



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

Public Safety and Health Committee (PSHC) Meeting

January 18, 2018
1.30. P.M.
Commission Chambers

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**PSHC Meeting: January 18, 2018
Research Notes**

**Item No. 1G1
File No. 172437**

Researcher: AIP Reviewer: TD

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-5 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING ADOPTION OF ANIMALS FROM THE COUNTY'S PET ADOPTION AND PROTECTION CENTER BY INDIVIDUALS ADJUDICATED OF COMMITTING CERTAIN ANIMAL-RELATED OFFENSES; CLARIFYING ANIMAL SERVICES DEPARTMENT DIRECTOR'S DISCRETION TO REFUSE ADOPTION OR TRANSFER FOR OTHER REASONS TO PROTECT HEALTH, SAFETY, OR WELFARE OF PEOPLE OR ANIMALS; PROVIDING FOR APPEAL OF ADOPTION OR TRANSFER REFUSAL; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO COORDINATE WITH THE CLERK OF COURTS AND THE MIAMI-DADE COUNTY STATE ATTORNEY'S OFFICE REGARDING INFORMATION ON ANIMAL-RELATED OFFENSES AND TO REPORT TO THE BOARD WITHIN A SPECIFIED TIME FRAME; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve the ordinance, which amends sections of the County Code, in order to prohibit certain individuals from adopting an animal from Animal Services Department, and enforce this through civil penalty.

APPLICABLE LEGISLATION/POLICY

The ordinance amends the following sections of the County Code:

Section 5-5 of the County Code (*Adoption of animals from the department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.*)

<http://www.miamidade.gov/animals/library/chapter-5.pdf>

Section 8CC-10 of the County Code (*Schedule of civil penalties.*)

http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-10

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: N/A

This item was introduced on October, 26, 2017. It was adopted by the Board on first reading at the November 7, 2017 BCC. On November 27, 2017 municipal notification of a public hearing was sent.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ANALYSIS

This item allows the Animal Services Department to prohibit certain individuals found to have abused animals, from adopting an animal. This insures the safety of both animals and people, and helps prevent future cases of animal abuse. OCA found no similar ordinance in Broward County's County Code, but in Palm Beach County Code, Section 4-12 (d) explicitly states that:

"The Division shall have the authority to approve or decline the adoption or release of any animal in its custody or responsibility. At its discretion, the Division may refuse an adoption or the release of an animal if it is determined that

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the adoption or release is not in the best interest of the animal or the health, safety and general welfare of the public. Factors to be considered may include, but are not limited to the following:

- (1) Property and/or lease restrictions.
- (2) Insufficient personal identification or address verification.
- (3) Previous or current reported animal offenses or citations.
- (4) Failure to fulfill requirements of previous animal adoptions.
- (5) Number of animals presently owned.
- (6) Conditions under which animals are to be housed.
- (7) Disposition/temperament of animal to be adopted.
- (8) Observations and determination of field investigator.
- (9) Prior convictions for animal cruelty or abuse.
- (10) Prior removal of an animal for neglect or mistreatment under F.S. § 828.073.
- (11) Relinquishment of ownership of an animal(s) within the past year or history of relinquishing ownership of animal(s) on more than one (1) occasion.
- (12) Outstanding fees, costs or fines owed to the Division.”

ADDITIONAL INFORMATION

Similar ordinances and/or efforts have been made in Orange County and Marion County, as well as in other states such as Arizona and Michigan. In Marion County, about 60 miles north Orlando, “Molly’s Law” was spurred by the case of a man who was convicted of abuse after beating his dog, Molly, and then wanted to adopt another dog after getting out of jail. Furthermore, back 2015, New York City started an animal abuser “do-not-adopt” blacklist; this registry is managed by the city Health Department.

