

MEMORANDUM

Agenda Item No. 7 (R) (2) (A)

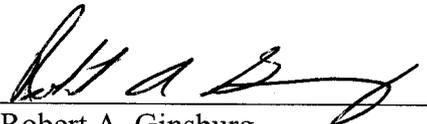
TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution relating to
existing Florida Water Law

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.


Robert A. Ginsburg
County Attorney

RAG/jls



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(R)(2)(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(R)(2)(A)
1-20-04

RESOLUTION NO. _____

RESOLUTION URGING THE GOVERNOR AND LEGISLATURE TO SUPPORT EXISTING FLORIDA WATER LAW AS IT RELATES TO LOCAL SOURCES FIRST, EXISTING LEGAL USES AND EVERY OTHER PROVISION IN LAW THAT PROTECTS THE STATE'S WATER RESOURCES INCLUDING THE AUTHORITY TO RESERVE WATER FOR THE NATURAL SYSTEM

WHEREAS, the Legislature is expected to consider modifications to Florida water law during the upcoming 2004 legislative session; and

WHEREAS, the Miami-Dade Board of County Commissioners agrees with the Florida Association of Counties' support of the fundamental principles of Florida water law which require a showing that a proposed use of water is a reasonable and beneficial use, will not interfere with an existing legal use of water, and is consistent with the public interest; and

WHEREAS, the Miami-Dade Board of County Commissioners believes that the continued retention of the "local sources first" policy is integral to protecting Florida's water resources and the development of long-term sustainable uses that do not adversely affect our unique natural resources; and

WHEREAS, proposals recently promulgated by the Council of 100 are contrary to current State water law and the policies of the adopted State Comprehensive Plan to

encourage the use of “local sources first,” and are irreconcilably in conflict with the best interests of this State, its people, and its environment; and

WHEREAS, Florida water law appropriately balances natural and human water needs by establishing a “right-of-use,” rather than a “right-of-ownership”; and

WHEREAS, the Miami-Dade Board of County Commissioners supports the Florida Association of Counties’ opposition to any proposed legislation that shifts water resources allocation from a public regulatory process to a market-driven process; and

WHEREAS, Miami-Dade has supported planning for water supply needs on a regional basis to encourage cooperation among local water supply agencies; and

WHEREAS, water resources and supply development, and their supporting planning, management and distribution decisions should take place within the boundaries of natural watersheds, which correspond with the current jurisdictional boundaries of the State’s existing Water Management Districts; and

WHEREAS, the State of Florida has embarked upon the Comprehensive Everglades Restoration Plan (CERP), an historically unprecedented effort to address water-related problems and needs of a globally significant ecosystem and its human occupants, in a unique partnership with the federal government, based, in part, on the existing tenets of Florida water law; and

WHEREAS, this is an inappropriate time to consider fundamental changes to Chapter 373 F.S. and any other portion of the State statutes on which that federal/State partnership is based; and

WHEREAS, alternative water supplies and mechanisms exist to obtain potable water for urban and other uses but inadequate financial assistance and technical support have been made available by the State to render those alternatives economically feasible for implementation by local governments, utilities, and other human consumptive users; and

WHEREAS, similar resolutions have been approved by Alachua, Broward, Citrus, Columbia, Dixie, Hernando, Leon, Marion, Putnam, Sarasota, and Washington Counties, as well as the municipalities of Hollywood, Gainesville, Palatka and Jacksonville, indicating wide support for these positions from all areas of the State,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY:

Section 1. Miami-Dade County urges the Governor and the Florida Legislature to support existing Florida water law, as it relates to local sources first, existing legal uses, and every other provision in law that protects the state's water resources, including its authority to reserve water for the natural system.

Section 2. Miami-Dade County opposes the creation of a new statewide water board to oversee the existing regional Water Management Districts or any change in

water resource management law that would facilitate privatization of water supplies or the redistribution of water resources of the State from one watershed to another.

Section 3. The South Florida Water Management District should find ways to increase water resources through storage, in the most expeditious and cost-effective manner possible, consistent with the objectives of the Comprehensive Everglades Restoration Plan (CERP).

Section 4. The State of Florida should adequately fund and support beneficial alternative water supply projects, prior to any consideration of revisions to Chapter 373.

Section 5. The County Manager is directed to include this Resolution as part of the County's State legislative agenda package and to provide copies of this Resolution to the Governor of Florida, President of the Senate, Speaker of the House, Senate and House Natural Resources Committees, and the Dade County Legislative Delegation.

The foregoing resolution was sponsored by Commissioner Katy Sorenson and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro
Betty T. Ferguson
Joe A. Martinez
Dennis C. Moss
Natacha Seijas
Sen. Javier D. Souto

Jose "Pepe" Diaz
Sally A. Heyman
Jimmy L. Morales
Dorrin D. Rolle
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. *HNG*

Henry N. Gillman

By: _____
Deputy Clerk