

1 A bill to be entitled

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

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Paragraph (c) of subsection (3) of section  
22 373.41492, Florida Statutes, is amended to read:

23 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
24 mitigation for mining activities within the Miami-Dade County  
25 Lake Belt.—

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

31 (c) ~~Two~~ ~~Until December 1, 2016, or until funding for the~~  
 32 ~~study is complete, whichever comes earlier, 2 cents per ton, not~~  
 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,  
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  
66 ground vibration limits for construction materials mining  
67 activities which conform to those limits established in the  
68 United States Bureau of Mines, Report of Investigations 8507,  
69 Appendix B - Alternative Blasting Level Criteria (Figure B-1).  
70 The State Fire Marshal may, at his or her sole discretion, by  
71 rule or formal agreement, delegate to the applicable  
72 municipality or county, the authority to monitor and enforce  
73 ~~monitoring and enforcement components of regulations for~~  
74 ~~governing~~ the use of explosives, as recognized in this section,  
75 in conjunction with ~~by~~ construction materials mining activities.

76 Such delegation may include the assessment and collection of  
77 reasonable fees by the municipality or county for the purpose of  
78 carrying out the 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.

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.