

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Diaz-Balart offered the following:

**Amendment to Amendment (265983) (with title amendment)**

On page 5, line 22 through page 6, line 15 of the amendment

insert:

Section 3. Section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-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 hereby accepts the Phase II Plan, submitted on February 9, 2001 to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. These plans shall collectively be known as the Miami-Dade County Lake Belt Plan. This plan was developed to enhance the water supply for Miami-Dade County and the Everglades, including appropriate wellfield protection measures; to maximize efficient recovery of limestone while promoting the social and economic welfare

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1 of the community and protecting the environment; and to  
2 educate various groups and the general public of the benefits  
3 of the plan.

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

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

11 (3) The Miami-Dade County Lake Belt Area is that area  
12 bounded by the Ronald Reagan Turnpike to the east, the  
13 Miami-Dade-Broward County line to the north, Krome Avenue to  
14 the west and Tamiami Trail to the south together with the land  
15 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,  
16 Township 54 South, Range 39 East, sections 24, 25, and 36,  
17 Township 54 South, Range 38 East less those portions of  
18 section 3, south of Krome Avenue and west of U.S. Highway 27,  
19 section 10, except the west one-half, section 11, except the  
20 northeast one-quarter and the east one-half of the northwest  
21 one-quarter, and tracts 38 through 41, and tracts 49 through  
22 64 inclusive, section 13, except tracts 17 through 35 and  
23 tracts 46 through 48, of Florida Fruit Lands Company  
24 Subdivision No. 1 according to the plat thereof as recorded in  
25 plat book 2, page 17, public records of Miami-Dade County, and  
26 section 14, except the west three quarters, Township 52 South,  
27 Range 39 East, lying north of the Miami Canal, sections 35 and  
28 36 and the east one-half of sections 24 and 25, Township 53  
29 South, Range 39 East and Government Lots 1 and 2, lying  
30 between Townships 53 and 54 South, Range 39 East and those  
31 portions of sections 1 and 2, Township 54 South, Range 39

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1 East, lying north of Tamiami Trail.

2 (4) The identification of the Miami-Dade County Lake  
3 Belt Area shall not preempt local land use jurisdiction,  
4 planning, or regulatory authority in regard to the use of land  
5 by private land owners. When amending local comprehensive  
6 plans, or implementing zoning regulations, development  
7 regulations, or other local regulations, Miami-Dade County  
8 shall strongly consider limestone mining activities and  
9 ancillary operations, such as lake excavation, including use  
10 of explosives, rock processing, cement, concrete and asphalt  
11 products manufacturing, and ancillary activities, within the  
12 rock mining supported and allowable areas of the Miami-Dade  
13 County Lake Plan adopted by subsection (1); provided, however,  
14 that limerock mining activities are consistent with wellfield  
15 protection. Rezoning or amendments to local comprehensive  
16 plans concerning properties that are located within 1 mile of  
17 the Miami-Dade Lake Belt Area shall be compatible with  
18 limestone mining activities. No rezonings, variances, or  
19 amendments to local comprehensive plans for any residential  
20 purpose may be approved for any property located in sections  
21 35 and 36 and the east one-half of sections 24 and 25,  
22 Township 53 South, Range 39 East until such time as there is  
23 no active mining within 2 miles of the property. This section  
24 does not preclude residential development that complies with  
25 current regulations.

26 ~~(5) The Miami-Dade County Lake Belt Plan~~  
27 ~~Implementation Committee shall be appointed by the governing~~  
28 ~~board of the South Florida Water Management District to~~  
29 ~~develop a strategy for the design and implementation of the~~  
30 ~~Miami-Dade County Lake Belt Plan. The committee shall consist~~  
31 ~~of the chair of the governing board of the South Florida Water~~

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1 ~~Management District, who shall serve as chair of the~~  
2 ~~committee, the policy director of Environmental and Growth~~  
3 ~~Management in the office of the Governor, the secretary of the~~  
4 ~~Department of Environmental Protection, the director of the~~  
5 ~~Division of Water Facilities or its successor division within~~  
6 ~~the Department of Environmental Protection, the director of~~  
7 ~~the Office of Tourism, Trade, and Economic Development within~~  
8 ~~the office of the Governor, the secretary of the Department of~~  
9 ~~Community Affairs, the executive director of the Fish and~~  
10 ~~Wildlife Conservation Commission, the director of the~~  
11 ~~Department of Environmental Resource Management of Miami-Dade~~  
12 ~~County, the director of the Miami-Dade County Water and Sewer~~  
13 ~~Department, the Director of Planning in Miami-Dade County, a~~  
14 ~~representative of the Friends of the Everglades, a~~  
15 ~~representative of the Florida Audubon Society, a~~  
16 ~~representative of the Florida chapter of the Sierra Club, four~~  
17 ~~representatives of the nonmining private landowners within the~~  
18 ~~Miami-Dade County Lake Belt Area, and four representatives~~  
19 ~~from the limestone mining industry to be appointed by the~~  
20 ~~governing board of the South Florida Water Management~~  
21 ~~District. Two ex officio seats on the committee will be filled~~  
22 ~~by one member of the Florida House of Representatives to be~~  
23 ~~selected by the Speaker of the House of Representatives from~~  
24 ~~among representatives whose districts, or some portion of~~  
25 ~~whose districts, are included within the geographical scope of~~  
26 ~~the committee as described in subsection (3), and one member~~  
27 ~~of the Florida Senate to be selected by the President of the~~  
28 ~~Senate from among senators whose districts, or some portion of~~  
29 ~~whose districts, are included within the geographical scope of~~  
30 ~~the committee as described in subsection (3). The committee~~  
31 ~~may appoint other ex officio members, as needed, by a majority~~

