



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Government Operations Committee

January 17, 2018
1:30 P.M.
Commission Chambers

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Office of the Commission Auditor
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**GOC Meeting: January 17, 2018
Research Notes**

Item No. 1G1**File No. 172438****Researcher: NR Reviewer: TD**

ORDINANCE RELATING TO ENVIRONMENTAL PERMITTING OF WORK IN TIDAL WATERS, BAY BOTTOM LANDS, AND WETLANDS AND MARINE FACILITIES OPERATING PERMITS; AMENDING SECTIONS 24-5, 24-48 AND 24-48.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 24-48.221 OF THE CODE; ADDING DEFINITION; PROHIBITING THE USE OF UNENCAPSULATED POLYSTYRENE IN CONNECTION WITH MIAMI-DADE COUNTY CLASS I PERMITS AND PERMIT EXEMPTIONS; REQUIRING MARINE FACILITIES TO REPAIR OR REPLACE UNENCAPSULATED POLYSTYRENE THAT HAS EVIDENCE OF DEGRADATION, SHREDDING, OR OTHER DAMAGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Ordinance relating to environmental permitting of work in tidal waters, bay bottom lands, and wetlands and marine facilities operating permits; amending sections 24-5, 24-48 and 24-48.3 of the Code; creating section 24-48.221 of the Code; adding definition, prohibiting the use of unencapsulated polystyrene in connection with Miami-Dade County Class I Permits and permit exemptions; requiring marine facilities to repair or replace unencapsulated polystyrene that has evidence of degradation, shredding, or other damage.

APPLICABLE LEGISLATION/POLICY

County Code Section 24-5 (Definitions)

<http://miamidade.fl.elaws.us/code/cid10620/24-5/>

County Code Section 24-48 (Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit)

http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_artiv_div1_sec24-48

County Code Section 24-48.3 (Factors for evaluation of permit applications; incomplete permit applications)

http://miamidade.fl.elaws.us/code/coor_ptiii_ch24_artiv_div1_sec24-48.3

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava

Department/Requester: None

The proposed ordinance was adopted on first reading at the November 7, 2017 Board meeting and the Municipalities were notified of public hearing on November 27, 2017.

FISCAL IMPACT

None stated in the item

ANALYSIS

This ordinance relating to polystyrene, known commonly by the brand name Styrofoam, is proposed to be amended. Note: Below are the material revisions to the Code which are underlined.

Section 1. Section 24-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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Sec. 24-5. Definitions.

Unencapsulated polystyrene shall mean polystyrene that is not fully enclosed in material that reduces the chance that it can be released into tidal waters if the polystyrene is degraded or damaged.

Section 2. Section 24-48 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48. Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit.

- (1) This section shall not apply to (i) work in treatment facilities or their ancillary facilities such as, but not limited to cooling canals or polishing ponds or (ii) the following projects provided that unencapsulated polystyrene shall not be used or installed:
- (2) The following activities shall not require a permit and shall be eligible to receive a written expedited administrative authorization, provided (i) the Department determines that the work meets one of the criteria set forth herein below in subsections (a)-(g) and will not result in adverse environmental impacts, and (ii) unencapsulated polystyrene shall not be used or installed in connection with the work.

Section 3. Section 24-48.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48.3. Factors for evaluation of permit applications; incomplete permit applications.

9) In addition to the applicable evaluation factors contained in subsection (1) (a) through (i) above, the use or installation of unencapsulated polystyrene shall be prohibited in connection with any work requiring a class I permit.

Section 4. Section 24-48.221 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 24-48.221. Degraded polystyrene.

For all facilities which are subject to a County marine facilities operating permit pursuant to this chapter, such permit shall require the removal, replacement or repair of any unencapsulated polystyrene where such polystyrene shows evidence of degradation, disintegration, shredding, or other damage, as determined in the discretion of the Director.

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**Item No. 1G2
File No. 172686**

Researcher: SM Reviewer: PGE

ORDINANCE CREATING THE MIAMI-DADE COUNTY VILOMAH AWARD TO RECOGNIZE PARENTS WHO HAVE BEEN INSPIRED BY THE MEMORY OF A LOST CHILD AND TAKEN ACTION TO POSITIVELY INFLUENCE THE COMMUNITY; CREATING SECTION 2-2349 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR CRITERIA AND SELECTION PROCESS FOR RECIPIENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve this Ordinance creating the Miami-Dade County Vilomah award to recognize parents who have been inspired by the memory of a lost child and taken action to positively influence the community, establishing Section 2-2349 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Section 2-2349 of the Code of Miami-Dade County would be created to provide criteria and a selection process for recipients.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioners Joe A. Martinez
Department/Requester: N/A**

The item was adopted on first reading at the December 5, 2017 Board meeting.

FISCAL IMPACT

Per the item's Fiscal Impact Statement, the Chair's Office will use existing resources from the Protocol Division to administer the award process. Depending on the type of award – paper certificate or plaque – there may be a fiscal impact. The cost associated with the awards for FY 2017-18 would be funded from prior year carryover funds and would be included as part of the budget development process for FY 2018-19.

ANALYSIS

This item recommends Board approval of the proposed Ordinance creating the Miami-Dade County Vilomah award to recognize parents who have been inspired by the memory of a lost child and taken action to positively influence the community, creating Section 2-2349 of the Code of Miami-Dade County. As suggested in the Social Equity Statement, recognizing the courage of parents who have survived the loss of a child and turned that loss into positive actions to influence legislation and community awareness could result in a measurable benefit to the County.

The Section 2-2349 of the Code of Miami-Dade County which would be created would state the following:

- Criteria for Award: The Vilomah Award shall be awarded biannually on behalf of the Board to any surviving parent or family member residing in the County who suffered the tragedy of losing a child and has since been inspired by the memory of their child to take action that has positively influenced the community.
- Procedures for Selection of Award Recipients: Beginning in 2018 and for each year thereafter, each commissioner may select one candidate from his or her district to receive the Vilomah Award and, in order to be considered, such selection shall be submitted to the Clerk of the Board by no later than the second meeting

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of the Board in each calendar year. Any such selection shall then be announced by the Board at that meeting. In addition, after the Vilomah Award has been presented to these recipients, each commissioner may select one additional candidate per year from his or her district to receive the Vilomah Award and, in order to be considered, such selection shall be submitted to the Clerk of the Board by no later than the second meeting of the Board after July 1st of each year. Any such additional selection shall then be announced by the Board at that meeting.

- Presentation of the Award: For award recipients selected by the Board at the second meeting of the calendar year, the recipient's nominating Commissioner shall present them with the Vilomah Award at the Board's second meeting after March 1st of each year. For award recipients selected by the Board at the second meeting after July 1st, the recipient's nominating Commissioner shall present them with the Vilomah Award at the Board's second meeting after September 1st of each year. The Vilomah Award shall be of appropriate design.

