

RESOLUTION No. 25-81

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AFFIRMING SUPPORT FOR STATE REPRESENTATIVE TOM FABRICIO'S INTRODUCTION OF HOUSE BILL 303 AND STATE SENATOR BRYAN AVILA'S INTRODUCTION OF SENATE BILL 486, AND THEIR EFFORTS TO ADDRESS THE DEVASTATING EFFECTS OF ROCK MINE BLASTING ON RESIDENTIAL AND COMMERCIAL REAL PROPERTIES; PROVIDING FOR TRANSMITTAL; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, rock mine blasting has caused property damage to residential, commercial, public property and infrastructure within the City of Doral (the "City"); 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 and Senator Bryan Avila have recently introduced two companion items, House Bill 303 and Senate Bill 486, that aim to provide City residents and business owners who have suffered property damage as the result of rock mine blasting with immediate relief; and

WHEREAS, currently, Florida Law does not allow residential or commercial property owners to introduce complaints against rock mine companies in State Court, instead Florida Law requires that persons who have property damage claims as a result

of rock mine blasting to file a complaint through Florida's Department of Administrative Hearings ("DOAH"), within six month's of the alleged damage; and

WHEREAS, if passed, these legislative Bills will 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 aforementioned Bills do not provide for access to Florida Court's, they do provide for greater opportunity and funding for real property owners who have suffered property damage from rock mine blasting to obtain immediate relief; and

WHEREAS, the Mayor and City Council support Representative Tom Fabricio and Senator Bryan Avila's efforts to provide immediate relief to City property owners affected by the devastating effects of rock mine blasting.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, 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 and Senator Bryan Avila's Efforts to Provide Relief to Victims of Rock Mine Blasting. The Mayor and City Council hereby declare their support to State Representative Tom Fabricio (HB 303) and Senator Bryan Avila's (SB 486) advocacy and efforts in passing meaningful legislation to provide relief to property owners victimized by the effects of rock mine blasting.

Section 3. Implementation and Transmittal The City Clerk is hereby authorized to transmit a copy of this resolution to all Miami-Dade County legislators, both State Representatives and Senators.

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

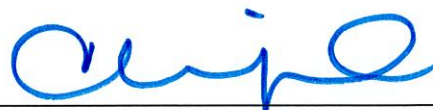
The Prime Sponsor of the foregoing resolution is Councilwoman Digna Cabral.

The foregoing Resolution was offered by Vice Mayor Porras who moved its adoption.

The motion was seconded by Councilmember Pineyro and upon being put to a vote, the vote was as follows:

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| Mayor Christi Fraga | Yes |
| Vice Mayor Maureen Porras | Yes |
| Councilman Rafael Pineyro | Yes |
| Councilwoman Digna Cabral | Yes |
| Councilwoman Nicole Reinoso | Yes |

PASSED AND ADOPTED this 12 day of March 2025.



CHRISTI FRAGA, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LORENZO COBIELLA
GASTESI LOPEZ MESTRE & COBIELLA, PLLC
CITY ATTORNEY