

1 **Summary of Ordinance**

2  
3 The purpose of this ordinance is to amend Section 6.06.05, Lake County Code, Appendix E, Land  
4 Development Regulations, entitled *Financial Responsibility*, to clarify that financial assurances are only  
5 required for mining reclamation.  
6

7 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code  
8 sections. The notation “\* \* \*” shall mean that all preceding or subsequent text remains unchanged  
9 (excluding any renumbering or relettering that might be needed).

10  
11 **ORDINANCE NO. 2020-\_\_\_**

12  
13 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**  
14 **COUNTY, FLORIDA; AMENDING SECTION 6.06.05, LAKE COUNTY CODE,**  
15 **APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *FINANCIAL***  
16 ***RESPONSIBILITY*; CLARIFYING THAT FINANCIAL ASSURANCES ARE REQUIRED**  
17 **FOR RECLAMATION ACTIVITIES ONLY; PROVIDING FOR SEVERABILITY;**  
18 **PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE**  
19 **DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

20  
21 **WHEREAS**, Chapter 6, Resource Protection Standards, which includes provisions  
22 governing mining, requires financial guarantees to be provided to ensure mines are properly  
23 reclaimed; and  
24

25 **WHEREAS**, the amendments and modifications contained herein are in the best interest  
26 of the residents of Lake County, Florida.  
27

28 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
29 Lake County, Florida as follows:  
30

31 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated  
32 herein by reference.  
33

34 **Section 2. Amendment.** Section 6.06.05, Lake County Code, Appendix E, Land  
35 Development Regulations, entitled *Financial Responsibility*, is hereby amended to read as follows:  
36

37 **6.06.05 Financial Responsibility.**

38 A. Before an Operating Plan is issued, the Board of County Commissioners shall require the  
39 Applicant or Operator, to guarantee that the Mine is ~~Developed, operated and~~ reclaimed in  
40 conformance with the Lake County Code, the Lake County Land Development Regulations,  
41 the approved Mining Conditional Use Permit and the Operating Plan. Acceptable forms of  
42 the guarantee include cash, irrevocable letters of credit, or surety bonds. In all cases, the form  
43 of the guarantee Shall be subject to approval by the County Attorney. Bonds must meet the  
44 requirements of Section 255.05(1)(a), Florida Statutes, and the surety must meet the  
45 requirements of Section 287.0935, Florida Statutes.

- 1 B. The amount of the guarantee Shall be ~~set by the Board, upon recommendation of the County~~  
2 ~~Manager or designee~~ in an amount not less than one hundred percent (100%) of the estimated  
3 cost of Reclamation based upon the phase that is being Permitted; provided, however, that the  
4 Board of County Commissioners may require additional amounts if the circumstances  
5 warrant. Additional amounts, if any, must be imposed at the time the Mining Conditional Use  
6 Permit is approved.
- 7 C. An Applicant or Operator is exempt from the financial responsibility required under this  
8 Section if Applicant or Operator shows proof that the Applicant or Operator has provided  
9 financial assurances for reclamation to the Florida Department of Environmental Protection  
10 or other regulating agency in an amount that is the same as would have been otherwise been  
11 provided by the Applicant or Operator to the County under this Section. If the County imposes  
12 an additional requirement on the Mining Conditional Use Permit not required by the Florida  
13 Department of Environmental Protection or other regulating agency, the Applicant or  
14 Operator shall provide a financial guarantee directly to the County in an amount sufficient to  
15 cover the cost associated with the additional requirement.
- 16 D. Units of local, regional, state and federal government operating on government-owned  
17 property are exempt from the financial responsibility required under this Section.
- 18 E. An Applicant, Operator or Owner of a mining operation shall have absolute liability and  
19 financial responsibility for any damages to public or private property, human, animal or plant  
20 life, or any mineral or water-bearing geologic formation incurred due to mining or excavation  
21 and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening  
22 pond, or failure to properly reclaim mined-out lands, regardless of whether financial  
23 assurances have been provided under this section.

24  
25 **Section 3. Severability.** If any section, sentence, clause, or phrase or word of this  
26 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by  
27 any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
28 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'  
29 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and  
30 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held  
31 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions  
32 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,  
33 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any  
34 other person, property or circumstances.

35  
36 **Section 4. Inclusion in the Code.** It is the intent of the Board of County  
37 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake  
38 County Code and that the sections of this Ordinance may be renumbered or relettered and the word  
39 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in  
40 order to accomplish such intentions.

41  
42 **Section 5. Filing with the Department of State.** The Clerk shall be and is  
43 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for  
44 the State of Florida in accordance with Section 125.66, Florida Statutes.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**Section 6. Effective.** This Ordinance shall become effective as provide for by law.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Filed with the Secretary of State \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

ATTEST:

\_\_\_\_\_  
Gary J. Cooney, Clerk of the  
Board of County Commissioners  
of Lake County, Florida

\_\_\_\_\_  
Leslie Campione, Chairman

This \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Approved as to form and legality:

\_\_\_\_\_  
Melanie Marsh  
County Attorney