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[ARTICLE CXLVIII. - OPA-LOCKA COMMUNITY REDEVELOPMENT AND REVITALIZATION TRUST FUND](../level3/PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU.docx)

FOOTNOTE(S):

--- (**1**) ---

Annotations—AO's 1-2, 9-1 [(Back)](#BK_CDCC60A9195B49A582D1DACFFD8DAD0D)

**Cross reference—** Courts, Ch. 11; elections, Ch. 12. [(Back)](#BK_CDCC60A9195B49A582D1DACFFD8DAD0D)

### ARTICLE I. IN GENERAL

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[Sec. 2-2. Suits for damages against the County; notice; settlement authority.](#BK_47B2DDB46AA4AADE09FC005771BFD46E)

[Sec. 2-2.1. Use of the North American Industry Classification System (NAICS) by County departments.](#BK_8AF1611D5EB02C021926320D83FDA777)

[Sec. 2-2.2. Designation of responsibility for custody and transportation by law enforcement agencies of persons believed to be mentally ill.](#BK_262EBEFC3ADCF4747E2EA83F040D2255)

[Sec. 2-3. Rules and regulations of County agencies—Filed with Clerk of Circuit Court.](#BK_25C02668DE9C197DC725B5AA550FAC08)

[Sec. 2-4. Same—Not effective until filed.](#BK_C05DE03D67EBE6A9F2E6D36EFB8EB553)

[Sec. 2-5. Same—Names and addresses of board members.](#BK_DE6223080F78D400898325A357915E68)

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[Sec. 2-8.1.4. Sherman S. Winn Prompt Payment Ordinance.](#BK_A276C2C12E617A198B7D10A8F20A354F)

[Sec. 2-8.1.5. Nondiscrimination.](#BK_1B7F246DB19308C4644CE24B2C2D69B5)

[Sec. 2-8.1.6. Program for expedited purchasing.](#BK_A9FA53C91192443279A6DD5D3000F982)

[Sec. 2-8.2. Black Business Enterprise Program.](#BK_E80021A25145EA239E6A4EAA6748E42B)

[Sec. 2-8.2.1. Anti-bid shopping measures.](#BK_23301546047680A613438515C67918C7)

[Sec. 2-8.2.2. Additional sanction for failure to meet DBE goal.](#BK_FCCAAF397E28117A1364037279156AA5)

[Sec. 2-8.2.3. Women Business Enterprise Program.](#BK_9AD0C85A47EEA0F7D7BA81F82E7AEC3A)

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[Sec. 2-8.2.5. Aviation Department procurement.](#BK_5FA56F5818CF74909A1EDBDB3A605DE4)

[Sec. 2-8.2.6. Reserved.](#BK_7F371A9F9525C517C150CD18635151BC)

[Sec. 2-8.2.7. Economic stimulus ordinance.](#BK_AF38F1BD21C55F21766167A2763414AE)

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[Sec. 2-8.2.8. County manager's authority as to contract relating to construction of Performing Arts Center of Greater Miami.](#BK_CA8DCBE130E4801A2A1EFFAA1768093A)

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[Sec. 2-8.2.10. Procurement policy as to contracts related to projects funded in whole or in part by Building Better Communities General Obligation Bond Program Funds.](#BK_9ABDFA9AB7ED6331A08563119C452CC8)

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[Sec. 2-9. Contracts with municipalities or governmental units for services—Authority of Manager.](#BK_B225FA0AD72089CAF138ABEBB995D3E0)

[Sec. 2-10. Same—Ratification of Board; duration; filing.](#BK_573DE90F40672CE9AC297DC66A8C96A0)

[Sec. 2-10.1. Joint purchases by County and quasi-governmental entities surcharges.](#BK_723E9AAFB698D6B6E32FBC82BC0A8D4E)

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[Sec. 2-10.4.01. Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services.](#BK_63B78620BA6F06E115716E35FBACC794)

[Sec. 2-10.4.2. [Appraisers required for purchases, sales and leases.]](#BK_94E43E9D494FCD6FC78DBCED4D99BCFA)

[Sec. 2-10.5. Administrative guidelines for community development block grant funds.](#BK_E5C30798C85A572C105FBF301F345481)

[Sec. 2-10.5.1. Federal Community Development Block Grant and HOME Funds.](#BK_DC57513ED428E9045CA803BF148D4760)

[Sec. 2-10.6. Competitive bidding requirement for all County bond transactions.](#BK_336446A099D67BFA328FAFE797E3252D)

[Sec. 2-11. Outside employment by County employees.](#BK_A5C578C739D52B8617FC2E1A1E766BC9)

[Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.](#BK_0B3AD2D09817250D3E3F7E13AEB73E55)

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[Sec. 2-11.2. Sale of public property by municipalities.](#BK_DC8AB4CC3A57DC2BACBB6F05BCDF322A)

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[Sec. 2-11.3. Automatic suspension of County official charged with commission of a felony.](#BK_99C1F3852730EEA7249F8B890FCCAC03)

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[Sec. 2-11.6. New port facilities; consent and approval by Commission required.](#BK_A2B592EA228AE9ECD6B48B6BDFD2C14A)

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[Sec. 2-11.8. [Agency authorized to acquire real property.]](#BK_C1D58DDF1B284337B73520B84741E0F8)

[Sec. 2-11.9. Same—Action by County Commission.](#BK_E968EF1A8C615656E49BEE9E47F64F89)

[Sec. 2-11.10. Same—Participation in program by other governmental agencies.](#BK_8CCDC8540ED70AFD07E9D379AD5C4A8E)

[Sec. 2-11.11. Same—County Commission report advisory only.](#BK_6F8B8A1F025C17D097BFD858C09C4E8E)

[Sec. 2-11.12. Use of County's distributive share of revenue derived from licensing and taxing of dog and horse racing.](#BK_AC8273C7184EB24A6E7A3A103BEA1C1C)

[Sec. 2-11.13. Reimbursement to Miami-Dade County employees for certain loss or damage to personal property.](#BK_A7253B8FAD4119E47C23FCFD0E176AC6)

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[Sec. 2-11.14. Film production on publicly-owned or controlled property.](#BK_9D702965F7B522B110141C42671EEE4D)

[Sec. 2-11.14.1. Film and Entertainment Advisory Board.](#BK_7A883BCC2DCBADB456AD5601DD4645C5)

[Sec. 2-11.15. Works of art in public places.](#BK_DB00D14CBE201A492F89A62260AB1957)

[Sec. 2-11.16. County construction contracts.](#BK_9F1109B46B15DEC279BD94C9A2B3F5C8)

[Sec. 2-11.17. Reserved.](#BK_ABE086DB6FB6E315B1BF50BA531ACB27)

[Sec. 2-11.18. Performance based program review proposal.](#BK_74C42C876DD8572901227559693A9D1E)

[Sec. 2-11.19. Medical Examiner Department services.](#BK_438AE9051EF6A388D4D29F11B54958DA)

[Sec. 2-11.20. Budgetary requirements regarding empowerment zone.](#BK_3466897E80CF147440EB44B9C20F5079)

[Sec. 2-11.21. Unincorporated municipal service area revenues.](#BK_8F0B09F7ED64CAD6CFAA35FA912747BD)

[Sec. 2-11.22. Reserved.](#BK_87B84A9E7399346DC29350E0DEB70B14)

[Sec. 2-11.23. Use of utility tax and franchise fee revenues.](#BK_04B470291D21A9C4E5C7A90DA5C82DDF)

[Sec. 2-11.24. Disposition of unexpended omnibus reserve funds.](#BK_3F6A3202B2EB6617E395F16480E69BC5)

[Secs. 2-11.24.1, 2-11.25. Reserved.](#BK_23AB0971C16DBE9820F6FF93324D7523)

[Sec. 2-11.26. Reserved.](#BK_56D94BEB75178FC045F35AF562141D7A)

[Sec. 2-11.27. Responsibility for and control of pool and public affairs budget and staff.](#BK_A4FBF3BD744051E15F792444405C1A9F)

[Sec. 2-11.28. Members of County Canvassing Board.](#BK_252FB5D2077930EA1403D2F0475378B0)

[Sec. 2-11.29. Selective service registration for applicants for county employment.](#BK_AA4B2F5883E0E1C1A47E9B299C8BFF5A)

[Sec. 2-11.30. Contracts providing external auditing services.](#BK_20CDB1A4D169FE56A6BCC6F32F34C513)

[Sec. 2-11.31. Reserved.](#BK_73578077F37569212A9677B4BD28E8A9)

Sec. 2-1. Rules of procedure of County Commission. [[2]](#BK_DD4D8DC1B0790575E2E2580FD5BA7AB0)

PART 1. GOVERNING RULES

*Rule* [*1.01*](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO) *Governing rules; amendment.*

Except as may be provided in the Charter, the code or by these rules, questions of order, the methods of organization and the conduct of business of the Commission shall be governed by the Mason's Manual of Legislative Procedure (1953 Edition).

(Ord. No. 96-135, §§ 1, 2, 9-17-96; Ord. No. 02-215, § 1, 10-22-02)

PART 2. OFFICERS

*Rule* [*2.01*](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.01ELMA) *Chairperson and Vice-Chairperson.*

(a) *Chairperson.*

(1) *Election, term, term limitation, and removal.* A chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the regular commission meeting following the installation of the county commissioners during each even-numbered year. The chairperson's term shall commence on January 1 of the following year. The chairperson may be removed prior to the expiration of his or her term by the vote of nine (9) commissioners. No commissioner shall serve as chairperson of the county commission for more than two consecutive years.

(2) *Duties of chairperson.* The chairperson shall:

(a) Preside at all meetings of the commission and preserve strict order and decorum;

(b) State every question coming before the commission and announce the decision of the commission on all matters coming before it;

(c) Appoint the chairpersons, vice-chairpersons and members of all commission committees, including standing committees, ad hoc committees and subcommittees;

(d) Convene committees of the whole;

(e) Designate and supervise all persons who shall serve as employees of the entire county commission, as set forth in the pool budget, including employees of the Office of Legislative Analysis;

(f) Have responsibility for the administration of the pool budget of the board of county commissioners, in conjunction with the manager;

(g) Issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by a committee, upon the request of the chairperson of any commission committee;

(h) Schedule the meetings of all commission committees, in consultation with the committee chairperson and vice-chairperson, to provide each with an opportunity to meet without conflicting with the meetings of other committees;

(i) Designate the arrangement and configuration of the county commission dais; and

(j) Have responsibility for administering the Miami-Dade County Goodwill Ambassadors Program under the Office of Community Advocacy within the Office of the Chair, with administrative support from the Mayor or the Mayor's designee. The chairperson shall serve as an ex officio voting member of all commission committees but shall not count as a member of a committee for purposes of determining the existence of a quorum.

The chairperson shall serve as an ex officio voting member of all commission committees but shall not count as a member of a committee for purposes of determining the existence of a quorum.

(b) *Vice-chairperson.*

(1) *Election, term, term limitation and removal.* A vice-chairperson of the board of county commissioners shall be elected for a term of two (2) years by the vote of at least seven (7) commissioners at the regular commission meeting following the installation of the county commissioners during each even-numbered year. The term of office for the vice-chairperson of the board shall commence on January 1 of the following year. The vice-chairperson may be removed prior to the expiration of his or her term by the vote of at least seven (7) commissioners. No commissioner shall serve as vice-chairperson of the county commission for more than two consecutive years.

(2) *Duties of vice-chairperson.* Unless the chairperson appoints the vice-chairperson as a voting member of a committee, the vice-chairperson shall serve as an ex officio non-voting member of each commission committee, but shall not count as a member of a committee on which he or she serves as a non-voting member for purposes of determining the existence of a quorum. The vice-chairperson of the board shall perform the duties of the chairperson in the event of the absence or incapacity of the chairperson. The vice-chairperson shall complete the unfinished term of any chairperson who resigns or is removed as chairperson of the commission.

(Ord. No. 12-91, § 1, 10-23-12; Ord. No. 13-14, § 1, 2-5-13)

*Rule* [*2.02*](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) *Clerk.*

The Clerk of the Circuit Court or a designated Deputy Clerk shall act as Clerk of the Commission. The Clerk of the Commission shall prepare the minutes and shall certify all ordinances and resolutions adopted by the Commission.

*Rule* [*2.03*](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.03TETRMAPOREUPVAINOFMA) *County Attorney.*

The County Attorney, or such member of the office of the County Attorney as may be designated, shall be available to the Commission at all meetings. The County Attorney shall act as parliamentarian, and shall advise and assist the Presiding Officer in matters of parliamentary law.

*Rule 2.04 Sergeant-at-Arms.*

The Miami-Dade Police Director, or such other county official or employee as the Commission may designate, shall be the Sergeant-at-Arms at commission meetings, commission committee and subcommittee meetings and community council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the meetings.

PART 3. MEETINGS

*Rule* [*3.01*](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL_S3.01ELCOTECOCO) *Regular meetings and regular meeting after the County Commission installation ceremony.*

(a) The commission shall hold regular meetings on the first and third Tuesday and Thursday of each month, or on such other days as may be set on the annual calendar of meetings approved by the commission. Notwithstanding any provision herein to the contrary, there shall be no regular meeting held on the same day as the installation ceremony of County Commissioners. The first regular meeting occurring after the installation ceremony shall take place within three (3) to [seven] (7) days after the ceremony on a date selected at least 120 days prior to the meeting. The date of such meeting shall be selected by the Chairperson of the Board of County Commissioners, in consultation with the Mayor, the County Attorney, and the Clerk of the Board.

(b) Unless otherwise determined by the Commission, regular meetings shall commence at 9:30 in the morning and shall end no later than 6:30 p.m. each day. Regular meetings may be otherwise postponed or canceled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present, (2) by the chairperson and six (6) other members of the commission serving notice containing the required seven (7) signatures upon the clerk who shall provide public notice when a meeting is canceled, or (3) by the chairperson of the commission when: (a) the agenda for a meeting has not been provided to the members of the commission at least twenty-four (24) hours before the scheduled meeting; (b) the chairperson is in receipt of written communications from at least a majority of those commissioners then in office stating that said commissioners will not be attending the meeting; or (c) no action item has been placed on the agenda of a zoning or comprehensive development master plan meeting in compliance with the applicable notice requirements. All regular meetings shall be held in the Commission Chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or such location as may be approved by a majority of the Commission members present and shall be open to the public and all news media.

(c) The commission shall consider and determine zoning matters at its regular meetings.

(d) The second reading (public hearing) of the annual budget ordinance shall be considered at a meeting at which the said budget ordinance and the levy of the millage are the only items on the agenda.

(Ord. No. 09-43, § 1, 6-2-09; Ord, No. 11-41, § 1, 7-7-11; Ord. No. 12-88, § 1, 10-23-12; Ord. No. 13-14, § 1, 2-5-13)

*Rule* [*3.02*](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL_S3.02RE) *Special meetings, emergency meetings.*

(a) *Special meetings.* A special meeting of the Commission may be called by a majority of the members of the Commission. Whenever a special meeting is called, a notice in writing signed by such majority shall be served upon the chairperson and the Clerk. Each signature by a commissioner shall constitute a representation that, at the time of affixing his or her signature to the notice, the commissioner has the present intention to attend the special meeting. The Clerk shall forthwith serve verbal and written notice upon each member of the Commission stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting. At least twenty-four (24) hours must elapse between the time the Clerk receives notice in writing and the time the meeting is to be held. A special meeting of the Board of County Commissioners may be cancelled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by seven (7) members of the Board of County Commissioners serving notice containing the required seven (7) signatures on the members of the Board of County Commissioners and upon the Clerk who shall provide public notice when a meeting is cancelled. The Commission chambers shall be made available for a special meeting whenever such a meeting is called.

(Ord. No. 11-09, § 1, 3-1-11)

(b) *Emergency meetings.* An emergency meeting of the Commission may be called by the chairperson whenever in his or her opinion an emergency exists which requires immediate action by the Commission. Whenever such emergency meeting is called, the chairperson shall notify the Clerk who shall forthwith serve either verbal or written notice upon each member of the Commission, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least twenty-four (24) hours shall elapse between the time the Clerk receives notice of the meeting and the time the meeting is to be held. An emergency meeting of the Board of County Commissioners may be cancelled (1) by resolution or motion adopted at a regular meeting by a majority of the Commission members present or (2) by seven (7) members of the Board of County Commissioners serving notice containing the required seven (7) signatures on the members of the Board of County Commissioners and upon the Clerk who shall provide public notice when a meeting is cancelled. The Commission chambers shall be made available for an emergency meeting whenever such a meeting is called.

(c) If after reasonable diligence, it is impossible to give notice to each Commissioner, such failure shall not affect the legality of the meeting if a quorum is present. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meeting was given to each member of the Commission, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Commission Chambers, Stephen P. Clark Center, 111 N.W. 1 Street, Miami, Florida 33128, or other suitable location within Miami-Dade County, Florida. Minutes thereof shall be kept by the Clerk.

(d) No special or emergency meeting shall be held unless notice thereof shall be given in compliance with the provisions of this rule, or notice thereof is waived by a majority of the entire membership of the Commission.

(Ord. No. 09-43, § 1, 6-2-09)

*Rule* [*3.03*](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL_S3.03NOEL) *Signature requirement.*

Whenever in these rules an action requires the signature of a commissioner, a signature is acceptable when the commissioner: (1) provides an original handwritten signature; (2) provides a facsimile of an original handwritten signature; or (3) authorizes use of the commissioner's stamp and the stamp is accompanied by a legible signature of the staffer authorized to utilize such stamp. The authority to use a commissioner's stamp shall be evidenced by a written document on file with the office of the chairperson and the county attorney.

PART 4. COMMITTEES

*Rule 4.01 Committees.*

(a) *Establishment of commission committees.* The county commission shall convene as a committee of the whole within 30 days of the date of the election of the commission chairperson and vice-chairperson to make recommendations to the chairperson regarding: the number of standing county commission committees; the subject matter of the commission's standing committees; the number of members on each standing committee; and the maximum number, if any, of standing committees on which a commissioner may serve. Within thirty (30) days of the chairperson's receipt of the recommendations of the committee of the whole, the commission chairperson shall establish standing county commission committees, determine the subject matter of these committees, the maximum number, if any, of standing committees on which a commissioner may serve, and the number of members on each committee and shall establish any additional procedural rules of order consistent with this section which are necessary for the efficient and effective operation of the committee system.

(b) *Appointment of committee members.* The chairperson of the county commission shall appoint the membership of each commission committee after he or she has received any written expressions of interest from commissioners as to their preferences for committee service.

(c) *Committee chairperson and vice-chairperson.* A chairperson and a vice-chairperson of each commission committee shall be appointed by the chairperson of the commission and shall continue in office at the pleasure of the chairperson of the commission. The chairperson of the commission shall also appoint a chairperson for each subcommittee authorized by these rules and may designate a vice-chairperson, both of whom shall continue in office at the pleasure of the chairperson of the commission. The committee chairperson shall set the order of items on the committee agenda for each committee meeting. The chairperson shall preserve order and decorum and shall have general control of committee proceedings. If there is a disturbance or disorderly conduct during the committee meeting, the chairperson or vice-chairperson may require participants in the disturbance to clear the room. The vice-chairperson shall perform the duties of the chairperson in the absence of the chairperson. If the chairperson and vice-chairperson are absent, the committee may select one of its members to perform the duties of the chair for the meeting during which the chairperson and the vice-chairperson are absent.

(d) *Powers of commission committees.* Commission committees and subcommittees are authorized:

(1) To maintain a continuous review of the work and performance of county agencies and, notwithstanding any provision to the contrary in the Code, county boards within the jurisdiction of each committee;

(2) To invite public officials, employees, and private individuals to appear before the committees or subcommittees to submit information;

(3) To request reports from departments and, notwithstanding any provision to the contrary in the Code, county boards performing functions reasonably related to each committee's jurisdiction;

(4) To complete interim projects assigned by the chairperson of the commission;

(5) To review and make recommendations with regard to prospective agenda items, and to propose or amend the same; and

(6) Notwithstanding any provision to the contrary in the Code, to conduct public hearings, unless state or federal law requires the county commission to conduct a given public hearing.

(Ord. No. 09-108, § 1, 12-1-09)

(e) *Ancillary powers.* In order to carry out its duties, each commission committee shall be empowered to inspect and investigate the books, records, papers, documents, date, operations, and physical plant of any department, agency or entity of Miami-Dade County. The chairperson of a commission committee may request the chairperson of the commission to issue subpoenas, subpoenas duces tecum, and other necessary process to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by such committee. The chairperson of the commission may issue said process at the request of the committee chairperson. Any member of a standing committee or subcommittee may administer oaths and affirmations, in the manner prescribed by law to witnesses who appear before such committees to testify in any matter requiring evidence.

(f) *Committee and commission agendas.* Administrative deadlines for printing the committee and commission agendas shall be established by the county Mayor and the county attorney that are sufficient to allow for timely printing of the committee and commission agendas. The commission chairperson, in consultation with the county attorney and county Mayor, shall assign all resolutions, ordinances for second reading, reports and other prospective agenda items received by the applicable administrative deadline to the appropriate committee agenda for consideration as required by these rules. Following any required committee consideration, the commission chairperson, in consultation with the county attorney and the county Mayor, shall place items on the appropriate commission agenda, as permitted by these rules. The Commission Auditor shall advise the Chairperson of any agenda item sponsored by the Mayor not in compliance with the provisions of Resolution No. R-530-10 prior to the Chairperson's assignment of such item to a committee or commission agenda. The Chairperson may determine, in his or her sole discretion, whether to place any item which is identified by the Commissioner Auditor as noncompliant, on any committee or commission agenda. A duly authorized designee of the county Mayor, the county attorney, the chairperson or the Commission Auditor may carry out the duties assigned to these persons pursuant to this paragraph.

(Ord. No. 10-85, § 1, 12-7-10)

(g) *Subcommittees.* The chairperson of the county commission may appoint a subcommittee to study or investigate a specific matter falling within the jurisdiction of a standing committee or to consider legislation or policy issues referred to it. The chairperson of the commission shall be notified on completion of the assignment. Subcommittees shall exist only for the time period necessary to complete their assignments and report to their commission committees; provided, however, that subcommittees shall not be in existence for a period in excess of ninety (90) days, unless otherwise specified by the commission chairperson. Reports prepared by subcommittees shall be reviewed by the commission committee with jurisdiction over the subject matter of the report and accepted, amended, or rejected by majority vote of those committee members present.

(h) *Committee deliberations.* A commission committee may take one of the following actions with respect to each matter referred to the committee for action:

(1) Recommend favorably;

(2) Recommend favorably with committee amendment(s);

(3) Forward without recommendation, upon the unanimous vote of the members of the committee who are present;

(4) Receive a report;

(5) Lay the matter on the table resulting in the matter not being placed on an agenda of the county commission. A report submitted by a county board may not be laid on the table where the ordinance creating the county board requires that a report be submitted to the county commission; or

(6) Defer or take no action on an item as set forth in the last sentence of this subparagraph for a maximum of two consecutive committee meetings. Deferral of or failure to act on a matter beyond two consecutive committee meetings shall cause the matter to be laid on the table, as set forth in the preceding subparagraph. Notwithstanding any other provision of these Rules of Procedure, whenever: (A) (i) an item is considered but does not receive a motion; (ii) a motion on an item does not receive a second; (iii) at least a majority plus one of the committee members are present and a majority of those committee members present votes against a motion; or (iv) the vote of the committee members on an item has resulted in a tie; and (B) No other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be deemed to be laid on the table, as set forth in the preceding subparagraph; such item shall be reintroduced only in accordance with the renewal provisions of Rule 4.01(r). An item shall not be deemed laid on the table where the item is considered but no action is taken on the item due to loss of quorum or adjournment; or, less than a majority plus one of the committee members is present and a majority of those committee members present votes against a motion.

(Ord. No. 09-74, § 1, 9-1-09; Ord. No. 09-108, § 1, 12-1-09; Ord. No. 11-16, § 1, 4-4-11)

(i) *Committee consideration required.* Except as provided elsewhere in these rules, no item shall be placed on a commission agenda or considered by the county commission, unless each committee to which the item has been referred has forwarded the item to the commission pursuant to Section 4.01(h)(1), (2), (3), or (4) above.

(j) *Exceptions to Committee Requirement.*

(1) An item that has not been considered by a committee may be placed on the agenda of the county commission if the chairperson of the committee to which the item has been referred requests a waiver in writing and the commission chairperson concurs.

(2) Quasi-judicial items, special taxing districts, ordinances for first reading, consent agenda items, other than items related to certificates of transportation, district office fund allocations, special presentations, namings, renamings or co-designations of County roads, facilities or properties, approvals of namings, renamings or co-designations of federal, state or municipal roads, facilities or properties, citizens' presentations, bid protests, settlements, options to renew contracts, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, resolutions urging an entity or person to take stated action, resolutions taking a position or seeking direction from the Board on legislation or administrative action at the federal, state or local level, resolutions related to contract lobbyist conflict waiver requests and resolutions expressing intent shall be heard directly by the county commission, items, awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives, property or utility tax exemptions in enterprise zones, or Brownfield Economic Development Initiative Loan Funds or similar incentives and tax exemption programs; provided, however, any such item relating to an award of Community Redevelopment Agency funding or Community Development Block Grant funding or other funding administered by the Public Housing and Community Development department, or successor department, shall not be excepted from committee review by this subsection (j)(2). On such items, the public shall have the same rights to participate and be heard at the county commission as they would have received had the item been heard in committee.

(3) Whenever the committee of jurisdiction considers a proposed road closing in a commission district where the district commissioner is not a member of the committee of jurisdiction, the County Manager shall notify the commissioner prior to the meeting. Under such circumstances, the committee may only lay the item on the table if the district commissioner attends the commission meeting and states that he or she supports laying the matter on the table.

(Ord. No. 08-137, § 1, 12-2-08; Ord. No. 09-14, § 1, 3-3-09; Ord. No. 09-98, § 1, 11-3-09; Ord. No. 10-17, § 1, 3-2-10; Ord. No. 10-77, § 1, 11-4-10; Ord. No. 12-52, § 1, 7-3-12; Ord. No. 12-92, § 1, 10-23-12; Ord. No. 13-23, § 1, 3-5-13)

(k) *Emergency matters; time sensitive matters.* A matter that has not been considered by the committee(s) to which it is assigned may be placed on the agenda of the county commission by the chairperson to meet a public emergency as provided in [Section 1.02](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.02REOR) of the Home Rule Charter. Time sensitive matters with little or no financial impact on the county may be placed on an agenda of the county commission by the chairperson of the commission without having been considered by a committee.

(l) *Quorum.* A quorum of any commission committee must be present in order for committee to take action. A majority of the members of each commission committee or subcommittee shall constitute a quorum.

(m) *Calling committee to order.* The chairperson or, in the chairperson's absence, the vice-chairperson, shall call the committee to order at the time for which the meeting was noticed. On the appearance of a quorum the committee shall proceed with the order of business.

(n) *"3-day rule".* A copy of each agenda item shall be furnished to the members of each committee and subcommittee not later than three (3) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the committee takes action on the resolution, ordinance, motion or other item in question.

Proposed committee agenda items not delivered in accordance with the preceding paragraph (except for alternates, and substitutes), shall not be placed on the committee agenda unless placed on the agenda at the request of the committee chair.

(o) *Members' attendance.* Committee attendance requirements shall be established by the chairperson of the commission, after receiving recommendations by a commission committee of the whole regarding any attendance requirements. Any Commissioner who notifies the Committee Chairperson or the Clerk of the Board that he or she will be absent from a committee meeting prior to the start of such scheduled meeting shall be noted as excused in the minutes of the meeting. The Clerk of the Board shall note in the minutes when a Commissioner arrives at a committee meeting, if the Commissioner arrives after the meeting has commenced.

(Ord. No. 10-76, § 1, 11-4-10)

(p) *Majority vote required.* Unless otherwise specified in these rules, an affirmative vote of voting members present, as long as a quorum is present, shall be required to act upon any ordinance, resolution, report or other matter considered by the committee.

(q) *Reconsideration.* Any committee action taken pursuant to Rule 4.01(h) may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider an item which has been laid on the table as set forth in Rule 4.01(h)(5) and (6) is out of order and no such motion may be reconsidered.

(Ord. No. 09-74, § 1, 9-1-09; Ord. No. 11-16, § 1, 4-4-11)

(r) *Renewal.* Once an ordinance or resolution is laid on the table in a committee, the proposed ordinance or resolution may not be brought before that committee again during the three (3) month period following the date the item is laid on the table (subject to the provisions of Rule 4.01(q)), unless an application for renewal made by two-thirds (2/3) of the committee members is first submitted to the chairperson of the committee.

(s) *Statements of fiscal impact required for ordinances; exceptions.* Prior to the public hearing of any ordinance, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance or any budget ordinance.

(t) *Procurement items.* Provided public notice, public hearing and other legal requirements can be met, and notwithstanding and prevailing over any provision to the contrary, all items approved at committee meetings recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, shall be placed on the agenda of the next regularly scheduled Board of County Commissioners meeting, unless placed on the agenda of a special meeting held sooner than the next regularly scheduled Board of County Commissioners meeting or unless the chairperson of the commission deems it necessary to place the item on another agenda.

(Ord. No. 12-28, § 1, 4-17-12)

(Ord. No. 07-139, § 1, 10-2-07)

PART 5. CONDUCT OF MEETINGS; AGENDA

*Rule* [*5.01*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.01DE) *Call to order.*

Promptly at the hour set for each meeting, the members of the Commission, the County Attorney, the Manager and the Clerk shall take their regular stations in the Commission Chamber. The chairperson shall take the chair and shall call the Commission to order immediately. In the absence of the chairperson and vice-chairperson, the Clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary Presiding Officer. Upon the arrival of the chairperson or vice-chairperson, the temporary Presiding Officer shall relinquish the chair upon the conclusion of the business immediately before the Commission.

*Rule* [*5.02*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.02ADPR) *Roll call.*

The Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. Any Commissioner who notifies the Chairperson or the Clerk of the Board of County Commissioners that he or she will be absent from a County Commission meeting prior to the start of such scheduled meeting shall be noted as excused in the minutes of the meeting. The Clerk of the Board shall note in the minutes when a Commissioner arrives at a County Commission meeting, if the Commissioner arrives after the meeting has commenced.

(Ord. No. 10-76, § 1, 11-4-10)

*Rule* [*5.03*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.03FIAD) *Quorum.*

A majority of the Commissioners then in office shall constitute a quorum. No ordinance, resolution or motion shall be adopted by the Commission without the affirmative vote of the majority of all the members present.

*Rule* [*5.04*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.04ASCOTA) *Failure to attain a quorum.*

Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting of the Commission, the chairperson or the Clerk may adjourn the meeting until another hour or day unless, by unanimous agreement, those members present select another time. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

*Rule* [*5.05*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE) *Agenda.*

(a) *Order of business.*

(1) There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. The order of business for Tuesday meetings shall be as follows:

1. Invocation as provided in Rule [5.05](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE)(g)

Roll call

Pledge of allegiance

Special presentations

Citizens' presentations

Reports of official county boards

Motion to set agenda

Commission auditor

Office of intergovernmental affairs

2. Mayoral vetoes, mayoral reports.

3. Consent agenda:

a. Commissioner items.

b. Departmental items.

4. Ordinances for first reading.

5. Public hearings which shall be scheduled for 9:30 a.m.

6. a. Chairperson of the board of county commissioners.

b. Policy matters for discussion by the board.

7. Ordinances for second reading.

8. Departments.

9. Additional departmental items.

10. Authorities, boards, councils and trusts.

11. County commissioners.

12. County manager [mayor].

13. County attorney.

14. Items subject to "4-day rule".

15. Clerk of the board.

16. Items scheduled for Thursday.

17. Summer recess items.

The following items shall be considered consent agenda items and placed in section 3.a or b. of the agenda, as appropriate:

1. Items approving or ratifying the submittal of grant applications and acceptance of grant awards, as long as required matching funds are appropriated in the County budget, as determined by the Office of Management and Budget.

2. Resolutions ratifying contracts executed by the Mayor, as allowed by law or previous action of the Board (non-summer recess items).

3. Resolutions approving in-kind contributions.

4. Resolutions making district office fund allocations.

5. Resolutions approving namings, renamings or codesignations of federal, state or municipal roads, facilities or properties.

6. Items awarding, granting, amending or relating to an award or grant of Targeted Jobs Incentive Fund, Qualified Targeted Industry Business incentives and tax exemption programs.

7. Resolutions approving donations of surplus County property, except those donations made for emergency purposes and to foreign governmental entities.

8. Resolutions approving the issuance or transfer of certificates of transportation for passenger motor carriers.

Notwithstanding any provision herein to the contrary, first or second reading items, public hearing items, quasi-judicial items, and items requiring a supermajority vote of the board shall not be placed in the consent agenda section of the agenda.

Items shall be considered in the order in which they are placed on the agenda unless a majority of the commissioners determines to deviate from the printed agenda or in the discretion of the chairperson, certain matters should be taken out of order to help eliminate logistical concerns or exigent circumstances which would impede the proper functioning of the commission. During a commission meeting, commissioners may identify certain items for individual consideration (i.e., the "pull list"). Agenda items, including consent agenda items, not selected for individual consideration may be approved in a single vote.

The commission shall not take action upon any matter when it is first presented to the commission in a report or reports made by the County Commissioners.

(2) At Thursday meetings the following items of business shall be conducted in the following order:

1. Special presentations and proclamations;

2. Items scheduled for Thursday;

3. Policy matters for discussion by the board;

4. Zoning;

5. Metropolitan planning organization (MPO);

6. Workshops.

(Ord. No. 99-15, § 1, 2-2-99; Ord. No. 99-21, § 1, 3-4-99; Ord. No. 05-200, § 1, 11-3-05; Ord. No. 09-42, § 1, 6-2-09; Ord. No. 12-92, § 1, 10-23-12; Ord. No. 12-102, § 1, 12-4-12; Ord. No. 13-23, § 1, 3-5-13)

(b) *Authority to sponsor or present items on agenda.*

(1) Anything to the contrary notwithstanding, matters may only be presented or sponsored by a county commissioner, a commission committee, the county attorney and the clerk of the commission, except that the Mayor shall be able to present or sponsor: (1) reports which do not amend any policy established by the County Commission; (2) mayoral appointments; (3) solicitations for the purchase of goods and services, leases, construction contracts and debt obligations; (4) contracts for the purchase of goods and services and amendments thereto; (5) grant applications, grants and sub-grants; (6) leases of non-County-owned property and amendments thereto; (7) debt obligations and amendments thereto; (8) construction contracts and amendments thereto; (9) labor agreements and amendments thereto; (10) special taxing districts initiated by petition; (11) certificates of public convenience and necessity; (12) certificates of transportation; (13) quasi-judicial items; (14) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law; and (15) leases and licenses of County-owned property and amendments thereto if the Mayor first provides written notification to the Commissioner of the District wherein the County-owned property that is to be leased or licensed is located of the matter and the District Commissioner does not agree to present or sponsor such lease or license or amendment thereto within ten (10) days of the written notification. Any Commissioner or commission committee may present or sponsor any item which the Mayor is authorized to present or sponsor pursuant to the preceding sentence, except as provided otherwise in the Home Rule Charter, or state or federal law. Additionally, the committee chairperson of jurisdiction may, upon the written request of the Mayor or his or her designee, submit an item for placement on a committee or Commission agenda. Such an item shall, if requested by the committee chairperson of jurisdiction, be placed on the appropriate agenda, in accordance with the applicable rules of procedure, as an item sponsored by the committee of jurisdiction.

Anything to the contrary notwithstanding, private applications for amendment, modification, addition, or change to the Comprehensive Development Master Plan ("CDMP") shall be placed on the appropriate CDMP agenda after the Department of Sustainability Planning and Economic Enhancement or successor department has completed its review of the application as provided in [section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL) of the Code and all required fees have been paid (hereinafter "completed private CDMP application"). Each completed private CDMP application and the accompanying ordinance and any related resolution shall: (i) be forwarded to the Office of the Agenda Coordinator for placement on the appropriate CDMP agenda; and (ii) be accompanied by a recommendation from the Mayor or his or her designee.

(2) Proposed agenda items not delivered in accordance with subsection (c) hereof, or which have not been considered by any committee, (except for alternates, substitutes, and items not subject to committee review) shall not be placed on the agenda unless the chairperson of the committee which has jurisdiction over the item, if any, and the chairperson of the commission concur in writing.

(Ord. No. 07-66, § 1, 5-8-07; Ord. No. 09-42, § 1, 6-2-09; Ord. No. 11-15, § 1, 4-4-11; Ord. No. 11-84, § 1, 11-15-11; Ord. No. 11-95, § 1, 12-6-11; Ord. No. 12-54, § 1, 7-3-12)

(c) *4-Day rule.* A copy of each agenda item shall be furnished to the members of the commission not later than four (4) working days before a vote may be called on the item. The provisions of this rule shall be deemed waived unless asserted by a commissioner before the board takes action on the resolution, ordinance, motion or other item in question. The provisions of the rule may not be waived under Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(n); however, this rule is not applicable to special or emergency meetings called pursuant to Rule [3.02](../level2/PTICOAMCH_ART3EL.docx#PTICOAMCH_ART3EL_S3.02RE), items related to the County's legislative package, resolutions recommending the acceleration and deceleration of Building Better Communities General Obligation Bond Program funding of projects using unspent bond proceeds, including interest earnings and premium funds, items approved at a committee meeting recommending or rejecting award of contracts for public improvements, and purchases of supplies, materials, and services, including professional services, and resolutions or motions directing the Mayor or his or her designee to prepare an item for consideration by the Commission.

(Ord. No. 06-63, § 1, 5-9-06; Ord. No. 06-108, § 1, 7-6-06; Ord. No. 08-67, § 1, 6-3-08; Ord. No. 08-137, § 1, 12-2-08; Ord. No. 10-74, § 1, 11-4-10; Ord. No. 12-28, § 2, 4-17-12)

(d) *Approval of minutes.* Unless a reading of the minutes of a meeting is requested by a majority of the Commission, such minutes, when approved by the Commission and signed by the Presiding Officer and the Clerk, shall be considered approved without reading; provided that the clerk shall place a copy of the minutes of each meeting, as soon as they have been completed, at a designated place in the Clerk's office where they may be examined by the Commissioners prior to formal approval. A copy of such minutes shall, upon completion by the Clerk, be delivered to the County Manager and County Attorney. The minutes of prior meetings may only be approved by a majority of the Commissioners present at a meeting of the Commission, and upon such approval shall become the official minutes.

(e) *Removal of public hearing items from the agenda.* The sponsor of an item scheduled for public hearing shall be able to withdraw that item from the Commission agenda at any time prior to the commencement of the public hearing by written notification to the agenda coordinator.

(f) *Public hearings heard by committee.* When a public hearing relating to an ordinance or resolution is conducted before a commission committee as authorized herein, no additional testimony from the public shall be permitted except by a majority vote of those members present before final action is taken; however, debate by commissioners shall be allowed.

(g) *Invocations before the County Commission and Committees.*

(1) It is the policy of the Board to allow for an invocation, which may include a prayer or a short solemnizing message, to be offered before its meetings for the benefit of the Board.

(2) Although the invocation shall be listed in the agenda, it shall not be considered an agenda item for the meeting or part of the public business.

(3) No member or employee of the Board or any other person in attendance at the meeting shall be required to participate in any invocation that is offered.

(4) The invocation shall be voluntarily delivered by an individual selected by members of the Board on a rotating basis.

(5) No invocational speaker shall receive compensation for his or her service.

(6) Any invitation extended shall specify that the opportunity to offer a legislative invocation shall not be exploited to convert others to any particular faith, to advance any particular faith, or to disparage any other faith or belief.

(7) Neither the Board nor the Clerk of the Board shall engage in any prior inquiry, review of, or involvement in, the content of any prayer to be offered by an invocational speaker.

(8) This policy is not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any faith or religious denomination.

(Ord. No. 12-102, § 1, 12-4-12)

(h) *Summer Recess Items.* During the Board's annual summer recess period, as determined by the County Calendar approved by the Board, the County Mayor or County Mayor's designee shall administer County business requiring approval of the Board, including the award of contracts and approval of change orders required to maintain essential health and safety activities pursuant to approved County procedures; application for grants; execution of grant agreements, related memoranda of understanding, and other intergovernmental cooperation agreements; application and execution of grants and agreements; receipt and expenditure of funds under the American Recovery and Reinvestment Act of 2009 and authorization to perform any and all requirements of said Act; and receipt and expenditure of other funds which will be put in jeopardy, if not received and expended during the summer recess period. All summer recess items not otherwise excepted from committee review will be scheduled for the appropriate committee of jurisdiction and will be placed on the Board's agenda for ratification at the first regular meeting in the month of October.

(Ord. No. 12-92, § 1, 10-23-12)

*Rule* [*5.06*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.06DELA) *Ordinances, resolutions, motions, contracts.*

(a) *Preparation and enactment of ordinances.* The County Attorney, when requested, shall prepare ordinances and resolutions.

Ordinances may be introduced and listed by title and shall be read by title only before consideration by the Commission on first reading. On first reading of ordinances, there shall be no discussion by either County Commissioners, County staff or members of the public. On first reading only, the Commission may either vote for all ordinances in one (1) vote or may vote separately on any ordinance. At second reading, each ordinance shall be voted on individually.

(b) *Approval by County Attorney.* All ordinances, resolutions and contract documents, before presentation to a commission committee or the commission, shall have been reduced to writing and shall have been approved as to form and legality by the county attorney. All reports or memoranda that supplement pending ordinances or resolutions shall be presented to the County Attorney for review and approval for placement on a Board agenda, when such reports or memoranda contain proposed amendatory language that can be used to formulate amendments to ordinances or resolutions. Prior to presentation all such documents may be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance, resolution or contract document would devolve. The county attorney shall communicate with a designated staff person from each commissioner's office regarding the preparation and tracking of agenda items.

(Ord. No. 12-92, § 1, 10-23-12)

(c) *Sponsorship.* Any Commissioner may assume sponsorship of any ordinance, resolution, report or other matter.

(Ord. No. 11-15, § 1, 4-4-11)

(d) *Exception.* The provisions of this Rule [5.06](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.06DELA) shall not be applicable to zoning resolutions which shall be governed exclusively by [chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of the Code.

(e) *When action to be taken by resolution or ordinance.* All actions of the Commission may be taken by motion, resolution or ordinance except that any action of the Commission which provides for raising revenue, appropriating funds or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed, shall be by ordinance.

(f) *Ordinances directly affecting municipalities.* Any proposed county ordinances that would directly affect the jurisdiction or the duties of municipalities or their officers, or any proposed ordinances that may have a direct fiscal impact upon municipal governments in Miami-Dade County, shall be scheduled for second reading no sooner than six (6) weeks after its passage on first reading. At least four (4) weeks prior to the scheduled public hearing, the County Manager is directed to mail or e-mail a copy of the proposed ordinance to each city clerk, city attorney, city manager and the Executive Director of the Miami-Dade League of Cities, Inc. The County Manager's communication shall include the date of the scheduled public hearing and shall state that the proposed ordinance may have an impact upon municipalities. This subsection shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance.

(g) *Prime sponsorship and co-sponsorship.* When a resolution or ordinance is placed on the agenda at the request of a commissioner, the commissioner who requested the preparation of the item shall be designated as the prime sponsor. Any other commissioner who wishes to sponsor the resolution or ordinance shall be designated as a co-sponsor.

(h) *Items amended in committee.* Any item on the commission agenda that has been amended in committee shall so indicate on the cover memorandum and include a brief description of the amendment. In addition, committee amendments shall be uniquely identified in the item itself so as to distinguish committee amendments from the original item, such as by underlining and strike-through in the case of a resolution amended in committee and by double underlining and double strike-through in the case of an ordinance amended in committee, or where such an approach would not clearly show committee amendments or is not practical, by providing footnotes or comments on the item.

(i) *Substitute and alternate items.* Any item on a committee agenda or the commission agenda that is a substitute or alternate shall so indicate on the cover memorandum and include a brief description of how the item differs from the original item. In addition, differences between the original item and the substitute or alternate item shall be uniquely identified in the substitute or alternate item itself so as to distinguish it from the original item, such as by underlining and strike-through in the case of a resolution, by double underlining and double strike-through in the case of an ordinance, or where such approaches would not clearly show the differences or are not practical, by providing footnotes or comments on the item.

(Ord. No. 08-66, § 1, 6-3-08; Ord. No. 09-13, § 1, 3-3-09)

*Rule* [*5.07*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.07DEPL) *Limitation on agenda items.*

(a) No Commissioner shall be a prime sponsor of a total of more than ten (10) action items on a single regular commission agenda unless the Chairperson of the Commission authorizes the placement of additional items on the agenda by a particular Commissioner when approving the agenda. As used in Rule [5.07](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.07DEPL)(a), an "action item" means an ordinance for first reading or a resolution. This provision shall not be applied to ordinances or resolutions which are intended to correct scrivener's errors.

(b) An agenda item shall be deemed withdrawn upon its third deferral. The provisions of this subsection shall not apply to zoning applications or to applications to amend the Comprehensive Development Master Plan.

(Ord, No. 11-39, § 1, 7-7-11)

*Rule* [*5.08*](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.08BO) *Statement of private business sector impact required for ordinance*

At the request of any commissioner at the first reading of any ordinance that regulates private business, land development or building code standards, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance on the private business sector. No ordinance regulating private business, land development or building code standards shall be considered on second reading if the requested statement of fiscal impact on private business is not submitted with the ordinance as part of the agenda.

PART 6. PUBLIC PARTICIPATION

*Rule* [*6.01*](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.01COMU) *Persons authorized on the dais.*

No person, except County officers or their representatives, shall be permitted on the dais unless authorized by the Presiding Officer or a majority of the Commission.

*Rule 6.02 Citizens' presentations; public hearings.*

(a) *Citizens' presentations.* Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the commission and be heard concerning any matter within the scope of the jurisdiction of the Commission. Only Commissioners and the County Manager may place a citizen on the official agenda. The deadline for placing a citizen on the agenda is noon on Monday of the week preceding the week of the meeting at which said citizen wishes to be heard. No action may be taken by the Commission on an item heard as a citizen's presentation unless two-thirds (2/3) of the members present deem that the issue requires immediate Commission action.

(b) *Public hearings.* Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section entitled "Public Hearings."

(c) *Public discussion on agenda items.* No citizen shall be entitled as a matter of right to address the Commission on any matter listed on or added to the official agenda which is not scheduled for citizen's presentations, public hearing, discussion or debate.

*Rule* [*6.03*](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.03MUCH) *Registration of speakers.*

(a) The office of agenda coordinator shall prepare appropriate registration cards which should indicate the speaker's name, the agenda item on which he or she is speaking, and whether he or she is speaking in favor of or against the proposed item.

(b) On the day of the Commission meeting, a person desiring to speak shall register with the Office of the Agenda Coordinator, at least fifteen (15) minutes prior to the commencement of the discussion on the item, at a registration table in the lobby of the Commission Chambers.

(c) Failure to comply with the registration provisions of this rule shall prohibit a person from speaking on any item for which he or she is not properly registered.

(d) In the event that the seats in the Commission Chambers are filled to capacity, the Office of the Agenda Coordinator shall provide appropriate overflow seating in an area where the Commission meeting is being monitored on television.

*Rule* [*6.04*](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.04CHMUBO) *Addressing Commission, manner, time.*

Each person, other than salaried members of the County staff, who addresses the Commission shall step up to a podium and shall give the following information in an audible tone of voice for the minutes:

(a) Name;

(b) Address;

(c) Whether the person speaks on his or her own behalf, a group of persons, or a third party; or if the person represents an organization; and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;

(d) Compensation, if any;

(e) Whether the person or any immediate family member has a personal financial interest in the pending matter, other than as set forth in (d).

Unless further time is granted by the Commission, the statement shall be limited to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked a Commissioner except through the Presiding Officer.

*Rule 6.05 Decorum.*

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred from further appearance before the Commission by the Presiding Officer, unless permission to continue or again address the Commission is granted by the majority vote of the Commission members present.

No clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker or his or her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chamber. Persons exiting the Commission Chamber shall do so quietly.

The use of cell phones in the commission chambers is not permitted. Ringers must be set to silent mode to avoid disruption of proceedings. Individuals, including those on the dais, must exit the chambers to answer incoming cell phone calls. County employees may not use cell phone cameras or take digital pictures from their positions on the dais.

PART 7. RULES OF DEBATE

*Rule* [*7.01*](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO) *Rules of debate.*

(a) *Questions under consideration.* When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two (2) shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.

(b) *As to the Presiding Officer.* The Presiding Officer, upon relinquishing the chair, may move, second debate and vote, subject only to such limitations as are by these rules imposed upon all members.

(c) *Getting the floor, improper references to be avoided.* Every member desiring to speak for any purpose shall address the Presiding Officer, and upon recognition, shall be confined to the question under debate, avoiding all personalities and indecorous language.

(d) *Interruption; call to order; appeal a ruling of the chair.* A member once recognized, shall not be interrupted when speaking unless it be a call to order or as herein otherwise provided. If a member be called to order, the member shall cease speaking until the question of order be determined by the Presiding Officer, and if in order the member shall be permitted to proceed. Any member may appeal to the Commission from the decision of the Presiding Officer upon a question of order, when, without debate, the Presiding Officer shall submit to the Commission the question, "Shall the decision of the Chair be sustained?" and the Commission shall decide by a majority vote.

(e) *Privilege of closing debate.* The Commissioner sponsoring or moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.

(f) *Method of voting.* Voting shall be by machine, roll call, voice vote or paper ballot. Upon every roll call vote the names of the Commissioners shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the Commissioner who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the Presiding Officer shall always cast the last vote. The clerk shall call the roll, tabulate the votes, and announce the results. The vote upon every ordinance shall be taken by roll call or machine vote. The vote upon any resolution, motion or other matter may be by voice vote provided that the Presiding Officer or any Commissioner may require a roll call or machine vote to be taken upon any resolution or motion. Board appointments may be made by paper ballot which clearly identify the Commissioner voting.

(g) *Explanation of vote; conflicts of interest.* There shall be no discussion by any Commissioner voting, and the Commissioner shall vote yes or no. Any Commissioner, upon voting, may give a brief statement to explain his or her vote. A Commissioner shall have the privilege of filing with the Clerk a written explanation of his or her vote. Any Commissioner with a conflict of interest on a particular matter shall refrain from voting or otherwise participating in the proceedings related to that matter and shall leave the Commission Chambers until the consideration of that matter is concluded. Any such Commissioner who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

(h) *Tie votes.* Whenever action cannot be taken because the vote of the commissioners has resulted in a tie, and no other available motion on an item is made and approved before the next item is called for consideration or before a recess or adjournment is called, whichever occurs first, the item shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(1). Notwithstanding any rule of procedure to the contrary, in zoning and other quasi-judicial matters when action on a resolution results in a tie vote, and no other available motion on the resolution is made and approved before the next matter is called for consideration or before a recess or adjournment is called, whichever occurs first, such resolution shall be carried over to the next regularly scheduled meeting for the consideration of such quasi-judicial matters unless the commission designates a different time for such reconsideration.

(i) *Vote change.* Any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called whichever occurs first but not thereafter.

(j) *No motion or second.* If an agenda item fails to receive a motion or second, it shall be removed from the agenda and shall be reintroduced only in accordance with the renewal provisions of Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(l).

(k) *Reconsideration.* An action of the commission may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting thereafter. A motion to reconsider may be made only by a commissioner who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. A motion to reconsider an item resulting in a tie vote is not in order, and no such motion shall be reconsidered. A motion to reconsider shall not be considered unless at least the same number of commissioners is present as participated in the original vote, or upon affirmative vote of two-thirds (2/3) of those commissioners present. Adoption of a motion to reconsider shall rescind the action reconsidered.

(l) *Renewal.* Once action is taken on a proposed ordinance or resolution, neither the same matter nor its repeal or rescission may be brought before the Commission again during the six-month period following the said action (subject to the provisions of Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(k)), unless application for renewal by seven (7) Commissioners are first submitted to the Presiding Officer.

(m) *Expiration of postponed items.* Once an item before the Board is postponed indefinitely, and no action is taken by the Board on such item for a period of six (6) months following the latest postponement, such item shall be deemed withdrawn. Consideration of the matter covered under the item shall require the introduction of a new item.

(n) *Adjournment* A motion to adjourn shall always be in order and decided without debate.

(o) *Suspension of the rules.* No rule of procedure adopted by this board shall be suspended except by an affirmative vote of two-thirds (2/3) of the Commissioners present.

(Ord. No. 09-74, § 2, 9-1-09; Ord, No. 11-62, § 1, 8-2-11; Ord. No. 12-95, § 1, 11-8-12)

PART 8. MAYORAL VETO AND COMMISSION OVERRIDE

*Rule 8.01 Mayoral veto and Commission override.*

The veto provisions of Section 1.10.A of the Miami-Dade County Home Rule Charter shall be exercised exclusively in accordance with the terms and conditions of this rule.

(a) Each ordinance and resolution finally adopted by the Commission shall contain a place for noting Mayoral approval or veto, and Commission override. The Mayor may indicate approval of any ordinance or resolution by signing it in the place provided, or the Mayor may permit the item to become effective in accordance with its terms by allowing ten (10) days to elapse without exercising a veto.

(b) If the Mayor determines to veto an ordinance, resolution, motion or budget line item, the Mayor shall personally sign a copy of the form set forth herein in the place so provided and shall indicate with specificity the reason(s) for the veto. The form shall be as follows:

OFFICE OF THE MAYOR  
MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_

VETO AND VETO MESSAGE

\_\_\_\_\_\_\_\_\_\_\_\_

To:  Honorable Chairperson and Members  
Board of County Commissioners  
Miami-Dade County, Florida

From:  [Signature of Mayor]

, Mayor

Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Section 1.10.A of the Miami-Dade County Home Rule Charter, I hereby veto:

{state ordinance, resolution, motion or budget line item}

Veto message:

(c) The completed form shall be submitted to the Clerk of the board on or before 4:30 p.m. on the tenth (10th) calendar day following final Commission enactment or adoption thereof. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine compliance or noncompliance with the ten-day time frame.

(d) The Clerk shall place items vetoed by the Mayor, together with the completed veto forms, on the next regularly scheduled Commission agenda as the first substantive items for Commission consideration.

(e) Notwithstanding any other rule of the Commission, items vetoed by the Mayor shall (1) not be subject to the "4-day rule" as provided in Rule [5.05](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE)(c); (2) not be deferred to a future meeting; (3) not require committee review; (4) not be subject to a motion to reconsider, except at the same meeting; (5) not require first reading; (6) not require publication or additional public hearings; or (7) not be amended if the item required special publication or a public hearing to be originally adopted or enacted.

(f) A motion to override a mayoral veto shall be stated as follows:

(1) "I move that [the ordinance, resolution or motion] be adopted and become effective notwithstanding the veto of the Mayor," or

(2) "I move that [the specific line item in the budget] be restored to the ordinance and become effective notwithstanding the veto of the Mayor."

(g) If two-thirds (2/3) of all commissioners present vote in favor of the motion as stated in subsection (f) above, the ordinance, resolution, motion or budget appropriation shall be deemed enacted or adopted and effective in accordance with its terms; otherwise, the Mayor's veto shall be deemed sustained.

(h) The provisions of this rule shall not be waived under Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(n).

PART 8.1. MAYORAL APPOINTMENT OF COUNTY MANAGER AND OF DEPARTMENT DIRECTORS OF THE ADMINISTRATIVE DEPARTMENTS OF THE COUNTY, AND COMMISSION DISAPPROVAL.

*Rule 8.1.01. Mayoral Appointment of the County Manager and of Department Directors of the Administrative Departments of the County, and Commission Disapproval*

The authority and powers provided to the Mayor and the Commission under Sections [2.02](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) C and D of the Miami-Dade County Home Rule Charter regarding the appointment of the County Manager and department directors of administrative departments shall be exercised exclusively in accordance with the terms and conditions of this rule.

(a) The Mayor shall utilize the form provided herein to appoint the County Manager or a department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR

MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_

MAYORAL APPOINTMENT

\_\_\_\_\_

To: Honorable Chairperson and Members Board of County Commissioners Miami-Dade County, Florida

From: [Signature of Mayor]

\_\_\_\_\_, Mayor

Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Sections [2.02](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) C and D of the Miami-Dade County Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

The person's qualifications for this position are as follows:

[insert person's qualifications]

A copy of the person's resume shall be attached.

(b) The completed form, together with the resume, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.

(c) The Clerk shall place appointments by the Mayor pursuant to Rule 8.1.01, together with the completed form and resume on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.

(d) Notwithstanding any other rule of the Commission, appointments made by the Mayor pursuant to Rule 8.1.01 shall:

(1) Not be subject to the "4-day rule" as provided in Rule [5.05](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE)(c);

(2) Not be deferred to a future meeting;

(3) Not require committee review;

(4) Not be subject to a motion to reconsider, except at the same meeting; or

(5) Not require publication or public hearing.

(e) The Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.

(f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule. A motion to disapprove a mayoral appointment shall be stated as follows:

"I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

(g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.

(h) The provisions of this rule shall not be waived under Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(n).

*Rule 8.1.02. Mayoral Appointment of Interim or Acting Department Directors of the Administrative Departments of the County, and Commission Disapproval.*

Notwithstanding any other rule of the Commission, the authority and powers provided to the Mayor and the Commission under [Section 2.02](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) D of the Miami-Dade County Home Rule Charter regarding the appointment of interim or acting department directors shall be exercised exclusively in accordance with the terms and conditions of this rule. An "interim or acting department director" shall mean a person who has been appointed by the Mayor as a department director of an administrative department of the County for a term of six months or less.

(a) The Mayor shall utilize the form provided herein to appoint an interim or acting department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR

MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_

MAYORAL APPOINTMENT

\_\_\_\_\_

To: Honorable Chairperson and Members Board of County Commissioners Miami-Dade County, Florida

From: [Signature of Mayor]

\_\_\_\_\_, Mayor

Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Sections [2.02](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) D of the Miami-Dade County Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

The person's qualifications for this position are as follows:

[insert person's qualifications]

This appointment shall serve until: [insert date].

A copy of the person's resume shall be attached.

(b) The completed form, together with the resume, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.

(c) The Chairperson of the County Commission may, at his or her discretion, place the appointment by the Mayor of an interim or acting department director, together with the completed form and resume on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.

(d) Notwithstanding any other rule of the Commission, interim or acting appointments made by the Mayor shall:

(1) Not be placed on a Commission agenda except as provided in Rule 8.1.02;

(2) Not be subject to the "4-day rule" as provided in Rule [5.05](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE)(c);

(3) Not be deferred to a future meeting;

(4) Not require committee review;

(5) Not be subject to a motion to reconsider, except at the same meeting; and

(6) Not require publication or public hearing.

(e) In the event the Chairperson of the County Commission places an interim or acting appointment on the Commission agenda, the Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.

(f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule if said appointment is placed on the agenda by the Chairperson. In the event an interim or acting mayoral appointment of a department director is not placed on the Commission agenda by the Chairperson of the County Commission, any Commissioner may appeal the decision of the Chairperson upon a question of order, when, without debate, the presiding officer shall submit to the Commission the question: "Shall the decision of the Chairperson be sustained?" If the question to appeal the decision of the Chairperson is approved by a majority vote, a motion to disapprove the interim or acting mayoral appointment shall be in order. A motion to disapprove an interim or acting mayoral appointment shall be stated as follows:

"I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

(g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.

(h) The provisions of this rule shall not be waived under Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(n).

(i) At the conclusion of the term of an interim or acting department director, any reappointment of the interim or acting director or of a new department director shall be subject to the requirements of Rule 8.1.01.

(Ord. No. 09-05, § 1, 1-22-09)

PART 9. ADDITIONAL ORDINANCES  
PRESCRIBING COUNTY  
COMMISSION PROCEDURE

*Rule* [*9.01*](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.01ABCEOFTRFU) *Annual budget.*

The mayor shall prepare and deliver a budgetary address annually to the people of the county in March. Such address shall be prepared after consulting with the budget director and shall set forth the mayor's funding priorities for the county. By July 15, the mayor shall prepare and submit a proposed budget in a line item format pursuant to [Section 2-1800](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1800LIITBUFO) containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. Other formats, such as narrative, pie charts and graphs may also be used to supplement the line item format. The budget prepared and recommended by the mayor shall be presented by the mayor or his or her designee to the commission in a line item format pursuant to [Section 2-1800](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1800LIITBUFO) on or before the board adopts tentative millage rates for the ensuing fiscal year. A summary of the budget shall be published and the board shall hold hearings on and adopt a budget on or before the dates required by law.

(Ord, No. 11-10, § 5, 3-1-11; Ord. No. 12-46, § 1, 7-3-12)

[*9.02*](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.02RE) *Naming, renaming or codesignation of Miami-Dade County roads, facilities or property; approval of state or municipal road codesignations.*

(a) Resolutions regarding proposed naming, renaming or codesignation of Miami-Dade County roads, facilities or property shall be sponsored by the district commissioner where the property is located and shall be considered at public hearing.

(b) Resolutions honoring outstanding individuals shall not be authorized for living individuals except as provided in subsection (d) hereof.

(c) For every resolution honoring an individual without a personal and direct meaningful relationship to the Greater Miami area, the Board of County Commissioners shall, at the same time, honor an individual who has made a direct, significant contribution to this community.

(d) This rule shall not prohibit the naming, renaming or designation of a facility or property after a living individual who donates a significant portion of the cost of such facility or property. Further, this rule shall not prohibit the naming, renaming or designation of a road, facility or property after a living individual who has made a direct, significant lifetime contribution to this community, provided:

(i) That the naming, renaming or designation is approved by three-fifths vote of the Board members present;

(ii) That the naming, renaming or designation is not for any elected municipal, county, state or federal official currently serving or having served in any elected office within the last five years; and

(iii) That the naming, renaming or designation of a road, facility or property in a particular commission district is limited to two times during any calendar year.

(e) Special provisions for employees who give their lives in the line of duty. The County Manager shall present the Board of County Commissioners with a resolution proposing the naming of an appropriate public right-of-way or portion thereof in honor of any Miami-Dade County employee who gives his or her life in the line of duty. Such resolution shall be considered at public hearing and may be adopted by the Board upon a favorable vote of a majority of the commissioners present.

(f) The Commission Auditor shall complete background research, reviewing public records and other sources of information, in print, on the internet, or through other means of communication, that are publicly available, on any person, organization, place or thing that is the subject of a naming, renaming or codesignation item or an item approving the codesignation of state or municipal roads, and shall prepare a report detailing the findings of said research prior to the Commission meeting during which the item is scheduled to be considered. The Clerk of the Board shall place the Commission Auditor's report on the commission agenda as a supplement to the related agenda item.

(Ord No. 13-29, § 1, 4-2-13)

*Rule* [*9.03*](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.03TOLI) *Fee reduction and waiver requests for the use of Vizcaya Museum and Gardens.*

(a) All requests for fee reductions and waivers for the use of Vizcaya Museum and Gardens must be submitted to the board for review at a public hearing before the full Commission. Following the public hearing any such fee reductions and waivers will require a two-thirds (2/3) majority vote of the board members present. This Rule does not apply when Vizcaya Museum and Gardens' budget is fully reimbursed from another County fund for such fee reduction or waiver. The following criteria shall govern the grant of a fee waiver or reduction:

(1) Fee waivers and reductions shall be granted only to major cultural, diplomatic, international, military, or other events or conferences involving heads-of-state or other similar individuals that will enhance the visibility of the County as a place to live, work, visit, or invest.

(2) No fee waivers or reductions shall be granted for events whose purpose is, in whole or in part, to raise funds.

(3) Fee waivers and reductions shall be granted only to not-for-profit or governmental organizations, and not to private individuals or for-profit organizations.

(4) Fee waivers and reductions may be granted at the discretion of the Board to an organization more than once every two years, but the Board recognizes that repeat events should generally not be based on recurrent complimentary use of this fragile facility.

(5) Organizations that are offered fee waivers and reductions shall comply with all Vizcaya Museum and Gardens facility rental rules and regulations and shall sign and be bound by the facility rental agreement, except for the provisions regarding rental fee payment and deposit.

(6) All direct costs that result from the organization's event shall be payable by the organization directly to Vizcaya Museum and Gardens, including but not limited to tent or equipment rental, hire of police and cleanup crew, and costs of any damages or cleanup by County staff or outside vendors, unless the resolution granting the fee waiver and reduction states that the County will pay such costs to Vizcaya Museum and Gardens.

(7) Organizations requesting a fee waiver or reduction should first attempt to find other public or private ways to fund the Vizcaya fee.

(Ord. No. 08-127, § 1, 11-20-08)

(b) Notwithstanding the previous paragraph (a), the County Manager shall be permitted to:

(1) Administratively reduce fees four (4) times during any calendar year and waive fees two (2) times during any calendar year for the use of Vizcaya Museum and Gardens for any nonfundraising events provided that those events are either diplomatic activities or events that benefit the entire citizenry of Miami-Dade County, and annually report the reductions and waiver to the Commission; and

(2) Waive fees for events sponsored by organizations which provide volunteer services to Vizcaya Museum and Gardens or raise funds and provide support for the maintenance of, and improvements to, Vizcaya Museum and Gardens.

*Rule 9.03.01 Expenditure of Seaport Department Promotional Funds.*

All proposed expenditures from Seaport Promotional Funds over five thousand dollars ($5,000.00), other than those adopted as part of the County's annual budget ordinance, shall require a written recommendation from the County Manager together with a two-thirds (2/3) vote of the entire membership of the Board.

*Rule 9.03.02 Actions which Decrease Revenues or Increase Expenditures.*

Whenever a Commissioner proposes a resolution, ordinance or other action of the Board that would result in a decrease in revenues, the proposal from the Commissioner must specifically designate an equal or greater reduction in expenditures or identify a project or service of equal or greater costs to be eliminated.

Whenever a Commissioner proposes an increase in expenditures above the adopted budget level, such Commissioner must concurrently propose additional revenue appropriate to fund the increased expense or an expenditure reduction equal to or greater than the amount of proposed new expense.

No final action affecting the adopted budget shall be taken if any member of the County Commission requests a recommendation from the County Manager pertaining to a budget adjustment proposed by a County Commissioner. The County Manager's recommendation shall be presented at the next regularly scheduled meeting of the County Commission.

*Rule 9.03.03 Reserved.*

*Rule 9.03.04 Home Rule Charter Amendments.*

(1) The County shall hold six public meetings regarding any resolution calling an election on a proposed Home Rule Charter amendment. The Mayor or the Mayor's designee shall schedule public meetings on any such resolution proposed by the Board following the Chairperson's assignment of the items to committee or following any waiver of the committee requirement. Such public meetings shall be held prior to committee review or adoption of such resolution, if committee review is waived or not required.

(2) If the Clerk of the Circuit Court approves an initiative petition to amend the Home Rule Charter as to form, the County Mayor or the County Mayor's designee shall make County-owned public facilities such as public libraries or park facilities available to the initiative petition proposers, at no cost, so that six public meetings can be conducted regarding the proposed initiative. Such meetings shall be scheduled within 60 days after the date the Clerk approves the initiative as to form.

(3) The public meetings required in this section shall be conducted by county staff and shall be for the purpose of soliciting community input about the proposed charter amendments. Members of the public, County officials, County staff, and initiative petition proposers, if any, may be heard at such meetings.

(4) All public meetings required hereby shall be held at locations and times which are accessible and convenient to the majority of residents in Miami-Dade County and allow for maximum participation by geographic and ethnic communities within Miami-Dade County.

(5) All public meetings shall be appropriately advertised, including use of print advertisements in newspapers of general circulation and community based periodicals.

(6) The provisions of this section shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of any resolution, action of the Board, the election scheduled on any proposed charter amendment, or the timing of any initiative petition.

(Ord, No. 11-44, § 1, 7-7-11)

*Rule 9.03.05 County ballot questions, including Home Rule Charter amendments and straw ballot questions.*

The Board shall place no more than three (3) County questions on any general election ballot that includes a presidential election.

For purposes of this rule, "County questions" shall mean straw ballot questions, commissioner-sponsored proposed amendments to the Home Rule Charter and any other questions related to the County that are proposed by the Board. This subsection shall not apply to amendments to the Home Rule Charter proposed by initiatory petition pursuant to [section 9.07](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.07AM) of the Home Rule Charter. Once the Board has voted to place three (3) County questions on any general election ballot that includes a presidential election, each additional County question may be placed on such a ballot only with an affirmative vote of two-thirds (2/3) of those commissioners present.

(Ord. No. 13-21, § 1, 3-5-13)

*Rule 9.03.06 Procedures for Oath of Office for County Commissioners.*

(a) Prior to entering upon the duties of the office, each newly elected or re-elected County Commissioner shall take the oath of office as set forth in Article II, Section 5(b) of the Florida Constitution or as otherwise required by law. Each Commissioner shall, at his or her option, either:

1. Verbally take the oath of office; or

2. Execute a written oath of office as set forth in substantially the form attached to this ordinance or as otherwise required by law.

(b) The oath of office under either paragraphs (a)(1) or (a)(2) above shall be administered by a person authorized to administer the oath of office pursuant to Florida law. Such person shall sign an acknowledgement of administration of the oath of office as set forth in substantially the form attached to this ordinance.

(c) The Clerk of the Board shall retain in the public records each executed written oath of office and each executed acknowledgement of administration of the oath of office.

(d) Nothing contained in this section shall prevent the Board of County Commissioners from holding an installation ceremony for County Commissioners. At the installation ceremony, Commissioners may take a ceremonial oath of office which shall be administered at each Commissioner's option, in one of the two following ways:

1. The Clerk or other official administering the oath shall state the oath of office in its entirety as set forth in Article II, Section 5(b) of the Florida Constitution or as otherwise required by law, as follows:

Do you (Commissioner's name) solemnly swear (or affirm) that you will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that you are duly qualified to hold office under the Constitution of the state; and that you will well and faithfully perform the duties of County Commissioner on which you are now about to enter. So help you God?

After the Clerk or other official has stated the oath in its entirety, the Commissioner shall then say "I do;" or

2. The Commissioner shall repeat after the Clerk or other official administering the oath of office the oath as set forth in Article II, Section 5(b) of the Florida Constitution or as otherwise required by law.

(Ord No. 13-28, § 1, 4-2-13)

*Rule* [*9.04*](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.04SUCL) *Representation of Miami-Dade County.*

Whenever the Commission deems it necessary or desirable that the Commission shall be represented at meetings, conferences or other occasions involving other governmental entities, agencies, officials or groups or nongovernmental organizations, or departments, agencies or officials of the County government, the Presiding Officer may designate members of the Commission to represent the Commission at such meetings, conferences or other occasions, with the consent of the designee. A majority of the board then present may disapprove any such appointment. Such representatives shall have no power to act for or on behalf of the Commission, or to make any commitment or binding obligation on behalf of the Commission or the County. Such representatives shall report in writing to the Commission with regard to such meeting, conference or other occasion.

*Rule* [*9.05*](../level2/PTICOAMCH_ART9GEPR.docx#PTICOAMCH_ART9GEPR_S9.05EXFRCOLI) *Noncompliance with procedural rules.*

If a procedural rule of this board is not complied with by either the Presiding Officer or the parliamentarian, then the validity of the underlying substantive ordinance, resolution, motion or other action shall in no way be affected thereby, and the failure of compliance with said procedural rule shall not be the basis for any person or party to challenge any ordinance, resolution or other action of this board.

PART 10. MAYORAL APPOINTMENT OF  
COUNTY MANAGER AND OF DEPARTMENT DIRECTORS OF THE ADMINISTRATIVE  
DEPARTMENTS OF THE COUNTY, AND  
COMMISSION DISAPPROVAL

*Rule 10.01 Mayoral appointment of County Manager and of department directors of the administrative departments of the County, and Commission disapproval.*

The authority and powers provided to the Mayor and the Commission under Sections [2.02](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) C and D of the Miami-Dade County Home Rule Charter shall be exercised exclusively in accordance with the terms and conditions of this rule.

(a) The Mayor shall utilize the form provided herein to appoint the County Manager or a department director of an administrative department of the County. The Mayor shall personally sign a copy of the form in the place so provided and shall indicate with specificity the position, name, and qualifications of the person appointed. The form shall be as follows:

OFFICE OF THE MAYOR  
MIAMI-DADE COUNTY, FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_

MAYORAL APPOINTMENT

\_\_\_\_\_\_\_\_\_\_\_\_

To: Honorable Chairperson and Members Board of County Commissioners Miami-Dade County, Florida

From: [Signature of Mayor]  
Mayor  
Miami-Dade County, Florida

Pursuant to the authority vested in me under the provisions of Sections [2.02](../level2/PTICOAMCH_ART2MA.docx#PTICOAMCH_ART2MA_S2.02REMA) C and D of the Miami-Dade County Home Rule Charter, I hereby appoint:

[insert name of person appointed]

to the position of:

[insert position to which the person is appointed].

The person's qualifications for this position are as follows:

A copy of the person's resume shall be attached.

(b) The completed form, together with the resume, shall be submitted to the Clerk of the Board on or before 4:30 p.m. on the date of appointment. The Clerk's official date and time recorder stamp on the completed form shall conclusively determine date and time of submission of the form to the Clerk.

(c) The Clerk shall place appointments by the Mayor, together with the completed form and resume on the next regularly scheduled Commission agenda under the mayoral reports section of the agenda for Commission consideration.

(d) Notwithstanding any other rule of the Commission, appointments made by the Mayor shall:

(1) Not be subject to the "4-day rule" as provided in Rule [5.05](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE)(c);

(2) Not be deferred to a future meeting;

(3) Not require committee review;

(4) Not be subject to a motion to reconsider, except at the same meeting; or

(5) Not require publication or public hearing.

(e) The Mayor shall make every effort to have the nominee attend the Commission meeting at which the appointment is presented. Commissioners may ask such questions as they deem appropriate at that time.

(f) Any Commissioner may move to disapprove a mayoral appointment made subject to this rule. A motion to disapprove a mayoral appointment shall be stated as follows:

(1) "I move that the Mayor's appointment of [insert name of person appointed by the Mayor] as [insert the position to which such person was appointed by the Mayor] be disapproved."

(g) If a two-thirds (2/3) majority of those Commissioners then in office vote in favor of the motion as stated in subsection (f) above, the appointment shall be deemed disapproved; otherwise, the appointment shall be deemed effective.

(h) The provisions of this rule shall not be waived under Rule [7.01](../level2/PTICOAMCH_ART7PAAQPRPRLA.docx#PTICOAMCH_ART7PAAQPRPRLA_S7.01PO)(n).

(Ord. No. 96-92, § 1, 6-18-96; Ord. No. 96-135, §§ 1—3, 9-17-96; Ord. No. 96-159, § 1, 11-12-96; Ord. No. 96-167, § 1, 11-12-96; Ord. No. 96-178, § 1, 12-3-96; Ord. No. 97-1, § 1, 1-14-97; Ord. No. 97-50, § 1, 5-20-97; Ord. No. 97-51, § 1, 5-20-97; Ord. No. 97-91, § 1, 6-17-97; Ord. No. 97-103, § 1, 7-8-97; Ord. No. 97-126, § 1, 7-22-97; Ord. No. 97-171, § 1, 10-7-97; Ord. No. 96-145, § 1, 10-8-96; Ord. No. 98-1, § 1, 1-13-98; Ord. No. 98-41, § 1, 3-31-98; Ord. No. 98-69, § 1, 5-5-98; Ord. No. 99-15, § 1, 2-2-99; Ord. No. 99-21, § 1, 3-4-99; Ord. No. 01-83, § 1, 4-24-01; Ord. No. 01-152, § 1, 9-25-01; Ord. No. 01-165, § 1, 10-23-01; Ord. No. 01-197, § 1, 12-4-01; Ord. No. 02-105, § 1, 6-18-02; Ord. No. 02-215, § 1, 10-22-02; Ord. No. 03-43, § 1, 3-11-03; Ord. No. 03-72, §§ 1, 2, 4-8-03; Ord. No. 04-205, § 1, 12-2-04; Ord. No. 04-206, § 1, 12-2-04; Ord. No. 05-50, § 1, 3-1-05; Ord. No. 05-116, § 1, 6-7-05; Ord. No. 06-32, § 1, 3-7-06; Ord. No. 07-07, § 1, 2-6-07; Ord. No. 07-74, § 1, 6-5-07; Ord. No. 08-23, § 1, 3-4-08; Ord. No. 08-41, § 1, 4-8-08)

**Editor's note—**

Ordinance No. 96-135, §§ 1—3, adopted September 17, 1996, repealed [2-1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO)—2-1.3.2, 2-1.3.4—2-1.6 and enacted a new [§ 2-1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO). Section 3 of such ordinance transferred Section 2-1.3.3 to a new [Section 2-11.31](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.31RE), except for subsection (c) which was transferred to [§ 2-1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO), Rule [5.06](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.06DELA)(d). Formerly, such section pertained to similar provisions and derived from:

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| --- | --- | --- |
| Ord. No. | Section | Date |
| Res. No. 1150 | 1 | 3-19-58 |
| 61-12 | 1 | 3-21-61 |
| 61-26 | 1 | 6-20-61 |
| 62-41 | 1 | 10-16-62 |
| 62-50 | 1 | 12-4-62 |
| 63-20 | 1 | 5-28-63 |
| 64-9 | 1 | 3-10-64 |
| 64-46 | 1 | 9-15-64 |
| 65-21 | 1 | 4-6-65 |
| 65-64 | 1 | 10-5-65 |
| 65-65 | 1 | 10-5-65 |
| 65-68 | 1 | 10-5-65 |
| 65-78 | 1 | 12-22-65 |
| 69-10 | 1, 2 | 2-4-69 |
| 69-29 | 1 | 4-15-69 |
| 69-76 | 1 | 11-5-69 |
| 70-40 | 1 | 5-13-70 |
| 71-4 | 1 | 1-6-71 |
| 71-10 | 1 | 1-12-71 |
| 71-64 | 1, 2 | 7-20-71 |
| 72-51 | 1 | 9-19-72 |
| 72-86 | 1 | 11-21-72 |
| 72-87 | 1 | 11-21-72 |
| 72-83 | 1 | 11-21-72 |
| 72-88 | 1 | 11-21-72 |
| 72-99 | 1 | 12-19-72 |
| 73-29 | 1 | 3-21-73 |
| 73-32 | 1 | 4-3-73 |
| 73-43 | 1, 2 | 4-16-73 |
| 73-62 | 1 | 6-9-73 |
| 74-49 | 1 | 7-2-74 |
| 74-51 | 1 | 7-2-74 |
| 74-71 | 1 | 9-3-74 |
| 74-73 | 1, 2 | 9-16-74 |
| 74-97 | 1, 2 | 12-3-74 |
| 75-21 | 1, 2 | 2-4-75 |
| 75-72 | 1 | 9-17-75 |
| 75-81 | 1, 2 | 10-1-75 |
| 76-57 | 1 | 6-15-76 |
| 76-58 | 1 | 6-15-76 |
| 76-91 | 1 | 10-5-76 |
| 76-94 | 1 | 10-19-76 |
| 76-99 | 1 | 11-2-76 |
| 84-95 | 1—3 | 12-18-84 |
| 93-39 | 1 | 5-13-93 |
| 93-81 | 1 | 7-29-93 |
| 93-125 | 1, 2 | 11-4-93 |
| 93-127 | 1 | 11-16-93 |
| 93-128 | 1 | 11-16-93 |
| 93-140 | 1 | 12-14-93 |
| 94-25 | 1 | 2-1-94 |
| 94-35 | 1 | 3-3-94 |
| 94-48 |  | 3-17-94 |
| 95-45 | 1—6 | 3-9-95 |
| 94-71 |  | 5-3-94 |
| 94-111 | 2 | 6-9-94 |
| 94-112 | 1 | 6-9-94 |
| 94-126 | 1 | 6-21-94 |
| 94-236 | 1 | 12-20-94 |
| 94-237 | 1 | 12-20-94 |
| 94-238 | 1—3 | 12-20-94 |
| 95-133 | 1, 2 | 7-25-95 |
| 95-182 | 1 | 10-17-95 |
| 95-185 | 1, 2 | 10-17-95 |
| 95-189 | 1 | 10-17-95 |
| 96-40 | 1 | 3- 5-96 |
| 96-44 | 1 | 3-19-96 |
| 96-71 | 1, 2 | 5-2-96 |
| 96-79 | 1 | 6-4-96 |
| 96-92 | 1 | 6-18-96 |
|  |  |  |

Sec. 2-2. Suits for damages against the County; notice; settlement authority.

(a) No suits shall be maintained against the County for damages to persons or property or for wrongful death arising out of any incident or occurrences unless noticed and filed as required by Section 768.28(6), Florida Statutes, as amended, with the Clerk of the County Commission, Suite 210, 111 N.W. First Street, Miami, Florida 33128.

(b) As set forth in this subsection and to the extent allowable by general law, any claim or suit against the County may be settled or compromised by the County Manager and the County Attorney or their designees, if the Manager and Attorney determine that said settlement or compromise is in the best interests of Miami-Dade County after considering the legal liability of the County, the amount of damages claimed, potential litigation expenses, and potential financial exposure of the County, the precedential effect of any potential litigation, and the effect of the claim or suit upon County policies and practices. The settlement authority herein shall include any claim or suit authorized by the United States Code. The settlement of all claims shall be reported quarterly to the County Commission. There shall be prepared an administrative order which shall describe the manner by which the settlement authority granted by this subsection shall be administered and delegated. Such administrative order, when approved by the County Commission, shall have the force and effect of law.

(c) The County Manager and County Attorney shall establish an administrative procedure for filing, review and settlement of claims. Upon receipt of notice of claim, the claimant shall be advised of the administrative procedure for the filing and presentation of claims. This shall include the name and address of the person injured, or of the owner of the property damaged, the date, time, place and circumstances of the injury or damage, the nature of the injury or damage, and the amount claimed as damages. The claimant shall supply all necessary documentation and information to support the injuries or damages alleged.

(Ord. No. 58-16, § 1, 5-6-58; Ord. No. 60-5, § 1, 2-20-60; Ord. No. 68-25, § 1, 5-7-68; Ord. No. 73-17, § 1, 3-8-73; Ord. No. 76-21, § 1, 2-3-76; Ord. No. 78-84, § 1, 11-21-78; Ord. No. 79-7, § 1, 1-16-79; Ord. No. 81-115, § 1, 10-6-81; Ord. No. 825-102, § 1, 11-26-85)

**Annotations—**AO [2-4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-4SAOTEFUNFI); CAO 77-54(A).

**Charter reference—** Liability of county for torts and notices of suits against county for damages, § 8.03.

Sec. 2-2.1. Use of the North American Industry Classification System (NAICS) by County departments.

By no later than October 1, 2010, all County departments shall:

(1) Require businesses to provide the North American Industry Classification System (NAICS) code whenever information is collected for contracts, procurement, permits, licenses, taxes, enforcement actions and all other purposes for which information is collected by County departments from businesses; and

(2) Use NAICS codes for any business classification system that County departments use except where prohibited by federal or state law. In cases where the use of NAICS codes is prohibited by federal or state law, County departments shall maintain NAICS code information for individual businesses in a format in which individual businesses can be sorted by NAICS codes.

(Ord. No. 09-77, § 1, 9-1-09)

Sec. 2-2.2. Designation of responsibility for custody and transportation by law enforcement agencies of persons believed to be mentally ill.

(a) Pursuant to the authority of Section 394.463(2)(b), Florida Statutes, the Miami-Dade Police Department is designated as the law enforcement agency responsible to take custody of and transport persons in the unincorporated areas of Miami-Dade County to the nearest receiving facility for involuntary examination pursuant to the provisions of Section 394.463(2)(a)(1) or (3), Florida Statutes.

(b) Pursuant to the authority of Section 394.463(2)(b), Florida Statutes, each municipal law enforcement agency within Miami-Dade County is designated as the law enforcement agency responsible to take custody of and transport persons from within each respective municipality of Miami-Dade County to the nearest receiving facility for involuntary examination pursuant to the provisions of Section 394.463(2)(a)(1) or (3), Florida Statutes.

(c) In the event that a municipality within Miami-Dade County has no law enforcement agency, then pursuant to Section 394.463(2)(b), Florida Statutes, the Miami-Dade Police Department is designated as the law enforcement agency responsible to take custody of and transport persons from such municipalities in Miami-Dade County which have no municipal law enforcement agency to the nearest receiving facility for involuntary examination pursuant to the provisions of Section 394.463(2)(a)(1) or (3), Florida Statutes.

(Ord. No. 86-40, § 1, 5-20-86)

**Editor's note—**

Ord. No. 86-40, § 1, adopted May 20, 1986, has been included as [§ 2-2.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-2.2DERECUTRLAENAGPEBEBEMEIL) at the editor's discretion.

Sec. 2-3. Rules and regulations of County agencies—Filed with Clerk of Circuit Court.

Every officer, board, commission, department, or other agency of the County authorized to adopt, promulgate and enforce rules and regulations shall file a copy of all such rules and regulations and amendments thereto in the Office of the Clerk of the Circuit Court as Clerk of the County Commission.

(Ord. No. 58-3, § 1, 2-12-58)

Sec. 2-4. Same—Not effective until filed.

No rule or regulation adopted on or after July 1, 1958, shall take effect or be enforceable, except as herein provided, until fifteen (15) days after the filing thereof as required by [section 2-3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-3RURECOAGILCLCICO). No rule or regulation adopted before July 1, 1958, shall be effective or enforceable after July 1, 1958, until it shall be filed with the Clerk of the Circuit Court as Clerk of the County Commission.

(Ord. No. 58-3, § 2, 2-12-58)

Sec. 2-5. Same—Names and addresses of board members.

(a) Every board, commission, department or other agency of the County shall file the names and addresses of its chairman, secretary and members with the Clerk of the Circuit Court as Clerk of the County Commission, on or before July 1, 1958. After July 1, 1958, the names of all successor chairmen, secretaries and members of all such boards, commissions, departments or other agencies, and their respective addresses, shall be likewise filed in the Office of the Clerk of the Circuit Court as Clerk of the County Commission within fifteen (15) days of their designation.

(b) It shall be the duty of the chairman of every board, commission, department or other agency of the County to report to the County Commission, by certifying same, whenever it appears that any member of his agency has been absent from three (3) consecutive meetings of the agency without due cause. Upon such certification to the County Commission such member shall be deemed to have been removed and the County Commission shall appoint a successor to fill the balance of the unexpired term of such member.

(Ord. No. 58-3, § 3, 2-12-58; Ord. No. 67-15, § 1, 3-7-67)

Sec. 2-6. Reserved.

Sec. 2-7. Same—Internal management rules not filed.

The provisions of Sections [2-3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-3RURECOAGILCLCICO) through [2-8](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8SAEECLCICO) shall not apply to rules and regulations relating solely to the internal organization and management of any board, commission, department or other agency if such rules and regulations do not affect the rights of the public.

(Ord. No. 58-3, § 5, 2-12-58)

Sec. 2-8. Same—Fee of Clerk of the Circuit Court.

The Clerk of the Circuit Court as Clerk of the County Commission may charge a fee for the certification of any such rule or regulation sufficient to cover the cost of making such certification and copy. The Clerk shall maintain a file of such rules and regulations and shall keep appropriate dockets and indexes thereof and shall make them available to the public. He shall distribute such bulletins and other information concerning such rules and regulations as in his opinion shall be necessary to inform interested parties of the filing thereof.

(Ord. No. 58-3, § 6, 2-12-58)

Sec. 2-8.1. Contracts and purchases generally.

(a) *Scope.* Except as provided in subsections (b), (f), (h) and (l), this section shall apply to all contracts for public improvements and purchase of all supplies, materials and services other than professional services.

(b) (1) *Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases.* Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of two hundred fifty thousand dollars ($250,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County. The Mayor or Mayor's designee is hereby delegated the authority to advertise for bid all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The Mayor or Mayor's designee shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and community business programs established in this Code. The Mayor or Mayor's designee shall further be required to report to this Board on a bi-annual basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the Mayor's or Mayor's designee exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The Mayor or Mayor's designee is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing one million dollars ($1,000,000.00) or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution five million dollars ($5,000,000.00) or less, without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the Mayor or Mayor's designee to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed one million dollars ($1,000,000.00), and in such instances the Mayor or Mayor's designee shall obtain the prior authorization of the County Commission to exercise such option. The Mayor or Mayor's designee may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the Mayor or Mayor's designee deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The Mayor or Mayor's designee is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The Mayor or Mayor's designee shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the Mayor or Mayor's designee requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The Mayor or Mayor's designee may designate appropriate County staff to exercise the authority delegated hereunder by implementing order, approved by the Board of County Commissioners.

(2) *Legacy Purchases.* Notwithstanding the provisions of [section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b)(1), formal sealed bids shall not be required for Legacy Purchases which do not result in the budget for the user department(s) exceeding the amount approved by the County Commission during the annual budget approval process. Such Legacy purchases may be awarded by the Board of County Commissioners upon a majority vote of those Board Members present, where the amount of such award exceeds the threshold for purchases by the Mayor set forth in [section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b)(1). The County Mayor shall include, in any Legacy Purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for Legacy Purchases for the particular good or service. For the purposes of this section, Legacy Purchases shall mean the purchase of goods and services where competition is unavailable, impractical or constrained as a result of the need to continue to operate an existing County system which may not be replaced without substantial expenditure.

(c) *Establishment of purchasing procedure by administrative order.* By administrative order, subject to the approval of the Board of County Commissioners, the County Manager shall establish procedures for all purchases and the award of all contracts within the scope of this section. Except in the case of small purchase orders and sole source contracts, as defined by Administrative Order 3-2 or successor thereto, said procedures shall make it a condition of award that the contractor or entity receiving a contract or purchase from Miami-Dade County verify that all delinquent and currently due fees or taxes (including, but not limited to, real and personal property taxes, utility taxes, and occupational license taxes) collected in the normal course by the Miami-Dade County Tax Collector and County issued parking tickets for vehicles registered in the name of the contractor or business entity, have been paid. Failure to comply with this policy may result in debarment. Such purchasing procedures may include i) a petty cash program for the purchase of goods and services of not to exceed the amount specified in Administrative Order 3-6; and ii) a purchase card program for the purchase of goods and services of not to exceed the amount specified by Administrative Order for such program and in no event greater than that provided for small purchases under Administrative Order 3-2. Notwithstanding any other Section of this Code or Resolution of this Board, purchases under the petty cash and purchasing card programs shall be subject only to the limitations, conditions and requirements specified in the Administrative Orders therefore and shall not be subject to the requirements specified elsewhere in this Code or in Board Resolutions applicable to County contracting or procurement.

(d) *Disclosure required of contractors and entities transacting business with Miami-Dade County.*

(1) All contracts or business transactions or renewals thereof with Miami-Dade County, or any person or agency acting for Miami-Dade County, including but not limited to: Contracts for public improvements; contracts for purchase of supplies, materials or services; and leases, franchises, concessions or management agreements, shall require the person contracting or transacting such business with the County to disclose under oath his or her full legal name, and business address. Such contract or transaction shall also require the disclosure under oath of the full legal name and business address of all individuals having any interest (legal, equitable, beneficial or otherwise) in the contract; provided, however, no disclosure shall be required of subcontractors, materialmen, suppliers, laborers or lenders. Post office box addresses shall not be accepted hereunder. If the contract or business transaction is with a corporation the foregoing information shall be provided for each officer and director and each stockholder holding, directly or indirectly, five (5) percent or more of the outstanding stock in the corporation. If the contract or business transaction is with a partnership, the foregoing information shall be provided for each partner. If the contract or business transaction is with a trust, the foregoing information shall be provided for the trustee and each beneficiary of the trust. All assignments of any such contract or transaction, if otherwise authorized, shall comply with the provisions hereof. All transferees of interests required to be disclosed hereunder shall within thirty (30) days of the transfer notify the County that the transfer has occurred. The County Manager shall include in the resolution approving any assignment of any contract or business transaction or transfer of interest therein, or any change of ownership in contracts with the County, the names and business addresses of the officers, directors, partners or trustees, as applicable, of the companies involved in the contract assignment or business transaction or transfer of interest therein, or change of ownership. Notwithstanding anything in this section to the contrary, the foregoing disclosure requirements shall not apply to contracts with publicly-traded corporations, or to contracts with the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State. Any contract or transaction entered into in violation of this section shall be voidable.

(2) Except where precluded by federal or State law or regulations, each contract or business transaction or renewal thereof specified in the first sentence of subsection (1) of this [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(d) shall also require the entity contracting or transacting such business to disclose the following additional information under oath:

(i) Whether the entity has a collective bargaining agreement with its employees; and

(ii) Whether the entity provides company paid health care benefits to be paid to employees; and

(iii) A current breakdown of the entity's work force and ownership as to race, national origin and gender; and

(iv) Any other information as may be required by Administrative Order.

The foregoing disclosure requirements shall not apply to contracts with the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State.

(3) Any and all requirements for affidavits, oaths or affirmations contained in Sections [2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(d), [2-8.1.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1.2DREEWORECOENTRBUMIDECO)(b), [10-38](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO), [2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(c), [2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(i), [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR), Article V of [Chapter 11A](../level2/PTIIICOOR_CH11ADI.docx#PTIIICOOR_CH11ADI) Sections [11A-29](../level3/PTIIICOOR_CH11ADI_ARTVFALE.docx#PTIIICOOR_CH11ADI_ARTVFALE_S11A-29LEFIPU) through [11A-33](../level3/PTIIICOOR_CH11ADI_ARTVFALE.docx#PTIIICOOR_CH11ADI_ARTVFALE_S11A-33PRFALECO), [2-8.9](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOCOEM), Article VIII of [Chapter 11A](../level2/PTIIICOOR_CH11ADI.docx#PTIIICOOR_CH11ADI) Sections [11A-60](../level3/PTIIICOOR_CH11ADI_ARTVIIIDOLE.docx#PTIIICOOR_CH11ADI_ARTVIIIDOLE_S11A-60DE) through [11A-67](../level3/PTIIICOOR_CH11ADI_ARTVIIIDOLE.docx#PTIIICOOR_CH11ADI_ARTVIIIDOLE_S11A-67CLCOREPE) of the Code of Miami-Dade County and Resolution R-182-00 shall be satisfied by the proper completion of a uniform County affidavit packet to be developed for this purpose by the Department of Procurement Management (the "Uniform County Affidavit") and maintained with the proposer's vendor registration file. A duly executed Uniform County Affidavit shall be on file prior to the award of any County contract and the sufficiency and veracity of the Uniform County Affidavit shall, at all times, be the responsibility of the vendor or proposed contractor. The execution of any contract shall be deemed a representation by the vendor or proposed contractor that a duly executed Uniform County Affidavit is on file, and that it is true and accurate through the date of bid or proposal submission. No vendor or proposed contractor shall be eligible for award unless the requirements of this Section are duly satisfied. Bid documents shall contain a statement alerting bidders of the requirements of this section.

(4) Any person who willfully fails to disclose the information required by subsection (1) of this [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(d), or who knowingly discloses false information in this regard, shall be punished by a fine of up to five hundred dollars ($500.00), or by imprisonment in the County Jail for up to sixty (60) days, or both in the discretion of the court.

(5) Notwithstanding any other provision of the Code, entities contracting or transacting business with the County for performances; honorariums; training services; historical preservation services; rehabilitative services; cable and satellite services; video conferencing services; dental services for inmates; tutoring services; animal medication purchases; shipment of animals; anti-venom purchases; purchases of land; and car leases for County officials shall only be required to submit, at a minimum, a W9, the entity's full legal name, business address, telephone number and email address on a form to be provided by the Department of Procurement Management and shall not be required to submit any other affidavit, disclosure or registration otherwise required by the Code.

