

Bill No. SB 2804

Barcode 955434

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Baker) recommended the following **substitute for amendment** (673716):

Senate Amendment (with title amendment)

On page 14, line 10, through page 17, line 3, delete those lines

and insert:

Section 11. Construction aggregate materials.--

(1) DEFINITIONS.--

(a) "Agency" means:

1. The Governor in the exercise of all executive powers other than those derived from the constitution.

2. Each:

a. State officer and state department, and each departmental unit described in s. 20.04, Florida Statutes.

b. Authority, including a regional water supply authority.

c. Board.

d. Commission, including the Commission on Ethics and the Fish and Wildlife Conservation Commission when acting

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1 pursuant to statutory authority derived from the Legislature.

2 e. Regional planning agency, including, but not
3 limited to, a regional planning council.

4 f. Multicounty special district of which a majority of
5 its governing board is comprised of nonelected persons.

6 g. Educational unit.

7 h. Entity described in chapters 163, 373, 380, and
8 582, Florida Statutes, and s. 186.504, Florida Statutes.

9 3. Each other unit of government in the state,
10 including counties and municipalities.

11 (b) "Construction aggregate materials" means crushed
12 stone, limestone, dolomite, limerock, shell rock, cemented
13 coquina, sand for use as a component of mortars, concrete,
14 bituminous mixtures or underdrain filters, and other mined
15 resources providing the basic material for concrete, asphalt,
16 and road base.

17 (2) LEGISLATIVE INTENT.--The Legislature finds that
18 there is a strategic and critical need for an available supply
19 of construction aggregate materials within the state and
20 disruption of the supply would cause significant detriment to
21 the state's construction industry, transportation system, and
22 overall health, safety, and welfare.

23 (3) AGENCY DECISIONMAKING.--No agency shall approve or
24 deny a proposed land use zoning change, comprehensive plan
25 amendment, land use permit, ordinance, or order without
26 considering, in consultation with the Department of
27 Transportation, the effect such change, amendment, permit
28 decision, ordinance, or order would have on the availability,
29 transportation, and potential extraction of construction
30 aggregate materials on the local area, the region, and the
31 state. No agency may impose a moratorium on the mining or

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1 extraction of construction aggregate materials of more than 6
2 months' duration.

3 (4) STRATEGIC AGGREGATES REVIEW TASK FORCE.--

4 (a) The Strategic Aggregates Review Task Force is
5 created to evaluate the availability and disposition of
6 construction aggregate materials and related mining and land
7 use practices in this state.

8 (b) The task force shall be appointed by August 1,
9 2007, and shall be composed of the following 16 members:

10 1. The President of the Senate, the Speaker of the
11 House of Representatives, and the Governor shall each appoint
12 one member from each of the following groups:

13 a. The mining or construction industries.

14 b. The transportation industries, including seaports,
15 trucking, railroads, or roadbuilders.

16 c. Elected officials representing counties identified
17 by the Department of Transportation as limestone or sand
18 resource areas. At least one elected official must represent a
19 county having a population of 75,000 or less, or a county
20 having a population of 100,000 or less that is contiguous to a
21 county having a population of 75,000 or less.

22 d. Environmental advocacy groups.

23 2. The Secretary of Environmental Protection or
24 designee.

25 3. The Secretary of Community Affairs or designee.

26 4. The Secretary of Transportation or designee.

27 5. One member appointed by the Florida League of
28 Cities, Inc.

29 (c) Members of the commission shall serve without
30 compensation. Travel and per diem expenses for members who are
31 not state employees shall be paid by the Department of

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1 Transportation in accordance with s. 112.061, Florida
2 Statutes.

3 (d) The Department of Environmental Protection shall
4 organize and provide administrative support for the task force
5 and coordinate with other state agencies and local governments
6 in obtaining and providing such data and information as may be
7 needed by the task force to complete its evaluation. The
8 department may conduct any supporting studies as are required
9 to obtain needed information or otherwise assist the task
10 force in its review and deliberations.

11 (e) The Department of Transportation shall collect and
12 provide information to the task force relating to construction
13 aggregate materials and the amount of such materials used by
14 the department on state road infrastructure projects, and
15 shall provide any technical and supporting information
16 relating to the use of such materials as is available to the
17 department.

18 (f) The task force shall report its findings to the
19 Governor, the President of the Senate, and the Speaker of the
20 House of Representatives by February 1, 2008. The report must
21 identify locations with significant concentrations of
22 construction aggregate materials and recommend actions
23 intended to ensure the continued extraction and availability
24 of construction aggregate materials.

25 (g) The task force shall be dissolved on July 1, 2008.
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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 2, lines 26-29, delete those lines
31

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1 and insert:

2 reporting, and expiration; prohibiting an
3 agency from approving or denying a land use
4 zoning change, comprehensive plan amendment,
5 land use permit, ordinance, or order without
6 consulting with the Department of
7 Transportation and considering the effect of
8 such decision; prohibiting an agency from
9 imposing a moratorium on the mining or
10 extraction of construction aggregate materials
11 of longer than a specified period; providing an

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