MIAMI-DADE COUNTY LAKE BELT PLAN IMPLEMENTATION COMMITTEE

1999 PROGRESS REPORT

MIAMI-DADE COUNTY LAKE BELT PLAN IMPLEMENTATION COMMITTEE MEMBERS

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EXECUTIVE SUMMARY

During 1999, significant progress was made in several important areas for the Miami-Dade County Lake Belt Plan Implementation Committee (generally known as the Lake Belt Committee) to complete the development and implementation of the Lake Belt Plan. The major accomplishments included: (1) enacting the Lake Belt mitigation plan and fee on rockmining; (2) hiring a consulting team to develop the Phase II Detailed Master Plan; (3) continuing the studies to enhance the protection of the wellfields in the Lake Belt Area; and, (4) incorporating the major features of the Lake Belt Plan into the efforts to restore the Everglades and provide for urban water needs.

Through the efforts of Senator Diaz-Balart and Representative Villalobos, agreement was reached on a mitigation plan that included an appropriate mitigation fee per ton of limestone products sold from the Lake Belt Area. This was incorporated into HB 329, which was passed by the legislature and signed by Governor Jeb Bush. Other provisions of the law modified the boundary of the Lake Belt Area, added additional members to the Lake Belt Committee to represent non-mining landowners, required a blasting disclosure notice, and directed the Lake Belt Committee to consider a mitigation plan for non-mining impacts.

The South Florida Regional Planning Council hired a consulting team to assist the Lake Belt Committee in developing the Phase II Detailed Master Plan. Miami-Dade County continued the studies necessary for the development of an enhanced wellfield protection program for the Lake Belt Area. This analysis, along with information from other sources, will be used to develop the Phase II Detailed Master Plan by December 31, 2000.

The Central and Southern Florida Project Comprehensive Review Study (Restudy) was presented to Congress on July 1, 1999. The Restudy incorporates many of the main features of the Lake Belt Plan including the use of much of the mined areas as reservoirs.

During the year, the Lake Belt Committee held twelve meetings and workshops to develop the various components of the Phase II Plan. On the evening of September 23, 1999 a public meeting was held to inform landowners within the Lake Belt Area about the recently adopted legislation, and the long-term planning efforts underway, including the Lake Belt Plan and Restudy. Newsletter-style updates on these topics in both English and Spanish were mailed to all landowners within the Lake Belt Area.

The following pages discuss the progress of the Lake Belt Committee in implementing the Lake Belt Plan and identify the next steps and recommendations for completing the Phase II Detailed Master Plan by December 31, 2000.

BACKGROUND

The Lake Belt Area is located between the Everglades and the urbanized areas of Miami-Dade County. The area provides half of the limestone mining resources used in the state every year, includes one of the largest drinking water wellfields in the state, and serves to buffer the Everglades from urban development. Approximately two-thirds of the land within the Lake Belt Area is owned by the industry or government agencies.

In 1992, the Florida Legislature created the Lake Belt Committee and directed it to "develop a plan which: (a) enhances the water supply for Dade County and the Everglades; (b) maximizes efficient recovery of limestone while promoting the social and economic welfare of the community and protecting the environment, and (c) educates various groups and the general public of the benefits of the plan." The Committee is composed of representatives from government agencies, the rock mining industry, environmental organizations, and representatives for non-rock mining landowners. SFWMD Governing Board member Gerardo Fernandez became the chairman of the Lake Belt Committee in early 1999, replacing outgoing chairman, Bill Graham.

In February 1997 the Lake Belt Committee published The Lake Belt Plan "Making a Whole, Not Just Holes". It provided a balance between the economic values of continued rock mining, the environmental values of the freshwater wetlands, the rights of individual property owners, the protection of municipal water supply, and on-going federal, state and local efforts to restore the greater Everglades ecosystem. It established the overall environmental permitting framework to create a coordinated freshwater lake system to replace the unplanned checkerboard mosaic of quarried lakes now being created at a rate of 300 to 400 acres per year. The Plan provided an opportunity for federal, state, and local governments to work in partnership with the private sector to implement a comprehensive plan for the Lake Belt Area.

The Plan was approached in two phases. Phase I established the overall framework of the Plan and contained specific recommendations concerning:

- specified areas for mining, mitigation, and additional analysis;
- strategy for streamlining the permitting process for rock mining;
- dedicated funding mechanism for mitigation;
- authorization for government - industry land exchanges;
- authorization for agencies to enter into agreements to implement the Plan; and
- development of the Phase II Detailed Master Plan.

As directed by the Legislature, the Committee is currently developing the Phase II Detailed Master Plan to address land use planning conflicts, analyze additional wellfield protection, and consider the need to establish a land authority to further implement the Plan. The Phase II Detailed Master Plan will be completed by December 31, 2000.

SUMMARY OF 1999 LAKE BELT LEGISLATION

Through the efforts of Senator Mario Diaz-Balart and Representative Alex Villalobos, legislation to enact the Lake Belt Mitigation Plan was approved by the Legislature and signed into law by Governor Jeb Bush on June 8, 1999. This will allow implementation of the major components of the Phase I Plan. The key provisions of the law are summarized below.

Mitigation Fee for Mining

The Legislature found that the impact of mining within the Lake Belt Area could best be offset by the implementation of a comprehensive mitigation plan as recommended in the Lake Belt Committee's 1998 Progress Report. The most significant aspect of the mitigation plan is the establishment by the Florida Legislature of a mitigation fee per ton on all limestone sold from the Lake Belt Area. The fee began on October 1, 1999 at 5 cents per ton and will increase annually by 2.1% plus a cost growth index. The fee will be charged on all materials commercially mined, including those that are from areas previously permitted.

Proceeds from the mitigation fee will be used to perform mitigation activities appropriate to offset the environmental impacts due to mining including acquiring environmentally sensitive lands and restoring, managing, and maintaining their natural functions. Mitigation must be consistent with the recommendations contained in the reports prepared by the Lake Belt Committee for the Legislature and adopted under s. 373.4149, F.S.

On January 31, 2010, and every ten years thereafter, the interagency committee responsible for overseeing the mitigation shall submit a report to the Legislature recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of mitigation.

Revisions to the Lake Belt Boundary

Several non-rockmining areas were deleted from the Lake Belt Area. These areas are portions of the "stairstep" area north of Okeechobee Road, the non-mining lands west of Krome Avenue, and lands adjacent to the Homestead Extension of the Florida Turnpike in the southeast portion of the Lake Belt Area. The revised boundary is shown on the adjacent map. While these properties are no longer part of the Lake Belt Area, future planning will work to eliminate land use conflicts with the nearby rockmining.

Blasting Disclosure Notice Required

Effective October 1, 1999, before the sale, lease, or issuance of a development order, all land owners in the Lake Belt Area or within two miles of the boundary are required to submit a disclosure to Miami-Dade County that acknowledges the existence of limestone mining with explosives in the proximity of the property. The County developed the form. Although Miami-Dade County ordinances requiring disclosure of limestone mining and use of explosives have been part of the County Code since 1980, this legislation represents the first statewide legislation and the first legislation with a serious penalty if disclosure requirements are not met.

Local Government Land Use Authority Not Pre-empted

The legislation specifically states that the adoption of the Lake Belt Plan by the Legislature does not preclude non-rockmining uses within the Lake Belt Area in local government

SUMMARY (CONT.)

comprehensive plans or zoning. It does require the County to strongly consider limestone-mining activities within the Lake Belt Area when considering amendments to comprehensive plans and other local regulations. Land use amendments for lands within one mile of limestone operations are to be compatible with rock mining activities.

Phase II Lake Belt Plan Expanded

Analysis of the hydrologic impacts resulting from future mining was added as a requirement of the Phase II Plan. Mitigation measures, if needed, will be recommended at that time for inclusion in the Lake Belt Mitigation Plan.

Common Mitigation Plan for Non-Mining Impacts To Be Considered

The Legislature directed the Lake Belt Committee to consider the feasibility of a common mitigation plan for the impacts resulting from non-rockmining uses. The idea is to determine whether a common mitigation plan could simplify the permitting process and be better for the environment. Any proposed non-rockmining mitigation fee would only be used to offset the loss of wetland functions and not as a revenue source for other purposes. Recommendations will be included in the Phase II Plan

Addition of Three Non-Mining Representatives

The legislation added three non-rockmining landowner representatives to the Lake Belt Committee so that the non-rockmining voting representation would equal the rockmining interests. In filling these vacancies, the Lake Belt Committee sought individuals to represent the various geographical areas within the Lake Belt Area as well as the different types of ownership (such as small farm, large land holding, and commercial).

Committee Sunset Extended Until January 1, 2002

While the Lake Belt Committee's primary work product will be completed by December 31, 2000, the additional year will allow time to work on implementing the Phase II Plan.

Land Swaps

Efforts continued to implement those components of the Lake Belt Mitigation Plan that did not require legislative action. One such important component is for the rock mining industry and government agencies to exchange land holdings to provide for mining and wetland preservation to occur in the most appropriate locations. As identified in the Phase I Plan, mining is not appropriate in the Pennsuco wetlands. The SFWMD began the process to acquire the lands owned by rock mining firms within the Pennsuco wetlands. Appraisals were prepared on over 3,700 acres of land owned by rock mining firms in this area and offers are being made to acquire the lands. Several of the companies involved identified specific parcels of lands owned by the state that they would wish to mine on a royalty basis. The requests were presented at the September Lake Belt Committee workshop to allow the Florida Department of Environmental Protection to obtain comments. The public acquisition of rock mining lands in the Pennsuco wetlands and the leasing of state owned lands in areas suitable for mining when taken together accomplish the "land swaps" authorized in the Phase I Plan.

FEDERAL PERMITTING OF MINING

Providing regulatory certainty and streamlining the permitting process are key components of the Lake Belt Plan. The Florida Legislature recognized this when it directed Miami-Dade County and the Florida Department of Environmental Protection to work with the U. S. Army Corps of Engineers (USACE) to establish a general permit under section 404 of the Clean Water Act for limestone mining within the Lake Belt Area consistent with the Lake Belt Plan. The USACE determined that issuance of general or long-term permits for mining in the Lake Belt Area would require a Programmatic Environmental Impact Statement (PEIS).

The draft PEIS was released in February 1999 and included studies addressing hydrological modeling, water quality, vegetation and soils mapping and analysis, wildlife, and land use. The PEIS incorporated the studies performed for the Lake Belt Committee as well as additional work done by a special Issue Advisory Team.

The information included in the PEIS provides a framework for future restoration and mining initiatives. With this analysis the decisions regarding permitting and restoration activities can be made with regard to the cumulative impacts rather than continue to be made on a case-by–case basis. This approach provides the best balance of mining, environmental restoration, and regional water management and supply for the area.

Over 30 agencies and organizations provided comments. The final PEIS is scheduled to be issued in January 2000. Once this process is complete, the USACE will be able to issue long-term permits for limestone mining within the Lake Belt Area.

Through the issuance of permits, the USACE will accomplish final implementation of the agreed upon mitigation approach. Should the USACE not issue permits by September 30, 2000 which are consistent with the Lake Belt provisions in state statute and the Lake Belt Plan accepted by the legislature during the 1997 legislative session then the mitigation fee will be suspended until re-adopted by the Legislature.