Broward adoption ordinances:

https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4DOCA_S4-7ADREDOCA

Palm Beach County Code:

https://library.municode.com/fl/palm_beach_county/codes/code_of_ordinances?nodeId=PABECOCO_CH4AN_S4-12READ

<http://discover.pbcgov.org/publicsafety/animalcare/Pages/Ordinance.aspx>

Orange County and Marion County:

<http://www.orlandosentinel.com/news/politics/political-pulse/os-orange-animal-abuse-mollys-law-20170314-story.html>

Arizona:

<http://www.wsmv.com/story/29855619/pacc-working-to-prevent-animal-abusers-from-adopting>

Michigan:

http://www.mlive.com/news/saginaw/index.ssf/2016/02/bills_aimed_at_stopping_abuser.html

New York City:

<http://www.nydailynews.com/new-york/nyc-crime/new-york-city-starts-animal-abuser-do-not-adopt-blacklist-article-1.2308990>

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**Item No. 1G2 Substitute
File No. 180060 (172696)**

Researcher: BM Reviewer: TD

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT CERTAIN PRINCIPALS OF CORPORATE ENTITIES SHALL NOT BE REQUIRED TO PAY ETHICS COURSE FEE; PROVIDING THAT CERTAIN REPRESENTATIVES OF NOT-FOR-PROFIT CORPORATIONS SHALL NOT BE REQUIRED TO PAY ETHICS COURSE FEE; MAKING TECHNICAL AND CONFORMING CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending the County's Conflict of Interest and Code of Ethics Ordinance to provide that, upon request, principals of corporate entities and certain representatives of not-for-profit corporations who lobby solely on behalf of those entities without special compensation shall not be required to pay the Ethics Course fee.

APPLICABLE LEGISLATION/POLICY

Section 2-11.1 of the County Code sets forth the Conflict of Interest and Code of Ethics Ordinance.

Section 2-11.1(s) relates to the requirements and guidelines for lobbying the County. This subsection requires each lobbyist, within 60 days after registering as a lobbyist, to submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Commission on Ethics and Public Trust. The fee for the course shall be \$100. The Executive Director of the Ethics Commission may waive the course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfied the County's requirements.

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

The original item no. 172696 was adopted on first reading by Board on December 5, 2017 and Passed 11 – 0.

FISCAL IMPACT

If approved, representatives of business entities, both for-profit and nonprofit, who are lobbying on behalf of those entities, without special compensation or reimbursement for that appearance, shall not be required to pay the \$100 Ethics Course fee.

ANALYSIS

The proposed ordinance amends Section 2-11.1 of the Miami-Dade County Code, i.e., the Conflict of Interest and Code of Ethics Ordinance, to exempt principals of not-for-profit entities and certain representatives of nonprofit entities who lobby solely for such entities without special compensation from paying the Ethics Course fee. Under the Ethics Ordinance, principals of not-for-profit entities and certain representatives of nonprofit entities who lobby solely for such entities without special compensation are exempt from paying lobbyist registration fees. Note that the Ethics Course covers a review of the Conflict of Interest and Code of Ethics Ordinance, Florida Sunshine law and Florida Public Records law.

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The ordinance proposes an exemption to pay the fees for principals of not-for-profit corporations or entities. Not-for-profit organizations depend on private contributions for their funding usually operate within tight fiscal constraints. Providing the exemption to the fee will alleviate the financial hardship that may be posed by such required course fees.

The substitute differs from the original item in that the exemption from the Ethics Course fee requirement for principals is narrowed to apply only to principals of non-for-profit corporations or entities.

The table below shows the proffered changes to Section 2-11.1 of the Miami-Dade County Code.

Section:	As it currently reads:	Proposed amendment:
2-11.1(s) <i>Lobbying</i>	(3)(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.	(3)(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.
Section:	As it currently reads:	Proposed amendment:
	(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.	(4) Any principal of a not-for-profit corporation or entity (such as a charitable organization, or trade association or trade union), or any person who only appears as a representative of a not-for-profit corporation or entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees or Ethics Course Fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as

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		required by this subsection, but, upon request, shall not be required to pay any registration fees.
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ADDITIONAL INFORMATION

The first link below provides additional information from the Clerk of the Courts website as it relates to lobbying in Miami-Dade County, including online registration. The second link provides additional information from the Ethics Commission's website on ethics training.

<https://www8.miamidade.gov/Apps/COB/LobbyistOnline/home.aspx/Home.aspx>
<http://ethics.miamidade.gov/training.asp>

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**Item No. 1G3
File No. 172681**

Researcher: NR Reviewer: TD

ORDINANCE RELATING TO HUMAN TRAFFICKING PUBLIC AWARENESS SIGNS; AMENDING SECTION 21-31.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF THE REQUIREMENT TO POST SIGNS AT ADULT ENTERTAINMENT ESTABLISHMENTS AND CERTAIN MASSAGE OR BODYWORK SERVICES ESTABLISHMENTS ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend: (1) Section 21-31 of the County Code, dealing with Human Trafficking Awareness Signs at Adult Entertainment, Massage, and Bodywork Services Establishments are subject to civil enforcement proceedings; and (2) Section 8CC Enforcement and Penalties.

