

Memorandum



Date: April 2, 2013

Agenda Item No. 1(F)6

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in cursive script, likely belonging to Carlos A. Gimenez, the Mayor.

Subject: Sunset Review of County Boards for 2013 – Agricultural Practices Advisory Board

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2013 Sunset Review of County Boards Report for the Agricultural Practices Advisory Board. The Board approved the attached report at its meeting of January 2, 2013 and has recommended the continuation of its board.

A handwritten signature in cursive script, likely belonging to Jack Osterholt, the Deputy Mayor.

Jack Osterholt
Deputy Mayor

mayor02513

Date: January 2, 2013
To: Carlos A. Giménez
Mayor
From: Larry Caudle
Chairperson, Agricultural Practices Advisory Board
Subject: Sunset Review of County Boards for 2013 - Agricultural Practices Advisory Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2013 Sunset Review of County Boards Report for the Agricultural Practices Advisory Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 2, 2013.

It is recommended that the BCC approve the continuation of the Agricultural Practices Advisory Board.

BACKGROUND

The Agricultural Practices Advisory Board (APAB) was created on January 17, 1995. The purpose of the Board is to conduct a review of the regulations regarding agricultural practices in Miami-Dade County and provide recommendations to the BCC with regard to such regulations. The APAB continues to review regulations and legislation pertaining to agriculture, and provide recommendations to the BCC. In 2008, Sections 2-931, 2-932 and 2-933 of the Miami-Dade County Code, which created the APAB, were amended, and Sections 2-934 through 2-936 were created to update and clarify the APAB organizational structure and purpose. In 2011, Section 2-934 was amended to eliminate term limits and provide for member to serve on the Board until his or her successor has been appointed (the Code has not been updated to reflect the amended language). This Board provides a vital service for Miami-Dade County's agricultural community and should continue to function.



Larry Caudle
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2013**

I. GENERAL INFORMATION

1. Name of Board reporting: Agricultural Practices Advisory Board
2. Indicate number of board members, terms of office, and number of vacancies:
Number of Board Members: Thirteen
Terms of Office: Four Years
Number of Vacancies: None. Seven members' terms will expire in December 2012 and will be considered for renomination and/or replacement.
3. Identify number of meetings and members' attendance (Attach records reflecting activity from **Jan. 1, 2011** through **December 31, 2012**):
Number of Meetings: 24
Number of Meetings with a Quorum: 24
Attendance Records: See Attachment
4. What is the source of your funding? General Fund
5. Date of Board Creation: January 17, 1995
6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments).
See Attachment (APAB Ordinances).
7. Include the Board's Mission Statement or state its purpose:
The purpose of the APAB shall be to review proposed or existing regulations or legislation pertaining to agricultural practices in Miami-Dade County and to provide recommendations to the Board of County Commissioners (BCC) with regard to such regulations and legislation.
8. Attach the Board's standard operating procedures, if any. N/A
9. Attach a copy of the Board's By-Laws, if any. N/A
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership.**
See Attachment (Meeting Summary: December 5, 2012).

II. EVALUATION CRITERIA

1. Is the Board serving the purpose for which it was created? (Please provide detailed information)
Yes. The APAB serves the purpose of reviewing and commenting on regulations and legislation that affects agriculture in Miami-Dade County. Their activities over the last two years have helped preserve the County's Agricultural Manager's position and helped reinstate the position and funding of a Tropical Fruit Crop Agent. The APAB also sought greater representation in a proposed Urban Development Boundary Work Group. In previous years, the APAB has been responsible for amending the Miami-Dade County Comprehensive Development Mater Plan (CDMP) to delete references to "seasonal agriculture," expand the definition of agriculture and to allow

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2013**

year-round agriculture in certain "Open Land" designated land use category areas of the County.

2. Is the Board serving current community needs? (Please provide detailed information)
As stated above, the purpose of the APAB is to review regulations and legislation, which they do on a regular basis. Their intimate knowledge on agricultural issues ensures that the agricultural community's views are heard.

