

1 A bill to be entitled

2 An act relating to construction materials mining
3 activities; amending s. 552.30, F.S.; requiring that
4 the statewide ground vibration limits established by
5 the State Fire Marshal be based on frequency and
6 particle velocity; requiring the State Fire Marshal to
7 establish certain regulations relating to blasting
8 operations conducted in connection with construction
9 materials mining activities; requiring persons
10 permitted by the State Fire Marshal to submit written
11 notification relating to construction materials mining
12 activities to certain counties and municipalities;
13 requiring the State Fire Marshal to create a form for
14 complaint reports regarding blasting operations
15 conducted in connection with construction materials
16 mining activities; requiring that complaint reports be
17 submitted to the State Fire Marshal and include
18 certain information; providing requirements relating
19 to training and continuing education for persons
20 engaged in construction materials mining activities;
21 requiring that certain mining permits issued on or
22 after a specified date be issued for a period of 5
23 years; requiring the State Fire Marshal to suspend
24 mining permits issued on or after a specified date
25 under certain circumstances; requiring the State Fire

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26 Marshal to conduct or contract for a report on the
27 feasibility of conducting a specified study; requiring
28 the State Fire Marshal to submit a report to the
29 Legislature by a specified date; requiring that the
30 report contain certain information; providing an
31 effective date.

32

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

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35 Section 1. Subsections (1) and (2) of section 552.30,
36 Florida Statutes, are amended, and subsections (4) through (9)
37 are added to that section, to read:

38 552.30 Construction materials mining activities.—

39 (1) Notwithstanding the provisions of s. 552.25, the State
40 Fire Marshal has ~~shall have~~ the sole and exclusive authority to
41 promulgate standards, limits, and regulations regarding the use
42 of explosives in conjunction with construction materials mining
43 activities. Such authority to regulate use includes ~~shall~~
44 ~~include~~, directly or indirectly, the operation, handling,
45 licensure, or permitting of explosives and setting standards or
46 limits, including, but not limited to, ground vibration,
47 frequency, intensity, blast pattern, air blast and time, date,
48 occurrence, and notice restrictions. As used in this section,
49 the term "construction materials mining activities" means the
50 extraction of limestone and sand suitable for production of

51 construction aggregates, sand, cement, and road base materials
52 for shipment offsite by any person or company primarily engaged
53 in the commercial mining of any such natural resources.

54 (2) The State Fire Marshal shall establish statewide
55 ground vibration limits, based on both frequency and particle
56 velocity, for construction materials mining activities which
57 conform to those limits established in the United States Bureau
58 of Mines, Report of Investigations 8507, Appendix B -
59 Alternative Blasting Level Criteria (Figure B-1). The State Fire
60 Marshal may, ~~at his or her sole discretion,~~ by rule or formal
61 agreement, delegate to the applicable municipality or county,
62 the monitoring and enforcement components of regulations
63 governing the use of explosives, as recognized in this section,
64 by construction materials mining activities. Such delegation may
65 include the assessment and collection of reasonable fees by the
66 municipality or county for the purpose of carrying out the
67 delegated activities.

68 (4) The State Fire Marshal shall establish statewide
69 regulations that require each blasting operation conducted in
70 connection with construction materials mining activities to use
71 a seismograph to monitor each blast to ensure compliance with
72 such regulations. The regulations also must:

73 (a) Require the use of seismographs to conform to the
74 standards in ISEE Field Practice Guidelines for Blasting
75 Seismographs (2015);

76 (b) Ensure that, for each blasting operation, a
77 seismograph is situated at the nearest residence, determined
78 using GPS technology;

79 (c) Require that, for each vibration record, an electronic
80 report of the vibration record, along with the raw data from the
81 seismograph, be made available to the State Fire Marshal in a
82 manner allowing for the complete analysis of the waveform; and

83 (d) Require that the following are measured and reported
84 for each blasting operation:

85 1. Frequency and particle velocity, including identifying
86 the method used for determining the frequency; and

87 2. GPS coordinates of both seismograph locations and blast
88 locations.

89 (5) Each person permitted by the State Fire Marshal to
90 engage in construction materials mining activities must submit
91 written notification of the construction materials mining
92 activities to the counties and municipalities in which the
93 construction materials mining activities are to be conducted,
94 and to any counties or municipalities adjacent to such counties
95 and municipalities. Any notice required to be given to counties
96 and municipalities in which construction materials mining
97 activities are to be conducted also must be given to adjacent
98 counties and municipalities.

99 (6) The State Fire Marshal shall create a standard form
100 for the reporting of complaints regarding blasting operations

101 for construction materials mining activities. Complaint reports
 102 must be submitted to the State Fire Marshal. Each complaint
 103 report must include all of the following:

104 (a) A unique tracking number.

105 (b) The construction materials mining operation that is
 106 the subject of the complaint.

107 (c) The mining activities report for the specific blast
 108 event.

109 (d) The address of the complainant.

110 (e) The date and time the blast occurred.

111 (f) The estimated duration of the blast.

112 (g) A description of what the complainant physically felt.

113 (h) The contact information of the complainant.

114 (i) A brief description of any property damage.

115 (j) Any applicable photographs.

116 (7) The State Fire Marshal shall require training and
 117 continuing education for blasters licensed under s. 552.091 or
 118 seismograph operators who conduct blasting operations in
 119 connection with construction materials mining activities.
 120 Inspectors for the State Fire Marshal who inspect blasting
 121 operations connected with construction materials mining
 122 activities shall attend a blaster training course offered by the
 123 Office of Surface Mining Reclamation and Enforcement of the
 124 United States Department of the Interior.

125 (8) Mining permits issued by the State Fire Marshal for

126 construction materials mining activities must be issued for a
127 period of 5 years. The State Fire Marshal shall suspend a mining
128 permit if three or more violations of the permit occur within a
129 1-year period. This subsection does not apply to mining permits
130 issued by the State Fire Marshal before July 1, 2019.

131 (9) The State Fire Marshal shall prepare or contract for
132 preparation of a report on the feasibility of conducting a
133 Florida-specific study, comparable to the United States Bureau
134 of Mines, Report of Investigations 8507, of structural response
135 to and damage produced by ground vibrations from blasting
136 operations conducted in connection with construction materials
137 mining activities in this state. If conducted, such report must
138 include recommendations as to whether the State Fire Marshal
139 should conduct or contract for the potential study. The State
140 Fire Marshal shall submit the report to the Legislature by
141 January 1, 2020.

142 (a) The report also must:
143 1. Recommend the process for conducting the study;
144 2. Identify potential locations for test sites;
145 3. Address the feasibility of calibrating seismographs to
146 monitor blasting vibrations with frequencies below 2 hertz;
147 4. Identify methodologies to be used for properly
148 measuring ground vibration, frequency, impacts to structures,
149 and other considerations comparable to those in the United
150 States Bureau of Mines, Report of Investigations 8507; and

- 151 5. Include cost estimates for such a study.
- 152 (b) If a study is conducted based on the report from the
 153 State Fire Marshal, the study must include:
- 154 1. The collection of data from test structures, including
 155 residential structures within blasting areas in this state, to
 156 compare that data with data for control groups that are outside
 157 the blasting areas;
- 158 2. Analysis of the impacts of ground vibrations on
 159 residents of this state, including physical and psychological
 160 impacts; and
- 161 3. The determination of seismographic specifications that
 162 apply to this state's unique blast vibration characteristics.

163 Section 2. This act shall take effect July 1, 2019.