

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 Mitigation Plan; amending s. 373.41492, F.S.;  
4 providing for the redirection of funds for seepage  
5 mitigation projects; requiring the proceeds of the  
6 water treatment plant upgrade fee to be transferred by  
7 the Department of Revenue to the South Florida Water  
8 Management District and to be deposited into the Lake  
9 Belt Mitigation Trust Fund; providing criterion when  
10 the transfer is not required; clarifying the uses for  
11 the proceeds from the water treatment plant upgrade  
12 fee; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Subsections (2), (3), and (6) of section  
17 373.41492, Florida Statutes, are amended to read:

18 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
19 mitigation for mining activities within the Miami-Dade County  
20 Lake Belt.—

21 (2) To provide for the mitigation of wetland resources lost  
22 to mining activities within the Miami-Dade County Lake Belt  
23 Plan, effective October 1, 1999, a mitigation fee is imposed on  
24 each ton of limerock and sand extracted by any person who  
25 engages in the business of extracting limerock or sand from  
26 within the Miami-Dade County Lake Belt Area and the east one-  
27 half of sections 24 and 25 and all of sections 35 and 36,  
28 Township 53 South, Range 39 East. The mitigation fee is imposed  
29 for each ton of limerock and sand sold from within the

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30 properties where the fee applies in raw, processed, or  
31 manufactured form, including, but not limited to, sized  
32 aggregate, asphalt, cement, concrete, and other limerock and  
33 concrete products. The mitigation fee imposed by this subsection  
34 for each ton of limerock and sand sold shall be 12 cents per ton  
35 beginning January 1, 2007; 18 cents per ton beginning January 1,  
36 2008; 24 cents per ton beginning January 1, 2009; and 45 cents  
37 per ton beginning close of business December 31, 2011. To pay  
38 for seepage mitigation projects, including groundwater and  
39 surface water management structures designed to improve wetland  
40 habitat and approved by the Lake Belt Mitigation Committee, and  
41 to upgrade a water treatment plant that treats water coming from  
42 the Northwest Wellfield in Miami-Dade County, a water treatment  
43 plant upgrade fee is imposed within the same Lake Belt Area  
44 subject to the mitigation fee and upon the same kind of mined  
45 limerock and sand subject to the mitigation fee. The water  
46 treatment plant upgrade fee imposed by this subsection for each  
47 ton of limerock and sand sold shall be 15 cents per ton  
48 beginning on January 1, 2007, and the collection of this fee  
49 shall cease once the total amount of proceeds collected for this  
50 fee reaches the amount of the actual moneys necessary to design  
51 and construct the water treatment plant upgrade, as determined  
52 in an open, public solicitation process. Any limerock or sand  
53 that is used within the mine from which the limerock or sand is  
54 extracted is exempt from the fees. The amount of the mitigation  
55 fee and the water treatment plant upgrade fee imposed under this  
56 section must be stated separately on the invoice provided to the  
57 purchaser of the limerock or sand product from the limerock or  
58 sand miner, or its subsidiary or affiliate, for which the fee or

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59 fees apply. The limerock or sand miner, or its subsidiary or  
60 affiliate, who sells the limerock or sand product shall collect  
61 the mitigation fee and the water treatment plant upgrade fee and  
62 forward the proceeds of the fees to the Department of Revenue on  
63 or before the 20th day of the month following the calendar month  
64 in which the sale occurs. As used in this section, the term  
65 "proceeds of the fee" means all funds collected and received by  
66 the Department of Revenue under this section, including interest  
67 and penalties on delinquent fees. The amount deducted for  
68 administrative costs may not exceed 3 percent of the total  
69 revenues collected under this section and may equal only those  
70 administrative costs reasonably attributable to the fees.

71 (3) The mitigation fee and the water treatment plant  
72 upgrade fee imposed by this section must be reported to the  
73 Department of Revenue. Payment of the mitigation and the water  
74 treatment plant upgrade fees must be accompanied by a form  
75 prescribed by the Department of Revenue.

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

80 (b) Beginning July 1, 2012, the proceeds of the water  
81 treatment plant upgrade fee, less administrative costs, must be  
82 transferred by the Department of Revenue to the South Florida  
83 Water Management District and deposited into the Lake Belt  
84 Mitigation Trust Fund until:

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

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

95        (c) Upon the earliest occurrence of the criterion under  
96 subparagraph (b)1. or subparagraph (b)2., the proceeds of the  
97 water treatment plant upgrade fee, less administrative costs,  
98 must be transferred by the Department of Revenue to a trust fund  
99 established by Miami-Dade County, for the sole purpose  
100 authorized by paragraph (6) (a). As used in this section, the  
101 term "proceeds of the fee" means all funds collected and  
102 received by the Department of Revenue under this section,  
103 including interest and penalties on delinquent fees. The amount  
104 deducted for administrative costs may not exceed 3 percent of  
105 the total revenues collected under this section and may equal  
106 only those administrative costs reasonably attributable to the  
107 fees.

108        (6) (a) The proceeds of the mitigation fee must be used to  
109 conduct mitigation activities that are appropriate to offset the  
110 loss of the value and functions of wetlands as a result of  
111 mining activities and must be used in a manner consistent with  
112 the recommendations contained in the reports submitted to the  
113 Legislature by the Miami-Dade County Lake Belt Plan  
114 Implementation Committee and adopted under s. 373.4149. Such  
115 mitigation may include the purchase, enhancement, restoration,  
116 and management of wetlands and uplands, the purchase of

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117 mitigation credit from a permitted mitigation bank, and any  
118 structural modifications to the existing drainage system to  
119 enhance the hydrology of the Miami-Dade County Lake Belt Area.  
120 Funds may also be used to reimburse other funding sources,  
121 including the Save Our Rivers Land Acquisition Program, the  
122 Internal Improvement Trust Fund, the South Florida Water  
123 Management District, and Miami-Dade County, for the purchase of  
124 lands that were acquired in areas appropriate for mitigation due  
125 to rock mining and to reimburse governmental agencies that  
126 exchanged land under s. 373.4149 for mitigation due to rock  
127 mining. The proceeds of the water treatment plant upgrade fee  
128 deposited into the Lake Belt Mitigation Trust Fund shall be used  
129 solely to pay for seepage mitigation projects, including  
130 groundwater or surface water management structures designed to  
131 improve wetland habitat and approved by the Lake Belt Mitigation  
132 Committee. The proceeds of the water treatment plant upgrade fee  
133 which are transmitted to a trust fund established by Miami-Dade  
134 County shall be used to upgrade a water treatment plant that  
135 treats water coming from the Northwest Wellfield in Miami-Dade  
136 County. As used in this section, the terms "upgrade a water  
137 treatment plant" or "treatment plant upgrade" mean ~~means~~ those  
138 works necessary to treat or filter a surface water source or  
139 supply or both.

140 (b) Expenditures of the mitigation fee must be approved by  
141 an interagency committee consisting of representatives from each  
142 of the following: the Miami-Dade County Department of  
143 Environmental Resource Management, the Department of  
144 Environmental Protection, the South Florida Water Management  
145 District, and the Fish and Wildlife Conservation Commission. In

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146 addition, the limerock mining industry shall select a  
147 representative to serve as a nonvoting member of the interagency  
148 committee. At the discretion of the committee, additional  
149 members may be added to represent federal regulatory,  
150 environmental, and fish and wildlife agencies.

151 Section 2. This act shall take effect upon becoming a law.