

## ENROLLED

CS/CS/HB 197, Engrossed 1

2007 Legislature

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

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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

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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

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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:

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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.

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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~~

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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.

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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.



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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,

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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.

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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.

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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

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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

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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

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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

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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



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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.

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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

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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.