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

MEMORANDUM

Agenda Item No. 11(A)(7)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	February 19, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution opposing SB 718 or similar legislation that would require the notice of any public meeting to include a specific description of each matter to be considered at such meeting and prohibit a board or commission from acting on any matter at a public meeting which was not included in the notice of such meeting Resolution No. R-182-14

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/cp

MEMORANDUM

(Revised)

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

DATE: February 19, 2014

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

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
2-19-14

RESOLUTION NO. R-182-14

RESOLUTION OPPOSING SB 718 OR SIMILAR LEGISLATION THAT WOULD REQUIRE THE NOTICE OF ANY PUBLIC MEETING TO INCLUDE A SPECIFIC DESCRIPTION OF EACH MATTER TO BE CONSIDERED AT SUCH MEETING AND PROHIBIT A BOARD OR COMMISSION FROM ACTING ON ANY MATTER AT A PUBLIC MEETING WHICH WAS NOT INCLUDED IN THE NOTICE OF SUCH MEETING

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 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 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 requires members of the public to be given a reasonable opportunity to be heard on any proposition before a board or commission of any state, county or municipal agency or authority; and

WHEREAS, SB 50 is now Chapter 2013-227, Laws of Florida, and went into effect on October 1, 2013; and

WHEREAS, the effort to regulate the proceedings of local governments and boards appears to have gone a step further for the 2014 session; and

WHEREAS, Senator John Legg (R – Lutz) has filed SB 718 for consideration during the 2014 state legislative session; and

WHEREAS, SB 718 would amend section 286.011, Florida Statutes, the Sunshine Law statute, to require the notice of any public meeting before a board or commission of an agency or authority of the state or a local government to include a specific description of each matter to be considered at such meeting; and

WHEREAS, SB 718 would further amend section 286.011, Florida Statutes, to prohibit a board or commission of an agency or authority of the state or a local government from acting on any matter at a public meeting which was not included in the notice of such meeting; and

WHEREAS, SB 718 does include a limited exception, which applies if the matter concerns an impending public health, safety, welfare, or other emergency that requires immediate action and the consideration of the matter is approved by a supermajority of the members of the board or commission; and

WHEREAS, this Board supports and encourages reasonable notice to the public of matters to be considered at meetings, but also supports making government as efficient and responsive as possible for the taxpayers of Miami-Dade County; and

WHEREAS, notwithstanding the limited exception in SB 718, the bill could impede the ability of local governments to react quickly and effectively to matters that arise and require action; and

WHEREAS, SB 718 could also impede the ability of local governments to amend proposed legislation on the floor of the board or commission chamber, as well as delay the ability of local governments to allocate discretionary funds to various non-profit, community-based organizations to meet local needs; and

WHEREAS, with a population of over 2.5 million residents and an annual budget of nearly $6 billion, Miami-Dade County is the most populous county in the State of Florida, the eighth most populous county in the United States, and more populous than 15 states and the District of Columbia; and

WHEREAS, the 25 departments within Miami-Dade County operate and maintain a wide array of public services, including Miami International Airport, PortMiami, the Public Health Trust, Metrorail and Metromover, ZooMiami, the Adrienne Arsht Center for the Performing Arts of Miami-Dade County, and several art and history museums; and

WHEREAS, the limiting effects of SB 718 were it to pass are likely to be significant given that SB 718 applies not only to the meetings of the Board of County Commissioners, but also to all other County boards; and

WHEREAS, this Board desires to express its significant concerns related to SB 718,

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

Section 1. Opposes SB 718 or similar legislation that would require the notice of any public meeting to include a specific description of each matter to be considered at such meeting and prohibit a board or commission of an agency or authority of the state or a local government from acting on any matter at a public meeting which was not included in the notice of such meeting.

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

Section 3. Directs the County's state lobbyists to advocate against SB 718 or similar legislation that would require the notice of any public meeting to include a specific description of each matter to be considered at such meeting and prohibit a board or commission of an agency or authority of the state or a local government from acting on any matter at a public meeting which was not included in the notice of such meeting, and directs the Office of Intergovernmental Affairs to amend the 2014 state legislative package that has been presented to the Board to include this item.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman**, 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	**aye**		
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day 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. MJM

Michael J. Mastrucci