3. What are the Board's major accomplishments?

a. Last 24 months

- In September 2011, during the annual budget hearings, the Board submitted a letter to the BCC in support of fully funding the Agricultural Manager's position. The Agricultural Manager position was ultimately preserved in the County budget.
- The Board forwarded a resolution (No. AG-02-11) to the BCC in December 2011 to request the elimination of certain fees for landowners entering into an Environmentally Endangered Lands (EEL) covenant and a reduction of the property tax rate on Natural Forest Community (NFC) designated lands. The resolution was precipitated by concerns that the NFC ordinance unfairly burdens property owners that enter into the EEL covenant and property taxes on NFC-designated land is higher than that of agricultural land. The Mayor forwarded the resolution to the BCC in March 2012, however the BCC has not yet taken action on this issue.
- In April 2012, the Board submitted a letter to the BCC to request that the composition of the proposed Urban Development Boundary (UDB) Work Group should include equal representation from members from the agricultural community as there were representatives from other groups. The BCC vote to adopt the proposed UDB Work Group failed by a 4-4 vote.
- In June 2012, the Board requested that the BCC restore the position and funding of a Tropical Fruit Crop Agent, and to work with the Property Appraiser and/or the State legislature to include aviculture as a lawful agricultural use in Miami-Dade County. The BCC restored the position and funding of the Tropical Fruit Crop Agent as of October 1, 2012.

b. Since established:

Please refer to previous annual reports for an overview of the APAB's major accomplishments between 1995 and 2012.

4. Is there any other board, either public or private, which would better serve the function of this board?

No. There are no other public or private boards which act as reviewers of agricultural regulations and as liaisons between agricultural interests and the BCC.

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2013**

5. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (If "Yes", attach proposed changes)
In June 2011, the Miami-Dade County Code Article LXVIII, Section 2-934, was amended to eliminate term limits for APAB members, and that a member may serve until his or her successor has been appointed.
6. Should the Board's membership requirements be modified?
Currently, Article LXVIII, Section 2-933 of the County Code describes that Board members are nominated by various agricultural organizations, except for the At-large representative, whom is nominated by the APAB (the BCC confirms the appointment of all APAB members). The process of nominating an At-large representative may need to be amended to clarify whether or not the County should seek candidates for an At-large representative, via advertisement in a local newspaper, prior to having the APAB nominate an At-large representative.
7. What is the operating cost of the Board, both direct and indirect? (Report on FY 2011 and FY 2012)
2011: \$13,530
2012: \$12,531
8. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.
The APAB's performance is gauged by comparing its activities to its purpose and charge as outlined in Section 2-931 of the Code of Miami-Dade County. A review of the APAB's activities in 2011 and 2012 indicates that it continues to serve its purpose.

AGRICULTURAL PRACTICES ADVISORY BOARD ATTENDANCE RECORD 2011

		1/5	2/2	3/2	4/6	5/4	6/1	7/6	8/3	9/7	10/5	11/2	12/7
Jorge Abreu	Nursery Industry Representative #2	P	A	A	P	P	A	EA	EA	EA	EA	R	R
Sam Accursio	Vegetable Industry Representative #1	P	P	P	P	P	P	P	P	P	EA	P	A
Jonathan Borghi	Agri-Banking Representative	P	P	EA	EA	P	P	P	P	P	EA	P	P
Larry Caudle	Allied Agri-business Representative	P	P	P	P	P	P	P	P	P	P	P	A
John DeMott	South Dade Soil & Water Conservation District Representative	P	P	A	P	P	P	P	P	P	P	P	P
Gary J Dufek	Tropical Fruit Crop Representative #1	P	P	P	P	P	P	A	P	P	P	P	P
James Humble	At-Large Representative	P	P	P	P	P	P	P	P	P	P	P	P
Martin Moles	Citizens' Association Representative	P	P	EA	P	P	P	P	P	P	P	P	P
Diego Rodriguez	Tropical Fruit Crop Representative #2	P	A	P	P	P	P	P	P	EA	P	P	A
Sandy Stein	Nursery Industry Representative #2	-	-	-	-	-	-	-	-	-	EA	EA	P
Robert Thompson	Farm Labor Representative	P	P	P	P	P	P	P	P	P	EA	P	P
Erik Tietig	Nursery Industry Representative #1	TE/P	TE/P	TE/EA	TE/EA	TE/EA	TE/EA	P	P	P	P	P	P
Tommy Vick	Vegetable Industry Representative #2	-	-	-	-	-	-	P	P	A	P	P	P
Arie de Zwart	Ornamental Aquaculture Representative	P	A	P	P	P	P	EA	EA	P	EA	P	A

KEY

Present: P
 Unexcused Absence: A
 Excused Absence: EA
 Resigned: R
 Term Expired: TE
 Canceled Meeting: C
 No Quorum: NQ
 Not a Board Member: -

