

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item F
Amended

ORDINANCE NO. 12-74

ORDINANCE APPROVING, ADOPTING AND RATIFYING PROPRIETARY BUDGETS, SPECIAL ASSESSMENT DISTRICT RATES AND BUDGETS, AND OTHER BUDGETS OF MIAMI-DADE COUNTY, FLORIDA, FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013; PROVIDING A SHORT TITLE; INCORPORATING THE FISCAL YEAR 2012-13 PROPOSED BUDGET AS AMENDED; APPROPRIATING ALL BUDGETED EXPENDITURES; AUTHORIZING THE INVESTMENT OF COUNTY FUNDS IN TIME WARRANTS OF MIAMI-DADE COUNTY; AUTHORIZING THE TRANSFER OF FUNDS AS CASH ADVANCES PENDING RECEIPT OF TAXES; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER ACTIONS OF THE BOARD WHICH SET CHARGES, AUTHORIZING FEES CONSISTENT WITH APPROPRIATIONS AND PROVIDING FOR THEIR AMENDMENT; APPROVING REVISED FEES, CHARGES, AND IMPLEMENTING ORDERS FOR VARIOUS DEPARTMENTS AND AGENCIES; APPROVING THE FY 2012-13 PAY PLAN; AUTHORIZING ALLOCATIONS AND REALLOCATIONS OF BOND PROCEEDS AND INTEREST EARNINGS; AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE BOND ISSUE RESERVES; ESTABLISHING SUCH FUNDS AS MAY BE APPROVED DURING THE YEAR AND PROVIDING FOR THEIR EXPENDITURE; AUTHORIZING PAYMENT OF LOCAL BUSINESS TAX SURCHARGE TO BEACON COUNCIL; APPROPRIATING GRANT, DONATION, AND CONTRIBUTION FUNDS; AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXECUTE CERTAIN FUNDING AGREEMENTS; CONTINUING THE MUNICIPAL SERVICES TRUST FUND, AMENDING WAIVING OR RESCINDING, IF NECESSARY, VARIOUS CHAPTERS OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AND AMENDING SECTION 1-4.3 OF THE CODE OF MIAMI-DADE COUNTY FLORIDA TO CONFORM THE CODE, APPLICABLE IMPLEMENTING ORDERS AND OTHER LEGISLATIVE ENACTMENTS TO THE COUNTY'S FISCAL YEAR 2012-13 ADOPTED BUDGET AS IT RELATES TO VARIOUS ADMINISTRATIVE DEPARTMENTS AND DELEGATIONS OF COMMISSION AUTHORITY, POWER, AND RESPONSIBILITY ASSOCIATED THEREWITH; AMENDING SECTION 29-54 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE TOURIST DEVELOPMENT ROOM TAX PLAN AND EXPENDITURE OF SUCH TAXES; SUPERSEDING CONFLICTING PROVISIONS OF PRIOR ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. This ordinance shall be known and may be cited as the "2012-13 Miami-Dade County Self-Supporting Budget Ordinance."

Section 2. Pursuant to Section 5.03(B) of the Home Rule Charter, the County Mayor has recommended a proposed budget for Miami-Dade County, Florida, for the fiscal year commencing October 1, 2012. Said proposed budget document as submitted to the Board of County Commissioners ("Board") is incorporated herein by reference and is amended to include: (a) all of the applicable changes contained in this Ordinance; (b) the changes contained in the September 6, 2012 memorandum entitled "Information for First Budget Hearing – FY 2012-13 Proposed Budget"; (c) the changes contained in the September 6, 2012, memorandum entitled "Information for First Budget Hearing – FY 2012-13 Proposed Budget – Supplement"; (d) the changes read on the record during the September 6, 2012 Budget Hearing to correct the self-supporting funding schedule, which corrections are noted in the version attached hereto; (e) the following changes to Appendix H of Volume 1 of the Mayor's Proposed Budget, under the column "FY 12-13 Proposed Funding:" on page 140, Inner City Youth of South Florida – Youth Athletic League, Inc. should read as "\$0"; on page 141, Kristi House, Inc. should read "\$87,500"; and on page 144, Unallocated Amount should read "\$371,611"; (f) the changes contained in the September 20, 2012 memorandum entitled "Information for Second Budget Hearing – FY 2012-13 Proposed Budget"; and (g) direction to the Mayor to offer to each of the County's affected collective bargaining units the elimination of the current additional four percent (4%) employee contribution to health care.

