Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128

LEGISLATIVE ANALYSIS

Thursday, September 9, 2004
9:30 AM
Commission Chambers

Board of County Commissioners

BCC ITEM 1(D)(2)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

SUNSET REVIEW OF COUNTY BOARDS FOR 2004—UNSAFE STRUCTURES BOARD

Unsafe Structures Board

I. SUMMARY

This is the Unsafe Structures Board's (Board) sunset review report, which recommends that the Board be continued with modification of quorum requirements to five members from the present requirement of seven members.

II. PRESENT SITUATION

For the period of the report (2002 and 2003), the USB reports ordering the following:

Order	2002	2003	Total (2002-2003)
Demolition of structures	82	116	198
Repair of properties	148	283	431

As of September 7, 2004, the Clerk of the Board's on-line board status list indicates that four (4) vacancies (Districts 2, 8, 9, & 13) presently exist on this thirteen (13) member Board.

8 of the Board's 13 meetings in 2003 (61.5%) achieved a quorum (tabulated from table on handwritten p. 9).

III. POLICY CHANGE AND IMPLICATION

The Board recommends that the quorum requirement be reduced to five (5) members from the present requirement of seven (7) members (handwritten p. 4).

- *If this reduction had been in effect for 2003, the Board would have achieved quorum at 10 of its 13 meetings (76.9%).*

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

None.

BCC Item 6(A)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE PERTAINING TO ZONING AND ENVIRONMENTAL PROTECTION; CREATING ARTICLE XI, SECTION 33-152 ET SEQ. OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE FOR ROCKMINING OVERLAY ZONING AREA; AUTHORIZING ROCKMINING AND ANCILLARY USES, CONTROL OF SUCH USES, AND WAIVER OF RIGHTS-OF-WAY IN OVERLAY ZONING AREA; REQUIRING APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS FOR CERTAIN ANCILLARY USES TO ROCKMINING; AMENDING SECTIONS 33-13 AND 33-314 OF THE CODE; AMENDING SECTION 24-58.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO TIME OF COMPLETION OF WORK; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Commissioner Jose "Pepe" Diaz
Commissioner Bruno A. Barriero
Commissioner Rebeca Sosa

I. SUMMARY

Item would authorize most rockmining activities within the lakebelt area of Miami-Dade County to occur as a matter of right-without the requirement for public hearing regarding unusual use.

II. PRESENT SITUATION

Currently, rockmining activities occurring in Miami-Dade County require a public hearing to take place. This public hearing takes place at community council meetings. Their is a cost associated with seeking an unusual use permit to conduct rockmining (including scheduling hearings, advertising in local newspapers, the actual permit, etc.) In general, the process takes at least three months.

III. POLICY CHANGE AND IMPLICATION

Changes to the current Code include:

Sec. 33-13. Unusual uses.

→ Adds language that specifically excludes lake excavation(s) that are expressly allowed in the "Rockmining Overlay Zoning Area" (ROZA) as defined in Article XI, Sec. 33-152 of the Code of Miami-Dade County.

Sec. 33-152. ROZA. Definitions.

→ Addition of definitions to provide for rock mining activities and uses ancillary to rock mining as allowable uses, include asphalt plant, cement plant, concrete batching plant or ready-mixed concrete plant, concrete block plant, prestressed and precast concrete production plant, ROZA (legal description), rock crushing and screening plant, and rockmining.

BCC ITEM 6(B), 6(C)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE GRANTING ENTERPRISE ZONE AD VALOREM TAX EXEMPTION TO 1530 WASHINGTON ANENUE, LTD aka COURTYARD BY MARRIOTT-MIAMI SOUTH BEACH, A NEW BUSINESS LOCATED IN THE ENTERPRISE ZONE; PROVIDING SCOPE AND TERMS OF EXEMPTION; PROVIDING SEVERABILITY, EFFECTIVE DATE AND EXPIRATION DATE

Office of Community and Economic Development

I. SUMMARY

The Office of Community and Economic Development (OCED) recommends that the Board approve the ordinances granting Enterprise Zone Ad Valorem Tax Exemption to 1530 Washington Avenue, Ltd., aka Courtyard by Marriott – Miami South Beach and Don Greene Poultry.

II. PRESENT SITUATION

The Enterprise Zone Ad Valorem Tax Exemption was authorized by this Board through Ordinance 88-27 and revised under Ordinance 96-74. To be eligible for the exemption, a new or expanding business must create a minimum of five (5) new full-time jobs. If 20% or more of the company's employees are residents of an Enterprise Zone, the exemption for that year will be 100% of the assessed value of all improved real property or tangible personal property. If the company does not meet the 20% rule then its exemption will be limited to 50% of the assessed value. OCED will monitor the firm's compliance during the life of the exemption.

III. POLICY CHANGE AND IMPLICATION

None

IV. ECONOMIC IMPACT

	6B	6C
	1530 Washington Avenue, Ltd., aka Courtyard by Marriott – Miami South Beach	Don Greene Poultry
Total new investment	$2,500,000	$7,700,000
Projected new jobs	24	60
Term	5 years	5 years
Exemption per year	$13,321.18 (100%)	TBD (100%)
EZ employees	6 (25%)	TBD (20%)
Non-Miami-Dade EEs	0	TBD

V. COMMENTS AND QUESTIONS

- No exemption amount was available for Don Greene Poultry.
- No employee list was provided with Don Greene Poultry.
- No Enterprise Zone Resident Employees were listed for Don Greene Poultry.

BCC ITEM 6(D)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING SECTIONS 2-98.4 THROUGH 2-98.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING NUISANCE ABATEMENT; REVISING PURPOSE, DEFINITIONS, OPERATING PROCEDURES, THE PUBLIC NUISANCE ABATEMENT BOARD, HEARING PROCESS AND FEES AND COSTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Miami-Dade Police Department

I. SUMMARY

This proposed ordinance would amend Chapter 2 of the Code to:

- Increases authorities and broadens the range of included offenses under the Nuisance Abatement Ordinance (NAO) and of the Nuisance Abatement Board (NAB), including authority for the NAB to impose fines and issue subpoenas;
- Expands the NAB membership from 9 members to 13 members (one per commission district);
- Liberalizes NAB membership to permit non-residents of Miami-Dade County; and
- Expand NAO coverage to municipalities with which interlocal agreements have been executed.
- Authorizes retroactive application of the changes to the original date of adoption of the ordinance, or the dates of amendments to Florida Statutes, 893.138 that authorize the changes.

The Public Safety Committee (PSC) on July 20, 2004 expressed concern about clarifying each municipality's option to execute an interlocal agreement for Miami-Dade Police Department (MDPD) assistance with nuisance properties within the municipality, regardless of whether or not they contract for MDPD police services. The text of the proposed item does not appear to address the PSC's concerns even though the County Manager's memorandum recommending the item indicates it was addressed.