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Item No. 1G3

Item No. 172812

Researcher: NR Reviewer: TD

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-247 AND 33-259 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING HOME IMPROVEMENT CENTERS AND HOME IMPROVEMENT WAREHOUSES TO ESTABLISH ADDITIONAL OUTDOOR DISPLAY AREAS; AUTHORIZING HOME IMPROVEMENT CENTERS AND HOME IMPROVEMENT WAREHOUSES TO SELL PRODUCTS OUTSIDE OF ENCLOSED BUILDINGS DURING A DECLARED STATE OF EMERGENCY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Ordinance related to zoning; amending Sections 33-247 and 33-259 of the County Code; authorizing Home Improvement Centers and Home Improvement Warehouses to (1) establish additional outdoor display areas, and (2) to sell products outside of enclosed buildings during a declared State of Emergency.

APPLICABLE LEGISLATION/POLICY

Sections 33-247 of the County Code relates to Uses permitted - No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, maintained or occupied for any purpose in any BU-1A District, except as enumerated in this section of the Code.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXVLIBUDI_S33-247USPE

Section 33-259 of the County Code relates to Uses permitted - No land, body of water or structure shall be used or permitted to be used and no structure shall be erected, constructed, moved or reconstructed, structurally altered, or maintained, which is designed, arranged or intended to be used or occupied for any purpose, unless otherwise provided herein, in IU-1 District, except as enumerated in this section of the Code.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXIXINLIMADI_S33-259USPE

PROCEDURAL HISTORY

Prime Sponsor: Joe A. Martinez

Department/Requester: None

The proposed ordinance was adopted on first reading at the December 19, 2017 Board meeting.

FISCAL IMPACT

The implementation of this ordinance will not have a fiscal impact to the County as it will not result in additional staffing needs or future operational costs. Any enforcement relating to the implementation of the ordinance would be absorbed as part of ongoing monitoring.

ANALYSIS

This ordinance proposes to amend section 33-247 of the Code by adding the following:

(b) Notwithstanding paragraph (a) above, a display area may be established outside of an enclosure, after administrative site plan review, where:

- (1) the display area abuts one of the building's walls;

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- (2) the display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
- (3) displayed items are within 10 feet of the building; and
- (4) All accessible pedestrian circulation is maintained.

(e) Notwithstanding any other provision of this chapter to the contrary, during the time that a Local State of Emergency has been declared pursuant to chapter 8B and is in effect, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:

- (1) Vehicular circulation is not interrupted.
- (2) Accessibility parking spaces are not reduced.
- (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
- (4) Outdoor sales areas do not encroach in any minimum setback areas.
- (5) Tents or other membrane structures that are greater than 10' x 12' in size shall obtain a building permit.
- (6) The outdoor sales end when the Local State of Emergency is terminated.

(f) Variances to these requirements are subject to section 33-311(A) (4) (b) for non-use variances.

This ordinance proposes to amend section 33-259 of the Code by adding the following:

(g) Notwithstanding any other provision of this chapter to the contrary, a display area may be established outside of an enclosure, after administrative site plan review, where:

- (1) the display area abuts one of the building's walls;
- (2) the display area is limited to no greater than 40 percent of the lineal building's frontage where the display area is located;
- (3) displayed items are within 10 feet of the building; and
- (4) all accessible pedestrian circulation is maintained.

(h) Notwithstanding any other provision of this chapter to the contrary, when a Local State of Emergency has been declared pursuant to chapter 8B, products may be sold outside of enclosed buildings, provided that all of the following conditions are satisfied:

- (1) Vehicular circulation is not interrupted.
- (2) Accessibility parking spaces are not reduced.
- (3) Outdoor sales are only conducted in the interior of the site and are oriented away from public rights-of-way.
- (4) Outdoor sales areas do not encroach in any minimum setback areas.
- (5) Tents or other membrane structures that are greater than 10' x 12' in size obtain a building permit, unless a state of emergency has also been declared pursuant to chapter 252, Florida Statutes.
- (6) The outdoor sales end when the Local State of Emergency is terminated.

(i) Variances to these requirements are subject to section 33-311(A) (4) (b) for non-use variances.

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**Item No. 1G4
File No. 172420**

Researcher: NR Reviewer: TD

ORDINANCE CHANGING THE BOUNDARIES OF THE CITY OF FLORIDA CITY, FLORIDA, AND AMENDING THE CITY'S MUNICIPAL CHARTER TO PROVIDE FOR THE ANNEXATION OF CERTAIN LANDS PURSUANT TO SECTION 6.04(B) OF THE HOME RULE CHARTER AND CHAPTER 20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR RESERVATION TO THE COUNTY OF ELECTRIC FRANCHISE AND UTILITY TAX REVENUES; PROVIDING FOR COUNTY RETENTION OF RESIDENTIAL WATER COLLECTION AND DISPOSAL UNLESS CERTAIN CIRCUMSTANCES OCCUR; REQUIRING PAYMENT OF OUTSTANDING DEBT SERVICE ATTRIBUTABLE TO THE ANNEXATION AREA; PROVIDING FOR COUNTY RETENTION OF JURISDICTION OVER CERTAIN DECLARATIONS OF RESTRICTIVE COVENANTS; PROVIDING FOR CONTINGENT EFFECTIVE DATE; PROVIDING INTERDEPENDENCY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE AGENDA ITEM NOS. 2D AND 2E]

ISSUE/REQUESTED ACTION

Ordinance changing the boundaries of the City of Florida City, Florida, and amending the city's municipal charter to provide for the annexation of certain lands pursuant to Section 6.04(B) of the Home Rule Charter and Chapter 20 of the Code; providing for reservation to the County of electric franchise and utility tax revenues; providing for County retention of residential water collection and disposal unless certain circumstances occur; requiring payment of outstanding debt service attributable to the annexation area; providing for County retention of jurisdiction over certain declarations of restrictive covenants; providing for contingent effective date; providing interdependency.

APPLICABLE LEGISLATION/POLICY

Section 6.04(B) of the Home Rule Charter governs changes in municipal boundaries.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART6MU_S6.04CHMUBO

Section 20-8.1 of the Code governs retention of electric franchise revenues.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

Section 20-8.2 of the Code governs retention of all utility tax revenues.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

Section 20-8.4 of the Code governs retention of garbage and refuse collection and disposal.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

Section 20-8.5 of the Code governs annexing Municipality's responsibilities for bond indebtedness.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

Section 20-8.8 of the Code governs retention of modification and deletion of covenants or declaration of restrictions.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

Section 20-28.1 of the Code governs areas and facilities of countywide significance.

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https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH20MU_ARTIINPR_S20-28.1ARFACOSI

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss

Department/Requester: None

The proposed ordinance was adopted on first reading at the November 7, 2017 Board meeting and the Municipalities were notified of public hearing on November 27, 2017.

FISCAL IMPACT

There is no fiscal impact stated.

ANALYSIS

The annexation area encompasses an area described by Resolution No. 12-61, passed and adopted by the Commission of the City of Florida City. The legal description of the proposed amended annexed area is included in the item.

This ordinance seeks to amend the city's municipal charter to provide for the annexation of certain lands pursuant to Section 6.04(B) of the Home Rule Charter and Chapter 20 of the Code.

Pursuant to Sections 20-8.1 and 20-8.2 of the County Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall continue to collect and reserve all electric franchise revenues accruing within the annexation area during the full term of the County franchise, and the County shall forever continue to collect and receive all utility tax revenues accruing within the annexation area in the same matter as though the annexation area remained a part of the unincorporated areas of the County.

