

By the Committee on Community Affairs; and Senators Garcia, Margolis, Braynon, and Diaz de la Portilla

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1 A bill to be entitled

2 An act relating to the Miami-Dade County Lake Belt
3 Mitigation Plan; amending s. 373.41492, F.S.; deleting
4 references to a report by the Miami-Dade County Lake
5 Belt Plan Implementation Committee; providing for the
6 redirection of funds for seepage mitigation projects;
7 requiring the proceeds of the water treatment plant
8 upgrade fee to be transferred by the Department of
9 Revenue to the South Florida Water Management District
10 and to be deposited into the Lake Belt Mitigation
11 Trust Fund; providing criterion when the transfer is
12 not required; providing for the proceeds of the
13 mitigation fee to be used to conduct mitigation
14 activities that are approved by the Miami-Dade County
15 Lake Belt Mitigation Committee; clarifying the
16 authorized uses for the proceeds from the water
17 treatment plant upgrade fee; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsections (1), (2), (3), and (6) of section
23 373.41492, Florida Statutes, are amended to read:

24 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
25 mitigation for mining activities within the Miami-Dade County
26 Lake Belt.—

27 (1) The Legislature finds that the impact of mining within
28 the rock mining supported and allowable areas of the Miami-Dade
29 County Lake Belt Plan adopted by s. 373.4149(1) can best be

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30 offset by the implementation of a comprehensive mitigation plan
31 ~~as recommended in the 1998 Progress Report to the Florida~~
32 ~~Legislature by the Miami-Dade County Lake Belt Plan~~
33 ~~Implementation Committee.~~ The Lake Belt Mitigation Plan consists
34 of those provisions contained in subsections (2)-(9). The per-
35 ton mitigation fee assessed on limestone sold from the Miami-
36 Dade County Lake Belt Area and sections 10, 11, 13, 14, Township
37 52 South, Range 39 East, and sections 24, 25, 35, and 36,
38 Township 53 South, Range 39 East, shall be used for acquiring
39 environmentally sensitive lands and for restoration,
40 maintenance, and other environmental purposes. It is the intent
41 of the Legislature that the per-ton mitigation fee ~~shall~~ not be
42 a revenue source for purposes other than enumerated in this
43 section herein. Further, the Legislature finds that the public
44 benefit of a sustainable supply of limestone construction
45 materials for public and private projects requires a coordinated
46 approach to permitting activities on wetlands within Miami-Dade
47 County in order to provide the certainty necessary to encourage
48 substantial and continued investment in the limestone processing
49 plant and equipment required to efficiently extract the
50 limestone resource. It is the intent of the Legislature that the
51 Lake Belt Mitigation Plan satisfy all local, state, and federal
52 requirements for mining activity within the rock mining
53 supported and allowable areas.

54 (2) To provide for the mitigation of wetland resources lost
55 to mining activities within the Miami-Dade County Lake Belt
56 Plan, effective October 1, 1999, a mitigation fee is imposed on
57 each ton of limerock and sand extracted by any person who
58 engages in the business of extracting limerock or sand from

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59 within the Miami-Dade County Lake Belt Area and the east one-
60 half of sections 24 and 25 and all of sections 35 and 36,
61 Township 53 South, Range 39 East. The mitigation fee is imposed
62 for each ton of limerock and sand sold from within the
63 properties where the fee applies in raw, processed, or
64 manufactured form, including, but not limited to, sized
65 aggregate, asphalt, cement, concrete, and other limerock and
66 concrete products. The mitigation fee imposed by this subsection
67 for each ton of limerock and sand sold shall be ~~12 cents per ton~~
68 ~~beginning January 1, 2007; 18 cents per ton beginning January 1,~~
69 ~~2008; 24 cents per ton beginning January 1, 2009;~~ and 45 cents
70 per ton beginning close of business December 31, 2011. To pay
71 for seepage mitigation projects, including groundwater and
72 surface water management structures designed to improve wetland
73 habitat and approved by the Lake Belt Mitigation Committee, and
74 to upgrade a water treatment plant that treats water coming from
75 the Northwest Wellfield in Miami-Dade County, a water treatment
76 plant upgrade fee is imposed within the same Lake Belt Area
77 subject to the mitigation fee and upon the same kind of mined
78 limerock and sand subject to the mitigation fee. The water
79 treatment plant upgrade fee imposed by this subsection for each
80 ton of limerock and sand sold shall be 15 cents per ton
81 ~~beginning on January 1, 2007,~~ and the collection of this fee
82 shall cease once the total amount of proceeds collected for this
83 fee reaches the amount of the actual moneys necessary to design
84 and construct the water treatment plant upgrade, as determined
85 in an open, public solicitation process. Any limerock or sand
86 that is used within the mine from which the limerock or sand is
87 extracted is exempt from the fees. The amount of the mitigation

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88 fee and the water treatment plant upgrade fee imposed under this
89 section must be stated separately on the invoice provided to the
90 purchaser of the limerock or sand product from the limerock or
91 sand miner, or its subsidiary or affiliate, for which the fee or
92 fees apply. The limerock or sand miner, or its subsidiary or
93 affiliate, who sells the limerock or sand product shall collect
94 the mitigation fee and the water treatment plant upgrade fee and
95 forward the proceeds of the fees to the Department of Revenue on
96 or before the 20th day of the month following the calendar month
97 in which the sale occurs. The proceeds of a fee imposed by this
98 section include all funds collected and received by the
99 Department of Revenue relating to the fee, including interest
100 and penalties on a delinquent fee. The amount deducted for
101 administrative costs may not exceed 3 percent of the total
102 revenues collected under this section and may equal only those
103 administrative costs reasonably attributable to the fee.