(e) *Bids from related parties.* Notwithstanding any other provision of this Code, where two (2) or more related parties each submit a bid or proposal for any contract within the scope of this section, such bids or proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers or the principals thereof which have a direct or indirect ownership interest in another bidder or proposer for the same contract or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same contract. Bids or proposals found to be collusive shall be rejected.

(f) *Listing of subcontractors required on certain contracts.* The requirements of this subsection shall apply to those county contracts for purchase of supplies, materials or services, including professional services, which involve the expenditure of one hundred thousand dollars ($100,000.00) or more where the contract specifications do not expressly preclude the use of subcontractors to perform a portion of the work. All such contracts shall require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract work and all suppliers who will supply materials for the contract work direct to such entity. The contracts shall also require the entity contracting with the County to report to the County the race, gender and ethnic origin of the owners and employees of all such first tier subcontractors. When a competitive process is utilized to select the entity that will contract with the County, the specifications shall provide that it shall be a condition of award for the successful bidder to provide the listing of subcontractors, if required. [Section 10-34](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE) of this Code governs the subcontractor listing requirements for contracts for public improvements. The contract shall require the contractor to provide to the County the race, gender and ethnic information as soon as reasonably available and in any event prior to final payment under the contract. The County Mayor or Mayor's designee shall include language in all contracts and specifications to which this subsection applies to implement this subsection and to provide that the contractor shall not change or substitute subcontractors or suppliers from those listed except upon written approval of the County.

(g) The County Manager shall include language in the specifications for all County contracts providing that a bidder's or proposer's performance as a prime contractor or subcontractor on previous County contracts shall be taken into account in evaluating bids and proposals received for County contracts.

(h) *Dedicated allowances, contingency allowances and additional service allowances on contracts involving the expenditure of more than $500,000.* For any contract for the construction of public improvements and any professional service agreement involving the expenditure of more than $500,000, an item shall be added to the advertisement recommendation memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each proposed dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each proposed dedicated allowance, contingency allowance and additional services allowance in relation to the estimated contract price. When the aggregate percentage of all proposed non-dedicated allowances, such as contingency allowances and additional services allowances, exceeds the applicable threshold set forth below, the County Manager's advertisement recommendation shall also include specific information to define and substantiate the proposed utilization of the particular allowances:

(1) Five percent of the contract price for new construction on public property;

(2) Ten percent of the contract price for remodeling, renovation or expansion of existing facilities on public property, or for infrastructure projects within the public right-of-way; and

(3) Ten percent of the contract price for professional service agreements.

For each contract covered by this subsection (h), an item shall be added to the recommendation for award memorandum presented by the County Manager to the Board of County Commissioners identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

For each contract covered by this subsection (h), during the course of contract performance, the director of the department administering the contract shall: (1) review and maintain full and complete documentation to support the specific items and associated costs utilized under the contract's dedicated allowance, contingency allowance and additional services allowance, and shall maintain such information available for inspection as a public record; and (2) whenever the actual utilization of a dedicated allowance, contingency allowance or additional services allowance exceeds the particular dollar amount or percentage for that allowance stated in the recommendation for award memorandum presented by the County Manager to the Board of County Commissioners, shall immediately inform the County Manager, or his designee, in writing, and shall disclose the actual, project-to-date utilization of that account including the specific items and associated costs incurred and the County Manager shall promptly report the utilization of each such account to the Board of County Commissioners with a copy to the Director of Procurement and Director of Audit and Management Services. The procedures provided in this subsection (h) shall not constitute a delegation of authority to increase the contract price or contract ceiling of any contract without approval of the County Commission.

(i) This subsection shall apply to all county contracts for public improvements; purchases of all supplies, materials and services, including professional services; leases, franchises, concessions, management agreements and permits to do business on county property; and loan transactions.

(ii) No individual or entity who is in arrears in excess of the enforcement threshold, defined below, under any obligation or contract, including but not limited to those described in (h)(i) above, final non-appealable judgment, or lien with the County, or any of its agencies or instrumentalities, including the Public Health Trust (hereinafter referred to as "County"), either directly or indirectly through a firm, corporation, partnership or joint venture in which the individual or entity has a controlling financial interest as that term is defined in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(b)(8) of this Code, shall be allowed to receive any additional County contracts described in (h)(i) above, purchase orders or extensions of County contracts until either the arrearage has been paid in full or the County has agreed in writing to a repayment schedule. Notwithstanding the above, the County Manager may enter into or extend a contract or business transaction with any individuals or entities who are not current in their obligations to the County when the County Manager determines it to be in the best interest of the County or when the County Manager determines that the individuals or entities are engaged in pending settlement negotiations regarding change orders. Such action shall be subject to ratification by the Board of County Commissioners. The County Manager shall include language in the specifications of all contracts to which this subsection applies that the failure to meet the terms and conditions of any obligation or repayment schedule shall constitute a default of the subject contract and may be cause for suspension, termination and debarment, in accordance with the terms of the contract and the debarment procedures of the County.

(iii) All contracts, business transactions and renewals thereof with the County to which this subsection applies, shall require the individual or entity seeking to transact business with the County to verify by affidavit that the individual or entity is current in its obligations to the County and is not otherwise in default of any County contract. Any contract or transaction entered into in violation of this subsection shall be voidable.

(iv) By administrative order, the County Manager shall establish procedures for the implementation of this subsection. Said procedures shall require the County Manager to maintain a list of all individuals and entities who are not current in their obligations to the County. Such list shall be updated periodically and distributed or made available electronically to each County department, agency and instrumentality.

(v) The County Manager shall include language in all promissory notes and loan documents that require the borrower to assign the proceeds of any contract with the County or any of its agencies or instrumentalities to which the borrower or any firm, corporation, partnership or joint venture in which the borrower has a controlling financial interest is a party to the County in order to secure repayment of the loan.

(vi) The provisions of the "cone of silence" as set forth in subsection [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(t)(a) as it pertains to the prohibition of any communications with the Mayor, County Commissioners or their respective staffs shall apply to this subsection (h) and no repayment schedule or settlement agreement entered into by the County administration shall be reported to the Board of County Commissioners.

(vii) "Enforcement Threshold," shall mean any arrearage under any individual contract, final non-appealable judgment, or lien with Miami-Dade County that exceeds $25,000 and has been delinquent for greater than 180 days.

(i) Each person or entity that seeks to do business with the County shall adopt a Code of Business Ethics ("Code") and shall, prior to the execution of any contract between the contractor and the County, submit an affidavit, on a form provided by the County, stating that the contractor has adopted a Code that complies with the requirements of this Section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award. The Code of Business Ethics shall apply to all business that the contractor does with the County and shall, at a minimum, require the contractor to comply with all applicable governmental rules and regulations including, among others, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and the Miami-Dade County False Claims Ordinance.

The Code of Business Ethics shall also require the contractor to comply with all applicable rules and regulations regarding Disadvantaged Business Enterprises, the Small Business Enterprise (SBE) Program and Community Small Business Enterprises (CSBEs) and shall specifically prohibit the following practices:

(1) *Pass-through Requirements.* The Code shall prohibit pass-throughs whereby the prime firm requires that the SBE or CSBE firm accept payments as a SBE or CSBE and pass through those payments or a portion of those payments to another entity including, but not limited to, the owner/operator of the prime firm;

(2) *Rental Space Requirements, Equipment Requirements or Flat Overhead Fee Requirements.* The Code shall prohibit rental space requirements, equipment requirements and/or flat overhead fee requirements, whereby the prime firm requires the SBE or CSBE firm to rent space or equipment from the prime firm or charges a flat overhead fee for the use of space, equipment, secretary, etc.;

(3) *Staffing Requirements.* The Code shall prohibit a prime firm from mandating, as a condition to inclusion in the project, that a SBE or CSBE hire, fire, or promote certain individuals not employed by the prime firm, or utilize staff employed or previously employed by the prime firm.

(4) *SBE or CSBE staff utilization.* The Code shall prohibit the prime firm from requiring the SBE or CSBE firm to provide more staff than is necessary and then utilizing the SBE or CSBE staff for other work to be performed by the prime firm.

(5) *Fraudulently creating, operating or representing SBE or CSBE.* The Code shall prohibit a prime firm including, but not limited to, the owners/operators thereof from fraudulently creating, operating or representing an entity as a SBE or CSBE for purposes of qualifying for certification as a SBE or CSBE.

The Code shall also require that on any contract where SBE or CSBE participation is purported, the contract shall specify essential terms including, but not limited to, a specific statement regarding the percent of participation planned for SBEs or CSBEs, the timing of payments and when the work is to be performed.

The failure of a contractor to comply with its Code of Business Ethics shall render any contract between the contractor and the County voidable, and subject violators to debarment from future County work pursuant to [Section 10-38](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO)(h)(2) of the Code of Miami-Dade County. The Inspector General shall be authorized to investigate any alleged violation by a contractor of its Code of Business Ethics. Upon the completion of any investigation, the Inspector General shall forward the report to the appropriate entity. The Inspector General may delay the publication of a report when requested to do so by a law enforcement agency including, but not limited to, the State Attorney's Office or the United States Attorney's Office. Nothing contained herein shall be construed to limit the powers and duties of the Inspector General as stated in other sections of the Code of Miami-Dade County.

(j) Electronic Commerce, Electronic Signatures, and On-Line Procurement of Goods and Services.

(1) Definitions.

(1) *Electronic* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(2) *Reverse Auction* means a procurement method wherein bidders, anonymous to each other, electronically submit real-time bids on designated goods or services.

(3) *Electronic Signature* means a manual or electronic identifier or the electronic result of an authentication technique attached to, or logically associated with, a record that is intended by the person using it to have the same full force and effect as manual signature.

(2) On-Line Procurement. The County Manager is authorized to pursue electronic commerce and on-line procurement of goods and services through the use of electronic means including the use of electronic signatures. Procurement by electronic means includes, but is not limited to, the advertising and receipt of competitive sealed bids, competitive sealed proposals and informal quotations, reverse auctions, vendor registration, and any other current or future procurement method or process.

(k) Unsolicited Proposals.

(1) Any person or legal entity may submit an unsolicited proposal to the County to contract for the design, construction, operation, ownership, acquisition, or leasing of public infrastructure which unsolicited proposal shall be governed by the provisions of this section. For purposes of this section, public infrastructure shall mean transit structures, housing structures, roads, bridges, streets, highways, drainage, underground excavation, piping and all structures incidental thereto regardless of cost and any other public building with estimated cost in excess of fifteen million dollars ($15,000,000.00).

(2) The County shall charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal, including a fee to cover the costs of attorneys, engineers, consultants, and financial advisors. The fee charged for the review of the proposal shall be based on the level of expertise deemed necessary by the Mayor or his designee and required to review the proposal, and will not be greater than the direct costs associated with evaluating the unsolicited proposal. "Direct costs" may include, but are not limited to, (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the costs of attorneys, engineers, financial advisors and other consultants. Should the project proceed beyond the initial review, and be published for competition, additional fees for review and evaluation may be charged as agreed to by the parties.

(3) The County shall require the initial processing fee of twenty-five thousand dollars ($25,000.00). Additional fees may be charged based on the nature of the proposal and the complexity of the review required. All requested fees shall be paid prior to the County's further evaluation of the proposal. The Mayor or his designee shall refund any portion of the initial processing fee paid which in the discretion of the Mayor or his designee exceeds the direct costs associated with evaluating the proposal.

(4) Upon receipt of an unsolicited proposal or group of proposals and payment of any required fees by the proposer or proposers, the Mayor or his designee shall note the date and time of receipt of such proposal and shall determine within 90 days whether to accept the unsolicited proposal solely for the purpose of proceeding to publication as described below. Alternatively, the Mayor or his designee shall reject the proposal within such ninety (90) days or, in the event that the time for consideration is insufficient, request an extension of this time from the Board; however, the Board shall not grant more than one such extension. Final determination of whether to publish a proposal shall be made by the Board of County Commissioners. Following such determination, the Mayor or his designee shall respond to the proposer in writing as to the acceptance or rejection of the unsolicited proposal. The initial review time may be extended by mutual agreement of the Mayor or his designee and the proposer. The proposal shall be published not later than thirty (30) days following acceptance by the Board of County Commissioners.

(5) In his/her sole and absolute discretion, the County may reject or return an unsolicited proposal. The decision to reject an unsolicited proposal which is accompanied by the applicable fee shall be subject to ratification by the Board of County Commissioners. The Mayor or his designee shall provide a written explanation of the reasons for rejection in the item requesting ratification. It is not the intention or obligation of the County to correct and/or assist in the preparation of an unsolicited proposal in any manner.

(6) In determining whether to accept the unsolicited proposal for publication, the County shall take into consideration such factors as: whether the proposed project is in the public's best interest; the costs of the proposed project and its funding sources; whether the proposed project may be accomplished through the use of County resources; the need for the proposed project; the scientific, technical or socioeconomic merits of the proposal; the contribution of the proposal to the County's goals and objectives; the qualifications, technical and management capabilities and experience of the proposer considered as a whole and considered in terms of the legal entities who may comprise the proposer or who may be serving as subcontractors to the proposer; the general reputation and financial condition of the proposer and its team members; the proposer's financial capacity to perform its obligations in the proposed contract; the financial viability and feasibility of the submitted proposal; the cost, if any, to the County to proceed with implementation of the proposal; and any other information the County deems appropriate for such initial evaluation.

(7) Any unsolicited proposal shall include sufficient detail and information for the County to evaluate the proposal in an objective and timely manner and to determine if the proposal meets the above criteria and benefits the County. If such proposal is not deemed by the County to be complete or in sufficient detail, it may be rejected at the sole discretion of the Mayor or his designee. The Mayor or his designee shall inform the proposer in writing of the reason for rejection and shall provide the proposer a copy of the item explaining the reason for rejection delivered to the Board of County Commissioners. It is not the intent or obligation of the Mayor or his designee to assist the proposer in completing the proposal and the Mayor or his designee shall bear no responsibility to itemize or advise the proposer of the incomplete items or terms of the proposal.

(8) Any unsolicited proposal shall contain at a minimum the following items, as appropriate to the proposed project:

(a) Information and supporting documentation necessary for the County to evaluate the factors listed in paragraph (6) above.

(b) A site plan indicating the location of the project proposed.

(c) A description of the project, including the conceptual design of the facility.

(d) The proposed schedule for development of the project and/or the proposed term for operation of the project, along with an estimate of the life cycle cost of the proposed proposal.

(e) A statement setting forth a method by which the private entity proposes to secure any property interests required for the proposed project.

(f) A list of all public utilities, railroad lines, navigable waters and flight paths, if any, that will be crossed or affected by the proposed project and a statement of the plan to accommodate such crossings or effects.

(g) A statement setting forth the proposer's plans for developing, financing, constructing and/or operating and maintaining the project, including identification of any revenue, public or private of proposed debt or equity investment proposed by the proposer. The financing plans shall address any and all means by which the costs of the project will be borne by persons other than the County.

(h) Names and addresses of persons who may be contacted for further information concerning the request.

(i) Information on how the project would benefit small and community based contractors within Miami-Dade County.

(j) A financial plan for the entire time period of the proposed private entity involvement in the project.

(k) Performance guarantees, if any, and any proposed bonding to be provided by the proposer.

(l) The names of owners, directors and officers of the proposer, and such information as may be necessary to evaluate the qualifications of the critical personnel to be engaged in the project.

(m) A list of all engineering or construction firms to be proposed on the project and their qualifications and a description of their role in the proposal.

(n) A listing of all proposed obligations and requirements of the County and any other governmental agencies, including, but not limited to, contributions to the project financing, staffing and permitting.

(o) A listing of all small business enterprises (as defined in applicable County ordinances) that will participate in the project and the proposed scope of work of each.

(p) Such additional material and information that a responsible public entity may reasonably expect, in order to review and evaluate such proposal.

(9) The County may seek the advice of internal staff or outside advisors, attorneys or consultants, or any combination thereof, with relevant experience in determining whether to accept the unsolicited proposal for publication and/or whether to enter into an agreement with the private entity or any competing proposer. At its option, the County may seek further clarification of the proposal.

(10) If the County accepts the unsolicited proposal for publication, then the Mayor or his designee shall publish a competitive solicitation statement that the County has received a proposal and will accept, for ninety (90) days after the initial date of the publication, other proposals for the same project purpose (the "Response Period"). Such period may be extended by the Board of County Commissioners, upon written request by the Mayor or his designee explaining why a longer period for response is in the best interest of the County. The Mayor or his designee shall identify the procedures that will be used for evaluating the proposals in the notice or in a subsequent publication. Once the County decides to receive competing proposals, it may utilize its existing procedures for evaluating the proposals or may adopt project-specific procedures. The proposer shall be authorized to respond to the competitive solicitation and offer to the County a proposal in terms not less favorable to the County than the original proposal.

(11) Proposal documents submitted by private entities are public records under Chapter 119, Florida Statutes (Florida's Public Records Law), subject to any exemption otherwise provided by law. Any competing proposer may request and receive a copy of such proposal, and the County reserves the right to publish such unsolicited proposal and solicit competing proposals within the Response Period. Proposers are advised to familiarize themselves with the provisions of the Public Records Law and to seek legal advice regarding any proprietary or intellectual property rights which they may have in the proposal. In no event shall the County be liable to a proposer for the disclosure of all or a portion of a proposal submitted under this subsection.

(12) When the private entity requests that the County not disclose information that is exempt from the disclosure requirements of the Public Records Law, the private entity must (i) invoke the exemption when the data or materials are submitted to the County or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from disclosure is necessary, citing the specific exemption to Chapter 119, Florida Statutes, that the proposer believes applies. The County's determination as to confidentiality shall be final and binding upon the proposer. The proposer shall bear all attorneys' fees and costs associated with litigation for public access to claimed confidential documents. The County's need to maintain certain information confidential may be taken into consideration in the County's decision not to publish a solicitation.

(13) After the Response Period has expired, the Mayor or his designee shall within forty-five (45) days, or longer, as specified in the advertisement, evaluate all the competing proposals and rank them in order of preference utilizing the criteria published for the specific project.

(14) The Mayor or his designee may negotiate with the top-ranked proposers in the order of their ranking, and may, through such negotiations, aim to arrive at a mutually satisfactory agreement.

(15) If only one proposal is received, the Mayor or his designee may negotiate in good faith and if he or she is not satisfied with results, may at his or her sole discretion terminate negotiations with the proposer.

(16) No proposer is guaranteed the award of a contract as a result of being favorably ranked for this project. The issuance of an unsolicited proposal shall create no rights in the proposer including rights as a bidder, under contract or intellectual property. The County, in its discretion, reserves the right to reject all proposals at any point in the process prior to the full execution of a contract with a proposer.

(17) The bid protest process provided for in this Code shall not apply to any decision to reject an unsolicited proposal but shall apply to any decision to recommend a contract award rejection, unless such protest is waived in accordance with this Code. The Cone of Silence provided for in this Code shall be imposed only following the publication of the competitive solicitation.

(18) Nothing in this ordinance shall affect the County Manager's authority to recommend a waiver of competitive bids when he determines such waiver to be in the best interest of the County.

(l) *Mayor's conflicts of interest.* When the County Mayor declares a conflict of interest in the procurement of a County contract in accordance with [Section 5.03](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.03FIAD)(d) of the Miami-Dade County Home Rule Charter, the County Mayor shall give written notice of such conflict to the Chairperson of the Board and shall designate a member of the County's staff, familiar with County procurement processes, who shall serve as the Chairperson's primary contact to oversee the affected procurement. Upon the notification of such conflict, the Chairperson of the Board of County Commissioners shall exercise all authority provided by the Charter or the County Commission to the Mayor with regard to such procurement including the authority to recommend a bid waiver. For purposes of the affected procurement only, all powers and responsibilities given to the County Mayor in any and all provisions of this Code relating to the advertisement, solicitation, protest and award of contracts, and in any implementing order related to such Code provisions, shall be transferred to the Chairperson of the Board of County Commissioners for the duration of the conflict. The County Mayor shall include language in competitive solicitation documents to give effect to the provisions of this subsection. Nothing in this subsection shall affect the rights and responsibilities of the Mayor and Chairperson following the award of any contract.

(Ord. No. 79-23, §§ 1—3, 3-6-79; Ord. No. 81-35, § 1, 4-7-81; Ord. No. 88-121, § 1, 12-20-88; Ord. No. 90-133, § 1, 12-4-90; Ord. No. 91-32, § 2, 3-5-91; Ord. No. 92-45, § 5, 6-2-92; Ord. No. 93-112, § 1, 10-19-93; Ord. No. 95-178, § 1, 10-5-95; Ord. No. 95-201, § 1, 11-7-95; Ord. No. 97-52, § 2, 5-20-97; Ord. No. 97-104, § 1, 7-8-97; Ord. No. 98-31, § 1, 2-19-98; Ord. No. 98-42, § 1, 4-21-98; Ord. No. 99-162, § 1, 12-7-99; Ord. No. 00-30, § 1, 2-24-00; Ord. No. 00-65, § 1, 5-23-00; Ord. No. 00-67, § 1, 5-23-00; Ord. No. 01-94, § 1, 5-22-01; Ord. No. 01-96, § 1, 5-24-01; Ord. No. 02-24, § 1, 2-12-02; Ord. No. 02-122, § 1, 7-9-02; Ord. No. 03-67, § 1, 4-8-03; Ord. No. 04-64, § 1, 3-16-04; Ord. No. 05-15, § 1, 1-27-05; Ord. No. 05-17, § 1, 1-27-05; Ord. No. 05-147, § 1, 7-7-05; Ord. No. 06-16, § 1, 1-24-06; Ord. No. 07-42, § 1, 3-6-07; Ord. No. 07-76, § 1, 6-5-07; Ord. No. 07-143, § 1, 10-2-07; Ord. No. 08-79, § 1, 7-1-08; Ord. No. 08-81, § 1, 7-1-08; Ord. No. 09-52, § 1, 6-30-09; Ord. No. 09-55, § 2, 6-30-09; Ord. No. 10-40, § 1, 6-3-10; Ord. No. 10-47, § 1, 7-8-10; Ord. No. 11-67, § 1, 8-2-11; Ord. No. 11-90, § 1, 11-15-11; Ord. No. 12-55, § 1, 7-3-12; Ord. No. 12-107, § 2, 12-4-12; Ord. No. 13-02, § 1, 1-23-13; Ord. No. 13-67, § 1, 7-2-13)

**Editor's note—**

Ord. No. 06-16, § 2, adopted Jan. 24, 2006, provided as follows:

In the event the electorate of Miami-Dade County approve an amendment to the Home Rule Charter which modifies or affects the relative powers, duties or obligations of the Mayor, the Board of County Commissioners, or the Manager in awarding County contracts, then the provisions of Ordinance [5-15](../level2/PTIIICOOR_CH5ANFO.docx#PTIIICOOR_CH5ANFO_S5-15TRAN), which amended this Section to delegate to the County Manager the authority to advertise contracts for public improvements and purchases of supplies, materials and services without prior Commission approval, shall stand repealed and be of no further force or effect.

**Charter reference—** Authority of Board of County Commissioners to set competitive bid level by ordinance, § 4.03(D).

**Cross reference—** Acquisition of professional architectural, engineering, landscape architectural or land surveying services, § 2-10.4; contracts for construction of roads, bridges, etc., § 9-3; contracts with the public health trust, § 25A-4(c).

Sec. 2-8.1.1. Bids from related parties and bid collusion for the purchase of goods and services, leases, permits, concessions and management agreements.

(a) Notwithstanding any other provision of this Code, where two (2) or more related parties each submit a bid or proposal for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), lease, permit, licensing agreement, concession or management agreement, such bids or proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers or the principals, corporate officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same agreement or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same agreement. Bids or proposals found to be collusive shall be rejected.

(b) All bids or proposals submitted for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), lease, permit, concession or management agreement must be genuine and not sham or collusive, or made in the interest or on behalf of any person not therein named, and the contractor may not have, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. Any bid or proposal submitted in violation of this subsection shall be rejected and the proposer shall be subject to debarment and referred for prosecution.

(c) A contractor recommended for award as the result of a competitive solicitation for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), purchase, lease, permit, concession or management agreement shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on a form provided by the County stating either that the contractor is not related to any of the other parties bidding in the competitive solicitation or identifying all related parties, as defined in this section, which bid in the solicitation; and attesting that the contractor's proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. In the event a recommended contractor identifies related parties in the competitive solicitation its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted in accordance with the provisions of this section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.

(Ord. No. 91-32, § 3, 3-5-91; Ord. No. 08-113, § 1, 10-7-08)

Sec. 2-8.1.1.1. Taping of selection committee and negotiation committee proceedings required.

All proceedings of selection committees and of negotiation committees shall be taped, either by audio or video taping. This subsection shall be construed as directory only, and the failure to comply with the provisions hereof, in whole or in part, shall not affect the validity of any contract, resolution, motion, recommendation or other action, nor provide the basis for any person to protest or challenge any contract, resolution, motion, recommendation or other action.

(Ord. No. 00-106, § 1, 9-7-00)

Sec. 2-8.1.1.1.1. Small Business Enterprise Program.

(1) *Title.* This section shall be referred to as the Small Business Enterprise Program.

(2) *Definitions.* The following definitions shall apply in this section.

1. *Agreement* is a duly executed legally binding contract.

2. *Available* or *availability* means to have prior to bid submission, the ability to provide goods or services under a contract, by having:

a. Reasonably estimated, uncommitted capacity;

b. All necessary licenses, permits, registrations and certifications, including Small Business Enterprise (SBE) or Micro Enterprise certification to provide the type of goods or services being purchased under the contract;

c. The ability to obtain financing/insurance that is reasonably required and consistent with normal industry practice; and

d. The ability to otherwise meet bid specifications.

3. *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

4. *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid submitted by a Micro Enterprise or SBE on a competitively bid contract to be awarded on the basis of price (as opposed to an RFP, RFI or RFQ) which is not set aside.

5. *Bidder* or *Proposer* means any person, partnership, corporation or other business entity that submits a bid or proposal.

6. *Board* means the Board of County Commissioners of Miami-Dade County, Florida.

7. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a SBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner performs, manages, and/or supervises the work involved; and other relevant factors. Acting as an authorized representative of a manufacturer as is normal industry practice is considered a commercially useful function. Commercially useful function shall also include a distributor authorized by a manufacturer to distribute the manufacturer's products locally. Acting as a broker is not considered a commercially useful function.

8. *Contract* means an agreement for the purchase of goods or services, including professional services. Professional services as used in this section includes but is not limited to accounting, legal, health care, consulting and management services. Contract does not mean an agreement to purchase, lease, or rent real property; a grant, license, permit, franchise or a concession; an agreement to acquire professional architectural, engineering, landscape architectural or land surveying and mapping services; or a contract for construction or construction management services.

9. *Goods* mean any tangible product, material or supply that is not a service.

10. *Graduation* means the SBE or Micro Enterprise has exceeded the specific size limits stated for the program and may no longer be eligible to participate in the program.

11. *Gross Revenue* is defined to include all revenue in whatever form received or accrued from whatever source, including sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. However, proceeds from sales of capital assets, and investments, proceeds from transaction between a firm and its domestic and foreign affiliates are excluded.

12. *Joint venture* means an association of two or more persons, partnerships, corporations or other business entities under a contractual agreement to conduct a specific business enterprise for a specified period with both sharing profits and losses.

13. *Management and Technical Assistance (MTA)* means a program designed to provide direct and indirect assistance for small business enterprise development.

14. *Mentor-Protege Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging SBEs and Micro Enterprises in order for the latter to benefit from the knowledge and experience of the established Mentor firms.

15. *Micro Enterprise* means a business entity certified by SBD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed two million dollars ($2,000,000.00), or a manufacturer with fifty (50) employees or less, or a wholesaler with fifteen (15) employees or less whose actual place of business is in Miami-Dade County.

16. *Prompt Payment* is the intent of the Board that all firms, including SBEs and Micro Enterprises providing goods and services to the county, receive payments promptly as specified herein.

17. *Review Committee* or *RC* means the committee established by the Mayor or designee to review proposed projects for the application of contract measures where SBD and the contracting department have not established consensus and when public input requires deliberation regarding the measure/goal recommendation. The RC will make recommendations to the Mayor or designee.

18. *SBD* means the Department of Small Business Development.

19. *Schedule of Intent Affidavit (SOI)* means a form contained in the bid documents of an SBE contract set-aside or a contract with subcontractor goals in which bidders list at the time of bid submission all SBEs to be used to meet the set-aside or the goal, and the scope of work each will perform, including the goods or services to be provided, and the percentage value of such work.

20. *Selection factor* means a factor considered in evaluating the response submitted to an RFP, RFQ or RFI by a bidder that is:

A SBE,

A joint venture with one or more SBEs.

21. *Small Business Advisory Board* is the board established for the purpose of supporting and promoting the Small Business Enterprise and Community Business Enterprise Programs.

22. *Small Business Enterprise (SBE)* means a business entity certified by SBD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three-year average gross revenues does not exceed five million dollars ($5,000,000.00). The term Small Business Enterprise shall also include a manufacturer with one hundred (100) employees or less or wholesaler with fifty (50) employees or less without regard to gross revenues whose actual place of business is located in Miami-Dade County. Representations as to a business entity's average gross revenues and payroll shall be subject to audit.

The County Mayor or designee shall be authorized to adjust the SBE/Micro-SBE size limits every five (5) years at his/her discretion based on the Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013—2014 calendar year using the figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

23. *Service* means work offered for public or private consumption that does not consist primarily of goods.

24. *Set-aside* means the designation of a given contract for competition among SBEs.

25. *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to SBE(s) to perform a commercially useful function.

26. *Work* means the provision of goods or services, as defined herein.

(3) *Program.*

(a) *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall be applicable to Miami-Dade and Public Health Trust contracts (as defined in this section) funded in whole or in part by County funds. The County Mayor or designee shall prepare implementing orders, bid and contract documents implementing the provisions of this section. The County Mayor or designee by implementing order may exclude classes of contracts, or parts thereof, from application of this section. The words County Mayor or designee in this section shall mean the County Mayor or designee.

(b) *Contracts of $100,000 or less.*

1. Within the fiscal year, it is required that County departments expend with SBEs one hundred (100) percent of the total value of contracts less than one hundred thousand dollars ($100,000.00) for goods and/or services. The departmental requirement shall be complied with unless SBD determines that there is either not enough capacity, or the contracts(s) can only be handled by a non-SBE firm(s).

2. Bids or quotes submitted by Micro Enterprises shall automatically receive a ten (10) percent bid preference. The departments shall deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation.

3. Annually, SBD shall provide a report of awards to Micro Enterprises and SBEs to the Board.

(c) *Contracts Greater than $100,000.* The following SBE measures may be applied to contracts greater than one hundred thousand dollars ($100,000.00):

1. *Set-asides:*

a. Competitive bidding requirements may be waived (by the County Manager or County Commission depending on whether the amount of the contract is above or below the minimum amount established by ordinance for competitive bidding) for a contract and the contract set-aside for bidding solely by SBEs where prior to bid advertisement, there are at least three (3) available SBEs to perform the contract, and where such set-aside is in the best interest of the County.

b. Transferring to a non-SBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-SBE is prohibited unless such transfer receives prior approval from SBD.

2. *Subcontractor goals:*

a. Subcontractor goals may be applied to a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract and the availability of SBEs to perform such work. Bid documents for contracts to which a SBE subcontract goal is applied shall provide that only SBEs certified to provide the type of goods or services for which a goal is imposed shall be counted towards meeting a goal. The bid documents shall further provide that a bidder must be found in compliance with the requirements of subsections b and c below in order to be eligible for award of the contract.

b. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that bidders must submit with its bid a completed Schedule of Intent Affidavit with those SBE subcontractors the bidder proposes to utilize in order for such proposed participation to be eligible to be counted towards meeting the goal. Each Schedule of Intent Affidavit shall be in writing, shall be executed by the bidder and the SBE, and shall specify the type of goods or services the SBE is to provide and the percentage of work the SBE is to perform therefore. The solicitation documents for any competitive selection involving a separate evaluation of sealed price envelopes shall require that the technical submission contain a document duly executed by the proposer and any SBE proposed to be used in satisfaction of a goal which states the percentage that the amount of the SBE's contract bears to the overall contract amount. Copies of the Schedule of Intent Affidavits reflecting the amounts constituting the stated percentages shall be included together with the pricing proposal. Each Schedule of Intent Affidavit shall incorporate the prompt payment obligations and rights provided by the Small Business Enterprise Program. Upon notification from SBD, bidders are allowed up to 48 hours to cure correctable defects on the Schedule of Intent Affidavit. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of goods or services that are the subject of the contract. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a joint venture one or more of whose venturers is an SBE must submit with its bid a copy of the joint venture agreement in order for such venturer(s)'s participation to be eligible to be counted towards meeting the goal. The joint venture agreement shall be in writing, signed by all venturers, and shall specify the ownership, control, profits and financial risk assumed by each venturer, including the SBE venturer(s). The joint venture agreement shall also specify the portion of the contract work (i.e., the goods or services to be provided) to be performed by the SBE venturer(s) in detail separately from the work to be performed by the non-SBE member. The bidder shall receive credit towards meeting the goal to the extent that the combined dollar value of the SBE's participation as shown in the joint venture agreement submitted in conformity with and meeting the requirements of this paragraph bears to the total contract price bid by the bidder.

c. A bidder that is a SBE may meet up to 100% of the subcontractor goal with its own forces. A bidder that is a joint venture having one or more SBEs venturers may comply with the goal based on the percentage participation of the SBE joint venturer(s) in the ownership, control and profits of the joint venture, and in the performance of the contract work.

d. Bid documents shall provide only expenditures to SBEs for performing a commercially useful function. These expenditures shall be counted toward meeting a subcontractor goal, expenditures to SBEs who subcontract work further to non-SBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from SBD.

e. Successful bidder shall submit to the Contracting Officer, for approval, a written subcontract agreement corresponding in all respects to the Successful Bidder's Schedule of Intent Affidavit to include the type of goods and services the SBE is to provide and the percentage and/or price. Each subcontract agreement shall incorporate the prompt payment obligations and rights provided by the Small Business Enterprise Program.

3. *Bid Preference:*

a. A bid preference shall apply to all contracts which are to be awarded on the basis of price (as opposed to RFPs, RFIs and RFQs) and are not set-aside. The preference shall be used only to evaluate a bid and shall not affect the contract price.

b. The preference accorded on contracts $1 million or less shall be ten (10) percent of the price bid. The preference accorded on contracts greater than $1 million shall be 5% of the price bid.

Preferences shall be applied to the bid price of bidders that:

I. Are SBEs/Micro Enterprises;

II. Are joint ventures with at least one SBE/Micro Enterprises;

4. *SBE Selection Factor.*

a. Any bidder that is an SBE, a joint venture with an SBE, shall be accorded a selection factor on all RFPs, RFQs and RFIs for contracts greater than $50,000 that are not set aside for bidding solely by SBEs.

b. RFPs, RFQs and RFIs that assign weights to evaluation or selection criteria, shall provide that a bidder entitled to a selection factor shall receive an additional ten (10%) percent of the evaluation points scored on the technical portion of such bidder's proposal. RFPs, RFQs and RFIs that do not assign weights to evaluation or selection criteria, shall provide that whenever there are two best ranked proposals that are substantially equal and only one of the two so ranked is submitted by a bidder entitled to a selection factor, the selection factor shall be the deciding factor for award.

(d) *Review Committee.* The County Mayor or designee shall establish an administrative procedure for the review of each proposed County contract greater than fifty thousand dollars ($50,000.00) to which this section applies.

(e) *Management & Technical Assistance.* The Department of Small Business Development (SBD) will provide Management and Technical Assistance and community outreach to business entities certified as SBEs or Micro Enterprises with Miami-Dade County.

(f) *SBE Financial Assistance.* SBD will develop a program to identify methods of financial assistance to SBE/Micro Enterprise vendors on Miami-Dade County contracts.

(g) *Small Business Advisory Board.* There is hereby created a Miami-Dade County Advisory Board for the SBE and CBE Programs.

1. The Advisory Board will operate as a focal point for the public and with the assistance of the County Manager, will collect, input and disseminate information related to economic opportunities within Miami-Dade County government for small business owners.

2. The Board shall consist of 15 members, as follows:

a. One member to be appointed by the Mayor.

b. One member to be appointed by each County Commissioner.

c. One member to be appointed by the County Manager.

3. The term of the mayoral appointee and that of each commissioner shall be coterminous with the term of the appointing Mayor and commissioner.

4. The terms of each County Manager appointed member shall be at the will and discretion of the County Manager.

5. In no event shall a Board member serve more than four (4) consecutive years.

6. Members shall serve without compensation.

7. The Board may submit interim reports as it deems appropriate.

8. SBD shall provide appropriate staff support.

9. Sections [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for Advisory Board members for transactions arising from the exercise of those powers given the Advisory Board by this section.

(h) *Certification.*

1. The Department of Small Business Development shall implement eligibility criteria and administrative procedures for entities to be certified as SBEs/Micro Enterprises.

2. Any SBE/Micro Enterprise that exceeds the size limits shall immediately be graduated from the program after formal written notification. Such SBE/Micro Enterprises shall be allowed to remain through the contract period on awarded contracts and any options to renew on the contract. The graduated firm shall not be eligible for any new contracts under the SBE program under the existing certification. With exception of provisions described in the ordinance for graduation from the SBE/Micro Enterprise program, loss of certification may lead to removal of the firm from continued participation in the Small Business Enterprise program.

3. The Department of Small Business Development shall maintain an updated list of firms that identifies each listed SBE and Micro Enterprise based on the nature of the goods and/or services the SBE and Micro Enterprise shall be certified to provide.

4. The Department of Small Business Development shall not certify an applicant, shall not recertify an SBE or Micro Enterprise, and shall decertify an SBE or Micro Enterprise that fails to comply with the criteria or procedures for obtaining or maintaining certification. SBD shall have authority to suspend the certification of a SBE or Micro Enterprise during any appeal of a decertification decision.

5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of bid submission; at bid award, and throughout the duration of the contract. SBEs and Micro Enterprises experiencing changes in address or ownership shall notify SBD within thirty (30) days of the effective date of such changes.

6. Applicants and certified SBEs or Micro Enterprises must have a Miami-Dade County local business tax receipt, and an actual place of business in Miami-Dade County at which they perform a commercially useful function in the provision of the applicable type of goods or services for which certification is sought in order to be eligible for certification or remain certified.

7. A business entity shall be eligible to be certified as an SBE or Micro Enterprise only if the owner holding at least ten (10) percent shares or ownership in the business entity personally possesses any regulatory licenses and satisfies the qualifying requirements required in order to engage in the business of providing the type of goods or services for which certification is sought.

8. A business owner alone or as a member of a group, shall own or control only one SBE or Micro Enterprise at a time and shall not own and control another separate business certified under the Small Business Enterprise Program.

9. The Department of Small Business Development may require applicants and SBEs or Micro Enterprises to submit information regarding their business operations in order to determine eligibility for certification.

(i) *Prompt Payment.*

1. All firms, including SBEs and Micro Enterprises providing goods and services to the County, shall receive payments promptly in order to maintain sufficient cash flow.

2. The County or Public Health Trust shall establish administrative procedures requiring that billings from SBE/Micro Enterprise prime vendors on contracts shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within thirty (30) calendar days of receipt of such billing by the County or Trust.

3. A prime vendor on a contract with SBE measures shall include in its billings to the County or Trust copies of undisputed billings from SBE subcontractors within [14](../level2/PTIIICOOR_CH14FIPR.docx#PTIIICOOR_CH14FIPR) calendar days of receipt of such billings, or by the next scheduled billing whichever comes first. The prime vendor shall pay those amounts not in dispute to subcontracting SBEs within 2 days of receipt of payment from the County. If the prime vendor fails to submit undisputed billings from an SBE to the County as specified herein or chooses not to submit any billing to the County pursuant to the billing schedule, the prime vendor must pay the full amount of the received SBE billings by the next billing cycle or 40 calendar days from receipt, whichever is less.

4. The County or prime vendor in direct privity with a SBE/Micro Enterprise on a contract with SBE measures must notify the SBE/Micro Enterprise and SBD, in writing, of those amounts billed by the SBE/Micro Enterprise which are in dispute, and the specific reasons why they are in dispute, within fourteen (14) calendar days of submittal of such billing, or by the next scheduled billing whichever comes first. Failure by the County or prime vendor to comply with the applicable requirements of this subsection shall result in the forfeiture of the right to use the dispute as justification for not paying the SBE/Micro Enterprise and payment shall be forthcoming from the County or prime vendor as appropriate by the next billing date or 40 calendar days from receipt of billing, whichever is less.

5. An SBE/Micro Enterprise may invoice the County or prime vendor, as appropriate, 1% interest per month for any undisputed amount that is not promptly paid.

(j) *Sanctions.* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;

2. Work stoppage;

3. Termination, suspension, or cancellation of the contract in whole or part;

4. In the event a bidder, SBE or Micro Enterprise attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder, SBE or Micro Enterprise committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contracts or subcontracts the bidder, SBE or Micro Enterprise has on County projects. In each instance, the bidder, SBE or Micro Enterprise shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs.

The foregoing notwithstanding, the County Manager shall include language in all prospective contracts containing a SBE subcontractor goal which provides that, in addition to any other sanction for failure to fulfill the SBE subcontractor goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in SBE participation in such future contract by having SBEs perform work equal to double the dollar value of the deficiency in the SBE subcontractor goal in the prior contract. The foregoing obligation shall be in addition to any SBE subcontractor goal otherwise applicable to the future contact.

(k) *Administrative Penalties.* The County Manager may impose, notwithstanding any other provision of this section, one or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:

1. The exclusion from county contracting and subcontracting for a specified period of time, not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses.

2. The loss of eligibility to be certified as an SBE or Micro Enterprise for a specified period of time, not to exceed three (3) years, for an applicant or a SBE or Micro Enterprise, its individual officers, its shareholders with significant interests, and its affiliated businesses.

3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and SBE or Micro Enterprise certification for a specified period of time, not to exceed 5 years.

4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with significant interests, director or partner of such entity or affiliated business of such entity participates in an attempt to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and SBE or Micro Enterprise certification, for a specified period of time, not to exceed five (5) years.

5. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was pervasive, the Mayor or designee may order that the contract work be suspended or terminated, and that the noncomplying contractor or subcontractor and the principal owners and/or qualifying agent thereof be prohibited from bidding on or otherwise participating in County construction contracts for a period not [to] exceed three (3) years.

6. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor or designee may, in the case of a goal deficit, order a penalty amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10 percent of the amount thereof; for the second deficit, a penalty in an amount equal to 20 percent thereof; for the third and successive deficits, a penalty in an amount equal to 30 percent thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and shall be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) of the Code of Miami-Dade County.

7. If the required payment is not made within thirty (30) days of the administrative hearing or final resolution of any appeal therefrom, the noncomplying contractor or subcontractor and the principal owner(s) and qualifying agent(s) thereof shall be prohibited from bidding on or otherwise participating in County construction contracts for a period not to exceed three (3) years.

(l) *Appeals.*

1. Any firm that is denied certification, decertified, or issued a determination of noncompliance with the requirements of this ordinance or its implementing order may appeal such action to the County Mayor or designee by submitting a written request to the County Mayor or designee along with a nonrefundable filing fee to be established by implementing order, within 30 days of issuance of the notice. Upon timely receipt of a request for an administrative hearing, the County Mayor or designee shall appoint a hearing officer and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), or 3-11.1 or otherwise.

Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and recommendations together with a transcript of all evidence taken before him/her and all exhibits received by him/her, to the Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing. The determination of the Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure.

2. The prevailing party shall not incur any additional expenses, fees or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.

(Ord. No. 05-29, § 1, 2-1-05; Ord. No. 07-179, § 1, 12-4-07; Ord. No. 10-82, § 1, 12-7-10; Ord. No. 11-23, § 1, 5-3-11; Ord. No. 12-13, § 1, 3-6-12)

Sec. 2-8.1.2. Drug-free workplace requirements for contractors and entities transacting business with Miami-Dade County.

(a) *Legislative findings and purpose.* The County Commission recognizes that substance abuse is a complex societal problem that continues to threaten the welfare of our residents and community as a whole. The Commission considers substance abuse on the job to be an unsafe and counterproductive work practice. A substance abusing employee is absent from the workplace four (4) to five (5) times more often, has three (3) times more accidents and four (4) times more hospitalization costs than a nonabusing employee. Consistent with its policy to promote a safe work environment and encourage personal health for all Miami-Dade Countians, the Commission finds it necessary to combat substance abuse in the workplace by promoting education and awareness. Consistent with the Drug Free Workplace Act of 1988 and with the drug-free workplace requirements applicable to workplaces of County employees, the County Commission wishes to adopt the following drug-free workplace requirements for persons and entities contracting or conducting business transactions with any agency or instrumentality of Miami-Dade County, including the Public Health Trust. The ultimate goal of this policy is to balance the respect for individual privacy with the need to keep a safe, productive, and drug-free workplace.

(b) *Condition of award.* No person or entity shall be awarded or receive a County contract for public improvements, procurement of goods or services (including professional services) or a County lease, franchise, concession or management agreement, or shall receive a grant of County monies unless such person or entity make it a condition of award that it will provide a drug-free workplace by:

(1) Providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined by Section 893.02(4) Florida Statutes, as the same may be amended from time to time, in the person's or entity's workplace is prohibited and specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:

(i) The dangers of drug abuse in the workplace;

(ii) The person's or entity's policy of maintaining a drug-free environment at all its workplaces, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;

(iii) Any available drug counseling, rehabilitation, and employee assistance programs; and

(iv) The penalties that may be imposed upon employees for drug abuse violations.

(2) Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its workplaces a written statement of its policy containing the foregoing elements (i) through (iv);

(3) Notifying the employee in the statement required by subsection (1), that as a condition of employment the employee will:

(i) Abide by the terms of the statement; and

(ii) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction;

(4) Notifying the County within ten (10) days after receiving notice under subsection (3) from an employee or otherwise receiving actual notice of such conviction;

(5) Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, State, or local health, law enforcement, or other appropriate agency;

(6) Making a good faith effort to continue to maintain a drug-free workplace through implementation of sections (1) through (5) of this subsection.

(c) *Suspension of payments or termination.* Each such contract, grant or business transaction shall provide for suspension of payments, or termination, or both, if the contracting officer or the County Manager determines that:

(1) Such person or entity has made false certification under section (1) of subsection (b);

(2) Such person or entity violates such certification by failing to carry out the requirements of sections (1), (2), (3), (4), (5), or (6) of subsection (b); or

(3) Such a number of employees of such person or entity have been convicted of violations occurring in the workplace as to indicate that such person or entity has failed to make a good faith effort to provide a drug-free workplace as required by subsection (b).

Failure to comply with this policy may result in debarment for those persons or entities who knowingly violate this policy or falsify information.

(d) *Applicability.*

(1) The provisions of this section shall not apply to contracts or business transactions which have been advertised, or to grants which have been approved prior to the effective date of this section [Ordinance No. 92-15].

(2) The provisions of this section shall not apply if the special characteristics of the product or service offered by a firm make it necessary for the operation of the County; or for the health, safety, welfare, economic benefits or well being of the public. In those instances, the County Manager shall, within thirty (30) days, report to the Board of County Commissioners the circumstances of such waivers in writing. The County Manager or his designee shall develop administrative procedures to implement this report.

(3) Contracts involving funding which is provided, in whole or in part, by the United States or the State of Florida shall be exempted from the provisions of those instances where restrictions provided herein are in conflict with the requirements of these governmental entities.

(4) Miami-Dade County agencies and instrumentalities with the independent power to contract, such as the Public Health Trust, shall adopt rules and procedures implementing this Section. For the purposes of such rules and procedures, where this section provides the Board of County Commissioners with implementing authority, the Board of Trustees shall exercise such authority, and where this section provides the County Manager with authority, the President or Executive Director shall exercise such authority.

(e) *Substantial compliance.* Notwithstanding any provision of this section, where a person or entity is required to have a drug-free workplace policy by another local, state or federal agency, or maintains such a policy of its own accord and such policy meets the intent of this ordinance, the Procurement Management Division Director may waive the requirements of this section.

(Ord. No. 92-15, § 1, 3-17-92; Ord. No. 93-113, § 1, 10-19-93; Ord. No. 00-30, § 3, 2-24-00; Ord. No. 06-60, § 1, 5-9-06)

**Editor's note—**

Provisions enacted by Ord. No. 92-15, § 1, on March 17, 1992, designated as [§ 2-8.1.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1.1BIREPABICOPUGOSELEPECOMAAG), have been redesignated at the discretion of the editor and included herein as [§ 2-8.1.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1.2DREEWORECOENTRBUMIDECO)

Sec. 2-8.1.3. [Printed publications]

(a) Whenever any County department, agency, instrumentality or official prints, or causes to be printed, publications as defined in Subsection (b) hereof and which are paid for in whole or in part by County funds and which cost in excess of five thousand dollars ($5,000.00), including the cost of materials, labor and overhead, the department, agency, instrumentality or official shall report the true and actual cost of producing the publication, including materials, labor and overhead, to the County Manager. The County Manager shall report this printed information to the Board of County Commissioners on a monthly basis.

(b) *Publication* includes all books, brochures, flyers, manuals, newsletters, pamphlets, programs, reports, and other like documents, and excluding:

(1) All agenda items

(2) All requests by the Mayor

(3) All requests by County Commissioners

(4) All legally required documents

(5) All budget-related, bonding-related and financial disclosure documents, including, but not limited to, the annual proposed budget, annual external audit reports, quarterly budgetary reports, engineering reports, annual bond holder report

(6) All documents required by grant funding agencies or paid by grant funds

(7) All grant applications

(8) All purchasing documents, including bid documents and RFP and RFQ documents

(9) All audit reports

(10) All reports from the Commission on Ethics and the Public Trust and the Inspector General

(11) All documents of the Courts and the Clerk of the Courts

(12) The County newsletter, "The County Chronicle"

(13) All accounting reports

(14) All recruitment advertising and other personnel documents, including, but not limited to, payroll and tables of organization

(15) All electronic communications

(16) All documents concerning quasi-judicial hearings, including all zoning-related documents

(17) All procedural and operating manuals produced for internal use only

(18) All Administrative Orders and the Administrative Order Manual

(19) All documents related to litigation or any other adversarial process, including, but not limited to, court documents, briefs, opinions, affidavits, and zoning documents

(20) All compilations of the Commission Rules of Procedure, the County Charter, the County Code, the Building Code, and Zoning Code

(21) All statistical performance reports, including, for example and not limited to, reported crime statistics, the quarterly portfolio performance report, and the weekly report on construction products approved

(22) All election-related documents and all voter registration documents, including, pollworker handbooks

(23) Traveler, travel industry-related and trade-related documents including, but not limited to, Airport Guide, airport flight schedule, Top Ten Trading Partners, Cruise Guide, Seaport Directory and seaport cruise schedule

(24) Tourism promotional materials

This list of excluded items may be amended at any time by resolution.

(Ord. No. 99-89, §§ 1, 2, 7-27-99)

Sec. 2-8.1.4. Sherman S. Winn Prompt Payment Ordinance.

(1) *Purpose and policy.*

(a) The purpose of this section [Ordinance No. 94-40] is:

1. To provide for prompt payments by County agencies and the Public Health Trust;

2. To provide for expedited payment to small businesses;

3. To provide for interest payments on late payments made by the County and the Public Health Trust;

4. To create a dispute resolution process for payment of County and Public Health Trust obligations.

(b) It is the policy of this County that payment for all purchases by County agencies and the Public Health Trust be made in a timely manner.

(2) *Definitions.* As used in this section:

(a) *Proper invoice* means an invoice which conforms with the present requirements of the County departments listed in section (8) below or the Public Health Trust, and any rules promulgated from time to time by administrative order of the County Manager. A proper invoice shall include a statement by the vendor waiving claims for extra direct and indirect costs or time associated with work preceding the date of the invoice, or a statement in sufficient detail containing all rights reserved for work already performed. All present requirements or future rules pertaining to the execution of a proper invoice must be made available to vendors in a timely manner.

(b) *Purchase* means the purchase of goods or services, the purchase or lease of personal property, or the lease of real property.

(c) *Minority and women business enterprises* means any business enterprise certified by Miami-Dade County in accordance with (a) [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR) of the Code of Miami-Dade County or any other ordinance of Miami-Dade County addressing racial, gender or ethnic discrimination against Black, Hispanic or Women-owned businesses, or (b) the Disadvantaged Business Enterprise Program of the United States Department of Transportation.

(d) *Small business* means a small business as defined in Section 2-222 of the County Code, as presently written and as may hereafter be amended.

(e) *Vendor* means any person who sells goods or services, sells or leases personal property, or leases real property to the County.

(3) *Timely payment.* The time at which payment for a purchase by the County or the Public Health Trust is due shall be calculated from:

(a) The date on which a proper invoice is received by the County or the Public Health Trust, after approval by the Board of County Commissioners or the Trust; or

(b) If a proper invoice is not received by the County or the Public Health Trust, the date:

1. On which delivery of personal property is accepted by the local government entity;

2. On which services are completed;

3. On which the rental period begins; or

4. On which the County or the Public Health Trust and the vendor agree in a contract which may provide dates relative to payment periods;

whichever date is latest.

(4) *Procedures for calculation of payment due dates.*

(a) The County Manager, by administrative order, shall establish procedures whereby each invoice received by the County or the Public Health Trust shall be marked as having been received on the date on which it is first delivered into the hands of an agent or employee of the County or the Public Health Trust, or is first delivered to a facility or office of the County or the Public Health Trust. The date so marked shall be the date on which the invoice is received.

(b) The time at which payment shall be due from the County or the Public Health Trust shall be forty-five (45) days from the date specified in section (3) above.

(c) The time at which payment shall be due to small businesses and minority and women business enterprises shall be thirty (30) days from the date specified in section (3) above.

(d) If the terms under which a purchase is made allow for partial deliveries and a proper invoice is submitted for such a partial delivery, then the time for payment for such partial delivery shall be calculated from the time of such partial delivery and submission of such invoice in the same manner as provided in section (3) above.

(e) All payments due from the County or the Public Health Trust, and not made within the time specified by these sections shall bear interest from thirty (30) days after the due date at the rate of one (1) percent per month on the unpaid balance. The vendor must invoice the County or the Public Health Trust for any interest accrued in order to receive the interest payment. Any overdue period of less than one (1) month shall be considered as one (1) month in computing interest. Unpaid interest shall compound monthly. With respect to each past due payment, interest shall cease to accrue after interest on that payment has accrued for twelve (12) months. For purposes of this section, one (1) month shall constitute a period beginning on any day of one (1) month and ending on the same day of the following month.

(5) *Mandatory interest.* No contract between the County or the Public Health Trust and a vendor shall prohibit the vendor from invoicing for late payment interest charges allowed under this part.

(6) *Improper invoice; resolution of disputes.*

(a) In any case in which an improper invoice is submitted by a vendor, the County or the Public Health Trust shall, within ten (10) days after the improper invoice is received by it, notify the vendor that the invoice is improper and indicate what corrective action on the part of the vendor is needed to make the invoice proper.

(b) In the event a dispute occurs between a vendor and the County or the Public Health Trust concerning payment of an invoice, such disagreement shall be finally determined as provided in this section. Proceedings to resolve the dispute shall be commenced not later than forty-five (45) days after the date on which the proper invoice was received by the County or the Public Health Trust, and shall be concluded by final written decision of the County Manager, or his or her designee(s), not later than sixty (60) days after the date on which the proper invoice was received by the County or the Public Health Trust. The proceedings shall be recorded or transcribed, at the expense of the County or the Public Health Trust, and shall be conducted on an informal basis, with hearsay evidence being admissible.

If the dispute is resolved in favor of the County or the Public Health Trust, interest charges shall begin to accrue on the sum contained in the Manager's, or his or her designee's decision, fifteen (15) days after the Manager or his or her designee's final decision. If the dispute is resolved in favor of the vendor, then interest shall begin to accrue as of the original date the payment became due.

(7) *Payment by federal funds.* Where the County or the Public Health Trust intend to pay for a purchase with federal funds, the purchase shall not be made without reasonable and written assurance that federal funds will cover the cost thereof. Where payment or the time of payment is contingent on receipt of federal funds or federal approval, any contract and any solicitation to bid shall clearly state such contingency.

(8) *Report of interest.* The County Finance Department, Aviation Department, Department of Housing and Urban Development, the Public Health Trust, and the Water and Sewer Authority, shall, during December of each year, report to the Board of County Commissioners or the Trust, as applicable, the number of interest payments made by each during the preceding fiscal year, the total amount of such payments made pursuant to this ordinance and the Florida Prompt Pay Act, and an explanation as to each such interest payment made.

(9) *Inclusion in contracts; applicability to subcontracts.* All county contracts and contracts of the Public Health Trust shall contain the provisions of this section [Ordinance No. 94-40] as presently written and as may hereafter be amended. The County Manager shall develop and include appropriate language in all County contracts and contracts of the Public Health Trust to require the prime vendor to issue prompt payment and have dispute resolution procedures in place in the event of disputed payments to small businesses. Failure of the prime vendor to issue prompt payment to a small business, or to adhere to its dispute resolution procedures, may be cause for suspension, termination, and debarment, in accordance with the terms of the County contract or Public Health Trust contract and the debarment procedures of the County.

(Ord. No. 94-40, § 1, 3-17-94; Ord. No. 94-106, § 1, 6-9-94)

Sec. 2-8.1.5. Nondiscrimination.

Entities with annual gross revenues in excess of five million dollars ($5,000,000.00) seeking to contract with the County shall, as a condition of receiving a county contract, have: i) a written affirmative action plan which sets forth the procedures the entity utilizes to assure that it does not discriminate in its employment and promotion practices; and, ii) a written procurement policy which sets forth the procedures the entity utilizes to assure that it does not discriminate against minority- and women-owned businesses in its own procurement of goods, supplies and services. Such affirmative action plans and procurement policies shall provide for periodic review to determine their effectiveness in assuring the entity does not discriminate in its employment, promotion and procurement practices. The foregoing notwithstanding, corporate entities whose boards of directors are representative of the population make-up of the nation shall be presumed to have non-discriminatory employment and procurement policies, and shall not be required to have written affirmative action plans and procurement policies in order to receive a county contract. The foregoing presumption may be rebutted.

The requirements of this section may be waived upon written recommendation of the County Manager that it is in the best interests of the County to do so and approval of the County Commission by majority vote of the members present.

(Ord. No. 98-30, § 1, 2-19-98)

Sec. 2-8.1.6. Program for expedited purchasing.

Notwithstanding any contrary provision of this Code, a program for expedited purchasing is hereby created, subject to the terms and conditions of this Section. The program shall be referred to as the "Expedited Purchasing Program."

(a) The County Mayor or County Mayor's Designee is hereby authorized to utilize the Expedited Purchasing Program for the competitive purchase of supplies, materials and services, including professional services other than professional architectural, engineering and other services subject to [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) of this Code and Section 287.055 of the Florida Statutes, which are estimated to cost one million dollars ($1,000,000.00) or less.

(b) For purposes of this Program, the County Mayor or County Mayor's Designee shall be expressly authorized to waive any irregularity in any bid or proposal submission which he or she determines to be non-material.

(c) For any purchase to be made under the Expedited Purchasing Program, the County Mayor or County Mayor's Designee shall be authorized to issue competitive solicitation documents which in the discretion of the County Mayor or County Mayor's Designee procure the best value to Miami-Dade County for the goods or services to be purchased. The method of solicitation shall be determined in the discretion of the Mayor or County Mayor's Designee and may include, but not be limited to, invitations to bid, request for proposals or qualifications, negotiations, and best and final offers. In determining the best value to Miami-Dade County, the County Mayor or County Mayor's Designee shall consider criteria to include but not be limited to price, quality, experience, the ability to deliver the required goods and services, the availability of the goods and services, and the nature and urgency of the County's needs. The selection method and criteria to be used shall be set forth in the solicitation documents.

(d) The County Mayor or County Mayor's Designee shall make the final determination of best value in accordance with the method and criteria set forth in the solicitation documents. In making the determination of best value, the County Mayor or County Mayor's Designee shall utilize a review team of his or her technical and professional staff and of the County Attorney's Office for purchases made under the Expedited Purchasing Program.

(e) The County Mayor or County Mayor's Designee shall be authorized to award contracts pursuant to the determinations of best value made in accordance with this Section without further action of the Board, subject to bi-annual reports to the Board.

(f) In the event the County Mayor or County Mayor's Designee determines at any time that a waiver of the competitive process for purchases greater than two hundred fifty thousand dollars ($250,000.00) is in the best interests of the County, the Mayor or Mayor's County Designee shall make a written recommendation to the Board for such waiver.

(g) The written recommendation of the County Mayor or County Mayor's Designee to award a contract under the Expedited Purchasing Program shall be sufficient to commence the bid protest period and terminate the Cone of Silence as provided elsewhere in this Code.

(h) The protest of any award under the Expedited Purchasing Program shall be made in accordance with the provisions of [Section 2-8.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR) of the Code of Miami-Dade County.

(i) The County Mayor or County Mayor's Designee shall be authorized to advertise and issue solicitation documents for purchases under the Expedited Purchasing Program.

(j) Any provisions of the Code or of any applicable resolution or administrative order contrary to the provisions of this section shall be deemed suspended or amended as necessary to give effect to the intent of this section. Similarly, any provisions of the Code or of any applicable resolution or administrative order not deemed suspended or amended hereunder shall apply to any purchase administered under the Expedited Purchasing Program.

(k) The County Mayor may, by duly executed written instrument which specifically identifies this section, delegate any and all of the responsibilities set forth in this section, whereupon the provisions of this section and its limitations shall be understood to apply to the County Mayor's designee.

(1) The County Mayor or County Mayor's Designee shall provide bi-annual reports to the Board of County Commissioners regarding the application of this Section for contract awards greater than two hundred fifty thousand dollars ($250,000.00). The reports shall include a description of the goods and services procured, the procurement methodology, the existence and resolution of any bid protest, the identity of the awarded vendors and the amount of the contract awarded. The Commission Auditor shall include the Expedited Purchasing Program within his/her review of the County Mayor's or County Mayor's Designee's exercise of delegated authorities pursuant to [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b).

(Ord. No. 05-26, § 1, 1-27-05; Ord. No. 06-15, § 1, 1-24-06; Ord. No. 08-42, § 1, 4-8-08; Ord. No. 09-12, § 1, 3-3-09; Ord. No. 12-106, § 1, 12-4-12)

Sec. 2-8.2. Black Business Enterprise Program.

(1) *Title.* This section shall be referred to as the Black Business Enterprise Program.

(2) *Definitions.* The following definitions shall apply in this section.

(a) *Available* or *availability* means to have, prior to bid submission, the ability to provide goods or services under a contract, by having:

1. Reasonably estimated, uncommitted capacity;

2. All necessary licenses, permits, registrations and certifications;

3. The ability to obtain bonding that is reasonably required consistent with normal industry practice; and

4. The ability to otherwise meet bid specifications.

(b) *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

(c) *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid.

(d) *Bidder* means any person, partnership, corporation or other business entity that submits a bid.

(e) *Black* means a person who is a citizen or lawful resident of the United States who has origins in any of the Black racial groups of Africa.

(f) *Black business enterprise* or *BBE* means a business that is owned and controlled by one or more Black individuals, has an actual place of business in Miami-Dade County, and is certified in accordance with this section.

(g) *Broker* means an individual or business that acts as a contact for the purchase of goods or services from a supplier and transfers funds to a non-BBE in a manner that does not add economic value to the purchase, except where such conduct is normal industry practice.

(h) *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a Black business enterprise and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved other than acting as a broker. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner himself or herself performs, manages, and/or supervises the work involved; and other relevant factors.

(i) *Construction* means the building, maintaining, altering, or repairing of a public improvement.

(j) *Contract* means an agreement proposed by County or Public Health Trust staff, or approved by the County Commission or Public Health Trust in any of the following classes:

1. Procurement of goods and services not included in the classes 2, 3, and 4 below;

2. Construction of a public improvement;

3. Professional services subject to Section 287.055, Florida Statutes, and Section 2-10.4 of the Code of Miami-Dade County; or

4. Other professional services including but not limited to accounting, legal, health care, consulting and management services.

5. Contract does not mean an agreement to purchase, lease, or rent real property; grant licenses, permits, or franchises; operate concessions; or make grants.

(k) *Goods* means any tangible product, material or supply that is not a service.

(l) *Joint venture* means an association of two (2) or more persons, partnerships, corporations, other business entities or any combination of the above, at least one of which is a Black business enterprise certified in accordance with this section, that is lawfully established to carry on a single business activity that is limited in scope and duration.

(m) *BBE selection factor* means an element specified in bid documents that designates as one criteria for choosing among bids that the bidder is:

1. A BBE,

2. A joint venture owned and controlled by a BBE, or

3. A non-BBE that demonstrates significant utilization of BBEs in accordance with [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR)(3)(c)3.c. of this section.

(n) *Owned and controlled* means a business that is at least fifty-one (51) percent owned by one or more Black individuals or, in the case of a publicly owned business, at least fifty-one (51) percent of the stock of which is owned by one or more Black individuals, and whose management and daily business operations are controlled by one or more such individuals. The determination of whether an owner has demonstrated such control shall include an evaluation of the following:

1. The owner's experience in the industry in which certification is sought;

2. The owner's independence in making business policy and day-to-day operational decisions;

3. The owner's technical competency or knowledge of technical requirements in the industry in which certification is sought; and

4. Other relevant factors.

(o) *Participation goals* means percentage objectives for participation of BBEs in County contracting opportunities based on the percentage of Black businesses in Miami-Dade County as reported by the Survey of Minority-Owned Business Enterprises by the U.S. Department of Commerce, Bureau of the Census, or its equivalent, and such other relevant factors as the County Commission may establish.

(p) *Project goal* means a proportion of a total contract value stated as a percentage to be awarded to BBE's in contracts that create a pool of qualified contractors from which the County selects pool members to perform the work of the contract.

(q) *Registered BBE* means a business that has registered with the relevant County agencies to compete for County contracts and has declared by registration for statistical purposes to be Black-owned enterprise, but has declined to be certified or to participate in the BBE program.

(r) *Services* means construction, maintenance, alteration, or repair of a public or private improvement or any performance of work offered for public or private consumption that does not consist primarily of goods.

(s) *Set-aside* means the designation of a given contract for competition among Black business enterprises.

(t) *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to Black business enterprises to perform a commercially useful function.

(u) *Work* means the provision of goods or services.

(3) *Program.*

(a) *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this ordinance shall be applicable to all contracts funded in whole or in part by County funds. The County Manager shall prepare administrative orders, bid and contract documents implementing the provisions of this section. The County Manager by administrative order may exclude classes of contracts, or parts thereof, from application of this section. The words County Manager in this section shall mean the County Manager or his or her designee.

(b) *Participation goals.* The County Commission shall set participation goals for BBEs annually with respect to award of County contracts by contract class in relevant market segments.

1. The County Commission and Public Health Trust shall make every reasonable effort to meet participation goals. They may use the contract measures specified in subsection (c) below only when the County Commission establishes a participation goal for the relevant market segment for the class of contract involved. Participation goals shall be used as guidelines and shall not be construed as a ceiling or floor to BBE participation.

2. Accomplishment of participation goals shall be based on calculations that include, to the extent data is available,

a. The total number of contracts awarded to,

b. The dollar value of any and all contracts awarded to, and

c. The actual dollars expended by the County and received by certified and registered BBEs as contractors, subcontractors, and joint ventures.

3. The County Manager shall utilize the Planning Department and other County staff as appropriate to develop, propose and assess the accomplishment of participation goals. The County Manager shall compile this information on a quarterly basis and present it to the Board of County Commissioners, which shall set participation goals at least on an annual basis.

4. The County Manager shall require County staff to make good faith efforts to meet participation goals, including making such good faith efforts a part of the performance evaluation and management by objectives of every appropriate department director and supervisor.

(c) *Contract measures.* Based on recommendations from the County Manager, the County Commission or Public Health Trust may apply the following measures to contracts to address this ordinance's findings of racial discrimination experienced by Black business enterprises:

1. *Set-asides:* The County Commission or Public Health Trust may determine it is in its best interest to waive competitive bidding or selection requirements and set-aside a contract for BBEs in accordance with the following:

a. The County Commission or Public Health Trust shall determine, prior to bid advertisement, that there are at least three (3) available BBEs to perform the set-aside contract; or

b. The County Commission or Public Health Trust shall determine prior to bid advertisement that there are at least two (2) available BBEs to perform the set-aside contract and the following conditions are met:

(i) No BBE has been awarded a contract with the County or Public Health Trust for the goods or services to be advertised in the eighteen (18) preceding months; and

(ii) The Department of Procurement Management has prepared an analysis of the price being offered by the recommended awardee to ensure that it is not excessive.

c. Joint ventures that are owned and controlled by at least one BBE may bid on set-aside contracts.

d. Transferring to a non-BBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-BBE is prohibited unless such transfer receives prior approval from the Department of Business and Economic Development as consistent with normal industry practice.

e. A BBE may compete for contracts that are set-aside under the Women Business Enterprise and Hispanic Business Enterprise Programs if the BBE is also certified in accordance with those programs.

f. The Review Committee has the authority to recommend to the Board of County Commissioners that bonding requirements for a set-aside contract equal to or less than two hundred thousand dollars ($200,000.00) be waived in accordance with the procedures contained in Administrative Order 3-3, as written and as may be hereafter amended. In all cases where a performance or payment bond is not provided, the following procedures shall be followed:

(i) At any time prior to final completion of a contract exempted from bond requirements, the County shall not authorize or make payment to the contractor in excess of seventy-five (75) percent of the amount due on the contract on the basis of the work suitably completed and material suitably stored on the site.

(ii) In case of default by the contractor, the laborers, materialmen, and subcontractors, as defined in Section 713.01 Florida Statutes, making claims for unpaid bills, will be paid from the twenty-five (25) percent retainage on a pro rata basis as follows:

A. The sum of all claims made shall be divided into each individual claim thereby deriving a percentage value for each claim. The total retainage will then be multiplied by the percentage value and the result shall be the pro rata share of the retainage to be paid to the claimant; however the payment shall not be more than the claim.

(iii) The final payment of retainage shall not be made until the project has been inspected by the architect/engineer or other person designated by the County for that purpose and until he or she has issued a written certificate that the project has been constructed in accordance with the approved plans, specifications and approved change orders and until the County has accepted the project, and until the contractor has supplied the County with signed and dated statements from all laborers, materialmen, and subcontractors as defined in Section 713.01 Florida Statutes and identified under (v) hereinafter, that they have no claims against the contractor for the work under the contract. Said statements shall identify the project by name and project number.

(iv) The contractor shall provide evidence in the form of certified copies, that it has placed a notice in the following form, on three (3) occasions, in a local newspaper and has posted such notice in a conspicuous place on the project site.

"Notice is hereby made to all those concerned and affected that (CONTRACTOR'S NAME) is performing (PROJECT NAME), (PROJECT NUMBER) at (LOCATION). All parties furnishing labor and/or materials to said project are to provide notice of such in writing by certified mail to the (AGENCY) within twenty (20) days of first providing such labor and/or materials."

(v) The contractor shall provide a certified list of all subcontractors, laborers and material suppliers to the County within thirty (30) days of its receiving its notice to proceed with the work. This list shall be updated thereafter each month with a certified statement that the list and its updates include the names and addresses of all of those subcontractors, laborers, and material suppliers furnishing labor and/or material for the project.

(vi) The contractor shall provide a written statement with each pay request to the County which indicates how each payment requested will be distributed. This pay request breakdown shall define the disbursement intended for all of the funds requested.

(vii) When a contractor receives any payment from the County, it shall pay such moneys received to each subcontractor and material supplier in proportion to the percentage of work completed by each subcontractor and supplier at the time of receipt of the payment. If the contractor receives less than full payment, then the contractor shall be required to disburse only the funds received on a pro rata basis with the contractor, subcontractors, and suppliers, each receiving a prorated portion based on the amount due on the payment. If the contractor without reasonable cause fails to make payments required by this section to subcontractors and suppliers within thirty (30) days after the receipt of billing by the subcontractors and suppliers, the contractor shall pay to the subcontractors and suppliers a penalty in the amount of one-half of one (1) percent of the amount due, per day, from the expiration of the period allowed herein for payment. Such penalty shall be in addition to actual payments owed and shall not exceed fifteen (15) percent of the outstanding balance due. In addition to other fines or penalties, a person found not in compliance with any provision of this subsection may be subject to the sanctions provided for in subsection (f) of this ordinance.

(viii) The contractor shall provide a written statement with all but the first payment request from each of the subcontractors, laborers and material suppliers indicated in (v), above, that they have in fact received payment as indicated in the preceding statements. In the event any payment is not made as indicated on a prior statement noted in (vi) above, the contractor shall furnish an explanation as to the reasons for such deviation and shall request approval from the County.

2. *Subcontractor and project goals:*

a. The County Commission or Public Health Trust may establish subcontractor or project goals in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of opportunities provided by the contract, and of the availability of at least three BBEs to afford effective competition in providing goods or services under the contract. In instances where there are two (2) available BBEs, the Commission or Trust may apply a subcontractor or project goal where no BBE has participated as a subcontractor to a prime contractor having a contract with the County for the goods or services advertised within the preceding eighteen (18) months. Further, notwithstanding any other provision of this Section of the Code, where a subcontractor or project goal is applied when only two (2) BBEs are available, a bidder who fails to meet the goal may remain eligible for award if the bidder submits written evidence within two (2) business days from bid submission that the prices submitted by BBEs to the bidder were not reasonable compared to those submitted to the bidder by other non-BBE subcontractors. A BBE's bid will be considered reasonably competitive if its bid, for the same scope of work, is within 25 percent of the bid of comparably-sized non-BBE firms. After bid advertisement or other formal public notice, the established subcontractor or project goal may be reduced only with the approval of the County Commission or Public Health Trust.

b. Bid documents shall require bidders to submit a form at the time of bid submission identifying all BBEs to be utilized to meet the subcontractor goals, the scope of work each will perform, including the goods or services each will provide, and the dollar value of such work. In order to assure at the time of bid submission agreement upon the above information between the bidder and the BBE, bid documents shall also require bidders to submit a form no later than two (2) business days after bid submission confirming such information through signed documents from the BBEs involved. Failure to submit the required forms at the specified time shall render the bid non-responsive. Submission of a defective form shall render the bid voidable.

c. In contracts with subcontractor or project goals for Women and Hispanic business enterprises, a BBE certified as a Women or Hispanic business enterprise shall be counted towards meeting the goal for one category only. The prime bidder shall declare at bid submission toward which subcontractor goal a business enterprise certified in more than one category shall count.

d. Bidders whose bids fail to meet a subcontractor goal, in order to remain eligible for award of the contract, must submit evidence, no later than two (2) business days after bid submission, proving enterprises in any category for which a goal is established are not available to afford effective competition in providing goods or services under the contract to meet the goal. Inability of a BBE to obtain bonding at the bidder's request may not be sufficient proof of such BBE's lack of availability.

e. A successful bidder that is a BBE or a joint venture owned and controlled by a BBE may comply with up to one-half (½) of a subcontractor goal set for the contract by performing work with its own forces.

f. Bid documents shall provide that expenditures to subcontracting joint ventures shall be counted toward meeting specified goals only when such joint ventures are owned and controlled by at least one BBE.

g. Bid documents shall provide that (i) only expenditures to subcontracting BBEs for performing a commercially useful function shall be counted toward meeting a subcontractor goal, (ii) expenditures to subcontracting BBEs for acting essentially as a broker to a non-BBE shall not be counted toward meeting a subcontractor goal, and (iii) expenditures to subcontracting BBEs who subcontract work further to non-BBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from the Department of Business and Economic Development as consistent with normal industry practice.

h. Bid documents shall allow bidders to challenge or protest a subcontractor or project goal by submitting no later than the time of bid submission the reasons for such challenge or protest in writing to the department responsible for the contract. Such challenges or protests by bidders after the time of bid submission shall not be heard by the County Commission or Public Health Trust.

3. *Bid preferences:*

a. The County Commission or Public Health Trust may authorize a bid preference on contracts which are to be awarded to the responsive and responsible bidder with the lowest price and which are not set-aside. The bid preference shall be used only to evaluate a bid and shall not affect the contract price.

b. Contracts may give a bid preference in an amount of up to ten (10) percent of the bid price to bidders that:

i. Are BBEs;

ii. Are joint ventures; or

iii. Demonstrate significant utilization of BBEs in their purchases in Miami-Dade County of goods and services as set forth in bid documents or administrative orders.

c. Bidders that significantly utilize BBEs in their purchases in Miami-Dade County of goods or services in order to receive a bid preference, shall list at the time of bid submission or as may otherwise be specified their purchases in Miami-Dade County of goods and services and their utilization of BBEs in such purchases for the twenty-four-month period prior to bid submission. Purchases in Miami-Dade County of goods and services required by any local, state or federal race-conscious measures shall not be recognized for purposes of calculating bid preferences.

d. Joint ventures must be approved prior to bid opening to establish the percentage of BBE participation which will be recognized. The BBE member of the joint venture shall perform work, manage the job and take financial risks in proportion to its level of participation in the joint venture. Agreements establishing joint ventures shall be in writing. Bid and contract documents shall require that the portion of the work to be performed by the BBE member of the joint venture be set forth in detail separately from the work to be performed by the non-BBE member.

4. *BBE selection factor.* The County Commission or Public Health Trust may authorize the use of a BBE selection factor as one basis for deciding among bids for contracts to be awarded upon criteria in addition to price and not set-aside under [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR)(3)(c)1.

a. In bids that assign weights to evaluation or selection criteria, bid documents shall assign a weight of ten (10) percent to the BBE selection factor. In bids that do not assign weights to evaluation or selection criteria, bid documents shall provide that among bidders evaluated to be otherwise substantially equal, the BBE selection factor shall be the deciding factor for award of the bid.

b. Any committee formed to evaluate a bid with a BBE selection factor shall include a voting representative from the Department of Business and Economic Development.

(d) *Review committee.* The County Manager shall establish an administrative procedure for the review of each proposed County contract to which this section applies, including the establishment of a committee to recommend whether race-conscious measures provided in [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR)(3)(c) above should be applied.

(e) *Certification.*

1. The County Manager shall implement eligibility criteria and procedures for entities to be certified as BBEs.

a. Such criteria shall set limits on the size of BBEs based on regulations of the Small Business Administration of the U.S. Department of Commerce for "small business concerns," presently codified at [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) Code of Federal Regulations, [Chapter 1](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR), Part 121, Subpart A.

b. Any BBE that exceeds the size limits established by this subparagraph shall be allowed to retain its certification for one (1) additional year from the date it is formally notified it has exceeded the size limits.

c. Any such BBE may have its certification extended provided the BBE demonstrates that it continues to experience the kinds of racial discrimination addressed by this section.

2. The Department of Business and Economic Development shall maintain and publish at least every other week an updated list of BBEs, identifying each listed BBE based on the nature of the goods and/or services the BBE shall be certified to supply.

3. The Department of Business and Economic Development shall not certify an applicant, shall not recertify a BBE, and shall decertify a BBE that fails to comply with the criteria or procedures for obtaining or maintaining certification. The Department of Business and Economic Development shall have authority to suspend the certification of a BBE during any appeal of a decertification decision.

4. Certification shall be renewed annually, and must be in effect at the time of bid submission, bid award, and throughout the duration of the contract. BBEs experiencing changes in ownership shall notify the Department of Business and Economic Development within thirty (30) days of the effective date of such changes.

5. Applicants and certified BBEs must perform a commercially useful function to be eligible for certification or remain certified.

6. A Black individual, alone or as a member or a group, shall be eligible to have a business certified as a BBE only if a Black owner personally possesses the licenses and satisfies the qualifying requirements established by a board regulating the industry in which certification is sought. A BBE certified on the effective date of this ordinance that is unable to meet these requirements shall be allowed to retain its certification for two (2) years from this date.

7. A Black individual, alone or as a member of a group, shall own or control only one BBE at a time and shall not own and control another separate business certified under the Women Business Enterprise or Hispanic Business Enterprise Programs.

8. A Black individual, alone or as a member of a group, and any BBE may not hold more than a twenty-five (25) percent equity ownership in any other BBE in the same or similar line of business. If a non-BBE in the same or similar line of business as an applicant or existing BBE has an equity ownership of such BBE that exceeds twenty-five (25) percent, the applicant or existing BBE shall not be certified. A BBE certified on the effective date of this ordinance that is unable to meet these requirements shall be allowed to retain its certification provided it submits a plan that the Department of Business and Economic Development finds will accomplish within one (1) year of the effective date of this ordinance a bona fide and actual transfer of equity ownership that satisfies these requirements.

9. The Department of Business and Economic Development may require applicants and BBEs to submit information regarding their business operations, including but not limited to a breakdown of the applicant's or BBE workforce as to race, national origin and gender.

10. Nothing in this section shall be interpreted to prohibit a Black individual from being certified under the Hispanic Business Enterprise or the Women Business Enterprise Programs.

(f) *Prompt payment.*

1. The County Manager and the President of the Public Health Trust shall establish administrative procedures requiring that billings from BBEs that have signed contracts with Miami-Dade County or the Public Health Trust be promptly reviewed and payment made on those amounts not in dispute within thirty (30) days of receipt of billing.

2. Contracts with subcontractor goals shall require that billings from BBEs that are under contract with the successful bidder be promptly reviewed and payment made to such BBEs on those amounts not in dispute within thirty (30) days of receipt by the successful bidder of such billings. Such contracts shall include provisions for subcontracting BBEs to grieve intentional, wrongful delays in payment by the successful bidder to the BBE and for penalties and sanctions for such delays, including debarment.

(g) *Sanctions for contractual violations.* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;

2. Work stoppage;

3. Termination, suspension, or cancellation of the contract in whole or part;

4. In the event a bidder or BBE attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder or BBE committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contractor subcontracts the bidder or BBE has on County projects. In each instance, the bidder or BBE shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs.

The foregoing notwithstanding, the County Manager shall include language in all prospective contracts containing a BBE goal which provides that, in addition to any other sanction for failure to fulfill the BBE goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in BBE participation in such future contract by having BBEs perform work equal to double the dollar value of the deficiency in the BBE goal in the prior contract. The foregoing obligation shall be in addition to any BBE goal otherwise applicable to the future contact.

(h) *Administrative penalties.* The County Manager may impose, notwithstanding any other provision of this section, one or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:

1. The exclusion from county contracting and subcontracting for a specified period of time, not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses.

2. The loss of eligibility to be certified as a BBE for a specified period of time, not to exceed three (3) years, for an applicant or a BBE, its individual officers, its shareholders with significant interests, and its affiliated businesses.

3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and BBE certification for a specified period of time, not to exceed five (5) years.

4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with significant interests, director or partner of such entity or affiliated business of such entity [participates] in an attempt to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and BBE certification, for a specified period of time, not to exceed five (5) years.

(i) *Appeals.*

1. Appeals of decisions made under this ordinance by the Department of Business and Economic Development or designees of the County Manager, other than contractual violations addressed in bid and contract documents, shall be made to the County Manager.

2. Decisions by the County Manager under this ordinance shall be final unless the County Commission agrees in its sole discretion to review any such decision.

3. The County Manger shall designate procedures for the investigation, presentation and hearing of appeals.

(j) *County responsibilities.* The Department of Business and Economic Development (or other County department designated by the County Manager) shall subject to budgetary constraints:

1. Provide staff assistance to the Review Committee;

2. Compile and maintain the data necessary to make the appropriate determinations as to the certification and decertification of BBEs, and to make recommendations for the application of race-conscious measures to a given contract;

3. Monitor all contracts for which program measures have been applied in terms of contractor and subcontractor compliance with the provisions of this section;

4. Provide assistance in technical and financial matters including: assistance in increasing the ability to compete effectively on contracts; conduct quarterly seminars on contract management; and assistance in identifying and solving problems on projects;

5. Review and investigate reports of non-compliance, and make the appropriate recommendations to the County Manager as to penalties to be invoked;

6. Implement an outreach program to increase the number of certified BBEs; and

7. Prepare and publish quarterly and annually in at least one newspaper of general circulation in the Black community:

a. A list of the names of all bidders awarded a contract with subcontractor goals, including the bidder's president or chief executive officer, the total dollar value of the contract, a brief description of the subject matter of the contract, the names of BBEs scheduled to participate on the contract, the dollar amount of the work awarded to such subcontractor BBEs, and any other relevant information;

b. A list of all certified BBEs awarded set-aside contracts or identified as subcontractors in contracts with subcontractor goals, or selected to meet a project goal, including the BBE's president or chief executive officer, the total dollar value of the contract or subcontract, the number of persons employed by the BBE categorized by race, national origin and gender, and any other relevant information; and

c. A list of the names of all bidders that significantly utilized BBEs in accordance with [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR)(3)(c)(3)c., including the bidder's president or chief executive officer, the dollar value of the work demonstrating significant utilization, and any other relevant information.

8. Prepare an annual report for the Board of County Commissioners including but not limited to an itemization of the number and dollar amounts of contracts to which the provisions of the ordinance have been applied; the number of BBEs benefitting from the program measures, and the amount and value of contracts or subcontract work awarded to BBEs; the actual dollars expended by the County on contracts to which the provisions of the ordinance have been applied; and the percentage of the total number and amount of County contracts so affected. This annual report shall also include an assessment of the progress and related recommendations.

(k) *Program review.* The County Commission shall review the Black Business Enterprise Program after receiving the annual report submitted by the Department of Business and Economic Development. In addition, within one year of publication of the "Survey of Minority-Owned Business Enterprises" by the U.S. Department of Commerce Bureau of the Census or its equivalent, the County Commission shall determine whether to continue the race-conscious measures authorized by this ordinance. This review shall be based on materials presented by the County Manager, including the reports prepared by the Department of Business and Economic Development and such other information considered relevant.

(Ord. No. 92-45, §§ 2—4, 6-2-92; Ord. No. 93-106, § 1, 10-19-93; Ord. No. 93-136, § 1, 12-14-93; Ord. No. 94-96, § 2, 5-17-94; Ord. No. 94-97, § 1, 5-17-94; Ord. No. 94-103, § 1, 5-17-94; Ord. No. 02-226, § 1, 11-19-02)

**Editor's note—**

Ord. No. 92-45, § 6(a), adopted June 2, 1992, repealed former [§ 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR), relative to procedures to increase participation of Black vendors of commodities and service in County contracts, which derived from Ord No. 84-65, § 1, adopted July 17, 1984. Sections 2—4 of said Ord. No. 92-45 enacted provisions regarding the Black Business Enterprise Program, which have been included herein at the discretion of the editor as a new [§ 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR)

Sec. 2-8.2.1. Anti-bid shopping measures.

It is the policy of Miami-Dade County that all County departments operating Disadvantaged Business Enterprise Programs pursuant to federal legal requirements shall implement the anti-bid shopping measures contained in [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR) of the Code of Miami-Dade County [Ordinance No. 92-45] and the implementing administrative order as same may be amended from time to time to the maximum extent permitted under applicable federal law with the concurrence of the applicable federal enforcement authority.

(Ord. No. 93-43, § 1, 5-18-93)

**Editor's note—**

Ord. No. 93-43, adopted May 18, 1993, amended the Code by the addition of provisions which have been designated at the discretion of the editor as [§ 2-8.2.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.1ANDSHME)

Sec. 2-8.2.2. Additional sanction for failure to meet DBE goal.

Except where federal or state law or regulation mandate to the contrary, the County Manager shall include language in all prospective contracts containing a DBE goal which provides that, in addition to any other sanction for failure to fulfill the DBE goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in DBE participation in such future contract by having DBEs perform work equal to double the dollar value of the deficiency in the DBE goal in the prior contract. The foregoing obligation shall be in addition to any DBE goal otherwise applicable to the future contract.

(Ord. No. 94-97, § 1, 5-17-94)

Sec. 2-8.2.3. Women Business Enterprise Program.

(1) *Title.* This section shall be referred to as the Women Business Enterprise (WBE) Program.

(2) *Definitions.* The following definitions shall apply in this section:

(a) *Available or availability* means to have, prior to bid submission, the ability to provide goods or services under a contract, by having:

1. Reasonably estimated, uncommitted capacity;

2. All necessary licenses, permits, registrations and certifications;

3. The ability to obtain bonding that is reasonably required consistent with normal industry practice; and the ability to otherwise meet bid specifications.

(b) *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

(c) *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid.

(d) *Bidder* means any person, partnership, corporation or other business entity that submits a bid.

(e) *Broker* means an individual or business that acts as a contact for the purchase of goods or services from a supplier and transfers funds to a non-WBE in a manner that does not add economic value to the purchase, except where such conduct is normal industry practice.

(f) *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a WBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved other than acting as a broker. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner himself or herself performs, manages, and/or supervises the work involved; and other relevant factors.

(g) *Construction* means the building, maintaining, altering, or repairing of a public improvement.

(h) *Contract* means an agreement proposed by County or Public Health Trust staff, or approved by the County Commission or Public Health Trust in any of the following classes:

1. Procurement of goods and services not included in the classes 2, 3, and 4 below;

2. Construction of a public improvement;

3. Professional services subject to Section 287.055, Florida Statutes, and Section 2-10.4 of the Code of Miami-Dade County; or

4. Other professional services including but not limited to accounting, legal, health care, consulting and management services.

5. Contract does not mean an agreement to purchase, lease, or rent real property; grant licenses, permits, or franchises; operate concessions; or make grants.

(i) *Goods* means any tangible product, material or supply that is not a service.

(j) *Joint venture* means an association of two (2) or more persons, partnerships, corporations, other business entities or any combination of the above, at least one (1) of which is a WBE, certified in accordance with this section, that is lawfully established to carry on a single business activity that is limited in scope and duration.

(k) *Owned and controlled* means a business that is at least fifty-one (51) percent owned by one (1) or more Women or, in the case of a publicly owned business, at least fifty-one (51) percent of the stock of which is owned by one (1) or more Women, and whose management and daily business operations are controlled by one (1) or more such individuals. The determination of whether a Woman owner has demonstrated such control shall include an evaluation of the following:

1. The owner's experience in the industry in which certification is sought.

2. The owner's independence in making business policy and day-to-day operational decisions;

3. The owner's technical competency or knowledge of technical requirements in the industry in which certification is sought; and

4. In addition to the above standards, special consideration will be given to the following circumstances in determining such control:

(i) Newly formed businesses and businesses whose ownership and/or control has recently changed will be closely scrutinized to determine the reasons for the timing of the formation of or change in the business.

(ii) A previous and/or continuing employer-employee relationship between or among present owners will be carefully reviewed to ensure that the employee-owner has actual management responsibilities and capabilities.

(iii) Any relationship between a WBE and a business which is not a WBE which has an interest in the WBE will be carefully reviewed to determine if the interest of the non-WBE conflicts with the ownership and control requirements of this subsection.

(l) *Participation goals* means percentage objectives for participation of WBEs in County contracting opportunities based on the percentage of Women-owned businesses in Miami-Dade County as reported by the Survey of Minority-Owned Business Enterprises by the U.S. Department of Commerce, Bureau of the Census, or its equivalent, and such other relevant factors as the County Commission may establish.

(m) *Project goal* means a proportion of a total contract value stated as a percentage to be awarded to WBEs in contracts that create a pool of qualified contractors from which the County selects pool members to perform the work of the contract.

(n) *Registered WBE* means a business that has registered with the relevant county agencies to compete for county contracts and has declared by registration for statistical purposes to be a Woman-owned business enterprise, but has declined to be certified or to participate in the WBE program.

(o) *Services* means construction, maintenance, alteration, or repair of a public or private improvement and any performance of work offered for public or private consumption that does not consist primarily of goods.

(p) *Set-aside* means the designation of a given contract for competition among WBEs.

(q) *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to WBEs to perform a commercially useful function.

(r) *Woman* means a person of the female sex, regardless of race or ethnicity.

(s) *Women business enterprise or WBE* means a business that:

1. Is owned and controlled by one (1) or more Women;

2. Has its actual place of business in Miami-Dade County; and

3. Is certified in accordance with this section.

(t) *WBE selection factor* means an element specified in bid documents that designates as one (1) criteria for choosing among bids that the bidder is:

1. A WBE; or

2. A joint venture owned and controlled by a WBE;

3. A non-WBE that demonstrates significant utilization of WBEs in accordance with subsection (3)(c)3c below.

(u) *Work* means the provision of goods or services.

(3) *Program.*

(a) *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall be applicable to all contracts funded in whole or in part by County funds. The County Manager shall prepare administrative orders, bid and contract documents implementing the provisions of this section. The County Manager by administrative order may exclude classes of contracts, or parts thereof, from application of this section. The words County Manager in this section shall mean the County Manager or his or her designee.

(b) *Participation goals.* The County Commission shall set participation goals for WBEs annually with respect to award of county contracts by contract class in relevant market segments.

1. The County Commission and Public Health Trust shall make every reasonable effort to meet participation goals. They may use the contract measures specified in subsection (c) below only when the County Commission establishes a participation goal for the relevant market segment for the class of contract involved. Participation goals shall be used as guidelines and shall not be construed as a ceiling or floor to WBE participation.

2. Accomplishment of participation goals shall be based on calculations that include, to the extent data is available:

a. The total number of contracts awarded to;

b. The dollar value of any and all contracts awarded to; and

c. The actual dollars expended by the County and received by, certified and registered WBEs as contractors, subcontractors and joint ventures.

3. The County Manager shall utilize the Planning Department and other county staff as appropriate to develop, propose and assess the accomplishment of participation goals. The County Manager shall compile this information on a quarterly basis and present it to the Board of County Commissioners, which shall set goals on at least an annual basis.

4. The County Manager shall require County staff to make good faith efforts to meet participation goals, including making such good faith efforts a part of the performance evaluations and management by objectives of every appropriate department director and supervisor.

(c) *Contract measures.* Based on recommendations from the County Manager, the County Commission or Public Health Trust may apply the following gender-conscious measures to contracts to address this section's findings of gender discrimination experienced by Women Business Enterprises:

1. *Set-asides*. The County Commission or Public Health Trust may determine it is in its best interest to waive competitive bidding or selection requirements and set aside a contract for WBEs in accordance with the following:

a. The County Commission or Public Health Trust shall determine prior to bid advertisement that there are at least three (3) available WBEs to perform the set-aside contract; or

b. The County Commission or Public Health Trust shall determine prior to bid advertisement that there are at least two (2) available WBEs to perform the set-aside contract and the following conditions are met:

i. No WBE has been awarded a contract with the County or the Public Health Trust for the goods or services to be advertised in the eighteen (18) preceding months; and

ii. The Department of Procurement Management has prepared an analysis of the price being offered by the recommended awardee to ensure that it is not excessive.

c. Joint ventures that are owned and controlled by at least one (1) WBE may bid on set-aside contracts.

d. Transferring through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-WBE is prohibited unless such transfer receives prior approval from the Department of Business and Economic Development as consistent with normal industry practice.

e. A WBE may compete for contracts that are set aside under the Black Business Enterprise and Hispanic Business Enterprise Programs if certified in accordance with these programs.

