

RESOLUTION R-25-098

A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS, ESTABLISHING A REVISED FEE SCHEDULE FOR PHOSPHATE MINING RELATED ACTIVITIES; MAKING CERTAIN FINDINGS; ESTABLISHING AN IMPLEMENTATION DATE; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County, Florida (hereinafter "Board") adopted the Manatee County Phosphate Mining Code, codified as Chapter 2-20 of the County's Code of Ordinances (the "Phosphate Mining Code"); and

WHEREAS, the Phosphate Mining Code provides that the Board is authorized to set reasonable fees and charges for the implementation of the Phosphate Mining Code; and

WHEREAS, the County has contracted with an outside firm to conduct a fee study of labor and expenses associated with mining regulation and to assess the County's existing Phosphate Mining Fee Schedule which was adopted pursuant to Resolution R-17-93; and

WHEREAS, the Natural Resources Department has reviewed the fee study and recommended approval of an updated comprehensive fee schedule which is attached hereto as Attachment A of this Resolution setting forth a schedule of reasonable fees and charges that reflects the full cost of services provided by the County to implement the Phosphate Mining Code, and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest and necessary to promote the public health, safety and welfare of the citizens in Manatee County to adopt said fee schedule and hereby finds that said fee schedule sets reasonable fees and charges for the implementation of the Phosphate Mining Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

Section 1. Findings. The statements set forth in the above recitals to this Resolution are true and correct and are hereby adopted as findings of the Board.

Section 2. Schedule of Fees and Charges. The Board of County Commissioners hereby establishes the fee schedule contained in Attachment A to implement the Phosphate Mining Code. This fee schedule shall take effect immediately upon adoption of this Resolution.

Section 3. Conflicting Resolutions. All resolutions and parts of resolutions in conflict with the provisions of this resolution, including but not limited to, Resolution 17-093 shall be repealed, rescinded, superseded and replaced by this resolution to the extent of such conflict.

Section 4. Severability. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Resolution.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of County Commissioners of Manatee County, Florida with a quorum present and voting this 29 day of July, 2025.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____

Chairperson



ATTEST: Angelina M. Colonnese
Clerk of the Circuit Court and Comptroller

By: Robin Potts, OC
Deputy Clerk

RESOLUTION R-25-098

ATTACHMENT A
Effective – July 29, 2025

PHOSPHATE MINING CODE SCHEDULE OF FEES AND CHARGES

MASTER MINING PLAN¹

Initial Application	\$ 43,000
Significant Amendment ¹	\$ 20,000
Transfer of MMP	\$ 13,500
Non-Significant Amendment	\$ 7,000

OPERATING PERMIT

Initial Application	\$ 9,250
Significant Amendment to Operating Permit	\$ 8,500
Transfer of Operation Permit	\$ 9,000
Non-Significant Amendment	\$ 4,000
Annual Progress Report	\$ 7,800
Annual Progress Report - Reclamation Release	\$ 8,900

ANNUAL OUT-OF-COUNTY PROCESSING

Out-of-County Ore Processing Fees ²	
a) Site Inspection (per 50 acres)	\$ 350
b) Aerial Inspection (per 50 acres)	\$ 175
c) Report Review (per 50 acres)	\$ 390
Administration Fee ³	15% of sum of a), b) & c)

FOOTNOTES:

1. All phosphate mining projects requiring a public hearing under Chapter 2-20 of the Manatee County Code of Ordinances, are subject to public notice requirements in Section 312.7 of the Land Development Code, as amended. Additional costs and fees associated with public notice requirements will be charged in accordance with the Development Fee Schedule, Resolution 21-023, as amended.

2. These fees apply to mining activities related to processing of ore originating from outside of the county. All acreage associated with the transport, beneficiation, and disposal of ore/ore byproducts originating from outside of Manatee County shall be totaled and fees calculated based on this acreage subdivided by 50 acre tracts. The Total Out-of-County Ore Processing Fee shall be invoiced at the beginning of each fiscal year; all other fees included herein will be due at time of document/request submittal.
3. Out-of-County Administrative fee is calculated using the de minimis rate of 15 percent of the Total Out-of-County Ore Processing fees to recover indirect costs. See example below.

