



**ADD-ON AGENDA  
NORTH MIAMI CITY COUNCIL**

**Regular Council Meeting**

**Tuesday, March 28, 2017  
7:00 P.M.**

**ADDITION(S) TO MARCH 28, 2017 COUNCIL AGENDA:**

Honorable Mayor and City Council Members, I respectfully request that the item(s) below be added UNDER:

**9. PUBLIC HEARINGS – RESOLUTIONS, ORDINANCES, ZONING, LAND USE ITEMS, ETC.**

**9. A. RESOLUTIONS**

**[TAB G-1]**

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING THE APPROVAL OF HB 13 AND SB 1770 BY THE FLORIDA HOUSE OF REPRESENTATIVES AND SENATE, RESPECTIVELY; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

*Sponsored by: Councilman Alix Desulme*

**[TAB G-2]**

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING HOUSE BILL 17 (HB 17) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION THAT WOULD PREEMPT THE LOCAL REGULATION OF BUSINESSES, PROFESSIONS, AND OCCUPATIONS TO THE STATE BY PROHIBITING LOCAL GOVERNMENTS FROM IMPOSING OR ADOPTING CERTAIN RULES, REGULATIONS, LICENSES, PERMITS, OR REQUIREMENTS, AND ANY ASSOCIATED FEES; THAT WOULD SUNSET EXISTING LOCAL REGULATIONS; OR THAT WOULD LIMIT LOCAL GOVERNMENTS IN MODIFYING OR IMPOSING ADDITIONAL REGULATIONS ON BUSINESSES, PROFESSIONS, AND OCCUPATIONS.

*Sponsored by: Councilman Alix Desulme*

**[TAB G-3]**

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING SENATE BILL 330 (SB 330) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION LIMITING THE GOVERNING BODIES OF COUNTIES AND MUNICIPALITIES TO IMPOSE THE LOCAL BUSINESS TAX FEE TO \$ 25.00. ALSO PROHIBITING CITIES AND COUNTIES FROM LEVYING LOCAL BUSINESS TAX IF THE TAX WAS NOT ADOPTED BY JANUARY 1, 2017. THE BILL FURTHER CREATES NEW EXEMPTIONS, AS OF JULY 1, 2016, FROM THE LOCAL BUSINESS TAX FOR VETERANS, A SURVIVING SPOUSE OF A VETERAN, THE SPOUSE OF ACTIVE DUTY MILITARY, AN INDIVIDUAL WHO IS RECEIVING PUBLIC ASSISTANCE OR AN INDIVIDUAL WHOSE HOUSEHOLD INCOME IS LESS THAN 130 PERCENT OF THE FEDERAL POVERTY LEVEL.

*Sponsored by: Councilman Alix Desulme*

Thank you,

Larry M. Spring, Jr., City Manager

c: Jeff P.H. Cazeau, Esq., City Attorney  
Michael A. Etienne, Esq., City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING THE APPROVAL OF HB 13 AND SB 1770 BY THE FLORIDA HOUSE OF REPRESENTATIVES AND SENATE, RESPECTIVELY; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.**

**WHEREAS**, the City of North Miami (“City”) established the North Miami Community Redevelopment Agency (“CRA”) to promote and enhance the quality of life in the City by eliminating and preventing slum and blighted conditions in the Community Redevelopment Area through redevelopment activities and projects pursuant to Part III of Chapter 163, Florida Statutes, known as the Community Redevelopment Act of 1969 (the “Act”); and

**WHEREAS**, during the current legislative session, HB 13 and SB 1770 (collectively, the “Bills”) were introduced; and

**WHEREAS**, the Bills propose changes to the Act that have pernicious and injurious effects that will prevent community redevelopment agencies, in general, and the City’s CRA, in particular, from fulfilling the statutory mission of eliminating and preventing slum and blighted conditions through redevelopment activities and projects; and

**WHEREAS**, the Mayor and City Council of the City of North Miami oppose the approval of the Bills.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Mayor and City Council Recommendation.** The Mayor and City Council oppose the approval of HB 13 and SB 1770 by the Florida House of Representatives and Senate, respectively.

**Section 2. Authority of City Manager.** The City Manager is authorized to take reasonable and necessary steps to oppose said approval including transmittal of this Resolution to the appropriate State officials, and directing City lobbyists to take appropriate action.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN DESULME

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Scott Galvin  
Councilwoman Carol Keys, Esq.  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING HOUSE BILL 17 (HB 17) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION THAT WOULD PREEMPT THE LOCAL REGULATION OF BUSINESSES, PROFESSIONS, AND OCCUPATIONS TO THE STATE BY PROHIBITING LOCAL GOVERNMENTS FROM IMPOSING OR ADOPTING CERTAIN RULES, REGULATIONS, LICENSES, PERMITS, OR REQUIREMENTS, AND ANY ASSOCIATED FEES; THAT WOULD SUNSET EXISTING LOCAL REGULATIONS; OR THAT WOULD LIMIT LOCAL GOVERNMENTS IN MODIFYING OR IMPOSING ADDITIONAL REGULATIONS ON BUSINESSES, PROFESSIONS, AND OCCUPATIONS.**

**WHEREAS**, House Bill 17 (HB 17) was filed for consideration during the Florida Legislature’s 2017 Session by Representative Randy Fine (R - Palm Bay), and is co-sponsored by Representative Paul Renner (R - Palm Coast); and the City of North Miami (“City”) established the North Miami Community Redevelopment Agency (“CRA”) to promote and enhance the quality of life in the City by eliminating and preventing slum and blighted conditions in the Community Redevelopment Area through redevelopment activities and projects pursuant to Part III of Chapter 163, Florida Statutes, known as the Community Redevelopment Act of 1969 (the “Act”); and