II. PRESENT SITUATION

After a premise is considered a public nuisance, the NAB can order the property owner to pay costs, but the NAB cannot impose fines.

NAB membership is now defined as 9 members

III. POLICY CHANGE AND IMPLICATION

<u>To activities that can trigger a premise being determined to be a public nuisance:</u>

- Adds "*possession*" of controlled substances, illegal "*possession*" of alcoholic beverages, and "*other criminal activity as defined in federal laws and/or Florida Statutes, or violations of the Code of Miami-Dade County*;"

- Reduces to one (1), the number of incidents of use "*by a youth and criminal street gang for the purpose of conducting a pattern of your and criminal street gang activity*" [previously required more than two (2) such uses];

- With premise use on more than two (2) occasions within 12 months:
  - Adds "*Manufacture, cultivation, or possession*" of controlled substances "*including, but not limited to substances and pharmaceuticals...any substance sold in lieu of a controlled substance...or any imitation controlled substance;*"
  - Clarifies prostitution includes "*any violation of Florida Statutes Chapter 796, as it may be renumbered or amended from time to time;*"
  - Adds illegal "*possession*" of "*containers, or open containers*" of alcoholic beverages;
  - Adds "*as site of...dealing in stone property:*"
  - Adds "*as site of juveniles in violation the Miami-Dade County Juvenile Curfew Ordinance;*"
  - Adds "*as site in which Owner(s) and/or property is in violation of:*"
    - *Public Nuisances on Leased Property* per the Code;
    - *Minimum Vacant Housing Standards, Demolition of Uninhabited Structures Ordinances, Unsafe Buildings* per the Code;
    - *Unsanitary Health Nuisance Statutes* per Florida Statutes and the Code;
    - *Illegal dumping or illegal use of Property* per Florida Statutes and the Code;
    - *Environmental Protection Ordinance* per the Code and violations of Florida Statutes and Federal Environmental (Nuisance) Laws;
    - *False Alarm Ordinance* violations with *on a repeated basis six false alarm signals during two or more registration periods* per the Code;
    - *Place of habitation or feeding of Miami-Dade County Pit Bull Ordinance* per the Code;
    - *Illegal or Unlicensed Practice of Medicine, Dentistry, Funeral Services, or Health Care Services in Violation of Federal law and Florida Statutes...that may endanger the Public Health, Safety, and Welfare.*

<u>Add definitions for:</u>

- *Complaint* to include any complaint or incident documented on a local, state, or federal law enforcement report, citation, warning notice, notarized affidavit, oral or written sworn statement, or *reasonable belief (as substantiated by local, state, or federal law enforcement, judicial, or government officials);*
- *Owner* to include *property manager and business manager;*
- *Places/Premises* to include, but not limited to, *any residential, business, land, vacant lot, parking area, vessel, vehicle, area controlled by a homeowner or condominium or other similar association, or other property that comes within the control of business, or business enterprise, or other activity associated with a business;* and
- *Occasion* to include *each instance and/or day of activity.*

<u>Updates notification processes</u> and adds that notification to a business owner may constitute notification to the property owner.

BCC ITEM 6(D)
September 9, 2004

Adds subpoena power for the NAB and/or County Attorney.

Increases NAB membership to 13 (one per Commission District) in recognition that there are now 13 Commission Districts.

Authorizes non-residents of Miami-Dade County to be NAB members upon 2/3 vote of the BCC.

Authorizes alternate NAB members to be appointed by the Mayor, the County Manager, and the Director of MDPD or his designee subject to ratification by the BCC.

Ties NAB members' terms to the term of the appointing commissioner and sets 8 consecutive years as the term limit with ability to be reappointed after a 2-year hiatus.

Expands upon NAB hearing processes.

Provides authority for the NAB to consider *the general reputation of the Owner(s) or their associates, employees, or tenants, and evidence concerning other properties that may be owned, managed, or controlled by the Owner(s).*

Establishes a Prehearing Settlement process.

Authorizes the NAB to order fines in *increments of $250 or...higher or lesser amount as it deems appropriate and necessary, per incident and/or day of noncompliance.... not exceed*[ing] *$15,000 (or a total amount as allowed by Florida Statute 893.138, as amended) each time a premises is declared a public nuisance.* [See Attachment #1 for a copy of Florida Statute 893.138.]

Enforcement provisions specify:

- A $250 fine for *each day the Owner does not comply with the Board's Order or the property continues to be a public nuisance; and*
- A $500 fine and/or imprisonment in the county jail for not more than 60 days for *any person who hinders, or obstructs, any County or State Official, in the discharge of duties...in carrying out the Orders of the Board.*

Authorizes the NAB to recover costs for monitoring of the premises and/or investigation of all incidents and/or conditions....Costs include those of other departments and may include other Municipal, State, Federal Law Enforcement or Government Agency.

Removes the one year requirement before the County may foreclose on an unpaid lien.

Sets 18% per annum as the interest rate to accrue on unpaid costs and/or fines.

BCC ITEM 7(A)(1)(A)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING AN AMENDMENT TO JOINT PARTICIPATION AGREEMENT NO. 414 554 18401 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION SO THAT $9,282,496 IN FUNDS UNDER SUCH JOINT PARTICIPATION AGREEMENT ARE REPROGRAMMED FOR USE BY THE AVIATION DEPARTMENT TO OFFSET NET REVENUE LOSSES IN FISCAL YEAR 2002 RATHER THAN TO OFFSET INCREASED COSTS RELATING TO AVIATION SECURITY PROGRAMS; AUTHORIZING THE COUNTY MANAGER TO EXECUTE AN AMENDMENT TO SUCH JOINT PARTICIPATION AGREEMENT TO ACCOMPLISH SUCH REPROGRAMMING, FOLLOWING REVIEW BY THE COUNTY ATTORNEY

Aviation Department

I. SUMMARY

This proposed resolution would amend a Joint Participation Agreement (JPA) between the Miami-Dade Aviation Department (MDAD) and the Florida Department of Transportation (FDOT) to reprogram $9,282,496 originally allocated for post-9.11 security costs (capital and operating) to partially offset the $40,520,576 FY 2001-02 revenue deficit at MDAD.

II. PRESENT SITUATION

The $40,520,576 FY 2001-02 net revenue deficit at MDAD is the balance remaining after deducting for two grants received from the Federal Aviation Administration and the State of Florida Department of Homeland Security which totaled $3,068,566.

III. POLICY CHANGE AND IMPLICATION

Reprogramming these funds to offset the FY 2001-02 revenue deficit is consistent with FDOT's recommendation and will improve MDAD's financial status.

