



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

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

November 15, 2017  
1:30 P.M.  
Commission Chambers

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

**PHCH Meeting: November 15, 2017**  
**Research Notes**

**Item No. 1G1**  
**File No.172021**

**Researcher: AIP**

ORDINANCE RELATING TO PLACES OF PUBLIC ACCOMMODATIONS; AMENDING SECTIONS 11A-2 AND 11A-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITION OF “AGE” AS IT RELATES TO PLACES OF PUBLIC ACCOMMODATIONS; CREATING AN EXCEPTION TO UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICES FOR PLACES OF PUBLIC ACCOMMODATIONS OFFERING DISCOUNTS, SPECIAL PRICES, OR OTHER SPECIAL ARRANGEMENTS OR PROGRAMS FOR MINOR CHILDREN, FAMILIES, PERSONS WITH DISABILITIES, OR PERSONS WHO ARE 50 YEARS OF AGE OR OLDER, OR IMPOSING MINIMUM AGE LIMITS OR REQUIREMENTS UP TO A CERTAIN AGE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the proposed amendments to the Miami-Dade County Code in reference to age requirements relating to places of public accommodation.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code Section 11A-2 (Definitions)

<http://miamidade.fl.elaws.us/code/cid10620/11a-2/>

Miami-Dade County Code Section 11A-22 (Exceptions to unlawful public accommodations)

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch11a\\_artiii\\_sec11a-22](http://miamidade.fl.elaws.us/code/coor_ptiii_ch11a_artiii_sec11a-22)

**PROCEDURAL HISTORY**

Prime Sponsor: Commissioner Sosa

This item requires 6 weeks between first reading and public hearing, requires 4 weeks notification to municipal officials prior to the public hearing, and it requires a social equity statement.

8/30/2017: The Board sent the item to the PSHC.

10/3/2017: The Board adopted the item on first reading, and set it for public hearing before the PSHC meeting on Wednesday, November 15, 2017, at 1:30 p.m.

10/6/2017: The Board notified the municipalities of the public hearing.

**FISCAL IMPACT**

This item has no fiscal impact.

**ANALYSIS**

The item amends Section 11A-2 of the County Code and Section 11A-22 (2), (3) of the Code, and adds Section 11A-22(7). The purpose of this is to better reflect the current services and accommodations provided by various businesses, relating to age. The item makes note that places like hotels, or car rental businesses commonly have a surcharge for those under the age of 25.

**PHCH Meeting: November 15, 2017**  
**Research Notes**

The item also states that current federal and state laws regulating Public Accommodations do not include age as a protected class or prohibit Public Accommodations from implementing Age Restriction Policies. This item is to amend the Code, in order to better reflect this.

Section 11A-2 of the Code as it currently reads:	Section 11A-2 of the Code – proposed changes:
Age shall mean the chronological age of any individual who is eighteen (18) years or older.	Age shall mean the chronological age of any individual who is 18 years or older.

Section 11A-22 of the Code as it currently reads:	Section 11A-22 of the Code – proposed changes:
“2) An institution, club facility or place of accommodation shall not be considered in its nature distinctly private if it has more than four hundred (400) members...”	“2) An institution, club facility or place of accommodation shall not be considered in its nature distinctly private if it has more than 400 members...”
“3) ...The board, for good cause shown, may grant an extension not to exceed an additional ninety (90) days after the date allowed such place of accommodation to complete such work.”	“3) ...The board, for good cause shown, may grant an extension not to exceed an additional 90 days after the date allowed such place of accommodation to complete such work.”
-	“7) The provisions of this article shall not prohibit places of accommodations from offering discounts, special prices, or other special arrangements or programs for minor children, families, persons with disabilities, or persons who are 50 years of age or older, or from imposing minimum age limits or requirements up to age 25. Additionally, nothing in this article shall be construed to create a cause of action or give rise to a complaints against a place of public accommodation that implements a policy that complies with the exception to unlawful public accommodation as set forth in this section 11A-22(7).