Section 787.29 of the Florida Statutes, authorized county commissions to adopt ordinances to enforce the posting of the human trafficking awareness signs at the previously specified adult entertainment, massage, or bodywork services establishments and specifies that a violation of the posting requirements constitutes a noncriminal violation punishable by a fine not to exceed \$500.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=787.29&URL=0700-0799/0787/Sections/0787.29.html

Section 21-31 of the Miami-Dade County Code (Human Trafficking Awareness Signs).

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH21OFMIPR_ARTIVMI_S21-31.5HUTRAWSIADENMABOSEES

Ordinance No. 16-17 (Section 21-31 of the County Code) (Human Trafficking Awareness Signs): Adopted on February 2, 2016. This ordinance require the employer at each of the following establishments shall display public awareness signs in a conspicuous location that is clearly visible to the public and employees of the establishment: (i) a strip club or other adult entertainment establishment or (ii) a business or establishment that offers massage or bodywork services for compensation that is not owned by a health care profession regulated pursuant to Chapter 456, Florida Statutes, and defined in Section 456.001, Florida Statutes.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152689min.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman, District 4

Sponsor: None

The proposed ordinance was adopted on first reading at the December 5, 2017 Board meeting, and the Municipalities were notified of public hearing on December 8, 2017.

FISCAL IMPACT

This item does not state a fiscal impact.

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ANALYSIS

This item proposes to amend Section 21-31 of the County Code dealing with Human Trafficking Awareness Signs, and Section 8CC-10, Schedule of Civil Penalties.

This Board proposes to streamline enforcement of the sign-posting requirement by having violations of this requirement subject to enforcement proceedings as set forth in Section 8CC and 1-5 of the Code, and that there be a uniform fine of \$500 for each offense.

The below table reflects the current Code language and the proposed amendments:

Section 21-35.5 of the Code as it currently reads:	Section 21-35.5 of the Code - proposed changes:
(d) Enforcement. Any person violating any of the provisions of this section shall upon conviction of such offense, be punished by a fine not to exceed five hundred dollars (\$500.00) as provided in Section 775.083, Florida Statutes, which may be amended from time to time, in the discretion of the court. Each day of continued violation shall be considered a separate offense.	(d) Enforcement. Any person violating any of the provisions of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law. Each day of continued violation shall be considered a separate offense.

Amendment proposed to 8CC-10. Schedule of Civil Penalties.

Code Section	Description of Violation	Civil Penalty
21.31.5	Failure to post human trafficking awareness signs	\$500.00 for each offence

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File No. 172950

Item No. 2A

Researcher: SM Reviewer: TD

RESOLUTION DECLARING CERTAIN FIREFIGHTING EQUIPMENT SURPLUS PROPERTY; WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, THE PROCEDURE FOR DISPOSITION OF SURPLUS PROPERTY; AUTHORIZING THE DONATION OF SUCH EQUIPMENT TO THE GENERAL CORPS OF VOLUNTEER FIREFIGHTERS OF PERU FOR USE BY THE LIMA 4 FIRE STATION; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A FOREIGN GOVERNMENTAL ENTITY DONATION AGREEMENT, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution declaring certain firefighting equipment surplus property, authorizing the donation of such equipment to the general corps of volunteer firefighters of Peru for use by the Lima 4 fire station.

APPLICABLE LEGISLATION/POLICY

Code Section 2-11.2.1(b) of the Code of Miami-Dade County provides a procedure for disposition of County surplus property.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR

Code Section 2-11.2.1(d) of the Code of Miami-Dade County, The Board may waive such procedure by a two-thirds vote of the members present, and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community organization.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR

Chapter 274 of the Florida Statutes governs tangible personal property owned by local Governments.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0274/0274.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman

This item has no procedural history.

FISCAL IMPACT

The firefighting equipment that is deemed obsolete and cannot be legally used by another County department, is worth the following:

- 100 Sets of Turnout Gear: Coats & Pants, Obsolete \$100,000
- 100 Fire Helmets, Obsolete \$10,000
- 100 Sets of Fire Boots, Obsolete \$1,000

The aforementioned equipment is declared to be surplus pursuant to chapter 274, Florida Statutes, and Section 2-11.2.1 of the Code of Miami-Dade County which can be referred to above.

