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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(F)

(Second Reading 9-4-13)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 18, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Chapter 25-2 of the Code of Miami-Dade County, Florida, relating to lost articles unclaimed by their proper owner; reducing the time allotted for claiming lost items from three (3) months to thirty (30) days

Ordinance No. 13-81

The accompanying ordinance was prepared by the Aviation Department and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 25-2.16 of the Code of Miami-Dade County to Reduce the Time from Three Months to 30 Days that the Miami-Dade Aviation Department Must Retain Unclaimed Items Left at Miami International Airport

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance amending Section 25-2.16 of the Code of Miami-Dade County (Code) to reduce the time from three (3) months to 30 days that the Miami-Dade Aviation Department (MDAD) must retain unclaimed items left at Miami International Airport (MIA) for which the owner cannot be located and/or the finder is not entitled to lawful possession. Those articles are forfeited to MDAD for disposal in accordance with the provisions of applicable law or County administrative order (Ord. No. 75-113, § 2, 12-2-75; Ord. No. 95-41, § 53, 3-7-95).

SCOPE

MIA is primarily within Commission District 6 (Chairwoman Sosa) but is a regional asset.

FISCAL IMPACT/FUNDING SOURCE

This ordinance should have a positive fiscal impact by reducing unnecessary actions by MDAD staff. Under a Non-Exclusive Operator Agreement, Goodwill Industries of South Florida, Inc. acquires lost and found items from MIA, generating revenue for MDAD via a monthly transaction fee of $10,101.00.

TRACK RECORD/MONITOR

MDAD Supervisor of Terminal Operations Luis Arce will be responsible for implementing the proposed ordinance.

BACKGROUND

Prior to November 18, 2012, MDAD collected and stored all articles lost or found at MIA for a minimum of three (3) months per Section 25-2.16 of the Code. On a quarterly basis, those items were auctioned to the public with any revenues exceeding expenditures being returned to MDAD. Due to the costs and staff time required for transporting, sorting, storing and auctioning articles, and recent changes to Florida law, MDAD procured an agreement with a third party to handle such items and provide comparable revenue while freeing up MDAD resources.

Therefore, pursuant to Resolution No. R-891-12, Goodwill Industries of South Florida, Inc. was awarded a Non-Exclusive Operator Agreement for the monthly purchase and transport of qualifying unclaimed items from MIA's Lost & Found facility. Goodwill agreed to buy all items "as is" without any sorting or culling in order to reduce the time for handling items on airport property. However, the requirement to hold the items for three (3) months means transferring them to MDAD's 36th Street storage facility, which continues to use MDAD resources. The reduction of the holding period from three (3) months to 30 days will alleviate that situation and will bring the process in line with Florida Statute 705.182 regarding the disposal of personal property found on the premises of public-use airports.

Jack Osterholt, Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 4, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(F)
9-4-13

ORDINANCE NO. 13-81

ORDINANCE AMENDING CHAPTER 25-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO LOST ARTICLES UNCLAIMED BY THEIR PROPER OWNER; REDUCING THE TIME ALOTTED FOR CLAIMING LOST ITEMS FROM THREE (3) MONTHS TO THIRTY (30) DAYS; 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. Section 25-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 25-2 Personal conduct.

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25-2.16 *Lost articles*

Any person finding lost articles at any Airport shall immediately deposit them with an authorized representative of the Department. Articles unclaimed by their proper owner within [[~~three (3) months~~]] >>thirty (30) days<< thereafter shall, upon request, be turned over to the finder or otherwise be lawfully disposed of, in accordance with applicable law or Operational Directive. Nothing in this paragraph shall be construed to deny the right of scheduled air carriers or other Airport tenants to maintain "lost and found" services for property of their passengers, invitees or employees as permitted by law. Articles to which the owner or finder is not entitled to lawful possession shall be forfeited to the Department for disposal in accordance with the provisions of applicable law or County administrative order. (Ord. No. 75-113, § 2, 12-2-75; Ord. No. 95-41, § 53, 3-7-95)

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

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. 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 an override by this Board.

PASSED AND ADOPTED: September 4. 2013

Approved by County Attorney as
to form and legal sufficiency: APW

Prepared by: CAL

Cynji A. Lee