



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

February 20, 2013
9:30 A.M.
Commission Chamber

Research Division

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes																				
4A 130257	ORDINANCE RELATING TO RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUESTING THAT THE COMMISSION AUDITOR COMPLETE BACKGROUND RESEARCH ON THE PERSON, ORGANIZATION, PLACE OR THING THAT IS THE SUBJECT OF A NAMING, RENAMING OR CODESIGNATION ITEM AND PREPARE A REPORT DETAILING THE FINDINGS OF SAID RESEARCH; DIRECTING THE CLERK OF THE BOARD TO PLACE THE REPORT ON THE AGENDA AS A SUPPLEMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE																				
Notes	The proposed ordinance relating to Rules of Procedure of the Board of County Commissioners (BCC) amends Section 2-1 of the Code of Miami-Dade County to do the following: - Requests that the Commission Auditor complete background research on the person, organization, place or thing that is the subject of a naming, renaming or co-designation item and prepare a report detailing the findings of said research; and - Directs the Clerk of the Board to place the Commission Auditor’s report on the agenda as a supplement to the related agenda item. The proposed ordinance states that the Commission Auditor will complete background research, reviewing public records and other sources of information, in print, on the internet, or through other means of communication, that are publicly available, on any person, organization, place or thing that is the subject of a naming, renaming or co-designation item or an item approving the co-designation of state or municipal roads, and will prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered.																				
4B 130177	ORDINANCE PERTAINING TO ZONING; AMENDING SECTIONS 33-20, 33-50, AND 33-202.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING RU-TH, TOWNHOUSE DISTRICT TO PERMIT FENCES AND ACCESSORY STRUCTURES WITHIN THE SIDE YARD SETBACK; AMENDING PROCEDURES FOR ADMINISTRATIVE APPROVAL OF SITE PLAN CHANGES FOR INDIVIDUAL TOWNHOUSE UNITS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE(Regulatory and Economic Resources)																				
Notes	The proposed ordinance amends Sections 33-20, 33-50, and 33-202.3 of the Zoning Code of Miami-Dade County (Zoning Code) to do the following: - Amend RU-TH, Townhouse District, to permit fences and accessory structures within the side yard setback; and - The proposed amendment removes the regulation that prevents owners of townhomes from placing fences and accessory structures within the side yard setback. This will allow townhome owners to place fences at the property line as is currently permitted for single-family residences. - Amend the procedures for administrative approval of site plan changes for individual townhouse units. - Additionally, the proposed ordinance amends the procedure for administrative approval of site plan changes to allow applicants to seek approval through a public hearing. <i>RU-TH, Townhouse District (8.5 units/net acre): A townhouse is a fee simple one-family attached dwelling unit of a group of three or more such units separated by a common party fire wall; provided, however, that up to 10% of the total number of units on any individual site plan may be developed in two-unit groupings. A common party firewall will extend to the roofline or above the roof of units which it serves and will have no openings therein. Where units are offset from one another and a common party wall is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset. Each townhouse shall be constructed on a separately platted lot. Each townhouse unit shall have clear, direct frontage on a public street or private access way.</i> <table><tr><th colspan="4">AMENDMENT HIGHLIGHTS</th></tr><tr><th colspan="4">Comparison of Miami-Dade County Current Zoning Code and Proposed Amendments</th></tr><tr><th colspan="4">Regulations Regarding RU-TH, Townhouse District</th></tr><tr><th>Section of Code</th><th>Current <i>Bold refers to language removed under the proposed amendments.</i></th><th>Proposed Amendments <i>Bold refers to language added.</i></th><th>Comments</th></tr><tr><td>Sec. 33-202.3(2)(j) <i>Uses Permitted.</i></td><td><i>Side yard requirements. A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and a public or private street, eight (8) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining seven (7) feet may be encumbered by trellises, chimneys or walkways which may be enclosed by privacy fences. Said fences shall not extend in excess of fifty (50) percent of the depth of the building. Said amenities must be attached to the principal structure. A spacing of twenty (20) feet shall be provided between each such group of townhouses, fifteen (15) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining five (5) feet may be encumbered by trellises, chimneys or walkways which may be</i></td><td><i>Side yard requirements. A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and the right-of-way line of a public or private street. A spacing of twenty (20) feet shall be provided between each group of townhouses.</i></td><td><i>The proposed amendment removes the current restriction that prevents the owners of townhomes from placing fences and accessory structures within the side yard setback. This amendment will allow townhome owners to place fences at the property line as is currently permitted for single-family residences.</i></td></tr></table>	AMENDMENT HIGHLIGHTS				Comparison of Miami-Dade County Current Zoning Code and Proposed Amendments				Regulations Regarding RU-TH, Townhouse District				Section of Code	Current <i>Bold refers to language removed under the proposed amendments.</i>	Proposed Amendments <i>Bold refers to language added.</i>	Comments	Sec. 33-202.3(2)(j) <i>Uses Permitted.</i>	<i>Side yard requirements. A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and a public or private street, eight (8) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining seven (7) feet may be encumbered by trellises, chimneys or walkways which may be enclosed by privacy fences. Said fences shall not extend in excess of fifty (50) percent of the depth of the building. Said amenities must be attached to the principal structure. A spacing of twenty (20) feet shall be provided between each such group of townhouses, fifteen (15) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining five (5) feet may be encumbered by trellises, chimneys or walkways which may be</i>	<i>Side yard requirements. A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and the right-of-way line of a public or private street. A spacing of twenty (20) feet shall be provided between each group of townhouses.</i>	<i>The proposed amendment removes the current restriction that prevents the owners of townhomes from placing fences and accessory structures within the side yard setback. This amendment will allow townhome owners to place fences at the property line as is currently permitted for single-family residences.</i>
AMENDMENT HIGHLIGHTS																					
Comparison of Miami-Dade County Current Zoning Code and Proposed Amendments																					
Regulations Regarding RU-TH, Townhouse District																					
Section of Code	Current <i>Bold refers to language removed under the proposed amendments.</i>	Proposed Amendments <i>Bold refers to language added.</i>	Comments																		
Sec. 33-202.3(2)(j) <i>Uses Permitted.</i>	<i>Side yard requirements. A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and a public or private street, eight (8) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining seven (7) feet may be encumbered by trellises, chimneys or walkways which may be enclosed by privacy fences. Said fences shall not extend in excess of fifty (50) percent of the depth of the building. Said amenities must be attached to the principal structure. A spacing of twenty (20) feet shall be provided between each such group of townhouses, fifteen (15) feet of which shall be unencumbered by walls, fences or other structures or buildings. The remaining five (5) feet may be encumbered by trellises, chimneys or walkways which may be</i>	<i>Side yard requirements. A minimum side yard of fifteen (15) feet shall be provided between the end of a group of townhouses and the right-of-way line of a public or private street. A spacing of twenty (20) feet shall be provided between each group of townhouses.</i>	<i>The proposed amendment removes the current restriction that prevents the owners of townhomes from placing fences and accessory structures within the side yard setback. This amendment will allow townhome owners to place fences at the property line as is currently permitted for single-family residences.</i>																		

