

HB 1039

2006  
CS

CHAMBER ACTION

---

1 The Finance & Tax Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (3) of section 373.4149, Florida  
22 Statutes, is amended to read:

23 373.4149 Miami-Dade County Lake Belt Plan.--

HB 1039

2006  
CS

24 (3) The Miami-Dade County Lake Belt Area is that area  
 25 bounded by the Ronald Reagan Turnpike to the east, the Miami-  
 26 Dade-Broward County line to the north, Krome Avenue to the west  
 27 and Tamiami Trail to the south together with the land south of  
 28 Tamiami Trail in sections 5, 6, 7, 8, 17, and 18, Township 54  
 29 South, Range 39 East, sections 24, 25, and 36, Township 54  
 30 South, Range 38 East, less those portions of section 3, Township  
 31 52 South, Range 39 East south of Krome Avenue and west of U.S.  
 32 Highway 27, ~~section 10, except the west one half, section 11,~~  
 33 ~~except the northeast one quarter and the east one half of the~~  
 34 ~~northwest one quarter, and tracts 38 through 41, and tracts 49~~  
 35 ~~through 64 inclusive, section 13, except tracts 17 through 35~~  
 36 ~~and tracts 46 through 48, of Florida Fruit Lands Company~~  
 37 ~~Subdivision No. 1 according to the plat thereof as recorded in~~  
 38 ~~plat book 2, page 17, public records of Miami Dade County, and~~  
 39 ~~section 14, except the west three quarters, Township 52 South,~~  
 40 ~~Range 39 East, lying north of the Miami Canal, and less~~ sections  
 41 35 and 36 and the east one-half of sections 24 and 25, Township  
 42 53 South, Range 39 East and Government Lots 1 and 2, lying  
 43 between Townships 53 and 54 South, Range 39 East and those  
 44 portions of sections 1 and 2, Township 54 South, Range 39 East,  
 45 lying north of Tamiami Trail.

46 Section 2. Subsections (2), (5), and (7), paragraph (a) of  
 47 subsection (6), and paragraph (b) of subsection (9) of section  
 48 373.41492, Florida Statutes, are amended to read:

49 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
 50 mitigation for mining activities within the Miami-Dade County  
 51 Lake Belt.--

HB 1039

2006  
CS

52 (2) To provide for the mitigation of wetland resources  
53 lost to mining activities within the Miami-Dade County Lake Belt  
54 Plan, effective October 1, 1999, a mitigation fee is imposed on  
55 each ton of limerock and sand extracted by any person who  
56 engages in the business of extracting limerock or sand from  
57 within the Miami-Dade County Lake Belt Area ~~and sections 10, 11,~~  
58 ~~13, 14, Township 52 South, Range 39 East,~~ and the east one-half  
59 of sections 24 and, 25 and all of sections, 35, and 36, Township  
60 53 South, Range 39 East. The mitigation fee is imposed at the  
61 rate of 5 cents for each ton of limerock and sand sold from  
62 within the properties where the fee applies in raw, processed,  
63 or manufactured form, including, but not limited to, sized  
64 aggregate, asphalt, cement, concrete, and other limerock and  
65 concrete products. The mitigation fee imposed by this subsection  
66 for each ton of limerock and sand sold shall be 12 cents per ton  
67 beginning January 1, 2007, 18 cents per ton beginning January 1,  
68 2008, and 24 cents per ton beginning January 1, 2009. Any  
69 limerock or sand that is used within the mine from which the  
70 limerock or sand is extracted is exempt from the fee. The amount  
71 of the mitigation fee imposed under this section must be stated  
72 separately on the invoice provided to the purchaser of the  
73 limerock or sand product from the limerock or sand miner, or its  
74 subsidiary or affiliate, for which the mitigation fee applies.  
75 The limerock or sand miner, or its subsidiary or affiliate, who  
76 sells the limerock or sand product shall collect the mitigation  
77 fee and forward the proceeds of the fee to the Department of  
78 Revenue on or before the 20th day of the month following the  
79 calendar month in which the sale occurs.

Page 3 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1039-01-c1

HB 1039

2006  
CS

80           (5) Beginning January 1, 2010 ~~2001~~, and each January 1  
81 thereafter, the per-ton mitigation fee shall be increased by 2.1  
82 percentage points, plus a cost growth index. The cost growth  
83 index shall be the percentage change in the weighted average of  
84 the Employment Cost Index for All Civilian Workers (ecu 10001I),  
85 issued by the United States Department of Labor for the most  
86 recent 12-month period ending on September 30, and the  
87 percentage change in the Producer Price Index for All  
88 Commodities (WPU 00000000), issued by the United States  
89 Department of Labor for the most recent 12-month period ending  
90 on September 30, compared to the weighted average of these  
91 indices for the previous year. The weighted average shall be  
92 calculated as 0.6 times the percentage change in the Employment  
93 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times  
94 the percentage change in the Producer Price Index for All  
95 Commodities (WPU 00000000). If either index is discontinued, it  
96 shall be replaced by its successor index, as identified by the  
97 United States Department of Labor.

98           (6) (a) The proceeds of the mitigation fee must be used to  
99 conduct mitigation activities that are appropriate to offset the  
100 loss of the value and functions of wetlands as a result of  
101 mining activities and must be used in a manner consistent with  
102 the recommendations contained in the reports submitted to the  
103 Legislature by the Miami-Dade County Lake Belt Plan  
104 Implementation Committee and adopted under s. 373.4149. Such  
105 mitigation may include the purchase, enhancement, restoration,  
106 and management of wetlands and uplands, the purchase of  
107 mitigation credit from a permitted mitigation bank, and any

HB 1039

2006  
CS

108 structural modifications to the existing drainage system to  
109 enhance the hydrology of the Miami-Dade County Lake Belt Area.  
110 Funds may also be used to reimburse other funding sources,  
111 including the Save Our Rivers Land Acquisition Program, ~~and~~ the  
112 Internal Improvement Trust Fund, the South Florida Water  
113 Management District, and Miami-Dade County, for the purchase of  
114 lands that were acquired in areas appropriate for mitigation due  
115 to rock mining and to reimburse governmental agencies that  
116 exchanged land under s. 373.4149 for mitigation due to rock  
117 mining ~~rockmining~~.

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

127 (9)

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

133 Section 3. This act shall take effect January 1, 2007.