

Bill No. SB 1306

Barcode 883358

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Environmental Preservation (Baker)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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, except the northeast one-quarter
and the east one-half of the northwest one-quarter, and tracts~~

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1 ~~38 through 41, and tracts 49 through 64 inclusive, section 13,~~
 2 ~~except tracts 17 through 35 and tracts 46 through 48, of~~
 3 ~~Florida Fruit Lands Company Subdivision No. 1 according to the~~
 4 ~~plat thereof as recorded in plat book 2, page 17, public~~
 5 ~~records of Miami Dade County, and section 14, except the west~~
 6 ~~three quarters, Township 52 South, Range 39 East, lying north~~
 7 ~~of the Miami Canal, and less sections 35 and 36 and the east~~
 8 ~~one-half of sections 24 and 25, Township 53 South, Range 39~~
 9 ~~East and Government Lots 1 and 2, lying between Townships 53~~
 10 ~~and 54 South, Range 39 East and those portions of sections 1~~
 11 ~~and 2, Township 54 South, Range 39 East, lying north of~~
 12 ~~Tamiami Trail.~~

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

16 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
 17 mitigation for mining activities within the Miami-Dade County
 18 Lake Belt.--

19 (2) To provide for the mitigation of wetland resources
 20 lost to mining activities within the Miami-Dade County Lake
 21 Belt Plan, effective October 1, knott a mitigation fee is
 22 imposed on each ton of limerock and sand extracted by any
 23 person who engages in the business of extracting limerock or
 24 sand from within the Miami-Dade County Lake Belt Area ~~and~~
 25 ~~sections 10, 11, 13, 14, Township 52 South, Range 39 East, and~~
 26 the east one-half of sections 24 and 25 and all of sections
 27 ~~7, 35, and 36, Township 53 South, Range 39 East.~~ The mitigation
 28 fee is imposed ~~at the rate of 5 cents~~ for each ton of limerock
 29 and sand sold from within the properties where the fee applies
 30 in raw, processed, or manufactured form, including, but not
 31 limited to, sized aggregate, asphalt, cement, concrete, and

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1 other limerock and concrete products. The mitigation fee
 2 imposed by this subsection for each ton of limerock and sand
 3 that is sold shall be 12 cents per ton beginning October 1,
 4 2006, 18 cents per ton beginning October 1, 2007, and 24 cents
 5 per ton beginning October 1, 2008. Any limerock or sand that
 6 is used within the mine from which the limerock or sand is
 7 extracted is exempt from the fee. The amount of the mitigation
 8 fee imposed under this section must be stated separately on
 9 the invoice provided to the purchaser of the limerock or sand
 10 product from the limerock or sand miner, or its subsidiary or
 11 affiliate, for which the mitigation fee applies. The limerock
 12 or sand miner, or its subsidiary or affiliate, who sells the
 13 limerock or sand product shall collect the mitigation fee and
 14 forward the proceeds of the fee to the Department of Revenue
 15 on or before the 20th day of the month following the calendar
 16 month in which the sale occurs.

17 (5) Beginning October 1, 2009 ~~January 1, 2001~~, and
 18 each October 1 ~~January 1~~ thereafter, the per-ton mitigation
 19 fee shall be increased by 2.1 percentage points, plus a cost
 20 growth index. The cost growth index shall be the percentage
 21 change in the weighted average of the Employment Cost Index
 22 for All Civilian Workers (ecu 10001I), issued by the United
 23 States Department of Labor for the most recent 12-month period
 24 ending on September 30, and the percentage change in the
 25 Producer Price Index for All Commodities (WPU 00000000),
 26 issued by the United States Department of Labor for the most
 27 recent 12-month period ending on September 30, compared to the
 28 weighted average of these indices for the previous year. The
 29 weighted average shall be calculated as 0.6 times the
 30 percentage change in the Employment Cost Index for All
 31 Civilian Workers (ecu 10001I), plus 0.4 times the percentage

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1 change in the Producer Price Index for All Commodities (WPU
 2 00000000). If either index is discontinued, it shall be
 3 replaced by its successor index, as identified by the United
 4 States Department of Labor.

5 (6)(a) The proceeds of the mitigation fee must be used
 6 to conduct mitigation activities that are appropriate to
 7 offset the loss of the value and functions of wetlands as a
 8 result of mining activities and must be used in a manner
 9 consistent with the recommendations contained in the reports
 10 submitted to the Legislature by the Miami-Dade County Lake
 11 Belt Plan Implementation Committee and adopted under s.
 12 373.4149. ~~The Such~~ mitigation may include the purchase,
 13 enhancement, restoration, and management of wetlands and
 14 uplands, the purchase of mitigation credit from a permitted
 15 mitigation bank, and any structural modifications to the
 16 existing drainage system to enhance the hydrology of the
 17 Miami-Dade County Lake Belt Area. Funds may also be used to
 18 reimburse other funding sources, including the Save Our Rivers
 19 Land Acquisition Program, ~~and~~ the Internal Improvement Trust
 20 Fund, the South Florida Water Management District, and
 21 Miami-Dade County, for the purchase of lands that were
 22 acquired in areas appropriate for mitigation due to rock
 23 mining and to reimburse governmental agencies that exchanged
 24 land under s. 373.4149 for mitigation due to rock mining
 25 ~~rockmining~~.

26 (7) Payment of the fee imposed by this section
 27 satisfies the mitigation requirements imposed under ss.
 28 373.403-373.439 and any applicable county ordinance for loss
 29 of the value and functions from mining of the wetlands
 30 identified as rock mining ~~rockmining~~ supported and allowable
 31 areas of the Miami-Dade County Lake Plan adopted by s.

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1 373.4149(1). In addition, it is the intent of the Legislature
2 that the payment of the mitigation fee imposed by this section
3 satisfy all federal mitigation requirements for the wetlands
4 mined.

5 (9)

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

12 Section 3. This act shall take effect upon becoming a
13 law.

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

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19

20 and insert:

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A bill to be entitled

22

An act relating to the Miami-Dade County Lake
23 Belt Plan; amending s. 373.4149, F.S.; revising
24 the geographic boundaries of the Miami-Dade
25 County Lake Belt Area; amending s. 373.41492,
26 F.S.; revising the geographic boundaries for
27 mining areas subject to the mitigation fees
28 under the Miami-Dade County Lake Belt
29 Mitigation Plan; providing for mitigation fee
30 increases; authorizing proceeds of mitigation
31 fees to be allocated to the South Florida Water

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1 Management District and Miami-Dade County for
2 specific purposes; revising the reporting
3 requirements for the interagency committee;
4 providing an effective date.
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