

By Representative Villalobos

1 A bill to be entitled
2 An act relating to limerock mining; creating s.
3 373.4139, F.S.; providing for mitigation for
4 mining activities within certain areas; levying
5 a fee; providing for collection and disposition
6 of such fee; providing duties of the Department
7 of Revenue; providing for adjustment of the
8 fee; specifying uses of fee proceeds; amending
9 s. 373.4149, F.S.; revising provisions relating
10 to the Northwest Dade County Freshwater Lake
11 Plan to apply to the Dade County Lake Belt
12 Plan; providing legislative findings; defining
13 the Dade County Lake Belt Area; providing for a
14 Dade County Lake Belt Plan Implementation
15 Committee; providing for membership; providing
16 duties of the committee; requiring reports;
17 authorizing certain state agencies to enter
18 into agreements to accomplish certain purposes;
19 requiring state agencies to review certain land
20 holdings for certain purposes; deleting a
21 future repeal; creating s. 373.4415, F.S.;
22 providing for delegation by the Department of
23 Environmental Protection to Dade County certain
24 permit program functions and responsibilities
25 for limerock mining in the Dade County Lake
26 Belt Area; creating s. 378.4115, F.S.;
27 providing for certification by the department
28 for Dade County to implement certain
29 reclamation program functions and
30 responsibilities for the Dade County Lake Belt
31 Area; providing an effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Section 373.4139, Florida Statutes, is
4 created to read:

5 373.4139 Mitigation for mining activities within the
6 Dade County Lake Belt.--

7 (1) To provide for the mitigation of wetland resources
8 lost to mining activities within the Dade County Lake Belt, a
9 fee on each ton of limerock and sand is imposed on any person
10 engaging in the business of extracting limerock or sand from
11 within the Dade County Lake Belt. Beginning January 1, 1998,
12 and thereafter, such fee shall be imposed at the rate of \$___
13 for each ton of limerock and sand sold, in their raw or
14 processed forms, from within the Dade County Lake Belt. The
15 fee imposed under this section shall be stated separately on
16 the invoice to the purchaser. The fee imposed shall be paid
17 to the Department of Revenue on or before the 20th day of the
18 month following the calendar month in which the sale occurs.
19 Such fee shall be subject to all applicable taxes imposed in
20 part I of chapter 212.

21 (2) The fee imposed by this section shall be reported
22 to the Department of Revenue. The payment shall be
23 accompanied by such form as the Department of Revenue may
24 prescribe. The proceeds of the fee, less administrative
25 costs, shall be transferred by the Department of Revenue into
26 the Mitigation Trust Fund administered by the Dade County
27 Department of Environmental Resource Management. For purposes
28 of this section, "proceeds of the fee" means all funds
29 collected and received by the Department of Revenue under this
30 section, including interest and penalties on delinquent fees.
31 The amount deducted for the costs of administration shall not

1 exceed 3 percent of the total revenues collected under this
2 section and shall be only those reasonably attributable to the
3 fee.

4 (3)(a) The Department of Revenue shall administer,
5 collect, and enforce the fee authorized under this section
6 pursuant to the same procedures used in the administration,
7 collection, and enforcement of the general sales tax imposed
8 under chapter 212, except as provided in this section. The
9 provisions of this section regarding the authority to audit
10 and make assessments, keeping of books and records, and
11 interest and penalties on delinquent fees shall apply. The
12 fee shall not be included in the computation of estimated
13 taxes pursuant to s. 212.11 nor shall the dealer's credit for
14 collecting taxes or fees in s. 212.12 apply to this fee.

15 (b) The Department of Revenue is authorized to employ
16 persons and incur other expenses for which funds are
17 appropriated by the Legislature. The department may adopt
18 such rules and shall prescribe and publish such forms as may
19 be necessary to effectuate the purposes of this section. The
20 department is authorized to establish audit procedures and to
21 assess delinquent fees.

22 (4) Each July 1, beginning in 1999, the fee per ton
23 shall be adjusted by the percentage change in the average of
24 the Consumer Price Index issued by the United States
25 Department of Labor for the most recent 12-month period ending
26 September 30, compared to the base year average, which is the
27 average for the 12-month period ending September 30, 1997.

