



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Board of County Commissioners Meeting**

October 20, 2015  
9:30 A.M.  
Commission Chamber

**Research Division**

Charles Anderson, CPA  
Commission Auditor  
111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Board of County Commissioners  
October 20, 2015 Meeting  
Research Notes**

Item No.	Research Notes										
<b>4A 152324</b>	ORDINANCE REQUIRING WARNING SIGNS RELATED TO SALES OF ALCOHOLIC BEVERAGES; PROVIDING FOR SIGNS IN BUSINESS ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES FOR CONSUMPTION ON OR OFF THE PREMISES; PROVIDING FOR CONTENT OF SIGN TO INCLUDE PROHIBITION ON THE SALE TO MINORS; AMENDING SECTION 21-31.3 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE										
<b>Notes</b>	<p>The proposed ordinance amends Section 21-31.3 of the Miami-Dade County Code requiring warning signs related to sales of alcoholic beverages. Specifically, the proposed ordinance provides for signs in business establishments selling alcoholic beverages for consumption on or off the premises and for contents of sign to include prohibition on the sale to minors.</p> <p>The proposed ordinance will become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, will become effective only upon an override by the BCC.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="background-color: #d9ead3; text-align: center;">Miami-Dade County Code Section 21-31.3 Code Comparison Chart</th> </tr> <tr> <th style="background-color: #d9ead3;">Section</th> <th style="background-color: #d9ead3;">Current</th> <th style="background-color: #d9ead3;">Proposed</th> </tr> </thead> <tbody> <tr> <td style="background-color: #d9ead3; vertical-align: top;">           Sec. 21-31.3.   <i>Warning Signs Required for Retail Sale of Alcoholic Beverages.</i> </td> <td style="vertical-align: top;">           (a) For the purposes of this section the following definitions shall apply:            (1) Alcoholic beverages shall mean alcoholic beverages as set forth in Section 561.01(4)(a), Florida Statutes, as same may be amended from time to time.             (2) Sale and sell shall mean "sale" and "sell" as set forth in Section 561.01(9), Florida Statutes, as same may be amended from time to time.             (3) Retail shall mean sale to the ultimate consumer.             (b) No person shall sell at retail any alcoholic beverage unless said person has posted in a conspicuous place where the sale is to occur a sign which is at least eleven (11) inches by seventeen (17) inches in size, which is plainly visible and legible to all persons entering the premises and which shall read as follows:             HEALTH WARNING            ALCOHOL IN BEER, WINE AND LIQUOR CAN CAUSE:            * INTOXICATION            * ADDICTION            * BIRTH DEFECTS            REDUCE YOUR RISKS:            • DO NOT DRINK BEFORE DRIVING OR OPERATING MACHINERY.            • DO NOT MIX ALCOHOL WITH OTHER DRUGS (IT CAN BE FATAL).            • DO NOT DRINK DURING PREGNANCY.             Notwithstanding any provision of the Code of Miami-Dade County, said sign shall also be translated into Spanish and posted.             (c) Hotels, restaurants, lounges and other establishments which are permitted to sell alcoholic beverages for consumption on the premises are expressly exempt from the provisions of this section.             (d) Any person violating any of the provisions of this section shall, upon conviction of such offense, be punished by a fine not to exceed five         </td> <td style="vertical-align: top;">           (a) <b>Definitions.</b> For the purposes of this section the following definitions shall apply:            (1) Alcoholic beverages shall mean alcoholic beverages as set forth in Section 561.01(4)(a), Florida Statutes, as same may be amended from time to time.             (2) <b>Business Establishment includes, but is not limited to, any place of business or any club, organization, person, firm, corporation or partnership such as a golf club, country club, veteran's fraternal or benevolent organization, grocery store, drug store, nightclub, bottle club, cocktail bar, hotel bar, tavern, restaurant, restaurant bar, grill, filling station, convenience store, package store, or any other building, structure, or location or portion thereof, where in one person directly or indirectly pays another for purchase or dispensing of an alcoholic beverage.</b>             (3) <b>Conspicuously Posted means clearly visible, easily readable and immediately apparent upon viewing.</b>             (4) <b>Dispense means storing, handling, apportionment, preparation, gift, distribution or serving, directly or indirectly, of any amount of an alcoholic beverage to or for any person by any officer, owner, operator, lessee, or employee of a business establishment. For purpose of this definition, permitting or allowing any person to carry alcoholic beverages on the premises of any business establishment to be consumed thereon shall constitute the dispensing of such beverages.</b>             (5) <b>Minor means any individual under the legal drinking age as set forth in Florida Statutes Section 562.11 and 562.111 as the same may be amended from time to time</b>             (6) Sale and sell shall mean "sale" and "sell" as set forth in Section 561.01(9), Florida Statutes, as same may be amended from time to time.             (7) <b>Retail shall mean sale to the ultimate consumer.</b>             (b) <b>Signage required for all business establishments selling alcoholic beverages. All persons who own or operate a business establishment which sells or dispenses at retail alcoholic beverages for consumption on or off the premises shall conspicuously post a notice within said business establishment in such a place where alcoholic beverages are either displayed, purchased or consumed. The required notice shall consist of one or more signs or notices, each of which is not less than ninety-three (8-1/2 x 11), with at least 30-point type, which</b> </td> </tr> </tbody> </table>		Miami-Dade County Code Section 21-31.3 Code Comparison Chart			Section	Current	Proposed	Sec. 21-31.3.  <i>Warning Signs Required for Retail Sale of Alcoholic Beverages.</i>	(a) For the purposes of this section the following definitions shall apply: (1) Alcoholic beverages shall mean alcoholic beverages as set forth in Section 561.01(4)(a), Florida Statutes, as same may be amended from time to time.  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		<p>hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court. Each day of continued violation shall be considered a separate offense.</p> <p><b>contains the following information, clearly discernable by persons to whom alcoholic beverages may be sold or dispensed.</b></p> <p>(1) It is unlawful to purchase alcohol if you are under 21 years of age.  (2) It is unlawful to sell or dispense alcohol under 21 years of age unless exempt pursuant to section 562.11 or 562.13, Florida Statutes  (3) The penalties associated with the sale or dispensing of alcoholic beverages to persons under 21 years of age include imprisonment in a County jail and a fine  (4) A telephone number to report those who are in violation of the law. Such telephone numbers may include but are not limited to:</p> <p style="padding-left: 40px;">a. 305-470-6787 – Division of Alcoholic Beverages and Tobacco  b. 1-877-MEANS 21 (877-632-6721)</p> <p>(c) <b>Signage required for business establishments selling alcoholic beverage for consumption off the premises.</b> No person shall sell at retail any alcoholic beverage for consumption off the premises of the business establishment unless said person has posted in a conspicuous place where the sale is to occur a sign which is at least eleven (11) inches by seventeen (17) inches in size, which is plainly visible and legible to all persons entering the premises and which shall read as follows:</p> <p>HEALTH WARNING  ALCOHOL IN BEER, WINE AND LIQUOR CAN CAUSE:  * INTOXICATION  * ADDICTION  * BIRTH DEFECTS  REDUCE YOUR RISKS:  • DO NOT DRINK BEFORE DRIVING OR OPERATING MACHINERY.  • DO NOT MIX ALCOHOL WITH OTHER DRUGS (IT CAN BE FATAL).  • DO NOT DRINK DURING PREGNANCY.</p> <p>Hotels, restaurants, lounges and other establishments which are permitted to sell alcoholic beverages for consumption on the premises are expressly exempt from the provisions of this subsection (c).</p> <p>(d) <b>Language of signs. The owner or operator of a business establishment subject to this section shall conspicuously post translations of the required notice in Spanish and Creole.</b></p> <p>(e) <b>Exemptions. The restrictions of subsections (b) and (c) shall not apply to a bona fide restaurant without a restaurant bar. However, such place of business shall conspicuously post a notice with the contents set forth in subsection (b) above within said business establishment where it will be visible to all employees of the business.</b></p> <p>(f) <b>Penalties.</b> Any person violating any of the provisions of this section shall, upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days in the County Jail, or both, in the discretion of the court. Each day of continued violation shall be considered a separate offense.</p>
<p><b>Additional Information - Gaps in Florida Alcohol Laws According to the Tampa Alcohol Coalition:</b></p> <ul style="list-style-type: none"> <li>• <b>Prohibit Sales to Intoxicated Persons (SIP):</b> 48 states have SIP laws; only 2 states in the U.S (Florida and Nevada) do not have laws prohibiting sales of alcohol to intoxicated persons. Wyoming has law but applies only to licensees with drive-in liquor area.  <i>Reference- NLLA ABC Enforcement; NHTSA Legal Report</i></li> </ul>		

