

PCB ENRC 07-12

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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 purpose; providing for task force membership; providing for members to be reimbursed for certain expenses; providing for staffing and administrative support; requiring a report to the Governor and the Legislature; providing report requirements; providing for expiration of the task force; creating s. 337.026, F.S.; authorizing the Department of Transportation to pursue innovative engineering techniques relating to construction aggregate materials; authorizing the department to enter into agreements for construction aggregate materials; providing exceptions; providing requirements for such exceptions; establishing a pilot project for the extraction of construction aggregate materials; amending s. 378.412, F.S.; prohibiting local governments from enacting or enforcing ordinances, resolutions, regulations, rules, policies, or other actions that prohibit mining in certain lands zoned for mining; providing an expedited permitting process for certain limerock environmental resource permitting and reclamation applications; providing requirements for the challenge of agency actions; providing an effective date.

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

Section 1. Strategic Aggregates Review Task Force.--

PCB ENRC 07-12

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

39 (2) The Legislature hereby creates the Strategic Aggregates
 40 Review Task Force to evaluate the current situation and
 41 disposition of construction aggregate materials and mining
 42 practices. The task force shall be composed of 18 members as
 43 follows:

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

47 1. The mining or construction industry.
 48 2. The transportation industry, including seaports,
 49 trucking, railroads, or road building.
 50 3. An elected county government.
 51 4. An environmental advocacy group.
 52 5. The Florida League of Cities, Inc.

53 (b) The Secretary of Environmental Protection or his or her
 54 designee.

55 (c) The Secretary of Community Affairs or his or her
 56 designee.

57 (d) The Secretary of Transportation or his or her designee.

58 (3) Members of the task force shall serve without

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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, Florida
 62 Statutes.

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

75 (5) The task force shall report its findings on the current
 76 situation and disposition of construction aggregate materials and
 77 mining practices, identify locations with significant
 78 concentrations of construction aggregate materials, and recommend
 79 actions intended to ensure the continued extraction and
 80 availability of construction aggregate materials to the Governor,
 81 the President of the Senate, and the Speaker of the House of
 82 Representatives by February 1, 2008.

83 (6) Appointments to the task force shall be made no later
 84 than 30 days after the effective date of this act. The task force
 85 shall expire 1 year from the effective date of this act unless
 86 reenacted by the Legislature.

PCB ENRC 07-12

ORIGINAL

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87 Section 2. Section 337.026, Florida Statutes, is created to
88 read:

89 337.026 Authority of department to enter into agreements
90 for construction aggregate materials.--

91 (1) The department is authorized to pursue innovative
92 engineering techniques that will provide the department with
93 reliable and economic supplies of construction aggregate
94 materials that have the intended effect of controlling time and
95 cost increases on construction projects.

96 (2) The department is authorized to enter into agreements
97 with private or public entities. Such agreements may include, but
98 are not limited to, department acquisition of materials or
99 resources or long-term leases for a term not to exceed 99 years
100 that will advance the state's transportation needs.

101 (3) To the maximum extent practical, the department must
102 use the existing process to award and administer such innovative
103 engineering techniques. When specific innovative engineering
104 techniques are to be used, the department is not required to
105 adhere to those provisions of law that would prevent, preclude,
106 or in any way prohibit the department from using the innovative
107 engineering technique. However, prior to using an innovative
108 engineering technique that is inconsistent with another provision
109 of law, the department must document in writing the need for the
110 exception and identify what benefits the traveling public and the
111 affected community are anticipated to receive.

112 (4) The department's District 1 is specifically directed,
113 as a pilot project, to coordinate with the applicable regional
114 planning council, metropolitan planning organizations, and local
115 governments to facilitate and expedite the approval of the

PCB ENRC 07-12

ORIGINAL

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116 extraction of the construction aggregate materials.
 117 Section 3. Section 378.412, Florida Statutes, is amended to
 118 read:
 119 378.412 Relationship with other laws.--
 120 (1) It is the intent of the Legislature that ss. 378.202-
 121 378.804 supplement other laws regarding resource extraction.
 122 Nothing contained in such sections shall be construed to limit,
 123 abridge, or alter any agency's duties, authority, and
 124 responsibilities granted pursuant to another statute. Nothing in
 125 ss. 378.202-378.804 shall be deemed to preempt local ordinances
 126 that impose stricter reclamation standards, except that no county
 127 or municipality shall enact or enforce any ordinance, resolution,
 128 regulation, rule, policy, or other action which prohibits or
 129 prevents the construction or operation of a limestone mine on
 130 lands where mining is a permissible use or on lands zoned or
 131 classified as mining lands on or after March 1, 2007.
 132 (2) Due to the state's critical infrastructure needs and
 133 the potential shortfall in available construction aggregate
 134 materials, limerock environmental resource permitting and
 135 reclamation applications filed after March 1, 2007, are eligible
 136 for the expedited permitting process under s. 403.973. Challenges
 137 to state agency action in the expedited permitting process for
 138 establishment of a limerock mine in this state under s. 403.973
 139 are subject to the same requirements as challenges brought under
 140 s. 403.973(15)(a), except that, notwithstanding s. 120.574,
 141 summary proceedings must be conducted within 30 days after a
 142 party files the motion for summary hearing, regardless of whether
 143 the parties agree to the summary proceeding.
 144 Section 4. This act shall take effect upon becoming a law.