



426320

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 04/12/2011 | . | |
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The Committee on Agriculture (Montford) recommended the following:

Senate Amendment (with title amendment)

Between lines 279 and 280
insert:

Section 6. Subsections (2) and (3), paragraph (a) of subsection (4), and paragraph (a) of subsection (6) 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



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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; 24 cents per ton beginning January 1, 2009; and 45 cents
27 per ton beginning close of business December 31, 2011. To pay
28 for seepage mitigation projects, including hydrological
29 structures, as authorized in an environmental resource permit
30 issued by the department for mining activities within the Miami-
31 Dade County Lake Belt Area, and to upgrade a water treatment
32 plant that treats water coming from the Northwest Wellfield in
33 Miami-Dade County, a water treatment plant upgrade fee is
34 imposed within the same Lake Belt Area subject to the mitigation
35 fee and upon the same kind of mined limerock and sand subject to
36 the mitigation fee. The water treatment plant upgrade fee
37 imposed by this subsection for each ton of limerock and sand
38 sold shall be 15 cents per ton beginning on January 1, 2007, and
39 the collection of this fee shall cease once the total amount of
40 proceeds collected for this fee reaches the amount of the actual
41 moneys necessary to design and construct the water treatment



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42 plant upgrade, as determined in an open, public solicitation
43 process. Any limerock or sand that is used within the mine from
44 which the limerock or sand is extracted is exempt from the fees.
45 The amount of the mitigation fee and the water treatment plant
46 upgrade fee imposed under this section must be stated separately
47 on the invoice provided to the purchaser of the limerock or sand
48 product from the limerock or sand miner, or its subsidiary or
49 affiliate, for which the fee or fees apply. The limerock or sand
50 miner, or its subsidiary or affiliate, who sells the limerock or
51 sand product shall collect the mitigation fee and the water
52 treatment plant upgrade fee and forward the proceeds of the fees
53 to the Department of Revenue on or before the 20th day of the
54 month following the calendar month in which the sale occurs. As
55 used in this section, the term "proceeds of the fee" means all
56 funds collected and received by the Department of Revenue under
57 this section, including interest and penalties on delinquent
58 fees. The amount deducted for administrative costs may not
59 exceed 3 percent of the total revenues collected under this
60 section and may equal only those administrative costs reasonably
61 attributable to the fees.

62 (3) The mitigation fee and the water treatment plant
63 upgrade fee imposed by this section must be reported to the
64 Department of Revenue. Payment of the mitigation and the water
65 treatment plant upgrade fees must be accompanied by a form
66 prescribed by the Department of Revenue. The proceeds of the
67 mitigation fee, less administrative costs, must be transferred
68 by the Department of Revenue to the South Florida Water
69 Management District and deposited into the Lake Belt Mitigation
70 Trust Fund. Beginning January 1, 2012, and ending December 31,



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71 2017, or upon issuance of water quality certification by the
72 department for mining activities within Phase II of the Miami-
73 Dade County Lake Belt Plan, whichever occurs later, the proceeds
74 of the water treatment plant upgrade fee, less administrative
75 costs, must be transferred by the Department of Revenue to the
76 South Florida Water Management District and deposited into the
77 Lake Belt Mitigation Trust Fund. Beginning January 1, 2018, the
78 proceeds of the water treatment plant upgrade fee, less
79 administrative costs, must be transferred by the Department of
80 Revenue to a trust fund established by Miami-Dade County, for
81 the sole purpose authorized by paragraph (6) (a). ~~As used in this~~
82 ~~section, the term "proceeds of the fee" means all funds~~
83 ~~collected and received by the Department of Revenue under this~~
84 ~~section, including interest and penalties on delinquent fees.~~
85 ~~The amount deducted for administrative costs may not exceed 3~~
86 ~~percent of the total revenues collected under this section and~~
87 ~~may equal only those administrative costs reasonably~~
88 ~~attributable to the fees.~~

89 (4) (a) The Department of Revenue shall administer, collect,
90 and enforce the mitigation and water treatment plant upgrade
91 fees authorized under this section in accordance with the
92 procedures used to administer, collect, and enforce the general
93 sales tax imposed under chapter 212. The provisions of chapter
94 212 with respect to the authority of the Department of Revenue
95 to audit and make assessments, the keeping of books and records,
96 and the interest and penalties imposed on delinquent fees apply
97 to this section. The fees may not be included in computing
98 estimated taxes under s. 212.11, and the dealer's credit for
99 collecting taxes or fees provided for in s. 212.12 does not



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100 apply to the fees imposed by this section.

