

## CHAMBER ACTION

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1 The State Resources Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

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

22  
23 Be It Enacted by the Legislature of the State of Florida:

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

27 373.4149 Miami-Dade County Lake Belt Plan.--

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

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50 Section 2. Subsections (2), (3), (4), (5), (6), and (7)  
51 and paragraph (b) of subsection (9) of section 373.41492,  
52 Florida Statutes, are amended to read:

53 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
54 mitigation for mining activities within the Miami-Dade County  
55 Lake Belt.--

56 (2) To provide for the mitigation of wetland resources  
57 lost to mining activities within the Miami-Dade County Lake Belt  
58 Plan, effective October 1, 1999, a mitigation fee is imposed on  
59 each ton of limerock and sand extracted by any person who  
60 engages in the business of extracting limerock or sand from  
61 within the Miami-Dade County Lake Belt Area ~~and sections 10, 11,~~  
62 ~~13, 14, Township 52 South, Range 39 East,~~ and the east one-half  
63 of sections 24 and 25 and all of sections 35 and 36, Township  
64 53 South, Range 39 East. The mitigation fee is imposed at the  
65 rate of 5 cents for each ton of limerock and sand sold from  
66 within the properties where the fee applies in raw, processed,  
67 or manufactured form, including, but not limited to, sized  
68 aggregate, asphalt, cement, concrete, and other limerock and  
69 concrete products. The mitigation fee imposed by this subsection  
70 for each ton of limerock and sand sold shall be 12 cents per ton  
71 beginning January 1, 2007, 18 cents per ton beginning January 1,  
72 2008, and 24 cents per ton beginning January 1, 2009. To upgrade  
73 a water treatment plant that treats water coming from the  
74 Northwest Wellfield in Miami-Dade County, a water treatment  
75 plant upgrade fee is imposed within the same Lake Belt Area  
76 subject to the mitigation fee and upon the same kind of mined  
77 limerock and sand subject to the mitigation fee. The water

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78 | treatment plant upgrade fee imposed by this subsection for each  
79 | ton of limerock and sand sold shall be 15 cents per ton  
80 | beginning on January 1, 2007, and the collection of this fee  
81 | shall cease once the total amount of proceeds collected for this  
82 | fee reaches \$112.5 million or the amount of the actual moneys  
83 | necessary to design and construct the treatment plant upgrade,  
84 | whichever is less. Any limerock or sand that is used within the  
85 | mine from which the limerock or sand is extracted is exempt from  
86 | the fees ~~fee~~. The amount of the mitigation fee and the water  
87 | treatment plant upgrade fee imposed under this section must be  
88 | stated separately on the invoice provided to the purchaser of  
89 | the limerock or sand product from the limerock or sand miner, or  
90 | its subsidiary or affiliate, for which the ~~mitigation fee~~ or  
91 | fees apply ~~applies~~. The limerock or sand miner, or its  
92 | subsidiary or affiliate, who sells the limerock or sand product  
93 | shall collect the mitigation fee and the water treatment plant  
94 | upgrade fee and forward the proceeds of the fees ~~fee~~ to the  
95 | Department of Revenue on or before the 20th day of the month  
96 | following the calendar month in which the sale occurs.

97 |       (3) The mitigation fee and the water treatment plant  
98 | upgrade fee imposed by this section must be reported to the  
99 | Department of Revenue. Payment of the mitigation and the water  
100 | treatment plant upgrade fees ~~fee~~ must be accompanied by a form  
101 | prescribed by the Department of Revenue. The proceeds of the  
102 | mitigation fee, less administrative costs, must be transferred  
103 | by the Department of Revenue to the South Florida Water  
104 | Management District and deposited into the Lake Belt Mitigation  
105 | Trust Fund. The proceeds of the treatment plant upgrade fee,

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106 less administrative costs, must be transferred by the Department  
107 of Revenue to a trust fund established by Miami-Dade County, for  
108 the sole purpose authorized by paragraph (6) (a). As used in this  
109 section, the term "proceeds of the fee" means all funds  
110 collected and received by the Department of Revenue under this  
111 section, including interest and penalties on delinquent  
112 ~~mitigation~~ fees. The amount deducted for administrative costs  
113 may not exceed 3 percent of the total revenues collected under  
114 this section and may equal only those administrative costs  
115 reasonably attributable to the fees ~~mitigation~~ fee.

