



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

November 17, 2015
9:30 A.M.
Commission Chamber

Research Division

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**Board of County Commissioners
November 17, 2015 Meeting
Research Notes**

Item No.	Research Notes
4B 152611	ORDINANCE AMENDING BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY TO EXPAND CITIZENS' INDEPENDENT TRANSPORTATION TRUST REVIEW TO ALL CONTRACTS PROCURED BY OR ON BEHALF OF MIAMI-DADE TRANSIT REGARDLESS OF FUNDING SOURCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance amends, by a two-thirds vote of the Commission membership, Section 29-124 of the Miami-Dade County Code to expand Citizens' Independent Transportation Trust Review to all contracts procured by or on behalf of Miami-Dade Transit regardless of funding source.</p> <p>Additional Information: During the Transit and Mobility Services Committee meeting on February 11, 2015, File No. 142481, amending by a two-thirds thirds vote of the Commission membership Section 29-124 of the Miami-Dade County Code to expand Citizens' Independent Transportation Trust Review to all contracts procured by or on behalf of Miami-Dade Transit regardless of funding source, was deferred.</p> <p>Since it has been more than six months since File No. 142481 was deferred, the proposed ordinance, File No. 152611, has been introduced. The two items are similar.</p> <p>Previous Legislation On December 10, 2008, the Transit Committee discussed and amended File No. 083619, which amended Section 29-124 of the Miami-Dade County Code to provide that the Citizens' Independent Transportation Trust (CITT) submit a recommendation to the BCC prior to the BCC awarding any contract funded in whole or in part by the Charter County Transit System Surtax Funds. This item was subsequently deferred at the March 3, 2009 BCC meeting. During the committee meeting, the following was discussed:</p> <ul style="list-style-type: none"> • <i>Members of the Citizens' Independent Transportation Trust (CITT) spoke about the current process for award of contracts funded in whole or in part by Charter County Transit System Surtax Funds. They noted that currently, the Commission reviewed contracts before the CITT reviewed them. They also noted that pursuant to this ordinance contracts would go to the CITT first, and that the Commission, whether it agreed or disagreed with the CITT, could take any action by a majority vote.</i> • <i>The CITT members suggested this ordinance be amended to provide that a 2/3 vote be required for County Commission approval instead of a majority vote.</i> • <i>The Committee expressed concern that items may be delayed if the CITT could not make recommendations due to lack of a quorum. In response, the CAO explained that this proposed ordinance could be amended to identify a timeframe in which the CITT must make a recommendation or forfeit the right to make a recommendation. He noted the timeframe would begin when the County Manager filed a recommendation.</i> • <i>The Committee suggested that the CITT meet with either the members of the Commission or members of the Transit Committee to discuss issues related to the People's Transportation Plan summit held on November 15, 2008.</i> • <i>The CAO noted that the CITT did not take a formal vote of approval or disapproval on this proposed ordinance. He added that the CITT and the CITT Nominating Committee had concerns regarding the vote required for the Commission to accept, reject, or modify the CITT's recommendation. The CAO also noted the CITT voted on contracts after the Commission approved the County Manager's recommendations on the contracts, therefore, CITT members felt they had little input when they received the contracts. The CAO further noted that currently if the Commission approved a contract the contract was submitted to the CITT; if the CITT disagreed with the Commission, the contract was reviewed by the Commission; and the Commission could override the CITT's disapproval only by a 2/3 vote. He added that, pursuant to this proposed ordinance, the CITT would review contracts before the Commission did and the Commission, whether it agreed or disagreed with the CITT, could take any action by a majority vote.</i> • <i>The Committee proposed that the proposed ordinance be amended to establish the following timeframe for the Citizens' Independent Transportation Trust (CITT) to submit to the Transit Committee (TC) recommendations regarding contracts: 45 days after the County Manager files a recommendation. Discussion ensued regarding whether the proposed amendment would allow for contracts to be submitted in a timely manner to Commission Committees and included on Commission agendas, and regarding the CITT's meeting schedule. It was proposed that the proposed ordinance also be amended to establish quarterly meetings between members of the Transit Committee and CITT.</i> • <i>The CITT members expressed support for the proposed ordinance and the amendment concerning the 45 day timeframe.</i>
5A 152594	RESOLUTION EXPANDING THE MIAMI-DADE GREEN TECHNOLOGY CORRIDOR; DESIGNATING, AFTER PUBLIC HEARING, ADDITIONAL UNINCORPORATED AREA ALONG NORTHWEST 79TH STREET, BETWEEN NORTHWEST 27TH AVENUE AND NORTHWEST 7TH AVENUE, ALONG NORTHWEST 7TH AVENUE, BETWEEN NORTHWEST 79TH STREET AND NORTHWEST 119TH STREET, AND IN THE VICINITY OF THE MIAMI RIVER AND NORTHWEST 37TH AVENUE AS THE MIAMI-DADE GREEN TECHNOLOGY CORRIDOR
Notes	<p>The proposed resolution expands the Miami-Dade Green Technology Corridor to include additional industrial and commercial properties in the unincorporated area.</p> <p>Specifically, the proposed resolution expands the boundaries of the Miami-Dade Green Technology Corridor to include additional properties in the unincorporated area along Northwest 79th Street between Northwest 27th Avenue and Northwest 7th Avenue; along Northwest 7th Avenue, between Northwest 79th Street and Northwest 119th Street; and in the vicinity of the Miami River and Northwest 37th Avenue.</p> <p>Background: The Green Economy is a rapidly growing segment of the American economy and may be a source of growth even in the depths of an economic recession. The industries included in this new Green Economy may create significant growth in a spectrum of jobs, from research and development to both skilled and unskilled trades, thus providing a wide range of employment opportunities.</p>

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	<p>On March 15, 2011, the BCC adopted Resolution No. R-197-11 which created the Miami-Dade Green Technology Corridor in the unincorporated area bounded by Northwest 127th Street to the North, Northwest 27th Avenue to the East, Northwest 37th Avenue to the West, and the Miami River to the South. In Resolution No. R-197-11, the BCC found that designating the above-mentioned area as the Miami-Dade Green Technology Corridor would help focus economic development and marketing efforts of Miami-Dade County and the State of Florida in order to encourage companies and entrepreneurs dealing with renewable energy, energy efficiency, and environmentally beneficial technologies to locate within Miami-Dade County.</p> <p><u>Additional Information – Green Corridors in Miami-Dade County:</u></p> <p>Property Assessed Clean Energy (PACE)¹ PACE (Property Assessed Clean Energy) is a simple and effective way to finance energy efficiency, renewable energy, and water conservation upgrades to buildings. PACE can pay for new heating and cooling systems, lighting improvements, solar panels, water pumps, insulation, and more for almost any property – homes, commercial, industrial, non-profit, and agricultural.</p> <p>Property owners across the US are using PACE because it saves them money and makes their buildings more valuable. PACE pays for 100% of a project's costs and is repaid for up to 20 years with an assessment added to the property's tax bill. PACE financing stays with the building upon sale and is easy to share with tenants. State and local governments sponsor PACE financing to create jobs, promote economic development, and protect the environment.</p> <p>Florida PACE Funding Agency² The Florida PACE Funding Agency was created in June 2011 by general law through an interlocal agreement. The initial incorporators are Flagler County and the City of Kissimmee. The Agency's mission is to facilitate the implementation, planning, development, funding, financing, marketing and management of a statewide platform so that counties and cities can easily and economically take advantage of a uniform, scalable program for their property-owning constituents. The Florida PACE Funding Agency was designed to insulate local governments from liability and the heavy use of staff time for such a voluntary program.</p> <p>Florida's PACE legislation allows individual residential and commercial property owners to voluntarily seek financing for certain energy or wind resistant improvements in the form of a special assessment through their local government with payback occurring over a period of years and collected on the same bill as property taxes. The Florida Legislature in 2010 overwhelmingly passed bipartisan legislation that carefully details the authority and processes for a PACE program and assessments in Florida.</p> <p>To date, the Agency is the only source of PACE financing initially capitalized at \$200 million, making funding available immediately. In addition, the Agency has been approved to capitalize up to \$2 billion.</p> <p>Clean Energy Green Corridor - Miami-Dade³ Ygrene Energy Funds announcement with Carbon War Room last fall of a program centered initially in South Florida has led to the formation of the Clean Energy Green Corridor District. Initiated by the Town of Cutler Bay, the District to date includes Miami, South Miami, Pinecrest, Palmetto Bay, Coral Gables and Miami Shores, communities that total about 650,000 people. The Green Corridor District plans to offer both commercial and residential PACE financing, though only commercial projects will be permitted in the City of Miami.</p> <p>Ygrene Energy Fund Florida, a subsidiary of the California based leader in PACE program development, will administer the program, using its turnkey approach that provides administration, financing, contracting, and a range of assurances and performance guarantees to participating governments. According to Ygrene's John Wakefield, the implementation process has been launched with initial project finance and property improvements expected this fall for likely completion in early 2013. Ygrene reports that it has secured funding through Barclays and is working to develop potential funding from other lenders capable of warehousing assessments.</p> <p>In Miami-Dade, Ygrene uses a comprehensive marketing strategy that involves broad outreach to local stakeholders through workshops, newsletters, and presentations. As John Wakefield informs us, in every clean energy district Ygrene establishes an Energy Center to showcase new equipment and technology, offer assistance and resources to local property owners, and undertake contractor recruitment, training and certification. Building on the experience of the Sonoma County Energy Independence program, Ygrene developed its direct advertising efforts consisting of media ads, direct mailing, and community events to better reach local property owners. Overall, Ygrene puts emphasis on creating localized programs at a District level.</p> <p>As for energy audits, Green Corridor uses home evaluation software tool to prioritize improvements and calculate the SIR (savings to investment ratio). Water conservation and wind hazard abatement projects could be offered to Green Corridor participating municipalities that choose to include these measures when they join. Green Corridor will not require consent from existing mortgage lenders, relying on Florida's enabling statute requirements for notice only.</p> <p><u>Additional Information – Green Technology Corridors:</u></p>

