

**MEMORANDUM**

Agenda Item No. 11(A)(23)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

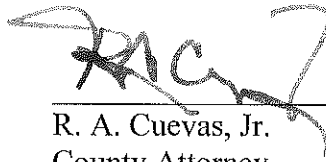
**DATE:** January 21, 2015

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

**SUBJECT:** Resolution opposing HB 113  
or similar legislation that  
would preempt the County's  
local preference ordinance

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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/Imp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 21, 2015

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

**SUBJECT:** Agenda Item No. 11(A)(23)

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)(23)  
1-21-15

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

RESOLUTION OPPOSING HB 113 OR SIMILAR  
LEGISLATION THAT WOULD PREEMPT THE COUNTY'S  
LOCAL PREFERENCE ORDINANCE

**WHEREAS**, House Bill 113 ("HB 113") has been filed by Representative Keith W. Perry (R-Gainesville) for consideration during the 2015 session of the Florida Legislature; and

**WHEREAS**, HB 113 would amend Section 287.084, Florida Statutes, to preempt local ordinances and regulations related to awarding contracts for construction services for projects in which 20 percent or more of the cost would be paid from state-appropriated funds; and

**WHEREAS**, HB 113 would also require counties and other public entities to disclose in competitive solicitation documents whether payment will be made from funds appropriated by the state and the amount of such 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**, Miami-Dade County currently has local preference reciprocity with Broward County; and

**WHEREAS**, during the 2014 legislative session, several bills were introduced, but not passed, that would have had the effect of preempting, conflicting with, or limiting the County's procedure for providing preference to local businesses; and

**WHEREAS**, on March 18, 2014, this Board passed Resolution No. R-283-14, opposing such state legislation; and

**WHEREAS**, this Board opposes the provisions included in HB 113 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 113 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 113 or similar legislation that would preempt the County's local preference ordinance.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Representative Keith W. Perry and 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 for the issues raised in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 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:

Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

MR

Matthew Papkin