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1 ~~vote of all committee members. A committee member may~~  
2 ~~designate in writing an alternate member who, in the member's~~  
3 ~~absence, may participate and vote in committee meetings.~~  
4 ~~(6) The committee shall develop Phase II of the Lake~~  
5 ~~Belt Plan which shall:~~  
6 ~~(a) Include a detailed master plan to further~~  
7 ~~implementation;~~  
8 ~~(b) Consider the feasibility of a common mitigation~~  
9 ~~plan for nonrock mining uses, including a nonrock mining~~  
10 ~~mitigation fee. Any mitigation fee shall be for the limited~~  
11 ~~purpose of offsetting the loss of wetland functions and values~~  
12 ~~and not as a revenue source for other purposes.~~  
13 ~~(c) Further address compatible land uses,~~  
14 ~~opportunities, and potential conflicts;~~  
15 ~~(d) Provide for additional wellfield protection;~~  
16 ~~(e) Provide measures to prevent the reclassification~~  
17 ~~of the Northwest Miami-Dade County wells as groundwater under~~  
18 ~~the direct influence of surface water;~~  
19 ~~(f) Secure additional funding sources;~~  
20 ~~(g) Consider the need to establish a land authority;~~  
21 ~~and~~  
22 ~~(h) Analyze the hydrological impacts resulting from~~  
23 ~~the future mining included in the Lake Belt Plan and recommend~~  
24 ~~appropriate mitigation measures, if needed, to be incorporated~~  
25 ~~into the Lake Belt Mitigation Plan.~~  
26 ~~(7) The committee shall remain in effect until January~~  
27 ~~1, 2002, and shall meet as deemed necessary by the chair. The~~  
28 ~~committee shall monitor and direct progress toward developing~~  
29 ~~and implementing the plan. The committee shall submit progress~~  
30 ~~reports to the governing board of the South Florida Water~~  
31 ~~Management District and the Legislature by December 31 of each~~

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1 ~~year. These reports shall include a summary of the activities~~  
2 ~~of the committee, updates on all ongoing studies, any other~~  
3 ~~relevant information gathered during the calendar year, and~~  
4 ~~the committee recommendations for legislative and regulatory~~  
5 ~~revisions. The committee shall submit a Phase II report and~~  
6 ~~plan to the governing board of the South Florida Water~~  
7 ~~Management District and the Legislature by December 31, 2000,~~  
8 ~~to supplement the Phase I report submitted on February 28,~~  
9 ~~1997. The Phase II report must include the detailed master~~  
10 ~~plan for the Miami-Dade County Lake Belt Area together with~~  
11 ~~the final reports on all studies, the final recommendations of~~  
12 ~~the committee, the status of implementation of Phase I~~  
13 ~~recommendations and other relevant information, and the~~  
14 ~~committee's recommendation for legislative and regulatory~~  
15 ~~revisions.~~

16 ~~(8) The committee shall report to the governing board~~  
17 ~~of the South Florida Water Management District semiannually.~~

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

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

26 ~~(5)(11)~~ The secretary of the Department of  
27 Environmental Protection, the secretary of the Department of  
28 Community Affairs, the secretary of the Department of  
29 Transportation, the Commissioner of Agriculture, the executive  
30 director of the Fish and Wildlife Conservation Commission, and  
31 the executive director of the South Florida Water Management

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1 District may enter into agreements with landowners,  
2 developers, businesses, industries, individuals, and  
3 governmental agencies as necessary to effectuate the  
4 Miami-Dade Lake Belt Plan and the provisions of this section.

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

12 (b) It is the intent of the Legislature that lands  
13 provided to the Department of Environmental Protection  
14 ~~committee~~ be used for land exchanges to further the objectives  
15 of this act.

16 Section 4. Section 373.4415, Florida Statutes, is  
17 amended to read:

18 373.4415 Role of Miami-Dade County in processing  
19 permits for limerock mining in Miami-Dade County Lake  
20 Belt.--The department and Miami-Dade County shall cooperate to  
21 establish and fulfill reasonable requirements for the  
22 departmental delegation to the Miami-Dade County Department of  
23 Environmental Resource Management of authority to implement  
24 the permitting program under ss. 373.403-373.439 for limerock  
25 mining activities within the geographic area of the Miami-Dade  
26 County Lake Belt which was recommended for mining in the  
27 report submitted to the Legislature in February 1997 ~~by the~~  
28 ~~Miami-Dade County Lake Belt Plan Implementation Committee~~  
29 under s. 373.4149. The delegation of authority must be  
30 consistent with s. 373.441 and chapter 62-344, Florida  
31 Administrative Code. To further streamline permitting within

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

12 Section 5. Section 378.4115, Florida Statutes, is  
13 amended to read:

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

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

2 And the title is amended as follows:

3            On page 11, line 30 through 31 of the amendment  
4 remove: all of said lines

5

6 and insert in lieu thereof:

7            F.S.; providing for acceptance of the Phase II  
8            Lake Belt Plan; clarifying boundaries of the  
9            Miami-Dade County Lake Belt Area; eliminating  
10           the Miami-Dade Lake Belt Plan Implementation  
11           Committee; providing for certain lands to be  
12           made available to the Department of  
13           Environmental Protection to be used for land  
14           exchanges; amending s. 373.4415, F.S.; deleting  
15           an obsolete reference; amending s. 378.4115,  
16           F.S.; deleting an obsolete reference; amending  
17           s. 373.4595,

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