



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

**Public Safety and Health Committee (PSHC) Meeting**

April 18, 2018  
1:30 P.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director, Policy and Legislation  
Office of the Commission Auditor (OCA)  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
(305) 375-2524

THIS PAGE INTENTIONALLY LEFT BLANK

**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 1G1  
File No. 180542**

**Researcher: MF Reviewer: TD**

ORDINANCE RELATING TO THEFT OF PLANTS AND FRUITS AND TRESPASS; AMENDING SECTION 21-118 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF SECTION 21-118 ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC, RATHER THAN GENERAL PENALTIES; REMOVING INTENT TO INJURE OR DEFRAUD AS AN ELEMENT FOR VIOLATIONS OF SECTION 21-118; CONSOLIDATING CURRENT SEPARATE TRESPASS VIOLATIONS UNDER 21-118(B) AND (C) INTO SINGLE OFFENSE; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 21-118 of the Code of Miami-Dade County to provide that violations of Section 21-118 are subject to civil enforcement proceedings under Chapter 8CC of the Code of Miami-Dade County, rather than general penalties; to remove intent to injure or defraud as an element for violations of Section 21-118; and to consolidate current separate trespass violations under Section 21-118 (B) and (c) into a single offense.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 21-118, provides that (a) "It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent. (b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent."

[http://miamidade.fl.elaws.us/code/coordptiii\\_ch21\\_artix\\_sec21-118](http://miamidade.fl.elaws.us/code/coordptiii_ch21_artix_sec21-118)

Miami-Dade County Code, Section 1-5, states that "Unless otherwise specifically provided herein, any person violating any of the provisions of this Code shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause. Any person who violates or fails to comply with this Code shall also be subject to fines in accordance with Chapter 8CC of the Code of Miami-Dade County.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH1GEPR\\_S1-5GEPECOCILICRLIPE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE)

Miami-Dade County Code, Section 8CC-10 governs the schedule of civil penalties.

[http://miamidade.fl.elaws.us/code/coordptiii\\_ch8cc\\_sec8cc-10](http://miamidade.fl.elaws.us/code/coordptiii_ch8cc_sec8cc-10)

Florida Statutes, Section 812.014, provides that (1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

- (a) Deprive the other person of a right to the property or a benefit from the property.
- (b) (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

<https://www.flsenate.gov/laws/statutes/2011/812.014>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: Daniella Levine Cava, District 8**

The proposed ordinance was adopted by the Board on first reading on March 20, 2018, and set for public hearing before the Public Safety and Health Committee meeting on April 18, 2018.

**FISCAL IMPACT**

According to the Fiscal Impact Statement, the implementation of this ordinance will not have a negative fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs. Any enforcement relating to the implementation of the proposed ordinance would be absorbed as part of on-going monitoring. Although additional revenues from the imposed civil penalties may be generated, the impact is difficult to determine at this time.

**ANALYSIS**

On March 7, 2018, the Miami-Dade Agricultural Practices Advisory Board voted unanimously in support of changes to Section 21-118 of the Florida Statutes that would provide law enforcement officers greater flexibility to respond to circumstances of minor fruit and vegetable theft. Consequently, the proposed ordinance seeks the Board's approval to amend Section 21-118 and Section 8CC as they relates to thefts of plants and fruits and trespass. Currently, a law enforcement officer only has discretion to initiate criminal proceedings against a person who has committed a violation of Section 21-118 of the Code of Miami-Dade County or Section 812.014 of the Florida Statutes. The amendment would provide that these violations be treated as civil in nature, and be subject to a uniform fine rather than court proceedings and potential imprisonment. Therefore, the requirement that potential violators act with criminal intent to injure or defraud would no longer be applicable. The table below summarizes the proposed amendments to Section 21-118 and Section 8CC-10:

Section 21-118 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 21-118 of the Code of Miami-Dade County:
<p>a) It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p>(b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.</p> <p>(c) It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the written or oral consent of the owner of the nursery or his agent.</p>	<p>(a) It is unlawful for any person, <u>[[with intent to injure or defraud,]]</u> to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p><u>[[It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.]]</u></p> <p><b>(b) <u>[[c)]</u> It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the <u>[[written or oral]]</u> consent of the owner of the nursery or his agent.</b></p>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

(d) All violations of this section shall be punished as provided by [Section 1-5](#) of the Code of Miami-Dade County.

[[d) All violations of this section shall be punished as provided by [Section 1-5](#) of the Code of Miami-Dade County.]]

**>>(c) Any person who violates a provision of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law.<<**

**Section 8CC-10 of the Code of Miami-Dade County as it currently reads:**

**Proposed amendment to Section 8CC-10 of the Code of Miami-Dade County:**

<b>Code Section</b>	<b>Description of Violation</b>	<b>Civil Penalty</b>
<a href="#">21-116</a>	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00
<b>**</b>	<b>**</b>	<b>**</b>

<b>Code Section</b>	<b>Description of Violation</b>	<b>Civil Penalty</b>
<a href="#">21-116</a>	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00
<b>&gt;&gt;21-118&lt;&lt;</b>	<b>&gt;&gt;Theft of plants and fruits and trespass&lt;&lt;</b>	<b>&gt;&gt;200.00&lt;&lt;</b>

Words [[double bracketed]] and underlined shall be deleted. Words in **bold** and **>>double arrowed<<** constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**PSHC Meeting: April 18, 2018**  
**Research Notes**

**Item No. 1G1 Substitute**  
**File No. 180925**

**Researcher: MF Reviewer: TD**

ORDINANCE RELATING TO THEFT OF PLANTS AND FRUITS AND TRESPASS; AMENDING SECTION 21-118 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT VIOLATIONS OF SECTION 21-118 ARE SUBJECT TO CIVIL ENFORCEMENT PROCEEDINGS UNDER SECTION 8CC, RATHER THAN GENERAL PENALTIES; REMOVING INTENT TO INJURE OR DEFRAUD AS AN ELEMENT FOR VIOLATIONS OF SECTION 21-118; CONSOLIDATING CURRENT SEPARATE TRESPASS VIOLATIONS UNDER 21-118(B) AND (C) INTO SINGLE OFFENSE; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 21-118 of the Code of Miami-Dade County to provide that violations of Section 21-118 are subject to civil enforcement proceedings under Chapter 8CC of the Code of Miami-Dade County, rather than general penalties; to remove intent to injure or defraud as an element for violations of Section 21-118; and to consolidate current separate trespass violations under Section 21-118 (b) and (c) into a single offense.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 21-118, provides that (a) "It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent. (b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent."

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch21\\_artix\\_sec21-118](http://miamidade.fl.elaws.us/code/coor_ptiii_ch21_artix_sec21-118)

Miami-Dade County Code, Section 1-5, states that "Unless otherwise specifically provided herein, any person violating any of the provisions of this Code shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause. Any person who violates or fails to comply with this Code shall also be subject to fines in accordance with Chapter 8CC of the Code of Miami-Dade County.

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH1GEPR\\_S1-5GEPECOCILICRLIPE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH1GEPR_S1-5GEPECOCILICRLIPE)

Miami-Dade County Code, Section 8CC-10, governs the schedule of civil penalties.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch8cc\\_sec8cc-10](http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-10)

Miami-Dade County Code, Section 8CC-5.1, governs the Miami-Dade County Diversion Program.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch8cc\\_sec8cc-5.1](http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-5.1)

Florida Statutes, Section 812.014, provides that (1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

(c) Deprive the other person of a right to the property or a benefit from the property.

(d) (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

<https://www.flsenate.gov/laws/statutes/2011/812.014>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: Daniella Levine Cava, District 8**

The proposed ordinance was adopted by the Board on first reading on March 20, 2018, and set for public hearing before the Public Safety and Health Committee meeting on April 18, 2018.