WELLFIELD PROTECTION

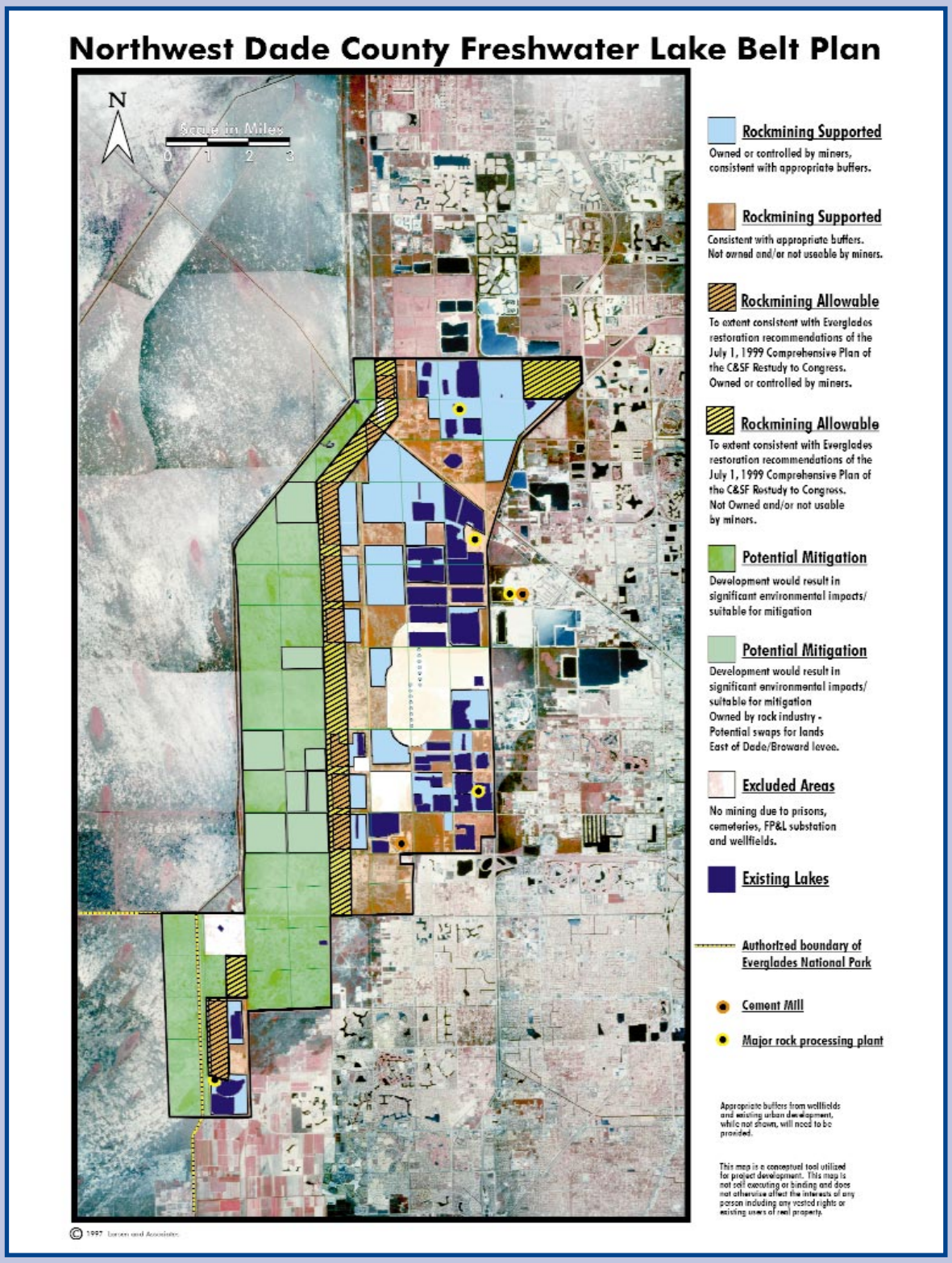
Miami-Dade County continued investigating the adequacy of its existing wellfield protection program in protecting wellfields from potential impacts from lake excavations. The County, the SFWMD and the rock mining coalition are jointly funding a contaminant investigation being undertaken by the Miami-Dade County Department of Environmental Resources Management (DERM).

Based upon the results from the preliminary tracer tests, DERM is completing the full-scale tracer study. Using the results from the tracer study, they will perform contaminant transport modeling to evaluate how future hydrogeologic changes affect groundwater velocity.

By June 2000, DERM will complete a comprehensive review of existing wellfield protection provisions to assess adequacy for continued protection into the future and propose amendments to the County's wellfield protection regulations. Items to be reviewed include:

- Contaminant transport characteristics reflected in the tracer study;
- Changes in groundwater flow caused by removal of aquifer material;
- Identification of best management practices for handling fuels, lubricants and other hazardous materials;
- Identification of best management practices for avoiding water quality impacts from herbicide usage and any other control measures for undesirable plant species (aquatic, wetland and upland);
- Identification of best management practices for avoiding impacts from other future pesticide use (such as fish population management in lakes);
- Definition of what is a bona fide rockmining use that is exempt from the hazardous materials prohibitions in the county's wellfield protection program.
- Control of access to the watershed to prevent dumping;
- Identification of appropriate setback distances between wellhead locations and littoral areas for encouraging wildlife habitat;
- Requirements for constructing berms to exclude runoff from lakes;
- Identification of options for reducing ground and surface water interaction on lake shorelines that are closest to wells;
- Identification of appropriate recreational uses and their locations within the wellfield protection area;
- Monitoring of ambient ground and surface water quality; and,
- Identification of appropriate rehabilitation actions that could be taken by the Miami Dade Water and Sewer Department to assure that the source of water supply is groundwater and not surface water.

