

1
2 An act relating to pollution control; amending
3 s. 378.601, F.S.; exempting certain heavy
4 mineral mining operations from requirements for
5 development of regional impact review;
6 requiring certain permits or plan approvals;
7 amending s. 373.414, F.S.; providing
8 requirements for the Department of
9 Environmental Protection and the water
10 management districts with respect to the
11 acceptance of donations for mitigation
12 purposes; creating s. 373.4415, F.S.; providing
13 for delegation by the Department of
14 Environmental Protection to Dade County certain
15 permit program functions and responsibilities
16 for limerock mining in the Dade County Lake
17 Belt Area; creating s. 378.4115, F.S.;
18 providing for certification by the department
19 for Dade County to implement certain
20 reclamation program functions and
21 responsibilities for the Dade County Lake Belt
22 Area; amending s. 373.414, F.S.; revising
23 certain criteria for activities associated with
24 mining operations in surface waters and
25 wetlands; amending s. 378.035, F.S.; providing
26 for use of Nonmandatory Land Reclamation Trust
27 Fund moneys for reclamation and management of
28 phosphate lands; providing for liens; requiring
29 a report; amending s. 378.901, F.S.; providing
30 conditions when a life-of-the-mine permit for
31 sand mines may be issued; amending s. 403.0872,

1 F.S.; revising certain requirements for permits
2 for major sources of air pollution; amending s.
3 403.182, F.S.; providing that a change in a
4 program rule is not applicable to an
5 installation or source permitted and under
6 construction at the time of the change under
7 certain conditions; amending s. 373.4149, F.S.;
8 revising provisions relating to the Northwest
9 Dade County Freshwater Lake Plan to apply to
10 the Dade County Lake Belt Plan; providing
11 legislative findings; defining the Dade County
12 Lake Belt Area; providing for a Dade County
13 Lake Belt Plan Implementation Committee;
14 providing for membership; providing duties of
15 the committee; requiring reports; requiring the
16 Department of Environmental Protection, in
17 conjunction with certain agencies, develop a
18 comprehensive mitigation plan for certain areas
19 for certain purposes; authorizing certain state
20 agencies to enter into agreements to accomplish
21 certain purposes; requiring state agencies to
22 review certain land holdings for certain
23 purposes; deleting a future repeal; providing
24 an effective date.

25

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Subsection (5) is added to section 378.601,
29 Florida Statutes, to read:

30

378.601 Heavy minerals.--

31

1 (5) Any heavy mineral mining operation which annually
2 mines less than 500 acres and whose proposed consumption of
3 water is 3 million gallons per day or less shall not be
4 required to undergo development of regional impact review
5 pursuant to s. 380.06, provided permits and plan approvals
6 pursuant to either this section and part IV of chapter 373, or
7 s. 378.901, are issued. This subsection applies only in the
8 following circumstances:

9 (a) Mining is conducted in counties where the operator
10 has conducted heavy mineral mining activities prior to March
11 1, 1997; and

12 (b) The operator of the heavy mineral mining operation
13 has executed a developer agreement pursuant to s. 380.032 as
14 of March 1, 1997. Lands mined pursuant to this section need
15 not be the subject of the developer agreement.

16 Section 2. Paragraph (b) of subsection (1) of section
17 373.414, Florida Statutes, 1996 Supplement, is amended to
18 read:

19 373.414 Additional criteria for activities in surface
20 waters and wetlands.--

21 (1) As part of an applicant's demonstration that an
22 activity regulated under this part will not be harmful to the
23 water resources or will not be inconsistent with the overall
24 objectives of the district, the governing board or the
25 department shall require the applicant to provide reasonable
26 assurance that state water quality standards applicable to
27 waters as defined in s. 403.031(13) will not be violated and
28 reasonable assurance that such activity in, on, or over
29 surface waters or wetlands, as delineated in s. 373.421(1), is
30 not contrary to the public interest. However, if such an
31 activity significantly degrades or is within an Outstanding

1 Florida Water, as provided by department rule, the applicant
2 must provide reasonable assurance that the proposed activity
3 will be clearly in the public interest.

