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

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: April 18, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact Senate Bill
1368, House Bill 1367, or similar
legislation prohibiting the
dumping of litter in or on any
water control district property or
canal right-of-way

Resolution No. R-374-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM

(Revised)

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

DATE: April 18, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
4-18-23

RESOLUTION NO. _____ R-374-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SENATE BILL 1368, HOUSE BILL 1367, OR SIMILAR
LEGISLATION PROHIBITING THE DUMPING OF LITTER IN
OR ON ANY WATER CONTROL DISTRICT PROPERTY OR
CANAL RIGHT-OF-WAY

WHEREAS, the illegal dumping of litter causes various problems in Miami-Dade County (the “County”), including negative environmental impacts, decreased property values, and increased enforcement and cleanup costs incurred by the County; and

WHEREAS, this Board has previously recognized the importance of preventing illegal dumping violations; and

WHEREAS, on December 5, 2017, this Board adopted Resolution No. R-1201-17, which directed the County Mayor or County Mayor’s designee to create an Illegal Dumping Task Force to advise this Board and the County Mayor regarding illegal dumping issues in the County; and

WHEREAS, on July 10, 2019, in response to the Illegal Dumping Task Force’s recommendations, this Board adopted Resolution No. R-766-19, requesting that the County Mayor or County Mayor’s designee dedicate additional law enforcement resources to combat illegal dumping; and

WHEREAS, the Florida Litter Law, codified in section 403.413, Florida Statutes, prohibits the unauthorized dumping of litter on any public property, private property, and in any bodies of water; and

WHEREAS, Senate Bill (SB) 1368 and House Bill (HB) 1367 have been filed for consideration during the Florida Legislature’s 2023 session by Senator Tom A. Wright (R – Port Orange) and Representative Thad Altman (R – Indian Harbour Beach), respectively; and

WHEREAS, SB 1368 and HB 1367 amend section 403.413 to prohibit the dumping of litter in or on any water control district property or canal right-of-way without prior consent of the district; and

WHEREAS, these bills further provide that when litter is thrown or discarded from a boat, the operator or owner of the boat, or both, are deemed in violation of this prohibition; and

WHEREAS, the bills require a water control district board member or district manager to report an unlawful dumping upon discovery of such dumping to the appropriate law enforcement agency with jurisdiction over the district, and authorize law enforcement officers to enter the district canal right-of-way, property, or facility to respond to such incident; and

WHEREAS, additionally, SB 1368 and HB 1367 revise the definition of the term “posted land” under chapter 810 of the Florida Statutes, relating to burglary and trespass, to include land owned by a water control district that has “no trespassing” signs placed at specified points; and

WHEREAS, this Board wishes to support legislation that protects water control district properties and canal rights-of-way from litter and pollution,

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 Senate Bill 1368, House Bill 1367, or similar legislation prohibiting the dumping of litter in or on any water control district property or canal right-of-way.

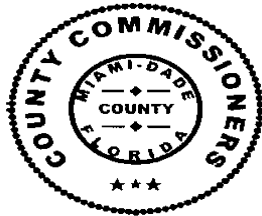
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, Senator Tom A. Wright, Representative Thad Altman, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the legislation described 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 Juan Carlos Bermudez. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** 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	aye
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 18th day of April, 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "CMR", is written over a horizontal line.

Cristina M. Rabionet