



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners Meeting

February 18, 2015
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 18, 2015 Meeting
Research Notes**

Item No.	Research Notes
<p>4A 150297</p> <p>11A3 150294</p>	<p>ORDINANCE AMENDING CHAPTER 8 ARTICLE III OF THE MIAMI-DADE COUNTY CODE RENUMBERING CODE SECTIONS IN THE LOCAL TECHNICAL AMENDMENT ENACTED IN ORDINANCE NO. 14-95 PERTAINING TO UNDERWATER POOL LIGHTING FOR PRIVATE SWIMMING AND RECREATIONAL BATHING POOLS IN AREAS OF INCORPORATED AND UNINCORPORATED MIAMI-DADE COUNTY TO MATCH THE NUMBERING IN THE FORTHCOMING FLORIDA BUILDING CODE 5TH EDITION, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE</p> <p>RESOLUTION URGING THE FLORIDA BUILDING COMMISSION TO AMEND THE FLORIDA BUILDING CODE TO PROHIBIT HIGH VOLTAGE UNDERWATER LIGHTING IN RESIDENTIAL SWIMMING POOLS; URGING THE FLORIDA LEGISLATURE TO COMPEL THE FLORIDA BUILDING COMMISSION TO AMEND THE FLORIDA BUILDING CODE TO PROHIBIT HIGH VOLTAGE UNDERWATER LIGHTING IN RESIDENTIAL SWIMMING POOLS</p>
<p>Notes</p>	<p>4A The proposed ordinance amends Section 8-31 of the Miami-Dade County Code, pertaining to underwater pool lighting for private and recreational bathing pools, to match the 5th edition of the Florida Building Code.</p> <p>Section 8-31: Local Technical Amendments to Florida Building Code Maximum Voltage - The maximum voltage for each luminaire in any private swimming or recreational bathing pools shall not exceed the Low Voltage Contact Limit, which is defined as a voltage not exceeding the following values:</p> <ol style="list-style-type: none"> 1. 15 volts (RMS) for sinusoidal alternating current 2. 21.2 volts peak for nonsinusoidal alternating current 3. 30 volts continuous direct current 4. 12.4 volts peak for direct current that is interrupted at a rate of 10 to 200 Hertz <p>The maximum incandescent lamp size will be 300 watts.</p> <p>11A3 The proposed resolution</p> <ul style="list-style-type: none"> • Urges the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools; • Urges the Florida Legislature to compel the Florida Building Commission to amend the Florida Building Code to prohibit high voltage underwater lighting in residential swimming pools; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation; and • Directs the County's state lobbyists to advocate for the passage of the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item. <p>Additional Information: On October 7, 2014, the BCC adopted Resolution No. R-915-14 urging other counties to enact pool safety measures. This resolution urged all Florida Counties to act swiftly to enact local technical amendments to the Florida Building Code to require low voltage lighting in newly-built residential pools, and for permitted construction work on existing residential pools, to lessen the potential for lethal electrocution.</p> <p>On October 7, 2014, the BCC adopted Ordinance 14-95 amending Chapter 8 Article III of the Miami-Dade County Code to adopt a local technical amendment pertaining to underwater pool lighting for private swimming or recreational bathing pools in incorporated and unincorporated Miami-Dade County.</p> <p>On November 5, 2014, the BCC adopted Resolution No. R-1016-14 regarding pool permit inspections. This Resolution:</p> <ul style="list-style-type: none"> • Directed the Mayor or Mayor's designee to create a special permit category for "Underwater Residential Pool Light Replacement (120 volt to low voltage)" for existing private swimming pools, as defined in the Florida Statutes and Florida Building Code, located within unincorporated Miami-Dade County, to implement the necessary procedures and to give effect to the intent of this resolution within 45 days from its effective date; • Amended Implementing Order 4-63 to include a new special permit category and \$65 fee for "Underwater Residential Pool Light Replacement (120 volt to low voltage)" for existing private swimming pools located within unincorporated Miami-Dade County; <ul style="list-style-type: none"> ○ <i>The special permit category services include the resources expended for intake of the permit application, processing of the application, verification of the status of the license and insurance for the contractor, an onsite inspection to verify permitted work is in compliance with the Florida Building Code and the National Electric Code, and record keeping.</i> • Directed the Mayor or Mayor's designee to create and implement an appropriate outreach campaign to increase the public awareness of the potential for electric shock associated with improperly installed, maintained or serviced underwater pool lights. • Directed the Mayor or Mayor's designee to publish the availability of the permitting process and other alternatives available to the public to enhance the safety of private swimming pools, and include this information on the County's website as well as the County media channel, and provide such information to the Board within 45 days of the effective date of this resolution for further dissemination. <ul style="list-style-type: none"> ○ <i>The completed information packet will be placed on an agenda of the Board pursuant to Ordinance No. 14-65. The Board requested that the Mayor or Designee use the resources of Miami-Dade County Community Information &</i>

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	<p style="text-align: center;"><i>Outreach (CIAO) to carry out these directives.</i></p> <p>On February 11, 2015 the Metropolitan Services Committee passed legislation (Legislative File No. 150109) regarding pool safety equipment. The proposed legislation directs the Mayor, or Mayor's designee, to initiate discussions with insurance company representatives about offering incentives to residential pool owners for installing pool safety equipment and provide a report to the Board within sixty (60) days of the effective date of the resolution.</p> <p><u>Additional Information – Miami-Dade County Spearheads Pool Safety Legislation</u> Broward Moves for Better Pool Safety Laws - September 17, 2014 – CBS4 News http://miami.cbslocal.com/2014/09/17/broward-moves-for-better-pool-safety-laws/</p> <ul style="list-style-type: none"> • Last summer, Miami-Dade began the process of eliminating high voltage in residential pools and last September, Broward County's Electrical Committee voted unanimously to require all new pools carry low voltage. • The article discovered that essentially only two sets of rules in Florida's pools: <ul style="list-style-type: none"> ○ Commercial pools are required to carry low voltage power ○ In Florida more than a million residential pools do not have the low voltage requirement. • Broward Fire Rescue Fire Marshal pointed out that the new law will only prevent deaths in newly constructed pools. • The Broward County Electrical Committee plans to look into the possibility of the following: <ul style="list-style-type: none"> ○ Asking insurance companies to do inspections or require inspections ○ Asking realtors to require pool lighting disclosures at the sale of every home with a pool ○ Requiring home inspections include pool equipment and lighting ○ Notifying pool and electrical contractors of the issue when applying or renewing licenses <p>Pool light safety concerns trigger call for tougher regulations - August 16, 2014 - Sun Sentinel http://articles.sun-sentinel.com/2014-08-16/news/fl-pool-light-safety-concerns-20140816_1_lights-electrocutions-florida-swimming-pool-association</p> <ul style="list-style-type: none"> • Palm Beach County officials are joining Miami-Dade County's push to change building codes in order to start requiring less powerful pool lights. • According to the U.S. Consumer Protect Safety Commission, at least 13 people across the country died from electrocutions in pools between 2002 and 2013. That number increases to just over 70 when looking at pool-related electrocutions dating from 1990, according to the safety commission. • Corrosion of pool lights and wiring, lack of maintenance and installation problems are typically to blame for electrocutions, according to pool industry representatives. Installing lower power underwater lights would lessen the risk of electrocution. • Florida building codes already require low-voltage underwater lights in large commercial pools, but backyard pools are still allowed to have high-voltage lights. • Palm Beach County Mayor Priscilla Taylor called for Palm Beach County to approve a similar measure for new pools. Instead of installing 120-volt underwater pool lights, the idea is to limit the lights to about 12 volts. • The state's building code could take precedence over local codes which have county officials considering calling for the Florida Legislature to change the rules for pool lights statewide. • According to the Executive Director of the Florida Swimming Pool Association, which represents 600 swimming pool-related businesses, the Association wouldn't object to changing state building code standards to require lower voltage lights.
