

By Senator Garcia

36-00276-17

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A bill to be entitled

An act relating to construction materials mining activities; amending s. 373.41492, F.S.; revising the requirement that a portion of the proceeds from the Miami-Dade County Lake Belt Mitigation Plan water treatment plant upgrade fee be used to fund a study reviewing mining activities and claims relating to such activities; amending s. 552.30, F.S.; revising the authority of the State Fire Marshal to adopt standards, limits, and regulations for mining activities; revising the requirements for a study reviewing mining activities and claims relating to such activities; restricting the statewide ground vibration limits for mining activities; authorizing the Chief Financial Officer to direct the State Fire Marshal to modify statewide ground vibration limits; providing an effective date.

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

Section 1. Paragraph (c) of subsection (3) of section 373.41492, Florida Statutes, is amended to read:

373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.—

(3) The mitigation fee and the water treatment plant upgrade fee imposed by this section must be reported to the Department of Revenue. Payment of the mitigation and the water treatment plant upgrade fees must be accompanied by a form prescribed by the Department of Revenue.

(c) ~~Two~~ Until December 1, 2016, or until funding for the study is complete, whichever comes earlier, 2 cents per ton, not

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33 to exceed \$300,000, shall be transferred by the Department of
34 Revenue to the State Fire Marshal to be used to fund the study
35 required under s. 552.30 to review the established statewide
36 ground vibration limits for construction materials mining
37 activities and to review any legitimate claims paid for damages
38 caused by such mining activities. Funding for the study must be
39 completed by October 1, 2017. Any amount not used to fund the
40 study shall be transferred to the trust fund established by
41 Miami-Dade County, for the sole purpose authorized by paragraph
42 (6) (a).

43 Section 2. Section 552.30, Florida Statutes, is amended to
44 read:

45 552.30 Construction materials mining activities.—

46 (1) (a) Notwithstanding the provisions of s. 552.25, the
47 State Fire Marshal has the ~~shall have the sole and exclusive~~
48 authority to adopt ~~promulgate~~ standards, limits, and regulations
49 for ~~regarding~~ the use of explosives in conjunction with
50 construction materials mining activities. Such authority
51 includes, but is not limited to:

52 1. regulate use shall include, directly or indirectly, The
53 operation, handling, licensure, and ~~or~~ permitting of explosives.
54 and

55 2. Setting standards and ~~or~~ limits for, ~~including, but not~~
56 ~~limited to,~~ ground vibration, frequency, intensity, blast
57 pattern, air blast, and time, date, occurrence, and notice
58 restrictions.

59 (b) As used in this section, the term "construction
60 materials mining activities" means the extraction of limestone
61 and sand suitable for production of construction aggregates,

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62 sand, cement, and road base materials for shipment offsite by
63 any person or company primarily engaged in the commercial mining
64 of any such natural resources.

65 (2) The State Fire Marshal shall establish statewide ground
66 vibration limits for construction materials mining activities
67 which conform to those limits established in the United States
68 Bureau of Mines, Report of Investigations 8507, Appendix B -
69 Alternative Blasting Level Criteria (Figure B-1). The State Fire
70 Marshal may, at his or her sole discretion, by rule or formal
71 agreement, delegate to the applicable municipality or county,
72 the authority to monitor and enforce ~~monitoring and enforcement~~
73 ~~components of~~ regulations for governing the use of explosives,
74 as recognized in this section, in conjunction with ~~by~~
75 construction materials mining activities. Such delegation may
76 include the assessment and collection of reasonable fees by the
77 municipality or county for the purpose of carrying out the
78 delegated activities.

79 (3) The State Fire Marshal is directed to conduct or
80 contract for a study to review whether the established statewide
81 ground vibration limits for construction materials mining
82 activities are still appropriate and to review any legitimate
83 claims paid for damages caused by such mining activities. The
84 study must include a review of measured vibration amplitudes and
85 frequencies, structure responses, theoretical analyses of
86 material strength and strains, and assessments of home damages
87 and human psychological responses.

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

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91 (b) The State Fire Marshal shall submit a report to the
92 Governor, the President of the Senate, and the Speaker of the
93 House of Representatives by February 1, 2018 ~~December 1, 2016~~,
94 which contains the findings of the study and any
95 recommendations.

96 (c) Beginning July 1, 2017, and notwithstanding any other
97 law, rule, or ordinance, the statewide ground vibration limits
98 for construction materials mining activities may not exceed .15
99 inches per second.

100 (4) Notwithstanding this section or any other law, the
101 Chief Financial Officer may direct the State Fire Marshal to
102 modify the statewide standards, limits, and regulations for the
103 use of explosives in conjunction with construction materials
104 mining activities, including, but not limited to, the temporary
105 cessation of blasting.

106 Section 3. This act shall take effect July 1, 2017.