

MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: October 22, 2013

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

SUBJECT: Resolution opposing any bill or joint resolution filed for consideration by the Florida legislature that would adversely affect the Miami-Dade County Home Rule Charter or preempt Local Home Rule; identifying this issue as a critical County priority for the 2014 session

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/ep



MEMORANDUM
(Revised)

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

DATE: October 22, 2013

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 Mayor'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)
10-22-13

RESOLUTION NO. _____

RESOLUTION OPPOSING ANY BILL OR JOINT RESOLUTION FILED FOR CONSIDERATION BY THE FLORIDA LEGISLATURE THAT WOULD ADVERSELY AFFECT THE MIAMI-DADE COUNTY HOME RULE CHARTER OR PREEMPT LOCAL HOME RULE; IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2014 SESSION

WHEREAS, home rule is the right to determine and implement public policy at the local level; and

WHEREAS, home rule is based on the belief that the government closest to the people is the one that governs best to serve the needs and requirements of the community; and

WHEREAS, on November 6, 1956, Florida voters adopted the Miami-Dade County Home Rule Amendment to the Florida Constitution granting the voters of Miami-Dade County the power to enact the first Home Rule Charter in Florida; and

WHEREAS, on May 21, 1957, the voters of Miami-Dade County adopted the Miami-Dade County Home Rule Charter pursuant to the Miami-Dade County Home Rule Amendment; and

WHEREAS, Article VIII, section 6 of the 1968 Florida Constitution preserved the Miami-Dade County Home Rule Amendment and Miami-Dade County Home Rule Charter and any subsequent amendments to the Charter adopted by the electors of Miami-Dade County; and

WHEREAS, in 1968, Florida voters granted local voters the authority to adopt charters in other Florida counties and currently there are 20 charter counties in Florida; and

WHEREAS, distinct from other charter county governments in Florida, however, Miami-Dade County is granted broad and unique powers of self governance that far surpass any other county in Florida; and

WHEREAS, for example, while the Florida Legislature generally has the authority to enact special laws applicable to a particular county, the Miami-Dade County Home Rule Amendment prohibits the Legislature from enacting any special law applicable only to Miami-Dade County or any general law in which Miami-Dade County is the only county within the purview of the law; and

WHEREAS, each year, bills and joint resolutions are filed that would adversely affect the Miami-Dade County Home Rule Charter or preempt local home rule; and

WHEREAS, in recent years, joint resolutions have been filed that would amend the Miami-Dade County Home Rule Amendment to the Florida Constitution authorizing revisions to the Miami-Dade County Home Rule Charter by a special law passed by the Legislature; and

WHEREAS, bills have been filed in recent years that would preempt local regulation and policy in a wide range of areas, including but not limited to construction cranes, environmental protection, living and responsible wages, local preference, pain management clinics, pit bulls and wage theft; and

WHEREAS, preserving the Miami-Dade County Home Rule Charter and maintaining local home rule is of the utmost importance to allowing Miami-Dade County to develop and implement community-based solutions to local problems; and

WHEREAS, this Board strongly opposes any legislation that would adversely affect the Miami-Dade County Home Rule Charter or preempt local home rule,

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

Section 1. Opposes any bill or joint resolution filed for consideration by the Florida legislature that would adversely affect the Miami-Dade County Home Rule Charter or preempt local home rule.

Section 2. Identifies the issue set forth in section 1 above as a critical County priority for the 2014 state legislative session.

Section 3. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to oppose any legislation that adversely affects the Miami-Dade County constitutional Home Rule Charter and preempts local Home Rule as set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item as a critical County priority in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of October, 2013. 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