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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: May 19, 2009

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

SUBJECT: Resolution urging Governor Charlie Crist to veto SB 216, which preempts local governments from using public funds to advocate for or against any issue, referendum or amendment

Resolution No. R-601-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Katy Sorenson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

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

DATE: May 19, 2009

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

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
5-19-09

RESOLUTION NO. **R-601-09**

RESOLUTION URGING GOVERNOR CHARLIE CRIST TO VETO SB 216, WHICH PREEMPTS LOCAL GOVERNMENTS FROM ADVOCATING FOR OR AGAINST ANY ISSUE, REFERENDUM OR AMENDMENT USING PUBLIC FUNDS

WHEREAS, on Thursday, April 30, the Florida Legislature passed SB 216, which if signed into law, would preempt local governments from using public funds to advocate for or against any issue, referendum, or amendment that the public will vote on at an election; and

WHEREAS, while SB 216 includes an exception for factual information, SB 216 would prevent local governments from using public funds to advocate for or against an issue by taking out newspaper advertisements or running TV ads encouraging the community to vote a certain way on an issue; and

WHEREAS, SB 216 would reverse a Florida Supreme Court case that upheld the use of public funds by local governments to advocate on a local referendum; and

WHEREAS, if signed into law, SB 216 would limit local governments from fighting against important issues such as TABOR, and from advocating for the creation of entities such as the Children's Trust and other special districts; and

WHEREAS, by stifling the voice of local governments, SB 216 runs counter to the fundamental U.S. principles of free speech,

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

Section 1. Urges the Governor to veto SB 216, which preempts local governments from using public funds to advocate for or against any issue, referendum or amendment.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate against SB 216 pursuant to Section 1 above, and authorizes and directs that the 2009 state legislative package be amended to include this issue.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It was offered by Commissioner **Katy Sorenson**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **absent**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**nay**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of May, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty

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