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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 3/RE	.	
3/18/2008	.	
	.	
	.	

1 The Committee on Transportation (Baker) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5 Between line(s) 222 and 223,
 6 insert:

7 Section 3. Subsections (1), (2), and (3) of section
 8 337.0261, Florida Statutes, are amended to read:

9 337.0261 Construction aggregate materials.--

10 (1) DEFINITIONS.--As used in this section, the term:

11 (a) "Aggregate resource county" means a county within
 12 which sand and aggregate resources exist as enumerated in the
 13 Strategic Aggregates Review Task Force Final Report dated
 14 February 1, 2008.

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15 (b) "Application for construction aggregate materials
16 mining site approval" includes any application submitted to a
17 local government within an aggregate resource county for
18 approval in connection with construction materials mining
19 activities, including, but not limited to, applications for
20 conditional use permits, variances, special exceptions, unusual
21 uses, rezonings, and any other changes in land use designation,
22 without regard for the manner in which such application is
23 processed.

24 (c) "Construction aggregate materials" means crushed
25 stone, limestone, dolomite, limerock, shell rock, cemented
26 coquina, sand for use as a component of mortars, concrete,
27 bituminous mixtures, or underdrain filters, and other mined
28 resources providing the basic material for concrete, asphalt,
29 and road base.

30 (d) "Construction materials mining activities" has the
31 same meaning as provided in s. 552.30(1).

32 (e) "Local government" and "local government
33 decisionmaking body" refers to all agencies, boards,
34 commissions, councils, panels, trusts, or other bodies of
35 individuals associated with or established by local governmental
36 entities which have final authority to consider and approve
37 applications, regardless of whether such consideration
38 constitutes an initial review of the application or part of an
39 administrative appellate process afforded by the local
40 governmental entity.

41 (f) "State approvals for construction materials mining
42 activities" means, to the extent legally required, an



43 environmental resource permit and industrial waste permit issued
44 by the Department of Environmental Protection.

45 (2) LEGISLATIVE INTENT.--The Legislature finds that:

46 (a) There is a strategic and critical need for an
47 available supply of construction aggregate materials within the
48 state and that a disruption of the supply would cause a
49 significant detriment to the state's construction industry,
50 transportation system, and overall health, safety, and welfare.

51 (b) Construction aggregate materials are a finite natural
52 resource.

53 (c) Construction aggregate materials mining is an industry
54 of critical importance to the state and is therefore in the
55 public interest.

56 (d) There is a need for a reliable, predictable, and
57 sustainable supply of construction aggregate materials so that
58 public and private construction is maintained without
59 interruption.

60 (e) There are a limited number of aggregate resource
61 counties within the state where aggregate and sand resources
62 exist.

63 (3) LOCAL GOVERNMENT DECISIONMAKING.--

64 (a) A ~~No~~ local government may not shall approve or deny a
65 proposed land use zoning change, comprehensive plan amendment,
66 land use permit, ordinance, or order regarding construction
67 aggregate materials without considering any information provided
68 by the Department of Transportation regarding the effect such
69 change, amendment, permit decision, ordinance, or order would
70 have on the availability, transportation, and potential

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71 extraction of construction aggregate materials on the local
72 area, the region, and the state. The failure of the Department
73 of Transportation to provide this information shall not be a
74 basis for delay or invalidation of the local government action.
75 A ~~No~~ local government may not impose a moratorium, or
76 combination of moratoria, of more than 12 months' duration on
77 the mining or extraction of construction aggregate materials,
78 commencing on the date the vote was taken to impose the
79 moratorium. January 1, 2007, shall serve as the commencement of
80 the 12-month period for moratoria already in place as of July 1,
81 2007.

82 (b) If an applicant has obtained state approvals for
83 construction materials mining activities within an aggregate
84 resource county, the local government decisionmaking body may
85 deny the application for such activities only pursuant to a
86 super majority vote consisting of a majority plus one of all
87 members of the local government decisionmaking body. Subject to
88 local quorum requirements, a local government decisionmaking
89 body may approve an application for construction materials
90 mining activities by a simple majority vote.

91 (c) If an application for construction aggregate materials
92 mining site approval is not approved or denied after
93 consideration of the application at two regularly scheduled
94 meetings of the local government decisionmaking body or after 3
95 months following the application's initial consideration by the
96 local government decisionmaking body, whichever occurs first,
97 the applicant may seek a final determination on the application
98 by the Governor and Cabinet sitting as the Administration

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99 Commission. An applicant may invoke this review by filing a
100 petition with the Administration Commission within 30 days after
101 the date of the last local government hearing at which the
102 application was considered or scheduled to be heard, whichever
103 occurs latest.