AGRICULTURAL PRACTICES ADVISORY BOARD ATTENDANCE RECORD 2012

		1/4	2/1	3/7	4/4	5/2	6/6	7/9	8/1	9/5	10/3	11/7	12/5
Sam Accursio	Vegetable Industry Representative #1	A	P	P	P	P	P	P	P	A	P	A	P
Jonathan Borghi	Agri-Banking Representative	P	A	P	P	A	A	A	A	P	P	A	P
Larry Caudle	Allied Agri-business Representative	P	P	P	P	P	P	P	P	P	P	P	P
John DeMott	South Dade Soil & Water Conservation District Representative	P	P	P	P	P	P	A	P	A	A	P	P
Gary J Dufek	Tropical Fruit Crop Representative #1	P	P	P	P	P	P	P	P	A	P	P	P
James Humble	At-Large Representative	P	P	P	P	P	P	P	P	P	P	P	P
Martin Motes	Citizens' Association Representative	P	P	EA	P	P	P	P	P	P	A	P	P
Diego Rodriguez	Tropical Fruit Crop Representative #2	A	P	P	P	A	P	P	P	P	P	P	P
Sandy Stein	Nursery Industry Representative #2	P	P	P	P	P	P	P	P	P	P	A	P
Robert Thompson	Farm Labor Representative	P	P	A	P	A	A	P	P	P	P	P	P
Erik Tietig	Nursery Industry Representative #1	P	A	P	P	P	EA	P	P	P	P	P	P
Tommy Vick	Vegetable Industry Representative #2	EA	A	A	P	P	P	A	A	P	A	EA	A
Arie de Zwart	Ornamental Aquaculture Representative	P	P	A	P	P	P	EA	P	A	P	P	P

KEY

- Present: P
- Unexcused Absence: A
- Excused Absence: EA
- Resigned: R
- Term Expired: TE
- Canceled Meeting: C
- No Quorum: NQ
- Not a Board Member: -

2013 SUNSET REVIEW OF COUNTY BOARDS

AGRICULTURAL PRACTICES ADVISORY BOARD

Attached Ordinances:

- Ordinance No. 95-03
- Ordinance No. 96-14
- Ordinance No. 96-181
- Ordinance No. 98-16
- Ordinance No. 99-79
- Ordinance No. 08-101
- Ordinance No. 11-58

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(E)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: (Public Hearing 1-17-95)
November 15, 1994

SUBJECT: Agricultural Practices
Study Advisory Board

FROM: Robert A. Ginsburg
County Attorney

95-03

The attached ordinance is placed on the agenda at the request of Commissioner Katy Sorenson.


Robert A. Ginsburg
County Attorney

RAG/JAC/bc
Attachment

0.0.18

Agenda Item No. 7(E)
1-17-95

ORDINANCE NO. 95-03

ORDINANCE CREATING AGRICULTURAL PRACTICES
STUDY ADVISORY BOARD; PROVIDING PURPOSE AND
DUTIES; PROVIDING FOR MEMBERSHIP,
QUALIFICATIONS, TERMS AND STAFF SUPPORT;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

WHEREAS, this Board by Resolution No. R-1635-93 established
an Ad-Hoc Committee to study the regulation of agricultural
practices in Dade County, and by Resolution No. R-537-94 extended
the existence of the Committee through December 13, 1994; and

WHEREAS, the magnitude of the task assigned to the Committee
requires that additional time be afforded to properly complete
it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Sec. ____ - Sec. ____ of the Code of
Metropolitan Dade County are hereby created to read as follows:

Sec. ____ . 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 conduct a study of the regulation of agricultural
practices in Dade County and to provide recommendations
to the Board of County Commissioners with regard to
such regulations.

In order to fulfill its purpose, the Board shall
prepare and submit to the Board of County Commissioners

no later than December 31, 1995, a report including the following:

- (a) an overview of all pertinent state, regional and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Dade County;
- (b) recommendations for eliminating or reducing duplication of effort when two or more governmental entities administer similar regulatory programs;
- (c) recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals; and
- (d) recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry.

Sec. ____ . Membership: qualifications.

There shall be a total of thirteen (13) members appointed as follows:

- (a) The initial thirteen (13) members shall be comprised of the members of the Dade County Ad-Hoc Committee created to study regulation of agricultural practices in the county.
- (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 Dade County.

Sec. _____. Taxps/ staff support.

Members of the Board shall serve until the submission of the Board's report to the Board of County Commissioners.

The County Manager shall designate representatives from the Planning Department to provide appropriate staff support to the Board.

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.

Section 3. It is the intention of the Board of County Commissioners, and is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan 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.

PASSED AND ADOPTED JAN 17 1995

Approved by County Attorney as
to form and legal sufficiency. AA6

Prepared by: JAC

Sponsored by Commissioner Katy Sorenson

0.0.21

MEMORANDUM

Supplement to
Agenda Item No. 7(E)

(07 05-17A-44 through 04-01-01) 001

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: January 17, 1995

FROM:

[Signature]
Armando Vidali, P.E.
County Manager

SUBJECT: Statement of Fiscal
Impact of the Proposed
Agricultural Practices
Study Advisory Board
Ordinance

95-03

It is estimated that the annual cost of Planning Department support to the proposed Agricultural Practices Study Advisory Board is estimated to be \$13,025, based upon anticipated labor-hour requirements at appropriate planning staff rates. This commitment could be absorbed within existing staff resources.

