

# MEMORANDUM

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

**DATE:** March 3, 2026

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

**SUBJECT:** Resolution opposing House Bill (HB) 399, and similar or related legislation, which could under certain circumstances preempt local governing board vote requirements on applications to amend local government comprehensive plans and which would require the state to conduct a study related to the Urban Development Boundary in Miami-Dade County

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/ks

MDC001



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Anthony Rodriguez  
and Members, Board of County Commissioners

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County Attorney

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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**
- 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 \_\_\_\_, majority plus one \_\_\_\_, 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) \_\_\_\_, 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. 11(A)(4)  
3-3-26

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OPPOSING HOUSE BILL (HB) 399, AND SIMILAR OR RELATED LEGISLATION, WHICH COULD UNDER CERTAIN CIRCUMSTANCES PREEMPT LOCAL GOVERNING BOARD VOTE REQUIREMENTS ON APPLICATIONS TO AMEND LOCAL GOVERNMENT COMPREHENSIVE PLANS AND WHICH WOULD REQUIRE THE STATE TO CONDUCT A STUDY RELATED TO THE URBAN DEVELOPMENT BOUNDARY IN MIAMI-DADE COUNTY

**WHEREAS**, House Bill (HB) 399 was filed for consideration during the Florida Legislature’s 2026 session by Representative David Borrero (R - Doral); and

**WHEREAS**, HB 399 relates generally to land use and development, including local governments’ comprehensive plans; and

**WHEREAS**, for example, HB 399 includes a provision that provides, “[n]otwithstanding any provision of a county charter, the exclusive method for the transmittal and adoption of an amendment to the future land use element of a comprehensive plan must be by affirmative vote of a majority of the members of the governing body present at the hearing;” and

**WHEREAS**, for amendments to the Miami-Dade County Comprehensive Development Master Plan (CDMP), a vote of the majority of members of the Board of County Commissioners present at a meeting would be less than what is currently required today by the Code of Miami-Dade County for the transmittal or adoption of any amendment to the County’s CDMP; and

**WHEREAS**, currently, any amendment to the County’s CDMP would require an affirmative vote of at least seven members of the Board of County Commissioners, based on the number of commissioners then in office; and

**WHEREAS**, in addition, for certain types of amendments to the County's CDMP, a super majority vote would be required, and for example, an affirmative vote of two-thirds of the Board of County Commissioners then in office would be required for Urban Development Boundary (UDB) related amendments that would include additional land within the UDB; and

**WHEREAS**, the various County vote requirements for amendments to the County's CDMP are provided in the Code of Miami-Dade County, the CDMP, and, with respect to amendments to the CDMP which would include additional land within the UDB, in the Miami-Dade County Home Rule Charter; and

**WHEREAS**, in addition, section 5 of HB 399 directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study to identify the effect of removing the UDB or similar boundaries in Miami-Dade County and other counties, and requiring that the results of such study be provided to the President of the Senate and the Speaker of the House; and

**WHEREAS**, section 5 further provides that the requested study shall, among other things, "[a]ddress whether counties may still control growth through other zoning and land use designations," and, "[a]nalyze whether local counties can still protect the environment and water quality without having a UDB or similar boundary within their jurisdictions;" and

**WHEREAS**, HB 399 may limit certain local government authority with respect to land use matters, such as comprehensive plans and urban development boundaries; and

**WHEREAS**, accordingly, Miami-Dade County opposes HB 399,

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

**Section 1.** Opposes House Bill (HB) 399, and similar or related legislation, which among other provisions, could under certain circumstances preempt local governments from requiring more than an affirmative vote of members present of the local governing body, for the transmittal or adoption of amendments to local government comprehensive plans such as the Miami-Dade County CDMP, and which requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study related to the urban development boundary (UDB) and similar boundaries in Miami-Dade County and other jurisdictions.

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

**Section 3.** Directs the County's state lobbyists to oppose the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2026 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman  
Kionne L. McGhee, Vice Chairman  
Marleine Bastien  
Sen. René García  
Roberto J. Gonzalez  
Danielle Cohen Higgins  
Natalie Milian Orbis  
Micky Steinberg  
Juan Carlos Bermudez  
Oliver G. Gilbert, III  
Keon Hardemon  
Vicki L. Lopez  
Raquel A. Regalado

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of March, 2026. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Abbie Schwaderer-Raurell