

**RESOLUTION NO. 24 - 2008**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA SEEKING SUPPORT FROM THE FLORIDA AND MIAMI-DADE COUNTY LEAGUE OF CITIES IN ORDER TO ADVOCATE FOR ROCK MINE BLASTING LEGISLATIVE REFORM; PROVIDING FOR INSTRUCTIONS TO THE CLERK; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) residents and business owners have been harmed by the negative effects of rock-mine blasting; and

**WHEREAS**, in the past few years there have been several proposed legislations that would regulate blast intensity without causing a significant economic impact on the rock-mining companies’ ability to conduct their business; and

**WHEREAS**, the negative effects of blasting include deterioration and damage to real property; and

**WHEREAS**, currently the law of the State of Florida curtails the remedies available to homeowners, and the venue in which homeowners’ grievances can be heard; and

**WHEREAS**, current regulation of rock-mine blasting activity has been pre-empted by the State of Florida, limiting the ability of local county and city governments to address and curtail the effects of blasting within their respective jurisdictions; and

**WHEREAS**, under Florida law, the Florida State Fire Marshal has the sole and exclusive authority to adopt standards, limits, and regulations on rock-mine blasting activities, including, without limitation, the authority to set limits on ground vibration; and

**WHEREAS**, rock-mine blasting damage has been experienced beyond the Town’s boundaries, and has impacted neighboring municipalities including, without limitation, the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley, as well as unincorporated areas of Miami-Dade County, Broward County, Lee County, and Collier County; and

**WHEREAS**, the Town seeks the support and resources of the Florida and Miami-Dade County League of Cities, respectively, to join us in seeking meaningful legislative reform from their respective legislative delegations as well as action by the State Fire Marshal in order to curtail the effects of rock-mine blasting.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2. Urging the Florida and Miami-Dade County League of Cities, respectively, to Advocate for Meaningful Legislative Reform.** The Town Council of Miami Lakes urges the Florida and Miami-Dade County League of Cities, respectively, to join in advocating for legislative reform of rock-mining activity in order to allow for greater relief to those affected, to provide local governments with the ability to regulate rock-mining activity within their respective jurisdictions, and to provide those affected with greater access to judicial courts in order to address their grievances.

**Section 3. Urging the Florida and Miami-Dade County League of Cities, respectively, to Advocate for Meaningful Action by Florida State Fire Marshal.** The Town Council of Miami Lakes further urges the Florida and Miami-Dade County League of Cities, respectively, to join in advocating for Florida's State Fire Marshal to provide immediate relief to residents affected by rock-mine blasting by exercising its authority under Florida law to amend Rule 69A-2.024 (*as adopted as of the Effective Date of this Resolution*) to provide that blasting within one (1) mile of an urban development shall not exceed a peak particle velocity of more than 0.15 inches per second.

**Section 4. Instructions to the Town Clerk.** The Town Clerk is instructed to submit a copy of this resolution to the Florida and the Miami-Dade County League of Cities, respectively.

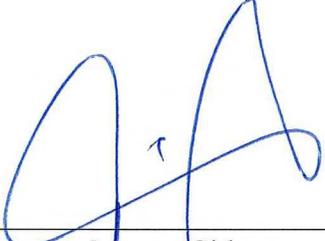
**Section 5. Effective Date.** This Resolution shall be effective immediately upon adoption.

\*\*\*\*\* THIS SECTION HAS BEEN PURPOSEFULLY LEFT BLANK \*\*\*\*\*

Passed and adopted this 9<sup>th</sup> day of July 2024.

The foregoing resolution was offered by Councilmember Morera who moved its adoption. The motion was seconded by Councilmember Dieguez and upon being put to a vote, the vote was as follows:

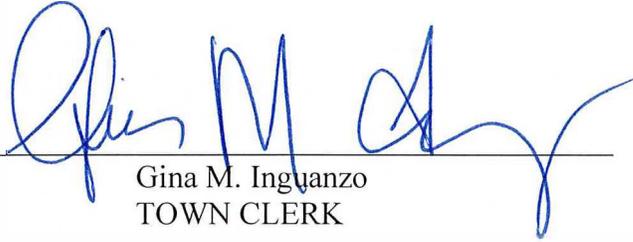
Mayor Manny Cid	Absent
Vice Mayor Tony Fernandez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Ray Garcia	Yes
Councilmember Bryan Morera	Yes
Councilmember Marilyn Ruano	Yes



---

Manny Cid  
MAYOR

Attest:



---

Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



---

Lorenzo Cobiella  
Gastesi, Lopez and Mestre, PLLC  
DEPUTY TOWN ATTORNEY