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ANALYSIS

This Item pertains to obsolete and surplus firefighting equipment, if the Resolution receives Board approval it will grant The County Mayor or County Mayor's designee to execute a foreign Governmental Entity Donation Agreement. The surplus equipment will be donated to the general corps of volunteer firefighters of Peru for use by the Lima 4 fire station. The decommissioned fire protective clothing listed below is being made available for donation to the Cuerpo General de Bomberos Voluntarios del Peru, Lima 4 Fire Station.

Type	Count
Rubber boots	100
Bunker Coats	100
Bunker Pants	100
Helmets	100
Total	400

The Donee must take possession of the equipment within 60 days of the effective date of this resolution and shall be responsible for any and all costs of transferring the equipment. If the Donee fails to do so the proposed Resolution will be null and void and the ownership shall revert back to the County.

The fire equipment is not to be used for live fire service and can only be used for training without live fire burns. Per the agreement attached in the mayoral memo the donee shall indemnify and hold harmless, Miami-Dade County, and its officers, employees, agents and instrumentalities et. Al. from any and all liability, losses or damages, including attorney's fees and costs of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the transfer of ownership.

ADDITIONAL INFORMATION

There is some debate as to when the gear the fire departments use should be retired. The website firerescue1 has an article that speaks about the mandatory gear retirement at 10 years. The National Fire Protection Association (NFPA) set a maximum service life for turnout gear that would be unambiguous — remove any gear from service that had a manufacture date of more than 10 years, regardless of its use, care, or actual condition. This was applied for all types of gear except aluminized outer shells found in proximity firefighter clothing that were given an expiration date of 5 years.

<https://www.firerescue1.com/fire-products/Personal-protective-equipment-ppe/articles/1372912-The-debate-mandatory-gear-retirement-at-10-years/>

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**Item No. 3A
File No. 172916**

Researcher: BM Reviewer:TD

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY AND AUTHORIZING THE EXERCISE OF THE REMAINING THREE, ONE-YEAR OPTION TO RENEW PERIODS FOR CONTRACT NO. BW9156-4/21, HISTOPATHOLOGY SERVICES, FOR THE MEDICAL EXAMINER DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$267,000; BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should waive the competitive bidding procedures for the purchase of goods and services pursuant to Section 2-8.1 of the County Code and Section 5.03(D) of the Home Rule Charter and authorize the Mayor or County Designee to exercise the remaining three, one-year option to renew terms under Contract No. BW9156-4/21, Histopathology Services, for the Medical Examiner Department.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and designated purchases; and provides that procurement procedures shall be established via an Implementing Order.

[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)

Section 5.03(D) Home Rule Charter, Financial Administration, relates to contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids.

The link below relates to Section 5.03(D) Home Rule Charter:

<http://www.miamidade.gov/charter/library/charter.pdf>

Chapter 406 of the Florida Statutes, Medical Examiner; Disposition of Human Remains, requires that the County use of Histopathology Technologists in evaluating the evidentiary human tissue collected during the autopsy process as part of the death investigation procedure.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0406/0406.html

Resolution No. R-986-17, adopted by the Board on November 7, 2017, relates to lease agreement awarded to the vendor, UMTB Donor Service Foundation, for a three year term, with one three-year option to renew effective December 2017.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-986-17.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item has no procedural history.

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FISCAL IMPACT

The existing cumulative allocation of Contract No. BW9156-4/21, Histopathology Services, is \$178,000 and expires on March 31, 2018.

If the proposed resolution is approved by the Board, the remaining three, one-year options to renew terms under Contract No. BW9156-4/21, Histopathology Services, will be exercised and the estimated cumulative value will be \$445,000. The increase in the estimated value related by the exercise of the three, one-year option to renew is consistent with the initial \$89,000 annual value.

ANALYSIS

If the proposed resolution is approved by the Board, it will exercise the remaining three, one-year option to renew terms under Contract No. BW9156-4/21, Histopathology Services, for the Medical Examiner Department.

UMTB is to provide the County with a variety of Histopathological Services as needed. As part of the death investigation process, forensic pathologist/medical examiners will study microscopic section of the human tissue collected and preserved during an autopsy. Specially trained personnel, Histotechnologists, provide these services utilizing specialized laboratory equipment procedures. A bid waiver is in the County's best interest as the material that is tested under the contract may be compromised in the event that a change of custody occurs off premises. As part of the market research, the County found no comparable pricing for the required contracted services. Potential vendors included, Local Laboratory, University of South Florida, and University of Florida. UMTB provided the lowest cost to the County. Negotiation attempts to lower the fees with UMTB were unsuccessful because the contracts price is fixed until 2021.