¹ <http://www.pacenation.us/about-pace/>

² <http://floridapace.gov/about/>

³ <http://www.pacenation.us/resources/all-programs/>

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	<p>East Bay Green Technology Corridor⁴ Home to UC Berkeley, Lawrence Berkeley National Laboratory, and a highly educated and entrepreneurial workforce, the East Bay Green Corridor is poised to lead California in the emerging clean technology economy.</p> <p>The Green Corridor represents a commitment to build upon the region's existing strength as a center for emerging green technology, innovation and entrepreneurship. Established in 2007 by UC Berkeley, Lawrence Berkeley National Laboratory, and the cities of Berkeley, Oakland, Richmond and Emeryville, the Corridor expanded in 2009 to include the cities of Alameda, Albany, El Cerrito and San Leandro; California State University East Bay and Peralta Community College District; and in 2012, added the city of Hayward. This has put the structure in place for broad regional collaboration.</p> <p>Statement of Principles</p> <ul style="list-style-type: none"> • Create Conditions that Support New and Emerging Green Industries • Strengthen Programs Promoting Technology Development and Transfer • Support Employment Development Opportunities in Emerging Green industries • Build a More Cohesive Regional Identity in Green Business Sectors • Protect Our Economies from Climate Change and Energy Shocks • Cooperate in Obtaining Resources for Green Research and Entrepreneurship • Improve our Living Environment and Quality of Life <p>East Bay Green Technology Corridor partners include the Cities of:</p> <ul style="list-style-type: none"> • Alameda; Albany; Berkeley; El Cerrito; Emeryville; Hayward; Oakland; Richmond; and San Leandro <p>Interstate-4 Green Tech Corridor⁵ The Plant City City Commission amended their Comprehensive Plan in October 2010 to incorporate an Interstate-4 Green Tech Corridor Overlay. This followed and implemented the comprehensive economic and land use study conducted on the Interstate-4 corridor by the Planning Commission, Hillsborough County and the Cities of Tampa, Plant City and Temple Terrace. The I-4 Corridor Study identified areas within Plant City where a land use overlay would be appropriate to promote economic and sustainable development in eastern Hillsborough County. With the assistance and support of Plant City, the Planning Commission staff prepared a text and map amendment to the Comprehensive Plan for the City of Plant City to reflect the recommendations of the I-4 Corridor Study. The purpose of the amendment is to help diversity and expand the employment base and increase Plant City's median income and employment opportunities. This overlay will allow for and promote the development of target industries (e.g. bioscience, technical services, finance, and management) along selected areas of Interstate-4. The I-4 Green Tech Corridor Overlay seeks to achieve the economic development, environmental and sustainability objectives of the City of Plant City and Hillsborough County.</p>
5M 152614	RESOLUTION AUTHORIZING THE CITY OF HIALEAH GARDENS HEALTH FACILITIES AUTHORITY TO OPERATE WITHIN JURISDICTIONAL BOUNDARIES OF MIAMI-DADE COUNTY FOR CERTAIN LIMITED PURPOSES; APPROVING EXECUTION AND DELIVERY OF INTERLOCAL AGREEMENT WITH THE CITY OF HIALEAH GARDENS HEALTH FACILITIES AUTHORITY REGARDING ITS ISSUANCE OF REVENUE REFUNDING BONDS ON BEHALF OF CATHOLIC HEALTH SERVICES OBLIGATED GROUP; APPROVING ISSUANCE OF SUCH REVENUE REFUNDING BONDS IN AMOUNT NOT TO EXCEED \$55,000,000.00 AS REQUIRED BY SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR OTHER RELATED MATTERS
Notes	<p>The proposed resolution authorizes the City of Hialeah Gardens Health Facilities to operate within jurisdictional boundaries of Miami-Dade County for certain limited purposes; approves execution and delivery of an Interlocal Agreement with the City of Hialeah Gardens Health Facilities Authority regarding its issuance of revenue refunding bonds in an amount not to exceed \$55,000,000 as required by Section 147(F) of the Internal Revenue Code of 1986.</p> <p>Additionally, the proposed resolution:</p> <ul style="list-style-type: none"> • Approves the Notice of Public Hearing (the Notice) which was published in the Miami Herald, a newspaper of general circulation in the jurisdiction of the County, at least 14 days prior to the public hearing; • Approves the issuance of the Bonds by the Issuer for purposes of Section 147(f) of the Code after conducting the public hearing; and <ul style="list-style-type: none"> ○ <i>The Bonds will be issued from time to time in the aggregate principal amount, bear interest at such rates, mature in such amounts and be subject to optional and mandatory redemption as are approved by the Issuer without the further approval of the County. Any action regarding the issuance of the Bonds by the BCC does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Catholic Health Services Obligated Group or the Project.</i> ○ The Bonds will not constitute a debt, liability or obligation of the BCC, the County or the State of Florida or any political subdivision or public agency of each, but will be payable solely from the revenues provided for such Bonds, and neither the faith and credit nor any taxing power of the County, the State of Florida or any political subdivision or public agency of each is pledged to the payment of the principal of, premium, if any, and interest on the Bonds. The County will have no obligation with respect to the Bonds other than its obligation to enter into the Interlocal Agreement.