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<b>4B 151453</b>	ORDINANCE RELATING TO ZONING AND SIGNS; PROVIDING DEFINITIONS AND STANDARDS FOR ILLUMINATION RELATING TO SIGNS; PROVIDING FOR DIGITAL SIGNS; PROVIDING FOR DIGITAL BILLBOARDS AFTER PUBLIC HEARING; AMENDING SECTIONS 33-84, 33-96, 33-96.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 33-96.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance, relating to zoning and signs, provides definitions and standards for illumination relating to signs, provides for digital billboards after public hearing and amends sections 33-84, 33-96 and 33-96.1 of the Miami-Dade County code. Additionally, the proposed ordinance creates section 33-96.2 of the Miami-Dade County code.</p> <p><b>Additional Information - Miami-Dade considers legalizing LED billboards – South Florida Business Journal, April 9, 2012:</b> <a href="http://www.bizjournals.com/southflorida/blog/morning-edition/2012/04/miami-dade-considers-legalizing-led.html">http://www.bizjournals.com/southflorida/blog/morning-edition/2012/04/miami-dade-considers-legalizing-led.html</a></p> <ul style="list-style-type: none"> <li>• <i>The city of Miami previously approved 250-foot and 350-foot electronic billboards on land owned by the Miami Herald, but the project never happened.</i></li> <li>• <i>The city of Miami previously approved 250-foot and 350-foot electronic billboards on land.</i></li> <li>• <i>The city of Miami may allow the LED billboards on three buildings, including the Miami Children's Museum on Watson Island, the James L. Knight International Center near the Brickell Avenue bridge and the downtown Olympia Theater at the Gusman Center for the Performing Arts. PortMiami is also interested in putting up a sign.</i></li> <li>• <i>Critics are concerned about whether the county's decision would lead to a lot of LED billboards. The city has already approved LED billboards along Interstate 95.</i></li> <li>• <i>A Miami Herald article raised questions about the Mediamesh at the American Airlines Arena.</i></li> <li>• <i>In 2010, Miami commissioners voted 4-1 to allow two high-rise billboards next to the Adrienne Arsht Center for the Performing Arts as part of the City Square project. However, the project never happened and the site was subsequently purchased by Genting Group for Resorts World Miami.</i></li> <li>• <i>Another 2010 Business Journal article found conflicting rules between the city and the county regarding the American Airlines Arena's Mediamesh, but Miami Heat officials said it was allowed.</i></li> </ul>
<b>4C 152335</b>	ORDINANCE RELATING TO IMPACT FEES; ENABLING ELECTRONIC FORMS OF PAYMENT FOR IMPACT FEES; AMENDING ADMINISTRATIVE FEES AND PROVIDING FOR TRANSACTIONAL FEES RELATED TO ELECTRONIC PAYMENT; PROVIDING FOR FEES TO BE ASSESSED BASED ON PLAN SUBMITTAL DATE; PROVIDING AUTHORITY TO LIEN REAL PROPERTY AND TO CHARGE COLLECTION FEES FOR UNPAID IMPACT FEES; CLARIFYING IMPACT FEE FORUMLA AND FEE COMPUTATION PROCESS; CLARIFYING AVAILABILITY OF REFUNDS OF IMPACT FEES PAID; CLARIFYING PROCESS TO APPEAL IMPACT FEE ASSESSMENT; UPDATING DEFINITIONS; AMENDING CHAPTERS 33E, 33H, 33I, 33J, AND 33K OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
<b>Notes</b>	<p>The proposed ordinance, relating to impact fees, enables electronic forms of payment and modifies various administrative procedures related to County Impact Fee assessment, collections and refunds as described in Chapters 33E, 33H, 33I, 33J and 33K (Road, Parks, Police, Fire, and Educational Facilities Impact Fee Ordinances) of the Miami-Dade County Code.</p> <p>Specifically, the proposed ordinance:</p> <ul style="list-style-type: none"> <li>• Addresses industry requests for alternative forms of payment of impact fees, specifically the enabling of acceptance of electronic payments such as credit cards. <ul style="list-style-type: none"> <li>○ <i>Because the current ordinance language explicitly restricts forms of payment to cash, personal check, cashier's check, or money order, the County has been unable to accept credit card and other forms of electronic payment of impact fees. Because electronic payments often come with transactional fees charged by banking institutions, this ordinance also provides a mechanism for the County to recover any costs incurred by the acceptance of electronic payment options.</i></li> </ul> </li> <li>• Addresses industry requests that assessment of impact fees due be based on the date of plan submittal to Miami-Dade County rather than on date of payment. <ul style="list-style-type: none"> <li>○ <i>The code currently specifies that impact fees due are based on the date of payment to the County. A fee-payer's ability to pay the County depends on the County's plan review staff having received the plans and conducted a full review. Impact fee assessments can sometimes require complex calculations and are performed in conjunction with zoning plan review. Because of periodic changes in pricing indexes for the various impact fees, the County often experiences</i></li> </ul> </li> </ul>

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	<p><i>unusually high volumes of impact fee plan submittals as applicants attempt to lock in their fee rates in the days prior to scheduled escalations.</i></p> <ul style="list-style-type: none"> <li>○ <i>In cases of complex projects, plans cannot always be reviewed on the same day. Hence, a clarification in the code that the fee be based on the date of submittal will guarantee that fee-payers will not be penalized by high volumes of plan submittal on the eve of escalation dates.</i></li> </ul> <ul style="list-style-type: none"> <li>• Clarifies code language to conform with the current County practice of retaining the administrative fee in cases of refunds or reassessments.</li> <li>• Clarifies and makes uniform code language regarding the lien and collections procedures to be followed in cases where impact fees are found to have been unpaid. <ul style="list-style-type: none"> <li>○ These references already exist in certain impact fee chapters but are either omitted or not uniformly worded in other chapters.</li> </ul> </li> <li>• Clarifies and makes uniform code language regarding refund procedures in each of the various impact fee chapters.</li> <li>• Clarifies code language relating to the process for appeals of administrative determinations of impact fee assessments.</li> <li>• Removes the requirement for an annual presentation of an updated Road Impact Fee ordinance and manual. <ul style="list-style-type: none"> <li>○ The ordinance will continue to be periodically reviewed and assessed, with recommended changes presented for Board consideration. However, because the most recent road impact fee update covered a multi-year period, reference to an additional annual presentation is not needed.</li> </ul> </li> <li>• Updates names, definitions, and references to the Mayor and to Directors of the various departments involved in impact fee determination, assessment, and collection, as applicable.</li> </ul> <p><b><u>Fiscal Impact/Funding Source:</u></b> The proposed ordinance will result in no additional fiscal impact. Programming required to adjust the impact fee system according to date of plan submission and to allow other forms of payment will be absorbed as part of the Department of Regulatory and Economic Resources' (RER's) service level agreement with ITD.</p> <p><b><u>Social Equity Statement:</u></b> The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described by Ordinance No. 15-83. Administrative changes relating to enabling electronic forms of payment may help expedite processes and improve service to all customers. While these changes have the potential to yield positive economic benefits to our customers, a specific benefit is not quantifiable at this time.</p>
<b>5A 152086</b>	<p>RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY ACTIONS TO ACCOMPLISH THE ACQUISITION OF THE PROPERTY LOCATED AT 413 NW 3RD STREET, MIAMI, FLORIDA AT MARKET VALUE AS ESTABLISHED BY APPRAISAL; AUTHORIZING THE CONVEYANCE OF SAID PROPERTY ALONG WITH THE ADJOINING COUNTY-OWNED PROPERTY LOCATED AT 401 NW 3RD STREET, MIAMI, FLORIDA TO DADE HERITAGE TRUST, INC., A FLORIDA NOT FOR PROFIT CORPORATION, AT NO COST, PURSUANT TO SECTION 125.379, FLORIDA STATUTES, FOR THE CONSTRUCTION OF AFFORDABLE HOUSING AND REQUIRING THE RESTORATION OF A HISTORIC COTTAGE LOCATED THEREON; DECLARING THE COUNTY-OWNED PROPERTY AND THE ADJOINING PROPERTY AFTER ITS ACQUISITION AS SURPLUS; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED ON BEHALF OF MIAMI-DADE COUNTY; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE (1) TO REVISE THE COUNTY'S INVENTORY LIST OF AFFORDABLE HOUSING SITES TO INCLUDE SUCH PROPERTIES, (2) TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTIES, AND TO ENFORCE THE PROVISIONS SET FORTH IN THE COUNTY DEEDS, (3) TO ENSURE THE PLACEMENT OF PROPER SIGNAGE ON SUCH PROPERTIES, AND (4) TO PROVIDE A STATUS REPORT REGARDING THE ACQUISITION WITHIN 120 DAYS; AND AUTHORIZING USE OF FUNDS FROM GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NO. 249 - "PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP" [SEE ORIGINAL ITEMS UNDER FILE NOS. 151518, 151912]</p>
<b>Notes</b>	<p>The proposed resolution directs the County Mayor to take all necessary actions to accomplish the acquisition of the property located at 413 NW 3<sup>rd</sup> Street, Miami, Florida, Folio No. 01-0109-000-1260 (Adjoining Property), at market value as established by appraisal and authorizes the conveyance of said property along with the County owned property located at 401 NW 3<sup>rd</sup> Street, Miami, Florida, Folio No. 01-0109-000-1270 (County Property), to Dade Heritage Trust, Inc. for the construction of affordable housing and requiring the restoration of a historic cottage located on the property.</p> <p>More specifically the proposed resolution provides for the following:</p> <ul style="list-style-type: none"> <li>• Directs the County Mayor or designee, to perform all necessary due diligence within 90 days from the effective date of this Resolution, including title work, environmental assessments, and any other evaluation which is necessary to confirm that there are no issues impacting the County's intended purchase or conveyance, to identify and negotiate any liens on the Adjoining Property, and to procure an appraisal of the market value of the Adjoining Property;</li> <li>• Directs the County Mayor or designee to present a status report to the BCC within 120 days of the effective date of this resolution, including any issues precluding or impacting the acquisition of the Adjoining Property, and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65;</li> <li>• Authorizes the County Mayor or designee to proceed with the purchase of the Adjoining Property at appraised value if no issues are found which preclude the purchase after due diligence is completed; <ul style="list-style-type: none"> <li>○ <i>If any issues are found precluding or impacting the purchase of the Adjoining Property, then such issues will be reported to the BCC and the conveyance of the County Property will not proceed.</i></li> </ul> </li> <li>• Directs the County Mayor or designee to appoint County staff to monitor compliance with the terms of this conveyance, and to enforce the provisions of the County Deed and any subsequent Declaration of Restrictive Covenants;</li> </ul>