IV. ECONOMIC IMPACT

FY 2001-02 budget:	$518,660,198
FY 2001-02 revenue:	$475,071,056
FY 2001-02 revenue loss:	$43,589,142
Previous grants to reduce revenue loss:	$3,068,566
Net revenue loss at this time:	$40,520,576
Recommended reprogramming in this Item:	$9,282,496
Net revenue loss if this Item is approved:	$31,238,080

V. COMMENTS AND QUESTIONS

In response to questions about potential implications of the cost shift, MDAD supplied the following responses.

Question #1: Will this reprogramming result in a need to fund security needs through other MDAD revenue, including the revenue bonds?

MDAD Response: *No. Like most grants, this one is to reimburse us. Security costs have already been incurred and continue to be incurred. The grant will not affect the level of security costs incurred in the past or in the future.*

Question #2: Will the reprogramming reduce funds available for the CIP?

MDAD Response: *No. While most grants are for capital projects, this one is for operating expenses. No affect on the CIP.*

BCC ITEM 7(A)(1)(B)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RELATED TO REFURBISHMENT OF BUILDINGS 3094 AND 3095 AT MIAMI INTERNATIONAL AIRPORT; AUTHORIZING APPROVAL AND AWARD OF NON-EXCLUSIVE AGREEMENT WITH DOUGLAS WOOD & ASSOCIATES, INC. FOR PROFESSIONAL ARCHITECTURAL, ENGINEERING, AND CONSTRUCTION ADMINISTRATION SERVICES TO MIAMI-DADE AVIATION DEPARTMENT; AND AUTHORIZING COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND EXERCISE ALL OTHER RIGHTS INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN

Aviation Department

I. SUMMARY

This is a proposal to award a three-year, $357,412.50 professional services agreement (PSA) to Douglas Wood & Assoc., Inc. to provide architectural, engineering and construction administration services for life safety and other upgrades to comply with the Florida Building Code and for repairs to Miami-International Airport (MIA) buildings 3094 (the old Pan Am hangar that is now called Central Base) and 3095 (the parking garage adjacent to 3094.)

II. PRESENT SITUATION

As stated on handwritten pp. 1-2 of the Item, numerous repairs, life safety improvements and upgrades to code.

III. POLICY CHANGE AND IMPLICATION

None.

IV. ECONOMIC IMPACT

This is a Community Based Enterprise (CBE) set-aside contract. The prime (Douglas Wood & Assoc., Inc. and each of the four subcontractors (Gurri Matute, P.A.; Civil Works, Inc.; William A. Berry & Assoc., Inc.; and Planning and Economics Group, Inc.) are certified as Tier 1 CBE firms.

V. COMMENTS AND QUESTIONS

None.

BCC ITEM 7(F)(1)(E)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF RETROACTIVE CHANGE ORDER TO THE CONTRACT WITH TGSV ENTERPRISES, INC., FOR THE TURNER GUILFORD KNIGHT CORRECTIONAL CENTER NEW NEGATIVE AIR HVAC SYSTEM PROJECT; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

General Services Administration Department

I. SUMMARY

This proposed resolution would retroactively approve Change Order No. 2, adding $125,096 and 392 days (365 compensable & 27 non-compensable), to the contract with TGSV Enterprises, Inc. to correct for design errors and code violations encountered during TGSV's:

- Renovation of the existing Medical Housing and Clinic areas within the Turner Guilford Knight Correctional Center (TGK); and
- Construction of an approx. 1,300 sq. ft. addition for new negative air high volume air conditioning (HVAC) system equipment.

The County Manager's memorandum recommending this item explains that *"Clearly, staff should have presented this change order last year as soon as this occurred; however, they incorrectly presumed it was not required at the time. Staff has been counseled regarding the severity of this error and internal processes have been reinforced to avoid a similar oversight in the future"* (handwritten p. 1).

The County Manager's memorandum also explains that the design errors by the A/E consultant cannot be recouped because the contract waived responsibility except to the extent it might exceed 6% of the construction cost (handwritten pp. 3-4).

II. PRESENT SITUATION

The County Manager's memorandum explains that the project is nearing completion.

III. POLICY CHANGE AND IMPLICATION

Cost Change Summary	
Original contract cost	$2,493,446
Change Order No. 1	+ $151,500 (+6.1%)
Proposed Change Order No. 2	+ $125,096 (+4.7% over previously approved change order)

Delay Summary	
Original contract completion date	July 30, 2003
Change Order No. 1	+ 90 non-compensable days to October 28, 2003
Proposed Change Order No. 2	+ 392 days (365 compensable) to November 24, 2004

Delays this change order:

- +392 days added to the previously approved October 28, 2003 completion date (new completion date November 24, 2004) including:
  - 365 compensable days, totaling $73,000 at $200 per day, as follows:
    - 339 days (+$67,800) due to delays for fire alarm system work required by the State Fire Marshall; and
    - 26 days (+$5,200) due to A/E errors in the electrical design
  - 27 non-compensable days due to other A/E errors

Other costs in this change order:

- +$52,096 for work required to correct design errors as follows:
  - $41,472 for electrical work
  - $10,624 for air duct related work

IV. ECONOMIC IMPACT

$125,096 (Corrections & Rehabilitation Department). (See Section V below.)

V. COMMENTS AND QUESTIONS

Item indicates funding source: "Capital Bond projects, GOB criminal justice program" (handwritten p. 5).

BCC ITEM 7(G)(1)(C)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION ALLOCATING $1,000,000 FROM SURTAX INCENTIVE POOL FUNDS TO THE TUSCANY PLACE ASSOCIATES, LTD. FOR THE TUSCANY PLACE APARTMENTS DEVELOPMENT; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS

Miami-Dade Housing Agency

I. SUMMARY

This resolution authorizes one million dollars from Surtax Incentive Pool Funds to Tuscany Place Associates, Ltd.

II. PRESENT SITUATION

The development was awarded one million dollars in 2002 Surtax Funds. The development consists of 340 rental units and will serve families earning no more that 60% of the area median income.

III. POLICY CHANGE AND IMPLICATION

This additional funding will bring the total County Surtax Contributions to two million dollars. The addition cost to complete the development will be provided through increased 1st Mortgage, Taxable and increased Developer Equity.

IV. ECONOMIC IMPACT

One million dollars in Surtax Incentive Fund Dollars will be provided to the development.

Sources of Fund	Revised Allocation
Tax Credit Equity	$8,823,000
1st Mortgage, Tax-Exempt	14,400,000
1st Mortgage, Taxable	1,610,000
Local Subsidy (Surtax)	1,000,000
Developer Equity	3,359,763
Community Development Block Grant (Miami-Dade County)	900,000
Local Subsidy (Incentive Pool)	1,000,000
Total	$31,092,763

V. COMMENTS AND QUESTIONS

- Will restrictions be imposed as to how long the development will serve families earning less than 60% of the area median income?
- When will the development be ready for occupancy?
- What assurances will be made that the rents will stay the same?

