

Bill No. SB 594

Barcode 135976

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Saunders) recommended the following **amendment to amendment**
(754116):

Senate Amendment (with directory and title amendments)

On page 1, lines 18 through 21, delete those lines

and insert:

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

373. 414 Additional criteria for activities in surface
waters and wetlands.-

(6)

(e) The Legislature recognizes that the Florida
horticultural industry contributes to the economic strength of
Florida and that high quality peat is a limited resource that
is an important component of horticultural production. The
Legislature further recognizes that obtaining high quality
peat typically and uniquely requires the mining of wetlands
and other surface waters and that the use of recycled and

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1 renewable material to replace or reduce the use of natural
2 peat is necessary for the future of the horticultural
3 industry.

4 1. Definitions.- As used in this subsection, the term:

5 a. "High quality peat" means peat from a freshwater
6 herbaceous wetland that grades H1 to H4 on the von Post
7 Humification Scale and has a pH less than 7.

8 b. "Horticultural industry" for the purpose of this
9 paragraph means the industry that cultivates plants,
10 including, but not limited to, trees, shrubs, flowers,
11 annuals, perennials, tropical foliage, liners, ferns, vines,
12 bulbs, grafts, scions, or buds, but excluding turf grasses,
13 grown or kept for or capable of propagation or distribution
14 for retail, wholesale or re-wholesale purposes.

15 2. The department shall develop rules for permitting
16 and mitigation of peat mines in herbaceous or historically
17 herbaceous wetlands where high quality peat is extracted
18 exclusively for use in the horticultural industry provided:

19 a. The permitting and mitigation rules shall be
20 applicable only at a mine where no less than 80 percent of the
21 extracted peat is high quality peat and the high quality peat
22 is used in products that incorporate other renewable or
23 recycled materials;

24 b. No extraction occurs in the underlying sand or rock
25 strata;

26 c. No portion of the extraction or mitigation area
27 shall be part of an existing or proposed larger plan of
28 development;

29 d. No portion of the mine shall be located in
30 Outstanding Florida Waters.

31 3. In developing the rules as directed in subparagraph

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1 2, design modifications shall not be required to reduce or
2 eliminate adverse impacts to herbaceous wetlands that score
3 below a specific value as provided by rule using the Uniform
4 Mitigation Assessment Method evaluation other than to require
5 that the project meet water quality standards, not cause
6 adverse offsite flooding, not adversely impact significant
7 historical and archaeological resources under the provision of
8 s. 267.061, and not cause adverse impacts to listed species or
9 their habitats. In assessing mitigation for mines that are not
10 required to reduce or eliminate adverse impacts, retaining a
11 percentage of the reclaimed wetland as open water shall be
12 deemed appropriate wetland mitigation. The rules shall
13 determine the amount of open water allowable as mitigation
14 based upon a consideration of the type and amount of other
15 wetland mitigation proposed, the value of those wetlands as
16 evaluated using the Uniform Mitigation Assessment Method and
17 the amount of preservation of wetlands. In no case shall the
18 amount of open water exceed 60 percent of the pre-mining
19 wetlands within the extracted area.

20 4. The provisions of section 62-345.600 Florida
21 Administrative Code shall not apply to mitigation provided for
22 mines qualifying for the provisions of this paragraph.

23 5. The department shall initiate the rulemaking
24 process within 90 days of the effective date of this act;
25 water management districts may implement the rules without
26 adoption pursuant to s. 120.54.

27 (17) The variance provisions of s. 403.201 are
28 applicable to the provisions of this section or any rule
29 adopted pursuant hereto. The governing boards and the
30 department are authorized to review and take final agency
31 action on petitions requesting such variances for those

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1 activities they regulate under this part and s. 373.4145.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 15, line 22, delete that line

7

8 insert:

9 programs; amending s. 373.414, F.S.; providing

10 legislative recognitions; providing

11 definitions; granting rule-making powers to the

12 department; allowing permitting and mitigation

13 of peat mines under certain conditions;

14 providing criteria for rule development;

15 clarifying the jurisdiction of the Florida

16 Administrative Code as it relates to provisions

17 of this section; establishing a timeframe for

18 the rulemaking process and implementation of

19 said rules; providing

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