**WHEREAS**, on February 22, 2017, the Careers & Competition Subcommittee of the House Commerce Committee voted favorably on a similar Committee Substitute Bill (CS/HB 17); and

**WHEREAS**, CS/HB 17 would expressly preempt the local regulation of businesses, professions, and occupations to the State of Florida by prohibiting local governments from imposing or adopting certain rules, regulations, licenses, permits, or requirements, and any associated fees; and

**WHEREAS**, CS/HB 17 would supersede all local government regulations on businesses, professions, and occupations, even those regulations adopted prior to January 1, 2017, if they were

adopted without general law authority; moreover, such pre-existing regulations would expire July 1, 2020; and

**WHEREAS**, under CS/HB 17, even if a local government had enacted a business regulation authorized by general law prior to January 1, 2017, the existing regulation could not be amended to impose additional regulations on business, professions, or occupations; moreover, a local government could not modify such regulation, except to repeal or reduce the regulation; and

**WHEREAS**, in addition, a local regulation not authorized under the CS/HB 17, or expressly authorized by general law, would be a nullity and not enforceable; and

**WHEREAS**, CS/HB 17, and any similar or substitute legislation, would have far-reaching negative impacts upon local governments throughout the State and would severely limit their ability to tailor local laws to their community needs, would sunset current laws, and would prevent the enactment of new laws that address, among other things, fair wages, human rights, environmental protections, and neighborhood quality-of-life; and

**WHEREAS**, the Mayor and City Council strongly oppose CS/HB 17 and any similar or substitute legislation that would preempt the local regulation of businesses, professions, and occupations to the State of Florida, sunset existing local regulations, or that would limit local governments in modifying or imposing additional regulations.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.**     **Mayor and City Council Recommendation.** The Mayor and City Council hereby oppose House Bill 17 and any similar or substitute legislation that would preempt the local regulation of businesses, professions, and occupations to the State by prohibiting local governments from imposing or adopting certain rules, regulations, licenses, permits, or requirements, and any associated fees; that would sunset existing local regulations; or that would limit local governments in modifying or imposing additional regulations on businesses, professions, and occupations.

**Section 2.**     **Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN DESULME

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

- Mayor Smith Joseph, D.O., Pharm. D.
- Vice Mayor Scott Galvin
- Councilwoman Carol Keys, Esq.
- Councilman Philippe Bien-Aime
- Councilman Alix Desulme

- \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)
- \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)
- \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)
- \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)
- \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING SENATE BILL 330 (SB 330) AND ANY SIMILAR OR SUBSTITUTE LEGISLATION LIMITING THE GOVERNING BODIES OF COUNTIES AND MUNICIPALITIES TO IMPOSE THE LOCAL BUSINESS TAX FEE TO \$ 25.00. ALSO PROHIBITING CITIES AND COUNTIES FROM LEVYING LOCAL BUSINESS TAX IF THE TAX WAS NOT ADOPTED BY JANUARY 1, 2017. THE BILL FURTHER CREATES NEW EXEMPTIONS, AS OF JULY 1, 2016, FROM THE LOCAL BUSINESS TAX FOR VETERANS, A SURVIVING SPOUSE OF A VETERAN, THE SPOUSE OF ACTIVE DUTY MILITARY, AN INDIVIDUAL WHO IS RECEIVING PUBLIC ASSISTANCE OR AN INDIVIDUAL WHOSE HOUSEHOLD INCOME IS LESS THAN 130 PERCENT OF THE FEDERAL POVERTY LEVEL.**

**WHEREAS**, Senate Bill 330 (SB 330) by Senator Stuebe was filed on 1/10/17. The bill proposes restrictions and limitations on local governments with regards to local business taxes. HB 487 by Rep. Renner has filed similar legislation in the Florida House; and

**WHEREAS**, Senate Bill 330 seeks to significantly restrict the City's ability to levy new business tax receipts, and to limit the amount of each business tax receipt to \$25.00 per taxpayer; and

**WHEREAS**, Senate Bill 330 is inconsistent with the concept of home rule in that each municipality determines levels of service to support businesses, as well as the appropriate level of local taxes utilized to provide the services; and

**WHEREAS**, Senate Bill 330, and any similar or substitute legislation, would have far-reaching negative impacts upon local governments throughout the State and would severely limit their ability to tailor local laws to their community needs, would sunset current laws, and would prevent the enactment of new laws that address, among other things, fair wages, human rights, environmental protections, and neighborhood quality-of-life; and

**WHEREAS**, the Mayor and City Commission strongly oppose Senate Bill 330 and any similar or substitute legislation that would preempt the local regulation of businesses, professions,



and occupations to the State of Florida, sunset existing local regulations, or that would limit local governments in modifying or imposing additional regulations.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1.**      **Mayor and City Council Recommendation.** The Mayor and City Council hereby oppose Senate Bill 330 and any similar or substitute legislation that would preempt the local regulation of businesses, professions, and occupations to the State by prohibiting local governments from imposing or adopting certain rules, regulations, licenses, permits, or requirements, and any associated fees; that would sunset existing local regulations; or that would limit local governments in modifying or imposing additional regulations on businesses, professions, and occupations.

**Section 2.**      **Effective Date.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: COUNCILMAN DESULME

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Scott Galvin  
Councilwoman Carol Keys, Esq.  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

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\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)