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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; decreasing the amount of the per-ton
17 water treatment plant upgrade fee; requiring that a
18 portion of the proceeds from the per-ton water
19 treatment plant upgrade fee be used to fund a study
20 reviewing certain mining activities and claims
21 relating to such activities; adding water quality
22 monitoring to the required uses for mitigation fee
23 proceeds; providing for the expiration of the water
24 treatment plant upgrade fee; removing a requirement
25 that uses of the mitigation fee proceeds be approved
26 by the Miami-Dade County Lake Belt Mitigation
27 Committee; deleting an obsolete provision; providing
28 legislative findings; requiring Miami-Dade County to
29 submit certain reports to the Legislature; amending s.

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30 552.30, F.S.; requiring the State Fire Marshal to
31 conduct a study reviewing the appropriateness of the
32 established statewide ground vibration limits for
33 construction materials mining activities and any
34 legitimate claims paid for damages caused by such
35 mining activities; providing funding for the study;
36 requiring a report to be submitted to the Governor and
37 the Legislature by a certain date; reenacting s.
38 373.41495 (1), (2), and (3), F.S., relating to the
39 Lake Belt Mitigation Trust Fund to incorporate the
40 amendment made to s. 373.41492, F.S., in reference
41 thereto; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Subsection (4) of section 373.4149, Florida
46 Statutes, is amended to read:

47 373.4149 Miami-Dade County Lake Belt Plan.—

48 (4) The identification of the Miami-Dade County Lake Belt
49 Area shall not preempt local land use jurisdiction, planning, or
50 regulatory authority in regard to the use of land by private
51 land owners. When amending local comprehensive plans, or
52 implementing zoning regulations, development regulations, or
53 other local regulations, Miami-Dade County shall strongly
54 consider limestone mining activities and ancillary operations,
55 such as lake excavation, including use of explosives, rock
56 processing, cement, concrete and asphalt products manufacturing,
57 and ancillary activities, within the rock mining supported and
58 allowable areas of the Miami-Dade County Lake Plan adopted by

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59 subsection (1); provided, however, that limerock mining
60 activities are consistent with wellfield protection. Rezoning~~s~~,
61 ~~or~~ amendments to local zoning and subdivision regulations, and
62 amendments to local comprehensive plans concerning properties
63 that are located within 1 mile of the Miami-Dade Lake Belt Area
64 shall be compatible with limestone mining activities. No
65 rezonings, variances, amendments to local zoning and subdivision
66 regulations which would result in an increase in residential
67 density, or amendments to local comprehensive plans for any
68 residential purpose may be approved for any property located in
69 sections 35 and 36 and the east one-half of sections 24 and 25,
70 Township 53 South, Range 39 East until such time as there is no
71 active mining within 2 miles of the property. This section does
72 not preclude residential development that complies with current
73 regulations.

74 Section 2. Subsections (1), (2), and (3), paragraph (a) of
75 subsection (6), and subsection (8) of section 373.41492, Florida
76 Statutes, are amended, present subsection (9) is redesignated as
77 subsection (8), and a new subsection (9) is added to that
78 section, to read:

79 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
80 mitigation for mining activities within the Miami-Dade County
81 Lake Belt.—

82 (1) The Legislature finds that the impact of mining within
83 the rock mining supported and allowable areas of the Miami-Dade
84 County Lake Belt Plan adopted by s. 373.4149(1) can best be
85 offset by the implementation of a comprehensive mitigation plan.
86 The Lake Belt Mitigation Plan consists of those provisions
87 contained in subsections (2)-(8) ~~(2)-(9)~~. The per-ton mitigation

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88 fee assessed on limestone sold from the Miami-Dade County Lake
89 Belt Area and sections 10, 11, 13, 14, Township 52 South, Range
90 39 East, and sections 24, 25, 35, and 36, Township 53 South,
91 Range 39 East, shall be used for acquiring environmentally
92 sensitive lands and for restoration, water quality monitoring,
93 maintenance, and other environmental purposes. It is the intent
94 of the Legislature that the per-ton mitigation fee not be a
95 revenue source for purposes other than enumerated in this
96 section. Further, the Legislature finds that the public benefit
97 of a sustainable supply of limestone construction materials for
98 public and private projects requires a coordinated approach to
99 permitting activities on wetlands within Miami-Dade County in
100 order to provide the certainty necessary to encourage
101 substantial and continued investment in the limestone processing
102 plant and equipment required to efficiently extract the
103 limestone resource. It is the intent of the Legislature that the
104 Lake Belt Mitigation Plan satisfy all local, state, and federal
105 requirements for mining activity within the rock mining
106 supported and allowable areas.

