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CS/HB 1047

2020 Legislature

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

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 552.30, Florida Statutes, is amended to
 23 read:

24 552.30 Construction materials mining activities.—
 25 (1) Notwithstanding the provisions of s. 552.25, the State

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26 | Fire Marshal shall have the sole and exclusive authority to
27 | adopt ~~promulgate~~ standards, limits, and regulations regarding
28 | the use of explosives used for ~~in conjunction with~~ construction
29 | materials mining activities. Such authority to regulate use
30 | shall include, directly or indirectly, the operation, handling,
31 | licensure, or permitting of explosives and setting standards or
32 | limits, including, but not limited to, ground vibration,
33 | frequency, intensity, blast pattern, air blast and time, date,
34 | occurrence, and notice restrictions. As used in this section,
35 | the term "construction materials mining activities" means the
36 | extraction of limestone and sand suitable for production of
37 | construction aggregates, sand, cement, and road base materials
38 | for shipment offsite by any person or company primarily engaged
39 | in the commercial mining of any such natural resources.

40 | (2) The State Fire Marshal shall establish statewide
41 | ground vibration limits for construction materials mining
42 | activities which conform to those limits established in the
43 | United States Bureau of Mines, Report of Investigations 8507,
44 | Appendix B - Alternative Blasting Level Criteria (Figure B-1).
45 | The State Fire Marshal may, at his or her sole discretion, by
46 | rule or formal agreement, delegate to the applicable
47 | municipality or county, the monitoring and enforcement
48 | components of regulations governing the use of explosives, as
49 | recognized in this section, by construction materials mining
50 | activities. Such delegation may include the assessment and

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51 collection of reasonable fees by the municipality or county for
52 the purpose of carrying out the delegated activities.

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

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

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

68 (4) (a) The Legislature finds that construction materials
69 mining activities require the use of explosives to fracture the
70 material before excavation. The use of explosives results in
71 physical ground vibrations and air blasts that may affect other
72 property owners in the vicinity of the mining site. It is in the
73 best interest of the public to ensure that blasts resulting from
74 the use of explosives for construction materials mining
75 activities are accurately monitored and reported to ensure the

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76 | blasts do not exceed physical ground vibration and air blast
77 | limits. The Legislature further finds that more permits for
78 | construction materials mining activities have been issued to
79 | entities operating in Miami-Dade County than any other county in
80 | the state.

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

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

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

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

99 | 2. Have engaged in dishonest practices relating to the
100 | collection or analysis of data or information regarding the use

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101 of explosives in construction materials mining activities.

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

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

109 Section 2. For fiscal year 2020-2021, the recurring sum of
 110 \$600,000 and the nonrecurring sum of \$440,000 from the General
 111 Revenue Fund and the nonrecurring sum of \$1 million from the
 112 Insurance Regulatory Trust Fund are appropriated to the Division
 113 of State Fire Marshal within the Department of Financial
 114 Services for the purpose of implementing the monitoring and
 115 reporting pilot program for the use of explosives in Miami-Dade
 116 County pursuant to s. 552.30(4), Florida Statutes.

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