

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: October 17, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact House Bill 47, Senate Bill 104, or similar legislation that would require municipal water and sewer utilities to provide services to certain consumers residing outside the municipal utility's boundaries at the same rates, fees, and charges as those charged to the residents of the municipality

Resolution No. R-929-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: October 17, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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)(4)
10-17-23

RESOLUTION NO. R-929-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HOUSE BILL 47, SENATE BILL 104, OR SIMILAR LEGISLATION THAT WOULD REQUIRE MUNICIPAL WATER AND SEWER UTILITIES TO PROVIDE SERVICES TO CERTAIN CONSUMERS RESIDING OUTSIDE THE MUNICIPAL UTILITY'S BOUNDARIES AT THE SAME RATES, FEES, AND CHARGES AS THOSE CHARGED TO THE RESIDENTS OF THE MUNICIPALITY

WHEREAS, in 1998, the Florida Legislature enacted chapter 98-15, Laws of Florida, which amended section 180.191, Florida Statutes, to remove the prohibition on cities located in constitutional home rule charter counties that operate a water and sewer utility from adding a surcharge to water and sewer charges for consumers residing outside such cities' boundaries; and

WHEREAS, since the 1998 legislative change, some municipal utilities within the State have imposed a surcharge for services provided to consumers who reside outside such municipalities' boundaries; and

WHEREAS, on September 18, 2023, Representative Felicia Simone Robinson (D – Miami Gardens) filed House Bill 47 ("HB 47") for consideration during the 2024 session of the Florida Legislature; and

WHEREAS, on October 4, 2023, Senator Shevrin D. "Shev" Jones (D – Miami Gardens) filed Senate Bill 104 ("SB 104"), the Senate companion bill to HB 47, for consideration during the 2024 session of the Florida Legislature; and

WHEREAS, both HB 47 and SB 104 aim to amend section 180.191, Florida Statutes, to require municipal water and sewer utilities to provide services to customers residing in another municipality at the same rates, fees, and charges as customers receiving such services who reside

within the municipal utility's boundaries if the municipal utility's facilities are located within the recipient municipality's boundaries; and

WHEREAS, this Board previously adopted Resolution No. R-114-23 during the 2023 session of the Florida Legislature expressing support for the passage of similar legislation; and

WHEREAS, this Board would like to express its support for the passage of HB 47, SB 104, or similar legislation,

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 HB 47, SB 104, or similar legislation that would require municipal water and sewer utilities to provide services to customers residing in another municipality at the same rates, fees, and charges as customers receiving such services who reside within the municipal utility's boundaries if the municipal utility's facilities are located within the recipient municipality's boundaries.

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 Felicia Simone Robinson, Senator Shevrin D. "Shev" Jones, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the actions set forth in section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2024 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Danielle Cohen Higgins** , 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	absent		
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 17th day of October, 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jose I. Ortega