

By the Committee on Environmental Preservation and Conservation;  
and Senator Garcia

592-02827-15

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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 water quality monitoring as an  
13          environmental purpose for which the per-ton mitigation  
14          fee may be applied; decreasing the amount of the per-  
15          ton 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

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30 Lake 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~~s~~s,  
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

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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, water quality monitoring,  
81 maintenance, and other environmental purposes. It is the intent  
82 of the Legislature that the per-ton mitigation fee not be a  
83 revenue source for purposes other than enumerated in this  
84 section. Further, the Legislature finds that the public benefit  
85 of a 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

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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 lost  
96 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~~

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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  
137 environmentally endangered lands ~~water treatment plant upgrade~~  
138 fee and forward the proceeds of the fees to the Department of  
139 Revenue on or before the 20th day of the month following the  
140 calendar month in which the sale occurs. The proceeds of a fee  
141 imposed by this section include all funds collected and received  
142 by the Department of Revenue relating to the fee, including  
143 interest and penalties on a delinquent fee. The amount deducted  
144 for administrative costs may not exceed 3 percent of the total  
145 revenues collected under this section and may equal only those

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146 administrative costs reasonably 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 administrative  
154 costs, must be transferred by the Department of Revenue to the  
155 South Florida Water Management District and deposited into the  
156 Lake Belt Mitigation Trust Fund.

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159 is rescinded and is no longer imposed on the sale of mined  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

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

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

174 (c) The proceeds of the environmentally endangered lands

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

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

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

199 (5) Each January 1, beginning January 1, 2010, through  
200 December 31, 2011, the per-ton mitigation fee shall be increased  
201 by 2.1 percentage points, plus a cost growth index. The cost  
202 growth index shall be the percentage change in the weighted  
203 average of the Employment Cost Index for All Civilian Workers

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

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



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233 purchase of lands that were acquired in areas appropriate for  
234 mitigation due to rock mining and to reimburse governmental  
235 agencies that exchanged land under s. 373.4149 for mitigation  
236 due to rock mining. ~~The proceeds of the water treatment plant  
237 upgrade fee deposited into the Lake Belt Mitigation Trust Fund  
238 shall be used solely to pay for seepage mitigation projects,  
239 including groundwater or surface water management structures  
240 designed to improve wetland habitat and approved by the Lake  
241 Belt Mitigation Committee.~~ The proceeds of the environmentally  
242 endangered lands water treatment plant upgrade fee which are  
243 transmitted to a trust fund established by Miami-Dade County  
244 shall be used solely for the acquisition, preservation,  
245 enhancement, restoration, conservation, and maintenance of  
246 wetland and threatened forest communities located to upgrade a  
247 water treatment plant that treats water coming from the  
248 Northwest Wellfield in Miami-Dade County. However, the proceeds  
249 of the environmentally endangered lands fee must first be used  
250 to upgrade a water treatment plant that treats water coming from  
251 the Northwest Wellfield in Miami-Dade County if, following a  
252 formal determination by the department that, due to the direct  
253 or indirect result of rock mining activities within the Lake  
254 Belt Area, the quarterly pathogen sampling conducted as a  
255 condition of the permits issued by the department for rock  
256 mining activities in the Miami-Dade County Lake Belt Area  
257 demonstrates that the water in any quarry lake monitored  
258 pursuant to the monitoring plan would be classified as being in  
259 Bin 2 or higher as defined in the United States Environmental  
260 Protection Agency's Long Term 2 Enhanced Surface Water Treatment  
261 Rule. ~~As used in this section, the terms "upgrade a water~~

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262 ~~treatment plant" or "treatment plant upgrade" mean those works~~  
263 ~~necessary to treat or filter a surface water source or supply or~~  
264 ~~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,~~  
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.~~

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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 frequently  
297 than every 2 years thereafter, the interagency committee shall  
298 submit to the Legislature a report recommending any needed  
299 adjustments to the mitigation fee, including the annual  
300 escalator provided for in subsection (5), to ensure that the  
301 revenue generated reflects the actual costs of the mitigation.

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

306        373.41495 Lake Belt Mitigation Trust Fund; bonds.—

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

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

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

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