2. *Subcontractor and project goals:*

a. The County Commission or Public Health Trust may establish subcontractor or project goals to be met by WBEs in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of opportunities provided by the contract, and of the availability of at least three WBEs to afford effective competition in providing goods or services under the contract. In instances where there are two (2) available WBEs, the Commission or Trust may apply a subcontractor or project goal where no WBE has participated as a subcontractor to a prime contractor having a contract with the County for the goods or services advertised within the preceding eighteen (18) months. Further, notwithstanding any other provision of this Section of the Code, where a subcontractor or project goal is applied when only two (2) WBEs are available, a bidder who fails to meet the goal may remain eligible for award if the bidder submits written evidence within two (2) business days from bid submission that the prices submitted by WBEs to the bidder were not reasonable compared to those submitted to the bidder by other non-WBE subcontractors. A WBE's bid will be considered reasonably competitive if its bid, for the same scope of work, is within 25 percent of the bid of comparably-sized non-WBE firms. After bid advertisement or other formal public notice, the established subcontractor or project goal may be reduced only with the approval of the County Commission or Public Health Trust.

b. Bid documents shall require bidders to submit a form at the time of bid submission identifying all WBEs to be utilized to meet the subcontractor goal, the scope of work each will perform, including the goods or services each will provide, and the dollar value of such work. In order to assure at the time of bid submission agreement upon the above information between the bidder and the WBE, bid documents shall also require bidders to submit a form no later than two (2) business days after bid submission confirming such information through signed documents from the WBEs involved. Failure to submit the required forms at the specified time shall render the bid nonresponsive. Submission of a defective form shall render the bid voidable.

c. In contracts with subcontractor or project goals for Black or Hispanic business enterprises, a WBE certified as a Black or Hispanic business enterprise shall be counted toward meeting the goal for one (1) category only. The prime bidder shall declare at bid submission toward which subcontractor goal a business enterprise certified in more than one (1) category shall count.

d. Bidders whose bids fail to meet a subcontractor goal, in order to remain eligible for award of the contract, must submit evidence, no later than two (2) business days after bid submission, proving the lack of WBEs available to afford effective competition in providing goods or services under the contract to meet the goal. Inability of a WBE to obtain bonding at the bidder's request may not be sufficient proof of such WBE's lack of availability.

e. A successful bidder that is a WBE or a joint venture owned and controlled by WBE may comply with up to one-half (½) of the subcontractor goal set for the contract by performing work with its own forces.

f. Bid documents shall provide that expenditures to subcontracting joint ventures shall be counted toward meeting specified goals only when such joint ventures are owned and controlled by at least one (1) WBE.

g. Bid documents shall provide that:

i. Only expenditures to subcontracting WBEs for performing a commercially useful function shall be counted toward meeting a subcontractor goal;

ii. Expenditures to subcontracting WBEs for acting essentially as a broker to a non-WBE shall not be counted toward meeting a subcontractor goal; and

iii. Expenditures to subcontracting WBEs who subcontract work further to non-WBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from the Department of Business and Economic Development as consistent with normal industry practice.

h. Bid documents shall allow bidders to challenge or protest a subcontractor or project goal by submitting no later than the time of bid submission the reasons for such challenge or protest in writing to the department responsible for the contract. Such challenges or protests by bidders after the time of bid submission shall not be heard by the County Commission or Public Health Trust.

3. *Bid preferences:*

a. The County Commission or Public Health Trust may authorize a bid preference on contracts which are to be awarded to the responsive and responsible bidder with the lowest price and which are not set aside. The bid preference shall be used only to evaluate a bid and shall not affect the contract price.

b. Contracts may give a bid preference in an amount of up to ten (10) percent of the bid price to bidders that:

i. Are WBEs;

ii. Are joint ventures; or

iii. Demonstrate significant utilization of WBEs in their purchases in Miami-Dade County of goods and services, as set forth in bid documents or administrative orders.

c. Bidders that significantly utilize WBEs in their purchases in Miami-Dade County of goods or services, in order to receive a bid preference, shall list at the time of bid submission or as may otherwise be specified their purchases in Miami-Dade County of goods and services and their utilization of WBEs in such purchases for the twenty-four-month period prior to bid submission. Purchases in Miami-Dade County of goods and services required by any local, state or federal gender, ethnic and/or race-conscious measures shall not be recognized for purposes of calculating bid preferences.

d. Joint ventures must be approved prior to bid opening to establish the percentage of WBE participation which will be recognized. The WBE member of the joint venture shall perform work, manage the job and take financial risks in proportion to its level of participation in the joint venture. Agreements establishing joint ventures shall be in writing. Bid and contract documents shall require that the portion of the work to be performed by the WBE member of the joint venture be set forth in detail separately from the work to be performed by the non-WBE member.

4. *WBE selection factor.* The County Commission or Public Health Trust may authorize the use of a WBE selection factor as one (1) basis for deciding among bids for contracts to be awarded upon criteria in addition to price and not set aside under subsection (3)(c)1 above.

a. In bids that assign weights to evaluation or selection criteria, bid documents shall assign a weight of ten (10) percent to the WBE selection factor. In bids that do not assign weights to evaluation or selection criteria, bid documents shall provide that among bidders evaluated to be otherwise substantially equal, the WBE selection factor shall be the deciding factor for award of the bid.

b. Any committee formed to evaluate a bid with a WBE selection factor shall include a voting representative from the Department of Business and Economic Development.

(d) *Review committee.* The County Manager shall establish an administrative procedure for the review of each proposed County contract to which this section applies, including the establishment of a committee to recommend whether gender-conscious measures provided in subsection (3)(c) above should be applied.

(e) *Certification.*

1. The County Manager shall implement eligibility criteria and procedures for entities to be certified as WBEs.

a. Such criteria shall set limits on the size of WBEs based on regulations of the Small Business Administration of the U.S. Department of Commerce for "small business concerns," presently codified at [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) Code of Federal Regulations, [Chapter 1](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR), Part 121, Subpart A.

b. Any WBE that exceeds the size limits established by this subparagraph shall be allowed to retain its certification for one (1) additional year from the date it is formally notified it has exceeded the size limits.

2. The Department of Business and Economic Development shall maintain and publish at least every other week an updated list of WBEs, identifying each listed WBE based on the nature of the goods and/or services the WBE shall be certified to supply.

3. The Department of Business and Economic Development shall not certify an applicant, shall not recertify a WBE, and shall decertify a WBE that fails to comply with the criteria or procedures for obtaining or maintaining certification. The Department of Business and Economic Development shall have authority to suspend the certification of a WBE during any appeal of a decertification decision.

4. Certification shall be renewed annually, and must be in effect at the time of bid submission, bid award, and throughout the duration of the contract. WBEs experiencing changes in ownership shall notify the Department of Business and Economic Development within thirty (30) days of the effective date of such changes.

5. Applicants and certified WBEs must perform a commercially useful function to be eligible for certification or remain certified.

6. A Woman, alone or as a member of a group, shall be eligible to have a business certified as a WBE only if a Woman owner personally possesses the licenses and satisfies the qualifying requirements established by a board regulating the industry in which certification is sought.

7. A Woman, alone or as a member of a group, shall own or control only one (1) WBE at a time and shall not own and control another separate business certified under the Black Business Enterprise or Hispanic Business Enterprise Programs.

8. A Woman, alone or as a member of a group, and any WBE may not hold more than twenty-five (25) percent equity ownership in any other WBE in the same or similar line of business. If a non-WBE in the same or similar line of business as an applicant or existing WBE has an equity ownership of such WBE that exceeds twenty-five (25) percent, the applicant or existing WBE shall not be certified.

9. The Department of Business and Economic Development may require applicants and WBEs to submit information regarding their business operations, including but not limited to a breakdown of the applicant's or WBE's work force as to race, national origin and gender.

10. Nothing in this section shall be interpreted to prohibit a Woman from being certified under the Black Business Enterprise or the Hispanic Business Enterprise Programs.

(f) *Prompt payment.*

1. The County Manager and the President of the Public Health Trust shall establish administrative procedures requiring that billings from WBEs that have signed contracts with Miami-Dade County or the Public Health Trust be promptly reviewed and payment made on those amounts not in dispute within thirty (30) days of receipt of billing.

2. Contracts with subcontractor goals shall require that billings from WBEs that are under contract with the successful bidder be promptly reviewed and payment made to such WBEs on those amounts not in dispute within thirty (30) days of receipt by the successful bidder of such billings. Such contracts shall include provisions for subcontracting WBEs to grieve intentional, wrongful delays in payment by the successful bidder to the WBE and for penalties and sanctions for such delays, including debarment.

(g) *Sanctions for contractual violations.* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one (1) or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;

2. Work stoppage;

3. Termination, suspension, or cancellation of the contract in whole or part.

4. In the event a bidder or WBE attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder or WBE committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contractor subcontracts the bidder or WBE has on County projects. In each instance, the bidder or WBE shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs.

(h) *Administrative penalties.* The County Manager may impose, notwithstanding any other provision of this section, one (1) or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:

1. The exclusion from county contracting and subcontracting for a specified period of time, not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses;

2. The loss of eligibility to be certified as a WBE for a specified period of time, not to exceed three (3) years, for an applicant or a WBE, its individual officers, its shareholders with significant interests, and its affiliated businesses.

3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with provisions of this section through fraud, misrepresentation or material misstatements, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and WBE certification for a specified period of time, not to exceed five (5) years.

4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with a significant interests, director or partner of such entity, or affiliated business of such entity in an attempt to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and WBE certification for a specified period of time, not to exceed five (5) years.

(i) *Appeals.*

1. Appeals of decisions made under this section by the Department of Business and Economic Development or designees of the County Manager, other than contractual violations addressed in bid and contract documents, shall be made to the County Manager.

2. Decisions by the County Manager under this section shall be final unless the County Commission agrees in its sole discretion to review any such decision.

3. The County Manager shall designate procedures for the investigation, presentation and hearing of appeals.

(j) *County responsibilities.* The Department of Business and Economic Development (or other County department designated by the County Manager) shall subject to budgetary constraints:

1. Provide staff assistance to the Review Committee;

2. Compile and maintain the data necessary to make the appropriate determinations as to the certification and decertification of WBEs, and to make recommendations for the application of gender-conscious measures to a given contract;

3. Monitor all contracts for which program measures have been applied in terms of contractor and subcontractor compliance with the provisions of this section;

4. Provide assistance in technical and financial matters including: assistance in increasing the ability to compete effectively on contracts; conduct seminars on contract management; and assistance in identifying and solving problems on projects;

5. Review and investigate reports of noncompliance, and make the appropriate recommendations to the County Manager as to penalties to be invoked; and

6. Implement an outreach program to increase the number of certified WBEs;

7. Prepare and publish quarterly and annually in at least one (1) newspaper of general circulation:

a. A list of the names of all bidders awarded a contract with subcontractor goals, including the bidder's president or chief executive officer, the total dollar value of the contract, a brief description of the subject matter of the contract, the names of WBEs scheduled to participate on the contract, the dollar amount of the work awarded to such subcontractor WBEs, and any other relevant information;

b. A list of all certified WBEs awarded set-aside contracts or identified as subcontractors in contracts with subcontractor goals, or selected to meet a project goal, including the WBE's president or chief executive officer, the total dollar value of the contract or subcontract, the number of persons employed by the WBE categorized by race, national origin and gender, and any other relevant information; and

c. A list of the names of all bidders that significantly utilized WBEs in accordance with subsection (3)(c)3.c. above, including the bidder's president or chief executive officer, the dollar value of the work demonstrating significant utilization, and any other relevant information.

8. Prepare an annual report for the Board of County Commissioners including but not limited to an itemization of the number and dollar amounts of contracts to which the provisions of the ordinance have been applied; the number of WBEs benefiting from the program measures, and the amount and value of contracts or subcontract work awarded to WBEs; the actual dollars expended by the County on contracts to which the provisions of the ordinance have been applied; and the percentage of the total number and amount of County contracts so affected. This annual report shall also include an assessment of the progress and related recommendations.

(k) *Program review.* The County Commission shall review the Women-Owned Business Enterprise Program after receiving the annual report submitted by the Department of Business and Economic Development. In addition, within one (1) year of publication of the "Survey of Minority-Owned Business Enterprises" by the U.S. Department of Commerce Bureau of the Census or its equivalent, the County Commission shall determine whether to continue the gender-conscious measures authorized by this section. This review shall be based on materials presented by the County Manager, including the reports prepared by the Department of Business and Economic Development and such other information considered relevant.

(Ord. No. 94-94, § 2, 5-17-94; Ord. No. 95-179, § 1, 10-5-95; Ord. No. 02-226, § 1, 11-19-02)

Sec. 2-8.2.4. Hispanic Business Enterprise Program.

(1) *Title.* This section shall be referred to as the Hispanic Business Enterprise HBE Program.

(2) *Definitions.* The following definitions shall apply in this section:

(a) *Available or availability* means to have, prior to bid submission, the ability to provide goods or services under a contract, by having:

1. Reasonably estimated, uncommitted capacity;

2. All necessary licenses, permits, registrations and certifications;

3. The ability to obtain bonding that is reasonably required consistent with normal industry practice; and

4. The ability to otherwise meet bid specifications.

(b) *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

(c) *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid.

(d) *Bidder* means any person, partnership, corporation or other business entity that submits a bid.

(e) *Broker* means an individual or business that acts as a contact for the purchase of goods or services from a supplier and transfers funds to a non-HBE in a manner that does not add economic value to the purchase, except where such conduct is normal industry practice.

(f) *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a HBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved other than acting as a broker. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner himself or herself performs, manages, and/or supervises the work involved; and other relevant factors.

(g) *Construction* means the building, maintaining, altering, or repairing of a public improvement.

(h) *Contract* means an agreement proposed by County or Public Health Trust staff, or approved by the County Commission or Public Health Trust in any of the following classes:

1. Procurement of goods and services not included in the classes 2, 3, and 4 below;

2. Construction of a public improvement;

3. Professional services subject to Section 287.055, Florida Statutes, and Section 2-10.4 of the Code of Miami-Dade County; or

4. Other professional services including but not limited to accounting, legal, health care, consulting and management services.

5. Contract does not mean an agreement to purchase, lease, or rent real property; grant licenses, permits, or franchises; operate concessions; or make grants.

(i) *Goods* means any tangible product, material or supply that is not a service.

(j) *Hispanic* means a person who is a citizen or lawful resident of the United States who has origins in Cuba, Mexico, Puerto Rico, Central or South America or other Spanish or Portuguese culture regardless of race.

(k) *Hispanic business enterprise or HBE* means a business that:

1. Is owned and controlled by one (1) or more Hispanic individuals;

2. Has its actual place of business in Miami-Dade County; and

3. Is certified in accordance with this section.

(l) *HBE selection factor* means an element specified in bid documents that designates as one (1) criteria for choosing among bids that the bidder is:

1. An HBE; or

2. A joint venture owned and controlled by a HBE;

3. A non-HBE that demonstrates significant utilization of HBEs in accordance with subsection (3)(c)3c, below.

(m) *Joint venture* means an association of two (2) or more persons, partnerships, corporations, other business entities or any combination of the above, at least one (1) of which is a Minority or Woman business enterprise, certified in accordance with this section that is lawfully established to carry on a single business activity that is limited in scope and duration.

(n) *Owned and controlled* means a business that is at least fifty-one (51) percent owned by one (1) or more Hispanic individuals or, in the case of a publicly owned business, at least fifty-one (51) percent of the stock of which is owned by one (1) or more Hispanic individuals, and whose management and daily business operations are controlled by one (1) or more such individuals. The determination of whether a Hispanic owner has demonstrated such control shall include an evaluation of the following:

1. The owner's experience in the industry in which certification is sought.

2. The owner's independence in making business policy and day-to-day operational decisions;

3. The owner's technical competency or knowledge of technical requirements in the industry in which certification is sought; and

4. In addition to the above standards, special consideration will be given to the following circumstances in determining such control:

(i) Newly formed businesses and businesses whose ownership and/or control has recently changed will be closely scrutinized to determine the reasons for the timing of the formation of or change in the business.

(ii) A previous and/or continuing employer-employee relationship between or among present owners will be carefully reviewed to ensure that the employee-owner has actual management responsibilities and capabilities discussed in this section.

(iii) Any relationship between a HBE and a business which is not a HBE which has an interest in the HBE will be carefully reviewed to determine if the interest of the non-HBE conflicts with the ownership and control requirements of this section.

(o) *Participation goals* means percentage objectives for participation of HBEs in County contracting opportunities based on the percentage of Hispanic-owned businesses in Miami-Dade County as reported by the Survey of Minority-Owned Business Enterprises by the U.S. Department of Commerce, Bureau of the Census, or its equivalent, and such other relevant factors as the County Commission may establish.

(p) *Project goal* means a proportion of a total contract value stated as a percentage to be awarded to a HBE in contracts that create a pool of qualified contractors from which the County selects pool members to perform the work of the contract.

(q) *Registered HBE* means a business that has registered with the relevant county agencies to compete for county contracts and has declared by registration for statistical purposes to be a HBE, but has declined to be certified or to participate in the HBE program.

(r) *Services* means construction, maintenance, alteration, or repair of a public or private improvement and any performance of work offered for public or private consumption that does not consist primarily of goods.

(s) *Set-aside* means the designation of a given contract for competition among HBEs.

(t) *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to HBEs to perform a commercially useful function.

(u) *Work* means the provision of goods or services.

(3) *Program.*

(a) *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall be applicable to all contracts funded in whole or in part by County funds. The County Manager shall prepare administrative orders, bid and contract documents implementing the provisions of this section. The County Manager by administrative order may exclude classes of contracts, or parts thereof, from application of this section. The words County Manager in this section shall mean the County Manager or his or her designee.

(b) *Participation goals.* The County Commission shall set participation goals for HBEs annually with respect to award of county contracts by contract class in relevant market segments.

1. The County Commission and Public Health Trust shall make every reasonable effort to meet participation goals. They may use the contract measures specified in subsection (c) below only when the County Commission establishes a participation goal for the relevant market segment for the class of contract involved. Participation goals shall be used as guidelines and shall not be construed as a ceiling or floor to HBE participation.

2. Accomplishment of participation goals shall be based on calculations that include, to the extent data is available:

a. The total number of contracts awarded to;

b. The dollar value of any and all contracts awarded to; and

c. The actual dollars expended by the County and received by, certified and registered HBEs as contractors, subcontractors and joint ventures.

3. The County Manager shall utilize the Planning Department and other county staff as appropriate to develop, propose and assess the accomplishment of participation goals. The County Manager shall compile this information on a quarterly basis and present it to the Board of County Commissioners, which shall set goals on at least an annual basis.

4. The County Manager shall require County staff to make good faith efforts to meet participation goals, including making such good faith efforts a part of the performance evaluation and management by objectives of every appropriate department director and supervisor.

(c) *Contract measures.* Based on recommendations from the County Manager, the County Commission or Public Health Trust may apply the following measures to contracts to address this section's findings of ethnic discrimination experienced by Hispanic business enterprises:

1. *Set-asides*. The County Commission or Public Health Trust may determine it is in its best interest to waive competitive bidding or selection requirements and set aside a contract for HBEs in accordance with the following:

a. The County Commission or Public Health Trust shall determine prior to bid advertisement that there are at least three (3) available HBEs to perform the set-aside contract; or

b. The County Commission or Public Health Trust shall determine prior to bid advertisement that there are at least two (2) available HBEs to perform the set-aside contract and the following conditions are met:

i. No HBE has been awarded a contract with the County or the Public Health Trust for the goods or services to be advertised in the eighteen (18) preceding months; and

ii. The Department of Procurement Management has prepared an analysis of the price being offered by the recommended awardee to ensure that it is not excessive.

c. Joint ventures that are owned and controlled by at least one (1) HBE may bid on set-aside contracts.

d. Transferring through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-HBE is prohibited unless such transfer receives prior approval from the Department of Business and Economic Development as consistent with normal industry practice.

e. A HBE may compete for contracts that are set aside under the Black Business Enterprise and Women Business Enterprise Programs if certified in accordance with these programs.

2. *Subcontractor and project goals:*

a. The County Commission or Public Health Trust may establish subcontractor or project goals to be met by HBEs in a contract based on estimates made prior to bid advertisement of the quality, quantity and type of opportunities provided by the contract, and of the availability of at least three HBEs to afford effective competition in providing goods or services under the contract. In instances where there are two (2) available HBEs, the Commission or Trust may apply a subcontractor or project goal where no HBE has participated as a subcontractor to a prime contractor having a contract with the County for the goods or services advertised within the preceding eighteen (18) months. Further, notwithstanding any other provision of this Section of the Code, where a subcontractor or project goal is applied when only two (2) HBEs are available, a bidder who fails to meet the goal may remain eligible for award if the bidder submits written evidence within two (2) business days from bid submission that the prices submitted by HBEs to the bidder were not reasonable compared to those submitted to the bidder by other non-HBE subcontractors. A HBE's bid will be considered reasonably competitive if its bid, for the same scope of work, is within 25 percent of the bid of comparably-sized non-HBE firms. After bid advertisement or other formal public notice, the established subcontractor or project goal may be reduced only with the approval of the County Commission or Public Health Trust.

b. Bid documents shall require bidders to submit a form at the time of bid submission identifying all HBEs to be utilized to meet the subcontractor goal, the scope of work each will perform, including the goods or services each will provide, and the dollar value of such work. In order to assure at the time of bid submission agreement upon the above information between the bidder and the HBE, bid documents shall also require bidders to submit a form no later than two (2) business days after bid submission confirming such information through signed documents from the HBEs involved. Failure to submit the required forms at the specified time shall render the bid nonresponsive. Submission of a defective form shall render the bid voidable.

c. In contracts with subcontractor or project goals for Black or Women business enterprises, a HBE certified as a Black or Women business enterprise shall be counted toward meeting the goal for one (1) category only. The prime bidder shall declare at bid submission toward which subcontractor goal a business enterprise certified in more than one (1) category shall count.

d. Bidders whose bids fail to meet a subcontractor goal, in order to remain eligible for award of the contract, must submit evidence, no later than two (2) business days after bid submission, proving the lack of available HBEs to afford effective competition in providing goods or services under the contract to meet the goal. Inability of a HBE to obtain bonding at the bidder's request may not be sufficient proof of such HBE's lack of availability.

e. A successful bidder that is a HBE or a joint venture owned and controlled by a HBE may comply with up to one-half (½) of the subcontractor goal set for the contract by performing work with its own forces.

f. Bid documents shall provide that expenditures to subcontracting joint ventures shall be counted toward meeting specified goals only when such joint ventures are owned and controlled by at least one (1) HBE.

g. Bid documents shall provide that:

i. Only expenditures to subcontracting HBEs for performing a commercially useful function shall be counted toward meeting a subcontractor goal;

ii. Expenditures to subcontracting HBEs for acting essentially as a broker to a non-HBE shall not be counted toward meeting a subcontractor goal; and

iii. Expenditures to subcontracting HBEs who subcontract work further to non-HBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from the Department of Business and Economic Development as consistent with normal industry practice.

h. Bid documents shall allow bidders to challenge or protest a subcontractor or project goal by submitting no later than the time of bid submission the reasons for such challenge or protest in writing to the department responsible for the contract. Such challenges or protests by bidders after the time of bid submission shall not be heard by the County Commission or Public Health Trust.

3. *Bid preferences:*

a. The County Commission or Public Health Trust may authorize a bid preference on contracts which are to be awarded to the responsive and responsible bidder with the lowest price and which are not set aside. The bid preference shall be used only to evaluate a bid and shall not affect the contract price.

b. Contracts may give a bid preference in an amount of up to ten (10) percent of the bid price to bidders that:

i. Are HBEs;

ii. Are joint ventures; or

iii. Demonstrate significant utilization of HBEs in their purchases in Miami-Dade County of goods and services, as set forth in bid documents or administrative orders.

c. Bidders that significantly utilize HBEs in their purchases in Miami-Dade County of goods or services, in order to receive a bid preference, shall list at the time of bid submission or as may otherwise be specified their purchases in Miami-Dade County of goods and services and their utilization of HBEs in such purchases for the twenty-four-month period prior to bid submission. Purchases in Miami-Dade County of goods and services required by any local, state or federal ethnic-conscious measures shall not be recognized for purposes of calculating bid preferences.

d. Joint ventures must be approved prior to bid opening to establish the percentage of HBE participation which will be recognized. The HBE member of the joint venture shall perform work, manage the job and take financial risks in proportion to its level of participation in the joint venture. Agreements establishing joint ventures shall be in writing. Bid and contract documents shall require that the portion of the work to be performed by the HBE member of the joint venture be set forth in detail separately from the work to be performed by the non-HBE member.

4. *HBE selection factor.* The County Commission or Public Health Trust may authorize the use of a HBE selection factor as one (1) basis for deciding among bids for contracts to be awarded upon criteria in addition to price and not set aside under subsection (3)(c)1 above.

a. In bids that assign weights to evaluation or selection criteria, bid documents shall assign a weight of ten (10) percent to the HBE selection factor. In bids that do not assign weights to evaluation or selection criteria, bid documents shall provide that among bidders evaluated to be otherwise substantially equal, the HBE selection factor shall be the deciding factor for award of the bid.

b. Any committee formed to evaluate a bid with a HBE selection factor shall include a voting representative from the Department of Business and Economic Development.

(d) *Review committee.* The County Manager shall establish an administrative procedure for the review of each proposed County contract to which this section applies, including the establishment of a committee to recommend whether the measures provided in subsection (3)(c) above should be applied.

(e) *Certification.*

1. The County Manager shall implement eligibility criteria and procedures for entities to be certified as HBEs.

a. Such criteria shall set limits on the size of HBEs based on regulations of the Small Business Administration of the U.S. Department of Commerce for "small business concerns," presently codified at [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) Code of Federal Regulations, [Chapter 1](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR), Part 121, Subpart A.

b. Any HBE that exceeds the size limits established by this subparagraph shall be allowed to retain its certification for one (1) additional year from the date it is formally notified it has exceeded the size limits.

2. The Department of Business and Economic Development shall maintain and publish at least every other week an updated list of HBEs, identifying each listed HBE based on the nature of the goods and/or services the HBE shall be certified to supply.

3. The Department of Business and Economic Development shall not certify an applicant, shall not recertify a HBE, and shall decertify a HBE that fails to comply with the criteria or procedures for obtaining or maintaining certification. The Department of Business and Economic Development shall have authority to suspend the certification of a HBE during any appeal of a decertification decision.

4. Certification shall be renewed annually, and must be in effect at the time of bid submission, bid award, and throughout the duration of the contract. HBEs experiencing changes in ownership shall notify the Department of Business and Economic Development within thirty (30) days of the effective date of such changes.

5. Applicants and certified HBEs must perform a commercially useful function to be eligible for certification or remain certified.

6. A Hispanic individual, alone or as a member of a group, shall be eligible to have a business certified as a HBE only if an Hispanic owner personally possesses the licenses and satisfies the qualifying requirements established by a board regulating the industry in which certification is sought.

7. A Hispanic individual, alone or as a member of a group, shall own or control only one (1) HBE at a time and shall not own and control another separate business certified under the Black Business Enterprise or Women Business Enterprise Programs.

8. A Hispanic individual, alone or as a member of a group, and any HBE may not hold more than twenty-five (25) percent equity ownership in any other HBE in the same or similar line of business. If a non-HBE in the same or similar line of business as an applicant or existing HBE has an equity ownership of such HBE that exceeds twenty-five (25) percent, the applicant or existing HBE shall not be certified.

9. The Department of Business and Economic Development may require applicants and HBEs to submit information regarding their business operations, including but not limited to a breakdown of the applicant's or HBE's work force as to race, national origin and gender.

10. Nothing in this section shall be interpreted to prohibit a Hispanic individual from being certified under the Black Business Enterprise or Women Business Enterprise Programs.

(f) *Prompt payment.*

1. The County Manager and the President of the Public Health Trust shall establish administrative procedures requiring that billings from HBEs that have signed contracts with Miami-Dade County or the Public Health Trust be promptly reviewed and payment made on those amounts not in dispute within thirty (30) days of receipt of billing.

2. Contracts to which any of the provisions of subsection (3)(c)2 above are applied shall require that billings from HBEs that are under contract with the successful bidder be promptly reviewed and payment made to such HBEs on those amounts not in dispute within thirty (30) days of receipt by the successful bidder of such billings. Such contracts shall include provisions for subcontracting HBEs to grieve intentional, wrongful delays in payment by the successful bidder to the HBE and for penalties and sanctions for such delays, including debarment.

(g) *Sanctions for contractual violations.* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one (1) or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;

2. Work stoppage;

3. Termination, suspension, or cancellation of the contract in whole or part.

4. In the event a bidder or HBE attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder or HBE committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contractor subcontracts the bidder or HBE has on County projects. In each instance, the bidder or HBE shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs.

(h) *Administrative penalties.* The County Manager may impose, notwithstanding any other provision of this section, one (1) or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:

1. The exclusion from county contracting and subcontracting for a specified period of time, not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses;

2. The loss of eligibility to be certified as a HBE for a specified period of time, not to exceed three (3) years, for an applicant or a HBE, its individual officers, its shareholders with significant interests, and its affiliated businesses.

3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with provisions of this section through fraud, misrepresentation or material misstatements, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and HBE certification for a specified period of time, not to exceed five (5) years.

4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with significant interests, director or partner of such entity, or affiliated business of such entity in an attempt to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and HBE certification for a specified period of time, not to exceed five (5) years.

(i) *Appeals.*

1. Appeals of decisions made under this section by the Department of Business and Economic Development or designees of the County Manager, other than contractual violations addressed in bid and contract documents, shall be made to the County Manager.

2. Decisions by the County Manager under this section shall be final unless the County Commission agrees in its sole discretion to review any such decision.

3. The County Manager shall designate procedures for the investigation, presentation and hearing of appeals.

(j) *County responsibilities.* The Department of Business and Economic Development (or other County department designated by the County Manager) shall subject to budgetary constraints:

1. Provide staff assistance to the Review Committee;

2. Compile and maintain the data necessary to make the appropriate determinations as to the certification and decertification of HBEs, and to make recommendations for the application of ethnic-conscious measures to a given contract;

3. Monitor all contracts for which program measures have been applied in terms of contractor and subcontractor compliance with the provisions of this section;

4. Provide assistance in technical and financial matters including: assistance in increasing the ability to compete effectively on contracts; conduct seminars on contract management; and assistance in identifying and solving problems on projects;

5. Review and investigate reports of noncompliance, and make the appropriate recommendations to the County Manager as to penalties to be invoked; and

6. Implement an outreach program to increase the number of certified HBEs;

7. Prepare and publish quarterly and annually in at least one (1) newspaper of general circulation in the Hispanic community:

a. A list of the names of all bidders awarded a contract with subcontractor goals, including the bidder's president or chief executive officer, the total dollar value of the contract, a brief description of the subject matter of the contract, the names of HBEs scheduled to participate on the contract, the dollar amount of the work awarded to such subcontractor HBEs, and any other relevant information;

b. A list of all certified HBEs awarded set-aside contracts or identified as subcontractors in contracts with subcontractor goals, or selected to meet a project goal, including the HBE's president or chief executive officer, the total dollar value of the contract or subcontract, the number of persons employed by the HBE categorized by race, national origin and gender, and any other relevant information; and

c. A list of the names of all bidders that significantly utilized HBEs in accordance with subsection (3)(c)3c, including the bidder's president or chief executive officer, the dollar value of the work demonstrating significant utilization, and any other relevant information.

8. Prepare an annual report for the Board of County Commissioners including but not limited to an itemization of the number and dollar amounts of contracts to which the provisions of the ordinance have been applied; the number of HBEs benefiting from the program measures, and the amount and value of contracts or subcontract work awarded to HBEs; the actual dollars expended by the County on contracts to which the provisions of the ordinance have been applied; and the percentage of the total number and amount of County contracts so affected. This annual report shall also include an assessment of the progress and related recommendations.

(k) *Program review.* The County Commission shall review the Hispanic Business Enterprise Program after receiving the annual report submitted by the Department of Business and Economic Development. In addition, within one (1) year of publication of the "Survey of Minority-Owned Business Enterprises" by the U.S. Department of Commerce Bureau of the Census or its equivalent, the County Commission shall determine whether to continue the ethnic-conscious measures authorized by this section. This review shall be based on materials presented by the County Manager, including the reports prepared by the Department of Business and Economic Development and such other information considered relevant.

(Ord. No. 94-95, § 2, 5-17-94; Ord. No. 95-179, § 1, 10-5-95; Ord. No. 02-226, § 1, 11-19-02)

Sec. 2-8.2.5. Aviation Department procurement.

Notwithstanding the provisions of Sections [2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR), [2-8.2.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.3WOBUENPR), and [2-8.2.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.4HIBUENPR), the County Manager or his designee is authorized to advertise any proposed contract to be administered by the Aviation Department without prior approval of the Board, upon the County Manager's recommendation of the contract measures applicable to such contract. The Board's approval of the award or its ratification of such contract shall constitute the Board's approval of such contract measures previously recommended by the County Manager.

(Ord. No. 95-64, § 1, 4-6-95)

Sec. 2-8.2.6. Reserved.

**Editor's note—**

Ordinance No. 08-92, adopted July 17, 2008, provided that §§ [2-8.2.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.6RE) and [2-8.2.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) had expired. Said ordinance further enacted a new [§ 2-8.2.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) as set out below. Former §§ [2-8.2.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.6RE) and [2-8.2.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) had pertained to expedited procedures for contracts related to projects funded by safe neighborhood parks bonds and/or the quality neighborhood initiative program and the county manager's authority as to contracts related to projects funded by safe neighborhood parks bonds and/or the quality neighborhood initiative program, respectively, and derived from Ord. No. 98-96, adopted July 7, 1998, as amended. The history of which can be found in the Code Comparative Table at the back of volume III of this Code of Ordinances.

Sec. 2-8.2.7. Economic stimulus ordinance.

(1) Policy: This section to be known as the "Economic Stimulus Ordinance," is intended to provide an expedited process to award certain contracts with the express purpose of stimulating the local economy.

(2) Scope: This section, and the expedited processes set forth herein, shall, to the extent permitted by law, be applicable to the processing, design, and construction of the capital improvement projects specifically identified by resolution of the Board of County Commissioners, capital projects funded in whole or in part through the American Recovery and Reinvestment Act ("ARRA") (the "Capital Stimulus Projects"). The Board of County Commissioners may from time to time, by subsequent resolution, add or delete projects from the list of Capital Stimulus Projects to which this Section applies. All Capital Stimulus Projects must have been approved as part of the Annual Proposed Resource Allocation and Multi-Year Capital Plan. This section shall also be applicable to contracts for the purchase of goods or services funded in whole or in part through ARRA (the "Economic Stimulus Purchases").

(3) All actions taken under this ordinance shall be subject to review by the Office of Strategic Business Management to ensure adequate funding for each project and that appropriate operational and maintenance funding is in place for the foreseeable future and review by the Office of Capital Improvements for Capital Stimulus Projects and the Department of Procurement Management for Economic Stimulus Purchases to ensure compliance with contract documents and all applicable resolutions, ordinances, and statutes.

(4) Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Mayor or his/her designee shall have the following authority with respect to contracts within the scope of this Section:

(a) To issue bid and proposal documents including addenda thereto;

(b) To receive, open and review bids and proposals;

(c) To appoint standing selection committee and negotiation committee members to obtain professional services in accordance with [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) of the Code of Miami-Dade County and Section 287.055 of the Florida Statutes, provided each such committee shall contain, whenever possible, representation from the user department;

(d) To award or reject bids for contracts including, but not limited to, professional service agreements, construction contracts and contracts for the purchase of goods and services and issue Notices to Proceed where:

1. For Capital Stimulus Projects the award value of the contract and operational considerations have been reviewed and approved by the Office of Strategic Business Management; and

2. For Capital Stimulus Projects the base value of a recommended award does not exceed the base estimate by more than ten (10) percent; and

3. The contractor, vendor or consulting firm receiving the award is in good standing with the County including, but not limited to: no outstanding debts; demonstrated acceptable past performance; and has submitted required insurance, bonds, affidavits and documentation provided for by the solicitation; and

4. None of the bidders have filed a timely bid protest; and

5. All awards are subject to ratification by the Board of County Commissioners at the next available meeting and contracts for Capital Stimulus Projects approved under this authority must contain a Termination for Convenience clause.

(e) For Capital Stimulus Projects negotiate and settle contractor claims, and issue change orders for additional work under contracts and amendments for professional services agreements where:

1. The change order or claim does not increase the contract amount, including contingencies; and

2. The contingency allowance established in accordance with [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(h) shall be utilized to ensure minimal disruption in work flow and shall be documented on the appropriate contingency authorization draw. Change orders shall be submitted to replenish the contingency account in a timely manner; and

3. The limitations provided in (4)(e)1 above shall not apply to any change order or amendment related to emergency actions impacting environmental remediation, public safety, health requirements or recovery from natural disaster.

(5) All actions taken by the Mayor or his/her designee under this Section shall not require review by any Committee, but shall be submitted to the next available Board of County Commissioners meeting for ratification. Awards that do not meet the requirements of subsection (4)(d) above shall not require Committee review but shall be submitted to the next available meeting of the Board of County Commissioners for approval. The authority delegated to the Mayor or the Mayor's designee pursuant to this Section shall be in addition and not in derogation to other delegations of authority set forth elsewhere in this Code.

(6) Special exemptions: This process shall be modified to ensure full conformance with any special provisions or review processes established by the Board. As such, any proposed County contract for a project included in the TIP approved by the MPO that is funded in whole or in part by proceeds of the Charter County Transit System Sales Surtax authorized by Article XVI of [Chapter 29](../level2/PTIIICOOR_CH29TA.docx#PTIIICOOR_CH29TA) of the County Code, the Mayor or his/her designee shall have the authority to advertise and issue bid or proposal documents for such contracts where the bid or proposal documents expressly provide that no award shall be effective and no contractual relationship shall arise with the County unless and until ratified by the County Commission and that ratification is approved by the Citizens' Independent Transportation Trust or reaffirmed by the County Commission as provided in subsection (e) of [Section 29-124](../level3/PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001.docx#PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR) of the County Code, and the authority to issue notices to proceed after award for such contracts shall be limited to those instances where the County Commission has ratified the award and the Citizens' Independent Transportation Trust has approved the Commission's action or, if the Trust disapproves such Commission action, the Commission has reaffirmed same as provided in subsection (e) of [Section 29-124](../level3/PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001.docx#PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR) of the County Code.

(7) This ordinance shall sunset July 1, 2013.

(Ord. No. 08-92, § 1, 7-17-08; Ord. No. 09-60, § 1, 6-30-09; Ord. No. R-11-49, § 1, 7-7-11)

**Editor's note—**

See the editor's note to [§ 2-8.2.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.6RE)

Sec. 2-8.2.7.01. Miscellaneous Construction Contracts Program.

(1) Policy: This ordinance, to be known as the Miscellaneous Construction Contracts Program ("MCC"), is intended to enhance the contracting opportunities of Community Small Business Enterprises ("CSBE") as defined in [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) and to facilitate and expedite the award of construction contracts to small businesses.

(2) Scope: This Section, and the processes set forth herein, shall be applicable to the prequalifying, registration, award and construction of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises.

(3) MCC participants shall be allowed to participate in two different contracting plans, with contracting procedures and specifications to be developed, maintained and amended by the Office of Capital Improvements ("OCI") specifically for these purposes, all in accordance with an Implementing Order ("IO") to be approved by the Board:

(a) *7040 Plan ("CSBE Rotational Set Aside Plan"):*

1. The Set Aside Plan shall be a 100 percent CSBE set aside. To qualify, participants must be certified by the Department of Small Business Development ("SBD") in their contracting trade.

2. OCI shall establish and administer a rotational pool to distribute work among program participants in an equitable manner through competitive bids. The pool shall be designed to effect the maximum distribution of work among qualified firms, established in accordance with the contractor's license and abilities to do the work, all in accordance with the provisions of the IO.

3. The SBD Review Committee shall establish an annual Community Workforce Program ("CWF") goal applicable to all contracts with construction costs of more than one hundred thousand dollars ($100,000.00).

(b) *7360 Plan ("Open Competitive Plan"):*

1. Bidders under this plan shall be prequalified prior to award in forms to be developed for this purpose by IO.

2. This plan shall be used whenever the funding source prohibits the use of CSBE set asides or when SBD determines that there is insufficient availability for a CSBE set aside within the 7040 Plan to accomplish the proposed work.

3. This plan shall provide contract award opportunities to CSBEs through subcontracting.

4. CWF goals shall be established for each award under the 7360 Plan by the Review Committee of the Department of Small Business Development.

(4) The MCC Program shall be subject to an Overall Program Expenditure Limit ("OPEL") which is to be set by the Board of County Commissioners by resolution. OCI shall be authorized to allocate the OPEL among the plans as necessary. Individual awards within the plans shall be subject to the dollar limitations set forth in [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b) of this Code. The first OPEL shall be the unexpended balance of the amount previously authorized by the Board by Resolution R-597-08.

(5) Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Mayor or Mayor's designee shall have the following authority with respect to the Miscellaneous Construction Contracts Program:

(a) To issue bid and proposal documents including addenda thereto;

(b) To receive, open and review bids and proposals;

(c) To make revisions to the MCC Contract and Program documents to address ambiguities and to make other clarifications as needed.

(d) To award or reject bids for construction contracts and issue the Notice to Proceed on each where:

1. Operational considerations, if applicable, have been reviewed and approved by the Office of Strategic Business Management; and

2. The base value of a recommended award does not exceed the dollar limitations set forth in [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b); and

3. The contractor receiving the award is a registered vendor who is licensed, properly insured and in good standing with the County including, but not limited to: no outstanding debts; demonstrated acceptable past performance; and has submitted required insurance, bonds, affidavits and documentation provided for by the solicitation; and

4. Participants have submitted a program participation application form.

(e) To negotiate and settle contractual disputes, and issue change orders for additional work: and

(f) To terminate contracts in accordance with the contract documents.

(6) All actions taken by the Mayor or Mayor's designee under this section shall not require review by the Board of County Commissioners. The Mayor or Mayor's designee shall submit to the Board, on a quarterly basis, reports on the contracting activities during the previous quarter. These reports shall include the number of awards, total dollars awarded and CSBE activity.

(7) Special Exemptions: This process shall be modified to ensure full conformance with any special provisions or review processes established by the Board. As such, any proposed County contract for a project that is funded in whole or in part by proceeds of the Charter County Transit System Sales Surtax shall be governed in accordance with the authority granted in [Section 29-124](../level3/PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001.docx#PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR) of the Code of Miami-Dade County. The County Mayor or Mayor's designee shall have the authority to advertise and issue bid or proposal documents for those contracts funded in whole or in part by proceeds of the Charter County Transit System Sales Surtax.

(Ord. No. 09-101, § 1, 11-3-09)

Sec. 2-8.2.8. County manager's authority as to contract relating to construction of Performing Arts Center of Greater Miami.

Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, the County Manager shall have the following authority related to the construction and development of the Performing Arts Center of Greater Miami:

(1) The County Manager may negotiate and settle contractor claims and issue change orders for additional work under the construction contract and any amendments thereto; as to the construction contract, change orders or amendments to such construction contract shall not exceed five hundred thousand dollars ($500,000.00) in dollar amount and shall not exceed fifteen (15) percent of the contract price in cumulative percentage amount; provided, however, that the foregoing limitation shall not apply to any change order or amendment related to environmental remediation or health requirements and the foregoing change orders and amendments shall require ratification by the Board; provided further that the County Manager may reduce in any amount the scope and compensation payable under the construction contract and grant compensable and noncompensable time extensions thereunder. Notwithstanding the foregoing, any change orders or amendments to the construction contract which exceed the total amount appropriated by the Board to the Performing Arts Center construction budget shall be approved by the Board.

(2) The County Manager may provide in the bid specifications and contract documents that the contract time may be extended and that liquidated damages for failure to comply therewith may be waived before or after the specified date for completion of the contract.

(3) All actions taken by the County Manager under this Section shall not require review by any Committee of the Board, but the County Manager shall submit to the Board for ratification all contracts and amendments thereto executed by the County Manager.

(4) The County Manager may delegate authority for execution by the Director of the Performing Arts Center Management Office or his immediate designee of actions and authorizations permitted hereunder.

(Ord. No. 00-12, § 2, 1-25-2000)

Sec. 2-8.2.9. Procurement by Port of Miami Crane Management, Inc.

Notwithstanding and prevailing over any other provisions of the Code of Miami-Dade County to the contrary, no County procurement provisions including but not limited to Sections [2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR), [2-8.2.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.3WOBUENPR) (WBE), [2-8.2.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.4HIBUENPR) (HBE), [2-8.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.3MARE), [2-8.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR), [2-8.5](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO), Art. II of [Ch. 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO), [10-33.01](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.01APAR) and [10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) (WBE) shall apply to any procurement conducted by Port of Miami Crane Management, Inc., a Florida not-for-profit corporation incorporated by the County as a separate legal entity for the purpose of managing the maintenance of the County's seaport gantry cranes and other cargo handling equipment. The provisions of Administrative Order 3-2, 3-4 and 3-16 are hereby waived as to all procurement conducted by Port of Miami Crane Management, Inc.

(Ord. No. 01-42, § 1, 3-8-01)

Sec. 2-8.2.10. Procurement policy as to contracts related to projects funded in whole or in part by Building Better Communities General Obligation Bond Program Funds.

(1) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida, to the contrary, as to contracts related to projects constructed by any municipality and funded in whole or in part by Building Better Communities General Obligation Bond Program funds, municipalities shall use their own procurement procedures, including bid waivers where permitted by municipal ordinance; provided, however, if a project funded in whole or in part by Building Better Communities General Obligation Bond Program funds is constructed by any municipality on behalf of the County, the provisions of Sections [9-71](../level3/PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR.docx#PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR_S9-71TI) through [9-75](../level3/PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR.docx#PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR_S9-75MESTCO), [Section 2-10.4.01](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4.01COBUENPRARLAARENSUMAPRSE) and [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR), respectively, shall apply to such project. The foregoing notwithstanding, a municipality which elects to apply its own sustainable building program to a project shall not be required to apply the provisions of Sections [9-71](../level3/PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR.docx#PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR_S9-71TI) through [9-75](../level3/PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR.docx#PTIIICOOR_CH9STCOCOBUROBRCA_ARTIIISUBUPR_S9-75MESTCO) to that project.

(2) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, as to contracts related to projects funded in whole or in part by grants to not-for-profit organizations of Building Better Communities General Obligation Bond Program funds (provided such projects are not for facilities owned by the County or operated by the not-for-profit organization on behalf of the County), not-for-profit organizations shall use their own procurement procedures, including bid waivers.

(3) All applicable provisions of the Miami-Dade County Code shall continue to apply to all contracts related to not-for-profit projects funded in whole or in part by Building Better Communities General Obligation Bond Program funds where the County owns the facility or the not-for-profit organization operates the facility on behalf of the County. By exception, a not-for-profit organization may for a specified project seek an exemption from the application of any of these requirements in advance of procuring the required goods or services. The Commission, upon the written recommendation of the County Manager, may by a two-thirds (2/3) vote of the members present, grant such an exemption when it finds it to be in the best interest of the County.

(Ord. No. 06-88, § 1, 6-6-06; Ord. No. 07-77, § 1, 6-5-07; Ord. No. 07-140, § 1, 10-2-07; Ord. No. 07-141, § 1, 10-2-07)

Sec. 2-8.2.11. Water and Sewer Department Contracting Authority.

(1) *Intent.* This ordinance grants the Mayor or his designee authority to accelerate the processing and procurement of contracts and agreements related to design and construction of the improvements on Exhibits A and B attached to the ordinance from which this Section derives. Copies of Exhibits A and B are attached in their entirety and incorporated herein by reference.

(2) *Authority of the County Mayor With Respect to Specified Projects.* Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Mayor or his designee shall have the authority to take the following actions with respect to the projects specified in [Section 2-8.2.11](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.11WASEDECOAU)(1), and for which the appropriate contract measures as provided in Sections [10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR)(3)(b)(6) and [10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR)(3)(b)(7)(c) have been applied:

(a) Competitive solicitation of capital improvements contracts, including the ability to:

1. Approve Request to Advertise construction contracts or solicitations for professional services with applicable measures subject to ratification by the Board of County Commissioners.

2. Issue bid and proposal documents including addenda thereto;

3. Receive, open and review bids and proposals;

4. Appoint selection committee and negotiation committee members for professional services in accordance with Florida Statute 287.055.

5. Recommend award or rejection of bids or proposals, including professional service agreements and construction contracts.

