



939248

LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/AD/2R

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04/27/2015 01:28 PM

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Senator Garcia moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 111 - 301

and insert:

2018, and thereafter. To pay for seepage mitigation projects, including groundwater and surface water management structures designed to improve wetland habitat and approved by the Lake Belt Mitigation Committee, and to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County, a water treatment plant upgrade fee is imposed within the same Lake Belt Area subject to the mitigation



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12 fee and upon the same kind of mined limerock and sand subject to
13 the mitigation fee. The water treatment plant upgrade fee
14 imposed by this section ~~subsection~~ for each ton of limerock and
15 sand sold shall be 6 ~~15~~ cents per ton, and the collection of
16 this fee shall cease once the total amount of proceeds collected
17 for this fee reaches the amount of the actual moneys necessary
18 to design and construct the water treatment plant upgrade, as
19 determined in an open, public solicitation process. The water
20 treatment plant upgrade fee imposed by this section expires on
21 July 1, 2018. Any limerock or sand that is used within the mine
22 from which the limerock or sand is extracted is exempt from the
23 fees. The amount of the mitigation fee and the water treatment
24 plant upgrade fee imposed under this section must be stated
25 separately on the invoice provided to the purchaser of the
26 limerock or sand product from the limerock or sand miner, or its
27 subsidiary or affiliate, for which the fee or fees apply. The
28 limerock or sand miner, or its subsidiary or affiliate, who
29 sells the limerock or sand product shall collect the mitigation
30 fee and the water treatment plant upgrade fee and forward the
31 proceeds of the fees to the Department of Revenue on or before
32 the 20th day of the month following the calendar month in which
33 the sale occurs. The proceeds of a fee imposed by this section
34 include all funds collected and received by the Department of
35 Revenue relating to the fee, including interest and penalties on
36 a delinquent fee. The amount deducted for administrative costs
37 may not exceed 3 percent of the total revenues collected under
38 this section and may equal only those administrative costs
39 reasonably attributable to the fee.

40 (3) The mitigation fee and the water treatment plant



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41 upgrade fee imposed by this section must be reported to the
42 Department of Revenue. Payment of the mitigation and the water
43 treatment plant upgrade fees must be accompanied by a form
44 prescribed by the Department of Revenue.

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

49 ~~(b) Beginning July 1, 2012, the proceeds of the water~~
50 ~~treatment plant upgrade fee, less administrative costs, must be~~
51 ~~transferred by the Department of Revenue to the South Florida~~
52 ~~Water Management District and deposited into the Lake Belt~~
53 ~~Mitigation Trust Fund until:~~

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

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

64 ~~(b)(c) Upon the earliest occurrence of the criterion under~~
65 ~~subparagraph (b)1. or subparagraph (b)2.,~~ The proceeds of the
66 water treatment plant upgrade fee, less administrative costs and
67 less 2 cents per ton transferred pursuant to paragraph (c), must
68 be transferred by the Department of Revenue to a trust fund
69 established by Miami-Dade County, for the sole purpose



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70 authorized by paragraph (6) (a) .

71 (c) Until December 1, 2016, or until funding for the study
72 is complete, whichever comes earlier, 2 cents per ton, not to
73 exceed \$300,000, shall be transferred by the Department of
74 Revenue to the State Fire Marshal to be used to fund the study
75 required under s. 552.30 to review the established statewide
76 ground vibration limits for construction materials mining
77 activities and to review any legitimate claims paid for damages
78 caused by such mining activities. Any amount not used to fund
79 the study shall be transferred to the trust fund established by
80 Miami-Dade County, for the sole purpose authorized by paragraph
81 (6) (a) .

