

CHAPTER 2020-180

Committee Substitute for House Bill No. 1047

An act relating to construction materials mining activities; amending s. 552.30, F.S.; providing legislative findings; creating a monitoring and reporting pilot program within the Division of the State Fire Marshal for the use of explosives in Miami-Dade County; requiring the State Fire Marshal to hire or contract with seismologists to monitor and report blasts used for construction materials mining activities in Miami-Dade County and to post the reports on the website of the Division of State Fire Marshal; providing requirements for such seismologists; requiring a person who uses explosives for construction materials mining activities in Miami-Dade County to submit certain written notice to the State Fire Marshal; requiring the State Fire Marshal to adopt rules; providing an appropriation; providing an effective date.

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

Section 1. Section 552.30, Florida Statutes, is amended to read:

552.30 Construction materials mining activities.—

(1) Notwithstanding the provisions of s. 552.25, the State Fire Marshal shall have the sole and exclusive authority to adopt ~~promulgate~~ standards, limits, and regulations regarding the use of explosives used for in conjunction with construction materials mining activities. Such authority to regulate use shall include, directly or indirectly, the operation, handling, licensure, or permitting of explosives and setting standards or limits, including, but not limited to, ground vibration, frequency, intensity, blast pattern, air blast and time, date, occurrence, and notice restrictions. As used in this section, the term “construction materials mining activities” means the extraction of limestone and sand suitable for production of construction aggregates, sand, cement, and road base materials for shipment offsite by any person or company primarily engaged in the commercial mining of any such natural resources.

(2) The State Fire Marshal shall establish statewide ground vibration limits for construction materials mining activities which conform to those limits established in the United States Bureau of Mines, Report of Investigations 8507, Appendix B - Alternative Blasting Level Criteria (Figure B-1). The State Fire Marshal may, at his or her sole discretion, by rule or formal agreement, delegate to the applicable municipality or county, the monitoring and enforcement components of regulations governing the use of explosives, as recognized in this section, by construction materials mining activities. Such delegation may include the assessment and collection of reasonable fees by the municipality or county for the purpose of carrying out the delegated activities.

(3) The State Fire Marshal is directed to conduct or contract for a study to review whether the established statewide ground vibration limits for construction materials mining activities are still appropriate and to review any legitimate claims paid for damages caused by such mining activities. The study must include a review of measured vibration amplitudes and frequencies, structure responses, theoretical analyses of material strength and strains, and assessments of home damages.

(a) The study shall be funded using the specified portion of revenues received from the water treatment plant upgrade fee pursuant to s. 373.41492.

(b) The State Fire Marshal shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2016, which contains the findings of the study and any recommendations.

(4)(a) The Legislature finds that construction materials mining activities require the use of explosives to fracture the material before excavation. The use of explosives results in physical ground vibrations and air blasts that may affect other property owners in the vicinity of the mining site. It is in the best interest of the public to ensure that blasts resulting from the use of explosives for construction materials mining activities are accurately monitored and reported to ensure the blasts do not exceed physical ground vibration and air blast limits. The Legislature further finds that more permits for construction materials mining activities have been issued to entities operating in Miami-Dade County than any other county in the state.

(b) A monitoring and reporting pilot program for the use of explosives is created within the Division of the State Fire Marshal to monitor and report each blast resulting from the use of explosives for construction materials mining activities in Miami-Dade County.

(c) The State Fire Marshal shall hire or contract with seismologists to monitor and report each blast resulting from the use of explosives for construction materials mining activities in Miami-Dade County, including, at a minimum, monitoring and reporting the ground vibration, frequency, intensity, air blast, and time and date of the blast. The State Fire Marshal shall post the reports on the division's website to be available to the public.

(d) A seismologist hired or contracted by the State Fire Marshal as required by this subsection may not:

1. Be an employee of or under contract with a person who engages in or contracts for construction materials mining activities.

2. Have engaged in dishonest practices relating to the collection or analysis of data or information regarding the use of explosives in construction materials mining activities.

(e) A person who engages in construction materials mining activities shall provide written notice to the State Fire Marshal of the use of an explosive for construction materials mining activities in Miami-Dade County before the detonation of the explosive.

(f) The State Fire Marshal shall adopt rules to implement and enforce this subsection.

Section 2. For fiscal year 2020-2021, the recurring sum of \$600,000 and the nonrecurring sum of \$440,000 from the General Revenue Fund and the nonrecurring sum of \$1 million from the Insurance Regulatory Trust Fund are appropriated to the Division of State Fire Marshal within the Department of Financial Services for the purpose of implementing the monitoring and reporting pilot program for the use of explosives in Miami-Dade County pursuant to s. 552.30(4), Florida Statutes.

Section 3. This act shall take effect October 1, 2020.

Approved by the Governor September 18, 2020.

Filed in Office Secretary of State September 18, 2020.