

**MEMORANDUM**

Agenda Item No. 11(A)(25)

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

**DATE:** December 7, 2010

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

**SUBJECT:** Resolution urging the Florida  
Legislature to pass legislation that  
would implement the working  
waterfront amendment to the Florida  
Constitution

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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**Please note any items checked.**

- "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**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous\_\_\_\_) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A) (25)  
12-7-10

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
PASS LEGISLATION THAT WOULD IMPLEMENT THE  
WORKING WATERFRONT AMENDMENT TO THE  
FLORIDA CONSTITUTION

**WHEREAS**, the economic viability of waterfront commercial fishing facilities, marine manufacturing facilities, marine vessel construction and repair facilities and marinas and other recreational waterfronts open to the public are being threatened by the purchase of traditional working waterfronts and conversion of these properties to private and residential uses, typically condominium buildings; and

**WHEREAS**, these trends have had the effect of both decreasing the availability of waterfront property necessary to sustain commercial fishing, vessel construction and repair and recreational boating activities and increasing the value of nearby working waterfront property; and

**WHEREAS**, the corresponding increase in the value of working waterfront property has translated to higher property taxes, which in many cases has caused traditional working waterfronts to be less profitable, thereby compounding the pressure to convert these properties to a other uses; and

**WHEREAS**, during its deliberations in 2007 and 2008, the Florida Taxation and Budget Reform Commission (TBRC) proposed for the statewide ballot a change to the Florida Constitution targeted at addressing these trends and preserving traditional working waterfronts; and

**WHEREAS**, in November 2008, Florida voters approved a constitutional amendment proposed by the TBRC to provide for the assessment of working waterfront property based on current use, rather than highest and best use (the Working Waterfront Amendment); and

**WHEREAS**, the Working Waterfront Amendment to Article VII, section 4 of the Florida Constitution was approved by 71 percent of electors, and created a new subsection (j) to provide that the following categories of working waterfront property would be assessed based on current use:

1. Land used predominantly for commercial fishing purposes;
2. Land that is accessible to the public and used for vessel launches into waters that are navigable;
3. Marinas and drystacks that are open to the public; and
4. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities; and

**WHEREAS**, the Working Waterfront Amendment took effect upon approval by the electors and would have first applied to assessments on January 1, 2010; and

**WHEREAS**, the Working Waterfront Amendment is subject to conditions, limitations and reasonable definitions as specified by the Legislature by general law; and

**WHEREAS**, this Board supports passage of legislation implementing the Working Waterfront Amendment during the 2011 session,

**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 to pass legislation that would implement the Working Waterfront Amendment to the Florida Constitution providing that working waterfront

property should be assessed at current use in an effort to sustain traditional working waterfronts land uses, including all types of working waterfronts and water dependent and marine industrial activities and uses, including but not limited to shipping terminals, marinas, terminals used for the commercial transportation of goods and people to and from domestic and foreign ports, tug boat basins, facilities used to provide marine towing, storage and salvage, drystacks, boatyards, marine repair, marine manufacturing and commercial fishing.

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

**Section 3.** Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2011 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. 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               | Lynda Bell        |
| Audrey M. Edmonson              | Carlos A. Gimenez |
| Sally A. Heyman                 | Barbara J. Jordan |
| Joe A. Martinez                 | Jean Monestime    |
| Natacha Seijas                  | Rebeca Sosa       |
| Sen. Javier D. Souto            |                   |

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The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 2010. 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

