

MEMORANDUM

Agenda Item No. 11(A)(28)

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

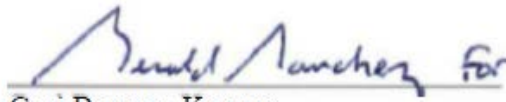
DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation decreasing the sound level limit for operating motor vehicles and increasing the penalties for violations of such sound level limits; urging the Department of Environmental Protection to take the necessary steps to establish measurement procedures for ensuring compliance with such sound level limits

Resolution No. R-377-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.


Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

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

DATE: April 20 , 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(28)

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. 11(A)(28)
4-20-21

RESOLUTION NO. R-377-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION DECREASING THE SOUND LEVEL LIMIT FOR OPERATING MOTOR VEHICLES AND INCREASING THE PENALTIES FOR VIOLATIONS OF SUCH SOUND LEVEL LIMITS; URGING THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO TAKE THE NECESSARY STEPS TO ESTABLISH MEASUREMENT PROCEDURES FOR ENSURING COMPLIANCE WITH SUCH SOUND LEVEL LIMITS

WHEREAS, Florida law, including sections 316.293 and 316.272 of the Florida Statutes, currently provides for the control of motor vehicle noise and the prevention of any excessive or unusual noise; and

WHEREAS, however, noise pollution remains an issue, and, as it increases, so does the need for increased control; and

WHEREAS, inadequately controlled noise presents a growing danger to the health and welfare of Florida's population, particularly in urban areas such as Miami-Dade County; and

WHEREAS, motor vehicles are a major contributor to noise pollution in our community; and

WHEREAS, further reducing motor vehicle noise will assist in more efficiently controlling noise pollution; and

WHEREAS, this Board desires to promote an environment for all Floridians free from excessive noise that jeopardizes their health or welfare; and

WHEREAS, as such, this Board wishes to urge the Florida legislature to enact legislation decreasing the sound level limit for operating motor vehicles and increasing the penalties for violations of such sound level limits; and

WHEREAS, in addition, this Board believes it is necessary for the Department of Environmental Protection to establish measurement procedures for ensuring compliance with such sound level limits, in cooperation with the Department of Highway Safety and Motor Vehicles,

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 enact legislation that would decrease the sound level limit for operating motor vehicles and increase the penalties for violations of such sound level limits.

Section 2. Urges the Department of Environmental Protection to take the necessary steps to establish measurement procedures for ensuring compliance with such sound level limits, in cooperation with the Department of Highway Safety and Motor Vehicles.

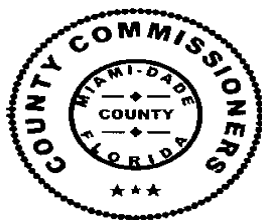
Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, and the Secretary of the Florida Department of Environmental Protection.

Section 4. Directs the County's state lobbyists to advocate for the actions set forth in sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item and to include this item in the 2022 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 2021. 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

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RC

Ryan Carlin