

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 removing a requirement that such uses be approved by
23 the Miami-Dade County Lake Belt Mitigation Committee;
24 requiring the environmentally endangered lands fee to
25 be used solely for purposes related to wetland and
26 threatened forest communities located in Miami-Dade

27 County after proceeds are used for water treatment
28 plant upgrades under certain conditions; reenacting s.
29 373.41495(1), (2), and (3), F.S., relating to the Lake
30 Belt Mitigation Trust Fund to incorporate the
31 amendment made to s. 373.41492, F.S., in reference
32 thereto; providing an effective date.
33

34 Be It Enacted by the Legislature of the State of Florida:
35

36 Section 1. Subsection (4) of section 373.4149, Florida
37 Statutes, is amended to read:

38 373.4149 Miami-Dade County Lake Belt Plan.—

39 (4) The identification of the Miami-Dade County Lake Belt
40 Area shall not preempt local land use jurisdiction, planning, or
41 regulatory authority in regard to the use of land by private
42 land owners. When amending local comprehensive plans, or
43 implementing zoning regulations, development regulations, or
44 other local regulations, Miami-Dade County shall strongly
45 consider limestone mining activities and ancillary operations,
46 such as lake excavation, including use of explosives, rock
47 processing, cement, concrete and asphalt products manufacturing,
48 and ancillary activities, within the rock mining supported and
49 allowable areas of the Miami-Dade County Lake Plan adopted by
50 subsection (1); provided, however, that limerock mining
51 activities are consistent with wellfield protection. Rezoning,
52 ~~or~~ amendments to local zoning and subdivision regulations, and

53 amendments to local comprehensive plans concerning properties
54 that are located within 1 mile of the Miami-Dade Lake Belt Area
55 shall be compatible with limestone mining activities. No
56 rezonings, variances, amendments to local zoning and subdivision
57 regulations which would result in an increase in residential
58 density, or amendments to local comprehensive plans for any
59 residential purpose may be approved for any property located in
60 sections 35 and 36 and the east one-half of sections 24 and 25,
61 Township 53 South, Range 39 East until such time as there is no
62 active mining within 2 miles of the property. This section does
63 not preclude residential development that complies with current
64 regulations.

65 Section 2. Section 373.41492, Florida Statutes, is amended
66 to read:

67 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
68 mitigation for mining activities within the Miami-Dade County
69 Lake Belt.—

70 (1) The Legislature finds that the impact of mining within
71 the rock mining supported and allowable areas of the Miami-Dade
72 County Lake Belt Plan adopted by s. 373.4149(1) can best be
73 offset by the implementation of a comprehensive mitigation plan.
74 The Lake Belt Mitigation Plan consists of those provisions
75 contained in subsections (2)-(8) ~~(2)-(9)~~. The per-ton mitigation
76 fee assessed on limestone sold from the Miami-Dade County Lake
77 Belt Area and sections 10, 11, 13, 14, Township 52 South, Range
78 39 East, and sections 24, 25, 35, and 36, Township 53 South,

79 Range 39 East, shall be used for acquiring environmentally
80 sensitive lands and for restoration, monitoring, maintenance,
81 and other environmental purposes. It is the intent of the
82 Legislature that the per-ton mitigation fee not be a revenue
83 source for purposes other than enumerated in this section.
84 Further, the Legislature finds that the public benefit of a
85 sustainable supply of limestone construction materials for
86 public and private projects requires a coordinated approach to
87 permitting activities on wetlands within Miami-Dade County in
88 order to provide the certainty necessary to encourage
89 substantial and continued investment in the limestone processing
90 plant and equipment required to efficiently extract the
91 limestone resource. It is the intent of the Legislature that the
92 Lake Belt Mitigation Plan satisfy all local, state, and federal
93 requirements for mining activity within the rock mining
94 supported and allowable areas.

95 (2) To provide for the mitigation of wetland resources
96 lost to mining activities within the Miami-Dade County Lake Belt
97 Plan, effective October 1, 1999, a mitigation fee is imposed on
98 each ton of limerock and sand extracted by any person who
99 engages in the business of extracting limerock or sand from
100 within the Miami-Dade County Lake Belt Area and the east one-
101 half of sections 24 and 25 and all of sections 35 and 36,
102 Township 53 South, Range 39 East. The mitigation fee is imposed
103 for each ton of limerock and sand sold from within the
104 properties where the fee applies in raw, processed, or

105 manufactured form, including, but not limited to, sized
106 aggregate, asphalt, cement, concrete, and other limerock and
107 concrete products. The mitigation fee imposed by this subsection
108 for each ton of limerock and sand sold shall be 25 ~~45~~ cents per
109 ton, beginning on January 1, 2016; 15 cents per ton beginning on
110 January 1, 2017; and 5 cents per ton beginning on January 1,
111 2018, and thereafter. To pay for Miami-Dade County seepage
112 ~~mitigation~~ projects, an environmentally endangered lands
113 ~~including groundwater and surface water management structures~~
114 ~~designed to improve wetland habitat and approved by the Lake~~
115 ~~Belt Mitigation Committee, and to upgrade a water treatment~~
116 ~~plant that treats water coming from the Northwest Wellfield in~~
117 ~~Miami-Dade County, a water treatment plant upgrade~~ fee is
118 imposed within the same Lake Belt Area subject to the mitigation
119 fee and upon the same kind of mined limerock and sand subject to
120 the mitigation fee. The environmentally endangered lands ~~water~~
121 ~~treatment plant upgrade~~ fee imposed by this section ~~subsection~~
122 for each ton of limerock and sand sold shall be 5 ~~15~~ cents per
123 ton, ~~and the collection of this fee shall cease once the total~~
124 ~~amount of proceeds collected for this fee reaches the amount of~~
125 ~~the actual moneys necessary to design and construct the water~~
126 ~~treatment plant upgrade, as determined in an open, public~~
127 ~~solicitation process.~~ Any limerock or sand that is used within
128 the mine from which the limerock or sand is extracted is exempt
129 from the fees. The amount of the mitigation fee and the
130 environmentally endangered lands ~~water treatment plant upgrade~~

