

By Senator Garcia

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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.  
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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

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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

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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 lost  
92 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

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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

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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 administrative  
150 costs, must be transferred by the Department of Revenue to the  
151 South Florida Water Management District and deposited into the  
152 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 condition~~  
164 ~~of the permits issued by the department for rock mining~~  
165 ~~activities in the Miami-Dade County Lake Belt Area demonstrates~~  
166 ~~that the water in any quarry lake in the vicinity of the~~  
167 ~~Northwest Wellfield would be classified as being in Bin 2 or~~  
168 ~~higher as defined in the Environmental Protection Agency's Long~~  
169 ~~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

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

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

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

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

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



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

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

259 (7) Payment of the mitigation fee imposed by this section  
260 satisfies the mitigation requirements imposed under ss. 373.403-  
261 373.439 and any applicable county ordinance for loss of the

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

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

274 (8) ~~(9)~~ (a) The interagency committee established in this  
275 section shall annually prepare and submit to the governing board  
276 of the South Florida Water Management District a report  
277 evaluating the mitigation costs and revenues generated by the  
278 mitigation fee.

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

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

289 373.41495 Lake Belt Mitigation Trust Fund; bonds.—

290 (1) The Lake Belt Mitigation Trust Fund is hereby created,

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291 to be administered by the South Florida Water Management  
292 District. Funds shall be credited to the trust fund as provided  
293 in s. 373.41492, to be used for the purposes set forth therein.

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

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

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