



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Health, Public Safety & Intergovernmental  
Committee**

June 10, 2010

2:00 P.M.

Commission Chamber

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

**Legislative Notes  
Health, Public Safety & Intergovernmental Committee  
Meeting Agenda**

**June 10, 2010**

Written analyses and notes for the below listed items are attached for your consideration:

**Item Number(s)**

2I
3C
3D
3E

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
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Michael Amador-Gil, Senior Legislative Analyst

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

**Agenda Item:** 2(I)  
**File Number:** 101369  
**Committee(s) of Reference:** Health, Public Safety and Intergovernmental  
**Date of Analysis:** June 8, 2010  
**Type of Item:** Resolution  
**Sponsor:** Commissioner Joe A. Martinez

**Summary**

This resolution sets policy for Miami-Dade County authorizing the installation of red light cameras at high crash, high volume intersections; directs the Mayor or his designee to implement a red light camera program in Miami-Dade County, implement the Mark Wandall Traffic Safety Act, HB 325, identify high crash, high volume intersections where red light cameras can most effectively reduce accidents and improve public safety; **authorizes the Mayor or his designee to designate traffic infraction enforcement officers to administer the County's red light camera program**; directs the Mayor or his designee to initiate a procurement process for identifying a red light camera vendor; and directs the Mayor or his designee to provide a report within 120 days of the effective date of this resolution and each 120 days thereafter on implementation of a red light camera program in Miami-Dade County.

**Florida: Attorney General's Opinion<sup>1</sup>**

The Office of the Attorney General of Florida in a 1997 opinion identified whether unmanned electronic traffic infraction detectors may independently be used as the basis for issuing citations for violations of traffic laws.<sup>2</sup> The 1997 opinion concluded that nothing precludes the use of unmanned cameras to record violations of s. 316.075, F.S., but "a photographic record of a vehicle violating traffic control laws may not be used as the basis for issuing a citation for such violations."

A 2005 Florida Attorney General opinion reached the same conclusion, stating, "legislative changes are necessary before local governments may issue traffic citations and penalize drivers who fail to obey red light indications on traffic signal devices "as collected from a photographic record from unmanned cameras monitoring intersections."<sup>3</sup>

Several local governments in Florida have participated in the use of red light cameras enforcement of red light violations. Due to the Attorney General's advisory opinions, the majority of local governments have used the cameras in pilot projects solely for data collection purposes or as a warning system to motorists, by sending a letter and attaching no penalty.

<sup>1</sup> House of Representatives Staff Analysis, April 19, 2010, CS/CS/HB 325

<sup>2</sup> <http://myfloridalegal.com/ago.nsf/Opinions/E1324D882C2192CE85256429007C1125>

<sup>3</sup> <http://myfloridalegal.com/ago.nsf/Opinions/CE01BE293FCEEA208525703C00720344>

- **Sarasota County, Manatee County, Palm Beach County, Polk County, and the cities of Orlando and Melbourne are examples of local governments that have at one time participated in a red light camera pilot project.**
- The Palm Beach County Commission reported that their two-month pilot project using traffic cameras at a test intersection in Palm Beach County showed alarming results.
- The City of Gulf Breeze passed a local ordinance in 2005 allowing use of red light cameras.
  - *A violation by any motor vehicle running a red light that is recorded by a traffic enforcement photographic system is a civil code violation and a \$100 civil fee is assessed against the motor vehicle owner. The city has installed one red light camera at Daniel Drive and U.S. 98 in front of Gulf Breeze Middle School. The Gulf Breeze City Council adopted the ordinance despite the opinion issued by the Attorney General.*

**However, a Circuit Court judge ruled in February 2010 that the City of Aventura cannot use cameras to catch red light runners.**

### **Other Jurisdictions**

In Norcross, Georgia, in 2009, officials abandoned the use of red-light cameras in the wake of mandatory increases in yellow-light intervals statewide, because violations dropped to the point where the privately operated camera systems were costing the city revenue.

Also, the installation of cameras at intersections has been challenged for safety reasons: in a study of six jurisdictions over a seven-year period, the Virginia Transportation Research Council concluded that camera installations were associated with an increase in rear-end collisions.<sup>4</sup>

### **Questions:**

1. What are the projected revenues for Miami-Dade County?
2. What is the cost to install, operate and maintain, and enforce this program?
3. What training is required to qualify as a traffic infraction enforcement officer?
4. What is the fiscal impact to residents?
5. Does the County have to meet certain specifications required by the Florida Department of Transportation?
6. What are some legal challenges the County may face?

### **National Highway Traffic Safety Administration (Data & Statistics)**

The National Highway Traffic Safety Administration (NHTSA) reports that in 2005 alone, nearly 9,200 people died and approximately one million people were injured in intersection-related crashes—approximately 40-45 percent of all crashes. According to 2005 data from NHTSA's Fatality Analysis Reporting System, crashes caused by red light running resulted in an estimated 805 fatalities.

### **Automated Enforcement laws by State (June 2010)**

Automated enforcement refers to the use of technology to enforce traffic safety laws. Although many jurisdictions that use automated enforcement are in states that have laws authorizing its use, not all states where automated enforcement is in use have such laws, nor are they always necessary.

Most automated enforcement programs and laws are for red light violations; however, the use of automated enforcement for speed is increasing, and a few jurisdictions use automated enforcement for other violations such as failing to pay a toll and disobeying a railroad crossing signal. In states that have

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<sup>4</sup> <http://vtrc.virginiadot.org/PubDetails.aspx?PubNo=07-R2>

automated enforcement laws, the laws vary from state to state; some authorize enforcement statewide, whereas others permit use only in specified communities.

- Red light camera systems are triggered when a vehicle enters an intersection after the light has been red for a predetermined time. Automated speed enforcement systems are triggered when a vehicle exceeding the speed limit by a predetermined amount is observed. Moreover, the proportion of vehicles exceeding the speed limit by more than 10 mph declined 82 percent.
- A few jurisdictions treat automated enforcement citations just like parking tickets in that the registered owner is liable. Similarly, just as parking tickets do not result in points or are not recorded on a driver's record, many jurisdictions do not assess points or make a record of automated enforcement citations. Automated enforcement laws associated with moving violations are summarized in the following table.

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
<b>Alabama</b>	Montgomery	red light	owner	owner	2 images; tag included	\$100 fine/3 points	\$110; no points
<b>Alaska</b>	no state law						
<b>Arizona</b>	statewide	red light	not addressed	not addressed	not addressed	\$250 fine/2 points	\$165; no points
	statewide	speed	not addressed	not addressed	not addressed	\$250 fine/2 points	\$165; no points
<b>Arkansas</b>	use of photo radar by county or state government prohibited except at school zones and railroad crossings; officer must be present and citation must be issued at time of offense						
<b>California</b>	statewide	red light	registered owner	driver	tag and driver	\$100 fine/1 point	same as for traditional citation
	statewide	rail crossing	registered owner	driver	tag and driver	\$100 fine/1 point	same as for traditional citation
<b>Colorado</b>	Colorado law grants the authority to use automated enforcement to capture any traffic violation						
	statewide	red light	registered owner	driver	tag and driver	\$110 fine (including surcharge)/4 points	\$75; no points or record
	restricted to construction and school zones, residential areas, or	speed	registered owner	driver	tag and driver	\$151 (including surcharge)/4 points	\$40 maximum fine (\$80 in school zones); no points or record; warning only for first

