

1 (3) The Miami-Dade County Lake Belt Area is that area
2 bounded by the Ronald Reagan Turnpike to the east, the
3 Miami-Dade-Broward County line to the north, Krome Avenue to
4 the west and Tamiami Trail to the south together with the land
5 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,
6 Township 54 South, Range 39 East, sections 24, 25, and 36,
7 Township 54 South, Range 38 East, less those portions of
8 section 3, Township 52 South, Range 39 East, south of Krome
9 Avenue and west of U.S. Highway 27, and less section 10,
10 ~~except the west one half, section 11, except the northeast~~
11 ~~one quarter and the east one half of the northwest~~
12 ~~one quarter, and tracts 38 through 41, and tracts 49 through~~
13 ~~64 inclusive, section 13, except tracts 17 through 35 and~~
14 ~~tracts 46 through 48, of Florida Fruit Lands Company~~
15 ~~Subdivision No. 1 according to the plat thereof as recorded in~~
16 ~~plat book 2, page 17, public records of Miami Dade County, and~~
17 ~~section 14, except the west three quarters, Township 52 South,~~
18 ~~Range 39 East, lying north of the Miami Canal,~~ sections 35 and
19 36 and the east one-half of sections 24 and 25, Township 53
20 South, Range 39 East and Government Lots 1 and 2, lying
21 between Townships 53 and 54 South, Range 39 East and those
22 portions of sections 1 and 2, Township 54 South, Range 39
23 East, lying north of Tamiami Trail.

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

27 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
28 mitigation for mining activities within the Miami-Dade County
29 Lake Belt.--

30 (2) To provide for the mitigation of wetland resources
31 lost to mining activities within the Miami-Dade County Lake

1 Belt Plan, effective October 1, 1999, a mitigation fee is
2 imposed on each ton of limerock and sand extracted by any
3 person who engages in the business of extracting limerock or
4 sand from within the Miami-Dade County Lake Belt Area ~~and~~
5 ~~sections 10, 11, 13, 14, Township 52 South, Range 39 East,~~ and
6 the east one-half of sections 24 and 25 and all of sections
7 35 and 36, Township 53 South, Range 39 East. The mitigation
8 fee is imposed at the rate of 5 cents for each ton of limerock
9 and sand sold from within the properties where the fee applies
10 in raw, processed, or manufactured form, including, but not
11 limited to, sized aggregate, asphalt, cement, concrete, and
12 other limerock and concrete products. The mitigation fee
13 imposed by this subsection for each ton of limerock and sand
14 that is sold shall be 12 cents per ton beginning January 1,
15 2007, 18 cents per ton beginning January 1, 2008, and 24 cents
16 per ton beginning January 1, 2009. To upgrade a water
17 treatment plant that treats water coming from the Northwest
18 Wellfield in Miami-Dade County, a water treatment plant
19 upgrade fee is imposed within the same Lake Belt Area subject
20 to the mitigation fee and upon the same kind of mined limerock
21 and sand as the mitigation fee. The water treatment plant
22 upgrade fee imposed by this subsection for each ton of
23 limerock and sand sold shall be 15 cents per ton beginning on
24 January 1, 2007, and the collection of this fee shall cease
25 once the total amount of proceeds, less administrative costs,
26 collected for this fee reaches \$112.5 million or the amount of
27 the actual moneys necessary to design and construct the
28 treatment plant upgrade, whichever is less. Any limerock or
29 sand that is used within the mine from which the limerock or
30 sand is extracted is exempt from the ~~fees~~ fee. The amount of
31 the mitigation fee and the water treatment plant upgrade fee

1 imposed under this section must be stated separately on the
2 invoice provided to the purchaser of the limerock or sand
3 product from the limerock or sand miner, or its subsidiary or
4 affiliate, for which the ~~mitigation fee~~ or fees apply ~~applies~~.
5 The limerock or sand miner, or its subsidiary or affiliate,
6 who sells the limerock or sand product shall collect the
7 mitigation fee and the water treatment plant upgrade fee and
8 forward the proceeds of the fees ~~fee~~ to the Department of
9 Revenue on or before the 20th day of the month following the
10 calendar month in which the sale occurs.

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

30 (4)(a) The Department of Revenue shall administer,
31 collect, and enforce the mitigation and treatment plant

1 upgrade fees ~~fee~~ authorized under this section in accordance
2 with the procedures used to administer, collect, and enforce
3 the general sales tax imposed under chapter 212. The
4 provisions of chapter 212 with respect to the authority of the
5 Department of Revenue to audit and make assessments, the
6 keeping of books and records, and the interest and penalties
7 imposed on delinquent fees apply to this section. The fees ~~fee~~
8 may not be included in computing estimated taxes under s.
9 212.11, and the dealer's credit for collecting taxes or fees
10 provided for in s. 212.12 does not apply to the fees
11 ~~mitigation fee~~ imposed by this section.

12 (b) In administering this section, the Department of
13 Revenue may employ persons and incur expenses for which funds
14 are appropriated by the Legislature. The Department of Revenue
15 shall adopt rules and prescribe and publish forms necessary to
16 administer this section. The Department of Revenue shall
17 establish audit procedures and may assess delinquent fees.

