

MEMORANDUM

Agenda Item No. 11(A) (34)

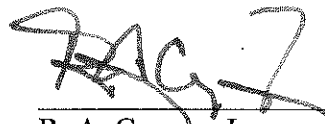
TO: Honorable Commissioner Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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

SUBJECT: Resolution opposing any
bill or joint resolution filed
for consideration during the
2015 Session of the Florida
Legislature that would adversely
affect the Miami-Dade County
Home Rule Charter or preempt
local home rule

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



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM
(Revised)

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

DATE: February 3, 2015

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

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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

Agenda Item No. 11(A) (34)

Veto _____

2-3-15

Override _____

RESOLUTION NO. _____

RESOLUTION OPPOSING ANY BILL OR JOINT RESOLUTION FILED FOR CONSIDERATION DURING THE 2015 SESSION OF THE FLORIDA LEGISLATURE THAT WOULD ADVERSELY AFFECT THE MIAMI-DADE COUNTY HOME RULE CHARTER OR PREEMPT LOCAL HOME RULE

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 counties in Florida, however, Miami-Dade County is granted broad and unique powers of self-governance that far surpass those of 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, in recent years, joint resolutions have been filed in the Florida Legislature that would amend the Miami-Dade County Home Rule Amendment to the Florida Constitution and authorize revisions to the Miami-Dade County Home Rule Charter through special laws passed by the Legislature; and

WHEREAS, on October 22, 2013, pursuant to Resolution No. R-863-13, a copy of which is attached and incorporated by reference, this Board opposed 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, and set forth the issue as a critical County priority for the 2014 state legislative session; and

WHEREAS, during the 2014 session, as part of a renewed effort to authorize proposals to revise the Miami-Dade County Home Rule Charter, House Joint Resolution (HJR) 1081 was filed by Representative Frank Artiles (R – Miami), and Senate Joint Resolution (SJR) 1256 was filed by Senator Rene Garcia (R – Hialeah); and

WHEREAS, HJR 1081 and SJR 1256 would have proposed a statewide vote on an amendment to the Florida Constitution related to the Miami-Dade County Home Rule Charter; and

WHEREAS, said constitutional amendment would have authorized members of the Miami-Dade State Legislative Delegation to file bills that would place questions on the Miami-Dade County ballot to amend the Miami-Dade County Home Rule Charter; and

WHEREAS, HJR 1081 died in the House Local and Federal Affairs Committee, while SJR 1256 died in the Senate Judiciary Committee; and

WHEREAS, it is anticipated that during the 2015 session of the Florida Legislature, similar bills or joint resolutions will be filed for consideration that would adversely affect the Miami Dade County Home Rule Charter or preempt local home rule; 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 during the 2015 session of the Florida Legislature that would adversely affect the Miami Dade County Home Rule Charter or preempt local home rule.

Section 2. Directs the Clerk of the Board to transmit 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 3. Directs the County's state lobbyists to oppose any legislation that would adversely affect the Miami Dade County Home Rule Charter or preempt local home rule as set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 state legislative package previously approved by the Board to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 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.



Michael J. Mastrucci