4 (b) If the applicant is unable to otherwise meet the
5 criteria set forth in this subsection, the governing board or
6 the department, in deciding to grant or deny a permit, shall
7 consider measures proposed by or acceptable to the applicant
8 to mitigate adverse effects that may be caused by the
9 regulated activity. Such measures may include, but are not
10 limited to, onsite mitigation, offsite mitigation, offsite
11 regional mitigation, and the purchase of mitigation credits
12 from mitigation banks permitted under s. 373.4136. It shall
13 be the responsibility of the applicant to choose the form of
14 mitigation. The mitigation must offset the adverse effects
15 caused by the regulated activity.

16 1. The department or water management districts may
17 accept the donation of money as mitigation only where the
18 donation is specified for use in a duly noticed
19 ~~department or water management district endorsed~~ environmental
20 creation, preservation, enhancement, or restoration project,
21 endorsed by the department or the governing board of the water
22 management district, which ~~that~~ offsets the impacts of the
23 activity permitted under this part. However, the provisions
24 of this subsection shall not apply to projects undertaken
25 pursuant to s. 373.4137 or chapter 378. Where a permit is
26 required under this part to implement any project endorsed by
27 the department or a water management district, all necessary
28 permits must have been issued prior to the acceptance of any
29 cash donation. After the effective date of this act, when
30 money is donated to either the department or a water
31 management district to offset impacts authorized by a permit

1 under this part, the department or the water management
2 district shall accept only a donation that represents the full
3 cost to the department or water management district of
4 undertaking the project that is intended to mitigate the
5 adverse impacts. The full cost shall include all direct and
6 indirect costs, as applicable, such as those for land
7 acquisition, land restoration or enhancement, perpetual land
8 management, and general overhead consisting of costs such as
9 staff time, building, and vehicles. The department or the
10 water management district may use a multiplier or percentage
11 to add to other direct or indirect costs to estimate general
12 overhead. Mitigation credit for such a donation shall be
13 given only to the extent that the donation covers the full
14 cost to the agency of undertaking the project that is intended
15 to mitigate the adverse impacts. However, nothing herein
16 shall be construed to prevent the department or a water
17 management district from accepting a donation representing a
18 portion of a larger project, provided that the donation covers
19 the full cost of that portion and mitigation credit is given
20 only for that portion. The department or water management
21 district may deviate from the full cost requirements of this
22 subparagraph to resolve a proceeding brought pursuant to
23 chapter 70 or a claim for inverse condemnation. Nothing in
24 this section shall be construed to require the owner of a
25 private mitigation bank, permitted under s. 373.4136, to
26 include the full cost of a mitigation credit in the price of
27 the credit to a purchaser of said credit.

28 2. The department and each water management district
29 shall report to the Executive Office of the Governor by
30 January 31 and July 31 of each year all cash donations
31 accepted during the preceding 6 months for wetland mitigation

1 purposes, which shall include a description of the endorsed
2 mitigation projects.

3 ~~3.2.~~ If the applicant is unable to meet water quality
4 standards because existing ambient water quality does not meet
5 standards, the governing board or the department shall
6 consider mitigation measures proposed by or acceptable to the
7 applicant that cause net improvement of the water quality in
8 the receiving body of water for those parameters which do not
9 meet standards.

10 ~~4.3.~~ If mitigation requirements imposed by a local
11 government for surface water and wetland impacts of an
12 activity regulated under this part cannot be reconciled with
13 mitigation requirements approved under a permit for the same
14 activity issued under this part, the mitigation requirements
15 for surface water and wetland impacts shall be controlled by
16 the permit issued under this part.

17 Section 3. Section 373.4415, Florida Statutes, is
18 created to read:

19 373.4415 Role of Dade County in processing permits for
20 limerock mining in Dade County Lake Belt.--The department and
21 Dade County shall cooperate to establish and fulfill
22 reasonable requirements for the departmental delegation to the
23 Dade County Department of Environmental Resource Management of
24 authority to implement the permitting program under ss.
25 373.403-373.439 for limerock mining activities within the
26 geographic area of the Dade County Lake Belt which was
27 recommended for mining in the report submitted to the
28 Legislature in February 1997 by the Dade County Lake Belt Plan
29 Implementation Committee under s. 373.4149. The delegation of
30 authority must be consistent with s. 373.441 and chapter
31 62-344, Florida Administrative Code. To further streamline

1 permitting within the Dade County Lake Belt, the department
2 and Dade County are encouraged to work with the United States
3 Army Corps of Engineers to establish a general permit under s.
4 404 of the Clean Water Act for limerock mining activities
5 within the geographic area of the Dade County Lake Belt
6 consistent with the report submitted in February 1997. Dade
7 County is further encouraged to seek delegation from the
8 United States Army Corps of Engineers for the implementation
9 of any such general permit. This section does not limit the
10 authority of the department to delegate other responsibilities
11 to Dade County under this part.