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	<ul style="list-style-type: none"> <li>• Declares the County Property and the Adjoining Property, after its acquisition, as surplus, and directs the County Mayor or designee to revise the County's inventory list of affordable housing sites to include the County Property and the Adjoining Property after its acquisition;</li> <li>• Approves the conveyance at no cost of the County Property and the Adjoining Property to Dade Heritage pursuant to Section 125.379, Florida Statutes, for development as an affordable senior housing project, including no less than 50 units to be rented to low-income elderly households within ten (10) years of the effective date of the conveyance;</li> <li>• Requires Dade Heritage, as a condition of the County Deed, to restore and renovate the historical cottage located on the County Property at a cost of no less than \$250,000.00 within five (5) years of the effective date of the conveyance; and               <ul style="list-style-type: none"> <li>○ <i>In order to renovate the House and to develop the affordable housing, Dade Heritage may lease the County Property and the Adjoining Property to Green Mills Holdings LLC or an affiliate, subject to the County Deed restrictions.</i></li> </ul> </li> <li>• Authorizes the County Mayor or designee, in his or her sole discretion, to replace the Deed Restrictions with a Declaration of Restrictive Covenants, and to remove the reverter, but only upon delivery of satisfactory written documentation by Dade Heritage that such removal and replacement is required by Florida Housing Finance Corporation in order for Dade Heritage to receive the tax credits.               <ul style="list-style-type: none"> <li>○ <i>In the event that Florida Housing Finance Corporation requires that the County Deed restrictions be replaced and that the reverter provision be removed in order for Dade Heritage to receive tax credits.</i></li> </ul> </li> </ul> <p><b><u>Additional Information</u></b> According to the Property Appraiser's website, the Adjoining Property, 413 NW 3rd Street, Miami, Florida, Folio No. 01-0109-000-1260, is owned by J.C. Development of Miami, Inc. <b>The 2015 Market Value is \$150,000.00.</b></p> <p>According to the Property Appraiser's website, the County Property, Folio No. 01-0109-000-1270, 401 N.W. 3<sup>rd</sup> Street, Miami, Florida, <b>2015 Market Value is \$75,069.00.</b></p> <p><b><u>Additional Information pertaining to County Property</u></b> On May 21, 2002, the BCC, through Resolution No. R-487-02:</p> <ul style="list-style-type: none"> <li>• Accepted the donation of a 7,500 square foot parcel containing a historically designated residence located at 401 NW 3 Street from GHG Miami River, LLC.;       <ul style="list-style-type: none"> <li>○ <i>The donation of the property was to enable the MDHA Development Corporation to further engage in community development activities in Miami-Dade County. This property is part of a major redevelopment effort taking place in the area. The site is located in the Lummus Park Historic District and is in close proximity to three public housing sites owned by Miami-Dade County. This historic building was moved to this location to allow new development to occur at its prior location. The MDHA Development Corporation was responsible for restoring the building in accordance with a Memorandum of Agreement between Miami River Park Associates, Ltd., the Florida State Historic Preservation Officer and the City of Miami, and in accordance with the preservation guidelines outlined in the Secretary of the Interior's Standards for Rehabilitation.</i></li> </ul> </li> <li>• Authorized leasing the property, for a rental rate of \$1.00, to the MDHA Development Corporation, a not-for-profit corporation, to renovate the 1,254 square foot historic house, which would be used for a Wellness Center and Community Center; and</li> <li>• Authorized the allocation of Surtax funds for the development of the wellness and community center.       <ul style="list-style-type: none"> <li>○ <i>The MDHA Development Corporation would utilize Surtax funds to renovate this historic building. <b>The cost to rehabilitate the building and convert it to a wellness and community center has been estimated at \$435,680. Surtax dollars have been identified for this redevelopment effort. If approved, the funds would be transferred to the MDHA Development Corporation who would ensure that a competitive process is utilized for the rehabilitation and construction of the site.</b></i></li> </ul> </li> </ul> <p>On June 7, 2005, the BCC, through Resolution No. R-652-05, declared surplus County-owned property located at 401 NW 3rd Street, Miami, Folio No. 01-0109-000-1270, and authorized the conveyance of said property to Save-A-House, Inc., a not-for-profit corporation, pursuant to Section 125.38 of the Florida Statutes. The property was in immediate need of restoration. The assessed value for the year 2004 was \$125,500.00. Resolution No. R-487-02 passed by the BCC on May 21, 2002 authorized the acceptance of this historical house from GHG Miami River, LLC and authorized leasing said property to MDHA Development Corporation, a not-for-profit corporation, for use as a wellness community center. MDHA Development Corporation was unable to restore the property as originally anticipated and has recently notified the County of its intent to cancel the lease.</p> <p>Save-A-House has indicated that they have the resources to renovate the house. It is their intent to convert it into a resource center that will be open to the community. The resource center will provide information on how to renovate older homes. It will make available books, pictures, drawings, catalogs, and plans which will help teach owners how to renovate their historic homes.</p>
<b>7A 151529</b>	<p>ORDINANCE RELATING TO PROTECTION OF EMPLOYEES DISCLOSING SPECIFIED INFORMATION; AMENDING CHAPTER 2, ARTICLE IV, DIVISION 6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EXPAND THE METHODS FOR MAKING PROTECTED DISCLOSURES AND FACILITATE DISCLOSURE OF INFORMATION TO THE INSPECTOR GENERAL; AMENDING PROVISIONS REGARDING REMEDIES AND THE REVIEW PROCESS OF THE COMMISSION ON ETHICS AND PUBLIC TRUST; PROVIDING FOR INVESTIGATIONS BY THE INSPECTOR GENERAL AND NOTICE OF STATE LAW CONFIDENTIALITY PROTECTIONS AND CONSEQUENCES OF PROVIDING FALSE INFORMATION PURSUANT TO THIS SECTION; AMENDING PROVISIONS REGARDING INVESTIGATIONS AND DETERMINATIONS BY THE ETHICS COMMISSION; PROVIDING FOR OUTREACH, INFORMATION AND TRAINING FOR COUNTY EMPLOYEES; DELETING AWARDS PROGRAM REMEDIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>

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Notes	<p>The proposed ordinance amends Chapter 2 Article IV, Division 6 of the Miami-Dade County Code, relating to the protection of employees disclosing specified information, as follows:</p> <ul style="list-style-type: none"> <li>• Expands the methods for making protected disclosures and facilitate disclosure of information to the Inspector General;</li> <li>• Amends provisions regarding remedies and the review process of the Commission on Ethics and Public Trust;</li> <li>• Provides for investigations by the Inspector General and notice of state law confidentiality protections and consequences of providing false information;</li> <li>• Amends provisions regarding investigations and determinations by the Ethics Commission;</li> <li>• Provides for outreach, information and training for County employees; and</li> <li>• Deletes awards program remedies.</li> </ul> <p><b><u>Additional Information:</u></b> On November 4, 2010, the BCC, through Ordinance No. 10-75, amended Section 2-56.28.16 of the Miami-Dade County Code, relating to the protection of employees disclosing specified information, to substitute the County Mayor or Mayor's designee for the manager or his designee and to permit disclosure to the Office of Inspector General.</p> <p><i>The Florida Whistle-blower's Act, F.S. § 112.3187, permits disclosure of such information to agency inspector generals, the local chief executive officer or other appropriate local official. Section 2-56.28.11, et seq., of the Miami-Dade County Code, pertaining to the protection of employees disclosing specified information, is intended to be interpreted consistently with the Florida State Whistle-blower's Act, and at the time, permitted disclosure only to the County Manager or his designee and, in certain instances, to the Commission on Ethics and Public Trust.</i></p> <p><b><u>Additional Information - Office of the Inspector General:</u></b> According to the Office of Inspector General (OIG), in Miami-Dade, the OIG has oversight of over 40 county departments, including Aviation, the Seaport, Transit, Housing, Community and Economic Development, Water and Sewer, Solid Waste, Public Works and the Public Health Trust (JMH).</p> <p>The BCC determined that the oversight of such a large and diverse government required the OIG to be independent and autonomous. It empowered the OIG to investigate and review allegations of waste, fraud, abuse and mismanagement. On March 1, 2005, the BCC, through Ordinance No. 05-51, amended Section 2-1076 of the Miami-Dade County Code relating to the appointment, removal and term and powers the Inspector General. The Inspector General is to serve a four-year term and future Inspectors General will be selected by a committee comprised of the State Attorney, Public Defender, Ethics Commission Chairperson, President of the Police Chiefs Association and the local head of the Florida Department of Law Enforcement.</p> <p>The Miami-Dade Inspector General has authority to review past, present and proposed County and Public Health Trust programs, accounts, records, contracts, and transactions. The OIG investigates allegations of fraud, waste, abuse and misconduct amongst public officials and County employees, as well as contractors and vendors doing business with the County.</p> <p>To carry out this function, the OIG is empowered with the ability to require the production of documents and records in the possession and control of the County, and has the power to issue subpoenas, where necessary. The OIG can also require reports from any County official, County agency or instrumentalities regarding any matter in its jurisdiction. The OIG also has the power to report on and recommend to County government on whether a particular program, contract or transaction is financially sound, reasonable, necessary or operationally deficient. The OIG may conduct random audits and provides general oversight of department programs and large-scale construction projects.</p> <p><b><u>Additional Information – Commission on Ethics and Public Trust:</u></b> The Ethics Commission was created in 1996 as a result of a citizens' vote to amend the Home Rule charter. It is an independent agency with advisory and quasi-judicial powers. It is composed of five members, each serving staggered terms of four years at a time.</p> <p><b><u>Additional Information - Strategic Planning and Government Operations Committee meeting discussion:</u></b> <i>During the Strategic Planning and Government Operations Committee meeting on August 25, 2015, the Committee explained that the proposed ordinance aimed to reduce fraud, waste and abuse, aligns Miami-Dade County ordinances with Florida Statutes and promotes cooperation with the County Attorney's Office.</i></p>
7B 151659	<p>ORDINANCE RELATED TO EMERGENCY MANAGEMENT AND EMPLOYMENT; CREATING SECTION 8B-11.1 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA; MAKING IT UNLAWFUL FOR EMPLOYERS TO RETALIATE AGAINST NON-ESSENTIAL EMPLOYEES COMPLYING WITH COUNTY EVACUATION AND EMERGENCY ORDERS INCLUDING NON-ESSENTIAL EMPLOYEES WORKING IN EVACUATION AREAS THAT DEPEND ON PUBLIC TRANSPORTATION; PROVIDING EXEMPTIONS FOR EMPLOYEES IN GOVERNMENT, GOVERNMENT CONTRACTORS PROVIDING ESSENTIAL EMERGENCY SERVICES, PUBLIC SAFETY AGENCIES, HEALTH CARE, PUBLIC UTILITIES AND MEDIA; ESTABLISHING CRIMINAL PENALTY; AMENDING SECTION 8CC OF THE CODE OF MIAMI-DADE COUNTY ESTABLISHING CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p>
Notes	<p>The proposed ordinance, related to emergency management and employment, creates Section 8B-11.1 of the Miami-Dade County Code making it unlawful for employers to retaliate against non-essential employees complying with County evacuation and emergency orders including non-essential employees working in evacuation areas that depend on public transportation. Additionally, the proposed ordinance provides exemptions for employees in government, government contractors providing essential emergency services, public safety agencies, health care, public utilities and media and amends Section 8CC of the Miami-Dade County Code to establish civil penalties.</p>

