

HB 7121

2007

1 A bill to be entitled

2 An act relating to aggregate mining; providing legislative
3 findings regarding construction aggregate materials;
4 creating the Strategic Aggregates Review Task Force;
5 providing purpose; providing for task force membership;
6 providing for members to be reimbursed for certain
7 expenses; providing for staffing and administrative
8 support; requiring a report to the Governor and the
9 Legislature; providing report requirements; providing for
10 expiration of the task force; creating s. 337.026, F.S.;
11 authorizing the Department of Transportation to pursue
12 innovative engineering techniques relating to construction
13 aggregate materials; authorizing the department to enter
14 into agreements for construction aggregate materials;
15 providing exceptions; providing requirements for such
16 exceptions; establishing a pilot project for the
17 extraction of construction aggregate materials; amending
18 s. 378.412, F.S.; prohibiting local governments from
19 enacting or enforcing ordinances, resolutions,
20 regulations, rules, policies, or other actions that
21 prohibit mining in certain lands zoned for mining;
22 providing an expedited permitting process for certain
23 limerock environmental resource permitting and reclamation
24 applications; providing requirements for the challenge of
25 agency actions; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Strategic Aggregates Review Task Force.--

30 (1) The Legislature finds there is a strategic and
 31 critical need for construction aggregate materials within the
 32 state and disruption of the supply of these materials would
 33 cause significant detriment to the construction industry,
 34 transportation system, and overall health, safety, and welfare
 35 of 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
 40 Aggregates Review Task Force to evaluate the current situation
 41 and 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
 54 her designee.

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

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

59 (3) Members of the task force shall serve without
60 compensation but are entitled to receive reimbursement for
61 travel and per diem expenses incurred in connection with the
62 official conduct of the task force as provided in s. 112.061,
63 Florida Statutes.

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

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

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

89 Section 2. Section 337.026, Florida Statutes, is created
90 to read:

91 337.026 Authority of department to enter into agreements
92 for construction aggregate materials.--

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

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

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

113 public and the affected community are anticipated to receive.

114 (4) The department's District 1 is specifically directed,
 115 as a pilot project, to coordinate with the applicable regional
 116 planning council, metropolitan planning organizations, and local
 117 governments to facilitate and expedite the approval of the
 118 extraction of the construction aggregate materials.

119 Section 3. Section 378.412, Florida Statutes, is amended
 120 to read:

121 378.412 Relationship with other laws.--

122 (1) It is the intent of the Legislature that ss. 378.202-
 123 378.804 supplement other laws regarding resource extraction.
 124 Nothing contained in such sections shall be construed to limit,
 125 abridge, or alter any agency's duties, authority, and
 126 responsibilities granted pursuant to another statute. Nothing in
 127 ss. 378.202-378.804 shall be deemed to preempt local ordinances
 128 that impose stricter reclamation standards, except that no
 129 county or municipality shall enact or enforce any ordinance,
 130 resolution, regulation, rule, policy, or other action which
 131 prohibits or prevents the construction or operation of a
 132 limestone mine on lands where mining is a permissible use or on
 133 lands zoned or classified as mining lands on or after March 1,
 134 2007.

135 (2) Due to the state's critical infrastructure needs and
 136 the potential shortfall in available construction aggregate
 137 materials, limerock environmental resource permitting and
 138 reclamation applications filed after March 1, 2007, are eligible
 139 for the expedited permitting process under s. 403.973.
 140 Challenges to state agency action in the expedited permitting

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141 process for establishment of a limerock mine in this state under
142 s. 403.973 are subject to the same requirements as challenges
143 brought under s. 403.973(15)(a), except that, notwithstanding s.
144 120.574, summary proceedings must be conducted within 30 days
145 after a party files the motion for summary hearing, regardless
146 of whether the parties agree to the summary proceeding.

147 Section 4. This act shall take effect upon becoming a law.