

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

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

The Committee on Environmental Protection offered the following:

Amendment (with title amendment)

On page 10, between lines 6 and 7

insert:

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

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

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

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

10 (2) To provide for the mitigation of wetland resources
11 lost to mining activities within the Dade County Lake Belt
12 Area, effective October 1, 1998, a mitigation fee is imposed
13 on each ton of limerock and sand extracted by any person who
14 engages in the business of extracting limerock or sand from
15 within the Dade County Lake Belt Area. The mitigation fee
16 shall be at the initial rate of 5.00 cents for each ton of
17 limerock and sand sold from within the Dade County Lake Belt
18 Area in raw, processed, or manufactured form, including but
19 not limited to, sized aggregate, asphalt, cement, concrete,
20 and other limerock and concrete products. Any limerock or
21 sand that is used within the mine from which the limerock or
22 sand is extracted is exempt from the mitigation fee. The
23 amount of the mitigation fee imposed under this section must
24 be stated separately on the invoice provided to the purchaser.
25 The proceeds of the mitigation fee must be paid to the
26 Department of Revenue on or before the 20th day of the month
27 following the calendar month in which the sale occurs.

28 (3) The mitigation fee imposed by this section must be
29 reported to the Department of Revenue. Payment of the
30 mitigation fee must be accompanied by a form prescribed by the
31 Department of Revenue. The proceeds of the mitigation fee,

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1 less administrative costs, must be transferred by the
2 Department of Revenue to the South Florida Water Management
3 District and deposited into an interest-bearing account to be
4 maintained separately and not commingled with other funds. As
5 used in this section, the term "proceeds of the mitigation
6 fee" means all funds collected and received by the Department
7 of Revenue under this section, including interest and
8 penalties on delinquent mitigation fees. The amount deducted
9 for administrative costs may not exceed 3 percent of the total
10 revenues collected under this section and may equal only those
11 administrative costs reasonably attributable to the mitigation
12 fee.

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

25 (b) In administering this section, the Department of
26 Revenue may employ persons and incur expenses for which funds
27 are appropriated by the Legislature. The Department of
28 Revenue shall adopt rules and prescribe and publish forms
29 necessary to administer this section. The Department of
30 Revenue shall establish audit procedures and may assess
31 delinquent fees.

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1 (5) Beginning January 1, 2000, and each January 1,
2 thereafter, the per-ton mitigation fee shall be increased by
3 1.87 percentage points plus a cost growth index. The cost
4 growth index shall be the percentage change in the weighted
5 average of the Employment Cost Index For All Civilian Workers
6 (ecu 10001I) issued by the United States Department of Labor
7 for the most recent 12-month period ending on September 30,
8 and the percentage change in the Producer's Price Index For
9 All Commodities (WPU 00000000), issued by the United States
10 Department of Labor for the most recent 12-month period ending
11 on September 30, compared to the weighted average of these
12 indices for the previous year. The weighted average shall be
13 calculated as 0.6 times the percentage change in the
14 Employment Costs Index For All Civilian Workers (ecu 10001I)
15 plus 0.4 times the percentage change in the Producer Price
16 Index For All Commodities (WPU 00000000). If either index is
17 discontinued then it shall be replaced by its successor index
18 as identified by the United States Department of Labor.

19 (6)(a) The proceeds of the mitigation fee must be used
20 to conduct mitigation activities that are appropriate to
21 offset the loss of the value and functions of wetlands as a
22 result of mining activities in the Dade County Lake Belt Area
23 and must be used in a manner consistent with the
24 recommendations contained in the reports submitted to the
25 Legislature by the Dade County Lake Belt Plan Implementation
26 Committee and adopted under s. 373.4149. Such mitigation may
27 include the purchase, enhancement, restoration, and management
28 of wetlands and uplands, the purchase of mitigation credit
29 from a permitted mitigation bank, and any structural
30 modifications to the existing drainage system to enhance the
31 hydrology of the Dade County Lake Belt Area. Funds may also

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1 be used to reimburse other funding sources, including the Save
2 Our Rivers Land Acquisition program and the Internal
3 Improvement Trust Fund, for the purchase of lands that were
4 acquired in areas appropriate for mitigation due to rock
5 mining and to reimburse governmental agencies that exchanged
6 land under s. 373.4149 for mitigation due to rock mining.

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

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

25 (8) If a general permit by the United States Army
26 Corps of Engineers, or an appropriate long-term permit for
27 mining consistent with the Dade County Lake Belt Plan, this
28 section, and ss. 378.4115, 373.4149, and 373.4415, is not
29 issued on or before September 30, 2000, the mitigation fee
30 imposed by this section is suspended until reenacted by the
31 Legislature.

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1 (9)(a) The interagency committee established pursuant
2 to this section shall, on an annual basis, prepare and submit
3 to the governing board of the South Florida Water Management
4 District a report evaluating the mitigation costs and revenues
5 generated by the mitigation fee in order to ensure that the
6 revenue generated pursuant to this section is sufficient to
7 provide for the appropriate mitigation.

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

14 Section 3. Subsections (5) and (6) of section
15 373.4149, Florida Statutes, are amended and subsection (10) is
16 hereby repealed.

17 373.4149 Dade County Lake Belt Plan.--

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

20 (a) Include a detailed master plan to further
21 implementation;

22 (b) Further address compatible land uses,
23 opportunities, and potential conflicts;

24 (c) Provide for additional wellfield protection;

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

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

29 (f) Consider the need to establish a land authority;
30 ~~and-~~

31 (g) Analyze the hydrological impacts resulting from

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1 the future mining included in the Lake Belt Plan and recommend
2 appropriate mitigation measures, if needed.

3 (6) The committee shall remain in effect until January
4 1, 2002 ~~2001~~, and shall meet as deemed necessary by the chair.
5 The committee shall monitor and direct progress toward
6 developing and implementing the plan. The committee shall
7 submit progress reports to the governing board of the South
8 Florida Water Management District and the Legislature by
9 December 31 of each year. These reports shall include a
10 summary of the activities of the committee, updates on all
11 ongoing studies, any other relevant information gathered
12 during the calendar year, and the committee recommendations
13 for legislative and regulatory revisions. The committee shall
14 submit a Phase II report and plan to the governing board of
15 the South Florida Water Management District and the
16 Legislature by December 31, 2000, to supplement the Phase I
17 report submitted on February 28, 1997. The Phase II report
18 must include the detailed master plan for the Dade County Lake
19 Belt Area together with the final reports on all studies, the
20 final recommendations of the committee, the status of
21 implementation of Phase I recommendations and other relevant
22 information, and the committee's recommendation for
23 legislative and regulatory revisions.

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 27

29 remove from the title of the bill: all of said line

30

31 and insert in lieu thereof:

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1 language relating to a report; creating s.
2 373.4139, F.S.; providing legislative findings
3 and intent; providing for mitigation for mining
4 activities within certain areas; levying a
5 mitigation fee; providing for collection and
6 disposition of such mitigation fees; providing
7 duties of the Department of Revenue; providing
8 for adjustment of the mitigation fee;
9 specifying uses of fee proceeds; amending s.
10 373.4149, F.S.; revising requirements for
11 development of Phase II of the Lake Belt Plan;
12 repealing s. 373.4149(10), F.S.; amending s.

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