82 (6) (a) The proceeds of the mitigation fee must be used to
83 conduct mitigation activities that are appropriate to offset the
84 loss of the value and functions of wetlands as a result of
85 mining activities and to conduct water quality monitoring to
86 ensure the protection of water resources within the Lake Belt
87 Area and be approved by the Miami-Dade County Lake Belt
88 Mitigation Committee. Such mitigation may include the purchase,
89 enhancement, restoration, and management of wetlands and uplands
90 in the Everglades watershed, the purchase of mitigation credit
91 from a permitted mitigation bank, and any structural
92 modifications to the existing drainage system to enhance the
93 hydrology of the Miami-Dade County Lake Belt Area or the
94 Everglades watershed. Funds may also be used to reimburse other
95 funding sources, including the Save Our Rivers Land Acquisition
96 Program, the Internal Improvement Trust Fund, the South Florida
97 Water Management District, and Miami-Dade County, for the
98 purchase of lands that were acquired in areas appropriate for



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99 mitigation due to rock mining and to reimburse governmental
100 agencies that exchanged land under s. 373.4149 for mitigation
101 due to rock mining. The proceeds of the water treatment plant
102 upgrade fee deposited into the Lake Belt Mitigation Trust Fund
103 shall be used solely to pay for seepage mitigation projects,
104 including groundwater or surface water management structures
105 designed to improve wetland habitat and approved by the Lake
106 Belt Mitigation Committee. The proceeds of the water treatment
107 plant upgrade fee which are transmitted to a trust fund
108 established by Miami-Dade County shall be used to upgrade a
109 water treatment plant that treats water coming from the
110 Northwest Wellfield in Miami-Dade County. As used in this
111 section, the terms "upgrade a water treatment plant" or
112 "treatment plant upgrade" mean those works necessary to treat or
113 filter a surface water source or supply or both.

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

120 (9) (a) The Legislature finds that more than 1,000 water
121 samples from quarry lakes and groundwater sources near the
122 Northwest Wellfield have been analyzed without a single
123 detection of pathogens. The Legislature further finds that the
124 best available science indicates that there is no connection
125 between the Lake Belt quarry lakes and any potential need to
126 upgrade the water treatment plant that receives water from the
127 Northwest Wellfield for pathogen removal and none is expected in



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128 the future.

129 (b) To assist the Legislature in determining if a portion
130 of the limestone mining fee should be dedicated to a treatment
131 plant upgrade through July 1, 2018, pursuant to subsection (2),
132 Miami-Dade County shall:

133 1. By January 15, 2016, submit to the President of the
134 Senate and the Speaker of the House of Representatives a
135 detailed accounting of the Lake Belt fees collected through June
136 30, 2015, and all expenditures of those fees; and

137 2. By January 15, 2017, submit to the President of the
138 Senate and the Speaker of the House of Representatives a
139 detailed report on all pathogen data collection and analyses
140 related to the Northwest Wellfield and the planning and
141 engineering studies undertaken to upgrade any water treatment
142 plant to provide treatment for pathogens in water from the
143 Northwest Wellfield.

144

145 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

146 And the directory clause is amended as follows:

147 Delete lines 65 - 66

148 and insert:

149 Section 2. Subsections (1), (2), and (3), paragraph (a) of
150 subsection (6), and subsection (8) of section 373.41492, Florida
151 Statutes are amended, present subsection (9) is redesignated as
152 subsection (8), and a new subsection (9) is added to that
153 section, to read:

154

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

156 And the title is amended as follows:



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157 Delete lines 16 - 28
158 and insert:
159 certain dates; decreasing the amount of the per-ton
160 water treatment plant upgrade fee; requiring that a
161 portion of the proceeds from the per-ton water
162 treatment plant upgrade fee be used to fund a study
163 reviewing certain mining activities and claims
164 relating to such activities; adding water quality
165 monitoring to the required uses for mitigation fee
166 proceeds; providing for the expiration of the water
167 treatment plant upgrade fee; removing a requirement
168 that uses of the mitigation fee proceeds be approved
169 by the Miami-Dade County Lake Belt Mitigation
170 Committee; deleting an obsolete provision; providing
171 legislative findings; requiring Miami-Dade County to
172 submit certain reports to the Legislature; reenacting
173 s.