12 Section 4. Section 378.4115, Florida Statutes, is
13 created to read:

14 378.4115 County certification for limerock mining in
15 the Dade County Lake Belt.--The department and Dade County
16 shall cooperate to establish and fulfill reasonable
17 requirements for the departmental certification of the Dade
18 County Department of Environmental Resource Management to
19 implement the reclamation program under ss. 378.401-378.503
20 for limerock mining activities within the geographic area of
21 the Dade County Lake Belt which was recommended for mining in
22 the report submitted to the Legislature in February 1997 by
23 the Dade County Lake Belt Plan Implementation Committee under
24 s. 373.4149. The delegation of implementing authority must be
25 consistent with s. 378.411 and chapter 62C-36, Florida
26 Administrative Code. Further, the reclamation program shall
27 maximize the efficient mining of limestone and the littoral
28 area surrounding the lake excavations shall not be required to
29 be greater than 100 feet average in width.

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1 Section 5. Subsections (15) and (16) of section
2 373.414, Florida Statutes, 1996 Supplement, are amended to
3 read:

4 373.414 Additional criteria for activities in surface
5 waters and wetlands.--

6 (15) Activities associated with mining operations as
7 defined by and subject to ss. 378.201-378.212 and
8 378.701-378.703 and included in a conceptual reclamation plan
9 or modification application submitted prior to July 1, 1996,
10 shall continue to be reviewed under the rules of the
11 department adopted pursuant to ss. 403.91-403.929, 1984
12 Supplement to the Florida Statutes 1983, as amended, the rules
13 of the water management districts under this part, and
14 interagency agreements, in effect on January 1, 1993. Such
15 activities shall be exempt from rules adopted pursuant to
16 subsection (9) and the statewide methodology ratified pursuant
17 to s. 373.4211. As of January 1, 1994, such activities may be
18 issued permits authorizing construction for the life of the
19 mine. ~~This subsection shall be in effect until January 1,~~
20 ~~1998, and shall not apply to new mines. For purposes of this~~
21 ~~subsection, a "new mine" means a mine on which the owner or~~
22 ~~operator has neither commenced construction nor initiated the~~
23 ~~permitting process prior to June 1, 1994.~~

24 (16) Until October 1, 2000 ~~1997~~, regulation under
25 rules adopted pursuant to this part of any sand, limerock, or
26 limestone mining activity which is located in Township 52
27 South, Range 39 East, sections 1, 2, 3, 10, 11, 12, 13, 14,
28 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36; in Township 52
29 South, Range 40 East, sections 6, 7, 8, 18, and 19; in
30 Township 53 South, Range 39 East, sections 1, 2, 13, 21, 22,
31 23, 24, 25, 26, 33, 34, 35, and 36; and in Township 54 South,

1 Range 38 East, sections 24, and 25, and 36, shall not include
2 the rules adopted pursuant to subsection (9). In addition,
3 until October 1, 2000 ~~1997~~, such activities shall continue to
4 be regulated under the rules adopted pursuant to ss.
5 403.91-403.929, 1984 Supplement to the Florida Statutes 1983,
6 as amended, as such rules existed prior to the effective date
7 of the rules adopted pursuant to subsection (9) and such
8 dredge and fill jurisdiction shall be that which existed prior
9 to January 24, 1984. In addition, any such sand, limerock, or
10 limestone mining activity shall be approved by Dade County and
11 the United States Army Corps of Engineers. This section shall
12 only apply to mining activities which are continuous and
13 carried out on land contiguous to mining operations that were
14 in existence on or before October 1, 1984.