**FISCAL IMPACT**

According to the Fiscal Impact Statement, the implementation of this ordinance will not have a negative fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs. Any enforcement relating to the implementation of the proposed ordinance would be absorbed as part of on-going monitoring. Although additional revenues from the imposed civil penalties may be generated, the impact is difficult to determine at this time.

**ANALYSIS**

On March 7, 2018, the Miami-Dade Agricultural Practices Advisory Board voted unanimously in support of changes to Section 21-118 of the Florida Statutes that would provide law enforcement officers greater flexibility to respond to circumstances of minor fruit and vegetable theft. Consequently, the proposed ordinance seeks the Board's approval to amend Section 21-118 and Section 8CC as they relates to thefts of plants and fruits and trespass. Currently, a law enforcement officer only has discretion to initiate criminal proceedings against a person who has committed a violation of Section 21-118 of the Code of Miami-Dade County or Section 812.014 of the Florida Statutes. The amendment would provide that these violations be treated as civil in nature, and be subject to a uniform fine rather than court proceedings and potential imprisonment. Therefore, the requirement that potential violators act with criminal intent to injure or defraud would no longer be applicable.

**The substitute item differs from the original item in that it allows violations of Section 21-118 to be eligible for alternative enforcement through the Miami-Dade County Diversion Program, as provided in Section 8CC-5.1 of Miami-Dade County. The table below summarizes the proposed amendments to Section 21-118, Section 8CC-5.1 and Section 8CC-10:**

<b>Section 21-118 of the Code of Miami-Dade County as it currently reads:</b>	<b>Proposed amendment to Section 21-118 of the Code of Miami-Dade County:</b>
<p>a) It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p>(b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.</p>	<p>(a) It is unlawful for any person, <u>[[with intent to injure or defraud,]]</u> to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent.</p> <p><u>[[It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.]]</u></p>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

(c) It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the written or oral consent of the owner of the nursery or his agent.

(d) All violations of this section shall be punished as provided by [Section 1-5](#) of the Code of Miami-Dade County.

**(b) ~~[(c)]~~ It is unlawful for any person to enter the premises of any plant or fruit nursery, whenever the nursery is not open for business, without the ~~[[written or oral]]~~ consent of the owner of the nursery or his agent.**

~~[(d) All violations of this section shall be punished as provided by [Section 1-5](#) of the Code of Miami-Dade County.]~~

**>>(c) Any person who violates a provision of this section shall be subject to penalties, civil liability, attorney's fees and enforcement proceedings as set forth in chapter 8CC of the Code and shall be subject to any other such enforcement proceedings as may be allowed by law.<<**

**Section 8CC-5.1 of the Code of Miami-Dade County as it currently reads:**

**Proposed amendment to Section 8CC-5.1 of the Code of Miami-Dade County:**

**Code Section**

**Description of Violation**

21-81 (d) (7)

Possession of drug paraphernalia

>>21-118<<

>>Theft of plants and fruits and trespass<<

26-1

Parks violations

**Section 8CC-10 of the Code of Miami-Dade County as it currently reads:**

**Proposed amendment to Section 8CC-10 of the Code of Miami-Dade County:**

Code Section	Description of Violation	Civil Penalty
<a href="#">21-116</a>	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00
**	**	**

Code Section	Description of Violation	Civil Penalty
<a href="#">21-116</a>	Failure to post four (4) signs in areas of self-harvest field closed to the public	500.00
>>21-118<<	>>Theft of plants and fruits and trespass<<	>>200.00<<

Words ~~[[double bracketed]]~~ and underlined shall be deleted. Words in **bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.



**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 1G2  
File No. 180131**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO THE DADE-MIAMI CRIMINAL JUSTICE COUNCIL; AMENDING SECTIONS 2-2168 AND 2-2169 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PERMIT COUNCIL MEMBER DESIGNEES TO SERVE AS CHAIRPERSON OR VICE-CHAIRPERSON OF DADE-MIAMI CRIMINAL JUSTICE COUNCIL COMMITTEES AND TO AUTHORIZE COUNCIL MEMBER DESIGNEES TO EXERCISE THE FULL VOTING AUTHORITY OF THEIR APPOINTING COUNCIL MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend the County Code as it relates to the Dade-Miami Criminal Justice Council, permitting Council member designees to serve as Chairperson or Vice-Chairperson of Dade-Miami Criminal Justice Council committees, and authorizing Council member designees to exercise the full voting authority of their appointing Council members.

**APPLICABLE LEGISLATION/POLICY**

Section 2-2168 of the Code of Miami-Dade County specifies membership of the Dade-Miami Criminal Justice Council  
[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTCXLIXDAAMCRJUCO\\_S2-2168ME](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIXDAAMCRJUCO_S2-2168ME)

Section 2-2169 of the Code of Miami-Dade County details the organization of the Dade-Miami Criminal Justice Council  
[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTCXLIXDAAMCRJUCO\\_S2-2169OR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXLIXDAAMCRJUCO_S2-2169OR)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**  
**Requester/Department: None**

The proposed Ordinance was adopted on first reading at the February 6, 2018 Board meeting. On February 9, 2018, municipalities were notified of the public hearing to take place at the April 18, 2018 Public Safety and Health Committee meeting.

**FISCAL IMPACT**

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs.

**ANALYSIS**

This Ordinance proposes to amend two sections in Article CXLIX of the County Code related to the Dade-Miami Criminal Justice Council to broaden the authority of Council members' designees.

Council members who are unable to attend meetings are authorized to present written authorizations for designees to attend meetings, and vote at committee or full Council meetings (when not otherwise prohibited), but are currently expressly prohibited from voting at Executive Committee meetings and Public Safety Coordinating Council meetings, and are not permitted to serve as the Chairperson or Vice Chairperson on council committees. This ordinance proposes to remedy this.

**PSHC Meeting: April 18, 2018**  
**Research Notes**

The Dade-Miami Criminal Justice Council was jointly created by the City of Miami Commission and the Miami-Dade County Board of County Commissioners in 1978. The Council's purpose is to encourage and facilitate coordination and cooperation between and among the various agencies of the Criminal Justice System of Miami-Dade County and to provide advice, analysis, and technical assistance to criminal justice-related agencies.

The Council is currently composed of 31 voting members, including:

- The Miami-Dade County Mayor or the Mayor's designee,
- Director of the Miami-Dade Police Department or the Director's designee,
- Director of the Miami-Dade Corrections and Rehabilitation Department,
- Director of the Miami-Dade County Medical Examiner's Department,
- Director of the Miami-Dade County Juvenile Services Department,
- Chairperson of the Miami-Dade County Board of County Commissioners or another County Commissioner as the Chairperson's designee,
- Mayor of the City of Miami or the Mayor's designee,
- Chief of Police for the City of Miami,
- Chairperson of the Miami City Commission or the Chairperson's designee,
- Chief Judge of the Eleventh Judicial Circuit or another Eleventh Judicial Circuit Judge designated by the Chief Judge,
- Chief County Court Judge, or another judge designated by the Chief County Court Judge for County Court in Miami-Dade County,
- Miami-Dade County State Attorney or an Assistant State Attorney designated by the State Attorney,
- Miami-Dade County Public Defender, or an Assistant Public Defender designated by the Public Defender,
- Clerk of the Courts for Miami-Dade County,
- Miami-Dade County Public Schools Superintendent,
- Southern Region Administrator with the Florida Department of Children and Families,
- Circuit XI Chief Probation Officer for the Florida Department of Juvenile Justice,
- District Judge for the United States Southern District sitting in Miami-Dade County and,
- Circuit XI Probation Administrator for the Florida Department of Corrections

The Council's Regular meetings are held four times per year, and executive committee meetings and committee meetings are held as needed.

Below are the proposed amendments, compared to the County Code as it currently reads:

Section 2-2168 of the Code of Miami-Dade County as it currently reads:	Proposed amendment to Section 2-2168 of the Code of Miami-Dade County:
<p>Sec. 2-2168. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(4) <i>Designees.</i> An Institutional Council member may designate a designee with the right to vote at full Council meetings or Committee meetings but not at Executive Committee or Public Safety Coordinating Council Committee meetings, except as designees may be</p>	<p>Sec. 2-2168. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(4) <i>Designees.</i> An Institutional Council member may designate a designee with the right to vote at full Council meetings, <u>Executive Committee and committee meetings, and Public Safety Coordinating Council meetings unless otherwise</u></p>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

<p>expressly referenced and permitted under section 951.26, Florida Statutes.</p> <p>A Community Representative Member may designate a designee to vote at committee meetings, but not at full Council meetings, Executive Committee, or Public Safety Coordinating Council Committee meetings, except as designees may be expressly referenced and permitted under section 951.26, Florida Statutes. All designations shall be made in writing to Council staff prior to the Council or committee meeting.</p> <p style="text-align: center;">* * *</p>	<p><u>permitted</u> under section 951.26, Florida Statutes.</p> <p>A Community Representative Member may designate a designee to vote at <u>full Council meetings, Executive Committee, and committee meetings</u> <u>Committee meetings, unless otherwise prohibited</u> under section 951.26, Florida Statutes. All designations shall be made in writing to Council staff.</p> <p style="text-align: center;">* * *</p>
<p style="text-align: center;"><b>Section 2-2169 of the Code of Miami-Dade County as it currently reads:</b></p>	<p style="text-align: center;"><b>Proposed amendment to Section 2-2169 of the Code of Miami-Dade County:</b></p>
<p>Sec. 2-2169. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(f) <i>Committees.</i> The Chairperson, independently or upon recommendation of the Council, shall establish committees to assist in accomplishing its tasks and shall appoint members thereto and a Chairperson and Vice-Chairperson of committees established, except for the Public Safety Coordinating Council Committee. Only Council members may be appointed to serve as Chairperson or Vice-Chairperson of committees. The Chairperson shall be a voting member of all Committees. Results of all committee action(s) will be made known to all Council members at the next scheduled full Council meeting. The following committees shall be established:</p> <p>(1) <i>Executive Committee.</i> The Dade-Miami Criminal Justice Council shall have an Executive Committee that will be comprised of the Council Chairperson, the Council Vice-Chairperson, and the Chairpersons of the Council's Standing Committees. The Executive Committee shall act on behalf of the Council</p>	<p>Sec. 2-2169. - Membership.</p> <p style="text-align: center;">* * *</p> <p>(f) <i>Committees.</i> The Chairperson, independently or upon recommendation of the Council, shall establish committees to assist in accomplishing its tasks and shall appoint members thereto and a Chairperson and Vice-Chairperson of committees established, except for the Public Safety Coordinating Council Committee. Council members <u>or designees of Council members</u> may be appointed to serve as Chairperson or Vice-Chairperson of committees. The Chairperson shall be a voting member of all Committees. Results of all committee action(s) will be made known to all Council members at the next scheduled full Council meeting. The following committees shall be established:</p> <p>(1) <i>Executive Committee.</i> The Dade-Miami Criminal Justice Council shall have an Executive Committee that will be comprised of the Council Chairperson, the Council Vice-Chairperson, and the Chairpersons of the Council's Standing Committees. The Executive Committee shall act on behalf of the Council</p>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

between meetings on any urgent matters which would normally come before the Council for a decision.

No designees may be authorized to vote at an Executive Committee meeting, except as otherwise permitted under this ordinance. The Executive Committee shall be entitled to propose changes to the bylaws as needed.

- (5) *Nominating Committee.* The Nominating Committee shall be comprised of Institutional Members. The Nominating committee shall identify, review, and make recommendations to the Council for candidates to fill Community Representative vacancies on the Council.

\* \* \*

between meetings on any urgent matters which would normally come before the Council for a decision.

Designees are authorized to vote at Executive Committee meetings. The Executive Committee shall be entitled to propose changes to the bylaws as needed.

- (5) *Nominating Committee.* The Nominating committee shall identify, review, and make recommendations to the Council for candidates to fill Community Representative vacancies on the Council.

\* \* \*

**ADDITIONAL INFORMATION**

Link to Miami-Dade County's Dade-Miami Criminal Justice Council webpage:

<https://www.miamidade.gov/police/criminal-justice-council.asp>

**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 1G3  
File No. 180148**

**Researcher: JFP Reviewer: TD**

ORDINANCE RELATING TO EMERGENCY MANAGEMENT AND EMPLOYMENT; CREATING SECTION 8B-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MAKING IT UNLAWFUL FOR AN EMPLOYER TO RETALIATE OR THREATEN TO RETALIATE AGAINST A NON-ESSENTIAL EMPLOYEE WHO COMPLIES WITH COUNTY EVACUATION OR EMERGENCY ORDERS; PROVIDING EXEMPTIONS FOR CERTAIN GOVERNMENT EMPLOYEES AND CERTAIN OTHER ESSENTIAL EMPLOYEES; PROVIDING EXCEPTIONS; ESTABLISHING PENALTIES; PROVIDING FOR APPLICABILITY AND ENFORCEMENT; AMENDING SECTION 8CC; PROVIDING CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should create Section 8B-11.1 and amend Chapter 8CC of the County Code, making it unlawful for an employer to retaliate or threaten to retaliate against a non-essential employee who complies with County evacuation or emergency orders.

**APPLICABLE LEGISLATION/POLICY**

Chapter 8CC of the Code of Miami-Dade County governs code enforcement.

[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH8CCCOEN](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH8CCCOEN)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**

**Requester/Department: None**

The proposed Ordinance was adopted on first reading at the February 6, 2018 Board meeting. Notice of a public hearing to take place at the April 18, 2018 Public Safety and Health Committee meeting was provided to municipalities on February 9, 2018.

**FISCAL IMPACT**

The implementation of this ordinance will not have a fiscal impact on the County since it will not result in additional staffing needs or future operational costs.

**ANALYSIS**

This Ordinance protects employees from employer-issued sanctions when complying with County-issued evacuation orders.

During a declared State of Emergency, mass transit options are often minimal and many are left without means of transportation. For individuals who comply with an evacuation order, getting to work is often difficult or impossible. Individuals who comply with a County-issued evacuation order during a declared State of Emergency shall not be subject to sanctions from their employer under the proposed Ordinance. Unlawful sanctions by an employer could result in civil penalties in the amount of \$500.

Below are the proposed amendments, compared to the County Code as it currently reads:

**PSHC Meeting: April 18, 2018**  
**Research Notes**

**Section 8B-11.1 of the Code of Miami-Dade County is Created to Read as Follows:**

Sec. SB-11.1. Unlawful Retaliation Against Employees During Emergency Disasters.

- (1) For purposes of this section,
  - a. "essential employee" shall mean any employee that is critical to the essential functioning of the following employers:
    - i.) hospital or health care provider;
    - ii.) public or private utility;
    - iii.) media;
    - iv.) government agency;
    - v.) government contractor;
    - vi.) public safety agency; and
    - vii) any other business that provides essential emergency related public safety supplies or services.
  - b. "unlawful retaliation" shall mean termination, demotion, or withholding or nonpayment of wages, salary, bonuses or benefits.
- (2) Upon a declaration of a state of emergency applicable to any portion of Miami-Dade County, it shall be unlawful for any employer to retaliate or threaten to retaliate against any employee who is not an essential employee and who complies with County evacuation orders or other County Executive Orders issued during a declared state of local emergency.
- (3) To ensure that employees that rely on mass transit services are evacuated from vulnerable areas, for purposes of this section, any non-essential employee that depends on mass transit service to commute to work to an area that is subject to a County evacuation order shall comply with County evacuation orders prior to the suspension of transit services. No employer shall retaliate or threaten to retaliate against such an employee for complying with a County evacuation order.
- (4) This section shall not apply to any employer who has promulgated a written policy that

**PSHC Meeting: April 18, 2018**  
**Research Notes**

- a. defines essential and non-essential employees, and
- b. requires that only essential personnel report to the place of employment during a declared state of local emergency.

No policy shall be considered promulgated unless conveyed to all employees in writing at least 30 days prior to the declaration of local emergency and enforced by the employer.

(5) In addition to any remedies elsewhere provided in the County Code or under law, any employer who violates any provision of this section may be punished by a fine not to exceed \$500, or by imprisonment for not more than 60 days, or both. An employer who violates this section shall be subject to a separate violation for each employee unlawfully retaliated or threatened to be retaliated against.

(6) *Applicability and enforcement.* This section shall apply to both the incorporated and unincorporated areas, and in the unincorporated areas shall be enforced by the County and in the incorporated areas shall be enforced concurrently by the municipalities and the County.

**Chapter 8CC of the Code of Miami-Dade County as it currently reads:**

**Proposed amendment to Chapter 8CC of the Code of Miami-Dade County:**

Chapter 8CC Code Enforcement

\*\*\*

Sec. 8CC-10. Schedule of civil penalties

\*\*\*

Code Section	Description of Violation	Civil Penalty
8AA-160(d)	Failure to maintain membership in Sunshine State One Call	\$100.00
	All other Chapter 8AA,	\$500.00

Chapter 8CC Code Enforcement

\*\*\*

Sec. 8CC-10. Schedule of civil penalties

\*\*\*

Code Section	Description of Violation	Civil Penalty
8AA-160(d)	Failure to maintain membership in Sunshine State One Call	\$100.00
	All other Chapter 8AA,	\$500.00

**PSHC Meeting: April 18, 2018**  
**Research Notes**

	Article I violations			Article I violations	
8B-16	Failure to file or abide by Gas Station Emergency Plan	\$500		<u>8B-11.1</u> <u>Unlawful Retaliation for Compliance With County Emergency Management Evacuation Orders</u>	<u>\$500</u>
				8B-16 Failure to file or abide by Gas Station Emergency Plan	\$500



**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 2F  
File No. 180924**

**Researcher: MF Reviewer: TD**

RESOLUTION AMENDING IMPLEMENTING ORDER 2-12 MIAMI-DADE COUNTY DIVERSION PROGRAM TO INCLUDE VIOLATIONS OF SECTION 21-118 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THEFT OF PLANTS AND FRUITS AND TRESPASS AS ELIGIBLE FOR PARTICIPATION IN THE DIVERSION PROGRAM [SEE ITEM NO. 1G1 SUBSTITUTE]

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Miami-Dade County Implementing Order 2-12 to include violators of Section 21-118 of the Code of Miami-Dade County relating to theft of plants and fruits and trespass as eligible for participation in the Diversion Program.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 21-118, provides that (a) “It is unlawful for any person, with the intent to injure or defraud, to take, carry away, or damage any plants, fruits, plant products, or nursery stock contained within any nursery or private or public property without the consent of the owner of the property or his agent. (b) It is unlawful for any person to enter upon the premises of any nursery or upon private or public property with the intent to injure, damage, take or carry away any plant, fruit, plant product or nursery stock, without the written or oral consent of the owner of the property or his agent.”.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch21\\_artix\\_sec21-118](http://miamidade.fl.elaws.us/code/coor_ptiii_ch21_artix_sec21-118)

Miami-Dade County Implementing Order 2-12

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO2-12.pdf>

Miami-Dade County Code, Section 1-5, states that “Unless otherwise specifically provided herein, any person violating any of the provisions of this Code shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the County jail for a period not to exceed sixty days, or by both such fine and imprisonment, in the discretion of the court having jurisdiction over the cause. Any person who violates or fails to comply with this Code shall also be subject to fines in accordance with Chapter 8CC of the Code of Miami-Dade County.

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOOR\\_CH1GEPR\\_S1-5GEPECOCILICRLIPE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE)

Miami-Dade County Code, Section 8CC-10, governs the schedule of civil penalties.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch8cc\\_sec8cc-10](http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-10)

Miami-Dade County Code, Section 8CC-5.1, governs the Miami-Dade County Diversion Program.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch8cc\\_sec8cc-5.1](http://miamidade.fl.elaws.us/code/coor_ptiii_ch8cc_sec8cc-5.1)

Florida Statutes, Section 812.014, provides that (1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

(e) Deprive the other person of a right to the property or a benefit from the property.

(f) (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

<https://www.flsenate.gov/laws/statutes/2011/812.014>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: Daniella Levine Cava, District 8**

The proposed resolution has no procedural history.

**FISCAL IMPACT**

There was no Fiscal Impact Statement included in the item.

**ANALYSIS**

On June 20, 2009, the Board adopted Resolution No. R-868-09 directing the Mayor or designee to study the benefit of the County to decriminalize certain violations of the Miami-Dade County Code. As a result of the report's findings, the Board created the Diversion Program. In 2015, the Board amended Miami-Dade County Code, Section 8CC-10 to make additional misdemeanor offenses eligible for civil penalties, and has amended Miami-Dade County Code Section 8CC-5.1 to make those additional offenses eligible for civil penalties.

On March 7, 2018, the Miami-Dade Agricultural Practices Advisory Board voted unanimously to support changes to Section 21-118 of the Florida Statutes that would provide law enforcement officers greater flexibility to respond to circumstances of minor fruit and vegetable theft. Agenda Item 1G1 on the April 18, 2018 PSHC seeks the Board's approval to amend Section 21-118 and Section 8CC as they relates to thefts of plants and fruits and trespass. Currently, a law enforcement officer only has discretion to initiate criminal proceedings against a person who has committed a violation of Section 21-118 of the Code of Miami-Dade County or Section 812.014 of the Florida Statutes. The amendment would provide that these violations be treated as civil in nature, and be subject to a uniform fine rather than court proceedings and potential imprisonment. Therefore, the requirement that potential violators act with criminal intent to injure or defraud would no longer be applicable.

Agenda Item 1G1 Substitute on the April 18, 2018 PSHC differs from the original item in that it allows violations of Section 21-118 to be eligible for alternative enforcement through the Miami-Dade County Diversion Program, as provided in Section 8CC-5.1 of Miami-Dade County. The proposed resolution seeks to amend Miami-Dade County Implementing Order 2-12 to include violators of Section 21-118 of the Code of Miami-Dade County relating to theft of plants and fruits and trespass as eligible for participation in the Diversion Program, as follows:

**Eligibility:**

When a violator is arrested or given a Civil Violation Notice (8-CC) for one of the Miami-Dade County Code violations listed below, he/she is eligible and may elect to voluntarily participate in the Diversion Program:

7-3	Swimming or fishing from prohibited roads or bridges
8A-172	Conducting business without a local business tax receipt
8A-276(b)	Failure to display commercial vehicle markings
21-22	Sale, offer for sale, purchase with intent to sell or public display for sale of synthetic cannabinoid herbal incense
21-22.1	Sale, offer for sale, purchase with intent to sell or public display for sale of synthetic stimulant bath salts, synthetic cathinones, synthetic amphetamine and other synthetic stimulants that mimic illegal drugs
21-28	Producing loud or excessive noise
21.31.2(b)(1)	Consumption of alcohol in open containers near store
21.31.2(b)(2)	Possession of alcohol in open containers near store

**PSHC Meeting: April 18, 2018**  
**Research Notes**

21.31.4(B)	Obstructing traffic or aggressively begging
21-81(d)	Any one of the specific misdemeanors enumerated in Section 21-81(d)(1) through and including 21-81(d)(7)
>>21-118	<b>Theft of plants and fruits and trespass&lt;&lt;</b>
21.287	Rafting
26-1	Park violations

Words [[double bracketed]] and underlined shall be deleted. Words in **bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**ADDITIONAL INFORMATION**

For additional information on the Miami-Dade County Diversion Program, see the Miami-Dade Police Department page below.

<https://www.miamidade.gov/police/diversion-program.asp>

**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 3A  
File No. 180830**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING AFFILIATING AGREEMENTS WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES AND SPECIAL EDUCATIONAL CLASSES FOR YOUNG ADULTS IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize affiliating agreements with Miami-Dade County Public Schools (M-DCPS) for the provision of educational classes for juveniles and special education classes for young adults in the custody of the Miami-Dade Corrections and Rehabilitation Department, as MDCPS has done since 1983.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-586-17, adopted on June 6, 2017, approves the affiliating agreement with M-DCPS for the provision of educational classes for juveniles and special education classes for young adults in the custody of the Miami-Dade Corrections and Rehabilitation Department for the 2017/2018 school year.

<http://intra/gia/legistarfiles/Matters/Y2017/171099.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Sally A. Heyman, District 4**

**Requester/Department: Corrections & Rehabilitation Department**

The proposed Resolution has no procedural history

**FISCAL IMPACT**

The implementation of this Resolution will not have a fiscal impact to Miami-Dade County since there is no cost to the County for the educational program provided through the affiliating agreements with M-DCPS. M-DCPS is reimbursed by the State of Florida in accordance with the full-time equivalency count (the amount of full-time students enrolled per course).

**ANALYSIS**

The proposed Resolution authorizes the affiliating agreements with Miami-Dade County Public Schools to continue providing educational courses to incarcerated juveniles and special education services to young adults in the Miami-Dade Corrections and Rehabilitation Department facilities for the 2018/2019 academic year, as it has done since 1983 pursuant to its obligations under Florida law.

Per the agreements, M-DCPS Educational Alternative Outreach Program will provide:

- An educational program designed to meet the needs of students in grades 6-12 who are under the age of 18 and incarcerated at the Turner Guilford Knight Detention Center as well as meet the needs of special education students between the ages of 18-22 who are incarcerated at the Metro West Detention Center.
- Administrator(s) to monitor compliance of the educational program, assist all instructional and support personnel, and consult with agency personnel on matters regarding the educational component.
- Certified teachers consistent with the School Board established teacher-student ratio for alternative education.

**PSHC Meeting: April 18, 2018**  
**Research Notes**

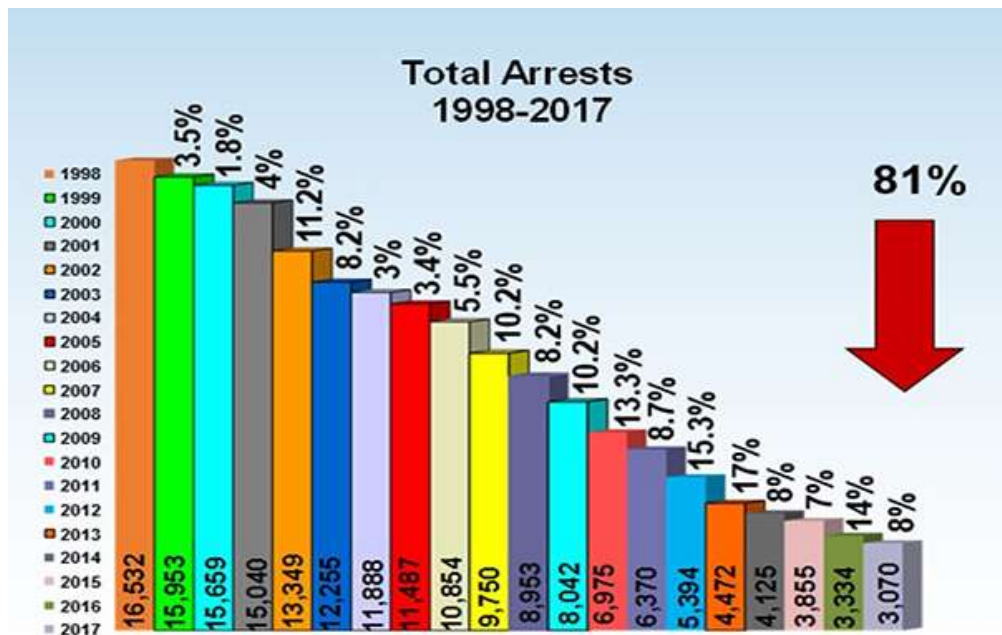
- Instructional materials and equipment (not including furniture) to supply the appropriate number of classes.
- Personnel responsible for FTE surveys and entering daily student attendance in the M-DCPS Electronic Gradebook, as well as for the maintenance of educational records.
- The initial development of a Progress Monitoring Plan (PMP) of instruction for eligible general education students, a Limited English Proficient (LEP) Plan for English Language Learners (ELL), an Individualized Education Plan (IEP) for students of Disabilities, and an Educational Plan (EP) for Gifted Students, where applicable.
- The delivery of all educational and related services indicated on a student's IEP.
- The Implementation of the LEP plan through itinerant and/or onsite services.
- Personnel for the administration of all State and District mandated assessments, including Florida Standard Assessments and End-of-Course exams, in accordance with established procedures and timelines.

**ADDITIONAL INFORMATION**

In 2017, a total of 3,070 juvenile arrests were made in Miami-Dade County.

- 1% of the arrested youth were ages 12 and under;
- 34% were between 13-15 years of age;
- 58% were between ages 16-17;
- 7% were 18 years of age and over

There has been an 81% decrease in juvenile arrests in Miami-Dade County since 1998.



Link to the Miami-Dade County Juvenile Services Department Juvenile Arrest Report:

<https://www.miamidade.gov/juvenileservices/library/juvenile-arrest-report.pdf>

Link to the Miami-Dade County Juvenile Services Department webpage:

<https://www.miamidade.gov/juvenileservices/home.asp>

**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 3B  
File No. 180432**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT ISD CONTRACT NO. Z000149, BETWEEN MIAMI-DADE COUNTY AND PEREZ & PEREZ ARCHITECTS PLANNERS, INC. FOR ADDITIONAL FUNDS TO BE PROVIDED IN THE AMOUNT OF \$2,975,000.00 FUNDED FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS AND CAPITAL OUTLAY RESERVE FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AMENDMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should approve Amendment No. 1 to the Professional Services Agreement (PSA) between the County and Perez & Perez Architects Planners, Inc. (Perez & Perez) to increase the PSA's value by \$2,975,000 for delivery of a design criteria package for the new civil and probate courthouse project.

**APPLICABLE LEGISLATION/POLICY**

Section 255.065 of the Florida Statutes (Public-Private Partnerships and Public Records and Public Meeting Exemptions) requires the provision of a design criteria package prepared by an architect or an engineer to enable private entities to prepare a bid or a response for solicited qualifying projects that include design work. The design criteria package must specify reasonably specific criteria for the qualifying project such as the legal description of the site, with survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria for the qualifying project; cost or budget estimates; design and construction schedules; and site development and utility requirements. The licensed design professional who prepares the design criteria package shall be retained to serve the responsible public entity through completion of the design and construction of the project.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0255/Sections/0255.065.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.065.html)

Ordinance No. 17-94, adopted by the Board on December 5, 2017, revises the County's policies and procedures regarding public private partnerships and unsolicited proposals to be consistent with state law. Under the ordinance, any publication and solicitation for a public private partnership qualifying project that involves architecture, engineering or landscape architecture, the County must select an architect, a landscape architect or a qualified engineer licensed in Florida to: (1) review the initial and subsequent proposals to ensure that the qualifying project meets certain quality standards, proper space utilization, proper budget estimates, reasonable design and construction schedules and sustainable design and construction standards consistent with public projects; and (2) prepare a design criteria package to be included in the RFP solicitation.

<http://intra/gia/matter.asp?matter=172928&file=false&yearFolder=Y2017>

Resolution No. R-151-15, adopted by the Board on February 3, 2015, directed the Administration to solicit proposals for a public private partnership to design, build, finance, operate and maintain County civil and criminal court facilities and jail facilities.

<http://intra/gia/matter.asp?matter=150167&file=true&yearFolder=Y2015>

Resolution No. R-708-16, adopted by the Board on July 19, 2016, approved a contract award to Ashurst LLP for delivery of legal services for the implementation of public private partnerships to develop County civil and criminal courts facilities.

<http://intra/gia/matter.asp?matter=161742&file=true&yearFolder=Y2016>

**PSHC Meeting: April 18, 2018**  
**Research Notes**

Resolution No. R-706-16, adopted by the Board on July 19, 2016, approved a contract award to KPMG LLP for delivery of financial and public private partnership advisory services.

<http://intra/gia/matter.asp?matter=161687&file=true&yearFolder=Y2016>

Resolution No. R-1001-15, adopted by the Board on November 3, 2015, requires contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion of the contract work performed to date before a change order or contract amendment be considered for Board approval.

<http://intra/gia/matter.asp?matter=151746&file=true&yearFolder=Y2015>

Resolution No. R-222-17, adopted by the Board on March 7, 2017, approved award of a PSA to Perez & Perez for revisions to the 2008 Eleventh Judicial Circuit-Wide Courts and the 2008 Correctional Facilities Master Plans in an amount not to exceed \$1,507,500 for a two-year term.

<http://intra/gia/matter.asp?matter=162918&file=true&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

The item was on the March 14, 2018 PSHC agenda and was three-day ruled by Commissioner Heyman.

**FISCAL IMPACT**

The original PSA amount is \$1,507,500. The requested increase of \$2,975,000 results in an adjusted PSA amount of \$4,482,500, representing a 197 percent increase. The services under the PSA will be funded using Building Better Communities General Obligation Bond Program proceeds from Project No. 180 (Additional Courtrooms and Administration Facilities) and will also be funded through the Capital Outlay Reserve fund.

Under the PSA, payment for basic services may be requested monthly in proportion to services performed during each phase of work. Payment for additional services may be requested monthly in proportion to the services performed.

**ANALYSIS**

This item is requesting Board approval to authorize an increase of \$2,975,000 to the PSA with Perez & Perez for revisions to the 2008 Eleventh Judicial Circuit-Wide Courts and the 2008 Correctional Facilities Master Plans. Specifically, the increase will pay for the delivery of a design criteria package for the courthouse project. The package is required for the County to comply with state and local laws governing public private partnership procurement, such as the courthouse project.

As shared in the Legislation Section above, the design criteria package must include the legal description of the selected site; survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria; cost and budget estimates; design and construction schedules and site development and utility requirements. The same architect or engineer must be retained by the County through the design and construction of the project.

As stated in the mayoral memorandum, the PSA amendment will allow the County to receive a completed design package that complies with state and local requirements within six months while leveraging the work already performed by Perez & Perez in updating the County's Civil and Probate Courts Master Plan. Neither a copy of the updated plan nor a summary of the specific work phases completed thus far by Perez & Perez have been provided with the agenda item.



**PSHC Meeting: April 18, 2018**  
**Research Notes**

The original PSA was adopted by the Board on March 7, 2017 pursuant to Resolution No. R-222-17 for a term of 730 calendar days for a total contract amount of \$1,507,500. The total time to complete the three phases is 270 calendar days. The remaining 460 calendar days were allotted to allow the County the option to retain the consultant's services at no additional cost to the County as it moves forward with the construction project. Under this amendment, "the County Mayor may extend the agreement on a year-to-year basis until completion and acceptance of the work by the owner."

Services under the contract include the evaluation of existing conditions and future needs for court and jail facilities; specific services are: project orientation/direction, survey and inventory and operating/space standard, definition and evaluation of strategic alternatives, recommended Master Plan, detailed operational and architectural programming for new AOC MDCR facilities and space standards and design guidelines. The PSA includes three subconsultants: (1) Dan L. Wiley & Associates, Inc.; (2) Pulitzer, Bogard & Associates, LLC; and (3) CPM North America, PLLC. The SBE-A&E goal is 10 percent, an estimated value of \$145,750.

**ADDITIONAL INFORMATION**

There was a discussion item at the Board's April 10, 2018 meeting regarding the status of the procurement for the civil courthouse project. Specifically, the discussion addressed the evaluation of the unsolicited proposal for the development of the courthouse and the appropriate procurement method for the courthouse project. The Board directed the administration to (1) take no action on the unsolicited proposal; (2) continue the RFQ process for the courthouse project, as recommended by the Mayor; and (3) allow the unsolicited proposer to submit qualifications under the RFQ.  
<http://intra/gia/matter.asp?matter=180911&file=false&yearFolder=Y2018>

The Florida dbpr website (State of Florida Department of Business and Professional Regulation) shows Perez & Perez as a licensed "Architect Business" that is current and active with an address of 2121 South Douglas Road, Miami, Florida.  
<https://www.myfloridalicense.com/LicenseDetail.asp?SID=&id=D55EB663255308939A50D37FFC5098C3>



**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 3C  
File No. 180847**

**Researcher: BM Reviewer: TD**

RESOLUTION RELATING TO GRANT FUNDING FOR THE 2018 MIAMI-DADE COUNTY YOUTH SUMMER JOB PROGRAM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE \$1,500,000.00 IN GRANT FUNDS FROM THE CHILDREN'S TRUST FOR THE PROGRAM; AUTHORIZING A GRANT TO THE FOUNDATION FOR NEW EDUCATION INITIATIVES, INC., A DIRECT SUPPORT ORGANIZATION TO MIAMI-DADE COUNTY PUBLIC SCHOOLS, OF \$2,556,625.00, INCLUSIVE OF THE \$1,500,000.00 FROM THE CHILDREN'S TRUST AND \$1,056,625.00 IN COUNTY FUNDING, FOR THE SUMMER YOUTH INTERNSHIP PROGRAM

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize a resolution which:

- 1) Approves a grant funding the for the 2018 Miami-Dade County Youth Summer Job Program;
- 2) Authorizes the Mayor or designee to enter into an agreement between the County and The Children's Trust (Trust) to receive \$1,500,000 in grant funding and with the County, The School Board of Miami-Dade (MDCPS) County, and the Foundation (Foundation) for New Education Initiatives, Inc., to grant up to \$2,556,625 to the Foundation which will fund the Summer Youth Internship Program (SYIP);
- 3) Authorizes the Mayor or designee to execute grant agreements, other required agreements, documents and the like to implement the program; and
- 4) Authorizes the Mayor or designee to apply for and receive grant funding for future Miami-Dade County Youth Summer Job programs.

**APPLICABLE LEGISLATION/POLICY**

Resolution R-235-15, adopted by the Board on March 3, 2015, directed the Mayor or Designee to create the Miami-Dade County Youth Summer Job Program.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-235-15.pdf>

Resolution R-330-16, adopted by the Board on April 19, 2016, authorized the County to expand its Youth Summer Job Program and collaborate with The Children's Trust, Miami-Dade County Public Schools, and the Foundation for New Education Initiatives, Inc., to launch the Summer Youth Internship Program.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-330-16.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Xavier L. Suarez, District 7**

**Requester/Department: Juvenile Services Department**

This Item has no procedural history.

