



Item Cover Page

HARDEE COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REPORT

DATE: December 18, 2025

SUBMITTED BY: Brandy Crawford, Mining Department

ITEM TYPE: Business Agenda - Ordinances

AGENDA SECTION: **BUSINESS AGENDA - Ordinances:**

SUBJECT: **Deb Butler, Todd Miller & CFRPC Staff - Ordinance 2025-08 -**
Comp Plan Update to the Mining Overlay

SUGGESTED ACTION:

- Motion to approve the first reading of Ordinance 2025-08, An Ordinance of the Board of County Commissioners of Hardee County, Florida, relating to mining; amending the Hardee County Comprehensive Plan Future Land Use Map series to amend the mining overlay map and future land use element policy L1.17 specific to the mining overlay district and amending the definitions section to provide clarity for requirements pertaining to the mining overlay district; providing for conflicts, severability, and for an effective date.

ATTACHMENTS:

- [Ordinance 2025-08 LCP Mining Requirements \(GR Changes\)\(65460799.1\).docx](#)
- [BIS--Ord. No. 2025-08.pdf](#)
- [LCP Mining Overlay_BOCC_12_18_25.doc](#)

30 time interested parties and citizens had the opportunity to be heard and such amendments were
31 recommended to the Board of County Commissioners adoption; and

32 **WHEREAS**, in accordance with section 252.422(2)(b), Florida Statutes, this Ordinance
33 does not impose any additional requirements or burdens, nor does it create any substantive
34 rights nor hinder any existing permissible development activities; and

35 **WHEREAS**, in accordance with the Expedited State Review procedures required by
36 Section 163.3184(3), the County transmitted the proposed amendment and supporting data and
37 analysis to the applicable review agencies.

38 **BE IT ORDAINED BY THE COUNTY COMMISSION OF HARDEE COUNTY, FLORIDA:**¹

39 **Section 1.** The provisions set forth in the recitals to this Ordinance (whereas clauses)
40 are hereby adopted by the Board of County Commissioners as legislative findings and intent
41 pertaining to this Ordinance.

42 **Section 2.** Hardee County hereby adopts the FLU Map 2 - Phosphate Mining Overlay
43 and Non-Phosphate Mining Area Map in the Future Land Use Map Series and language in the
44 Future Land Use Element and the Definitions Section.

45 **Section 3.** This Ordinance shall be codified in the Hardee County Comprehensive
46 Plan. A certified copy of this enacting ordinance shall be located in the Office of the Clerk of the
47 Court of Hardee County. The Clerk shall also make copies available to the public for a reasonable
48 publication charge.

49 **Section 4.** If any provision of this Ordinance is for any reason held to be invalid or
50 unconstitutional by any court of competent jurisdiction, such provision and such holding shall
51 not affect the validity of any other provision, and to that end the provisions of this Ordinance
52 hereby declared severable.

53 **Section 5.** All ordinances or parts of ordinances in conflict herewith are hereby
54 repealed to the extent of such conflict.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

55 **Section 6.** That it is the intention of the Board, and it is hereby ordained that the
56 provisions of this Ordinance shall become and be made a part of the Comprehensive Plan, that
57 the sections of this Ordinance may be renumbered or relettered to accomplish such intentions,
58 and that the word Ordinance shall be changed to Section or other appropriate word.

59 **Section 7.** **Effective Date.** The effective date of these amendments, if the
60 amendments are not timely challenged, shall be 31 days after the State Land Planning Agency
61 notifies the local government that the plan amendment package is complete. If timely
62 challenged, the amendments shall become effective on the date the State Land Planning Agency
63 or the Administration Commission enters a final order determining the adopted amendments to
64 be in compliance. No development orders, development permits, or land uses dependent on
65 these amendments may be issued or commence before it has become effective. If a final order
66 of noncompliance is issued by the Administration Council, the amendments may nevertheless be
67 made effective by adoption of a resolution affirming the effective status, a copy of which
68 resolution shall be sent to the State Land Planning Agency.

69 **INTRODUCED AND PASSED ON FIRST READING** on first reading and public hearing at a
70 regular meeting of the Board of County Commissioners held this ____ day of
71 _____, 2025.

