

Bill No. CS for SB 1306

Barcode 971912

CHAMBER ACTION

Senate

House

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The Committee on General Government Appropriations (Garcia)
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, and less ~~section 10,~~
~~except the west one-half, section 11, except the northeast~~
~~one-quarter and the east one-half of the northwest~~

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

13 Section 2. Subsections (2), (3), (4), (5), (6), and
14 (7), and paragraph (b) of subsection (9) of section 373.41492,
15 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, 1999, 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 ~~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 January 1,
4 2007, 18 cents per ton beginning January 1, 2008, and 24 cents
5 per ton beginning January 1, 2009. To upgrade a water
6 treatment plant that treats water coming from the Northwest
7 Wellfield in Miami-Dade County, a water treatment plant
8 upgrade fee is imposed within the same Lake Belt Area subject
9 to the mitigation fee and upon the same kind of mined limerock
10 and sand as the mitigation fee. The water treatment plant
11 upgrade fee imposed by this subsection for each ton of
12 limerock and sand sold shall be 15 cents per ton beginning on
13 January 1, 2007, and the collection of this fee shall cease
14 once the total amount of proceeds, less administrative costs,
15 collected for this fee reaches \$112,500 million or the amount
16 of the actual moneys necessary to design and construct the
17 treatment plant upgrade, whichever is less. Any limerock or
18 sand that is used within the mine from which the limerock or
19 sand is extracted is exempt from the ~~fees~~ fee. The amount of
20 the mitigation fee and the water treatment plant upgrade fee
21 imposed under this section must be stated separately on the
22 invoice provided to the purchaser of the limerock or sand
23 product from the limerock or sand miner, or its subsidiary or
24 affiliate, for which the ~~mitigation fee or fees apply~~ applies.
25 The limerock or sand miner, or its subsidiary or affiliate,
26 who sells the limerock or sand product shall collect the
27 mitigation fee and the water treatment plant upgrade fee and
28 forward the proceeds of the ~~fees~~ fee to the Department of
29 Revenue on or before the 20th day of the month following the
30 calendar month in which the sale occurs.

31 (3) The mitigation fee and treatment plant upgrade fee

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1 imposed by this section must be reported to the Department of
 2 Revenue. Payment of the mitigation fee and treatment plant
 3 upgrade fee must be accompanied by a form prescribed by the
 4 Department of Revenue. The proceeds of the mitigation fee,
 5 less administrative costs, must be transferred by the
 6 Department of Revenue to the South Florida Water Management
 7 District and deposited into the Lake Belt Mitigation Trust
 8 Fund. The proceeds of the treatment plant upgrade fee, less
 9 administrative costs, must be transferred by the Department of
 10 Revenue to a trust fund established by Miami-Dade County, for
 11 the sole purpose authorized by paragraph (6)(a). As used in
 12 this section, the term "proceeds of the fee" means all funds
 13 collected and received by the Department of Revenue under this
 14 section, including interest and penalties on delinquent
 15 ~~mitigation~~ fees. The amount deducted for administrative costs
 16 may not exceed 3 percent of the total revenues collected under
 17 this section and may equal only those administrative costs
 18 reasonably attributable to the fees ~~mitigation fee~~.

19 (4)(a) The Department of Revenue shall administer,
 20 collect, and enforce the mitigation and treatment plant
 21 upgrade fees ~~fee~~ authorized under this section in accordance
 22 with the procedures used to administer, collect, and enforce
 23 the general sales tax imposed under chapter 212. The
 24 provisions of chapter 212 with respect to the authority of the
 25 Department of Revenue to audit and make assessments, the
 26 keeping of books and records, and the interest and penalties
 27 imposed on delinquent fees apply to this section. The fees ~~fee~~
 28 may not be included in computing estimated taxes under s.
 29 212.11, and the dealer's credit for collecting taxes or fees
 30 provided for in s. 212.12 does not apply to the fees
 31 ~~mitigation fee~~ imposed by this section.

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1 (b) In administering this section, the Department of
 2 Revenue may employ persons and incur expenses for which funds
 3 are appropriated by the Legislature. The Department of Revenue
 4 shall adopt rules and prescribe and publish forms necessary to
 5 administer this section. The Department of Revenue shall
 6 establish audit procedures and may assess delinquent fees.