## Office of the Commission Auditor

**PSHC Meeting: November 15, 2017**

### **Research Notes**

**Item No. 1G2**

**File No. 172366**

**Researcher: SAP**

**Reviewer: TD**

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S ACTION TO APPLY FOR, RECEIVE AND EXPEND GRANT FUNDS IN THE AMOUNT OF \$455,880.00 FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FISCAL YEAR 2017 LOCAL SOLICITATION FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AMENDMENTS, MODIFICATIONS, RENEWALS, EXTENSIONS, CANCELLATIONS AND TERMINATION PROVISIONS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND ADDITIONAL FUNDS

#### ISSUE/REQUESTED ACTION

Whether the Board should retroactively authorize County Mayor or his designee's action to apply for, receive and expend \$445,880.00 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to support the Miami-Dade Police Department (MDPD).

#### APPLICABLE LEGISLATION/POLICY

Resolution No. R-756-14 – To apply for, receive and expend grant funds.

<http://intra/gia/matter.asp?matter=141263&file=true&yearFolder=Y2014>

#### PROCEDURAL HISTORY

Prime Sponsor: None

#### FISCAL IMPACT

The grant will provide \$455,880.00 in federal fund to implement the proposed project. The funding source is the U.S Department of Justice Bureau of Justice Assistance of the Office of Justice Programs. The grant does not require any matching or in kind funds.

#### ANALYSIS

This item seeks retroactive authorization to apply, receive and expend grant funds of \$445,880.00 for the MDPD from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance - *Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2017 Local Solicitation Form*. The grant funds will allow the MDPD to continue its efforts to combat crime while protecting the citizens and the visitors of our community. On September 3, 2014, Resolution No. R-756-14 retroactively authorized \$503,265.00 from the JAG Program to MDPD.

The JAG Program is the leading source of federal justice funding to state and local jurisdictions and provides states and local governments with critical funding necessary to support a range of program areas including, but not limited to, law enforcement, prosecution, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, technology improvement, mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams. The department uses these grant funds to enhance police operations considering data driven policy practices for effective and efficient operations.

## Office of the Commission Auditor

**PSHC Meeting: November 15, 2017**

### **Research Notes**

#### **Additional Information on the JAG program**

##### *Eligibility*

Only units of local government may apply under this solicitation. By law, for purposes of the JAG Program, the term “units of local government” includes a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state. A unit of local government may be any law enforcement district or judicial enforcement district established under applicable State law with authority to independently establish a budget and impose taxes.

##### *Permissible uses of JAG Funds*

In general, JAG funds awarded to a unit of local government under this FY 2017 solicitation may be used to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)
- Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams

##### *Limitations on the use of JAG funds - Prohibited and controlled uses of funds*

JAG funds may not be used (whether directly or indirectly) for any purpose prohibited by federal statute or regulation, including those purposes specifically prohibited by the JAG Program statute as set out at 42 U.S.C. § 3751(d):

- (1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.
- (2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—
  - (a) Vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters)
  - (b) Luxury items
  - (c) Real estate
  - (d) Construction projects

*OCA posed the following questions to MDPD. Responses will be included in the 12/5/17 Research Notes.*

1. Provide the list of countywide projects that the FY 2017 JAG funds will support;
2. List the participating local municipalities utilizing the JAG funds and the specific project areas;
3. When was the grant application submitted and when was the award notice received; and
4. Clarify what is meant by a public hearing on the application for the funds is required.

## Office of the Commission Auditor

### PSHC Meeting: November 15, 2017

#### Research Notes

**Item No. 2G**

**File No. 172500**

**Researcher: SAP Reviewer: TD**

RESOLUTION APPROVING THIRD AMENDMENT TO THE SECOND AMENDED PARTNER PROGRAM AGREEMENT WITH THE MIAMI VETERINARY FOUNDATION, EXTENDING TERM FOR ONE ADDITIONAL YEAR AND FOUR ONE-YEAR OPTIONS-TO-RENEW, PROVIDING FUNDING UP TO AN AMOUNT NOT TO EXCEED \$1,575,000.00 TO ENSURE THE CONTINUATION OF SPAY/NEUTER SERVICES AND INCREASING THE ADMINISTRATIVE FEE REIMBURSEMENT FOR SURGERIES FROM \$8.00 PER SURGERY TO \$10.00 PER SURGERY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THIRD AMENDMENT AND EXERCISE ANY AND ALL PROVISIONS THEREIN INCLUDING RENEWAL PROVISIONS

#### ISSUE/REQUESTED ACTION

Whether the Board should approve the third amendment to the Second Amended Partner Program Agreement between Miami Veterinary Foundation:

- 1) Extending the term of the Second Amended for one additional year and four one-year options-to-renew;
- 2) Providing funding in an amount not to exceed \$1,575,000.00 over the term of the Second Amended (inclusive of options-to-renew periods, at \$300,000.00 per fiscal year) and an additional \$75,000.00 upon exhaustion of annual allocation; and
- 3) Increasing the administrative fee reimbursement from \$8.00 to \$10 per surgery

#### APPLICABLE LEGISLATION/POLICY

Resolution No. R-623-14 – approving grant funding to enter into a partner program agreement for a low-cost community spay/neuter program.