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

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

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

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(b) Beginning July 1, 2015 ~~2012~~, ~~the proceeds of the water treatment plant upgrade fee~~ previously imposed by this section ~~is rescinded and is no longer imposed on the sale of mined limerock and sand,~~ ~~less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund until:~~

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

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

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

(4)(a) The Department of Revenue shall administer, collect, and enforce the mitigation and environmentally

183 endangered lands ~~treatment plant upgrade~~ fees authorized under
184 this section in accordance with the procedures used to
185 administer, collect, and enforce the general sales tax imposed
186 under chapter 212. The provisions of chapter 212 with respect to
187 the authority of the Department of Revenue to audit and make
188 assessments, the keeping of books and records, and the interest
189 and penalties imposed on delinquent fees apply to this section.
190 The fees may not be included in computing estimated taxes under
191 s. 212.11, and the dealer's credit for collecting taxes or fees
192 provided for in s. 212.12 does not apply to the fees imposed by
193 this section.

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

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

209 Department of Labor for the most recent 12-month period ending
210 on September 30, compared to the weighted average of these
211 indices for the previous year. The weighted average shall be
212 calculated as 0.6 times the percentage change in the Employment
213 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times
214 the percentage change in the Producer Price Index for All
215 Commodities (WPU 00000000). If either index is discontinued, it
216 shall be replaced by its successor index, as identified by the
217 United States Department of Labor.

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

mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rock mining. ~~The proceeds of the water treatment plant upgrade fee deposited into the Lake Belt Mitigation Trust Fund shall be used solely to pay for seepage mitigation projects, including groundwater or surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee.~~ The proceeds of the environmentally endangered lands ~~water treatment plant upgrade~~ fee which are transmitted to a trust fund established by Miami-Dade County shall be used solely for the acquisition, preservation, enhancement, restoration, conservation, and maintenance of wetland and threatened forest communities located ~~to upgrade a water treatment plant that treats water coming from the Northwest Wellfield~~ in Miami-Dade County. However, the proceeds of the environmentally endangered lands fee must first be used to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County if, following a formal determination by the department that due to the direct or indirect result of rock mining activities within the Lake Belt Area, the quarterly pathogen sampling conducted as a condition of the permits issued by the department for rock mining activities in the Miami-Dade County Lake Belt Area demonstrates that the water in any quarry lake monitored pursuant to the monitoring plan would be classified as being in Bin 2 or higher as defined in the United States Environmental Protection

261 Agency's Long Term 2 Enhanced Surface Water Treatment Rule As
262 ~~used in this section, the terms "upgrade a water treatment~~
263 ~~plant" or "treatment plant upgrade" mean those works necessary~~
264 ~~to treat or filter a surface water source or supply or both.~~

265 (b) Expenditures of the mitigation fee must be approved by
266 an interagency committee consisting of representatives from each
267 of the following: the Miami-Dade County Department of
268 Environmental Resource Management, the Department of
269 Environmental Protection, the South Florida Water Management
270 District, and the Fish and Wildlife Conservation Commission. In
271 addition, the limerock mining industry shall select a
272 representative to serve as a nonvoting member of the interagency
273 committee. At the discretion of the committee, additional
274 members may be added to represent federal regulatory,
275 environmental, and fish and wildlife agencies.

276 (7) Payment of the mitigation fee imposed by this section
277 satisfies the mitigation requirements imposed under ss. 373.403-
278 373.439 and any applicable county ordinance for loss of the
279 value and functions from mining of the wetlands identified as
280 rock mining supported and allowable areas of the Miami-Dade
281 County Lake Plan adopted by s. 373.4149(1). In addition, it is
282 the intent of the Legislature that the payment of the mitigation
283 fee imposed by this section satisfy all federal mitigation
284 requirements for the wetlands mined.

285 ~~(8) If a general permit by the United States Army Corps of~~
286 ~~Engineers, or an appropriate long-term permit for mining,~~

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287 ~~consistent with the Miami-Dade County Lake Belt Plan, this~~
288 ~~section, and ss. 373.4149, 373.4415, and 378.4115 is not issued~~
289 ~~on or before September 30, 2000, the fee imposed by this section~~
290 ~~is suspended until revived by the Legislature.~~

291 (8) ~~(9)~~ (a) The interagency committee established in this
292 section shall annually prepare and submit to the governing board
293 of the South Florida Water Management District a report
294 evaluating the mitigation costs and revenues generated by the
295 mitigation fee.

296 (b) No sooner than January 31, 2010, and no more
297 frequently than every 2 years thereafter, the interagency
298 committee shall submit to the Legislature a report recommending
299 any needed adjustments to the mitigation fee, including the
300 annual escalator provided for in subsection (5), to ensure that
301 the revenue generated reflects the actual costs of the
302 mitigation.

303 Section 3. For the purpose of incorporating the amendment
304 made by this act to section 373.41492, Florida Statutes, in a
305 reference thereto, subsections (1), (2), and (3) of section
306 373.41495, Florida Statutes, are reenacted to read:

307 373.41495 Lake Belt Mitigation Trust Fund; bonds.—

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

312 (2) The South Florida Water Management District may issue

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revenue bonds pursuant to s. 373.584, payable from revenues from the Lake Belt Mitigation fee imposed under s. 373.41492.

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

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