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	<p><b>Sec. 8B-11.1. Unlawful Retaliation Against Employees During Emergencies or Disasters.</b></p> <p><i>(1) Upon a declaration of a state of emergency applicable to any portion of Miami-Dade County, it shall be unlawful for any employer to retaliate or threaten to retaliate against a non-essential employee who complies with County evacuation orders or other County Executive Orders issued during a declared state of local emergency.</i></p> <p><i>(2) In order to assure that employees that rely on mass transit services are evacuated from vulnerable areas, for purposes of this section, any non-essential employee that depends on mass transit services to commute to work to an area that is subject to a County evacuation order shall comply with County evacuation orders prior to the suspension of transit services and employers shall be prohibited from retaliating or threatening to retaliate against such employees for complying with County evacuation orders.</i></p> <p><i>(3) For purposes of this section, unlawful retaliation shall be defined as termination, demotion, or withholding or nonpayment of wages, salary, bonuses or benefits.</i></p> <p><i>(4) For the purposes of this section, any employee that is critical to the essential functioning of the following employers shall be deemed essential: (a) hospital or health care provider, (b) public or private utility, (c) media, (d) government agency, and (e) government contractor, public safety agency, or other business that is providing essential emergency related public safety supplies or services.</i></p> <p><i>(5) This section shall not apply to any employer who has promulgated a written policy that: a) defines essential and non-essential employees and b) requires that only essential personnel report to the place of employment during a declared state of local emergency. No policy shall be considered as promulgated unless conveyed to all employees in writing at least thirty (30) days prior to the declaration of local emergency and enforced by the employer.</i></p> <p><i>(6) In addition to any remedies elsewhere provided in the County Code or under law, any person convicted of violating any provision of this Section 8B-11.1 may be punished by a fine not to exceed five hundred (\$500) per employee, or by imprisonment for not more than one hundred and eighty (180) days, or both.</i></p> <p><i>(7) Applicability and enforcement. This section shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the County and in the incorporated areas shall be enforced concurrently by the municipalities and the County.</i></p> <p>Section 2. Chapter 8CC of the Code of Miami-Dade County is hereby amended as follows: Chapter 8CC CODE ENFORCEMENT</p> <p>Sec. 8CC-10. Schedule of civil penalties.</p> <p>Code Section Description of Violation Civil Penalty <b>8B-11.1 Unlawful Retaliation for Compliance With County Emergency Management Evacuation and Executive Orders: \$500</b></p>
<b>7C 150922</b>	<p>ORDINANCE RELATING TO COMMISSION ON ETHICS AND PUBLIC TRUST; CREATING SECTION 2-1077 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE COMMISSION ON ETHICS AND PUBLIC TRUST TO ENFORCE THE PUBLIC SERVICE HONOR CODE WHEN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS IN THE FORM OF AN IMPLEMENTING ORDER; EMPOWERING THE COMMISSION ON ETHICS AND PUBLIC TRUST TO ISSUE LETTERS OF INSTRUCTION AND LETTERS OF REPRIMAND FOR VIOLATIONS OF THE PUBLIC SERVICE HONOR CODE COMMITTED BY ELECTED COUNTY OFFICIALS AND ALL OTHER COUNTY OFFICIALS AND EMPLOYEES NOT SUBJECT TO THE ADMINISTRATIVE AUTHORITY OF THE MAYOR; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE AGENDA ITEM NO. 11A1)</p>
<b>Notes</b>	<p>The proposed ordinance creates Section 2-1077 of the Miami-Dade County Code authorizing the Commission on Ethics and Public Trust to enforce the public service honor code when approved by the BCC in the form of an implementing order. The proposed ordinance further empowers the Commission on Ethics and Public Trust to issue letters of instruction and letters of reprimand for violations of the public service honor code by elected county officials and all other county officials and employees not subject to the administrative authority of the Mayor.</p> <p><b>Sec. 2-1072. Powers and duties of the Ethics Commission:</b></p> <p>(a) The Ethics Commission shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the County and municipal:</p> <ol style="list-style-type: none"> <li>(1) Code of Ethics Ordinances;</li> <li>(2) Conflict of Interest Ordinances;</li> <li>(3) Lobbyist Registration and Reporting Ordinances;</li> <li>(4) Ethical Campaign Practices Ordinance; and</li> <li>(5) Citizens' Bill of Rights.</li> </ol>

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	<p>(b) <b>Violations of the Citizens' Bill of Rights are subject to the penalties set out in <u>Section 2-11.1 (cc) (1)</u> of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.</b></p> <p>(c) <b>The Ethics Commission shall from time to time review County and municipal Conflict of Interest and Code of Ethics Ordinances, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances, the Citizens' Bill of Rights and applicable state and federal statutes relating to ethics in government and shall report annually to the County Commission.</b></p> <p>(d) <b>The Ethics Commission shall prepare and make available to any person a copy of ordinances within the Ethics Commission's jurisdiction and the Citizens' Bill of Rights.</b></p> <p>(e) <b>The County Commission shall by resolution set a reasonable filing fee to be paid by any person filing a complaint as provided in <u>Section 2-1074</u>. The Ethics Commission may waive the filing fee when a complainant is indigent.</b></p> <p>(f) <b>The Ethics Commission shall be empowered to appoint and remove the Inspector General and exercise those powers as provided in <u>Section 2-1076</u>.</b></p> <p>(Ord. No. 97-105, § 1(7), 7-8-97; Ord. No. 97-215, § 1, 12-16-97; Ord. No. 98-94, § 2, 7-7-98; Ord. No. 13-53, § 1, 6-4-13)</p> <p><b>Additional Information:</b> The Ethics Commission was created in 1996 as a result of a citizens' vote to amend the Home Rule charter. It is an independent agency with advisory and quasi-judicial powers.</p> <p>Government employees and officials have a special duty to serve the public in a fair and just manner. The Ethics Commission is dedicated to bolstering public trust in the administration of government by informing the public and private sectors about the laws and seeking strict compliance with them. It is empowered to subpoena, audit, and investigate all facts and persons materially related to a complaint at issue. The Commission's jurisdiction includes elected officials, employees and advisory board members in Miami-Dade County government and in all municipalities in the county. Some rules and ordinances also extend to lobbyists and contract vendors.</p> <p>The Ethics Commission is committed to public education, training and community outreach. This responsibility is discharged in a variety of settings including training sessions and workshops for government personnel, to conferences and seminars on topics of interest in the community.</p> <p>Another important area of responsibility involves advice-giving. Each year several hundred local government officials and employees seek legal opinions from the Ethics Commission to establish the standard of public duty they should exercise. All of these opinions are posted on the Ethics Commission's website.</p> <p>The third role of the agency is enforcement of rules and ordinances under the Ethics Commission jurisdiction. The Public Advocate and a team of investigators may initiate probes and prosecute cases against violators.</p>
<b>8A1 151756</b>	<p>RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY'S MAYOR'S DESIGNEE TO ADVERTISE A REQUEST FOR PROPOSALS, RFP NO. MDAD 04-14, FOR WI-FI SERVICES AT MIAMI INTERNATIONAL AIRPORT, PRESERVING COUNTY MAYOR'S DELEGATED AUTHORITY UNDER SECTION 2-8.1 OF THE COUNTY CODE INCLUDING THE AUTHORITY TO ISSUE ADDENDA AS NECESSARY DURING ADVERTISEMENT PERIOD; AND PROVIDING FOR NOTIFICATION TO THE BOARD OF ADDENDA AT THE TIME OF AWARD RECOMMENDATION</p>
<b>Notes</b>	<p>The proposed resolution authorizes a Request to Advertise a Request for Proposals (RFP) for public Wi-Fi System and Services at Miami International Airport (MIA) for a term of eight (8) years with one (1) two-year option to renew. The RFP includes a 20% Airport Concession Disadvantaged Business Enterprise (ACDBE) contract measure.</p> <p><b>Fiscal Impact</b> It is estimated that the agreement will generate a minimum of \$500,000.00 a year in gross revenues, with a net return to the Miami-Dade Aviation Department (MDAD) of approximately \$300,000.00.</p> <p><b>Background</b> Wi-Fi service has been available to passengers at MIA since early 2005, beginning with a deployment at the Miami International Airport Hotel. In 2006, MDAD initiated a competitive RFP process to select a company to develop and operate a program for paid public Wi-Fi service at MIA and an agreement was awarded by the BCC pursuant to Resolution No. R-461-08 on May 6, 2008. As that agreement expired on June 9, 2016, a new solicitation has been prepared to continue provision of public Wi-Fi service at the Airport.</p> <p>The physical network infrastructure at MIA is owned and operated by MDAD, and supports a multitude of both wired and wireless customers. MDAD's total investment in the network infrastructure is estimated at \$10 million. Infrastructure improvements specifically allocable to public Wi-Fi service are estimated to be \$1.5 million to date.</p> <p>Expenses for the program are shared between the vendor and MDAD. The vendor is responsible for operational costs, including the portal, advertising sales, credit card processing and customer support. MDAD is responsible for costs of the network infrastructure, including maintenance and internet circuit capacity. Annual MDAD operating expenses allocable to public Wi-Fi service are currently budgeted at \$200,000.00.</p> <p>Revenue is generated from network usage connections, sponsorship/advertising, and roaming agreements. Connection revenue is subdivided into retail (paying for access via credit) and roaming (access via a subscription account with a third-party such as iPass or T-Mobile).</p>