BCC ITEM 7(J)(1)(A)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING ISSUANCE OF REQUEST FOR PROPOSALS FOR THE METRORAIL VEHICLES REHABILITATION

Miami-Dade Transit Agency

I. SUMMARY

This item seeks approval to advertise for the procurement of a contractor to provide the Metrorail Mid-Life Rehabilitation.

II. PRESENT SITUATION

On October 9, 2003 the Board of County Commissioners approved a list of 24 Capital Improvement Items to be included into the Peoples Transportation Plan (PTP). The total funding associated with this list was $397,220,000.

One of the items on this list was the Metrorail Mid-Life Rehabilitation estimated at $188,830,000.

The Citizens Independent Transportation Trust (CITT) approved this list of items on July 29, 2003.

The original 136 vehicles were placed in service 20 years ago. The scheduled mid-life rehabilitation should have taken place after 15 years.

However, due to a lack of available funding the rehabilitation of these vehicles had been delayed.

On November 5, 2004 the voters of Miami-Dade County approved a .5% Transportation Surtax to be used for Transit and Transportation needs in Miami-Dade County.

III. POLICY CHANGE AND IMPLICATION

The BCC and the CITT have already approved this expenditure to be funded PTP funds.

The mid-life rehabilitation on these vehicles is required by the Federal Transit Administration (FTA) and the County's failure to address this situation may result in a negative impact on federal funds received by Miami-Dade County for transit purposes. The Federal government had in the past gone as far as to say that if the County does not commit to address the mid-life rehab in a timely manner, any funds received from the federal government for transit purposes may be earmarked specifically for the mid-life rehab of our rail system.

IV. ECONOMIC IMPACT

The current estimate for the Mid-Life Rehabilitation is $211,000,000. (This represents approximately $1.5 million per vehicle).

The original estimate provided to and approved by the BCC in October of 2003 was $ 1,888,830

This represents an increase to the estimate of $22,117,000 from the amount presented to the BCC in Sept. 2003.

V. COMMENTS AND QUESTIONS

Has the $22.1 million increase been factored into the current pro-forma as it relates to available funding for all projects contained in the PTP?

Because the County has known for over 5 years now that this service needed to be provided, why wasn't an RFP developed before?

Although a funding source was not available 5 years ago, once a source became available in November of 2002 and was approved for this use by the BCC and CITT, which occurred over 9 months ago, this project could have been started expeditiously.

BCC ITEM 7(J)(1)(B)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES AND PROVISIONS OF ADMINISTRATIVE ORDER 3-38 AND AUTHORIZING THE EXECUTION OF AMENDMENT NO. 6 TO CONTRACT TA98-TSB WITH ADVANCED TRANSPORTATION SOLUTIONS, INC.; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN

Miami-Dade Transit Agency

I. SUMMARY

This resolution would authorize an amendment, No. 6, to the contract between Miami-Dade County and Advanced Transportations Solutions, Inc (ATS). The contract is for ambulatory and non-ambulatory transportation services associated with the County's compliance with the Americans with Disabilities Act (ADA).

This amendment exercises a six (6) month extension to the contract through March 22, 2005.

II. PRESENT SITUATION

This extension will be unnecessary if this contract is awarded through item 7(J)(1)(C) on today's agenda.

Miami-Dade Transit (MDT) is currently completing the procurement and installation of a paratransit software system that could allow the County to assume an expanded role in the brokering of these paratransit services should it be deemed in the best interest of the County to do so.

Because of the acquisition and instillation of said software, the Board voted in December of 2001 to delay the issuance of an RFP associated with paratransit brokerage services until September 9, 2003.

Four companies responded to this RFP and Advanced Transportation Services (The Current Provider) was ranked number one (1).

The recommendation to award this contract to ATS is also on today's agenda Item 7(J)(1)(C).

III. POLICY CHANGE AND IMPLICATION

This extension would be needed if the Board elects to reject the recommendation for award of a new to ATS also on today's agenda.

It would allow the County to continue providing the service while attempting to negotiate the wishes of the Board.

This extension also contains a provision for a .26 cent increase for both Ambulatory and Non-Ambulatory service related to living wage requirements.

IV. ECONOMIC IMPACT

This amendment would increase the contract ceiling for the STS program by $8.6 million, from $102,955,000 to $111,555,000.

MDT feels this amount is sufficient to carry out the provisions of this amendment for the duration of the current contract.

V. COMMENTS AND QUESTIONS

Part of the rational behind the procurement of the new Trapeze Software System was that the County could, if deemed in the it's best inerest, take over a more prominent role as the broker of these services.

What would be MDT's role, if any, in the brokering of these services?

BCC ITEM 7(J)(1)(C)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF CONTRACT NUMBER TR04-TSB WITH ADVANCED TRANSPORTATION SOLUTIONS, LLC (ATS) FOR PROVISION OF PARATRANSIT TRANSPORTATION SERVICES IN AN AMOUNT NOT TO EXCEED $219,000,000; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE CANCELLATION PROVISIONS CONTAINED THEREIN

Miami-Dade Transit Agency

I. SUMMARY

This item recommends approval of a contract award to Advanced Transportation Services, Inc. (ATS) for the purpose of providing Paratransit Ambulatory and Non-Ambulatory Transportation Services to the resident of Miami-Dade County in accordance with the Americans with Disabilities Act (ADA).

II. PRESENT SITUATION

Advanced Transportation Services is the current contract holder for brokerage services, and a contracted provider, for the County's paratransit brokerage needs through contract TA98-TSB.

ATS has held this contract since July 24, 2001, when the previous brokerage provider COMSIS elected to terminate its interest as the paratransit brokerage provider for the County.

Miami-Dade Transit has exercised both one (1) year options to renew on the current contract which is set to expire on September 22, 2004.

On October 23, 2003 RFP No. 323 was advertised for the procurement of a new Paratranist Service Provider. Four companies responded to RFP. ATS ranked as the highest responsive proposer with 117.04 points.

Due to problems encountered with the County's contract with COMSIS, and in an effort to achieve better service for STS users, The County created the STS Oversight Taskforce. The Task Force was instrumental in the development of this new RFP.

III. POLICY CHANGE AND IMPLICATION

The State of Florida and Miami-Dade County are required to provide these services in accordance with the Americans with Disabilities Act (ADA) of 1990.

IV. ECONOMIC IMPACT

The estimated annual cost of the current contract is $33,110,000.

Under the new RFP, if the contract ceiling was reached, the average annual cost for this service would be $43,800,000. Ceiling of $219 million divided by 5 years).

This would mean an increase of $10,690,000 per year under the new contract.

