

MEMORANDUM

PSC
Agenda Item No. **3 (C)**

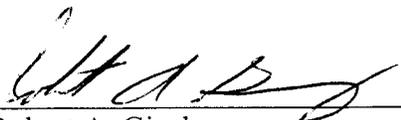
TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: **November 9, 2004**

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance amending Chapter
8B of the Code relating to
Emergency Management

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



Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum



Date:

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Ordinance amending Chapter 8B of the Code relating to Emergency Management

This ordinance amending Chapter 8B of the Code of Miami-Dade County relating to Emergency Management will have no fiscal impact on the County.

fiscal00305



MEMORANDUM

(Revised)

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

DATE: October 19, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13 (N)

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

Agenda Item No. 13(N)

Veto _____

10-19-04

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 8B OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO EMERGENCY MANAGEMENT, CREATING SECTION 11.1 MAKING IT UNLAWFUL FOR EMPLOYERS TO RETALIATE AGAINST EMPLOYEES FOR COMPLYING WITH COUNTY ORDERS DURING EMERGENCIES OR DISASTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 8 of the Miami-Dade County Code is hereby amended to read as follows:

Chapter 8B EMERGENCY MANAGEMENT

* * *

Sec. 8B-11.1 Unlawful Retaliation Against Employees During Emergencies or Disasters.

- (1) Upon a declaration of a state of emergency applicable to any portion of Miami-Dade County, it shall be unlawful for any employer to retaliate or threaten to retaliate against a non-essential employee who complies with County evacuation orders or other County Executive Orders issued during a declared state of local emergency.
- (2) For purposes of this section, unlawful retaliation shall be defined as termination, demotion, or withholding or nonpayment of wages, salary, bonuses or benefits.
- (3) For the purposes of this Ordinance, any employee that is critical to the essential functioning of the following employers shall be deemed essential: (a) hospital or other health care provider, (b) public or private utility, (b) media, (c) government agency, and (d) government contractor,

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public safety agency, or other business that is providing essential emergency related public safety supplies or services.

- (4) This ordinance shall not apply to any employer who has promulgated a written policy that: a) defines essential and non-essential employees and b) requires that only essential personnel report during a declared state of local emergency. No policy shall be considered as promulgated unless conveyed to all employees in writing at least thirty (30) days prior to the declaration of local emergency and enforced by the employer.
- (5) In addition to any remedies elsewhere provided in the County Code or under law, any person convicted of violating any provision of this Section 8B-11.1 may be punished by a fine not to exceed five hundred (\$500) per employee, or by imprisonment for not more than one hundred and eighty (180) days, or both.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

AG

Prepared by:

ER

Eric A. Rodriguez

Sponsored by Commissioner Katy Sorenson

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