MEMORANDUM

Agenda Item No. 7(E)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	May 3, 2005
FROM:	Robert A. Ginsburg County Attorney	**SUBJECT:**	Ordinance relating to residency requirements of Miami-Dade County employees

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.

Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance relating to residency requirements of Miami-Dade County employees

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Ordinance relating to residency requirements of Miami-Dade County employees will have no fiscal impact on Miami-Dade County.

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)
05-03-05

ORDINANCE NO. _____

ORDINANCE RELATING TO RESIDENCY REQUIREMENTS FOR MIAMI-DADE COUNTY EMPLOYEES AMENDING SECTION 2-11.17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MANAGER TO WAIVE THE REQUIREMENTS UNDER CERTAIN CONDITIONS; 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. Section 2-11.17 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-11.17. Residency condition for new employees.

1. As of the effective date of this section, no person shall be newly employed by Miami-Dade County or any of its authorities, agencies or instrumentalities unless resident in Miami-Dade County or unless prepared to sign a covenant that he or she will move to Miami-Dade County within [[~~six (6) months of employment by the County. Newly hired employees subject to a probationary period shall sign a covenant that he or she will move to Miami-Dade County within three (3)~~]] >>fifteen (15)<< months of [[~~completing their prescribed probationary period~~]]>>employment by the County<<.

2. All employees of Miami-Dade County hired after the effective date of this section shall maintain their domicile and principal place of residence within the corporate limits of Miami-

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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Dade County during the period of their employment with Miami-Dade County.

3. Any employee of Miami-Dade County hired after the effective date of this section that does not at all times during such employment maintain his or her domicile and principal place of residence in Miami-Dade County may be dismissed from County service. >>Newly hired employees who fail to establish residence in Miami-Dade County within fifteen (15) months, will not be eligible to request a residency waiver.<<

4. This provision shall not be construed to deprive any employee of rights provided by a collective bargaining agreement.

5. The County Manager is authorized to waive the residency requirements for humanitarian reasons. >>Humanitarian reasons, include, but are not limited to, events that may lead to serious disruption to an employee's family care arrangement, or an immediate family member's health care, special educational or therapeutically dependent care needs.<<

>>6.<<Quarterly, the County Manager shall submit to the County Commission a list of waivers granted and the reasons for said waivers.

[[~~6.~~]]>>7.<<The Building Department is authorized to hire plans examiners and building inspectors in all trades who reside in Broward County. New employees in these job classifications will not be required to move to Miami-Dade County.

>>8. The Aviation Department is authorized to hire non Miami-Dade County residents to work only at the Dade-Collier Training and Transition Airport (TNT).

9. All sworn classifications within the Corrections & Rehabilitation Department, Miami-Dade Fire Department and Miami-Dade Police Department will be exempt from the residency requirement.<<

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.

5

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: RAG

Prepared by: WXC

William X. Candela

Sponsored by Commissioner Rebeca Sosa