116 (4) (a) The Department of Revenue shall administer,  
117 collect, and enforce the mitigation and treatment plant upgrade  
118 fees ~~fee~~ authorized under this section in accordance with the  
119 procedures used to administer, collect, and enforce the general  
120 sales tax imposed under chapter 212. The provisions of chapter  
121 212 with respect to the authority of the Department of Revenue  
122 to audit and make assessments, the keeping of books and records,  
123 and the interest and penalties imposed on delinquent fees apply  
124 to this section. The fees ~~fee~~ may not be included in computing  
125 estimated taxes under s. 212.11, and the dealer's credit for  
126 collecting taxes or fees provided for in s. 212.12 does not  
127 apply to the fees ~~mitigation~~ fee imposed by this section.

128 (b) In administering this section, the Department of  
129 Revenue may employ persons and incur expenses for which funds  
130 are appropriated by the Legislature. The Department of Revenue  
131 shall adopt rules and prescribe and publish forms necessary to  
132 administer this section. The Department of Revenue shall  
133 establish audit procedures and may assess delinquent fees.

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134 (5) Beginning January 1, 2010 ~~2001~~, and each January 1  
135 thereafter, the per-ton mitigation fee shall be increased by 2.1  
136 percentage points, plus a cost growth index. The cost growth  
137 index shall be the percentage change in the weighted average of  
138 the Employment Cost Index for All Civilian Workers (ecu 10001I),  
139 issued by the United States Department of Labor for the most  
140 recent 12-month period ending on September 30, and the  
141 percentage change in the Producer Price Index for All  
142 Commodities (WPU 00000000), issued by the United States  
143 Department of Labor for the most recent 12-month period ending  
144 on September 30, compared to the weighted average of these  
145 indices for the previous year. The weighted average shall be  
146 calculated as 0.6 times the percentage change in the Employment  
147 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times  
148 the percentage change in the Producer Price Index for All  
149 Commodities (WPU 00000000). If either index is discontinued, it  
150 shall be replaced by its successor index, as identified by the  
151 United States Department of Labor.

152 (6) (a) The proceeds of the mitigation fee must be used to  
153 conduct mitigation activities that are appropriate to offset the  
154 loss of the value and functions of wetlands as a result of  
155 mining activities and must be used in a manner consistent with  
156 the recommendations contained in the reports submitted to the  
157 Legislature by the Miami-Dade County Lake Belt Plan  
158 Implementation Committee and adopted under s. 373.4149. Such  
159 mitigation may include the purchase, enhancement, restoration,  
160 and management of wetlands and uplands, the purchase of  
161 mitigation credit from a permitted mitigation bank, and any

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162 structural modifications to the existing drainage system to  
163 enhance the hydrology of the Miami-Dade County Lake Belt Area.  
164 Funds may also be used to reimburse other funding sources,  
165 including the Save Our Rivers Land Acquisition Program, ~~and~~ the  
166 Internal Improvement Trust Fund, the South Florida Water  
167 Management District, and Miami-Dade County, for the purchase of  
168 lands that were acquired in areas appropriate for mitigation due  
169 to rock mining and to reimburse governmental agencies that  
170 exchanged land under s. 373.4149 for mitigation due to rock  
171 mining ~~rockmining~~. The proceeds of the water treatment plant  
172 upgrade fee shall be used solely to upgrade a water treatment  
173 plant that treats water coming from the Northwest Wellfield in  
174 Miami-Dade County. As used in this section, the terms "upgrade a  
175 water treatment plant" or "treatment plant upgrade" means those  
176 works necessary to treat or filter a surface water source or  
177 supply or both.

178 (b) Expenditures of the mitigation fee must be approved by  
179 an interagency committee consisting of representatives from each  
180 of the following: the Miami-Dade County Department of  
181 Environmental Resource Management, the Department of  
182 Environmental Protection, the South Florida Water Management  
183 District, and the Fish and Wildlife Conservation Commission. In  
184 addition, the limerock mining industry shall select a  
185 representative to serve as a nonvoting member of the interagency  
186 committee. At the discretion of the committee, additional  
187 members may be added to represent federal regulatory,  
188 environmental, and fish and wildlife agencies.

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189           (7) Payment of the mitigation fee imposed by this section  
190 satisfies the mitigation requirements imposed under ss. 373.403-  
191 373.439 and any applicable county ordinance for loss of the  
192 value and functions from mining of the wetlands identified as  
193 rock mining ~~rockmining~~ supported and allowable areas of the  
194 Miami-Dade County Lake Plan adopted by s. 373.4149(1). In  
195 addition, it is the intent of the Legislature that the payment  
196 of the mitigation fee imposed by this section satisfy all  
197 federal mitigation requirements for the wetlands mined.

198           (9)

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

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