15 Section 6. Subsections (5), (6), and (7) are added to
16 section 378.035, Florida Statutes, to read:

17 378.035 Department responsibilities and duties with
18 respect to Nonmandatory Land Reclamation Trust Fund.--

19 (5) On July 1, 1997, \$30 million of the unencumbered
20 funds within the Nonmandatory Land Reclamation Trust Fund are
21 hereby reserved for use by the department. These reserved
22 moneys are to be used to reclaim lands disturbed by the
23 severance of phosphate rock on or after July 1, 1975, in the
24 event that a mining company ceases mining and the associated
25 reclamation prior to all lands disturbed by the operation
26 being reclaimed. Moneys expended by the department to
27 accomplish reclamation pursuant to this subsection shall
28 become a lien upon the property enforceable pursuant to
29 chapter 85. The moneys received as a result of a lien
30 foreclosure or as repayment shall be deposited into the trust
31 fund. In the event the money received as a result of lien

1 foreclosure or repayment is less than the amount expended for
2 reclamation, the department shall use all means available to
3 recover, for the use of the fund, the difference from the
4 affected parties. Paragraph (3)(b) shall apply to lands
5 acquired as a result of a lien foreclosure.

6 (6)(a) Up to one-half of the interest income accruing
7 to the funds reserved by subsection (5) shall be available to
8 the department annually for the purpose of funding basic
9 management or protection of reclaimed, restored, or preserved
10 phosphate lands:

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

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

17 3. For which other management funding options are not
18 available.

19
20 These funds may, after the basic management or protection has
21 been assured for all such lands, be combined with other
22 available funds to provide a higher level of management for
23 such lands.

24 (b) Up to one-half of the interest income accruing to
25 the funds reserved by subsection (5) shall be available to the
26 department annually for the sole purpose of funding the
27 department's implementation of:

28 1. The NPDES permitting program authorized by s.
29 403.0885, as it applies to phosphate mining and beneficiation
30 facilities, phosphate fertilizer production facilities, and
31 phosphate loading and handling facilities;

1 2. The regulation of dams in accordance with
2 department Rule 62-672, Florida Administrative Code; and

3 3. The phosphogypsum management program pursuant to s.
4 403.4154 and department Rule 62-673, Florida Administrative
5 Code.

6
7 On or before August 1 of each fiscal year, the department
8 shall prepare a report presenting the expenditures using the
9 interest income allocated by this section made by the
10 department during the immediately preceding fiscal year, which
11 report shall be available to the public upon request.

12 (7) Should the nonmandatory land reclamation program
13 encumber all the funds in the Nonmandatory Land Reclamation
14 Trust Fund except those reserved by subsection (5) prior to
15 funding all the reclamation applications for eligible parcels,
16 the funds reserved by subsection (5) shall be available to the
17 program to the extent required to complete the reclamation of
18 all eligible parcels for which the department has received
19 applications.

20 Section 7. Subsections (3) through (9) of section
21 378.901, Florida Statutes, 1996 Supplement, are renumbered as
22 subsections (4) through (10), respectively, and a new
23 subsection (3) is added to said section to read:

24 378.901 Life-of-the-mine permit.--

25 (3) The bureau may also issue life-of-the-mine permits
26 to operators of sand mines as part of the consideration for
27 conveyance to the Board of Trustees of the Internal
28 Improvement Trust Fund of environmentally sensitive lands in
29 an amount equal to or greater than the acreage included in the
30 life-of-the-mine permit and provided such environmentally
31 sensitive lands are contiguous to or within reasonable

1 proximity to the lands included in the life-of-the-mine
2 permit.

3 Section 8. Paragraph (a) of subsection (11) of section
4 403.0872, Florida Statutes, 1996 Supplement, is amended to
5 read:

6 403.0872 Operation permits for major sources of air
7 pollution; annual operation license fee.--Provided that
8 program approval pursuant to 42 U.S.C. s. 7661a has been
9 received from the United States Environmental Protection
10 Agency, beginning January 2, 1995, each major source of air
11 pollution, including electrical power plants certified under
12 s. 403.511, must obtain from the department an operation
13 permit for a major source of air pollution under this section,
14 which is the only department operation permit for a major
15 source of air pollution required for such source. Operation
16 permits for major sources of air pollution, except general
17 permits issued pursuant to s. 403.814, must be issued in
18 accordance with the following procedures and in accordance
19 with chapter 120; however, to the extent that chapter 120 is
20 inconsistent with the provisions of this section, the
21 procedures contained in this section prevail:

