

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact Senate Bill 304 or similar legislation that would require governmental entities to include a requirement in certain contracts for certain public works projects that iron or steel products permanently incorporated in such projects be produced in the United States

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


Geri Bonzon-Keenan
County Attorney

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MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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Gen Bonzon-Keenan
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
- 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)(9)
4-4-23

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 304 OR SIMILAR LEGISLATION THAT WOULD REQUIRE GOVERNMENTAL ENTITIES TO INCLUDE A REQUIREMENT IN CERTAIN CONTRACTS FOR CERTAIN PUBLIC WORKS PROJECTS THAT IRON OR STEEL PRODUCTS PERMANENTLY INCORPORATED IN SUCH PROJECTS BE PRODUCED IN THE UNITED STATES

WHEREAS, Senate Bill (SB) 304 has been filed for consideration during the 2023 session of the Florida Legislature by Senator Jim Boyd (R – Bradenton); and

WHEREAS, SB 304 would establish a statewide requirement that iron and steel products permanently incorporated in certain public works projects be produced in the United States; and

WHEREAS, specifically, SB 304 requires that, with certain exceptions, all governmental entities in Florida that enter into a contract for a public works project or for the purchase of materials for a public works project include a requirement in the contract that any iron or steel product permanently incorporated in the project be produced in the United States; and

WHEREAS, SB 304 provides exceptions to this requirement if: (1) the iron or steel products produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality; (2) the use of iron or steel products produced in the United States would increase the total cost of the project by more than 20 percent; or (3) it is determined that compliance with the requirement would be inconsistent with the public interest; and

WHEREAS, in addition, SB 304 does not prevent certain minimal uses of foreign steel and iron materials in a public works project, including when such materials are merely incidental or ancillary to the primary product and the cost of such materials is negligible in relation to the total contract cost; and

WHEREAS, SB 304 is similar to Miami-Dade County's Buy American Iron and Steel Products Program as codified in section 2-8.2.6.1 of the Code of Miami-Dade County, the Buy American Act of 1933 as codified in section 83 of title 41 of the United States Code, and other "Buy American" legislation enacted by state and local governments throughout the United States; and

WHEREAS, Buy American laws such as SB 304 are critical in promoting American manufacturing, curbing the outsourcing of jobs, and ensuring that American and local companies have a meaningful opportunity to compete for government infrastructure contracts on a level playing field; and

WHEREAS, accordingly, this Board supports the enactment of SB 304 or similar legislation that would require governmental entities to include a requirement in certain contracts for certain public works projects that iron or steel products permanently incorporated in such projects be produced in the United States,

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 SB 304 or similar legislation that would require governmental entities to include a requirement in certain contracts for certain public works projects that iron or steel products permanently incorporated in such projects be produced in the United States.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Jim Boyd, and the Chair and Members of the Miami-Dade County 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 amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez. 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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of April, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

KMB

Keoki M. Baron