

What happens if the investigation finds the complaint to be justified?

The Division of State Fire Marshal has the authority to impose administrative penalties against a mining company that exceeds established blasting limits or violates other laws or rules. If the investigation indicates that a violation occurred, the Division can impose penalties ranging from a monetary fine to the suspension or revocation of the company's permit.

Will I be compensated for my losses as a result of filing this complaint?

The Division of State Fire Marshal does not have the authority to award monetary compensation. To seek compensation for losses, you may either request a hearing through the Florida Division of Administrative Hearings (DOAH) or hire an attorney to guide you through the process. DOAH can be reached by phone at (850) 488-9675 or via the Web at www.doah.state.fl.us.

Division of State Fire Marshal
Regulatory Licensing Section
200 East Gaines Street
Tallahassee, FL 32399-0342



Blasting in Florida



A guide to filing complaints

Florida Department of
Financial Services

Division of State Fire Marshal

What's all the noise?

It's a common practice for mining companies to use explosives as they extract sand and limestone from Florida soil. These materials are used to make construction components such as aggregates, sand, cement and road-base materials. The use of explosives is governed by Florida Law. This brochure will help you decide if you should file a complaint against a company for using explosives in an unsafe or illegal manner.

What is required of mining firms?

- To use explosives, a firm must have a permit issued by the Regulatory Licensing Section, Division of State Fire Marshal, Department of Financial Services.
- All blasting activities must be monitored by a seismologist.
- The use of explosives is restricted to daylight hours between 8 a.m. and 5 p.m., local time, Monday through Friday.
- No blasting is allowed on Saturdays, Sundays or official holidays recognized by the State of Florida unless consent is granted by the State Fire Marshal. Consent for alternate blasting days and times might be granted if it is in the interest of public safety.

What laws apply?

Chapter 552, Florida Statutes, governs the manufacture, purchase, use and storage of explosives. Section 110.117, Florida Statutes, defines the official holidays recognized by the State. In addition, Chapter 69A-2, Florida Administrative Code, provides the rules governing the use of explosives in the state.

What if I have a complaint?

If you believe that a mining operation is violating Florida's laws and rules, or that its use of explosives is unsafe or causing damage to the property of others, you should file a complaint. Use the contact information below to make your first inquiry:

Division of State Fire Marshal
Regulatory Licensing Section
200 East Gaines Street
Tallahassee, FL 32399-0342

Phone: (850) 413-3624
Toll-free: 1-800-861-4164
Fax: (850) 410-2467
E-mail: fireprevention@fldfs.com
Web: www.fldfs.com/sfm

What do I need to provide?

Please be prepared to provide all the information and evidence that you have available. Although it is not necessary to provide all of the following items, you should gather as many of them as possible:

- the date and time of the blast
- photographs
- written statements from witnesses
- reports by independent inspectors or experts who have inspected your property
- samples of damaged material
- other material or information that will support the facts leading to the complaint

How will my complaint be handled?

Your complaint will be given a tracking number and an investigator will be assigned to investigate your concerns.

What will the investigator do to perform the investigation?

The investigator will make contact with you to inspect the property. Contact will be made with as many of the people as possible who may have knowledge of the incident, and statements will be taken from mining company representatives. The investigator will review the company's records and gather all the evidence relating to your complaint.

After the investigator has completed the review, a written report of findings will be forwarded to the Division of State Fire Marshal in Tallahassee for evaluation. A determination will be made regarding possible actions to be taken.

When will the investigation be completed?

While it is impossible to determine how long a particular complaint will take to investigate, the Division of State Fire Marshal strives to complete each investigation within 90 days from the date it is filed.