*** Additionally, there is a $5.2 million shortfall in what MDT has available in it's Operating Budget for this purpose and what the estimated cost for year one (1) would be. At the time this analysis was printed, an additional funding source had not yet been identified.

V. COMMENTS AND QUESTIONS

Since the installation of the new Trapeze Software, has MDT studied whether or not it would be in the best interest of the County and STS users for MDT to become the broker for these services?

BCC ITEM 7(K)(2)(A)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXCHANGE ONE MILLION DOLLARS OF FY 2003 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS ALLOCATED IN RESOLUTION NO. R-1035-03 WITH ONE MILLION DOLLARS IN SURTAX FUNDS FOR THE DEVELOPMENT OF K-PLACE LOFTS AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE SUCH CONTRACTS AND AGREEMENTS AS ARE REQUIRED; AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

Commissioner Bruno A. Barreiro

I. SUMMARY

This resolution authorizes an exchange of FY 2003 HOME Funds with Surtax Funds for the development of K-Place Lofts, a mixed use hi-rise development.

II. PRESENT SITUATION

The development was awarded one million dollars in HOME Funds for FY 2003 during the Consolidated Funding process. The development is mixed-use and mixed-income and will be a new 23-story hi-rise consisting of over 197 residential units in downtown Miami.

III. POLICY CHANGE AND IMPLICATION

The funding exchange will allow for 11 units for workforce housing to be developed in the first phase of construction. Workforce housing is designed for individuals earning up to 120% of median income.

IV. ECONOMIC IMPACT

No new economic impact since it is just a swap of funding sources.

V. COMMENTS AND QUESTIONS

- What is the sales price of these units? Specifically, what will be the cost of the 11 workforce housing units?
- When will the development be ready for occupancy?
- What are the cost and funding sources for the development?

BCC ITEM 7(M)(1)(A)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING CHANGE ORDER NUMBER FIVE AND FINAL FOR TIME EXTENSION AND ADDITIONAL FUNDS TO THE CONTRACT WITH PINO KAOBA & ASSOCIATES, INC. FOR CONSTRUCTION OF A MEDIUM RECREATIONAL BUILDING AT CUTLER RIDGE PARK

Park & Recreation Department

I. SUMMARY

This item is Change Order No. Five to the contract between Pino Kaoba & Associates, Inc. and the County. This is being presented by the Parks Department as a final settlement in lieu of litigation.

II. PRESENT SITUATION

	Amount	Total	Expected Date of Completion
Original Contract November 13, 2004	$776,931.67	$776,931.67	February 1, 2003
Change Order 1	+155,858.57	$932,790.24	April 11, 2003
Change Order 2	+27,765.15	$960,555.39	July 9, 2003
Change Order 3	None	$960,555.39	August 8, 2003
Change Order 4	+59,418.71	$1,019,974.10	August 23, 2003
Change Order 5	+17,785.45	$1,037,759.55	February 20, 2004

This project is currently 33.6% higher than originally contracted and 45% higher than the original cost estimate. The project is 384 days behind the original expected date of completion.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

The $17,785.45 will come from the Safe Neighborhood Parks Bond Program.

V. COMMENTS AND QUESTIONS

- Why did this Change Order take so much time before it came to the Board?
- Is this the FINAL Change Order for this contract?

BCC ITEM 7(M)(1)(B)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING CHANGE ORDER NUMBER THREE AND FINAL EXTENDING THE CONTRACT TIME AND INCREASING THE CONTRACT AMOUNT WITH ZURQUI CONSTRUCTION SERVICES, INC. FOR THE CONSTRUCTION OF THE COUNTRY CLUB OF MIAMI, STORMWATER MITIGATION & IRRIGATION SYSTEM REPLACEMENT PROJECT

Park & Recreation Department

I. SUMMARY

This is Retroactive Change Order Number Three and Final to the Country Club of Miami Stormwater Mitigation & Irrigation System Replacement, Project Number 99054. The Change Order was a result of a required electrical upgrade required by FP&L after the project had been started.

II. PRESENT SITUATION

	Amount	Total	Expected Date of Completion
Original Contract August 13, 2001	$6,154,948	$6,154,948	August 8, 2003
Change Order 1	No change	$6,154,948	November 28, 2003
Change Order 2	+$2,025,000	$8,179,948	November 28, 2003
Change Order 3	+$56,392.90	$8,236,340.90	June 10, 2004

This project is currently 33.8% higher than originally contracted and 55% higher than the original cost estimate. The project is 307 days behind the original expected date of completion.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

Change order three has a cost of	$83,964.07
Less Allowance of	28,267.38
Balance of	56,392.90

V. COMMENTS AND QUESTIONS

- Why did this Change Order take so much time before it came to the Board?
-

BCC ITEM 7(M)(2)(A), 7(M)(2)(B), 7(M)(2)(C)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION RETROACTIVELY APPROVING THE PROVISION OF IN-KIND SERVICES TO THE CHURCH OF THE ASCENSION IN AN AMOUNT NOT TO EXCEED $1,250.00

Commissioner Dennis C. Moss

RESOLUTION RETROACTIVELY AUTHORIZING PROVISION OF IN-KIND PARK AND RECREATION SERVICES TO THE HISPANIC TRANSIT SOCIETY OF DADE COUNTY FOR ITS JUNE 26, 2004 ANNUAL PICNIC IN AN AMOUNT NOT TO EXCEED $1,026

Commissioner Joe A. Martinez

RESOLUTION RETROACTIVELY APPROVING THE PROVISION OF IN-KIND SERVICES TO PRODIGAL SON 1517 MINISTRY, INC. IN AN AMOUNT NOT TO EXCEED $1,046.00

Commissioner Dennis C. Moss

I. SUMMARY

These resolutions if passed will approve the use of the In-kind Service Reserves.

II. PRESENT SITUATION

The present balance in the Countywide In-kind reserve was unavailable at time of print.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

Item	Requesting Organization	District Specific	Countywide
7M2B	Hispanic Transit Society of Dade County	-	$1,026
7M1B	Church of the Ascension	$1,250	
7M1C	Prodigal Son 1517 Ministry, Inc	$1,046	
TOTAL		$2,296	$1,026

V. COMMENTS AND QUESTIONS

N/A

BCC ITEM 7(M)(2)(D)
July 21, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING THE COUNTY MANAGER TO IMPLEMENT A QUALITY CONTROL PROGRAM AT COUNTY PARKS

Senator Javier D. Souto

I. SUMMARY

This resolution if passed directs the County Manager to implement a quality control program in **ALL** Miami-Dade County Parks. The resolution requires a minimum: regular unscheduled inspections, education and training, periodic visits by Inspectors for Code Enforcement, Fire Safety, and ADA compliance, and the installation of suggestion boxes outside of restrooms.

II. PRESENT SITUATION

What level of service is being provided by the Department?

