



**MEMORANDUM**

Agenda Item No. 11(A) (9)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

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

**SUBJECT:** Resolution expressing strong  
concerns regarding SB 630 and  
similar legislation that would  
impose a moratorium on the  
collection of impact fees by local  
governments urging the Florida  
Legislature not to pass such  
Legislation

**Resolution No. R-125-09**

**This resolution was amended by the Budget, Planning & Sustainability Committee to delete the words stricken through and to add the words underlined, as indicated in the item.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez and Commissioner Katy Sorenson.

A handwritten signature in black ink, appearing to read 'RAC', written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

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R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(9)

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 Mayor'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

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(9)

Veto \_\_\_\_\_

2-17-09

Override \_\_\_\_\_

RESOLUTION NO. R-125-09

RESOLUTION EXPRESSING STRONG CONCERNS REGARDING SB 630 AND SIMILAR LEGISLATION THAT WOULD IMPOSE A MORATORIUM ON THE COLLECTION OF IMPACT FEES BY LOCAL GOVERNMENTS; URGING THE FLORIDA LEGISLATURE NOT TO PASS SUCH LEGISLATION

**WHEREAS**, SB 630 has been filed for consideration during the 2009 state legislative, by Senator Mike Bennett (R – Bradenton); and

**WHEREAS**, SB 630 would impose a three-year moratorium on the imposition and collection of impact fees for any purpose by a county or municipality from October 1, 2009 through September 30, 2012; and

**WHEREAS**, Miami-Dade County currently collects impact fees for roads, fire and emergency services, water and sewer, police services, parks, and schools; and

**WHEREAS**, road and school impact fees are countywide in nature, and individual municipalities also collect various other impact fees within their cities; and

**WHEREAS**, impact fees ensure that new development bears its proportionate share of the capital cost of new infrastructure and services necessary to support the new development; and

**WHEREAS**, SB 630 or similar legislation would have a substantial fiscal impact on Miami-Dade County, including more than \$20 million for road impact fees alone; and

**WHEREAS**, passage of SB 630 or similar legislation would mean that fewer funds are available for new infrastructure projects, with corresponding losses in potential jobs; and

**WHEREAS**, passage of SB 630 or similar legislation also could have the effect of stopping infrastructure projects already planned or being constructed, with further corresponding job losses; and

**WHEREAS**, a moratorium on impact fees for infrastructure improvement would create concurrency deficiencies and therefore have the unintended consequence of impeding development; and

**WHEREAS**, studies have shown that reducing government spending by reducing fees and taxes does not stimulate the economy and that the opposite is actually true: spending government funds on needed infrastructure projects acts to stimulate the economy; and

**WHEREAS**, passage of SB 630 or similar legislation would result in reduced infrastructure projects and a loss of construction jobs at a time when stimulus packages are being proposed at the federal, state and local levels to increase infrastructure funding and associated jobs,

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

**Section 1.** Expresses strong concerns regarding SB 630 and similar legislation that would impose a three-year or other moratorium on the collection of impact fees by local governments and urges the legislature not to pass such legislation.

**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, Senator Mike Bennett, the Presiding Officer

and Members of the municipalities in Miami-Dade County, >>the Presiding Officer and Members of the 66 other Boards of County Commissioners in Florida,<<<sup>1</sup> [~~and~~] >>the Executive Director of the Florida Association of Counties and<< the Executive Director of the Miami-League of Cities.

**Section 3.** Directs the County's state lobbyists to oppose the legislation set forth in Section 1 above, and authorizes and directs that the 2009 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss and the Co-Sponsors are Commissioner Audrey M. Edmonson, Commissioner Sally A. Heyman, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez and Commissioner Katy Sorenson. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	<b>aye</b>	
	Jose "Pepe" Diaz, Vice-Chairman	<b>aye</b>	
Bruno A. Barreiro	<b>aye</b>	Audrey M. Edmonson	<b>aye</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Barbara J. Jordan	<b>aye</b>	Joe A. Martinez	<b>absent</b>
Dorrin D. Rolle	<b>aye</b>	Natacha Seijas	<b>aye</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>		

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of February, 2009. 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.

Jess M. McCarty