104 (3) The mitigation fee and the water treatment plant
105 upgrade fee imposed by this section must be reported to the
106 Department of Revenue. Payment of the mitigation and the water
107 treatment plant upgrade fees must be accompanied by a form
108 prescribed by the Department of Revenue.

109 (a) The proceeds of the mitigation fee, less administrative
110 costs, must be transferred by the Department of Revenue to the
111 South Florida Water Management District and deposited into the
112 Lake Belt Mitigation Trust Fund.

113 (b) Beginning July 1, 2012, the proceeds of the water
114 treatment plant upgrade fee, less administrative costs, must be
115 transferred by the Department of Revenue to the South Florida
116 Water Management District and deposited into the Lake Belt

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117 Mitigation Trust Fund until:

118 1. A total of \$20 million from the proceeds of the water
119 treatment plant upgrade fee, less administrative costs, is
120 deposited into the Lake Belt Mitigation Trust Fund; or

121 2. The quarterly pathogen sampling conducted as a condition
122 of the permits issued by the department for rock mining
123 activities in the Miami-Dade County Lake Belt Area demonstrates
124 that the water in any quarry lake in the vicinity of the
125 Northwest Wellfield would be classified as being in Bin 2 or
126 higher as defined in the Environmental Protection Agency's Long
127 Term 2 Enhanced Surface Water Treatment Rule.

128 (c) Upon the earliest occurrence of the criterion under
129 subparagraph (b)1. or subparagraph (b)2., the proceeds of the
130 water treatment plant upgrade fee, less administrative costs,
131 must be transferred by the Department of Revenue to a trust fund
132 established by Miami-Dade County, for the sole purpose
133 authorized by paragraph (6) (a). As used in this section, the
134 term "proceeds of the fee" means all funds collected and
135 received by the Department of Revenue under this section,
136 including interest and penalties on delinquent fees. The amount
137 deducted for administrative costs may not exceed 3 percent of
138 the total revenues collected under this section and may equal
139 only those administrative costs reasonably attributable to the
140 fees.

141 (6) (a) The proceeds of the mitigation fee must be used to
142 conduct mitigation activities that are appropriate to offset the
143 loss of the value and functions of wetlands as a result of
144 mining activities and ~~must be approved used in a manner~~
145 ~~consistent with the recommendations contained in the reports~~

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146 ~~submitted to the Legislature~~ by the Miami-Dade County Lake Belt
147 ~~Mitigation Plan Implementation Committee and adopted under s.~~
148 ~~373.4149~~. Such mitigation may include the purchase, enhancement,
149 restoration, and management of wetlands and uplands in the
150 Everglades watershed, the purchase of mitigation credit from a
151 permitted mitigation bank, and any structural modifications to
152 the existing drainage system to enhance the hydrology of the
153 Miami-Dade County Lake Belt Area or the Everglades watershed.
154 Funds may also be used to reimburse other funding sources,
155 including the Save Our Rivers Land Acquisition Program, the
156 Internal Improvement Trust Fund, the South Florida Water
157 Management District, and Miami-Dade County, for the purchase of
158 lands that were acquired in areas appropriate for mitigation due
159 to rock mining and to reimburse governmental agencies that
160 exchanged land under s. 373.4149 for mitigation due to rock
161 mining. The proceeds of the water treatment plant upgrade fee
162 deposited into the Lake Belt Mitigation Trust Fund shall be used
163 solely to pay for seepage mitigation projects, including
164 groundwater or surface water management structures designed to
165 improve wetland habitat and approved by the Lake Belt Mitigation
166 Committee. The proceeds of the water treatment plant upgrade fee
167 which are transmitted to a trust fund established by Miami-Dade
168 County shall be used to upgrade a water treatment plant that
169 treats water coming from the Northwest Wellfield in Miami-Dade
170 County. As used in this section, the terms "upgrade a water
171 treatment plant" or "treatment plant upgrade" mean ~~means~~ those
172 works necessary to treat or filter a surface water source or
173 supply or both.

174 (b) Expenditures of the mitigation fee must be approved by

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175 an interagency committee consisting of representatives from each
176 of the following: the Miami-Dade County Department of
177 Environmental Resource Management, the Department of
178 Environmental Protection, the South Florida Water Management
179 District, and the Fish and Wildlife Conservation Commission. In
180 addition, the limerock mining industry shall select a
181 representative to serve as a nonvoting member of the interagency
182 committee. At the discretion of the committee, additional
183 members may be added to represent federal regulatory,
184 environmental, and fish and wildlife agencies.

185 Section 2. This act shall take effect upon becoming a law.