

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.; providing definitions; creating s.  
 6           552.4452, F.S.; providing that certain property owners  
 7           who have sustained property damage as a result of  
 8           limestone mining operations have a right to file a  
 9           claim for compensation; providing claims requirements;  
 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          such claims; providing for the adjudication process;  
 14          creating s. 552.4454, F.S.; providing an annual  
 15          appropriation; requiring the state to compensate  
 16          property owners' whose claims are upheld for certain  
 17          costs; providing for annual funding and compensation  
 18          for such claims; providing an effective date.

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

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

24           552.445 Property damage caused by limestone mining  
 25 operations; legislative findings and intent.-

26 (1) The Legislature finds that:

27 (a) Limestone mining for aggregate is an essential  
 28 component of this state's economy, contributing to  
 29 infrastructure development and construction by providing a cost-  
 30 effective source of concrete.

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

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

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

41 **Section 2. Section 552.4451, Florida Statutes, is created**  
 42 **to read:**

43 552.4451 Definitions.-As used in ss. 552.445-552.4454, the  
 44 term:

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

48 (2) "Division" means the Division of Administrative  
 49 Hearings.

50 (3) "Ground vibrations" means seismic activity in the

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

56 (4) "Limestone mining operation" means the extraction and  
57 processing of limestone for use in concrete aggregate that  
58 results in ground vibrations.

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

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

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

66 552.4452 Claims; statute of limitations.-

67 (1) A property owner located within a 3 mile radius of  
68 limestone mining operations who has sustained property damage as  
69 a result of such operations shall have the right to file a claim  
70 for compensation.

71 (2) The claim must include all of the following:

72 (a) Evidence of property ownership.

73 (b) Evidence of property damage.

74 (c) Evidence linking the property damage to the limestone  
75 mining operations, including, but not limited to, mechanical

76 | detection of ground vibrations.

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

80 | **Section 4. Section 552.4453, Florida Statutes, is created**  
 81 | **to read:**

82 | 552.4453 Adjudication of claims.-

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

85 | (2) The division shall:

86 | (a) Conduct a hearing to determine the validity of a  
 87 | claim.

88 | (b) Allow for presentation of evidence, including, but not  
 89 | limited to, expert testimony, vibration monitoring data, and  
 90 | structural evaluation.

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

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

99 | **Section 5. Section 552.4454, Florida Statutes, is created**  
 100 | **to read:**

101 552.4454 Funding and compensation.-

102 (1) The Legislature may appropriate funds annually to  
103 ensure prompt payment of awards under s. 552.4453.

104 (2) (a) If the claim is upheld, the state shall compensate  
105 the claimant for repair costs for structural damage.

106 (b) Compensation amounts shall be determined based on the  
107 market rates for such repairs costs.

108 (3) Compensation under subsection (2) shall be paid from  
109 state funds appropriated by the legislature annually  
110 specifically for this purpose.

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