4B 150291	ORDINANCE RELATED TO LIVING WAGE; AMENDING SECTION 2-8.9 OF THE CODE OF MIAMI-DADE COUNTY TO PROVIDE AN EXEMPTION FOR PERMITTEES AT AVIATION FACILITIES FROM LIVING WAGE REQUIREMENTS WHERE A COLLECTIVE BARGAINING AGREEMENT PROVIDES AN EXPRESS WAIVER APPLICABLE TO THE ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance amends Section 2-8.9, Living Wage Ordinance for County service contracts and County Employees, of the Code of Miami-Dade County (Code) to provide an exemption for permittees at aviation facilities from living wage requirements where a collective bargaining agreement provides an express waiver applicable to the ordinance.</p> <p>The proposed amendment to the Living Wage Ordinance would provide an exemption for private companies providing specified aeronautical services to private companies operating at Miami International Airport and other Aviation Department facilities if the employees of such companies have expressly waived application of local living wage laws in a bona fide collective bargaining agreement.</p> <ul style="list-style-type: none"> • <i>Unless such service contractor and its employees are covered by, or subject to, a bona fide collective bargaining agreement which contains an express waiver of the application of the Miami-Dade Living Wage Ordinance or which contains an express waiver of the application of local living wage laws or ordinances that is sufficiently broad to apply to the Miami-Dade Living Wage Ordinance.</i> <p>In 1999, Miami-Dade County enacted Ordinance No. 99-44, which ordinance, as amended, is codified as Section 2-8.9 of the Code of Miami-Dade County, Florida (Miami-Dade Living Wage Ordinance). The Living Wage Ordinance is applicable in three categories of employees (1) employees providing specified services pursuant to contracts awarded by the County, (2) County employees; and (3) employees of private sector contractors providing specified general aeronautical services to private companies operating at Miami International Airport and other Miami-Dade Aviation Department facilities.</p> <p>Several local governments in the United States have provided for an exemption from their living wage requirements where employees covered by a bona fide collective bargaining agreement have expressly waived the applicability of local living wage codes in the collective</p>

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	<p>bargaining agreement.</p> <p><u>Additional Information</u> According, to the Miami-Dade Aviation Department (MDAD) the three companies that this ordinance would currently apply to are: Gate Safe, Gate Gourmet, and Sky Chef.</p>
<p>4D 150247</p>	<p>ORDINANCE APPROVING AND ADOPTING FY 2013-14 END-OF-YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS AND AMENDMENTS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET FEES, CHARGES AND ASSESSMENTS AND PROVIDING FOR THEIR AMENDMENT; APPROPRIATING GRANT, DONATION AND CONTRIBUTION FUNDS; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE</p>
<p>Notes</p>	<p>The proposed ordinance approves and adopts supplemental budget adjustments and amendments to align the FY 2013-2014 Adopted Budget with actual expenditures. Revisions incorporated in this supplemental budget include:</p> <ul style="list-style-type: none"> • Adjustments for federal, state and other grants; • Increased expenses due to higher than anticipated demand for services or contractual obligations; and • Transfers of debt service payments that were inadvertently omitted from the adopted ordinance schedule. <p>Adjustments included in the proposed ordinance equal \$60.066 million which is 1.36 percent of the total operating budget.</p> <p><u>General Fund:</u></p> <ul style="list-style-type: none"> • Supplemental budget of \$2.333 million • Budget adjustment of \$3.927 million • Public Works and Waste Management (PWWM) <ul style="list-style-type: none"> ○ Adjustment of \$2.525 million for the transfer of excess revenue ○ Adjustment of \$2.394 million from the Water Fund <p><u>Commission on Ethics and Public Trust</u></p> <ul style="list-style-type: none"> • Budget supplement of \$29,000.00 <p><u>Cultural Affairs</u></p> <ul style="list-style-type: none"> • Supplemental adjustment of \$35,000.00 <p><u>Fire Rescue</u></p> <ul style="list-style-type: none"> • Supplemental budget of \$12,150.00 <p><u>Information Technology</u></p> <ul style="list-style-type: none"> • Supplemental budget of \$28.14 million <p><u>Internal Services/Regulatory and Economic Resources</u></p> <ul style="list-style-type: none"> • Supplemental budget of \$3.226 million <p><u>Juvenile Services</u></p> <ul style="list-style-type: none"> • Budget supplement of \$51,000.00 <p><u>Parks, Recreation and Open Spaces</u></p> <ul style="list-style-type: none"> • Supplemental budget of \$4.560 million <p><u>Police</u></p> <ul style="list-style-type: none"> • Budget supplement of \$361,000.00 • Budget supplement of \$17,100.00 for the Special Revenues Operation Fund • Supplemental budget of \$785,000.00 as a result of additional grant funds received and expended <p><u>Public Housing and Community Development</u></p> <ul style="list-style-type: none"> • Supplemental budget of \$7.869 million <ul style="list-style-type: none"> ○ \$5.882 million in additional revenues from U.S. HUD ○ \$1.987 million from prior year carryover <p><u>PWWM</u></p> <ul style="list-style-type: none"> • Budget supplement of \$74,000.00 <p><u>County Public Hospital Sales tax Fund – Public Health Trust</u></p> <ul style="list-style-type: none"> • Supplemental budget to transfer \$16.2 million in County Health Care Sales tax receipts to the Public Health Trust <p><u>Voluntary Donations Trust Fund</u></p> <ul style="list-style-type: none"> • A total of \$34,906 collected and distributed to the following departments/funds: <ul style="list-style-type: none"> ○ \$12,821.00 to Animal Services

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	<ul style="list-style-type: none"> ○ \$7,84.005 to Libraries ○ \$6,027.00 to Fire Rescue ○ \$5,098.00 to Police ○ \$486.00 to Community Action and Human Services ○ \$75.00 to Parks, Recreation and Open Spaces ○ \$2,554.00 to the General Fund
4E 150299	ORDINANCE AMENDING SECTION 2-8.5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO EXTEND VETERANS' PROCUREMENT PREFERENCE TO WARTIME VETERANS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance amends Section 2-8.5.1 of the Miami-Dade County Code to align that provision with Section 295.187 of the Florida Statutes, which was amended in 2012, to extend benefits previously provided exclusively to service-disabled veterans to wartime veterans.</p> <p><u>Additional Information:</u> The OCA asked that the County Attorney's Office (CAO) clarify the definitions of service-disabled veterans and wartime veterans.