

**LAKE BELT MITIGATION COMMITTEE**

**ANNUAL REPORT FOR 2009**

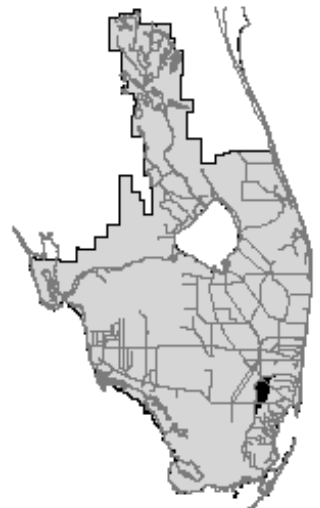
Submitted to the

GOVERNING BOARD

of the

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

In Accordance with Section 373.41492(9)(a), Florida Statutes





# Lake Belt Mitigation Committee 2009 Annual Report

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## I. Background

In 1999, the Florida Legislature established a mitigation fee on each ton of limerock and sand sold from the Miami-Dade County Lake Belt Area. The purpose of this fee is to provide for the mitigation of wetland resources lost to mining activities within this area.

The Legislature found that the impact of rock mining could best be offset by the implementation of a comprehensive mitigation plan, as recommended in the 1998 Progress Report to the Florida Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. Legislation was adopted in s. 373.4149(1), Florida Statutes (F.S.), authorizing the mitigation fee and governing its use.

The mitigation fee became effective on October 1, 1999 at the initial rate of 5.0 cents for each ton of limerock and sand sold. The Lake Belt legislation included an annual fee adjustment. In 2006, the legislation also approved specific increases in the fee to occur in 2007, 2008, and 2009. In 2009, the fee was 24 cents per ton. The fee applies to raw, processed, or manufactured limestone, cement, and concrete products. The mitigation fee is collected by the Florida Department of Revenue and deposited to a trust fund at the South Florida Water Management District (SFWMD). An interagency committee, referred to as the Lake Belt Mitigation Committee (Committee), must approve expenditures from the trust fund.

Section 373.41492(9)(a), F.S., states: “the interagency committee established in this section shall annually prepare and submit to the governing board of the South Florida Water Management District a report evaluating the mitigation costs and revenues generated by the mitigation fee.”

Additional information on the Miami-Dade County Lake Belt Plan Implementation Committee, including copies of the Plan, Annual Progress Reports and Technical Reports, and the Mitigation Committee is available at the SFWMD web site <http://www.sfwmd.gov>. (The Miami-Dade Co. Lake Belt is one of the projects listed in the Water Supply section of the SFWMD website.)

## II. Legislative Guidance

The proceeds of the mitigation fee must be used to conduct mitigation activities to offset the loss of value and functions of wetlands resulting from mining activities. The fees must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149, F.S.

The Lake Belt Phase I Plan, submitted to the Legislature in February 1997, states: *“Mitigation for rock mining in the Lake Belt Area should occur within the Pennsuco wetlands, the Northwest Bird Drive Basin, or other areas in the Lake Belt Area or Dade County, including in mitigation banks, as determined appropriate by the permitting agencies.”* (Page 21, “Northwest Dade County Freshwater Lake Belt Plan, Making a Whole, Not Just Holes”, 1997).

Mitigation fees may be used for the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation acres from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program, the Internal Improvement Trust Fund, SFWMD, and Miami-Dade County.

### **III. Committee Representation**

The Lake Belt Mitigation Committee is authorized under s. 373.4149, F.S. Meetings are held on an as needed basis at locations determined by the committee. All meetings are open to the general public and are held under requirements of Chapter 286.011, F.S.

The Lake Belt Mitigation Committee consists of following members:

#### **Voting Members:**

Florida Department of Environmental Protection (DEP)

Janet Llewellyn (Committee Chair)

Howard Hayes, Alternate

South Florida Water Management District (SFWMD)

Terrie Bates (Committee Vice Chair)

Anita Bain, Alternate

Miami-Dade County Department of Environmental Resources Management (DERM)

Carlos Espinosa

Matt Davis, Alternate

Florida Fish and Wildlife Conservation Commission (FWCC)

Timothy King

U.S. Army Corps of Engineers (USCOE)

Tori White

Leah Oberlin, Alternate

U.S. Environmental Protection Agency (USEPA)

Eric Hughes

Ron Miedema, Alternate

U.S. Fish and Wildlife Service (USFWS)

Spencer Simon

**Non-Voting Member:**

Miami-Dade Limestone Products Association  
Jeff Rosenfeld  
Bill Baker, Alternate

**IV. Committee Administration**

**Accounting** - The available balance in the trust fund as of December 31, 2008 was \$6,614,948. During 2009, \$4,349,570 was transferred to the trust fund from the Florida Department of Revenue and \$234,641 was earned as interest. During 2009, approved payments from the Trust Fund were \$9,858,913. On December 31, 2009, the available balance in the mitigation trust fund was \$1,340,246.