DETAILED MASTER PLAN

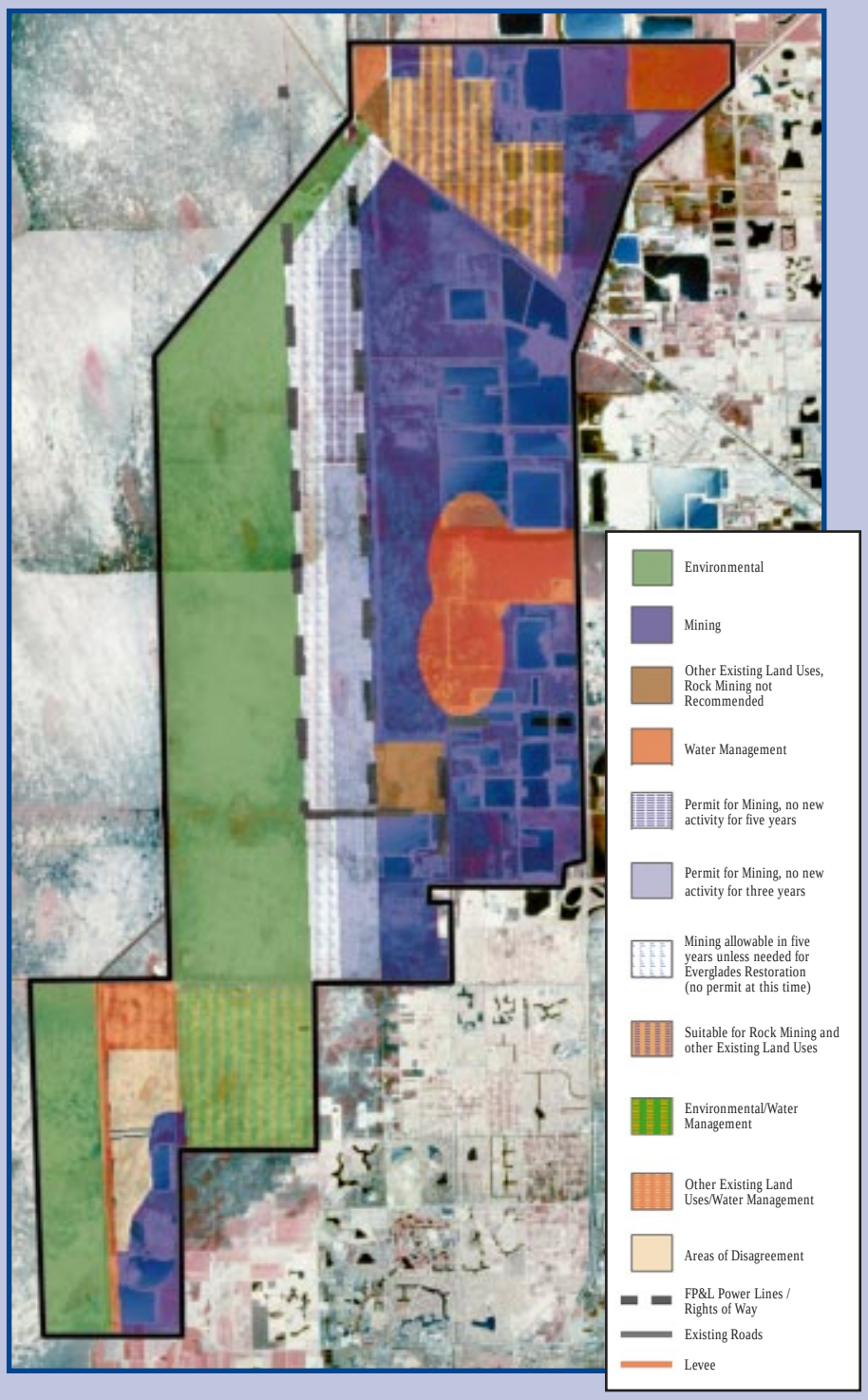


The Lake Belt Phase I Plan (above) and the alternative recommended by the Federal Issue Advisory Team (on next page) will form the basis for the development of the Phase II Detailed Master Plan.

Work on a detailed master plan for the Lake Belt Area accelerated during 1999. Using the statement of work developed by the Lake Belt Committee, the South Florida Regional Planning Council hired a consulting team to prepare the Phase II Detailed Master Plan. The firm of Wallace, Roberts, and Todd heads the team which also includes EAS Engineering and JGR + Associates.

While future land uses are to be generally consistent with the Miami Dade County Comprehensive Development Master Plan, wellfield protection, and other regulations, it is important to develop long term policies to eliminate the potential for future land uses and zoning changes that would conflict with these goals. The following are the major components of the detailed master plan:

- Land use plan that considers habitat areas, recreation areas, and other land uses;
- Mining phasing plan that considers blasting restrictions, conflicts with other existing land uses, potential transition areas, and accommodates land swaps;
- Mitigation program that considers regional ecosystem considerations, habitat objectives, management plans for Pennsuco and other wetlands, design criteria for lake littoral areas, and identification of special features, such as rookeries;
- Restudy considerations including regional seepage management, water storage, flood protection, and identification of new or modified facilities;
- Lake design including recreational access and use, ecological productivity, wellfield protection, regional water management considerations;
- Wellhead protection program that considers access, perimeter security, and use restrictions;



- Land ownership and management program that considers institutional and financial requirements, land swaps, and private property rights; and
- Recreational use plan that addresses types of recreation, ownership, access and security.