Board of County Commissioners
February 20, 2013 Meeting
Research Notes

Item No.	Research Notes				
		enclosed by privacy fences. Said fences shall not extend in excess of fifty (50) percent of the depth of the building. Said amenities must be attached to the principal structure.			
	Sec. 33-202.3(2)(o) <i>Uses Permitted.</i>	<i>Walls.</i> All patio, outdoor living areas on each townhouse site shall be enclosed by a wall affording complete screening except in cases where a natural feature of the site such as a lake or golf course would suggest that complete screening would not be required. Such determination shall be made as a result of the site plan review process as provided herein. Such wall shall be of masonry or other material having a life expectancy of not less than ten (10) years and the minimum height of such wall shall be six (6) feet; such walled-in patio may include a screen roof. All rear yard areas used for service, such as drying areas, shall be completely screened from view from the street and from adjoining lots by walls or landscaping.	<i>Walls, fences, and hedges.</i> Walls, fences, and hedges shall comply with the provisions of Section 33-11 of this chapter, except that chain link fences shall be prohibited. All patio, outdoor living areas on each townhouse site shall be enclosed by a wall or fence affording complete screening except in cases where a natural feature of the site such as a lake or golf course would suggest that complete screening would not be required. Such determination shall be made as a result of the site plan review process as provided herein. All rear yard areas used for service, such as drying areas, shall be completely screened from view from the street and from adjoining lots by walls, fences, or landscaping.	<i>On February 5, 2013, under Ord. No. 13-09 (File No. 130278), the BCC modified Section 33-11 of the Code, allowing for chain link fences in certain residential districts.</i> <i>According to the County Attorney's Office, the prohibition on chain link fences in 33-11 was eliminated by Ordinance No. 13-09, so chain link fences are permitted unless the regulations for a specific zoning district provide otherwise.</i> <i>This ordinance proposes such a restriction in a specific zoning district. Therefore, it would not be a conflict to prohibit chain link fences in this item.</i>	
	Sec. 33-202.3(2)(p) <i>Uses Permitted.</i>	<i>Patios and service areas.</i> There shall be provided on each townhouse site at least four hundred (400) square feet of patio living area exclusive of parking and service areas for each townhouse; such footage may consist of one (1) or more patio areas. Open roof areas, balconies designed and planned for patio purposes, cantilevered terrace roofs, and terrace roofs with pole or column supports, may be credited toward patio area. The following features may also be included: Screen enclosures, patio slabs, Jacuzzis, swimming pools, decks, garden features and hot tubs. Said features must be either shown on the approved site plan or approved pursuant to the provisions of Section 33-202.3(2)(t).	<i>Patios and service areas.</i> There shall be provided on each townhouse site at least four hundred (400) square feet of patio living area exclusive of parking and service areas for each townhouse; such footage may consist of one (1) or more patio areas. Open roof areas, balconies designed and planned for patio purposes, cantilevered terrace roofs, and terrace roofs with pole or column supports, may be credited toward patio area. The following features may also be included: Screen enclosures, patio slabs, Jacuzzis, swimming pools, decks, garden features and hot tubs. Said features must be either shown on the approved site plan or approved pursuant to the provisions of Section 33-202.3(2)(t). Such patio area shall be enclosed in accordance with the requirements of subsection (o) above.		
	Sec. 33-202.3(2)(t) <i>Uses Permitted.</i>	N/A	If the applicant is unable to obtain the approvals required by Sections 33-202.3(2)(t)(1) and (2), site plan changes may only be approved following public hearing. At the time of filing such application, the applicant shall sign a statement, on a form acceptable to the Director and approved by the County Attorney's Office, that the applicant understands that approval at public hearing does not relieve the applicant from obtaining approval from a homeowner's association or other such private, authorized body where required to do so by a declaration of restrictions or other such private agreement applicable to the townhouse development.	<i>Under the proposed ordinance, this section is added as subsection 6.</i> <i>Amends the procedures for administrative approvals of site plan changes to allow applicants that are unable to obtain authorization from the authorized body of the townhouse community or the adjacent property owner to seek approval through public hearing.</i>	
	Sec. 33-	All adverse decisions of the official,	N/A	<i>The proposed</i>	

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes			
	202.3(2)(t) Uses Permitted.	authorized body designated in the townhouse development to approve architectural changes in the townhouse community shall be appealed solely pursuant to the provisions of the official documents of the townhouse community. The official authorized body is required to afford the applicant, within sixty (60) days of receipt of the request, (1) written notice of the time and place of the hearing, (2) a full hearing, and (3) a decision in writing which is furnished to the applicant. No variances from this subsection may be applied for or granted.		<i>ordinance removes the current language from the Code (see comments above).</i>
4C 130199	ORDINANCE RELATING TO ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PALMER LAKE METROPOLITAN CENTER DISTRICT; AMENDING STANDARD URBAN CENTER DISTRICT REGULATIONS GOVERNING NON-CONFORMITIES; CREATING SECTIONS 33-284.99.55 THROUGH 33-284.99.66 OF THE CODE OF MIAMI-DADE COUNTY (CODE); AMENDING SECTIONS 33-2 AND 33-284.89.2 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE(Regulatory and Economic Resources)			
Notes	Districts 5 and 6 The proposed ordinance, relating to zoning and other land development regulations, does the following: • Provides for the Palmer Lake Metropolitan Urban Center District (PLMUC), creating Sections 33-284.99.55 through 33-284.99.66 of the Code of Miami-Dade County (Code); • Amends Section 33-2, Districts Enumerated, to include the PLMUC; and • Amends Section 33-284.89.2(b)(3)(b), the Non-Conforming section of the Standard Urban Center District Regulations to revise the valuation method of a structure damaged by an act of force majeure. The proposed amendment would establish the structure's replacement cost as the average of two independent appraisals. This amendment would affect properties within Palmer Lake and in zoning districts that cross-reference the Standard Urban Center District Regulations. The PLMUC would be applicable exclusively to the Palmer Lake area and provide for the following: • Mixed uses, including retail, office, residential and industrial uses in the Core and Core East areas; • Industrial, water-dependent and water-related uses along the Miami River, Tamiami Canal and Palmer Lake; • Building standards that will require new buildings to be developed in an attractive pedestrian and transit supportive manner; • Street standards that will require future right-of-way improvements to provide for ample sidewalk areas and bicycle facilities, as well as encourage on-street parking areas and landscaping; • Reduced parking requirements for developments located in proximity to the MIC and providing mixed uses and workforce housing units; • Landscape and open space standards; and • Pedestrian access to the Miami River, Tamiami Canal and Palmer Lake. Background and Relevant Legislation • On June 2, 2009, under Resolution No. R-728-09, the Board of County Commissioners (BCC) directed the County Mayor or his designee to organize a charrette for the Palmer Lake area. • From October 16 to October 25, 2010, the Sustainability, Planning and Economic Enhancement Department held 12 public meetings, including the Palmer Lake Charrette and Charrette Design Workshop. • On January 18, 2012, the members of the Palmer Lake Charrette Steering Committee forwarded the Palmer Lake Charrette Area Plan Report to the Planning Advisory Board (PAB) and the BCC for their consideration and approval. • On February 22, 2012, the members of the PAB recommended approval of the Palmer Lake Charrette Area Plan report and endorsed its recommendations. • Subsequently, on May 1, 2012, under Resolution No. 393-12, the BCC approved the Palmer Lake Charrette Area Plan report. Palmer Lake Charrette Area Plan Report Recommendations <u>Implementation</u> • Establishment of a Community Redevelopment Area to assist in the implementation of plan recommendations. • Zoning code amendments maintaining existing existing uses and implementing plan recommendations regarding building standards and right of way improvements consistent with the Port of Miami River Sub-element Objective PMR-1. • Modification of the existing Le Jeune Terminals Special Taxing District to implement new street light fixtures to match those installed adjacent to the MIC and/or those of the Miami River Greenway. • New zoning district applied to the entire study area permitting maximum flexibility of use consistent with the Port of Miami River Sub-element Objective PMR-1. <u>Infrastructure</u> • Construction of sidewalks throughout the study area.			