(b) The Mayor or his designee shall be entitled to exercise all provisions of all contracts awarded pursuant to this ordinance. The County Mayor or his designee may, if specified in the bid specifications and contract document, negotiate and settle contractor claims, waive liquidated damages, extend contract time, and issue change orders for additional work under contracts and amendments for professional services agreements; as to any specific contract or agreement, change orders or amendments thereto shall not exceed $500,000 in cumulative dollar amount and shall not exceed 15 percent of the contract price in cumulative percentage amount; provided however, that the foregoing limitation shall not apply to any change order or amendment related to environmental remediation or health requirements and the foregoing change orders and amendments shall require ratification by the Board; provided further that the County Mayor or his designee may reduce in any amount the scope and compensation payable under any contract and grant compensable and non-compensable time extensions thereunder.

(c) All actions executed by the Mayor or his designee pursuant to subsections [2-8.2.11](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.11WASEDECOAU)(a) and (b) shall be submitted to the next meeting of the Governmental Operations and Environment Committee and shall be waived to the agenda of the next scheduled Board of County Commissioners meeting for ratification. However, no ratification is required of an action executed by the Mayor or his designee which involves waiving liquidated damages as a result of rescheduling contract activities or internal milestones provided neither the total contract time inclusive of time allowances nor the total contract amount inclusive of contingency allowances is exceeded. Any such action shall be included in a report submitted to the Board of County Commissioners on a quarterly basis.

(3) *Authority to Award.* The Mayor or Mayor's designee shall not have the authority to award contracts pursuant to this section, and all awards of such contracts shall be made by the Board of County Commissioners. Any contract recommended for award under this Chapter shall be heard by the committee to which it is assigned by the Chairperson of the Board of County Commissioners. If the contract recommended for award is recommended favorably by the committee, recommended favorably with committee amendment or forwarded without recommendation or if the chair of the committee to which the item has been assigned requests waiver of the item to the Board of County Commissioners before the item has been considered by committee, it shall be placed on the agenda of the next regular meeting of the Board of County Commissioners and shall not be subject to Rule [5.05](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.05DEPE)(c) (the "4-Day Rule").

(Ord. No. 07-108, § 1, 7-24-07; Ord. No. 08-132, § 1, 12-2-08; Ord. No. 13-30, § 1, 4-2-13)

Sec. 2-8.3. Manager's recommendation.

Whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than ten (10) days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Manager that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract. Those contracts covered by [Section 2-8.2.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) for which no timely protest is filed, the County Manager's recommendation may be awarded by the County Manager in accordance with his recommendation. The Commission, by two-thirds (2/3) vote of the members present, may waive the requirements of this section. The foregoing notwithstanding, the requirements of this section shall not apply to contracts or purchases which the County Manager has the delegated authority to award under [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b) of this Code.

(Ord. No. 94-26, § 1, 2-1-93; Ord. No. 94-72, § 1, 5-5-94; Ord. No. 95-66, § 1, 4-18-95; Ord. No. 95-201, § 2, 11-7-95; Ord. No. 98-197, § 1, 12-15-98; Ord. No. 02-37, § 1, 2-26-02; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 07-138, § 1, 10-2-07; Ord. No. 07-142, § 1, 10-2-07)

Sec. 2-8.4. Protest procedures.

This section shall govern any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services (including professional or management services other than professional services whose acquisition procedure is governed by the Consultant's Competitive Negotiation Act, F.S. Section 287.055 et seq.), or to lease any county property.

The foregoing notwithstanding, the protest procedures contained in this section shall not apply to contracts and purchases which the County Manager has the delegated authority to award under [Section 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b) of this Code, and protests thereon shall be governed by procedures established by administrative order approved by the Board of County Commissioners.

A protest hereunder may not challenge the relative weight of the evaluation criteria or the formula specified for assigning points therefor contained in bid, request for proposals ("RFP") or request for qualifications ("RFQ") specifications which have been approved by the Commission.

(a) Responsiveness. Prior to this Board or any committee thereof hearing any protests relating to a competitive bid, request for proposal or request for qualifications, the County Manager shall request the County Attorney to certify whether the bid or proposal in question is responsive. Upon receiving such request, the County Attorney shall, in consultation with the County Manager if necessary, determine whether the bid or proposal is responsive. This Board and any committee thereof shall be bound by the determination of the County Attorney with regard to the issue of responsiveness.

(b) A written intent to protest shall be filed with the Clerk of the Board and mailed to all participants in the competitive process and to the County Attorney within three (3) working days of the filing of the Manager's recommendation. For purposes of calculating this period, the day of filing of the County Manager's recommendation with the Clerk shall not be counted. Such written intent to protest shall state the particular grounds on which it is based and shall be accompanied by a filing fee. The protester shall then file all pertinent documents and supporting evidence with the Clerk of the Board and mail copies to all participants in the competitive process and to the County Attorney within three (3) working days after the filing of a written intent to protest. No bid protest shall be accepted unless it complies with the requirements of this Section. Notwithstanding the above, in the event that a public records request is made within the first three days of the above referenced period, a protester may utilize any public records obtained as evidence or additional grounds for protest, provided that, a) the protester met all the deadlines set forth above, and, b) a supplementary filing is made with the Clerk of the Board within 48 hours of receipt of the records responsive to the request.

(c) Protests filed in accordance herewith shall be referred to a hearing examiner. A hearing examiner shall be appointed not later than five (5) working days following the filing of a bid protest. The hearing examiner shall conduct a hearing in connection with the bid protest which shall be completed within ten (10) working days following his or her appointment. The hearing examiner shall, within five (5) working days of the hearing, file written findings and recommendations with the Clerk of the Board and shall submit or mail a copy of same to all participants in the competitive process and to the County Attorney. The hearing examiner may extend the deadline for completion of the hearing upon written petition for good cause shown, but such extension shall not exceed an additional five working (5) days. The hearing examiner shall consider the written protest and supporting documents and evidence appended thereto, the County Manager's recommendation, and supporting documentation, and all evidence presented at the hearing. The hearing examiner may also require written summaries, proffers, affidavits and other documents the hearing examiner determines to be necessary in order to conclude the hearing and issue the report and recommendation within the time limits set forth in this ordinance. The hearing examiner shall be entitled to rely on evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, whether or not such evidence would be admissible in a trial in the courts of Florida.

(d) The hearing examiner shall allow a maximum of two hours for the protester's presentation of its protest and a maximum of two hours for the County's response to each protest. In the event of multiple protests, the hearing examiner shall allocate the time as necessary to ensure that the hearing shall not exceed one day.

(e) The County Manager shall prepare an administrative order, to be approved by this Commission, amending Administrative Order No. 3-21 and setting forth a fee schedule for filing of bid protests. The fee shall be in the amount necessary to defray the cost of the bid protest process established in this Section. The administrative order shall also establish the amount of compensation to be paid the hearing examiner, and shall provide for a prorated reduction of that compensation in the event the hearing examiner fails to abide by the time limitations set forth in [Section 2-8.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR)(c) above.

(f) Hearing examiners shall be selected from a panel of retired judges who have served ten (10) or more years as Circuit Judges in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Hearing examiners may be selected from alternate sources where the County Attorney recommends in writing that such action is necessary to achieve greater diversity.

(g) The hearing examiner's findings and recommendation shall be presented to the Commission together with the recommendation of the County Manager. Notice thereof shall be mailed to all participants in the competitive process at least five (5) days in advance of such presentation. Notwithstanding any other provision of this Code or any prior resolution, the matter shall be heard by the Commission without prior presentation to any committee. The matter shall be resolved on the basis of the record before the hearing examiner and no evidence or issue which was not presented or raised at such hearing shall be considered. Presentations to the Commission by any participant in the competitive process or their representatives if authorized by subsection (h) below shall be limited to ten (10) minutes per side. The foregoing time limitation shall be inclusive of all speakers addressing the Commission on behalf of each side.

(h) If the hearing examiner concurs in the County Manager's recommendation, a two-thirds (2/3) vote of the Commission members present shall be required to take other than the recommended action. Provided however, a two-thirds (2/3) vote shall not be required to reject all bids. If the hearing examiner concurs in the County Manager's recommendation, the Commission shall not allow presentations by any participants in the competitive process or their representatives at the time the matter is presented to the Commission. If the hearing examiner does not concur in the County Manager's recommendation, the participants in the competitive process and their representatives may make presentations to the Commission and the Commission shall decide the matter by majority vote.

(i) The County Manager may provide different time periods for the taking of any actions required hereunder when the interest of the County so requires by including appropriate language in the specifications or addenda thereto.

(j) The foregoing notwithstanding, the Commission, by two-thirds (2/3) vote of the members present, may waive the requirements of this section and entertain a bid protest, upon written recommendation of the County Manager.

(Ord. No. 93-135, § 2, 12-14-93; Ord. No. 94-26, § 1, 2-1-94; Ord. No. 95-22, § 1, 2-7-95; Ord. No. 95-126, § 1, 7-11-95; Ord. No. 95-201, § 2, 11-7-95; Ord. No. 99-146, § 1, 10-19-99; Ord. No. 00-86, § 1, 7-6-00; Ord. No. 01-68, § 1, 4-10-01; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 06-124, § 1, 9-12-06)

Sec. 2-8.4.1. Penalties for contractors attempting to meet contractual obligations with the county through fraud, misrepresentation or material misstatement.

(a) The county manager shall include language in the specifications for every county contract which provides that whenever any individual or corporation or other entity attempts to meet its contractual obligations with the county through fraud, misrepresentation or material misstatement, the county shall, whenever practicable, terminate the contract. Such specifications shall in addition, and as a further sanction, provide that the county may terminate or cancel any other contracts which such individual or other entity has with the county and that such individual or entity shall be responsible for all direct and indirect costs associated with such termination or cancellation, including attorney's fees.

(b) The foregoing notwithstanding, any individual or entity who attempts to meet its contractual obligations with the county through fraud, misrepresentation or material misstatement may be disbarred from county contracting for up to five (5) years. The procedure for such debarment shall be as provided in subsection c of Section VI of Administrative Order 3-2.

(Ord. No. 93-137, § 1, 12-14-93)

**Editor's note—**

Provisions enacted by Ord. No. 93-137 on Dec. 14, 1993 and designated as [§ 2-8.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR) has been redesignated at the discretion of the editor as [2-8.4.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4.1PECOATMECOOBCOTHFRMIMAMI) to avoid duplicative section numbering.

Sec. 2-8.5. Procedure to provide preference to local business in county contracts.

(1) *Definitions.*

(a) *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited, to pest control, janitorial, laundry, catering, security, lawn maintenance and maintenance of equipment.

(b) *Goods* includes, but is not limited to, supplies, equipment, materials and printed matter.

(c) *Local business* means the vendor has a valid business tax receipt issued by Miami-Dade County at least one year prior to bid or proposal submission, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business. Firms who provide goods or services which are exempt from Miami-Dade Business Tax Receipt requirements shall be required to submit documentation, to the County's satisfaction, demonstrating the physical business presence of the firm within the limits of Miami-Dade County for at least one year prior to bid or proposal submission. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. A vendor who misrepresents the status of its firm under this Section in a proposal or bid submitted to the County will lose the privilege to claim any preference under this Section for a period of up to one year. The County Mayor, in his discretion, may also recommend that the firm be referred for debarment in accordance with [Section 2-8.4.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4.1PECOATMECOOBCOTHFRMIMAMI) of the Code of Miami-Dade County.

(d) *Locally Headquartered Business* means a Local Business as defined in this Section which has a Principal Place of Business in Miami-Dade County.

(e) *Principal Place of Business* means the nerve center or the center of overall direction, control, and coordination of the activities of the bidder. If the bidder has only one business location, such business location shall be its principal place of business.

(f) *Professional services* includes any services where the County is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

(2) *Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive bid, request for proposals, qualifications or other submittals and competitive negotiation and selection.* Except where federal or state law, or any other funding source, mandates to the contrary, Miami-Dade County and its agencies and instrumentalities, including the Public Health Trust, [shall give] preference to local businesses in the following manner:

(a) *Competitive bid.* In any competitive bid process where award, if any, is to be made to the responsive and responsible bidder offering the lowest bid (the "Low Bidder" and "Low Bid" respectively), the following shall apply:

1. If the Low Bidder is not a Local Business, then any and all responsive and responsible Local Businesses submitting a price within ten percent of the Low Bid, the Low Bidder, and any and all responsive and responsible Locally Headquartered Businesses submitting a price within fifteen percent of the Low Bid, shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

2. If the Low Bidder is a Local Business which is not a Locally Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within five percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

3. Award, if any, shall be made to the responsive and responsible bidder offering the lowest best and final bid.

4. Ties in best and final bid shall be resolved in the following order of priority: Locally Headquartered Business, Local Business, other business.

5. If no best and final bid is required in accordance with the provisions above, award, if any, shall be made to the Low Bidder.

In revenue producing contracts, where award, if any, is to be made to the bidder returning the highest amount to the County, the same preferences set forth above shall be applied by reference to the highest bid.

(b) *Request for proposals, qualifications or other qualitative submittals and competitive negotiation and selection.* If, following the completion of final rankings (technical and price combined, if applicable) by the selection committee, a non-local business is the highest ranked proposer, and the ranking of a local proposer is within five percent of the ranking obtained by the non-local proposer, then the highest ranked local proposer shall have the opportunity to proceed to negotiations or advance to the next step in the solicitation process with the County under the applicable sections of this Code.

(c) *Professional services procured pursuant to Section 287.055, Florida Statutes.* The application of local preference to professional services procured pursuant to Section 287.055, Florida Statutes shall be in accordance with the process outlined in [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) of the Code of Miami-Dade County.

If following the application of the rules above, a tie occurs between two (2) or more local businesses, then contract award on the basis of best and final bids (paragraph (a) above), or the opportunity to proceed to negotiations or advance to the next step in the solicitation process (paragraph (b) above), shall be made to such local business having the greatest number of its employees that are Miami-Dade County residents.

(3) *Waiver of the application of local preference.* The application of Local Preference to a particular purchase or contract for which the Board of County Commissioners is the awarding authority may be waived upon approval of the Board of County Commissioners. The application of Local Preference to a particular purchase or contract for which the County Mayor is the awarding authority may be waived upon written recommendation of the Director of Procurement Management or successor and approval of the County Mayor.

(4) *Reserved.*

(5) *Comparison of qualifications.* The preferences established herein in no way prohibit the right of the Board of County Commissioners to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the right of the County Commission from giving any other preference permitted by law instead of the preferences granted herein.

(6) *Reciprocity.* In the event Broward, Palm Beach or Monroe County extends preferences to local businesses, Miami-Dade County may enter into an interlocal agreement with such County wherein the preferences of this section may be extended and made available to vendors that have a valid occupational license issued by Broward, Palm Beach or Monroe County to do business in that County that authorizes the vendor to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of that County. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Broward, Palm Beach or Monroe County, whichever is applicable, in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to that County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. In no event shall the amount of the preference accorded Broward, Palm Beach or Monroe County firms exceed the amount of preference that such County extends to Miami-Dade County firms competing for its contracts.

(7) *Exemption of certain contracts.* The provisions of this section shall not apply, and no local preference shall be accorded hereunder, to prime County or Public Health Trust construction contracts whose estimated cost is five million dollars ($5,000,000.00) or less which have been set aside for competition solely for CSBEs (Community Small Business Enterprises) under [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) of this Code.

(8) *Implementation by certain County agencies*. Miami-Dade County agencies and instrumentalities with the independent power to contract, such as the Public Health Trust, shall adopt rules and procedures implementing this Section. For the purposes of such rules and procedures, where this section provides the Board of County Commissioners with implementing authority, the Board of Trustees shall exercise such authority, and where this section provides the County Mayor with authority, the President or Executive Director shall exercise such authority.

(Ord. No. 94-166, § 1, 9-13-94; Ord. No. 94-196, § 1, 11-1-94; Ord. No. 95-65, § 1, 4-18-95; Ord. No. 96-26, § 1, 1-16-96; Ord. No. 97-52, § 2, 5-20-97; Ord. No. 01-21, § 1, 1-23-01; Ord. No. 01-158, § 1, 9-25-01; Ord. No. 02-38, § 2, 2-26-02; Ord. No. 04-27, § 1, 2-3-04; Ord. No. 04-190, § 1, 10-19-04; Ord. No. 06-61, § 1, 5-9-06; Ord. No. 12-67, § 1, 9-6-12)

**Editor's note—**

Ord. No. 94-166, adopted Sept. 13, 1994, added provisions designated as [§ 2-8.5](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO), which replace former [§ 2-8.5](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO), which pertained to similar subject matter, and which derived from Ord. No. 92-22, §§ 1—6, adopted April 7, 1992 and Ord. No. 92-77, § 1, enacted July 21, 1992.

**Cross reference—** Certain provisions not applicable to DEFGH program, § 1-7.

Sec. 2-8.5.1. Procedure to Provide Preference to Local Certified Service-Disabled Veteran Business Enterprises in County Contracts.

(1) Definition: "Local Certified Service Disabled Veteran Business Enterprise" is a firm that is (a) a local business pursuant to Section 2.8.5 of the Code of Miami-Dade County and (b) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a service-disabled veteran business enterprise pursuant to Section 295.187 of the Florida Statutes.

(2) A Local Certified Service-Disabled Veteran Business Enterprise that submits a bid for a contract shall receive a bid preference of five percent of the price bid. These preferences will only be used for evaluating and awarding the bids and shall not affect the contract price. However, if a Local Certified Service-Disabled Veteran Business Enterprise is the lowest bidder as a result of a Best and Final Bid (also known as a BAFO), then the price submitted as part of the Best and Final Bid shall be the contract price.

(3) A Local Certified Service-Disabled Veteran Business Enterprise that submits a proposal in response to an RFP, RFQ, RFI or a Notice to Professional Consultants that assigns weights to evaluation and selection criteria shall receive an additional five percent of the evaluation points scored on the technical portion of such bidder's proposal.

(4) In procurements where SBE (Small Business Enterprises) measures are being applied, a Local Certified Service-Disabled Veteran Business Enterprise who is also an SBE shall not receive the veteran preferences provided in this section and shall be limited to any applicable SBE preferences.

(5) At the time of bid or proposal submission, the firm must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit this affirmation and a copy of the actual certification along with the bid or proposal submission.

(6) In the event that Broward, Palm Beach or Monroe County extend preferences to Local Certified Service-Disabled Veteran Business Enterprises, Miami-Dade County may enter into an inter-local agreement with such County wherein the preferences of this section may be extended and made available to vendors that are both Certified Service-Disabled Veteran Business Enterprises and considered local vendors in those counties pursuant to [Section 2-8.5](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO) of the Code of Miami-Dade County. Nothing in this ordinance is meant to limit any preferences otherwise available to local businesses pursuant to the Code.

(Ord. No. 09-68, § 1, 9-1-09)

Sec. 2-8.6. Funding of, or County contracts with individuals or entities convicted of a felony during past ten years.

Any individual who has been convicted of a felony during the past ten (10) years and any corporation, partnership, joint venture or other legal entity having an officer, director or executive who has been convicted of a felony during the past ten (10) years shall disclose this information at the time of bid or proposal submission. Nothing herein shall be interpreted to affect County employment. Failure to disclose such conviction may result in debarment for those persons or entities who knowingly fail to make the required disclosure or falsify information.

(Ord. No. 94-34, § 1, 3-3-94; Ord. No. 00-30, § 2, 2-24-00)

**Editor's note—**

Ord. No. 94-34, adopted March 3, 1994, amended the Code by the addition of provisions which have been codified herein at the discretion of the editor as [§ 2-8.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.6FUCOCOINENCOFEDUPATEYE)

Sec. 2-8.6.5. Purchase, sale, lease of real property.

(1) *Definitions.* As used in this section:

(a) The term "Principal" means an owner, officer, or director. By exception, the term Principal shall not include the shareholders of a publicly traded corporation.

(b) The term "Tenant" means an individual, corporation, partnership, joint venture, or other legal entity, including both for-profit and not-for-profit entities.

(2) *Documenting ownership interest.*

(a) Prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property.

(b) Failure by any party to comply with the requirements of subsection (2)(a) hereof shall render the entire agreement to purchase, sale or lease voidable.

(3) *Criminal background checks of certain proposed Tenants.*

(a) Prior to the County entering into a nonresidential lease of County-owned property with a proposed Tenant where the property is to be used by the proposed Tenant as a facility for, or to provide programs and services to, children and/or developmentally disabled individuals, the County Mayor or Mayor's designee shall perform a national criminal background check of the proposed Tenant, of its Principals, and of any spouses, parents and children of the proposed Tenant and its Principals that will be working at the nonresidential County-owned property to be leased. The cost of the criminal background check(s) performed by the County shall be the responsibility of the proposed Tenant and payment for the cost of the criminal background checks shall be made by the proposed Tenant to Miami-Dade County prior to the County incurring the cost thereof.

(b) Together with any recommendation to approve a nonresidential lease of County-owned property to be used as a facility for, or to provide programs and services to, children and/or developmentally disabled individuals, the County Mayor shall report to the Board of County Commissioners any instance where the criminal background check required by subsection (3)(a) hereof revealed information which may adversely affect a finding of Tenant responsibility.

(Ord. No. 00-4, §§ 1, 2, 1-25-00; Ord. No. 12-53, § 1, 7-3-12)

Sec. 2-8.7. Additional information required from bidders or proposers seeking to demonstrate that joint venturer DBEs, BBEs, HBEs, WBEs, CBEs, CSBEs or small or local businesses will perform a commercially useful function in the work of a County contract.

Notwithstanding any other provision of this Code, whenever: i) a DBE contract goal; ii) a BBE, HBE, WBE, CBE or CSBE measure (other than a set-aside); or, iii) a small or local business participation requirement is applied to the bid or competitive process for award of a County contract, the County Manager shall include language in the specifications therefor requiring a bidder or proposer who seeks to meet such goal or measure by means of a joint venture in which a DBE, BBE, HBE, WBE, CBE, CSBE or small or local business is a joint venturer to submit a copy of the written joint venture agreement with the bid or proposal submission. The joint venture agreement shall specify the role of the DBE, BBE, HBE, WBE, CBE, CSBE or small or local business joint venturer and its principals in the overall ownership, control, management responsibilities, risks and profits of the joint venture. The joint venture agreement shall also specify a clearly defined portion of the contract work which the DBE, BBE, HBE, WBE, CBE, CSBE or small or local business joint venturer will be responsible to perform and the extent of time to be devoted by and personal involvement of the principals of such joint venturer therein. The foregoing information shall be considered in determining whether the DBE, BBE, HBE, WBE, CBE, CSBE or small or local business joint venturer will perform a commercially useful function in the work of the contract.

(Ord. No. 03-04, § 1, 1-23-03)

**Editor's note—**

Ord. No. 03-04, § 1, adopted Jan. 23, 2003, did not specifically amend the Code. Hence, its inclusion herein as [section 2-8.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.7ADINREBIPRSEDEJOVEDBBBHBWBCBCSSMLOBUWIPECOUSFUWOCOCO) was at the discretion of the editor.

Sec. 2-8.8. Fair subcontracting practices.

(1) *Policy.* It is the policy of this County to promote diversity in the use of Subcontractors on Miami-Dade County projects and to allow opportunities for subcontracting to as many qualified Subcontractors as possible.

(2) *Definitions.* As used in this section:

(a) The term *bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

(b) The term *contract* means an agreement proposed by County or Public Health Trust staff, or approved by the County Commission or Public Health Trust in any of the following classes:

(1) Procurement of goods and services not included in the classes 2, 3 and 4 below;

(2) Construction of a public improvement;

(3) Professional services subject to Section 287.055, Florida Statutes, and Section 2-10.4 of the Code of Miami-Dade County; or

(4) Other professional services including but not limited to accounting, legal, health care, consulting and management services.

(5) Contract does not mean an agreement to purchase, lease or rent real property; grant licenses, permits or franchises; operate concessions; or make grants.

(d) The term *local* means having headquarters located in Miami-Dade County or having a place of business located in Miami-Dade County from which the contract or subcontract will be performed.

(e) The term *subcontract* means an agreement between a bidder and a subcontractor to perform a portion of a contract.

(f) The term *Subcontractor* means a business independent of a bidder which may agree with the bidder to perform a portion of a contract.

(3) *Standards for awarding subcontracts.* The County encourages bidders to adopt policies and procedures which

(a) Notify the broadest number of local Subcontractors of the opportunity to be awarded a subcontract;

(b) Invite local Subcontractors to submit bids in a practical, expedient way;

(c) Provide local Subcontractors access to information necessary to prepare and formulate a subcontracting bid;

(d) Allow local Subcontractors to meet with appropriate personnel of the bidder to discuss the bidder's requirements; and

(e) Award subcontracts based on full and complete consideration of all submitted proposals and in accordance with the bidder's stated objectives.

(4) *Reporting of subcontracting policies procedures and payments.* For all contracts in which a bidder may use a Subcontractor, prior to contract award, the bidder shall provide a detailed statement of its policies and procedures for awarding subcontracts. Failure to provide the required statement shall preclude the bidder from receiving the contract. As a condition of final payment under a contract, the contractor shall identify all subcontractors used in the work, the amount of each subcontract, and the amount paid and to be paid to each subcontractor. In the event that the contractor intends to pay less than the subcontract amount, the contractor shall deliver to the County a statement explaining the discrepancy or any disputed amount. The County Mayor or Mayor's designee shall include language in the specifications of applicable County contracts to give effect to the intent of this section.

(Ord. No. 97-35, § 1, 5-6-97; Ord. No. 98-31, § 1, 2-19-98; Ord. No. 98-124, § 1, 9-3-98; Ord. No. 98-159, §§ 1, 2, 11-5-98; Ord. No. 02-121, §§ 1, 2, 7-9-02; Ord. No. 11-90, § 3, 11-15-11)

Sec. 2-8.9. Living Wage Ordinance for County service contracts and County employees.

*Definitions.*

(A) *Applicable department* means the County department using the service contract.

(B) *County* means the government of Miami-Dade County or the Public Health Trust.

(C) *Covered employee* means anyone employed by any Service Contractor, as further defined in this Chapter either full or part time, as an employee with or without benefits that is involved in providing service pursuant to the Service Contractor's contract with the County.

(D) *Covered employer* means any and all service contractors and subcontractors of service contractors.

(E) *Service contractor* is any individual, business entity, corporation (whether for profit or not for profit), partnership, limited liability company, joint venture, or similar business that is conducting business in Miami-Dade County or any immediately adjoining county and meets the following criteria:

(1) The service contractor is paid in whole or part from one (1) or more of the County's general fund, capital project funds, special revenue funds, or any other funds either directly or indirectly, whether by competitive bid process, informal bids, requests for proposals, some form of solicitation, negotiation, or agreement, or any other decision to enter into a contract;

(2) The service contractor is engaged in the business of, or part of, a contract to provide, a subcontractor to provide, or similarly situated to provide, covered services, either directly or indirectly for the benefit of the County; or

(3) The service contractor is a General Aeronautical Service Permittee (GASP) or otherwise provides any of the Covered Services as defined herein at any Miami-Dade County Aviation Department facility including Miami International Airport pursuant to a permit, lease agreement or otherwise.

(F) *Covered services* are any one (1) of the following:

(1) *County service contracts.* Contracts awarded by the County that involve a total contract value of over one hundred thousand dollars ($100,000.00) per year for the following services:

(i) Food preparation and/or distribution;

(ii) Security services;

(iii) Routine maintenance services such as custodial, cleaning, refuse removal, repair, refinishing, and recycling;

(iv) Clerical or other non-supervisory office work, whether temporary or permanent;

(v) Transportation and parking services including airport and seaport services;

(vi) Printing and reproduction services; and,

(vii) Landscaping, lawn, and/or agricultural services.

(2) *Service Contractors at Aviation Department Facilities.* Any service that is provided by a Service Contractor at a Miami-Dade County Aviation Department Facility is a covered service without reference to any contract value:

(A) Ramp Service: Guiding aircraft in and out of Airport; aircraft loading and unloading positions, designated by the Aviation Department; placing in position and operating passenger, baggage and cargo loading and unloading devices, as required for the safe and efficient loading and unloading of passengers, baggage and cargo to and from aircraft; performing such loading and unloading; providing aircraft utility services, such as air start and cabin air; fueling; catering; towing aircraft; cleaning of aircraft; delivering cargo, baggage and mail to and from aircraft to and from locations at any Miami-Dade County Aviation Department facility; and providing such other ramp services approved in writing by the Aviation Department;

(B) Porter Assistance Services: Handling and transportation through the use of porters, or other means, of baggage and other articles of the passengers of contracting air carriers or aircraft operators, upon request of the passenger, in public access areas of the Airport Terminal Complex. The Living Wage shall not apply to employees performing tiprelated porter assistance services, including curbside check-in;

(C) Passenger Services: Preparing such clearance documents for the baggage and cargo of aircraft passengers, as may be required by all governmental agencies; furnishing linguists for the assistance of foreign-speaking passengers; passenger information assistance; arranging in-flight meals for departing aircraft with persons or companies authorized by the Department to provide such meals; and providing assistance to handicapped passengers;

(D) Dispatching and Communications Services: Providing ground to aircraft radio communication service; issuing flight clearances; sending and receiving standard arrival, departure and flight plan messages with appropriate distribution of received messages; providing standby radio flight watch for aircraft in flight; and calculation of fuel loads and take-off and landing weights for aircraft;

(E) Meteorological Navigation Services: Providing information based on the analysis and interpretation of weather charts; planning aircraft flights in accordance with the latest accepted techniques; providing appropriate prognostic weather charts; and generally providing information appropriate for enroute aerial navigation;

(F) Ticket Counter and Operations Space Service: The operation of ticket counter and airlines' operations space; ticket checking, sales and processing; weighing of baggage; operation of an information, general traffic operations and communications office for air carriers and aircraft operators with whom the Service Contractor has contracted to supply such services;

(G) Janitorial Services;

(H) Delayed Baggage Services;

(I) Security Services unless provided by federal government or pursuant to a federal government contract; and,

(J) Any other type of service that a GASP permittee is authorized to perform at any Miami-Dade County Aviation Department Facility will be considered a Covered Service, regardless of whether the service is performed by a GASP permittee or other Service Contractor.

(K) In-warehouse cargo handling.

(3) *Services performed by county employees.* Should any services that are being performed by County employees at the time the ordinance from which this section derives was enacted be solicited in the future by the County to be performed by a service contractor, such services shall be covered services subject to this section regardless of the value of the contract.

*Living Wage.*

(A) *Living wage paid.*

(1) *Service contractors.* All service contractors as defined by this Chapter, performing covered services shall pay to all of its employees providing covered services, the current Living Wage rate, applicable to the time when the covered service is performed as that rate is adjusted each fiscal year in the manner provided for herein for the adjustment of the Living Wage rate.

(2) *County employees.* For County employees under the County pay plan, the County will begin to pay a living wage consistent with the goals of this section on a phase-in basis beginning in the 2000-2001 County budget year increasing on an annual basis incrementally so that the living wage is fully implemented for County employees in the 2002-2003 County budget year as adjusted for inflation pursuant to Subsection (C) below. Thereafter, the Living Wage to be paid by the County to its employees shall not be subject to the annual indexing required under Subsection (C) below and instead is subject to negotiation within the collective bargaining structure.

(B) *Health Benefit Plan.*

(1) For a covered employer or the County to comply with the Living Wage provision by choosing to pay the lower wage scale when a covered employer also provides a Health Benefit Plan, such Health Benefit Plan shall consist of payment of the current rate applicable to the time when the covered service is performed as that rate is adjusted each budget year in the manner provided for herein for the adjustment of the Living Wage rate towards the provision of a Health Benefit Plan for employees and, if applicable, their dependents. The minimum amount of payment by a Service Contractor for the provision of a Health Benefit Plan on a per-hour basis will be calculated based on a maximum of a 40-hour work week. Overtime hours will not require additional payments towards the provision of a Health Benefit Plan. If the Service Contractor pays less than the required amount for providing a Health Benefit Plan provided in this section, then the Service Contractor may comply with the Living Wage requirements by paying the covered employee the difference between the premium it pays for the Health Benefit Plan of the Covered Employee and the minimum amount required by this section for a qualifying Health Benefit Plan. The Service Contractor may require that all employees enroll in a Health Benefit Plan offered by the Service Contractor, provided that the employee is not required to pay a premium contribution for employee-only coverage. Proof of the provision of a Health Benefit Plan must be submitted to the County to qualify to pay the applicable wage rate for employees with a qualifying Health Benefit Plan. Health Benefit Plan for purposes of complying with this section shall qualify if it includes the benefits contained in a standard health benefit plan meeting the requirements set forth in § 627.6699(12)(a), Florida Statutes.

(2) To the extent a Covered Employer seeks to pay the lower Living Wage rate for employers providing a qualifying Health Benefit Plan during the initial eligibility period applicable to new employees, the Living Wage requirement may be complied with as follows during the eligibility period:

(a) Provided the Covered Employer will be providing a qualifying Health Benefit Plan to a new employee upon the completion of such employee's eligibility period required under the Covered Employer's Health Benefit Plan and the Covered Employer has taken the necessary steps to effectuate coverage for such employee, a Covered Employer may only qualify to pay the Living Wage rate applicable to employees with a Health Benefit Plan for a term not to exceed the first ninety (90) days of the new initial employee's eligibility period, said term commencing on the employee's date of hire.

(b) If the Covered Employee is not provided with a qualifying Health Benefit Plan within ninety (90) days of initial hire, then the Covered Employer commencing on the ninety-first (91st) day of the new employee's initial eligibility period, must commence to pay the applicable Living Wage rate for Covered Employees without a Health Benefit Plan and must retroactively pay the Covered Employee the difference between the two Living Wage rates for the term of the eligibility period.

(C) *Indexing.* The living wage will be annually indexed to inflation as defined by the Consumer Price Index calculated by the U.S. Department of Commerce as applied to the County of Miami-Dade. The first indexing adjustment shall occur for the 2001-2002 County budget year using the Consumer Price Index figures provided for the calendar year ended December 31, 2000, and thereafter on an annual basis.

(D) *Certification required before payment.* Any and all contracts for covered services shall be void, and no funds may be released, unless prior to entering any agreement with the County for a service contract, the Covered Employer certifies to the applicable department that it will pay each of its employees no less than the Living Wage described in (A). A copy of this certificate must be made available to the public upon request. The certificate, at a minimum, must include the following:

(1) The name, address, and phone number of the employer, a local contact person, and the specific project for which the service contract is sought;

(2) The amount of the contract and the applicable department the contract will serve;

(3) A brief description of the project or service provided;

(4) A statement of the wage levels for all employees; and

(5) A commitment to pay all employees a Living Wage, as defined by paragraph (A).

(E) *Observance of other laws.* Every employee shall be paid not less than bi-weekly, and without subsequent deduction or rebate on any account (except as such payroll deductions as are directed or permitted by law or by a collective bargaining agreement). The employer shall pay employees wage rates in accordance with federal and all other applicable laws such as overtime and similar wage laws.

(F) *Posting.* A copy of the Living Wage rate notice issued by the County shall be kept posted by the employer at the site of the work in a prominent place where it can easily be seen by the employees and shall be supplied to the employee within a reasonable time after a request to do so. In addition, Service Contractors shall forward a copy of the requirements of this Ordinance to any person submitting a bid or issued a permit or lease agreement for a subcontract on any service contract covered by this Chapter. Covered employers are also required to print the following statements on the front of the individual's first paycheck and every six months thereafter: "You are required by Miami-Dade County law to be paid at least [insert applicable rate under this Chapter] dollars an hour. If you are not paid this hourly rate, contact your supervisor or a lawyer." All notices will be printed in English, Spanish, and Creole.

(G) *Collective bargaining.* Nothing in this Chapter shall be read to require or authorize any employer to reduce wages set by a collective bargaining agreement or as required under any prevailing wage law.

*Implementation.*

(A) *Procurement Specifications and Contracts.* The Living Wage shall be required in the procurement specifications and contract language for all County service contracts for covered services. The procurement specifications and contract language for applicable contracts shall include a requirement that Service Contractors agree to produce all documents and records relating to payroll and compliance with this Ordinance upon request from the Applicable Department or as otherwise provided by the County Manager by Administrative Order.

(B) *Information Distributed.* All requests for bids or requests for proposals for service contracts, whether advertised or informally solicited, and permits, leases and any other agreement issued by the Miami-Dade Aviation Department for covered services shall include appropriate information about the requirements of this Ordinance.

(C) *Maintenance of Payroll Records.* Each covered employer shall maintain payrolls for all covered employees and basic records relating thereto and shall preserve them for a period of three (3) years from the expiration, suspension or termination date of the contract in which the requirements of this Chapter were applicable. The records shall contain at a minimum:

(1) The name and address of each covered employee;

(2) The job title and classification;

(3) The number of hours worked each day;

(4) The gross wages earned and deductions made;

(5) Annual wages paid;

(6) A copy of the social security returns and evidence of payment thereof;

(7) A record of fringe benefit payments including contributions to approved plans; and

(8) Any other data or information the County should require from time to time.

(D) *Reporting Payroll.* No less frequently than every six (6) months or otherwise at the County's request, the covered employer shall submit to the County (or if by request within the requested time frame) a complete certified payroll showing the employer's payroll records for each Covered Employee working on the contract(s) for covered services for the applicable payroll period. Upon request by the County, the covered employer shall produce for inspection and copying its payroll records for any or all of its covered employees for the prior three-year period. It shall be the responsibility of the Applicable Department to examine all payrolls for compliance within sixty (60) days of receipt.

(E) *Reporting Employment Activity.* Upon request by the County but in any event no less frequently than every six (6) months, the covered employer must submit to the County an Employment Activity Report Form containing the following information:

(1) Race and gender of employees hired and terminated; and

(2) Zip code of employees hired and terminated; and

(3) Wage rate of employees hired and terminated.

*Commission on a Living Wage, Establishment and Responsibility.*

(A) *Establishment.* The County Commission shall establish a fifteen-person commission entitled the "Living Wage Commission" the purpose of which shall be to review the effectiveness of this Chapter, review certifications submitted by covered employers to the County to include reviewing complaints filed by employees and to make recommendations to the Applicable Department, County Mayor and the County Commission regarding same.

(B) *Members.* The Commission shall be composed of fifteen (15) members provided that no more than six (6) members are representatives of the business community or affected employer groups selected for a term of two (2) years in the following manner:

(1) Two (2) members of the commission shall be selected by the County Mayor; and

(2) One (1) member shall be selected by each of the County Commissioners.

(C) *Meetings.* The Living Wage Commission shall meet quarterly and in special session as required. All meetings of the Living Wage Commission shall be open to the public and will allow for public testimony on policies or conduct relating to this Chapter.

(D) *Staff support.* The County Manager as more fully delineated by Administrative Order shall provide staff support for the compliance and enforcement of this section and as is necessary to support the activities of the Living Wage Commission.

*Compliance and Enforcement.*

(A) *Service contractor to cooperate.* The service contractor shall permit County employees, agents, or representatives to observe work being performed at, in, or on the project or matter for which the service contractor has a contract. The County representatives may examine the books and records of the service contractor relating to employment and payroll to determine if the service contractor is in compliance with the provisions of this Chapter.

(B) *Complaint procedures and sanctions.* An employee who believes that this Chapter applies or applied to him or her and the service contractor is or was not complying with the requirements of this Chapter has a right to complain by filing a written complaint. The County Manager shall establish by Administrative Order the procedures and requirements for filing a complaint and for the processing and resolution of complaints under this section including the sanctions to be imposed for violations of this section. The County Manager shall also by Administrative Order establish a procedure applicable to complaints by County employees regarding noncompliance with this section.

(C) *Private right of action against service contractors.* Any covered employee of a service contractor, or any person who was formerly a covered employee of a service contractor, may instead of the County administrative procedure set forth in this section but not in addition to such procedure, bring an action by filing suit against the covered employer in any court of competent jurisdiction to enforce the provisions of this Chapter and may be awarded back pay, benefits, attorney's fees, and costs. The applicable statute of limitations for such a claim will be two (2) years as provided in Florida Statutes Section 95.11(4)(c) in an action for payment of wages. The court may also impose sanctions on the employer, including those persons or entities aiding or abetting the employer, to include wage restitution to the affected employee and damages payable to the covered employee in the sum of up to five hundred dollars ($500.00) for each week each employer is found to have violated this Chapter.

(D) *Sanctions against service contractors.* For violations of this Ordinance as determined pursuant to the procedures set forth by Administrative Order, the County may sanction a service contractor for violations of this section by requiring the service contractor to pay wage restitution to the affected employee. The County may also sanction the service contractor for violations in at least one (1) of the following additional ways:

(1) Penalties payable to the County in an amount equal to 10% of the amount of the underpayment of wages and/or benefits for the first instance of underpayment; 20% for the second instance; and for the third and successive instances 30% of the amount of underpayment. A fourth violation shall constitute a default of the contract where the underpayment occurred and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized to defray costs of administering the Living Wage provisions.

(2) The sum of up to five hundred dollars ($500.00) for each week for each covered employee found to have not been paid in accordance with this Chapter;

(3) Suspend payment or terminate payment under the contract or terminate the contract with the service contractor;

(4) If a service contractor fails to cure a Notice of Violation or pay any sanctions that are assessed by the County, such service contractor and all officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of the non-complying service contractor may be declared by the County to be ineligible for bidding on or otherwise participating in Living Wage contracts and permits until all required payments have been paid in full and regardless of whether such payment has been made may also be declared ineligible for bidding or otherwise participating in Living Wage contracts for a period of up to three (3) years. In addition all covered employers shall be ineligible for Living Wage contracts and permits under this section where any officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of the covered employer were officers, principals, directors, shareholders owning or controlling ten (10) percent or more of the stock, partners, qualifiers, divisions or other organizational elements of a covered employer who has been declared ineligible under this Chapter;

(5) In addition to any other sanctions provided for herein, for violations other than underpayment of wages and/or benefits, damages payable to the County in the amount of five hundred dollars ($500.00) per week for each week in which the violation remains outstanding.

(6) A service contractor who fails to timely and adequately respond in the manner and within the timeframe set forth in a written request from the County to a notice of noncompliance, or fails to attend a Compliance Meeting, or who does not timely request an administrative hearing from an adverse compliance determination made by the County after a Compliance Meeting shall be deemed not to have complied with the requirements of this section as stated in the notice or determination of noncompliance and, in the case of underpayment of the Living Wage required, an amount sufficient to pay any underpayment shall be withheld from contract proceeds to include any deposits, and/or bonds and remitted to the employee and the Service Contractor may be fined the applicable penalty for such underpayment as defined herein.

(7) All such sanctions recommended or imposed shall be a matter of public record.

(E) *Interest on Unpaid Sanctions.* All sanctions imposed pursuant to the authority of this Chapter shall bear interest at the same rate as the State of Florida statutory rate for judgments provided by Florida Statutes § 55.03.

(F) *Retaliation and discrimination barred.* An employer shall not discharge, reduce the compensation or otherwise discriminate against any employee for making a complaint to the Living Wage Commission, the applicable department, the County, or otherwise asserting his or her rights under this Chapter, participating in any of its proceedings or using any civil remedies to enforce his or her rights under the Chapter. Allegations of retaliation or discrimination, if found by the County Manager pursuant to procedures set forth by Administrative Order or by a court of competent jurisdiction under paragraph (C), shall result in an order of restitution and reinstatement of a discharged employee with back pay to the date of the violation or such other relief as deemed appropriate. In addition, the County Manager or the Court may impose an additional sanction of up to five hundred dollars ($500.00) for each week since the covered employee was discharged as a result of prohibited retaliation under this Chapter.

(G) *Remedies herein non-exclusive.* No remedy set forth in this Chapter is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce the right under this Chapter in a court of law.

(Ord. No. 99-44, § 5-11-99; Ord. No. 00-85, § 1, 7-6-00; Ord. No. 02-147, § 1, 9-12-02; Ord. No. 06-67, § 1, 5-9-06; Ord. No. 06-151, § 1, 10-10-06; Ord. No. 09-15, § 1, 3-3-09)

Sec. 2-8.10. User Access Program in County Purchases.

(1) A User Access Program ("UAP") in County purchases is hereby created. Under the UAP, contracts for the purchase of goods and services shall provide that the County will deduct two (2) percent from each invoice with the amount retained by the County to defray the cost of procurement activities. Contracts shall further provide that in the event a non-County entity accesses a County contract, it shall deduct two (2) percent from each invoice and remit seventy-five (75) percent of the retained amount to the County to defray the cost of procurement activities. In cases where Miami-Dade County invoices and collects the UAP relating to a non-County entity accessing a County contract, the County shall retain ninety (90) percent of the fee, and the non-County entity will retain ten (10) percent to defray administrative costs.

(2) The County Mayor or Mayor's designee is authorized and directed to include UAP provisions, as specified in this section, in each competed and non-competed County contract for the purchase of goods and services, including one-time, term, blanket and pool contracts and emergency awards, regardless of which Department issues the contract. The UAP shall apply to extensions and renewals of existing contracts. The UAP shall also be applicable to non-County entities who wish to access contracts procured by the County.

(3) The following contracts shall be exempt from the UAP: construction, design, design-build, professional service contracts, small purchase orders issued by County departments, contracts funded with any funding source, including federal, which prohibits or restricts the application of the credit to the County effected in the UAP, revenue generating contracts, and contracts with rates established by ordinance, resolution or applicable law. In addition, this Board may waive the application of the UAP upon a finding that the waiver is in the best interest of the County.

(4) The County Mayor shall allocate the money retained upon application of the UAP as necessary to defray the cost of procurement activities throughout the County. The Public Health Trust is authorized and directed to implement a UAP program consistent with this section.

(5) The County Mayor shall develop appropriate specifications and contract provisions to give effect to the requirements of this section.

(Ord. No. 12-12, § 1, 3-6-12)

Sec. 2-9. Contracts with municipalities or governmental units for services—Authority of Manager.

The Manager is hereby authorized to enter into contracts in behalf of this County with municipalities and other governmental units for joint performance with the County or performance by any municipality or other governmental unit in behalf of the County or any function or service which the County is authorized or directed to perform under Section 11, Article VIII of the Florida Constitution, the Home Rule Charter, or any ordinance adopted by the Board.

(Ord. No. 57-11, § 2, 9-16-57)

Sec. 2-10. Same—Ratification of Board; duration; filing.

All contracts authorized by [Section 2-9](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-9COMUGOUNSEUTMA) shall be entered into subject to ratification by the County Commission and no such contract shall extend for a period longer than one (1) year without the express authorization of the Commission. All such contracts shall be filed with the Clerk of the Commission and the Clerk of the other governmental unit involved and shall be open to public inspection.

(Ord. No. 57-11, § 2, 9-16-58)

Sec. 2-10.1. Joint purchases by County and quasi-governmental entities surcharges.

(A) *Definitions.*

(1) *County Manager* shall refer to the County Manager or his designee.

(2) *Joint purchase provision* shall refer to a provision in County contract documents that County purchases shall be available to any quasi-governmental entity at the County contract price.

(3) *County purchases* shall refer to the County's purchase of commodities, services or both by competitive bidding procedures.

(4) *Quasi-governmental entity* shall refer to any municipality or not-for-profit organization located in the State of Florida.

(B) *Joint purchases.*

(1) The County may include a Joint Purchase Provision in its contract documents for County purchases.

(2) Any quasi-governmental entity utilizing a Joint Purchase Provision shall be exempt from competitive bid requirements otherwise applicable for that particular purchase.

(C) *Surcharges.* In order to fund the costs of the County's procurement function, the County Manager is authorized to impose a surcharge on the purchase by a Quasi-Governmental Entity utilizing a Joint Purchase Provision. The contracts which shall be affected, the amount of the surcharge as a percentage of purchase price, and the method of collection shall be established by administrative order. The surcharges shall be deposited directly to the General Services Administration but shall be subject to appropriation as deemed necessary by the County Manager.

(Ord. No. 64-41, § 1, 9-15-64; Ord. No. 98-43, §§ 1, 2, 4-21-98)

Sec. 2-10.2. County boards.

(a) [*Presentation by citizens.*] Whenever any person, who is not a salaried member of the County staff, appears to make a presentation before any County board, he or she shall begin his or her presentation by stating the following:

(1) His or her name;

(2) His or her address;

(3) Whether he or she speaks for himself or herself, a group of persons, or a third party; if the person says that he or she represents an organization, he or she shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council;

(4) Whether he or she is being compensated by the person or persons for whom he or she speaks; and

(5) Whether he or she or any member of his or her immediate family has a personal financial interest in the pending matter, other than that set forth in (4).

