



MEMORANDUM

Amended
Agenda Item No. 11(A)(5)

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

DATE: December 15, 2009

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

SUBJECT: Resolution urging the Florida
Legislature to pass SB 346, HB 73
or other similar legislation that
would implement the working
waterfront amendment to the
Florida Constitution

Resolution No. R-1440-09

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

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R. A. Cuevas, Jr.
County Attorney

RAC/cp

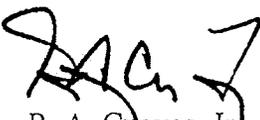


MEMORANDUM

(Revised)

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

DATE: September 15, 2009

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

SUBJECT: Amended
Agenda Item No. 14(A)(5)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 11(A)(5)
12-15-08

RESOLUTION NO. _____ R-1440-09

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS SB 346, HB 73 OR SIMILAR LEGISLATION THAT
WOULD IMPLEMENT THE WORKING WATERFRONT
AMENDMENT TO THE FLORIDA CONSTITUTION

WHEREAS, the economic viability of waterfront commercial fishing facilities, marine manufacturing facilities, marine vessel construction and repair facilities and marinas and other recreational waterfronts open to the public are being threatened by the purchase of traditional working waterfronts and conversion of these properties to private and residential uses, typically condominium buildings; and

WHEREAS, these trends have had the effect of both decreasing the availability of waterfront property necessary to sustain commercial fishing, vessel construction and repair and recreational boating activities and increasing the value of nearby working waterfront property; and

WHEREAS, the corresponding increase in the value of working waterfront property has translated to higher property taxes, which in many cases has caused traditional working waterfronts to be less profitable, thereby compounding the pressure to convert these properties to a other uses; and

WHEREAS, during its deliberations in 2007 and 2008, the Florida Taxation and Budget Reform Commission (TBRC) proposed for the statewide ballot a change to the Florida Constitution targeted at addressing these trends and preserving traditional working waterfronts; and

WHEREAS, in November 2008, Florida voters approved a constitutional amendment proposed by the TBRC to provide for the assessment of working waterfront property based on current use, rather than highest and best use (the Working Waterfront Amendment); and

WHEREAS, the Working Waterfront Amendment to Article VII, section 4 of the Florida Constitution was approved by 71 percent of electors, and created a new subsection (j) to provide that the following categories of working waterfront property would be assessed based on current use:

1. Land used predominantly for commercial fishing purposes;
2. Land that is accessible to the public and used for vessel launches into waters that are navigable;
3. Marinas and drystacks that are open to the public; and
4. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities; and

WHEREAS, the Working Waterfront Amendment took effect upon approval by the electors and would first apply to assessments on January 1, 2010; and

WHEREAS, the Working Waterfront Amendment is subject to conditions, limitations and reasonable definitions as specified by the Legislature by general law; and

WHEREAS, bills were filed for consideration during the 2009 session of the Florida Legislature, SB 1468 by Senator Charles S. "Charlie" Dean (R – Inverness) and HB 825 by Representative Julio Robaina (R – Miami), that would have implemented the Working Waterfront Amendment, but these bills did not pass; and

WHEREAS, bills have been filed for consideration during the 2010 session, SB 346 by Senator Dean and HB 73 by Representative Robaina and Representative Debbie Mayfield (R – Vero Beach), that would implement the Working Waterfront Amendment; and

WHEREAS, this Board supports passage of SB 346, HB 73 or similar legislation during the 2010 session,

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 pass SB 156, HB 335 or similar legislation that would implement the Working Waterfront Amendment to the Florida Constitution providing that working waterfront property should be assessed at current use in an effort to sustain traditional working waterfronts land uses, including all types of working waterfronts and water dependent and marine industrial activities and uses, including but not limited to shipping terminals, tug boat basins, marinas, drystackes, boatyards, marine repair, marine manufacturing and commercial fishing.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Charles S. “Charlie” Dean and Representative Debbie Mayfield.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	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 15th day of December, 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.

A handwritten signature in black ink, appearing to read "JMM", is written over a horizontal line.

Jess M. McCarty