Table 1 summarizes the mitigation fee deposits and interest earned by the Lake Belt Trust Fund for the period between 2000 and 2009. The month-by-month financial statement for the Trust Fund is included in Appendix B. Appendix C shows the receipts/ approved expenditures summary developed for the Committee. This year's summary includes expenditures/mitigation acres approved by the Committee during 2009, as well as the overall receipts/expenditures summary through the end of 2009.

**Table 1. Summary - Lake Belt Mitigation Trust Fund Cash Receipts**

Calendar Year	Mitigation Fee (\$/ton)	Rock Mining Mitigation Fees	Interest Earned	Total Fees & Interest
2000 *	0.05	\$2,386,463	\$ 78,162	\$2,464,625
2001	0.0533	\$2,227,895	\$167,611	\$2,395,506
2002	0.056	\$2,436,950	\$174,384	\$2,611,334
2003	0.058	\$2,761,957	\$205,836	\$2,967,793
2004	0.062	\$3,109,122	\$132,434	\$3,241,556
2005	0.066	\$3,344,232	\$200,189	\$3,544,421
2006	0.071	\$3,808,079	\$521,348	\$4,329,427
2007	0.12	\$4,989,649	\$934,092	\$5,923,741
2008	0.18	\$4,899,784	\$380,229	\$5,280,013
2009	0.24	\$4,349,570	\$234,641	\$4,584,211
<b>TOTAL</b>		\$34,313,701	\$3,028,925	\$37,342,626

\*Includes fees from mining as of Oct. 1, 1999. Initial receipt from Florida Department of Revenue to the SFWMD was in January 2000.

**Mitigation Fee** – The initial mitigation fee calculation was based on many factors (values and functions of wetlands in the Pennsuco and mining areas, mitigation ratios, estimated mining rates, and acquisition, restoration, and long-term management costs of land in the Pennsuco). During 1999, an interagency team of economists calculated the rate of the fee and determined the most appropriate method for annually adjusting the fee. This approach was codified in statute. Beginning January 1, 2001 and each January 1<sup>st</sup> thereafter, the per-ton mitigation fee is increased by 2.1 percent, plus a cost growth index specified in the statute. The annual mitigation fee rate calculated by the Florida Department of Revenue is shown in Table 1.

The Committee reviewed the mitigation fee calculations based on updated land acquisition costs in 2005. Based on the Committee's recommendation and approval by the Legislature in 2006, the mitigation fee increased to 12 cents per ton starting January 1, 2007. Pursuant to the updated statute, the fee increased to 18 cents per ton in 2008 and 24 cents per ton in 2009. In 2010 and each year thereafter, the per-ton mitigation fee will again be increased by 2.1 percent, plus a cost growth index specified in the statute. The updated statute is included in Appendix A.

**Approved Expenditures** – Total expenditures approved in 2009 from the Lake Belt Mitigation Trust Fund were \$9,858,913. The different projects are discussed below and more detailed information on the expenditures and associated mitigation acres are included in Appendix C. The 2009 expenditures also include \$3,420 in administrative costs associated with the operation of the Lake Belt Mitigation Committee.

## **V. Committee Mitigation Activities**

**Committee Activities** – In 2009, Committee activities included:

1. Approval of the enhancement and long-term management of 100 acres in the central portion of the Southern Glades restoration project (March 2009). Funding will provide shredding of dense thickets of shoe button *Ardisia*, followed by repeated exotic treatments until the site responds with an herbaceous groundcover, which can be maintained with prescribed fire. The contractor initiated work this year however, due to heavy rainfall and existing soil conditions, the work could not be performed. Contractor is monitoring conditions regularly and will resume operations as soon as the conditions allow; expected in the next several weeks.
2. Approval of the enhancement and long-term management of 199.25 acres in Phase 2 of the 8.5 Square Mile restoration project and an additional 4.5 acres in Phase 1 (December 2009). This project, which will be completed in three phases, lies adjacent to Everglades National Park. Within the project are numerous parcels, totaling 469 acres that have been rock plowed or filled. The goal is to remove undesirable vegetation and soils from these 469 acres and allow native vegetation to re-colonize from adjacent areas.
3. Approval of the enhancement and long-term management of 1708 miner-owned acres in Pennsuco (December 2009). Approximately 1,600 acres of non-treated privately-owned land remain in the Pennsuco out of a total of about 12,600 acres. Therefore, approximately 87% of the Pennsuco has been or is currently being treated to remove exotic vegetation. The exotic

treatment in Pennsuco, primarily involving Melaleuca treatment, has the potential to yield regional ecological benefits and contribute to the goals of Everglades restoration. The latest monitoring report shows that Melaleuca is under control, declining on average from 1.1 percent in 2008 to .5 percent in 2009.

4. Approval of a portion (\$256,000) of the construction costs for the L-31N Seepage Mitigation pilot project (April/September 2009). One thousand feet of a shallow (18 feet deep) seepage barrier was constructed on the berm between the SFWMD L-31N Canal and the adjacent levee, which borders Everglades National Park, approximately one mile south of Tamiami Trail. Monitoring data indicate that the difference in water levels between the Canal and the west side of the barrier increased after construction, suggesting that this may be an effective method to reduce unwanted seepage from the Park to the Canal. The ecological benefits of constructing a more extensive wall are being evaluated.

**Mitigation Summary** - Summaries of annual expenditures / mitigation acres approved by the Committee are included in Appendix C. The Committee has approved a total of 4,332.3 mitigation acres, which has resulted in the public acquisition, enhancement, and long-term management of 1,213.3 acres in Pennsuco, the enhancement and long-term management of an additional 5,083.4 acres in Pennsuco, the enhancement and long-term management of 379.2 acres in the 8.5 Square Mile Area, and the acquisition, enhancement, and long-term management of 100 acres in the Southern Glades project area.

**Table 2. Lake Belt Mitigation Activities**

Calendar Year	Pennsuco Acquisition, Enhancement, & Long-Term Management (Acres)	Pennsuco Enhancement, & Long-Term Management (Acres) <sup>1</sup>	Other (Acres)	Committee Approved Mitigation Acres
2002	455.6	1,240.6		1,075.9
2003	0	2,134.8		1,067.4
2004	160.0		-0.5 <sup>2</sup>	159.5
2005	320.9			320.9
2006	142.4			142.4
2007	124.4			124.4
2008	10.0		221.1 <sup>3</sup>	231.1
2009		1,708.0	356.7 <sup>3</sup>	1,210.7
<b>TOTAL</b>	<b>1,213.3</b>	<b>5,083.4</b>	<b>577.3</b>	<b>4,332.3</b>

<sup>1</sup> The number of mitigation acres credited for enhancement / long-term management in 2002-2003 was equal to one-half the number credited for land acquisition, enhancement, and long-term management (per Committee decision).

<sup>2</sup> Mitigation for wetland impacts from monitoring well access construction required under the Lake Belt permits.

<sup>3</sup> 8.5 Square Mile Area and Southern Glades restoration projects (Pennsuco equivalent mitigation acres – see Appendix C).



The Mining Industry submits an Annual Lake Belt Report to the U.S. Army Corps of Engineers, Florida Department of Environmental Protection, and Miami-Dade County Department of Environmental Resources Management. This report documents the changes in mining and wetland acreages, and summarizes the ecological balance between the wetland impacts and wetland mitigation funded through the Lake Belt Mitigation Committee. This information is summarized below in Table 3.

Pursuant to s. 373.41492(7), F.S., the mitigation fee established by the Legislature “satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1).” The mitigation fee calculation was based on many factors (values and functions of wetlands in the mining area and Pennsuco, estimated mining rates, land acquisition, restoration, and long-term management costs), and included the assumption that an estimated ratio of 2.5 mitigation acres:impact acres was needed to offset the loss of the values and functions of wetlands impacted in mining areas that were not permitted prior to the issuance of the Lake Belt permits in 2002. The wetland impact and offsetting mitigation information for the State and County permits are summarized below in Table 3 and show a large positive mitigation acreage balance (2022 acres) due to the expedited mitigation being implemented by the Mitigation Committee. Through expedited mitigation, the Committee has been attempting to spend the mitigation fee on mitigation projects in the same year that the fee is collected, rather than at the slower rate anticipated in the permit tables.

**Table 3. Lake Belt Mitigation/Mining Summary**

Calendar Year	Committee Approved Mitigation Acres	Lake Belt Wetland Impacts In New Permit Areas (Acres)	Mitigation Needed to Offset Wetland Impacts (Acres) <sup>1</sup>	Annual Balance (Acres)
2002	1,075.9	34	85.0	990.9
2003	1,067.4	135	337.5	729.9
2004	159.5	87	217.5	-58.0
2005	320.9	87	217.5	103.4
2006	142.4	567	1,417.5	-1,275.1
2007	124.4	9	22.5	101.9
2008	231.1	5	12.5	218.6
<b>2009</b>	1,210.7	Not yet available <sup>2</sup>		1,210.7
<b>TOTAL</b>	4,332.3	924	2,297.5	2,022.3

<sup>1</sup> Assumes 2.5 ratio utilized in calculation of Lake Belt mitigation fee

<sup>2</sup> Pursuant to the permit conditions, impacts are reported in the following year’s Lake Belt Annual Report due to the timing and availability of aerial photographs.