101 (6) (a) The proceeds of the mitigation fee must be used to
102 conduct mitigation activities that are appropriate to offset the
103 loss of the value and functions of wetlands as a result of
104 mining activities and must be used in a manner consistent with
105 the recommendations contained in the reports submitted to the
106 Legislature by the Miami-Dade County Lake Belt Plan
107 Implementation Committee and adopted under s. 373.4149. Such
108 mitigation may include the purchase, enhancement, restoration,
109 and management of wetlands and uplands, the purchase of
110 mitigation credit from a permitted mitigation bank, and any
111 structural modifications to the existing drainage system to
112 enhance the hydrology of the Miami-Dade County Lake Belt Area.
113 Funds may also be used to reimburse other funding sources,
114 including the Save Our Rivers Land Acquisition Program, the
115 Internal Improvement Trust Fund, the South Florida Water
116 Management District, and Miami-Dade County, for the purchase of
117 lands that were acquired in areas appropriate for mitigation due
118 to rock mining and to reimburse governmental agencies that
119 exchanged land under s. 373.4149 for mitigation due to rock
120 mining. The proceeds of the water treatment plant upgrade fee
121 that are deposited into the Lake Belt Mitigation Trust Fund
122 shall be used solely to pay for seepage mitigation projects,
123 including groundwater or surface water management structures, as
124 authorized in an environmental resource permit issued by the
125 department for mining activities within the Miami-Dade County
126 Lake Belt Area. The proceeds of the water treatment plant
127 upgrade fee that are transferred to a trust fund established by
128 Miami-Dade County shall be used to upgrade a water treatment



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129 plant that treats water coming from the Northwest Wellfield in
130 Miami-Dade County. As used in this section, the terms "upgrade a
131 water treatment plant" or "water treatment plant upgrade" means
132 those works necessary to treat or filter a surface water source
133 or supply or both.

134

135

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

137 And the title is amended as follows:

138 Delete lines 2 - 26

139 and insert:

140 An act relating to environmental regulation; amending
141 s. 373.236, F.S.; requiring consumptive use permits to
142 be issued for a period of 20 years; providing
143 exceptions; deleting legislative findings requiring
144 the Department of Environmental Protection to provide
145 certain information to agricultural applicants;
146 eliminating requirements for permit compliance
147 reports; removing the authority of the department and
148 the water management district governing boards to
149 request permit compliance reports and to modify or
150 revoke consumptive use permits; providing for the
151 modification of existing consumptive use permits under
152 certain conditions; amending s. 373.250, F.S.;
153 providing requirements for water management districts
154 in evaluating applications for the consumptive use of
155 water in mandatory reuse zones; providing
156 applicability; creating s. 373.255, F.S.; requiring
157 water management districts to implement a sustainable



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158 water use permit program for public water utilities;
159 providing program criteria; providing permit
160 application and issuance requirements; providing
161 requirements for permit monitoring, compliance, and
162 performance metrics; amending ss. 373.2234 and
163 373.243, F.S.; conforming cross-references; amending
164 s. 373.41492, F.S.; authorizing the use of proceeds
165 from the water treatment plant upgrade fee to pay for
166 specified mitigation projects; requiring proceeds from
167 the water treatment plant upgrade fee to be
168 transferred by the Department of Revenue to the South
169 Florida Water Management District and deposited into
170 the Lake Belt Mitigation Trust Fund for a specified
171 period of time; providing, after that period, for the
172 proceeds of the water treatment plant upgrade fee to
173 return to being transferred by the Department of
174 Revenue to a trust fund established by Miami-Dade
175 County for specified purposes; conforming a term;
176 amending s. 373.707, F.S.; providing an