Concerns Over Use Of Explosives

Without the use of explosives, limestone mining is impossible. Since June 1999, several Miami-Dade County ordinances and statewide legislation have been proposed which would very substantially limit blasting frequency and intensity in the Lake Belt. Currently, Miami-Dade County has the lowest blasting intensity level in the country.

Given the necessity of blasting to the Limestone Industry, the relatively low level of blasting intensity, the long history of blasting in the area and the potential jeopardy substantial blasting limitations would propose to the Lake Belt project, it is essential that the Lake Belt Committee work with the Limestone Industry to develop an effective plan for the use of explosives within the County. Although permitting is an annual process which renders absolute certainty of permitting impossible, the Limestone Industry must have some reasonable expectation that the use of explosives at reasonable intensity and frequency will continue in order for limestone mining to remain the best economic use of its property within the Lake Belt.

Toward the goal of reaching a reasonable compromise on the use of explosives, the Limestone Industry is participating in a Task Force to study blasting in Miami-Dade County formed under the authority of a Miami-Dade County Resolution in June 1999. The Task Force is comprised of: Miami-Dade County staff and officials, representatives of citizens living in close proximity to mining activities and industry representatives. The Task Force is required to report back to the Miami-Dade County Commission before May 30, 2000 with comprehensive findings and recommendations relating to the use of explosives in limestone mining.

NON-MINING ISSUES

During 1999 the Lake Belt Committee held several workshop sessions to develop options for an affordable mitigation plan for non-mining impacts consistent with federal, state, and local regulations. The options identified to date are listed below:

POTENTIAL NON-MINING MITIGATION PLAN OPTIONS

Can be Done Under Existing Laws

- Environmental easements
- Include mitigation within mortgage
- Create combined mitigation sites
- Mitigate on-site

Can be Done Under Existing Laws But Requires Additional Approval

- Create Special Taxing District to pay for "standard" wetland impacts
- Include lands in Urban Services Boundary and increase density to uses that could afford to pay for mitigation (pass-through)

Requires Additional Legislation

- New political regulations for wetlands in Lake Belt Area to minimize or eliminate mitigation obligation
- Special Assessment on mining to buy non-mining lands
- Special Assessment on mining to pay for non-mining mitigation
- Request legislature to make specific appropriation to establish a revolving fund for non-mining landowners to pay up-front costs of mitigation.

RESTUDY

The Central and Southern Florida (C&SF) Project is a multi-purpose water resources project that provides the backbone of the water management structure in south Florida. It includes the primary levee and canal system. For the past fifty years, the project has provided flood control, water supply for municipal, industrial, and agricultural uses, prevention of salt-water intrusion, water supply for Everglades National Park, and protection of fish and wildlife resources. While performing its intended functions well, the C&SF Project has had unintended negative effects on the natural system. The C&SF Project Comprehensive Review Study, or Restudy, was presented to the U.S. Congress on July 1. It outlines the overall blueprint to restore the natural system, including the Everglades, by nearly doubling the amount of storage available for south Florida's regional fresh water supplies. The plan calls for a series of C&SF Project improvements to be built over more than 20 years to capture much of the fresh water that now flows unused to the ocean or gulf and deliver it when and where it is needed. It will help to ensure adequate supplies for the natural system as well as cities and agriculture in the 16-county region of southern Florida through 2050. An interagency team headed by the U.S. Army Corps of Engineers and the District developed the overall plan, which is expected to cost approximately $7.8 billion.

The Lake Belt Area will play an important role in water storage and management for restoration of the Everglades as part of the Restudy. Several major reservoirs are planned in the Lake Belt Area, as mining is completed. The initial design of these reservoirs includes subterranean seepage barriers around their perimeter to allow water level fluctuation during dry periods without impacting surrounding ground water. Pilot projects are included in the plan to determine construction technologies, storage efficiencies, impacts on local hydrology, and water quality effects within the Lake Belt area. Water quality assessments will include a determination as to whether the in-ground reservoirs and seepage barriers will allow for storage of untreated waters without concerns of groundwater contamination.

During the development of the Phase II Master Plan, revisions to the water control/seepage features, wellfield protection measures, and littoral wetland design will be analyzed in order to integrate with the Restudy's overall design.

The Lake Belt Area will play an important role in water storage and management for restoration of the Everglades as part of the Restudy.

MASTER PLAN

1999		2000		
FALL	FALL	WINTER	SPRING	SUMMER-FALL
TASK SERIES 1 & 2 COMPLETED	3. ANALYSIS • Assess the "givens" (Technical parameters/ policy options)	4. ALTERNATIVES • Pose alternative solutions	5. PREFERRED CONCEPT • Evaluate alternatives (Criteria to be determined)	6. DETAILED MASTER PLAN PREPARATION
	SEEPAGE CRITERIA HYDROLOGIC IMPACTS	LAKE CONFIGURATION	ACCEPTABLE LEVELS OF RISK • SEEPAGE/ HYDROLOGIC IMPACTS • WELLHEAD PROTECTION	
	RESTUDY COMPONENTS	RESERVOIRS/ ALTERNATIVES		
	WELLHEAD PROTECTION	LAND USE & ACCESS RESTRICTIONS	MITIGATION VALUE	
	MITIGATION NEEDS	LAKE & LITORAL ZONE DESIGN APPROACHES	BIOLOGICAL VALUE	
	BIOLOGICAL ENHANCEMENT OPPORTUNITIES	PHASING SCENARIOS	FLEXIBILITY FOR RESTUDY ACCOMMODATION	
	MINING OWNERSHIPS & PHASING	LAND USE SCENARIOS • UDB • CDMP/ZONING	ECONOMIC (MINING) IMPACTS	
	NON-MINING INTERESTS	ACCESS & RECREATIONAL USE SCENARIOS	SOCIOECONOMIC (NON-MINING) IMPACTS	
	FPL FACILITIES & NEEDS			
	RECREATION OPPORTUNITIES			
	RELATED STUDIES WELLFIELD PROTECTION • BLASTING TASK FORCE • WPA FEASIBILITY STUDY			

ACTION STEPS AND RECOMMENDATIONS

The continued development and implementation of the Lake Belt Plan will require action by the Lake Belt Committee and the individual agencies and organizations that serve on the Lake Belt Committee. The most important action steps that remain to be taken include the following.