22 (11) Commencing in 1993, each major source of air
23 pollution permitted to operate in this state must pay between
24 January 15 and March 1 of each year, upon written notice from
25 the department, an annual operation license fee in an amount
26 determined by department rule. The annual operation license
27 fee shall be terminated immediately in the event the United
28 States Environmental Protection Agency imposes annual fees
29 solely to implement and administer the major source
30 air-operation permit program in Florida under 40 C.F.R. s.
31 70.10(d).

1 (a) The annual fee must be assessed based upon the
2 source's previous year's emissions and must be calculated by
3 multiplying the applicable annual operation license fee factor
4 times the tons of each regulated air pollutant (except carbon
5 monoxide) allowed to be emitted per hour by specific condition
6 of the source's most recent construction or operation permit,
7 times the annual hours of operation allowed by permit
8 condition; provided, however, that:

9 1. For 1993 and 1994, the license fee factor is \$10.
10 For 1995, the license fee factor is \$25. In succeeding years,
11 the license fee factor is \$25 or another amount determined by
12 department rule which ensures that the revenue provided by
13 each year's operation license fees is sufficient to cover all
14 reasonable direct and indirect costs of the major stationary
15 source air-operation permit program established by this
16 section. The license fee factor may be increased beyond \$25
17 only if the secretary of the department affirmatively finds
18 that a shortage of revenue for support of the major stationary
19 source air-operation permit program will occur in the absence
20 of a fee factor adjustment. The annual license fee factor may
21 never exceed \$35. The department shall retain a nationally
22 recognized accounting firm to conduct a study to determine the
23 reasonable revenue requirements necessary to support the
24 development and administration of the major source
25 air-operation permit program as prescribed in paragraph (b).
26 The results of that determination must be considered in
27 assessing whether a \$25-per-ton fee factor is sufficient to
28 adequately fund the major source air-operation permit program.
29 The results of the study must be presented to the Governor,
30 the President of the Senate, the Speaker of the House of
31 Representatives, and the Public Service Commission, including

1 the Public Counsel's Office, by no later than October 31,
2 1994.

3 2. For any source that operates for fewer hours during
4 the calendar year than allowed under its permit, the annual
5 fee calculation must be based upon actual hours of operation
6 rather than allowable hours if the owner or operator of the
7 source documents the source's actual hours of operation for
8 the calendar year. For any source that has an emissions limit
9 that is dependent upon the type of fuel burned, the annual fee
10 calculation must be based on the emissions limit applicable
11 during actual hours of operation.

12 3. For any source whose allowable emission limitation
13 is specified by permit per units of material input or heat
14 input or product output, the applicable input or production
15 amount may be used to calculate the allowable emissions if the
16 owner or operator of the source documents the actual input or
17 production amount. If the input or production amount is not
18 documented, the maximum allowable input or production amount
19 specified in the permit must be used to calculate the
20 allowable emissions.

21 4. For any new source that does not receive its first
22 operation permit until after the beginning of a calendar year,
23 the annual fee for the year must be reduced pro rata to
24 reflect the period during which the source was not allowed to
25 operate.

26 5. For any source that emits less of any regulated air
27 pollutant than allowed by permit condition, the annual fee
28 calculation for such pollutant must be based upon actual
29 emissions rather than allowable emissions if the owner or
30 operator documents the source's actual emissions by means of
31 data from a department-approved certified continuous emissions

1 monitor or from an emissions monitoring method which has been
2 approved by the United States Environmental Protection Agency
3 under the regulations implementing 42 U.S.C. ss. 7651 et seq.,
4 or from a method approved by the department for purposes of
5 this section.

6 6. The amount of each regulated air pollutant in
7 excess of 4,000 tons per year allowed to be emitted by any
8 source, or group of sources belonging to the same Major Group
9 as described in the Standard Industrial Classification Manual,
10 1987, may not be included in the calculation of the fee. Any
11 source, or group of sources, which does not emit any regulated
12 air pollutant in excess of 4,000 tons per year, is allowed a
13 one-time credit not to exceed 25 percent of the first annual
14 licensing fee for the prorated portion of existing
15 air-operation permit application fees remaining upon
16 commencement of the annual licensing fees.