The U.S. Army Corps of Engineers Lake Belt permits issued in 2002 included a different methodology for calculating mitigation requirements. The ecological balance between the wetland mitigation and wetland impacts is calculated using the ecological value and present worth factors in Table E of the Corps' permits. The cumulative ecological units at the end of the 2009 Annual Report reporting period (through February 2009) were negative 283.6 present worth ecological units. By comparison, the estimated ecological balance in Table E for the same period was negative 537.4 present worth ecological units. Due to the expedited mitigation being implemented by the Mitigation Committee, the cumulative ecological balance at the end of 2009 Annual Report reporting period is 253 present worth ecological units greater than the estimates in the permit tables. Comparisons of the permit tables with the actual mitigation fee collections and mitigation funded during the first seven years of the permit indicate that the amount of actual mitigation fees and approved mitigation are greater than were anticipated when the permits were issued in 2002.

## VI. Appendices

### APPENDIX A – Florida Statutes

#### **373.41492. Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.**

(1) The Legislature finds that the impact of mining within the rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1) can best be offset by the implementation of a comprehensive mitigation plan as recommended in the 1998 Progress Report to the Florida Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee. The Lake Belt Mitigation Plan consists of those provisions contained in subsections (2)-(9). The per-ton mitigation fee assessed on limestone sold from the Miami-Dade County Lake Belt Area and sections 10, 11, 13, 14, Township 52 South, Range 39 East, and sections 24, 25, 35, and 36, Township 53 South, Range 39 East, shall be used for acquiring environmentally sensitive lands and for restoration, maintenance, and other environmental purposes. It is the intent of the Legislature that the per-ton mitigation fee shall not be a revenue source for purposes other than enumerated herein. Further, the Legislature finds that the public benefit of a sustainable supply of limestone construction materials for public and private projects requires a coordinated approach to permitting activities on wetlands within Miami-Dade County in order to provide the certainty necessary to encourage substantial and continued investment in the limestone processing plant and equipment required to efficiently extract the limestone resource. It is the intent of the Legislature that the Lake Belt Mitigation Plan satisfy all local, state, and federal requirements for mining activity within the rock mining supported and allowable areas.

(2) To provide for the mitigation of wetland resources lost to mining activities within the Miami-Dade County Lake Belt Plan, effective October 1, 1999, a mitigation fee is imposed on each ton of limerock and sand extracted by any person who engages in the business of extracting limerock or sand from within the Miami-Dade County Lake Belt Area and the east one-half of sections 24 and 25 and all of sections 35 and 36, Township 53 South, Range 39 East. The mitigation fee is imposed for each ton of limerock and sand sold from within the properties where the fee applies in raw, processed, or manufactured form, including, but not limited to, sized aggregate, asphalt, cement, concrete, and other limerock and concrete products. The mitigation fee imposed by this subsection for each ton of limerock and sand sold shall be 12 cents per ton beginning January 1, 2007; 18 cents per ton beginning January 1, 2008; and 24 cents per ton beginning January 1, 2009. 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 fee and upon the same kind of mined limerock and sand subject to the mitigation fee. The water treatment plant upgrade fee imposed by this subsection for each ton of limerock and sand sold shall be 15 cents per ton beginning on January 1, 2007, and the collection of this fee shall cease once the total amount of proceeds collected for this fee reaches the amount of the actual moneys necessary to design and construct the water treatment plant upgrade, as determined in an open, public solicitation process. Any limerock or sand that is used within the mine from which the limerock or sand is extracted is exempt from the fees. The amount of the mitigation fee and the water treatment plant

upgrade fee imposed under this section must be stated separately on the invoice provided to the purchaser of the limerock or sand product from the limerock or sand miner, or its subsidiary or affiliate, for which the fee or fees apply. The limerock or sand miner, or its subsidiary or affiliate, who sells the limerock or sand product shall collect the mitigation fee and the water treatment plant upgrade fee and forward the proceeds of the fees to the Department of Revenue on or before the 20th day of the month following the calendar month in which the sale occurs.

(3) The mitigation fee and the water treatment plant upgrade fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation and the water treatment plant upgrade fees must be accompanied by a form prescribed by the Department of Revenue. The proceeds of the mitigation fee, less administrative costs, must be transferred by the Department of Revenue to the South Florida Water Management District and deposited into the Lake Belt Mitigation Trust Fund. The proceeds of the treatment plant upgrade fee, less administrative costs, must be transferred by the Department of Revenue to a trust fund established by Miami-Dade County, for the sole purpose authorized by paragraph (6)(a). As used in this section, the term "proceeds of the fee" means all funds collected and received by the Department of Revenue under this section, including interest and penalties on delinquent fees. The amount deducted for administrative costs may not exceed 3 percent of the total revenues collected under this section and may equal only those administrative costs reasonably attributable to the fees.

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

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

(5) Beginning January 1, 2010, and each January 1 thereafter, the per-ton mitigation fee shall be increased by 2.1 percentage points, plus a cost growth index. The cost growth index shall be the percentage change in the weighted average of the Employment Cost Index for All Civilian Workers (ecu 10001I), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, and the percentage change in the Producer Price Index for All Commodities (WPU 00000000), issued by the United States Department of Labor for the most recent 12-month period ending on September 30, compared to the weighted average of these indices for the previous year. The weighted average shall be calculated as 0.6 times the percentage change in the Employment Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times the percentage change in the Producer Price Index for All Commodities (WPU 00000000). If either index is discontinued, it shall be replaced by its successor index, as identified by the United States Department of Labor.

(6)(a) The proceeds of the mitigation fee must be used to conduct mitigation activities that are appropriate to offset the loss of the value and functions of wetlands as a result of mining activities and must be used in a manner consistent with the recommendations contained in the reports submitted to the Legislature by the Miami-Dade County Lake Belt Plan Implementation Committee and adopted under s. 373.4149. Such mitigation may include the purchase, enhancement, restoration, and management of wetlands and uplands, the purchase of mitigation credit from a permitted mitigation bank, and any structural modifications to the existing drainage system to enhance the hydrology of the Miami-Dade County Lake Belt Area. Funds may also be used to reimburse other funding sources, including the Save Our Rivers Land Acquisition Program, the Internal Improvement Trust Fund, the South Florida Water Management District, and Miami-Dade County, for the purchase of lands that were acquired in areas appropriate for mitigation due to rock mining and to reimburse governmental agencies that exchanged land under s. 373.4149 for mitigation due to rock mining. The proceeds of the water treatment plant upgrade fee shall be used solely to upgrade a water treatment plant that treats water coming from the Northwest Wellfield in Miami-Dade County. As used in this section, the terms "upgrade a water treatment plant" or "treatment plant upgrade" means those works necessary to treat or filter a surface water source or supply or both.

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

(7) Payment of the mitigation fee imposed by this section satisfies the mitigation requirements imposed under ss. 373.403-373.439 and any applicable county ordinance for loss of the value and functions from mining of the wetlands identified as rock mining supported and allowable areas of the Miami-Dade County Lake Plan adopted by s. 373.4149(1). In addition, it is the intent of the Legislature that the payment of the mitigation fee imposed by this section satisfy all federal mitigation requirements for the wetlands mined.

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

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

(b) No sooner than January 31, 2010, and no more frequently than every 5 years thereafter, the interagency committee shall submit to the Legislature a report recommending any needed adjustments to the mitigation fee to ensure that the revenue generated reflects the actual costs of the mitigation.

History.--s. 2, ch. 99-298; s. 23, ch. 2000-197; s. 2, ch. 2006-13.

### **373.41495 Lake Belt Mitigation Trust Fund; bonds.--**

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

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

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

(4) The Lake Belt Mitigation Trust Fund is a trust fund as described in s. 19(f)(3), Art. III of the State Constitution, and therefore is not subject to termination pursuant to s. 19(f)(2), Art. III of the State Constitution.

History.--ss. 1, 2, 3, 4, ch. 98-260; s. 1, ch. 99-297.

### **APPENDIX B - Financial Statement**

(See Attachment)

### **APPENDIX C – Receipts / Approved Expenditures Summary**

(See Attachment)

