

By Senator Garcia

40-936-06

1 A bill to be entitled
2 An act relating to the Miami-Dade County Lake
3 Belt Plan; amending s. 373.4149, F.S.; deleting
4 certain areas that are not within the
5 boundaries of the plan; amending s. 373.41492,
6 F.S.; removing certain areas from the list of
7 properties from which limerock and sand are
8 extracted; increasing the mitigation fee that
9 is imposed for each ton of limerock and sand
10 that is sold; revising the date on which the
11 mitigation fee will be increased; adding
12 funding sources that may be reimbursed with the
13 proceeds of a mitigation fee; providing an
14 effective date.

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

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

20 373.4149 Miami-Dade County Lake Belt Plan.--

21 (3) The Miami-Dade County Lake Belt Area is that area
22 bounded by the Ronald Reagan Turnpike to the east, the
23 Miami-Dade-Broward County line to the north, Krome Avenue to
24 the west and Tamiami Trail to the south together with the land
25 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,
26 Township 54 South, Range 39 East, sections 24, 25, and 36,
27 Township 54 South, Range 38 East less those portions of
28 section 3, south of Krome Avenue and west of U.S. Highway 27,
29 ~~section 10, except the west one half, section 11, except the~~
30 ~~northeast one quarter and the east one half of the northwest~~
31 ~~one quarter, and tracts 38 through 41, and tracts 49 through~~

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

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

15 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
16 mitigation for mining activities within the Miami-Dade County
17 Lake Belt.--

18 (2) To provide for the mitigation of wetland resources
19 lost to mining activities within the Miami-Dade County Lake
20 Belt Plan, effective October 1, 1999, a mitigation fee is
21 imposed on each ton of limerock and sand extracted by any
22 person who engages in the business of extracting limerock or
23 sand from within the Miami-Dade County Lake Belt Area ~~and~~
24 ~~sections 10, 11, 13, 14, Township 52 South, Range 39 East, and~~
25 sections 24, 25, 35, and 36, Township 53 South, Range 39 East.
26 The mitigation fee is imposed ~~at the rate of 5 cents~~ for each
27 ton of limerock and sand sold from within the properties where
28 the fee applies in raw, processed, or manufactured form,
29 including, but not limited to, sized aggregate, asphalt,
30 cement, concrete, and other limerock and concrete products.
31 The mitigation fee imposed by this subsection for each ton of

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

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

1 00000000). If either index is discontinued, it shall be
2 replaced by its successor index, as identified by the United
3 States Department of Labor.

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

24 Section 3. This act shall take effect upon becoming a
25 law.

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SENATE SUMMARY

Deletes certain areas that are not within the boundaries of the Miami-Dade County Lake Belt Plan. Removes certain areas from the list of properties from which limerock and sand are extracted. Increases the mitigation fee that is imposed for each ton of limerock and sand that is sold. Revises the date on which the mitigation fee will be increased. Adds funding sources that may be reimbursed with the proceeds of a mitigation fee.