

MEMORANDUM

Agenda Item No. 11(A)(19)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution opposing Senate Bill 346, House Bill 383, and any similar legislation that would preempt Miami-Dade County from imposing certain wage, staffing, or local preference requirements in any competitively solicited construction services contract

Resolution No. R-228-23

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



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(19)

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)(19)
3-7-23

RESOLUTION NO. _____ R-228-23

RESOLUTION OPPOSING SENATE BILL 346, HOUSE BILL 383, AND ANY SIMILAR LEGISLATION THAT WOULD PREEMPT MIAMI-DADE COUNTY FROM IMPOSING CERTAIN WAGE, STAFFING, OR LOCAL PREFERENCE REQUIREMENTS IN ANY COMPETITIVELY SOLICITED CONSTRUCTION SERVICES CONTRACT

WHEREAS, during the 2021 legislative session, the Florida Legislature enacted, and the Governor approved, amendments to Florida law which provided that, except as otherwise required by federal or state law, in any competitive solicitation for construction services paid for, in whole or in part, with state-appropriated funds, a political subdivision of the state may not prevent a certified contractor or subcontractor from participating in the bidding process based on the contractor or subcontractor maintaining an office, hiring employees from, or paying taxes within a particular local jurisdiction; and

WHEREAS, in addition to the above, said construction service contracts were redefined under law as “public works projects” to describe a construction, maintenance, repair, renovation, remodeling, or improvement to any building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility or portion thereof owned in whole or in part by any political subdivision and which exceeds \$1,000,000.00 in value and is paid for, in whole or in part, with any state-appropriated funds; and

WHEREAS, limitations on said public works projects also included requirements that political subdivisions do not require contractors or subcontractors engaged in the project to (1) pay employees a predetermined amount of wages or prescribe a certain wage rate; (2) provide

employees a specified type, amount, or rate of employee benefits; (3) control, limit, or expand staffing; and (4) recruit, train, or hire employees from a designated, restricted, or single source; and

WHEREAS, Representative Philip Wayne “Griff” Griffiths, Jr. (R – Panama City) and Senator Nick DiCeglie (R – St. Petersburg) introduced House Bill (“HB”) 383 and Senate Bill (“SB”) 346, respectively, for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, HB 383 and SB 346 would amend the definition of “public works project” to remove both the requirement that such construction project exceed \$1,000,000.00 in value and that it is paid for, in whole or in part, with state-appropriated funds; and

WHEREAS, removing these two requirements would result in any County construction projects, of any value, whether paid for with local or state-appropriated funds, being subject to the extensive limitations described above; and

WHEREAS, County programs which may be affected by the passage of HB 383 and SB 346 include the County’s:

- (1) Responsible Wages & Benefits ordinance which establishes a requirement for minimum payment of wages to employees performing work on County construction contracts valued over \$100,000.00 and privately-funded construction on County-owned land;
- (2) Small Business Enterprise Program & Miscellaneous Construction Contracts Program which provides a 100 percent set-aside for certified Small Business Enterprise-Construction contractors; and

- (3) Community Workforce Program which requires that a County-awarded contractor or subcontractor must hire 10 percent of its labor force from within a Designated Target Area (“DTA”) when the construction project or work order is located within the DTA;
- (4) Residents First program which requires contractors and subcontractors on County contracts over \$1,000,000.00 in value to make reasonable efforts to have 51 percent of all construction labor hours performed by Miami-Dade County residents; and
- (5) Employ Miami-Dade program which requires contractors and subcontractors on County contracts valued over \$1,000,000.00 to make reasonable efforts to fill at least 20 percent of labor workforce from the Employ Miami-Dade Register through CareerSource South Florida; and

WHEREAS, each of these programs is immensely important to the County and helps to ensure that the residents of our community benefit from construction services projects undertaken in our neighborhoods; and

WHEREAS, this Board strongly opposes legislation which would preempt the County from deciding how to best manage construction projects within its boundaries and prevent those who live in our community from potential job opportunities and receipt of fair wages,

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

Section 1. Opposes Senate Bill 346, House Bill 383, and any similar legislation that would preempt Miami-Dade County from imposing certain wage, staffing, or local preference requirements in any competitively solicited construction services contract.

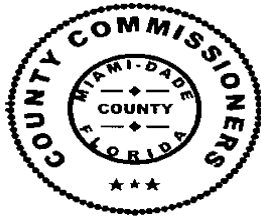
Section 2. Directs the Clerk of the Board to send a certified copy of this resolution to Governor Ron DeSantis, Senate President Kathleen C. Passidomo, House Speaker Paul Renner, Senator Nick DiCeglie, Representative Philip Wayne “Griff” Griffiths, Jr., and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate against the legislation set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Javier Zapata