

By Senator Sharief

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1                                   A bill to be entitled  
2       An act relating to residential impacts from mining  
3       activities; providing a short title; amending s.  
4       552.30, F.S.; providing legislative findings; defining  
5       terms; providing that the Division of State Fire  
6       Marshal retains sole and exclusive authority to adopt  
7       standards, limits, and regulations for explosives used  
8       for certain mining activities; authorizing the  
9       delegation of such authority to specified entities;  
10      providing maximum blasting limits for areas inside and  
11      outside of residential protection zones; requiring  
12      certain persons to monitor and record blast sites;  
13      requiring such monitoring and recording to capture  
14      certain information by instruments that are certified  
15      annually; requiring raw and summary data for a blast  
16      site to be posted on the division's website and made  
17      available to the public within a specified timeframe;  
18      requiring such data to be retained for a specified  
19      timeframe; requiring an operator to provide specific  
20      notice of each blasting window to addressees within a  
21      specified distance of the blast site; requiring the  
22      operator and the local government to prominently  
23      display links on their websites to direct residents to  
24      register for such notice; requiring an operator to  
25      post a monthly blasting schedule on the division's  
26      website; restricting blasting to specific days and  
27      times; requiring an operator to fund a third-party  
28      pre-blast survey upon request by certain persons;  
29      requiring an operator to provide a post-blast survey

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30 under certain circumstances; requiring a post-blast  
31 survey vendor to be independent of the operator;  
32 requiring the State Fire Marshal to carry out a  
33 specific duty; authorizing local governments that  
34 receive delegation to install and operate their own  
35 seismographs; authorizing such local governments to  
36 recover reasonable costs; providing civil and criminal  
37 penalties for violations of the act; requiring the  
38 State Fire Marshal to adopt rules within a specified  
39 timeframe; amending s. 552.40, F.S.; revising the  
40 administrative procedures and remedies for filing a  
41 petition for alleged damage due to the use of  
42 explosives in connection with construction materials;  
43 removing and prohibiting a fee for filing a petition;  
44 providing that the Division of Administrative Hearings  
45 has exclusive jurisdiction over such claims; providing  
46 that a prevailing petitioner is entitled to reasonable  
47 attorney fees and costs; creating a rebuttable  
48 presumption against an operator if certain information  
49 is shown; providing that an operator may overcome the  
50 presumption with clear and convincing evidence;  
51 reenacting s. 552.38(1), F.S., relating to security  
52 requirements to obtain a license to conduct  
53 construction materials mining activities, to  
54 incorporate the amendment made to s. 552.30, F.S., in  
55 a reference thereto; providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59           Section 1. This act may be cited as the "Residential  
60 Blasting Safety and Transparency Act."

61           Section 2. Section 552.30, Florida Statutes, is amended to  
62 read:

63           (Substantial rewording of section.

64           See s. 552.30, F.S., for present text.)

65           552.30 Construction materials mining activities.-

66           (1) LEGISLATIVE FINDINGS.-The Legislature finds that  
67 construction materials mining is vital to Florida's  
68 infrastructure but must be conducted in a manner that protects  
69 nearby residences and critical facilities. Existing standards  
70 reference the United States Bureau of Mines Report of  
71 Investigations (RI) 8507 Structure Response and Damage Produced  
72 by Ground Vibration From Surface Mine Blasting but do not fully  
73 account for chronic impacts in dense urban settings. It is in  
74 the public interest to adopt enhanced residential protections,  
75 transparent monitoring, and timely notice.

76           (2) DEFINITIONS.-For purposes of this section, the term:

77           (a) "Blast survey" means an inspection that documents the  
78 existing conditions of nearby properties before an operator  
79 performs explosive blasting.

80           (b) "Operator" means a person that uses explosives for  
81 blasting.

82           (c) "Protected structure" means a residential structure,  
83 school, hospital, nursing home, or critical utility location.

84           (d) "Residential protection zone" means an area within a 2-  
85 mile radius of a blast site, within which area protected  
86 structures are located.

87           (e) "Root cause analysis" means a systematic process used

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88 to identify the fundamental reasons for a blasting incident for  
89 the purpose of preventing future incidents.

