

MEMORANDUM

Agenda Item No. 11(A)(10)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

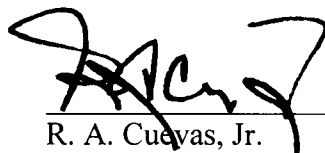
DATE: January 20, 2011

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

SUBJECT: Resolution urging the Florida
Legislature to pass legislation
ensuring that waste tire fee
revenues are allocated to the
recycling, collection and
disposal of waste tires in the
communities where these fees
are collected

Resolution No. R-33-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2011

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

SUBJECT: Agenda Item No. 11(A)(10)

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

Agenda Item No. 11(A)(10)

Veto _____

1-20-2011

Override _____

RESOLUTION NO. R-33-11

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION ENSURING THAT WASTE TIRE FEE
REVENUES ARE ALLOCATED TO THE RECYCLING,
COLLECTION AND DISPOSAL OF WASTE TIRES IN THE
COMMUNITIES WHERE THESE FEES ARE COLLECTED

WHEREAS, Florida Law imposes a \$1 waste tire fee on each new tire sold at retail pursuant to Section 403.718, Florida Statutes, which is in addition to other fees that may be paid for disposal of old tires; and

WHEREAS, when originally imposed, the waste tire fee funded recycling, collection and disposal of waste tires in a safe and environmentally beneficial way; and

WHEREAS, consumers who buy tires expect the waste tire fee listed on their bill to go for recycling, collection and disposal of waste tires; and

WHEREAS, the waste tire fee generated \$19.4 million statewide in state fiscal year 2007-08, \$17.7 million in 2008-09 and \$17.9 million in 2009-10; and

WHEREAS, section 403.7095, Florida Statutes, provides that revenues from the waste tire fee shall be distributed to each county on the basis of population for waste tire programs after part of the funds are set-aside for small counties; and

WHEREAS, based on section 403.7095, Miami-Dade County would expect to receive several million dollars each year in waste tire fee revenues, but in recent years, Miami-Dade County has not received any revenues from the waste tire fee; and

WHEREAS, each year as part of the appropriations implementing bill, the Florida Legislature diverts waste tire fee revenues away from county waste tire funding and to the state's

general revenue fund by revising section 403.7095 to eliminate waste tire funding for all counties except those small counties with populations fewer than 100,000; and

WHEREAS, in state fiscal year 2008-09, the Legislature appropriated \$9.4 million in waste tire fees to counties with populations fewer than 100,000, none to large counties and diverted the remaining \$8.3 million to state general revenue; and

WHEREAS, in state fiscal year 2009-10, the Legislature reduced the waste tire fee revenues to only \$2.6 million for small counties, again appropriated no waste tire fee funds to large counties and diverted the remaining \$15.6 million to state general revenue; and

WHEREAS, for state fiscal year 2010-11, the Legislature further reduced the waste tire fee revenues for small counties to \$2.4 million, again appropriated none to large counties and diverted the remaining waste tire fee funds to state general revenue; and

WHEREAS, despite paying millions of dollars in waste tire fees to the state each year, Miami-Dade County residents have seen no waste tire fee revenues come back to Miami-Dade County in a number of years; and

WHEREAS, diverting waste tire fee revenue to other state programs has had the effect of shifting the cost of recycling, collection and disposal of waste tires from the state to local governments; and

WHEREAS, by creating the Community Awareness Task Force and sponsoring Resolution No. 113-06 making the task force countywide and multi-departmental, Chairman Joe A. Martinez has spearheaded the effort to address waste tire issues, including illegal dumping, enforcement, clean-up and education; and

WHEREAS, the Community Awareness Task Force brings together the experience and knowledge found in various County departments along with other stakeholders to address in a coordinated effort issues related to illegal dumping and waste tires; and

WHEREAS, the Community Awareness Task Force has researched the waste tire fee and concluded that changes are needed to state law to ensure that fee revenues are used for their stated purposes and returned to the communities where consumers have paid the waste tire fees,

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 legislation ensuring that waste tire fee revenues are allocated for the recycling, collection, and disposal of waste tires in the communities where these fees are collected.

Section 2. 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.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2011 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

5

| | | | |
|----------------------|-------------------------------------|-------------------|--------|
| | Joe A. Martinez, Chairman | aye | |
| | Audrey M. Edmonson, Vice Chairwoman | absent | |
| Bruno A. Barreiro | aye | Lynda Bell | aye |
| Jose "Pepe" Diaz | aye | Carlos A. Gimenez | aye |
| Sally A. Heyman | absent | Barbara J. Jordan | absent |
| Jean Monestime | aye | Dennis C. Moss | aye |
| Natacha Seijas | absent | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2011. 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