

MEMORANDUM

Amended
Agenda Item No. 11(A)(8)

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

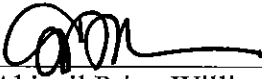
DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting SB 354,
HB 195, or similar legislation
that would 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 include a
review of the effects of the
statewide ground vibration limit
for construction material mining
activities

Resolution No. R-196-17

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Esteban L. Bovo, Jr., and Co-Sponsors Commissioner Jose "Pepe" Diaz and Commissioner Barbara J. Jordan.



Abigail Price-Williams *ja*
County Attorney

APW/smm

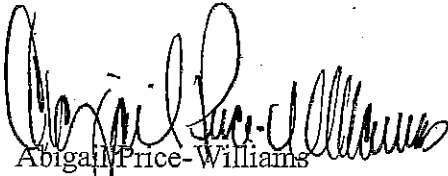


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
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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 _____

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

RESOLUTION NO. R-196-17

RESOLUTION SUPPORTING SB 354, HB 195, OR SIMILAR LEGISLATION THAT WOULD 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 INCLUDE A REVIEW OF THE EFFECTS OF THE STATEWIDE GROUND VIBRATION LIMIT FOR CONSTRUCTION MATERIAL 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, the effects of the statewide ground vibration limit for construction materials mining activities should be reviewed in the study; 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; 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 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 include a review of the effects of the statewide ground vibration limit for construction material mining activities.

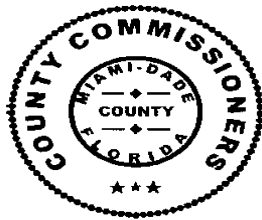
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Rene Garcia (R – Hialeah), Representative Manny Diaz (R – Hialeah Gardens), and the Chair and remaining Members of the Miami-Dade State Legislative 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., and the Co-Sponsors are Commissioner Jose "Pepe" Diaz and Commissioner Barbara J. Jordan. It was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

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

Christopher Agrippa

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

A handwritten signature in cursive script, appearing to read "J. Kirtley", is written over a horizontal line.