Board of County Commissioners
February 20, 2013 Meeting
Research Notes

Item No.	Research Notes																
	• Parking, bike lanes, landscaping, expanded sidewalk area along NW 37th Avenue. • Reconstruction of NW S. River Dr. with bike lanes, parking, sidewalks, landscaping. • Entrance features. • Extension of NW 37th Avenue to South River Drive. • Street furniture. • Minimum 15 foot sidewalk width. • Electric vehicle charging stations adjacent to on-street parking lanes. • On-street parking throughout the study area. • Dredging of the Tamiami Canal. • On-street parking, on-road bike lanes along NW 37th Avenue. <u>Transportation</u> • Elevated walkway network extending from the Central Station to properties throughout the MIC Core Area. • Roundabout at NW 37th Avenue and 25th Street intersection. • Extension of NW 37th Avenue to North River Drive via new Miami River Bridge. • Bike lanes along the designated Miami River Greenway. • Bike lanes along South River Drive between NW 25th and 28th Streets. • On-road bike lanes along 37th Avenue north of 25th Street. • Provide multi-modal freight services between Miami International Airport, Port of Miami, Port of Miami River, and freight railroads.																
7A 122466	ORDINANCE AMENDING SECTION 20-5 AND 20-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO BOUNDARY CHANGES AND INCORPORATIONS; REQUIRING CERTAIN REVIEWS OF PROPOSED BOUNDARY CHANGES AND INCORPORATIONS AND NOTIFICATIONS TO APPROPRIATE AUTHORITIES; PROVIDING FOR IMMEDIATE TEMPORARY SUSPENSION OF PROPOSED BOUNDARY CHANGES OR INCORPORATIONS UPON CONCLUSION THAT THERE ARE CERTAIN DEFICIENCIES; GIVING THE COUNTY COMMISSION DISCRETION AS TO WHETHER TO REFER BOUNDARY CHANGE APPLICATIONS OR PETITIONS TO THE PLANNING ADVISORY BOARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 122024)																
Notes	The proposed ordinance, pertaining to boundary changes and incorporation, amends Sections 20-5 and 20-22 of the Code of Miami-Dade County (Code), to do the following: • Require certain reviews of proposed boundary changes and incorporations and notifications to appropriate authorities; • Provide for immediate temporary suspension of proposed boundary changes or incorporations upon conclusion that there are certain deficiencies; and • Gives the Board of County Commissioners (BCC) discretion as to whether to refer boundary change applications or petitions to the Planning Advisory Board (PAB). <i>Pursuant to the amendments at the December 12, 2012, Infrastructure and Land Use Committee (INLUC) meeting, the Petition will no longer be suspended during the investigation period.</i> <table><tr><th colspan="3">Comparison of Miami-Dade County Current Code and Proposed Amendments</th></tr><tr><th colspan="3"><i>Boundary Change and Incorporations</i></th></tr><tr><th><u>Section of Code</u></th><th><u>Current and Proposed Amendments</u></th><th><u>Comments</u></th></tr><tr><td rowspan="3">Sec. 20-5 <i>Initial Consideration of Proposed Boundary Changes</i></td><td><u>Current</u> The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission shall refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.</td><td><i>The proposed amendments to Section 20-5 of the Code would allow the following for proposed boundary changes:</i></td></tr><tr><td><u>Proposed Amendments (proposed language in bold)</u> The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall refer such matter to the Office of the County Attorney ("County Attorney") for review for legal form and sufficiency.</td><td><i>Provides for notification to the County Attorney;</i></td></tr><tr><td>If the County Attorney determines that there is any defect in the petition or application in that it does not substantially comply with the requirements of the Home Rule Charter, the Code of Miami-Dade County, or other provisions of law, the petition or application shall be temporarily suspended and returned to the Office of Management and Budget for review and correction by the petitioners or applicants. If the County Attorney or the Office of Management and Budget have been presented</td><td><i>Provides for a procedure if the County Attorney determines that there are defects in the petition or</i></td></tr></table>	Comparison of Miami-Dade County Current Code and Proposed Amendments			<i>Boundary Change and Incorporations</i>			<u>Section of Code</u>	<u>Current and Proposed Amendments</u>	<u>Comments</u>	Sec. 20-5 <i>Initial Consideration of Proposed Boundary Changes</i>	<u>Current</u> The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission shall refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.	<i>The proposed amendments to Section 20-5 of the Code would allow the following for proposed boundary changes:</i>	<u>Proposed Amendments (proposed language in bold)</u> The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall refer such matter to the Office of the County Attorney ("County Attorney") for review for legal form and sufficiency.	<i>Provides for notification to the County Attorney;</i>	If the County Attorney determines that there is any defect in the petition or application in that it does not substantially comply with the requirements of the Home Rule Charter, the Code of Miami-Dade County, or other provisions of law, the petition or application shall be temporarily suspended and returned to the Office of Management and Budget for review and correction by the petitioners or applicants. If the County Attorney or the Office of Management and Budget have been presented	<i>Provides for a procedure if the County Attorney determines that there are defects in the petition or</i>
Comparison of Miami-Dade County Current Code and Proposed Amendments																	
<i>Boundary Change and Incorporations</i>																	
<u>Section of Code</u>	<u>Current and Proposed Amendments</u>	<u>Comments</u>															
Sec. 20-5 <i>Initial Consideration of Proposed Boundary Changes</i>	<u>Current</u> The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission shall refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.	<i>The proposed amendments to Section 20-5 of the Code would allow the following for proposed boundary changes:</i>															
	<u>Proposed Amendments (proposed language in bold)</u> The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall refer such matter to the Office of the County Attorney ("County Attorney") for review for legal form and sufficiency.	<i>Provides for notification to the County Attorney;</i>															
	If the County Attorney determines that there is any defect in the petition or application in that it does not substantially comply with the requirements of the Home Rule Charter, the Code of Miami-Dade County, or other provisions of law, the petition or application shall be temporarily suspended and returned to the Office of Management and Budget for review and correction by the petitioners or applicants. If the County Attorney or the Office of Management and Budget have been presented	<i>Provides for a procedure if the County Attorney determines that there are defects in the petition or</i>															

