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LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

04/30/2010 03:41 PM

Senator Altman moved the following:

Senate Amendment (with title amendment)

Between lines 172 and 173

insert:

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

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

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on



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14 each ton of limerock and sand extracted by any person who
15 engages in the business of extracting limerock or sand from
16 within the Miami-Dade County Lake Belt Area and the east one-
17 half of sections 24 and 25 and all of sections 35 and 36,
18 Township 53 South, Range 39 East. The mitigation fee is imposed
19 for each ton of limerock and sand sold from within the
20 properties where the fee applies in raw, processed, or
21 manufactured form, including, but not limited to, sized
22 aggregate, asphalt, cement, concrete, and other limerock and
23 concrete products. The mitigation fee imposed by this subsection
24 for each ton of limerock and sand sold shall be 12 cents per ton
25 beginning January 1, 2007; 18 cents per ton beginning January 1,
26 2008; ~~and~~ 24 cents per ton beginning January 1, 2009; and 45
27 cents per ton beginning close of business December 31, 2011. To
28 upgrade a water treatment plant that treats water coming from
29 the Northwest Wellfield in Miami-Dade County, a water treatment
30 plant upgrade fee is imposed within the same Lake Belt Area
31 subject to the mitigation fee and upon the same kind of mined
32 limerock and sand subject to the mitigation fee. The water
33 treatment plant upgrade fee imposed by this subsection for each
34 ton of limerock and sand sold shall be 15 cents per ton
35 beginning on January 1, 2007, and the collection of this fee
36 shall cease once the total amount of proceeds collected for this
37 fee reaches the amount of the actual moneys necessary to design
38 and construct the water treatment plant upgrade, as determined
39 in an open, public solicitation process. Any limerock or sand
40 that is used within the mine from which the limerock or sand is
41 extracted is exempt from the fees. The amount of the mitigation
42 fee and the water treatment plant upgrade fee imposed under this



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43 section must be stated separately on the invoice provided to the
44 purchaser of the limerock or sand product from the limerock or
45 sand miner, or its subsidiary or affiliate, for which the fee or
46 fees apply. The limerock or sand miner, or its subsidiary or
47 affiliate, who sells the limerock or sand product shall collect
48 the mitigation fee and the water treatment plant upgrade fee and
49 forward the proceeds of the fees to the Department of Revenue on
50 or before the 20th day of the month following the calendar month
51 in which the sale occurs.

52 (5) Each January 1, beginning January 1, 2010, through
53 December 31, 2011 and each January 1 thereafter, the per-ton
54 mitigation fee shall be increased by 2.1 percentage points, plus
55 a cost growth index. The cost growth index shall be the
56 percentage change in the weighted average of the Employment Cost
57 Index for All Civilian Workers (ecu 10001I), issued by the
58 United States Department of Labor for the most recent 12-month
59 period ending on September 30, and the percentage change in the
60 Producer Price Index for All Commodities (WPU 00000000), issued
61 by the United States Department of Labor for the most recent 12-
62 month period ending on September 30, compared to the weighted
63 average of these indices for the previous year. The weighted
64 average shall be calculated as 0.6 times the percentage change
65 in the Employment Cost Index for All Civilian Workers (ecu
66 10001I), plus 0.4 times the percentage change in the Producer
67 Price Index for All Commodities (WPU 00000000). If either index
68 is discontinued, it shall be replaced by its successor index, as
69 identified by the United States Department of Labor.

70 (9)

71 (b) No sooner than January 31, 2010, and no more frequently



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72 than every 2 5 years thereafter, the interagency committee shall
73 submit to the Legislature a report recommending any needed
74 adjustments to the mitigation fee, including the annual
75 escalator provided for in subsection (5), to ensure that the
76 revenue generated reflects the actual costs of the mitigation.
77
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79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81 Delete line 7

82 and insert:

83 credits; conforming cross-references; amending s.
84 373.41492, F.S.; increasing the mitigation fee for
85 mining activities in the Miami-Dade County Lake Belt;
86 suspending an annual increase in the mitigation fee;
87 revising the frequency of an interagency committee
88 report; amending s.