- Completion of the Phase II Detailed Master Plan by December 31, 2000.
- Incorporation of analysis of the hydrologic impacts resulting from future mining into the Phase II Detailed Master Plan and inclusion of recommended mitigation measures into the Lake Belt Mitigation Plan.
- Incorporation of the findings from the county's wellfield protection study into the Phase II Plan.
- Refinement of the Restudy components located within the Lake Belt Area during the subsequent phases of the Restudy and Water Preserve Areas projects to increase their overall benefits and cost-effectiveness.
- Development of an overall mitigation plan for non-rock mining impacts within the Lake Belt Area consistent with federal, state, and local requirements.
- Issuance of long-term mining permits by the U. S. Army Corps of Engineers consistent with state statute and the Lake Belt Plan by September 30, 2000.
- Incorporation of the findings from the County's Blasting Task Force into the the Phase II Plan.
- Leasing of appropriate state owned lands within the Lake Belt Area to rock mining firms for mining on a royalty basis.
- Acquisition of all lands owned by rock mining firms within the Pennsuco wetlands at appraised value by the South Florida Water Management District for use as part of the Lake Belt Mitigation Plan.
- Appropriate resolution to the notification and disclosure issue raised by the landowners within two miles of the Lake Belt Area.
- Recommend to the Legislature that they add two members to the Committee to represent non-mining landowners outside the Lake Belt Area if the Legislature does not repeal the disclosure requirement.

CURRENTLY ENACTED LAKE BELT LEGISLATION

373.4149 Dade County Lake Belt Plan.—

(1) The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt Report and Plan, known as the "Miami-Dade County Lake Plan," dated February 1997 and submitted by the Miami-Dade County Lake Belt Plan Implementation Committee.

(2)(a) The Legislature recognizes that deposits of limestone and sand suitable for production of construction aggregates, cement, and road base materials are located in limited areas of the state.

(b) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to urbanization to the east and the Everglades to the west.

(3) The Miami-Dade County Lake Belt Area is that area bounded by the Florida Turnpike to the east, the Miami-Dade-Broward County line to the north, Krome Avenue to the west and Tamiami Trail to the south together with the land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, sections 24, 25, and 36, Township 54 South, Range 38 East less those portions of section 10, except the west one-half, section 11, except the northeast one-quarter and the east one-half of the northwest one-quarter, and tracts 38 through 41, and tracts 49 through 64 inclusive, section 13, except tracts 17 through 35 and tracts 46 through 48, and section 14, except the west three quarters, Township 52 South, Range 39 East, lying north of the Miami Canal, sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East and Government Lots 1 and 2, lying between Townships 53 and 54 South, Range 39 East and those portions of sections 1 and 2, Township 54 South, Range 39 East, lying north of Tamiami Trail.

(4) The identification of the Miami-Dade County Lake Belt Area shall not preempt local land use jurisdiction, planning, or regulatory authority in regard to the use of land by private land owners. When amending local comprehensive plans, or implementing zoning regulations, development regulations, or other local regulations, Miami-Dade County shall strongly consider limestone mining activities and ancillary operations, such as lake excavation, including use of explosives, rock processing, cement, concrete and asphalt products manufacturing, and ancillary activities, within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by subsection (1); provided, however, that limerock mining activities are consistent with wellfield protection. Rezonings or amendments to local comprehensive plans concerning properties that are located within 1 mile of the Miami-Dade Lake Belt Area shall be compatible with limestone mining activities. No rezonings, variances, or amendments to local comprehensive plans for any residential purpose may be approved for any property located in sections 35 and 36 and the east one-half of sections 24 and 25, Township 53 South, Range 39 East until such time as there is no active mining within 2 miles of the property. This section does not preclude residential development that complies with current regulations.

(5) Beginning October 1, 1999, before the sale, lease, or the issuance of a development order, including the approval of a change in land use designation or zoning, for any real property located inside the Miami-Dade Lake Belt Area or within 2 miles of the boundary of the Miami-Dade Lake Belt Area, the entity holding title to the real property is required to submit a written affidavit of disclosure to Miami-Dade County in a form prescribed by the county that is suitable for recording:

(a) Acknowledging the existence of limestone mining activities involving the use of explosives within close proximity of the real property proposed to be sold, leased, used, or developed;

(b) Agreeing to provide copies of the affidavit of disclosure to all subsequent parties to whom whole or part interest in the real property is transferred, by sale, lease, or any other means; and

(c) Acknowledging potential civil liability, as well as fines and penalties that could result from failure to provide disclosure under this section. Failure to substantially comply with the provisions of this subsection makes the sale of the real property or interest therein voidable at the purchaser's option for a period of 7 years from the date of the affidavit of disclosure.

