

A bill to be entitled

An act relating to the Miami-Dade County Lake Belt Area; amending s. 373.4149, F.S.; revising the geographic boundaries of the Miami-Dade County Lake Belt Area; amending s. 373.41492, F.S.; revising the geographic boundaries for mining areas subject to mitigation fees under the Miami-Dade County Lake Belt Mitigation Plan; providing for mitigation fee increases; authorizing proceeds of mitigation fees to be allocated to the South Florida Water Management District and Miami-Dade County for specific purposes; revising the reporting requirements for the interagency committee; providing an effective date.

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

Section 1. Subsection (3) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.--

(3) The Miami-Dade County Lake Belt Area is that area bounded by the Ronald Reagan Turnpike to the east, the Miami-Dade-Broward County line to the north, Krome Avenue to the west and Tamiami Trail to the south together with the land south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54 South, Range 39 East, sections 24, 25, and 36, Township 54 South, Range 38 East, less those portions of section 3, Township 52 South, Range 39 East south of Krome Avenue and west of U.S. Highway 27, ~~section 10, except the west one half, section 11,~~

29 ~~except the northeast one quarter and the east one half of the~~  
 30 ~~northwest one quarter, and tracts 38 through 41, and tracts 49~~  
 31 ~~through 64 inclusive, section 13, except tracts 17 through 35~~  
 32 ~~and tracts 46 through 48, of Florida Fruit Lands Company~~  
 33 ~~Subdivision No. 1 according to the plat thereof as recorded in~~  
 34 ~~plat book 2, page 17, public records of Miami Dade County, and~~  
 35 ~~section 14, except the west three quarters, Township 52 South,~~  
 36 ~~Range 39 East, lying north of the Miami Canal, and less sections~~  
 37 35 and 36 and the east one-half of sections 24 and 25, Township  
 38 53 South, Range 39 East and Government Lots 1 and 2, lying  
 39 between Townships 53 and 54 South, Range 39 East and those  
 40 portions of sections 1 and 2, Township 54 South, Range 39 East,  
 41 lying north of Tamiami Trail.

42 Section 2. Subsections (2), (5), and (7), paragraph (a) of  
 43 subsection (6), and paragraph (b) of subsection (9) of section  
 44 373.41492, Florida Statutes, are amended to read:

45 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
 46 mitigation for mining activities within the Miami-Dade County  
 47 Lake Belt.--

48 (2) To provide for the mitigation of wetland resources  
 49 lost to mining activities within the Miami-Dade County Lake Belt  
 50 Plan, effective October 1, 1999, a mitigation fee is imposed on  
 51 each ton of limerock and sand extracted by any person who  
 52 engages in the business of extracting limerock or sand from  
 53 within the Miami-Dade County Lake Belt Area ~~and sections 10, 11,~~  
 54 ~~13, 14, Township 52 South, Range 39 East, and the east one-half~~  
 55 ~~of sections 24 and, 25 and all of sections, 35, and 36, Township~~  
 56 53 South, Range 39 East. The mitigation fee is imposed ~~at the~~

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57 ~~rate of 5 cents~~ for each ton of limerock and sand sold from  
58 within the properties where the fee applies in raw, processed,  
59 or manufactured form, including, but not limited to, sized  
60 aggregate, asphalt, cement, concrete, and other limerock and  
61 concrete products. The mitigation fee imposed by this subsection  
62 for each ton of limerock and sand sold shall be 12 cents per ton  
63 beginning October 1, 2006, 18 cents per ton beginning October 1,  
64 2007, and 24 cents per ton beginning October 1, 2008. Any  
65 limerock or sand that is used within the mine from which the  
66 limerock or sand is extracted is exempt from the fee. The amount  
67 of the mitigation fee imposed under this section must be stated  
68 separately on the invoice provided to the purchaser of the  
69 limerock or sand product from the limerock or sand miner, or its  
70 subsidiary or affiliate, for which the mitigation fee applies.  
71 The limerock or sand miner, or its subsidiary or affiliate, who  
72 sells the limerock or sand product shall collect the mitigation  
73 fee and forward the proceeds of the fee to the Department of  
74 Revenue on or before the 20th day of the month following the  
75 calendar month in which the sale occurs.

76 (5) Beginning October 1, 2009 ~~January 1, 2001~~, and each  
77 October 1 ~~January 1~~ thereafter, the per-ton mitigation fee shall  
78 be increased by 2.1 percentage points, plus a cost growth index.  
79 The cost growth index shall be the percentage change in the  
80 weighted average of the Employment Cost Index for All Civilian  
81 Workers (ecu 10001I), issued by the United States Department of  
82 Labor for the most recent 12-month period ending on September  
83 30, and the percentage change in the Producer Price Index for  
84 All Commodities (WPU 00000000), issued by the United States

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85 Department of Labor for the most recent 12-month period ending  
86 on September 30, compared to the weighted average of these  
87 indices for the previous year. The weighted average shall be  
88 calculated as 0.6 times the percentage change in the Employment  
89 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times  
90 the percentage change in the Producer Price Index for All  
91 Commodities (WPU 00000000). If either index is discontinued, it  
92 shall be replaced by its successor index, as identified by the  
93 United States Department of Labor.

94 (6) (a) The proceeds of the mitigation fee must be used to  
95 conduct mitigation activities that are appropriate to offset the  
96 loss of the value and functions of wetlands as a result of  
97 mining activities and must be used in a manner consistent with  
98 the recommendations contained in the reports submitted to the  
99 Legislature by the Miami-Dade County Lake Belt Plan  
100 Implementation Committee and adopted under s. 373.4149. Such  
101 mitigation may include the purchase, enhancement, restoration,  
102 and management of wetlands and uplands, the purchase of  
103 mitigation credit from a permitted mitigation bank, and any  
104 structural modifications to the existing drainage system to  
105 enhance the hydrology of the Miami-Dade County Lake Belt Area.  
106 Funds may also be used to reimburse other funding sources,  
107 including the Save Our Rivers Land Acquisition Program, ~~and~~ the  
108 Internal Improvement Trust Fund, the South Florida Water  
109 Management District, and Miami-Dade County, for the purchase of  
110 lands that were acquired in areas appropriate for mitigation due  
111 to rock mining and to reimburse governmental agencies that

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112 exchanged land under s. 373.4149 for mitigation due to rock  
113 mining ~~rockmining~~.

114 (7) Payment of the fee imposed by this section satisfies  
115 the mitigation requirements imposed under ss. 373.403-373.439  
116 and any applicable county ordinance for loss of the value and  
117 functions from mining of the wetlands identified as rock mining  
118 ~~rockmining~~ supported and allowable areas of the Miami-Dade  
119 County Lake Plan adopted by s. 373.4149(1). In addition, it is  
120 the intent of the Legislature that the payment of the mitigation  
121 fee imposed by this section satisfy all federal mitigation  
122 requirements for the wetlands mined.

123 (9)

124 (b) No sooner than January 31, 2010, and no more  
125 frequently than every 5 ~~10~~ years thereafter, the interagency  
126 committee shall submit to the Legislature a report recommending  
127 any needed adjustments to the mitigation fee to ensure that the  
128 revenue generated reflects the actual costs of the mitigation.

129 Section 3. This act shall take effect October 1, 2006.