(b) [*Matters of local concern.*] Whenever, in the opinion of the Board of County Commissioners, a particular matter coming before a County board is of special concern to the residents in a particular part or area of the County, it may instruct such body to hold its meetings at which the aforesaid particular matter will be discussed or voted upon at a time and at a site within that particular part or area of the County. No decision or recommendation of the body so instructed by the Board of County Commissioners shall be deemed to have legal validity unless made at a meeting held in compliance with the instructions of the Board of County Commissioners.

(c) [*Not to endorse candidates or positions.*] No County board shall endorse candidates for public office, or support a particular position on a public question scheduled to appear on an official governmental ballot, or poll candidates for public office as to their views, or engage in any other form of partisan political activity as a County board. Nothing contained in this subsection shall be deemed to prohibit any individual member of such a board from expressing a personal opinion on any candidate or issue or from participating in any political campaign during off-duty hours so long as such activities are not in conflict with other provisions of state or County law. Should any member of any County board violate this section, in the opinion of the Board of County Commissioners, such violation shall be deemed a tender of resignation from the board.

(Ord. No. 72-16, § 1, 2-29-72; Ord. No. 72-43, § 1, 7-27-72; Ord. No. 73-11, §§ 1, 2, 2-6-73; Ord. No. 73-30, § 1, 3-21-73; Ord. No. 73-33, § 1, 4-3-73;

Ord. No. 74-65, § 1, 7-30-74; Ord. No. 75-59, § 1, 7-16-75; Ord. No. 76-81, § 1, 9-21-76; Ord. No. 80-137, § 1, 12-16-80)

**Cross reference—** Standards for creation and review of boards, § 2-11.36 et seq.

Sec. 2-10.3. County employees misleading the public.

Any County employee, who in the scope of his assigned duties, willfully furnishes false information or willfully misrepresents any material fact on any public matter to a member of the public making inquiry thereon, is subject to disciplinary action by appropriate supervisory officials.

(Ord. No. 69-66, § 1, 9-24-69)

Sec. 2-10.4. Acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

(1) *Definitions.*

(a) "Professional services" shall mean those services within the scope of the practice of architecture, professional engineering, landscape architecture, registered land surveying and mapping, as defined by the laws of the state, or those performed by any registered architect, professional engineer, registered landscape architect or registered land surveyor in connection with his professional employment or practice.

(b) The term "firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, landscape architectural or land surveying services.

(c) The term "compensation" means the total amount paid for a particular professional service to a firm by Miami-Dade County.

(d) The term "departments and agencies" means departments, instrumentalities or branches of County government.

(e) The term "project" shall mean that fixed capital outlay study or planning activity described in the public notice of Miami-Dade County pursuant to [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)(2). The County Mayor or County Mayor's designee shall prescribe by Implementing Order, subject to approval of the Board of County Commissioners, procedures for the determination of a project under its jurisdiction. Such procedures may include:

1. Determination of a project which constitutes a grouping of minor construction, rehabilitation or renovation activities;

2. Determination of a project which constitutes a grouping of substantially similar construction, rehabilitation or renovation activities.

All project grouping contracts shall be subject to the approval of the County Manager or his designated representative to ensure compatibility and compliance with the Equitable Distribution Program.

(f) The term "continuing contract" shall mean a contract for professional services entered into in accordance with all the procedures of Chapter 287, Florida Statutes, as amended, and this section, as amended, between departments and agencies of Miami-Dade County and a firm whereby the firm provides continuing professional services to Miami-Dade County for separate project assignments in which construction costs do not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Chapter 287.055, Florida Statutes, as amended, work of a specified nature as outlined in the contract required by Miami-Dade County with no time limitation except that the contract shall provide a termination clause. Firms seeking to provide professional services under continuing contracts for separate project assignments projects in which construction costs do not exceed the limit established by Section 287.055, Florida Statutes, as amended, or for separate study activities in which the fee for professional services does not exceed the limit established by Section 287.055, Florida Statutes, as amended, may be engaged and assigned work through means of an Equitable Distribution Pool established as provided in the Implementing Order which implements this Section.

(g) The term "design-build contract" shall mean a single contract for the design and construction of a public construction project.

(h) The term "value-analysis" means an organized approach to optimizing both cost and performance in a new or existing facility or to eliminating items that add cost without contributing to required function.

(i) The term "life-cycle costing" means that process whereby all the expenses associated with the operation, maintenance, repair, replacement and alteration costs of a facility or piece of equipment are identified and analyzed.

(2) *Public announcement.* The County Mayor or County Mayor's designee shall publicly announce as required by Section 287.055, Florida Statutes, as amended, each occasion when professional services are required as specified in the Implementing Order which implements this Section. Such announcement shall be made by publishing the same in a newspaper of general circulation setting forth a general description of the project or projects requiring professional services, the type of services, and prescribing the procedure to be followed by any firm wishing to be employed to perform such services. The public announcement shall be made in the manner provided by law and as specified in the Implementing Order which implements this Section.

(3) *Submission of qualifications.* The County Mayor or County Mayor's designee shall encourage firms engaged in the lawful practice of their profession who desire to provide professional services to the County to submit on or before January 1, 1977, and annually on that date thereafter, a statement of qualifications. Such statements shall be on a form provided by the County Mayor or County Mayor's designee who also may require additional information, and which shall be kept on file with the Clerk of the Board.

(4) *Certification committee; guidelines.*

(a) The County Mayor or County Mayor's designee shall appoint a certification committee consisting of not less than three (3) members, all of whom shall be professionals in the field of endeavor or practice involved. The duty of such certification committee shall be to review the statement of qualifications submitted by each firm requesting certification and to ascertain whether the firm is fully qualified to render the required services according to law and the regulations which the County Mayor or County Mayor's designee shall cause to be prepared. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, and experience record of the firm. The committee may accept certification of the firm by the State of Florida Department of Transportation or the State of Florida Department of General Services as prima facie evidence of such qualification; provided, no changes in technical and professional personnel have occurred that may affect the firm's qualifications since the date of State certification.

(b) Certification shall specify the particular category of professional work in which the firm is found qualified. The certification committee shall evaluate the experience of each certified firm that seeks to render professional services and shall make that evaluation part of the permanent record to be considered then and whenever the firm is again in consideration.

(c) Amendments to qualification statements and data shall be submitted to the County by firms immediately after any changes in technical or professional personnel that may affect the firm's qualifications or capabilities. Upon receipt of any such amendment the certification committee shall again review the qualifications of the firm to ascertain whether the firm is still qualified. If it is found not to be qualified, the committee shall revoke the certification for the particular category of service for which the firm had been previously certified.

(5) *Competitive selection committees for publicly announced projects or planning or study activities which are not provided under continuing contracts.*

(a) For each project or planning or study activity required to be publicly announced under subsection (2) of this Section, the County Mayor or County Mayor's designee shall appoint a competitive selection committee as set forth in the Administrative Order which implements this section.

(b) For each such project, the competitive selection committee shall evaluate current statements of qualifications and performance data on each firm which has requested consideration for that project and shall select several of the candidate firms based on their qualifications, approach to the project and the ability to furnish the required services, in the manner more particularly identified in the Administrative Order which implements this Section. The competitive selection committee shall then identify, after a properly noticed public hearing, at which public hearing each of the several selected candidate firms shall be given reasonable time to make their presentations, no less than three (3) firms, in order of preference, found to be the most highly qualified to perform the required services. If less than three (3) firms are found most highly qualified then each such firm, in order of preference, shall be identified.

(c) The competitive selection committee shall report its findings, together with supporting data, to the County Mayor or County Mayor's designee and shall file a copy of its findings with the Clerk of the Board of County Commissioners.

(d) The County Manager shall select no less than three (3) firms, in the order of preference (provided that at least three (3) firms are identified in accordance with subsection (b) above) by the competitive selection committee to be the most highly qualified to perform the required services. The competitive selection committee shall rank the firms in the order of their competence and qualification after considering such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, locations of the firms, the recent, current, and projected workloads of the firms, and the volume of work previously awarded to the firm by the agency with the object of effecting an equitable distribution of contracts among qualified firms. The competitive selection committee shall score the firms based on a qualitative evaluation of the selection criteria (the "Qualitative Score") but shall base its recommended ranking on the aggregate ranking provided by members of the selection committee (the "Ordinal Score") all as more particularly described in the Implementing Order. The competitive selection committee shall report to the County Mayor or the County Mayor's designee the recommended ranking of the firms including both Qualitative Scores and Ordinal Scores. The competitive selection committee shall report no fewer than three (3) firms determined to be the most highly qualified, provided at least three (3) qualified firms have responded to the solicitation.

Following the review of the selection committee's report, the County Mayor or County Mayor's designee shall determine the final ranking of firms in the order of competence and qualification upon application of the criteria set forth in subsection (d) above and the local preference considerations set forth in subsection (e) below. The County Mayor or County Mayor's designee shall at all times abide by the principle of selection of the most highly qualified firms. The County Mayor or County Mayor's designee shall file the names of the firms he selects together with his order of preference with the Clerk of the Board of County Commissioners. The County shall then negotiate a contract in accordance with the procedures set forth hereafter.

(e) If two firms, one local and one nonlocal are within five (5) percent of each other's total Qualitative Scores, and for design build solicitations, the adjusted low bid, as defined in the corresponding Implementing Order, the local firm shall be ranked higher than the nonlocal firm in the final ranking of the County Mayor or Mayor's designee made in accordance with this subsection. In case of a two-tiered evaluation process, the local preference shall also apply at the conclusion of the first tier to allow eligible local proposers within five percent of the points assigned to those recommended to participate in the second tier evaluation. For purposes of this subsection, the term local firm shall have the same meaning as local business in [Section 2-8.5](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO) of this Code.

(f) The provisions of this subsection shall not apply to continuing contracts.

(6) *Competitive negotiations.*

(a) The County Mayor or County Mayor's designee shall appoint a negotiation committee who shall attempt to negotiate a professional services contract for each project or planning or study activity required to be publicly announced under subsection (2) of this Section with the firm which he has ranked first for a compensation which the negotiation committee has determined to be fair, competitive, and reasonable. In arriving at a compensation figure the negotiation committee shall conduct a detailed analysis of the cost of the professional services required, and shall give full consideration to the extent and complexity of the services required. For all lump sum or cost plus a fixed fee contracts in which the fee will exceed fifty thousand dollars ($50,000.00), the County will require the firm receiving the award to execute a truth-in-negotiation certificate as required by Chapter 287, Florida Statutes.

(b) Should the negotiation committee be unable to negotiate a satisfactory contract with the firm that has ranked first at a price which the negotiation committee believes to be fair, competitive, and reasonable, negotiations with that firm shall be formally terminated. The negotiation committee shall then undertake negotiations with the firm which the County Mayor or County Mayor's designee ranked second. Failing accord with this firm, such negotiations shall terminate, and negotiators shall then undertake negotiations with the firm ranked third by the County Mayor or County Mayor's designee.

(c) Should the negotiation committee be unable to negotiate a satisfactory contract with any of the selected firms, additional firms shall be selected in accordance with the procedure set forth herein. Negotiations shall continue in accordance with this section until an agreement is reached. The negotiated agreement shall be presented to the Board of County Commissioners for approval.

(7) *Prohibition against contingent fees.* Each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

(8) *Miscellaneous provisions and exceptions.*

(a) Nothing herein shall affect the validity or effect of any contracts in existence at the effective date hereof.

(b) The procedures of this Section shall not apply:

(i) When the County Mayor is of the opinion and certifies that a valid public emergency exists.

(ii) To continuing contracts as defined herein.

(iii) To projects in which the County is able to reuse existing plans from a prior project; provided, however, subsequent to July 1, 1975, public notice for any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse in accordance with the provisions of this subsection.

(c) Miami-Dade County agencies and instrumentalities with the independent power to contract, such as the Public Health Trust, shall adopt rules and procedures implementing this Section. For the purposes of such rules and procedures, where this section provides the Board of County Commissioners with implementing authority, the Board of Trustees shall exercise such authority, and where this section provides the County Mayor with authority, the President or Executive Director shall exercise such authority.

(9) *Design-build contracts.* Selection of firms to perform design-build contracts shall be in accordance with the procedures set forth in the Implementing Order which implements this Section.

(10) *Implementing Order.* The provisions of this Section shall be implemented by an Implementing Order approved by the Board of County Commissioners.

(11) *Value analysis.* Whenever the County purchases design services for certain public facilities and improvements which exceed the thresholds set by Administrative Order promulgated by the County Mayor and approved by County Commission, the following value analysis shall be performed by a firm or entity separate from the design firm and shall be included as part of the overall design costs for such facilities or improvements:

(a) Gathering and tabulating information concerning the facility as designed, in order to understand the specific use or function requirements of the items under study.

(b) Developing alternative recommendations that fulfill the facility's basic function(s).

(c) Evaluating, critiquing, and ranking feasible alternatives developed in (b) above. An estimated dollar value shall be applied to all feasible alternatives and a determination made of the alternatives that offer the greatest potential for savings.

(d) Selecting only the best alternatives and developing firm information and cost estimates on them.

(e) Presenting the written value analysis study, which incorporates the best alternatives, to County staff for approval at stages identified in the professional services agreement.

(f) Providing assistance and recommendation in incorporating the selected alternatives into the project. The costs considered in the value analysis shall include initial construction costs. At the election of the County department, and as indicated in the professional service agreement, the costs may include both initial and continuing costs. Where continuing costs are analyzed, the value analysis shall include life cycle costing.

(g) Providing value analysis services, upon request of the County department, for additional or changed work required after award to the contractor.

(12) *Community Business Enterprise Program.* The provisions of this section shall be applied in accordance with [Section 2-10.4.01](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4.01COBUENPRARLAARENSUMAPRSE)

(Ord. No. 76-42, § 1, 5-4-76; Ord. No. 76-111, §§ 1, 2, 12-21-76; Ord. No. 82-37, §§ 2, 3, 5-4-82; Ord. No. 93-03, § 1, 1-26-93; Ord. No. 94-73, § 1, 5-5-94; Ord. No. 94-94, § 3, 5-17-94; Ord. No. 94-95, § 3, 5-17-94; Ord. No. 94-96, § 3, 5-17-94; Ord. No. 97-172, § 1, 10-7-97; Ord. No. 01-103, § 2, 6-5-01; Ord. No. 01-105, § 1, 6-5-01; Ord. No. 02-38, § 1, 2-26-02; Ord. No. 04-121, § 1, 6-8-04; Ord. No. 06-62, § 1, 5-9-06; Ord. No. 10-23, § 1, 4-6-10)

**State law reference—** Consultant's Competitive Negotiation Act, F.S. § 287.055.

Sec. 2-10.4.01. Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services.

(1) *Title.* This Section shall be referred to as the Miami-Dade County Community Business Enterprise ("CBE-A/E") Program for Architectural, Engineering, Landscape Architectural, and Surveying and Mapping Professional Services.

(2) *Definitions.* For purposes of this section:

A. *Agreement* means an agreement proposed by the County or Public Health Trust staff, or approved by the County Commission or Public Health Trust for architectural, landscape architectural, engineering, and surveying and mapping professional services.

B. *Available or availability* means to have, prior to proposal submission, the ability to provide professional services under an agreement or subconsultant agreement by having:

(1) Reasonably estimated, uncommitted capacity and expertise;

(2) All licenses, permits, registrations, insurances and certifications;

(3) The ability to obtain bonding that is reasonably required to perform the agreement or subconsultant agreement consistent with normal industry practice; and

(4) The ability to otherwise meet all the proposal specifications.

C. *Bonding Assistance* may include providing assistance in preparing and completing bond packages as well as providing funding to be used for bonding purposes.

D. *Business day* means a regular weekday (Monday through Friday) normally starting at 8:00 a.m. and finishing at 5:00 p.m., excluding Saturdays and Sundays and excluding all legal holidays recognized by the Federal, State or Miami-Dade County governments.

E. *CBE-A/E Objective* means the objective of assuring that not less than 10 percent of the County's total annual expenditures for professional architectural, landscape architectural, engineering, and surveying and mapping services, are expended with CBE-A/Es certified under this section, for projects specific and multiple project contracts. The foregoing CBE-A/E objective may be increased by subsequent resolution of the Board of County Commissioners, adopted after recommendation for an increase by the County Mayor or designee.

F. *CBE-A/E Program* is the Community Business Enterprise Program for the Architectural, Engineering, Landscape Architectural, Surveying and Mapping Professionals.

G. *Calendar day* means a twenty-four (24) hour period covering all days of the week (Monday through Sunday including all holidays), starting at 12:00 a.m. and finishing at 11:59 p.m.

H. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of an agreement by a firm and the carrying out of the contractual responsibilities by actually performing, managing, and supervising the work involved. Acting as a broker is not considered a commercially useful function. The determination of whether an activity is a commercially useful function shall include:

1. The evaluation of the amount of work subconsulted;

2. Normal industry practices;

3. The skills, qualifications, or expertise of the firm to perform the work;

4. Whether the firm's own personnel perform, manage, and/or supervise the work involved; and other relevant factors.

I. *Community Business Enterprise (CBE-A/E)* means a firm providing architectural, landscape architectural, engineering, or surveying and mapping professional services, including a design-build firm, which has an actual place of business in Miami-Dade County and whose three (3) year average annual gross revenues do not exceed two million dollars ($2,000,000.00) for all Tier 1 CBE-A/Es, four million five hundred thousand dollars ($4,500,000.00) for Tier 2 CBE- A/Es in the case of architectural services, or six million dollars ($6,000,000.00) for Tier 2 CBE-A/Es in the case of landscape architectural services, engineering, and surveying and mapping services. A CBE-A/E will graduate out of the program once it has exceeded the Tier CBE-A/E size limits based on its three-year average annual gross revenues. As part of the certification process, CBE-A/Es must go through a technical certification process, which will be used to determine which of the technical certification categories the CBE-A/E will be placed in. A firm's eligibility to participate in the CBE-A/E program shall be determined based on the cumulative adjusted gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A. Representations as to gross revenues shall be subject to audit. The Contracting Participation Levels are as follows:

i. Tier 1 CBE-A/Es in the case of architectural, landscape architectural, engineering, or surveying and mapping services - 3-year average annual gross revenues of $0 to $2,000,000.

ii. Tier 2 CBE-A/Es in the case of architectural services - 3-year average annual gross revenues of $2,000,001 to $4,500,000.

iii. Tier 2 CBE-A/Es in the case of landscape architectural services, engineering, or surveying and mapping services - 3-year average annual gross revenues of $2,000,001 to $6,000,000.

The County Mayor or designee shall be authorized to adjust the CBE-A/E size limits every five (5) years at his/her discretion based on the local Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013—2014 calendar year using the Consumer Price Index figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

J. *Construction* means the building, renovating, retrofitting, rehabbing, restoration, painting, altering, or repairing of a public improvement.

K. *Continuing contract* shall mean the term "continuing contract" as defined in [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)(1)(f).

L. *Debar* means to exclude a consultant, its individual officers, its shareholders with significant interests, its qualifying agent or its affiliated businesses from County agreements, whether as a prime consultant or subconsultant, for a specified period of time, not to exceed five (5) years.

M. *Design-build contract* means a single contract with a design-build firm for the design and construction of a public construction project.

N. *Design-build firm* means a partnership, corporation, or other legal entity which:

1. Partnership or joint venture, having at least one partner in compliance with either of the following two requirements:

a. Is certified under Section 489.119, Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

b. Is certified under Section 471.023, Florida Statutes, to practice engineering; certified under Section 481.2193[, Florida Statutes,] to practice architecture; or certified under Section 481.319[, Florida Statutes,] to practice landscape architecture.

2. An individual corporation or other legal entity in compliance with the following two requirements:

a. Is certified under Section 489.119, Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and

b. Is certified under Section 471.023, Florida Statutes, to practice engineering; certified under Section 481.219[, Florida Statutes,] to practice architecture; or certified under Section 481.319[, Florida Statutes,] to practice landscape architecture.

O. *Firm* means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice architecture, engineering, landscape architecture, design-build, and land surveying and mapping services.

P. *Graduation* means the CBE-A/E has exceeded the specific size limits stated for the Program and thus may no longer be eligible for participation in the Program.

Q. *Joint venture* means an association of two or more CBE-A/Es. Joint ventures shall be subject to the size limitations set forth in this section; such size limitations include affiliates as set forth in Appendix A to the ordinance from which this section derives.

R. *Multiple Projects Contract* is a contract for a "project" which constitutes a grouping of minor or substantially similar construction, rehabilitation or renovation activities as defined in [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)(1)(e)(1) and (2).

S. *Owned* means having all the customary incidents of ownership, including the right of disposition, and the right or obligation to share in all risks and profits commensurate with the degree of ownership interest.

T. *Professional services* are those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

U. *Project Specific awards* are contracts for professional services between Miami-Dade County and a firm whereby the firm provides professional services to the agency for work of a specified nature for a fixed capital study or planning activity.

V. *Prompt Payment.* It is the intent of the County that all firms, including CBE-A/Es providing professional services to the County, shall receive payments promptly in order to maintain sufficient cash flow.

1. Contracts with CBE-A/E set-asides, or subconsultant goals shall require that billings from consultants under prime professional services agreements with Miami-Dade County, or the Public Health Trust that are a CBE-A/E contract set-aside or which contain a set-aside or subconsultant goal shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within fourteen (14) calendar days of receipt of such billing by the County, or the Trust.

2. The Department of Small Business Development may investigate reported instances of late payments to CBE-A/Es. The County Mayor or designee shall establish an administrative procedure for the resolution of written complaints pertaining to underpayment of professional services.

W. *Proposal* means a proposal, letter of interest, letter of participation or offer by any proposer in response to any kind of invitation, request or public announcement to submit such proposal, letters of interest, letter of participation or offer to perform the agreement.

X. *Proposer* means any firm that submits a proposal to provide professional services.

Y. *Qualifier* means the individual who qualifies the firm professional license holder as required by Florida Statute.

Z. *Review Committee* or *RC* means the committee established by the County Mayor or designee to review proposed projects for the application of contract measures where SBD and the contracting department have not established consensus and when public input requires deliberation regarding the measure/goal recommendation. The RC will make recommendations to the Mayor or designee.

AA. *SBD* means the Department of Small Business Development.

BB. *Subconsultant goal* means a proportion of a prime agreement value stated as a percentage to be subconsulted to Tier 1 and Tier 2 CBE-A/Es to perform a commercially useful function.

CC. *Suspension* means temporary debarment for a period not to exceed two (2) years.

DD. *Technical certification* means a certification approved by the Miami-Dade County Technical Certification Committee to allow a firm to submit proposals on, and receive award of, County agreements for architectural, engineering, landscape architecture, or surveying and mapping services. Firms may be certified in several different technical certification categories.

EE. *Tier 1 Set-Aside* means reservation for competition solely among Tier 1 CBE-A/E prime consultants and Tier 1 and/or Tier 2 CBE-A/E subconsultants of a given prime County agreement for architectural, landscape architectural, engineering, or surveying and mapping professional services when the estimated cost of professional service fees is one million dollars ($1,000,000.00) or less. Tier 2 CBE-A/Es may not compete for Tier 1 CBE-A/E set-asides as prime consultants.

FF. *Tier 2 Set-Aside* means reservation for competition solely among Tier 1 and/or Tier 2 CBE-A/E prime consultants and Tier 1 and/or Tier 2 CBE-A/E subconsultants of a given prime County agreement for architectural, landscape architectural, engineering, or surveying and mapping professional services when the estimated cost of professional service fees are one million one dollars ($1,000,001.00) or greater. Tier 1 CBE-A/Es may compete for Tier 2 CBE-A/E set-asides as prime consultants.

(3) *Program Components:*

A. *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall require review of all project specific contracts, design-build contracts, and multiple contracts for architectural, landscape architecture, engineering, and surveying and mapping professional services funded in whole or in part with County funds and all leases and contracts for privately funded construction on County-owned land to determine the appropriateness of applying measures as set forth in this section. The CBE-A/E Program shall not apply to continuing contracts. The County Manager or his or her designee shall take steps to ensure that the Community Business Enterprise (CBE-A/E) objective of assuring that not less than ten (10) percent of the County's total annual expenditures for professional architectural, landscape architectural, engineering, and surveying and mapping services, are expended with CBE-A/Es certified under this section is met. The provisions of this section shall apply to all departments and agencies of the County and the Public Health Trust. The words County Manager in this section shall mean the County Manager or his or her designee. All leases and contracts for privately funded construction on County-owned land for which measures are determined to be appropriate under this section shall contain specific provisions to implement the intent of the CBE program in a manner consistent with its application to County design contracts. Notwithstanding the foregoing, this section shall not apply to privately funded construction on any County-owned facilities or property where the total value of the construction is two hundred thousand dollars ($200,000.00) or less.

B. *Miami-Dade County Community Business Enterprise (CBE-A/E) Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services:*

1. *Agreement Set-Asides:* The County Commission, or Public Health Trust may determine it is in its best interest to set-aside a prime County agreement for architectural, landscape architectural, engineering, or surveying and mapping professional services when determined, prior to proposal advertisement, that there are at least three (3) Tier 1 and/or Tier 2 CBE-A/Es available. On a set-aside agreement, the successful proposer must be a certified Tier 1 and/or Tier 2 CBE-A/E; one hundred (100) percent of the total estimated value of professional services of the agreement must be performed by either the successful proposer, or the successful proposer and other certified Tier 1 and/or Tier 2 CBE-A/Es.

Transferring to, or substitution of, a non first tier CBE-A/E through subconsulting or otherwise all or part of the actual work of a set-aside agreement is prohibited unless such transfer receives prior approval from the Department of Small Business Development as consistent with normal industry practice except as allowed under (commercially useful function) above.

2. *Subconsultant goals:* The County Commission, or Public Health Trust may establish subconsultant goals to be applied to a particular agreement based on estimates made prior to proposal advertisement of the quality, quantity and type of subconsulting opportunities provided by the agreement, and of the availability of [first and second tier] CBE-A/Es to afford effective subconsulting competition therefor. After proposal advertisement, or other formal public notice, the established subconsultant goal may be reduced only with the approval of the County Commission or Public Health Trust.

Proposal documents shall require proposers to submit a Letter of Agreement, or equivalent, for each subconsultant to be utilized in satisfaction of a subconsultant goal. The Letter of Agreement, or equivalent, shall be signed by the prime and the subconsultant and shall at a minimum state the type of work that the subconsultant will perform, the technical certification category, and the percentage that the amount of the fees payable to the subconsultant bears to the overall fees payable under the contract. Failure to submit the required Letter of Agreement or equivalent, at the time of proposal submission shall render the proposal nonresponsive.

Proposers may cure immaterial irregularities in the Letter of Agreement submitted not later than forty-eight (48) hours following written notification by the Department of Small Business Development. Immaterial irregularities shall be those items which, in the County's sole discretion, do not, affect either the assurance of agreement between the prime proposer and the subconsultant or the proposer's assurances to the County that the stated measure will be met. Immaterial irregularities include those correctable items specifically identified in the form approved by the Director of Small Business Development for purposes of verifying compliance. Failure of a proposer to cure the immaterial irregularities within the stated period following notification shall result in disqualification of the proposer for contract award.

Proposal documents shall include documentation demonstrating the basis for the subconsultant goal established in the contract. Any proposer may challenge or protest the goal by submitting to SBD or the Contracting Officer no later than ten (10) business days prior to the scheduled proposal submission date the reasons for such a challenge or protest in writing. Challenges or protests to a CBE-A/E goal by proposers after that time, or based on reasons not provided in writing within the time frame stated above, shall not be considered by the County Commission. A successful prime proposer or joint venture certified as a CBE-A/E may perform up to one hundred (100) percent of a CBE-A/E subconsultant goal with its own forces provided that the Letter of Agreement, or equivalent, as filed with the proposal submission identifies such prime proposer or joint venture as performing such work.

Proposers who believe that they will fail to meet the specified subconsultant goal due to lack of available first and second tier CBE-A/Es, in order to remain eligible for award of the agreement, must notify SBD in writing at least fourteen (14) calendar days prior to proposal submitted date, advising SBD of the lack of available first and second tier CBE-A/Es and providing full documentation of their efforts to obtain the services of first and second tier CBE-A/Es to meet the goal.

Proposal documents shall provide that:

(i) Only expenditures to first and second tier CBE-A/Es for performing a commercially useful function shall be counted toward meeting a specified subconsultant goal;

(ii) Expenditures to first and second tier CBE-A/Es for acting essentially as a conduit to transfer funds to a non-CBE-A/E shall not be counted toward meeting a subconsultant goal unless such conduct receives prior approval from the Department of Small Business Development as consistent with normal industry practice; and

(iii) Expenditures to first and second tier CBE-A/Es who subconsult work further to non-CBE-A/Es shall not be counted toward meeting a subconsultant goal unless such subconsulting receives prior approval from the Department of Small Business Development as consistent with industry practice.

(iv) Only expenditures to first and second tier CBE-A/Es made under written subconsultant agreement executed by both the prime proposer and the first or second tier CBE-A/E shall be counted towards meeting the subconsultant goal.

3. *Graduation:* Upon review, any CBE-A/E that exceeds the Tier 2 CBE-A/E size limits established by this section shall be graduated from the CBE-A/E program upon notification by SBD. These firms shall be allowed to complete any currently awarded agreements and remain eligible to be awarded agreements as primes or subconsultants for proposal(s) submitted prior to notice of graduation. However, the graduated firm will not be eligible to receive any new agreements under the CBE-A/E program.

(4) *Certification Requirements:* The County Mayor or designee shall implement eligibility criteria and administrative procedures for firms to be certified as CBE-A/Es based on regulations outlined in this section. Firms exceeding size limits established hereunder and under Appendix A of the ordinance from which this section derives are not eligible for measures or participation in these programs.

1. The Department of Small Business Development (SBD) shall maintain and publish at least monthly an updated list of CBE-A/Es.

2. SBD shall not certify an applicant, shall not recertify a CBE-A/E, and shall decertify a CBE-A/E that fails to comply with the criteria or procedures for obtaining or maintaining certification. SBD shall have authority to suspend the certification of a CBE-A/E during any appeal of a certification decision.

3. Applicants and certified CBE-A/Es must be properly licensed to conduct business with the State of Florida and in Miami-Dade County and, must perform a commercially useful function with an actual place of business in Miami-Dade County, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified. A qualifier can only qualify one CBE-A/E firm.

4. The applicant qualifier of the certified CBE-A/E firm must own at least twenty-five (25) percent of the certified firm's issued stock or have at least a twenty-five (25) percent ownership interest in the certified firm. A CBE-A/E firm may be certified in other technical categories for which the firm has received Technical Certification in accordance with [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) of the Miami-Dade County Code, through a non-owner qualifier.

5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of proposal submittal. For successful proposers, certification must be maintained throughout the selection process and contract award. With the exception of provisions previously described for graduation from the CBE-A/E program, loss of CBE-A/E certification will lead to removal of the firm from continued participation in the CBE-A/E program. CBE-A/Es experiencing changes in address or ownership shall notify SBD within thirty (30) days of the effective date of such changes.

6. A business owner, alone or as a member of a group, shall own or control only one CBE-A/E at a time. A business owner, alone or as a member of a group, and any CBE-A/E may not hold more than a ten (10) percent equity ownership in any other CBE-A/E.

7. Applicants for CBE-A/E certification shall, as part of their application, disclose the information specified in subsections (d) (1) and (2) of Appendix A of this Code.

8. SBD may require applicants and CBE-A/Es to submit information regarding their business operations, including but not limited to a breakdown of the applicant's or CBE-A/E's ownership, gross annual sales and/or workforce; however, the race, national origin, gender, shall not be used in the consideration.

(5) *Sanctions for contractual violations:* Proposal and agreement documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a proposer's or subconsultant's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one or more of the following sanctions:

i. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;

ii. The issuance of fines upon prime consultants for violations of this section;

iii. Work stoppage;

iv. The issuance of a make-up requirement up to two times the value of subconsultant goal;

v. Termination, suspension, or cancellation of the agreement in whole or part;

vi. In the event a proposer or CBE-A/E attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, or is found after a hearing to have discriminated in violation of Article VII of [Chapter 11A](../level2/PTIIICOOR_CH11ADI.docx#PTIIICOOR_CH11ADI) of the Miami-Dade County Code, the County shall, whenever practicable, terminate the agreement or require the termination or cancellation of the subconsultant agreement for the agreement on which the proposer or CBE-A/E committed such acts. In addition, and as a further sanction, the County Manager or his or her designee may impose any of the above-stated sanctions on any other agreements or subconsultant agreements the proposer or CBE-A/E has on County projects. In each instance, the proposer or CBE-A/E shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The proposer or CBE-A/E may also be subject to debarment. Some of the violations that may result in the imposition of the sanctions listed in Section (5) above include, but are not limited to, the following:

1. A CBE-A/E serving as a conduit for CBE-A/E work awarded to a firm as a CBE-A/E but which is being performed by a non-CBE-A/E firm;

2. A prime successful proposer not meeting CBE-A/E Program set-aside or subconsultant goal requirements;

3. Not obtaining or retaining CBE-A/E certification while performing work designated for CBE-A/E firms;

4. Failure to submit monthly utilization reports;

5. Failure to comply with CBE-A/E certification requirements, including not maintaining a place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;

6. Failure to maintain certification as a CBE-A/E;

7. Deviation from the Letter of Agreement, or equivalent, without prior approval from SBD;

8. Termination of the CBE-A/E's agreement without prior approval from SBD;

9. Reduction of the scope of work of a CBE-A/E subconsultant agreement without prior approval from SBD;

10. Modifications to the terms and/or prices of payment to a CBE-A/E without prior approval from SBD;

11. Unjustified failure to enter into a written subconsultant agreement with a CBE-A/E after listing the firm on a Letter of Agreement, or equivalent.

12. Failure to pay subconsultants promptly and in accordance with the administrative procedures under this section.

(6) *Administrative penalties.* For violation of or noncompliance with this section or its implementing order, proposal(s), and/or competitive selection documents, the County Mayor or designee may impose penalties that include, but are not limited to, the following:

1. The loss of eligibility to be certified as a CBE-A/E for a specified period of time, not to exceed three (3) years, for an applicant or a CBE-A/E, its individual officers, its shareholders with significant interests, and its affiliated businesses.

2. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was pervasive, the Mayor or designee may order that the contract work be suspended or terminated, and that the noncomplying contractor or subcontractor and the principal owners and/or qualifying agent thereof be prohibited from bidding on or otherwise participating in County construction contracts for a period not [to] exceed three (3) years.

3. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor or designee may, in the case of a goal deficit, order a penalty amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10 percent of the amount thereof; for the second deficit, a penalty in an amount equal to 20 percent thereof; for the third and successive deficits, a penalty in an amount equal to 30 percent thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and shall be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) of the Code of Miami-Dade County.

4. If the required payment is not made within thirty (30) days of the administrative hearing or final resolution of any appeal therefrom, the noncomplying contractor or subcontractor and the principal owner(s) and qualifying agent(s) thereof shall be prohibited from bidding on or otherwise participating in County construction contracts for a period not to exceed three (3) years.

(7) *Appeals.*

1. Any firm that is denied certification, decertified, or issued a determination of noncompliance with the requirements of this ordinance or its implementing order may appeal such action to the County Mayor or designee by submitting a written request to the County Mayor or designee along with a nonrefundable filing fee to be established by implementing order, within 30 days of issuance of the notice. Upon timely receipt of a request for an administrative hearing, the County Mayor or designee shall appoint a hearing officer and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), or 3-11.1 or otherwise.

2. Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and recommendations together with a transcript of all evidence taken before him/her and all exhibits received by him/her, to the Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing. The determination of the Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure.

3. The prevailing party shall not incur any additional expenses, fees or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.

(8) *County responsibilities.* The Department of Small Business Development (or other County department designated by the County Mayor) shall:

1. Administer, or provide oversight for, the CBE-A/E programs and incentives outlined in this section;

2. Provide staff assistance to the Review Committee and the CBE-A/E Advisory Board;

3. Compile and maintain the data necessary to make the appropriate determinations as to the certification and decertification of CBE-A/Es, and to make recommendations for the application of measures to a given agreement;

4. Ensure that an integrated system exists for information gathering, reporting, and statistical analysis including (but not limited to) interfacing with other County financial systems such as FAMIS, Seaport, Aviation, MDHA and MDWASD to obtain actual amount of work orders authorized to firms versus the project award amount (for successful proposers as well as for subconsultants), and interfacing with the GSA mainframe system to access data on vendors and awards;

5. Monitor all agreements for which program measures have been applied in terms of consultant and subconsultant compliance with the provisions of this section;

6. Provide assistance in technical and financial matters including:

a. Assistance in increasing the ability of CBE-A/Es to compete effectively on contracts;

b. Conduct of seminars on project management; and

c. Assistance in identifying and solving problems on projects.

7. Review and investigate reports of non-compliance, and make the appropriate recommendations to the County Manager or his or her designee as to penalties to be invoked; and

8. Prepare an annual report for the Board of County Commissioners on the results of the CBE-A/E Program.

(9) Notwithstanding the requirements of this Section, the Mayor or his designee is hereby expressly authorized and directed to establish an expedited process for the creation, review and approval of measures relating to Economic Stimulus Projects subject to [Section 2-8.2.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR) of this Code. Such process shall be set forth in an administrative order.

(Ord. No. 01-103, § 1, 6-5-01; Ord. No. 04-120, § 1, 6-8-04; Ord. No. 08-70, § 1, 6-3-08; Ord. No. 08-92, § 2, 7-17-08; Ord. No. 10-83, § 1, 12-7-10; Ord. No. 12-05, § 1, 2-7-12; Ord. No. 11-24, § 1, 5-3-11)

Sec. 2-10.4.2. [Appraisers required for purchases, sales and leases.]

(a) Whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of five million dollars, the County shall prior to consummating the purchase, sale or lease have the property appraised by two (2) real estate appraisers holding the M.A.I. designation.

(b) Upon the written recommendation of the County Manager, this Board may waive the provisions of this section if it finds it to be in the best interest of the County to do so.

(c) The County Commission shall be informed of each of the appraisals prior to the Board's approving or disapproving the transaction.

(Ord. No. 01-95, §§ 1—3, 5-22-01)

**Editor's note—**

Ord. No. 01-95, §§ 1—3, adopted May 22, 2001, did not specifically amend the Code. Hence, its inclusion herein as [section 2-10.4.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4.2APREPUSALE) was at the discretion of the editor.

Sec. 2-10.5. Administrative guidelines for community development block grant funds.

(a) The following requirements apply to those funds which the County receives under the Community Development Act of 1974 as amended for fiscal year 1982 and any other year thereafter.

(b) The Office of Community and Economic Development (hereinafter "the Office") shall continue to prepare an annual community development plan in which it shall specify which projects it intends to fund, which areas will be affected, and the manner in which low and moderate income families will benefit from these projects. In addition to any plan and certifications which may be required by the U.S. Department of Housing and Urban Development, the community development plan shall contain an antidisplacement strategy which anticipates the degree of displacement created by community development activities and specifies measures the Office will undertake to alleviate these consequences.

(c) The Miami-Dade County Citizen Participation Plan adopted July 1981, is hereby incorporated by reference and attached as Exhibit A.

(d) All plans and reports relating to the Community Development Program shall be on file at the Office and available to the public during regular working hours.

(e) To ensure that community development funds benefit low and moderate income people, the total program benefit funded by community development block grants shall provide at least seventy-five (75) percent of its benefits to low and moderate income persons. "Low and moderate income" shall be defined as eighty (80) percent or less than the median income for the standard metropolitan statistical area of Miami-Dade County.

(f) Community development funds used for economic development projects must generate substantial long-term employment for low and moderate income people. In order to assure compliance with this purpose:

(1) All proposals for the expenditure of community development funds on economic development projects shall include:

a. An estimate of the number of new, permanent jobs to be created by each project.

b. An estimated ratio for each project of new, permanent jobs created to public funds received.

c. An estimated percentage for each project of new, permanent jobs employing low and moderate income people.

d. A detailed implementation plan describing the mechanisms by which these targets shall be attained.

(2) All approved projects shall be monitored by the office for compliance with the implementation and attainment of employment targets. If, in the determination of the Office, the project Managers are not adequately adhering to the implementation plan, or otherwise not making a reasonable effort to meet the employment targets, the County shall withhold or terminate funding of the project.

(3) No less than seventy-five (75) percent of program year funds allocated to economic development projects shall be expended on projects in low and moderate income neighborhoods.

(g) No more than twenty (20) percent of the total federal community development block grant budget for each project year shall be spent for local administration of this program.

(h) The provisions of this section shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any acts taken pursuant to this section.

(Ord. No. 82-16, § 1, 3-16-82)

**Editor's note—**

Ord. No. 82-16, § 1, adopted March 16, 1982, amended the Code, but did not assign a section number; thus, designation as [§ 2-10.5](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.5ADGUCODEBLGRFU) has been at the editor's discretion. The plan referred to as Exhibit A has not been reproduced herein, but may be found on file in the Clerk's Office.

Sec. 2-10.5.1. Federal Community Development Block Grant and HOME Funds.

Organizations or individuals seeking Federal Community Development Block Grant and HOME Funds (hereinafter "CDBG and HOME Reserves") that become available during a fiscal year after the adoption of that fiscal year's request for application process shall be awarded funds in the following manner:

(a) The board shall determine the amount of individual project allocations from CDBG and HOME Reserves pursuant to reports from the County Manager.

(b) Allocations of CDBG and HOME Reserves which receive a favorable recommendation from the County Manager shall require the affirmative vote of the majority of the Commission members present.

(c) Allocations of CDBG and HOME Reserves which do not receive a favorable recommendation from the County Manager shall require the affirmative vote of two-thirds (2/3) of the Commission members present.

(Ord. No. 96-118, § 1, 7-18-96)

**Editor's note—**

Ord. No. 96-118, § 1, adopted July 18, 1996, amended the Code by the addition of provisions which have been codified herein as [§ 2-10.5.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.5.1FECODEBLGRHOFU) at the discretion of the editor.

Sec. 2-10.6. Competitive bidding requirement for all County bond transactions.

(1) *Definitions.* In addition to words and terms defined within the context of this section, the following words and terms shall mean:

(a) *Capital before haircut* means "Net Capital before haircuts on securities positions" as shown in item 3640 of each underwriting firm's focus report filed with the SEC periodically or any equivalent measure of capital established by the SEC from time to time.

(b) *Eligible amount* means an underwriting firm's capital before haircut multiplied by fifteen (15), or any equivalent measure of eligibility established by the SEC from time to time.

(c) *Focus report* means the monthly focus report filed by underwriting firms with the SEC or any successor report required by the SEC from time to time.

(d) *Pre-sale allocation* means the bonds allocated to an underwriting firm in accordance with Sections 10(d) through 10(h) of this section.

(e) *Minority firm* means an underwriting firm that is fifty-one (51) percent, or more, owned and controlled by blacks, females, Hispanics, or any combination of each.

(f) *Locally headquartered firm* means an underwriting firm that maintains its corporate headquarters in Miami-Dade County or Broward County.

(2) *Sale of bonds.* All general obligation, special obligation and revenue bonds, certificates of participation, notes and other similar obligations of the County (collectively, the "Bonds") shall be sold at public sale by competitive bid at such place or places as the Board shall determine.

(3) *Waiver of competitive sale.* The provisions of Section (2) may be waived:

(a) Upon both the written recommendation of the County Manager and the County's financial advisor responsible for the transaction in question, and by a majority vote of the entire membership of the Board that a waiver is in the best interest of the County, provided the written recommendation of the County Manager sets forth specific findings as to the reasons a negotiated sale is recommended; or

(b) By an affirmative vote of two-thirds (2/3) of the entire membership of the Board, provided the Board makes specific findings as to the reasons a negotiated sale is in the best interest of the County.

(4) *Manager's Finance Committee.*

(a) The Manager's Finance Committee ("MFC") is established and shall be comprised of a representative of the County Manager's Office, the Water and Sewer Department, the Aviation Department, the Department of Solid Waste Management, the Seaport Department, Transit Department, and the Office of Strategic Business Management; and two (2) members from the public sector and one (1) member from the private sector to be selected by the County Manager, all of whom shall be familiar with corporate or municipal public finance. The representative of the County Manager's Office shall serve as voting Co-Chairperson and the Finance Director shall serve as a non-voting Co-Chairperson.

(b) The County Attorney's Office shall serve as staff counsel to the MFC. The County's Financial Advisors shall serve in an advisory capacity pursuant to the terms of this section.

(c) A majority of the voting members present shall constitute a quorum for purposes of transacting business.

(d) It shall be the responsibility of the MFC to assign the underwriting firms to a particular negotiated transaction in accordance with the terms of this section.

(e) The MFC shall make recommendations to the County Manager whether a particular transaction has merit.

(f) The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, codified in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the County Code, shall be applicable to the members of the MFC.

(5) *Selection of underwriting firms pursuant to RFQ.*

(a) The County Manager shall issue a Request for Qualifications ("RFQ") for the selection of underwriting firms to serve as members of the County's underwriting pool (the "pool") on all negotiated transactions, prior to each pool term. All underwriting firms in the pool may serve as Senior Manager, Co-Senior Manager or Co-Manager in accordance with the provisions of this section.

(b) No underwriting firm shall be a member of the pool if such underwriting firm is serving as one (1) of the financial advisors to the County.

(6) *Underwriting pool.*

(a) A pool shall be in existence for a five-year period, commencing on the effective date of the Board's approval of that pool (the "term"). A pool may be established by resolution after a RFQ proposal process is complete.

(b) The pool shall consist of two (2) divisions of underwriting firms (the "Division" or "Divisions") categorized by their capital before haircut and their ability to senior manage. They are:

(1) *Division 1: (Transactions equal to seventy-five million dollars ($75,000,000.00) or less).* Division 1 shall consist of underwriting firms which demonstrate the ability to senior manage transactions with an aggregate principal amount between three million seven hundred fifty thousand dollars ($3,750,000.00) and seventy-five million dollars ($75,000,000.00) based on a minimum capital before haircut equal to two hundred fifty thousand dollars ($250,000.00) and a maximum capital before haircut equal to five million dollars ($5,000,000.00). However, underwriting firms with an average capital before haircut greater than five million dollars ($5,000,000.00) but less than ten million dollars ($10,000,000.00) (aa) may also elect to be included in Division 1 when such underwriting firm responds to the RFQ, or (bb) may elect to remain in Division 1 pursuant to the terms of Section 8(e). With the exception of unsolicited proposals which is governed by [Section 13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX), in no event shall an underwriting firm in Division 1 senior manager a transaction with an aggregate principal amount greater than seventy-five million dollars ($75,000,000.00).

(2) *Division 2: (Transactions equal to seventy-five million one dollars ($75,000,001.00) and above)* shall consist of underwriting firms which demonstrate the ability to senior manage a transaction of at least seventy-five million one dollars ($75,000,001.00) based on a minimum capital before haircut equal to five million dollars ($5,000,000.00).

(c) The aggregate total number of underwriting firms selected in the pool shall not exceed thirty (30) firms.

(d) Each underwriting firm shall notify the County of an increase or decrease in its capital before haircut, as reported in its most recent Focus Report, if such increase or decrease would result in a change to the underwriting firm's Division classification ("material change") assuming such material change would continue for a period of six (6) consecutive months. Failure by the underwriting firm to notify the County in writing within ten (10) business days from the date of the Focus Report which reports the material change shall result in automatic removal from the pool.