Pursuant to Sections 20-8.4 of the County Code, this ordinance shall be effective only upon the condition and with the reservation that the County shall forever continue to collect and dispose of all residential waste within the annexation area in the same manner as though such annexation areas remained part of the unincorporated areas of the County, unless the authority to collect such waste is delegated by the County to the governing body of the municipality through a twenty (20) year interlocal agreement which provides for collection services, and a twenty (20) year interlocal agreement which provides for disposal services in substantially the form approved by Resolution No. R-1198-95, as amended.

Pursuant to Sections 20-8.5 of the County Code, this ordinance shall be effective only upon the condition and with the reservation that the City of Florida City:

- (i) shall pay the County the annexation area's prorated share of the Stormwater Utility Revenue Bonds debt service estimated at \$3,612 per year until 2029 and as provided in Section 20-8.5 of the Code, and
- (ii) shall execute a duly authorized interlocal agreement acceptable to the County agreeing to pay the required amounts.

Pursuant to Section 20-8.8 of the Code, as a condition of the annexation, the Board shall retain jurisdiction over the modification or deletion of declarations of restrictive covenants accepted by either the Board or a community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, regardless of whether such declaration provides for modification or deletion by a successor governmental body.

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It is the intention of the Board that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code in Appendix B - Ordinances Changing Municipal Boundaries, upon the Supervisor of Election's certification of election results.

Pursuant to Section 20-28.1 of the Code, the County may designate Areas or Facilities of Countywide Significance, and as provided in the Interlocal Agreement, the Board may designate lands or facilities within the annexation area that will be subject to the requirements pertaining to an Area or Facility of Countywide Significance as may be amended from time to time.

This ordinance shall be effective only upon the condition and with the reservation that the City and the County execute the Interlocal Agreement (refer to accompany note for File No. 172886).

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**Item No. 1G5
File No. 172817**

Researcher: PGE Reviewer: TD

ORDINANCE RELATED TO BUILDING CODE COMPLIANCE; GRANTING EXTENDED COMPLIANCE PERIOD AND CREATING A LIMITED EXCEPTION FROM PAYMENT OF CIVIL PENALTIES AND LIENS FOR PROPERTY OWNERS IN CERTAIN SUBDIVISIONS, UPON SATISFACTION OF CERTAIN CONDITIONS, INCLUDING COMPLIANCE WITH THE BUILDING CODE; PROVIDING EXCEPTIONS; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO IMPLEMENT PROCEDURES AND DEVELOP DOCUMENTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, SUNSET, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance providing a one-year exemption period for payment of civil penalties and liens for Building Code violations for property owners in the Coral Haven and Summer Grove subdivisions in order to afford the owners sufficient time to rectify non-compliance.

APPLICABLE LEGISLATION/POLICY

Chapter 8 of the County Code sets forth the Building Code for both the incorporated and unincorporated areas of the County.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR CH8BUCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUCO)

Section 8-5 of the County Code relates to Unsafe Structures and provides that buildings or structures that are, or hereafter shall become, unsafe, unsanitary or deficient, facilities with inadequate means of egress, or which constitute a fire or windstorm hazard, or are otherwise dangerous to human life or public welfare by reason of illegal or improper use, occupancy or maintenance, or which have been substantially damaged by the elements, acts of God, fire, explosion or otherwise, shall be deemed unsafe structures and a permit shall be obtained to demolish the structure or where specifically allowed under the Code, to bring the building into compliance.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR CH8BUCO ARTIAD S8-5UNST](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUCO_ARTIAD_S8-5UNST)

Section 8CC-7 of the County Code relates to recovery of unpaid civil penalties; unpaid penalty to constitute a lien; interest to be paid on liens; foreclosure; prohibition of the issuance of permits; licenses, certificates of use and occupancy, or zoning approvals to violators with unpaid civil penalties or liens.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR CH8CCCOEN S8CC-7REUNCIPEUNPECOLIINBEPALIFOPRISPELICEUSOCZOAPVIUNCIPELI](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH8CCCOEN_S8CC-7REUNCIPEUNPECOLIINBEPALIFOPRISPELICEUSOCZOAPVIUNCIPELI)

Also see the Florida Building Code:
<https://floridabuilding.org/c/default.aspx>

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Javier Souto, District 10
Department/Requester: N/A**

This ordinance was adopted on first reading at the December 19, 2017 Board meeting.

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FISCAL IMPACT

The Fiscal Impact Statement indicates that implementation of the ordinance will not have a financial consequence to the County. The proffered amnesty period is limited to 22 active cases within the Coral Haven and Summer Grove subdivisions. The Department of Regulatory and Economic Affairs (RER) will assist the 22 homeowners to satisfy compliance.

ANALYSIS

This item proffers an extended compliance period and limited exemption from payment of civil penalties and liens for 22 homeowners in Coral Haven and Summer Grove subdivisions for Building Code violations. The amnesty period is for one-year, commencing on the effective date of the ordinance. The item justifies the amnesty period based on the limited income and resources available to the property owners, requiring additional time to gain compliance.

For an affected homeowner to capitalize on the amnesty period, he/she shall satisfy the following conditions:

1. Compliance with a consent agreement;
2. Issuance of a permit to correct all violations within the compliance period;
3. Compliance with the Building Code within the period provided in the Code for completion of the work on the structure and appurtenances under the permit obtained within the extended compliance period; and
4. Satisfaction of all direct costs associated with prior enforcement action.

The ordinance does not apply if the County has commenced a civil action to collect on the civil penalties or to foreclose a lien or if the violation has been determined to be a life-safety issue. The ordinance does not constitute a defense against any enforcement action brought by the County.

Note that Ordinance No. 17-77, adopted by the Board on October 3, 2017, extended the Building Code amnesty period established under Ordinance No. 11-64. That amnesty period provides for a limited exception from civil penalties for building code violations upon a homeowner's compliance and was extended through July 13, 2018. Under Ordinance No. 17-77, a homeowner seeking amnesty shall pay all indirect costs of the County in connection with enforcement of violations at the structure prior to the waiver of any and all civil penalties related to the enforcement of the Building Code violations at the structure.

<http://intra/gia/matter.asp?matter=171718&file=true&yearFolder=Y2017>

As of September 2017, RER has closed 3,435 cases under the existing amnesty ordinance (Ord. No. 11-64), with a total settlement amount of \$3,239,739.07. See the link to the September 2017 Report provided below.

<http://www.miamidade.gov/mayor/library/memos-and-reports//2017/10/10.26.17-Amnesty-Ordinance-September-2017-Report.pdf>

ADDITIONAL INFORMATION

See the link below to a summary of changes to RER's fee schedule.

<http://www.miamidade.gov/building/library/memos/2017-fee-increase.pdf>

See the link below to RER's current Building Code Amnesty Program, including the application and submission processes.

<http://www.miamidade.gov/building/amnesty-program.asp>

Broward County also offers an incentive for property owners to bring their homes and businesses into compliance with County codes. For a limited time – from October 1, 2017 through March 31, 2018 – under Broward's Lien Amnesty Program, owners who bring their properties into compliance with County codes may have existing liens reduced up to 100 percent.