72 **PASSED AND ADOPTED ON SECOND READING** and public hearing with a quorum present
73 and voting, by the Hardee County Commission, this __ day of _____, 2025.

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75 [SIGNATURE PAGE TO FOLLOW]
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NOEY FLORES, CHAIR

ATTEST:

VICTORIA L. ROGERS
EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

SARAH JOHNSTON
COUNTY ATTORNEY

Hardee County Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered.

Ordinance 2025-08

Amending the Hardee County Comprehensive Plan Future Land Use Map Series to amend the Mining Overlay Map and Future Land Use Element, Policy L1.17 specific to the Mining Overlay District and amending the Definitions Section to provide clarify for requirements pertaining the Mining Overlay District.

This Business Impact Estimate is provided in accordance with section 125.66(3), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the County is of the view that a business impact estimate is not required by section 125.66(3), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

n/a

Question 3. If there is no applicable exception, then this business impact estimate must be posted on the County’s website by no later than the date the notice of the proposed ordinance enactment is published. This Business Impact Estimate may be revised following its initial posting. Proceed with completing the below Business Impact Estimate. In accordance, the County hereby publishes the following information:

A. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals and welfare of the County):

Amending the Hardee County Comprehensive Plan Future Land Use series to amend the Mining Overlay Map to update the map, and include No Mine Areas. Also, amending the Comprehensive Plan, Policy L1.17 and the Definitions Section, to clarify the Mining Overlay and to provide definitions for Phosphate Mining.

The Board has determined that the adoption of the amendments are in the best interest of the County by providing clarity to the definition of the Mining Overlay, and to establish clear “Mining” and “No Mining” areas.

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County, including the following, if any:

(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

No direct compliance costs are anticipated.

(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

No new fees or charges are proposed in the ordinance..

(3) An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

No new regulatory costs are anticipated.

(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the County that are not covered by (1), (2), or (3):

No other identified economic impacts.

C. Good faith estimate of the number of businesses likely to be impacted by the ordinance:

Currently there is only one mining company in the county. No adverse impacts to the company are anticipated.

D. Additional information the governing body deems useful (if any):



TO: Hardee County Board of County Commissioners

PREPARED BY: Central Florida Regional Planning Council

DATE: December 18, 2025

RE: Amending the Mining Overlay Map and related text to address Phosphate Mining (Ordinance 2025-08)

ORDNANCE 2025-08: BACKGROUND AND REASON FOR REQUEST:

The Hardee County Comprehensive Plan (“Plan”) addresses a mining overlay in the Future Land Use Element. Amendments to this overlay are proposed to provide greater clarification specific to phosphate mining and no-phosphate mining areas. Areas indicated within the overlay are not a guarantee of phosphate mining entitlements. The proposed amendments provide clarification.

The FLU Map 2 – Mining Overlay Map is proposed to be replaced by the map titled, “**FLU Map -2 Phosphate Mining Overlay and No Phosphate Mining Area**” for inclusion in the Future Land Use Map series.

It is important to note the following:

- 1) The Phosphate Mining Overlay District identifies areas of Hardee County where phosphate mining has occurred, is occurring, or may occur, but does not provide automatic entitlement for any type of mining.
- 2) The request is a County-initiated amendment to clarify the Mining Overlay district over land where phosphate mining has occurred, is occurring, or may occur. It does not necessarily correspond to a future mine boundary.
- 3) The request does not seek approval for mining activities, nor will approval of the proposed mining overlay grant such permission.
- 4) A mining company must own the property, or have authorization from the property owners, before submitting applications to authorize mining activities.

PLANNING AND ZONING BOARD ACTIONS:

On November 6, 2025, the Hardee County Planning and Zoning Board held a public hearing on the proposed amendments. The Board unanimously voted to approve the amendments with changes. At the property owners' request, the Planning and Zoning Board voted to recommend **removing** the following parcels from the proposed amendment.

Parcels Recommended for Removal from the Proposed Amendment. Please note these parcels were not in the mining overlay and were proposed to be added.

- 35-34-23-0000-06260-0000
- 35-34-23-0000-06280-0000
- 35-34-23-0000-06390-0000

PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENTS:

Future Land Use Element

Future Land Use Element Policy L1.17: The **Phosphate Mining Overlay District** ~~is to identify~~ identifies areas of Hardee County where phosphate mining has occurred, is occurring, or may occur, but does not provide an automatic entitlement for any type of mining. This overlay does not change the underlying Future Land Use designation.