Example: Acreage associated with out-of-county ore processing (e.g., corridors, clay settling areas, beneficiation plant, etc.): 1500 ac. $1500 \text{ ac}/50 \text{ ac} = 30$.

a)	Site Inspection (30 x \$350)	\$10,500
b)	Aerial Inspection (30 x \$175)	\$5,250
c)	Report Review (30 x \$390)	<u>\$11,700</u>
	Subtotal:	\$27,450
	Administrative Fee (15%):	\$4,117.5

(Example) Total Out-of-County Processing Fee: \$31,567.50



Approved in Open Session 7/29/25
Manatee County
Board of County Commissioners

July 29, 2025 - Regular Meeting

Subject

Adoption of Resolution R-25-098 updating and amending the Phosphate Mining Fee Schedule revising fees for processing phosphate mining applications and annual reports and adding four fees for out-of-county mining-related activities pursuant to Chapter 2-20-9 of the Manatee County Code of Ordinances, Alissa Powers, Environmental Protection Division Manager

Category

ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Alissa Powers, Environmental Protection Division Manager, Natural Resources Department, Extension 1892

Scott Browning, Environmental Program Manager, Natural Resources Department, Extension 1874

Action Requested

Move to adopt Resolution R-25-098, amending the phosphate mining fee schedule.

Enabling/Regulating Authority

Chapter 125, Florida Statutes, County Government

Chapter 2-20, the Manatee County Phosphate Mining Code

Applicable Advisory Board

N/A

Background Discussion

Manatee County incurs costs for miscellaneous services provided by Natural Resources Department staff, including issuing of permits, review of annual reports, evaluating plans for compliance with permits, and other activities related to the implementation of the Phosphate Mining Code (Chapter 2-20, Manatee County Code of Ordinances). The Board of County Commissioners is authorized to set fees according to Chapter 2-20-9 of the Manatee County Phosphate Mining Code.

Natural Resources contracted an outside firm to conduct a fee study of labor and expenses associated with the implementation of the Phosphate Mining Code. Based on the study results, Natural Resources is recommending updating the existing fee schedule (Resolution R-17-93) by increasing current fees and adding four (4) new fees for oversight

of out-of-county ore processing activities. The proposed fee schedule represents significant across-the-board increases due in part to labor and indirect costs increases for application and report reviews as shown on Mining Revenue - Typical Year chart. New out-of-county oversight fees will replace the existing annual out-of-county flat fee, in part due to the complexity of out-of-county ore processing within Manatee County, the expense of which is not offset by phosphate severance fees. New fees equate to approximately \$30,000 in revenue. The new fees address regulatory oversight of out-of-county ore processing and are based on the acreages in Manatee County associated with these activities. These fees are calculated based on labor and indirect costs associated with the oversight tasks.

Attorney Review

Formal Written Review (Opinion memo must be attached) Welch

Instructions to Board Records

Please provide copy of approved agenda package to Scott Browning at scott.browning@mymanatee.org and Vicki Hommel at vicki.hommel@mymanatee.org

Distributed 8/1/25, RT

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



Natural Resources: Phosphate Mining Fee Study Final Report of Findings

County of Manatee, FL

MAY 7, 2025

MGT.us

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Executive Summary

Introduction

MGT is pleased to present the County of Manatee (County) with this summary of findings for the recently completed fee study.

The County contracted with MGT to perform a Phosphate Mining fee study using fiscal year 2024 budgeted expenditures, staffing costs, and operational information. The County's current fees represent the fees being charged at the beginning of this study.

This report is the culmination of an extensive study conducted by MGT in collaboration with the County's management and staff. MGT would like to take this opportunity to gratefully acknowledge all management and staff who participated in this project for their efforts and coordination.

Study Scope and Objectives

The study included a review of fee-for-service activities within the following departments:

- ◆ Natural Resources: Phosphate Mining

The primary goals of the study were to:

- ◆ Determine the County's costs to provide specific fee-related services.
- ◆ Determine whether there are any opportunities to implement new fees.
- ◆ Identify service areas where the County might adjust fees to better reflect the full cost of services or to subsidize fees with general fund revenue to reflect other economic or policy considerations.
- ◆ Develop fiscal projections based on recommended increases (or decreases) to fees.