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<http://www.broward.org/Planning/CodeEnforcement/Pages/LienAmnesty.aspx>

Q&A

On January 12, 2018, OCA posed the following questions to the Regulatory and Economic Resources Department and is awaiting responses:

1. What's the distinction between this unique extended compliance period for property owners in the Coral Haven and Summer Grove subdivisions and the general existing amnesty period to promote Building Code compliance under Ord. No. 11-64 as extended through July 13, 2018 under Ord. No. 17-77;
2. What are the specific Building Code violations at issue for the property owners within the subdivisions; and
3. What's the total value of the relief to the 22 affected property owners under the proposed ordinance.

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**Item No. 1G6
File No. 172433**

Researcher: BM Reviewer: PGE

ORDINANCE RELATING TO MINIMUM HOUSING STANDARDS; AMENDING ARTICLE II OF CHAPTER 17 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING, REVISING AND DELETING DEFINITIONS; CONFORMING SECTIONS THAT CONFLICT WITH OR ARE PREEMPTED BY FLORIDA STATUTES RELATING TO PUBLIC LODGING OR THE FLORIDA BUILDING CODE; CLARIFYING THE POWERS AND AUTHORITY OF THE MINIMUM HOUSING ENFORCEMENT OFFICERS IN THE INCORPORATED AND UNINCORPORATED AREAS; RENUMBERING SECTIONS; REPEALING ARTICLE III OF CHAPTER 17; DELETING CITY OF MIAMI MINIMUM HOUSING STANDARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve an ordinance amending Chapter 17, Article II of the Miami-Dade County Code relating to minimum housing in the following ways: (1) conforming sections that conflict with or are preempted by Florida Statutes related to public lodging; (2) clarifying the power and authority of Minimum Housing Enforcement Officers in incorporated and unincorporated areas; (3) renumbering sections; (4) repealing Article III of Chapter 17; and (5) deleting City of Miami Minimum Housing Standards (which is superseded by revision to Article II).

APPLICABLE LEGISLATION/POLICY

Article II, Chapter 17, of the County Code, Metropolitan Miami-Dade County Minimum Housing Standards, which is intended to protect the public health, safety, morals and welfare of all the people of Metropolitan Miami-Dade County, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises.

https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH17HO_ARTIIMEMIDECOMIHOST

Article III, Chapter 17 of the County Code, City of Miami Minimum Housing Standards which intended to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings.

https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH17HO_ARTIIICIMIMIHOST

Chapter 8 of the County Code is the building code for both the incorporated and unincorporated areas of the County and was adopted as a uniform building code for Miami-Dade County.

https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIIICOOR_CH8BUCO

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson

Department/Requester: N/A

This item was adopted by the Board on first reading at the Board's November 21, 2017 meeting. On November 27, 2017, municipalities were notified of this public hearing before GOC.

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FISCAL IMPACT

If this ordinance is approved by the Board, it will not have a fiscal impact to the County or to municipalities.

ANALYSIS

Article II of Chapter 17 of the County Code was codified by Ordinance No. 63-30 on July 16, 1963 to implement minimum standards for unincorporated Miami-Dade County. These standards required dwellings, dwelling units, rooming houses and rooming units, which contain four units or less, to be maintained in a safe and sanitary condition and to contain certain basic equipment. Article III of Chapter 17 of the County Code was codified by Ordinance No. 68-14 on March 5, 1968 to protect the public health, safety, morals and welfare of all the people of the City of Miami, Florida, by establishing minimum standards governing the condition, occupancy, and maintenance of dwellings, dwelling units, rooming houses, rooming units and premises.

The proposed ordinance amends Chapter 17, Article II of the Miami-Dade County Code relating to minimum housing in the following ways: (1) conforms sections that conflict with or are preempted by Florida Statutes related to public lodging; (2) clarifies the power and authority of Minimum Housing Enforcement Officers in incorporated and unincorporated areas; (3) renumbers sections; (4) repeals Article III of Chapter 17; and (5) deleting City of Miami Minimum Housing Standards (superseded by revision to Article II).

The revisions proposed by the ordinance increases the efficacy of Chapter 17 Article II as a regulatory tool by removing conflicts with the Florida Building Code and State Statutes; identifies enforcement personnel’s duties and jurisdiction; and clarifies the role of the County in providing federal, state, and municipal assistance.

The main sections amended by the ordinance are summarized in the table below:

From	To
Sec. 17-7. - Minimum Housing Enforcement Officer	
Sec. 17-7. - Minimum Housing Enforcement Officer— Office established; appointment; term; exempt from classified service; salary.	Sec. 17-7. - Minimum Housing Enforcement Officer
The office and position of Minimum Housing Enforcement Officer is hereby created and established. The Minimum Housing Enforcement Officer shall be appointed by and serve at the will of the County Manager. Such officer shall be chosen by the County Manager on the basis of qualifications and experience in the field of building and housing. The office shall constitute a position exempt from the classified service of the County. The salary for such position shall be fixed by the County Manager, and shall be included in the County budget. The Minimum Housing Enforcement Officer shall serve under the administrative supervision of the Director of Team Metro. The County Manager may appoint such assistants to the Minimum Housing Enforcement Officer as may be necessary in order that the duties may be properly performed, subject to budget limitations.	The position of Minimum Housing Enforcement Officer is hereby created and established. The Authority Having Jurisdiction may designate a Minimum Housing Enforcement Officer. Such officer shall be chosen on the basis of qualifications and experience. The Minimum Housing Enforcement Officer may appoint such subordinate enforcement officers as may be necessary in order that the duties may be properly performed, subject to budget limitations.

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From	To
Sec. 17-8. - Same—Powers.	
(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County ordinances, codes, rules and regulations pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies, in the unincorporated areas of Metropolitan Miami-Dade County.	(1) The enforcement of the provisions of this article and rules and regulations promulgated hereunder, and all County or municipal ordinances, codes, rules and regulations as applicable pertaining to housing and the use and occupancy of dwellings, and all rules and regulations of the Florida State Board of Health and the Florida Hotel and Restaurant Commission, in cooperation with such State agencies except where preempted, in the unincorporated and incorporated areas of Miami-Dade County.
(2) Investigate complaints and institute enforcement actions necessary to abate all violations of County regulations governing the use and occupancy of housing facilities. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the Team Metro fee schedule, as established by resolution of the Board of County Commissioners of Miami-Dade County, Florida, as amended from time to time.	(2) Investigation of complaints and institution of enforcement actions necessary to abate all violations of County or municipal regulations as applicable governing the use and occupancy of housing premises of four unites or less. In addition to inspections resulting from complaints, inspections may be made at the request of the owner of the subject property provided such requested inspections are for the purpose of qualifying for participation in a governmental program. The Minimum Housing Enforcement Officer shall have the power and authority to charge and collect fees for making inspections. The fees charged shall be as set forth in the applicable duly adopted County of municipal fee schedule.
(3) Make appropriate surveys and inspections to determine whether the provisions of this article are being complied with, and whether minimum housing standards are being maintained within municipalities.	Removed.
(4) Make inspections of housing premises, facilities and equipment in accordance with procedures prescribed by this article to determine whether the provisions of this article are being complied with, and make recommendations for methods by which minimum housing standards may be more effectively maintained.	Removed.
(5) Render all possible assistance and technical advice to persons operating and maintaining housing facilities, premises and equipment.	Removed