This overlay shall serve as an atlas of pre and post mining geographical conditions including but not limited to soil types, hydrological features, topographical features and land use suitability indices.

~~It shall also identify land use features during the mining process in 5-year intervals until reclamation is complete.~~

Lands within this overlay district **not subject to mining may still be included** due to off-site mitigation potential, settling pond locations and other mine related impacts.

A **restrictive mining corridor** in which accelerated reclamation of re-contoured overburden only shall be established to maintain the integrity of the "Development Corridor" generally along U.S. 17 and the Peace River in Central Hardee County.

This "Development Corridor" will be more specifically defined through amendments to the Hardee County Mining Ordinance.

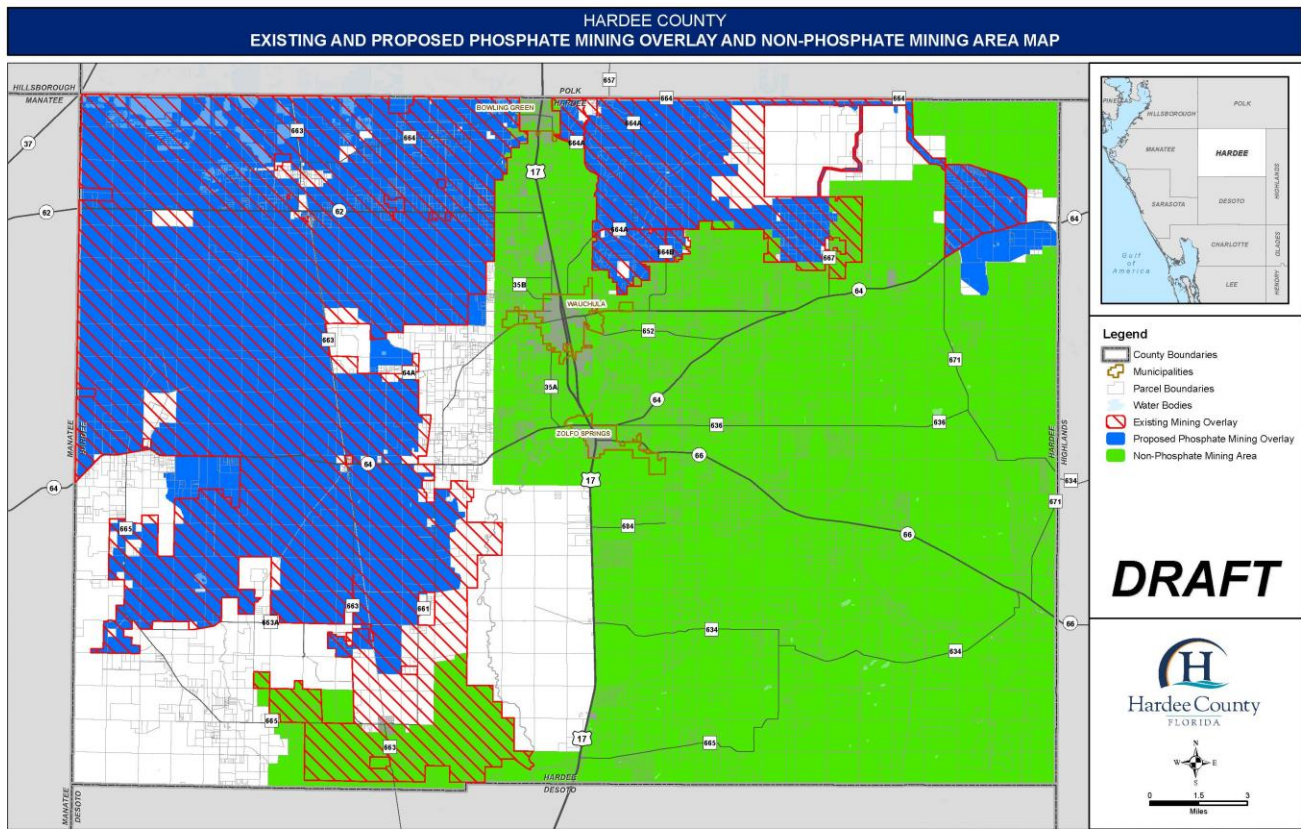
The County may amend the **Phosphate Mining Overlay District** to incorporate additional properties when data and analysis indicates that identification within the Phosphate Mining Overlay District may be appropriate. Such amendment may be based on the contents of an application for text amendment unless coupled with a Future Land Use Map change or when the Phosphate Mining Overlay District is proposed to incorporate land designated Industrial in which case the amendment shall be based on the contents of an application for map amendment.