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
	adjacent to a municipal park						photo radar offense if speed within 10 mph of limit
<b>Connecticut</b>	no state law						
<b>Delaware</b>	statewide	red light	registered owner	owner	2 or more images of the vehicle	\$75-\$230 fine	\$50 maximum fine; not a record or conviction offense; not to be used by insurers
<b>District of Columbia</b>	DC grants jurisdiction-wide authority to use automated enforcement to capture all moving infractions						
	entire jurisdiction	red light	registered owner	owner	not addressed	\$75 fine/2 points	\$75 fine; no points
	entire jurisdiction	speed	registered owner	owner	not addressed	\$75 fine/2 points	\$75 fine; no points
<b>Florida</b>	statewide (effective 07/01/10)	red light	registered owner (effective 07/01/10)	owner (effective 07/01/10)	tag and traffic control device (effective 07/01/10)	\$125 fine/3 points	\$158; no points (effective 07/01/10)
<b>Georgia</b>	statewide	red light	registered owner	owner	license tag, intersection, and light	\$1,000 maximum fine/3 points	\$70 maximum fine; not a conviction or record offense; no points; not a moving violation; not to be used by insurers
<b>Hawaii</b>	no state law						
<b>Idaho</b>	no state law						
<b>Illinois</b>	Illinois has several different automated enforcement laws						
	Cook, DuPage, Kane, Lake, Madison, McHenry, St.	red light	registered owner	owner	2 or more images of vehicle and tag	\$500 maximum fine/20 points	\$100 or the completion of a traffic education program, or

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
	Clair, and Will counties; requires local ordinance						both; not a moving violation or record offense
	statewide only in construction zones or Illinois Toll Authority roads	speed	registered owner	driver	tag and driver	mandatory \$250 fine/20 points	\$250 fine or 25 hours community service
	any county or municipality may use automated enforcement in cooperation with the Illinois DOT and ICC; ordinance required	rail crossing	registered owner	driver (owner if driver not identified by owner)	vehicle, driver, and tag	\$250 maximum fine/20 points	\$250 fine or 25 hours community service
	local authorities are prohibited from using speed cameras; state may use speed cameras, but only when a law enforcement officer is present and witnesses the event	speed	not addressed	not addressed	not addressed	not addressed	not addressed
<b>Indiana</b>	no state law						
<b>Iowa</b>	no state law						
<b>Kansas</b>	no state law						
<b>Kentucky</b>	no state law						
<b>Louisiana</b>	state law provides that convictions resulting from camera enforcement shall not be reported for inclusion in driver record; law is silent on other issues						
<b>Maine</b>	all photo enforcement prohibited						

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
	statewide	red light	registered owner	owner	2 or more images of rear of vehicle and tag in any medium	\$500 maximum fine/2 points	\$100 maximum civil penalty; no points or record; not a moving violation; may not be used by insurers
	Montgomery County school zones and residential districts, Prince George's County school zones (effective 06/01/10), statewide in school zones by local ordinance and work zones	speed	registered owner	owner	2 or more images of rear of vehicle and tag in any medium	maximum fine \$500 in residential district, \$1,000 in school zone; points depend on speed	\$40 maximum fine; no points
	Montgomery and Prince George's County	rail crossing	registered owner	owner	vehicle, driver and tag	\$500 maximum fine/1 point	\$100 maximum fine; no points
<b>Massachusetts</b>	no state law						
<b>Michigan</b>	no state law						
<b>Minnesota</b>	no state law						
<b>Mississippi</b>	all localities prohibited from using automated enforcement; all current programs prohibited effective 3/20/09						
<b>Missouri</b>	no state law						
<b>Montana</b>	all localities prohibited from using automated enforcement; railroad grade crossings excepted						
<b>Nebraska</b>	no state law						
<b>Nevada</b>	prohibits use of imaging equipment unless it is hand held by an officer, installed in a vehicle or facility of a law enforcement agency; traditional enforcement penalties: \$1,000 maximum fine and 4 points						
<b>New Hampshire</b>	prohibited unless there is specific statutory authorization						
<b>New Jersey</b>	photo radar is prohibited						
	local jurisdictions	red light	registered owner	registered owner	two or more	\$85	penalty same as for traditional



State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
	must pass an ordinance and apply to Transportation Commissioner to participate in a pilot program			and driver are jointly liable	images of vehicle and tag		citation; no points
<b>New Mexico</b>	no state law specifically authorizing automated enforcement; NMDOT has banned red light cameras and mobile enforcement vans on state and federal roadways; state law requires counties and municipalities using camera enforcement to post a warning sign and a warning beacon						
<b>New York</b>	cities of at least 1 million people, up to 150 intersections in each city; Effective 5/28/09: counties of Nassau and Suffolk, the cities of Rochester and Buffalo, by local ordinance, up to 50 intersections; Yonkers, by local ordinance, up to 25 intersections	red light	owner	owner	2 or more images of rear of vehicle and tag in any medium	\$100 maximum fine/3 points	\$50 fine; not a record or conviction offense; may not be used by insurers
<b>North Carolina</b>	where specified by statute (Albemarle, Charlotte, Chapel Hill, Cornelius, Durham, Fayetteville, Greensboro, Greenville, High Point,	red light	owner	owner	photo, video, electronic image	\$100 maximum fine/3 points	\$75 civil penalty; no points

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
	Huntersville, Lumberton, Matthews, Nags Head, Newton, Pineville, Rocky Mount, Spring Lake, and Wilmington)						
<b>North Dakota</b>	no state law						
<b>Ohio</b>	no state law						
<b>Oklahoma</b>	no state law						
<b>Oregon</b>	cities statewide	red light	registered owner or driver, if identifiable	registered owner	photographs; digital images	\$300 maximum fine	penalty same as for traditional citation
	Albany, Beaverton, Bend, Eugene, Gladstone, Medford, Milwaukie, Oregon City, Portland, and Tigard (may not be used for more than four hours per day in any one location)	speed	registered owner or driver, if identifiable	registered owner	photographs; digital images	\$300 maximum fine	penalty same as for traditional citation
<b>Pennsylvania</b>	Philadelphia	red light	registered owner	owner	photographs	\$25 fine/3 points	\$100 maximum; not on operating record
<b>Rhode Island</b>	statewide	red light	registered owner	driver	2 or more images of vehicle and tag in any medium	\$75 fine	\$75 fine; not a criminal or record offense; not a moving violation; not to be used by insurers until

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
							there is a final adjudication of the violation
	statewide	school bus safety violations	registered owner	registered owner	2 or more images of vehicle and tag in any medium	\$500 fine	\$500 fine; not a criminal or record offense; not a moving violation; not to be used by insurers
<b>South Carolina</b>	no state law						
<b>South Dakota</b>	no state law						
<b>Tennessee</b>	statewide except for interstate highways that are not work zones	traffic violation	registered owner	registered owner	not addressed	\$50 fine/points	not reportable; no points may be assessed
<b>Texas</b>	a Texas municipality may not use an automated traffic control system to enforce speed						
	statewide; requires local ordinance	red light	registered owner	owner	2 or more photograph or digital images of tag	\$200 maximum fine	\$75; not a criminal or record offense
<b>Utah</b>	statewide only school zones or where limit is 30 mph or less; officer must be present; requires local ordinance	speed	not addressed	not addressed	photograph	\$1,000 maximum fine/50 points	not reportable; no points may be assessed
<b>Vermont</b>	no state law						
<b>Virginia</b>	counties, cities, and towns may operate cameras at no more than 1 intersection for	red light	registered owner	driver	2 photographs or other recorded images	\$200 maximum fine/4 points	\$50 maximum fine; no court costs; not a criminal offense; no points; may not

State	Statewide or only specified locations?	Violations	Citation issued to whom?	Who is liable?	What image is taken?	Traditional enforcement penalties	Auto enforcement penalties/ record
	every 10,000 residents; requires local ordinance; the exception is the Washington, DC metropolitan area, it permits up to 10 camera sites or 1 site per 10,000 residents, whichever is greater						be used by insurers
<b>Washington</b>	cities and counties statewide where two arterial roads intersect	red light	registered owner	registered owner	vehicle, license tag	\$250 maximum fine	fine up to the maximum for parking violations in the jurisdiction; no record; no points
	school zone	speed	registered owner	registered owner	vehicle, license tag	\$250 maximum fine	fine up to the maximum for parking violations in the jurisdiction; no record; no points
	cities and counties statewide	rail crossing	registered owner	registered owner	vehicle, license tag	\$250 maximum fine	fine up to the maximum for parking violations in the jurisdiction; no record; no points
<b>West Virginia</b>	all photo enforcement prohibited						
<b>Wisconsin</b>	photo radar is prohibited						
<b>Wyoming</b>	no state law						