28 (5)(a) Moneys collected from the fee shall be used to
29 conduct mitigation activities appropriate to offset the fish
30 and wildlife habitat impacts resulting from mining activities
31 in the Dade County Lake Belt and consistent with the

1 recommendations contained in the reports submitted to the
2 Legislature by the Dade County Lake Belt Plan Implementation
3 Committee pursuant to s. 373.4149. Such mitigation may
4 include purchase, enhancement, restoration, and management of
5 wetlands and uplands and may also include structural
6 modifications to the existing drainage system that enhance the
7 hydrology of the Dade County Lake Belt Area. Mitigation for
8 rock mining in the Dade County Lake Belt should occur within
9 the Pennsuco wetlands, the Northwest Bird Drive Basin, or
10 other areas in the Dade County Lake Belt or in Dade County,
11 including mitigation banks. Funds may also be used to
12 reimburse other funding sources, including Save Our Rivers and
13 the Internal Improvement Trust Fund, for those lands which
14 were acquired in areas appropriate for rock mining mitigation
15 and to reimburse those governmental agencies which exchanged
16 land pursuant to s. 373.4149 for rock mining mitigation.

17 (b) Expenditures from the fund must be approved by an
18 interagency committee consisting of a representative from the
19 Dade County Department of Environmental Resource Management,
20 the Department of Environmental Protection, the South Florida
21 Water Management District, and the Game and Fresh Water Fish
22 Commission. Additional members to the committee, representing
23 federal regulatory, environmental and fish and wildlife
24 agencies, may be added at the discretion of the committee.

25 (6) Payment of the fee imposed by this section shall
26 serve to satisfy the mitigation requirements for the loss of
27 fish and wildlife habitat imposed under ss. 373.403-373.439
28 and any applicable county ordinance. Nothing in this section
29 shall be construed to limit the ability of the department or
30 the Dade County Department of Environmental Resource
31 Management to deny a permit for mining in the Dade County Lake

1 Belt under ss. 373.403-373.439 or applicable county ordinances
2 for reasons other than sufficient mitigation for fish and
3 wildlife habitat.

4 Section 2. Section 373.4149, Florida Statutes, is
5 amended to read:

6 373.4149 ~~Northwest~~ Dade County ~~Freshwater~~ Lake Belt
7 Plan.--

8 (1)(a) The Legislature recognizes that deposits of
9 limestone and sand suitable for production of construction
10 aggregates, cement, and road base materials are located in
11 limited areas of the state.

12 (b) The Legislature recognizes that the deposit of
13 limestone available in South Florida is limited due to
14 urbanization to the east and the Everglades to the west.

15 (c) The Legislature finds that environmental
16 mitigation for the impact of mining limerock within the Dade
17 County Lake Belt can be more effectively achieved by regional,
18 long-range, mitigation planning rather than on a project by
19 project basis. It is the intent of the Legislature that
20 mitigation to offset the adverse effects of this mining be
21 funded by the rock mining industry and be carried out by Dade
22 County in coordination with appropriate permitting agencies.
23 Mitigation for rock mining in the Dade County Lake Belt should
24 occur within the Pennsuco wetlands, the Northwest Bird Drive
25 Basin, or other areas in the Dade County Lake Belt or in Dade
26 County, including mitigation banks.

27 (2) The Dade County Lake Belt Area is that area ~~The~~
28 ~~Legislature recognizes that the deposit of limestone available~~
29 ~~in South Florida is limited due to urbanization to the east~~
30 ~~and the Everglades to the west, and that the area generally~~
31 bounded by the Florida Turnpike to the east, the Dade-Broward

1 County line to the north, Krome Avenue to the west and Tamiami
2 Trail to the south together with the land south of Tamiami
3 Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South,
4 Range 39 East, and to section 11, 12, 13, 14, 23, 24, 25, 26,
5 35, and 36, Township 54 South, Range 38 East ~~is one of the few~~
6 ~~remaining high-quality deposits in the state available for~~
7 ~~recovery of limestone, and that the Dade County 1985 Northwest~~
8 ~~Wellfield Protection Plan encourages limestone quarrying~~
9 ~~activity in lieu of urban development in this area.~~

10 (3) The ~~Northwest~~ Dade County ~~Freshwater~~ Lake Belt
11 Plan Implementation Committee shall be appointed by the
12 governing board of the South Florida Water Management District
13 to develop a strategy for the design and implementation of the
14 ~~Northwest~~ Dade County ~~Freshwater~~ Lake Belt Plan. The committee
15 shall consist ~~be comprised of 13 members and 2 ex officio~~
16 ~~members, consisting~~ of the chair of the governing board ~~or his~~
17 ~~or her designee~~ of the South Florida Water Management
18 District, who shall serve as chair of the committee, the
19 policy director of Environmental and Growth Management in the
20 Office of the Governor, the secretary ~~or the secretary's~~
21 ~~designee~~ of the Department of Environmental Protection, the
22 director of the Division of Resource Management or its
23 successor division within the Department of Environmental
24 Protection, the director of the Office of Tourism Trade, and
25 Economic Development of the Office of the Governor ~~the~~
26 ~~secretary or the secretary's designee of the Department of~~
27 ~~Commerce, the secretary or the secretary's designee of the~~
28 Department of Community Affairs, the executive director of the
29 Game and Fresh Water Fish Commission, the director of the
30 Department of Environmental Resource Management of Dade
31 County, the Director of Planning in Dade County, a