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes			
			with a written, signed document from any official or a citizen, group of citizens or an organization alleging that the information in the information in boundary change petition or application is false or misleading and would defraud the public, the County Attorney or the Office of Management and Budget shall immediately notify the County Commission, the Office of the Inspector General or any other state or federal authority that may have jurisdiction over such matters. While any investigation by the appropriate authorities is pending, consideration and processing of the proposed boundary change shall continue; provided, however, the Board of County Commissioners shall not make its final decision regarding a boundary change petition until such time as the authorities with jurisdiction have completed their investigation of the matter. If the County Attorney approves the proposed boundary change petition or application for legal form and sufficiency and there is no pending investigation of the boundary change petition or application by the appropriate authorities to determine if the information in the boundary change petition or application is false or misleading and would defraud the public, the County Attorney and the Office of Management and Budget shall inform the Clerk of the Board, who shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission may, in its discretion, refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.	<i>application;</i> <i>Provides for a procedure for any official, a citizen, or group of citizens or an organization is false or misleading; and</i> <i>Gives the County Commission discretion as to whether to refer boundary change applications to the PAB.</i>
		Sec. 20-22(A) Planning Advisory Board's Consideration of Petition for Incorporation	Current The Director of the Office of Management and Budget, prior to transmittal to the Planning Advisory Board, shall request the directors of all other applicable County departments to review and comment on the incorporation petition with respect to their areas of expertise and responsibility. Proposed Amendments (proposed language in bold) The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with Section 20-3 or Section 20-4 hereof, shall refer such matter to the Office of the County Attorney ("County Attorney") for review for legal form and sufficiency. If the County Attorney determines that there is any defect in the petition or application in that it does not substantially comply with the requirements of the Home Rule Charter, the Code of Miami-Dade County, or other provisions of law, the petition or application shall be temporarily suspended and returned to the Office of Management and Budget for review and correction by the petitioners or applicants. If the County Attorney or the Office of Management and Budget have been presented with a written, signed document from any official or a citizen, group of citizens or an organization alleging that the information in the information in boundary change petition or application is false or misleading and would defraud the public, the County Attorney or the Office of Management and Budget shall immediately notify the County Commission, the Office of the Inspector General or any other state or federal authority that may have jurisdiction over such matters. While any investigation by the appropriate authorities is pending, consideration and processing of the proposed boundary change shall continue; provided, however, the Board of County Commissioners shall not make its final decision regarding a boundary change petition until such time as the authorities with jurisdiction have completed their investigation of the matter. If the County Attorney approves the proposed boundary change petition or application for legal form and sufficiency and there is no pending investigation of the boundary change petition or application by the appropriate authorities to determine if the information in the boundary change petition or application is false or misleading and would defraud the public, the County Attorney and the Office of Management and Budget shall inform the Clerk of the Board, who shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard	<i>The proposed amendments for petitions for incorporation allows the following:</i> <i>Notification of the County Attorney;</i> <i>Provides for a procedure if the County Attorney determines that there are defects in the petition or application; and</i> <i>Provides for a procedure for any official, a citizen, or group of citizens or an organization is false or misleading.</i>

Board of County Commissioners
February 20, 2013 Meeting
Research Notes

Item No.	Research Notes		
		briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission may, in its discretion , refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.	
	Additional Information <i>According to the CAO, their office provides legal advice to the Office of Management and Budget (OMB or Department) on matters related to incorporations and annexations. If the Department would raise a question regarding a particular petition, CAO would assist them and provide appropriate legal advice. In the past, CAO has not routinely received petitions for incorporations or annexations upon submission to the Department nor has CAO signed-off for legal sufficiency on these petitions.</i>		
	<u>Highlights from the December 12, 2012 INLUC Meeting</u> <i>According to OMB, currently when an application is submitted, it goes to the Board, which then forwards it to staff to proceed with the annexation or incorporation. Pursuant to the proposed ordinance, when an application is submitted, it will first be reviewed for legal form and sufficiency by the CAO. If the CAO finds a defect, the CAO will refer the application to OMB. If no defect is found, the process moves forward.</i> <i>In reference to an application that is going through the process, if a petition is put forth claiming misleading information, the process would be suspended until the determination was made. <u>The current Code does not contain language dealing with misleading information.</u> Presently, as the Administration deals with the incorporation or annexation process, if someone claims that the information is misleading or false, the Administration refers it to the PAB. The proposed ordinance did not significantly change the process; it merely delineates it in the Code. However, the proposed ordinance does alter the process somewhat in that it required the CAO to review the petition at the beginning of the process.</i> <i>Furthermore, under the current process, Administration reviews the application.</i> <i>According to CAO, this ordinance did not set forth a specific process to challenge a petition for incorporation or annexation based on fraud. This item simply provided the steps which the County Attorneys' Office or the OMB should follow if they were presented with a petition alleging that an application was false or misleading. No restriction existed regarding how people should bring forth a fraud allegation.</i> <i>Under this process, if the CAO received a petition, it would not carry out the investigation, but it would forward it to the appropriate body. CAO noted these bodies would find whether the allegation was frivolous or founded and ultimately the Board would decide whether to proceed with the annexation or incorporation.</i> <i>According to OMB, if an application did not comply with the requirements of the Home Rule Charter or the County Code, it would not go through the process until the defects were corrected. On the other hand, if someone alleged that an application was misleading, the review would add time; how much time would depend on the authorities to whom the application was forwarded.</i> <i>Furthermore, the item did not specify how long the investigation would take; therefore, this item was amended to provide that the process should continue alongside the investigation. However, the investigation would have to be concluded before a final decision was made on the proposed annexation or incorporation.</i>		
8H1 130121	RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$70,000 TO FLORIDA INLAND NAVIGATION DISTRICT, WATERWAYS ASSISTANCE PROGRAM FOR PLAN AND DESIGN OF RENOVATIONS TO THE BOAT RAMPS AT CRANDON MARINA: WITH A COUNTY MATCH OF \$99,500 FROM THE COASTAL PARK AND MARINA IMPROVEMENT TRUST AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND FUNDS, AND EXECUTE GRANT AWARD AGREEMENTS AND AMENDMENTS UPON REVIEW AND FINAL APPROVAL OF THE COUNTY ATTORNEY'S OFFICE FOR LEGAL SUFFICIENCY(Parks, Recreation and Open Spaces)		
8H2 130122	RESOLUTION AUTHORIZING SUBMITTAL OF A GRANT APPLICATION FOR \$74,000 TO THE FLORIDA INLAND NAVIGATION DISTRICT, WATERWAYS ASSISTANCE PROGRAM FOR PLAN AND DESIGN OF RENOVATIONS TO THE BOAT RAMPS AT MATHESON HAMMOCK MARINA: WITH A COUNTY MATCH OF \$103,000 FROM THE COASTAL PARK AND MARINA IMPROVEMENT TRUST AND FURTHER AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND FUNDS, AND EXECUTE GRANT AWARD AGREEMENTS AND AMENDMENTS UPON REVIEW AND FINAL APPROVAL OF THE COUNTY ATTORNEY'S OFFICE FOR LEGAL SUFFICIENCY		
Notes	District 7 The proposed resolutions authorize the submittal of grant applications to the Florida Inland Navigation District Waterways Assistance Program (FIND) with a Miami-Dade County (County) match from the Park, Recreation and Open Spaces (PROS) Department's Coastal Park and Marina Improvement Trust for projects that include the plan and design of renovations to the boat ramps at Crandon Marina and Matheson Hammock Marina. Funding for FIND activities and grant programs comes from Florida Ad Valorem taxes. Since 2009, FIND has awarded \$3,697,312 in grants to PROS. If awarded, the grant terms will be October 2013 to September 2015. The projects are scheduled to complete within the grant terms.		