**Source:** National Highway Traffic Safety Administration and Insurance Institute for Highway Safety, High Loss Data Institute

### **Florida Communities and Red Light Cameras (R)**

The following jurisdictions currently operate red light camera programs or are in the process of installing photo enforcement technology:

Apopka **R** ; Aventura **R** ; Bal Harbour **R** ; Bradenton **R** ; Brooksville **R** ; Casselberry **R** ; Cocoa Beach **R** ; Collier County **R** ; Coral Gables **R** ; Cutler Bay **R** ; El Portal **R** ; Florida City **R** ; Gulf Breeze **R** ; Hallandale Beach **R** ; Hialeah **R** ; Hollywood **R** ; Jupiter **R** ; Kenneth City **R** ; Key Biscayne **R** ; Lake Worth **R** ; Lakeland **R** ; Miami Gardens **R** ; North Miami **R** ; North Miami Beach **R** ; Ocoee **R** ; Orlando **R** ; Palm Beach County **R** ; Palm Coast **R** ; Pembroke Pines **R** ; Port Richey **R** ; South Pasadena **R** ; Sunny Isles Beach **R** ; Sweetwater **R** ; Temple Terrace **R** ; and Winter Springs **R**.

**Source:** National Highway Traffic Safety Administration and Insurance Institute for Highway Safety, High Loss Data Institute

**Prepared by:** Michael Amador-Gil

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BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 3C

File Number: 101289

Type of Item: Resolution updating provisions of implementing order 7-33 rates for Fire Rescue Off-Duty services

Committee(s)

of Reference: Health, Public Safety & Intergovernmental Cmte

Date of Analysis: 6/7/2010

Funding Request

Operating

Capital  CIP page number \_\_\_\_\_

Operating Funding Source(s):

Recurring Estimated Operating Cost \$ \_\_\_\_\_

General Fund

Capital Funding Source(s):

Federal

State

Proprietary

Other

County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

Off-Duty pay rates are adjusted once every two fiscal years to keep pace with National Consumer Price Index (IO 7-33). Instead of the National Consumer Price Index, the Consumer Price Index for Miami – Fort Lauderdale is proposed for use as the escalator. According to Administration, 5.7% is the escalator from October 1, 2007 through Sep 30, 2009. However, based on the CPI for the Miami-Fort Lauderdale FL figures the inflation is 3.4%.

The Bureau of Labor Statistics strongly urges users to consider adopting the national CPI for use in their escalator clauses as noted in the CPI Detailed Report-October 2009 (page 40).

Prepared by: Jewel Johnson

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Legislative Notes

**Agenda Item:** 3(D)  
**File Number:** 101048  
**Committee(s) of Reference:** Health, Public Safety and Intergovernmental  
**Date of Analysis:** June 8, 2010  
**Type of Item:** Governmental Representation and Consulting Services

**Summary**

This resolution authorizes the County Mayor or his designee to execute agreements to obtain governmental representation and consulting services in Washington, DC by authorizing the following contracts: RFQ685a to Alcalde & Fay, RFQ685b to Patton Boggs, LLP, and RFQ685c to Greenberg Traurig, P.A.

The following firms were not recommended for award: Akerman Senterfitt; Cardenas Partners, LLC; Venable LLP, Foley & Lardner, LLP; Dutko Worldwide; Sandler, Travis & Rosenberg, P.A.; James Lee Witt Associates; The Ferguson Group, LLC; BGR Government Affairs, LLC; Akin Gump Strauss Hauer & Feld; and EOP Group, Inc.

