

1 A bill to be entitled
2 An act relating to the Miami-Dade County Lake Belt
3 Area; amending s. 373.4149, F.S.; requiring amendments
4 to local zoning and subdivision regulations concerning
5 properties located within a certain area to be
6 compatible with limestone mining activities;
7 prohibiting amendments to local zoning and subdivision
8 regulations which would result in an increase in
9 residential density for certain property until there
10 is no mining activity within a certain distance;
11 amending s. 373.41492, F.S.; conforming a cross-
12 reference; including monitoring as an environmental
13 purpose for which the per-ton mitigation fee may be
14 applied; decreasing the amount of the per-ton
15 mitigation fee for limerock and sand sold after
16 certain dates; imposing an environmentally endangered
17 lands fee; rescinding the water treatment plant
18 upgrade fee; requiring the Department of Revenue to
19 administer, enforce, and collect the environmentally
20 endangered lands fee; adding water quality monitoring
21 to the required uses for mitigation fee proceeds;
22 requiring the environmentally endangered lands fee to
23 be used solely for purposes related to wetland and
24 threatened forest communities located in Miami-Dade
25 County; reenacting s. 373.41495(1), (2), and (3), F.S.,
26 relating to the Lake Belt Mitigation Trust Fund to

27 | incorporate the amendment made to s. 373.41492, F.S.,
 28 | in reference thereto; providing an effective date.

29 |
 30 | Be It Enacted by the Legislature of the State of Florida:
 31 |

32 | Section 1. Subsection (4) of section 373.4149, Florida
 33 | Statutes, is amended to read:

34 | 373.4149 Miami-Dade County Lake Belt Plan.—

35 | (4) The identification of the Miami-Dade County Lake Belt
 36 | Area shall not preempt local land use jurisdiction, planning, or
 37 | regulatory authority in regard to the use of land by private
 38 | land owners. When amending local comprehensive plans, or
 39 | implementing zoning regulations, development regulations, or
 40 | other local regulations, Miami-Dade County shall strongly
 41 | consider limestone mining activities and ancillary operations,
 42 | such as lake excavation, including use of explosives, rock
 43 | processing, cement, concrete and asphalt products manufacturing,
 44 | and ancillary activities, within the rock mining supported and
 45 | allowable areas of the Miami-Dade County Lake Plan adopted by
 46 | subsection (1); provided, however, that limerock mining
 47 | activities are consistent with wellfield protection. Rezoning~~s~~,
 48 | ~~or~~ amendments to local zoning and subdivision regulations, and
 49 | amendments to local comprehensive plans concerning properties
 50 | that are located within 1 mile of the Miami-Dade Lake Belt Area
 51 | shall be compatible with limestone mining activities. No
 52 | rezonings, variances, amendments to local zoning and subdivision

53 regulations which would result in an increase in residential
54 density, or amendments to local comprehensive plans for any
55 residential purpose may be approved for any property located in
56 sections 35 and 36 and the east one-half of sections 24 and 25,
57 Township 53 South, Range 39 East until such time as there is no
58 active mining within 2 miles of the property. This section does
59 not preclude residential development that complies with current
60 regulations.

61 Section 2. Section 373.41492, Florida Statutes, is amended
62 to read:

63 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
64 mitigation for mining activities within the Miami-Dade County
65 Lake Belt.—

66 (1) The Legislature finds that the impact of mining within
67 the rock mining supported and allowable areas of the Miami-Dade
68 County Lake Belt Plan adopted by s. 373.4149(1) can best be
69 offset by the implementation of a comprehensive mitigation plan.
70 The Lake Belt Mitigation Plan consists of those provisions
71 contained in subsections (2)-(8) ~~(2)-(9)~~. The per-ton mitigation
72 fee assessed on limestone sold from the Miami-Dade County Lake
73 Belt Area and sections 10, 11, 13, 14, Township 52 South, Range
74 39 East, and sections 24, 25, 35, and 36, Township 53 South,
75 Range 39 East, shall be used for acquiring environmentally
76 sensitive lands and for restoration, monitoring, maintenance,
77 and other environmental purposes. It is the intent of the
78 Legislature that the per-ton mitigation fee not be a revenue

79 source for purposes other than enumerated in this section.
80 Further, the Legislature finds that the public benefit of a
81 sustainable supply of limestone construction materials for
82 public and private projects requires a coordinated approach to
83 permitting activities on wetlands within Miami-Dade County in
84 order to provide the certainty necessary to encourage
85 substantial and continued investment in the limestone processing
86 plant and equipment required to efficiently extract the
87 limestone resource. It is the intent of the Legislature that the
88 Lake Belt Mitigation Plan satisfy all local, state, and federal
89 requirements for mining activity within the rock mining
90 supported and allowable areas.

