

MEMORANDUM

Agenda Item No. 11(A)(5)

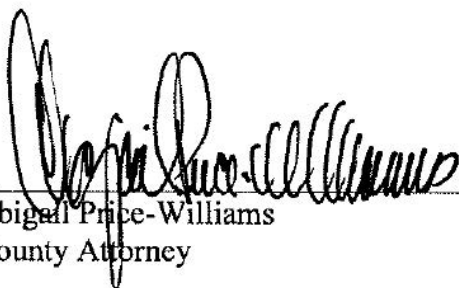
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to implement
stronger penalties for illegal
dumping under certain
circumstances relating
to hurricanes

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Chairwoman Audrey M. Edmonson.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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
- 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(5)

10-20-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
IMPLEMENT STRONGER PENALTIES FOR ILLEGAL
DUMPING UNDER CERTAIN CIRCUMSTANCES RELATING
TO HURRICANES

WHEREAS, illegal dumping of materials like tires, construction debris, furniture, appliances, and hazardous materials is a serious issue that creates a wide range of problems; and

WHEREAS, illegal dumping is a problem in Miami-Dade County's rural and agricultural areas, as well as residential areas; and

WHEREAS, illegal dumping may pose serious environmental challenges and contribute to slum and blight; and

WHEREAS, illegal dumping also harms the environment, lowers property values, and results in large amounts of funds and staffing resources being spent on enforcement and cleanup costs; and

WHEREAS, during hurricane conditions, illegal dumping creates an even greater danger to the community, particularly in the more densely populated areas of the County, because wind gusts can cause trash and solid waste to become dangerous airborne projectiles that can cause bodily harm to persons and tremendous destruction to property; and

WHEREAS, the Florida Litter Law, codified in section 403.413, Florida Statutes, prohibits the unauthorized dumping of litter on any public property, private property, and in any bodies of water; and

WHEREAS, pursuant to the Florida Litter Law, any person who dumps:

- 15 pounds or less of litter is guilty of a noncriminal infraction;

- more than 15 pounds but not more than 500 pounds of litter is guilty of a misdemeanor of the first degree; and
- more than 500 pounds of litter or hazardous waste is guilty of a felony of the third degree; and

WHEREAS, on June 20, 2017, this Board adopted Resolution No. R-647-17, urging the Florida Legislature to implement stronger penalties for dumping litter; and

WHEREAS, there are no enhanced penalties for illegal dumping occurring during the period of a hurricane warning under Florida law; and

WHEREAS, according to the National Weather Service, a hurricane warning is issued when sustained winds of 74 mph or higher associated with a tropical cyclone are expected in 36 hours or less from the time of the issuance of the warning, and where these winds may be accompanied by storm surge, coastal flooding, as well as river flooding; and

WHEREAS, because of the dangers associated with illegal dumping as a hurricane approaches, this Board would like the Florida Legislature to implement stronger statutory penalties for violations of the Florida Litter Law that occur during the period of a hurricane warning for the jurisdiction where the dumping occurs,

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 implement stronger penalties for violations of the Florida Litter Law that occur during a hurricane warning for the jurisdiction where the illegal dumping occurs.

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

Section 3. Directs the County’s state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item to the 2021 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez and the Co-Sponsor is Chairwoman 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:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose “Pepe” Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of October, 2020. 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.



David Sherman