

1                                   A bill to be entitled  
 2           An act relating to construction materials mining  
 3           activities; amending s. 552.30, F.S.; providing  
 4           requirements for blasting limits in areas that have a  
 5           low depth to water table; requiring that blasting  
 6           reports be submitted to the Chief Financial Officer  
 7           and the State Fire Marshal; requiring the division to  
 8           make such reports publicly available on its webpage;  
 9           providing report requirements; providing legislative  
 10          findings and intent; amending s. 552.36, F.S.;  
 11          authorizing a person to initiate a civil action to  
 12          recover certain damages in connection with  
 13          construction materials mining activities; providing an  
 14          effective date.

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

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 18           Section 1. Subsection (2) of section 552.30, Florida  
 19   Statutes, is amended, and subsections (4) and (5) are added to  
 20   that section, to read:

21           552.30 Construction materials mining activities.—  
 22           (2) (a) The State Fire Marshal shall establish statewide  
 23   ground vibration limits for construction materials mining  
 24   activities which conform to those limits established in the  
 25   United States Bureau of Mines, Report of Investigations 8507,

26 Appendix B - Alternative Blasting Level Criteria (Figure B-1).  
27 The State Fire Marshal may, at his or her sole discretion, by  
28 rule or formal agreement, delegate to the applicable  
29 municipality or county, the monitoring and enforcement  
30 components of regulations governing the use of explosives, as  
31 recognized in this section, by construction materials mining  
32 activities. Such delegation may include the assessment and  
33 collection of reasonable fees by the municipality or county for  
34 the purpose of carrying out the delegated activities.

35 (b) In areas that have a low depth to water table, the  
36 State Fire Marshal may not set blasting limits that are less  
37 restrictive than blasting limits in areas that have a higher  
38 depth to water table.

39 (4) All blasting reports must be submitted to the Chief  
40 Financial Officer and the State Fire Marshal. The division shall  
41 make the reports publicly available on its webpage. The reports  
42 must contain the elements described in chapter 69A-2, Florida  
43 Administrative Code, including frequency level and peak particle  
44 velocity.

45 (5) The Legislature finds that the 1978 United States  
46 Bureau of Mines study is not indicative or authoritative of any  
47 concrete evidence for future studies and findings with regard to  
48 areas that have a low depth to water table, defined as less than  
49 15 feet, and that there has never been a specific study on the  
50 structure response and damage produced by ground vibration from

51 surface mine blasting in areas that have a low depth to water  
52 table. The Legislature intends that the Chief Financial Officer  
53 administer duties to protect homes from damages caused by  
54 blasting in areas that have a low depth to water table.

55 Section 2. Subsection (3) is added to section 552.36,  
56 Florida Statutes, to read:

57 552.36 Exclusive jurisdiction; Division of Administrative  
58 Hearings.—

59 (3) Notwithstanding this section, a person may initiate a  
60 civil action to recover damages resulting from the use of  
61 explosives in connection with construction materials mining  
62 activities.

63 Section 3. This act shall take effect July 1, 2020.