⁴ http://ebgreencorridor.org/corridor_profile.php

⁵ <http://www.planhillsborough.org/plant-city-i-4-green-tech-corridor/>

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	<ul style="list-style-type: none"> • Authorizes and directs the County Mayor or County Mayor’s designee and such other members, officials, officers and employees of the County to execute all necessary documents on behalf of the County to comply with the requirements of the Interlocal Agreement. <p>Background: St. Anne’s Nursing Center, St. Anne’s Residence, Inc., Villa Maria Nursing and Rehabilitation Center, Inc., St. John’s Rehabilitation Hospital and Nursing Center, Inc., Catholic Health Services, Inc., Catholic Home Health Services of Broward, Inc., Catholic Housing for the Elderly & Handicapped, Inc., St. Joseph Residence, Inc., and Villa Maria Health Care Services, Inc. (collectively, the Catholic Health Services Obligated Group), each being an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the Code), have requested the Issuer to issue its not to exceed \$55,000,000.00 aggregate principal amount of Revenue Refunding Bonds, Series 2015 (Catholic Health Services Obligated Group Facilities) (the Bonds) and loan the proceeds from the sale to the Catholic Health Services Obligated Group for the purpose of providing funds sufficient to:</p> <ul style="list-style-type: none"> • Refund on an advance basis all of the Issuer’s outstanding \$48,640,000.00 original aggregate principal amount of Revenue and Revenue Refunding Bonds, Series 2007 (Catholic Health Services Obligated Group Facilities) (the Refunded Bonds) issued to: <ul style="list-style-type: none"> ○ Finance the costs of various interior and/or exterior capital improvements to the St. Anne’s Nursing Center and St. Anne’s Residence, Inc. (the St. Anne’s Facility), located in unincorporated Miami-Dade County and St. John’s Rehabilitation Hospital and Nursing Center Inc., d/b/a St. Anthony’s Rehabilitation Hospital (the St. Anthony’s Facility), located in Broward County, Florida; ○ Refund on a current basis certain outstanding bonds issued by the City of North Miami Health Facilities Authority for the benefit of the Catholic Health Services Obligated Group (the North Miami Bonds) which were issued to finance and refinance interior and/or exterior capital improvements to two health facilities known as Villa Maria Nursing and Rehabilitation Center, Inc. d/b/a Villa Maria Nursing Center and St. Catherine’s Rehabilitation Hospital, located in the City of North Miami, Florida (the North Miami Facility) and St. Joseph Residence, Inc., located in Broward County, Florida (the St. Joseph Facility and, together with the St. Anthony’s Facility, the Broward Facilities); ○ Refinance certain outstanding debt of the Catholic Health Services Obligated Group incurred in connection with interior and/or exterior capital improvements to the North Miami Facility and to the St. Anthony’s Facility; ○ Finance the cost of the acquisition, construction and equipping of a rehabilitation hospital known as St. Catherine’s West Rehabilitation Hospital, located in the City of Hialeah Gardens, Florida (the Hialeah Gardens Facility and, together with the North Miami Facility, the St. Anne’s Facility and the Broward County Facilities, the Facilities); ○ Pay routine interior and/or exterior capital expenditures for three years of any and all members of the Catholic Health Services Obligated Group for any or all of the Facilities (collectively, the Project); and ○ Pay the costs of issuance of the Refunded Bonds. • Pay certain costs of issuance of the Bonds. <p>In order to assist in the development and maintenance of the public health, and to accomplish economies of scale and other cost savings as a result of the Issuer’s capital financing program, the Issuer desires to assist the Catholic Health Services Obligated Group by issuing the Bonds to be secured solely by revenues generated by the Project as well as any other collateral of the Catholic Health Services Obligated Group. In order to accomplish the purposes of the Act, the County has been requested to enter into an Interlocal Agreement (the Interlocal Agreement) with the Issuer to allow the Issuer to operate within the County’s jurisdictional boundaries by issuing the Bonds for the benefit of the Catholic Health Services Obligated Group.</p> <p>Section 147(f) of the Code, provides that the “applicable elected representative” of the governmental unit which has jurisdiction over the area in which the facility financed with the proceeds of tax exempt bonds is located is to approve the issuance of such bonds after a public hearing. A portion of the Project is located in Miami-Dade County, Florida and the BCC is the elected legislative body of the County, and therefore is the “applicable elected representative” for purposes of Section 147(f) of the Code.</p> <p>After a notice of public hearing was given in the form required by the Code by publication at least 14 days prior to such public hearing in the Miami Herald, a public hearing was held by the County regarding the Bonds and the plan of finance as required by Section 147(f) of the Code, at which time the County provided reasonable opportunity for all interested persons to express their views, both orally and in writing and diligently and conscientiously considered all comments and concerns expressed by such individuals, if any.</p>
7A 151995	ORDINANCE RELATING TO ROAD IMPACT FEES; PROVIDING FOR USE OF IMPACT FEES TO PAY FOR MASS TRANSIT PROJECTS THAT BENEFIT MULTIPLE IMPACT FEE DISTRICTS; AMENDING SECTION 33E-12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance relating to road impact fees amends Section 33E-12 of the Miami-Dade County Code providing for use of impact fees to pay for mass transit projects that benefit multiple impact fee districts. The ordinance allows for road impact fees to be used for mass transit projects outside the Urban Infill Area and for road impact fee funding from one or more impact fee districts if the project provides a benefit to each of the impact fee districts contributing funds to the transit improvement. It also eliminates the requirement of a recommendation from the Mayor and any consultation from the Director of the Department of Public Works and Waste Management.</p> <p>Implementation of this ordinance may have an impact on the approved capital budget in any given year. It allows the BCC to add projects without recommendation from the administration. Because the impact fees are fully appropriated, should the BCC add projects to the capital program, planned capital projects will need to be defunded.</p>

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	Miami-Dade County Code Section 33E-12 Code Comparison	
	<i>Section</i>	<i>Current</i>
	<i>Proposed</i>	
	Sec. 33E-5. <i>Definitions.</i>	(23) Select Transit Capital Improvement means a specific transit capital project located inside the Urban Infill Area that has been determined by the Board of County Commissioners to be of strategic value in providing roadway capacity inside the Urban Infill Area pursuant to Section 33E-12(d).
	Sec. 33E-12. <i>Impact fee expenditures.</i>	(d) Roadway trust funds may be expended on select transit capital improvements provided that the Board of County Commissioners, after recommendation from the Mayor in consultation with the Public Works and Waste Management Director and after public hearing, determines that any such transit use of roadway trust funds would be effective as part of the county's strategy for providing roadway capacity within the Urban Infill Area. Only impact fees generated from within the Urban Infill Area may be used for select transit capital projects. Transit projects are to be selected for road way trust fund funding on the basis of their expected effectiveness as roadway capacity improvements.
	<p><u>Additional Information – Transit and Mobility Services Committee meeting discussion:</u> <i>During the Transit and Mobility Services Committee meeting on October 14, 2015, the Committee asked the Miami-Dade Transit (MDT) Director to provide a current assessment report regarding funding resources for work on roads and paved roads, such as People's Transportation Plan (PTP) component and allocated expenditures as well as the location of those projects before the November 12, 2015 TMSC meeting.</i></p>	
11A1 152652	RESOLUTION REGARDING THE LEASE AND CONCESSION AGREEMENT BETWEEN PERRY ELLIS MENSWEAR, LLC AND MIAMI-DADE COUNTY FOR THE OPERATION OF A CONCESSION AT MIAMI INTERNATIONAL AIRPORT; PROVIDING FOR NOTICE TO PERRY ELLIS MENSWEAR, LLC; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REVIEW INFORMATION REGARDING ALLEGATIONS AGAINST PERRY ELLIS INTERNATIONAL, INC., THE RELATIONSHIP BETWEEN PERRY ELLIS INTERNATIONAL, INC. AND PERRY ELLIS MENSWEAR LLC, THEIR ANTI-DISCRIMINATION POLICIES AND COMMITMENT TO ABIDE BY SUCH POLICIES AND TO PREPARE AND SUBMIT A REPORT WITH RECOMMENDATIONS AS TO PROPOSED FUTURE ACTIONS	
Notes	<p>The proposed resolution, regarding the Lease and Concession Agreement between Perry Ellis Menswear, LLC and Miami-Dade County, directs the County Mayor or designee to review information regarding:</p> <ul style="list-style-type: none"> • The allegations made against Perry Ellis International, Inc.; • The relationship between Perry Ellis Menswear, LLC and Perry Ellis International, Inc.; • The anti-discrimination policies of Perry Ellis Menswear, LLC and Perry Ellis International, Inc., both with respect to their workforces and their customers; • Perry Ellis Menswear, LLC's commitment to abide by the anti-discrimination covenants in its Lease and Concession Agreement and the County's anti-discrimination policies; • Any response to the allegations provided by Perry Ellis Menswear, LLC and Perry Ellis International, Inc.; and • Any other relevant information. <p>The County Mayor or designee is further directed to provide a copy of this resolution to Perry Ellis Menswear, LLC, 3000 N.W. 107 Avenue, Doral, Florida 33125 and to prepare a report with recommendations to the BCC as to proposed future actions regarding the Perry Ellis Menswear, LLC Lease and Concession Agreement at the Airport including, but not limited to, whether the County should exercise its right to terminate for convenience the Lease and Concession Agreement. The County Mayor will submit the report within 30 days of the effective date of this Resolution and place the completed report on a BCC agenda pursuant to Ordinance No. 14-65.</p> <p><u>Background</u> There have been certain allegations that senior leadership in New York of Perry Ellis International, Inc. made various derogatory statements towards African Americans and homosexuals. Perry Ellis International, Inc. has denied that such statements were made.</p> <p><u>Additional Information</u> On October 6, 2015, the BCC, through Resolution No. R-824-15, approved the following:</p> <ul style="list-style-type: none"> • Waived competitive bid procedures pursuant to Miami-Dade County Code Section 2-8.1 and Section 5.03D of the Home Rule Charter and Resolution No. R-1587-72; 	