The information summarized in this report addresses each of these issues and provides the County with the tools necessary to make informed decisions about any proposed fee adjustments and the resulting impact on restricted and general fund revenues.

Summary of Findings

User Fee Financial Overview

The study's primary objective was to provide the County's decision-makers with the basic data needed to make informed pricing decisions. This report details the full cost of services and presents recommended proposed fees and fiscal projections based on recommended cost recovery levels. Recommendations are based on careful consideration of the results of the cost analysis, historical cost recovery levels, and market comparisons.

The chart below shows the annualized costs and revenues for the County's user fees that were part of this analysis. It is difficult to predict future revenues due to the fluctuation in the volumes and economic conditions. MGT based the annual cost on the individual full cost for each fee analyzed multiplied by the annual volume statistics.

County of Manatee
User Fee Cost & Revenue Analysis
FY 2023-2024

User Fee Department	Current					Recommended			
	(A) Full Cost User Fee Services	(B) Current Revenue		(C) Current Subsidy		(D) Cost Recovery Policy		(E) Increased Revenue	(F) % Increase
Natural Resources - Phosphate Mining	\$ 148,915	\$ 36,400	24%	\$ 112,515	76%	\$ 148,915	100%	\$ 112,515	309%
Totals:	\$ 148,915	\$ 36,400	24%	\$ 112,515	76%	\$ 148,915	100%	\$ 112,515	309%

- ◆ **Column A, User Fee Costs** – This column represents what the full cost to the County is for each of the departments to provide annual user fee services based on the annual volume statistics. In total, this study evaluated \$148,915 in costs to provide user fee services. It is this amount that was the focus of this study and represents the total potential for user fee-related revenues for the County.
- ◆ **Column B, Current Revenues** – This column represents what the County is currently recovering in revenue for these same services based on the annual volume statistics. Based on current fee recovery levels, the County receives fee-related cost recovery in the amount equal to \$36,400 and is experiencing an overall 24% cost recovery level.
- ◆ **Column C, Current Subsidy** – Current fee levels recover 24% of full cost, leaving 76%, or \$112,515, to be funded by other sources. This subsidy represents an opportunity for an updated and more focused cost recovery effort by the County for fee-related services.
- ◆ **Column D, Recommended Recovery** – It is estimated that adoption of the recommended fees would increase cost recovery to \$148,915. This would bring the overall cost recovery level up to 100%. This number can be optimized based on the desired % recovery.
- ◆ **Columns E & F, Increased Revenue and Percentage Increase** – Assuming activity levels remain relatively static, approximately \$112,515 in additional cost recovery could be received by the County. This would represent a 309% increase (roughly 3x) over the amounts currently being collected for these activities by the County on an annualized basis.

Methodology

A cost-of-service study is comprised of two basic elements:

- ◆ Hourly rates of staff providing the service.
- ◆ Time spent providing the service.

The product of the hourly rate calculation multiplied by the time spent yields the cost of providing the service.

Hourly Rates

The hourly rate methodology used in this study builds indirect costs into County staff hourly salary and benefit rates to arrive at fully burdened hourly rates. Fully burdened hourly rates are a mechanism used to calculate the total cost of providing services. Total cost is generally recognized as the sum of the direct cost together with a proportionate share of allowable indirect costs. The proper identification of all costs (including labor, operating expense, department

administration and Countywide support) as “direct” or “indirect” is crucial to the determination of the total cost of providing services.

Direct costs are typically defined as those that can be identified specifically to a particular function or activity, including the labor of persons working directly on the specific service for which the fee is charged, and possibly materials or supplies those people use for the task.

Indirect costs are those that support more than one program area and are not easily identifiable to specific activities. Examples of indirect costs are: 1) departmental administrative and support staff, 2) training and education time, 3) public counter and telephone time, 4) some service and supply costs, and 5) Countywide overhead costs from outside of the department as identified in the County’s cost allocation plan.

The fully burdened hourly rates used in this study were developed by applying a departmental overhead rate that applies a percentage of the department’s indirect personnel and operating cost to staff that work directly on fee-related services; and a Countywide overhead rate that applies a percentage of the County’s central support services cost to the same staff.