</p> <ul style="list-style-type: none"> • According to the CAO, each of these terms is defined by state statute and the State of Florida is responsible for maintaining the rolls of "certified veteran business enterprises," so it would not be the County making the determinations as to whether a particular individual qualifies as a "service-disabled veteran" or a "wartime veteran." <ul style="list-style-type: none"> ○ Under Fla. Stat. s. 295.187(3)(b), a "service-disabled veteran" is "a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense." ○ Under Fla. Stat. s. 295.187(3)(d), a "wartime veteran" is: <ul style="list-style-type: none"> ▪ A wartime veteran as defined in s. 1.01(14) (this Florida Statute defines the term "veteran" as "a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or during one of the following periods of wartime service (a) Spanish-American War: April 21, 1898, to July 4, 1902, and including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period: May 9, 1916, to April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders of, or in the waters adjacent to Mexico; (c) World War I: April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided such veterans had at least 1 day of service between April 5, 1917, and November 12, 1918; (d) World War II: December 7, 1941, to December 31, 1946; (e) Korean War: June 27, 1950, to January 31, 1955; (f) Vietnam War: February 28, 1961, to May 7, 1975; (g) Persian Gulf War: August 2, 1990, to January 2, 1992; (h) Operation Enduring Freedom: October 7, 2001, and ending on the date thereafter prescribed by presidential proclamation or by law; (i) Operation Iraqi Freedom: March 19, 2003, and ending on the date thereafter prescribed by presidential proclamation or by law." ▪ "A veteran of a period of war, as used in 38 U.S.C. s. 1521, who served in the active military, naval, or air service: (a) For 90 days or more during a period of war; (b) During a period of war and was discharged or released from such service for a service-connected disability; (c) For a period of 90 consecutive days or more and such period began or ended during a period of war; or (d) For an aggregate of 90 days or more in two or more separate periods of service during more than one period of war." For your information, 38 U.S.C. s. 1521(j), reads exactly as does Fla. Stat. s. 295.187(3)(d)2.
4F 150301	ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A SEPARATE VOTE ON CERTAIN AMENDMENTS TO THE MAYOR'S PROPOSED COUNTY BUDGET AT PUBLIC BUDGET HEARINGS; ESTABLISHING COUNTY POLICY TO REQUIRE DISTRIBUTION OF MAYOR'S CHANGES MEMORANDA NO LATER THAN 48 HOURS PRIOR TO THE FIRST AND SECOND BUDGET HEARINGS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE
Notes	<p>The proposed ordinance amends Section 2-1 of the Miami-Dade County Code requiring a separate vote on certain amendments to the Mayor's proposed County Budget at public budget hearings. Additionally, the proposed ordinance requires the Mayor or Mayor's designee to issue a memorandum for detailing amendments to the proposed budget for each budget hearing. Under the proposed ordinance the Commission Auditor will prepare and maintain a list of all issues raised and distribute the list to each member of the Board forty-eight (48) hours prior to scheduled budget hearing.</p> <p>The proposed ordinance includes the following to the current process:</p> <p>(d.) <i>At the first budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:</i></p> <ol style="list-style-type: none"> 1. <i>Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;</i> 2. <i>Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or</i>

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	<p style="text-align: center;">3. <i>Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.</i></p> <p><i>If any of the foregoing amendments are recommended or provided by the County Mayor, such amendments shall be set forth in detail in a separate section of the Mayor's memorandum relating to information for the first budget hearing (the "First Changes Memorandum").</i></p> <p><i>The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection (d)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the first budget hearing.</i></p> <p><i>After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a tentative millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the tentative millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed tentative millage rate exceeds the rolled-back rate, and the tentative millage rate to be levied. The tentative budget ordinances shall be adopted by separate vote after the tentative millage rate ordinances are adopted.</i></p> <p>(e.) <i>At the second budget hearing, a separate motion and vote on any part of the proposed budget shall be held upon the request of any Commissioner. In addition, a separate motion and vote shall be held on any amendment to the Mayor's proposed budget that:</i></p> <ol style="list-style-type: none"> 1. <i>Addresses an issue raised by a Commissioner at a Committee of the Whole meeting held in conjunction with the budget approval process, including a request by a Commissioner to propose or recommend funding alternatives for the Board's consideration;</i> 2. <i>Proposes or provides for the appropriation of funds from the County's reserves to fund any activity, program or matter; or</i> 3. <i>Proposes or provides for increased or decreased funding for a countywide service or countywide program funded in the Unincorporated Municipal Service Area General Fund budget.</i> <p><i>The Commission Auditor shall prepare and maintain a list of all issues raised in conjunction with the budget approval process as set forth in subsection in subsection (e)(1) above. The Commission Auditor shall distribute such list to each member of the Board no later than forty-eight (48) hours prior to the scheduled commencement of the second budget hearing.</i></p> <p><i>After a separate vote on each proposed amendment but before the Board's adoption of each ordinance adopting a final millage rate, the Mayor or the Mayor's designee shall, for each such ordinance, recompute the final millage rate, and publicly announce the name of the taxing authority, the rolled back rate, the percent, if any, by which the recomputed final millage rate exceeds the rolled-back rate, and the final millage rate to be levied. The final budget ordinances shall be adopted by separate vote after the final millage rate ordinances are adopted.</i></p> <p>(f.) <i>The Mayor shall distribute the First Changes Memorandum and the Second Changes Memorandum to each member of the Board and shall post a copy thereof on the County's website no later than forty-eight (48) hours prior to the scheduled commencement of the first and second budget hearings, respectively.</i></p> <p>(g.) <i>This ordinance shall be construed as directory only, and failure to comply with the provisions of this ordinance shall not affect the validity of any ordinance, resolution or action of the Board in whole or in part.</i></p>
<p style="text-align: center;">801 142823</p>	<p>RESOLUTION APPROVING AWARD OF A DESIGN-BUILD CONTRACT TO RIC-MAN CONSTRUCTION FLORIDA, INC. WITH A CONTRACT AMOUNT NOT TO EXCEED \$11,326,347.00 AND A TOTAL CONTRACT TERM OF 910 DAYS FROM THE NOTICE TO PROCEED FOR A PROJECT ENTITLED "DESIGN-BUILD SERVICES FOR REPLACEMENT OF WATER MAINS AND SERVICE CONVERSIONS IN THE SHENANDOAH AREA (PHASE A)", PROJECT NO. DB13-WASD-03; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12(4)(D) AND (E) RELATED TO ACCELERATION OF CERTAIN WATER AND SEWER DEPARTMENT CONTRACTS; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE DESIGN-BUILD CONTRACT AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN</p>