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	<ul style="list-style-type: none"> • Approved the award of a four (4) year Lease and Concession Agreement, with one (1) four-year term and one (1) two-year term renewal options, to Perry Ellis Menswear, LLC (Perry Ellis) for one (1) location in the Miami International Airport (MIA) North Terminal Marketplace to sell Perry Ellis licensed brand-name merchandise; and • Authorized the County Mayor or designee to execute the Agreement and exercise any renewal options and termination provisions. <p>Perry Ellis will pay MDAD the greater of 14 percent of gross revenues or \$18,686.25, based on the October 1, 2014, Terminal Class VI Rental Rate. The store will be developed, financed, managed and operated by Perry Ellis. Pursuant to Ordinance No. 95-138, the BCC adopted the Retail Concessions Master Plan for MIA with the goal to “present a local and regional identity to the traveling public.” MDAD believes that this Agreement with Perry Ellis fulfills those goals. Perry Ellis, a wholly owned affiliate of Perry Ellis International, Inc., is based in Doral. MDAD met with Perry Ellis to discuss the concept of a specialty retail store selling licensed original Penguin brand-name merchandise and accessories related to the Perry Ellis brand.</p> <p><u>Additional Information pertaining to Allegations</u> Perry Ellis Sued for Anti-Gay, Racist Work Environment- October 21, 2015 http://www.law360.com/articles/717099/perry-ellis-sued-for-anti-gay-racist-work-environment <i>According to a suit filed in New York federal court on October 21, 2015, a gay senior executive of fashion company Perry Ellis accused the company’s chief operating officer of freezing him out of corporate decision-making after he complained about leader’s pervasive homophobic and racist actions.</i></p> <p><i>Joseph T. Cook, President of the Wholesale Division of the Perry Ellis International, Inc.’s Original Penguin brand, says that he has been purposefully kept out of the operations of his own department after he complained about COO Oscar Feldenkreis’ comments. Oscar Feldenkreis is slated to succeed his father as CEO next year. Cook says that Feldenkreis is protected from complaints by family members who hold key roles in the company, such as the head of human resources. The seven-count suit, which names Feldenkreis and the company as co-defendants, seeks the court’s declaration that the actions are illegal under New York state law, a court ban on retaliation against Cook and undetermined monetary damages, among other things.</i></p> <p><i>PerryEllis denied Cook’s claims in a statement. “Perry Ellis is a company that promotes equal opportunity and a positive working environment. The company is proud of the fact that it is probably one of the most diverse companies in the apparel business following its multi-cultural roots, stemming from Puerto Rico and Cuba. Perry Ellis categorically denies any allegations to the contrary. The claims that have been asserted will be vigorously defended against.”</i></p> <p><u>Additional Information pertaining to Perry Ellis</u> Perry Ellis’ controlling family accused of cashing in at shareholders’ expense- May 13, 2015 http://nypost.com/2015/05/13/perry-ellis-controlling-family-accused-of-cashing-in-at-shareholders-expense/ <i>Over the past decade the family that controls Perry Ellis International has reaped a fortune from the company at shareholders’ expense, according to two investors waging a proxy battle to gain three seats on the board. The dissidents tallied roughly \$45 million worth of related-party transactions that benefitted the controlling Feldenkreis family — and were disclosed in the apparel company’s proxy statements — since 2004. “The amount of such transactions at [PEI] is obscene,” said Chris Kiper, managing director of Legion Partners Asset Management, which together with the California State Teachers’ Retirement System has a 6.3 percent stake in Perry Ellis.</i></p> <p><i>Legion has also uncovered related-party transactions that weren’t disclosed but, Kiper said, should have been. All the “obscene” spending will be included in Legion’s “fight letter” to the board this week. The activist hedge fund and the pension giant argue that [PEI’s] poor performance is a result of the family’s dominant position in the enterprise.</i></p> <p><i>Patriarch George Feldenkreis is chairman and CEO, while his son Oscar is vice chairman and chief operating officer. The family owns a quarter of the stock, which has underperformed its peers over the past several years. Perry Ellis late Wednesday fired back at the activists, saying its shares outperform its peers and that management constantly reviews and strengthens its portfolio of brands. “The family’s holdings are significant and it keeps going up, plus the stock is up 60 percent over the past 12 months,” Beder said.</i></p> <p>Perry Ellis International, Inc.’s Stock Is Sell After Reaching 52-Week Low- November 11, 2015 http://www.financialmagazin.com/perry-ellis-international-inc-s-stock-is-sell-after-reaching-52-week-low/ The stock of Perry Ellis International, Inc. (PERY) hit a new 52-week low and has \$12.44 target or 39.00% below today’s \$20.39 share price. The 9 months bearish chart indicates high risk for the \$334.32 million company. The 1-year low was reported on Nov, 11 by Barchart.com. If the \$12.44 price target is reached, the company will be worth \$130.38 million less.</p> <p><i>The 52-week low event is an important milestone for every stock because it shows very negative momentum and is time when sellers come in. During such technical setups, fundamental investors usually stay away and are careful buying the stock. The stock is down 4.32% or \$0.92 after the news, hitting \$20.39 per share. About 113,086 shares traded hands or 49.44% up from the average. Perry Ellis International, Inc. (NASDAQ:PERY) has declined 13.27% since April 9, 2015 and is downtrending. It has underperformed by 12.82% the S&P500.</i></p> <p>Analysts await Perry Ellis International, Inc. (NASDAQ:PERY) to reports earnings on November, 19. <i>They expect \$0.05 earnings per share, up 66.67% or \$0.02 from last year’s \$0.03 per share. PERY’s profit will be \$819,814 for 101.95 P/E if the \$0.05 EPS becomes reality. After \$0.31 actual earnings per share reported by Perry Ellis International, Inc. for the previous quarter, Wall Street now forecasts -83.87% negative EPS growth.</i></p>