91 (2) To provide for the mitigation of wetland resources
92 lost to mining activities within the Miami-Dade County Lake Belt
93 Plan, effective October 1, 1999, a mitigation fee is imposed on
94 each ton of limerock and sand extracted by any person who
95 engages in the business of extracting limerock or sand from
96 within the Miami-Dade County Lake Belt Area and the east one-
97 half of sections 24 and 25 and all of sections 35 and 36,
98 Township 53 South, Range 39 East. The mitigation fee is imposed
99 for each ton of limerock and sand sold from within the
100 properties where the fee applies in raw, processed, or
101 manufactured form, including, but not limited to, sized
102 aggregate, asphalt, cement, concrete, and other limerock and
103 concrete products. The mitigation fee imposed by this subsection
104 for each ton of limerock and sand sold shall be 25 ~~45~~ cents per

105 ton, beginning on January 1, 2016; 15 cents per ton beginning on
106 January 1, 2017; and 5 cents per ton beginning on January 1,
107 2018, and thereafter. To pay for Miami-Dade County ~~seepage~~
108 ~~mitigation projects,~~ an environmentally endangered lands
109 ~~including groundwater and surface water management structures~~
110 ~~designed to improve wetland habitat and approved by the Lake~~
111 ~~Belt Mitigation Committee, and to upgrade a water treatment~~
112 ~~plant that treats water coming from the Northwest Wellfield in~~
113 ~~Miami-Dade County, a water treatment plant upgrade fee is~~
114 imposed within the same Lake Belt Area subject to the mitigation
115 fee and upon the same kind of mined limerock and sand subject to
116 the mitigation fee. The environmentally endangered lands ~~water~~
117 ~~treatment plant upgrade~~ fee imposed by this section ~~subsection~~
118 for each ton of limerock and sand sold shall be 5 ~~15~~ cents per
119 ton, ~~and the collection of this fee shall cease once the total~~
120 ~~amount of proceeds collected for this fee reaches the amount of~~
121 ~~the actual moneys necessary to design and construct the water~~
122 ~~treatment plant upgrade, as determined in an open, public~~
123 ~~solicitation process.~~ Any limerock or sand that is used within
124 the mine from which the limerock or sand is extracted is exempt
125 from the fees. The amount of the mitigation fee and the
126 environmentally endangered lands ~~water treatment plant upgrade~~
127 fee imposed under this section must be stated separately on the
128 invoice provided to the purchaser of the limerock or sand
129 product from the limerock or sand miner, or its subsidiary or
130 affiliate, for which the fee or fees apply. The limerock or sand

131 miner, or its subsidiary or affiliate, who sells the limerock or
132 sand product shall collect the mitigation fee and the water
133 treatment plant upgrade fee and forward the proceeds of the fees
134 to the Department of Revenue on or before the 20th day of the
135 month following the calendar month in which the sale occurs. The
136 proceeds of a fee imposed by this section include all funds
137 collected and received by the Department of Revenue relating to
138 the fee, including interest and penalties on a delinquent fee.
139 The amount deducted for administrative costs may not exceed 3
140 percent of the total revenues collected under this section and
141 may equal only those administrative costs reasonably
142 attributable to the fee.

143 (3) The mitigation fee and the environmentally endangered
144 lands ~~water treatment plant upgrade~~ fee imposed by this section
145 must be reported to the Department of Revenue. Payment of the
146 mitigation and the environmentally endangered lands ~~water~~
147 ~~treatment plant upgrade~~ fees must be accompanied by a form
148 prescribed by the Department of Revenue.