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes
	<u>Item No. 8H1</u> The project title is Crandon Marina Boat Ramps Renovations Plan and Design with a total estimated cost of \$169,500. The FIND grant application is for \$70,000. A County match of \$99,500 will come from the Coastal Park and Marina Improvement Trust Fund. The project solely renovates existing facilities; thus it will not result in additional operating costs to the PROS Department. <u>Item No. 8H2</u> The project title is Matheson Hammock Marina Boat Ramps Renovations Plan and Design with a total estimated cost of \$177,000. The FIND grant application is for \$74,000. A County match of \$103,000 will come from the Coastal Park and Marina Improvement Trust Fund. The project solely renovates existing facilities; thus it will not result in additional operating costs to the PROS Department. <u>Background</u> On September 4, 2012, under Resolution No. 688-12, the BCC authorized the establishment of the Coastal Park and Marina Improvement Trust Fund to accept annual net revenues for the on-going operation, maintenance and improvement of County coastal parks and marinas. The County's match will come from this trust fund. PROS operates and maintains the following Countywide coastal parks and marinas: Black Point Park and Marina, Chapman Field Park, Crandon Park and Marina, Greynolds Park, Haulover Park and Marina, Homestead Bayfront Park and Marina, Matheson Hammock Park and Marina, and Pelican Harbor Marina. Additional Information The current balance under Index Code PRE600945082, Coastal Park and Marina Improvement Trust Fund, is \$1,952,147.
10A1 130262	RESOLUTION APPROVING AND RATIFYING EXECUTION OF THE GLOBAL SETTLEMENT AGREEMENT RESOLVING THE 2011-2014 COLLECTIVE BARGAINING AGREEMENT REOPENER AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE REGISTERED NURSES, SEIU, LOCAL 1991(Financial Recovery Board)
Notes	The Board of County Commissioners adopted R-191-12 on February 21, 2012, which approved and ratified the execution of the 2011-2014 Collective Bargaining Agreement among Miami-Dade County, the Public Health Trust and the Registered Nurses, SEIU, Local 1991. The proposed resolution approves and ratifies the execution of the Global Settlement Agreement resolving the 2011-2014 Collective Bargaining Agreement (CBA) Reopener with the Registered Nurses, SEIU, Local 1991. The Financial Recovery Board of the Public Health Trust accepted the Global Settlement Agreement with 4-2 vote (<i>one member was absent</i>) at its meeting on January 28, 2013. The following is a summary of the primary contractual changes affecting the 2,858 bargaining unit employees covered by this CBA: • The existing request for proposals (RFP) related to emergency-room physicians services across the Jackson system would be immediately canceled. • A substitute RFP could be issued for the emergency rooms at Jackson South Community Hospital, Jackson North Medical Center (<i>Note that Jackson North already uses a third-party provider for emergency-room physician services</i>) and Holtz Children's Hospital. • The existing option for clinical employees to work three 12.5 hour shifts in one week and four in the subsequent week, known as a "three-four" will be eliminated for new employees. • Current part-time employees who work at least three shifts per week for at least nine of the twelve weeks from January 6, 2013 to March 30, 2013, would be converted to full-time status. • Some of the personal leave and educational leave suspended in the most recent labor contracts would be restored to employees represented by the unions. • Beginning January 6, 2013, Personal Leave accrual will be reinstated as per the Vacation and Leave articles of the Union contracts. Any reduction of Personal Leave accrual that exceeded 1.54 hours per pay period will cease immediately and will be restored retroactively to March 4, 2012. • The parties agree that the Union has met their requirement of providing \$15 million in operational efficiencies and concessions for FY 2011-12. For FY 2012-13 and FY 2013-14, the Union will only be required to provide operational efficiencies in the realized amount of \$8 million. • All outstanding legal actions, grievances and arbitrations regarding these issues would be dismissed and/or withdrawn by the Union, including the impasse regarding the 4% COLA. No later than June 1, 2013, upon mutual agreement, the parties will reopen negotiations regarding step increases for the purpose of determining whether to reinstate step increases after September 1, 2013.
10A2 130263	RESOLUTION APPROVING AND RATIFYING EXECUTION OF THE GLOBAL SETTLEMENT AGREEMENT RESOLVING THE 2011-2014 COLLECTIVE BARGAINING AGREEMENT REOPENER AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE ATTENDING PHYSICIANS, SEIU, LOCAL 1991(Financial Recovery Board)
Notes	The Board of County Commissioners adopted R-190-12 on February 21, 2012, which approved and ratified the execution of the 2011-2014 Collective Bargaining Agreement among Miami-Dade County, the Public Health Trust and the Attending Physicians, SEIU, Local 1991. The proposed resolution approves and ratifies the execution of the Global Settlement Agreement resolving the 2011-2014 Collective

