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

MEMORANDUM

Agenda Item No. 11(A)(15)

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

DATE: December 3, 2013

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

SUBJECT: Resolution urging the Florida Legislature to provide funding to offset the additional costs associated with the Legislature's enactment of Chapter 2013-227, Laws of Florida, re: public testimony; directing the Mayor to provide a report to the Board estimating the additional annual costs associated with Chapter 2013-227

Resolution No. R-1012-13

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/lmp

MEMORANDUM
(Revised)

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

DATE: December 3, 2013

FROM: R. A. Cuevas, Jr.
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SUBJECT: Agenda Item No. 11(A)(15)

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)(15)
12-3-13

RESOLUTION NO. R-1012-13

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PROVIDE FUNDING TO OFFSET THE ADDITIONAL COSTS ASSOCIATED WITH THE LEGISLATURE'S ENACTMENT OF CHAPTER 2013-227, LAWS OF FLORIDA, RE: PUBLIC TESTIMONY; DIRECTING THE MAYOR OR DESIGNEE TO PROVIDE A REPORT TO THE BOARD ESTIMATING THE ADDITIONAL ANNUAL COSTS ASSOCIATED WITH CHAPTER 2013-227

WHEREAS, court decisions in recent years 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 2010 session of the Florida Legislature, Senator Joe Negron (R – Palm City) filed SB 2158, which required all meetings of any state, county or municipal board to include an opportunity for members of the public to be heard before or during consideration of any agenda item on which an official act will be taken, subject to reasonable rules or policies adopted by the board or commission to ensure the orderly conduct of a public meeting; and

WHEREAS, SB 2158 died in committee during the 2010 session, but Senator Negron refiled the bill for consideration for consideration during the 2011 session as SB 310; and

WHEREAS, SB 310 died in committee during the 2011 session, but Senator Negron refiled the bill for consideration for consideration during the 2012 session as SB 206; and

WHEREAS, SB 206 passed the Senate but died in messages to the House when the House did not take up the bill before the end of the 2012 session; and

WHEREAS, Senator Negron refiled the bill as SB 50 for consideration during the 2013 session; and

WHEREAS, SB 50 passed both the House and Senate during the 2013 session and the Governor signed SB 50 into law on June 28, 2013; and

WHEREAS, SB 50 is now Chapter 2013-227, Laws of Florida; and

WHEREAS, Chapter 2013-227 went into effect on October 1, 2013, and requires members of the public to be given a reasonable opportunity to be heard on a proposition before a board or commission of any state, county or municipal agency or authority; and

WHEREAS, Chapter 2013-227 includes certain exceptions, and provides that such opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action if certain requirements are met; and

WHEREAS, Chapter 2013-227 does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting; and

WHEREAS, Chapter 2013-227 authorizes a board or commission to adopt reasonable rules or policies in accordance with such law governing the opportunity to be heard, and if a board or commission adopts reasonable rules and complies with them, the board or commission is deemed to be acting in compliance with Chapter 2013-227; and

WHEREAS, this Board supports and encourages public participation in meetings, but also supports making government as efficient and cost effective as possible for the taxpayers of Miami-Dade County; and

WHEREAS, Chapter 2013-227 could significantly increase the amount of time and therefore costs associated with conducting public meetings, including additional staff, security and energy costs; and

WHEREAS, this added cost is likely to be significant given that Chapter 2013-227 applies not only to the meetings of the Board of County Commissioners, but also to all other County boards; and

WHEREAS, the Florida Senate Appropriations Committee staff analysis of Chapter 2013-227 recognized the additional costs associated with this legislation, indicating that

> Governmental entities may incur additional meeting related expenses because longer meetings may be required when considering items of great public interest. The amount of those potential expenses is indeterminate and will vary depending on the magnitude of each issue and the specific associated meeting requirements; and

WHEREAS, the Florida Legislature, while imposing additional mandates on local governments in enacting Chapter 2013-227, did not provide any additional funding to offset the higher costs associated with Chapter 2013-227 ; and

WHEREAS, this Board would urge the Florida Legislature to provide funding to offset the additional costs associated with the Legislature's enactment of Chapter 2013-227 re: public testimony,

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 provide funding to offset the additional costs associated with the Legislature's enactment of Chapter 2013-227 re: public testimony.

Section 2. Directs the Mayor or designee to provide a report estimating the additional annual costs associated with Chapter 2013-227 within 90 days of the effective date of this resolution for placement on an agenda of the full Board, without committee review.

Section 3. 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 4. 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 **Lynda Bell**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of December, 2013. 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