90 (3) STATE FIRE MARSHAL; AUTHORITY.—Notwithstanding s.  
91 552.25, the Division of State Fire Marshal retains sole and  
92 exclusive authority to adopt standards, limits, and regulations  
93 for explosives used for construction materials mining  
94 activities. This section establishes minimum residential  
95 protections that must be incorporated into rule and any permit.  
96 Delegation to local governments for monitoring and enforcement  
97 is authorized as provided in this section.

98 (4) RESIDENTIAL PROTECTION ZONES.—For a blast occurring  
99 within 2 miles of a residential structure, school, hospital,  
100 nursing home, or critical utility location, the following  
101 maximum limits apply at the nearest protected structure not  
102 owned by the permittee:

103 (a) For ground vibrations, the lesser of the following:  
104 1. The RI 8507 frequency dependent limit.  
105 2. Two-tenths of an inch per second for frequencies less  
106 than 10 hertz.  
107 3. Three-tenths of an inch per second for frequencies  
108 between 10 and 40 hertz.  
109 4. Five-tenths of an inch per second for frequencies  
110 greater than 40 hertz.

111 (b) For air blasting, an impulse noise measuring less than  
112 128 decibels when measured in accordance with ANSI S12.7 or its  
113 successor standard.

114 (5) AREAS OUTSIDE RESIDENTIAL PROTECTION ZONES.—For areas  
115 outside of a residential protection zone, the maximum limits  
116 must conform to RI 8507, Appendix B or stricter limits that are

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117 adopted by rule by the State Fire Marshal.

118 (6) MANDATORY INDEPENDENT MONITORING.—

119 (a) Each blast site must be monitored and recorded by:

120 1. One operator seismograph at the scaled distance nearest  
121 protected structure; and

122 2. At least one independent seismograph operated under a  
123 contract with the State Fire Marshal or a local government  
124 delegated by the State Fire Marshal, placed per rule for  
125 orthogonal coverage.

126 (b) Monitoring and recording of the blast site must capture  
127 ground blast, frequency, waveform, and air blast using  
128 instruments that are certified annually by the State Fire  
129 Marshal.

130 (c) Raw and summary data for each blast must be posted on  
131 the division's website and made available to the public within  
132 48 hours after such blast. Such data must be retained for 5  
133 years.

134 (7) PRE-BLAST NOTICE AND SCHEDULE.—

135 (a) An operator shall provide at least 72 hours' advance  
136 notice of each blasting window by e-mail or text message to all  
137 addressees within the residential protection zone who register  
138 to receive the notices. The operator and local government shall  
139 prominently display links on their websites to direct residents  
140 to register for such notification. An operator shall also post a  
141 monthly blasting schedule on the division's website to be  
142 available to the public.

143 (b) Blasting may be conducted only Monday through Friday,  
144 excluding legal holidays, from 9 a.m. to 5 p.m., unless  
145 otherwise authorized for safety.

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146 (8) PRE-BLASTING AND POST-BLASTING SURVEYS.-

147 (a) An operator must fund a third-party pre-blast survey  
148 upon request by any person who has a structure in a residential  
149 protection zone.

150 (b) An operator must provide a post-blast survey upon a  
151 timely filed claim made pursuant to s. 552.40. A survey vendor  
152 conducting a post-blast survey shall be independent of the  
153 operator.

154 (9) DELEGATION TO LOCAL GOVERNMENTS.-The State Fire Marshal  
155 shall provide a standard agreement for the delegation of  
156 monitoring, fee collection, and enforcement to counties and  
157 municipalities. Local governments that receive such delegation  
158 may install and operate their own seismographs and recover  
159 reasonable costs.

160 (10) VIOLATIONS; PENALTIES.-

161 (a) An operator whose blast exceeds the limits as set forth  
162 in subsection (4) or subsection (5) commits a violation of this  
163 section. Any such operator is liable for the costs to conduct a  
164 mandatory root cause analysis along with any corrective action  
165 to correct the violation.

166 (b) If an operator commits more than 3 violations of  
167 paragraph (a) within any rolling 12-month period, in addition to  
168 any penalties in paragraph (a), the operator may be subject to a  
169 30-day suspension from blasting as well as comply with all plan  
170 approvals provided by the State Fire Marshal before resuming  
171 blasting operations.

172 (c) An operator who knowingly falsifies monitoring data  
173 commits a felony of the third degree, punishable as provided in  
174 s. 775.082, s. 775.083, or s. 775.084.

