



209472

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/13/2010	.	
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The Committee on Transportation and Economic Development  
Appropriations (Smith) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1056 and 1057  
insert:

Section 21. 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



209472

13 Plan, effective October 1, 1999, a mitigation fee is imposed on  
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 January 1, 2011. To upgrade a water  
28 treatment plant that treats water coming from the Northwest  
29 Wellfield in Miami-Dade County, a water treatment plant upgrade  
30 fee is imposed within the same Lake Belt Area subject to the  
31 mitigation fee and upon the same kind of mined limerock and sand  
32 subject to the mitigation fee. The water treatment plant upgrade  
33 fee imposed by this subsection for each ton of limerock and sand  
34 sold shall be 15 cents per ton beginning on January 1, 2007, and  
35 the collection of this fee shall cease once the total amount of  
36 proceeds collected for this fee reaches the amount of the actual  
37 moneys necessary to design and construct the water treatment  
38 plant upgrade, as determined in an open, public solicitation  
39 process. Any limerock or sand that is used within the mine from  
40 which the limerock or sand is extracted is exempt from the fees.  
41 The amount of the mitigation fee and the water treatment plant



209472

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

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

69 (9)

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



209472

71 than every 2 5 years thereafter, the interagency committee shall  
72 submit to the Legislature a report recommending any needed  
73 adjustments to the mitigation fee, including the annual  
74 escalator provided for in subsection (5), to ensure that the  
75 revenue generated reflects the actual costs of the mitigation.  
76

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

78 And the title is amended as follows:

79 Delete line 107

80 and insert:

81 circumstances; amending s. 373.41492, F.S., increasing  
82 the mitigation fee for mining activities in the Miami-  
83 Dade County Lake Belt; suspending an annual increase  
84 in the mitigation fee; revising the frequency of an  
85 interagency committee report; designating parts I and  
86 II of ch. 479,