

**RESOLUTION NO. 24 - 2007**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA SEEKING SUPPORT FROM MIAMI-DADE COUNTY AND ALL AFFECTED MUNICIPALITIES TO PUSH FOR BLASTING REGULATION REFORM DURING THE 2025 LEGISLATIVE SESSION; 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 of the aforementioned counties and municipalities, as well as any other unnamed effected neighbors 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 Counties and Municipalities to Advocate for Meaningful Legislative Reform.** The Town Council of Miami Lakes urges Miami-Dade County, Broward County, Lee County, and Collier County, as well as the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley, together with any additional counties or municipalities affected by blasting or who wish to support this effort, to lobby their respective state legislators to advocate 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 provide those affected with greater access to judicial courts in order to address their grievances.

**Section 3. Urging Counties and Municipalities to Advocate for Meaningful Action by Florida State Fire Marshal.** The Town Council of Miami Lakes further urges Miami-Dade County, Broward County, Lee County, and Collier County, as well as the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley, together with any additional counties or municipalities affected by blasting or who wish to support this effort, to lobby 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. Urging Counties and Municipalities to Make Blasting Reform a Legislative Priority.** The Town Council of Miami Lakes further urges Miami-Dade County, Broward County, Lee County, and Collier County, as well as the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley, together with any additional counties or municipalities affected by blasting or who wish to support this effort, to make rock-mine blasting regulation reform a legislative priority for the 2025 legislative session.

**Section 5. Availability of Information and Resources.** The Town Council advises all of the aforementioned counties and municipalities that it has information, resources, and materials which have been gathered, created, and developed over the course of several years; such information, resources, and materials are ready to be shared with them to create a cohesive message in lobbying efforts without the need for them to start from scratch.

**Section 6. Instructions to the Town Clerk.** The Town Clerk is instructed to submit a copy of this resolution to Miami-Dade County, Broward County, Lee County, and Collier County, as well as the cities of Hialeah, Hialeah Gardens, Homestead, Miramar, Miami Gardens, Sweetwater, and Medley. Further, the Town Clerk is instructed to submit a copy of this resolution to any additional counties or municipalities affected by blasting or who wish to support this effort upon their request or upon the request of the Town's Blasting Advisory Board.

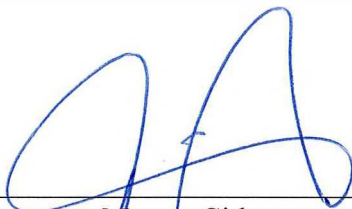
**Section 7. Effective Date.** This Resolution shall be effective immediately upon adoption.

\*\*\*\*\* 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



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Manny Cid  
MAYOR


Attest:



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Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



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