<p style="text-align: center;">Notes</p>	<p>The proposed resolution awards a design-build contract to Ric-Man Construction Florida, Inc., for Project No. DB13-WASD-03, Contract No. 14RMCFO01 the Design-Build Services for Replacement of Water Mains and Service Conversions in the Shenandoah Area (Phase A). The total compensation amount is \$11,326,347.00 with a total contract term of 910 calendar days.</p> <p>The Contract delegates authority to the County Mayor or designee to terminate the Contract and resolve disputes. Additionally, pursuant to the provisions of Sections 2-8.2.12(4)(d) and (e) of the Code, the County Mayor or designee has the authority to amend and/or extend the Contract to complete any unfinished work, waive liquidated damages, negotiate and settle claims, and execute change orders that do not exceed ten percent (10%) of the base contract amount.</p> <p>The objective of this project is to replace old, corroded, undersized water mains with new mains that will provide adequate hydraulic capacity for fire flows and pressures and will reduce water loss from the mains. Also, the project will eliminate the existing dual water main feed systems because the existing rear services will be transferred to the front of the properties to facilitate access to meter reading and service connections.</p> <p><u>Background</u></p>

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	<p>On April 11, 2014, a Request for Design-Build Services was issued under full and open competition. On May 7, 2014, the Clerk of the Board received nine proposals. At the First-Tier- Evaluation of Qualifications meeting held on July 23, 2014, the Competitive Selection Committee (CSC) reviewed nine proposals. At this meeting, it was determined that all nine firms met the minimum qualifications and demonstrated their relevant experience with the projects as required by the Request for Design-Build Services. The CSC evaluated and ranked the nine firms:</p> <ul style="list-style-type: none"> • Layne Heavy Civil, Inc.- 435 • Man-Con Incorporated- 420 • Ric-Man Construction Florida, Inc. 412 • Ric-Man International, Inc.- 411 • David Mancini & Sons, Inc.- 409 • Lanzo Construction- 405 • Metro Equipment Service, Inc.- 404 • Marks Brothers, Inc.- 382 • Acosta Tractors, Inc.- 384 <p>The CSC by majority vote decided to advance four of the nine firms (Layne Heavy Civil, Inc., Man-Con Incorporated, Ric-Man International, Inc., and Ric-Man Construction Florida, Inc.) to a Step 2- evaluation of technical and price proposals.</p> <p>On October 15, 2014, the Step 2- Oral Presentations meeting was held. The CSC ranked Ric-Man Construction Florida, Inc. as the highest ranking firm and recommended to negotiate the contract with Ric-Man Construction Florida, Inc.</p> <ul style="list-style-type: none"> • Layne Heavy Civil, Inc.- 427 • Ric-Man Construction Florida, Inc.- 447 <p>Price and bid bond envelopes were then opened. Layne submitted a price of \$12,436,402.56 and Ric-Man \$9,699,987. The final ranking was determined by dividing the technical score by the bid amount to yield an Adjusted Bid. <i>An Adjusted Bid is an evaluation process where proposals are evaluated and assigned point values in accordance with established criteria in the solicitation. The qualitative aspects are scored and totaled on a scale of 0 to 100 points, per CSC, and the recommended firm is selected by dividing the price by the technical score to yield an Adjusted Bid.</i></p> <p>The firm with the lowest Adjusted Bid was Ric-Man, therefore Ric-Man ranked number one with an Adjusted Bid of \$21,700.19 and Layne ranked number two with an Adjusted Bid of \$29,125.06</p> <p>The Negotiation Committee was approved by the County Mayor on October 27, 2014. Negotiation commenced and successfully concluded with Ric-Man Construction Florida, Inc. on December 1, 2014.</p> <p>The October 10, 2014, compliance review issued by SBD indicated that two (2) proposers were responsive to the CBE and CSBE compliance requirements. Ric-Man International, Inc. and Man-Con Incorporated were found non-compliant with the CSBE goal established for this solicitation and were eliminated from further evaluation by the CSC.</p> <p><u>Past Performance</u></p> <p>Based on the Internal Services Department's CIIS database, Ric-Man Construction Florida, Inc. has one evaluation with a rating of 4.0 out of a possible total 4.0 points.</p> <p>According to the Firm History Report provided by the Internal Services Department, Division of Small Business Development, Ric-Man Construction Florida, Inc. has been awarded four contracts with Miami-Dade County with a total contract value of \$400,110.95.</p> <ul style="list-style-type: none"> • The CIIS Contractor Evaluation Report provided on p. 41 of the item is for Contract P0076. However, that contract (P0076) is not listed on the Firm History Report (p. 34 of the item). • What Contract is this evaluation pertaining to and why isn't it listed on the Firm History Report? • Why is there only one evaluation on the CIIS if there are four prior contracts? <p>Review Committee Assigned Contract Measures: CBE 26.00%- CSBE 20.00% CWP 12.40% Designated Target Areas</p> <p>Sub-Consultants: Mar-B Plumbing Corporation; General Asphalt Co., Inc.; Media Relations Group, LL; Homestead Concrete & Drainage, Inc.; HP Consultants Inc.; F.R. Aleman and Associates, Inc.; E Sciences, Incorporated; C.A.P. Engineering, Inc.; Metco Services Southeast, LLC; EAC Consulting, Inc.</p> <p><u>Additional Information</u></p> <p>On p. 158 of Item 8(O)4, Daniel Mancini, President of Ric-Man Construction Florida, Inc., signed a Collusion Affidavit, as required by Miami-Dade County Code Section 2-8.1.1 and 10-33.1, (Ordinance No. 08-113), stating that he is not related to any other parties proposing in the competitive solicitation and that the proposal is genuine and not a sham or collusive. Man-Con Incorporated and Ric-Man Construction have Officers that all have the same last name, and Ric-Man International's Officers (Jankowski) is pictured on the Ric-Man International Website</p>

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	<p>under a photograph as the son-in-law of Richard Mancini.</p> <p>According to the Florida department of Department of State Division of Corporations:</p> <ul style="list-style-type: none"> • Ric-Man International, Inc.'s Officers are: Rene Castillo, Lisa, Paul & Michael Jankowski. • Ric-Man Construction Florida, Inc.'s Officers are: Daniel, Edward, Steven, Catalina Mancini. • Man-con Incorporated's Officers are: Guy, Jeffrey & Anthony Mancini. • David Mancini & Sons, Inc. Officers are: David Mancini, Albert Dominguez and David Mancini, Jr. <p>On October 23, 2012, a Memo from the City of Miami Beach (City) Interim City Manager to the City Mayor pertaining to the arrest of Former Procurement Director Gus Lopez included the Affidavit in Support of Arrest Warrant from the Miami Beach Police Department. According to the Arrest Warrant, the actions listed below constitute incident of Racketeering conduct under Florida Statute §895, and Money Laundering. Below are highlights from the Memo/Affidavit:</p> <ul style="list-style-type: none"> • <i>RIC MAN CONSTRUCTION: David Mancini of DMSI introduced the owner of Ric-Man Construction, Daniel Mancini to LANDRIN. LANDRIN and Daniel Mancini, discussed LANDRIN assisting Ric-Man Construction with their response to the Streetscapes JOC ITB (ITB 37-09/10). LANDRIN and Ric-Man Construction agreed that LANDRIN would assist them for \$5,000 initial fee and \$5,500 and 1% of all payments made on the contract if they were successful bid winners. On October 4, 2010, Ric-Man Construction wrote a check to ALMANI for \$5,000.00. LANDRIN subsequently withdrew half of the money in cash and paid it to LOPEZ. Ric-Man Construction was one of the winning bidders of Streetscapes JOC. Subsequently, on November 2, 2010, Ric-Man Construction wrote a check to ALMANI for \$5,500.00 which was deposited into the ALMANI bank account. LANDRIN subsequently withdrew half of the money in cash and paid it to LOPEZ. On September 14, 2012, LOPEZ accepted \$3,450.00. Ric-Man Construction paid ALMANI relating to the contract with the City.</i> • <i>RIC-MAN INTERNATIONAL: LANDRIN testified that he originally was referred or introduced to David Mancini when he was an owner of Ric-Man International. LOPEZ made the referral. LANDRIN and David Mancini discussed whether Ric-Man International would be interested in the JOC program, specifically Horizontal JOC ITB (ITB 23-08/09). LANDRIN and Ric-Man agreed that LANDRIN would assist them for \$3,000 initial fee and \$5,000 and 1% of all payments made on the contract if they were successful bid winners. Ric-Man International was one of the winning bidders of Horizontal JOC. The contract was signed by David Mancini on August 26, 2009. Ric-Man International paid ALMANI in excess of \$80,000.00 on or between August 12, 2009 and August 11, 2010. The checks were deposited into the ALMANI bank account. LANDRIN subsequently withdrew half of the money in cash and paid it to LOPEZ.</i> • <i>DAVID MANCINI & SONS INCORPORATED: David Mancini left Ric-Man International and formed DMSI in October of 2010. In addition to the monies LANDRIN received as part of the assignment that is discussed in this warrant, DMSI agreed to pay LANDRIN 1% of all payments made on the contract for Horizontal JOC (ITB 23 08/09). DMSI has paid ALMANI in excess of \$30,000.00 on or between June 5, 2011 and June 4, 2012 as part of the agreed 1% of payments made for work DMSI has done while on the Horizontal JOC. The checks were deposited into the ALMANI bank account. LANDRIN subsequently withdrew half of the money in cash and paid it to LOPEZ.</i> <p>Further research found the following: <u>September 19, 2013—Crushed to Death- Church Deacon Dies in Construction Mishap</u> Clayton Bailey, a native of Jamaica who emigrated here, became an American citizen, and started a new life, died Monday after being allegedly crushed by construction materials as he worked on an infrastructure project in Miami-Dade County. He was 38. Bailey was employed by Ric-Man Construction Florida, Inc., a heavy construction company located in Deerfield Beach, where he had worked as a pipelayer for almost nine years. According to the company website, Ric-Man “excels in heavy underground and tunnel construction and delivers nothing but quality and expertise.” Ric-Man is affiliated with Mancini Companies, which was originally founded in 1965 in Michigan and specializes in industrial, commercial and residential development in Michigan and Florida. The company has been working in Florida since 1981.</p> <p>Bailey’s death set off a number of investigations that are still running their course, thus leaving his grieving family in the dark as to the exact circumstances of his death. Since the fatal event occurred in Miami-Dade, the county’s medical examiner’s office is involved, as is the Miami-Dade Police Department’s homicide division. The Fort Lauderdale office of the federal Occupational Safety and Health Administration (OSHA) has also launched its own investigation to determine whether Ric-Man Construction complied with all federal rules and regulations on the construction site. Meanwhile, Bailey’s family continues to wonder exactly what happened. Ric-Man Construction has little to say. http://flcourier.com/2013/09/19/crushed-to-death/</p>
	<p>On December 16, 2014, the BCC adopted Resolution No. R-1143-14 approving the 2015 State Legislative Priorities. The following items direct the County's state lobbyists to advocate for the urgings and direct the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include the urgings. (11A1-11A10)</p>
<p>11A1 150282</p>	<p>RESOLUTION URGING THE FLORIDA LEGISLATURE TO ALLOCATE FUNDING FOR MIAMI-DADE COUNTY'S ENVIRONMENTALLY ENDANGERED LANDS PROGRAM FOR CONSERVATION LAND ACQUISITION AND MANAGEMENT PURSUANT TO THE FLORIDA WATER AND LAND CONSERVATION INITIATIVE, FLORIDA CONSTITUTIONAL AMENDMENT 1</p>
<p>Notes</p>	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to allocate funding for Miami-Dade County's Environmentally Endangered Lands Program for

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	<p>conservation land acquisition and management pursuant to the Florida Water and Land Conservation Initiative, Florida Constitutional Amendment 1;</p> <ul style="list-style-type: none"> • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Directs the County's state lobbyists to advocate for the issues raised and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item. <p><u>Additional Information:</u> On January 21, 2015, the BCC adopted Resolution No. R-47-15 directing the Mayor or Mayor's designee to continue strategic implementation of Miami-Dade County's Environmentally Endangered Lands (EEL) Program to identify additional potential longer-term funding sources for continued acquisition of EEL lands. Additionally, the Mayor was directed to prepare a report and quarterly status reports regarding the issues identified.</p> <p>The County's EEL Program, in partnership with the South Florida Water Management District, the State of Florida, and other funding partners, has acquired over 21,500 acres of environmentally endangered lands throughout Miami-Dade County to date. The EEL Program monitors properties available for auction through the Clerk of Courts website.</p> <p>On December 4, 2007 the BCC adopted Resolution No. R-1300-07 authorizing the EEL Program to bid on and to purchase tax deeds for properties that have been previously designated by the County Commission as Priority A properties on the EEL Acquisition List without further authorization by the Commission. The purchase price was to be less than or equal to either the appraised value of the tax-assessed value of the property. Tax deeds purchased by the EEL Program were to be reported annually to the County Commission.</p> <p><i>Since the last Annual Report for the period of November 22, 2013 to December 31, 2014, no tax deed purchases were made by the EEL Program at auction.</i></p>
11A2 150284	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 294 OR SIMILAR LEGISLATION THAT WOULD ELIMINATE THE FIVE-YEAR WAITING PERIOD FOR LAWFULLY RESIDING IMMIGRANT CHILDREN TO BECOME ELIGIBLE FOR THE FLORIDA KIDCARE PROGRAM
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact Senate Bill 294 or similar legislation that would eliminate the five-year waiting period for lawfully residing immigrant children to become eligible for the Florida KidCare Program; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Rene Garcia, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation; and • Directs the County's state lobbyists to advocate for the passage of the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.