Amendments to the Definitions

Phosphate Mining: The extraction of phosphate ore from the earth by whatever process including the removal of overburden for the purpose of reaching underlying ore, the reclamation of previously mined land, the transporting, washing, sizing, flotation, storage, drying, grinding and shipping of the phosphate, and all activities reasonably related thereto, except chemical processing.

NonPhosphate Mining Areas: Areas that are not available for phosphate mining as identified on Map XX within the Hardee County Future Land Use Map Series without further amendment to the underlying Future Land Use designation and/or boundaries of the Phosphate Mining Overlay District.

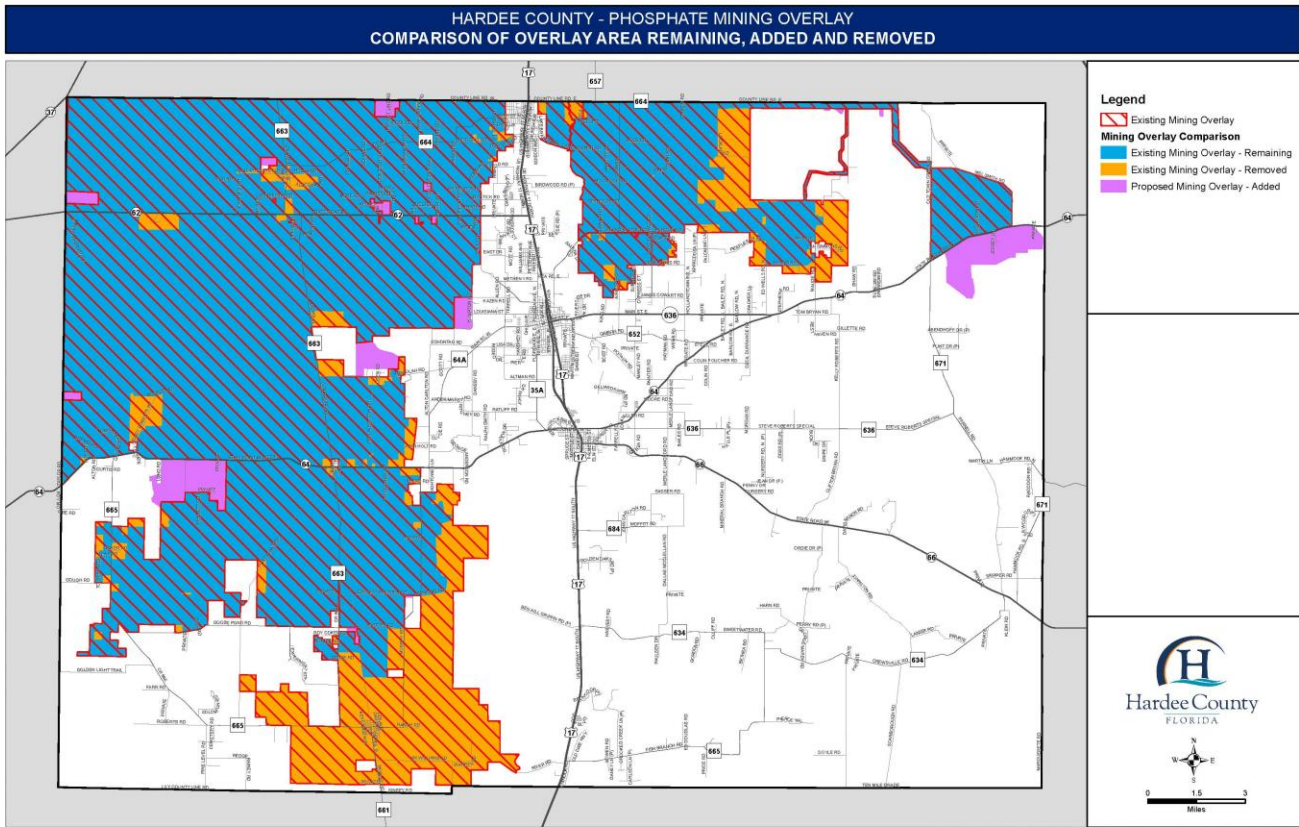
Map indicating Current Phosphate Mining Overlay and Proposed Changes