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11A2 152555	<p>RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 166, HB 19, SJR 358, HJR 453 OR SIMILAR LEGISLATION PROHIBITING OR PLACING BEFORE VOTERS A CONSTITUTIONAL AMENDMENT TO PROHIBIT HYDRAULIC FRACTURING IN THE STATE OF FLORIDA; OPPOSING SB 318, HB 191, OR SIMILAR LEGISLATION WHICH WOULD PREEMPT LOCAL GOVERNMENTS FROM REGULATING OIL AND GAS DEVELOPMENT AND EXTRACTION; OPPOSING ANY STATE LEGISLATION WHICH WOULD CREATE A STATE PUBLIC RECORDS LAW EXEMPTION FOR PROPRIETARY INFORMATION PROVIDED BY DRILLING COMPANIES TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THROUGH PERMITTING</p>
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact Senate Bill 166, House Bill 19, Senate Joint Resolution 358, House Joint Resolution 453 or similar legislation prohibiting or placing before voters a constitutional amendment to prohibit hydraulic fracturing in the State of Florida; • Opposes Senate Bill 318, House Bill 191 or similar legislation which would preempt local governments from regulating oil and gas development and extraction; • Opposes any state legislation which would create a state public records law exemption for proprietary information provided by drilling companies to the Florida Department of Environmental Protection through permitting in connection with the department's online high pressure well stimulation chemical disclosure registry; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senators Darren Soto, Dwight Bullard, Jeremy Ring, and Garrett Richter, Representatives Jose Javier Rodriguez, Evan Jenne and Ray Rodrigues, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation; and • Directs the County's state lobbyists to advocate for the passage of certain legislation and against certain legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item. <p>Background:</p> <p>Hydraulic fracturing is the process of pumping a fluid into or under the surface of the ground in order to create fractures in existing rock for the purpose of producing or recovering oil or gas. Florida's water supply comes from highly permeable limestone formations which are vulnerable to contamination from hydraulic rock-fracturing activities designed to extract hydrocarbons. Miami-Dade County gets all of its water from groundwater sources, including the Floridan Aquifer and Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 62C-30, Florida Administrative Code, make no reference to hydraulic fracturing.</p> <p>In January 2014, an oil drilling company in Collier County was discovered to be using high-pressure injections of acid and water to blast open bedrock to gain access to oil reserves near underground aquifers and in July 2014, the Florida Department of Environmental Protection revoked the drilling permits of the oil drilling company and fined the company \$25,000. Hydraulic fracturing poses potential risks for contaminating the Floridan Aquifer, the source of drinking water for nearly 10 million Floridians. In 2014, voters overwhelmingly approved Florida Constitutional Amendment 1, the Florida Water and Land Conservation Initiative, which is designed to protect Florida's natural resources, including the state's drinking water.</p> <p>On January 21, 2015, the BCC passed Resolution No. R-54-15, which urged the state legislature to enact legislation prohibiting hydraulic fracturing in the State of Florida during the 2015 state legislative session. Senate Bill 166 and House Bill 19 would prohibit hydraulic fracturing in the State of Florida and have been filed for consideration during the 2016 session of the Florida Legislature by Senator Darren Soto (D – Kissimmee) and Representative Evan Jenne (D – Hollywood), respectively. Senate Joint Resolution 358 (SJR 358) and House Joint Resolution 453 (HJR 453), which have been filed for consideration during the 2016 session of the Florida Legislature by Senator Jeremy Ring (D – Margate) and Representative Jose Javier Rodriguez (D – Miami), respectively, both propose an amendment to the Florida Constitution prohibiting the practice of hydraulic fracturing in Florida.</p> <p>Other bills have also been filed for consideration during the 2016 session of the Florida Legislature prohibiting local regulation of all matters relating to the exploration, development, production, processing, storage, and transportation of oil and gas, including hydraulic fracturing. Two such bills, Senate Bill 318 introduced by Senator Garrett Richter (R – Naples), and House Bill 191, introduced by Representative Ray Rodrigues (R – Fort Myers), would preempt Miami-Dade County's ability to regulate potentially harmful oil and gas extraction techniques. Senate Bill 1582, which would have created a public records exemption for drilling companies, was filed during the 2015 session of the Florida Legislature by Senator Richter. Senate Bill 1582 died on the Senate calendar but may be re-filed in some capacity during the 2016 session.</p> <p><u>Additional Information - 4 states confirm water pollution from drilling – USA Today - Associated Press review of complaints casts doubt on industry view that it rarely happens - January 5, 2014⁶:</u></p> <ul style="list-style-type: none"> • <i>In at least four states that have nurtured the nation's energy boom, hundreds of complaints have been made about well-water contamination from oil or gas drilling, and pollution was confirmed in a number of them, according to a review that casts doubt on industry suggestions that such problems rarely happen.</i> • <i>The Associated Press requested data on drilling-related complaints in Pennsylvania, Ohio, West Virginia and Texas and found major differences in how the states report such problems. Texas provided the most detail, while the other states provided only general outlines. And while the confirmed problems represent only a tiny portion of the thousands of oil and gas wells drilled each year in the U.S., the lack of detail in some state reports could help fuel public confusion and mistrust.</i>

⁶ <http://www.usatoday.com/story/money/business/2014/01/05/some-states-confirm-water-pollution-from-drilling/4328859/>

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	<ul style="list-style-type: none"> • <i>The AP found that Pennsylvania received 398 complaints in 2013 alleging that oil or natural gas drilling polluted or otherwise affected private water wells, compared with 499 in 2012. The Pennsylvania complaints can include allegations of short-term diminished water flow, as well as pollution from stray gas or other substances. More than 100 cases of pollution were confirmed over the past five years.</i> • <i>Over the past 10 years, hydraulic fracturing, or fracking, has led to a boom in oil and natural gas production around the nation. It has reduced imports and led to hundreds of billions of dollars in revenue for companies and landowners, but also created pollution fears.</i> • <i>Extracting fuel from shale formations requires pumping hundreds of thousands of gallons of water, sand and chemicals into the ground to break apart rock and free the gas. Some of that water, along with large quantities of existing underground water, returns to the surface, and it can contain high levels of salt, drilling chemicals, heavy metals and naturally occurring low-level radiation.</i> • <i>But some conventional oil and gas wells are still drilled, so the complaints about water contamination can come from them, too. Experts say the most common type of pollution involves methane, not chemicals from the drilling process.</i> • <i>Some people who rely on well water near drilling operations have complained about pollution, but there's been considerable confusion over how widespread such problems are. For example, starting in 2011, the Pennsylvania Department of Environmental Protection aggressively fought efforts by the AP and other news organizations to obtain information about complaints related to drilling. The department has argued in court filings that it does not count how many contamination "determination letters" it issues or track where they are kept in its files.</i> • <i>Among the findings in the AP's review:</i> <ul style="list-style-type: none"> ○ <i>Pennsylvania has confirmed at least 106 water-well contamination cases since 2005, out of more than 5,000 new wells. There were five confirmed cases of water-well contamination in the first nine months of 2012, 18 in all of 2011 and 29 in 2010. The Environmental Department said more complete data may be available in several months.</i> ○ <i>Ohio had 37 complaints in 2010 and no confirmed contamination of water supplies; 54 complaints in 2011 and two confirmed cases of contamination; 59 complaints in 2012 and two confirmed contaminations; and 40 complaints for the first 11 months of 2013, with two confirmed contaminations and 14 still under investigation, Department of Natural Resources spokesman said in an email. None of the six confirmed cases of contamination was related to fracking, according to the spokesman.</i> ○ <i>West Virginia has had about 122 complaints that drilling contaminated water wells over the past four years, and in four cases the evidence was strong enough that the driller agreed to take corrective action, officials said.</i> ○ <i>A Texas spreadsheet contains more than 2,000 complaints, and 62 of those allege possible well-water contamination from oil and gas activity, said Ramona Nye, a spokeswoman for the Railroad Commission of Texas, which oversees drilling. Texas regulators haven't confirmed a single case of drilling-related water-well contamination in the past 10 years, she said.</i> • <i>In Pennsylvania, the number of confirmed instances of water pollution in the eastern part of the state "dropped quite substantially" in 2013, compared with previous years, Department of Environmental Protection spokeswoman wrote in an email. Two instances of drilling affecting water wells were confirmed there last year, she said, and a final decision hasn't been made in three other cases. But she couldn't say how many of the other statewide complaints have been resolved or were found to be from natural causes.</i> • <i>Experts and regulators agree that investigating complaints of water-well contamination is particularly difficult, in part because some regions also have natural methane gas pollution or other problems unrelated to drilling. A 2011 Penn State study found that about 40% of water wells tested prior to gas drilling failed at least one federal drinking water standard. Pennsylvania is one of only a few states that don't have private water-well construction standards.</i> • <i>In contrast with the limited information provided by Pennsylvania, Texas officials supplied a detailed 94-page spreadsheet almost immediately, listing all types of oil and gas related complaints over much of the past two years. The Texas data include the date of the complaint, the landowner, the drilling company and a brief summary of the alleged problems. Many complaints involve other issues, such as odors or abandoned equipment.</i>
11A3 152584	RESOLUTION SUPPORTING H.R. 3761 OR SIMILAR LEGISLATION THAT WOULD INCREASE SOCIAL SECURITY AND MILITARY RETIREMENT BENEFITS AND TIE FUTURE COST-OF-LIVING ADJUSTMENTS TO THE CONSUMER PRICE INDEX FOR THE ELDERLY
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Supports H.R. 3761 or similar legislation that would increase Social Security and military retirement benefits and tie future cost-of-living adjustments to the Consumer Price Index for the elderly; • Directs the Clerk of the Board to transmit certified copies of this resolution to U.S. Representative Alan Grayson and the remaining members of the Florida Congressional Delegation; and • Directs the County's federal lobbyists to advocate for the passage of legislation and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 Federal Legislative Package when it is presented to the BCC. <p>Background: On October 15, 2015, the Social Security Administration (SSA) announced that it will not be implementing a cost-of-living adjustment (COLA) for Social Security in 2016. This will mark only the third time that seniors have not received an increase in their Social Security benefits since automatic COLAs were enacted by Congress in 1975, with the other two times occurring in 2010 and 2011. Currently, SSA determines the COLA by tracking inflation through the Consumer Price Index for Urban Wage Earners and Clerical Workers, or CPI-W, which measures price changes in basic goods and services, such as food, housing, clothing, transportation, energy, medical care, recreation and education. The current method of determining COLAs does not take into consideration that retirees have different spending patterns than urban wage earners and the disparity is highlighted this year, given that the CPI-W fell in large part due to the decrease in gasoline prices, which retirees</p>

