

By Senator Avila

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1 A bill to be entitled
2 An act relating to property damage caused by limestone
3 mining operations; creating s. 552.445, F.S.;
4 providing legislative findings and intent; creating s.
5 552.4451, F.S.; defining terms; creating s. 552.4452,
6 F.S.; providing that certain property owners who have
7 sustained property damage as a result of limestone
8 mining operations have a right to file a claim for
9 compensation; providing requirements for such claims;
10 requiring such claims to be brought within a specified
11 period of time; creating s. 552.4453, F.S.; requiring
12 the Division of Administrative Hearings to adjudicate
13 specified claims; providing for the adjudication
14 process; providing a standard of proof; requiring an
15 administrative law judge to make certain findings;
16 creating s. 552.4454, F.S.; providing an annual
17 appropriation; requiring the state to compensate
18 property owners whose claims are upheld for certain
19 costs; providing an effective date.

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

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23 Section 1. Section 552.445, Florida Statutes, is created to
24 read:

25 552.445 Property damage caused by limestone mining
26 operations; legislative findings and intent.—

27 (1) The Legislature finds that:

28 (a) Limestone mining for aggregate is an essential
29 component of this state's economy, contributing to

39-00145-26

2026416__

30 infrastructure development and construction by providing a cost-
31 effective source of concrete.

32 (b) Limiting limestone mining operations would result in
33 increased costs of construction, adversely affecting this
34 state's economy and its residents.

35 (2) The Legislature also recognizes the concerns of
36 residents in Northwest Miami-Dade County and Southwest Broward
37 County, who have reported property damage resulting from ground
38 vibrations caused by nearby limestone mining operations.

39 (3) It is the intent of the Legislature to provide a fair
40 and equitable remedy for property owners who can prove that
41 their property damage was caused by nearby limestone mining
42 operations.

43 Section 2. Section 552.4451, Florida Statutes, is created
44 to read:

45 552.4451 Definitions.—As used in ss. 552.445-552.4454, the
46 term:

47 (1) "Claimant" means a property owner who files a claim for
48 compensation for property damage caused by limestone mining
49 operations.

50 (2) "Division" means the Division of Administrative
51 Hearings.

52 (3) "Ground vibrations" means seismic activity in the
53 ground caused by the use of explosives, heavy machinery, or
54 other mining operations involved in limestone extraction or
55 processing. Such activity may be mechanically detected by
56 seismographic monitoring or other means within a radius of up to
57 3 miles from the point of origin.

58 (4) "Limestone mining operation" means the extraction and

39-00145-26

2026416__

processing of limestone for use in concrete aggregate which
results in ground vibrations.

(5) "Property damage" means any physical damage to a
structure, a foundation, or property caused by ground vibrations
or a related impact resulting from limestone mining operations.

(6) "Property owner" means an individual or entity holding
title to real property in this state.

Section 3. Section 552.4452, Florida Statutes, is created
to read:

552.4452 Claims; statute of limitations.—

(1) A property owner whose property is located within a 3-
mile radius of limestone mining operations who has sustained
property damage as a result of such operations has the right to
file a claim for compensation.

(2) A claim for compensation must include all of the
following:

(a) Evidence of property ownership.

(b) Evidence of property damage.

(c) Evidence linking the property damage to the limestone
mining operations, including, but not limited to, mechanical
detection of ground vibrations.

(3) A claim brought under this section must be filed within
2 years after the date the property damage was discovered or
reasonably should have been discovered.

Section 4. Section 552.4453, Florida Statutes, is created
to read:

552.4453 Adjudication of claims.—

(1) Claims brought under s. 552.4452 shall be adjudicated
by the division.

39-00145-26

2026416__

88 (2) The division shall:

89 (a) Conduct a hearing to determine the validity of a claim.

90 (b) Allow for the presentation of evidence, including, but
91 not limited to, expert testimony, vibration monitoring data, and
92 structural evaluations.

93 (3) The claimant must demonstrate by the greater weight of
94 the evidence that the property damage was caused by limestone
95 mining operations.

96 (4) The administrative law judge shall issue a finding of
97 facts and determine if the claimant has demonstrated competent
98 and substantial evidence to prove by the greater weight of the
99 evidence that the property damage was caused by limestone mining
100 operations.

101 Section 5. Section 552.4454, Florida Statutes, is created
102 to read:

103 552.4454 Appropriation and compensation.—

104 (1) The Legislature shall appropriate each fiscal year from
105 the General Revenue Fund moneys to the Insurance Regulatory
106 Trust Fund to ensure the prompt payment of compensation awarded
107 by an administrative law judge under s. 552.4453.

108 (2)(a) If a claim is upheld by the administrative law judge
109 under s. 553.4453, the state must compensate the claimant for
110 costs to repair structural damage to the claimant's property.

111 (b) Compensation amounts are determined based on the market
112 rates for such repair costs.

113 Section 6. This act shall take effect upon becoming a law.