1 representative of the Friends of the Everglades, a
2 representative of the Florida Audubon Society, a
3 representative of the Florida chapter of the Sierra Club, a
4 representative of the nonmining private landowners within the
5 Dade County Lake Belt Area, and four representatives from the
6 limestone mining industry to be appointed by the governing
7 board of the South Florida Water Management District. There
8 shall be ~~The~~ two ex officio seats on the committee which shall
9 ~~will~~ be filled by one member of the Florida House of
10 Representatives to be selected by the Speaker of the House of
11 Representatives from among representatives whose districts, or
12 some portion of whose districts, are included within the
13 geographical scope of the committee as described in subsection
14 (2), and one member of the Florida Senate to be selected by
15 the President of the Senate from among senators whose
16 districts, or some portion of whose districts, are included
17 within the geographical scope of the committee as described in
18 subsection (2). The committee shall have the authority to
19 appoint other ex officio members, as needed, by a majority
20 vote of all committee members. A committee member shall have
21 the authority to designate in writing an alternate member, who
22 in their absence may participate and vote in the meetings of
23 the committee.

24 (4) The committee shall develop a plan which:

25 (a) Enhances the water supply for Dade County and the
26 Everglades;

27 (b) Maximizes efficient recovery of limestone while
28 promoting the social and economic welfare of the community and
29 protecting the environment; and

30 (c) Educates various groups and the general public of
31 the benefits of the plan.

1 (5) The committee shall remain in effect until January
2 1, 2001 ~~1999~~, and shall meet as deemed necessary by the chair.
3 The committee shall monitor and direct progress toward
4 developing and implementing the plan. ~~The committee shall~~
5 ~~submit progress reports to the governing board of the South~~
6 ~~Florida Water Management District and the Legislature by~~
7 ~~December 31, 1994, and by December 31, 1995. These reports~~
8 ~~shall include a summary of the activities of the committee,~~
9 ~~updates on all ongoing studies, any other relevant information~~
10 ~~gathered during the calendar year, and the committee~~
11 ~~recommendations for legislative and regulatory revisions.~~The
12 committee shall submit a Phase II final report and plan to the
13 governing board of the South Florida Water Management District
14 and the Legislature by December 31, 2001, to supplement the
15 Phase I report submitted on February 28, 1997 ~~1996~~. The Phase
16 II ~~This~~ report shall include a detailed master plan for the
17 Dade County Lake Belt Area together with the final reports on
18 all studies, the final recommendations of the committee, the
19 status of implementation of Phase I recommendations, ~~and~~ other
20 relevant information, and the committee's recommendation for
21 legislative and regulatory revisions.

22 (6) ~~After completion of the plan,~~The committee shall
23 ~~continue to assist in its implementation and shall report to~~
24 the governing board of the South Florida Water Management
25 District semiannually.

26 (7) In carrying out its work, the committee shall
27 solicit comments from scientific and economic advisors and
28 governmental, public, and private interests. The committee
29 shall provide meeting notes, reports, and the strategy
30 document in a timely manner for public comment.

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1 (8) The committee is authorized to seek from the
2 agencies or entities represented on the committee any grants
3 or funds necessary to enable it to carry out its charge.

4 ~~(9) The study area shall be extended to include land~~
5 ~~south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,~~
6 ~~Township 54 South, Range 39 East, and to section 11, 12, 13,~~
7 ~~14, 23, 24, 25, 26, 35, and 36, Township 54 South, Range 38~~
8 ~~East, all of which are located outside of Metro-Dade County's~~
9 ~~Current 2010 Urban Development Boundary Line. No additional~~
10 ~~biological studies shall be required, however, computer~~
11 ~~hydrologic modeling, land use, and water quality studies may~~
12 ~~be necessary in the extended study area.~~

13 (9)~~(10)~~ The Legislature directs the committee and the
14 Department of Environmental Protection to work with the United
15 States Environmental Protection Agency and the Miami Dade
16 Water and Sewer Authority Department to ensure that the
17 Northwest Wellfield will retain its groundwater source
18 classification for drinking water treatment standards. This
19 determination shall be made utilizing hydrologic modeling and
20 water quality studies. The committee shall seek funding for
21 this study.

