

## MEMORANDUM

Agenda Item No. 11(A)(19)

---

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

**DATE:** February 4, 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 Sunshine Law requirements  
that are required of local  
governments pursuant to Florida  
Statute 286.011  
Resolution No. R-148-14

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm



# MEMORANDUM

(Revised)

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

**DATE:** February 4, 2014

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

**SUBJECT:** Agenda Item No. 11(A)(19)

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)(19)

2-4-14

RESOLUTION NO. R-148-14

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AMEND SENATE AND HOUSE RULES OF PROCEDURE TO IMPOSE ON THE LEGISLATURE THE SAME SUNSHINE LAW REQUIREMENTS THAT ARE REQUIRED OF LOCAL GOVERNMENTS PURSUANT TO FLORIDA STATUTE 286.011

**WHEREAS**, Florida's Sunshine Law that applies to local governments does not apply to the Florida Legislature; and

**WHEREAS**, Florida's Sunshine Law has the effect of prohibiting two members of the same board from communicating with each other regarding an item in advance of board action on that item; and

**WHEREAS**, Florida's Sunshine Law requires that the public be provided reasonable notice of any gathering of two or more members of the same board to discuss a matter which could foreseeably come before that board for action; and

**WHEREAS**, Florida's Sunshine Law requires that such meetings be open to the public, and that minutes of such meetings be promptly recorded and those records be open to the public for inspection; and

**WHEREAS**, while the Florida Constitution requires that the rules of procedure of each house provide that meetings of the Florida Legislature be open and noticed, two members of the Florida Legislature are not prohibited from meeting and discussing issues that will come before the Legislature or legislative committees; and

**WHEREAS**, Rule 1.44 of the 2012-2014 Rules of the Florida Senate requires that all meetings at which legislative business is discussed between more than two members of the Legislature be open to the public, with limited exceptions; and

**WHEREAS**, Rule 1.45 of the 2012-2014 Rules of the Florida Senate requires written notice for meetings of the President with the Governor or with the Speaker, meetings of the majority of Senators that constitute the membership of any Senate committee or subcommittee, and meetings called by the President of a majority of the chairs of the Senate's standing committees; and

**WHEREAS**, Rule 1.46 of the 2012-2014 Rules of the Florida Senate requires committee and subcommittee meetings and joint conference meetings to be open and noticed; and

**WHEREAS**, Rule 3.4 of the 2012-2014 Rules of the Florida House of Representatives requires that each member shall provide reasonable access to members of the public to any meeting between such member and more than one other member of the Legislature, if such members of the public have requested admission and such has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time; and

**WHEREAS**, Rule 3.4 of the 2012-2014 Rules of the Florida House of Representatives requires that a member of the public requesting admission shall have reasonable access to any meeting between the Speaker, the Senate President, or the Governor, if such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at a subsequent time; and

**WHEREAS**, Rule 7.11 of the 2012-2014 Rules of the Florida House of Representatives requires that committee and subcommittee meetings held for the purpose of considering legislation must be noticed; and

**WHEREAS**, Rule 7.23 of the 2012-2014 Rules of the Florida House of Representatives requires that meetings of committees and subcommittees be open to the public, with limited exceptions; and

**WHEREAS**, this Board would urge the Florida Senate and House to amend their rules to provide the same requirements related to the Sunshine Law that are required of local governments pursuant to Florida Statute 286.011,

**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 Sunshine Law requirements that are required of local governments pursuant to Florida Statute 286.011.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, President of the Florida Association of Counties/Leon County Commissioner Bryan Desloge, the Executive Director of the Florida Association of Counties, President of the Florida League of Cities/Pensacola Councilman P.C. Wu, and the Executive Director of the Florida League of Cities.

**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 Commissioner Barbara J. Jordan. It was offered by Commissioner **Barbara J. Jordan**, 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:

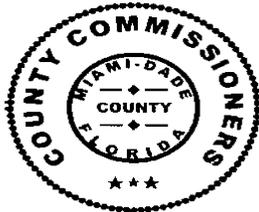
	Rebeca Sosa, Chairwoman	<b>aye</b>
	Lynda Bell, Vice Chair	<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Esteban L. Bovo, Jr. <b>aye</b>
Jose "Pepe" Diaz	<b>absent</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>aye</b>
Jean Monestime	<b>absent</b>	Dennis C. Moss <b>aye</b>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

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of February, 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. MP

Matthew Papkin