## APPENDIX B

### Lake Belt Mitigation Trust Fund Financial Statement Year Ending December 31, 2009

	Received from the Florida Dept. of Revenue	Interest Earned	Total Fees Plus Earnings	Approved Payments	Available Balance
<b>Year 2000</b>					
January	\$ 276,674	\$ 181	\$ 276,855		\$ 276,855
February	247,990	1,474	249,464		526,319
March	167,699	3,037	170,736		697,055
April	159,867	3,813	163,680		860,735
May	195,853	4,898	200,751		1,061,486
June	168,562	5,929	174,491		1,235,977
July	263,244	7,373	270,617		1,506,594
August	*	8,598	8,598		1,515,192
September	302,087	9,359	311,446		1,826,638
October	257,732	9,484	267,216		2,093,854
November	173,573	10,297	183,870		2,277,724
December	173,182	13,719	186,901		2,464,625
	2,386,463	78,162	2,464,625		
<b>Year 2001</b>					
January	108,739	12,855	121,594		2,586,219
February	92,523	11,240	103,763		2,689,982
March	214,087	13,438	227,525		2,917,507
April	212,656	12,335	224,991		3,142,498
May	170,744	13,272	184,016		3,326,514
June	224,087	9,705	233,792		3,560,306
July	*	12,920	12,920		3,573,226
August (A)	389,503	42,457	431,960		4,005,186
September	205,108	11,438	216,546		4,221,732
October	220,698	9,935	230,633		4,452,365
November	168,616	8,946	177,562		4,629,927
December	221,134	9,070	230,204		4,860,131
	2,227,895	167,611	2,395,506		
<b>Year 2002</b>					
January	181,259	10,337	191,596		5,051,727
February	182,742	8,154	190,896		5,242,623
March	219,362	9,560	228,922		5,471,545
April	144,300	9,603	153,903		5,625,448
May	230,099	10,586	240,685		5,866,133
June	271,439	10,659	282,098		6,148,231
July	253,744	11,018	264,762		6,412,993
August	194,939	16,488	211,427		6,624,420
September (B)	200,472	34,012	234,484		6,858,904
October	212,938	18,444	231,382		7,090,286
November	210,808	17,529	228,337		7,318,623
December	134,848	17,994	152,842		7,471,465
	2,436,950	174,384	2,611,334		
<b>Year 2003</b>					
January	208,027	15,230	223,257		7,694,722
February	197,666	19,394	217,060		7,911,782
March	215,031	19,672	234,703		8,146,485
April	228,112	21,209	249,321		8,395,806
May	300,353	22,857	323,210		8,719,016
June	226,880	26,658	253,538	(129,464)	8,843,090
July	163,946	16,893	180,839		9,023,929
August	321,454	24,782	346,236		9,370,165
September (C )	184,487	(10,863)	173,624		9,543,789
October	296,066	24,144	320,210		9,863,999
November	182,957	16,452	199,409	(6,478,513)	3,584,895
December	236,978	9,408	246,386		3,831,281
	2,761,957	205,836	2,967,793	(6,607,977)	

## APPENDIX B

### Lake Belt Mitigation Trust Fund Financial Statement Year Ending December 31, 2009

	Received from the Florida Dept. of Revenue	Interest Earned	Total Fees Plus Earnings	Approved Payments	Available Balance
<b>Year 2004</b>					
January	292,639	10,508	303,147		4,134,428
February	78,564	9,696	88,260		4,222,687
March	265,877	11,437	277,314		4,500,001
April	306,964	11,853	318,817		4,818,818
May	382,166	13,252	395,418	(807)	5,213,428
June	266,424	13,512	279,936		5,493,364
July	246,484	14,625	261,109		5,754,473
August	271,917	15,355	287,272		6,041,745
September	262,439	15,545	277,984		6,319,729
Adjustment (D)	-	(53,146)	(53,146)		6,266,583
October	277,685	29,552	307,237	(864,000)	5,709,820
November	200,441	17,291	217,732	(1,317)	5,926,235
December	257,522	22,956	280,478		6,206,713
	3,109,122	132,434	3,241,556	(866,124)	
<b>Year 2005</b>					
January	259,847	18,250	278,097		6,484,810
February	263,054	17,196	280,250	(3,995)	6,761,065
March	273,444	25,625	299,069		7,060,134
April	291,662	15,572	307,234		7,367,368
May	289,723	27,072	316,795		7,684,163
June	337,017	25,231	362,248		8,046,411
Adjustment (D)		(67,661)	(67,661)		7,978,750
July	287,218	24,592	311,810		8,290,560
August	284,984	27,975	312,959		8,603,519
September	279,133	32,050	311,183	(893)	8,913,809
Adjustment (D)		(52,881)	(52,881)		8,860,928
October	291,581	31,045	322,626		9,183,554
November	258,339	32,936	291,275	(1,296)	9,473,533
December	228,230	43,187	271,417		9,744,950
	3,344,232	200,189	3,544,421	(6,184)	
<b>Year 2006</b>					
Adjustment (D)		(44,413)	(44,413)		9,700,537
January	253,031	60,768	313,799		10,014,336
February	297,359	15,098	312,457		10,326,793
March	314,301	35,521	349,822		10,676,615
Adjustment (D)		(34,333)	(34,333)		10,642,282
April	310,279	41,802	352,081	(1,105)	10,993,258
May	344,944		344,944		11,338,202
June	341,412	110,696	452,108	(3,785,199)	8,005,111
Adjustment (D)		(25,449)	(25,449)		7,979,662
July	342,536	43,130	385,666		8,365,328
August	336,125	42,040	378,165		8,743,493
September	290,928	54,157	345,085		9,088,578
Adjustment (D)		40,976	40,976		9,129,554
October	333,653	58,000	391,653	(978)	9,520,230
November	311,616	63,032	374,648		9,894,878
December	331,895	60,322	392,217	(2,363,982)	7,923,112
	3,808,079	521,348	4,329,427	(6,151,264)	



