

## **MEMORANDUM**

Agenda Item No. 11(A) (12)

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

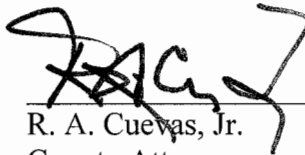
**DATE:** March 17, 2009

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

**SUBJECT:** Resolution opposing SB 1654;  
HB 923 or similar legislation  
that would preempt local  
regulation of cranes; urging  
the Legislature not to pass  
such legislation  
**Resolution No. R-302-09**

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/up




# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** March 17, 2009

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

**SUBJECT:** Agenda Item No. 11(A) (12)

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A) (12)  
3-17-09

RESOLUTION NO. R-302-09

RESOLUTION OPPOSING SB 1654; HB 923 OR SIMILAR  
LEGISLATION THAT WOULD PREEMPT LOCAL  
REGULATION OF CRANES; URGING THE FLORIDA  
LEGISLATURE NOT TO PASS SUCH LEGISLATION

**WHEREAS**, a fatal crane accident in Miami-Dade County in 2006 prompted the creation of a Crane and Heavy Duty Equipment Workgroup to consider legislation to regulate construction cranes; and

**WHEREAS**, on March 27, 2008, the Miami-Dade Board of County Commissioners passed Ordinance No. 08-34 regulating crane safety; and

**WHEREAS**, shortly after passage of the crane safety ordinance two people were killed and five were injured when a crane being used in the construction of a high-rise condominium building in Miami fell through the roof of a nearby house; and

**WHEREAS**, bills were considered during the Florida Legislature's 2008 regular session, SB 1316 by Senator Don Gaetz and HB 609 by Representative Greg Evers, that would have preempted local regulation of cranes, and language preempting local regulation of cranes also was amended onto HB 697; and

**WHEREAS**, HB 609 passed the Florida House by a vote of 103-11, but the Senate refused to take up the bill and in the end, no legislation passed during the 2008 session preempting local regulation of cranes; and

**WHEREAS**, bills have been filed for consideration during the 2009 legislative session, SB 1654 by Senator Thad Altman and HB 923 by Representative Greg Evers, that would preempt local regulation of cranes,

**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 not to pass legislation that would preempt local regulation of cranes.

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

Section 3. Directs the County's state lobbyists to advocate against any legislation that would preempt local regulation of construction cranes, and authorizes and directs that the 2009 state legislative package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Jose "Pepe" Diaz**, 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>absent</b>	Audrey M. Edmonson
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman
Barbara J. Jordan	<b>aye</b>	Joe A. Martinez
Dorrian D. Rolle	<b>aye</b>	Natacha Seijas
Katy Sorenson	<b>aye</b>	Rebeca Sosa
Sen. Javier D. Souto	<b>aye</b>	<b>absent</b>

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of March, 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