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From	To
Sec. 17-23. - Minimum standards for basic equipment and facilities.	
<p>(8) Every dwelling structure and dwelling unit of types of construction I, II, III, IV and V as defined by Chapters 17, 18, 19, 20, 21 and 22 respectively of the South Florida Building Code shall have means of egress which conform to the standards of Chapter 31 of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto. Every dwelling structure of type of construction V, built before December 31, 1957, where the structural and other elements of the building consist primarily of wood, having one (1) or two (2) dwelling units above the ground floor, shall have a minimum of two (2) separate means of egress which are remote from each other or at least one (1) means of egress with stairs that are constructed of either noncombustible materials or made safe by approved fire resistive modifications as may be required. Each such means of egress shall be easily accessible from every dwelling unit on the specified floor without passing through any other dwelling unit. Every dwelling structure of type of construction V, where the structural and other elements consist primarily of wood having three (3) or more dwelling units shall have means of egress which conform with the provisions of the South Florida Building Code and any applicable fire codes, fire regulations or ordinances now in existence or adopted subsequent hereto.</p>	<p>(8) Every dwelling and dwelling unit shall have and maintain the means of egress which conform to the Building Code requirements in effect when the building was constructed. The Minimum Housing Enforcement Officer or subordinate enforcement officer shall immediately report any presumed violation pertaining to means of egress to the Building Official.</p>
<p>(9) In every owner-occupied dwelling unit not intended to be let for occupancy containing space heating facilities, such facilities shall be properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire regulations or ordinances now in existence or adopted subsequent hereto.</p> <p>Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition as provided in the South Florida Building Code and any applicable fire</p>	<p>(9) Every dwelling and dwelling unit which is let or intended to be let for occupancy shall have adequate space heating facilities which are properly installed and maintained in safe and good working condition. The Minimum Housing Enforcement Officer or subordinate enforcement officer shall immediately report any presumed violation pertaining to space heating facilities as contained in this section. Adequate heating facilities are hereby defined as follows:</p> <p>(a) Permanent heating equipment is defined as heating equipment properly connected to a flue</p>

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regulations or ordinances now in existence or adopted subsequent hereto. Adequate heating facilities are hereby defined as follows:

- (a) Permanent space heating equipment capable of heating two-thirds of the habitable rooms to a minimum air temperature of seventy (70) degrees Fahrenheit to be measured three (3) feet above floor when outside temperature is forty-five (45) degrees Fahrenheit, or permanent space heating equipment with capacity of five (5) Btu's per hour of input per cubic foot of habitable room space within two-thirds (2/3) of the habitable rooms.
- (b) The five (5) Btu's per hour input standard is based on a heating unit with seventy (70) percent rating of input-to-output efficiency; an appropriate correction factor will be applied when the proposed heating unit exceeds an input-to-output efficiency rating of seventy (70) percent. Heating units supplied on the basis of this calculation will otherwise comply with the standards described elsewhere in this subsection.
- (c) Permanent heating equipment is defined as heating equipment properly connected to a flue or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.
- (d) Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage spaces.
- (e) Heating equipment shall be installed and maintained in accordance with the provisions of the South Florida Building Code.
- (f) Any calculations necessary for the installation of permanent heating equipment to assure adequate heating capacity as defined in this subsection, shall be made in accordance with the standards established in the current edition of the "Heating Ventilating Air-Conditioning Guide," published by the American Society of Refrigeration, Heating and Air-Conditioning Engineers, Inc. (ASHRAE).

or vent or, if electric, properly installed and permanently connected to an adequately wired and sized branch circuit.

- (b) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent.
- (c) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.
- (d) Any portable heating devices approved by a Nationally Recognized Testing Laboratory (NRTL), or a properly installed fireplace may be used as an accessory heating unit.
- (e) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment.
- (g) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.

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- (g) Oil heaters, gas heaters, and wood-stoves must be connected to a properly installed vent, said vent conforming to the provisions of the South Florida Building Code.
- (h) Electric heaters will be of a type readily fixed into position and must be properly installed and permanently connected to an adequately wired and sized branch-circuit.
- (i) Any portable heating devices approved by the Underwriters' Laboratories, Inc., or a properly installed fireplace may be used as an accessory heating unit.
- (j) Accessory heating units will be deemed to be supplementary to the permanent-heating equipment and shall not be considered when calculating the adequacy of the permanently installed heating equipment except as specified in subsection (9)(m).
- (k) Only those accessory heating units which are acceptable under the provisions of the City of Miami and Miami-Dade County Fire Code, the Florida State Hotel and Restaurant Commission regulations, and other regularly adopted regulations will be used.
- (l) The use of unsafe heaters or cooking stoves and the use of cooking stoves, including ovens, for heating purposes is hereby prohibited.
- (m) The requirements of subsection (9) shall not apply to dwelling units in existence on March 17, 1969, provided that either a gas pipe outlet or an electrical outlet and circuit are present for the use of gas space heaters or portable electrical space heaters.

From

To

Sec. 17-24. - Minimum standards for light and ventilation.

No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any presumed violation pertaining to light and ventilation standards as contained in this section.

No person shall let to another for occupancy, any dwelling or dwelling unit for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:

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<p>(1) (a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area which provides light to each habitable room shall be not less than ten (10) percent of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three (3) feet from the window and extend above the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included in the required minimum total window area. Whenever the only window in a room is a skylight-type window located in the top of such room, the minimum total window area of such skylight shall not be less than fifteen (15) percent of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.</p>	<p>(1) (a) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors.</p>
<p>(2) Every habitable room shall be ventilated by openable areas equal to fifty (50) percent of the required minimum window area, as set forth in subsection (1) of this section or by equivalent mechanical ventilation as approved by the inspecting officer.</p>	<p>(2) Every habitable room shall be ventilated.</p>
From	To
Sec. 17-25. - Requirements relating to the safe and sanitary maintenance of dwellings and dwelling units.	
<p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	<p>The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any building presumed to be unsafe as established by the provisions of this section or Chapter 8 of the Code.</p> <p>No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>
<p>(9) For these purposes, every owner of a building containing three (3), or more, dwelling units, shall provide the continuing services of a person or persons solely to assure that the minimum requirements of maintenance and sanitation, as provided by this article, are maintained on the premises at all times. The landlord shall provide the tenant with the name, address, and phone</p>	<p>Removed.</p>

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<p>number of the person or persons providing the continuing services. Said notice shall be given to the tenant by either posting the notice in a conspicuous place at the building site or by supplying the tenant with the information at the inception of the lease. The landlord is further charged with informing the tenant of any change of name, address, or phone number of the person or persons providing the continuing service.</p>	
From	To
Sec. 17-26. - Minimum space, use and location requirements.	
<p>No person shall occupy, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>	<p>The Minimum Housing Enforcement Officer or subordinate enforcement officers shall immediately report to the Building Official any presumed violation pertaining to minimum space standards as contained in this section.</p> <p>No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements:</p>
From	To
Sec. 17-30. - Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.	
<p>Sec. 17-30. - Designation of dwellings, hotels and rooming houses, unfit for human habitation and procedures for placarding.</p> <p>... Where the Minimum Housing Enforcement Officer or his assistant determines that a building is an unsafe building within the provisions of Section 202 of the South Florida Building Code, he shall immediately report the matter to the Building Official.</p>	<p>Sec. 17-30. - Designation of dwellings and rooming houses as unsafe.</p> <p>... Where the Minimum Housing Enforcement Officer or subordinate enforcement officer determines that a building may be an unsafe building within the provisions Chapter 8 of this Code or other applicable local unsafe building regulation, they shall immediately report the matter to the Building Official.</p>