18 (5) Beginning January 1, 2010 ~~January 1, 2001~~, and
19 each January 1 thereafter, the per-ton mitigation fee only
20 shall be increased by 2.1 percentage points, plus a cost
21 growth index. The cost growth index shall be the percentage
22 change in the weighted average of the Employment Cost Index
23 for All Civilian Workers (ecu 10001I), issued by the United
24 States Department of Labor for the most recent 12-month period
25 ending on September 30, and the percentage change in the
26 Producer Price Index for All Commodities (WPU 00000000),
27 issued by the United States Department of Labor for the most
28 recent 12-month period ending on September 30, compared to the
29 weighted average of these indices for the previous year. The
30 weighted average shall be calculated as 0.6 times the
31 percentage change in the Employment Cost Index for All

1 Civilian Workers (ecu 10001I), plus 0.4 times the percentage
2 change in the Producer Price Index for All Commodities (WPU
3 00000000). If either index is discontinued, it shall be
4 replaced by its successor index, as identified by the United
5 States Department of Labor.

6 (6)(a) The proceeds of the mitigation fee must be used
7 to conduct mitigation activities that are appropriate to
8 offset the loss of the value and functions of wetlands as a
9 result of mining activities and must be used in a manner
10 consistent with the recommendations contained in the reports
11 submitted to the Legislature by the Miami-Dade County Lake
12 Belt Plan Implementation Committee and adopted under s.

13 373.4149. ~~The Such~~ mitigation may include the purchase,
14 enhancement, restoration, and management of wetlands and
15 uplands, the purchase of mitigation credit from a permitted
16 mitigation bank, and any structural modifications to the
17 existing drainage system to enhance the hydrology of the
18 Miami-Dade County Lake Belt Area. Funds may also be used to
19 reimburse other funding sources, including the Save Our Rivers
20 Land Acquisition Program, ~~and~~ the Internal Improvement Trust
21 Fund, the South Florida Water Management District, and
22 Miami-Dade County, for the purchase of lands that were
23 acquired in areas appropriate for mitigation due to rock
24 mining and to reimburse governmental agencies that exchanged
25 land under s. 373.4149 for mitigation due to rock mining
26 ~~rock mining~~. The proceeds of the water treatment plant upgrade
27 fee shall be used solely to upgrade a water treatment plant
28 that treats water coming from the Northwest Wellfield in
29 Miami-Dade County. As used in this section, the terms "upgrade
30 a water treatment plant" or "treatment plant upgrade" mean
31

1 those works necessary to treat or filter a surface water
2 source or supply.

3 (b) Expenditures of the mitigation fee must be
4 approved by an interagency committee consisting of
5 representatives from each of the following: the Miami-Dade
6 County Department of Environmental Resource Management, the
7 Department of Environmental Protection, the South Florida
8 Water Management District, and the Fish and Wildlife
9 Conservation Commission. In addition, the limerock mining
10 industry shall select a representative to serve as a nonvoting
11 member of the interagency committee. At the discretion of the
12 committee, additional members may be added to represent
13 federal regulatory, environmental, and fish and wildlife
14 agencies.

15 (7) Payment of the mitigation fee imposed by this
16 section satisfies the mitigation requirements imposed under
17 ss. 373.403-373.439 and any applicable county ordinance for
18 loss of the value and functions from mining of the wetlands
19 identified as rock mining ~~rock mining~~ supported and allowable
20 areas of the Miami-Dade County Lake Plan adopted by s.
21 373.4149(1). In addition, it is the intent of the Legislature
22 that the payment of the mitigation fee imposed by this section
23 satisfy all federal mitigation requirements for the wetlands
24 mined.

25 (9)

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

1 Section 3. Fran Reich Preserve designated; South
2 Florida Water Management District to erect suitable markers.--

3 (1) The Site 1 Impoundment project of the
4 Comprehensive Everglades Restoration Plan sponsored by the
5 South Florida Water Management District is designated the
6 "Fran Reich Preserve."

7 (2) The South Florida Water Management District is
8 directed to erect suitable markers designating the Fran Reich
9 Preserve as described in subsection (1).

10 Section 4. This act shall take effect upon becoming a
11 law.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 CS for SB 1306

16 Revises the dates the mitigation fee will be imposed for each
17 ton of limerock and sand sold from the Lake Belt Area and the
areas within the Lake Belt Area that are subject to the fee.

18 Provides for new fees as follows: 12 cents per ton of
19 limerock and sand beginning January 1, 2007; 18 cents per ton
beginning January 1, 2008; and 24 cents per ton beginning
20 January 1, 2009.

21 Provides that, beginning January 1, 2010 and on each January 1
22 thereafter, the per-ton mitigation fee shall only be increased
by 2.1 percentage points, plus a cost growth index.

23 Imposes the water treatment plant upgrade fee for each ton of
limerock and sand sold from the Lake Belt Area.

24 Names the Site 1 Impoundment Project of the Comprehensive
25 Everglades Restoration Plan the "Fran Reich Preserve" and
directs the South Florida Water Management District to erect
26 suitable markers with this designation.