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	<p>Currently, wi-fi at MIA is available for thirty (30) minutes for a charge of \$4.95 and 24-hour access is available for a charge of \$7.95. Complimentary wi-fi has periodically been offered only when there is an available sponsor and the passenger downloads an application or watches a 30-second advertisement;</p> <p>The new MDAD Wi-Fi solicitation includes three (3) access service levels:</p> <ul style="list-style-type: none"> <li>• Complimentary: 30-minute uninterrupted access during a 24-hour period preceded by a promotional advertisement not to exceed one (1) minute; upon conclusion of that 30 minutes, the user may log back in for an additional 30 minutes preceded by a 30-second advertisement;</li> <li>• Standard Pay-For-Use: One (1) hour of uninterrupted service with no advertisement for a fee of \$4.95; and</li> <li>• Premium Pay-For-Use: 24 hours of uninterrupted service with no advertisement for a fee of \$7.95.</li> </ul> <p>The main objective of including the complimentary Wi-Fi option in this solicitation is to ensure that the traveling public has unfettered access to websites that may be needed to augment or complete their journey (such as hotels, car rental companies, Miami-Dade County tourist sites, etc.) -- and to maximize their positive experience at MIA.</p> <p><b><u>Additional Information</u></b> On May 6, 2008, the BCC, through Resolution No. R-461-08, awarded a Non-Exclusive License Agreement to Electronic Media Systems, Inc. (EMS) to design, supply, install, operate and maintain internet service provider connectivity to Miami International Airport (MIA) users via MIA's wireless network infrastructure. The County would be paid a monthly fee consisting of 65% of the gross revenues for the month and 50% of all advertising revenues obtained from title and/or presenting sponsors and any other related advertising revenues.</p>
<b>8F1 152226</b>	<p>RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; APPROVING THE EXERCISE BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF TWO OPTION-TO-RENEW PERIODS IN AN AGGREGATE AMOUNT OF UP TO \$380,000.00 FOR THE COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT TO PURCHASE HIGHSOPE CURRICULUM TRAINING AND TECHNICAL ASSISTANCE SERVICES FROM HIGHSOPE EDUCATIONAL RESEARCH FOUNDATION, INC. FOR THE HEAD START/EARLY HEAD START PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38</p>
<b>Notes</b>	<p>The proposed resolution approves a designated purchase pursuant to Section 2-8.1(b)(3) of the County Code and authorizes the County Mayor or the County Mayor's designee to exercise two (2) option-to-renew periods in the amount of \$380,000 to HighScope Educational Research Foundation, Inc. under Contract No. SS9739-4/23, HighScope Pre-School Curriculum and Training.</p> <p><i>BCC approval is required as the value of the requested renewal periods exceed the Mayor's delegated authority. This item is exempt from Committee review per Ordinance No. 07-139, which permits contract renewals to be heard directly by the BCC.</i></p> <p>This contract was awarded in April 2013 and is used by the Community Action and Human Services Department to obtain HighScope curriculum training. The services include curriculum updates and technical assistance for teachers working in the Head Start/Early Head Start Program and provides comprehensive child development services for low-income children and families.</p> <p>The approval to exercise the renewal periods is presented to the BCC as a designated purchase because this is a <b>sole source contract</b>. The HighScope curriculum is the <b>proprietary product</b> of HighScope Educational Research Foundation, Inc. and is designed based on an active participatory learning approach to early childhood education. No other vendor is capable of delivering to the County the required training and technical support for the HighScope curriculum, the County's chosen curriculum for the Head Start/Early Head Start Program. By exercising only two (2) of four (4) available option periods, the Community Action and Human Services Department affords itself the flexibility to explore different types of preschool curriculum programs (i.e., Montessori, Creative, etc.), which may better support programmatic needs upon the expiration of the second option term.</p> <p><b><u>Fiscal Impact/Funding Source:</u></b> The current term is for two (2) years, six (6) months and is valued at \$237,000. The initial two-year term was <b>extended administratively</b> for six (6) months, modifying the contract expiration date from April 30, 2015 to October 31, 2015. The total value of the two (2), two-year options-to-renew is \$380,000. If approved, the contract's cumulative value will be \$617,000.</p> <ul style="list-style-type: none"> <li>• Initial Contract Term (inclusive of six-month extension) - April 5, 2013 to October 31, 2015 \$237,000;</li> <li>• First Option-to-Renew - November 1, 2015 to October 31, 2017 \$190,000;</li> <li>• Second Option-to-Renew - November 1, 2017 to October 31, 2019 \$190,000; and</li> <li>• Total - \$617,000.</li> </ul> <p><b>Awarded Vendor:</b> HighScope Educational Research Foundation, Inc. 600 North River Street Ypsilanti, MI</p>
<b>8L1 151442</b>	<p>RESOLUTION APPROVING THE LIST OF LANDFILL CLOSURE PROJECTS AS ELIGIBLE FOR FUTURE FUNDING THROUGH UTILITY SERVICE FEE OR OTHER FUNDING SOURCES THROUGH THE PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT FOR THOSE COUNTY AND MUNICIPAL LANDFILL CLOSURE AND REMEDIATION AND/OR WATER SUPPLY PROTECTION PROJECTS IDENTIFIED IN THE MIAMI-DADE COUNTY COMPREHENSIVE LANDFILL CLOSURE PLAN</p>
<b>Notes</b>	<p>The proposed resolution approves the list of County and Municipal landfill closures, as well as water supply protection projects identified in the Miami-Dade County Comprehensive Landfill Closure Plan (CLCP), which are eligible for Utility Service Fee (USF) funding through the Public Works and Waste Management Department (PWWM) and identifies site eligibility criteria, funding, and project limitations.</p>

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	<p>The proposed CLCP includes one (1) additional municipal landfill closure project and four (4) additional County landfill closure projects that have been identified since 2004, to include: (1) Taylor Park in the City of North Miami Beach and (2) Resources Recovery Cell 19's, Resources Recovery Cell 20, South Dade Landfill Cell 5, and a City of Miami Gardens site owned by the County's Internal Services Department. The CLCP also includes an update on previously approved municipal and County landfill closure projects.</p> <p>In addition, the CLCP identifies eight (8) contaminated park sites located in the City of Miami, five (5) of which have been determined to be USF eligible by the PWWM Bond Engineer. <b>In the event that any future eligible sites are identified for closure and remediation funding, an addendum to the CLCP will be submitted to the Board for approval.</b></p> <p>The CLCP identifies eligibility criteria relating to potential USF funding for sites located in the County, subject to a determination by the PWWM Bond Engineer: (1) the site must be owned by a municipal government (includes County-owned sites); (2) there must be documented ground water contamination at the site that exceeds RER standards and poses a potential risk of water supply contamination as determined by RER; (3) there must be documented evidence that the site was used as a landfill; or (4) both criteria (2) and (3) are satisfied.</p> <p>The CLCP also identifies funding and project limitations for proposed and future municipal landfill closure projects and the corresponding assumed liability as follows:</p> <ul style="list-style-type: none"> <li>• Funding provided by the County may not be used for any purpose other than to complete the minimum safe closure of the landfill as determined by RER;</li> <li>• Notwithstanding the Minimum Safe Closure stipulation, in the event that a municipality has a reuse plan for the landfill approved by its governing body, the closure may be designed in a manner that is sensitive to the reuse plan, provided that such changes in the closure design do not increase the overall cost of the project. Any work performed to accommodate a reuse plan that would increase the cost of the project must be funded by the municipality at its sole cost and expense;</li> <li>• Municipalities, as owners of the landfill property, are required to fund post closure care activities (e.g. maintenance of the cap, ground water remediation and monitoring, and mowing); however, in cases where reuse of the site is a public park purpose, the County may fund a portion of the post-closure costs related to ground water remediation and monitoring, subject to Board approval;</li> <li>• Starting in FY 2014-15, the County will no longer fund municipal landfill closure projects through direct grants in which the municipality becomes the closure design and construction project manager. This was the case with the recent Virginia Key Landfill closure project, where the funding was provided through an interlocal agreement with PWWM and RER co-managing the project;</li> <li>• If the site is owned by a municipality that was incorporated prior to 1996, the municipality must either enter into a minimum 20-year waste disposal agreement with the County or extend its existing agreement for a minimum of 20 years. All post-closure reimbursement will cease if the waste disposal agreement is terminated or expires; and</li> <li>• Finally, the CLCP includes an update on USF revenues and qualifying direct and indirect costs for FY 2010-11 through FY 2012-13 that are funded through either cash or debt. The most recent financial update from the PWWM's Bond Engineer shows a USF year-end balance for FY 2012-13 of approximately \$3,500,000.</li> </ul> <p><b><u>Fiscal Impact/Funding Source:</u></b> All implementation of this plan will be done on an annual basis as set forth in the annual budget approved by the Board or by separate authorization of the Board.</p> <p>The one (1) eligible municipal and four (4) eligible County landfill closure projects identified in the CLCP are programmed for construction through 2033. The combined upper-end cost estimate for these projects is approximately \$30,000,000. All projects are available for funding with a portion of USF revenues that are collected through the County's water bills. The PWWM allocation is four (4) percent of eight (8) percent charged, totaling \$24,290,000 for Fiscal Year (FY) 2013-14 (source: FY 2013-14 Comprehensive Annual Financial Report). Of that amount, approximately \$18,000,000 was used annually to pay debt service costs.</p> <p>Five (5) of the eight (8) contaminated park sites in the City of Miami have also been determined to be USF eligible by the PWWM Bond Engineer. Design and remediation cost estimates for the five (5) USF eligible parks total approximately \$10,600,000. Some or all of these projects may be funded from project savings on a reimbursement basis in the event that the Virginia Key Landfill project is completed for less than its \$46,000,000 estimated cost. The Virginia Key Landfill project is programmed for completion in the first quarter of 2018.</p> <p><b><u>Background:</u></b> On February 17, 2004, the Board of County Commissioners adopted Resolution No. R-244-04 which approved the conceptual plan to fund remediation and closure of landfill sites throughout the County as described in the supplementary County Manager's memorandum that accompanied the grant agreement with the City of North Miami for remediation and closure of the Munisport Landfill. The conceptual plan provided the framework to move forward with the three (3) eligible municipal landfill closure projects that had been identified (Munisport, Homestead, and Virginia Key).</p>
<b>11A1 152138</b>	RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO. 7-7 RELATING TO EMPLOYEES HAVING KNOWLEDGE OF A CRIME AND APPROVING IMPLEMENTING ORDER NO. 7-7 ESTABLISHING AN HONOR CODE FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES [SEE ORIGINAL ITEM UNDER FILE NO. 151803] (SEE AGENDA ITEM NO. 7C)
<b>Notes</b>	<p>The proposed resolution rescinds Administrative Order No. 7-7 which relates to employees having knowledge of a crime, and adopts Implementing Order No. 7-7 establishing an Honor Code.</p> <p><b><u>Additional Information - Administrative Order No. 7-7:</u></b></p>