107 (2) To provide for the mitigation of wetland resources lost
108 to mining activities within the Miami-Dade County Lake Belt
109 Plan, effective October 1, 1999, a mitigation fee is imposed on
110 each ton of limerock and sand extracted by any person who
111 engages in the business of extracting limerock or sand from
112 within the Miami-Dade County Lake Belt Area and the east one-
113 half of sections 24 and 25 and all of sections 35 and 36,
114 Township 53 South, Range 39 East. The mitigation fee is imposed
115 for each ton of limerock and sand sold from within the
116 properties where the fee applies in raw, processed, or

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117 manufactured form, including, but not limited to, sized
118 aggregate, asphalt, cement, concrete, and other limerock and
119 concrete products. The mitigation fee imposed by this subsection
120 for each ton of limerock and sand sold shall be 25 ~~45~~ cents per
121 ton, beginning on January 1, 2016; 15 cents per ton beginning on
122 January 1, 2017; and 5 cents per ton beginning on January 1,
123 2018, and thereafter. To pay for seepage mitigation projects,
124 including groundwater and surface water management structures
125 designed to improve wetland habitat and approved by the Lake
126 Belt Mitigation Committee, and to upgrade a water treatment
127 plant that treats water coming from the Northwest Wellfield in
128 Miami-Dade County, a water treatment plant upgrade fee is
129 imposed within the same Lake Belt Area subject to the mitigation
130 fee and upon the same kind of mined limerock and sand subject to
131 the mitigation fee. The water treatment plant upgrade fee
132 imposed by this section ~~subsection~~ for each ton of limerock and
133 sand sold shall be 6 ~~15~~ cents per ton, and the collection of
134 this fee shall cease once the total amount of proceeds collected
135 for this fee reaches the amount of the actual moneys necessary
136 to design and construct the water treatment plant upgrade, as
137 determined in an open, public solicitation process. The water
138 treatment plant upgrade fee imposed by this section expires on
139 July 1, 2018. Any limerock or sand that is used within the mine
140 from which the limerock or sand is extracted is exempt from the
141 fees. The amount of the mitigation fee and the water treatment
142 plant upgrade fee imposed under this section must be stated
143 separately on the invoice provided to the purchaser of the
144 limerock or sand product from the limerock or sand miner, or its
145 subsidiary or affiliate, for which the fee or fees apply. The

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146 limerock or sand miner, or its subsidiary or affiliate, who
147 sells the limerock or sand product shall collect the mitigation
148 fee and the water treatment plant upgrade fee and forward the
149 proceeds of the fees to the Department of Revenue on or before
150 the 20th day of the month following the calendar month in which
151 the sale occurs. The proceeds of a fee imposed by this section
152 include all funds collected and received by the Department of
153 Revenue relating to the fee, including interest and penalties on
154 a delinquent fee. The amount deducted for administrative costs
155 may not exceed 3 percent of the total revenues collected under
156 this section and may equal only those administrative costs
157 reasonably attributable to the fee.

158 (3) The mitigation fee and the water treatment plant
159 upgrade fee imposed by this section must be reported to the
160 Department of Revenue. Payment of the mitigation and the water
161 treatment plant upgrade fees must be accompanied by a form
162 prescribed by the Department of Revenue.

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

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

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

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

182 ~~(b)(c) Upon the earliest occurrence of the criterion under~~
183 ~~subparagraph (b)1. or subparagraph (b)2., The proceeds of the~~
184 ~~water treatment plant upgrade fee, less administrative costs and~~
185 ~~less 2 cents per ton transferred pursuant to paragraph (c), must~~
186 ~~be transferred by the Department of Revenue to a trust fund~~
187 ~~established by Miami-Dade County, for the sole purpose~~
188 ~~authorized by paragraph (6) (a) .~~

189 (c) Until December 1, 2016, or until funding for the study
190 is complete, whichever comes earlier, 2 cents per ton, not to
191 exceed \$300,000, shall be transferred by the Department of
192 Revenue to the State Fire Marshal to be used to fund the study
193 required under s. 552.30 to review the established statewide
194 ground vibration limits for construction materials mining
195 activities and to review any legitimate claims paid for damages
196 caused by such mining activities. Any amount not used to fund
197 the study shall be transferred to the trust fund established by
198 Miami-Dade County, for the sole purpose authorized by paragraph
199 (6) (a) .