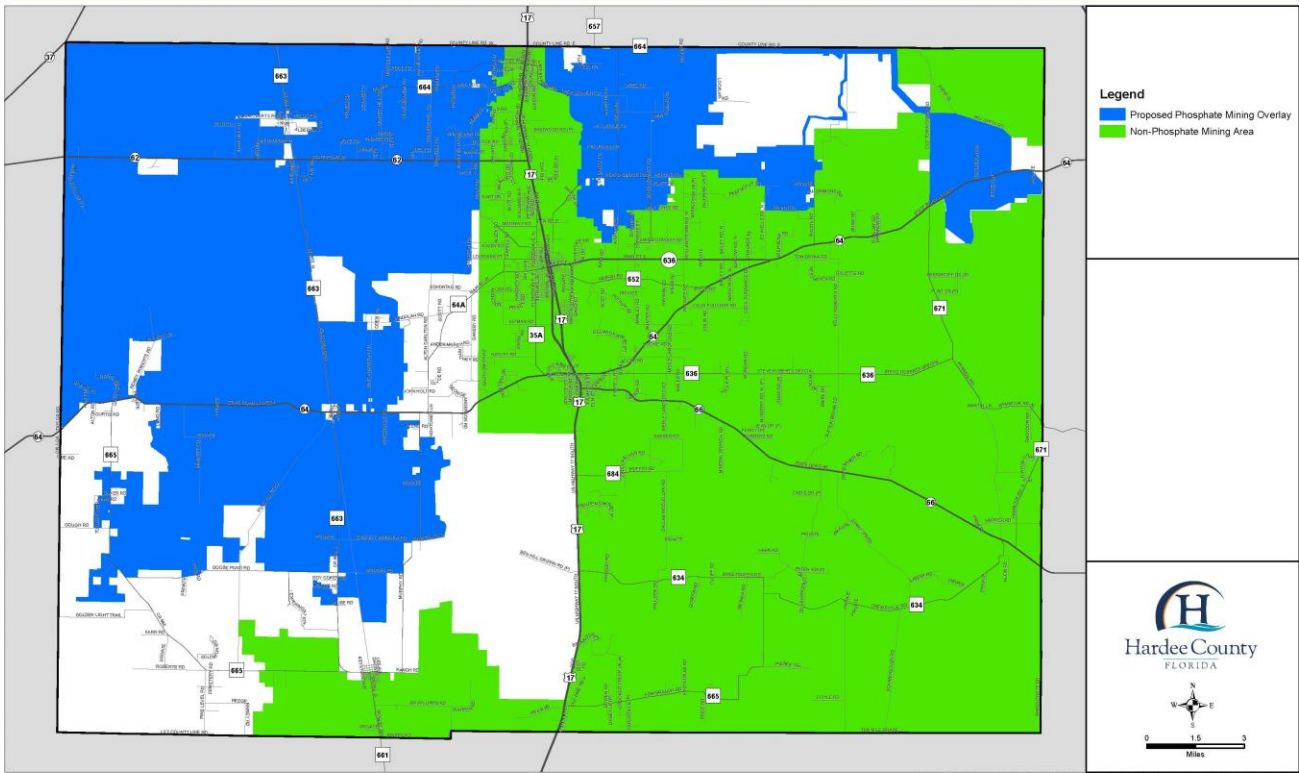
Acreege Information

Existing Mining Overlay:	153,613.94 acres
Proposed Mining Overlay:	133,189.34 acres
Existing Overlay Remaining:	127,436.85 acres
Existing Overlay Removed:	26,177.1 acres
New Overlay (added):	5,752.49 acres
Non-Phosphate Mining Area:	196,109.19 acres

Below is a map indicating Existing areas in the overlay as well as areas proposed to be removed and added to the overlay.

