

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Diaz-Balart offered the following:

12

Amendment (with title amendment)

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

14

15

insert:

16

Section 4. Section 373.4149, Florida Statutes, is amended to read:

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18

373.4149 Miami-Dade County Lake Belt Plan.--

19

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(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

21

22

February 1997 and hereby accepts the Phase II Plan, submitted

23

24

on February 9, 2001 to the Legislature by the Miami-Dade

25

County Lake Belt Plan Implementation Committee. These plans

26

shall collectively be known as the Miami-Dade County Lake Belt

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Plan. This plan was developed to enhance the water supply for

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Miami-Dade County and the Everglades, including appropriate

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wellfield protection measures; to maximize efficient recovery

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of limestone while promoting the social and economic welfare

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of the community and protecting the environment; and to

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1 educate various groups and the general public of the benefits
2 of the plan.

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

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

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

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

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

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

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

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

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

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

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

25 ~~(5)(11)~~ The secretary of the Department of
26 Environmental Protection, the secretary of the Department of
27 Community Affairs, the secretary of the Department of
28 Transportation, the Commissioner of Agriculture, the executive
29 director of the Fish and Wildlife Conservation Commission, and
30 the executive director of the South Florida Water Management
31 District may enter into agreements with landowners,

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1 developers, businesses, industries, individuals, and
2 governmental agencies as necessary to effectuate the
3 Miami-Dade Lake Belt Plan and the provisions of this section.

4 ~~(6)(12)~~(a) All agencies of the state shall review the
5 status of their landholdings within the boundaries of the
6 Miami-Dade County Lake Belt. Those lands for which no present
7 or future use is identified must be made available, together
8 with other suitable lands, to the Department of Environmental
9 Protection committee for its use in carrying out the
10 objectives of this act.

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

15 Section 5. Section 373.4415, Florida Statutes, is
16 amended to read:

17 373.4415 Role of Miami-Dade County in processing
18 permits for limerock mining in Miami-Dade County Lake
19 Belt.--The department and Miami-Dade County shall cooperate to
20 establish and fulfill reasonable requirements for the
21 departmental delegation to the Miami-Dade County Department of
22 Environmental Resource Management of authority to implement
23 the permitting program under ss. 373.403-373.439 for limerock
24 mining activities within the geographic area of the Miami-Dade
25 County Lake Belt which was recommended for mining in the
26 report submitted to the Legislature in February 1997 ~~by the~~
27 ~~Miami-Dade County Lake Belt Plan Implementation Committee~~
28 under s. 373.4149. The delegation of authority must be
29 consistent with s. 373.441 and chapter 62-344, Florida
30 Administrative Code. To further streamline permitting within
31 the Miami-Dade County Lake Belt, the department and Miami-Dade

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

11 Section 6. Section 378.4115, Florida Statutes, is
12 amended to read:

13 378.4115 County certification for limerock mining in
14 the Miami-Dade County Lake Belt.--The department and
15 Miami-Dade County shall cooperate to establish and fulfill
16 reasonable requirements for the departmental certification of
17 the Miami-Dade County Department of Environmental Resource
18 Management to implement the reclamation program under ss.
19 378.401-378.503 for limerock mining activities within the
20 geographic area of the Miami-Dade County Lake Belt which was
21 recommended for mining in the report submitted to the
22 Legislature in February 1997 ~~by the Miami-Dade County Lake
23 Belt Plan Implementation Committee~~ under s. 373.4149. The
24 delegation of implementing authority must be consistent with
25 s. 378.411 and chapter 62C-36, Florida Administrative Code.
26 Further, the reclamation program shall maximize the efficient
27 mining of limestone, and the littoral area surrounding the
28 lake excavations shall not be required to be greater than 100
29 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

4 remove from the title of the bill: 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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