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CS/HB 377

2012 Legislature

1  
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; deleting obsolete  
6 provisions; providing for the redirection of funds for  
7 seepage mitigation projects; requiring the proceeds of  
8 the water treatment plant upgrade fee to be  
9 transferred by the Department of Revenue to the South  
10 Florida Water Management District and to be deposited  
11 into the Lake Belt Mitigation Trust Fund; providing  
12 criterion when the transfer is not required; providing  
13 for the proceeds of the mitigation fee to be used to  
14 conduct mitigation activities that are approved by the  
15 Miami-Dade County Lake Belt Mitigation Committee;  
16 clarifying the authorized uses for the proceeds from  
17 the water treatment plant upgrade fee; providing an  
18 effective 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

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29 County Lake Belt Plan adopted by s. 373.4149(1) can best be  
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  
55 lost to mining activities within the Miami-Dade County Lake Belt  
56 Plan, effective October 1, 1999, a mitigation fee is imposed on

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57 | each ton of limerock and sand extracted by any person who  
58 | engages in the business of extracting limerock or sand from  
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~~

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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  
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  
110 | administrative costs, must be transferred by the Department of  
111 | Revenue to the South Florida Water Management District and  
112 | deposited into the Lake Belt Mitigation Trust Fund.

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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  
 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  
 122 condition of the permits issued by the department for rock  
 123 mining activities in the Miami-Dade County Lake Belt Area  
 124 demonstrates that the water in any quarry lake in the vicinity  
 125 of the Northwest Wellfield would be classified as being in Bin 2  
 126 or higher as defined in the Environmental Protection Agency's  
 127 Long 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.~~

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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~~  
 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

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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  
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.