MEMORANDUM

EDHS
Agenda Item No. **1(E)1**

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: **July 9, 2008**

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Article LXVIII; relating to the Agricultural Practices Study Advisory Board

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson and Co-Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance amending Article LXVIII; relating to the Agricultural Practices Study Advisory Board

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The ordinance relating to the Agricultural Practices Study Advisory Board will not have a fiscal impact to Miami-Dade County.

Alex Munoz
Assistant County Manager

fiscal05508

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 17, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 4(I)

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. 4(I)

7-1-08

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE LXVIII SECTIONS 2-931 THROUGH 2-933 AND CREATING SECTIONS 2-934 THROUGH 2-936 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE), PERTAINING TO THE AGRICULTURAL PRACTICES STUDY ADVISORY BOARD (BOARD); PROVIDING DEFINITIONS; ELECTION OF OFFICERS, AND FORMATION OF COMMITTEES; MODIFYING TERMS OF OFFICE AND FILLING OF VACANCIES; EXPANDING BOARD'S AUTHORITY TO MAKE RECOMMENDATIONS ON PROPOSED OR EXISTING REGULATIONS; AUTHORIZING THE BOARD TO SEEK SPONSORSHIP FOR ITS PROPOSED ORDINANCES AND RESOLUTIONS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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. Article LXVIII Sections 2-931 through 2-933 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows: [1]

ARTICLE LXVIII. AGRICULTURAL PRACTICES [[~~STUDY~~]] ADVISORY BOARD

Sec. 2-931. Creation; purpose; duties.

There is hereby created and established an advisory board to be known as the Agricultural Practices [[~~Study~~]] Advisory Board. Its purpose shall be to >>review proposed or existing<< [[~~conduct a study of the~~]] regulation>>s or legislation pertaining

[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.

to<< [[~~of~~]] agricultural practices in Miami-Dade County[[~~, review the Agricultural Land Use Study~~]] and to provide recommendations to the Board of County Commissioners with regard to such regulations >>and/or legislation<< [[~~and Agricultural Land Use Study~~]].

[[~~In order to fulfill purpose, the~~]] >>The duties of<< the Board shall >>be to:<< [[~~prepare and submit to the Board of County Commissioners an annual report addressing the following:~~]]

(a) >>Evaluate<< [[~~An overview~~]] >>on an ongoing basis<< [[~~of~~]] all pertinent >>existing or proposed federal,<< state, regional and local regulations, statutes, ordinances>>,<< [[~~and~~]] policies concerning or impacting [[~~agriculture~~]] >>the agricultural industry<< in Miami-Dade County;

(b) >>Provide recommendations<< [[~~Recommendations~~]] for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;

(c) >>Provide recommendations<< [[~~Recommendations~~]] for eliminating or modifying >>language in the Code of Miami-Dade County and/or<< regulatory activities that have mutually exclusive or contradictory criteria or goals;

(d) >>Provide recommendations<< [[~~Recommendations~~]] for eliminating or modifying >>language in the Code of Miami-Dade County and/or<< regulatory activities that create undue burden or hardship on the agricultural industry; [[~~and~~]]

(e) >>Provide recommendations<< [[~~Recommendations~~]] for modifying or implementing provisions >>from any future or previously conducted study or plan that has the ability to impact the agricultural industry<< [[~~in the Agricultural Land Use Study~~]];

>>(f) Prepare draft language to the Board of County Commissioners amending relevant sections of the Code of Miami-Dade County; and

(g) Secure sponsors for ordinances amending relevant portions of the Code of Miami-Dade County.<<

[[~~Sec. 2-932.~~ ~~Membership; qualifications.~~

~~(a) There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:~~

~~(1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by Florida Lime and Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida and Florida's Tropical Fruit Advisory Council;~~

~~(2) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nurserymen and Growers Association;~~

~~(3) Two (2) representatives from the vegetable industry, recommended by the Miami-Dade County Farm Bureau;~~

~~(4) One (1) representative of the aquaculture industry, recommended by the ornamental Aquaculture Association of South Florida;~~

~~(5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;~~

~~(6) One (1) representative of allied agribusiness, recommended by the Miami-Dade AgriCouncil;~~

~~(7) One (1) representative of agri-banking, recommended by the Homestead-Florida City Chamber of Commerce;~~

~~(8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;~~

~~(9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and~~

~~(10) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Study Advisory Board.~~

~~(b) If a vacancy occurs, it shall be filled by the Board of County Commissioners from a slate of nominees selected by the County Manager through a selection process implemented by the~~

~~Planning Department. Nominees shall be members of recognized agricultural interest organizations and shall have a demonstrated interest in the agricultural industry in Miami-Dade County.~~]]

>>**Sec. 2-932. Definitions,**

For the purposes of this article, the following definitions apply:

Allied Agribusiness – a proprietorship, partnership, or other firm that provides goods, services, or supplies to those actively engaged in bona fide agriculture.

Board - the Agricultural Practices Advisory Board.

Director - the Director of the Department of Planning and Zoning or his or her designee.

Legislation – statutes, ordinances, resolutions, and policies.<<

[[~~**Sec. 2-933. Terms; staff support.**~~

~~Members shall have a major portion of their income from or work time devoted to production agriculture in Miami-Dade County, and shall be appointed for terms of three (3) years, with none serving more than two (2) consecutive terms in the same position. The County Manager shall designate representatives from the Department of Planning and Zoning to provide appropriate staff support to the Board.~~

~~(a) Transition. In the year 2000 (Transition Year 1) there will be two (2) at-large representatives, one (1) appointed for the regular three (3) year term and one (1) appointed for one (1) year only. There will therefore be a total of fourteen (14) members in Transition Year 1 only. Otherwise, the transition from the current board to the new board and three (3) year term rotations shall occur as follows:~~

~~Year 1 Transitions and Term Rotations:~~

~~1. Florida Lime & Avocado Committee (replacing current Tropical Fruit Growers of South Florida position)~~

~~2. At-large representative (replacing current Tropical Fruit Growers of South Florida position)~~

~~3. Farm labor (replacing current Tropical Fruit and Vegetable position)~~

~~4. Nursery representative #2 (replacing current Tropical Fruit Advisory Council position)~~

~~5. Citizens' Association~~

~~Year 2 Transitions and Term Rotations:~~

~~1. Tropical Fruit representative (replacing current Florida Mango forum position)~~

~~2. Vegetable representative #1~~

~~3. South Dade Soil & Water Conservation District~~

~~4. Allied Agribusiness~~

~~Year 3 Transition and Term Rotations:~~

~~1. Nursery representative #1~~

~~2. Vegetable representative #2~~

~~3. Agri-banking~~

~~4. Aquaculture.~~]]

>>**Sec. 2-933. Membership; qualifications.**

There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:

(1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by the Florida Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida, Inc.;

(2) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nursery Growers & Landscape Association;

(3) Two (2) representatives from the vegetable industry, recommended by the Dade County Farm Bureau;

(4) One (1) representative of the aquaculture industry, recommended by the Ornamental Aquaculture Association of South Florida;

(5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;

(6) One (1) representative of allied agribusiness recommended by the Dade AgriCouncil;

(7) One (1) representative of agri-banking, agri-financial consulting, or agri-lending recommended by the Homestead-Florida City Chamber of Commerce;

(8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;

(9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and

(10) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Advisory Board.

Members shall have a majority of their income from or work time devoted to production agriculture in Miami-Dade County, hold membership in recognized agricultural organizations, or have a demonstrated interest in the agricultural industry in Miami-Dade County. <<

Section 2. Sections 2-934 through 2-936 of the Code of Miami-Dade County are hereby created to read as follows:

>>**Sec. 2-934. Terms; Term Limits**

Members shall be appointed for terms of four years, and no member may serve more than two terms, consecutive or otherwise. Members of the Board as of the effective date of this ordinance ("Current Members") shall serve out the terms for which there

were appointed. Thereafter, Current Members who have served only one term may be reappointed for one four-year term. Current members who have served two or more terms may not be reappointed to the Board.

Sec. 2-935. Vacancies; election of officers; committees; meetings and records.

(a) *Vacancies.* If a vacancy occurs, it shall be filled by the Board of County Commissioners. The designated organizations listed in Section 2-933 shall submit at least one nominee from their respective organizations, including the nominee's resume and the minutes of the board meeting approving the nominee to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner. In the case where a member organization fails to submit a nomination for a replacement member within 45 days of notification of a vacancy, the Board shall propose a nominee to fill the vacancy. The nominee shall be approved at a meeting of the Board, and the Board shall forward the minutes approving such nominee, together with the nominee's resume, to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner.

(b) *Election of officers.* The Board shall annually elect a Chairperson and Vice-Chairperson from among its members at the Board's last meeting of each calendar year, or at the first Board meeting after a vacancy may occur in such positions. The Chairperson shall preside at all meetings at which he or she is present. The Vice-Chairperson shall act as Chairperson in the absence or inability of the Chairperson.

(c) *Committees.* The Board may establish or eliminate committees at its discretion; however, only two such committees may be in existence at any time. In no instance shall the authority to act or speak in the name of the Board be delegated to any committee. The Chairperson shall nominate and appoint the chairperson and members of such committees as the Board shall find helpful to their mission, authorize the scheduling of committee meetings, set the agenda, and establish guidelines for discussion at committee meetings. Committees shall consist of at least three (3) members appointed by the Chairperson. Two (2) committee members shall constitute a quorum.

(d) *Meetings.* The Board shall hold regular meetings at least bimonthly and at other times in consultation with the Director.

Sec. 2-936. Staff support.

(1) The Director shall designate representatives from the Department of Planning and Zoning to prepare meeting agendas, advertise meeting dates, record meeting minutes, reserve meeting locations, arrange for speakers, administer the filling of vacancies, prepare and forward resolutions adopted by the Board to the County Manager, and provide the Board with a monthly update of the progress of such resolutions as they move through the legislative process.

(2) Representatives from the Department of Planning and Zoning shall prepare draft ordinances and correspondence. The Chairperson or his or her designee shall be responsible for meeting with commissioners to secure sponsorship of ordinances and resolutions.<<

Section 3. 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 4. 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 5. 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:

Prepared by:

Craig H. Coller
M. Leigh Macdonald

Prime Sponsor: Commissioner Katy Sorenson
Co-Sponsor: Senator Javier D. Souto