Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(13)
02-20-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-192-07

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REPEAL THE PREEMPTION OF LOCAL GOVERNMENT REGULATION OF GENERATORS AT GASOLINE STATIONS, FOOD STORES AND PHARMACIES; OR ALTERNATIVELY TO EXPAND THE NUMBER OF GAS STATIONS, LARGE FOOD STORES AND PHARMACIES REQUIRED TO HAVE GENERATORS FOLLOWING A HURRICANE OR OTHER DISASTER CAUSING WIDESPREAD POWER FAILURE

WHEREAS, in the wake of Hurricane Wilma in the fall of 2005, a public crisis arose when mass power outages prevented gasoline stations, food stores and pharmacies from providing necessary fuel, food and medicine; and

WHEREAS, last spring, this Board responded by passing two ordinances requiring gasoline stations and food stores to have Emergency Response Plans that required uninterrupted power supplies through the use of generators or otherwise, Ordinance Nos. 06-40 and 06-41; and

WHEREAS, this Board last summer also considered an ordinance that would have required pharmacies to have Emergency Response Plans that required such uninterrupted power supplies; and

WHEREAS, during the 2006 State Legislative Session, the Florida Legislature passed HB 7121 that, among other things, preempted local governments from requiring generators and other uninterrupted power supplies at gasoline stations and other retail establishments; and

WHEREAS, HB 7121 did require any firm that owns ten or more gasoline stations in one county to have a plan for portable generator power for at least one of every ten stations, but did not impose any requirements on food stores or pharmacies to have a plan to have alternate generator power; and

WHEREAS, while the 2006 hurricane season was light, forecasters continue to suggest that we are in an active hurricane cycle; and

WHEREAS, future hurricanes are likely to result in public crises similar to those experienced after Hurricane Wilma unless generators and uninterrupted power supplies are required for gasoline stations, food stores and pharmacies; and

WHEREAS, this Board would respectfully request that the Florida Legislature reconsider the legislation it passed last year that preempted Miami-Dade County's alternative power supply ordinances,

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 repeal legislation passed last session preempting local governments from regulating generators and other sources of uninterrupted power supply at gasoline stations, food stores and pharmacies; or alternatively expand the number of gas stations, large food stores and pharmacies required to have generators following a hurricane or other disaster causing widespread power failure.

Section 2. Directs the County's state lobbyists to advocate for the passage of the legislation identified in Section 1, and directs the Office of Intergovernmental Affairs to include this item in the 2007 state legislative package.

Section 3. 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.

The foregoing resolution was sponsored by Senator Javier D. Souto, Commissioner Carlos A. Gimenez and Commissioner Joe A. Martinez and offered by Commissioner Dennis C. Moss, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of February, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. JMM

Jess M. McCarty

MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution urging Florida legislature to repeal preemption of local government regulation of generators at gas stations, food stores and pharmacies

The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto, Commissioner Carlos A. Gimenez and Commissioner Joe A. Martinez.

Murray A. Greenberg
County Attorney

MAG/bw

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: February 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**