11A4 150281	RESOLUTION URGING THE GOVERNOR AND FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT SUPPORTS A SHIFT TOWARDS PUBLIC TRANSPORTATION INITIATIVES AND INCREASE FUNDING FOR NEW PUBLIC TRANSIT PROJECTS AND FOR IMPROVEMENTS TO EXISTING PUBLIC TRANSIT SYSTEMS
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Governor and Florida Legislature to enact legislation that supports a shift towards public transportation initiatives and increase funding for new public transit projects and for improvements to existing public transit systems; • Directs the Clerk of the 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 Secretary of the Florida Department of Transportation; and • Directs the County's state lobbyists to advocate for the passage of the legislation and funding and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.
11A5 150289	RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION PROVIDING A PUBLIC RECORDS EXEMPTION FOR VIDEO FOOTAGE OBTAINED FROM POLICE OFFICER BODY-WORN CAMERAS WHEN NECESSARY TO PROTECT PRIVACY RIGHTS
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to pass legislation providing a public records exemption for video footage obtained from police officer body-worn cameras when necessary to protect privacy rights; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Directs the County's state lobbyists to advocate for the passage of the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package previously approved by the Board to include this item. <p><u>Additional Information:</u> On December 2, 2014 the BCC adopted Resolution No. R-1078-14 relating to the delay of implementing police body cameras. R-1078-14 directed the Mayor or designee to conduct a study and prepare a report on the benefits and concerns associated with police officer body-worn cameras specifically as they pertain to Miami-Dade County. The Mayor or designee was to provide the report to this Board within 90 days of the effective date of this resolution and shall place the completed report on an agenda of the Board pursuant to Ordinance No. 14-65.</p> <p>Pursuant to R-1078-14, the Mayor or designee was also directed to consider implementing a requirement for legal review of stored video to minimize departmental exposure to civil liability, ensure quality control, and facilitate ongoing police training.</p>

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	<p>The OCA posed the following questions:</p> <ul style="list-style-type: none"> • Has a report been issued? • Has this requirement been implemented? <ul style="list-style-type: none"> ○ <i>According to the Mayor's Office, no information has been provided regarding the body-worn cameras nor have any policies been developed regarding the storage of video. The Miami-Dade Police Department continues their work in developing all the different pieces of this technology.</i> <p>Senate Bill 852 and House Bill 581, relating to police body cameras public records exemption, provides public records exemptions for police body camera audio and video recordings within the interior of private residence, within a hospital or health care office, at the scene of a medical emergency and showing children at a school.</p> <ul style="list-style-type: none"> • <i>The next step is for Senate Bill 852 to receive committee references. House bill 581 has been referred to the following committees:</i> <ul style="list-style-type: none"> ○ <i>House Criminal Justice Subcommittee;</i> ○ <i>House Government Operations Subcommittee; and</i> ○ <i>House Judiciary Committee</i> <p>The House Criminal Justice Subcommittee has filed a proposal committee substitute (PCS) to House Bill 57 relating to police body cameras. House Bill 57 as filed had required most officers to be equipped with cameras. The PCS replaces that language with new bill language that requires law enforcement agencies that permit officers to wear body cameras, to establish policies and procedures, provide training and perform periodic reviews, all as outlined in the PCS. The PCS also requires data recorded by body cameras to be retained consistent with public records laws.</p> <ul style="list-style-type: none"> • <i>On Wednesday, February 11, 2015 the PCS to House Bill 57 passed unanimously in the House Criminal Justice Subcommittee PCS to HB 57.</i>
11A6 150288	RESOLUTION OPPOSING HB 4005, SB 176 OR SIMILAR LEGISLATION THAT WOULD ALLOW ANY PERSON TO CARRY A FIREARM ONTO PUBLIC COLLEGE AND UNIVERSITY CAMPUSES
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Opposes HB 4005, SB 176 or similar legislation that would allow any person to carry a firearm onto public college and university campuses; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Representative Gregory Stuebe, and Senator Greg Evers; and • Directs the County's state lobbyists to advocate for the passage of the legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.
11A7 150290	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO SET ASIDE ADDITIONAL FUNDING FOR FLORIDA'S MEDICAID PROGRAM AND TO SIGNIFICANTLY IMPROVE ACCESS TO MEDICAL AND DENTAL CARE FOR NEEDY CHILDREN
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact legislation to set aside enough additional funding for Florida's Medicaid program to significantly improve medical and dental care for needy children as well as take any other measures necessary to comply with federal law and improve access to care for children who are eligible for Florida's Medicaid program; • Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Chair and Members of the Miami-Dade County State Legislative Delegation and the Secretary of the Florida Agency for Healthcare Administration; and • Directs the County's state lobbyists to advocate for the issue identified and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 state legislative package to include this item. <p><u>Additional Information:</u></p> <p>On December 16, 2014 the BCC adopted Resolution No. R-1126-14 supporting Medicaid expansion in Florida pursuant to the Affordable Care Act and urged the Florida Legislature to pass legislation expanding Medicaid in Florida. Additionally, the County's state lobbyists were directed to advocate for the passage of legislation and funding and authorized and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include R-1126-14.</p>
11A8 150285	RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION TO REDUCE REGULATION ON AND PROVIDE MORE FLEXIBILITY IN LICENSING MOBILE BARBEQUES AND OTHER MOBILE FOOD VENDORS
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature and the Florida Department of Business and Professional Regulation to reduce regulations on mobile barbeques and other mobile food vendors, and provide for more flexibility in how mobile barbeques and other mobile food vendors may be licensed, including but not limited to: <ul style="list-style-type: none"> ○ Reducing the requirements and regulations on mobile barbeques and other mobile food vendors so as to be more like jurisdictions outside of Florida that have regulations better suited to barbeques; or ○ Reducing some of the current requirements for licensure for mobile barbeques, similar to how frankfurter sellers are regulated, and allowing mobile barbeques to meet the applicable requirements if they share facilities with an established business on site. • Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Florida Department of Business and Professional Regulation; and • Directs the County's state lobbyists to advocate for the passage of legislation and promulgation of rules accomplishing the goals

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	set forth herein, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 state legislative package to include this item.
