

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on General Government Appropriations offered the
12 following:

14 **Amendment to Amendment (613173)**

15 On page 1, line 18, through page 7, line 23
16 remove from the amendment: all of said lines

17
18 and insert in lieu thereof:

19 Section 2. Section 373.4139, Florida Statutes, is
20 created to read:

21 373.4139 Dade County Lake Belt Mitigation Plan;
22 mitigation for mining activities within the Dade County Lake
23 Belt.--

24 (1) The Legislature finds that the impact of mining
25 within the Dade County Lake Belt Area can best be offset by a
26 mitigation plan that is designated the "Lake Belt Mitigation
27 Plan." The per-ton mitigation fee assessed on limestone sold
28 from the Dade County Lake Belt Area shall be used for
29 acquiring environmentally sensitive lands and for restoration,
30 maintenance, and other environmental purposes. Further, the
31 Legislature finds that the public benefit of a sustainable

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1 supply of limestone construction materials for public and
2 private projects requires a coordinated approach to permitting
3 activities on wetlands within the Dade County Lake Belt in
4 order to provide the certainty necessary to encourage
5 substantial and continued investment in the limestone
6 processing plant and equipment required to efficiently extract
7 the limestone resource. It is the intent of the Legislature
8 that the Lake Belt Mitigation Plan satisfy all local, state,
9 and federal requirements for mining activity with the Dade
10 County Lake Belt Area.

11 (2) To provide for the mitigation of wetland resources
12 lost to mining activities within the Dade County Lake Belt
13 Area, effective October 1, 1998, a mitigation fee is imposed
14 on each ton of limerock and sand extracted by any person who
15 engages in the business of extracting limerock or sand from
16 within the Dade County Lake Belt Area. The mitigation fee
17 shall be at the initial rate of 5 cents for each ton of
18 limerock and sand sold from within the Dade County Lake Belt
19 Area in raw, processed, or manufactured form, including, but
20 not limited to, sized aggregate, asphalt, cement, concrete,
21 and other limerock and concrete products. Any limerock or
22 sand that is used within the mine from which the limerock or
23 sand is extracted is exempt from the mitigation fee. The
24 amount of the mitigation fee imposed under this section must
25 be stated separately on the invoice provided to the purchaser
26 of the limerock product from the limerock miner, or its
27 subsidiary or affiliate, for which the mitigation fee applies.
28 The limerock miner, or its subsidiary or affiliate, who sells
29 the limerock product shall collect the mitigation fee and
30 forward the proceeds to the Department of Revenue on or before
31 the 20th day of the month following the calendar month in

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1 which the sale occurs.

2 (3) The mitigation fee imposed by this section must be
3 reported to the Department of Revenue. Payment of the
4 mitigation fee must be accompanied by a form prescribed by the
5 Department of Revenue. The proceeds of the mitigation fee,
6 less administrative costs, must be transferred by the
7 Department of Revenue to the South Florida Water Management
8 District and deposited into the Lake Belt Mitigation Trust
9 Fund. As used in this section, the term "proceeds of the
10 mitigation fee" means all funds collected and received by the
11 Department of Revenue under this section, including interest
12 and penalties on delinquent mitigation fees. The amount
13 deducted for administrative costs may not exceed 3 percent of
14 the total revenues collected under this section and may equal
15 only those administrative costs reasonably attributable to the
16 mitigation fee.

17 (4)(a) The Department of Revenue shall administer,
18 collect, and enforce the mitigation fee authorized under this
19 section in accordance with the procedures used to administer,
20 collect, and enforce the general sales tax imposed under
21 chapter 212. The provisions of chapter 212 with respect to
22 the authority of the Department of Revenue for auditing and
23 making assessments, the keeping of books and records, and the
24 interest and penalties imposed on delinquent mitigation fees
25 apply to this section. The mitigation fee may not be included
26 in computing estimated taxes under s. 212.11 and the dealer's
27 credit for collecting taxes or fees provided for in s. 212.12
28 does not apply to the mitigation fee imposed by this section.

29 (b) In administering this section, the Department of
30 Revenue may employ persons and incur expenses for which funds
31 are appropriated by the Legislature. The Department of

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1 Revenue shall adopt rules and prescribe and publish forms
2 necessary to administer this section. The Department of
3 Revenue shall establish audit procedures and may assess
4 delinquent fees.

5 (5) Beginning January 1, 2000, and each January 1,
6 thereafter, the per-ton mitigation fee shall be increased by
7 1.9 percentage points plus a cost growth index. The cost
8 growth index shall be the percentage change in the weighted
9 average of the Employment Cost Index For All Civilian Workers
10 (ecu 10001I) issued by the United States Department of Labor
11 for the most recent 12-month period ending on September 30,
12 and the percentage change in the Producer Price Index For All
13 Commodities (WPU 00000000), issued by the United States
14 Department of Labor for the most recent 12-month period ending
15 on September 30, compared to the weighted average of these
16 indices for the previous year. The weighted average shall be
17 calculated as 0.6 times the percentage change in the
18 Employment Cost Index For All Civilian Workers (ecu 10001I)
19 plus 0.4 times the percentage change in the Producer Price
20 Index For All Commodities (WPU 00000000). If either index is
21 discontinued, it shall be replaced by its successor index as
22 identified by the United States Department of Labor.

