

A bill to be entitled

An act relating to aggregate mining; providing legislative findings regarding construction aggregate materials; creating the Strategic Aggregates Review Task Force; providing for appointments by the Governor, the Senate President, and the Speaker of the House; providing for other membership criteria; providing for reimbursement for members; providing direction to the Department of Transportation to provide support; amending s. 378.412, F.S., prohibiting local governments from enforcing ordinances prohibiting mining in lands zoned for mining as of March 1, 2007; providing for expedited permitting for limerock environmental resource mining and reclamation applications filed after March 1, 2007; providing an effective date.

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

Section 1. _____, Florida Statutes is created to read:
Construction Aggregate Materials--

(1) The Legislature finds there is a strategic and critical need for construction aggregate materials within the State of Florida and disruption of the supply of these materials would cause significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare of the state. "Construction Aggregate Materials" means crushed stone, limestone, dolomite, limerock, shell rock, high quality sand, and other mined resources providing the basic materials of concrete, asphalt, and road base.

PCB ENRC 07-12

2007

30 (2) The Legislature hereby creates the Strategic Aggregates
31 Review Task Force to evaluate the present situation and
32 disposition of construction aggregate materials, and mining
33 practices. The Task Force shall report their findings, identify
34 locations with significant concentrations of construction
35 aggregate materials, and recommend actions intended to ensure the
36 continued extraction and availability of construction aggregate
37 materials to the Governor, the Speaker of the House, and the
38 President of the Senate by February 1, 2008. The Task Force
39 shall expire one year from the effective date of this act unless
40 re-created by the Legislature.

41 (3) The Strategic Aggregates Review Task Force shall be
42 composed of 15 members as follows:

43 (a) The President of the Senate, the Speaker of the House,
44 and the Governor shall each appoint one member each of the
45 following groups:

- 46 1. mining or construction industries;
- 47 2. transportation industries including seaports, trucking,
48 railroads, or road buildings;
- 49 3. elected county government;
- 50 4. environmental advocacy groups.

51 (b) The Secretary of the Department of Environmental
52 Protection or designee;

53 (c) The Secretary of the Department of Community Affairs or
54 designee;

55 (d) The Secretary of Department of Transportation or designee.
56 Appointments to the Task Force must be made no later than 30 days
57 after the effective date of this section.

58 (4) Members of the Task Force shall serve without

PCB ENRC 07-12

2007

59 compensation but are entitled to receive reimbursement for travel
 60 and per diem expenses incurred in connection with the official
 61 conduct of the Task Force as provided in s. 112.061.

62 (5) The Department of Transportation is directed to
 63 organize and provide support for the Task Force and to coordinate
 64 with other agencies of government to provide supporting
 65 information as may be needed for review by the Task Force. The
 66 Department of Transportation is authorized to work cooperatively
 67 with other agencies to conduct supporting studies as may be
 68 required to provide information to or otherwise assist the Task
 69 Force in its review and deliberations. The Department of
 70 Transportation is directed to be a clearing house for information
 71 related to construction aggregate materials and to provide
 72 technical and supporting information regarding the amount of such
 73 materials used by the department on road infrastructure projects.

74 Section 2. Section 378.412, Florida Statutes, is amended to
 75 read:

76 378.412 Relationship with other laws.--

77 (a) It is the intent of the Legislature that ss. 378.202-
 78 378.804 supplement other laws regarding resource extraction.
 79 Nothing contained in such sections shall be construed to limit,
 80 abridge, or alter any agency's duties, authority, and
 81 responsibilities granted pursuant to another statute. Nothing in
 82 ss. 378.202-378.804 shall be deemed to preempt local ordinances
 83 that impose stricter reclamation standards-, provided however, no
 84 county or municipality shall enact or enforce any ordinance,
 85 resolution, regulation, rule, policy, or other action which
 86 prohibits or prevents the construction or operation of a
 87 limestone mine on lands where mining is a permissible use or on

PCB ENRC 07-12

2007

88 lands zoned or classified as mining lands as of March 1, 2007.

89 (b) Due to the state's critical infrastructure needs and

90 the potential shortfall in available construction aggregate

91 materials, limerock environmental resource permitting and

92 reclamation applications filed after March 1, 2007, are eligible

93 for the expedited permitting process contained in s. 403.973.

94 Challenges to state agency action in the expedited permitting

95 process for establishment of a limerock mine in this state under

96 s. 403.973 are subject to the same requirements as challenges

97 brought under s. 403.973(15)(a), except that, notwithstanding s.

98 120.574, summary proceedings must be conducted within 30 days

99 after a party files the motion for summary hearing, regardless of

100 whether the parties agree to the summary proceeding.

101 Section 3. This act shall take effect upon becoming law.