III. POLICY CHANGE AND IMPLICATION

This Resolution will provide a higher level of service in County Parks.

IV. ECONOMIC IMPACT

The Parks Department has determined the cost of **FULL** implementation of the requested quality control program at $3,965,000. The Manager recommends phasing in the plan.

V. COMMENTS AND QUESTIONS

- What level of service is the Parks Department currently providing?
- Should the County continue building parks without having the capacity to properly maintain them?

BCC ITEM 7(M)(2)(E)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DIRECTING THE COUNTY MANAGER TO REPLACE ALL CHAIN LINK FENCING AS ALLOWED BY THE BUDGET IN ALL MIAMI-DADE COUNTY PARKS WITH TWO-RAIL WOOD FENCING EXCEPT WHERE CHAIN LINK FENCING IS NECESSARY FOR OPERATIONAL OR STORAGE REASONS

Senator Javier D. Souto

I. SUMMARY

This resolution if passed directs the County Manager to replace **ALL** chain link fencing with two-rail wood fencing as allowed by budget and when not required for operation or storage in **ALL** Miami-Dade County Parks.

II. PRESENT SITUATION

The Parks and Recreation will have to perform a survey to determine the footage of chain link fencing that can be replaced.

III. POLICY CHANGE AND IMPLICATION

N/A

IV. ECONOMIC IMPACT

Per the Parks Department, the cost for 4 ft. chain link fencing is approx. $10.00 per linear foot. The cost for two-rail wood fencing ranges from approx. $13.00 to $17.00 per linear foot. The Parks Department is currently conducting an inventory and will report back to the Board by the end of October 2004.

V. COMMENTS AND QUESTIONS

- Does two-rail wood fencing have the same life as chain link?
- What are the maintenance costs of two-rail versus chain link?

BCC Item 7(O)(1)(D)

Item#	Title	Allocation	Contract	Vendor(s)	Request	Description
Sole Sources						
1.1	Radio System Parts, Equipment and Services	$2.5 million	One year and four 1-year OTRs	M/A Com, Inc.	Authorize sole source contract	Establish contract to purchase parts, equipment and services for Transit's Computer Aided Dispatch (CAD)/Automated Vehicle Locator (AVL) software that is part of Transit's radio system. *According to DPM, because the current system uses older technology, only the specified vendor can support it. (The current system is actually almost 10 years old.) Transit anticipates purchasing new CAD/AVL software in the future, pending budget and resources. The radio portion of the system will not be replaced, so it must be maintained and modified as needed.*
Emergency Purchases						
4.1	Methane Gas-Powered Engines OEM Parts and Repair Services	$131K	Sept. 26, 2003 - Mar. 8, 2004	Cooper Cameron Corporation d/b/a Cooper Energy Services	Retroactive Authoriza-tion	Purchase of OEM parts and repair services to overhaul two "Superior" branch methane gas-powered engines at the South District Waste Water Treatment Plant. Vendor is the sole authorized manufacturer and distributer of "Superior" engines in the South Florida area. *This vendor currently has other contracts with the County. While the vendor has submitted Affirmative Action Plan (AAP) documentation in the past (expired in 2000), DPM has not been notified that its AAP has been renewed. According to DPM, the vendor's failure to submit may be considered "non-responsible" under* ***future*** *contract actions. In an emergency situation, DPM may issue a purchase order to a vendor who has not fully complied with the County's AAP requirements.*
4.2	Helicopter for Mosquito Spraying	$1.6 million	Upon delivery	American Eurocopter LLC	Retroactive Authoriza-tion	Purchase of helicopter used for aerial mosquito spraying on May 17, 2004 with funding from a U.S. Department of Agriculture Grant that had to be used by Sept. 2004. *The County will request reimbursement from the USDA for $843,000.*
4.3	Sewer Force Main Emergency Repairs	$449K	April 19, 2004 - May 19, 2004	Metro Equipment Service, Inc.	Retroactive Authoriza-tion	Repair of a 42" sewer force main rupture caused by a contractor working on a FPL project. Failure to repair it as soon as possible could have posed a health hazard. *Restitution should be sought by the department through the County Attorney. According to DPM, due to the certain emergencies or situations, staff may identify firms based on their own critiera so, whenever possible, quotes from multiple firms are sought informally and "de facto" competition is obtained.*
4.4	Hybrid Pickup Trucks	$1.3 million	Upon delivery	Abraham Chevrolet-Miami, Inc. d/b/a Maroone Chevrolet of Miami	Retroactive Authoriza-tion	Purchase of 50 GM Hybrid pickup trucks (30 2WD and 20 4WD). A limited amount of units were offered to municipalities and the County only had 10 days to decide to place the order. *At the time the emergency purchase contract was made, GSA requested an allocation of $1.348 million. The actual expenditure on the contract was $1.27 million. GM will be buying back the trucks after three years for approx. $900K to examine how they performed.*
4.5	Roadside Tractor Mowing Services	$480K	June 10, 2004 - Nov. 30, 2004	A Native Tree Service, Inc and S.P.E.C. Inc.	Retroactive Authoriza-tion	To provide continuity of roadside tractor mowing services pending award of a new contract that will consolidate existing contracts and have seven zones and more vendors. Current vendors agreed to extension of contracts under same terms on a month-to-month basis.

* Additional information not included in the item is in *italics*.

BCC Item 7(O)(1)(D)

Item #	Item Title	Allocation	Contract	Vendor(s)	Request	Description
Emergency Purchases (continued)						
4.6	Polymer	$114K	June 28, 2004 - Mar. 28, 2005	Ciba Specialty Chemicals Water Treatment	Retroactive Authoriza-tion	To purchase polymer, a chemical additive for the water treatment process at the John E. Preston Plant. After review of product effectiveness and draft of technical specs, a contract will be established via competitive bid.
Non-competitive Contract Modifications						
5.1	Defibrillators - Equipment/ Accessories/ Maintenance	$1.4 million	Dec. 31, 2006 (exp)	Medtronics Physio-Control	Increase in spending authority	Increase allocation 118% to $2.96 million to purchase additional defibrillators for police patrol vehicles under existing contract. This vendor is sole distributer of the "LifePak" defibrillators, which is the only type compatible with the County's equipment. The discounts under the existing contract were negotiated for this extension, as well as inclusion of replacement batteries at no charge.

Additional information on the Hybrid Vehicles items

The actual monetary savings from the use of the hybrid pickup trucks (Chevrolet Silverados) is still to be determined because this is new technology and there is no track record to compare. However, GSA Fleet Management does anticipate that there will be a financial savings from the greater fuel efficiency.

The July 2004 Miami Herald article contained some inaccuracies that will be addressed via a memorandum to the Board. Besides fuel efficiency, the reasons for using hybrid vehicles are many, including reduced fuel consumption, increased public acceptance of hybrid vehicles, and environmental benefits.