(6) The Miami-Dade County Lake Belt Plan Implementation Committee shall be appointed by the governing board of the South Florida Water Management District to develop a strategy for the design and implementation of the Miami-Dade County Lake Belt Plan. The committee shall consist of the chair of the governing board of the South Florida Water Management District, who shall serve as chair of the committee, the policy director of Environmental and Growth Management in the office of the Governor, the secretary of the Department of Environmental Protection, the director of the Division of Water Facilities or its successor division within the Department of Environmental Protection, the director of the Office of Tourism, Trade, and Economic Development within the office of the Governor, the secretary of the Department of Community Affairs, the executive director of the Game and Freshwater Fish Commission, the director of the Department of Environmental Resource Management of Miami-Dade County, the director of the Miami-Dade County Water and Sewer Department, the Director of Planning in Miami-Dade County, a representative of the Friends of the Everglades, a representative of the Florida Audubon Society, a representative of the Florida chapter of the Sierra Club, four representatives of the nonmining private landowners within the Miami-Dade County Lake Belt Area, and four representatives from the limestone mining industry to be appointed by the governing board of the South Florida Water Management District. Two ex officio seats on the committee will be filled by one member of the Florida House of Representatives to be selected by the Speaker of the House of Representatives from among representatives whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3), and one member of the Florida Senate to be selected by the President of the Senate from among senators whose districts, or some portion of whose districts, are included within the geographical scope of the committee as described in subsection (3). The committee may appoint other ex officio members, as needed, by a majority vote of all committee members. A committee member may designate in writing an alternate member who, in the member's absence, may participate and vote in committee meetings.

(7) The committee shall develop Phase II of the Lake Belt Plan which shall:

(a) Include a detailed master plan to further implementation;

(b) Consider the feasibility of a common mitigation plan for nonrock mining uses, including a nonrock mining mitigation fee. Any mitigation fee shall be for the limited purpose of offsetting the loss of wetland functions and values and not as a revenue source for other purposes.

(c) Further address compatible land uses, opportunities, and potential conflicts;

(d) Provide for additional wellfield protection;

(e) Provide measures to prevent the reclassification of the Northwest Miami-Dade County wells as groundwater under the direct influence of surface water;

(f) Secure additional funding sources;

(g) Consider the need to establish a land authority; and

(h) Analyze the hydrological impacts resulting from the future mining included in the Lake Belt Plan and recommend appropriate mitigation measures, if needed, to be incorporated into the Lake Belt Mitigation Plan.

(8) The committee shall remain in effect until January 1, 2002, and shall meet as deemed necessary by the chair. The committee shall monitor and direct progress toward developing and implementing the plan. The committee shall submit progress reports to the governing board of the South Florida Water Management District and the Legislature by December 31 of each year. These reports shall include a summary of the activities of the committee, updates on all ongoing studies, any other relevant information gathered during the calendar year, and the committee recommendations for legislative and regulatory revisions. The committee shall submit a Phase II report and plan to the governing board of the South Florida Water Management District and the Legislature by December 31, 2000, to supplement the Phase I report submitted on February 28, 1997. The Phase II report must include the detailed master plan for the Miami-Dade County Lake Belt Area together with the final reports on all studies, the final recommendations of the committee, the status of implementation of Phase I recommendations and other relevant information, and the committee's recommendation for legislative and regulatory revisions.

(9) The committee shall report to the governing board of the South Florida Water Management District semiannually.

(10) In carrying out its work, the committee shall solicit comments from scientific and economic advisors and governmental, public, and private interests. The committee shall provide meeting notes, reports, and the strategy document in a timely manner for public comment.

(11) The committee is authorized to seek from the agencies or entities represented on the committee any grants or funds necessary to enable it to carry out its charge.

(12) The secretary of the Department of Environmental Protection, the secretary of the Department of Community Affairs, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the 2Game and Freshwater Fish Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the provisions of this section.

(13)(a) All agencies of the state shall review the status of their landholdings within the boundaries of the Miami-Dade County Lake Belt. Those lands for which no present or future use is identified must be made available, together with

other suitable lands, to the committee for its use in carrying out the objectives of this act.

(b) It is the intent of the Legislature that lands provided to the committee be used for land exchanges to further the objectives of this act.

History.--s. 21, ch. 92-132; s. 5, ch. 94-122; s. 1010, ch. 95-148; s. 10, ch. 97-222; s. 1, ch. 99-298. (footnotes omitted)

73.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.--

(1) The Legislature finds that the impact of mining within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1) can best be offset by the implementation of a comprehensive mitigation plan as recommended in the 1998 Progress Report to the Florida Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. The Lake Belt Mitigation Plan consists of those provisions contained in subsections (2)-(9). The per-ton mitigation fee assessed on limestone sold from the Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East, shall be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes. It is the intent of the Legislature that the per-ton mitigation fee shall not be a revenue source for purposes other than enumerated herein. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within Miami-Dade County in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the rock mining supported and allowable areas.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East. The mitigation fee is at the rate of 5 cents for each ton of limerock and sand sold from within the properties where the fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fee. The amount of the mitigation fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock or sand product from the limerock or sand miner, or its subsidiary or affiliate, for which the mitigation fee applies. The limerock or sand miner, or its subsidiary or affiliate, who sells the limerock or sand product shall collect the mitigation fee and forward the proceeds of the fee to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs.

(3) The mitigation fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation fee must be accompanied by a form prescribed by the Department of Revenue. The proceeds of the fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund. As used in this section, the term "proceeds of the fee" means all funds collected and received by the Department of Revenue under this section, including interest and penalties on delinquent mitigation fees. The amount deducted for administrative costs may not exceed 3 percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the mitigation fee.

(4)(a) The Department of Revenue shall administer, collect, and enforce the mitigation fee authorized under this section in accordance with the procedures used to administer, collect, and enforce the general sales tax imposed under chapter 212. The provisions of chapter 212 with respect to the authority of the Department of Revenue to audit and make assessments, the keeping of books and records, and the interest and penalties imposed on delinquent fees apply to this section. The fee may not be included in computing estimated taxes under s. 212.11, and the dealer's credit for collecting taxes or fees provided for in s. 212.12 does not apply to the mitigation fee imposed by this section.