17 7. If the department has not received the fee by
18 February 15 of the calendar year, the permittee must be sent a
19 written warning of the consequences for failing to pay the fee
20 by March 1. If ~~the department has not received the fee is not~~
21 postmarked by March 1 of the calendar year commencing with
22 calendar year 1997, the department shall impose, in addition
23 to the fee, a penalty of 50 percent of the amount of the fee,
24 plus interest on such amount computed in accordance with s.
25 220.807. The department may not impose such penalty or
26 interest on any amount underpaid, provided that the permittee
27 has timely remitted payment of at least 90 percent of the
28 amount determined to be due and remits full payment within 60
29 days after receipt of notice of the amount underpaid. The
30 department may waive the collection of underpayment and shall
31 not be required to refund overpayment of the fee, if the

1 amount due is less than 1 percent of the fee, up to \$50. The
2 department may revoke any major air pollution source operation
3 permit if it finds that the permit holder has failed to timely
4 pay any required annual operation license fee, penalty, or
5 interest.

6 8. During the years 1993 through 1999, inclusive, no
7 fee shall be required to be paid under this section with
8 respect to emissions from any unit which is an affected unit
9 under 42 U.S.C. s. 7651c.

10 9. Notwithstanding the computational provisions of
11 this subsection, the annual operation license fee for any
12 source subject to this section shall not be less than \$250,
13 except that the annual operation license fee for sources
14 permitted solely through general permits issued under s.
15 403.814 shall not exceed \$50 per year.

16 10. Notwithstanding the provisions of s.
17 403.087(5)(a)4.a., authorizing air pollution construction
18 permit fees, the department may not require such fees for
19 changes or additions to a major source of air pollution
20 permitted pursuant to this section, unless the activity
21 triggers permitting requirements under Title I, Part C or Part
22 D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.
23 Costs to issue and administer such permits shall be considered
24 direct and indirect costs of the major stationary source
25 air-operation permit program under s. 403.0873. The department
26 shall, however, require fees pursuant to the provisions of s.
27 403.087(5)(a)4.a. for the construction of a new major source
28 of air pollution that will be subject to the permitting
29 requirements of this section once constructed and for
30 activities triggering permitting requirements under Title I,
31

1 Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss.
2 7470-7514a.

3 Section 9. Subsections (8) and (9) of section 403.182,
4 Florida Statutes, are renumbered as subsections (9) and (10),
5 respectively, and a new subsection (9) is added to said
6 section to read:

7 403.182 Local pollution control programs.--

8 (8) If any local program changes any rule, regulation,
9 or order, whether or not of a stricter or more stringent
10 nature, such change shall not apply to any installation or
11 source located north of the Cross Florida Greenway, permitted
12 and under construction as of May 1, 1997. Provisions of this
13 subsection shall not apply to any facility which primarily
14 generates electric power.

15 Section 10. Section 373.4149, Florida Statutes, is
16 amended to read:

17 373.4149 ~~Northwest~~ Dade County ~~Freshwater~~ Lake Belt
18 Plan.--

19 (1) The Legislature hereby accepts and adopts the
20 recommendations contained in the Phase I Lake Belt Report and
21 Plan, known as the "Dade County Lake Plan," dated February
22 1997 and submitted by the Dade County Lake Belt Plan
23 Implementation Committee.

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

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

31

1 ~~(3)(2)~~ The Dade County Lake Belt Area is that area
2 ~~Legislature recognizes that the deposit of limestone available~~
3 ~~in South Florida is limited due to urbanization to the east~~
4 ~~and the Everglades to the west, and that the area generally~~
5 ~~bounded by the Florida Turnpike to the east, the Dade-Broward~~
6 ~~County line to the north, Krome Avenue to the west and Tamiami~~
7 ~~Trail to the south together with the land south of Tamiami~~
8 ~~Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South,~~
9 ~~Range 39 East, and in sections 11, 12, 13, 14, 23, 24, 25, 26,~~
10 ~~35, and 36, Township 54 South, Range 38 East is one of the few~~
11 ~~remaining high-quality deposits in the state available for~~
12 ~~recovery of limestone, and that the Dade County 1985 Northwest~~
13 ~~Wellfield Protection Plan encourages limestone quarrying~~
14 ~~activity in lieu of urban development in this area.~~