* Additional information not included in the item is in *italics*.

BCC Item 7(O)(1)(E)

Item#	Title	Allocation	Contract	Vendor(s)	Request	Description
Non-competitive Contract Modifications						
3.1	Screening Personnel Services	$8.5 million	Sept. 30, 2004 (exp.)	50 State Security	Increase in spending authority and time	Increase allocation 35.9% to $11.6 million. Increase time 6 months to Mar. 31, 2005. Needed until new contract is issued. *According to DPM, resolution of the legal issues associated with this contract (lawsuits regarding applying contract measures) is pending, so no advertisement/placement timeframes are available at this time. Reduced reliance on screening personnel (e.g. with new County ID cards) are reflected in the allocation.*
3.2	Cryogenic Oxygen Facilities Repair	$897K	Nov. 30, 2004 (exp.)	Mixing & Mass Transfer Technologies	Increase in spending authority	Increase allocation 40.7% to $1.26 million. Needed for repair Oxygen Plant No. 2 at the South District Waste Water Treatment Plant. During routine maintenance of the Plant, a leak was discovered.
Requests to Advertise for Bids						
5.1	2005 Hybrid Vehicles	$2.1 million	One year	n/a	Authorize issuance and advertise-ment	Replacement contract for GSA to purchase hybrid vehicles. Three low responsive/responsible bidders will have opportunity to bid for each purchase order. The low bidder will be determined by combination of base price plus desired options. *According to DPM, the $2 million allocation was based on a rough estimate of 100 hybrid sedans being ordered. Quantities broken down by size will not be determined until Dec./Jan. GSA has determined there are no financial savings associated with the greater fuel efficiency of hybrids when compared to regular sedans (such as a Dodge stratus). The County relies on hybrid vehicles primiarily to lower the overall fleet fuel usage, and to minimze associated environmental pollution.*
5.2, 5.3, 5.4, 5.5	2005 4-Door Small, Medium and Large Sedans; 2005 Pick-up Trucks, Various Sizes; 2005 Vans, Various Sizes; 2005 Police Vehicles	$1.8 million; $5.4 million; $2.4 million; $6.4 million	One year	n/a	Authorize issuance and advertise-ment	Replacement contract for GSA to purchase various vehicles for various County departments, including the Police Department. Three low responsive/responsible bidders will have opportunity to bid for each purchase order. The low bidder will be determined by combination of base price plus desired options.

* Additional information not included in the item is in *italics*.

BCC ITEM 10(A)(1)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING ALLOCATION OF $16,490 TO THE FLORIDA ASSOCIATION OF COUNTIES TO FUND MIAMI-DADE COUNTY'S SHARE OF JUVENILE JUSTICE COST SHIFT LITIGATION

Commissioner Sally A. Heyman and Commissioner Katy Sorenson

I. SUMMARY

This proposed resolution would allocate funds to support the Florida Association of Counties' litigation to fight cost-shifts, from the State to the counties, for predisposition juvenile detention costs as recently enacted by the State Legislature.

II. PRESENT SITUATION

Juvenile detention is now paid by the State of Florida.

In the 2004 State Legislative Session, (SB 2564) directed that, effective October 1, 2004, each county, except some rural counties which are "fiscally constrained" under 288.06565 F.S., is to assume the cost of pre-disposition detention of juvenile residents of the county. (See Section V of this analysis for additional information on "fiscally constrained counties.)

Estimated annual cost to Miami-Dade County is $11.7 million.

III. POLICY CHANGE AND IMPLICATION

Under the provisions of SB 2564:

- The State will continue to pay for juveniles who are not residents of a Florida county.
- The Department of Juvenile Justice (DJJ) will determine how much each county is to pay.
- Payment of an estimated amount is due to DJJ at the beginning of each month, and actual expense will be reconciled quarterly.
- The State CFO "*shall withhold*" any funds a county may be due from the State if the county is submitting insufficient funds.

IV. ECONOMIC IMPACT

$11.7 million per year is DJJ's estimate for Miami-Dade County (handwritten p. 8).

V. COMMENTS AND QUESTIONS

BCC ITEM 10(A)(1)
September 9, 2004

Fiscally constrained counties

"Fiscally constrained county means a county designated as a rural area of critical economic concern under s. 288.0656 for which the value of a mill in the county is no more than $3 million" 985.2155(1)(b) F.S. [The statute for the Rural Economic Development Initiative (REDI).]

A memorandum is appended as Attachment #1 that designated which communities were designated "areas of critical economic concern" under the REDI program.

Attachment: #1 Executive Office of the Governor Office of Tourism Trade & Economic Development memorandum of January 28, 2004.

Attachment #1

MEMORANDUM
EXECUTIVE OFFICE OF THE GOVERNOR
OFFICE OF TOURISM TRADE & ECONOMIC DEVELOPMENT

DATE: January 28, 2004

TO: REDI Agencies

FROM: Mary Helen Blakeslee

SUBJECT: UPDATE!! Communities eligible for the S.288.06561, F.S., (HB 1225) waiver. UPDATE!!

On August 15, 2003, I issued the annual memo identifying the communities eligible for the waiver of match requirements provided by Section 288.06561, Florida Statues. Since that time two additional communities from non- rural counties have applied for and received confirmation that they meeting the statutory criteria of experiencing at least three of the required factors of economic distress to greater degrees than the state as a whole. *These two communities are the Town of Century (Escambia County) and the Town of Hastings (St. Johns County).*

There have been no changes to the counties and communities listed as eligible in the August 15, 2003 memo. These counties and the incorporated municipalities within those counties continue to be eligible to request the waivers. In addition, the Cities of Pahokee, Belle Glade, and South Bay (Palm Beach County) and the Immokalee area (Collier County) designated as a federal Round II Enterprise Community are also eligible as they are part of the 2nd Rural Area of Critical Economic Concern.

Baker***, Bradford***, Calhoun*, Columbia***, DeSoto**, Dixie***, Flagler, Franklin*, Gadsden*-Gilchrist***, Glades**, Gulf, Hamilton***, Hardee**, Hendry**, Highlands**, Holmes*, Jackson*, Jefferson***, Lafayette***, Levy***, Liberty*, Madison***, Nassau, Okeechobee**, Putnam***, Sumter, Suwannee***, Taylor***, Union***, Wakulla, Walton, and Washington*

* 1st Rural Area of Critical Economic Concern
** 2nd Rural Area of Critical Economic Concern
*** 3rd Rural Area of Critical Economic Concern

Please note that this fiscal year Nassau County DOES meet the eligibility requirements as they have three of the distress factors at higher levels than the state as a whole.

Any other rural city in an urban county may apply for the waiver, but must submit information documenting economic distress at higher levels than the state as a whole.