CMG3 sam

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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA



MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairperson and Members,
Board of County Commissioners

DATE: (Public Hearing 1-16-96)
December 5, 1995

SUBJECT: Agricultural Practices Study
Advisory Board

FROM: Robert A. Ginsburg
County Attorney

96-14

The attached ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson.


Robert A. Ginsburg
Dade County Attorney

RAG/mkd
Attachment

(NJD)2904.SM

ORDINANCE NO. 96-14

ORDINANCE EXTENDING EXISTENCE OF
AGRICULTURAL PRACTICES STUDY ADVISORY BOARD;
MODIFYING DUTIES; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board by Resolution No. R-1635-93 established an Ad-Hoc Committee to study the regulation of agricultural practices in Dade County, and by Resolution No. R-536-94 and Ordinance No. 95-03 extended the existence of the Committee through December 31, 1995; and

WHEREAS, the magnitude of the task assigned to the Committee requires that additional time be afforded to properly complete it;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Section 2-931 of the Code of Metropolitan Dade County is hereby amended to read as follows:¹

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 conduct a study of the regulation of agricultural practices in Dade County and to provide recommendations to the Board of County Commissioners with regard to such regulations.

¹ Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

In order to fulfill its purpose, the Board shall prepare and submit to the Board of County Commissioners no later than December 31, 1996, a report including the following:

- (a) an overview of all pertinent state, regional and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Dade County;
- (b) recommendations for eliminating or reducing duplication of effort when two or more governmental entities administer similar regulatory programs;
- (c) recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals; and
- (d) recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry; and
- (e) an analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

Section 2. This ordinance does not contain a sunset provision.

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 Metropolitan 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.

C:\MSD\MSD\541



MEMORANDUM

Supplement to
Agenda Item No. 7(F)

107.07-17A MEMORANDUM SET

TO: Honorable Chairperson and Member
Board of County Commissioners

DATE: January 16, 1996

FROM: 
Armando Vidal, P.E.
County Manager

SUBJECT: Statement of Fiscal Impact
of the Agricultural
Practices Study Advisory
Board Ordinance

It is estimated that the annual cost of support from the Department of Planning, Development and Regulation's Planning Division, to the Agricultural Practices Study Advisory Board is \$15,475.28, based upon anticipated labor-hour requirements at appropriate planning staff rates. This commitment could be absorbed within existing staff resources.



**Miami-Dade Legislative Item
File Number: 963451**

File Number: 963451 **File Type:** Ordinance **Status:** Adopted
Version: 0 **Reference:** 96-181 **Control:** County Commission
File Name: AGRICULTURAL PRACTICES STUDY ADVISORY BOARD **Introduced:** 11/13/1996
Requester: NONE **Cost:** **Final Action:** 12/3/1996
Agenda Date: 12/3/1996 **Agenda Item Number:** 4J

Notes: Title: ORDINANCE EXTENDING TIME FOR REPORT OF AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Indexes: AGRICULTURAL **Sponsors:** Katy Sorenson, Prime Sponsor

Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	12/3/1996	4J	Adopted				P
Board of County Commissioners	11/19/1996	9D	Adopted on first reading		12/3/1996		P

Legislative Text

TITLE

ORDINANCE EXTENDING TIME FOR REPORT OF AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY

WHEREAS, this Board by Resolution No. R-1635-93 established an Ad-Hoc Committee to study the regulation of agricultural practices in Dade County, and by Resolution No. R-537-94 extended the Committee's existence through December 13, 1994; and by Ordinance Nos. 95-03 and 96-14 extended the time for the Committee's report through December 31, 1996; and
 WHEREAS, the magnitude of the task assigned to the Committee requires that additional time be afforded to properly complete it;
 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. Section 2-931 of the Code of Metropolitan Dade County, Florida, is hereby amended to read as follows:1

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 purposes shall be to conduct a study of the regulation of agricultural practices in Dade County; review the Agricultural Land Use Study and to provide recommendations to the Board of County Commissioners with regard to such regulations and Agricultural Land Use Study.

In order to fulfill its purposes, the Board shall prepare and submit to the Board of County Commissioners no later than December 31, ~~[[1996]]~~ >>1997<<, a report including the following:

- (a) An overview of all pertinent state, regional and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Dade County;
- (b) Recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;
- (c) Recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry; and
- (e) An analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

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.

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 Metropolitan 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.

Section 5. This ordinance does not contain a sunset provision.

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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Miami-Dade Legislative Item File Number: 974491

File Number: 974491 **File Type:** Ordinance **Status:** Adopted
Version: 0 **Reference:** 98-16 **Control:** County Commission
File Name: AGRICULTURAL PRACTICES STUDY ADVISORY BOARD **Introduced:** 1/5/1998
Requester: NONE **Cost:** **Final Action:** 2/3/1998
Agenda Date: 2/3/1998 **Agenda Item Number:** 4E

Notes: Title: ORDINANCE PERTAINING TO AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING FOR ANNUAL REPORTING; PROVIDING FOR TERM OF FOUR YEARS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Indexes: AGRICULTURAL **Sponsors:** Katy Sorenson, Prime Sponsor

Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	2/3/1998	4E	Adopted				P
Board of County Commissioners	1/13/1998	9N	Adopted on first reading		2/3/1998		P
County Attorney	1/5/1998		Assigned	Joni Coffey		1/5/1998	

Legislative Text

TITLE

ORDINANCE PERTAINING TO AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING FOR ANNUAL REPORTING; PROVIDING FOR TERM OF FOUR YEARS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-931 of the Code of Miami-Dade County, Florida, is hereby amended as follows:1

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 conduct a study of the regulation of agricultural practices in Dade County, review the Agricultural Land Use Study and to provide recommendations to the Board of County Commissioners with regard to such regulations and Agricultural Land Use Study.

In order to fulfill its purpose, the Board shall prepare and submit to the Board of County Commissioners [[no later than December 31, 1997, a]] >>an annual<< report [[including]] >>addressing<< the following:

- (a) An overview of all pertinent state, regional and local regulations, statutes, ordinances and policies concerning or impacting agriculture in Dade County;
- (b) Recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;
- (c) Recommendations for eliminating or modifying regulatory activities that have mutually exclusive or contradictory criteria or goals;
- (d) Recommendations for eliminating or modifying regulatory activities that create undue burden or hardship on the agricultural industry; and
- (e) An analysis and recommendations for modifying or implementing provisions in the Agricultural Land Use Study.

Section 2. Section 2-933 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 2-933. Terms; staff support.

Members of the board shall serve [[until the submission of the Board's report to the Board of County Commissioners]] >>a term of four years<<. The County Manager shall designate representatives from the Department of Planning, Development and Regulation to provide appropriate staff support to the Board.

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.

Section 6. This ordinance does not contain a sunset provision.

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.

1
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Miami-Dade Legislative Item File Number: 991820

File Number: 991820	File Type: Ordinance	Status: Adopted
Version: 0	Reference: 99-79	Control: County Commission
File Name: AGRICULTURAL PRACTICES STUDY ADVISORY BOARD Introduced: 7/6/1999		
Requester: NONE	Cost:	Final Action: 7/13/1999
Agenda Date: 7/13/1999 Agenda Item Number: 4BSUBSTITUTE		

Notes: Title: ORDINANCE AMENDING SECTION 2-931, ET. SEQ., OF THE CODE OF MIAMI-DADE COUNTY TO CHANGE THE COMPOSITION AND TERMS OF THE MIAMI-DADE COUNTY AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Indexes: AGRICULTURAL **Sponsors:** Katy Sorenson, Prime Sponsor

Sunset Provision: No **Effective Date:** **Expiration Date:**
Registered Lobbyist: None Listed

Legislative History

Acting Body	Date	Agenda Item	Action	Sent To	Due Date	Returned	Pass/Fail
Board of County Commissioners	7/13/1999	4B SUBSTITUTE	Adopted				P
County Attorney	7/6/1999			Assigned Augusto Maxwell			

Legislative Text

TITLE
 ORDINANCE AMENDING SECTION 2-931, ET. SEQ., OF THE CODE OF MIAMI-DADE COUNTY TO CHANGE THE COMPOSITION AND TERMS OF THE MIAMI-DADE COUNTY AGRICULTURAL PRACTICES STUDY ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY
 WHEREAS, Sections 2-931, 2-932 and 2-933 of the Code of Miami-Dade County provide for the creation, composition, terms, purpose, and duties of the Agricultural Practices Study Advisory Board; and
 WHEREAS, a purpose of the Advisory Board is to study the regulation of agricultural practices in Miami-Dade County and to provide recommendations to the Board of County Commissioners with regard to such regulations; and
 WHEREAS, the Advisory Board should appropriately represent the various sectors of agriculture in Miami-Dade County; and
 WHEREAS, the Advisory Board recognizes the increasing economic impact of the nursery industry in Miami-Dade

County; and

WHEREAS, to accomplish these goals, the Advisory Board has recommended this Board amend Section 2-931, et. seq. of the Code of Miami-Dade County to restructure the Advisory Board;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-932 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:1
Sec. 2-932. Membership; qualifications.