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	<p>tend to consume in lesser amounts. Further, seniors spend more on health care than do younger workers, and medical care prices are rising faster than are prices of other goods.</p> <p>On October 16, 2015, U.S. Representative Alan Grayson (D – Florida) introduced the Seniors Deserve a Raise Act, H.R. 3761 for consideration by the 114th Congress. Under H.R. 3761, future COLAs would be calculated based on the Consumer Price Index for the Elderly, or CPI-E, a formula based on the price of items that seniors tend to buy, such as prescription drugs and medical expenses. Additionally, H.R. 3761 would increase retirees benefits by 2.9 percent in 2016.</p>
11A4 152567	RESOLUTION OPPOSING SB 300, HB 163, OR SIMILAR LEGISLATION THAT WOULD ALLOW A PERSON LICENSED TO CARRY A CONCEALED FIREARM OR WEAPON TO OPENLY CARRY SUCH FIREARM OR WEAPON
11A5 152568	RESOLUTION OPPOSING HOUSE BILL 4031 OR SIMILAR LEGISLATION THAT WOULD PERMIT OPEN CARRY OF HANDGUNS OR CONCEALED CARRY OF WEAPONS OR FIREARMS INTO A MEETING OF THE GOVERNING BODY OF A COUNTY BY A CONCEALED CARRY LICENSEE
11A8 152618	RESOLUTION OPPOSING SB 68 AND HB 4001 OR SIMILAR LEGISLATION THAT WOULD ALLOW CONCEALED CARRY LICENSEES TO CARRY A FIREARM INTO COLLEGE AND UNIVERSITY FACILITIES
Notes	<p><u>11A4 - 152567:</u> The proposed resolution:</p> <ul style="list-style-type: none"> • Opposes Senate Bill (SB) 300, House Bill (HB) 163, or similar legislation that would allow a person licensed to carry a concealed firearm or weapon to openly carry such firearm or weapon; • Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Don Gaetz, Representative Matt Gaetz, and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Directs the County’s state lobbyists to advocate against the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item. <p><u>Background:</u> Florida law currently prohibits openly carrying a firearm or weapon however, a person licensed to carry a concealed firearm or weapon may openly display their firearm or weapon in a brief and nonthreatening manner, in necessary self-defense. Senate Bill 300 has been filed for consideration during the 2016 session of the Florida Legislature by Senator Don Gaetz (R – Destin) and House Bill 163 has been filed for consideration during the 2016 session of the Florida Legislature by Representative Matt Gaetz (R – Shalimar). Among other things, Senate Bill 300 and House Bill 163 would: (1) allow a person licensed to carry a concealed firearm or weapon to openly carry such firearm or weapon; and (2) require any person or entity infringing upon an individual’s right to bear arms and openly carry their firearm or weapon to have probable cause to believe that a crime has been committed by that individual.</p> <p>The Florida Sheriffs Association polled its members and 70 percent of sheriffs statewide oppose the legislation.</p> <p><u>11A5 - 152568:</u> The proposed resolution:</p> <ul style="list-style-type: none"> • Opposes House Bill 4031 or similar legislation that would permit open carry of handguns or concealed carry of weapons or firearms into a meeting of the governing body of a county by a concealed carry licensee; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Representative W. Gregory “Greg” Steube, and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Directs the County’s state lobbyists to advocate against the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State Legislative Package to include this item. <p><u>Background:</u> House Bill 4031 (HB 4031) has been filed by Representative W. Gregory “Greg” Steube (R–Sarasota) for consideration during the 2016 session of the Florida Legislature and would amend Section 790.06, Florida Statutes, to permit concealed carry licensees to carry a concealed weapon or firearm into any meeting of the governing body of a county, public school district, municipality, or special district. HB 4031 would also permit concealed carry licensees to carry a concealed weapon or firearm into any meeting of the Florida Legislature or a committee thereof. HB 4031 would further amend Section 790.06 to permit open carrying of handguns at any meeting of the governing body of a county, public school district, municipality, or special district, including any meeting of the Florida Legislature or committee thereof by a concealed carry licensee. This bill, if enacted, would permit concealed carry licensees to openly carry handguns as well as concealed weapons or firearms into all public meetings taking place before the BCC.</p> <p><u>11A8 – 152618:</u> The proposed resolution:</p> <ul style="list-style-type: none"> • Opposes Senate Bill 68, House Bill 4001 or similar legislation that would allow concealed carry licensees to carry a firearm into college and university facilities; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Greg Evers, Representative Gregory Steube and the Chair and Members of the Miami-Dade County State Legislative Delegation; • Directs the County’s state lobbyists to advocate against 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.

