

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2011*

**1000 FRIENDS OF FLORIDA, INC., and SIERRA CLUB,**  
Appellants,

v.

**PALM BEACH COUNTY and RINKER MATERIALS OF FLORIDA, INC.,**  
d/b/a **CEMEX,**  
Appellees.

No. 4D10-2290

[December 7, 2011]

PER CURIAM.

Based on *1000 Friends of Florida, Inc. v. Palm Beach County*, 69 So. 3d 1123 (Fla. 4th DCA 2011), we reverse the final judgment in favor of appellees. Although there was some evidence that the proposed mine might support agricultural activities, this was a tangential, collateral benefit. The permit provided no benchmarks to insure that an agricultural use would be consistent with the requirement of the policy in the comprehensive plan that mining be permitted “only to support public roadway projects or agricultural activities.” *Id.* at 1125. We remand to the circuit court with instructions to declare the development order inconsistent with the comprehensive plan and to enjoin enforcement of the order.

STEVENSON, GROSS and CONNER, JJ., concur.

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Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; David F. Crow, Judge; L.T. Case No. 502008CA015651XXXXMB.

Robert N. Hartsell and Richard Grosso of Everglades Law Center, Fort Lauderdale, for appellants.

Robert P. Banks and Leonard Berger, Senior Assistant County Attorneys, West Palm Beach, for appellee, Palm Beach County.

Larry A. Klein and Martin J. Alexander of Holland & Knight LLP, West Palm Beach, for appellee, Rinker Materials of Florida, Inc., d/b/a Cemex.

***Not final until disposition of timely filed motion for rehearing.***