Time Spent

The next step in the process was to identify staff time spent directly on each of the user fee activities. Each staff person involved in the user fee services identified time spent to complete each task associated with all user fee services. Annual volume statistics were also gathered in order to develop total annual workload information. This information is provided in detailed user fee workbooks which were provided to the County upon completion of the study.

Fee Calculations and Revenue Projections

Given this information, MGT was able to calculate the cost of providing each service, both on a per-unit and total annual basis (per-unit cost multiplied by annual volume equals total annual cost). As mentioned above, costs were calculated by multiplying per-unit time estimates by the hourly labor rates; additional operating expenses directly associated with certain services were also added in. Finally, if other departments or divisions provided support into certain user fee activities, this time was accounted for and added into the analysis as a crossover support activity. Full costs are then compared to current fees/revenues collected, and subsidies (or over-recoveries) are identified.

Legal, Economic & Policy Considerations

Calculating the true cost of providing County services is a critical step in the process of establishing user fees and corresponding cost recovery levels. Although it is an important factor, other factors must also be given consideration. County decision makers must also consider the effects that establishing fees for services will have on the individuals purchasing those services, as well as the community.

The following legal, economic and policy issues help illustrate these considerations.

- ♦ **Legal Restrictions** – It should be noted that some fees may be capped by state law and may not change, regardless of any cost analysis performed. Florida laws permit user fees in certain cases. The laws expect pricing to recover costs, but not to make an intentional profit. This study included discussion of the County’s efforts for mining fees so that we could determine the break-even prices to recover costs.

- ◆ **Economic barriers** – It may be a desired policy to establish fees at a level that permits lower income groups to use services that they might not otherwise be able to afford.
- ◆ **Community benefit** – The Board of Supervisors may wish to subsidize some user fees in order to reflect policy considerations which supersede cost recovery. For example, many Community Services fees have very moderate cost recovery levels. Some programs are provided free of charge or for a minimal fee regardless of cost. Youth and senior programs tend to have the lowest recovery levels. Miscellaneous classes tend to have a moderate cost recovery level and adult sports programs typically have a higher cost recovery level.
- ◆ **Private benefit** – If a user fee primarily benefits the fee payer, we recommend the fee be set at, or close to, 100% full cost recovery. Development-related fees generally fall into this category; however, exceptions are sometimes made for services such as appeal fees or fees charged exclusively to residential applicants.
- ◆ **Service driver** – In conjunction with the third point above, the issue of who is the service recipient versus the service driver should also be considered.
- ◆ **Managing demand** – For those fees which are not subject to pure cost recovery limitations, other market considerations may inform recommended fee levels. Elasticity of demand is a factor in pricing certain County services; increasing the price of some services results in a reduction of demand for those services, and vice versa.
- ◆ **Competition** – Certain services, such as recreation classes, may be provided by neighboring communities or the private sector, and therefore demand for these services can be highly dependent on what else may be available at lower prices. Furthermore, if the County's fees are too low, demand enjoyed by private-sector competitors could be adversely affected.
- ◆ **Incentives** – Fees can be set low to encourage participation in a service, such as a youth sports program or the issuance of a water heater permit.
- ◆ **Severance Tax** – Severance taxes are one of the funding sources for this activity. It is not fair to charge a fee for an activity that is already funded by another revenue source. This schedule discounts activity costs by the amount of severance tax contribution. It applies to all activities, except for the Annual Oversight Out-of-County Phosphate Processing fees, for which Manatee County's severance taxes do not apply.

Analysis Highlights

The Natural Resources Department is responsible for regulating phosphate mining operations, in conjunction with a number of other functions. The Manatee County Phosphate Mining Department regulates local phosphate mining operations, overseeing over 17,000 acres of approved mining land. They ensure compliance with mining techniques like strip mining and dredging, and manage the beneficiation process to separate phosphate from other materials. They also uphold ordinances to protect property, water quality, and water quantity during and after mining activities.

MGT's analysis found the Mining division is currently recovering 24% of its total cost to provide fee-related services. Our analysis is showing that all fees assessed should be increased to better maximize cost recovery.