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175 (11) RULEMAKING AUTHORITY.—The State Fire Marshal shall  
 176 adopt rules to implement and administer this section by January  
 177 1, 2027. Such rules may address, but need not be limited to,  
 178 instrumentation standards, data formats, penalties, and notice  
 179 templates.

180 Section 3. Subsections (1), (2), and (4) of section 552.40,  
 181 Florida Statutes, are amended to read:

182 552.40 Administrative remedy for alleged damage due to the  
 183 use of explosives in connection with construction materials  
 184 mining activities.—

185 (1) A person may initiate an administrative proceeding to  
 186 recover damages resulting from the use of explosives in  
 187 connection with construction materials mining activities by  
 188 filing a petition with the Division of Administrative Hearings  
 189 ~~by electronic means through the division's website on a form~~  
 190 ~~provided by it and accompanied by a filing fee of \$100 within 1~~  
 191 ~~year 180 days after the occurrence of the alleged damage. A~~  
 192 ~~filing fee may not be imposed~~ If the petitioner submits an  
 193 ~~affidavit stating that the petitioner's annual income is less~~  
 194 ~~than 150 percent of the applicable federal poverty guideline~~  
 195 ~~published in the Federal Register by the United States~~  
 196 ~~Department of Health and Human Services, the \$100 filing fee~~  
 197 ~~must be waived.~~

198 (2) The Division of Administrative Hearings has exclusive  
 199 jurisdiction over claims filed pursuant to this section. Claims  
 200 arising out of substantially similar blasts may be consolidated  
 201 for efficiency, and the prevailing petitioners are entitled to  
 202 reasonable attorney fees and costs ~~The petition must include:~~

203 ~~(a) The name and address of the petitioner;~~

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204 ~~(b) The name and address of the respondent, including the~~  
205 ~~applicable user licenseholder under s. 552.091(5) and~~  
206 ~~permitholder under s. 552.30;~~

207 ~~(c) The approximate time, date, and place of the use of~~  
208 ~~explosives which is alleged to have resulted in damage to the~~  
209 ~~petitioner; and~~

210 ~~(d) A description of the damage caused and the amount~~  
211 ~~sought for recovery.~~

212 (4) If monitoring data show that a blast exceeded any limit  
213 in s. 552.30(3) or (4) at or near the petitioner's property  
214 during the relevant period, there is a rebuttable presumption  
215 that the blast proximately caused the claimed damage. The  
216 operator may overcome the presumption by clear and convincing  
217 evidence ~~The administrative judge shall issue an order directing~~  
218 ~~mediation under Rule 1700 et seq., Florida Rules of Civil~~  
219 ~~Procedure. The parties shall jointly select a mediator and the~~  
220 ~~location of mediation. If the parties fail to do so within 30~~  
221 ~~days after the order for mediation is issued, the administrative~~  
222 ~~law judge shall designate the mediator and the location of~~  
223 ~~mediation. Petitioner and respondent shall each pay one half of~~  
224 ~~the cost of mediation. If the petitioner's annual income is less~~  
225 ~~than 150 percent of the applicable federal poverty guideline~~  
226 ~~published in the Federal Register by the United States~~  
227 ~~Department of Health and Human Services, the respondent shall~~  
228 ~~bear the full cost of mediation. The mediation must be concluded~~  
229 ~~within 60 days after the date of designation of the mediator~~  
230 ~~unless the parties agree upon a different date.~~

231 Section 4. For the purpose of incorporating the amendment  
232 made by this act to section 552.30, Florida Statutes, in a



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233 reference thereto, subsection (1) of section 552.38, Florida  
234 Statutes, is reenacted to read:

235       552.38 Security requirement.—

236       (1) As a prerequisite to obtaining or renewing a valid user  
237 license as required by s. 552.091(5)(a), or obtaining or  
238 renewing a valid license or permit under s. 552.30, a person who  
239 uses explosives in connection with construction materials mining  
240 activities must post and maintain a bond or letter of credit as  
241 security as required under subsection (2). Evidence that the  
242 bond has been posted and maintained in compliance with this  
243 section must be maintained by any licensee or permitholder for  
244 the use of explosives in connection with construction materials  
245 mining activities as part of the mandatory record maintenance  
246 requirements of s. 552.112. The person must maintain, in a  
247 format approved by the Division of State Fire Marshal of the  
248 Department of Financial Services, a completed form that shows  
249 the amount and location of the bond or identifies the bond  
250 surety and the current bond value.

251       Section 5. This act shall take effect July 1, 2026.