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

153 (b) Beginning July 1, 2015 ~~2012~~, ~~the proceeds of the water~~
154 ~~treatment plant upgrade fee~~ previously imposed by this section
155 is rescinded and is no longer imposed on the sale of mined
156 limerock and sand, ~~less administrative costs, must be~~

157 ~~transferred by the Department of Revenue to the South Florida~~
 158 ~~Water Management District and deposited into the Lake Belt~~
 159 ~~Mitigation Trust Fund until:~~

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

163 ~~2. The quarterly pathogen sampling conducted as a~~
 164 ~~condition of the permits issued by the department for rock~~
 165 ~~mining activities in the Miami-Dade County Lake Belt Area~~
 166 ~~demonstrates that the water in any quarry lake in the vicinity~~
 167 ~~of the Northwest Wellfield would be classified as being in Bin 2~~
 168 ~~or higher as defined in the Environmental Protection Agency's~~
 169 ~~Long Term 2 Enhanced Surface Water Treatment Rule.~~

170 ~~(c) The proceeds of the environmentally endangered lands~~
 171 ~~fee Upon the earliest occurrence of the criterion under~~
 172 ~~subparagraph (b)1. or subparagraph (b)2., the proceeds of the~~
 173 ~~water treatment plant upgrade fee, less administrative costs,~~
 174 ~~must be transferred by the Department of Revenue to a trust fund~~
 175 ~~established by Miami-Dade County, for the sole purpose~~
 176 ~~authorized by paragraph (6) (a).~~

177 ~~(4) (a) The Department of Revenue shall administer,~~
 178 ~~collect, and enforce the mitigation and environmentally~~
 179 ~~endangered lands ~~treatment plant upgrade~~ fees authorized under~~
 180 ~~this section in accordance with the procedures used to~~
 181 ~~administer, collect, and enforce the general sales tax imposed~~
 182 ~~under chapter 212. The provisions of chapter 212 with respect to~~

183 the authority of the Department of Revenue to audit and make
184 assessments, the keeping of books and records, and the interest
185 and penalties imposed on delinquent fees apply to this section.
186 The fees may not be included in computing estimated taxes under
187 s. 212.11, and the dealer's credit for collecting taxes or fees
188 provided for in s. 212.12 does not apply to the fees imposed by
189 this section.

190 (b) In administering this section, the Department of
191 Revenue may employ persons and incur expenses for which funds
192 are appropriated by the Legislature. The Department of Revenue
193 shall adopt rules and prescribe and publish forms necessary to
194 administer this section. The Department of Revenue shall
195 establish audit procedures and may assess delinquent fees.

196 (5) Each January 1, beginning January 1, 2010, through
197 December 31, 2011, the per-ton mitigation fee shall be increased
198 by 2.1 percentage points, plus a cost growth index. The cost
199 growth index shall be the percentage change in the weighted
200 average of the Employment Cost Index for All Civilian Workers
201 (ecu 10001I), issued by the United States Department of Labor
202 for the most recent 12-month period ending on September 30, and
203 the percentage change in the Producer Price Index for All
204 Commodities (WPU 00000000), issued by the United States
205 Department of Labor for the most recent 12-month period ending
206 on September 30, compared to the weighted average of these
207 indices for the previous year. The weighted average shall be
208 calculated as 0.6 times the percentage change in the Employment

209 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times
210 the percentage change in the Producer Price Index for All
211 Commodities (WPU 00000000). If either index is discontinued, it
212 shall be replaced by its successor index, as identified by the
213 United States Department of Labor.

214 (6) (a) The proceeds of the mitigation fee must be used to
215 conduct mitigation activities that are appropriate to offset the
216 loss of the value and functions of wetlands as a result of
217 mining activities and to conduct water quality monitoring to
218 ensure the protection of water resources within the Lake Belt
219 Area and must be approved by the Miami-Dade County Lake Belt
220 Mitigation Committee. Such mitigation may include the purchase,
221 enhancement, restoration, and management of wetlands and uplands
222 in the Everglades watershed, the purchase of mitigation credit
223 from a permitted mitigation bank, and any structural
224 modifications to the existing drainage system to enhance the
225 hydrology of the Miami-Dade County Lake Belt Area or the
226 Everglades watershed. Funds may also be used to reimburse other
227 funding sources, including the Save Our Rivers Land Acquisition
228 Program, the Internal Improvement Trust Fund, the South Florida
229 Water Management District, and Miami-Dade County, for the
230 purchase of lands that were acquired in areas appropriate for
231 mitigation due to rock mining and to reimburse governmental
232 agencies that exchanged land under s. 373.4149 for mitigation
233 due to rock mining. ~~The proceeds of the water treatment plant~~
234 ~~upgrade fee deposited into the Lake Belt Mitigation Trust Fund~~

