

Amendment No. 1 (for drafter's use only)

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

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The Committee on General Government Appropriations offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade ~~Dade~~ County Lake Belt Plan.--

(1) The Legislature hereby accepts and adopts the recommendations contained in the Phase I Lake Belt Report and Plan, known as the "Miami-Dade ~~Dade~~ County Lake Plan," dated February 1997 and submitted by the Miami-Dade ~~Dade~~ County Lake Belt Plan Implementation Committee.

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

(b) The Legislature recognizes that the deposit of limestone available in South Florida is limited due to

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1 urbanization to the east and the Everglades to the west.

2 (3) The Miami-Dade ~~Dade~~ County Lake Belt Area is that
3 area bounded by the Florida Turnpike to the east, the
4 Miami-Dade-Broward ~~Dade-Broward~~ County line to the north,
5 Krome Avenue to the west and Tamiami Trail to the south
6 together with the land south of Tamiami Trail in sections 5,
7 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, ~~and in~~
8 sections 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, Township
9 54 South, Range 38 East less those portions of section 10,
10 except the west one-half, section 11, except the northeast
11 one-quarter and the east one-half of the northwest
12 one-quarter, and tracts 38 through 41, and tracts 49 through
13 64 inclusive, section 13, except tracts 17 through 35 and
14 tracts 46 through 48, and section 14, except the west three
15 quarters, Township 52 South, Range 39 East, lying north of the
16 Miami Canal, sections 35 and 36 and the east one-half of
17 sections 24 and 25, Township 53 South, Range 39 East and
18 Government Lots 1 and 2, lying between Townships 53 and 54
19 South, Range 39 East and those portions of sections 1 and 2,
20 Township 54 South, Range 39 East, lying north of Tamiami
21 Trail.

22 (4) The identification of the Miami-Dade County Lake
23 Belt Area shall not preempt local land use jurisdiction,
24 planning, or regulatory authority in regard to the use of land
25 for other purposes by private land owners; provided, however,
26 local comprehensive plans, zoning regulations, development
27 regulations, and other local regulations shall accommodate
28 limestone mining activities and ancillary operations, such as
29 lake excavation, including use of explosives, rock processing,
30 cement, concrete and asphalt products manufacturing, and
31 ancillary activities, within the rock mining supported and

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1 allowable areas of the Miami-Dade County Lake Plan adopted by
2 subsection (1); provided, however, that limestone mining
3 activities are consistent with wellfield protection. Rezonings
4 or amendments to local comprehensive plans concerning
5 properties that are located within 1 mile of the Miami-Dade
6 Lake Belt Area shall be compatible with limestone mining
7 activities. No rezonings, variances, or amendments to local
8 comprehensive plans for any residential purpose may be
9 approved for any property located in sections 35 and 36 and
10 the east one-half of sections 24 and 25, Township 53 South,
11 Range 39 East until such time as there is no active mining
12 within 2 miles of the property. This section does not preclude
13 residential development that complies with current
14 regulations.

15 (5) Beginning October 1, 1999, before the sale, lease,
16 or the issuance of a development order, including the approval
17 of a change in land use designation or zoning, for any real
18 property located inside the Miami-Dade Lake Belt Area or
19 within 2 miles of the boundary of the Miami-Dade Lake Belt
20 Area, the entity holding title to the real property is
21 required to submit a written affidavit of disclosure to
22 Miami-Dade County in a form prescribed by the county that is
23 suitable for recording:

24 (a) Acknowledging the existence of limestone mining
25 activities involving the use of explosives within close
26 proximity of the real property proposed to be sold, leased,
27 used, or developed;

28 (b) Agreeing to provide copies of the affidavit of
29 disclosure to all subsequent parties to whom whole or part
30 interest in the real property is transferred, by sale, lease,
31 or any other means; and

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1 (c) Acknowledging potential civil liability, as well
2 as fines and penalties that could result from failure to
3 provide disclosure under this section.

4
5 Failure to substantially comply with the provisions of this
6 subsection makes the sale of the real property or interest
7 therein voidable at the purchaser's option for a period of 7
8 years from the date of the affidavit of disclosure.