23 (6)(a) The proceeds of the mitigation fee must be used
24 to conduct mitigation activities that are appropriate to
25 offset the loss of the value and functions of wetlands as a
26 result of mining activities in the Dade County Lake Belt Area
27 and must be used in a manner consistent with the
28 recommendations contained in the reports submitted to the
29 Legislature by the Dade County Lake Belt Plan Implementation
30 Committee and adopted under s. 373.4149. Such mitigation may
31 include the purchase, enhancement, restoration, and management

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1 of wetlands and uplands, the purchase of mitigation credit
2 from a permitted mitigation bank, and any structural
3 modifications to the existing drainage system to enhance the
4 hydrology of the Dade County Lake Belt Area. Funds may also
5 be used to reimburse other funding sources, including the Save
6 Our Rivers Land Acquisition program and the Internal
7 Improvement Trust Fund, for the purchase of lands that were
8 acquired in areas appropriate for mitigation due to rock
9 mining and to reimburse governmental agencies that exchanged
10 land under s. 373.4149 for mitigation due to rock mining.

11 (b) Expenditures must be approved by an interagency
12 committee that consists of a representative from each of the
13 following: the Miami-Dade County Department of Environmental
14 Resource Management, the Department of Environmental
15 Protection, the South Florida Water Management District, and
16 the Game and Fresh Water Fish Commission. In addition, the
17 limerock mining industry shall select a representative to
18 serve as a nonvoting member of the interagency committee. At
19 the discretion of the committee, additional members may be
20 added to represent federal regulatory, environmental, and fish
21 and wildlife agencies.

22 (7) Payment of the mitigation fee imposed by this
23 section satisfies the mitigation requirements imposed under
24 ss. 373.403-373.439 and any applicable county ordinance for
25 loss of the value and functions of the wetlands mined. In
26 addition, it is the intent of the Legislature that the payment
27 of the mitigation fee imposed by this section satisfy all
28 federal mitigation requirements for the wetlands mined.

29 (8) If a general permit by the United States Army
30 Corps of Engineers, or an appropriate long-term permit for
31 mining consistent with the Dade County Lake Belt Plan, this

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1 section, and ss. 378.4115, 373.4149, and 373.4415, is not
2 issued on or before September 30, 2000, the mitigation fee
3 imposed by this section is suspended until reenacted by the
4 Legislature.

5 (9)(a) The interagency committee established pursuant
6 to this section shall, on an annual basis, prepare and submit
7 to the governing board of the South Florida Water Management
8 District a report evaluating the mitigation costs and revenues
9 generated by the mitigation fee.

10 (b) No sooner than January 31, 2010, and no more
11 frequently than every 10 years thereafter, the interagency
12 committee shall submit to the Legislature a report
13 recommending any needed adjustments to the mitigation fee to
14 ensure that the revenue generated reflects the actual costs of
15 the mitigation.

16 Section 3. Subsection (10) of section 373.4149,
17 Florida Statutes, is hereby repealed and subsections (5) and
18 (6) of said section are amended to read:

19 373.4149 Dade County Lake Belt Plan.--

20 (5) The committee shall develop Phase II of the Lake
21 Belt Plan which shall:

22 (a) Include a detailed master plan to further
23 implementation;

24 (b) Further address compatible land uses,
25 opportunities, and potential conflicts;

26 (c) Provide for additional wellfield protection;

27 (d) Provide measures to prevent the reclassification
28 of the Northwest Dade County wells as groundwater under the
29 direct influence of surface water; ~~and~~

30 (e) Secure additional funding sources; ~~and~~

31 (f) Consider the need to establish a land authority;

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1 and-

2 (g) Analyze the hydrological impacts resulting from
3 the future mining included in the Lake Belt Plan and recommend
4 appropriate mitigation measures, if needed, to be incorporated
5 into the Lake Belt Mitigation Plan.

6 (6) The committee shall remain in effect until January
7 1, 2002 ~~2001~~, and shall meet as deemed necessary by the chair.
8 The committee shall monitor and direct progress toward
9 developing and implementing the plan. The committee shall
10 submit progress reports to the governing board of the South
11 Florida Water Management District and the Legislature by
12 December 31 of each year. These reports shall include a
13 summary of the activities of the committee, updates on all
14 ongoing studies, any other relevant information gathered
15 during the calendar year, and the committee recommendations
16 for legislative and regulatory revisions. The committee shall
17 submit a Phase II report and plan to the governing board of
18 the South Florida Water Management District and the
19 Legislature by December 31, 2000, to supplement the Phase I
20 report submitted on February 28, 1997. The Phase II report
21 must include the detailed master plan for the Dade County Lake
22 Belt Area together with the final reports on all studies, the
23 final recommendations of the committee, the status of
24 implementation of Phase I recommendations and other relevant
25 information, and the committee's recommendation for
26 legislative and regulatory revisions.

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