235 ~~shall be used solely to pay for seepage mitigation projects,~~
236 ~~including groundwater or surface water management structures~~
237 ~~designed to improve wetland habitat and approved by the Lake~~
238 ~~Belt Mitigation Committee.~~ The proceeds of the environmentally
239 endangered lands ~~water treatment plant upgrade~~ fee which are
240 transmitted to a trust fund established by Miami-Dade County
241 shall be used solely for the acquisition, preservation,
242 enhancement, restoration, conservation, and maintenance of
243 wetland and threatened forest communities located to upgrade a
244 ~~water treatment plant that treats water coming from the~~
245 ~~Northwest Wellfield in Miami-Dade County. As used in this~~
246 ~~section, the terms "upgrade a water treatment plant" or~~
247 ~~"treatment plant upgrade" mean those works necessary to treat or~~
248 ~~filter a surface water source or supply or both.~~

249 (b) Expenditures of the mitigation fee must be approved by
250 an interagency committee consisting of representatives from each
251 of the following: the Miami-Dade County Department of
252 Environmental Resource Management, the Department of
253 Environmental Protection, the South Florida Water Management
254 District, and the Fish and Wildlife Conservation Commission. In
255 addition, the limerock mining industry shall select a
256 representative to serve as a nonvoting member of the interagency
257 committee. At the discretion of the committee, additional
258 members may be added to represent federal regulatory,
259 environmental, and fish and wildlife agencies.

260 (7) Payment of the mitigation fee imposed by this section

261 satisfies the mitigation requirements imposed under ss. 373.403-
262 373.439 and any applicable county ordinance for loss of the
263 value and functions from mining of the wetlands identified as
264 rock mining supported and allowable areas of the Miami-Dade
265 County Lake Plan adopted by s. 373.4149(1). In addition, it is
266 the intent of the Legislature that the payment of the mitigation
267 fee imposed by this section satisfy all federal mitigation
268 requirements for the wetlands mined.

269 ~~(8) If a general permit by the United States Army Corps of~~
270 ~~Engineers, or an appropriate long-term permit for mining,~~
271 ~~consistent with the Miami-Dade County Lake Belt Plan, this~~
272 ~~section, and ss. 373.4149, 373.4415, and 378.4115 is not issued~~
273 ~~on or before September 30, 2000, the fee imposed by this section~~
274 ~~is suspended until revived by the Legislature.~~

275 (8)(9)(a) The interagency committee established in this
276 section shall annually prepare and submit to the governing board
277 of the South Florida Water Management District a report
278 evaluating the mitigation costs and revenues generated by the
279 mitigation fee.

280 (b) No sooner than January 31, 2010, and no more
281 frequently than every 2 years thereafter, the interagency
282 committee shall submit to the Legislature a report recommending
283 any needed adjustments to the mitigation fee, including the
284 annual escalator provided for in subsection (5), to ensure that
285 the revenue generated reflects the actual costs of the
286 mitigation.

287 Section 3. For the purpose of incorporating the amendment
288 made by this act to section 373.41492, Florida Statutes, in a
289 reference thereto, subsections (1), (2), and (3) of section
290 373.41495, Florida Statutes, are reenacted to read:

291 373.41495 Lake Belt Mitigation Trust Fund; bonds.—

292 (1) The Lake Belt Mitigation Trust Fund is hereby created,
293 to be administered by the South Florida Water Management
294 District. Funds shall be credited to the trust fund as provided
295 in s. 373.41492, to be used for the purposes set forth therein.

296 (2) The South Florida Water Management District may issue
297 revenue bonds pursuant to s. 373.584, payable from revenues from
298 the Lake Belt Mitigation fee imposed under s. 373.41492.

299 (3) Net proceeds from the Lake Belt Mitigation fee and any
300 revenue bonds issued under subsection (2) shall be deposited
301 into the trust fund and, together with any interest earned on
302 such moneys, shall be applied to Lake Belt mitigation projects
303 as provided in s. 373.41492.

304 Section 4. This act shall take effect July 1, 2015.