**Background**

November 2, 2009	Resolution No. 1286-09 <i>(see report under File No. 091872)</i>	The Board of County Commissioners (BCC) authorized the Administration to advertise a Request for Qualifications (RFQ) to obtain proposals to provide representation and consulting services on behalf of the County before the executive and legislative branches of the federal government. Greenberg Traurig, P.A., Alcalde & Fay, and Tew Cardenas, LLP served as the County's federal lobbyists and consultants. The three contracts expired on February 5, 2010. The County had already exercised the 3 one-year options-to-renew.
January 21, 2010	Resolution No. 56-10	The Board of County Commissioners (BCC) extended the three contracts for Greenberg Traurig, P.A., Alcalde

& Fay, and Tew Cardenas, LLP for six (6) months until August 5, 2010 on a month-to-month basis in order to complete the solicitation process for the successor contracts. In addition, this resolution allocated \$100,000 to each firm as compensation for continuing to provide consulting services and governmental representation in Washington, D.C. beyond the contracts' termination dates.

### Comments / Questions

Jackson Health System / Public Health Trust have the following State and Federal Lobbying contracts<sup>1</sup> in place totaling \$529,000:

#### State Lobbying Contracts Totaling \$382,000

- **Akerman Senterfitt = \$136,000 per year**
  - Term: January 2007 to January 2010 for 3 years with 2 OTRs.
    - Currently in 1<sup>st</sup> OTR period.
  - Effective November 1, 2009, Akerman Senterfitt accepted a 15% fee reduction, modifying contract from \$160,000 to \$136,000.
- **Ron Book = \$136,000 per year**
  - Term: December 2006 to December 2009 for 3 years with 2 OTRs.
    - Currently in 1<sup>st</sup> OTR period.
  - Effective November 1, 2009, Ron Book accepted a 15% fee reduction, modifying contract from \$160,000 to \$136,000.
- **V.B. and Associates = \$60,000 per year**
  - Term: April 2009 to April 2010, 1 year.
- **Renier Diaz de la Portilla = \$50,000 per year**
  - Term: August 2009 to August 2010, 1 year.
    - On August 25, 2009, this contract was transferred from Gray Robinson to Renier de la Portilla.

#### Federal Lobbying Contracts Totaling \$147,000

- **Akerman Senterfitt \$147,000 per year**
  - Term: February 2008 to January 2009 for 1 year with 2 OTRs
    - Currently in 2<sup>nd</sup> OTR period.
  - Effective November 1, 2009, Akerman Senterfitt accepted a 15% fee reduction, modifying contract from \$172,500 to \$147,000.

**Prepared by:** Elizabeth N. Owens

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<sup>1</sup> Information provided by Jackson Health System Governmental Relations unit.



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FISCAL IMPACT ANALYSIS

Agenda Item: 3E

File Number: 101417

**Type of Item:** Resolution authorizing the Mayor or Mayor's designee to execute an agreement on behalf of Miami-Dade County with the Public Health Trust of Miami-Dade County and the University of Miami regarding prepayment of lease agreements and other obligations

**Committee(s)**

**of Reference:** Health, Public Safety & Intergovernmental Cmte

**Date of Analysis:** 6/8/2010

**Funding Request**

Operating

Capital  CIP page number \_\_\_\_\_

**Operating Funding Source(s):**

**Recurring Estimated Operating Cost** \$ \_\_\_\_\_

General Fund

**Capital Funding Source(s):**

Federal

State

Proprietary

Other

**County Match required:**

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

**ISSUES/COMMENTS** None

To reduce the accounts receivable owed to the University of Miami by the PHT, UM plans to fully prepay the "Amedic Lease" which is a 75 year land lease for a property owned by the County entered on October 25, 2005 by UM & the County. Annual rent commencing on year 1 was \$440,000 with a 2.83% annual increase. The total prepayment value has been calculated to be \$14,193,203 as of September 2010, utilizing a discount rate of close to 6% to compute the present value of \$14,193,203. If the escalator rate of 2.83% is utilized instead to discount the future payments in Exhibit B, the present value is \$ 35,411,954.

**Prepared by:** Jewel Johnson