Below is a break-down of fees removed, fees added, and fees re-structured, as applicable:

Annual Progress Report (Out of County)

- *Removed and restructured into the four fees below*

Annual Oversight Out-of-County Phosphate Processing Base Fee (15% of Out-of-County Fees)

- *New Fee*

Annual Oversight Out-of-County Phosphate Processing - Site Inspection (per 50 ac)

- *New Fee*

Annual Oversight Out-of-County Phosphate Processing - Aerial Inspection (per 50 ac)

- *New Fee*

Annual Oversight Out-of-County Phosphate Processing - Report review (per 50 ac)

- *New Fee*

Recommendations

MGT recommends that the County build on its investment in this cost-of-service analysis by continuing to analyze its fees and charges, whether this is done by staff or outside consultants. Once the commitment is made to understand the full cost of providing services, it is important to review and update the analysis to keep pace with changes in service delivery, staffing changes, and demand levels.

Most agencies ask us at the conclusion of the study: how often should this type of study be undertaken? Our advice is to perform this detailed analysis at least every three but not more than five years, with minor adjustments in the non-study years (to keep pace with economic impacts). MGT recommends the County apply an inflation adjustment to fees annually, based on CPI or COLA, to keep pace with inflation. The industry best practice is to apply this index once per year as part of the County's annual budget process. This is particularly helpful once an agency has chosen to adopt a cost recovery policy – whether 100% of the cost or something less – in order to keep fees at the desired level.

MGT also recommends that our clients consider a phase-in approach to some fees where the increase necessary to reach the proposed recovery level is so high that a one-year implementation is cost prohibitive. To make gradual increases just simply multiply the annual cost column amount by the desired recovery percentage to arrive at the optimal fee amount for the service that is being updated.