200 (6) (a) The proceeds of the mitigation fee must be used to
201 conduct mitigation activities that are appropriate to offset the
202 loss of the value and functions of wetlands as a result of
203 mining activities and to conduct water quality monitoring to

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204 ensure the protection of water resources within the Lake Belt
205 Area and be approved by the ~~Miami-Dade County Lake Belt~~
206 ~~Mitigation Committee~~. Such mitigation may include the purchase,
207 enhancement, restoration, and management of wetlands and uplands
208 in the Everglades watershed, the purchase of mitigation credit
209 from a permitted mitigation bank, and any structural
210 modifications to the existing drainage system to enhance the
211 hydrology of the Miami-Dade County Lake Belt Area or the
212 Everglades watershed. Funds may also be used to reimburse other
213 funding sources, including the Save Our Rivers Land Acquisition
214 Program, the Internal Improvement Trust Fund, the South Florida
215 Water Management District, and Miami-Dade County, for the
216 purchase of lands that were acquired in areas appropriate for
217 mitigation due to rock mining and to reimburse governmental
218 agencies that exchanged land under s. 373.4149 for mitigation
219 due to rock mining. The proceeds of the water treatment plant
220 upgrade fee deposited into the Lake Belt Mitigation Trust Fund
221 shall be used solely to pay for seepage mitigation projects,
222 including groundwater or surface water management structures
223 designed to improve wetland habitat and approved by the Lake
224 Belt Mitigation Committee. The proceeds of the water treatment
225 plant upgrade fee which are transmitted to a trust fund
226 established by Miami-Dade County shall be used to upgrade a
227 water treatment plant that treats water coming from the
228 Northwest Wellfield in Miami-Dade County. As used in this
229 section, the terms "upgrade a water treatment plant" or
230 "treatment plant upgrade" mean those works necessary to treat or
231 filter a surface water source or supply or both.

232 ~~(8) If a general permit by the United States Army Corps of~~

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233 ~~Engineers, or an appropriate long-term permit for mining,~~
234 ~~consistent with the Miami-Dade County Lake Belt Plan, this~~
235 ~~section, and ss. 373.4149, 373.4415, and 378.4115 is not issued~~
236 ~~on or before September 30, 2000, the fee imposed by this section~~
237 ~~is suspended until revived by the Legislature.~~

238 (9) (a) The Legislature finds that more than 1,000 water
239 samples from quarry lakes and groundwater sources near the
240 Northwest Wellfield have been analyzed without a single
241 detection of pathogens. The Legislature further finds that the
242 best available science indicates that there is no connection
243 between the Lake Belt quarry lakes and any potential need to
244 upgrade the water treatment plant that receives water from the
245 Northwest Wellfield for pathogen removal and none is expected in
246 the future.

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

251 1. By January 15, 2016, submit to the President of the
252 Senate and the Speaker of the House of Representatives a
253 detailed accounting of the Lake Belt fees collected through June
254 30, 2015, and all expenditures of those fees; and

255 2. By January 15, 2017, submit to the President of the
256 Senate and the Speaker of the House of Representatives a
257 detailed report on all pathogen data collection and analyses
258 related to the Northwest Wellfield and the planning and
259 engineering studies undertaken to upgrade any water treatment
260 plant to provide treatment for pathogens in water from the
261 Northwest Wellfield.

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262 Section 3. Subsection (3) is added to section 552.30,
263 Florida Statutes, to read:

264 552.30 Construction materials mining activities.—

265 (3) The State Fire Marshal is directed to conduct or
266 contract for a study to review whether the established statewide
267 ground vibration limits for construction materials mining
268 activities are still appropriate and to review any legitimate
269 claims paid for damages caused by such mining activities. The
270 study must include a review of measured vibration amplitudes and
271 frequencies, structure responses, theoretical analyses of
272 material strength and strains, and assessments of home damages.

273 (a) The study shall be funded using the specified portion
274 of revenues received from the water treatment plant upgrade fee
275 pursuant to s. 373.41492.

276 (b) The State Fire Marshal shall submit a report to the
277 Governor, the President of the Senate, and the Speaker of the
278 House of Representatives by December 1, 2016, which contains the
279 findings of the study and any recommendations.

280 Section 4. For the purpose of incorporating the amendment
281 made by this act to section 373.41492, Florida Statutes, in a
282 reference thereto, subsections (1), (2), and (3) of section
283 373.41495, Florida Statutes, are reenacted to read:

284 373.41495 Lake Belt Mitigation Trust Fund; bonds.—

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

289 (2) The South Florida Water Management District may issue
290 revenue bonds pursuant to s. 373.584, payable from revenues from

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291 the Lake Belt Mitigation fee imposed under s. 373.41492.

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

297 Section 5. This act shall take effect July 1, 2015.