## APPENDIX B

### Lake Belt Mitigation Trust Fund Financial Statement Year Ending December 31, 2009

	Received from the Florida Dept. of Revenue	Interest Earned	Total Fees Plus Earnings	Approved Payments	Available Balance
<b>Year 2007</b>					
Adjustment (D)		66,080	66,080		7,989,193
January	281,203	(565)	280,638	(978)	8,268,852
February		62,215	62,215		8,331,068
March	362,224	71,510	433,733		8,764,801
Adjustment (D)	478,805	1,795	480,600		9,245,401
April		68,127	68,127		9,313,528
May	404,802	112,389	517,191	(27,620)	9,803,099
June	435,942	74,016	509,958	(8,496,899)	1,816,158
Adjustment (D)	430,485	(50,524)	379,961	(1,211)	2,194,908
July		78,255	78,255	(19,452)	2,253,711
August	489,031	81,943	570,974	(237,036)	2,587,649
September	442,271	89,764	532,035		3,119,684
Adjustment (D)	444,092	72,014	516,106		3,635,790
October		67,596	67,596		3,703,386
November	473,511	54,356	527,867		4,231,253
December	359,414	59,750	419,164	(1,275)	4,649,142
Adjustment (D)	387,870	25,370	413,240		5,062,382
	4,989,649	934,092	5,923,741	(8,784,471)	
<b>Year 2008</b>					
January	383,715	54,702	438,416		5,500,799
February	331,462	47,753	379,215	(1,743)	5,878,272
March	454,863	49,368	504,231		6,382,503
Adjustment (D)		22,587	22,587		6,405,090
April	467,788	46,783	514,571	(1,211)	6,918,450
May	443,635	69,437	513,072	(105,270)	7,326,252
June	431,890	28,062	459,952	(15,000)	7,771,203
Adjustment (D)		(38,341)	(38,341)		7,732,862
July	417,579	26,245	443,825	(1,065)	8,175,621
August	411,110	29,025	440,135		8,615,756
September	399,271	10,847	410,118	(17,345)	9,008,529
Adjustment (D)		(44,832)	(44,832)		8,963,697
October	345,680	32,587	378,268		9,341,965
November	420,913	36,485	457,398		9,799,363
December	391,877	26,802	418,679	(3,584,412)	6,633,630
Adjustment (D)		(17,280)	(17,280)	(1,401)	6,614,948
	4,899,784	380,229	5,280,013	(3,727,447)	
<b>Year 2009</b>					
January	317,141	22,359	339,500	(1,425)	6,953,023
February	298,385	15,770	314,155	(2,023,300)	5,243,878
March	387,449	22,560	410,009		5,653,888
Adjustment (D)		(10,540)	(10,540)		5,643,347
April	373,967	14,399	388,366	(200,000)	5,831,713
May	514,178	7,676	521,854	(1,211)	6,352,357
June	291,423	7,829	299,252		6,651,609
Adjustment (D)		3,151	3,151		6,654,760
July	375,170	14,058	389,228		7,043,988
August	410,553	15,175	425,728		7,469,716
September	343,028	70,241	413,269	(56,000)	7,826,985
October	361,952	31,352	393,304	(784)	8,219,505
November	358,216	18,764	376,980		8,596,485
December	318,110	12,718	330,828	(7,576,193)	1,351,120
Adjustment (D)		(10,874)	(10,874)		1,340,246
	4,349,570	234,641	4,584,211	(9,858,913)	
<b>TOTAL</b>	<b>\$ 34,313,701</b>	<b>\$ 3,028,925</b>	<b>\$ 37,342,626</b>	<b>\$ (36,002,380)</b>	

\* Payment for two months received in the next month.

(A) Includes monthly interest allocation of \$12,421 plus fair value adjustment (gain) of \$30,036

(B) Includes monthly interest allocation of \$13,463 plus fair value adjustment (gain) of \$20,549

(C) Includes monthly interest allocation of \$22,218 less fair value adjustment (loss) of \$33,081

(D) Represents Market Value Adjustments (unrealized gain (loss)).

