

By Senator Diaz

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

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Section 552.30, Florida Statutes, is amended to  
25       read:

26       552.30 Construction materials mining activities.—

27       (1) Notwithstanding the provisions of s. 552.25, the State  
28       Fire Marshal shall have the sole and exclusive authority to  
29       adopt ~~promulgate~~ standards, limits, and regulations regarding

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

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

55 (3) The State Fire Marshal is directed to conduct or  
56 contract for a study to review whether the established statewide  
57 ground vibration limits for construction materials mining  
58 activities are still appropriate and to review any legitimate

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59 claims paid for damages caused by such mining activities. The  
60 study must include a review of measured vibration amplitudes and  
61 frequencies, structure responses, theoretical analyses of  
62 material strength and strains, and assessments of home damages.

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

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

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

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

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

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

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

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

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

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

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

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117 to s. 552.30(4), Florida Statutes.

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