The proposed ordinance removes entirely the following items from Article II Chapter 17 of the County Code: Section 17-29 – Minimum standards for hotels and rooming houses; Section 17.33 – Housing cost impact analysis; Section 17-34 – Mechanism to mitigate cost increase. The proposed ordinance repeals Article III of Chapter 17 of the Code of Miami-Dade County in its entirety which relates to the City of Miami Minimum Housing Standards as it is superseded by proposed revisions to Article II Chapter 17 of the County Code.

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Research Notes**

**Item No. 2E
File No. 175886**

Researcher: NR Reviewer: TD

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY IN CONNECTION WITH THE PROPOSED ANNEXATION BY THE CITY OF FLORIDA CITY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM ATTACHED AND TAKE ANY ACTION REQUIRED BY THE COUNTY HEREIN

**Item No. 2E Supplement
File No. 172951**

Researcher: NR Reviewer: TD

SUPPLEMENT TO THE CITY OF FLORIDA CITY ANNEXATION AREA H INTERLOCAL AGREEMENT

ISSUE/REQUESTED ACTION

Whether the Board should approve an Interlocal Agreement between Miami-Dade County (County) and the City of Florida City (City) in connection with the proposed annexation by the City of Florida City, and authorize the County Mayor to execute the Agreement.

APPLICABLE LEGISLATION/POLICY

Section 20-8.1 of the Code governs retention of electric franchise revenues.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

Section 20-8.2 of the Code governs retention of all utility tax revenues.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH20MU_ARTIBOCHPR_S20-8.1REELFRRE

On September 7, 2016, the Board adopted Resolution No. R-789-16, which approved the boundary change for the City

<http://intra/gia/matter.asp?matter=160214&file=true&yearFolder=Y2016>

PROCEDURAL HISTORY

Prime Sponsor: Dennis C. Moss

Department/Requester: None

FISCAL IMPACT

The annexation will have a positive impact on UMSA. According to the 2016 Preliminary Roll, the taxable value of the annexation area is \$6,755,018. The area generates an estimated \$85,915 in revenue, and the County spends an estimated \$155,527 per year providing services. The difference to the UMSA budget is calculated at \$69,612.

- The area revenue source include: Property Tax, Franchise Fees, Sales Tax, Utility Taxes, Communications Tax, Alcoholic Beverage License, Occupational License, Interest, Sheriff and Police Fees, and Miscellaneous Revenues.
- The County's UMSA Services include: Police Department, Parks, Recreation and Open Spaces Department, Right-of-Way Maintenance, Policy Formulation, Internal Support, Planning and Non-Departmental, and QNIP Debt Service Payments.

At the FY 2016-17 City millage rate of 7.1858 mills, the ad valorem revenues attributable to the Area is \$21,020. The expected tax increase for the annexation area is \$16,137. Based on the City's millage rate of 7.1858 mills, the average property owner would pay an additional \$86 in property taxes should the annexation be approved.

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Research Notes**

If the annexation is approved, pursuant to Section 20-8.1 and 20-8.2 of the Code, the County retains all of the area's franchise fees estimated at \$7,601 and utility tax revenues estimated at \$33,758.

ANALYSIS

This item seeks the approval of the Interlocal Agreement between the City and the County. The City is proposing to annex an area adjacent to the City's boundaries to add 775 acres or 1.21 square miles of the Unincorporated Municipal Service Area (UMSA).

On September 6, 2011, the City submitted a boundary change application to the Miami-Dade County Clerk of the Board. The application was referred to and accepted by the Board at the September 20, 2011 meeting. The application was then referred to the Office of Management and Budget (OMB) for processing as required by the Code.

The Planning Advisory Board (PAB) held a public hearing on February 22, 2012, where the City presented the application and amended the boundaries at the meeting. The PAB recommended approval of the application. However, after the amended boundaries were studied by the County staff, it was concluded that the annexation area included areas that were not contiguous. Therefore, the County staff requested that the City amend the application to have contiguous boundaries. In order to comply the City amended the boundaries through City Resolution No. 12-61, and the application with the amended boundaries was reviewed by the PAB, which recommended approval of the annexation.

The amended boundaries resulted in the annexation area having more than 250 resident electors. Therefore, the City was required to obtain petitions from 20 percent of the 326 resident electors, indicating consent to the annexation. On March 19, 2015, the Elections Department certified 74 petitions for the area satisfying the 20 percent petition requirement.

On September 7, 2016, the Board adopted Resolution No. R-789-16, which approved the boundary change for the City. The resolution directed the County Attorney to prepare the appropriate ordinance, ballot language, and Interlocal Agreement in order to effectuate the annexation request. Pursuant to Section 6.04 (B) of the County's Home Rule Charter, an affirmative vote of a majority of resident electors voting is required for the boundary change approval.

The interlocal agreement between the County and the City will provide the conditions of annexation and transition of services, including:

- County retention of franchise fees and utility taxes;
- County retention of residential solid waste collection in the annexation area, pursuant to Section 20-8.4 of the Code;
- Requires City to make Stormwater Utility debt service payments, and provide for future payments of canal maintenance;
- Allows County to retain regulatory jurisdiction of any future Facilities of Countywide Significance; and
- Provides for certain regulatory procedures and jurisdiction outside the Urban Development Boundary.

Refer to accompany note for File No. 172420

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Research Notes**

Item No. 2G**Item No. 172382****Researcher: NR Reviewer: TD**

RESOLUTION AMENDING IMPLEMENTING ORDER 4-82 RELATING TO SCHEDULE OF FEES FOR COUNTY PARKING FACILITIES

ISSUE/REQUESTED ACTION

Whether the Board should amend Implementing Order (IO) No. 4-82 relating to the Schedule of Fees for County Parking Facilities.

APPLICABLE LEGISLATION/POLICY

IO 4-82 – Schedule of Fees for County Parking Facilities

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO4-82.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Senator Javier D. Souto

Department/Requester: None

IO-4-82 was ordered September 17, 2014 and effective October 1, 2014.

No action taken due to lack of a quorum by Government Operations Committee (GOC) at the November 14, 2017 meeting.

Item was deferred by GOC at the December 12, 2017 meeting.

FISCAL IMPACT

The following fees are for Miami-Dade County Cultural Center Garage, West Lot Garage, and Garage #5, 140 West Flagler Garage, and Overtown Transit Village Garage; the table includes the proposed rates.