Section 3. The budget proposed, including the five-year financial plan contained therein, is hereby approved and adopted, including the budgets for Special Assessment Districts, and the budgeted revenues and expenditures therein are hereby appropriated. Department expenditure allocations established by the County Mayor as revised and summarized in the attached budget are adopted as limitations of all expenditures, except as

hereinafter provided; and appropriations hereby have been provided for outstanding indebtedness for the payment of vouchers that have been incurred in the current or prior year, but are not expected to be paid until the commencement of the new fiscal year. Receipts from sources not anticipated in the attached budget may be appropriated and expended by ordinance duly enacted by the Board in accordance with Section 129.06(2)(d), Florida Statutes, and Section 1.02(A) of the Miami-Dade County Home Rule Charter. Adjustments within the same fund to departmental appropriations made in the attached budget may be approved from time to time by motion duly adopted by the Board in accordance with Section 129.06(2)(a), Florida Statutes, and Ordinance No. 07-45, as amended. The Director of the Office of Management and Budget is authorized to approve adjustments to expenditure code allocations within the limit of the departmental or other appropriations made in the attached budget. All adjustments made in accordance with this ordinance are approved and ratified.

Section 4. Pursuant to the authority of Chapter 8015, Special Acts of Florida, 1919, which authorizes the Board of County Commissioners of Miami-Dade County, Florida, to borrow money and to issue time warrants, and pursuant to the authority of Section 129.02(5), Florida Statutes, which permits funds of the County to be invested in securities of the federal government and of the local governments in Florida, or both, the Finance Director is hereby authorized to invest these monies in the time warrants of Miami-Dade County, Florida.

Section 5. As provided in Section 5.03(C) of the Home Rule Charter, the Board hereby authorizes the transfer of any portion of the earnings or balance of the several funds, other than sinking funds, for obligations not yet retired, to the general funds of the County provided that such transfer be deemed a cash advance to meet operating and other expenses approved by the Board, and that all such advances shall be reimbursed before the end of the fiscal year upon receipt of adequate tax or other appropriate revenues. Provided, however, that this section in no way limits or restricts the power of the Board to transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another as provided by law pursuant to Section 5.03(C) of the Home Rule Charter.

Section 6. Section 1-4.3 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Section 1-4.3. Reorganization of County Administrative Departments

* * *

(c) The powers, functions and responsibilities of the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those powers, functions and responsibilities that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement and Permitting, Environment and Regulatory Affairs, provided in Legislative Enactments are hereby transferred to the Department of Regulatory and Economic Resources. ~~>>Commencing October 1, 2012, the powers, functions and responsibilities that set forth, define or otherwise affect the stormwater utility functions, including but not limited to the administration of the County's Floodplain Management Program, are hereby transferred from the Department of Regulatory and Economic Resources to the Department of Public Works and Waste Management.<<~~ All references in Legislative Enactments relating to the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those powers, functions and responsibilities that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement and Permitting, Environment and Regulatory Affairs, shall be deemed to be references to the Department of Regulatory and Economic Resources.

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or ~~>>~~double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

>>Commencing October 1, 2012, the references to the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those powers, functions and responsibilities that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement, Permitting, Environment and Regulatory Affairs, and Regulatory and Economic Resources that set forth, define or otherwise affect the stormwater utility functions, including but not limited to the administration of the County's Floodplain Management Program, shall be deemed to be references to the Department of Public Works and Waste Management.<< All delegations of Commission authority, power and responsibility to the Directors of the Departments of Building and Neighborhood Compliance, Planning and Zoning (except those delegations that set forth, define or otherwise affect the Office of Countywide Healthcare and Planning), Environmental Resources Management, Economic Development and International Trade, Small Business Development, Film and Entertainment, Sustainability, Consumer Services, Sustainability, Planning and Economic Enhancement and Permitting, Environment and Regulatory Affairs, shall be deemed to be a delegation to the Director of the Department of Regulatory and Economic Resources >> or, at the County Mayor's discretion, to the County Mayor's designee, except, commencing October 1, 2012, for those delegations that set forth, define or otherwise affect the stormwater utility functions, including but not limited to the administration of the County's Floodplain Management Program, which shall be deemed a delegation to the Director of the Department of Public Works and Waste Management,<< or, at the County Mayor's discretion, to the County Mayor's designee.