The current contract is in its first option to renew term expiring March 31, 2018. Exercising the remaining three, one-year option to renew terms would extend the current contract until March 31, 2021.

The University of Miami was the awarded vendor for a related contract, Contract no. BW9156-0/14, Histopathological Services, for the period of January 2010 through August 2013.

ADDITIONAL INFORMATION

As of January 16, 2018 the OCA found no Certified SBEs with the corresponding commodity code, 92590 - Testing, Professional Services.

<http://www.miamidade.gov/smallbusiness/library/reports/certify-by-firms-sbegs.pdf>

UMTB Donor Service Foundation is a foreign not-for-profit corporation based out of Georgia. UMBTB is currently active with Sunbiz and originally filed on June 26, 2015.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=UMTBDONORSERVICESFOUNDATION%20F150000028420&aggregateId=fornp-f15000002842-fce4087b-1916-4d91-b74f-d086feac2cc&searchTerm=UMTB%20Donor%20Service%20Foundation&listNameOrder=UMTBDONORSERVICESFOUNDATION%20F150000028420>

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File No. 172776

Item No. 3B

Researcher: SM Reviewer:TD

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, ACCEPT, AND EXPEND \$1,537,425.00 IN GRANT FUNDS DURING FISCAL YEAR 2017-18 FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT PROGRAM AND TO CONTRIBUTE \$512,475.00 IN MATCHING FUNDS FROM FIRE DISTRICT FUNDS OVER THREE YEARS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS GRANT PROGRAM AND TO EXERCISE ANY OF THE TERMS CONTAINED HEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution retroactively authorizing the County Mayor or County Mayor's designee to apply for, accept, and expend \$1,537,425.00 in grant funds during Fiscal Year 2017-18 from the United States Department of Homeland Security Port Security Grant program and to contribute \$512,475.00 in matching funds from fire district funds over three years.

APPLICABLE LEGISLATION/POLICY

All Recipients must comply with the Articles I through XLII which can be explained further in the attachment provided for in the mayoral memo.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Sally A. Heyman

Requester/Department: Miami-Dade Fire and Rescue Department

This item has no procedural history.

FISCAL IMPACT

The grant will provide for federal funding in the amount of \$1,537,425 from the U.S. Department of Homeland Security during Fiscal Year 2017-2018. The required matching local contribution of \$512,475 will be allocated evenly in Fire District funds over the next three years. Specifically, this line item is budgeted for in the FY 2017-2018 MDFR budget in the amount of \$170,825, and subsequently for each of the remaining two fiscal years thereafter, \$170,825 will be allocated from Fire District funds. The parties acknowledge that this Agreement is not intended to create financial obligations between the parties. In the event that costs are incurred as a result of either or both of the parties performing their duties or responsibilities under this Agreement, each party agrees to be responsible for their own costs, as stated in the mayoral memo.

ANALYSIS

If this Resolution receives Board approval then it will authorize the county Mayor or County Mayor's designee to apply for, receive and expend approximately \$1,537,425 in federal funds from the United States Department of Homeland Security Port Security Grant Program during Fiscal Year (FY) 2017-2018. This grant agreement is awarded to Miami-Dade Fire Rescue (MDFR) to provide port-wide maritime security risk management; enhance maritime domain awareness; and to maintain or re-establish maritime security mitigation protocols that support port recovery and resiliency capabilities. The following will happen with the approval of this Resolution:

- Retroactively apply for, receive, and expend Port Security Grant Program funds in the amount of \$1,537,425 in federal funds from the United States Department of Homeland Security.

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- Contribute \$512,475 in matching funds from Fire District Funds over three years.
- Apply for, receive and expend future additional funds should they become available through the grant program performance period.
- To Exercise any of the terms contained in the grant agreement documents.

The Port Security Grant Program provides funds for transportation infrastructure security activities to implement Area Maritime Security Plans and facility security plans among port authorities, facility operators, and state and local government agencies required to provide port security services. This Grant Program strengthens critical infrastructure against risks associated with potential terrorist attacks.