9 ~~(6)(4)~~ The Miami-Dade ~~Dade~~ County Lake Belt Plan
10 Implementation Committee shall be appointed by the governing
11 board of the South Florida Water Management District to
12 develop a strategy for the design and implementation of the
13 Miami-Dade ~~Dade~~ County Lake Belt Plan. The committee shall
14 consist of the chair of the governing board of the South
15 Florida Water Management District, who shall serve as chair of
16 the committee, the policy director of Environmental and Growth
17 Management in the office of the Governor, the secretary of the
18 Department of Environmental Protection, the director of the
19 Division of Resource Management or its successor division
20 within the Department of Environmental Protection, the
21 director of the Office of Tourism, Trade, and Economic
22 Development within the office of the Governor, the secretary
23 of the Department of Community Affairs, the executive director
24 of the Game and Freshwater Fish Commission, the director of
25 the Department of Environmental Resource Management of
26 Miami-Dade ~~Dade~~ County, the director of the Miami-Dade ~~Dade~~
27 County Water and Sewer Department, the Director of Planning in
28 Miami-Dade ~~Dade~~ County, a representative of the Friends of the
29 Everglades, a representative of the Florida Audubon Society, a
30 representative of the Florida chapter of the Sierra Club, four
31 representatives ~~a representative~~ of the nonmining private

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1 landowners within the Miami-Dade ~~Dade~~ County Lake Belt Area,
2 and four representatives from the limestone mining industry to
3 be appointed by the governing board of the South Florida Water
4 Management District. Two ex officio seats on the committee
5 will be filled by one member of the Florida House of
6 Representatives to be selected by the Speaker of the House of
7 Representatives from among representatives whose districts, or
8 some portion of whose districts, are included within the
9 geographical scope of the committee as described in subsection
10 (3), and one member of the Florida Senate to be selected by
11 the President of the Senate from among senators whose
12 districts, or some portion of whose districts, are included
13 within the geographical scope of the committee as described in
14 subsection (3). The committee may appoint other ex officio
15 members, as needed, by a majority vote of all committee
16 members. A committee member may designate in writing an
17 alternate member who, in the member's absence, may participate
18 and vote in committee meetings.

19 ~~(7)(5)~~ The committee shall develop Phase II of the
20 Lake Belt Plan which shall:

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

23 (b) Consider the feasibility of a common mitigation
24 plan for nonrock mining uses, including a nonrock mining
25 mitigation fee. Any mitigation fee shall be for the limited
26 purpose of offsetting the loss of wetland functions and values
27 and not as a revenue source for other purposes.

28 ~~(c)(b)~~ Further address compatible land uses,
29 opportunities, and potential conflicts;

30 ~~(d)(e)~~ Provide for additional wellfield protection;

31 ~~(e)(d)~~ Provide measures to prevent the

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1 reclassification of the Northwest Miami-Dade ~~Dade~~ County wells
2 as groundwater under the direct influence of surface water;~~;~~

3 (f)~~(e)~~ Secure additional funding sources; ~~and~~

4 (g)~~(f)~~ Consider the need to establish a land
5 authority; ~~and~~

6 (h) Analyze the hydrological impacts resulting from
7 the future mining included in the Lake Belt Plan and recommend
8 appropriate mitigation measures, if needed, to be incorporated
9 into the Lake Belt Mitigation Plan.

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

31 (9)~~(7)~~ The committee shall report to the governing

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1 board of the South Florida Water Management District
2 semiannually.

3 (10)~~(8)~~ In carrying out its work, the committee shall
4 solicit comments from scientific and economic advisors and
5 governmental, public, and private interests. The committee
6 shall provide meeting notes, reports, and the strategy
7 document in a timely manner for public comment.

8 (11)~~(9)~~ The committee is authorized to seek from the
9 agencies or entities represented on the committee any grants
10 or funds necessary to enable it to carry out its charge.

11 ~~(10) The Department of Environmental Protection, in~~
12 ~~conjunction with the South Florida Water Management District~~
13 ~~and the Dade County Department of Environmental Resources~~
14 ~~Management, is directed to develop a comprehensive mitigation~~
15 ~~plan for the Dade County Lake Belt Plan, subject to approval~~
16 ~~by the Legislature, which offsets the loss of wetland~~
17 ~~functions and values resulting from rock mining in~~
18 ~~mining-supported and allowable areas.~~

19 (12)~~(11)~~ The secretary of the Department of
20 Environmental Protection, the secretary of the Department of
21 Community Affairs, the secretary of the Department of
22 Transportation, the Commissioner of Agriculture, the executive
23 director of the Game and Freshwater Fish Commission, and the
24 executive director of the South Florida Water Management
25 District may enter into agreements with landowners,
26 developers, businesses, industries, individuals, and
27 governmental agencies as necessary to effectuate the
28 provisions of this section.

29 (13)~~(12)~~(a) All agencies of the state shall review the
30 status of their landholdings within the boundaries of the
31 Miami-Dade ~~Dade~~ County Lake Belt. Those lands for which no

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1 present or future use is identified must be made available,
2 together with other suitable lands, to the committee for its
3 use in carrying out the objectives of this act.

4 (b) It is the intent of the Legislature that lands
5 provided to the committee be used for land exchanges to
6 further the objectives of this act.