15 ~~(4)(3)~~ The Northwest Dade County Freshwater Lake Belt
16 Plan Implementation Committee shall be appointed by the
17 governing board of the South Florida Water Management District
18 to develop a strategy for the design and implementation of the
19 ~~Northwest~~ Dade County Freshwater Lake Belt Plan. The committee
20 ~~shall consist be comprised of 13 members and 2 ex officio~~
21 ~~members, consisting of the chair of the governing board or his~~
22 ~~or her designee of the South Florida Water Management~~
23 ~~District, who shall serve as chair of the committee, the~~
24 ~~policy director of Environmental and Growth Management in the~~
25 ~~Office of the Governor, the secretary or the secretary's~~
26 ~~designee of the Department of Environmental Protection, the~~
27 ~~director of the Division of Resource Management or its~~
28 ~~successor division within the Department of Environmental~~
29 ~~Protection, the director of the Office of Tourism, Trade, and~~
30 Economic Development within the Office of the Governor, the
31 ~~secretary or the secretary's designee of the Department of~~

1 ~~Commerce, the secretary or the secretary's designee~~ of the
2 Department of Community Affairs, the executive director of the
3 Game and Freshwater Fish Commission, the director of the
4 Department of Environmental Resource Management of Dade
5 County, the director of the Dade County Water and Sewer
6 Department, the Director of Planning in Dade County, a
7 representative of the Friends of the Everglades, a
8 representative of the Florida Audubon Society, a
9 representative of the Florida chapter of the Sierra Club, a
10 representative of the nonmining private landowners within the
11 Dade County Lake Belt area and four representatives from the
12 limestone mining industry to be appointed by the governing
13 board of the South Florida Water Management District. ~~The~~ Two
14 ex officio seats on the committee will be filled by one member
15 of the Florida House of Representatives to be selected by the
16 Speaker of the House of Representatives from among
17 representatives whose districts, or some portion of whose
18 districts, are included within the geographical scope of the
19 committee as described in subsection (3)(2), and one member
20 of the Florida Senate to be selected by the President of the
21 Senate from among senators whose districts, or some portion of
22 whose districts, are included within the geographical scope of
23 the committee as described in subsection (3)(2). The
24 committee may appoint other ex officio members, as needed, by
25 a majority vote of all committee members. A committee member
26 may designate in writing an alternate member who, in the
27 member's absence, may participate and vote in committee
28 meetings.

29 (5)(4) The committee shall develop Phase II of the
30 Lake Belt ~~a~~ Plan which shall:

31

1 (a) Include a detailed master plan to further
2 implementation;
3 (b) Further address compatible land uses,
4 opportunities, and potential conflicts;
5 (c) Provide for additional wellfield protection;
6 (d) Provide measures to prevent the reclassification
7 of the Northwest Dade County wells as groundwater under the
8 direct influence of surface water.
9 (e) Secure additional funding sources; and
10 (f) Consider the need to establish a land authority.
11 ~~(a) Enhances the water supply for Dade County and the~~
12 ~~Everglades;~~
13 ~~(b) Maximizes efficient recovery of limestone while~~
14 ~~promoting the social and economic welfare of the community and~~
15 ~~protecting the environment; and~~
16 ~~(c) Educates various groups and the general public of~~
17 ~~the benefits of the plan.~~
18 (6)(5) The committee shall remain in effect until
19 January 1, 2001 ~~1999~~, and shall meet as deemed necessary by
20 the chair. The committee shall monitor and direct progress
21 toward developing and implementing the plan. The committee
22 shall submit progress reports to the governing board of the
23 South Florida Water Management District and the Legislature by
24 December 31 of each year, ~~1994~~, and ~~by December 31, 1995~~.
25 These reports shall include a summary of the activities of the
26 committee, updates on all ongoing studies, any other relevant
27 information gathered during the calendar year, and the
28 committee recommendations for legislative and regulatory
29 revisions. The committee shall submit a Phase II final ~~final~~ report
30 and plan to the governing board of the South Florida Water
31 Management District and the Legislature by December 31, 2000,

1 to supplement the Phase I report submitted on February 28,
2 1997 ~~1996~~. The Phase II This report must ~~shall~~ include the
3 detailed master plan for the Dade County Lake Belt area
4 together with the final reports on all studies, the final
5 recommendations of the committee, the status of implementation
6 of Phase I recommendations and other relevant information, and
7 the committee's recommendation for legislative and regulatory
8 revisions.