Appendix A – User Fee Results

Manatee County
 Natural Resources Dept. - Phosphate Mining
 2024

Service Name	Fee Description	Annual Volume	Volume Billed	Current							Recommendations					
				Current Fee	Full Cost	Per Unit			Annual		Per Unit		Annual			
						Severance tax contribution	Cost minus severance tax	Cost Recovery %	Annual Cost	Annual Revenue	Annual Subsidy	Recommended Cost Recovery %	Dept Recommends	Annual Revenue 2	Increased Revenue	Recommended Subsidy
Master Mining Plan - Initial Application	Flat Fee	-	-	\$ 18,000	\$ 43,134	\$ 43,134	\$ 43,134	42%	\$ -	\$ -	\$ -	100%	\$ 43,134	\$ 0	\$ -	\$ -
Master Mining Plan - Significant Amendment	Flat Fee	1	1	\$ 10,000	\$ 40,299	\$ 20,199	\$ 20,199	50%	\$ 20,199	\$ 10,000	\$ 10,199	100%	\$ 20,199	\$ 20,199	\$ 10,199	\$ -
Master Mining Plan - Transfer of MMP	Flat Fee	1	1	\$ 5,000	\$ 27,926	\$ 13,963	\$ 13,963	36%	\$ 13,963	\$ 5,000	\$ 8,963	100%	\$ 13,963	\$ 13,963	\$ 8,963	\$ -
Master Mining Plan - Non Significant Amendment	Flat Fee	1	1	\$ 3,000	\$ 14,235	\$ 7,118	\$ 7,118	42%	\$ 7,118	\$ 3,000	\$ 4,118	100%	\$ 7,118	\$ 7,118	\$ 4,118	\$ -
Operating Permit - Initial Application	Flat Fee	1	1	\$ 2,500	\$ 18,682	\$ 9,341	\$ 9,341	27%	\$ 9,341	\$ 2,500	\$ 6,841	100%	\$ 9,341	\$ 9,341	\$ 6,841	\$ -
Operating Permit - Significant Amendment	Flat Fee	1	1	\$ 2,000	\$ 17,211	\$ 8,605	\$ 8,605	23%	\$ 8,605	\$ 2,000	\$ 6,605	100%	\$ 8,605	\$ 8,605	\$ 6,605	\$ -
Operating Permit - Transfer	Flat Fee	1	1	\$ 1,500	\$ 18,534	\$ 9,267	\$ 9,267	16%	\$ 9,267	\$ 1,500	\$ 7,767	100%	\$ 9,267	\$ 9,267	\$ 7,767	\$ -
Operating Permit - Non Significant Amendment	Flat Fee	1	1	\$ 1,000	\$ 8,504	\$ 4,252	\$ 4,252	24%	\$ 4,252	\$ 1,000	\$ 3,252	100%	\$ 4,252	\$ 4,252	\$ 3,252	\$ -
Annual Progress Report	Flat Fee	5	5	\$ 1,500	\$ 15,795	\$ 7,897	\$ 7,897	19%	\$ 39,487	\$ 7,500	\$ 31,987	100%	\$ 7,897	\$ 39,487	\$ 31,987	\$ -
Annual Progress Report (Out of County)	Remove	1	1	\$ 1,400	\$ -	\$ -	\$ -	0%	\$ -	\$ 1,400	\$ (1,400)	100%	\$ -	\$ 0	\$ (1,400)	\$ -
Annual Progress Report - Reclamation Release	Flat Fee	1	1	\$ 2,500	\$ 12,770	\$ 3,831	\$ 8,939	28%	\$ 8,939	\$ 2,500	\$ 6,439	100%	\$ 8,939	\$ 8,939	\$ 6,439	\$ -
Annual Oversight Out-of-County Phosphate Processing Base Fee (15% of Out-of-County Fees)	New Fee	-	-	15% of Site Inspection Fee												
Annual Oversight Out-of-County Phosphate Processing - Site Inspection (per 50 ac)	New Fee	30.0	-	\$ -	\$ 350	\$ 350	\$ 350	0%	\$ 10,501	\$ -	\$ 10,501	100%	\$ 350	\$ 10,501	\$ 10,501	\$ -
Annual Oversight Out-of-County Phosphate Processing - Aerial Inspection (per 50 ac)	New Fee	30.0	-	\$ -	\$ 175	\$ 175	\$ 175	0%	\$ 5,251	\$ -	\$ 5,251	100%	\$ 175	\$ 5,251	\$ 5,251	\$ -
Annual Oversight Out-of-County Phosphate Processing - Report review (per 50 ac)	New Fee	30.0	-	\$ -	\$ 400	\$ 400	\$ 400	0%	\$ 11,992	\$ -	\$ 11,992	100%	\$ 400	\$ 11,992	\$ 11,992	\$ -
Total User Fees									\$148,915	\$36,400	\$112,515			\$148,915	\$112,515	\$0
% of Full Cost										24%	76%			100%	309%	0%

Manatee County Mining Revenue - Typical Year

		Current Fee Revenue		New Fee Projected Revenue	
Service Name	Annual Volume	Per Unit	Extension	Per Unit	Extension
Operating Permit - Initial Application ¹	1	\$ 2,500	\$ 2,500	\$ 9,250	\$ 9,250
Operating Permit - Non Significant Amendment	1	\$ 1,000	\$ 1,000	\$ 4,000	\$ 4,000
Annual Progress Report	5	\$ 1,500	\$ 7,500	\$ 7,800	\$ 39,000
Annual Progress Report Out-of-County ²	1	\$ 1,400	\$ 1,400	\$ -	\$ -
Annual Out-of-County Oversight - Site Inspection (per 50 ac) ³	30	\$ -	\$ -	\$ 350	\$ 10,500
Annual Out-of-County Oversight - Aerial Inspection (per 50 ac) ³	30	\$ -	\$ -	\$ 170	\$ 5,100
Annual Out-of-County Oversight - Report Review (per 50 ac) ³	30	\$ -	\$ -	\$ 390	\$ 11,700
Annual Oversight Out-of-County Phosphate Processing (15% of OOC Base Fee) ³		\$ -	\$ -	\$ 4,095	\$ 4,095
			\$12,400		\$83,645

¹Operating permits are based on 5 year terms, so issuances are staggered depending on the mine (represented here as an "average" of one OP/year)

²Annual Progress Report Out-of-County Fee is being replaced by new fees based on acreage

³Annual costs associated with processing ore from outside of Manatee County (varies based on acreage).