As per the agreement between Miami-Dade County and Department of Homeland Security the County is required to contribute a cost match in the amount of \$512,475,00 of non-Federal funds, or 25 percent of the total approved project costs of \$2,049,900

Miami-Dade Fire and Rescue has the responsibility to provide fire protection and rescue emergency response to PortMiami. MDFR was awarded federal funding to purchase a Regional Rapid Response All Hazards Port Security Command Vessel and a Maritime Support and Command Unit. MDFR's newly awarded vessel will patrol the surrounding waters in PortMiami and the Miami River Port. This vessel of a size range between 45 to 50 feet will be equipped with the latest technology to aid in early detection and prevention efforts, enhancing the resiliency of South Florida and the Captain of the Port zone. The Maritime Support and Command Unit will replace the existing 1988 Marine Firefighting Support Unit. This land-based command truck will house support mechanisms that will control and mitigate maritime emergencies such as fires, explosions, terrorist events or environmental responses within the South Florida waterways.

**PSHC Meeting: January 18, 2018
Research Notes**

**Item No. 3C
File No. 172905**

Researcher: BM Reviewer: TD

RESOLUTION APPROVING THE TERMS OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE ECOATM, LLC, AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF UNDERSTANDING, CERTAIN AMENDMENTS AND CANCELLATION PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a resolution execute a Memorandum of Understanding (MOU) between Miami-Dade County (County), through the Miami-Dade Police Department (MDPD) and the ecoATM, LLC (ecoATM) that would allow MDPD to gain custody of various consumer electronics to facilitate criminal investigations until January 31, 2028.

APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 538.09(3) relates to the requirement that a Second Hand Dealer must hold secondhand goods at the registered location for the period required by s. 538.06 or until any extension of the holding period has expired, whichever is later.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0538/Sections/0538.09.html

Florida Statutes Section 538.06 relates to the holding period for Second Hand Dealers. A secondhand dealer may not sell, barter, exchange, alter, adulterate, use, or in any way dispose of any secondhand good within 30 calendar days after the date on which the good is acquired if the secondhand dealer uses an automated kiosk.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0538/Sections/0538.06.html

Miami-Dade County Code Section Chapter 21, Article VI, Section 21-29, Second Hand Dealers, requires that dealers hold second hand property for 30 days.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH21OFMIPR_ARTIVMI_S21-29SEDE

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Sally A. Heyman, District 4
Department/Requester: Miami-Dade Police Department**

This item has no procedural history.

FISCAL IMPACT

There is no fiscal impact to the County.

ANALYSIS

If the proposed resolution is approved by the Board, it will execute a MOU between the County, through the MDPD and the ecoATM that would allow require ecoATM provide custody to MDPD to various consumer electronics related to unauthorized purchases at the kiosks to facilitate criminal investigations, for ten years, until January 31, 2028.

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Research Notes

ecoATM is a he only automated kiosk company that collects unwanted or used cell phones, tablets and MP3 players for instant cash. The company is Headquartered in San Diego, California, and operates approximately 2,500 automated kiosks in 44 states through the country. A search on the ecoATM website resulted in zero locations within the County.

The agreement will permit ecoATM to remove items purchased by its kiosks in unincorporated Miami-Dade County locations prior to the expiration of the statutory minimum hold period under Florida Statutes. Should there be any unauthorized purchases at ecoATM kiosk, the company will waive all rights to the property and provide custody to MDPD so that device is returned to their rightful owner at no cost to the owner. ecoATM is responsible for returning requested devices to MDPD via Federal Express overnight shipping, at no cost to MDPD, for criminal investigation purposes.

ADDITIONAL INFORMATION

ecoATM, LLC is a foreign not-for-profit corporation based out of California. ecoATM is currently active with Sunbiz and originally filed on January 13, 2017.

