



937802

LEGISLATIVE ACTION

Senate

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House

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Floor: 10/AD/2R

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04/23/2010 03:16 PM

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Senator Constantine moved the following:

Senate Amendment (with title amendment)

Delete lines 2484 - 2888

and insert:

Section 33. Subsections (2), (5), and (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 each ton of limerock and sand extracted by any person who



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



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

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

70 (9) (a) The interagency committee established in this
71 section shall annually prepare and submit to the governing board



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72 of the South Florida Water Management District a report
73 evaluating the mitigation costs and revenues generated by the
74 mitigation fee.

75 (b) No sooner than January 31, 2010, and no more frequently
76 than every 5 years thereafter, the interagency committee shall
77 submit to the Legislature a report recommending any needed
78 adjustments to the mitigation fee, including the annual
79 escalator provided for in subsection (5), to ensure that the
80 revenue generated reflects the actual costs of the mitigation.

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

84 And the title is amended as follows:

85 Delete lines 135 - 155

86 and insert:

87 amending s. 373.41492, F.S.; updating mitigation fees for
88 the Miami-Dade Lake Belt Mitigation Plan; amending s. 215.619,
89 F.S.;