22 (10)~~(11)~~ The Legislature directs the South Florida
23 Water Management District to oversee or carry out studies to
24 determine evapotranspiration rates for melaleuca forest and
25 prairie in the lakebelt area. Upon completion of the
26 evapotranspiration study, the South Florida Water Management
27 District shall incorporate study results as part of its
28 overall water supply planning process. The committee shall
29 seek funding for this study.

30 (11)~~(12)~~ The Secretary of Environmental Protection,
31 the Secretary of Community Affairs, the Secretary of

1 Transportation, the Commissioner of Agriculture, the executive
2 director of the Game and Freshwater Fish Commission, and the
3 executive director of the South Florida Water Management
4 District shall have the authority to enter into agreements
5 with landowners, developers, businesses, industries,
6 individuals, and governmental agencies as may be necessary to
7 effectuate the provisions of this section.~~The Legislature~~
8 ~~directs the Department of Commerce to oversee or carry out~~
9 ~~studies of the economic impact associated with the~~
10 ~~implementation of the Dade County Lake Belt Plan or any of its~~
11 ~~alternatives.~~

12 (12)(13)(a) All agencies of the state are directed to
13 review the status of their land holdings within the boundaries
14 of the Dade County Lake Belt. Those lands for which no
15 present or future use is identified shall be made available,
16 together with other suitable lands, to the committee for its
17 use in carrying out the objectives of this act.

18 (b) It is the intent of the Legislature that lands
19 provided to the committee be used for land exchanges to
20 further the objectives of this act or that agencies providing
21 lands to the committee be reimbursed the appraised value of
22 those lands from the mitigation funds generated pursuant to
23 this act.~~This section is repealed January 1, 1999.~~

24 Section 3. Section 373.4415, Florida Statutes, is
25 created to read:

26 373.4415 Role of Dade County in permit processing for
27 limerock mining within the geographic area of the Dade County
28 Lake Belt.--By October 1, 1997, the department and Dade County
29 shall coordinate to achieve a delegation from the department
30 to the Dade County Department of Environmental Resource
31 Management to implement the permitting program under ss.

1 373.403-373.439 for limerock mining activities within the
2 geographic area of the Dade County Lake Belt recommended for
3 mining in the February 1997 report submitted to the
4 Legislature by the Dade County Lake Belt Plan Implementation
5 Committee pursuant to s. 373.4149. Such delegation shall be
6 consistent with the provisions of s. 373.441 and chapter
7 62-344, Florida Administrative Code. To further streamline
8 permitting within the Dade County Lake Belt, the department
9 and Dade County are encouraged to work with the United States
10 Army Corps of Engineers to establish a general permit under s.
11 404 of the Clean Water Act for limerock mining activities
12 within the geographic area of the Dade County Lake Belt
13 consistent with the February 1997 Report. Dade County is
14 further encouraged to seek delegation from the United States
15 Army Corps of Engineers for the implementation of any such
16 general permit. Nothing in this section shall be construed to
17 limit the authority of the department to delegate other
18 responsibilities to Dade County pursuant to the provisions of
19 this part.

20 Section 4. Section 378.4115, Florida Statutes, is
21 created to read:

22 378.4115 Dade County certification for limerock mining
23 in the Dade County Lake Belt.--By October 1, 1997, the
24 department and Dade County shall coordinate to achieve a
25 certification from the department to the Dade County
26 Department of Environmental Resource Management to implement
27 the reclamation program under ss. 378.401-378.503 for limerock
28 mining activities within the geographic area of the Dade
29 County Lake Belt recommended for mining in the February 1997
30 report submitted to the Legislature by the Dade County Lake
31 Belt Plan Implementation Committee pursuant to s. 373.4149.

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1 Such delegation shall be consistent with the provisions of s.
2 378.411 and chapter 62C-36, Florida Administrative Code.

3 Section 5. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

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8 Renames the Northwest Dade County Freshwater Lake Plan
9 the Dade County Lake Belt Plan, specifies the Dade County
10 Lake Belt Area, creates the Dade County Lake Belt Plan
11 Implementation Committee, and provides duties of the
12 committee. Provides for Dade County to assume program
13 functions and responsibilities for the Dade County Lake
14 Belt Area for limerock mining permitting, mitigation, and
15 reclamation. Imposes a fee upon extractions of limerock
16 and sand from the Dade County Lake Belt Area, to be
17 collected and administered by the Department of Revenue
18 for use in mitigating the effects of limerock mining in
19 the Dade County Lake Belt Area. See bill for details.

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