## APPENDIX C

### Receipts / Approved Expenditures Summary

#### Receipts / Approved Expenditures Through 2009

Year	Permit Table Estimated Mitigation Fee Collections	Estimated Mitigation Fee Running Total	Department of Revenue Mitigation Fee Deposits <sup>1</sup>	Actual Mitigation Fee Running Total	Interest	Cash Receipts Running Total <sup>1</sup>	Approved Expenditures	End of Year Balance	Payment Summary	Mitigation Acres
1999	487,813	487,813	*	0	*	0	0	0		
2000	1,950,000	2,437,813	2,386,463	2,386,463	78,162	2,464,625	0	2,464,625		
2001	2,181,684	4,619,497	2,227,895	4,614,358	167,611	4,860,131	0	4,860,131		
2002	2,297,314	6,916,811	2,436,950	7,051,308	174,384	7,471,465	6,607,977	863,488		1,075.9
2003	2,419,071	9,335,882	2,761,957	9,813,265	205,836	10,439,258	0	3,831,281	6,555,971	1,067.4
2004	2,547,282	11,883,164	3,109,122	12,922,387	132,434	13,680,814	866,124	6,206,713	491,360	159.5
2005	2,682,288	14,565,452	3,344,232	16,266,619	200,189	17,225,235	6,184	9,744,950	3,732,067	320.9
2006	2,824,449	17,389,901	3,808,079	20,074,698	521,348	21,554,662	6,151,264	7,923,113	-3,785,199	142.4
2007	2,974,145	20,364,046	4,989,649	25,064,347	934,092	27,478,402	8,784,471	5,062,382	-6,994,199	124.4
2008	3,131,775	23,495,821	4,899,784	29,964,131	380,229	32,758,416	3,727,447	6,614,948		231.1
2009	3,297,759	26,793,580	4,349,570	34,313,701	234,641	37,342,626	9,858,913	1,340,246		1,210.7
<b>TOTAL</b>			<b>\$34,313,701</b>		<b>\$3,028,925</b>		<b>\$36,002,380</b>		<b>\$0</b>	<b>4,332.3</b>

<sup>1</sup> Fee deposits in the SFWMD Trust Fund at the end of calendar year do not reflect Department of Revenue fee collections during December of each year. Therefore, the annual totals reflect Department of Revenue fee collections from the previous December through November.

\* 1999 & 2000 combined

## Summary of 2009 Expenditures/Mitigation Acres Approved by Committee

	<u>Acres</u>	<u>Amount</u>
<b>1. SFWMD - Pennsuco enhancement and long-term management</b>		
Mitigation Committee - December 2009		
1708 acres	\$1,630 / acre	\$2,784,040
(Cemex ownership - 50% ratio)		
Pennsuco equivalent mitigation acres = 1708 x 0.5 =	<b>854.0</b>	
<b>2. SFWMD - 8.5 Square Mile Area enhancement and long-term management</b>		
Mitigation Committee - December 2009		
<u>2009 Update</u>		
Phase 1 179.96 acres	\$20,106 / acre	\$3,618,276
Phase 2 199.25 acres	\$23,881 / acre	\$4,758,289
379.21 acres		<u>\$8,376,565</u>
<u>Less: 2008 Approval</u>		
Phase 1 (175.50) acres	\$20,424 / acre	<u>(\$3,584,412)</u>
<b>203.7 2009 Approved Acres</b>		<b>\$4,792,153</b>
8.5 SMA WRAP score 0.315 (.45 WRAP x 30% discount <sup>1</sup> )		
Pennsuco WRAP score 0.25		
Ratio 1.26		
Pennsuco equivalent mitigation acres = 203.7 x 1.26 =	<b>256.7</b>	
<b>3. SFWMD - Southern Glades restoration project (100-acre central portion)</b>		
<b>land acquisition, enhancement, and long-term management</b>		
Mitigation Committee - March 2009		
100 acres	\$20,233 / acre	\$2,023,300
Central S.G. WRAP score 0.25		
Pennsuco WRAP score 0.25		
Ratio 1.0		
Pennsuco equivalent mitigation acres = 100 x 1.0 =	<b>100.0</b>	
<b>4. MDLPA - L-31N Seepage Mitigation pilot project construction costs</b>		<b>\$256,000</b>
Mitigation Committee - April/September 2009		
<b>5. Mitigation Committee Administrative Expenses</b>		<b>\$3,420</b>
<b>Total Pennsuco equivalent mitigation</b>	<b>1,210.7</b>	<b>\$9,858,913</b>

<sup>1</sup> Mitigation Committee decision - 30% discount of credits for restoration project on publicly-owned land in the 8.5 SMA