

RESOLUTION NO. _____

**FOR A RESTATED AND AMENDED
DEVELOPMENT ORDER
POLK COUNTY, FLORIDA**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, AMENDING A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES THE SOUTH FORT MEADE PHOSPHATE MINE, A DEVELOPMENT OF REGIONAL IMPACT (DRI); SUBMITTED BY MOSAIC FERTILIZER, L.L.C.; SETTING FORTH FINDINGS OF FACT, CONCLUSIONS OF LAW, AND CONDITIONS OF APPROVAL PURSUANT TO CHAPTER 380, FLORIDA STATUTES.

WHEREAS, the Polk County Board of County Commissioners, hereafter referred to as “the Board”, as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (“F.S.”), is authorized and empowered to consider applications for amendment of a Development of Regional Impact (“DRI”); and

WHEREAS, the Mobil Mining and Minerals Company (formerly Mobil Chemical Company) hereafter referred to as “Mobil”, filed the following documents with the Board pursuant to Section 380.06, F.S.;

1. An Application for Development Approval dated May 4, 1981, seeking approval of a phosphate mine DRI; and
2. Amendments to the Polk County mine site plan which conform to the original site plan to the above-referenced application, which amendments are dated August 28, 1981.

WHEREAS, The Board reviewed the evidence and on September 22, 1981, approved, with conditions, a Development Order (“DO”) for the South Fort Meade Phosphate Mine DRI; and

WHEREAS, on November 9, 1981, the State Department of Veteran and Community Affairs filed a Notice and Petition Challenging the waste disposal and reclamation plans approved in the Polk County order; and

WHEREAS, Mobil, the Department of Veteran and Community Affairs, Polk County (approved by the Polk County Commission on September 22, 1981) and the Central Florida Regional Planning Council entered into an Amended Stipulation which was adopted as a modification of the Development Order by a Final Order entered on May 12, 1982, by the Florida Land and Water Adjudicatory Commission; and

WHEREAS, on February 26, 1993, Mobil submitted a Notification of Proposed Change to amend the Development Order; and

WHEREAS, on June 8, 1993, the Board found that the requested amendment did not constitute a Substantial Deviation and approved the requested amendment; and

WHEREAS, on November 15, 1994, Mobil proposed changes to the mine that necessitated an amendment to the Development Order; and

WHEREAS, on May 23, 1995, the Board found that the requested amendment did not constitute a Substantial Deviation and approved the requested amendment; and

WHEREAS, in December 1995, Cargill Fertilizer, Inc. (“Cargill”) and South Fort Meade Partnership, L.P. (“SFMP”) purchased the land and facilities addressed and regulated by the South Fort Meade Phosphate Mine DRI; and

WHEREAS, Cargill assumed responsibility for the development and operation of the phosphate mining and processing activities approved under the South Fort Meade Phosphate Mine DRI and agreed to be bound by the terms of this Development Order; and

WHEREAS, on May 22, 1998, a substantial deviation application for certain mining amendments was found to be sufficient for review by the staff of the Central Florida Regional Planning Council; and

WHEREAS, the Board held a duly noticed public hearing on said application on August 18, 1998, as required by Section 380.06, F.S. and approved the amendment; and

WHEREAS, Cargill purchased an additional 37.7 acres of land from the area of the “outparcels” adjacent to the then existing South Fort. Meade Mine; and

WHEREAS, because the addition of the 37.7 acres parcel did not constitute a Substantial Deviation to the approved DRI in October 1998, Cargill filed a Notice of Proposed Change with Polk County, the Central Florida Regional Planning Council and the Florida Department of Community Affairs to add the parcel; and

WHEREAS, Cargill filed an application for an amendment to the Polk County Comprehensive Plan Future Land Use Map for the parcel, which application has been reviewed by all appropriate government agencies; and

WHEREAS, Cargill purchased an additional out-parcel legally described as approximately one (1) acre in the south 150 feet of the north 422 feet of the east 290.4 feet of the north ½ of the northwest ¼ of the northwest ¼ of Section 26, Township 32 South, Range 25 East, less 25.00' right of way of Mt. Pisgah Road, Polk County, Florida; and

WHEREAS, on May 31, 2002, Cargill submitted a Notice of Proposed Change to the Polk County Commission, the Central Florida Regional Planning Council, and to the Florida Department of Community Affairs to add said out parcel to the DRI Development Order; and

WHEREAS, on September 4, 2002, the Board duly passed and adopted the proposed amendment with conditions, as set forth in Resolution No. 02-48; and

WHEREAS, on October 22, 2004, Mosaic Fertilizer, LLC (“Mosaic”) was created from a merger between Cargill Crop Nutrition and IMC Global, Inc.; and

WHEREAS, Mosaic assumed responsibility for the Development and operation of the phosphate mining and processing activities approved under the South Ft. Meade Phosphate Mine DRI and agreed to be bound by the terms of this Development Order; and

WHEREAS, on January 14, 2009, Mosaic Fertilizer, LLC submitted a Notification of Proposed Change to amend the Development Order to add 237.5 acres, including the 19.4 acre “Devane” parcel and the 19.8 acre “Best” parcel, the three acre “Sun Grown Citrus” parcel, and an additional 195.3 acres known as the “Old Colony Addition” owned by Mosaic and described in Exhibit E; and

WHEREAS, on May 20, 2009, the Board of County Commissioners conducted a public hearing pursuant to Section 380.06 F.S., with due public notice having been provided, and adopted the proposed change in the form of a Restated and Amended Development Order for the South Fort Meade Mine cumulatively incorporating all changes to the Development Order through May 20, 2009; and

WHEREAS, in 2011, the Florida Legislature amended Section 380.06, F.S., to exempt changes to solid mineral mines from the DRI review and to provide that DRI development orders for solid mineral mines shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer; and

WHEREAS, Section 380.06, F.S., requires changes to DRIs to comply with applicable local government regulations in lieu of DRI review; and

WHEREAS, the Polk County Land Development Code provides that Phosphate Mining is subject to Level 4 Conditional Use Review; and

WHEREAS, on December 12, 2017, Mosaic submitted an application for Level 4 Conditional Use Review to amend the Development Order to add 268 trucks to the South Fort Meade mine transportation approval during normal operations; and

WHEREAS, the Development Order was amended to include reference to a Conditional Use Level 4 approval issued pursuant to local law and procedures and which was issued contemporaneously with the amendment to the Development Order; and

WHEREAS, the Board also determined that approval of the amendment required the adoption of a Restated and Amended Development Order for the South Fort Meade Mine cumulatively incorporating all previous changes to the Development Order through February 20, 2018; and

WHEREAS, on February 20, 2018, the Board duly passed and adopted the proposed amendment with conditions, as set forth in Resolution 18-007 and CU-18-06; and

WHEREAS, on March 13, 2019, Mosaic provided notice to Polk County that pursuant to Section 252.363, F.S., it elected to extend the expiration date of the Development Order to November 2, 2025; and

WHEREAS, on October 23, 2024, Mosaic submitted an application for Level 4 Conditional

Use Review to amend the Development Order and CU approval to extend the expiration date by an additional 20 years to November 4, 2045, to facilitate processing of phosphate rock mined in Hardee County (“Proposed Change”); and

WHEREAS, on March 4, 2025, the Board conducted a public hearing with due public notice having been provided, and adopted the proposed amendment, as set forth in Resolution No. ___ and LDCU-2024-38.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE APPLICATION FOR AN AMENDMENT SUBMITTED BY MOSAIC IS HEREBY APPROVED WITH CONDITIONS; SAID APPROVAL AND FINDINGS BEING BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I. FINDINGS OF FACT

- A. The Application for Development Approval dated May 4, 1981, seeking approval of a phosphate mine DRI is incorporated and made a part of this resolution by reference.
- B. Mosaic submitted this request for an amendment to the Development Order, in the form of a Level 4 Conditional Use application on October 23, 2024, said application being incorporated and made a part of this resolution by reference.
- C. The South Fort Meade Mine currently covers approximately 17,508.5 acres as described in Exhibit B.
- D. The Development Order covers the construction of ore processing and mine facilities. The average annual mining rate will remain 645 acres per year.
- E. The development is not located in an area of critical state concern as designated pursuant to Section 380.05, F.S.
- F. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.3161, F.S., which is applicable to the South Fort Meade Mine DRI. The land within the mine is currently designated as PM (Phosphate Mining).
- G. Subject to the conditions provided herein, the Proposed Change will not have an unfavorable impact on the environment and natural resources of the region.
- H. The Proposed Change and the development will have a favorable impact on the economy of the region.
- I. The Proposed Change will not significantly burden the existing public facilities of the region, including transportation facilities.
- J. The Proposed Change will not adversely affect the ability of people to find adequate housing reasonable accessible to their place of employment.

- K. Existing sources of energy are sufficient and will not be unduly burdened by the proposed amendment.
- L. Waste disposal and land reclamation technologies have been thoroughly evaluated by Mosaic and considered by the Board and are unchanged by the Proposed Change.

II. CONCLUSIONS OF LAW

- A. The Board's review of the application for the amendment of the Development Order has been conducted pursuant to and complied with the provisions of Section 380.06, F.S.
- B. The amendment is consistent with the Polk County Comprehensive Plan, and local land development code, the amendment is consistent with the applicable portion of the State Comprehensive Plan. The amendment does not unreasonably interfere with the achievement of the objectives of any applicable state land development plan.
- C. All development activities described in the application shall be subject to the terms of this Development Order and pursuant to Section 380.06, F.S. shall not be subject to future DRI review but shall instead be reviewed pursuant to local Polk County requirements.
- D. The provisions of the Development Order shall not be construed as a waiver or exception of any rules, regulations, or ordinances of Polk County and, therefore, any further review and approval required by Polk County shall be subject to all such applicable rules, regulations or ordinances in effect at the time of review.
- E. The annual report of mining operations required by Polk County regulations is an appropriate vehicle for monitoring the development, and shall be utilized to satisfy those provisions of Chapter 380, F.S.
- F. The Polk County Code Enforcement Director shall be the local official responsible for assuring compliance with this Development Order.

BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA THAT THE APPLICATION FOR THE AMENDMENT OF THE DEVELOPMENT ORDER IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS.

III. CONDITIONS

- A. Location of Above Grade Clay Settling Areas
No above grade clay settling areas shall be allowed within 100-year floodplain of Bowlegs Creek.
- B. Reclamation of Freshwater Marsh

Prior to the commencement of their reclamation, Mosaic shall provide a plan for the reclamation of non-forested wetlands which shall reflect the most recent, accepted technology, the most economically and technologically sound approach, and the best management practices for such reclamation. The plan shall address water quality, plant and animal species diversity, and techniques, such as natural revegetation, the transplanting of desired vegetation, and the utilization of substrate from existing marshes as a seed source. The plan shall be submitted to and approved by the Florida Department of Environmental Protection.

C. Rail Service and Truck Transportation

Should rail service from the mine site be interrupted for a period of more than five consecutive days for reasons beyond Mosaic's control, Mosaic will be allowed to utilize truck transportation from the mine site to its existing fertilizer manufacturing locations in Polk and Hillsborough counties. Prior to initiating trucking, Mosaic will submit to Polk County a proposed route study for the truck traffic.

Mosaic is authorized to transport 268 truckloads of rock from the South Pasture Mine in Hardee County to the South Fort Meade Mine. Conditions related to these additional truck trips are further addressed in CU 18-06.

D. Mining Rate

Mosaic is authorized to mine at an average rate of 645 acres per year.

E. Substantial Deviation

1. Any proposal to mine within the 25-year floodplain of Bowlegs Creek shall be considered by the Board as a substantial deviation subject to a Level 4 Conditional Use Review.
2. Any proposed changes to the application which involve the following shall be submitted to the Board for a determination if such change constitutes a substantial deviation subject to a Level 4 Conditional Use Review.
 - a. Any increase in the area to be mined except for any "out parcels" located within the Mosaic Tract.
 - b. Any increase in the above grade clay settling areas except for waste clay disposal resulting from the mining of "out parcels," provided such disposal and reclamation is performed by the same methodology used for the South Fort Meade Mine and otherwise complies with the conditions of this Development Order.
 - c. Any change which would result in an increase in the regional impacts.
3. The following changes shall be presumed not to be a substantial deviation

subject to a Level 4 Conditional Use Review:

- a. Any decrease in the area used for above grade clay settling.
- b. A decrease in the regional impact of the development.
- c. A change required by permit conditions or requirements imposed by the Department of Environmental Protection (DEP), the Southwest Florida Water Management District, or any of their successor agencies and any appropriate federal regulatory agency.

F. Polk County Mining Regulation

This Development Order approves conceptual mining and reclamation plans. Actual mining operation implementing these plans shall comply with the Polk County Mining Ordinance (88-19) in effect at the time of mining. This condition shall not restrict or preclude Mosaic from participating fully in amendments to the Polk County mining ordinance or adoption of new ordinances, or otherwise seek relief from regulations imposed by the Board.

G. Biennial Report

Mosaic shall submit the biennial report of mining operations as required by Polk County regulations to the Polk County Code Enforcement Director on or before the fifteenth day of February of each year. The annual report shall include the status of all permits for the added parcels.

H. Expiration

This Development Order shall take effect upon approval and shall remain in effect for the life of the mine, not to exceed November 4, 2045.

I. Recording of Notice of Adoption

In addition to the requirements of Section 380.06(4)(c) F.S., this Development Order shall be recorded by the developer in accordance with the provisions of the Polk County Land Development Code within fifteen (15) days after its rendering to the applicant.

Resolution **List of Exhibits**

Exhibit A	Description of SFM from Approved DRI Area, September 1998
Exhibit B	Description of SFM from NOPC, January 2009
Exhibit C	Legal Description of Devane and Best properties
Exhibit D	Legal Description of Sun Grove Citrus property
Exhibit E	Legal Description of Old Colony Addition

DULY PASSED AND ADOPTED BY THE Board of County Commissioners of Polk

County, Florida this 4th day of March, 2025.

POLK COUNTY BOARD OF COUNTY COMMISSIONERS
Polk County, Florida

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, _____, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. _____ of the Board of County Commissioners which was adopted by the said Board on the ____ day of _____, 2025.

WITNESS my hand and official seal this ____ day of _____, 2025.

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, _____, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. _____ approving the South Fort Meade Phosphate Mine Development of Regional Impact approved by the Polk County Board of County Commissioners meeting held on _____, 2025.

WITNESS my hand and official seal this ____ day of _____, 2025.