



MEMORANDUM

Agenda Item No. 11(A)(6)

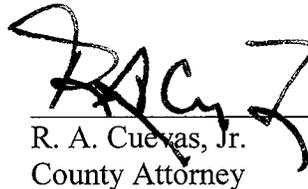
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 15, 2011

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

SUBJECT: Resolution opposing SB 612 or
similar legislation that would preempt
local regulation of cranes; urging the
Florida Legislature not to pass such
legislation

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



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: February 15, 2011

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

SUBJECT: Agenda Item No. 11(A)(6)

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)(6)
2-15-11

RESOLUTION NO. _____

RESOLUTION OPPOSING SB 612 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 the 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, but before its effective implementation, 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, the Florida Legislature has heard bills that would have preempted local regulation of construction cranes during the 2008, 2009 and 2010 regular sessions, but none of these bills have passed both the House and Senate in the same year; and

WHEREAS, SB 612 has been filed by Senator Greg Evers (R – Crestview) for consideration during the 2011 legislative session 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. Opposes SB 612 or similar legislation that would preempt local regulation of cranes and urges the Florida Legislature not to pass such legislation.

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 and Senator 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 2011 state legislative package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of February, 2011. 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.

JMM

Jess M. McCarty