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

(a) [[The initial thirteen (13) members shall be comprised of the members of the Dade County Ad-Hoc Committee created to study regulation of agricultural practices in the County.]]

>>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;

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

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

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

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

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

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

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

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

one (1) at large representative recommended by the Miami-Dade Agricultural Practices Study Advisory Board.<<

* * *

Section 2. Section 2-933 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:
Sec. 2-933. Terms, staff support

[[Members of the Board shall serve until the submission of the Board's report to the Board of County Commissioners.]] >>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[[, Development and Regulation]] >>and Zoning<< to provide appropriate staff support to the Board.

>>(a) Transition - In the year 2000 (Transition Year 1) there will be two at-large representatives, one (1) appointed for the regular three (3) year term and one 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 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.<<

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.

Section 6. This ordinance does not contain a sunset provision.

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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Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
9-2-08

ORDINANCE NO. 08-101

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; 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 follows¹:

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 to<< ~~[[ef]] 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 legislation<< [[and Agricultural Land Use Study]]~~.

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.

~~[[In order to fulfill purpose, the]]~~ >>The duties of<< the Board shall >>
~~bc 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]]~~; and

>>(f) Prepare draft language to the Board of County Commissioners amending relevant sections 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 Agri Council;~~
- ~~(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 they 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. The committee chairperson shall schedule committee meetings, set the agenda, establish guidelines for discussion at committee meetings, and ensure that committee meeting minutes are properly recorded. Committees shall consist of at least three (3) members appointed by the Chairperson. Fifty-one percent of a committee's membership 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 minutes from meetings of the Board, 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.<<

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 shall 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 from 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: September 2, 2008

Approved by County Attorney as
to form and legal sufficiency.

RAC

Prepared by:

MLM

M. Leigh Macdonald

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

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(B)
8-2-11

ORDINANCE NO. 11-58

ORDINANCE AMENDING SECTION 2-934 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERTAINING TO THE AGRICULTURAL PRACTICES ADVISORY BOARD; ELIMINATING TERM LIMITS; PROVIDING THAT A MEMBER MAY SERVE UNTIL HIS OR HER SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED; 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 2-934 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec 2-934. Terms~~[[; term limits]]~~.

~~>>Notwithstanding anything in the Code to the contrary, m~~<<[[M]]~~embers shall be appointed for terms of four years>>without term limits.<< [[; 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 they 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.]] >>A member may serve until his or her successor has been duly appointed and qualified.<<~~

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.

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.

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: August 2, 2011

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Lynda Bell
Co-Sponsors: Commissioner Sally A. Heyman
Commissioner Barbara J. Jordan

**AGRICULTURAL PRACTICES ADVISORY BOARD
MEETING SUMMARY**

John D. Campbell Agricultural Center Auditorium
18710 SW 288 Street, Homestead, Florida
January 2, 2013

Board Members Present

Larry Caudle (Chair), Sam Accursio (Vice-Chair), Jonathan Borghi, John DeMott, James Humble, Bill Losner, Martin Motes, Sandy Stein, Robert Thompson and Tommy Vick

Board Members Absent

Diego Rodriguez, Erik Tietig and Arie de Zwart

Department of Regulatory and Economic Resources (DRER) staff

Mark Dorsey and Tom Gomez, Planning Division

Charles LaPradd, Agricultural Manager

Matt Davis and Martha Garcia, Division of Environmental Resources Management (DERM)

Teresa Olczyk, Miami-Dade Cooperative Extension, Consumer Services Division

Other Miami-Dade County and Government Staff

Lieutenant Sheree DiBernardo, Miami-Dade Police Department, Agricultural Patrol Section

Public Attendance

Debbie Brady, Dade County Farm Bureau (DCFB)

Gary J. Dufek

Pablo and Ornooba Gallo

Alice Pena, Las Palmas Community Association

Don Pybas

Chair Larry Caudle called the meeting to order at 9:08 AM. Chair Caudle welcomed the Board members to a new year.

Reports

Chair's Report

N/A

Coordinator's Report

Mr. Mark Dorsey reported that Eric Silva, Asst. Director for Development Services, and Matt Davis, Division Chief, Environmental Resource Management, will give follow-up presentations on proposed zoning changes and wetlands, respectively. Mr. Dorsey also reported that the 2013 Sunset Review package has to be voted on and adopted so that it may be forwarded to the Office of Management and Budget by January 4, 2013. He reminded Board Member Stein that he can remain on the Board as a voting member until Ms. Ivonne Alexander is confirmed by the Board of County Commissioners. And he stated that Mr. Arturo Lopez, Coalition of Florida Farmworkers (COFFO), acknowledged that Board Member Thompson's reappointment information has been forwarded to the Planning Division.

