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

MEMORANDUM

Agenda Item No. 11(A)(29)

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

DATE: March 4, 2014

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

SUBJECT: Resolution opposing HB 703 or similar legislation that would, among other things, preempt the provision of the Charter requiring a two-thirds vote to amend the Comprehensive plan to include additional land outside the Urban Development Boundary
Resolution No. R-257-14

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/smm

MEMORANDUM
(Revised)

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

DATE: March 4, 2014

FROM: R. A. Cuevas, Jr.
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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)(29)
3-4-14

RESOLUTION NO. R-257-14

RESOLUTION OPPOSING HB 703 OR SIMILAR LEGISLATION THAT WOULD, AMONG OTHER THINGS, PREEMPT THE PROVISION OF THE MIAMI-DADE COUNTY HOME RULE CHARTER REQUIRING A TWO-THIRDS VOTE TO AMEND THE COMPREHENSIVE PLAN TO INCLUDE ADDITIONAL LAND OUTSIDE THE URBAN DEVELOPMENT BOUNDARY, AND PREEMPT OTHER LOCAL GOVERNMENT ENVIRONMENTAL REGULATIONS AND REGULATORY AUTHORITY

WHEREAS, House Bill 703 ("HB 703") has been filed by Representative Jimmy Patronis (R - Panama City) for consideration during the 2014 session of the Florida Legislature; and

WHEREAS, HB 703 would require only a simple majority vote, and prohibit a supermajority vote, of a local government to adopt all mandatory and optional elements of the comprehensive plan, including plan amendments; and

WHEREAS, Section 2-116.1 of the Miami-Dade County Code currently requires that any decision to include additional land within the Urban Development Boundary ("UDB"), or to designate any land located outside the UDB to an urban use, shall require a two-thirds vote of members of the Board of County Commissioners then in office; and

WHEREAS, to further strengthen this requirement, this Board's Charter Review Task Force recommended in 2012 amendment of the Miami-Dade County Home Rule Charter ("Charter") to require a two-thirds vote of members of the Board of County Commissioners then in office, to include additional land within the UDB established by the County's Comprehensive Development Master Plan ("CDMP"); and

WHEREAS, Miami-Dade County's electorate approved this Charter amendment by 68 percent of the vote; and

WHEREAS, HB 703 would preempt this provision of the Charter that requires a two-thirds vote of members of the Board of County Commissioners then in office to include additional land within the UDB; and

WHEREAS, HB 703, or similar legislation, would be inconsistent with the will of the County's electorate as expressed in the Charter, which presently provides for a two-thirds vote to expand the UDB; and

WHEREAS, HB 703 also includes a number of other provisions related to environmental permitting and land use that may preempt the County's local governmental authority, including:

- The County's authority to require a two-thirds vote of members of the Board present to make changes to a declaration of restrictions or covenant accepted in connection with a prior application to amend the CDMP, as set forth in Section 2-116.1 of the Miami-Dade County Code; and
- The County's authority to enforce wetlands, springs protection, and stormwater regulations following the non-substantive reorganization of Chapter 24 of the Miami-Dade County Code in December 2004; and

WHEREAS, this Board opposes the provisions included in HB 703 that would preempt or limit the County's regulatory authority in the above areas; and

WHEREAS, this Board wishes to express its opposition to HB 703 and any similar legislation,

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

Section 1. Opposes HB 703 or similar legislation that would preempt the provision of the Charter requiring a two-thirds vote of members of the Board of County Commissioners then in office to amend the CDMP to include additional land outside the UDB, and that would preempt other local government environmental permitting regulations and authority.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and Representative Jimmy Patronis.

Section 3. Directs the County's state lobbyists to advocate against the passage of HB 703, and similar legislation, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**absent**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
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	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 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.

James Eddie Kirtley