

MEMORANDUM

Agenda Item No. 11(A)(8)

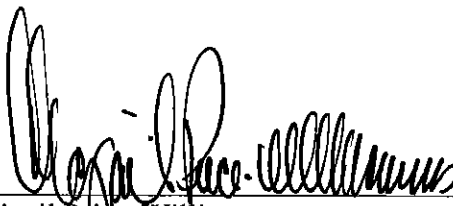
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting SB 354, HB 195, or similar legislation that would set a statewide ground vibration limit for construction material mining activities, revise the timeframe for the requirement that a portion of Miami-Dade County Lake Belt Mitigation Plan fees be used to fund a study reviewing mining activities and claims relating to such activities, and revise the authority of the State Fire Marshal to adopt standards, limits, and regulations for mining activities

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(8)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised**
- 6 weeks required between first reading and public hearing**
- 4 weeks notification to municipal officials required prior to public hearing**
- Decreases revenues or increases expenditures without balancing budget**
- Budget required**
- Statement of fiscal impact required**
- Statement of social equity required**
- Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
2-22-17

RESOLUTION NO. _____

RESOLUTION SUPPORTING SB 354, HB 195, OR SIMILAR LEGISLATION THAT WOULD SET A STATEWIDE GROUND VIBRATION LIMIT FOR CONSTRUCTION MATERIAL MINING ACTIVITIES, REVISE THE TIMEFRAME FOR THE REQUIREMENT THAT A PORTION OF MIAMI-DADE COUNTY LAKE BELT MITIGATION PLAN FEES BE USED TO FUND A STUDY REVIEWING MINING ACTIVITIES AND CLAIMS RELATING TO SUCH ACTIVITIES, AND REVISE THE AUTHORITY OF THE STATE FIRE MARSHAL TO ADOPT STANDARDS, LIMITS, AND REGULATIONS FOR MINING ACTIVITIES

WHEREAS, Senate Bill 354 and House Bill 195 have been filed for consideration during the Florida Legislature's 2017 session by Senator Rene Garcia (R – Hialeah) and Representative Manny Diaz (R – Hialeah Gardens), respectively; and

WHEREAS, section 373.41492, Florida Statutes, currently provides that the impact of mining within the rock mining supported and allowable areas of the Miami-Dade County Lake Belt Plan is best offset by the implementation of a comprehensive mitigation plan, including a mitigation fee imposed on each ton of limerock and sand extracted to provide for the mitigation of wetland resources lost to mining activities and to pay for seepage mitigation projects, including groundwater and surface water management structures designed to improve wetland habitat and to upgrade a water treatment plant; and

WHEREAS, the statute also currently provides that until the earlier of December 1, 2016 or when funding for the study is complete, two cents per ton, not to exceed \$300,000.00, from the mitigation funds shall be transferred to the State Fire Marshal to be used to fund a study to review the established statewide ground vibration limits for construction materials mining

activities and to review any legitimate claims paid for damages caused by such mining activities, with any amount not used to fund the study transferred to the trust fund established by Miami-Dade County to be used solely for mitigation purposes; and

WHEREAS, SB 354 and HB 195 would revise the statute such that funding for the aforementioned State Fire Marshall study must be completed by October 1, 2017; and

WHEREAS, the proposed legislation would further revise the scope of the State Fire Marshall's study so as to include review of human psychological responses to the specified mining activities; and

WHEREAS, in addition, SB 354 and HB 195 would revise the authority of the State Fire Marshal to adopt standards, limits, and regulations for mining activities by providing that he or she shall have the authority, but no longer the "sole and exclusive authority," to adopt standards, limits, and regulations for the use of explosives in conjunction with construction materials mining activities, and by providing that he or she may delegate to a local government the authority to monitor and enforce regulations for the use of explosives in conjunction with construction materials mining activities; and

WHEREAS, these bills would also establish a statewide ground vibration limit of 0.15 inches per second for construction materials mining activities; and

WHEREAS, the proposed legislation would permit Florida's Chief Financial Officer the authority to direct the State Fire Marshall to modify the statewide standards, limits, and regulations for the use of explosives in conjunction with construction materials mining activities, including, but not limited to, the temporary cessation of blasting; and

WHEREAS, this Board wishes to support SB 354, HB 195, or similar legislation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports SB 354, HB 195, or similar legislation that would set a statewide ground vibration limit for construction material mining activities, revise the timeframe for the requirement that a portion of Miami-Dade County Lake Belt Mitigation Plan fees be used to fund a study reviewing mining activities and claims relating to such activities, and revise the authority of the State Fire Marshal to adopt standards, limits, and regulations for mining activities.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Rene Garcia (R – Hialeah), Representative Manny Diaz (R – Hialeah Gardens), and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the legislative action described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislature Package to include this item.

The Prime Sponsor of the foregoing resolution is Chairman Esteban L. Bovo, Jr. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of February, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS
HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

