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

MEMORANDUM

Agenda Item No. 11(A)(16)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

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

SUBJECT: Resolution urging the Florida Legislature to amend Senate and House Rules of Procedure to impose on the Legislature the same requirements related to providing the public a reasonable opportunity to be heard that the Legislature imposed on local governments through the enactment of Chapter 2013-227, Laws of Florida
Resolution No. R-74-14

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

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

SUBJECT: Agenda Item No. 11(A)(16)

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 Mayor'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 _____

Agenda Item No. 11(A)(16)
1-22-14

RESOLUTION NO. R-74-14

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND SENATE AND HOUSE RULES OF PROCEDURE TO IMPOSE ON THE LEGISLATURE THE SAME REQUIREMENTS RELATED TO PROVIDING THE PUBLIC A REASONABLE OPPORTUNITY TO BE HEARD THAT THE LEGISLATURE IMPOSED ON LOCAL GOVERNMENTS THROUGH THE ENACTMENT OF CHAPTER 2013-227, LAWS OF FLORIDA

WHEREAS, several recent court decisions have held that while Florida's Sunshine Law requires meetings to be open to the public, it does not require an opportunity for the public to speak; and

WHEREAS, during the 2013 session, the Florida Legislature enacted SB 50 sponsored by Senator Joe Negron (R – Palm City), which requires members of the public to be given a reasonable opportunity to be heard on any proposition before a board or commission of any state, county or municipal agency or authority; and

WHEREAS, SB 50 is now Chapter 2013-227, Laws of Florida, and went into effect on October 1, 2013; and

WHEREAS, while Chapter 2013-227 requires local governments and state boards to provide the public a reasonable opportunity to be heard, it does not require the Legislature itself to provide the public a reasonable opportunity to be heard on bills or other propositions being heard by the Legislature; and

WHEREAS, some committees in the Senate and House as a matter of practice allow limited public testimony on bills being considered by the committee, but there is no law or rule that requires the Legislature to provide the public a reasonable opportunity to be heard in

committees or subcommittees, or while bills are being considered on the floor of the Senate or House; and

WHEREAS, Rule 1.44 of the 2012-2014 Florida Senate Rules and Manual provides that all meetings at which legislative business is discussed between more than two members of the Legislature shall be open to the public, with certain exceptions, but the Florida Senate Rules and Manual does not require the Florida Senate or any Senate committee or subcommittee to provide the public a reasonable opportunity to be heard; and

WHEREAS, similarly, the Rules of the Florida House of Representatives provide for public access to meetings, but do not require the House to provide the public a reasonable opportunity to be heard on bills being considered on the House floor or any House committee or subcommittee; and

WHEREAS, this Board would urge the Florida Senate and House to amend their rules to provide the public the same reasonable opportunity to be heard on bills moving through the Senate and House legislative process that the Legislature imposed on local governments by enacting Chapter 2013-227,

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 amend Senate and House Rules of Procedure to impose on the Legislature the same requirements related to providing the public a reasonable opportunity to be heard that the Legislature imposed on local governments through the enactment of Chapter 2013-227, Laws of Florida.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and the 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 authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. It was offered by Commissioner **Xavier L. Suarez**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2014. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty