


Memorandum

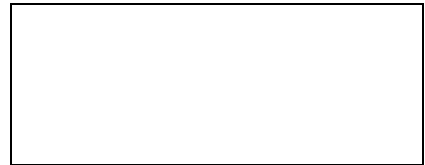


Date: March 14, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Transmittal of Agricultural Practices Advisory Board Resolution AG-21-03



The Agricultural Practices Advisory Board (Ag Practices Board) has requested that the attached resolution (AG-21-03) be transmitted to the Board of County Commissioners (BCC). One of the objectives of the Ag Practices Board is to provide recommendations to the BCC pertaining to the regulation of agricultural practices in Miami-Dade County.

The Ag Practices Board resolution relates to guidance documents developed by the Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DERM). The resolution recommends that the BCC suspend implementation of DERM's *Site Assessment Guidance for Former Agricultural Sites in Miami-Dade County* and raises concerns with relation to the science and appropriateness of the guidance.

The guidance was developed to aid environmental professionals and practitioners in evaluating potential environmental concerns and achieving compliance with existing code requirements at sites transitioning from agricultural land uses (i.e., crops, orchards, etc.) to non-agricultural land uses (residential, etc.). The objective of the guidance is to ensure that any potential contamination from historic or current land uses is addressed upfront in a comprehensive and consistent manner and concurrently with the development process. The intended outcome is also, to ensure that a property owner or applicant understands the need for County permits, testing, assessment, and, if necessary, risk mitigation to protect public health, safety, and welfare. After the initial publication of the guidance, DERM elicited stakeholders' feedback through the public comments process and facilitated outreach opportunities via meetings and a workshop.

However, the recent passage of House Bill 909 during the 2022 legislative session would effectively render the guidance, and by extension the requested resolution, moot. The approved legislation provides that the Florida Department of Environmental Protection (FDEP) has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on lands that are classified as agricultural and are being converted to non-agricultural uses. Furthermore, the legislation provides that FDEP may not delegate the authority to set standards or procedures for evaluating environmental conditions and assessing potential liability to a local government through a local pollution control program. HB 909 does not, however, preempt the enforcement authority of the County through a local pollution control program.

HB 909 has not yet been transmitted to the Governor for consideration. If the Governor signs HB 909 into law or allows it to become law without his signature, HB 909 will become effective on July 1, 2022. DERM will then follow the standards and procedure developed by the FDEP.

If you have any questions regarding this information, please contact Lourdes M. Gomez, AICP, Director of Regulatory and Economic Resources, at (305) 375-2886 or Lourdes.Gomez@miamidade.gov.

Attachment:
Agricultural Practices Advisory Board Resolution AG-21-03

- c:
- Geri Bonzon-Keenan, County Attorney
 - Gerald Sanchez, First Assistant County Attorney
 - Jess McCarty, Executive Assistant County Attorney
 - Office of the Mayor Senior Staff
 - Lourdes Gomez, Director, Department of Regulatory and Economic Resources
 - Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
 - Yinka Majekodunmi, Commission auditor
 - Basia Pruna, Director, Clerk of the Board

RESOLUTION NO. AG-21-03

A RESOLUTION OF THE MIAMI-DADE COUNTY AGRICULTURAL PRACTICES ADVISORY BOARD RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS AND MAYOR SUSPEND IMPLEMENTATION OF THE AGRICULTURAL SITE ASSESSMENT GUIDANCE AND CONDUCT A PROPER SCIENTIFIC STUDY WITH ACCURATE AND APPROPRIATE SAMPLING AND TAKE INTO ACCOUNT RESEARCH CONDUCTED BY SOIL SCIENTISTS AT THE UNIVERSITY OF FLORIDA TROPICAL RESEARCH AND EDUCATION CENTER

WHEREAS, Sections 2-931 through 2-936 of the Code of Miami-Dade County provide for the creation, composition, terms, purpose and duties of the Miami-Dade County Agricultural Practices Advisory Board (APAB); and

WHEREAS, in order to fulfill its purpose as defined in Section 2-931 of the Code, the APAB shall provide recommendations to the Board of County Commissioners regarding the regulation of agricultural practices in Miami-Dade County, Florida.

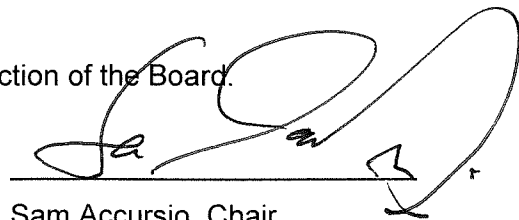
NOW, THEREFORE, BE IT RESOLVED that the Miami-Dade County Agricultural Practices Advisory Board recommends that the Board of County Commissioner and Mayor suspend implementation of the Interim Site Assessment Guidance and conduct a proper scientific study with accurate and appropriate sampling and take into account research conducted by soil scientists at the University of Florida Tropical Research and Education Center.

The foregoing resolution was offered by Board Member Motes, who moved its adoption. The motion was seconded by Board Member Porter and, upon being put to a vote, the vote was 10 to 0 as follows:

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|------------------|-------------------------|----------------|-----|
| Ivonne Alexander | Yes | Martin Motes | Yes |
| Larry Caudle | Yes | Matthew Porter | Yes |
| Marc Ellenby | Yes | Tommy Vick | Yes |
| Arturo Lopez | Yes | Arie de Zwart | Yes |
| | Sam Accursio, Chair | Yes | |
| | Erik Tietig, Vice Chair | Yes | |

The above action was taken by the Agricultural Practices Advisory Board at its public hearing on September 1, 2021.

I hereby certify the above information reflects the action of the Board.



Sam Accursio, Chair
Agricultural Practices Advisory Board