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	<p>Administrative Order No. 7-7 was ordered on October 22, 1964 and provides that county officials and employees under the jurisdiction of the County Manager who have knowledge or information which may constitute a crime, will report such information immediately and personally to the proper investigating authority. The purpose of this Administrative Order was to establish a procedure for reporting such information.</p> <p>The procedure for Administrative Order No. 7-7 is listed below:</p> <ul style="list-style-type: none"> <li>• <b>State Attorney:</b> Any County official or employee who has information which may constitute a crime will immediately report such information personally to the State Attorney.</li> <li>• <b>Grand Jury:</b> If the employee prefers to report the matter to the Grand Jury, he will proceed immediately to the offices of the Dade County Grand Jury, identify himself as a County employee who desires to make a complaint or report a crime, and the employee will be advised as to the procedure for calling the matter to the attention of the Grand Jury. All County officials or employees will cooperate fully with the investigating authority.</li> <li>• <b>County Manager:</b> After the official or employee has given his report to either the State Attorney or the Grand Jury, he should ask whether the information related may be reported to the County Manager for possible personnel action. If this is permitted, the employee should then report to the Office of the County Manager and identify himself as a County employee with confidential information, and request to see the County Manager personally.</li> </ul>
<b>11A2 152109</b>	RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO PREPARE A PLAN FOR THE USE OF GOLF CARTS ON COUNTY ROADS BETWEEN NW 12TH STREET TO THE NORTH, SW 56TH STREET TO THE SOUTH, STATE ROAD 826 TO THE EAST AND NW/SW 137TH AVENUE TO THE WEST, AND DIRECTING THE MAYOR OR DESIGNEE TO REPORT TO THE BOARD [SEE ORIGINAL ITEM UNDER FILE NO. 151877]
<b>Notes</b>	<p>The proposed resolution:</p> <ul style="list-style-type: none"> <li>• Directs the Mayor or designee to prepare a plan for allowing golf carts on County roads within the Westchester Study Area. <ul style="list-style-type: none"> <li>○ <i>In devising this plan, the Mayor or designee will consider the criteria in section 316.212 of the Florida Statutes, and will consult with the Florida Department of Transportation.</i></li> </ul> </li> <li>• Directs the Mayor or designee to provide a report containing the plan identified to the BCC within 180 days and place the completed report on an agenda of the BCC pursuant to Ordinance 14-65. <ul style="list-style-type: none"> <li>○ <i>This report and plan will, at a minimum, list the County roads within the Westchester Study Area which the Mayor or designee recommend be designated for golf cart use, and any other restrictions or conditions which the Mayor or designee recommend be placed upon such golf cart use on such County roads.</i></li> </ul> </li> </ul> <p><b><i>During the Transit and Mobility Services Committee meeting on August 26, 2015, the proposed resolution was amended to extend the timeframe to present a plan for the use of golf carts to 180 days, rather than 120 and to expand the boundaries to include 8<sup>th</sup> Street to 137<sup>th</sup> Avenue and NW 12<sup>th</sup> Street.</i></b></p> <p><b><u>Additional Information:</u></b> On June 2, 2015, the BCC, through Resolution No. R-501-15, directed the Mayor or designee to prepare a plan for allowing the use of golf carts on County roadways within the Municipalities. In devising this plan, the Mayor or designee would consider the criteria in section 316.212 of the Florida Statutes, and would consult with the Florida Department of Transportation and these Municipalities. R-501-15 further directed the Mayor or designee to provide a report containing the plan to the BCC within 120 days and place the completed report on an agenda of the BCC pursuant to Ordinance No. 14-65.</p> <p>The report and plan would, at a minimum, (1) list the County roads within the Municipalities which the Mayor or designee recommend be designated for golf cart use, (2) include a safety education component for any golf cart users, (3) require minimum safety standards for any golf carts to be used on these County roads, and (4) include any other restrictions or conditions which the Mayor or designee recommend be placed upon such golf cart use on these County roads.</p> <p><b><u>Additional Information- Section 316.212 of the Florida Statutes: Operation of golf carts on certain roadways:</u></b> <i>The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:</i></p> <p>(1) <i>A golf cart may be operated only upon a county road that has been designated by a county, or a municipal street that has been designated by a municipality, for use by golf carts. Prior to making such a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity shall post appropriate signs to indicate that such operation is allowed.</i></p> <p><b><u>Additional Information - Miramar, FL Ordinance Regarding the Use of Golf Carts On Local Roadways:</u></b> Section 20-68 of the Code of the City of Miramar allows for the operation of golf carts on certain roadways within the City. The ordinance states that golf carts that meet the standards of Article V, and are operated by persons aged fourteen (14) and above, may be operated during the hours between sunrise and sunset in permitted areas within permitted residential neighborhoods designated by appropriate signage for golf cart usage.</p>
<b>11A4 152326</b>	RESOLUTION SUPPORTING HB 153, OR SIMILAR LEGISLATION THAT WOULD ESTABLISH A PROGRAM TO PROVIDE FINANCING TO RETAILERS TO CONSTRUCT, REHABILITATE, OR EXPAND GROCERY STORES AND SUPERMARKETS IN UNDERSERVED COMMUNITIES SITUATED IN RURAL AND LOW AND MODERATE INCOME AREAS IN FLORIDA
<b>Notes</b>	The proposed resolution:

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	<ul style="list-style-type: none"> <li>• Supports House Bill 153, or similar legislation that would establish a program to provide financing to retailers to construct, rehabilitate, or expand grocery stores and supermarkets in underserved communities situated in low and moderate income areas in Florida;</li> <li>• Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Representative David Santiago, the Chair and Members of the Miami-Dade State Legislative Delegation, and Commissioner of Agriculture Adam Putnam; and</li> <li>• Directs the County’s state lobbyists to advocate for the passage of the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.</li> </ul> <p><b>Background:</b> House Bill 153 (HB 153), entitled “an act relating to the Healthy Food Financing Initiative,” has been filed by Representative David Santiago for consideration during the Florida Legislature’s 2016 session. Many people in low and moderate income communities do not have ready access to healthy and nutritious food and rely instead on fast food outlets and convenience stores selling high-fat, high-sugar processed foods for meals and snacks. Residents of rural areas often face a different, but related, challenge: a complete lack of any nearby food options at all and those living in urban and rural communities in Florida often must travel long distances to access fresh, nutritious food needed to live healthy lives. Consequently, people living in such communities often have significantly higher rates of obesity, diabetes, and other health issues and ailments related to poor nutrition. Additionally, low income communities are frequently deprived of the concomitant economic development benefits that come with having readily-accessible local grocery stores nearby, such as the creation of steady jobs at decent wages and the sparking of complementary retail stores and services in the area.</p> <p>According to a 2014 report published by the Florida Department of Health and other agencies entitled “A Healthier Future for Miami-Dade County: Expanding Supermarket Access in Areas of Need,” approximately 250,000 Miami-Dade County residents, including those in the cities of Miami, Opa-locka, and Hialeah, currently live in low-income areas that have poor supermarket access and higher than average death rates from diet-related causes. The 2014 report concluded that Miami-Dade County, like other areas in Florida, should address the lack of food stores and supermarkets in underserved communities. HB 153 would also direct the Florida Department of Agriculture and Consumer Services to establish a program that is comprised of, and coordinates the use of, federal, state, and private loans or grants, federal tax credits, and other types of financial assistance for the construction, rehabilitation, or expansion of independent grocery stores, supermarkets, and community facilities to increase access to fresh produce and other nutritious food in distressed, underserved communities where a substantial number of residents currently have low access to a full-service grocery store or supermarket.</p>
<b>11A5 152322</b>	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD (1) PREVENT THE HOUSING OF INDIVIDUALS THAT ARE DIVERTED FROM THE CRIMINAL JUSTICE SYSTEM IN ASSISTED LIVING FACILITIES OR COMMUNITY RESIDENTIAL HOMES, AND (2) ALLOW FOR THE OPERATION OF ALTERNATIVE MEANS OF HOUSING FOR SUCH INDIVIDUALS, AND REQUIRE THAT THE HOMES PROVIDE SERVICES FOCUSED ON THE NEEDS OF THE POPULATION BEING SERVED, BUT RESTRICT THE PLACEMENT OF SUCH HOMES TO NON-RESIDENTIAL AREAS AND AREAS THAT ARE NOT IN PROXIMITY TO SCHOOLS OR PARKS; WAIVING REQUIREMENTS OF RESOLUTION NO. R-764-13 LIMITING NUMBER OF STATE LEGISLATIVE PRIORITIES; AMENDING RESOLUTION NO. R-911-15 TO REVISE THE BOARD’S STATE LEGISLATIVE PRIORITIES FOR THE 2016 LEGISLATIVE SESSION TO INCLUDE THIS ISSUE AS A PRIORITY
<b>Notes</b>	<p>The proposed resolution:</p> <ul style="list-style-type: none"> <li>• Urges the Florida Legislature to enact legislation that would prevent the housing of individuals that are diverted from the criminal justice system in assisted living facilities or community residential homes;</li> <li>• Urges the Florida Legislature to enact legislation that would allow for the operation of group homes for individuals that are diverted from the criminal justice system, and require that the homes provide services focused on the needs of the population being served, but restrict the placement of such homes to non-residential areas and areas that are not in proximity to schools or parks;</li> <li>• Waives requirements of Resolution No. R-764-13 and amends Resolution No. R-911-15 to revise the Board’s state legislative priorities for the 2016 legislative session to include an eleventh priority urging the Florida Legislature to enact legislation;</li> <li>• Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation; and</li> <li>• Directs the County’s state lobbyists to advocate for the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item as a priority.</li> </ul> <p><b>Background:</b> The Eleventh Judicial Circuit Criminal Mental Health Project (CMHP) was established to divert nonviolent misdemeanor defendants with serious mental illnesses (SMI) or co-occurring SMI and substance use disorders, from the criminal justice system into community-based treatment and support services. The program has expanded to serve defendants that have been arrested for less serious felonies and other charges as determined appropriate.</p> <p>CMHP established an assisted living facility (ALF) referral program in order to improve the access to and the quality of care received at ALFs in Miami-Dade County and ALFs participating in this program have agreed to comport themselves to the Court’s standards of care and to subject themselves to a monitoring system by a team of Court appointed professionals. Chapters 419 and 429, Florida Statutes, allow for ALFs and community residential homes to operate in predominately single-family and multi-family residential neighborhoods and are operated and regulated as homelike-residential environments with supportive services for elderly persons and adults with disabilities, and not as medical or nursing facilities.</p>

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	The diversion of individuals from the criminal justice system to ALFs or community residential homes could have the effect of altering the character of the residential areas where the homes are found and could potentially cause problems for the surrounding residents, particularly for the most vulnerable residents, the children and the elderly. The residents of the ALFs and community residential homes are usually elderly and disabled individuals who are receiving increased or adjusted services to compensate for the physical or mental decline that may occur with the aging process and placing individuals who are suffering from SMI and who have been diverted from the criminal justice system in residential homes that are focused on providing non-medical services to the elderly and disabled may result in a failure to meet the needs of either group of residents.
<b>11A6 152337</b>	RESOLUTION URGING THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO REFRAIN FROM ALLOWING HUNTING IN STATE PARKS THROUGHOUT FLORIDA
<b>Notes</b>	<p>The proposed resolution:</p> <ul style="list-style-type: none"> <li>• Urges the Florida Department of Environmental Protection to refrain from allowing hunting in state parks throughout Florida;</li> <li>• Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Florida Department of Environmental Protection Secretary Jon Steverson; and</li> <li>• Directs the County's state lobbyists to advocate for the action indicated and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.</li> </ul> <p><b>Background:</b> The Florida Department of Environmental Protection (FDEP) oversees and manages Florida's state parks. Hunting in state parks is currently prohibited however, FDEP has indicated an intent to allow hunting in state parks so that the state park system could be financially self-sufficient. State parks should preserve and protect wildlife and with 161 state park areas in Florida, millions of people visit the parks to engage in recreational activities like swimming, camping, hiking, biking, fishing, and canoeing and hunting could interfere with these activities and potentially pose a danger to those engaging in such activities.</p>
<b>11A7 152338</b>	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ALLOCATE FUNDING FOR MIAMI-DADE COUNTY'S ENVIRONMENTALLY ENDANGERED LANDS PROGRAM FOR CONSERVATION LAND ACQUISITION AND MANAGEMENT PURSUANT TO THE FLORIDA WATER AND LAND CONSERVATION INITIATIVE, FLORIDA CONSTITUTIONAL AMENDMENT 1; URGING THE FLORIDA ASSOCIATION OF COUNTIES TO IDENTIFY THIS ISSUE AS ONE OF ITS PRIORITIES FOR THE 2016 LEGISLATIVE SESSION
<b>Notes</b>	<p>The proposed resolution:</p> <ul style="list-style-type: none"> <li>• Urges the Florida Legislature to allocate funding for county environmentally endangered lands programs for conservation land acquisition and management pursuant to the Florida Water and Land Conservation Initiative, Florida Constitutional Amendment 1;</li> <li>• Urges the Florida Association of Counties to include securing funding for county environmentally endangered lands programs for conservation land acquisition and management pursuant to the Florida Water and Land Conservation Initiative, Florida Constitutional Amendment 1, as one of its critical priorities for the 2016 legislative session;</li> <li>• Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Executive Director of the Florida Association of Counties; and</li> <li>• Directs the County's state lobbyists to advocate for the issues raised and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item.</li> </ul> <p><b>Background:</b> On November 4, 2014, 75.64 percent of Florida voters overwhelmingly approved Florida Constitutional Amendment 1, the Florida Water and Land Conservation Initiative, which authorizes no less than 33 percent of net revenues collected from the existing excise tax on real estate documents (the stamp tax) to be used to acquire, restore, and improve land and water areas throughout Florida. The revenues collected pursuant to Amendment 1 may be used to help finance the acquisition and management of conservation land in Miami-Dade County and as the most populous county in Florida and with numerous high value properties within its borders, Miami-Dade County generates a significant share of Florida's total stamp tax revenue. Stamp tax revenues have historically been used to provide state funding for the purchase of environmentally significant Florida lands.</p> <p>Outdoor recreation and tourism is one of Florida's most significant industries, employing one out of every nine residents, drawing 90 million people annually to this state, and contributing \$71 billion to Florida's economy in 2012. In 1990 the citizens of Miami-Dade County voted to create the Environmentally Endangered Lands Program (EEL Program), and approved a two-year property tax to fund the EEL Program's acquisition, protection, and maintenance of environmentally endangered lands. The EEL Program and its purchasing partners have brought more than 20,700 acres of environmentally endangered lands into public ownership within the County and manage 2,800 additional acres of natural lands within Miami-Dade County parks and these environmentally endangered lands contain many treasured natural resources that contribute greatly to the recreational opportunities and quality of life enjoyed by Florida residents and visitors alike.</p> <p>Miami-Dade County's environmentally endangered lands provide many critical public services to its residents and visitors, such as protecting against saltwater intrusion, reducing stormwater runoff from polluting surface waters and Biscayne Bay, providing aquifer recharge and wellfield protection, providing carbon sequestration, protecting numerous species, and habitat conservation. The County has focused its efforts on environmentally endangered land acquisition in areas such as the Biscayne Coastal Wetlands, the Oleta River Corridor, and the South Dade Wetlands and with support from Florida's Governors and Legislatures from 1990 through 2008, two state programs, Preservation 2000 and Florida Forever, received approximately \$300 million in state funding each year.</p>