7 Section 2. Section 373.41492, Florida Statutes, is
8 created to read:

9 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
10 mitigation for mining activities within the Miami-Dade County
11 Lake Belt.--

12 (1) The Legislature finds that the impact of mining
13 within the rock mining supported and allowable areas of the
14 Miami-Dade County Lake Plan adopted by s. 373.4149(1) can best
15 be offset by the implementation of a comprehensive mitigation
16 plan as recommended in the 1998 Progress Report to the Florida
17 Legislature by the Miami-Dade County Lake Belt Plan
18 Implementation Committee. The Lake Belt Mitigation Plan
19 consists of those provisions contained in subsections (2)-(9).
20 The per-ton mitigation fee assessed on limestone sold from the
21 Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14,
22 Township 52 South, Range 39 East, and sections 24, 25, 35, and
23 36, Township 53 South, Range 39 East, shall be used for
24 acquiring environmentally sensitive lands and for restoration,
25 maintenance, and other environmental purposes. It is the
26 intent of the Legislature that the per-ton mitigation fee
27 shall not be a revenue source for purposes other than
28 enumerated herein. Further, the Legislature finds that the
29 public benefit of a sustainable supply of limestone
30 construction materials for public and private projects
31 requires a coordinated approach to permitting activities on

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1 wetlands within Miami-Dade County in order to provide the
2 certainty necessary to encourage substantial and continued
3 investment in the limestone processing plant and equipment
4 required to efficiently extract the limestone resource. It is
5 the intent of the Legislature that the Lake Belt Mitigation
6 Plan satisfy all local, state, and federal requirements for
7 mining activity within the rock mining supported and allowable
8 areas.

9 (2) To provide for the mitigation of wetland resources
10 lost to mining activities within the Miami-Dade County Lake
11 Belt Plan, effective October 1, 1999, a mitigation fee is
12 imposed on each ton of limerock and sand extracted by any
13 person who engages in the business of extracting limerock or
14 sand from within the Miami-Dade County Lake Belt Area and
15 sections 10, 11, 13, 14, Township 52 South, Range 39 East, and
16 sections 24, 25, 35, and 36, Township 53 South, Range 39 East.
17 The mitigation fee is at the rate of 5 cents for each ton of
18 limerock and sand sold from within the properties where the
19 fee applies in raw, processed, or manufactured form,
20 including, but not limited to, sized aggregate, asphalt,
21 cement, concrete, and other limerock and concrete products.
22 Any limerock or sand that is used within the mine from which
23 the limerock or sand is extracted is exempt from the 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 of the fee to the Department of Revenue
31 on or before the 20th day of the month following the calendar

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

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

28 (b) In administering this section, the Department of
29 Revenue may employ persons and incur expenses for which funds
30 are appropriated by the Legislature. The Department of Revenue
31 shall adopt rules and prescribe and publish forms necessary to

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1 administer this section. The Department of Revenue shall
2 establish audit procedures and may assess delinquent fees.

3 (5) Beginning January 1, 2001, and each January 1
4 thereafter, the per-ton mitigation fee shall be increased by
5 2.1 percentage points, plus a cost growth index. The cost
6 growth index shall be the percentage change in the weighted
7 average of the Employment Cost Index for All Civilian Workers
8 (ecu 10001I), issued by the United States Department of Labor
9 for the most recent 12-month period ending on September 30,
10 and the percentage change in the Producer Price Index for All
11 Commodities (WPU 00000000), issued by the United States
12 Department of Labor for the most recent 12-month period ending
13 on September 30, compared to the weighted average of these
14 indices for the previous year. The weighted average shall be
15 calculated as 0.6 times the percentage change in the
16 Employment Cost Index for All Civilian Workers (ecu 10001I),
17 plus 0.4 times the percentage change in the Producer Price
18 Index for All Commodities (WPU 00000000). If either index is
19 discontinued, it shall be replaced by its successor index, as
20 identified by the United States Department of Labor.

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

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1 existing drainage system to enhance the hydrology of the
2 Miami-Dade County Lake Belt Area. Funds may also be used to
3 reimburse other funding sources, including the Save Our Rivers
4 Land Acquisition Program and the Internal Improvement Trust
5 Fund, for the purchase of lands that were acquired in areas
6 appropriate for mitigation due to rock mining and to reimburse
7 governmental agencies that exchanged land under s. 373.4149
8 for mitigation due to rockmining.