(h) The powers, functions and responsibilities of the Miami-Dade Public Housing Agency, General Services Administration (only those powers, functions and responsibilities that set forth, define or otherwise affect infill housing) and Department of Housing and Community development provided in Legislative Enactments are hereby transferred to the Department of Miami-Dade >>Public<< Housing and Community Development. >>Commencing October 1, 2012, the powers, functions and responsibilities that set forth, define or otherwise affect the Enterprise Zone Program, are hereby transferred from the Department of Public Housing and Community Development to the Department of Regulatory and Economic Resources.<< All references in Legislative Enactments relating to the Miami-Dade Public Housing Agency, General Services Administration (only those references that set forth, define or otherwise affect infill housing) and Department of Housing and Community Development shall be deemed to be references to the Department of Miami-Dade Public Housing and Community Development. >> Commencing October 1, 2012, the references relating to the Miami-Dade Public Housing Agency, General Services Administration (only those references that set forth, define or otherwise affect infill housing), the Department of Housing and Community Development and the Department of Miami-Dade Public Housing and Community Development that set forth, define or otherwise affect the Enterprise Zone Program, shall be deemed to be a reference to the Department of Regulatory and Economic Resources.<< All delegations of Commission authority, power and responsibility to the Directors of the Miami-Dade Public Housing Agency, General Services Administration (only those delegations that set forth, define or otherwise affect infill housing) and Department of Housing and Community Development shall be deemed to be a delegation to the Director of the Department of Miami-Dade Public Housing and Community Development >>, or, at the County Mayor's discretion, to the County Mayor's designee, except, commencing October 1, 2012, for those delegations which set forth, define or otherwise affect the Enterprise Zone Program, which shall be

deemed to be a delegation to the Director of the Department of Regulatory and Economic Resources,<< or, at the County Mayor's discretion, to the County Mayor's designee.

* * *

(j) The powers, functions and responsibilities of the Departments of Public Works and Solid Waste Management provided in Legislative Enactments are hereby transferred to the Department of Public Works and Waste Management. >>Commencing October 1, 2012, the powers, functions and responsibilities that set forth, define or otherwise affect platting, roadway concurrency management, land development and permitting functions, are hereby transferred from the Department of Public Works and Waste Management to the Department of Regulatory and Economic Resources.<< All references in Legislative Enactments relating to the Departments of Public Works and Solid Waste Management shall be deemed to be references to the Department of Public Works and Waste Management. >>Commencing October 1, 2012, those references to the Departments of Public Works, Solid Waste Management and Public Works and Waste Management that set forth, define or otherwise affect platting, roadway concurrency management, land development and permitting functions, shall be deemed to be references to the Department of Regulatory and Economic Resources.<< All delegations of Commission authority, power and responsibility to the Directors of the Departments of Public Works and Solid Waste Management shall be deemed to be a delegation to the Director of the Department of Public Works and Waste Management, >> or, at the County Mayor's discretion, to the County Mayor's designee, except, commencing October 1, 2012, for those delegations that set forth, define or otherwise affect platting, roadway concurrency management, land development and permitting functions, which shall be deemed to be a delegation to the Director of the Department of Regulatory and Economic Resources<< or, at the County Mayor's discretion, to the County Mayor's designee.

(k) Any delegation made by the County Mayor pursuant to this Section shall be made in writing and shall become effective upon the filing of the delegation, or any amendment or modification thereto, with the Clerk of the Board, with a copy to the County Attorney and each Commissioner. The Clerk of the Board shall list such delegations on the agenda of the next available Commission meeting and such delegations shall be subject to disapproval by majority vote of those Commissioners present upon a motion made at such meeting.

(l) Notwithstanding any provision of a Legislative Enactment to the contrary, the qualification and requirements of any Department Director set forth in any Legislative Enactment may be satisfied by a designee of the County Mayor who shall (a) report directly to the Department Director and (b) have primary responsibility for overseeing the functions of the Department related to such qualifications. The County Mayor shall report to the Board of County Commissioners in writing which qualifications of a Department Director, if any, will be satisfied by a designee of the Mayor at the time the Mayor presents the appointment of the Department Director to the Board pursuant to Section 2.02(D) of the Miami-Dade County Home Rule Charter and Part 8.1 of the Rules of Procedure of the County Commission.

Section 7. All Implementing Orders, as amended hereby, and other actions of the Board setting fees and charges, as well as all fees consistent with appropriations adopted herein, are hereby ratified, confirmed and approved; and may be subsequently amended by Board action during the fiscal year.

Section 8. The revised Implementing Order setting the Miami-Dade Port of Miami rates, fees and charges as reflected in attachment A is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 9. The revised Implementing Order setting Solid Waste Management rates, fees, and charges as reflected in attachment B is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 10. The revised Implementing Order setting County Parking Facilities rates, fees, and charges as reflected in attachment C is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 10. The revised Implementing Order setting the Medical Examiner fees and charges as reflected in attachment D is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 11. The revised summary setting the Aviation Department rates, fees and charges as reflected in attachment E is made part hereof and these rates, fees and charges may be subsequently amended by Board action during the fiscal year.

