

A bill to be entitled

An act relating to aggregate mining; amending s. 337.0261, providing legislative intent; providing for an assessment of aggregate construction materials in the state; providing duties for the Department of Transportation, the Department of Environmental Protection, the Department of Community Affairs, and the Florida Geological Survey; providing parameters for the assessment; providing rulemaking authority; creating s. 373.4146, F.S.; providing a construction aggregate materials mining pre-application meeting; providing rulemaking authority,; providing for a definition, providing a date certain to initiate rulemaking; 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 exemption for Miami-Dade Lake Belt areas; providing an effective date.

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

Section 1. Section 337.0261, Florida Statutes, is amended to read:

337.0261 Construction Aggregate Materials.--

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

(a) There is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a

29 | significant detriment to the state's construction industry,  
 30 | transportation system, and overall health, safety, and welfare.

31 | (b) Construction aggregate materials are a finite natural  
 32 | resource.

33 | (c) Construction aggregate materials mining is an industry  
 34 | of critical importance to the state and is therefore in the  
 35 | public interest.

36 | (d) There is a need for a reliable, predictable, and  
 37 | sustainable supply of construction aggregate materials so that  
 38 | public and private construction is maintained without  
 39 | interruption.

40 | (e) There are a limited number of aggregate resource  
 41 | counties within the State where aggregate and sand resources  
 42 | exist.

43 | (6) Strategic Aggregate Resource Assessment (SARA). --

44 | (a) The Florida Department of Transportation shall  
 45 | organize and provide administrative support in the preparation  
 46 | of the SARA. The Department of Transportation shall work with  
 47 | the Florida Department of Environmental Protection, the Florida  
 48 | Department of Community Affairs, and local governments in the  
 49 | preparation of the SARA.

50 | 1. For construction aggregate materials:

51 | a. The Florida Geological Survey shall identify and map  
 52 | areas where construction aggregate materials deposits are  
 53 | located in the state. Information may be submitted by willing  
 54 | land owners to the Florida Geological Survey for inclusion in  
 55 | the state data repository.

56 b. The Department of Transportation shall identify and  
57 superimpose on the aggregate map a high to low quality grading  
58 classification to identifying the areas that contain the  
59 materials needed for road building and repair.

60 c. The Department of Environmental Protection shall  
61 identify and superimpose on the aggregate map the areas of  
62 natural resources subject to state permitting requirements in  
63 order to identify any potential conflicts between the location  
64 of geologically valuable resources and natural land and water  
65 resources.

66 d. The Department of Community Affairs, along with the  
67 local governments, shall identify and superimpose on the  
68 aggregate map the areas of existing future land use elements of  
69 local comprehensive plans and local zoning regulations in order  
70 to identify with natural resources and existing communities and  
71 any potential conflicts between the areas where growth and  
72 development is planned or placed adjacent to or over deposits  
73 of construction aggregate materials.

74  
75 The SARA shall provide a projection of 5 year, 25 year, and 50  
76 year demand for aggregate. In addition, the SARA shall provide  
77 an estimate of volume of aggregate available from already  
78 permitted mines to meet demand projections. The SARA shall  
79 identify international and out-of-state construction aggregate  
80 materials available to meet demand projections.

81 2. For infrastructure:

82 a. The SARA shall provide a rating structure assessing the  
83 ability to mine these deposits in an economic manner, taking

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84 into account the proximity of the materials to the available  
85 markets, the thickness of overburden, and the quantity and  
86 quality of the materials. In assessing the economic viability of  
87 a geologic deposit the SARA shall take into account the  
88 proximity to rail and port facilities where similar or  
89 replacement products can be imported at a lower cost than  
90 producing them locally.

91 b. The SARA shall identify the current and potential  
92 capacity of construction aggregate material imports into the  
93 state utilizing current and planned rail, connecting roadways  
94 and port infrastructure.

95 (b) The SARA shall be updated every five (5) years and be  
96 included as part of the Department of Transportation Florida  
97 Transportation Plan.

98 (c) The Department of Transportation shall prepare the  
99 findings of the SARA in an initial report submitted to the  
100 Governor, the President of the Senate and the Speaker of the  
101 House no later than February 1, 2010. Subsequent reports shall  
102 be submitted by February 1 following each 5 year SARA update.

103 (d) The Department of Transportation is authorized to  
104 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer  
105 this section and in the preparation of the SARA.

106 Section 2. Section 373.4146, Florida Statutes is created  
107 to read:

108 373.4146 Permitting of Mining of Construction Aggregate  
109 Materials --

110 (1) The department is authorized to adopt rules for the  
111 construction, operation, and reclamation of construction

112 aggregate material mines, which shall incorporate the permitting  
 113 requirements in Part IV of Chapter 373, and the reclamation  
 114 requirements in Part IV of Chapter 378. Notwithstanding the  
 115 provisions of subsection 373.414 (2) (a), this permit shall  
 116 consider adverse impacts to all wetlands and other surface  
 117 waters including those to fish and wildlife, and their habitat.  
 118 This permit shall also require monitoring of groundwater to  
 119 ensure that water quality outside the mining pit is protected.

120 (2) For the purpose of this section, " Construction  
 121 Aggregate Materials" shall means crushed stone, limestone,  
 122 dolomite, limerock, shell rock, cemented coquina, and sand for  
 123 use as a component of mortars, concrete, bituminous mixtures, or  
 124 underdrain filters, and other mined resources providing the  
 125 basic material for concrete, asphalt, and road base. Mined  
 126 materials that do not require sorting and grading and that are  
 127 used for fill are not Construction Aggregate Materials.

128 (3) The department shall initiate rule making no later  
 129 than October 1, 2008

130 Section 3. Section 378.412, Florida Statutes, is amended  
 131 to read:

132 378.412 Relationship with other laws.--It is the intent of  
 133 the Legislature that ss. 378.202-378.804 supplement other laws  
 134 regarding resource extraction. Nothing contained in such  
 135 sections shall be construed to limit, abridge, or alter any  
 136 agency's duties, authority, and responsibilities granted  
 137 pursuant to another statute. Nothing in ss. 378.202-378.804  
 138 shall be deemed to preempt local ordinances that impose ~~stricter~~  
 139 ~~reclamation standards.~~ land use requirements for reclamation

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140 activities as set forth in the comprehensive plan or zoning  
141 regulations, provided however, no county or municipality shall  
142 enact or enforce any ordinance, resolution, regulation, rule,  
143 policy, or other action which prohibits or prevents the  
144 construction or operation of a limestone mine based on issues or  
145 subject matters regulated by the department pursuant to this  
146 chapter or chapter 373, part IV. Section 4. The provisions of  
147 this act shall not apply to the Miami-Dade County Lake Belt  
148 areas as described in s. 373.4149.

149 Section 5. This act shall take effect upon becoming law.

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