**FISCAL IMPACT**

If the proposed resolution is approve, fiscal impact to the County is \$1,056,625 from the general fund. The Trust will provide \$1,500,000 in grant funds to the County.

**ANALYSIS**

This item seeks Board approval for a grant agreement to fund the County's 2018 Youth Summer Job Program in the amount of \$1,056,625 from the County's general fund and \$1,500,000 funded by The Children's Trust.

**PSHC Meeting: April 18, 2018**  
**Research Notes**

In July 2015, Youth pursuant to Resolution R-235-15, the County launched the Youth Summer Job Program which employed approximately 300 young people. In April 2016, the County expanded the program to collaborate with the MDCPS and the Foundation for New Education Initiatives, Inc., to launch the SYIP.

In 2016, SYIP's inaugural year, consisted of the following results: 13 percent of the 1,463 participating youth were youth with disabilities; 717 employers participated in the SYIP; 97 percent of employers and 94 percent of youth reported they were satisfied with the SYIP; 98 percent of the youth who participated completed the SYIP; each youth was signed up for a bank account with South Florida Educational Federal Credit Union; 100 percent of the youth who completed the SYIP earned high school credit.

In 2017, the collaboration was expanded to also include the South Florida Workforce Investment Board as a funding agency of the SYIP. During the year 2,176 youth applied to participate in the program and, with funding from all contributing partners, 1,827 youth completed the program; 539 employers participated in the SYIP; 98 percent of employers and 97 percent of youth reported they were satisfied with the SYIP; 94 percent of the youth who participated completed the SYIP.

The goal for the 2018 SYIP, is to enroll a minimum of 2,650 participants through Miami-Dade County Public Schools. Reasonable efforts will be made to enroll no fewer than 100 students from each commission district. The program provides funding for participants to receive a stipend of \$1,237. They will also be eligible to receive a transportation stipend of \$100 to cover transportation and other incidental expenses. Additionally, in an effort to reach the most vulnerable students, the County restricted a minimum of 40 percent of its funding to support internship placements of students who receive free and reduced price meals.

The programs will recruit youth between the ages of 15 and 18 currently enrolled in MDCPS and residing in the County. The SYIP intends to hire approximately 28 certified teachers as independent contractors to serve as instructional supervisors to guide the participants throughout the summer and as liaisons between employers and SYIP administrators. There will be approximately 16 dedicated instructional supervisors to work with youths with disabilities.

**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 3D  
File No. 180828**

**Researcher: SM Reviewer: TD**

RESOLUTION RESCINDING RESOLUTION R-218-18 AND APPROVING THE TERMS OF THE MONEY LAUNDERING TASK FORCE MEMORANDUM OF UNDERSTANDING/VOLUNTARY COOPERATION MUTUAL AID AGREEMENT BETWEEN THE BROWARD SHERIFF'S OFFICE AND MIAMI-DADE COUNTY, THROUGH THE MIAMI-DADE POLICE DEPARTMENT, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MONEY LAUNDERING TASK FORCE MEMORANDUM OF UNDERSTANDING/VOLUNTARY COOPERATION MUTUAL AID AGREEMENT, WHICH SUPERSEDES PREVIOUS VERSIONS OF AGREEMENTS FOR THIS TASK FORCE, AND TO EXERCISE ANY AND ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should adopt a resolution rescinding resolution R-218-18 and approving the terms of the money laundering task force Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement between the Broward's Sheriff's office (BSO) and Miami-Dade County through the Miami-Dade County Police department (MDPD).

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-398-15, adopted by the Board on May 5, 2015, ratifies the execution of a Memorandum of Understanding between the Broward Sheriff's Office and Miami-Dade County, through the Miami-Dade Police Department, for the Workers' Compensation Fraud Task Force.

<http://intra/gia/matter.asp?matter=150344&file=true&yearFolder=Y2015>

Resolution No. R-218-18 adopted March 6, 2018 is resolution approving the terms of the first amended memorandum of understanding and addendum for the money laundering task force between the Broward sheriff's office and Miami-Dade County, through the Miami-Dade Police department and authorizing the county mayor or county mayor's designee to execute the first amended memorandum of understanding and addendum for the money laundering task force, and exercise the modification and cancellation provisions contained therein and to exercise any and all provisions contained therein.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2018/180178.pdf>

Florida Statutes 932, 7055 governs the disposition of liens and forfeited property as it relates to provisions supplemental to criminal procedure law.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0900-0999/0932/Sections/0932.7055.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0932/Sections/0932.7055.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman, District 4**

**Department/Requester: Miami-Dade County Police Department**

At the Public Safety and Health Committee meeting held on February 14, 2018, the Committee forwarded Resolution No R-218-18 to the BCC with a favorable recommendation.

**FISCAL IMPACT**

There is no fiscal impact to the County.

**PSHC Meeting: April 18, 2018**  
**Research Notes**

**ANALYSIS**

This item will rescind Resolution R-218-18 if it receives Board approval. Furthermore, it will approve the County Mayor or County Mayor's Designee to execute the Money Laundering Task Force Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement between Miami-Dade County via MDPD and BSO. Following the Board's adoption of Resolution R-218-18, the County was provided with the Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement, which supersedes previous memoranda of understanding and agreements as to this Task Force. The Memorandum of Understanding/Voluntary Cooperation Mutual Aid Agreement provides that MDPD will participate in all Task Force cases and related asset forfeiture proceedings.

The Money Laundering Task Force Memorandum of Understand/Voluntary Cooperation Mutual Aid Agreement states that the participating agencies desire to utilize the Task Force as the sole method of facilitating state and local money laundering investigations. The following are the parties to the agreement:

- The Broward County Sheriff's Office
- The Florida Department of Law Enforcement
- The City of Hallandale Beach Police Department
- The City of Miramar Police Department
- The City of Coral Springs Police Department
- The Miami-Dade Police Department
- The Palm Beach County Sheriff's Office

The agreement further states that the Task Force is to effect dedicated and intensive investigative, preventative, and general law enforcement efforts primarily with regard to the investigation of illegal money laundering, including worker's compensation fraud, and in efforts to dismantle and disrupt the organizations committing such violations.

The principal goal of the Task Force will be the coordinated investigation of, and successful prosecution of perpetrators of such crimes, with particular emphasis on efforts designed to identify and dismantle organized criminal enterprises.

The agreement states that the parties are contributing personnel and/or resources in support of the Task Force efforts, with the operations of the Task Force being coordinated by the BSO and other Task Force members. No agency will participate in the Task Force unless it provides resource contributions and operates within the operational parameters related to Task Force efforts

Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source.

There will be a designated BSO supervisor serving as Commander of the Task Force who will provide quarterly reviews to the other members. The Task Force Commander shall regularly receive performance reports to review whether resource contributions of participating agencies and funding are adequate to assure Task Force efforts are effective. The Task Force Commander will also review and approve the Task Force's annual operational budget and administrative expenses and financial status report.

The agreement states that there will be a determination whether forfeited property, other than currency, will be liquidated and awarded to the Task Force. From proceeds awarded to the Task Force, which result from the forfeiture of currency and liquidation of forfeited property, costs and liens shall be paid pursuant to the Florida Statutes 932, 7055,

**PSHC Meeting: April 18, 2018**  
**Research Notes**

(See applicable legislation/policy section for reference), which payments shall include the reimbursement of any litigation costs advanced by a participating agency to the Task Force for the forfeiture proceeding. The remaining proceeds, 20 percent will be deposited in the BSO Law Enforcement Trust Fund and designated as operational funds for the Task Force while the 80 percent will be distributed among the participating agencies according to each participating agency's proportionate share.