Fees	Current	Proposed rates
Current rates per half hour or portion thereof	\$3.00	First two hours of parking will be free of charge for County residents attending BCC meetings or a committee of the Board
Current fee for >2.5 hours or all day	\$14.00	
Lost ticket rate	\$14.00	
Juror parking	\$0	
Disabled parking	\$0	

ANALYSIS

This amendment of IO 4-82 relates to the schedule of fees for the various County parking facilities. If a County resident wishes to be heard in front of the Board, they would need to drive downtown and park in one of the various facilities the County offers. The item aims to unburden a resident who seeks to participate in a County public meeting by allowing that resident to park for free.

Florida Statutes Section 286.0114 provides that members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0286/Sections/0286.0114.html

**GOC Meeting: January 17, 2018
Research Notes**

This amendment would provide that any County resident that wishes to park in the County-owned Hickman garage, West lot garage or Cultural Center garage to attend a meeting of the BCC or one of its committees will not be charged any fee to park for the first two hours.

ADDITIONAL RESEARCH: BROWARD COUNTY

The following fees are established for parking in or on the following Broward County-owned or operated parking facilities:

Broward County Governmental Center Garage, per hour or portion thereof, up to a maximum of \$12.00 per entry. There shall be no charge for any portion of the first hour which is less than ten minutes:

- First Hour - \$2.00
- Per Hour Thereafter - \$1.00
- Monthly Parking Pass, per month - \$150.00

Persons operating vehicles that display a Florida Toll Exempt permit, or vehicles with specialized equipment, such as ramps, lifts, or foot and hand controls, for use by a person who has a disability, will be provided with free parking, subject to Facilities Management Division verification process.

https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH38FEOTCHPUWO_PTIFAMA_38.1PAFE

**GOC Meeting: January 17, 2018
Research Notes**

**Item No. 3A
File No. 172918**

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$16,306,000.00 FOR PREQUALIFICATION POOL NO. 6276-1/19-1 FOR PURCHASE OF SECURITY ALARM AND CARD ACCESS SYSTEMS

ISSUE/REQUESTED ACTION

Whether the Board should approve a cumulative increase in allocation of \$16,306,000 to the County's Security Alarm and Card Access Systems prequalification pool in order for the Water and Sewer, Police and PortMiami Departments to continue to purchase under the pool.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

FISCAL IMPACT

The pool is in its option to renew term, which commenced on January 1, 2015 and expires on December 31, 2019. The current value of this option to renew term is \$13,680,000. If the requested increase in spending of \$16,306,000 is approved, the modified allocation for this option to renew term would be \$29,986,000.

Of the \$1,250,000 allocated to the Water and Sewer Department for the option term, \$836,485 has been released; of the \$460,000 allocated to PortMiami, \$332,140 has been released; and of the \$525,000 allocated to the Police Department, \$308,758 has been released.

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ANALYSIS

The purpose of this pool is for prequalified vendors to compete to provide County departments security alarm and card access systems, including installation and repair services. The pool was approved by the Board for an initial five-year term plus one optional five-year renewal term under Resolution No. R-1367-09 on December 1, 2009. The pool was established with only eight prequalified vendors. Under the solicitation for the pool, bidders delivering installation services shall be licensed to install and repair security alarm and card access systems.

The Water and Sewer (WASD), PortMiami, and Police Departments are requesting increased spending under this pool to satisfy their operational needs. WASD's current allocation for the term is \$1,250,000, and the department is requesting \$15,851,000 in additional spending. WASD's justification for the sizeable increase is to purchase new equipment (i.e., access controls, closed circuit televisions, and fuel monitoring) to comply with the Consent Decree, Presidential Directive 21 and House Bill 8448, as detailed in Attachment 1 to the mayoral memorandum. The increase would enable WASD to safeguard its critical facilities, such as water treatment plants, booster stations and fuel farms.

The Police Department is requesting \$300,000 in increased spending for its Intracoastal District and for the Professional Compliance Bureau for keyless entry card access projects.

PortMiami is requesting \$155,000 in increased spending to cover parts and services for its existing security alarm and card access systems as well as to cover parts and services for a new cruise terminal and expansion of an existing terminal.

ADDITIONAL INFORMATION

This request was first presented at the July 11, 2017 GOC meeting and was tabled due to lack of a motion. The current request differs from the initial in that it includes Attachment 1, WASD's justification for the requested spending increase.

<http://www.miamidade.gov/govaction/matter.asp?matter=171596&file=true&yearFolder=Y2017>

GOC Meeting: January 17, 2018
Research Notes

Item No. 3B**File No. 172932****Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NOS. RFP-00572A AND RFP-00572B, POLYGRAPH EXAMINATION SERVICES, TO JURNEY & ASSOCIATES, INC. AND SLATTERY ASSOCIATES, INC. WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY IN A TOTAL AMOUNT UP TO \$1,242,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should approve a five-year contract in the amount of \$1,242,000 for polygraph examination services for the Corrections and Rehabilitation, Police and Transportation and Public Works departments.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directs the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ and include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review, prior to reprocurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the County and to include that information in contract award memoranda before the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

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Research Notes**

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

FISCAL IMPACT

The fiscal impact for the five-year term is \$1,242,000. It is unclear from the mayoral memorandum if this is a cumulative sum for both contracts or the sum for each individual award for polygraph examination services. The contract's Price Schedule shows a flat rate per exam or appearance for testimony of \$109; this flat fee specifically applies to the following service types: (1) pre-employment polygraph examination; (2) repeat examination for pre-employment polygraph examination; and (3) specific area of inquiry polygraph examination.

The current contract, originally valued at \$1,354,200, had an original expiration date of December 31, 2017 but was administratively extended through March 31, 2018. That value includes a prorated amount of \$27,583 and a modification valued at \$55,000, resulting in a current rounded value of \$1,437,000.

ANALYSIS

This item is recommending the award of two contracts for polygraph examination services for a single five-year term. One contract is to Journey & Associates, Inc. (RFP-00572A), the highest-ranked proposer, and the other to Slattery Associates, Inc. (RFP-00572B), the second-highest ranked proposer. Assignments under the contract will be driven by a Work Order process, as the need arises, with the highest-ranked proposer receiving the first assignment. The second Work Order will be issued to the second highest-ranked proposer, and subsequent Work Orders will be issued on a rotational basis. The contract requires the vendors to be certified graduates of an American Polygraph Association (APA) accredited school and/or Certified Polygraphist by the Florida Polygraph Association. The polygraph examiners shall maintain active memberships in the APA, Florida Polygraph Association and/or American Association of Police Polygraphists for the duration of the contract.

Services under the contract include pre-employment polygraph examinations, specific area of inquiry polygraph examinations and re-examination of applicants with inconclusive results. The examinations will include pre-test questions, such as application background information, falsification of application, residency history, driving record, arrests/convictions, use of marijuana, theft from employers, excessive debt, gang and social media affiliations, and inmate association.

Only three vendors responded to the solicitation despite Market Research indicating there are over 25 members of the Florida Polygraph Association in Miami-Dade County. A search of the Small Business Enterprise Goods and Services Certified Firms List, as of January 12, 2018, under the trade code for polygraph testing services (99070) revealed that the following firms are certified:

- Journey & Associates, Inc.
- Integrity International Security
- Masdeu Five Corporation

ADDITIONAL INFORMATION

Note that the recommended vendors are the incumbents under the current contract, RFP 831. Both vendors are active under the Florida Department of State Division of Corporations. Journey & Associates is a professional investigative agency established in 1976, specializing in polygraph testing, insurance claims and a variety of corporate due diligence and security consulting services. See link to its website below.

