watershed Phosphorus Control
199 Program is designed to be a multifaceted approach to reducing
200 phosphorus loads by improving the management of phosphorus
201 sources within the Lake Okeechobee watershed through continued
202 implementation of existing regulations and best management
203 practices, development and implementation of improved best
204 management practices, improvement and restoration of the
205 hydrologic function of natural and managed systems, and
206 utilization of alternative technologies for nutrient reduction.
207 The coordinating agencies shall facilitate the application of
208 federal programs that offer opportunities for water quality
209 treatment, including preservation, restoration, or creation of
210 wetlands on agricultural lands.

211 1. Agricultural nonpoint source best management practices,
212 developed in accordance with s. 403.067 and designed to achieve
213 the objectives of the Lake Okeechobee Protection Program, shall
214 be implemented on an expedited basis. The coordinating agencies
215 shall develop an interagency agreement pursuant to ss. 373.046
216 and 373.406(5) that assures the development of best management
217 practices that complement existing regulatory programs and
218 specifies how those best management practices are implemented
219 and verified. The interagency agreement shall address measures
220 to be taken by the coordinating agencies during any best
221 management practice reevaluation performed pursuant to sub-
222 subparagraph d. The department shall use best professional
223 judgment in making the initial determination of best management
224 practice effectiveness.

225 a. As provided in s. 403.067(7)(c), the Department of
226 Agriculture and Consumer Services, in consultation with the
227 department, the district, and affected parties, shall initiate
228 rule development for interim measures, best management
229 practices, conservation plans, nutrient management plans, or
230 other measures necessary for Lake Okeechobee phosphorus load
231 reduction. The rule shall include thresholds for requiring
232 conservation and nutrient management plans and criteria for the
233 contents of such plans. Development of agricultural nonpoint
234 source best management practices shall initially focus on those
235 priority basins listed in subparagraph (b)1. The Department of
236 Agriculture and Consumer Services, in consultation with the
237 department, the district, and affected parties, shall conduct an
238 ongoing program for improvement of existing and development of
239 new interim measures or best management practices for the
240 purpose of adoption of such practices by rule.

241 b. Where agricultural nonpoint source best management
242 practices or interim measures have been adopted by rule of the
243 Department of Agriculture and Consumer Services, the owner or
244 operator of an agricultural nonpoint source addressed by such
245 rule shall either implement interim measures or best management
246 practices or demonstrate compliance with the district's WOD
247 program by conducting monitoring prescribed by the department or
248 the district. Owners or operators of agricultural nonpoint
249 sources who implement interim measures or best management
250 practices adopted by rule of the Department of Agriculture and
251 Consumer Services shall be subject to the provisions of s.
252 403.067(7). The Department of Agriculture and Consumer Services,

253 in cooperation with the department and the district, shall
254 provide technical and financial assistance for implementation of
255 agricultural best management practices, subject to the
256 availability of funds.

257 c. The district or department shall conduct monitoring at
258 representative sites to verify the effectiveness of agricultural
259 nonpoint source best management practices.

260 d. Where water quality problems are detected for
261 agricultural nonpoint sources despite the appropriate
262 implementation of adopted best management practices, the
263 Department of Agriculture and Consumer Services, in consultation
264 with the other coordinating agencies and affected parties, shall
265 institute a reevaluation of the best management practices and
266 make appropriate changes to the rule adopting best management
267 practices.

268 2. Nonagricultural nonpoint source best management
269 practices, developed in accordance with s. 403.067 and designed
270 to achieve the objectives of the Lake Okeechobee Protection
271 Program, shall be implemented on an expedited basis. The
272 department and the district shall develop an interagency
273 agreement pursuant to ss. 373.046 and 373.406(5) that assures
274 the development of best management practices that complement
275 existing regulatory programs and specifies how those best
276 management practices are implemented and verified. The
277 interagency agreement shall address measures to be taken by the
278 department and the district during any best management practice
279 reevaluation performed pursuant to sub-subparagraph d.

280 a. The department and the district are directed to work
281 with the University of Florida's Institute of Food and
282 Agricultural Sciences to develop appropriate nutrient
283 application rates for all nonagricultural soil amendments in the
284 watershed. As provided in s. 403.067(7)(c), the department, in
285 consultation with the district and affected parties, shall
286 develop interim measures, best management practices, or other
287 measures necessary for Lake Okeechobee phosphorus load
288 reduction. Development of nonagricultural nonpoint source best
289 management practices shall initially focus on those priority
290 basins listed in subparagraph (b)1. The department, the
291 district, and affected parties shall conduct an ongoing program
292 for improvement of existing and development of new interim
293 measures or best management practices. The district shall adopt
294 technology-based standards under the district's WOD program for
295 nonagricultural nonpoint sources of phosphorus. Nothing in this
296 sub-subparagraph shall affect the authority of the department or
297 the district to adopt basin-specific criteria under this part to
298 prevent harm to the water resources of the district.

299 b. Where nonagricultural nonpoint source best management
300 practices or interim measures have been developed by the
301 department and adopted by the district, the owner or operator of
302 a nonagricultural nonpoint source shall implement interim
303 measures or best management practices and be subject to the
304 provisions of s. 403.067(7). The department and district shall
305 provide technical and financial assistance for implementation of
306 nonagricultural nonpoint source best management practices,
307 subject to the availability of funds.

308 c. The district or the department shall conduct monitoring
309 at representative sites to verify the effectiveness of
310 nonagricultural nonpoint source best management practices.

311 d. Where water quality problems are detected for
312 nonagricultural nonpoint sources despite the appropriate
313 implementation of adopted best management practices, the
314 department and the district shall institute a reevaluation of
315 the best management practices.

316 3. The provisions of subparagraphs 1. and 2. shall not
317 preclude the department or the district from requiring
318 compliance with water quality standards or with current best
319 management practices requirements set forth in any applicable
320 regulatory program authorized by law for the purpose of
321 protecting water quality. Additionally, subparagraphs 1. and 2.
322 are applicable only to the extent that they do not conflict with
323 any rules promulgated by the department that are necessary to
324 maintain a federally delegated or approved program.

325 4. Projects which reduce the phosphorus load originating
326 from domestic wastewater systems within the Lake Okeechobee
327 watershed shall be given funding priority in the department's
328 revolving loan program under s. 403.1835. The department shall
329 coordinate and provide assistance to those local governments
330 seeking financial assistance for such priority projects.

331 5. Projects that make use of private lands, or lands held
332 in trust for Indian tribes, to reduce nutrient loadings or
333 concentrations within a basin by one or more of the following
334 methods: restoring the natural hydrology of the basin, restoring
335 wildlife habitat or impacted wetlands, reducing peak flows after

336 storm events, increasing aquifer recharge, or protecting range
337 and timberland from conversion to development, are eligible for
338 grants available under this section from the coordinating
339 agencies. For projects of otherwise equal priority, special
340 funding priority will be given to those projects that make best
341 use of the methods outlined above that involve public-private
342 partnerships or that obtain federal match money. Preference
343 ranking above the special funding priority will be given to
344 projects located in a rural area of critical economic concern
345 designated by the Governor. Grant applications may be submitted
346 by any person or tribal entity, and eligible projects may
347 include, but are not limited to, the purchase of conservation
348 and flowage easements, hydrologic restoration of wetlands,
349 creating treatment wetlands, development of a management plan
350 for natural resources, and financial support to implement a
351 management plan.

352 6.a. The department shall require all entities disposing
353 of domestic wastewater residuals within the Lake Okeechobee
354 watershed and the remaining areas of Okeechobee, Glades, and
355 Hendry Counties to develop and submit to the department an
356 agricultural use plan that limits applications based upon
357 phosphorus loading. By July 1, 2005, phosphorus concentrations
358 originating from these application sites shall not exceed the
359 limits established in the district's WOD program.