Thank you for your assistance in implementing this waiver for rural areas and if you have any questions, please don't hesitate to contact me.

MHB

BCC ITEM 10(A)(5)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION URGING THE STATE OF FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES TO REQUIRE MOTORIZED SCOOTERS TO BE TITLED AND REGISTERED AND THEIR OPERATORS TO POSSESS A VALID DRIVER'S LICENSE AS MANDATED BY FLORIDA STATUTES

Commissioner Dorrin D. Rolle

I. SUMMARY

This is a proposal to urge the Florida Department of Highway Safety and Motor Vehicles to improve safety of motorized scooters by requiring the motorized scooters to be titled and registered and requiring their operators to have a valid driver's license.

II. PRESENT SITUATION

Florida Statutes are unclear on the status of motorized scooters. Motorized scooters are defined by Chapter 316, F.S. as "*any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.*" Motorized scooters are specifically exempted from the definition of "*motor vehicle*" under Chapter 316, F.S. but are not specifically mentioned (neither included nor excluded) under Chapters 320 and 322, F.S.

III. POLICY CHANGE AND IMPLICATION

- For 2002, the U.S. Consumer Product Safety Commission' National Electronic Injury Surveillance System (NEISS) indicates an estimated 5,860 hospital emergency room visits occurred nationwide as a result of injuries from motorized scooter operations.
  - This is a 22% increase over the 4805 motorized scooter-related emergency room visits that the NEISS estimates to have occurred in 2001.
  - 1,853 of the motorized scooter-related emergency room visits in 2002 were reported to the NEISS as having occurred on streets or highways. (Note: It is probable that many additional injuries occurred on streets or highways without that information being reported to the NEISS because the injuries were not treated in an emergency room or because the data was not recorded.)

IV. ECONOMIC IMPACT

There is no direct impact to the County budget by this resolution, but adoption of the proposal by the State of Florida could result in lowering of health care costs for persons with and without health insurance.

V. COMMENTS AND QUESTIONS

An August 22, 2001 Consumer Product Safety Commission "*Consumer Alert*" on motorized scooter injuries and safety is appended as Attachment #1.

BCC ITEM 10(A)(5)
September 9, 2004

Attachment #1

Consumer Alert from CPSC

Consumer Alert: Motorized Scooter Use Increases and Injuries Climb
CPSC recommends that riders wear proper safety gear

August 21, WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission (CPSC) today reported 2,250 emergency room-treated injuries associated with motorized scooters in the first 7 months of this year. If injuries continue at this rate, the total estimate for 2001 is expected to show a marked increase over 2000. The first full year in which CPSC collected data on these injuries was 1999. In 2000, there were an estimated 4,390 hospital emergency room treated injuries associated with motorized scooters. This represents more than a 200-percent increase over the 1999 estimate of 1,330 injuries.

CPSC is aware of at least three deaths associated with motorized scooters. Two of the deaths involved children, including a 6-year-old boy in California died after falling off a motorized scooter and an 11-year-old boy in Pennsylvania died when the motorized scooter he was riding crashed into a truck. Also, a 46-year-old man died in California after being struck by an automobile. All of the victims suffered head injuries; none was wearing a helmet.

CPSC recommends that riders wear the same safety gear as we recommend for non-powered scooters - a helmet, and knee and elbow pads. Sturdy shoes also are important. CPSC Chairman Ann Brown said, "Common sense requires that riders of all ages understand the importance of protective gear and observing local safety rules. Have fun outside but don't end up in the emergency room."

In 2000, an estimated 39 percent of the injuries occurred to children under 15 years of age. Most injuries occurred to the arms, legs, faces, and heads. The most common injuries were fractures.

Motorized scooters are increasing in popularity. They are two-wheel scooters, similar to the unpowered scooters, but equipped with either a small 2-cycle gasoline engine or an electric motor and a battery. Some manufacturers are retrofitting stocks of non-powered scooters with electric motors. In addition, kits are available to retrofit non-powered scooters. The gasoline-powered scooters usually cost between $400 and $1,300. The electric scooters range from under $200 to about $1,000.

Protective gear, including helmet and knee and elbow pads, is available for less than $35.

CPSC recommends the following safety guidelines:

- Wear a helmet that meets CPSC's standard, along with knee and elbow pads.
- Wear sturdy shoes.
- Owners of motorized scooters should check with local authorities for riding guidelines and restrictions.
- Do not ride at night.
- Children under 12 should not ride motorized scooters.

To link from your web site to this press release on CPSC's web site, go to: http://www.cpsc.gov/cpscpub/prerel/prhtml01/01222.html. The U.S. Consumer Product Safety Commission protects the public from unreasonable risks of injury or death from 15,000 types of consumer products under the agency's jurisdiction. To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at http://www.cpsc.gov/talk.html. For information on CPSC's fax-on-demand service, call the above numbers or visit the web site at http://cpsc.gov/about/who.html.

BCC ITEM 10(A)(5)
September 9, 2004

Attachment #1

To order a press release through fax-on-demand, call (301) 504-0051 from the handset of your fax machine and enter the release number. Consumers can obtain this release and recall information at CPSC's web site at http://www.cpsc.gov.

News from CPSC
U.S. Consumer Product Safety Commission
Office of Information and Public Affairs
Washington, D.C. 20207

For Immediate Release
August 22, 2001
Release # 01-222
Contact: Mark Ross (301) 504-0580 Ext. 1188

BCC ITEM 14(B)(2), 14(B)(3), 14(B)(4), 14(B)(5)
September 9, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

CITY OF DORAL - APPLICATION FOR ANNEXATION

Clerk of the Board

TOWN OF MEDLEY - APPLICATION FOR ANNEXATION OF PORTION OF SECTION 14

Clerk of the Board

TOWN OF MEDLEY - APPLICATION FOR ANNEXATION OF SOUTH AREAS I, II AND III

Clerk of the Board

CITY OF MIAMI SPRINGS - APPLICATION FOR ANNEXATION

Clerk of the Board

I. SUMMARY

The above listed Cities have file applications with the intent of Annexing a portion of the Unincorporated Municipal Service Area (UMSA).

II. PRESENT SITUATION

The applications have been filed with the Clerk's Office and require Board approval before they can move forward to the Planning Advisory Board (PAB) for review, study and recommendation.

III. POLICY CHANGE AND IMPLICATION

There are several areas which are desired by multiple municipalities. The following are some of the conflicts: Doral, Medley, and Miami Springs; Doral and Medley; Doral, Miami Springs and Virginia Gardens; and Miami Springs and Virginia Gardens.

IV. ECONOMIC IMPACT

Will be determined after the boundaries are approved by the PAB

V. COMMENTS AND QUESTIONS

- If the PAB is unable to settle the disputes, it may require Board action.