**PSHC Meeting: January 18, 2018
Research Notes**

File No. 172892

Item No. 3D

Researcher: SM Reviewer: TD

RESOLUTION APPROVING THE TERMS AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE EMERGENCY FACILITY AGREEMENT WITH G.F.B. ENTERPRISES MANAGEMENT, LLC, AND WEST KENDALL IMPORTS, LLC, AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, TO USE THE DESIGNATED SERVICE BUILDING AS AN EMERGENCY FACILITY WITHIN 48 HOURS OF A KNOWN EMERGENCY TO STORE MIAMI-DADE POLICE DEPARTMENT'S EMERGENCY OR DISASTER-RELATED EQUIPMENT AND/OR TO OPERATE A MIAMI-DADE POLICE DEPARTMENT HAMMOCKS DISTRICT COMMAND CENTER DURING AN EMERGENCY, IN THE EVENT OF A MAJOR NATURAL DISASTER, OR CATASTROPHIC INCIDENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE TERMINATION AND MODIFICATION PROVISIONS AND ANY AND ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve this Resolution approving the terms and authorizing the County Mayor or County Mayor's designee to execute the emergency facility agreement with G.F.B Enterprises Management, LLC, and West Kendall Imports, LLC, and Miami-Dade County, through the Miami-Dade County Police Department (MDPD), to use the designated service building as an emergency facility within 48 hours of a known emergency to store MDPD's emergency or disaster-related equipment.

APPLICABLE LEGISLATION/POLICY

Section 768.28 of the Florida Statutes which governs recovery limits; limitations on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0768/Sections/0768.28.html

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Joe A. Martinez, District 11

Requester/Department: Miami-Dade Police Department

This item has no procedural history.

FISCAL IMPACT

There is no Fiscal Impact to the County.

ANALYSIS

This resolution, if approved, will authorize the County Mayor or the County Mayor's designee to utilize the designated Service Building as an emergency facility within 48 hours of a known emergency, to store MDPD's emergency or disaster-related equipment and/or for the MDPD Hammocks District to operate a command center during an emergency, in the event of a major natural disaster, or catastrophic incident, and to execute termination and modification provisions contained in the Agreement. Presently, the Hammocks District does not have an enclosed structure to store equipment such as the Mobile Operations Command vehicle, prisoner transport van, all-terrain and other vehicles and equipment. The agreement provides such an enclosed space to store this equipment during the emergencies and not risk damage.

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This Emergency Facility Agreement is made by and between G.F.B Enterprises Management, LLC, West Kendall Imports, LLC, and Miami-Dade County. The use of the emergency facility by MDPD will occur at no charge to the County and the MDPD. This includes the storing of emergency or disaster-related equipment and/or to operate a command center during an emergency, as early as 48 hours before a known emergency. When an emergency occurs, the MDPD may continue to use the emergency facility without unreasonable interference to the owner's use of the service building, its business or its own emergency preparation to store such equipment until conditions allow for their safe removal. Generally, the parties expect that emergency conditions would not exceed a one-week period, but the totality of the circumstances at the time would dictate when the emergency has ended and conditions are safe for removal of the equipment. The occupation will under no circumstance extend beyond 30 days from the date of the commencement of MDPD's occupation, as stated by the agreement between the parties.

The owner will retain the right to use the emergency facility and the rest of the service building for its own business purposes, including the storage of equipment and other goods, however, during an emergency, the owner will restrict access to the emergency facility to the MDPD and its personnel, and to owner and owner's employees, agents, contractors and business invitees only.

As previously stated, the owner will not charge the County for its use of the emergency facility or for providing electricity during any emergency event; otherwise, each party shall be responsible for its own costs and expenses incurred during any emergency event.

It's also stated in the agreement between the parties that MDPD's use of the emergency facilities shall be at the County's sole risk, and the owner has made no representation or warranty that the service building is safe or suitable for the uses proposed by the MDPD or that the service building will withstand any major natural disaster or catastrophic incident, including a hurricane of any strength category. MDPD has physically inspected the service building and has sufficient access to the Miami-Dade County building records concerning its construction.

ADDITIONAL INFORMATION

Further research of G.F.B Enterprises Management, LLC showed the company having a principal address of 13750 SW 136 Street, Miami, FL 33186, and a status as Inactive on Sunbiz.org. Filing date was 09/18/2002.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=GFBENTERPRISESMANAGEMENT%20M020000024560&aggregateId=forl-m02000002456-142f09b0-eadd-434a-a83c-188b4a338b24&searchTerm=G.F.B.%20Enterprises%20Management&listNameOrder=GFBENTERPRISESMANAGEMENT%20M020000024560>

West Kendall Imports, LLC has a principal address of 13800 SW 137 Ave, Miami, FL 33156 and a status of Active.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=WESTKENDALLIMPORTS%20M040000006020&aggregateId=forl-m04000000602-88bbdcdd-36e9-4ae9-ac02-f5c080c8b421&searchTerm=West%20Kendall%20Imports&listNameOrder=WESTKENDALLIMPORTS%20M040000006020>