The agreement states that it will remain in full force as to all participating parties until December 31, 2023 unless earlier canceled in writing by the BSO as to all or separate parties, or as canceled in writing by an individual party as related to that party. In order for the Task Force to continue operations beyond December 31, 2023, this agreement must be renewed in writing by the participating parties.

**DEPARTMENT INPUT**

The Office of the Commission Auditor asked the following question to the Miami-Dade Police Department and received the following response:

- 1) Since the adoption of R-398-15, how many workers' compensation fraud cases, per year, has the task force prosecuted or referred to another entity?

**Since the Task Force's inception, approximately 4 years ago, 173 arrests have been made and the majority have been prosecuted and settled prior to trial, with the condition that they forfeit the illicit proceeds. The individuals arrested have either received credit time served, probation, and/or deported by the U.S. Department of Homeland Security to their country of origin. No cases were referred to another entity.**

**Our Economic Crimes Bureau is unable to provide the breakdown of the total cases, per year, at this time. The requested information is maintained by the Broward Sheriff's Office, and they need additional time to reconcile the information. We will forward the information once it becomes available to the Department.**

**In addition, Task Force members have participated in asset sharing, and as a result, the Miami Dade Police Department has received \$793,802.41 in awarded funds since the Task Force's inception. There is an additional \$1,094,903.33 of seized funds pending distribution within the agencies participating in the Task Force.**

**ADDITIONAL INFORMATION**

Workers' compensation fraud occurs when someone willfully makes a false statement or conceals information in order to receive workers' compensation benefits or prevents someone from receiving benefits to which they might be entitled. Below are a just few examples of how workers' compensation fraud can be committed.

<http://www.laworks.net/Downloads/OWC/wcfrauddef.pdf>

**PSHC Meeting: April 18, 2018  
Research Notes**

**Item No. 3E  
File No. 180831**

**Researcher: SM   Reviewer: TD**

RESOLUTION APPROVING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REQUEST TO EXPEND \$3,060,500.00 FROM THE MIAMI-DADE POLICE DEPARTMENT LAW ENFORCEMENT TRUST FUND; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO USE SUCH FUNDS FOR EXPENDITURES AS DESCRIBED HEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve this resolution approving the County Mayor or County Mayor's designee request to expend \$3,060,500 from the Miami-Dade County Police Departments (MDPD) Law Enforcement Trust Fund (LETf).

**APPLICABLE LEGISLATION/POLICY**

Sections 932.701-932.706 of the Florida Statutes governs the provisions supplemental to criminal procedure law.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0900-0999/0932/Sections/0932.701.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0932/Sections/0932.701.html)

Section 932.7055(5) (b) of the Florida Statutes governs the provisions supplemental to criminal procedure law as it relates to disposition of liens and forfeited property.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0900-0999/0932/Sections/0932.7055.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0932/Sections/0932.7055.html)

Resolution R-1633-80 adopted December 2, 1980 established the LETf. Link is not available.

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman, District 4**

**Department/Requester: Miami-Dade County Police Department**

This item does not have procedural history

**FISCAL IMPACT**

There is no negative fiscal impact to Miami-Dade County as the County will not incur any costs. LETf monies to MDPD are awarded from forfeiture litigation in state court and participation in federal asset sharing programs.

**ANALYSIS**

If this item receives Board approval then the County Mayor or County Mayor's designee will be authorized to expend \$3,060,600 from the MDPD LETf in accordance with the Report of Proposed Expenditures from the Law Enforcement Trust Fund.

The LETf is regulated by Section 932.7055 of the Florida Statutes (See applicable legislation/policy) The legislative intent behind the creation and use of the trust fund is to utilize forfeited proceeds and personal or real property. The fund's use is limited to specific purposes and special non-budgeted law enforcement needs, not normal operating expenses of the Police Department.

Per the email attached to the mayoral memo, revenues and expenditures are documented in the County budget ordinance, the federal equitable sharing and certification report, and an annual audit to the County's Finance Department. Furthermore it states that the LETf project requests are reviewed by the MDPD LETf Committee. After



**PSHC Meeting: April 18, 2018**  
**Research Notes**

approval it will be sent to the Fiscal Administration Bureau to ensure compliance with LETF requirements. The Police Legal Bureau reviews the request for legal sufficiency and prepares the Report of Proposed Expenditures from the Law Enforcement Trust Fund.

The LETF is comprised of three funding sources:

- State civil forfeitures
- U.S Department of Justice Asset Sharing Program
- U.S. Treasury Asset Sharing Program

The following are the proposed expenditures needing approval:

Project Number	Project Name	Allocation	Funding Source	Description
1	Driving Under the Influence (DUI) Enforcement	\$100,000.00	Treasury	Trust Funds will be used to conduct countywide enforcement operations related to Driving Under the Influence (DUI) driving and traffic crashes.
2	Boating Under the Influence (BUI) Task Force	\$110,000.00	State Other Operating	Trust Funds will support an increase in these law enforcement operations.
3	Rapid Deployment Force	\$150,000.00	State Complex Investigations	Trust Funds will support the participation of MDPD personnel in these important details to prepare for and respond to emergency and other incidents.
4	Special Investigations Initiatives	\$500,000.00	State Complex Investigations	Trust Funds will support initiatives aimed at combating violent crimes and other special investigations. The initiatives will enhance complex, protracted investigations by providing the resources to allocate and deploy personnel based on crime data and other intelligence. Crimes may include, but are not limited to: arson, and economic crimes such as fraud, cargo theft, and retail theft. Funds will also enhance investigative support and related investigative expenses.
5	Gun Violence Task Force	\$400,000.00	State Complex Investigations	Trust Funds will support criminal investigations relating to violent crimes involving firearms.
6	Robbery Reduction Initiative	\$100,000.00	Treasury	Trust Funds will support a robbery reduction initiative.
7	Secure Special Evidence	\$100,000.00	State Other Operating	Trust Funds will support an initiative to secure physical evidence and conduct an audit of other evidence for disposition and destruction.
8	Specialized Equipment	\$354,500.00	Justice	Trust Funds will support specialized equipment to facilitate investigations by the Motors Unit, Underwater Recovery Team, and Marine Patrol Unit.
9	Specialized Equipment	\$249,000.00	State Technical Equipment	Trust Funds will support specialized equipment for the personnel assigned to the Rapid Deployment Force.
10	Specialized Equipment	\$380,000.00	State Technical Equipment	Trust Funds will support specialized equipment for safety and security details conducted by Police Services, especially beach areas.
11	Specialized Equipment	\$72,000.00	Treasury	Trust Funds will support specialized equipment for the Agricultural Patrol Section.

**PSHC Meeting: April 18, 2018**  
**Research Notes**

Project Number / Project Name	Amount	Funding Source	Description
12 Specialized Equipment	\$300,000.00	State Technical Equipment	Trust Funds will support specialized equipment necessary for traffic enforcement.
13 Specialized Equipment	\$200,000.00	State Technical Equipment	Trust Funds will support specialized equipment for police officer safety.
14 Crime Prevention Initiatives	\$75,000.00	State Crime Prevention	Trust Funds will support community crime prevention initiatives, such as Florida Sheriff's Youth Ranches, 5000 Role Models, Big Brothers Big Sisters, Miami-Dade County Teen Court, Do The Right Thing, Noble (National Organization of Black Law Enforcement Executives)
<b>Total Recommended Amount</b>	<b>\$3,060,500.00</b>		
State Funds	\$2,959,000.00		
State Crime Prevention	\$75,000.00		
Treasury Asset Sharing	\$277,000.00		
Justice Asset Sharing	\$354,000.00		
	<b>\$3,060,500.00</b>		