360 b. Private and government-owned utilities within Monroe,
361 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
362 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
363 of wastewater residual sludge from utility operations and septic

364 removal by land spreading in the Lake Okeechobee watershed may
365 use a line item on local sewer rates to cover wastewater
366 residual treatment and disposal if such disposal and treatment
367 is done by approved alternative treatment methodology at a
368 facility located within the areas designated by the Governor as
369 rural areas of critical economic concern pursuant to s.
370 288.0656. This additional line item is an environmental
371 protection disposal fee above the present sewer rate and shall
372 not be considered a part of the present sewer rate to customers,
373 notwithstanding provisions to the contrary in chapter 367. The
374 fee shall be established by the county commission or its
375 designated assignee in the county in which the alternative
376 method treatment facility is located. The fee shall be
377 calculated to be no higher than that necessary to recover the
378 facility's prudent cost of providing the service. Upon request
379 by an affected county commission, the Florida Public Service
380 Commission will provide assistance in establishing the fee.
381 Further, for utilities and utility authorities that use the
382 additional line item environmental protection disposal fee, such
383 fee shall not be considered a rate increase under the rules of
384 the Public Service Commission and shall be exempt from such
385 rules. Utilities using the provisions of this section may
386 immediately include in their sewer invoicing the new
387 environmental protection disposal fee. Proceeds from this
388 environmental protection disposal fee shall be used for
389 treatment and disposal of wastewater residuals, including any
390 treatment technology that helps reduce the volume of residuals
391 that require final disposal, but such proceeds shall not be used

392 for transportation or shipment costs for disposal or any costs
393 relating to the land application of residuals in the Lake
394 Okeechobee watershed.

395 c. No less frequently than once every 3 years, the Florida
396 Public Service Commission or the county commission through the
397 services of an independent auditor shall perform a financial
398 audit of all facilities receiving compensation from an
399 environmental protection disposal fee. The Florida Public
400 Service Commission or the county commission through the services
401 of an independent auditor shall also perform an audit of the
402 methodology used in establishing the environmental protection
403 disposal fee. The Florida Public Service Commission or the
404 county commission shall, within 120 days after completion of an
405 audit, file the audit report with the President of the Senate
406 and the Speaker of the House of Representatives and shall
407 provide copies to the county commissions of the counties set
408 forth in sub-subparagraph b. The books and records of any
409 facilities receiving compensation from an environmental
410 protection disposal fee shall be open to the Florida Public
411 Service Commission and the Auditor General for review upon
412 request.

413 7. The Department of Health shall require all entities
414 disposing of septage within the Lake Okeechobee watershed and
415 the remaining areas of Okeechobee, Glades, and Hendry Counties
416 to develop and submit to that agency an agricultural use plan
417 that limits applications based upon phosphorus loading. By July
418 1, 2005, phosphorus concentrations originating from these

419 application sites shall not exceed the limits established in the
 420 district's WOD program.

421 8. The Department of Agriculture and Consumer Services
 422 shall initiate rulemaking requiring entities within the Lake
 423 Okeechobee watershed and the remaining areas of Okeechobee,
 424 Glades, and Hendry Counties which land-apply animal manure to
 425 develop conservation or nutrient management plans that limit
 426 application, based upon phosphorus loading. Such rules may
 427 include criteria and thresholds for the requirement to develop a
 428 conservation or nutrient management plan, requirements for plan
 429 approval, and recordkeeping requirements.

430 ~~9. Prior to authorizing a discharge into works of the~~
 431 ~~district, the district shall require responsible parties to~~
 432 ~~demonstrate that proposed changes in land use will not result in~~
 433 ~~increased phosphorus loading over that of existing land uses.~~

434 9.10. The district, the department, or the Department of
 435 Agriculture and Consumer Services, as appropriate, shall
 436 implement those alternative nutrient reduction technologies
 437 determined to be feasible pursuant to subparagraph (d)6.

438 Section 5. Section 378.403, Florida Statutes, is amended
 439 to read:

440 378.403 Definitions.--As used in this part, the term:

441 (1) "Agency" means an official, committee, department,
 442 commission, officer, division, authority, bureau, council,
 443 board, section, or unit of government within the state,
 444 including a county, municipal, or other local or regional entity
 445 or special district.

