

**RESOLUTION NO. 25-2067**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, IN SUPPORT OF STATE REPRESENTATIVE TOM FABRICIO'S EFFORTS TO ADDRESS THE DEVESTATING EFFECTS OF ROCKMINE BLASTING ON RESIDENT'S HOMES; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Herzberg, Dieguez, Morera, Fernandez, Cuadra Garcia, Garcia, and Sanchez)**

**WHEREAS**, in 2019, the Town of Miami Lakes (the "Town") via Resolution 2018-1567 created the Blasting Advisory Board (BAB); and

**WHEREAS**, rock mine blasting has caused property damage to residential, commercial, public property and infrastructure; and

**WHEREAS**, Florida Statute § 552.36 prevents affected property owners from seeking relief through the State's Courts by forcing homeowners to file and submit their claims through the Division of Administrative hearings, and significantly restricts property owners due process rights by establishing an onerous six (6) month limitation on the presentation of claims; and

**WHEREAS**, the limitations imposed by Florida Statute § 552.36 are violative of residents constitutional rights provided by the U.S. and Florida Constitutions; and

**WHEREAS**, Representative Tom Fabricio has consistently been the Town's strongest advocate for the affected property owners, and during the past several years has authored numerous legislations aimed at providing relief to the victims of rock mine blasting; and

**WHEREAS**, recently, Representative Tom Fabricio has filed House Bill 303, that if passed would reform the existing administrative process, provide for an expanded two-year limitation on claims and establish a fund that would allow affected property owners to obtain monetary relief for damages caused to their property; and

**WHEREAS**, while the HB 303 does not address property owners' fundamental rights to seek redress of their claims through Florida Courts, it does provide an avenue for property owners to obtain relief that has been traditionally denied; and

**WHEREAS**, equally, Senator Brian Avila has advocated for Town resident's rights to free from the effects of rock mine blasting and has authored and introduced Senate Bill 486, aimed at providing avenues that would allow residents to redress their grievances and obtain relief; and

**WHEREAS**, the Town Council supports Representative Tom Fabricio's and Senator Brian Avila's efforts to author and promote legislation that if passed would provide immediate relief to Town property owners affected by the devastating effects of rock mine blasting.

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

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

**Section 2. Support of Representative Tom Fabricio's Efforts to Provide Relief to Victims of Rock Mine Blasting.** The Mayor and Town Council hereby declare their support to State Representative Tom Fabricio and State Senator Brian Avila's advocacy and efforts in passing meaningful legislation to provide relief to property owners victimized by the effects of rock mine blasting.

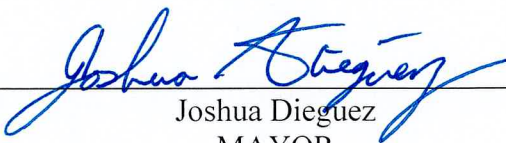
**Section 3.**     **Authorization of Town Officials.** The Town's Clerk is hereby authored to send a copy of this Resolution with a cover letter signed by either the Mayor or entire Town Council. One letter should be a cover letter sent to all Miami-Dade County municipalities, and a separate detailed cover letter to all State Chairman of each Florida House of Representative and Senate committee that will hear Representative Fabricio and Senator Avila's Bill.

**Section 4.**     **Effective Date.** This Resolution shall take effect immediately upon adoption.

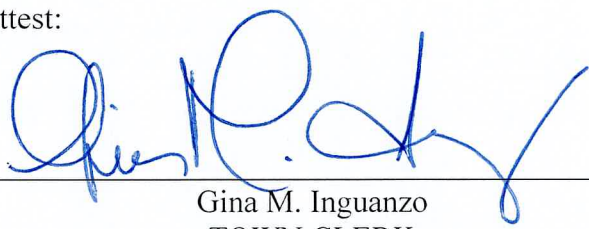
Passed and adopted this 18<sup>th</sup> day of February 2025

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

|                                     |     |
|-------------------------------------|-----|
| Mayor Josh Dieguez                  | Yes |
| Vice Mayor Bryan Morera             | Yes |
| Councilmember Juan Carlos Fernandez | Yes |
| Councilmember Angelo Cuadra Garcia  | Yes |
| Councilmember Ray Garcia            | Yes |
| Councilmember Steven Herzberg       | Yes |
| Councilmember Alex Sanchez          | Yes |

  
Joshua Dieguez  
MAYOR

Attest:

  
Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

  
Lorenzo Cobiella  
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC  
DEPUTY TOWN ATTORNEY