<http://intra/gia/matter.asp?matter=141392&file=true&yearFolder=Y2014>

Resolution No. R-417-15 – approving amended Partner Program Agreement

[http://intra.miamidade.gov/gia/matter\\_report.asp?matter=150701&file=true&yearFolder=Y2015](http://intra.miamidade.gov/gia/matter_report.asp?matter=150701&file=true&yearFolder=Y2015)

Resolution No. R-1176-15, Agreement with the Dade Veterinary Foundation

<http://intra/gia/matter.asp?matter=152804&file=true&yearFolder=Y2015>

Resolution No. R-583-12 to develop program to become a No Kill shelter

<http://intra/gia/matter.asp?matter=121155&file=true&yearFolder=Y2012>

Resolution No. R-441-14, Creation of Voucher Program for Spay/Neuter Services

<http://intra/gia/matter.asp?matter=140831&file=true&yearFolder=Y2014>

#### PROCEDURAL HISTORY

Prime Sponsor: Sally A. Heyman

#### FISCAL IMPACT

Funding for this grant will be provided by the Animal Services Department as part of the County's No Kill Initiative.

## Office of the Commission Auditor

### PSHC Meeting: November 15, 2017

#### Research Notes

#### ANALYSIS

In July, 2014, the County entered into a Partner Program Agreement with the Miami Veterinary Foundation (MVF) establishing the first ever spay/neuter program for the provision of low-cost spay and neuter services to income-qualified dog and cat owners. This item seeks approval of the 3<sup>rd</sup> amendment to the Second Amended Partner Program Agreement to extend the term for an additional year and four one-year option-to-renew. Also, to provide funding in an amount not to exceed \$1,575,000 at \$300,000.00 per fiscal year and an additional \$75,000 upon exhaustion of annual allocation to ensure the continuation of spay and neuter services. The administrative fee reimbursement for surgeries will be increased by \$2.00 per surgery.

At the November 7, 2017, BCC, Contract No. RFP-00420, for professional veterinary services was approved for one three-year option-to-renew term with an estimated cumulative value of \$1,771,000.00. This contract is divided among five departments namely Police, Fire Rescue, Corrections and Rehabilitation, Animal Services and Aviation. The contract is used by departments for working canines assigned to public safety departments that require specialized veterinary treatment due to the nature of their job.

With donations to the Animal Services Trust Fund, the Miami-Dade Animal Services offer spay and neuter surgeries for Miami-Dade County residents at a reduced price. The cost of spay and neuter services are \$30 for dogs and \$15 for cats.

*OCA posed the following questions to ASD. Responses will be included in the 12/5/17 Research Notes.*

1. What is the number of animals treated under this program?
2. How much money is being saved by using this service?

#### Additional Information on Spay and Neuter Legislation

On July 3, 2012, the BCC, through R-583-12, directed the Mayor to develop a program with the goal of the County's Animal Services Department (ASD) becoming a "No Kill" shelter. At the forefront of the No Kill strategy is the critical, unmet need for free and low cost sterilization services for privately owned dogs and cats, as well as free-roaming community cats and ASD's rescued animals. (*See preceding hyperlink*).

On June 4, 2013, the BCC adopted the No Kill Implementation report developed by ASD at the direction of the Mayor. The FY 2013-14 budget included an additional \$4 million for ASD to continue its development of No Kill initiatives.

On May 6, 2014, the BCC, through R-441-14, directed the Mayor to implement, within existing funding, a program for qualified, low-income County residents to obtain a voucher for spay/neuter services from the local veterinary community for their pet dogs or cats. (*See preceding hyperlink*).

