

# MEMORANDUM

Agenda Item No. 11(A)(23)

---

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

**DATE:** June 30, 2015

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

**SUBJECT:** Resolution urging Congress to enact the Fair and Transparent Stakeholder Involvement Fee Act, H.R. 1091, or similar legislation, which requires the United States Secretary of Agriculture to use negotiated rulemaking to develop a reasonable rule regarding agriculture quarantine inspections and fees

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



---

R. A. Cuevas, Jr.  
County Attorney

RAC/smm



**MEMORANDUM**  
(Revised)

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

**DATE:** June 30, 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)  
6-30-15

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

RESOLUTION URGING CONGRESS TO ENACT THE FAIR AND TRANSPARENT STAKEHOLDER INVOLVEMENT FEE ACT, H.R. 1091, OR SIMILAR LEGISLATION, WHICH REQUIRES THE UNITED STATES SECRETARY OF AGRICULTURE TO USE NEGOTIATED RULEMAKING TO DEVELOP A REASONABLE RULE REGARDING AGRICULTURE QUARANTINE INSPECTIONS AND FEES

**WHEREAS**, PortMiami, known as the “Cargo Gateway of the Americas,” is the world’s leading cruise port and largest container port in the State of Florida, contributing \$27 billion annually to the local economy and supporting more than 207,000 jobs in South Florida; and

**WHEREAS**, PortMiami is a vital trade link between North and South America and handles containerized cargo, small amounts of break bulk, vehicles, and industrial equipment; and

**WHEREAS**, PortMiami is a key perishables gateway, owing to its proximity and regular service to top growing regions in Latin America and the Caribbean, state-of-the-art fumigation capacity and three separate refrigeration yards, efficient processing of large volumes of perishable items per day, and the capability to accommodate over 1,000 refrigerated containers per day, reducing both time to market and costs of produce for U.S. consumers; and

**WHEREAS**, in fiscal year 2012-2013, PortMiami imported over 191,000 tons of fruits and nuts and 125,00 tons of vegetables; and

**WHEREAS**, a proposed federal regulation promulgated by the U.S. Department of Agriculture’s (“USDA”) Animal and Plant Health Inspection Service (“APHIS”) would change the fees it charges for conducting agricultural quarantine inspections at U.S. ports such as PortMiami; and

**WHEREAS**, although agricultural quarantine inspections are critical to ensure climate and pest-vulnerable agricultural industries like citrus continue to thrive, changes to agricultural quarantine inspection fees must be reasonable and the byproduct of a transparent process involving stakeholders nationwide from within the industry; and

**WHEREAS**, the agricultural quarantine inspection fees proposed by APHIS will result in fee increases of 52 to 218 percent, new fees including a \$375 per pest treatment fee, a \$2 fee for each international cruise-vessel passenger, and removal of the cap on fees for commercial vessels, resulting in potentially exorbitant fees for both cargo and cruise vessels doing business via PortMiami; and

**WHEREAS**, proposed changes to agricultural quarantine inspection fees will disproportionately affect the State of Florida and particularly, PortMiami; and

**WHEREAS**, the proposed per pest treatment costs will place extreme financial burdens on the local importer community, which is made up of many small businesses; and

**WHEREAS**, PortMiami jobs may be lost, costs to consumers may increase, and growth in an industry that is thriving in Miami-Dade County may be significantly thwarted; and

**WHEREAS**, H.R. 1091, the Fair and Transparent Stakeholder Involvement Fee Act of 2015, introduced by U.S. Representative Frederica Wilson (D-Miami Gardens), seeks to require APHIS to work with stakeholders, including importers, cruise line operators, cargo vessel and aircraft operators, truckers, fumigators, port directors, and public officials, to propose fair and reasonable agricultural quarantine inspection fee changes; and

**WHEREAS**, seven other U.S. Representatives from Florida, Wisconsin, and Georgia have co-sponsored H.R. 1091, which implores APHIS to conduct a comprehensive examination of the impacts such a fee increase would have on U.S. ports like PortMiami before imposing new rules; and

**WHEREAS**, this Board will continue to protect the best interests of PortMiami to ensure the economic vibrancy of Miami-Dade County,

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

**Section 1.** Urges Congress to enact the Fair and Transparent Stakeholder Involvement Fee Act, H.R. 1091, or similar legislation which requires the United States Secretary of Agriculture to use negotiated rulemaking to develop a reasonable rule regarding agriculture quarantine inspections and fees.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to U.S. Representative Frederica Wilson, Members of the Florida Congressional Delegation, and the United States Secretary of Agriculture.

**Section 3.** Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package to include this item and to include this item in the 2016 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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 30<sup>th</sup> day of June, 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.

Javier Zapata

83