RE: Phosphate Mining Fee Schedule; 2025 Update; RLS No. FY24/25-0395

From Kate Welch <kate.welch@mymanatee.org>

Date Tue 7/1/2025 10:35 AM

To Scott Browning <scott.browning@mymanatee.org>

Cc Alissa Powers <alissa.powers@mymanatee.org>; Alicia Stull <alicia.stull@mymanatee.org>; Christina Bowman <christina.bowman@mymanatee.org>

Hi Scott,

Sorry for the delay in getting back to you.

Three questions:

1. Did you have any issue creating Attachment A to the resolution from the consultant's study? I am guessing this was not a problem since it seems you reference this in your query regarding rounding down, below. I ask just to ensure the consultant has approved inclusion of the study in the resolution attachments.
2. On the fee schedule, does footnote 1 apply to all fees under the Master Mining Plan and Operating Permit sections or just Master Mining Plan? If the latter, you can remove the footnote next to Significant Amendment. Please take a look and clarify where footnote 1 applies.
3. Are all other fees beside Out-of-County Processing due or invoiced at permitting or when the application or amendment is submitted?

The updates you made look great. I think your idea about adding the explanation on why the fees differ from the study in the agenda memo is a wise move to provide clarity to the public on why these amounts differ. Alternatively, you could add a line at the top of Attachment B, under the effective date, stating recommendations from Attachment A have been rounded down to the nearest whole dollar, or something similar. Adding this note to Attachment B, rather than just to the agenda memo may be a good idea if you plan on posting or providing Attachment A and B together wherever they are housed to be referenced by mining companies.

Thank you,

Katherine "Kate" Welch
Assistant County Attorney
Manatee County Government
Office of the County Attorney
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205
kate.welch@mymanatee.org
Phone: 941-745-3750 Ext. 3759



From: Scott Browning <scott.browning@mymanatee.org>
Sent: Thursday, June 26, 2025 5:08 PM
To: Kate Welch <kate.welch@mymanatee.org>
Cc: Alissa Powers <alissa.powers@mymanatee.org>
Subject: Re: Phosphate Mining Fee Schedule; 2025 Update; RLS No. FY24/25-0395

[Resolution R-25-098 KHW 6-20-2025_clean.docx](#) [Schedule of Fees and Charges - clean.docx](#)

Good afternoon Kate,

Thank you for your review of the referenced fee schedule. We've incorporated your suggested changes in the attached version of the resolution & fee schedule. Please review and let me know if all comments - including the example calculation in the fee schedule - have been addressed satisfactorily.

One final question: The fees presented in the schedule differ slightly from the consultant's recommendations, only in that we rounded down to whole numbers from their calculations to ensure the final charged amounts did not exceed the actual cost to conduct the service. Can/should this clarification be added to the agenda memorandum?

Thanks,

Scott

Scott Browning

Environmental Program Manager, Mining Services

Manatee County Natural Resources Dept

Environmental Protection Division

1501 Dam Road, Bradenton, Florida 34212

O: 941.742.5980 x1874 M: 941.290.8030



From: Kate Welch <kate.welch@mymanatee.org>
Sent: Friday, June 20, 2025 11:01 AM
To: Scott Browning <scott.browning@mymanatee.org>; Alissa Powers <alissa.powers@mymanatee.org>
Cc: Pamela DAgostino <pamela.dagostino@mymanatee.org>; Bryan Parnell <bryan.parnell@mymanatee.org>; Charlie Hunsicker <charlie.hunsicker@mymanatee.org>; Alicia Stull <alicia.stull@mymanatee.org>; Christina Bowman <christina.bowman@mymanatee.org>
Subject: Phosphate Mining Fee Schedule; 2025 Update; RLS No. FY24/25-0395

Dear Scott and Alissa:

In this Request for Legal Services (RLS), you have asked the County Attorney's Office (CAO) to review a draft resolution (Resolution) adopting new and increased phosphate mining fees and to confirm that proposed new fees comply with the Manatee County Phosphate Mining Code (Code).