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes
	Bargaining Agreement (CBA) Reopener with the Attending Physicians, SEIU, Local 1991. The Financial Recovery Board of the Public Health Trust accepted the Global Settlement Agreement at its meeting on January 28, 2013. The following is a summary of the primary contractual changes affecting the approximately 91 bargaining unit employees covered by this CBA: • The existing request for proposals (RFP) related to emergency-room physicians services across the Jackson system would be immediately canceled. • A substitute RFP could be issued for the emergency rooms at Jackson South Community Hospital, Jackson North Medical Center (<i>Note that Jackson North already uses a third-party provider for emergency-room physician services</i>) and Holtz Children's Hospital. • Beginning January 6, 2013, Personal Leave accrual will be reinstated as per the Vacation and Leave articles of the Union contracts. Any reduction of Personal Leave accrual that exceeded 1.54 hours per pay period will cease immediately and will be restored retroactively to March 4, 2012. Some of the personal leave and educational leave suspended in the most recent labor contracts would be restored to employees represented by the unions. • The parties agree that the Union has met their requirement of providing \$15 million in operational efficiencies and concessions for FY 2011-12. For FY 2012-13 and FY 2013-14, the Union will only be required to provide operational efficiencies in the realized amount of \$8 million. • All outstanding legal actions, grievances and arbitrations regarding these issues would be dismissed and/or withdrawn by the Union, including the impasse regarding the 4% COLA. No later than June 1, 2013, upon mutual agreement, the parties will reopen negotiations regarding step increases for the purpose of determining whether to reinstate step increases after September 1, 2013.
10A3 130264	RESOLUTION APPROVING AND RATIFYING EXECUTION OF THE GLOBAL SETTLEMENT AGREEMENT RESOLVING THE 2011-2014 COLLECTIVE BARGAINING AGREEMENT REOPENER AMONG MIAMI-DADE COUNTY, THE PUBLIC HEALTH TRUST AND THE PROFESSIONALS, SEIU, LOCAL 1991 (Financial Recovery Board)
Notes	The Board of County Commissioners adopted R-199-12 on February 21, 2012, which approved and ratified the execution of the 2011-2014 Collective Bargaining Agreement among Miami-Dade County, the Public Health Trust and the Professionals, SEIU, Local 1991. The proposed resolution approves and ratifies the execution of the Global Settlement Agreement resolving the 2011-2014 Collective Bargaining Agreement (CBA) Reopener with the Public Health Trust and the Professionals, SEIU, Local 1991. The Financial Recovery Board of the Public Health Trust accepted the Global Settlement Agreement with 4-2 vote (<i>one member was absent</i>) at its meeting on January 28, 2013. The following is a summary of the primary contractual changes affecting the 710 bargaining unit employees covered by this CBA: • The existing request for proposals (RFP) related to emergency-room physicians services across the Jackson system would be immediately canceled. • A substitute RFP could be issued for the emergency rooms at Jackson South Community Hospital, Jackson North Medical Center (<i>Note that Jackson North already uses a third-party provider for emergency-room physician services</i>) and Holtz Children's Hospital. • Beginning January 6, 2013, Personal Leave accrual will be reinstated as per the Vacation and Leave articles of the Union contracts. Any reduction of Personal Leave accrual that exceeded 1.54 hours per pay period will cease immediately and will be restored retroactively to March 4, 2012. Some of the personal leave and educational leave suspended in the most recent labor contracts would be restored to employees represented by the unions. • The parties agree that the Union has met their requirement of providing \$15 million in operational efficiencies and concessions for FY 2011-12. For FY 2012-13 and FY 2013-14, the Union will only be required to provide operational efficiencies in the realized amount of \$8 million. • All outstanding legal actions, grievances and arbitrations regarding these issues would be dismissed and/or withdrawn by the Union, including the impasse regarding the 4% COLA. • No later than June 1, 2013, upon mutual agreement, the parties will reopen negotiations regarding step increases for the purpose of determining whether to reinstate step increases after September 1, 2013.
11A1 130115	RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED LAND LOCATED AT NW 207TH STREET AND NW 32ND AVENUE IN MIAMI-DADE COUNTY, FLORIDA TO THE NIGERIAN-AMERICAN FOUNDATION AT NO COST AND IN ACCORDANCE WITH FLORIDA STATUTE 125.38; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE AND AUTHORIZING EXECUTION OF A COUNTY DEED AND DECLARATION OF RESTRICTIONS FOR SUCH PURPOSE

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes									
Notes	This resolution directs the Mayor or the Mayor’s designee to: • Take all necessary steps to convey the Property to Nigerian-American Foundation (NAF); • Confirm the continued legal viability of the Adjacent Property and existing structure thereon after conveyance and to create a legal description; • Conduct all necessary due diligence associated with the proposed conveyance and to identify any obstacles in connection therein; • Re-plat the Platted Property as necessary in order for it to be separately developed by NAF after conveyance, including obtaining any necessary approvals from the City of Miami Gardens; and • File a Certificate with the Clerk confirming that re-platting has been accomplished, that there are no obstacles to conveyance and that the Adjacent Property can continue to function after such conveyance. The County owns vacant property, located at NW 207th Street and NW 32nd Avenue in the City of Miami Gardens in Miami-Dade County, folio number 34-1133-007-1801 as well as adjacent property, folio number 34-1133-007-1800, which includes a building (the “Adjacent Property”). The Property and the Adjacent Property are currently platted as one legal buildable site. NAF wishes to construct an African museum and cultural arts center including activities such as an arts museum, dance theatre, and lecture hall on the Property, and has applied to the County for the conveyance of the Property for the construction of the facility. Additional Notes According to NAF’s website, NAF is a non-profit organization dedicated to the economic, social, and political empowerment of Nigerians and Nigerian-Americans. NAF’s mission is to provide for Nigerians and friends of Nigeria a forum to express themselves in service to communities here and in Nigeria. NAF seeks to empower Nigerians by providing and supporting educational opportunities that would eliminate ethnic bigotry. Additional Information Pursuant to the Property Appraiser website property search: • The 2012 Assessed Market Value per Property Appraiser (including building)Folio: 34-1133-007-1800 - \$261,248 • The 2012 Assessed Market Value per Property Appraiser, Folio: 34-1133-007-1801 - \$644,690									
11A2 130259	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION DURING THE 2013 SESSION TO ALLOW ELECTORS TO CAST THEIR ABSENTEE BALLOTS AT THEIR PRECINCTS ON ELECTION DAY USING ELECTION DAY VOTING EQUIPMENT; IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2013 SESSION									
Notes	This resolution: 1. Urges the Florida Legislature to pass legislation during the 2013 session to allow electors to cast their absentee ballots at their precincts on Election Day using Election Day voting equipment in addition to the current requirement that absentee ballots be sealed and returned to Supervisors of Elections before 7:00 p.m. on Election Day for subsequent canvassing and tabulation. 2. Identifies these issues as a critical priority of Miami-Dade County for the 2013 session of the Florida Legislature. 3. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation and the Florida Secretary of State. 4. Directs the County's state lobbyists to advocate for the passage of the legislation and action set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item as a critical County priority. Recent Legislative History <table><tr><th>Date</th><th>Legislation</th><th>Comments</th></tr><tr><td>December 06, 2011 Ord. 11-93</td><td>ORDINANCE REGARDING ABSENTEE BALLOTS; AMENDING SECTION 12-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ADDING PENALTIES FOR VIOLATING LIMITS ON PICKING UP AND/OR RETURNING ABSENTEE BALLOTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 112056)</td><td>This ordinance amended Section 12-14 (Absentee Ballots) of the Code of Miami Dade County to include the following penalty: <i>Any person picking up and/or returning absentee ballots in violation of the provisions of this subsection shall be punished by a fine not to exceed one thousand dollars (\$1000.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause.</i></td></tr><tr><td>November 3, 2011 R-940-11</td><td>RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION MAKING IT A THIRD-DEGREE FELONY TO RETRIEVE OR RETURN MORE THAN ONE ABSENTEE BALLOT FROM A NON-RELATIVE:</td><td>This resolution urges the Florida Legislature to enact legislation making it a third-degree felony to retrieve or return more than one absentee ballot</td></tr></table>	Date	Legislation	Comments	December 06, 2011 Ord. 11-93	ORDINANCE REGARDING ABSENTEE BALLOTS; AMENDING SECTION 12-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ADDING PENALTIES FOR VIOLATING LIMITS ON PICKING UP AND/OR RETURNING ABSENTEE BALLOTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 112056)	This ordinance amended Section 12-14 (Absentee Ballots) of the Code of Miami Dade County to include the following penalty: <i>Any person picking up and/or returning absentee ballots in violation of the provisions of this subsection shall be punished by a fine not to exceed one thousand dollars (\$1000.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause.</i>	November 3, 2011 R-940-11	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION MAKING IT A THIRD-DEGREE FELONY TO RETRIEVE OR RETURN MORE THAN ONE ABSENTEE BALLOT FROM A NON-RELATIVE:	This resolution urges the Florida Legislature to enact legislation making it a third-degree felony to retrieve or return more than one absentee ballot
Date	Legislation	Comments								
December 06, 2011 Ord. 11-93	ORDINANCE REGARDING ABSENTEE BALLOTS; AMENDING SECTION 12-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, ADDING PENALTIES FOR VIOLATING LIMITS ON PICKING UP AND/OR RETURNING ABSENTEE BALLOTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE (SEE ORIGINAL ITEM UNDER FILE NO. 112056)	This ordinance amended Section 12-14 (Absentee Ballots) of the Code of Miami Dade County to include the following penalty: <i>Any person picking up and/or returning absentee ballots in violation of the provisions of this subsection shall be punished by a fine not to exceed one thousand dollars (\$1000.00) or by imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause.</i>								
November 3, 2011 R-940-11	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION MAKING IT A THIRD-DEGREE FELONY TO RETRIEVE OR RETURN MORE THAN ONE ABSENTEE BALLOT FROM A NON-RELATIVE:	This resolution urges the Florida Legislature to enact legislation making it a third-degree felony to retrieve or return more than one absentee ballot								

Board of County Commissioners
February 20, 2013 Meeting
Research Notes

Item No.	Research Notes		
		ALTERNATIVELY URGING THE LEGISLATURE TO MAKE IT A THIRD DEGREE FELONY TO VIOLATE ANY LOCAL ELECTION LAW	from a non-relative; alternatively urges the Legislature to make it a third degree felony to violate any local election law regarding absentee ballots.
	January 24, 2012 R-66-12	This resolution directed the County Mayor or County Mayor's designee to waive any fees established pursuant to the Public Records Law or any other similar fee for electors seeking to review their own absentee ballot. The Board further directed the County Mayor or County Mayor's designee to take all reasonable steps to provide information or direction to electors who have been the victim of improper or criminal activity with regards to their absentee ballots to allow them to legally cast a vote and report any criminal activities to the appropriate authorities for further investigation and potential prosecution.	
	September 6, 2012 R-731-12	RESOLUTION SUPPORTING THE ABSENTEE BALLOT FRAUD TASK FORCE RECENTLY CREATED BY THE MIAMI-DADE STATE ATTORNEY AND REQUESTING THAT THE TASK FORCE CONSIDER CERTAIN COMMUNITY OUTREACH MEASURES; DIRECTING THE MAYOR OR DESIGNEE TO WORK COOPERATIVELY WITH AND FULLY SUPPORT THE TASK FORCE'S WORK	
	January 23, 2013 Ord. 13-05	ORDINANCE CREATING REPORTING REQUIREMENT FOR COUNTY AND MUNICIPAL CANDIDATES REGARDING PAID AND VOLUNTEER CAMPAIGN WORKERS PARTICIPATING IN ABSENTEE BALLOT RELATED CAMPAIGN ACTIVITIES; PROVIDING PENALTIES FOR FAILURE TO REPORT AND FOR OTHER VIOLATIONS OF ABSENTEE BALLOT LAWS; PROVIDING FOR ENFORCEMENT BY THE COMMISSION ON ETHICS AND PUBLIC TRUST; CREATING SECTION 12-14.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 121737]	This ordinance created Sec. 12-14.1. Absentee Ballot Campaigning Reporting Requirement.
	February 5, 2013 R-118-13	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT DURING THE 2013 SESSION THE STATE LEGISLATIVE RECOMMENDATIONS OF THE GRAND JURY REPORT ON ABSENTEE BALLOT FRAUD TO THE EXTENT NOT INCONSISTENT WITH THE BOARD'S PREVIOUSLY ADOPTED 2013 STATE LEGISLATIVE PACKAGE; FURTHER URGING THE FLORIDA LEGISLATURE TO AMEND STATE ELECTIONS LAW TO ALLOW SUPERVISORS OF ELECTIONS TO CONTACT AN ELECTOR IF THE ELECTOR RETURNS AN ABSENTEE BALLOT WITHOUT A SIGNATURE ON THE ENVELOPE OR IF THE SIGNATURE DOES NOT MATCH THE REGISTERED SIGNATURE ON FILE	The County urged the Florida Legislature during the 2013 session to enact the state legislative recommendations of the Final Report of the Grand Jury on Absentee Ballot Fraud filed December 19, 2012.
	2011 Florida Legislation on Absentee Ballot Reform The Florida Legislature adopted CS/CS/HB 1355 which contains numerous changes to the Florida Elections Code. Among the many changes, the legislation provides the following reforms to absentee ballots: • An absentee ballot request is good through the end of the calendar year of the next two regularly scheduled general elections. • Information required to be provided to the Division must be forwarded by 8 a.m. each day instead of noon during week days. • Requires the supervisor of elections to mail an absentee ballot to each absent voter, other than uniformed and overseas voters, between the 35th and 28th days before a presidential preference primary, primary, and general election. • After the 28th day, requires the supervisor of elections to send an absentee ballot within two business days after receiving a request for such a ballot, unless the request meets other requirements provided in law. • Updates reasons for requesting an absentee ballot to reflect current practice. • <i>Expands the absentee ballot instructions to put voters on notice that an absentee ballot will not count if the signature on record does not match the signature on the ballot certificate (Invalidates Absentee Ballots), and notifies the absentee voter of the end date for when they can update their signature on record in order for their ballot to count.</i>		
11A3 130258	RESOLUTION URGING THE UNITED STATES CONGRESS TO INCREASE FUNDING FOR CUSTOMS & BORDER PROTECTION STAFFING AT MIAMI INTERNATIONAL AIRPORT		
Notes	This resolution: • Urges the United States Congress to increase funding for Customs & Border Protection staffing at Miami International Airport (MIA). • Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation and the Secretary of the Department of Homeland Security. • Directs the County's federal lobbyists to advocate for the legislation and funding set forth in Section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 federal legislative package to include this item.		