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

20 (7) Payment of the fee imposed by this section
21 satisfies the mitigation requirements imposed under ss.
22 373.403-373.439 and any applicable county ordinance for loss
23 of the value and functions from mining of the wetlands
24 identified as rockmining supported and allowable areas of the
25 Miami-Dade County Lake Plan adopted by s. 373.4149(1). 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 Miami-Dade County Lake Belt Plan,

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

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

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

15 Section 3. Section 373.4415, Florida Statutes, is
16 amended to read:

17 373.4415 Role of Miami-Dade ~~Dade~~ County in processing
18 permits for limerock mining in Miami-Dade ~~Dade~~ County Lake
19 Belt.--The department and Miami-Dade ~~Dade~~ County shall
20 cooperate to establish and fulfill reasonable requirements for
21 the departmental delegation to the Miami-Dade ~~Dade~~ County
22 Department of Environmental Resource Management of authority
23 to implement the permitting program under ss. 373.403-373.439
24 for limerock mining activities within the geographic area of
25 the Miami-Dade ~~Dade~~ County Lake Belt which was recommended for
26 mining in the report submitted to the Legislature in February
27 1997 by the Miami-Dade ~~Dade~~ County Lake Belt Plan
28 Implementation Committee under s. 373.4149. The delegation of
29 authority must be consistent with s. 373.441 and chapter
30 62-344, Florida Administrative Code. To further streamline
31 permitting within the Miami-Dade ~~Dade~~ County Lake Belt, the

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1 department and Miami-Dade ~~Dade~~ County are encouraged to work
2 with the United States Army Corps of Engineers to establish a
3 general permit under s. 404 of the Clean Water Act for
4 limerock mining activities within the geographic area of the
5 Miami-Dade ~~Dade~~ County Lake Belt consistent with the report
6 submitted in February 1997. Miami-Dade ~~Dade~~ County is further
7 encouraged to seek delegation from the United States Army
8 Corps of Engineers for the implementation of any such general
9 permit. This section does not limit the authority of the
10 department to delegate other responsibilities to Miami-Dade
11 ~~Dade~~ County under this part.

12 Section 4. Section 378.4115, Florida Statutes, is
13 amended to read:

14 378.4115 County certification for limerock mining in
15 the Miami-Dade ~~Dade~~ County Lake Belt.--The department and
16 Miami-Dade ~~Dade~~ County shall cooperate to establish and
17 fulfill reasonable requirements for the departmental
18 certification of the Miami-Dade ~~Dade~~ County Department of
19 Environmental Resource Management to implement the reclamation
20 program under ss. 378.401-378.503 for limerock mining
21 activities within the geographic area of the Miami-Dade ~~Dade~~
22 County Lake Belt which was recommended for mining in the
23 report submitted to the Legislature in February 1997 by the
24 Miami-Dade ~~Dade~~ County Lake Belt Plan Implementation Committee
25 under s. 373.4149. The delegation of implementing authority
26 must be consistent with s. 378.411 and chapter 62C-36, Florida
27 Administrative Code. Further, the reclamation program shall
28 maximize the efficient mining of limestone and the littoral
29 area surrounding the lake excavations shall not be required to
30 be greater than 100 feet average in width.

31 Section 5. If any provision of this act or the

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1 application thereof to any person or circumstance is held
2 invalid, the invalidity shall not affect other provisions or
3 applications of the act which can be given effect without the
4 invalid provision or application, and to this end the
5 provisions of this act are declared severable.

6 Section 6. This act shall take effect upon becoming a
7 law.

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9
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:
12 remove the entire title:

13
14 and insert in lieu thereof:

15 A bill to be entitled
16 An act relating to limerock mining; amending s.
17 373.4149, F.S., relating to the Miami-Dade
18 County Lake Belt Plan; providing legislative
19 intent; revising description of land included
20 in the Miami-Dade County Lake Belt Area;
21 providing for local land use jurisdiction and
22 for land use compatibility within the Lake Belt
23 Area; requiring certain notice of mining
24 activities; revising membership of the
25 Miami-Dade County Lake Belt Plan Implementation
26 Committee; providing additional requirements
27 for Phase II of the Lake Belt Plan; extending
28 the existence of the implementation committee;
29 deleting requirement for development of a
30 comprehensive mitigation plan; creating s.
31 373.41492, F.S.; imposing a mitigation fee on

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1 commercial extraction of limerock and sand from
2 the Lake Belt Area; providing an exemption;
3 providing procedures for collection, report,
4 and disposition of fees; providing for
5 enforcement and penalties; providing duties and
6 authority of the Department of Revenue;
7 providing for rules; providing for annual
8 indexed fee increases after a specified date;
9 providing purpose of fees for wetlands
10 mitigation and specifying uses; requiring
11 approval of expenditures by an interagency
12 committee; providing membership of the
13 committee; providing that payment of the fee
14 satisfies certain mitigation requirements;
15 providing for suspension of the fee under
16 certain circumstances; requiring interagency
17 committee reports to the South Florida Water
18 Management District and the Legislature;
19 amending ss. 373.4415 and 378.4115, F.S.;
20 correcting references to conform to the
21 county's name change; providing severability;
22 providing an effective date.

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