Section 12. The revised Implementing Order setting Water and Sewer Department rates, fees, and charges as reflected in attachment F is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 13. The revised schedule of Miami-Dade Fire Rescue Off-Duty rates as reflected in attachment G is approved and is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 14. The revised schedule of Public Housing and Community Development Services rates as reflected in attachment H is approved and is made a part hereof and the Implementing Order may be subsequently amended by Board action during the fiscal year.

Section 15. The revised annual Special Taxing District rates as reflected in attachment I are approved and made a part hereof. These rates for the referenced Special Taxing Districts are hereby levied.

Section 16. The pay rates set forth in the FY 2012-13 Pay Plan are hereby approved.

Section 17. All allocations and reallocations of bond proceeds and interest earnings included in the 2012-13 Proposed Capital Budget and Multi-Year Capital Plan, as may be amended, are hereby authorized.

Section 18. The County Mayor, or whomever he shall so designate, is hereby authorized to use interest earned on deposit of Public Improvement Bond funds to establish and

maintain an Interest and Sinking Fund Reserve Account in an amount not to exceed one year's maximum principal and interest. Interest earned in excess of the reserve shall be distributed to Public Improvement Bonds Construction Funds in accordance with standard accounting practices.

Section 19. The Finance Director is hereby authorized to establish and to receive and expend funds up to amounts received without specific appropriation pursuant to Section 5.03(C) of the Home Rule Charter for existing trust funds, working capital funds, bond construction funds, pension funds, revolving funds and any other such funds as may be approved by motion of the Board of County Commissioners during the 2012-13 fiscal year.

Section 20. The Finance Director is hereby authorized to make payment of local business tax surcharge revenues for FY 2012-13 to the Miami-Dade County Beacon Council, Inc., in accordance with state law and Resolution No. 1066-88 which authorizes the agreement between Miami-Dade County and the Beacon Council.

Section 21. All grant, donation, and contribution funds received by the County are hereby appropriated at the levels and for the purposes intended by the grants, donations and contributions.

Section 22. The County Mayor or his or her designee is hereby authorized to execute agreements for funding allocations for Community-based Organizations approved in this ordinance as a result of a Request for Proposal or other formal selection process or individual allocations approved by the Board in the form approved by the County Attorney.

Section 23. Notwithstanding any other provision of the County Code, resolution or Implementing Order to the contrary, non-profit entities awarded grants of County monies from the prior year's District Discretionary Reserve, Commission Office Funds, or County Services Reserve shall not be required to complete affidavits of compliance with the various policies or requirements applicable to entities contracting or transacting business with the County.

Section 24. Payment by a municipality to the Municipal Services Trust Fund shall be used for services which provide benefits to the municipality or the residents thereof.

Section 25.Section 29-54 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 29-54. Disposition of revenues; review of expenditures.

(a) Tourist development room tax.

(1) Collections received by the Tax Collector from the tourist development room tax, less costs of administration, are to be deposited in the Miami-Dade County Tourist Development Trust Fund, herewith established, and used in accordance with the Miami-Dade County Tourist Development Plan, which provides for the allocation of funds as follows:

* * *

3. To promote tourism, to fund tourist-related facilities as allowed by law, and to fund tourist-oriented events located within the municipal boundaries of the City of Miami, as determined by the Board of the County Commissioners >>and for fiscal year 2012-13, to finance within the County beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement or cleanup, as those uses relate to the physical preservation of the beach or shoreline, or for any other uses within the County's boundaries permitted by law<<. (Twenty (20) percent).

Section 26. Unless otherwise prohibited by law, this ordinance shall supersede all enactments of this Board including, but not limited to, ordinances, resolutions, implementing orders, regulations, rules, and provisions in the Code of Miami-Dade County in conflict herewith; provided, however, nothing in this ordinance shall amend or supersede the requirements of Ordinance 07-45, as amended.

Section 27. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 28. All provisions of this ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only

upon override by this Board. In the event all or any particular component of this ordinance are vetoed, the remaining components, if any, shall become effective ten (10) days after the date of enactment and the components vetoed shall become effective only upon override by this Board.

Section 29. This ordinance does not contain a sunset provision.

Section 30. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Sections 6 and 25 of this Ordinance shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

PASSED AND ADOPTED: September 20, 2012

Approved by County Attorney as
to form and legal sufficiency. 

ORD/ITEM F Adopted