Chair Caudle asked if the Sunset Review package is complete. Mr. Dorsey said it is complete, but the Board may want to review the "Evaluation Criteria" section which describes the Board's accomplishments during the last two years. Board members said the BCC should give the courtesy to review APAB resolutions and vote on them rather than ignore their resolutions. They said the Planning Division does

not have to agree with their resolutions, but they should be forwarded to the BCC and not be censored; others said APAB members should present their concerns directly to the BCC. Mr. Dorsey replied that he has forwarded every APAB letter and resolution to the BCC, but legislation proposed to the BCC must often be sponsored by a commissioner. He said it's the political process; the Planning Division does not withhold or censor APAB resolutions.

Board Member Humble moved to adopt the 2013 Sunset Review package. Board Member Losner seconded the motion; there was no discussion on the motion. The motion passed unanimously by a 9-0 vote as follows:

Jonathan Borghi	Yes	Sandy Stein	Yes
John DeMott	Yes	Robert Thompson	Yes
James Humble	Yes	Erik Tietig	Absent
Bill Losner	Yes	Tommy Vick	Yes
Martin Motes	Yes	Arie de Zwart	Absent
Diego Rodriguez	Absent		
	Larry Caudle, Chair	Yes	
	Sam Accursio, Vice Chair	Absent	

Agricultural Patrol Report

Lieutenant Sheree DiBernardo reported that Agricultural Patrol officers made 15 arrests in December 2012. She said the biggest problem was diesel fuel thefts, which often peak during this time of year being row crop season. Incidents included 3 diesel fuel thefts, two from the same location consisting of 175 and 150 gallons, and one of 150 gallons; palm tree thefts; and the theft of approximately \$1,000 of planting pots. Other incidents included abandoned and neglected animals, unfed animals and animals dumped on the side of the road, which she said are time-consuming cases.

Board Member Vick asked if the two retired officers will be replaced. Lt. DiBernardo said Major Organvidez has been able to replace those officers with Officer (now Sgt.) Debby Puentes, among others. Board Member Humble said there has been a corresponding increase in crime with the decrease in officers. Board members suggested that the APAB, Dade County Farm Bureau (DCFB) and Charles LaPradd meet with Mayor Giménez to request additional staffing of the Ag Patrol. Board Member Thompson asked that impacts to farm workers be included in the meeting.

Board Member Motes moved that the APAB delegate a Board Member to meet with Mayor Giménez to discuss the impact of crime on the agricultural industry and to the County's economy as described in a recent letter to the mayor by Board Member Rodriguez. Board member Humble seconded the motion. Upon further discussion, Board Member Losner nominated Board Member Humble to meet with the mayor. The motion passed unanimously by a 9-0 vote as follows:

Jonathan Borghi	Yes	Sandy Stein	Yes
John DeMott	Yes	Robert Thompson	Yes
James Humble	Yes	Erik Tietig	Absent
Bill Losner	Yes	Tommy Vick	Yes
Martin Motes	Yes	Arie de Zwart	Absent
Diego Rodriguez	Absent		
	Larry Caudle, Chair	Yes	
	Sam Accursio, Vice Chair	Absent	

Agricultural Manager's Report

Mr. Charles LaPradd reported that he conducted site visits with Property Appraiser-elect Carlos Lopez-Cantera after last month's meeting, and reminded the Board that Mr. Lopez-Cantera requested their

assistance in policing the agricultural area. Mr. LaPradd has been meeting with Florida International University (FIU), which received land grant (university) status from the Federal government in May 2012. Miami-Dade College and St. Thomas University also received land grant status, rounding out the only Florida colleges to receive land grant status for Hispanic-serving colleges and universities. He said FIU has submitted a Memorandum of Understanding with the University of Florida for shared space and other agreements with the Tropical Research and Education Center (TREC); he believes FIU will expand its agro-ecology and small farmers programs.

Board Member Motes added that Fairchild Tropical Botanic Garden (Fairchild) is also working with TREC and FIU with orchids and agricultural/horticultural products. He said Fairchild is developing a certification program in orchid culture and maintenance and orchid propagation courses, and recommended visiting their new Science Village.

Cooperative Extension Manager's Report

Ms. Teresa Olczyk announced that the advertisement for the Tropical Fruit Agent position closes on January 5th, and a screening committee will review the applications and conduct interviews in February. She will also advertise a 4-H Agent position due to a retirement. Ms. Olczyk said their new weather stations were tested on two nights (36 degrees at 2-foot elevation), and said station temperatures may be accessed online, by smart phone or other electronic device. She said a "Worker Protection Standard" training session will be held on January 8th from 12:00-2:30 PM at the Agricultural Center; she is also organizing beekeeping and mushroom training programs. And she said the Agri-Council, Cooperative Extension Office and Dade County Farm Bureau are working on the annual Agricultural Tour, which will be held on February 20, 2013.