The following facts are relevant to my response:

1. The Code's schedule of fees and charges has not been updated since 2017 and does not allow the County to recoup the significant costs required to administer regulatory oversight of phosphate mining activities in the County, chiefly, the processing of material that originates outside of Manatee County.
2. The increased and supplemental proposed fees and charges are the result of a study on the labor and expenses associated with the County's administration of the Code by an outside consulting firm.
3. A copy of the study was not furnished with the RLS.
4. This RLS does not indicate any particular section of the Code that you are concerned may be in conflict with the proposed fees and charges.

I provide the following advice in response to this RLS:

1. Attached are redlined copies of the Resolution and proposed schedule of fees and charges which contain my comments and recommended changes.

2. While the CAO is unable to confirm that the proposed new fees and charges comply with the Code as doing so is a mixed question of fact and law, the CAO has no legal objection to the form of the schedule of fees and charges. Should either County staff or the County's fee study consultant identify any areas of concern relative to conflicts between the proposed schedule of fees and charges and the Code, we recommend that a call be scheduled so that those concerns can be specifically identified and examined by the CAO.

3. Except as otherwise indicated, I have not reviewed or revised the Resolution or Attachment A (renamed as Attachment B) for thoroughness, accuracy, typographical errors, or ADA accessibility. I express no opinion as to the business judgment of amending the Phosphate Mining Fee Schedule or the validity of the study. Provided the clarifications identified in the attached are addressed consistently with my advice, I have no objection from a legal standpoint to this Resolution being presented to the Board for review and consideration.

This completes my response to your RLS. Please contact me if you have any questions or if I can be of further assistance.

Katherine "Kate" Welch

Assistant County Attorney

Manatee County Government

Office of the County Attorney

1112 Manatee Avenue West, Suite 969

Bradenton, Florida 34205

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Phone: 941-745-3750 Ext. 3759



MANATEE COUNTY GOVERNMENT

STATE OF FLORIDA

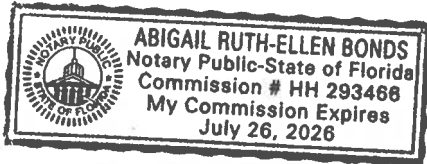
COUNTY OF MANATEE

Before the undersigned authority personally appeared Quantana Acevedo, who on oath says that she is a County Employee of Manatee County Government, Manatee County, Florida; that the attached copy of advertisement, being a public notice in the matters of Notice of Resolution R-25-098 for the Manatee County Board of County Commissioners Regular Meeting on July 29, 2025, in Manatee County Florida, was published on the publicly accessible website of Manatee County Government, Manatee County, Florida, of www.mymanatee.org on July 18, 2025.

Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

By: Quantana Acevedo
Quantana Acevedo
Planning and Zoning Tech III

Sworn to and subscribed before me this 18th day of July 2025, by Quantana Acevedo, who is personally known to me or who has produced (type of identification) as identification.



Abigail Bonds
(Signature of Notary Public)
Abigail Bonds
(Print Name of Notary Public)
Notary Public
(Title)

My Commission Expires: July 26, 2026
Commission Number: HH 293468

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66 of Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing in the Manatee County Government Administration Building Honorable Patricia M. Glass Chambers, First Floor, on July 29, 2025, at 9:00 a.m., or soon thereafter, to consider, act upon, enact or reject the following Resolution:

RESOLUTION NO. R-25-098

A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS, ESTABLISHING A REVISED FEE SCHEDULE FOR PHOSPHATE MINING RELATED ACTIVITIES; MAKING CERTAIN FINDINGS; ESTABLISHING AN IMPLEMENTATION DATE; REPEALING AND SUPERSEDING CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear and be heard at the meeting with respect to the proposed Resolution and related Ordinance. Pursuant to Section 286.0105 of Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he or she will need a record of the proceedings and for such purpose, she or he may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Resolution and related Ordinance are available for public inspection at the offices of the Manatee County Natural Resources Department, 1501 Dam Road, Bradenton, FL 34212, during regular business hours. A reasonable charge may be made for the provision of copies.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act (ADA), should contact Carmine DeMilio at (941) 792-8784 Ext. 8203 or carmine.demilio@mymanatee.org.

Date Published: July 18, 2025