

# MEMORANDUM

Agenda Item No. 11(A)(19)

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

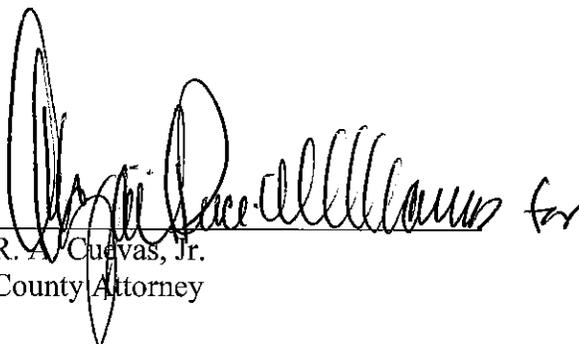
**DATE:** September 1, 2015

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

**SUBJECT:** Resolution urging the Florida Legislature to amend state law to allow two members of a board of county commissioners or city council having more than seven members to meet and discuss legislative matters without triggering the sunshine law requirements, consistent with the rules the Florida Legislature imposes on itself

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** September 1, 2015

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

**SUBJECT:** Agenda Item No. 11(A)(19)

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)(19)

Veto \_\_\_\_\_

9-1-15

Override \_\_\_\_\_

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

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND STATE LAW TO ALLOW TWO MEMBERS OF A BOARD OF COUNTY COMMISSIONERS OR CITY COUNCIL HAVING MORE THAN SEVEN MEMBERS TO MEET AND DISCUSS LEGISLATIVE MATTERS WITHOUT TRIGGERING THE SUNSHINE LAW REQUIREMENTS, CONSISTENT WITH THE RULES THE FLORIDA LEGISLATURE IMPOSES ON ITSELF

**WHEREAS**, Florida’s Sunshine Law prohibits two members of the same board from communicating with each other regarding an item in advance of board action on that item; and

**WHEREAS**, Florida’s Sunshine Law requires that the public be provided reasonable notice of any gathering of two or more members of the same board to discuss a matter which could foreseeably come before that board for action; and

**WHEREAS**, Florida’s Sunshine Law requires that such meetings be open to the public, and that minutes of such meetings be promptly recorded and those records be open to the public for inspection; and

**WHEREAS**, Florida’s Sunshine Law that applies to local governments does not apply to the Florida Legislature; and

**WHEREAS**, while the Florida Constitution requires that the rules of procedure of each house provide that meetings of the Florida Legislature be open and noticed, two members of the Florida Legislature are not prohibited from meeting and discussing issues that will come before the Legislature or legislative committees; and

**WHEREAS**, in most cities and counties in Florida, the governing board is comprised of five members, with three members constituting a quorum and two members constituting a majority of a quorum sufficient to enact legislation; and

**WHEREAS**, for this reason, with a five member board, it may be reasonable to prohibit two members to speak outside the sunshine; and

**WHEREAS**, Miami-Dade County currently has a population larger than 16 states; and

**WHEREAS**, if two members of a large board, such as the Miami-Dade Board of County Commissioners, were permitted to meet to discuss an issue, only two of the 13 members is far less than the seven members required for a quorum; and

**WHEREAS**, the Broward County Board of County Commissioners has nine members and the Jacksonville City Council has 19 members; and

**WHEREAS**, this Board would urge the Florida Legislature to amend the Sunshine Law requirements imposed on local governments to apply the same standards that the Legislature applies to itself to boards of county commissioners and city councils having more than seven members,

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

**Section 1.** Urges the Florida Legislature to amend state law to allow two members of a board of county commissioners or city council having more than seven members to meet and discuss legislative matters without triggering the Sunshine Law requirements, consistent with the rules the Florida Legislature imposes on itself.

**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 County State Legislative Delegation, Members of the Jacksonville City Council and Members of the Broward County Board of County Commissioners.

**Section 3.** Directs the County's state 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 include this item in the 2016 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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:

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|-------------------------------------|----------------------|
| 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 1<sup>st</sup> day of September, 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.

MP

Matthew Papkin