## Office of the Commission Auditor

**PSHC Meeting: November 15, 2017**

### **Research Notes**

**File No. 172527**

**Item No. 2H**

**Researcher: SAP Reviewer: TD**

RESOLUTION APPROVING THE ASSIGNMENT OF A VEHICLE LEASE AGREEMENT BETWEEN THE COUNTY, AS LESSOR, AND THE SOUTH FLORIDA BEHAVIORAL HEALTH NETWORK INC. ("SFBHN"), A FLORIDA NON-PROFIT CORPORATION, AS LESSEE, OF A FLEET MOTOR POOL VEHICLE TO COMMUNITY HEALTH OF SOUTH FLORIDA, INC. ("CHI"), A FLORIDA NON-PROFIT CORPORATION, TO BE USED BY ANY LICENSED STAFF MEMBER OF CHI, AND DIRECTS THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS, AFTER REVIEW BY THE COUNTY ATTORNEY'S OFFICE, IN ORDER TO EFFECTUATE SAID ASSIGNMENT

#### ISSUE/REQUESTED ACTION

Whether the Board should approve the assignment of a vehicle lease agreement between the County and the South Florida Behavioral Health Network SFBHN), Inc., of a fleet motor pool vehicle to Community Health of South Florida, Inc. (CHI).

#### APPLICABLE LEGISLATION/POLICY

Resolution R-137-15 governing Fleet Motor Pool

<http://intra/gia/matter.asp?matter=150168&file=true&yearFolder=Y2015>

#### PROCEDURAL HISTORY

**Prime Sponsor: Sally A. Heyman**

#### ANALYSIS

This item seeks approval of the assignment of a vehicle lease agreement, of a fleet motor pool vehicle, originally assigned to SFBHN to be reassigned to CHI to be used by any licensed staff member of CHI. Resolution No. R-137-15 directs the County to make available a vehicle from the County's fleet motor pool to be used by any licensed staff member of the Eleventh Judicial Circuit Criminal Mental Health Project (CMHP) for the provision of mental health services.

In January 2016, the County entered into a 36-month vehicle lease agreement (1/1/2016 through 12/31/2018), with SFBHN at a cost of \$1 per year to provide the aforementioned services. According to the proposed resolution, recently SFBHN advised the County that under its current contract with the Florida Department of Children and Families, it could no longer provide the services to the community for which it sought to lease the County vehicle. Instead the SFBHN would like to assign its rights to lease the vehicle under the Agreement to CHI because CHI will now be undertaking those functions and responsibilities associated with the provisions of mental health services previously performed directly by SFBHN.

The CMHP was established to divert nonviolent misdemeanor defendants with serious mental illnesses (SMI) and substance use disorders, from the criminal justice system into community-based treatment and support services. The program's success has earned accolades from the U.S. Supreme Court and New England Journal of Medicine referred to the CMHP as a Miami model for the nation. Those who choose to enter the CMHP receive a mental health treatment plan, temporary housing, and public assistance, from Medicaid to Supplemental Security Income, if they qualify. They are also assigned a peer specialist who guides them through treatment.



**Office of the Commission Auditor**

**PSHC Meeting: November 15, 2017**  
**Research Notes**

CHI is accredited by the Joint Commission and is accredited as a Level 3 Patient-centered Medical Home by the National Committee for Quality Assurance (MCNA). According to their website, CHI provides services to include psychological rehabilitation, crisis stabilization, substance abuse detox and behavioral healthcare designed to improve the functioning or further deterioration of mental health including psychiatric mental status.

## Office of the Commission Auditor

**PSHC Meeting: November 15, 2017**

### **Research Notes**

**Item No. 3A**

**File No. 172384**

**Researcher: SAP Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF CORRECTIONS AND MIAMI-DADE COUNTY FOR THE VICTIM NOTIFICATION SERVICE NETWORK

#### ISSUE/REQUESTED ACTION

Whether the Board should approve the Memorandum of Agreement between the Florida Department of Corrections and Miami-Dade Department of Corrections and Rehabilitation (MDCR) for the Victim Notification and Information Services Network (VINE).

#### APPLICABLE LEGISLATION/POLICY

N/A

#### PROCEDURAL HISTORY

**Prime Sponsor: Sally A. Heyman**

#### FISCAL IMPACT

The fiscal impact to the County is minimal as associated costs with the agreement are paid by the Florida Department of Corrections and any ancillary support will be accomplished with in-house staff.

#### ANALYSIS

This item seeks approval of the Memorandum of Agreement between the Florida Department of Corrections and MDCR for the statewide VINE system. In 2001, the Florida Legislature authorized funding to expand the state's victim notification system to all of Florida's County jails. As per the Memorandum of Agreement, on October 1, 2017, the Florida Department of Corrections (Department) entered into Contract #C2899 with APRISS, Inc. (Service Provider) to develop, implement, and support a statewide victim notification and information service.

The primary function of the Victim Services is to assist victims of crimes committed by inmates in the department's custody or under our supervision, and to notify victims prior to an inmate's release. The office also provides referral services to victims with specific needs, such as counseling, support groups, crimes compensation, and crisis intervention. They understand that as a victim of a crime, one's sense of safety and security may be diminished. The Florida Department of Corrections try to do all they can to make sure customers have as much information as possible to help them deal with the issues they face.

The Service Provider is based in Louisville, Kentucky as a direct result of a murder in Louisville. In order to provide VINE, the Service Provider develops and maintains interfaces with offender management software systems within each facility. At the County jail level, the Service provider collects data that has been entered into the jail management system about every 15 minutes, processes that data, and makes it available through VINE. Once the MOA is approved, the Service Provider will install a computer or provide another form of connectivity (hereinafter referred to as "VINE Gateway") at the MDCR where it is needed for the interface. The purpose of the VINE Gateway is to obtain offender information from the site and transit it to the National Operations Center. The VINE Gateway should not be used for any other purposes by the site's staff and any damage to the VINE Gateway resulting from usage for purposes other than the VINE interface will void all warranties on the equipment.

**Office of the Commission Auditor**

**PSHC Meeting: November 15, 2017**  
**Research Notes**

Broward County also utilizes the VINE system. Only offenders in Broward County jails are included in the Broward County VINE service. Offenders in another county's jails or in state or federal custody facilities are not included in this program. The Broward Sheriff's Office strongly encourages victims of crimes to not depend solely on VINE or any other single program to maintain their safety.

**PHSC Meeting: November 15, 2017  
Research Notes**

**Item No. 3C  
File No. 172457**

**Researcher: BM    Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND UNITED STATES DEVELOPMENT, LTD., INCLUDING AN ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT (HEALTH DEPARTMENT) AT NO COST TO THE COUNTY, FOR THE PREMISES LOCATED AT 11865 SW 26 STREET, UNITS J2 AND J6, MIAMI, FLORIDA, FOR USE AS GENERAL OFFICE SPACE WITH TOTAL REVENUE TO THE COUNTY ESTIMATED TO BE APPROXIMATELY \$115,444 FOR THE INITIAL FIVE-YEAR TERM WITH ONE FIVE-YEAR RENEWAL OPTION PERIOD; AND AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME INCLUDING ASSIGNMENT OF THE LEASE AGREEMENT TO THE HEALTH DEPARTMENT, AND TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT AND ASSIGNMENT TO THE PROPERTY APPRAISER WITHIN 30 DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the execution of a Lease Agreement between the County and United States Development, LTD, the landlord, for general office space for a five-year term, with one five-year option to renew for the Miami-Dade County Health Department (an agency for the State of Florida Department of Health).

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-1108-09 authorizing a lease agreement, and an assignment of such lease for the State of Florida Department of Health, between the County and United States Development, LTD to operate as Miami-Dade County Health Department – Women, Infants, and Children. This resolution was adopted by the Board on September 15, 2009.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-1108-09.pdf>

Resolution No. R-1109-09 authorizing a lease agreement, and an assignment of such lease for the State of Florida Department of Health, between the County and United States Development, LTD to operate as Miami-Dade County Health Department – West Dade Family Clinic. This resolution was adopted by the Board on September 15, 2009.  
<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-1109-09.pdf>

Section 154.001, Florida Statutes, specifies that the State of Florida is required to enter into contracts with each County with the intent to promote, protect, maintain, and improve the health and safety of all citizens and visitors of this state  
[http://leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0154/0154.html](http://leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0154/0154.html)

**PROCEDURAL HISTORY**

Resolution No. R-1108-09 was adopted by the Board on September 15, 2009.  
Resolution No. R-1109-09 was adopted by the Board on September 15, 2009.

**FISCAL IMPACT**

Implementation of this resolution is not anticipated to create a fiscal impact to the County, as the landlord agrees to the assignment and delegation of all rights, duties, and responsibilities from the County to the State of Florida during the term of the lease.

## Office of the Commission Auditor

### PHSC Meeting: November 15, 2017 Research Notes

Miami-Dade County is scheduled receive lease management fees during the term of the lease. The base year receipt shall be approximately \$10,300 and approximately \$115,400 during the lease term from the Internal Services Department. The base rent is increased by 3% after the second year of the lease term.

The table below summarizes the annual rental payments for both units for the term of the lease:

<b>111865 S.W. 26 Street Unit J2</b>		<b>111865 S.W. 26 Street Unit J6</b>	
Contract Period	Annual Base Rent	Contract Period	Annual Base Rent
1	\$85,111.56	1	\$173,520.00
2	\$85,111.56	2	\$173,520.00
3	\$87,664.92	3	\$178,725.60
4	\$90,294.84	4	\$184,087.32
5	\$93,003.72	5	\$189,609.96
	<b>\$441,186.60</b>		<b>\$899,462.88</b>
Renewal period	Annual Base Rent	Renewal period	Annual Base Rent
1	\$95,793.84	1	\$195,298.32
2	\$98,667.60	2	\$201,157.20
3	\$101,627.64	3	\$207,192.00
4	\$104,676.48	4	\$213,407.76
5	\$107,816.76	5	\$219,810.00
	<b>\$508,582.32</b>		<b>\$1,036,865.28</b>

#### ANALYSIS

The proposed resolution recommends the execution of a Lease Agreement between the County and United States Development, LTD, the landlord, for general office space for a five-year term, with one five-year option to renew for the Miami-Dade County Health Department (an agency for the State of Florida Department of Health).

The proposed resolution will combine the current leases approved by Resolution No. R-1108-09 and Resolution No. R-1109-09, on September 15, 2009, into a single lease agreement. Currently, lease in unit J6 – Woman, Infants, and Children program expired on August 22, 2017 and the lease in unit J2 – West Dade Family Clinic will expire April 14, 2018. The proposed lease extends the agreement for a five-year term with one, five-year option to renew. The property to be leased is located within District 11, represented by Commissioner Joe Martinez.

The proposed resolution will achieve the following:

- Authorize a lease of approximately 2,900 square feet (Unit J2) and approximately 6,000 square feet (Unit J6);
- Authorizes a lease term of five-years, with one five-year option to renew; and
- Authorizes assignment and Assumption of Lease Agreement between Miami-Dade County and the State of Florida

The base rents amounts paid for the property under the proposed lease is in line with the asking price of the local real estate market.

## Office of the Commission Auditor

### PHSC Meeting: November 15, 2017 Research Notes

#### ADDITIONAL INFORMATION

According to an article posted by the Miami Herald, on May 9, 2017, the total asking price per square footage of office space leased in Miami-Dade County is \$36.99. The proposed lease agreement is based on an approximate price per square footage of \$28.92. The agreed base rent amount is below the asking price per square footage for office space in Miami-Dade County. The real estate market information was provided by JLL, a real estate brokerage firm in their “Miami Office Insight – Q1 2017” report. The link to the Miami Herald article and the JLL report are provided below.

- <http://www.miamiherald.com/news/business/real-estate-news/article149374309.html>
- <http://www.jll.com/miami/en-us/Pages/RemoteResearch.aspx?URL=http://www.jll.com/united-states/en-us/research/8163/us-miami-office-insight-q1-2017-jll>

## Office of the Commission Auditor

### PSHC Meeting: November 15, 2017

#### Research Notes

**Item No. 8F**

**File No. 171856**

**Researcher: SM**

**Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF AN AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND AMERICAN BUSINESS CONTINUITY DOMES, INC., A FLORIDA CORPORATION FOR THE PROPERTY LOCATED AT 1390 N.W. 14 AVENUE, MIAMI, FLORIDA, FOR A FIVE YEAR TERM WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$471,093.55; APPROVING THE AMENDED AGREEMENT BETWEEN THE COUNTY AND THE STATE OF FLORIDA, THROUGH THE OFFICE OF THE STATE ATTORNEY, ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, FOR THE SAME PROPERTY TO BE UTILIZED BY THE OFFICE OF THE STATE ATTORNEY AS GENERAL OFFICE SPACE, FOR THE NOMINAL COST OF ONE DOLLAR FOR THE FIVE YEAR TERM, MINUS ONE DAY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDMENT AND AGREEMENT AND EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO PROVIDE AN EXECUTED COPY OF THE AMENDED AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS

#### ISSUE/REQUESTED ACTION

Whether the Board should approve terms of and authorizing execution by the County Mayor or the County Mayor's designee of an amendment to Lease Agreement (Amendment) between Miami-Dade County (County) and American Business Continuity Domes, Inc.

#### APPLICABLE LEGISLATION/POLICY

Resolution No. R-730-16 adopted by the Board on July 19, 2016, authorized the lease of 9,723 square feet of office space for the second, third, and fourth floors of the premises located at 1390 NW 14 Avenue, Miami, Florida, for a five year term.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2016/R-730-16.pdf>

Article V, Section 14 of the Florida Constitution – requires the County to cover the cost of the lease, maintenance, utilities, and security of facilities for the Trial Courts, Public Defender's Office, State Attorney's Office, and the Office of the Clerk of Courts.

<http://www.flsenate.gov/Laws/Constitution#A5S14>

Resolution No. R-333-15 adopted by the Board April 21, 2015 – requires disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

#### PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Bruno A. Barreiro**

The item was deferred at the October, 11, 2017, Public Safety and Health Committee.

## Office of the Commission Auditor

### PSHC Meeting: November 15, 2017 Research Notes

#### FISCAL IMPACT

The proposed resolution would approve a lease term of five years. As stated in the amendment to the lease agreement, the current annual rent for the property for the initial year of the lease term is \$197,376.96, or \$20.30 per square foot. The new annual rent for the premises including the new space will be \$262,580.52 which is approximately \$20.30 per square foot, on an annual basis. Monthly rent for the first and second year will be \$21,881.71 after which it will increase by approximately 3 percent.

Period	Monthly Rent	Annual Rent
Year 3	\$22,539.24	\$270,470.88
Year 4	\$23,207.55	\$278,490.60
Year 5	\$23,908.19	\$286,898.28

#### ANALYSIS

The proposed resolution would authorize execution of the Amendment to Lease Agreement between Miami-Dade County and American Business Continuity Domes, Inc., a Florida for-profit corporation, for property located at 1390 NW 14 Avenue, Miami, Florida, for use as administrative office space by the Office of the State Attorney, Eleventh Judicial Circuit of Florida (State Attorney's Office).

The following would be done with the proposed resolution:

- Authorizes the Amendment to modify the description of the lease agreement (Lease) to include the fifth floor of the Property and adjusts the square footage to include an additional 3,212 square feet of air-conditioned office space, thereby increasing the total amount of leased space to 12,935 square feet
- Authorizes the modification of paragraph 2(b)(5) of the Lease requiring that Landlord Improvements be substantially completed within an additional 180 days of the date of the Amendment.
- Authorizes the amendment and replacement of paragraph 17 of the Lease, restating that should the County exercise its right to terminate the Lease, the County shall be responsible to reimburse the unamortized cost of the Landlord Improvements to the Landlord, not to exceed \$905,450.00.
- Authorizes the Amended Agreement between the County and the State Attorney's Office to include the fifth floor of the Property, and increasing the square footage to include an additional 3,212 square feet of office space.
- Authorizes a lease term of five years, commencing at the completion of Landlord Improvements.

The State Attorney needs more space to be able to more efficiently perform administrative and legal functions. The current premise is 9,723 square feet, and will be increased by 3,212 square feet, as stated in the amendment to lease agreement and aforementioned statement. In the amended lease agreement the landlord agrees to complete the build out for the interior of the premises, the cost will be the landlord's responsibility. The state Attorney's Office is awaiting approval of this Amendment to Lease Agreement in order for the landlord improvements to be completed prior to occupying this additional office space. The property is located within District five, represented by Commissioner Bruno A. Barreiro.



## Office of the Commission Auditor

### PSHC Meeting: November 15, 2017 Research Notes

#### ADDITIONAL RESEARCH FOUND ONLINE

The Miami Herald issued an article dated May 9, 2017. According to a report done by the real estate brokerage firm JLL, the average asking price per square foot for office space leased in Miami-Dade County was \$36.99. The first quarter of 2017 had an increase of 40 percent over the same period last year. The proposed amendment has an approximate price per square footage of \$20.30 for the first and second lease year.

- <http://www.miamiherald.com/news/business/real-estate-news/article149374309.html>
- <http://www.jll.com/miami/en-us/Pages/RemoteResearch.aspx?URL=http://www.jll.com/united-states/en-us/research/8163/us-miami-office-insight-q1-2017-jll>