

MEMORANDUM

Agenda Item No. 11(A)(1)

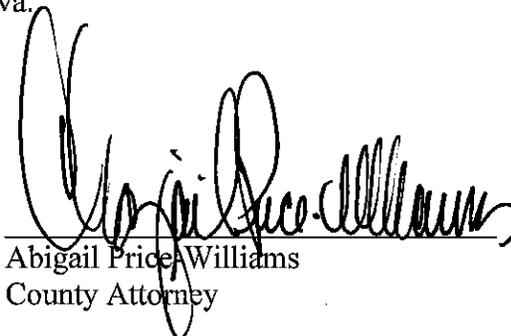
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation that would reinstate the original policy on motor vehicle waste tire fee revenue to return such revenue to each county based on where such fees are generated, for use by counties in, for example, mosquito control programs to fight Zika and other mosquito-borne illnesses, and for the recycling, collection, and disposal of waste tires

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price Williams
County Attorney

APW/cp

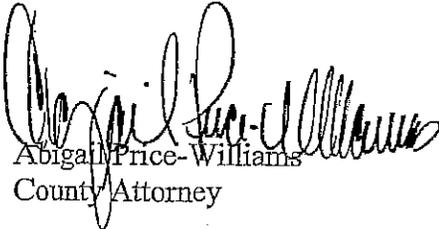


MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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
- Statement of social equity 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)(1)
9-20-16

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD REINSTATE THE ORIGINAL POLICY ON MOTOR VEHICLE WASTE TIRE FEE REVENUE TO RETURN SUCH REVENUE TO EACH COUNTY BASED ON WHERE SUCH FEES ARE GENERATED, FOR USE BY COUNTIES IN, FOR EXAMPLE, MOSQUITO CONTROL PROGRAMS TO FIGHT ZIKA AND OTHER MOSQUITO-BORNE ILLNESSES, AND FOR THE RECYCLING, COLLECTION, AND DISPOSAL OF WASTE TIRES

WHEREAS, Florida law imposes a \$1.00 waste tire fee on each new tire sold at retail pursuant to section 403.718, Florida Statutes, which is in addition to other fees that may be paid for disposal of old tires; and

WHEREAS, when originally imposed, the waste tire fee funded recycling, collection and disposal of waste tires in a safe and environmentally beneficial way; and

WHEREAS, consumers who buy tires expect the waste tire fee listed on their bill to be used for recycling, collection and disposal of waste tires; and

WHEREAS, section 403.7095, Florida Statutes, previously provided that revenues from the waste tire fee were to be distributed to each county on the basis of population for waste tire programs after part of the funds were setaside for small counties; and

WHEREAS, based on section 403.7095, Miami-Dade County expected to receive several million dollars each year in waste tire fee revenues, but Miami-Dade County has not received any revenues from the waste tire fee in many years; and

WHEREAS, in recent years, as part of the appropriation implementing bill, the Florida Legislature diverted waste tire fee revenues away from county waste tire funding and to the state's general revenue fund by revising section 403.7095 to eliminate waste tire funding for all counties except those small counties with populations fewer than 100,000; and

WHEREAS, according to the Florida Department of Environmental Protection, funding for waste tire grants for all counties, aside from the set-aside for small counties, was last appropriated during the 2003 legislative session; and

WHEREAS, section 403.7095, Florida Statutes, was amended by the Florida Legislature in 2016, effective July 1, 2016, to eliminate the waste tire grant program for all counties, expand the allowable uses of funds from the small county consolidated grant program to include waste tire abatement programs, and amend the eligibility for the small county consolidated grant program to small counties with populations fewer than 110,000; and

WHEREAS, despite paying millions of dollars in waste tire fees to the state each year, Miami-Dade County residents have not seen waste tire fee revenues come back to Miami-Dade County; and

WHEREAS, diverting waste tire fee revenue to other state programs has had the effect of shifting the cost of recycling, collection and disposal of waste tires from the state to local governments; and

WHEREAS, proper recycling, collection and disposal of waste tires, which are known mosquito breeding sites, is of even greater importance given the recent concerns over mosquito-borne illnesses such as Zika; and

WHEREAS, according to the director of mosquito research for Rutgers University, tires provide a perfect nursery for mosquito breeding as they are somewhat insulated, fill with water after a rainstorm and hold leaves for nutrition; and

WHEREAS, state law should be changed to ensure that waste tire fee revenues are returned to the communities where consumers have paid the fees for the recycling, collection, and disposal of waste tires, as well as to fund mosquito prevention and abatement efforts,

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 enact legislation that would reinstate the original policy on motor vehicle waste tire fee revenue to return such revenue to each county based on where such fees are generated, for use by counties in, for example, mosquito control programs to fight Zika and other mosquito-borne illnesses, and for the recycling, collection, and disposal of waste tires.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2017 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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 20th day of September, 2016. 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.



Annery Pulgar Alfonso