11A9 150280	RESOLUTION URGING THE FLORIDA LEGISLATURE TO STRENGTHEN THE CURRENT FLORIDA RETIREMENT SYSTEM TO PROTECT PARTICIPANTS IN THE SYSTEM; OPPOSING STATE LEGISLATION THAT WOULD REVISE THE CURRENT FLORIDA RETIREMENT SYSTEM TO SHIFT NEW EMPLOYEES INTO A 401(K)-STYLE INVESTMENT PLAN RATHER THAN THE TRADITIONAL PENSION PLAN
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to strengthen the current Florida Retirement System to protect participants in the system; • Opposes any legislation filed for consideration during the Florida Legislature's 2015 session that would revise the current Florida Retirement System to shift new employees into a 401(k)-style investment plan rather than the traditional pension plan; • Directs the Clerk of the 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 President and Executive Director of the Florida Association of Counties; and • Directs the County's state lobbyists to oppose passage of the revision legislation and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.
11A10 150302	RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 508, HB 253, OR SIMILAR LEGISLATION PROMOTING AND PROTECTING SMALL BUSINESS PARTICIPATION IN STATE CONTRACTING
Notes	<p>The proposed resolution:</p> <ul style="list-style-type: none"> • Urges the Florida Legislature to enact Senate Bill 508, House Bill 253, or similar legislation promoting and protecting small business participation in state contracting; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, State Senator Dwight Bullard, State Representative Hazelle P. "Hazel" Rogers, and the Chair and Members of the Miami-Dade State Legislative Delegation; and • Authorizes and directs the County's state lobbyists to advocate for the passage of the legislation and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.
11A11 150303	RESOLUTION URGING THE UNITED STATES FOOD AND DRUG ADMINISTRATION TO FINALIZE AND ADOPT A PROPOSED RULE EXTENDING THE AGENCY'S TOBACCO REGULATORY AUTHORITY TO INCLUDE ELECTRONIC CIGARETTES, AND TO ENACT OTHER RULES THAT RESTRICT THE MARKETING OF ELECTRONIC CIGARETTES TO ADULTS ONLY, REQUIRE CHILDPROOF SAFETY CAPS ON ELECTRONIC CIGARETTE LIQUID PACKAGING, AND REGULATE THE CONTENT OF THE INHALANT IN ELECTRONIC CIGARETTES
Notes	<p>The proposed resolution</p> <ul style="list-style-type: none"> • Urges the United States Food and Drug Administration to finalize and adopt a proposed rule extending the agency's tobacco regulatory authority to include electronic cigarettes, and to enact other rules that restrict the marketing of electronic cigarettes to adults only, require childproof safety caps on electronic cigarette liquid packaging, and regulate the content of the inhalant in electronic cigarettes; • Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation and the Commissioner of the United States Food and Drug Administration; and • Directs the County's federal lobbyists to advocate for the administrative action of this resolution and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package to include this item. <p><u>Additional Information:</u></p> <p>On February 4, 2014, the BCC, through R-145-14, established as the policy of Miami-Dade County that the use of electronic cigarettes and other nicotine dispensing devices is prohibited in all enclosed indoor workplaces owned or operated by the County consistent with state law for lighted tobacco products, the Florida Clean Indoor Air Act, Part II of Chapter 386, Florida Statutes, as such may be amended from time to time, unless an exception applies. This policy will also apply to enclosed indoor workplaces operated within the designated facilities of the Public Health Trust. The Resolution also directed the Mayor or designee, within 60 days of the effective date of the resolution, to prepare for BCC approval revisions to applicable Implementing Orders and other departmental rules and regulations to effectuate the policy directive set forth in R-145-14.</p> <p>On June 3, 2014, the BCC adopted Ordinance 15-55 amending Miami-Dade County Code (Code) to provide for the following:</p> <ul style="list-style-type: none"> • Prohibit minors from possessing or purchasing electronic cigarettes and other nicotine dispensing devices; • Prohibit the sale of electronic cigarettes and other nicotine dispensing devices to minors; and • Prohibit the placement of electronic cigarettes and other nicotine dispensing devices in self-service open displays accessible to minors. <p>Additionally, Ordinance 15-55 amended the Code to provide for the following civil penalties:</p> <ul style="list-style-type: none"> • Possession or purchase by minors of electronic cigarettes or other nicotine dispensing devices; <ul style="list-style-type: none"> ◦ \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for each subsequent offense. • Sale of electronic cigarettes and other nicotine dispensing devices to minors; <ul style="list-style-type: none"> ◦ \$500.00 • Currently, there is a \$500.00 civil penalty for self-service merchandising of tobacco products, including flavored tobacco products, the Ordinance added electronic cigarettes or other nicotine dispensing devices to this category. <p>Florida law currently prohibits the sale or delivery of tobacco products to persons under the age of 18, as well as the possession of tobacco products by persons under the age of 18, but Florida law is not clear whether these existing tobacco prohibitions for minors include electronic cigarettes. In an attempt to restrict minors' access to electronic cigarettes, the Florida Department of Business and Professional</p>

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	<p>Regulation, Division of Alcoholic Beverage and Tobacco, advises tobacco retailers on its website that electronic cigarettes containing nicotine from tobacco leaves are considered tobacco products regulated in the state, and that it is unlawful to sell tobacco products to persons under 18 years of age.</p> <p>The Division of Alcoholic Beverage and Tobacco has indicated that Florida law should be amended to clarify the legal status of all electronic cigarettes, whether or not they contain nicotine from tobacco leaves.</p> <p>Additional Information Pertaining to Electronic Cigarettes: The following information was provided in a press release from the U.S. Food and Drug Administration (FDA) on April 24, 2014:</p> <ul style="list-style-type: none"> • FDA proposes to extend its tobacco authority to additional tobacco products, including e-cigarettes. • Products that would be “deemed” to be subject to FDA regulation are those that meet the statutory definition of a tobacco product, including currently unregulated marketed products, such as electronic cigarettes (e-cigarettes), cigars, pipe tobacco, nicotine gels, waterpipe (or hookah) tobacco, and dissolvables not already under the FDA’s authority. The FDA currently regulates cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. • Consistent with currently regulated tobacco products, under the proposed rule, makers of newly deemed tobacco products would, among other requirements: Register with the FDA and report product and ingredient listings; Only market new tobacco products after FDA review; Only make direct and implied claims of reduced risk if the FDA confirms that scientific evidence supports the claim and that marketing the product will benefit public health as a whole; and Not distribute free