<http://teamjai.com/>

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Slattery Associates, Inc. provides polygraph testing services for private and government clients as well as examinations for criminal and civil cases. The firm's chief examiner has over 30 years of experience as a forensic and research polygraph examiner. See link to its website below.

<http://www.polygraphexperts.com/>

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Research Notes**

**Item No. 3C
File No. 172883**

Researcher: NR Reviewer: TD

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 4245 NORTH MERIDIAN AVENUE, MIAMI BEACH, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ad valorem tax exemption for the property located at 4245 North Meridian Avenue, Miami Beach, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR

Section 16A-18 of the Code of Miami-Dade County states:

a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.

b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch16a_sec16a-18

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman

Department/Requester: Regulatory and Economic Resources

FISCAL IMPACT

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

Based on this methodology, the estimated tax exemption for one year is \$2,453, and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments

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to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

ANALYSIS

The historic single-family residence located at 4245 North Meridian Avenue, Miami Beach was originally constructed in 1953 and was designed by prominent architect Albert Anis. It is of architectural and historic significance and is a locally designated historic site by the City of Miami Beach.

Restoration work included full interior renovation, replacement of all doors and windows with historically-appropriate impact-resistant glass doors and windows; restoration of exterior façade, replacement of electrical, plumbing, and HVAC systems; and construction of a second floor addition in the rear of the home.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$900,000, of which \$750,000 was attributed to work on the historic structure. The Property Appraiser's office determined that the taxable value of the qualifying improvements was \$525,694.

ADDITIONAL INFORMATION

This property is located within Commission District 4, represented by Commissioner Sally A. Heyman. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation

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Research Notes**

**Item No. 3D
File No. 172884**

Researcher: NR Reviewer: TD

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 5240 NORTH BAY ROAD, MIAMI BEACH, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ad valorem tax exemption for the property located at 5240 North Bay Road, Miami Beach, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH16AHIPR

Section 16A-18 of the Code of Miami-Dade County states:

- a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch16a_sec16a-18

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman

Department/Requester: Regulatory and Economic Resources

FISCAL IMPACT

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

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Based on this methodology, the estimated tax exemption for one year is \$2,402 and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

ANALYSIS

The historic single-family residence located at 5240 North Bay Road, Miami Beach was originally constructed in 1958 and was designed by prominent architect Maurice Weintraub. It is of architectural and historic significance and is a locally designated historic site by the City of Miami Beach.

Restoration work included full interior and exterior rehabilitation with stucco repair, code compliance updates; installation of impact resistant windows; roof replacement; and construction of a rear addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$550,000, of which the Property Appraiser's office determined that the taxable value of the qualifying improvements was \$510,631.

ADDITIONAL INFORMATION

This property is located within Commission District 4, represented by Commissioner Sally A. Heyman. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation

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Research Notes**

**Item No. 3F
File No. 172908**

Researcher: NR Reviewer: TD

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 1254 CORAL WAY, CORAL GABLES, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ad valorem tax exemption for the property located at 1254 Coral Way, Coral Gables, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR

Section 16A-18 of the Code of Miami-Dade County states:

- a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch16a_sec16a-18

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa

Department/Requester: Regulatory and Economic Resources

FISCAL IMPACT

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

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Based on this methodology, the estimated tax exemption for one year is \$1,174, and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

ANALYSIS

The historic single-family residence located at 1254 Coral Way, Coral Gables was originally constructed in circa 1922 and was among the early build-out of Coral Gables. Known as Casa Azul, it is of architectural and historic significance and is a designated local historic landmark and a contributing structure in the Coral Way Historic District as well as the Coral Rock Residences Thematic Group, designated by the City of Coral Gables.

Restoration work included installation of historically appropriate impact resistant windows; roof replacement; preservation of original interior features, including coral rock fireplace, Dade County pine floors, and butler's pantry; and construction of a rear addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$342,684.13, of which the Property Appraiser's office determined that the taxable value of the qualifying improvements was \$251,480.

ADDITIONAL INFORMATION

This property is located within Commission District 6, represented by Commissioner Rebecca Sosa. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board;
- and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation

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Research Notes

Item No. 3G
File No. 172909

Researcher: NR Reviewer: TD

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 1125 NORTH GREENWAY DRIVE, CORAL GABLES, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 196.1997 AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should authorize the ad valorem tax exemption for the property located at 1125 North Greenway Drive, Coral Gables, Florida, pursuant to the provisions of Florida Statutes Section 196.1997 and Section 16A-18 of the Code of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 196.1997 states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

<http://www.leg.state.fl.us/statutes=Section196.1997>

Section 16 of the Code of Miami-Dade County declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH16AHIPR

Section 16A-18 of the Code of Miami-Dade County states:

a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.

b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch16a_sec16a-18

PROCEDURAL HISTORY

Prime Sponsor: Rebeca Sosa

Department/Requester: Regulatory and Economic Resources

FISCAL IMPACT

The annual amount of ad valorem taxes to be exempted for the ten-year period is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property. The ad valorem tax exemption is not applicable to other taxing authorities.

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Based on this methodology, the estimated tax exemption for one (1) year is \$1,035, and was provided by the Property Appraiser. However, the annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property. Countywide operating ad valorem property taxes will still be assessed and collected on the remaining taxable value that did not qualify for the exemption. Following the ten-year incentive period, the County will begin to assess and collect the countywide operating millage on the full value of the property, inclusive of the previous exempt improvements.

ANALYSIS

The historic single-family residence located at 1125 North Greenway Drive, Coral Gables was originally constructed in 1951 and was designed by architect R. M. Nordin. It is of architectural and historic significance and is a contributing structure within the County Club of Coral Gables Historic District, designated by the City of Coral Gables.

Restoration work included installation of historically appropriate impact resistant windows and doors; roof replacement; repair and refinishing of original architectural detailing; plumbing and electrical upgrades; structural reinforcements; exterior paint and stucco repair; and construction of a one-story addition.

Part II of the application indicates that the amount spent by the property owner on the total renovation was \$200,000, of which the Property Appraiser's office determined that the taxable value of the qualifying improvements was \$215,357.

ADDITIONAL INFORMATION

This property is located within Commission District 6, represented by Commissioner Rebecca Sosa. However, the impact of this item is countywide.

In 1993, the State of Florida legislature approved tax exemptions for historic properties that give local governments the option to provide this property tax exemption for eligible historic properties.

The purpose of this legislation is to encourage the preservation of historic buildings by offering an economic incentive to those property owners that take on the responsibility of restoring and maintaining a designated historic structure. The exemption is not for the entire assessed value of the property. The tax exemptions are calculated from what the value of the renovations to the historic property were, and only apply to the countywide portion of the property's tax bill. An exemption may also be granted on the municipal portion of the property tax bill if approved by the respective municipality.

All applicants must meet certain criteria as set forth by the Florida Department of State, Division of Historical Resources, in order for a tax exemption to be allowed, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable preservation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation