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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FAV	.	
4/17/2008	.	
	.	
	.	

1 The Committee on Environmental Preservation and Conservation
2 (Gaetz) recommended the following **amendment**:

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

5 Delete line(s) 23-140
6 and insert:

7
8 Section 1. Subsections (1), (2), and (3) of section
9 337.0261, Florida Statutes, are amended, present subsections (4)
10 and (5) of that section are renumbered as subsections (5) and
11 (6), respectively, and a new subsection (3) is added to that
12 section, to read:

13 337.0261 Construction aggregate materials.--

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

15 (a) "Aggregate resource county" means a county where the
16 geologic conditions have been evaluated and there is a high



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17 likelihood that limestone or sand is present that will meet the
18 Department of Transportation's standards for construction
19 materials. The aggregate resource counties are: Broward,
20 Charlotte, Citrus, Collier, Dixie, Hernando, Lake, Lee, Levy,
21 Miami-Dade, Palm Beach, Polk, Sumter, and Taylor. The list of
22 aggregate resource counties may be amended by the Department of
23 Transportation by rule upon additional evaluation of geologic
24 conditions.

25 (b) "Application for construction aggregate materials
26 mining site approval" includes any application submitted to a
27 local government within an aggregate resource county for land-use
28 approval in connection with construction materials mining
29 activities, including, but not limited to, applications for
30 conditional use permits, variances, special exceptions, unusual
31 uses, rezonings, and any other changes in land use designation.

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

37 (d) "Construction materials mining activities" has the same
38 meaning as provided in s. 552.30(1) and includes, for the
39 purposes of this section only, on-site resource processing
40 facilities such as crushing, washing, and sorting.

41 (e) "Local government" and "local government decisionmaking
42 body" refers to all agencies, boards, commissions, councils,
43 panels, trusts, or other bodies of individuals associated with or
44 established by local governmental entities which have final
45 authority to consider and approve applications, regardless of
46 whether such consideration constitutes an initial review of the



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47 application or part of an administrative appellate process
48 afforded by the local governmental entity.

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

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

55 (b) Construction aggregate materials are a finite natural
56 resource.

57 (c) Construction aggregate materials mining is an essential
58 industry and an essential service of critical importance to the
59 state and is therefore in the public interest.

60 (d) There is a need for a reliable, predictable, and
61 sustainable supply of construction aggregate materials so that
62 public and private construction is maintained without
63 interruption.

64 (e) There are a limited number of aggregate resource
65 counties within the state where aggregate or sand resources exist
66 in sufficient quantity and quality to meet the Department of
67 Transportation's standards for construction materials.

68 (3) STRATEGIC AGGREGATE RESOURCE ASSESSMENT (SARA).--

69 (a) Contingent upon a specific appropriation, the
70 Department of Transportation shall organize and provide the
71 following administrative support in the preparation of the SARA:

72 1. Identification and mapping of construction aggregate
73 materials:

74 a. To the extent that such identification and mapping has
75 not already been undertaken, the Florida Geological Survey shall
76 identify and map, on a regional basis, areas of the state where



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77 construction aggregate materials resources are located.
78 Information may be submitted by willing land owners to the
79 Florida Geological Survey for inclusion in the state data
80 repository and shall be maintained in an electronic database
81 under the control of the Florida Geological Survey and protected
82 as trade secret information pursuant to s. 815.045.

83 b. Once the Florida Geological Survey has completed its
84 regional mapping, the Department of Transportation shall
85 identify, on a regional basis, and superimpose on the aggregate
86 resource map created pursuant to this section, those construction
87 aggregate resource areas with a high likelihood of satisfying the
88 Department of Transportation's standards for road construction.
89 The identification of such areas by the Department of
90 Transportation shall be for planning purposes only and shall not
91 constitute a formal determination by the department for any other
92 reason.

93 c. The Department of Transportation shall make the
94 aggregate resource map available to the public and shall maintain
95 the map for inclusion in the state data registry.

96 2. Identification and Assessment of Infrastructure
97 Capacity:

98 a. The SARA shall identify the current and potential
99 sources of construction aggregate material that support the state
100 by using current and planned rail, connecting roadways, and port
101 infrastructure.

102 b. The SARA shall be updated every 5 years and be included
103 as part of the Florida Transportation Plan.

104 (4)(3) LOCAL GOVERNMENT DECISIONMAKING.--

105 (a) A local government within an aggregate resource county
106 is strongly encouraged to provide for and facilitate, through its



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107 mine siting and expansion approval processes, the efficient
108 extraction of construction aggregate materials mining.

109 (b) At least 30 days before filing an application for
110 construction aggregate materials mining site approval, the
111 applicant shall meet with the local government to discuss and
112 solicit comments on the proposed mine or mine expansion and the
113 potential issues of local concern, including, but not limited to,
114 infrastructure needs and impacts and the legal requirements of
115 the mining site approval process. The meeting shall not take the
116 place of any legally mandated public hearing on the proposed mine
117 or mine expansion and shall be limited to the applicant, the
118 local government, and their respective representatives which, in
119 the case of the local government, would likely include, but need
120 not be limited to, local government staff in the areas of
121 planning, zoning, environmental, and public works

122 (c) A ~~Ne~~ local government may not ~~shall~~ approve or deny a
123 proposed land use zoning change, comprehensive plan amendment,
124 land use permit, ordinance, or order regarding construction
125 aggregate materials without first providing reasonable advance
126 notice to the Department of Transportation and considering any
127 information provided by the Department of Transportation
128 regarding the effect such change, amendment, permit decision,
129 ordinance, or order would have on the availability,
130 transportation, and potential extraction of construction
131 aggregate materials on the local area, the region, and the state.
132 The failure of the Department of Transportation to provide this
133 information shall not be a basis for delay or invalidation of the
134 local government action. A ~~Ne~~ local government may not impose a
135 moratorium, or combination of moratoria, of more than 12 months'
136 duration on the mining or extraction of construction aggregate



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137 materials, commencing on the date the vote was taken to impose
138 the moratorium. January 1, 2007, shall serve as the commencement
139 of the 12-month period for moratoria already in place as of July
140 1, 2007.

141 Section 2. This act shall take effect July 1, 2008.

142

143 ===== T I T L E A M E N D M E N T =====

144 And the title is amended as follows:

145 Delete line(s) 5-19

146 and insert:

147 aggregate materials; providing for a strategic aggregate
148 resource assessment by the Department of Transportation;
149 providing for local government decisionmaking authority
150 relating to aggregate materials mining; providing an
151 effective date.