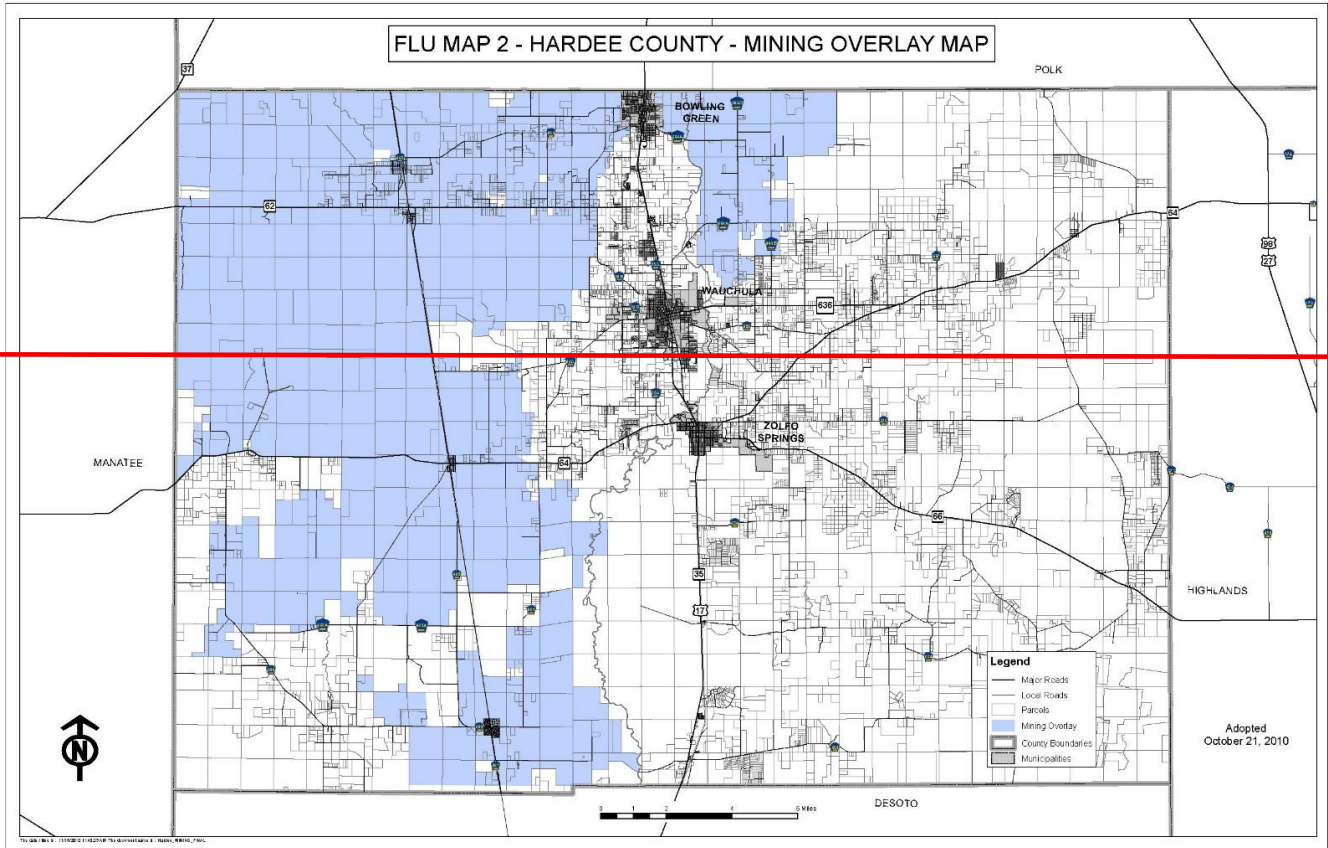


HARDEE COUNTY - PHOSPHATE MINING OVERLAY
PROPOSED PHOSPHATE MINING & NON-PHOSPHATE MINING AREA



FUTURE LAND USE MAP SERIES AMENDMENTS

FLU Map 2 – Hardee County – Mining Overlay Map will be replaced by **FLU Map 2 –Phosphate Mining Overlay and No-Phosphate Mining Area Map**.



FLU MAP 2 - HARDEE COUNTY
 PROPOSED PHOSPHATE MINING OVERLAY AND NO PHOSPHATE MINING AREA MAP