104 (d) The Administration Commission shall review the
105 application based solely upon the record of proceedings before
106 the local government and shall decide by a simple majority vote
107 whether there was competent, substantial evidence in the record
108 to support approval of the application. It shall thereafter
109 enter an order setting forth its decision and, by copy of its
110 order, notify the clerk of the local government and the
111 applicant.

112 (e) The applicable provisions of the Uniform Rules of
113 Procedure promulgated in chapter 28, Florida Administrative
114 Code, shall govern the proceedings before the Administration
115 Commission.

116 (f) Judicial review of the commission's decision shall be
117 pursuant to s. 120.68.

118 (g) This subsection does not limit, eliminate, or
119 otherwise affect existing legal remedies to challenge or appeal
120 a final decision of a local government decisionmaking body
121 concerning an application for construction aggregate materials
122 mining site approval.

123 Section 4. Subsections (2) and (3) and paragraph (b) of
124 subsection (4) of section 339.2816, Florida Statutes, are
125 amended to read:

126 339.2816 Small County Road Assistance Program.--

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127 (2) For the purposes of this section, the term "small
128 county" means any county that has a population of 75,000 or less
129 according to the most recently available decennial ~~1990~~ federal
130 census data.

131 (3) Beginning with fiscal year 1999-2000 ~~until fiscal year~~
132 ~~2009-2010~~ up to \$25 million annually from the State
133 Transportation Trust Fund may be used for the purposes of
134 funding the Small County Road Assistance Program as described in
135 this section.

136 (4)

137 (b) In determining a county's eligibility for assistance
138 under this program, the department may consider whether the
139 county has attempted to keep county roads in satisfactory
140 condition, including the amount of local option fuel tax ~~and ad~~
141 ~~valorem millage rate~~ imposed by the county. The department may
142 also consider the extent to which the county has offered to
143 provide a match of local funds with state funds provided under
144 the program. At a minimum, small counties shall be eligible only
145 if:

146 ~~1. the county has enacted the maximum rate of the local~~
147 ~~option fuel tax authorized by s. 336.025(1) (a), and has imposed~~
148 ~~an ad valorem millage rate of at least 8 mills; or~~

149 ~~2. The county has imposed an ad valorem millage rate of 10~~
150 ~~mills.~~

151 Section 5. Paragraph (c) of subsection (4) of section
152 348.0003, Florida Statutes, is amended to read:

153 348.0003 Expressway authority; formation; membership.--

154 (4)



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155 (c) Notwithstanding any other provision of the Florida
 156 Expressway Authority Act, members of each expressway an
 157 authority shall ~~be required to~~ comply with the applicable
 158 financial disclosure requirements of s. 8, Art. II of the State
 159 Constitution. This paragraph does not subject a statutorily
 160 created expressway authority, other than the one created under
 161 this part, to any of the requirements of this part other than
 162 those contained ins this subsection.

163
 164 ===== T I T L E A M E N D M E N T =====

165 And the title is amended as follows:

166 On line(s) 24, after the first semicolon,
 167 insert:
 168 amending s. 337.0261, F.S.; providing definitions;
 169 providing legislative findings with respect to the need
 170 for construction aggregate materials; requiring a super
 171 majority vote by the local government decisionmaking body
 172 in order to deny approval of a construction aggregate
 173 materials mining site; providing for a final determination
 174 to be made by the Governor and Cabinet sitting as the
 175 Administration Commission if the local government does not
 176 approve or deny an application for construction aggregate
 177 materials mining activities after two meetings or 3
 178 months; requiring that the Administration Commission
 179 determine whether the evidence supports approval; applying
 180 provisions of the Uniform Rules of Procedure to the
 181 proceedings; providing that the act does not limit
 182 challenges to or appeals of construction aggregate

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183 materials mining site approvals; amending s. 339.2816,
184 F.S.; updating eligibility requirements for the Small
185 County Resurfacing Assistance Program; removing the
186 termination date for program funding; removing
187 consideration of a county's ad valorem millage rate as a
188 requirement for program eligibility; amending s. 348.0003,
189 F.S.; conforming the financial disclosure requirements for
190 members of expressway authorities, transportation
191 authorities, bridge authorities, and toll authorities;