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	<p>The EEL Program, has benefited directly from state land conservation management and restoration programs funded through Preservation 2000, Florida Forever, and the Florida Communities Trust by receiving over \$14.5 million in grants from these programs and Miami-Dade County, primarily through the EEL Program, has worked in partnership with the State of Florida to acquire almost 12,000 acres of conservation land titled to the State. The EEL Program has acquired another 12,000 acres of conservation lands titled to the County and spends over \$3 million annually on the management of these state and county-owned conservation lands.</p> <p>While the Amendment 1 portion of the stamp tax revenue totaled \$740 million, the state’s fiscal year 2015-2016 budget has allocated just \$15 million for Florida Forever funding, \$88.7 million for land acquisition, and \$100 million for land restoration, which together account for less than 30 percent of the total available Amendment 1 funds; and</p> <p><b>During the 2015 state legislative session, the BCC passed Resolution No. R-173-15, which urged the state legislature to allocate funding for Miami-Dade County’s EEL Program.</b></p> <p><b><u>Additional Information on EEL Program:</u></b> Environmentally Endangered Lands Program:</p> <ul style="list-style-type: none"> <li>• Miami-Dade County’s Environmentally Endangered Lands Program’s (EEL) focus is the protection and conservation of environmentally endangered lands.</li> <li>• Concerned about the continuing loss of pinelands and other natural areas, Miami-Dade County voters approved a property tax that was collected between 1990 and 1992 to fund the acquisition, protection and maintenance of environmentally endangered lands. The EEL Program identifies and secures these lands for preservation.</li> <li>• The EEL Program and its partners have brought more than 20,700 acres of environmentally endangered lands into public ownership since 1990. Additionally, the EEL Program manages 2,800 acres of natural lands within Miami-Dade County Parks, for a total of more than 23,500 acres protected.</li> </ul> <p><b><u>Additional Information on Relevant Legislation:</u></b> On December 4, 2007 the BCC adopted Resolution No. R-1300-07 authorizing the EEL Program to bid on and to purchase tax deeds for properties that have been previously designated by the County Commission as Priority A properties on the EEL Acquisition List without further authorization by the Commission. The purchase price was to be less than or equal to either the appraised value of the tax-assessed value of the property. Tax deeds purchased by the EEL Program were to be reported annually to the County Commission.</p> <p>On January 21, 2015, the BCC adopted Resolution No. R-47-15 directing the Mayor or Mayor’s designee to continue strategic implementation of Miami-Dade County’s Environmentally Endangered Lands (EEL) Program to identify additional potential longer-term funding sources for continued acquisition of EEL lands. Additionally, the Mayor was directed to prepare a report and quarterly status reports regarding the issues identified.</p> <p><b><i>Since the last Annual Report for the period of November 22, 2013 to December 31, 2014, no tax deed purchases were made by the EEL Program at auction.</i></b></p> <p><b><u>Additional Information on Mayoral Report regarding First Quarterly Status Report on Resolution No. R-47-15:</u></b> On August 20, 2015, the Mayor issued a report regarding the First Quarterly Status Report on Resolution No. R-47-15.</p> <p><b>Quarter 1 Progress (January 31, 2015 – April 30, 2015) - Strategic Implementation through Acquisitions</b> Between January 21, 2015 (the date the Board approved R-47-15) and April 9, 2015, the EEL Program has acquired 41.410 acres within the South Dade Wetlands EEL Preserve at a total cost of \$162,000 (\$75,000 in GOB and \$87,000 in EEL Trust Funds). This acreage includes the purchase of seven (7) folios ranging in size from five (5) acres to almost nine (9) acres.</p> <p><b>Potential Future Funding Sources</b> Funding for acquiring properties on the EEL acquisition lists includes the EEL Acquisition Trust Fund and the Building Better Communities General Obligation Bond funds. These funding sources have been specifically designated for EEL land purchases by referendum and Board approval. Any other source of funding that becomes available for EEL purchase, such as grants, is also subject to approval by the Board. The EEL Program’s land management activities are currently funded through the EEL Program’s Management Fund. The EEL Program has been increasingly successful in the last few years at securing other funds for land management and at engaging community partners and volunteers to help meet unmet management needs in EEL Preserves. However, these are non-predictable remedies and do not provide long-term assurance that program activity levels can be sustained. Therefore, it is important that long-term and sustainable funding options be identified. One potential option includes allocation of funds made available under Florida Constitutional Amendment 1.</p> <p>Amendment 1 may result in more than \$10 billion over the next 20 years for conservation, management, and restoration of water and land resources. Miami-Dade County is the most populous county in Florida and generates a significant share of Florida’s total stamp tax revenues which will be directed to Amendment 1 Programs.</p> <p>On February 18, 2015, the BCC approved Resolution No. R-173-15 urging the Florida Legislature to allocate funding for Miami-Dade County’s EEL Program for conservation land acquisition and management pursuant to the Florida Water and Land Conservation Initiative, Florida Constitutional Amendment 1.</p>
<b>11A8 152383</b>	RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR’S DESIGNEE TO CONFER WITH THE NATIONAL PARK SERVICE, FEDERAL LANDS TO PARKS DIVISION, REGARDING THE FEDERAL DEED RESTRICTIONS FOR WEST KENDALL DISTRICT PARK, INCLUDING CONDITIONS UNDER

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	WHICH THE NATIONAL PARK SERVICE WOULD BE WILLING TO RELEASE SUCH DEED RESTRICTIONS AND TO REPORT BACK TO THIS BOARD WITHIN 90 DAYS ON THE RESULTS THEREOF [SEE ORIGINAL ITEM UNDER FILE NO. 152265]
<b>Notes</b>	<p>The proposed resolution directs the County Mayor or Mayor's designee to consult with the National Park Service, Federal Lands to Parks Division, regarding the federal deed restrictions, including (a) the conditions and parameters by which concession agreements would be approved, (b) the possibility of acquiring additional park land upon which to transfer the deed restrictions, and (c) the conditions under which the National Park Service would be willing to release the deed restrictions on all or a portion of WKD Park and to report back to this Board within 90 days of the effective date of this resolution on the results of such discussions. Pursuant to Ordinance No. 14-65, the County Mayor or Mayor's designee will place the completed report on a BCC agenda.</p> <p><b><u>Background:</u></b> WKD Park was acquired by the County through the Miami-Dade Park, Recreation and Open Spaces Department (PROS) in 2000 pursuant to Resolution No. R-429-00 (Acquisition Resolution) which provided that the intent was to develop lighted football, soccer and baseball fields, as well as a family aquatic center with a pool and a sports court complex for basketball, roller hockey and tennis at WKD Park. Prior to its acquisition, the County identified WKD Park as the property of choice upon which to transfer the federal deed restrictions on the Zoo Miami lands which required that the lands be used for public park and recreation purposes. While the County sought to allow private, commercial development on the Zoo Miami lands, the National Park Service would release the deed restrictions on the Zoo Miami lands only if they were transferred to another park that was similar in size and close in proximity to the Zoo Miami lands in question. Since the County deemed the federal deed restrictions no more limiting on the County's use and development of WKD Park than those already imposed by Article 7 of the County Charter, the County agreed to transfer the public park purposes only deed restrictions from Zoo Miami to WKD Park pursuant to Resolution No. R-819-06.</p> <p>In furtherance of the plans for development of WKD Park set forth in the Acquisition Resolution, County voters and the BCC approved the allocation of \$9 million in Safe Neighborhood Bond funds to be used for land acquisition and park development at WKD Park and, in 2004, \$23 million in Building Better Communities General Obligation Bond funds to be used for area-wide park improvements at WKD Park. To date, PROS has developed a walking trail, a dog park and is in the process of excavating and building a lake in WKD Park however, the County has been unable to identify sufficient funds to complete the balance of the improvements to WKD Park, including the athletic fields and pool. Currently, PROS is in the process of seeking private parties to invest in the development and operation of WKD Park but is unsure as to what type of development, use, operations and agreements would be permitted by the National Park Service pursuant to the federal deed restrictions recorded on WKD Park.</p> <p><b><u>Additional Information on Relevant Legislation:</u></b> On February 3, 2015, the BCC, through Resolution No. R-148-15, directed the Mayor or Mayor's designee to prepare a phasing plan for developing the West Kendall District Park (WKDP) within 90 days of the resolution. R-148-15 allowed for the preparation of a phasing plan that identifies timeframes during which improvements set forth in the draft conceptual plan for WKDP will be completed, providing County residents and visitors important information about the future of the park and a timeline for its development.</p> <p><b><u>Additional Information - Mayoral Report Regarding the Phasing Plan for the Development of the West Kendall District Park:</u></b> On May 15, 2015, the Mayor released a report regarding the phasing plan for the development of the West Kendall District Park in response to Resolution No. R-148-15. According to the report, the original Master Plan for the Park was completed in 2003 and updated in 2014. It incorporates a two-phase development: Phase 1 entails lake excavation, general site filling, and grading and development of a 58-acre passive recreation area; Phase 2 entails building the proposed active recreation area on the 92-acre balance of the site.</p> <p><b>Phase 1</b> The cost of the Phase 1 development is approximately \$21 million, which will exhaust the majority of available BBC-GOB funding. PROS has commissioned a site planning consultant already under contract to the Department to conduct a Phase 1 preliminary site design that includes an environmental and permitting study to secure the lake excavation permit. The study/design and permitting is anticipated to be completed by mid-December 2015. The design of the remaining Phase 1 amenities and park utilities will require PROS to select and contract with an architectural and engineering design consultant. PROS is seeking to add this project to the Economic Stimulus Plan (ESP) list in an effort to accelerate the design professional selection process.</p> <p>The construction of Phase 1 lake excavation can begin as soon as May 2016, contingent upon securing all environmental approvals, lake management plan, and permitting. The balance of Phase 1, development of park amenities and utilities, is projected to begin in March 2017. PROS estimates the excavation and site leveling of the Phase 1 lake area to be 4-6 months and the balance of Phase 1 construction to be 12-14 months. Another fast-track alternative being explored is constructing a shared-use path parallel to SW 157 Avenue that could connect to Black Creek Trail in the future and could be used as a greenway within the park and a neighborhood connector. Should this alternative be chosen, construction could begin as early as the summer of 2016.</p> <p><b>Phase 2</b> The approximate cost to develop Phase 2 is \$80 to \$110 million dollars, depending on the type of program established. Concurrently to Phase 1, PROS will actively pursue a Programming Partner to start the development of Phase 2. PROS has developed a preliminary scope of services for the development of a Request for Proposal (RFP) solicitation. The RFP scope was based upon numerous public meetings, stakeholder group meetings and an "Industry Day" meeting to solicit input from the industry. Once the RFP process has been finalized and a Programming Partner is selected, PROS anticipates the design/construction duration to be approximately 18-24 months depending on the level of development.</p>