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	<p><u>Background:</u> There have been several incidents in Florida in recent years involving the use of firearms on college and university facilities and Florida law currently prohibits concealed carry licensees from openly carrying a handgun or firearm into a college or university facility. Senate Bill 68 has been filed for consideration during the 2016 session of the Florida Legislature by Senator Greg Evers (R-Pensacola) and would repeal Florida's prohibition on carrying a weapon or firearm into a college or university facility. Companion House Bill 4001 has been filed for consideration during the 2016 session of the Florida Legislature by Representative Gregory Steube (R-Sarasota).</p> <p><u>Additional Information - States Recognizing Florida License – Florida Department of Agriculture and Consumer Services:</u> Recent Modifications to the Reciprocity List:</p> <ul style="list-style-type: none"> • April 25, 2013: Effective this date, Washington will no longer honor a Florida concealed weapon license. • February 4, 2013: Effective this date, Pennsylvania will no longer honor a Florida concealed weapon license if the license holder is not a resident of the State of Florida. <p>It is important for license holders to understand that when they are traveling in or through another state they are subject to the firearm laws of that state.</p> <p>Florida's Reciprocity States: Alabama (1,3); Alaska (1); Arizona (5); Arkansas (1); Colorado (1,4); Delaware; Georgia (1); Idaho (3,5); Indiana (1,3,5); Iowa (5); Kansas (1); Kentucky; Louisiana (1); Michigan (1,4); Mississippi (1); Missouri; Montana (3); Nebraska (1); New Hampshire (1,3,4,5); New Mexico (1); North Carolina (1); North Dakota (3,5); Ohio (1); Oklahoma (1); Pennsylvania (1,4,5); South Carolina (1,4,5); South Dakota (1,3); Tennessee (1,5); Texas (1,3,5); Utah (1,5); Vermont (2); Virginia (1,5); West Virginia (1); and Wyoming (1,3).</p> <p><i>(1) While Florida's law allows licensees to carry stun guns, knives, and billy clubs in a concealed fashion, the laws in these states allow for concealed carry of handguns or pistols only, not weapons in general. Florida license holders are prohibited from carrying other types of weapons while in these states.</i></p> <p><i>(2) The State of Vermont does not issue weapon/firearms licenses. Florida licensees - indeed, licensed or unlicensed citizens from any state - may carry in Vermont. This presents a problem for reciprocity with Florida. Florida law provides that an out-of-state resident must have in his or her immediate possession a valid license to carry a concealed weapon or firearm. Since Vermont residents have no such license, the right to concealed carry cannot be extended to them under Florida law.</i></p> <p><i>(3) Individuals qualify for concealed weapon licenses in these states upon reaching 18 years of age. However, any licensee of these reciprocity states who is not 21 years of age or older is prohibited from carrying a concealed weapon or firearm in Florida.</i></p> <p><i>(4) These states will honor the Florida concealed weapon license only if the licensee is a resident of the state of Florida.</i></p> <p><i>(5) These states issue concealed carry licenses to qualified individuals who are non-residents. These non-resident permits cannot be honored under Florida's reciprocity provision.</i></p> <p><u>Additional Information - Concealed Carry Weapon Laws and College Campuses – National Conference of State Legislators (NCSL):</u> According to the National Conference of State Legislators (NCSL), in 2013, at least 19 states introduced legislation to allow concealed carry on campus in some regard and in the 2014 legislative session, at least 14 states introduced similar legislation. In 2013, two bills passed, one in Kansas that allows concealed carry generally and one in Arkansas that allows faculty to carry. The Kansas legislation creates a provision that colleges and universities cannot prohibit concealed carry unless a building has "adequate security measures." Governing boards of the institutions, however, may still request an exemption to prohibit for up to 4 years. Arkansas' bill allows faculty to carry, unless the governing board adopts a policy that expressly disallows faculty to carry. In 2015, Texas became the most recent state to allow concealed carry weapons on college campuses.</p> <p>On the other hand, recent shootings also have encouraged some legislators to strengthen existing firearm regulations. In 2013, five states introduced legislation to prohibit concealed carry weapons on campus. None of these bills passed.</p> <p>Concealed Carry Weapon Laws and College Campuses</p> <p>All 50 states allow citizens to carry concealed weapons if they meet certain state requirements. Currently, there are 19 states that ban carrying a concealed weapon on a college campus: California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, South Carolina, Tennessee and Wyoming.</p> <p>In 23 states the decision to ban or allow concealed carry weapons on campuses is made by each college or university individually: Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington and West Virginia.</p> <p>Because of recent state legislation and court rulings, eight states now have provisions allowing the carrying of concealed weapons on public postsecondary campuses. These states are Colorado, Idaho, Kansas, Mississippi, Oregon, Texas, Utah and Wisconsin. During the 2015 legislative session, Texas' legislature passed a bill permitting concealed weapons on campus and making it the eighth state to permit guns on campus. The legislation will take effect in August 2016.</p>

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	<p>Utah remains the only state to have statute specifically naming public colleges and universities as public entities that do not have the authority to ban concealed carry, and thus, all 10 public institutions in Utah allow concealed weapons on their property. Recently passed Kansas legislation creates a provision that colleges and universities cannot prohibit concealed carry unless a building has "adequate security measures." Governing boards of the institutions, however, may still request an exemption to prohibit for up to four years. Wisconsin legislation creates a provision that colleges and universities must allow concealed carry on campus grounds. Campuses can, however, prohibit weapons from campus buildings if signs are posted at every entrance explicitly stating that weapons are prohibited. All University of Wisconsin system campuses and technical community college districts are said to be putting this signage in place. Legislation passed in Mississippi in 2011 creates an exception to allow concealed carry on college campuses for those who have taken a voluntary course on safe handling and use of firearms by a certified instructor.</p> <p>Recent court cases have also overturned some long-standing systemwide bans of concealed carry on state college and university campuses. In March 2012, the Colorado Supreme Court ruled that the University of Colorado's policy banning guns from campus violates the state's concealed carry law, and in 2011 the Oregon Court of Appeals overturned the Oregon University System's ban of guns on campuses, allowing those with permits to carry concealed guns on the grounds of these public colleges (Oregon's State Board of Higher Education retained its authority to have internal policies for certain areas of campus, and adopted a new policy in 2012 that bans guns in campus buildings). In both cases, it was ruled that state law dictates only the legislature can regulate the use, sale and possession of firearms, and therefore these systems had overstepped their authority in issuing the bans. See the "Guns on Campus: Campus Action," page for more information on these rulings, board policies and other campuses that allow concealed carry on their grounds.⁷</p> <p>Additional Information - These states are poised to allow people to carry hidden guns around without a permit – The Washington Post: https://www.washingtonpost.com/blogs/govbeat/wp/2015/03/02/these-states-are-poised-to-allow-people-to-carry-hidden-guns-around-without-a-permit/</p> <ul style="list-style-type: none"> • <i>This may be the year that several states will allow people to walk around in public with concealed guns — no permit required.</i> • <i>Gun rights advocates have had tremendous success in recent decades making it easier to obtain a concealed-carry permit. In most states, the process is now a fairly straightforward: Applicants typically have to pass a background check. Some states also ask that applicants take a gun safety class, and some may reject applications if there is evidence of mental illness.</i> • <i>A handful of states are far more permissive. Alaska, Arizona, Arkansas, Wyoming and Vermont don't require a permit at all for concealed carry in public. Vermont has never had such a requirement; Alaska went permit-free in 2003; Arizona in 2010; Wyoming in 2011 (limited to residents); and Arkansas in 2013.</i> • <i>These victories have been hard-wrung. "Even if a majority of the legislature or the governor might be in favor of concealed-carry laws, it's generally agreed that having some sort of training or background check is really important," said the national policy director for the Brady Campaign to Prevent Gun Violence.</i> • <i>The American public has recently been tilting toward gun rights; a Pew poll last month showed guns rights supporters pulling ahead of gun control supporters 52 to 46.</i> • <i>But Americans also want background checks, which permitless concealed-carry laws could do away with. A Quinnipac poll last year also showed that an overwhelming majority of voters, both Democrat and Republican, support background checks for all gun purchases. A similar majority would also bar people suffering from mental illness from purchasing guns.</i> • <i>Gun control advocates say that about 18 states are looking at permitless carry laws this year, depending on how you count.</i> <ul style="list-style-type: none"> ○ <i>New Hampshire; West Virginia; Maine; Kansas; Colorado; Idaho; Utah; Indiana; and South Dakota</i>
11A6 152581	RESOLUTION URGING THE FEDERAL AVIATION ADMINISTRATION TO PROHIBIT THE OPERATION OF UNMANNED AIRCRAFT SYSTEMS, OR ANY EQUIPMENT OR ANY PART THEREOF, ABOVE AN AIRPORT OR WITHIN ONE MILE OF AN AIRPORT RUNWAY TO ENSURE SECURITY AND SAFETY, SUBJECT TO EXCEPTIONS SUCH AS USE OF UNMANNED AIRCRAFT SYSTEMS BY AIRPORT TENANTS OR AUTHORIZED CONTRACTORS, OR ANY PERSON OR ENTITY AUTHORIZED BY FEDERAL LAW OR THE FEDERAL AVIATION ADMINISTRATION
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Federal Aviation Administration to place in the Code of Federal Regulations a provision stating that no person may operate, or cause to be operated, an Unmanned Aircraft Systems (UAS), or any equipment or any part thereof, above an airport or within one mile of an airport runway to ensure the security and safety of the traveling public, airport workers, and other persons using the airport, but with exceptions for use of UAS by some persons such as airport tenants and authorized contractors, or any person or entity authorized by federal law or the Federal Aviation Administration; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the Secretary of the United States Department of Transportation, and the Director of the Federal Aviation Administration; • Directs the County's federal lobbyists to advocate for the action and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package to include this item, and to include this item in the 2016 Federal Legislative Package when it is presented to the BCC. <p>Background: Unmanned Aircraft Systems (UAS), commonly known as drones, are currently readily available for purchase and used by business, governmental entities, law enforcement agencies and the general public has been rapidly increasing. Miami-Dade County operates the Miami-Dade County Airport System in a proprietary capacity and UAS can create a threat to aircraft making use of the Miami-Dade County Airport System by making intentional or accidental contact with an aircraft in flight, or by forcing such aircraft to take evasive action on</p>

