

# MEMORANDUM

Agenda Item No. 5(B)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** (Public Hearing: 10-18-22)  
September 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to procedures for municipal boundary changes for annexations; amending section 20-6 of the Code; requiring minutes or summation of Planning Advisory Board public hearing and discussion on municipal boundary change applications to be provided to the Board of County Commissioners as part of County Mayor's recommendation; making technical change

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/gh

# Memorandum



**Date:** October 18, 2022

**To:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive, flowing style.

**Subject:** Fiscal Impact Statement for Ordinance Relating to Procedures for Municipal Boundary Changes Amending Section 20-6


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The proposed ordinance requires the County Mayor's recommendation to the Board include the minutes or a summary of the Planning Advisory Board public hearings and discussions. The implementation of this ordinance will not have a fiscal impact on the general fund. The additional task can be performed by existing staff.

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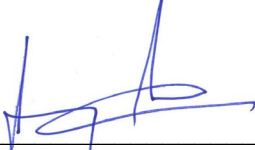
Jimmy Morales  
Chief Operations Officer

**Date:** October 18, 2022  
**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners  
**From:** Daniella Levine Cava   
Mayor  
**Subject:** Social Equity Statement for Ordinance Relating to Procedures for Municipal Boundary  
Changes for Annexations

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The proposed ordinance amends Section 20-6 of the Code of Miami-Dade County (Code), to require that the Minutes or a Summation of Planning Advisory Board Public hearings be provided as part of the County Mayor’s recommendations pertaining to municipal boundary changes, such as annexations.

The intent of the proposed ordinance is to make the hearing information more accessible to the public by providing information regarding the hearing proceedings. No other particular social equity benefit or burden can be determined.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** October 18, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(B)

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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. 5(B)  
10-18-22

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO PROCEDURES FOR MUNICIPAL BOUNDARY CHANGES FOR ANNEXATIONS; AMENDING SECTION 20-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING MINUTES OR SUMMATION OF PLANNING ADVISORY BOARD PUBLIC HEARING AND DISCUSSION ON MUNICIPAL BOUNDARY CHANGE APPLICATIONS TO BE PROVIDED TO THE BOARD OF COUNTY COMMISSIONERS AS PART OF COUNTY MAYOR'S RECOMMENDATION; MAKING TECHNICAL CHANGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, in Miami-Dade County, municipal boundary changes, also referred to as annexations, are governed exclusively by the Miami-Dade County Home Rule Charter and chapter 20 of the Code of Miami-Dade County (the "Code"); and

**WHEREAS**, pursuant to section 20-5 of the Code, the Board of County Commissioners ("Board") may, in its discretion, refer certain annexation applications to the Miami-Dade County Planning Advisory Board ("PAB") for review, study, consideration, and recommendations; and

**WHEREAS**, pursuant to section 20-6 of the Code, the PAB holds a public hearing on an annexation application that has been referred by the Board and, after such public hearing, the PAB provides recommendations to the Board regarding whether the annexation request should be approved, deferred, or denied; and

**WHEREAS**, pursuant to section 20-7 of the Code, the Board then considers the PAB's recommendations when the Board conducts its public hearing on an annexation application; and

**WHEREAS**, although the Board reviews and considers the PAB's recommendations, which are typically in the form of a PAB resolution, the Code does not require the minutes of the PAB's public hearing to be provided to the Board, and typically the County Mayor's memorandum regarding the proposed boundary change has not included such minutes; and

**WHEREAS**, the Board now wishes to require that the County Mayor's recommendation to the Board regarding the proposed boundary change also include the minutes or a summation of the PAB public hearing and PAB discussion on the respective annexation application,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** The foregoing recitals are approved and incorporated herein.

**Section 2.** Section 20-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 20-6. Consideration by Planning Advisory Board.**

- (a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein. The Planning Advisory Board shall conduct a public hearing in respect to such proposed boundary changes and hear from all interested persons and any municipality. The Planning Advisory Board may require the petitioners or the municipality to furnish any additional information, data or instruments deemed necessary or desirable for consideration of such request. The Planning Advisory Board shall give written notice of such public hearing to all owners of property within the area and within six hundred (600) feet thereof. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change. In notifying area residents of a public

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

hearing to consider an annexation application, written courtesy notices of said public hearing shall be mailed to any adjacent municipality. In the event any municipality other than the municipality initiating the proposed boundary change appears before the Planning Advisory Board claiming to be materially affected by the proposed boundary change, the Planning Advisory Board recommendations shall include the reason the municipality is materially affected, how the municipality's concerns affect the application, and a recommendation on how the Board of County Commissioners should address the materially affected municipality's concern.

Before the Planning Advisory Board studies and reviews the request, the annexation report will be reviewed by the appropriate County personnel. The statements contained in the annexation report pertaining to the quality, quantity, cost and timing of the services the municipality will extend to the areas requested for annexation will be reviewed by the appropriate County department to determine if the services proposed are adequate. The statements pertaining to the financing of the services and analysis of the tax load on the area to be annexed will be reviewed by the Miami-Dade County Budget Officer. Upon completion of these reviews, the entire application will be reviewed in accordance with this section by the Planning Advisory Board and then forwarded to the County >>Mayor's<< [[Manager's]] office for review and recommendation prior to submittal to the Board of County Commissioners for >>its<<[[their]] consideration. >>The minutes or a summation of the public hearing and discussion held before the Planning Advisory Board shall be included with the County Mayor's recommendation to the Board of County Commissioners regarding the proposed boundary change.<<

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**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

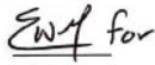
**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and

be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



James Eddie Kirtley  
Monica Rizo Perez  
Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Sally A. Heyman