samples. • In addition, under the proposed rule, the following provisions would apply to newly “deemed” tobacco products: Minimum age and identification restrictions to prevent sales to underage youth; Requirements to include health warnings; and Prohibition of vending machine sales, unless in a facility that never admits youth. • “The proposed rule would give the FDA additional tools to protect the public health in today’s rapidly evolving tobacco marketplace, including the review of new tobacco products and their health-related claims.” • The FDA proposes different compliance dates for various provisions so that all regulated entities, including small businesses, will have adequate time to comply with the requirements of the proposed rule. • Products that are marketed for therapeutic purposes will continue to be regulated as medical products under the FDA’s existing drug and device authorities in the Food, Drug & Cosmetic Act. • The proposed rule will be available for public comment for 75 days. While all comments, data, research, and other information submitted to the docket will be considered, the FDA is requesting comments in certain areas, including: <ul style="list-style-type: none"> ○ The FDA recognizes that different tobacco products may have the potential for varying effects on public health and is proposing two options for the categories of cigars that would be covered by this rule. The FDA specifically seeks comment on whether all cigars should be subject to deeming, and which other provisions of the proposed rule may be appropriate or not appropriate for different kinds of cigars. ○ The FDA seeks answers to the many public health questions posed by products, such as e-cigarettes, that do not involve the burning of tobacco and inhalation of its smoke, as the agency develops an appropriate level of regulatory oversight for these products. The FDA seeks comment in this proposed rule as to how such products should be regulated. <p><u>FDA Regulation of e-Cigarettes</u> http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm Only e-cigarettes that are marketed for therapeutic purposes are currently regulated by the FDA Center for Drug Evaluation and Research (CDER). Currently, the FDA Center for Tobacco Products (CTP) regulates</p> <ul style="list-style-type: none"> • Cigarettes • Cigarette tobacco • Roll-your-own tobacco • Smokeless tobacco. • <p>FDA has issued a proposed rule that would extend the agency’s tobacco authority to cover additional products that meet the legal definition of a tobacco product, such as e-cigarettes.</p> <ul style="list-style-type: none"> • Deeming – Extending Authorities to Additional Tobacco Products <ul style="list-style-type: none"> ○ Despite decades of efforts to reduce tobacco use, it continues to be the leading cause of preventable disease and death in the United States. To address this public health problem, FDA proposes extending its authority to cover additional products that meet the definition of a tobacco product under the proposed rule: Tobacco Products Deemed to Be Subject to the Food, Drug & Cosmetic Act (Deeming). ○ Currently FDA regulates cigarettes, cigarette tobacco, roll-your-own tobacco and smokeless tobacco. Proposed newly “deemed” products would include electronic cigarettes, cigars, pipe tobacco, certain dissolvables that are not “smokeless tobacco,” gels, and waterpipe tobacco. ○ Once the proposed rule becomes final, FDA will be able to use powerful regulatory tools, such as age restrictions and rigorous scientific review of new tobacco products and claims to reduce tobacco-related disease and death. <p><u>Adverse Event Reports for e-Cigarettes</u> The FDA regularly receives voluntary reports of adverse events involving e-cigarettes from consumers, health professionals and concerned members of the public. The adverse events described in these reports have included hospitalization for illnesses such as:</p> <ul style="list-style-type: none"> • Pneumonia

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	<ul style="list-style-type: none"> • Congestive heart failure • Disorientation • Seizure • Hypotension • Other health problems
11A12 150249	<p>RESOLUTION APPROVING ISSUANCE OF MIAMI-DADE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL DEVELOPMENT REVENUE BONDS IN ONE OR MORE SERIES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$30,000,000.00 TO FINANCE CERTAIN CAPITAL PROJECTS ON BEHALF OF MIAMI COUNTRY DAY SCHOOL FOR PURPOSES OF COMPLYING WITH SECTION 159.47(F), FLORIDA STATUTES, AS AMENDED, AND SECTION 147(F), OF INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND RESCINDING RESOLUTION NO. R-1077-14 ADOPTED ON DECEMBER 2, 2014 WHICH APPROVED THE ISSUANCE OF BONDS FOR SUCH CAPITAL PROJECT BY FLORIDA DEVELOPMENT FINANCE CORPORATION</p>
Notes	<p>The proposed resolution approves the issuance of Industrial Development Revenue Bonds of the Authority in an aggregate principal amount not to exceed \$30,000,000, in one or more series to finance certain capital projects on behalf of Miami Country Day School.</p> <p>Additionally, the proposed resolution rescinds Resolution No. R-1077-14, adopted by the BCC, on December 2, 2014 authorizing the issuance of Bonds by the FDFC to finance the Project.</p> <p>Resolution No. R-1077-14, approved the Third Amendment to Joinder to Interlocal Agreement between Florida Development Finance Corporation and Orange County, Florida Development Finance Corporation (FDFC) to exercise its power and authority within jurisdictional limits of Miami-Dade County for the purpose of financing capital projects in an amount not to exceed \$30,000,000 on behalf of Miami Country Day School. Due to vacancies on the board of the FDFC which remain unfilled, the FDFC was unable to meet with the necessary quorum and consummate the financing of the Project. On Friday, February 13th, 2015 the Authority held a public hearing.</p> <p>The County will not be liable or responsible for any of the indebtedness, liabilities, costs, or expenses of FDFC. All debts, liabilities, costs, and expenses incurred by FDFC will be paid solely by the FDFC as permitted under the Act. Bonds, notes or other indebtedness issued or insured by FDFC will not constitute a debt, liability, or obligation of the County, or the State, or any political subdivision of each or a pledge of the faith and credit or any taxing power of the County or the State or any political subdivision, but will be limited obligations of the FDFC.</p> <p>Miami Country Day School, Inc., (Country Day) is a Florida non-profit corporation. Country Day is an independent, coeducational, nondenominational school founded in 1938 and located at 601 NE 107 Street, Miami with an enrollment of 1200 students from pre-school through grade 12 and 120 fulltime faculty members. Country Day is proposing to construct on campus (i) a Center for the Arts of approximately 45,000 square feet which will include visual art, drama, dance, music classrooms and a 650 seat performing arts auditorium; and (ii) a three-story parking deck with 350 parking spaces. The new parking structure will improve traffic flow in the surrounding community and the Center for the Arts will be available for student performances as well as performances open to the local community and for programs such as Breakthrough Miami which is currently utilizing the County Day campus serving 200 students from under-served communities.</p>