(b) In administering this section, the Department of Revenue may employ persons and incur expenses for which funds are appropriated by the Legislature. The Department of Revenue shall adopt rules and prescribe and publish forms necessary to administer this section. The Department of Revenue shall establish audit procedures and may assess delinquent fees.

(5) Beginning January 1, 2001, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 2.1 percentage points, plus a cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program and the Internal Improvement Trust Fund, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rockmining.

(b) Expenditures must be approved by an interagency committee consisting of representatives from each of the following: the Miami-Dade County Department of Environmental Resource Management, the Department of Environmental Protection, the South Florida Water Management District, and the Game and Fresh Water Fish Commission. In addition, the limerock mining industry shall select a representative to serve as a nonvoting member of the interagency committee. At the discretion of the committee, additional members may be added to represent federal regulatory, environmental, and fish and wildlife agencies.

(7) Payment of the fee imposed by this section satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rockmining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1). In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

(8) If a general permit by the United States Army Corps of Engineers, or an appropriate long-term permit for mining, consistent with the Miami-Dade County Lake Belt Plan, this section, and ss. 373.4149, 373.4415, and 378.4115 is not issued on or before September 30, 2000, the fee imposed by this section is suspended until revived by the Legislature.

(9)(a) The interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.

(b) No sooner than January 31, 2010, and no more frequently than every 10 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of the mitigation.

History.--s. 2, ch. 99-298.

Sections 373.414, 373.4415 and 378.4115 not substantially changed.

The SFWMD is supporting a website for the Lake Belt as part of its website at www.sfwmd.gov. The SFWMD website contains extensive information about the SFWMD and its on-going activities. The Lake Belt website is www.sfwmd.gov/org/pld/proj/lakebelt The Lake Belt website provides information on the Lake Belt Plan and Committee activities.

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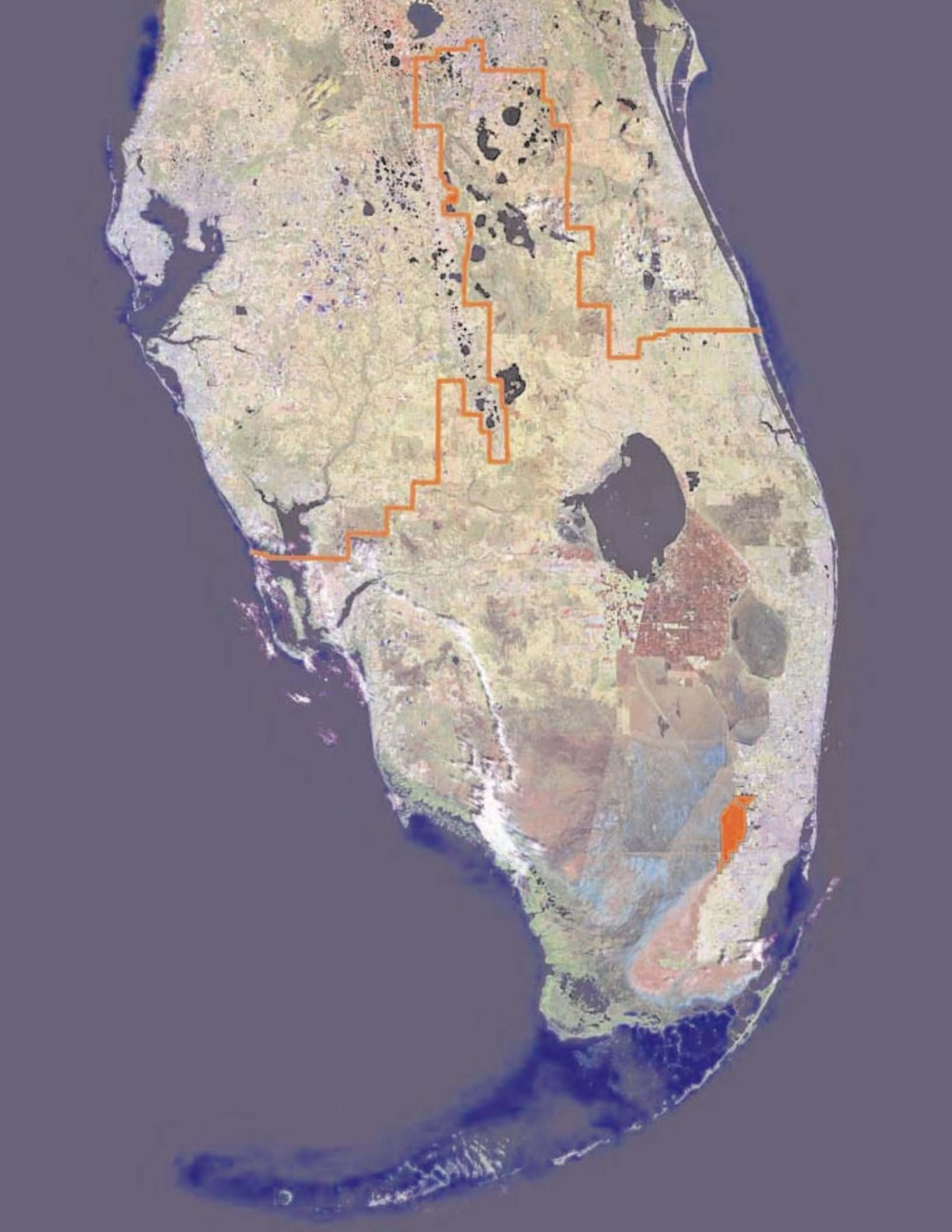
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