1   A bill to be entitled
2   An act relating to property damage caused by limestone
3   mining operations; creating s. 552.445, F.S.;
4   providing legislative findings and intent; creating s.
5   552.4451, F.S.; providing definitions; creating s.
6   552.4452, F.S.; providing that certain property owners
7   who have sustained property damage as a result of
8   limestone mining operations have a right to file a
9   claim for compensation; providing claims requirements;
10   requiring such claims to be brought within a specified
11   period of time; creating s. 552.4453, F.S.; requiring
12   the Division of Administrative Hearings to adjudicate
13   such claims; providing for the adjudication process;
14   creating s. 552.4454, F.S.; providing an annual
15   appropriation; requiring the state to compensate
16   property owners' whose claims are upheld for certain
17   costs; providing for annual funding and compensation
18   for such claims; providing an effective date.
19
20   Be It Enacted by the Legislature of the State of Florida:
21
22   **Section 1. Section 552.445, Florida Statutes, is created**
23   **to read:**
24   552.445 Property damage caused by limestone mining
25   operations; legislative findings and intent.-

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26   (1)   The Legislature finds that:

27   (a)   Limestone mining for aggregate is an essential

28   component of this state's economy, contributing to

29   infrastructure development and construction by providing a cost-

30   effective source of concrete.

31   (b)   Limiting limestone mining operations would result in

32   increased costs of construction, adversely affecting this

33   state's economy and its residents.

34   (2)   The Legislature also acknowledges the concerns of

35   residents in North West Miami-Dade County and South West Broward

36   County, who have reported property damage resulting from ground

37   vibrations caused by nearby limestone mining operations.

38   (3)   It is the intent of the Legislature to provide a fair

39   and equitable remedy for property owners who can prove that

40   their property damage was caused by such operations.

41   **Section 2.   Section 552.4451, Florida Statutes, is created**

42   **to read:**

43   552.4451   Definitions.-As used in ss. 552.445-552.4454, the

44   term:

45   (1)   "Claimant" means a property owner who files a claim

46   for compensation for property damage caused by limestone mining

47   operations.

48   (2)   "Division" means the Division of Administrative

49   Hearings.

50   (3)   "Ground vibrations" means seismic activity in the

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51 ground caused by the use of explosives, heavy machinery, or

52 other mining operations involved in limestone extraction or

53 processing. Such activity may be mechanically detected by

54 seismographic monitoring or other means within a radius of up to

55 3 miles from the point of origin.

56   (4) "Limestone mining operation" means the extraction and

57 processing of limestone for use in concrete aggregate that

58 results in ground vibrations.

59   (5) "Property damage" means any physical damage to a

60 structure, a foundation, or property caused by ground vibrations

61 or a related impact resulting from limestone mining operation.

62   (6) "Property owner" means an individual or entity holding

63 title to real property in this state.

64   **Section 3. Section 552.4452, Florida Statutes, is created**

65 **to read:**

66   552.4452 Claims; statute of limitations.-

67   (1) A property owner located within a 3 mile radius of

68 limestone mining operations who has sustained property damage as

69 a result of such operations shall have the right to file a claim

70 for compensation.

71   (2) The claim must include all of the following:

72   (a) Evidence of property ownership.

73   (b) Evidence of property damage.

74   (c) Evidence linking the property damage to the limestone

75 mining operations, including, but not limited to, mechanical

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76 detection of ground vibrations.

77   (3) A claim brought under this section must be filed

78 within 2 years after the date the property damage was discovered

79 or reasonably should have been discovered.

80   **Section 4. Section 552.4453, Florida Statutes, is created**

81 **to read:**

82   552.4453 Adjudication of claims.-

83   (1) Claims brought under s. 552.4452 shall be adjudicated

84 by the division.

85   (2) The division shall:

86   (a) Conduct a hearing to determine the validity of a

87 claim.

88   (b) Allow for presentation of evidence, including, but not

89 limited to, expert testimony, vibration monitoring data, and

90 structural evaluation.

91   (3) The claimant must demonstrate by the greater weight of

92 the evidence that the property damage was caused by limestone

93 mining operations.

94   (4) The administrative law judge shall issue a finding of

95 facts and determine if the claimant has demonstrated competent

96 and substantial evidence to prove by the greater weight of the

97 evidence that the property damage was caused by limestone mining

98 operations.

99   **Section 5. Section 552.4454, Florida Statutes, is created**

100 **to read:**

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101   552.4454 Funding and compensation.-

102   (1) The Legislature may appropriate funds annually to

103 ensure prompt payment of awards under s. 552.4453.

104   (2)(a) If the claim is upheld, the state shall compensate

105 the claimant for repair costs for structural damage.

106   (b) Compensation amounts shall be determined based on the

107 market rates for such repairs costs.

108   (3) Compensation under subsection (2) shall be paid from

109 state funds appropriated by the legislature annually

110 specifically for this purpose.

111   **Section 6.** This act shall take effect upon becoming a law.

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