

MEMORANDUM

Agenda Item No. 11(A)(12)

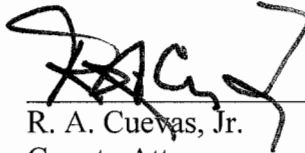
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

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

SUBJECT: Resolution opposing SB 1654;
HB 923 or similar legislation
that would preempt local
regulation of cranes; urging
the Legislature not to pass
such legislation

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 17, 2009

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SUBJECT: Agenda Item No. 11(A) (12)

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 Mayor'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. 11(A) (12)
3-17-09

RESOLUTION NO. _____

RESOLUTION OPPOSING SB 1654; HB 923 OR SIMILAR
LEGISLATION THAT WOULD PREEMPT LOCAL
REGULATION OF CRANES; URGING THE FLORIDA
LEGISLATURE NOT TO PASS SUCH LEGISLATION

WHEREAS, a fatal crane accident in Miami-Dade County in 2006 prompted the creation of a Crane and Heavy Duty Equipment Workgroup to consider legislation to regulate construction cranes; and

WHEREAS, on March 27, 2008, the Miami-Dade Board of County Commissioners passed Ordinance No. 08-34 regulating crane safety; and

WHEREAS, shortly after passage of the crane safety ordinance two people were killed and five were injured when a crane being used in the construction of a high-rise condominium building in Miami fell through the roof of a nearby house; and

WHEREAS, bills were considered during the Florida Legislature's 2008 regular session, SB 1316 by Senator Don Gaetz and HB 609 by Representative Greg Evers, that would have preempted local regulation of cranes, and language preempting local regulation of cranes also was amended onto HB 697; and

WHEREAS, HB 609 passed the Florida House by a vote of 103-11, but the Senate refused to take up the bill and in the end, no legislation passed during the 2008 session preempting local regulation of cranes; and

WHEREAS, bills have been filed for consideration during the 2009 legislative session, SB 1654 by Senator Thad Altman and HB 923 by Representative Greg Evers, that would preempt local regulation of cranes,

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

Section 1. Urges the Florida Legislature not to pass legislation that would preempt local regulation of cranes.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Thad Altman and Representative Greg Evers.

Section 3. Directs the County's state lobbyists to advocate against any legislation that would preempt local regulation of construction cranes, and authorizes and directs that the 2009 state legislative package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was 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:

	Dennis C. Moss, Chairman
	Jose "Pepe" Diaz, Vice-Chairman
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 2009. 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty