MEMORANDUM

Agenda Item No. 11(A)(11)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	March 18, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution opposing State legislation that would preempt Miami-Dade County's local preference ordinance related to County contracts

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/smm

MEMORANDUM
(Revised)

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

DATE: March 18, 2014

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

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

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)(11)
3-18-14

RESOLUTION NO. _____

RESOLUTION OPPOSING STATE LEGISLATION THAT WOULD PREEMPT MIAMI-DADE COUNTY'S LOCAL PREFERENCE ORDINANCE RELATED TO COUNTY CONTRACTS

WHEREAS, House Bill 1281 ("HB 1281") has been filed by Representative Erik Fresen (R-Miami) for consideration during the 2014 session of the Florida Legislature; and

WHEREAS, HB 1281 amends chapters 255, 283, and 287 to provide a preference for local businesses in the award of competitively bid contracts awarded by counties; and

WHEREAS, HB 1281 defines a "local" business as a business located within Florida, with a principal place of business within Florida, or with at least 60 percent of its employees located within Florida; and

WHEREAS, HB 1281 would require that, when a business that is not a "local" business is the lowest responsive bidder, and a "local" business is no more that 10 percent above the lowest bid, that "local" business and the low bidder must be given an opportunity to submit a best and final bid equal to or lower than the amount of the lowest bid; and

WHEREAS, Senate Bill 612 ("SB 612"), filed by Senator Alan Hays (R-Umatilla), and its companion House Bill 801 ("HB 801"), filed by Heather Fitzenhagen (R-Fort Myers), would also preempt local preference laws in Florida counties and cities when awarding construction contracts involving any State funds; and

WHEREAS, Section 2-8.5 of the Miami-Dade County Code of Ordinances currently provides bidding preferences to both local businesses and locally headquartered businesses with certain specified ties to Miami-Dade County; and

WHEREAS, Miami-Dade County's local preference ordinance ensures that local tax dollars stay in our community to generate additional economic development and jobs; and

WHEREAS, the passage of HB 1281, SB 612, HB 801, or any similar legislation would either expressly preempt or have the effect of preempting the County's procedure for providing preference to local businesses with ties to Miami-Dade County; and

WHEREAS, this Board opposes the provisions included in these bills or other similar legislation that would conflict with, preempt, or limit the County's procedure for providing preference to local businesses; and

WHEREAS, this Board wishes to express its opposition to HB 1281, SB 612, HB 801, and any similar legislation that would preempt the County's local preference ordinance,

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

Section 1. Opposes HB 1281, SB 612, HB 801, or similar legislation that would expressly preempt or have the effect of preempting, conflict with, or limit the County's procedure for providing preference to local businesses with ties to Miami-Dade County.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Alan Hays, Representative Erik Fresen, Representative Heather Fitzenhagen, the President and Legislative Directors of the Florida Association of Counties and the Florida League of Cities.

Section 3. Directs the County's state lobbyists to advocate against the passage of HB 1281, SB 612, HB 801, and similar legislation, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of March, 2014. 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.

Jorge Martinez-Esteve