

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 requirements for  
10      such claims; requiring such claims to be brought  
11      within a specified period of time; creating s.  
12      552.4453, F.S.; requiring the Division of  
13      Administrative Hearings to adjudicate specified  
14      claims; providing for the adjudication process;  
15      providing a standard of proof; requiring an  
16      administrative law judge to make certain findings;  
17      creating s. 552.4454, F.S.; providing an annual  
18      appropriation; requiring the state to compensate  
19      property owners' whose claims are upheld for certain  
20      costs; providing an effective date.

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

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24       **Section 1.   Section 552.445, Florida Statutes, is created**  
25   **to read:**

26        552.445 Property damage caused by limestone mining  
27 operations; legislative findings and intent.—

28        (1) The Legislature finds that:

29        (a) Limestone mining for aggregate is an essential  
30 component of this state's economy, contributing to  
31 infrastructure development and construction by providing a cost-  
32 effective source of concrete.

33        (b) Limiting limestone mining operations would result in  
34 increased costs of construction, adversely affecting this  
35 state's economy and its residents.

36        (2) The Legislature also recognizes the concerns of  
37 residents in North West Miami-Dade County and South West Broward  
38 County, who have reported property damage resulting from ground  
39 vibrations caused by nearby limestone mining operations.

40        (3) It is the intent of the Legislature to provide a fair  
41 and equitable remedy for property owners who can prove that  
42 their property damage was caused by nearby limestone mining  
43 operations.

44        **Section 2. Section 552.4451, Florida Statutes, is created**  
45 **to read:**

46        552.4451 Definitions.—As used in ss. 552.445-552.4454, the  
47 term:

48        (1) "Claimant" means a property owner who files a claim  
49 for compensation for property damage caused by limestone mining  
50 operations.

51        (2) "Division" means the Division of Administrative  
52 Hearings.

53        (3) "Ground vibrations" means seismic activity in the  
54 ground caused by the use of explosives, heavy machinery, or  
55 other mining operations involved in limestone extraction or  
56 processing. Such activity may be mechanically detected by  
57 seismographic monitoring or other means within a radius of up to  
58 3 miles from the point of origin.

59        (4) "Limestone mining operation" means the extraction and  
60 processing of limestone for use in concrete aggregate which  
61 results in ground vibrations.

62        (5) "Property damage" means any physical damage to a  
63 structure, a foundation, or property caused by ground vibrations  
64 or a related impact resulting from limestone mining operations.

65        (6) "Property owner" means an individual or entity holding  
66 title to real property in this state.

67        **Section 3. Section 552.4452, Florida Statutes, is created**  
68 **to read:**

69        552.4452 Claims; statute of limitations.—

70        (1) A property owner whose property is located within a 3  
71 mile radius of limestone mining operations who has sustained  
72 property damage as a result of such operations has the right to  
73 file a claim for compensation.

74        (2) A claim for compensation must include all of the  
75 following:

76        (a) Evidence of property ownership.

77        (b) Evidence of property damage.

78        (c) Evidence linking the property damage to the limestone  
79 mining operations, including, but not limited to, mechanical  
80 detection of ground vibrations.

81        (3) A claim brought under this section must be filed  
82 within 2 years after the date the property damage was discovered  
83 or reasonably should have been discovered.

84        **Section 4. Section 552.4453, Florida Statutes, is created**  
85 **to read:**

86        552.4453 Adjudication of claims.—

87        (1) Claims brought under s. 552.4452 shall be adjudicated  
88 by the division.

89        (2) The division shall:

90        (a) Conduct a hearing to determine the validity of a  
91 claim.

92        (b) Allow for the presentation of evidence, including, but  
93 not limited to, expert testimony, vibration monitoring data, and  
94 structural evaluations.

95        (3) The claimant must demonstrate by the greater weight of  
96 the evidence that the property damage was caused by limestone  
97 mining operations.

98        (4) The administrative law judge shall issue a finding of  
99 facts and determine if the claimant has demonstrated competent  
100 and substantial evidence to prove by the greater weight of the

101 evidence that the property damage was caused by limestone mining  
102 operations.

103 **Section 5. Section 552.4454, Florida Statutes, is created**  
104 **to read:**

105 552.4454 Appropriation and compensation.—

106 (1) The Legislature shall appropriate each fiscal year  
107 from the General Revenue Fund moneys to the Insurance Regulatory  
108 Trust Fund to ensure the prompt payment of compensation awarded  
109 by an administrative law judge under s. 552.4453.

110 (2)(a) If a claim is upheld by the administrative law  
111 judge under s. 553.4453, the state must compensate the claimant  
112 for costs to repair structural damage to the claimant's  
113 property.

114 (b) Compensation amounts are determined based on the  
115 market rates for such repair costs.

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