446 (2) "Annual report" means a detailed report, including

447 maps and aerial photographs, submitted for each mine, which
448 describes and delineates mining operations and reclamation or
449 restoration activities undertaken in the previous calendar year.

450 (3) "Department" means the Department of Environmental
451 Protection.

452 (4) "Existing mine" means any area upon which an operation
453 is being conducted, or has been conducted, on October 1, 1986.

454 (5) "Extraction" or "resource extraction" means the
455 removal of resources from their location so as to make them
456 suitable for commercial, industrial, or construction use; but
457 does not include excavation solely in aid of onsite farming or
458 onsite construction, nor the process of searching, prospecting,
459 exploring, or investigating for resources by drilling.

460 (6) "Fuller's earth clay" means clay possessing a high
461 absorptive capacity consisting largely of montmorillonite or
462 palygorskite. Fuller's earth clay includes attapulgite.

463 (7) "Heavy minerals" means those resources found in
464 conjunction with sand deposits which have a specific gravity of
465 not less than 2.8, and includes an admixture of such resources
466 as zircon, staurolite, and titanium minerals as generally mined
467 in this state.

468 (8) "Limestone" means any extracted material composed
469 principally of calcium or magnesium carbonate.

470 (9) "Local government" means any county or municipality.

471 (10) "Mine" means an area of land upon which mining
472 operations have been conducted, are being conducted, or are
473 planned to be conducted, as the term is commonly used in the
474 trade.

475 (11) "New mine" means any mine that is not an existing
476 mine.

477 (12) "Operation" means any activity, other than
478 prospecting, necessary for site preparation, extraction, waste
479 disposal, storage, or reclamation.

480 (13) "Operator" means any person engaged in an operation.

481 (14) "Overburden" means soil and rock removed to gain
482 access to the resource in the process of extraction and means
483 such soil or rock before or after its removal.

484 (15) "Peat" means a naturally occurring substance derived
485 primarily from plant materials in a range of decomposing
486 conditions and formed in a water-saturated environment.

487 (16)~~(15)~~ "Reclamation" means the reasonable rehabilitation
488 of land where resource extraction has occurred.

489 (17)~~(16)~~ "Resource" means soil, clay, peat, stone, gravel,
490 sand, limerock, metallic ore, or any other solid substance of
491 commercial value found in natural deposits on or in the earth,
492 except phosphate, which is regulated by part III.

493 (18)~~(17)~~ "Secretary" means the Secretary of Environmental
494 Protection.

495 (19)~~(18)~~ "Wetlands" means any area as defined in s.
496 373.019, as delineated using the methodology adopted by rule and
497 ratified pursuant to s. 373.421(1). For areas included in an
498 approved conceptual reclamation plan or modification application
499 submitted prior to July 1, 1994, wetlands means any area having
500 dominant vegetation as defined and listed in rule 67-301.200
501 Department of Environmental Regulation rule 17-4.022, Florida
502 Administrative Code, regardless of whether the area is within

503 | the department's ~~Department of Environmental Regulation's~~
 504 | jurisdiction or whether the water bodies are connected.

505 | Section 6. Paragraph (d) of subsection (7) of section
 506 | 378.503, Florida Statutes, is amended to read:

507 | 378.503 Limestone reclamation performance standards.--

508 | (7) Resource extraction which results in a water body
 509 | shall provide one of the following shoreline treatments:

510 | (d) Slope requirements of the United States Army Corps of
 511 | Engineers or the department under part IV of chapter 373 of
 512 | ~~Environmental Regulation under the Warren S. Henderson Wetlands~~
 513 | ~~Protection Act of 1984.~~

514 | Section 7. Section 378.804, Florida Statutes, is amended
 515 | to read:

516 | 378.804 Exemption.--Any operator who extracts resources
 517 | from ~~1 acre or less at any one site in a given year,~~ not to
 518 | exceed 20 ~~5~~ acres over the life of the mine, or who extracts
 519 | peat for agricultural purposes is exempt from the provisions of
 520 | s. 378.801.

521 | Section 8. Section 403.265, Florida Statutes, is repealed.

522 | Section 9. This act shall take effect July 1, 2007.