Board Member Humble asked if the Tropical Fruit Agent would serve three counties. Ms. Olczyk said the agent will only serve Miami-Dade County. The agent used to serve three counties, but she could not justify serving other counties while it is funded by Miami-Dade County; however, the agent may work with other agents in Lee and/or Palm Beach counties.

New Business

Wetlands Violations

Mr. Matt Davis, Division Chief, DRER-DERM, was available to respond to any questions regarding wetlands issues. Ms. Alice Pena, Las Palmas Community Association, announced that she had four examples of wetland violations for the APAB to review as requested. Ms. Pena said although the Code allows agriculture, property owners are being asked to sign a Class IV Wetland Permit, pay a \$600 application fee and an additional \$1,000 in mitigation fees. Board members suggested that the APAB help DERM refine the definition of wetlands to exclude areas that have been impacted or are no longer wetlands, or to review Chapter 3B rather than examine individual cases.

Mr. Davis clarified that the State has established the definition of wetlands and Miami-Dade County is required to apply it in its exact form, thus changes to the law would have to occur at the State level. He said various hydrological, plant and soil conditions must exist for a site to be defined as a wetland. Property owners that disagree with wetland delineations can appeal to the Environmental Quality Control Board, the Board of County Commissioners, the Florida Department of Environmental Protection or the courts. The State has overruled the County only once, regarding a property located in Las Palmas. Mr. Davis also clarified that wetlands are determined on a parcel by parcel basis and that more than 50% of Las Palmas contains non-jurisdictional wetlands. Furthermore, the properties that have been cited for violations were either never farmed or had not been farmed for the last five years. He said Las Palmas is treated exactly as the rest of the County, with the exception of Chapter 3B. The main issue in Las Palmas was the dumping of hurricane debris, particularly debris dumped in wetland areas. Most of those

cases were resolved; however, the County has continued working with the remaining property owners to remove the material.

After further discussion, Chair Caudle suggested that the Board review Ms. Pena's cases at the next meeting. Mr. Davis advised against it because some of these cases are, or will soon be, under litigation, but recommended that the APAB consider the broad picture rather than specific cases.

Unfinished Business

Zoning Code Changes In the Agricultural Area

Board Member Losner said State law permits agriculture on properties less than 5 acres, but the County prohibits agriculture and residential development and is therefore a taking. Mr. LaPradd explained that the County does not specifically prohibit agriculture, it instead prohibits any use on "non-grandfathered" lots that did not meet the 5-acre minimum lot size established by the Code when the 1 dwelling unit per 5-acre zoning classification and the urban development boundary (UDB) were instituted. The intent is to reassemble those lots into 5-acre parcels. From the 1970's to approximately 2003, owners could subdivide their property into lots, obtain a folio number(s) from the Office of the Property Appraiser, and then sell the lot(s) to private owners. Regarding State law, which is a tax issue, Mr. LaPradd clarified that State statutes prohibit local property appraisers from denying agricultural classifications based on lot size.

Public Comment/Board Announcements

Ms. Debbie Brady, Dade County Farm Bureau (DCFB), announced that their letter to Mayor Giménez—requesting increased staffing and funding of the Agricultural Patrol—will be mailed next week after their board meeting. Ms. Brady also stated that Mr. Joe Ruiz, Office of the Property Appraiser, had not received any letters from the agricultural organizations regarding agricultural classification issues prior to the December 31st deadline; she will send him a formal letter after January 8th. And the "Redland Raised" program, which encourages the purchase of local produce, has been spotlighted in The Miami Herald, the South Dade News Leader and the South Dade Monitor.

Adoption of Minutes

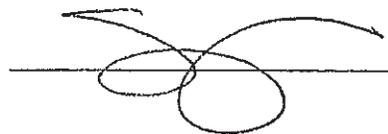
The Board adopted the December 2012 minutes with the following corrections: Board Member Stein was present at the December 2012 meeting, and Board Member Thompson was absent. Mr. LaPradd's comments on Page 4, 3rd paragraph, should be relocated to Page 2 under *Agricultural Manager's Report*. Board Member Motes moved to adopt the Minutes as corrected.

Set Agenda

Eric Silva, Assistant Director for Development Services, DRER

Adjournment

With no further matter for discussion, the meeting was adjourned at 11:03 AM.



Stephen M. Dorsey, AICP, Coordinator