Board of County Commissioners
February 20, 2013 Meeting
Research Notes

Item No.	Research Notes
	Additional Notes According to an <i>Issue Paper</i> by the Miami-Dade Aviation Department, <i>Customs and Border Patrol Staffing</i>, in 2011, MIA handled 38.3 million passengers, an increase of nearly 8 percent over 2010 levels. This increase was the highest among the top 25 U.S. gateway airports. International arrivals lead the way with 9.3 million international arriving passengers, representing an increase of 9 percent over the last year's international arrival traffic. According to the report, as the second busiest airport in the U.S. for international flights and international passengers, MIA continues to be the "Gateway to the Americas." MIA's international traffic helped the airport set a new record in the first quarter of 2012 with 10.2 million passengers, a nearly 10 percent increase from the first quarter of 2011. • Passengers arriving at MIA on international flights continue to suffer burdensome passenger processing wait times and missed connections. CBP staffing for international arrivals at MIA is inadequate and unable to accommodate the growing number of international passengers arriving at or transiting through MIA. • Between 2006 and 2011, passengers and crew requiring Federal inspection at MIA has increased by 30 percent. After factoring attrition, overall CBP staffing at MIA has essentially remained constant. This trend is unfortunately repeated throughout the Country at our nation's airports where, since 2005, CBP Port of Entry (POE) staffing has only increased by 14 percent. During the same period, border crossing officers have doubled. • In a 30-day (February 7, 2012, through March 7, 2012) analysis of passenger wait times at MIA's Concourse E Federal Inspection Facility (FIS), arriving international passengers were held in corridors leading to Passport Control an accumulated 24 times averaging 47 minutes per holding period. This means passengers are being held in corridors prior to entering the Passport Control facility because it is at maximum capacity. • <i>On occasion, passengers have been held as long as 4 hours and 30 minutes. International passengers are also experiencing holds in the South Terminal FIS, a facility equipped to process 2,500 passengers per hour. During the 30-day analysis period, nearly 5,000 American Airlines customers missed their connecting flights as a direct result of delays in CBP processing.</i> • To address MIA's growing international arrivals; the Aviation Department invested more than \$180 million on a new 400,000-square-foot state-of-the-art FIS facility in the North Terminal which opened in July 2012. The new facility includes seventy-two (72) primary inspection positions capable of processing 2,160 passengers per hour if fully staffed by CBP. The facility also includes six (6) Global Entry kiosks. • However, current CBP staffing at MIA will not be able to handle these increases. CBP Miami and MDAD have a long tradition of working together to find solutions to operational issues impacting our arriving international passengers. In fact, CBP Miami made a staffing request to headquarters and additional staffing resources were provided in 2012. However, based on MIA's current and projected international passenger arrival levels, CBP staffing at MIA remains inadequate and threatens to undermine bipartisan efforts to significantly increase travel and tourism to the United States. It also continues to threaten the competitiveness of Miami International Airport.
11A4 130252	RESOLUTION ADDING TO AND EXPANDING ON THE ELEMENTS OF COMPREHENSIVE IMMIGRATION REFORM THAT THIS BOARD SUPPORTED IN R-1084-12; URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION MODERNIZING THE IMMIGRATION SYSTEM DURING THE 113TH CONGRESS BASED ON SPECIFIED PRINCIPLES; SUPPORTING THE AGREEMENT ON A FRAMEWORK FOR COMPREHENSIVE IMMIGRATION REFORM RECENTLY PROPOSED BY A BIPARTISAN GROUP OF UNITED STATES SENATORS
Notes	This resolution: • Adds to and expands on the elements of comprehensive immigration reform the Board of County Commissioners supported in R-1084-12 and urges the United States Congress to enact legislation modernizing the immigration system during the 113th Congress that incorporates the following reforms: - o Attracting and retaining the world's top innovators and entrepreneurs; - o Recruiting talented workers needed to fill gaps in high- and low-skilled sectors of the economy; - o Bringing the estimated 11 million undocumented immigrants into the legal economy so they can pay taxes, attain better education and contribute more to US economic growth; - o Developing a state-of-the-art system to ensure immigration laws are enforced and obeyed; and - o Ensuring that the immigration system is easy to understand, easy to navigate and easy to implement. • Supports the framework for comprehensive immigration reform being proposed by a bipartisan group of United State Senators. • Directs the Clerk of the Board to transmit a certified copy of this resolution to Senator Charles Schumer, Senator John McCain, Senator Dick Durbin, Senator Lindsey Graham, Senator Bob Menendez, Senator Marco Rubio, Senator Michael Bennet, Senator Jeff Flake, the Members of the Florida Congressional Delegation and the Secretary of the United States Department of Homeland Security. • Directs the County's federal lobbyists to advocate for the action set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 and 2014 Federal Legislative Packages. Additional Notes <u>Pew Research:</u> According to a January 2013 Facts and Trends Report by Pew Research, <i>A Nation of Immigrants</i>, provides the following figures and notes:

**Board of County Commissioners
February 20, 2013 Meeting
Research Notes**

Item No.	Research Notes
	• The nation's total immigrant population reached a record 40.4 million in 2011, according to an analysis of Census Bureau data by the Pew Hispanic Center. • Over the last decade, the number of immigrants in the U.S. has steadily grown. Since 2007 alone, the number of immigrants living in the U.S. increased by 2.4 million. • The number of unauthorized immigrants living in the U.S. also grew during the last decade, rising from 8.4 million in 2000 to 11.1 million in 2011. However, this population peaked at 12 million in 2007, then fell to 11.1 million in 2009. • The United States is the world's leader by far as a destination for immigrants. The country with the next largest number is Russia with 12.3 million. The U.S. total of 40.4 million, which includes legal as well as unauthorized immigrants, represents 13% of the total U.S. population in 2011. • The modern wave, which began with the passage of border-opening legislation in 1965, has been dominated by arrivals from Latin America (about 50%) and Asia (27%). <u>Cato institute</u>: A report by the Cato Institute published in 2012, <i>The Economic Benefits of Comprehensive Immigration Reform</i>, states that the U.S. government has attempted for more than two decades to put a stop to unauthorized immigration from and through Mexico by implementing "enforcement-only" measures along the U.S.-Mexico border and at work sites across the country. These measures have failed to end unauthorized immigration and have placed downward pressure on wages in a broad swath of industries. Comprehensive immigration reform that legalizes currently unauthorized immigrants and creates flexible legal limits on future immigration in the context of full labor rights would help American workers and the U.S. economy. The report uses a Computable General Equilibrium (CGE) model to estimate the economic ramifications of three different scenarios: (1) comprehensive immigration reform that creates a pathway to legal status for unauthorized immigrants in the United States and establishes flexible limits on permanent and temporary immigration that respond to changes in U.S. labor demand in the future; (2) a program for temporary workers only that does not include a pathway to permanent status or more flexible legal limits on permanent immigration on the future; and (3) mass deportation to expel all unauthorized immigrants and effectively seal the U.S.-Mexico border. A review on the effects of the two immigration reforms above (scenarios 1 and 3) on Los Angeles County –local level and Arizona and California- state level is provided in the report. Cato Report Overview • Enforcement-Only policies Are Costly, Ineffective, and Counterproductive • Effective Immigration Reform Must Address Future Flows • Present-Day Economic Impact of Immigrants • Three immigration Policy Scenarios • The Economic benefits of Comprehensive Immigration Reform