9 ~~(7)(6) After completion of the plan,~~The committee
10 ~~shall continue to assist in its implementation and shall~~
11 report to the governing board of the South Florida Water
12 Management District semiannually.

13 ~~(8)(7)~~ In carrying out its work, the committee shall
14 solicit comments from scientific and economic advisors and
15 governmental, public, and private interests. The committee
16 shall provide meeting notes, reports, and the strategy
17 document in a timely manner for public comment.

18 ~~(9)(8)~~ The committee is authorized to seek from the
19 agencies or entities represented on the committee any grants
20 or funds necessary to enable it to carry out its charge.

21 ~~(9) The study area shall be extended to include land~~
22 ~~south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,~~
23 ~~Township 54 South, Range 39 East, and to section 11, 12, 13,~~
24 ~~14, 23, 24, 25, 26, 35, and 36, Township 54 South, Range 38~~
25 ~~East, all of which are located outside of Metro-Dade County's~~
26 ~~Current 2010 Urban Development Boundary Line. No additional~~
27 ~~biological studies will be required; however, computer~~
28 ~~hydrologic modeling, land use, and water quality studies may~~
29 ~~be necessary in the extended study area.~~

30 (10) The Department of Environmental Protection, in
31 conjunction with the South Florida Water Management District

1 and the Dade County Department of Environmental Resources
2 Management, is directed to develop a comprehensive mitigation
3 plan for the Dade County Lake Belt Plan, subject to approval
4 by the Legislature, which offsets the loss of wetland
5 functions and values resulting from rock mining in
6 mining-supported and allowable areas.~~The Legislature directs~~
7 ~~the committee and the Department of Environmental Protection~~
8 ~~to work with the United States Environmental Protection Agency~~
9 ~~and the Miami Dade Water and Sewer Authority Department to~~
10 ~~ensure that the Northwest Wellfield will retain its~~
11 ~~groundwater source classification for drinking water treatment~~
12 ~~standards. This determination shall be made utilizing~~
13 ~~hydrologic modeling and water quality studies. The committee~~
14 ~~shall seek funding for this study.~~

15 ~~(11) The Legislature directs the South Florida Water~~
16 ~~Management District to oversee or carry out studies to~~
17 ~~determine evapotranspiration rates for melaleuca forest and~~
18 ~~prairie in the lakebelt area. Upon completion of the~~
19 ~~evapotranspiration study, the South Florida Water Management~~
20 ~~District shall incorporate study results as part of its~~
21 ~~overall water supply planning process. The committee shall~~
22 ~~seek funding for this study.~~

23 (11)(12) The secretary of the Department of
24 Environmental Protection, the secretary of the Department of
25 Community Affairs, the secretary of the Department of
26 Transportation, the Commissioner of Agriculture, the executive
27 director of the Game and Freshwater Fish Commission, and the
28 executive director of the South Florida Water Management
29 District may enter into agreements with landowners,
30 developers, businesses, industries, individuals, and
31 governmental agencies as necessary to effectuate the

1 provisions of this section.~~The Legislature directs the~~
2 ~~Department of Commerce to oversee or carry out studies of the~~
3 ~~economic impact associated with the implementation of the~~
4 ~~lakebelt plan or any of its alternatives.~~

5 (12)(13)(a) All agencies of the state shall review the
6 status of their land holdings within the boundaries of the
7 Dade County Lake Belt. Those lands for which no present or
8 future use is identified must be made available, together with
9 other suitable lands, to the committee for its use in carrying
10 out the objectives of this act.

11 (b) It is the intent of the Legislature that lands
12 provided to the committee be used for land exchanges to
13 further the objectives of this act.~~This section is repealed~~
14 ~~January 1, 1999.~~

15 Section 11. This act shall take effect October 1,
16 1997.

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