⁷ <http://www.ncsl.org/research/education/guns-on-campus-overview.aspx>

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	<p>approach or departure. If UAS were to be ingested into the engines of an aircraft, the result could be catastrophic. The Federal Aviation Administration has documented 678 instances nationwide of inflight aircrafts encountering UAS.</p> <p><u>Additional Information – Relevant Legislation:</u> On November 3, 2015, the BCC, through Resolution No. R-1017-15, urged the Federal Aviation Administration to place in the Code of Federal Regulations a provision stating that no person may operate, or cause to be operated, an Unmanned Aircraft or an Unmanned Aircraft System, or any equipment or any part thereof, within 1000 feet of the perimeter of specifically named seaports, including the Dante B. Fascell Port of Miami by name, but with exceptions for law enforcement personnel, seaport employees performing their duties, contractors at the request of a seaport, or other persons with the written permission of a seaport authority or department.</p> <p><u>Additional Information - JetBlue pilot: Drone in flight path at Fort Lauderdale airport - Sun Sentinel, September 15, 2015⁸:</u></p> <ul style="list-style-type: none"> • <i>A JetBlue flight reported a small drone flew near its approach path while landing at Fort Lauderdale-Hollywood International Airport on Monday morning.</i> • <i>The pilots didn't have to take evasive action and the twin-engine jetliner landed safely, the Federal Aviation Administration said. The plane had taken off from Pittsburgh. "The crew of JetBlue 2007, an Airbus A320, reported seeing a unmanned aircraft system on approach to Fort Lauderdale-Hollywood International Airport at 9:37 a.m. today," the FAA said in a statement. "The FAA will investigate."</i> • <i>The incident occurred about 15 miles west of the airport, while the pilots were in contact with Miami Approach Control. According to the Broward Sheriff's Office, the drone was about 1,000 feet above the airliner at the time. The Sheriff's Office dispatched its helicopter to search the approach area but didn't spot the drone. Although the drone wasn't in violation of any airspace restrictions, BSO notified the FBI.</i> • <i>The incident was one of the first in South Florida involving a drone near a commercial airport or major event. In March, a drone was seen hovering near a West Palm Beach golf course, where President Barack Obama was getting in around, according to WPLG Channel 10.</i> • <i>Nationally, drones are becoming an increasing problem for airports. So far this year, there have been almost 700 incidents where pilots reported seeing drones near airports, almost triple the number in 2014, according to FAA statistics.</i> • <i>Many of those were near New York City or Washington, D.C. airports. On March 22, a U.S. Airways regional airliner almost collided with a drone near Tallahassee.</i> • <i>Since June 1 alone, there have been 25 incidents where an airliner came close to hitting a drone, according to The Washington Post. However, there has yet to be a collision between the two.</i> • <i>Most of the drones are small, camera-equipped models commonly used by hobbyists and photographers. Although they usually weigh less than 10 pounds, aviation safety experts say if a drone were to be sucked into a jet engine or strikes a propeller, the larger plane could easily be put in jeopardy.</i> • <i>In response to the growing dangers of drones, U.S. Sen. Charles Schumer, D-New York, proposed much tighter reins on drone use to keep them clear of major airports. He would like to see drone manufacturers implement technology to prevent them from coming within two miles or 500 feet above airports, parades and sporting events. His bill also would encourage the FAA to enact policies forbidding drones to come near other "sensitive locations," such as important government buildings.</i>
11A7 152582	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 392 OR SIMILAR LEGISLATION THAT WOULD PROHIBIT THE SALE OF POWDERED ALCOHOL
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact Senate Bill 392 or similar legislation that would prohibit the sale of powdered alcohol; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Gwen Margolis, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation; and • 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. <p><u>Background:</u> Powdered alcohol, known by the brand name Palcohol, is freeze-dried alcohol in powder form, packaged in small packets and the recommended use for Palcohol is to add the powdered substance to water. Some physicians and experts warn about the risks of misuse and abuse of Palcohol due to consumers' lack of familiarity with the product's potency and difficulties may also arise with regulating Palcohol, considering that the colorful packaging would likely appeal to kids and that the product can be snorted, easily smuggled into venues and put into drinks of unwilling consumers.</p> <p>In March 2015, the United States Alcohol and Tobacco Tax and Trade Bureau approved labels for Palcohol, allowing the product to be sold legally in the United States, unless otherwise prohibited and to date, 25 states have banned powdered alcohol however, Florida has yet to ban powdered alcohol. Senate Bill 392 has been filed for consideration during the 2016 session of the Florida Legislature by Senator Gwen Margolis (D – Miami) and would: (1) prohibit the sale, offer for sale, purchase, use, offer for use, or possession of powdered alcohol; (2) impose penalties; and (3) provide an exemption for the use of powdered alcohol by specified entities for research purposes.</p>
11A8 152618	RESOLUTION OPPOSING SB 68 AND HB 4001 OR SIMILAR LEGISLATION THAT WOULD ALLOW CONCEALED CARRY LICENSEES TO CARRY A FIREARM INTO COLLEGE AND UNIVERSITY FACILITIES
Notes	See 11A4 and 11A5

⁸ <http://touch.sun-sentinel.com/#section/-1/article/p2p-84425626/>

**Board of County Commissioners
November 17, 2015 Meeting
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11A9 152580	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS EQUAL PAY LEGISLATION TO ADDRESS DISPARITIES IN PAY BETWEEN MEN AND WOMEN
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact legislation to address disparities in pay between men and women; • Directs the Clerk of the Board to transmit a certified copy of this resolution to Florida’s Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, State Senators Arthenia Joyner, Maria Lorts Sachs and Darren Soto, and State Representatives Janet Cruz, Evan Jenne, Mark Pafford, Michelle Rehwinkel Vasilinda, David Richardson, Clovis Watson, Jr., and Alan Williams; and • Directs the County’s state lobbyists to advocate for the passage of legislation and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 State Legislative Package when it is presented to the BCC. <p><u>Background:</u> In 2013, the BCC adopted Resolution No. R-459-13 to commemorate the 50th anniversary of the federal Equal Pay Act of 1963 and to declare the 10th day of June as Equal Pay Act of 1963 Day in Miami-Dade County. In 2014, the BCC urged the Florida Legislature to pass equal pay laws in Resolution No. R-826-14 and during the 2015 regular state legislative session, Senator Arthenia Joyner (D-Hillsborough, Manatee, Pinellas) filed Senate Bill 98 and Representative Janet Cruz (D-Hillsborough) filed House Bill 25, which would have required the state to “disseminate information about women’s rights in the workplace” and to “sponsor and assist state and community informational and educational programs.”</p> <p><u>Additional Information - Equal Pay Act of 1963:</u> According to the U.S. Equal Employment Opportunity Commission, the Equal Pay Act of 1963 (EPA), as amended, appears in volume 29 of the United States Code, at section 206(d). The EPA, which is part of the Fair Labor Standards Act of 1938, as amended (FLSA), and which is administered and enforced by the EEOC, prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort and responsibility under similar working conditions. Cross references to the EPA as enacted appear in italics following the section heading. Additional provisions of the Equal Pay Act of 1963, as amended, are included as they appear in volume 29 of the United States Code.</p>