7 (5) Beginning January 1, 2010 ~~January 1, 2001~~, and
 8 each January 1 thereafter, the per-ton mitigation fee only
 9 shall be increased by 2.1 percentage points, plus a cost
 10 growth index. The cost growth index shall be the percentage
 11 change in the weighted average of the Employment Cost Index
 12 for All Civilian Workers (ecu 10001I), issued by the United
 13 States Department of Labor for the most recent 12-month period
 14 ending on September 30, and the percentage change in the
 15 Producer Price Index for All Commodities (WPU 00000000),
 16 issued by the United States Department of Labor for the most
 17 recent 12-month period ending on September 30, compared to the
 18 weighted average of these indices for the previous year. The
 19 weighted average shall be calculated as 0.6 times the
 20 percentage change in the Employment Cost Index for All
 21 Civilian Workers (ecu 10001I), plus 0.4 times the percentage
 22 change in the Producer Price Index for All Commodities (WPU
 23 00000000). If either index is discontinued, it shall be
 24 replaced by its successor index, as identified by the United
 25 States Department of Labor.

26 (6)(a) The proceeds of the mitigation fee must be used
 27 to conduct mitigation activities that are appropriate to
 28 offset the loss of the value and functions of wetlands as a
 29 result of mining activities and must be used in a manner
 30 consistent with the recommendations contained in the reports
 31 submitted to the Legislature by the Miami-Dade County Lake

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1 Belt Plan Implementation Committee and adopted under s.
2 373.4149. The ~~Such~~ mitigation may include the purchase,
3 enhancement, restoration, and management of wetlands and
4 uplands, the purchase of mitigation credit from a permitted
5 mitigation bank, and any structural modifications to the
6 existing drainage system to enhance the hydrology of the
7 Miami-Dade County Lake Belt Area. Funds may also be used to
8 reimburse other funding sources, including the Save Our Rivers
9 Land Acquisition Program, ~~and~~ the Internal Improvement Trust
10 Fund, the South Florida Water Management District, and
11 Miami-Dade County, for the purchase of lands that were
12 acquired in areas appropriate for mitigation due to rock
13 mining and to reimburse governmental agencies that exchanged
14 land under s. 373.4149 for mitigation due to rock mining
15 ~~rockmining~~. The proceeds of the water treatment plant upgrade
16 fee shall be used solely to upgrade a water treatment plant
17 that treats water coming from the Northwest Wellfield in
18 Miami-Dade County. As used in this section, the terms "upgrade
19 a water treatment plant" or "treatment plant upgrade" mean
20 those works necessary to treat or filter a surface water
21 source or supply.

22 (b) Expenditures of the mitigation fee must be
23 approved by an interagency committee consisting of
24 representatives from each of the following: the Miami-Dade
25 County Department of Environmental Resource Management, the
26 Department of Environmental Protection, the South Florida
27 Water Management District, and the Fish and Wildlife
28 Conservation Commission. In addition, the limerock mining
29 industry shall select a representative to serve as a nonvoting
30 member of the interagency committee. At the discretion of the
31 committee, additional members may be added to represent

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1 federal regulatory, environmental, and fish and wildlife
2 agencies.

3 (7) Payment of the mitigation fee imposed by this
4 section satisfies the mitigation requirements imposed under
5 ss. 373.403-373.439 and any applicable county ordinance for
6 loss of the value and functions from mining of the wetlands
7 identified as rock mining ~~rockmining~~ supported and allowable
8 areas of the Miami-Dade County Lake Plan adopted by s.
9 373.4149(1). In addition, it is the intent of the Legislature
10 that the payment of the mitigation fee imposed by this section
11 satisfy all federal mitigation requirements for the wetlands
12 mined.

13 (9)

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

20 Section 3. This act shall take effect upon becoming a
21 law.

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23

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

25 And the title is amended as follows:

26 Delete everything before the enacting clause

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28 and insert:

29 A bill to be entitled

30 An act relating to the Miami-Dade County Lake

31 Belt Area; amending s. 373.4149, F.S.; revising

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

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