(e) If the average capital before haircut of an underwriting firm in Division 1 is greater than five million dollars ($5,000,000.00) but less than ten million dollars ($10,000,000.00) for a period of six (6) consecutive months and is at least five million dollars ($5,000,000.00) as reported in the sixth month, the MFC shall transfer such underwriting firm to Division 2 upon written request by the underwriting firm. Any underwriting firm in Division 1 with an average capital before haircut that exceeds ten million dollars ($10,000,000.00) for a period of six (6) consecutive months shall be automatically transferred to Division 2 by the MFC; provided, however, that any underwriting firm which elected to be included in Division 1 at such time the underwriting firm responded to the RFQ, as described in Section 8(b), shall remain in Division 1 for twelve (12) months. Once transferred, an underwriting firm shall remain in Division 2 unless it is reclassified to Division 1 as provided in the next sentence. If the average capital before haircut of an underwriting firm in Division 2 decreases below five million dollars ($5,000,000.00) over a period of six (6) consecutive months, the MFC shall automatically transfer such underwriting firm to Division 1. If the average capital before haircut of an underwriting firm decreases below two hundred fifty thousand dollars ($250,000.00) over a period of six (6) consecutive months, the MFC shall automatically remove the underwriting firm from the pool.

(f) When an underwriting firm is transferred to another Division, its past pre-sale allocation shall be added to any pre-sale allocation allotted to such underwriting firm in its new Division. Similarly, the number of times an underwriting firm has served as Senior Manager shall be determined by adding the number of times it has served as Senior Manager in both Divisions. If an underwriting firm is moved to another Division and not all of the underwriting firms in that Division have served as Senior Manager (with the exception of unsolicited proposals), the underwriting firm shall be deemed to be the lowest rated underwriting firm for that Division.

(g) If a vacancy occurs for any reason in the pool, there shall be no replacement for that vacancy during the remainder of the term.

(f) Underwriting firms may be suspended or removed from the Pool upon the written recommendation of the MFC to the County Manager, who will then consider the MFC's recommendation before submitting his/her recommendation to the Board. The County Manager shall not be bound by the MFC's recommendation and may recommend to the Board the suspension or removal of an underwriting firm from the Pool without a recommendation from the MFC. Final decisions reside with the Board, which may also suspend or remove an underwriting firm without a recommendation from the MFC or the County Manager.

(g) The MFC, County Manager or the Board shall consider, among other factors, the following in evaluating whether an underwriting firm shall be suspended or removed from the Underwriting Pool:

(1) Any investigation whether threatened, pending or resolved by any Federal or state authority, including the State of Florida, concerning an underwriting firm's public finance related activities, particularly any Miami-Dade transactions, as evidenced by receipt of a Wells Letter or notice of a Wells Letter received by the firm with respect to a Federal investigation and/or receipt or notice of an investigation from any state, including the State of Florida; or

(2) Any civil or criminal litigation involving the firm or any of its principals relating to activities as underwriters.

(h) An underwriting firm shall be automatically removed from the Underwriting Pool if the underwriting firm:

(1) Ceases operations due to bankruptcy; or

(2) Terminates underwriting operation activities.

(7) *Sale on a negotiated basis.* Whenever the competitive bid process has been waived pursuant to the provisions of Section (3) of this section, the transaction being proposed may be sold on a negotiated basis to the underwriting firms assigned in the manner described in Section 10.

(8) *Assignment of underwriting firms to particular bond transaction.*

(a) Until the initial pool is established pursuant to the terms of this section, the MFC shall continue to make assignments on negotiated transactions pursuant to the provisions of Subsections (e)(2) through (6) and (10), and Subsections (f)(1) through (6) of [Section 2-10.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.6COBIREALCOBOTR) of the County Code in the same manner as if such provisions were still in effect.

(b) The underwriting firms selected to the pool may serve as Senior Manager, Co-Senior Manager and Co-Manager on a rotating basis as determined by the MFC pursuant to the terms of this section. When determining the rotation, the MFC shall first consider the number of times an underwriting firm has served as Senior Manager. With the exception of unsolicited proposals, the MFC shall first select the highest rated underwriting firm for the applicable Division as Senior Manager, then the next highest rated underwriting firm for the applicable Division and so on, until all underwriting firms in each Division have served at least once as Senior Manager, provided, however, that in each case, the MFC shall also consider the criteria (excluding past pre-sale allocation of bonds) described in Subsection (c) below. In the event that two (2) or more underwriting firms which are the next highest rated have the same rating, the MFC shall select among such underwriting firms by alphabetical order. After each member of a Division has served one (1) time as Senior Manager (excluding unsolicited proposals), the MFC shall assign underwriting firms to the Senior Manager position in accordance with the criteria described in Subsection (c) below.

In the event an underwriting firm declines to serve in any capacity when appointed, the underwriting firm shall be credited with the pre-sale allocation and, if applicable, Senior Manager designation, in the same manner as if it had accepted the assignment.

(c) In addition to past pre-sale allocation of bonds, eligible amount and the number of times served as Senior Manager, the MFC shall also consider current assignments, overall workload, prior performance or nonperformance, any conflict of interest for such firm or any employee of such firm, any event which would militate against the selection of the underwriting firm pursuant to operation of this section, whether the assignment to a particular underwriting firm will cause the County to incur higher interest rates on the bonds to be sold, any information it receives pursuant to Section 10(i) and other like factors when determining the rotation of the underwriting firms. Conditioned upon meeting the other provisions of this Section 10, in each negotiated transaction, the MFC shall assign such transaction in a manner so that a minimum of thirty-five (35) percent of the total pre-sale allocation for the transaction is assigned to minority firms and/or locally headquartered firms.

(d) Transactions with an aggregate principal amount equal to or less than seventy-five million dollars ($75,000,000.00) shall be assigned to one (1) Senior Manager (@45%), two (2) Co-Senior Managers (@20%) and three (3) Co-Managers (@5%) all selected from Division 1, subject in each case to Section 10(j) below. Notwithstanding the foregoing, if the members of the MFC by a majority vote and upon the written recommendation of the County's financial advisor assigned to the transaction, find the transaction to be too large, too complicated or the underwriting firms in Division 1 lack the experience, expertise or adequate sales force or sales capability to sell the bonds without causing the County to incur higher interest rates, the MFC shall assign the Senior Manager position (@45%) to the next eligible underwriting firm in Division 2.

(e) Transactions with an aggregate principal amount equal to seventy-five million one dollars ($75,000,001.00) and up to and including one hundred fifty million ($150,000,000.00) shall be assigned to one (1) Senior Manager (@39%) selected from Division 2, one (1) Co-Senior Manager (@12%) selected from Division 2, two (2) Co-Senior Managers (@12%) selected from Division 1 and five (5) Co-Managers (@5%) selected from Division 1, subject in each case to Section (8)(j) below.

(f) Transactions with an aggregate principal amount equal to one hundred fifty million one dollars ($150,000,001.00) and up to and including three hundred million dollars ($300,000,000.00) shall be assigned to one (1) Senior Manager (@33%) selected from Division 2, two (2) Co-Senior Managers (@8%) selected from Division 2, two (2) Co-Senior Managers (@8%) selected from Division 1 and seven (7) Co-Managers (@5%) selected from Division 1, subject in each case to Section (8)(j) below.

(g) Transactions with an aggregate principal amount equal to three hundred million one dollars ($300,000,001.00) or more shall be assigned to one (1) Senior Manager (@32%) selected from Division 2, two (2) Co-Senior Managers (@8%) selected from Division 2, two (2) Co-Senior Managers (@8%) selected from Division 1 and nine (9) Co-Managers (@4%) selected from Division 1, subject in each case to Section (8)(j) below.

(h) The bonds shall be allocated among the underwriting firms assigned pursuant to Sections (8)(d), (8)(e), (8)(f) and (8)(g) as shown in the chart below:

*Assignments of bond transactions.*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| SIZE OF BOND ISSUANCE | DIVISION 1 Firms w/capital equal to or in excess of $250,000 | | | DIVISION 2 Firms w/capital equal to or in excess of $5 million | | |
| $75 million or less |  |  |  | OR |  |  |
|  | \*1 | Senior Manager | 45% | \*1 | Senior Manager | 45% |
|  | 2 | Co-Senior Managers | 20% |  |  |  |
|  | 3 | Co-Managers | 5% |  |  |  |
| Over $75 million and up to and including $150 million |  |  |  | 1 | Senior Manager | 39% |
|  | 2 | Co-Senior Manager | 12% | 1 | Co-Senior Manager | 12% |
|  | 5 | Co-Managers | 5% |  |  |  |
| Over $150 million and up to and including $300 million |  |  |  | 1 | Senior Manager | 33% |
|  | 2 | Co-Senior Managers | 8% | 2 | Co-Senior Managers | 8% |
|  | 7 | Co-Managers | 5% |  |  |  |
| Over $300 million |  |  |  | 1 | Senior Manager | 32% |
|  | 2 | Co-Senior Managers | 8% | 2 | Co-Senior Managers | 8% |
|  | 9 | Co-Managers | 4% |  |  |  |

\**At the discretion of the MFC pursuant to Section (8)(d) above.*

(i) Prior to the MFC's assignment of underwriting firms to a transaction, each underwriting firm eligible for such assignment shall respond to any request by the MFC for information material to the selection of that underwriting firm. When making an assignment, the MFC shall consider the information received from each underwriting firm and from any other source which may militate against the assignment to an underwriting firm. On the last day of each six (6) month period during the term, every member of the pool shall forward copies of their Focus Reports for each month during the six (6) month period to the Finance Director. Failure to forward such Focus Reports and any other requested material shall subject such underwriting firm to removal from the pool.

(j) The MFC shall not select an underwriting firm as Senior Manager and no underwriting firm shall accept the assignment as Senior Manager to a bond transaction if the underwriting firm's eligible amount is not sufficient to underwrite the entire transaction. In addition, no underwriting firm shall be allocated bonds in excess of its eligible amount. If a firm's eligible amount is less than the allocation due to such firm according to the table above, the difference shall be allocated pro rata among the Co-Senior Managers.

(k) If there are not enough eligible firms in a particular Division to complete an assignment, the MFC shall have the discretion to assign an underwriting firm from the other Division.

(l) The MFC shall forward its recommendation for assignments on negotiated transactions to the County Manager who will then consider the MFC's recommendation prior to advancing his/her recommendation to the Board. The County Manager shall not be bound by the MFC's recommendation except that all recommendations must be consistent with the selection criteria outlined in this section. Final underwriter selection resides with the Board in accordance with Section (9) of this section.

(9) *Award resolution.* All Bonds sold to an underwriting firm in the pool must be accomplished pursuant to a resolution of the Board. The Board reserves the right to remove an underwriting firm, suspend an underwriting firm or to exercise its sole discretion and not award a particular transaction to an underwriting firm.

(10) *Post-sale review.* After completion of each transaction, the participating underwriting firms shall be subject to post-sale review by the Finance Director and the County's financial advisor assigned to the matter. The criteria to be reviewed shall include, among other things, breakdown of Bonds sold at retail or to institutions, responsiveness and cooperation of individuals assigned to each aspect of the transaction, perspective concerning agreed compensation and results achieved when compared with similar credits in the same market. The MFC may, based on one (1) or more such reviews, submit a report to the Board recommending removal of any one (1) or more underwriting firms.

(11) *Unsolicited proposals.*

(a) It is contemplated that underwriting firms will continually monitor the County's capital needs and market opportunities and develop unsolicited proposals in order to increase the likelihood for a negotiated transaction. In the event an unsolicited proposal results in a negotiated transaction within a reasonable time of its submission, the underwriting firm that submitted the unsolicited proposal, whether a member of the underwriting pool or not, shall serve as Senior Manager, provided the underwriting firm has an eligible amount sufficient to underwrite the transaction. If the underwriting firm does not have an eligible amount sufficient to underwrite the transaction, the underwriting firm shall serve as Co-Senior Manager and shall be allocated bonds equal to its eligible amount and the difference between its eligible amount and its pre-sale allocation shall be allocated among the other members in accordance with Section (8)(j) above. Such assignment shall be made by the MFC regardless of past pre-sale allocation of bonds and the number of times such underwriting firm has served as Senior Manager.

(b) A meritorious unsolicited proposal, must be an innovative approach to: solving a County financial problem; improving the way in which the County gains access to short or long term capital funds; or identifying new sources of security to support County debt obligations. Matters which should be routinely monitored by the County's financial advisors such as debt which should be refunded for interest cost savings will not qualify. In addition, interest rate swap recommendations will not ipso facto qualify as meritorious unsolicited proposals. An unsolicited proposal deemed meritorious by the financial advisors shall be presented to the MFC for consideration. Upon a majority vote of the MFC in favor of the unsolicited proposal, the MFC shall proceed with the selection of underwriting firms in accordance with the terms of this section.

(12) *Exceptions.* The provisions of this section do not apply to the issuance of bonds by the Miami-Dade County Educational Facilities Authority; the Miami-Dade County Health Facilities Authority; the Housing Finance Authority of Miami-Dade County, Florida and the Miami-Dade County Industrial Development Authority.

(Ord. No. 99-73, §§ 2—14, 6-22-99; Ord. No. 04-202, § 1, 11-30-04)

**Editor's note—**

Ord. No. 99-73, §§ 2—14, adopted June 22, 1999, replaced [section 2-10.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.6COBIREALCOBOTR) in its entirety. Former [section 2-10.6](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.6COBIREALCOBOTR) pertained to similar material and derived from Ord. No. 94-158, §§ 1—9, adopted Sept. 13, 1994; Ord. No. 95-37, §§ 1, 2, 4, 5, adopted Feb. 21, 1995; Ord. No. 95-102, § 1, adopted June 20, 1995; Ord. No. 96-90, §§ 1—3, adopted June 18, 1996; Ord. No. 97-2, § 1, adopted Jan. 14, 1997; Ord. No. 97-8, § 1, adopted Feb. 4, 1997; and Ord. No. 97-21, § 1, adopted March 18, 1997.

**Cross reference—** General obligation bonds, Ch. 16.

Sec. 2-11. Outside employment by County employees.

(a) *Generally prohibited.* No full-time County employee shall accept outside employment, either incidental, occasional or otherwise, where County time, equipment or material is to be used or where such employment or any part thereof is to be performed on County time.

(b) *When permitted.* A full-time County employee may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the County or any of its departments and the approval required in subsection (c) is obtained.

(c) *Approval of department head required.* Any outside employment by any full-time County employee must first be approved in writing by the employee's department head who shall maintain a complete record of such employment.

(d) *Penalty.* Any employee convicted of violating any provision of this section shall be punished as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE), and, in addition thereto, shall be subject to dismissal by his department head.

(Ord. No. 58-5, § 25.01, 2-18-58)

**Annotation—**AO [7-1](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx#PTIIICOOR_CH7BODOWA_ARTIINGE_S7-1WACODI)

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

(a) *Designation.* This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-27, § 1, 3-20-73)

(b) *Definitions.* For the purposes of this section the following definitions shall be effective:

(1) The term "Commissioners" shall refer to the Mayor and the members of the Board of County Commissioners as duly constituted from time to time.

(2) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the Board of County Commissioners.

(3) The term "quasi-judicial personnel" shall refer to the members of the Community Zoning Appeals Board and such other boards and agencies of the County as perform quasi-judicial functions.

(4) The term "advisory personnel" shall refer to the members of those County advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the Board of County Commissioners.

(5) The term "departmental personnel" shall refer to the Manager, his or her department heads, the County Attorney and all Assistant County Attorneys.

(6) The term "employees" shall refer to all other personnel employed by the County.

(7) The term "compensation" shall refer to any money, gift, favor, thing or value or financial benefit conferred in return for services rendered or to be rendered.

(8) The term "controlling financial interest" shall refer to ownership, directly or indirectly, to ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.

(9) The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.

(10) The term "transact any business" shall refer to the purchase or sale by the County of specific goods or services for a consideration.

(11) The term "Ethics Commission" shall refer to the Miami-Dade County Commission on Ethics and Public Trust.

(12) The term "domestic partner" shall mean a person who is a party to a valid domestic partnership relationship as described in [section 11A-72](../level3/PTIIICOOR_CH11ADI_ARTIXDOPAFAHECO.docx#PTIIICOOR_CH11ADI_ARTIXDOPAFAHECO_S11A-72REDOPA)(b)(1),(2), (3), (4) and (6) of the Code.

(13) The term "contract staff' shall mean any employee and/or principal of an independent contractor, subcontractor (of any tier), consultant or sub-consultant (of any tier), designated in a contract with the County as a person who shall be required to comply with the provisions of Subsections [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(g), (h), (j), (l), (m), (n) and (o) of the Conflict of Interest and Code of Ethics Ordinance. Prior to determining whether to designate a person as contract staff in a RFP, RFQ, bid or contract, the Mayor or his or her designee shall seek a recommendation from the Executive Director of the Ethics Commission.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-23, § 1, 3-20-73; Ord. No. 86-24, § 3, 4-1-86; Ord. No. 10-48, § 1, 7-8-10)

(c) *Prohibition on transacting business within the County.*

(1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

(2) County employees' limited exclusion from prohibition on contracting with the county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prevent any employee as defined by subsection (b)(6) [excluding departmental personnel as defined by subsection (b)(5)] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

(3) Limited exclusion from prohibition on autonomous personnel, advisory personnel and quasi-judicial personnel contracting with county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prohibit any person defined in subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

(4) Any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the Ethics Commission") prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family. A request for a conflict of interest opinion shall be made in writing and shall set forth and include all pertinent facts and relevant documents. If the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2), (b)(3), (b)(4) or (b)(6) may request a waiver from the Board of County Commissioners within ten (10) days of the Ethics Commission opinion by filing a notice of appeal to the Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County Commissioners (the "Clerk") forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds (2/3) of the entire Board of County Commissioners, after public hearing, if it finds that the requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County. The Board of County Commissioners may, as provided in subsection (c)(6), grant a waiver to any person defined in subsection (b)(2) through (b)(4) regarding a proposed transaction. Such findings shall be included in the minutes of the board. This subsection shall be applicable only to proposed transactions, and the Board may in no case ratify a transaction entered into in violation of this subsection.

If the affected person or his or her immediate family member chooses to respond to a solicitation to contract with the County, such person shall file with the Clerk a statement in a form satisfactory to the Clerk disclosing the person's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a bid, response, or application of any type to contract with the County. Along with the disclosure form, the affected person shall file with the Clerk a copy of his or her request for an Ethics Commission opinion and any opinion or waiver from the Board. Also, a copy of the request for a conflict of interest opinion from the Ethics Commission and any opinion or waiver must be submitted with the response to the solicitation to contract with the County.

Notwithstanding any provision herein to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or the Board waives the conflict in accordance with the provisions of this ordinance.

The County Manager is directed to include language in all solicitations for county contracts advising persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an Ethics Commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethics Commission regarding the applicability of state law conflict of interest provisions.

(5) Nothing herein shall prohibit or make illegal (1) the payment of taxes, special assessments or fees for services provided by County government; (2) the purchase of bonds, anticipation notes or other securities that may be issued by the County through underwriters or directly from time to time; (3) the participation of the persons included in the terms defined in subsection (b)(1) through (6), except for employees of the general services administration and their "immediate family" as defined in (b)(9), in the public auction process utilized by the County for the disposal of surplus motor vehicles; (4) the purchase of surplus personal property, pursuant to administrative order, by persons defined in subsection (b)(1) through (6) and (9); (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance from said department; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs; or (6) and application to participate in a single-family mortgage loan program sponsored by the Housing Finance Authority of Miami-Dade County, has been submitted by a County person as defined in subsection (b), and would but for this section be eligible for participation in said program; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Finance Department who participates in the administration of said single-family mortgage loan program.

(6) Extension of waiver to county commissioners, autonomous personnel, quasi-judicial personnel, and advisory personnel. The requirements of this subsection may be waived for a particular transaction only by affirmative vote of two-thirds of the entire Board of County Commissioners, after public hearing. Such waiver may be affected only after findings by two-thirds of the entire Board that:

(1) An open-to-all sealed competitive bid has been submitted by a County person as defined in subsection (b)(2), (3) and (4), or

(2) The bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, or registered land surveying as defined by the laws of the State of Florida and pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a County person defined in subsection (b)(2), (3) and (4), or

(3) The property or services to be involved in the proposed transaction are unique and the County cannot avail itself of such property or services without entering a transaction which would violate this subsection but for waiver of its requirements, or

(4) That the property or services to be involved in the proposed transaction are being offered to the County at a cost of no more than 80 percent of fair market value based on a certified appraisal paid for by the provider, and

(5) That the proposed transaction will be to the best interest of the County.

Such findings shall be spread on the minutes of the Board. This subsection shall be applicable only to prospective transactions, and the Board may in no case ratify a transaction entered in violation of this subsection.

Provisions cumulative. This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-24, § 1, 3-20-73; Ord. No. 73-45, § 1, 5-1-73; Ord. No. 75-91, § 1, 11-4-75; Ord. No. 75-119, § 1, 12-16-75; Ord. No. 79-85, § 1, 10-16-79; Ord. No. 80-33, § 1, 5-6-80; Ord. No. 85-84, § 1, 10-1-85; Ord. No. 85-98, § 1, 11-5-85; Ord. No. 87-58, § 1, 9-1-87; Ord. No. 88-102, § 1, 10-18-88; Ord. No. 91-113, § 1, 10-1-91; Ord. No. 00-1, § 1, 1-13-00; Ord. No. 00-151, § 1, 11-28-00)

(d) *Further prohibition on transacting business with the County.* No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. The remaining provisions of subsection (c) will also be applicable to this subsection as though incorporated herein by recitation.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-45, § 2, 5-1-73; Ord. No. 86-11, § 1, 2-18-86; Ord. No. 86-24, § 1, 4-1-86)

(e) *Gifts.*

(1) *Definition.* The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(2) *Exceptions.* The provisions of subsection (e)(1) shall not apply to:

a. Political contributions specifically authorized by State law;

b. Gifts from relatives or members of one's household;

c. Awards for professional or civic achievement;

d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;

e. Gifts solicited by County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;

f. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;

g. Gifts solicited by Commissioners, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner, nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.

(3) *Prohibitions.* A person described in subsection (b)(1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any person included in the term defined in subsection (b)(1) through (6) or for any person included in the term defined in subsection (b)(1) through (6) to accept or agree to accept from another person or entity, any gift for or because of:

a. An official public action taken, or to be taken, or which could be taken;

b. A legal duty performed or to be performed, or which could be performed; or

c. A legal duty violated or to be violated, or which could be violated by any person included in the term defined in subsection (b)(1).

(4) *Disclosure.* Any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars ($100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioner simultaneously with the filing of the form with the Secretary of State.

(Ord. No. 78-82, § 1, 11-21-72; Ord. No. 86-25, § 1, 4-1-86; Ord. No. 87-70, § 1, 10-20-87; Ord. No. 91-62, § 1, 6-4-91; Ord. No. 99-124, § 1, 2-11.1; Ord. No. 99-145, § 1, 10-19-99; Ord. No. 10-48, § 1, 7-8-10)

(f) *Compulsory disclosure by employees of firms doing business with the County.* Should any person included in the terms defined in subsections (b)(1) through (6) be employed, either himself or herself or through a member of his or her immediate family, by a corporation, firm, partnership or business entity in which he or she does not have a controlling financial interest, and should the said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any County agency, or be subject to direct regulation by the County or a County agency, then said person shall file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court in and for Miami-Dade County.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(g) *Exploitation of official position prohibited.* No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(h) *Prohibition on use of confidential information.* No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position, nor shall he or she in fact ever disclose confidential information garnered or gained through his or her official position with the County, nor shall he or she ever use such information, directly or indirectly, for his or her personal gain or benefit.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(i) *Financial disclosure.*

(1) All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:

a. A copy of that person's or firm's current federal income tax return; or

b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars ($1,000.00) and a short description of each; or

c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

(2) County and municipal personnel. The following County personnel shall comply with the filing requirements of subsection (i)(1) above: The Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zoning Inspectors. References herein to specified County personnel and Boards shall be applicable to municipal personnel and Boards that serve in comparable capacities to the County personnel and Boards referred to.

(3) Candidates for County and municipal office. All candidates for County and municipal elective office shall comply with the filing requirements of subsection (i)(1) above at the same time that candidate files qualifying papers.

(4) Consultants. All persons or firms providing professional services as defined by [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)(1)(a) and (b) of the Code of Miami-Dade County, to Miami-Dade County or any municipalities, their agencies, or instrumentalities, shall comply with the filing requirements of subsection (i)(1) above within ninety (90) days of the effective date hereof. All persons or firms subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) of the Code of Miami-Dade County shall comply with the reporting requirements of subsection (i)(1) of this section within thirty (30) days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Failure to comply with the terms hereof by such persons or firms shall render existing contracts voidable and shall automatically void any contracts negotiated and executed subsequent to the effective date of this section where the required information is not furnished within thirty (30) days of the execution of said contract as noted herein.

(5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. Documents required to be filed hereunder by municipal persons or consultants shall be filed with the municipal Clerk of that entity.

(6) Public disclosure. All documents filed pursuant to this subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.

(7) Construction. The construction of this subsection shall be considered as supplemental to and not in substitution of any requirements of Chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder.

(Ord. No. 77-13, § 1, 3-1-77; Ord. No. 83-18, § 1, 4-19-83; Ord. No. 84-39, § 1, 5-15-84)

(j) *Conflicting employment prohibited.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 2, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(k) *Prohibition on outside employment.*

(1) No person included in the terms defined in subsections (b)(5) [departmental personnel] and (6) [employees] shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County, except as may be permitted by [Section 2-11](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11OUEMCOEM) of this Code of Ordinances.

(2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the supervisor of elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the Clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 3, 3-1-77; Ord. No. 77-79, § 1, 1-11-77; Ord. No. 77-87, § 1, 12-6-77; Ord. No. 83-18, § 2, 4-19-83; Ord. No. 84-39, § 2, 5-15-84; Ord. No. 10-48, § 1, 7-8-10)

(l) *Prohibited investments.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall have personal investments in any enterprise, either himself, herself, or through a member of his or her immediately family, which will create a substantial conflict between his or her private interests and the public interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(m) *Certain appearances and payment prohibited.*

(1) No person included in the terms defined in subsections (b)(1), (5), (6) and (13) [commissioners, the Mayor, departmental personnel, employees and contract staff] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a County agency through the suit in question.

(2) No person included in the terms defined in subsections (b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel, and advisory personnel] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit by the third party. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the County board or agency on which such person serves through the suit in question. However, this section shall not prohibit an architect serving without compensation on the Miami-Dade County Board of Energy Regulation or on any architectural Board, whose sole function is to pass on the aesthetics of plans submitted, from submitting plans on behalf of a client so long as such member makes known his or her representation of the applicant and disqualifies himself or herself from speaking or voting or otherwise participating on such application.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-25, § 1, 3-20-73; Ord. No. 73-51, § 1, 5-15-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 79-39, § 1, 6-19-79; Ord. No. 10-48, § 1, 7-8-10)

(n) *Actions prohibited when financial interests involved.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-50, § 1, 5-15-73; Ord. No. 75-76, § 1, 9-17-75; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(o) *Acquiring financial interests.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his or her official actions or by official actions by the County or County agency of which he or she is an official, officer, employee or contract staff.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(p) *Recommending professional services.* No person included in the terms defined in subsections (b)(1) through (6) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other County officials, officers or employees.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77)

(q) *Continuing application after county service.*

(1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.

(2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities, and who lobby on behalf of such entities in their official capacities.

(3) The provisions of this section shall apply to all individuals as described in Subsection (q)(1) who leave the county after the effective date of the ordinance from which this section derives.

(4) Any former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two (2) years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.

(5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection (u)(1) or Subsection (u)(2).

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 99-2, § 1, 1-21-99)

(r) *Ethics Commission to render opinions on request.* Whenever any person included in the terms defined in subsection (b)(1) through (6), (b)(9) and (b)(13) is in doubt as to the proper interpretation or application of this Conflict of Interest and Code of Ethics Ordinance as to himself or herself, or whenever any person who renders services to the County is in doubt as to the applicability of the said ordinance as to himself or herself, he or she may submit to the Ethics Commission a full written statement of the facts and questions he or she has. The Ethics Commission shall then render an opinion to such person and shall publish these opinions without use of the name of the person advised unless such person requests the use of his or her name. Any person included in the term defined in subsection (b)(1) (i.e., Mayor or Commissioner) who is employed or retained by an entity that receives County funds or is under contract with the County shall, within sixty (60) days after (a) being retained or employed by the entity, or (b) becoming aware of the entity's receipt of County funds or of the entity's contract with the County, whichever is later, seek an opinion from the Ethics Commission or the Executive Director of the Ethics Commission regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance. Any person included in the term defined in subsection (b)(1) who is employed or retained by an entity that receives County funds or is under contract with the County and has received an opinion from the Ethics Commission or the Executive Director of the Ethics Commission prior to the effective date of this ordinance regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance to himself or herself shall not be required to seek another opinion from the Ethics Commission.

(Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 12-22, § 1, 4-3-12)

(s) *Lobbying.*

(1) (a) As used in this section, "County personnel" means those County officers and employees specified in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

(b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars ($490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(s) relating to lobbyists. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

(c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in subsection (s)(7). Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.

(d) Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The fee for the Ethics Course shall be one hundred dollars ($100.00). The registration fees required by this subsection shall be deposited into a separate account, and shall be expended by the Ethics Commission for Ethics Courses and related costs. The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.

(3) (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.

(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in [Section 2-8.1.1.1.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1.1.1.1SMBUENPR) of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in [Section 10-33.02](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-33.02COSMBUENPR) or as a representative of a certified Tier 1 Community Business Enterprise, as defined in [Section 2-10.4.01](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4.01COBUENPRARLAARENSUMAPRSE), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

(6) (a) On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars ($25.00) for the preceding calendar year. A statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of fifty dollars ($50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars ($50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.

(c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.

(d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.

(7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.

(8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

(9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein.

Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of 90 days from the date of determination of violation;

2nd violation for a period of one (1) year from the date of determination of violation;

3rd violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of [Section 10-38](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO) of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.

(11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s).

(Ord. No. 86-24, § 1, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 10-03, § 1, 1-21-10; Ord. No. 10-04, § 1, 1-21-10; Ord. No. 10-34, § 1, 6-3-10; Ord. No. 10-56, § 1, 9-21-10; Ord. No. 12-10, § 1, 3-6-12; Ord. No. 12-63, § 1, 9-6-12)

(t) *Cone of Silence.*

1. Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on:

(i) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff;

(ii) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff;

(iii) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

(iv) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefor;

(v) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and

(vi) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The County Manager and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change as well as the reasons for such change shall be described in writing and filed by the Manager with the Clerk of the Board and be included in any recommendation submitted by the Manager to the Board of County Commissioners. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

(i) Competitive processes for the award of CDBG, HOME, SHIP and Surtax Funds administered by the Miami-Dade County Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;

(ii) Communications with the County Attorney and his or her staff;

(iii) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of the Department of Business Development regarding small business and/or minority business programs, the Community Business Enterprise and Equitable Distribution Programs;

(iv) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;

(v) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the County Manager makes his or her written recommendation;

(vi) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;

(vii) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;

(viii) Communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and

(ix) Consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Procedure.

(i) A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the County Manager or his or her designee shall provide for public notice of the Cone of Silence. The County Manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the Clerk of the Board, with a copy thereof to each Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.

(ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission; provided, however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. The foregoing notwithstanding, for contracts and purchases which the County Manager has the delegated authority to award under [Sec. 2-8.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars ($100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O. 3-21 for such contracts or purchases involving the expenditure of over $25,000 up to $100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of $25,000 or less.

(iii) While the Cone of Silence is in effect, County Staff shall create a written record of any oral communications with potential vendor, service provider, bidder, lobbyist, or consultant related to or regarding a solicitation, bid, proposal, or other competitive process. The record shall indicate the date of such communication, the persons to whom staff communicated, and a general summation of the communication. This subsection applies to all communications made while the Cone of Silence is in effect for a particular solicitation.

(c) Exceptions.

(i) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communications in writing at any time with any county employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

(ii) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the County Manager, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the County Manager; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.

2. Audit and IPSIG contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on: (a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff; (b) any oral communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff. Notwithstanding the foregoing, the Cone of Silence shall not apply to (a) communications with the County Attorney and his or her staff; (b) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and (c) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Except as provided in Subsections 2(c) and 2(d) hereof, a Cone of Silence shall be imposed upon each RFP, RFQ and bid for audit and IPSIG services after the advertisement of said RFP, RFQ or bid. At the time of the imposition of the Cone of Silence, the County Manager or his or her designee shall provide for the public notice of the Cone of Silence. The Cone of Silence shall terminate when the County Manager executes a particular audit or IPSIG contract.

(c) Nothing contained herein shall prohibit any bidder or proposer: (i) from making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings; (ii) from engaging in contract negotiations during any duly noticed public meeting; or (iii) from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from the County or responding to the County's request for clarification or additional information, subject to the provisions of the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.

(d) Nothing contained herein shall prohibit any lobbyist, bidder, proposer or other person or entity from publicly addressing the Board of County Commissioners during any duly noticed public meeting regarding action on any audit or IPSIG contract. The County Manager shall include in any public solicitation for auditing or IPSIG services a statement disclosing the requirements of this ordinance.

3. Penalties. In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.

4. The requirements of [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of the requirements of [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(t) shall provide the Ethics Commission with a copy of the ordinance.

5. Within thirty days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty days, or if such other affirmative action has not been taken within thirty days, the County Mayor or his designee shall report such event, and the reasons therefore, to the Board of County Commissioners. Additionally, the County Mayor or his designee shall present the Clerk of the Board with a recommendation for award, or a recommendation to reject proposals, within ninety days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the Clerk of the Board within ninety days, the County Mayor or his designee shall provide a report on the status of the solicitation to the Board of County Commissioners, including the reasons for any delay.

(Ord. No. 98-106, § 1, 7-21-98; Ord. No. 99-1, § 1, 1-21-99; Ord. No. 00-149, § 1, 11-28-00; Ord. No. 01-149, § 1, 9-25-01; Ord. No. 01-150, § 1, 9-25-01; Ord. No. 02-3, § 1, 1-29-02; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 08-111, § 1, 10-7-08)

(u) *Prohibition on certain business transactions.* No person who is serving as an elected county official or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager or department director shall enter into a business transaction with any person or entity that has a contract with Miami-Dade County or any shareholder, partner, officer, director or employee of said contractor, unless said business transaction is an arm's length transaction made in the ordinary course of business. The provisions of this subsection (u) shall not apply to a business transaction between an elected county official, a member of the staff of an elected county official, the county manager, a senior assistant to the county manager or a department director and a not-for-profit entity. As used herein, a "shareholder" shall mean any person owning ten (10) percent or more of the outstanding capital stock of any corporation. As used herein, "elected county official" shall mean the mayor, county commissioners and community council members. As used herein, "business transaction" shall mean any contract wherein persons either sell, buy, deal, exchange, rent, lend or barter real, personal or intangible property, money or any other thing of value, or render services for value.

(v) *Voting Conflicts.* Members of Advisory and Quasi-Judicial Boards. No person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

(w) *Prohibition on acceptance of travel expenses from county vendors.* Notwithstanding any other provision of this section, no person included in subsections (b)(1)(Mayor and Commissioners), (b)(5)(departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.

(x) *Prohibition on county employees and departmental personnel performing contract-related duties.* No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.

(y) *Powers and jurisdiction of Ethics Commission.* The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, the Mayor, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, contract staff, advisory personnel, immediate family, lobbyists as defined in subsections (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors, consultants and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

(Ord. No. 10-48, § 1, 7-8-10)

(z) *Prohibition on participation in settlement negotiations.* Neither the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.

(aa) *County Attorney's Office participation in contract adjustments.* County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars ($1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.

(bb) *Affidavit and Ethics Course.* Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. Each employee of the County, as defined in subsection (b)(5) and (b)(6), shall within one hundred eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The requirements of this subsection (bb) relating to the Ethics Course shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

(Ord. No. 12-11, § 1, 3-6-12)

(cc) *Penalty.*

(1) *Proceeding before Ethics Commission.* A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of five hundred dollars ($500.00) for the first such violation and one thousand dollars ($1,000.00) for each subsequent violation. Where the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars ($1.000.00) for the first such violation and two thousand dollars ($2,000.00) for each subsequent violation. Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars ($500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section. The Ethics Commission may also order the person to pay restitution when the person or a third party has received a pecuniary benefit as a result of the person's violation. The procedure for determining restitution shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(2) *Prosecution by State Attorney in State court.* Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 86-24, § 2, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 98-106, § 1, 7-21-98; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-150, § 1, 11-2-99; Ord. No. 00-46, § 1, 4-11-00; 00-149, § 1, 11-28-00; Ord. No. 01-199, § 1, 12-4-01; Ord. No. 03-73, § 1, 4-8-03; Ord. No. 03-107, § 1, 5-6-03; Ord. No. 03-140, § 1, 6-3-03; Ord. No. 04-55, § 1, 3-16-04; Ord. No. 04-119, § 1, 6-8-04; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 05-71, § 1, 4-5-05; Ord. No. 06-148, § 1, 10-10-06; Ord. No. 10-11, § 1, 2-2-10; Ord. No. 10-48, § 1, 7-8-10)

**Editor's note—**

Ord. No. 72-82, § 1, amended this Code by repealing former [§ 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) relative to County officers and employees transacting business with the County and enacted in lieu thereof a new [§ 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) as herein set out. Former [§ 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) was derived from Ord. No. 59-44, §§ 2—5, adopted Dec. 1, 1959.

**Annotations—**AO [7-1](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx#PTIIICOOR_CH7BODOWA_ARTIINGE_S7-1WACODI); CAO's 76-8, 76-32, 76-36, 76-39, 76-43, 76-46, 76-50, 76-55, 77-1, 77-9, 77-14, 77-16, 77-19, 77-26, 77-33, 77-37, 77-40, 77-41, 77-44, 77-52, 77-53, 77-56, 77-63, 77-68, 78-2, 78-10, 78-11, 78-12, 78-17, 78-25, 78-33, 78-44, 78-47, 78-53, 78-54, 79-6, 79-7, 79-12, 79-16, 79-19, 79-32, 79-37, 80-3, 80-4, 80-11, 80-21, 80-24, 80-25, 80-28, 80-29, 81-4, 81-13, 81-18, 81-22, 81-31, 81-38, 82-1, 82-10, 82-13, 82-19, 82-24, 82-25, 82-28, 82-29, 83-2, 83-6, 83-11, 83-22, 85-8.

**State law reference—** Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-11.1.1. Ethical campaign practices ordinance.

(A) *Applicability of Ethical Campaign Practices Ordinance.* The Ethical Campaign Practices Ordinance shall extend to: (i) candidates, and their respective campaign staffs, for the Miami-Dade County Commission or Mayor; (ii) candidates, and their respective campaign staffs, for the Miami-Dade Fire and Rescue Service District Board; (iii) candidates, and their respective campaign staffs, for Miami-Dade County Community Councils; (iv) candidates, and their respective campaign staffs, for any municipal elective office within Miami-Dade County; (v) Candidates, and their respective campaign staffs, for the Property Appraiser of Miami-Dade County; and (vi) any candidate, and his or her campaign staff, for elective office with a constituency in whole or in part in Miami-Dade County who agrees to abide by the mandatory and/or voluntary fair campaign practices provided in subsections (C) and (D). As used herein, "candidate" means any person to whom any one (1) or more of the following applies:

(1) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her election to, or retention in, public office.

(2) Any person who appoints a treasurer and designates a primary depository.

(3) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

(B) *Miami-Dade County Commission on Ethics and Public Trust.* The Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission") shall have jurisdiction over the Ethical Campaign Practices Ordinance. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the mandatory and voluntary fair campaign practices provided in subsections (C) and (D).

(C) *Mandatory Fair Campaign Practices.*

(1) *Prohibitions.* A candidate, and his or her campaign staff, for the Miami-Dade County Commission, Mayor of Miami-Dade County, Property Appraiser of Miami-Dade County, Miami-Dade Fire and Rescue Service District Board, Miami-Dade County Community Councils or for any municipal elective office within Miami-Dade County shall not:

(a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;

(b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;

(c) Willfully injure, deface or damage or cause to be injured, defaced or damaged by any means any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate;

(d) Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to, temporarily or permanently, deprive the candidate of a right to the property or a benefit therefrom; or

(e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.

(2) *Agreement to abide by Mandatory Fair Campaign Practices.* A candidate for any elective office with a constituency in whole or in part in Miami-Dade County who is not required to comply with the mandatory fair campaign practices as provided in subsection (C)(1) may at any time declare that he or she agrees to abide by the mandatory fair campaign practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the mandatory fair campaign practices and, if so, (b) to impose the appropriate penalty, if any. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County.

(3) *Penalties.* In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate or a member of his or her staff has violated one (1) or more of the mandatory fair campaign practices shall subject said candidate, a member of his or her staff, or both, to an admonition or public reprimand and/or a fine of five hundred dollars ($500.00) for the first such violation and one thousand dollars ($1,000.00) for each subsequent violation. The Ethics Commission may also order a person who violates a mandatory fair campaign practice to pay restitution when the person or a third party receives a pecuniary benefit as a result of the person's violation. The procedure for determining restitution shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(D) *Voluntary Fair Campaign Practices.*

(1) *Statement of Fair Campaign Practices.* The following voluntary Statement of Fair Campaign Practices shall guide candidates for public office in Miami-Dade County:

STATEMENT OF FAIR CAMPAIGN PRACTICES

As a candidate for public office in Miami-Dade County, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social and economic problems.

Therefore:

1. I shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.

2. I shall not make my opponents' race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.

3. I will condemn any appeal to prejudice based on race, creed, national origin, religion, gender, physical disability or sexual orientation.

4. I shall not without just cause attack or question my opponent's patriotism.

5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement.

6. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.

7. I shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.

8. I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.

9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's credibility.

10. I will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.

11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

(2) *Agreement to abide by Statement of Fair Campaign Practices.* A candidate for public office in Miami-Dade County as described in subsection (A) may at any time declare that he or she agrees to abide by the Statement of Fair Campaign Practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the Statement of Fair Campaign Practices and, if so, (b) to impose the appropriate penalty. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County. Declarations shall be filed with the Ethics Commission.

(3) *Penalty.* In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate has violated one (1) or more of the voluntary fair campaign practices shall subject said candidate to an admonition or public reprimand.

(E) *Procedure.* The procedures provided in [Chapter 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD), Article LXXVIII of the Code of Miami-Dade County shall govern all complaints or requests for advisory opinions brought pursuant to the Ethical Campaign Practices Ordinance. Notwithstanding the foregoing, the Ethics Commission may conduct an expedited proceeding, with the assistance of hearing examiners, when a complaint is filed pursuant to the Ethical Campaign Practices Ordinance within fifty (50) days of a primary, general or special administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission. No action may be taken on a complaint filed more than one (1) year after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

(Ord. No. 98-94, § 1, 7-7-98; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 06-157, § 1, 10-24-06; Ord. No. 08-62, § 1, 5-20-08)

Sec. 2-11.1.2. Lobbying activities; approval.

(a) No person or entity, whether an individual, firm, partnership or corporation, which receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the county unless this Board grants a specific waiver for a specific lobbying activity.

(b) The failure of any county lobbyist to comply with the provisions of subsection (a) of this section shall result in either or both of the following:

(1) That lobbyist's contract with the county being voidable by the county;

(2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county.

(Ord. No. 00-64, §§ 1, 2, 5-9-00)

Sec. 2-11.1.3. Reserved.

**Editor's note—**

Ord. No. 05-214, § 1, adopted Dec. 6, 2005, repealed [section 2-11.1.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1.3RE) in its entirety. Former [section 2-11.1.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1.3RE) pertained to campaign contributions and expenditures, and derived from Ord. No. 00-52, §§ 2—4, adopted May 9, 2000.

Sec. 2-11.2. Sale of public property by municipalities.

No municipal corporation in Miami-Dade County, Florida, shall sell or convey for private use or to private ownership all or any part of any tract of real property ten (10) acres or more in contiguous area owned by it that has been or is hereafter acquired by said municipality for a public or municipal purpose, until full and complete information and data concerning the contemplated sale or transfer of such real property shall have been first submitted to the Board of County Commissioners for a review and consideration, and the Board of County Commissioners shall have approved and consented to such sale or transfer as being in conformity with the comprehensive plan of development for Miami-Dade County and not contrary to the best interests of the public.

Any sale, transfer or conveyance of real property made in violation of the provisions of this section shall be null and void and of no binding force or effect.

The provisions of this section shall not be applicable to public streets, roads, highways or alleys abandoned, discontinued or closed in accordance with law, or to public lands dedicated or utilized for public road purposes.

(Ord. No. 59-40, §§ 1—3, 10-27-59; Ord. No. 60-1, 1-5-60)

Sec. 2-11.2.1. Disposition of County surplus property.

(a) *Definitions.* For the purposes of this section, the following definitions shall be effective:

(1) *Surplus property* shall mean property classified as surplus pursuant to Section 274.05, Florida Statutes.

(2) *Property* means all tangible personal property owned by Miami-Dade County of a nonconsumable nature.

(3) *Eligible community based organization* means a not-for-profit charitable agency, group, organization, society, association, corporation, partnership or individual that provides a community service designed to improve or enhance the well-being of the community of Miami-Dade County at large or to improve or enhance the well-being of certain individuals within this community that have special needs. An eligible community based organization shall be tax exempt under the provisions of Section 501 of the Internal Revenue Code of 1954 and otherwise be a qualified recipient of surplus property pursuant to Section 274.05, Florida Statutes.

(4) *Retired county animal* means an animal that has been withdrawn from County service, following a determination by a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the department that employed the animal.

(b) *Sale, donation or other disposition of surplus property.* To the extent not inconsistent with state or federal law, surplus property may be sold, donated or otherwise disposed of only in the manner set forth in this section. Within the reasonable exercise of its discretion and having consideration for the best interests of the County, the value and condition of the surplus property, and the probability of such property being desired by the prospective bidder to whom offered, the County shall offer surplus property in the following order of preference: first, to the Parks and Recreation Department at no cost for use in the Department's preventative programs; and thereafter, to other County departments and agencies at no cost for use in Miami-Dade County. The County shall thereafter offer such surplus property by sale or donation to other governmental units located within Miami-Dade County for use in Miami-Dade County or shall have the discretion to offer the property to eligible community based organizations by sale or donation. Any surplus property not accepted by the Parks and Recreation Department or by other County departments or agencies and which is determined to be without commercial value shall be offered for sale or donation to eligible community based organizations. The types of surplus property which shall be offered to the Parks and Recreation Department hereunder at no cost are: step vans (one (1) ton and up), dump trucks, trash trucks, buses, water trucks, tractor trailers, low boy trailers, flat bed trucks, bulldozers, front-end loaders, backhoes, road rollers, trenchers, chippers, graders, large four-wheel drive vehicles, farm tractors, root pruners, cranes, garbage trucks, boom trucks, bucket trucks and large riding lawn mowers. Surplus property to be offered to eligible community based organizations by sale or donation pursuant to this section predominantly shall be used by such organization in Miami-Dade County. The offer shall disclose the value, condition, and intended use of the surplus property. Prior to the County Commission approving a sale, donation or other disposition of surplus property to a community based organization, the organization shall specify to the County the intended use of such property. The community based organization shall predominantly use such property for the intended use, and shall not resell such property at a profit or otherwise transfer such property without County approval for no less than three (3) years from the date of receipt of the surplus property. The three year requirement may be waived administratively by the Mayor or designee upon a showing that it is in the best interest of the County. Agreements between the County and a community based organization shall include a reverter clause in the event surplus property is not used for the stated purposes within the three (3) year time period. The community based organization shall notify the County when it disposes of the surplus property.

In the event that the surplus property is not otherwise disposed of by operation of this section it shall be disposed of in the manner set forth in Section 274.06, Florida Statutes. The process for disposition of a retired county animal pursuant to Section 274.06, Florida Statutes, shall be as follows: upon receipt of a written certification from a licensed veterinarian under contract with the County that the animal no longer meets the criteria for service to the County, the County Manager or designee may make such humane disposition of the retired county animal as the Manager or designee deems appropriate, including without limitation allowing a current or former Miami-Dade County employee who handled the animal to adopt the animal, provided that anyone who adopts a retired county animal signs an affidavit releasing the County from any liability for the acts of the retired county animal; the Manager or designee shall prepare a retired animal custody affidavit memorializing the disposition of each retired county animal. Any and all proceeds derived from the sale of surplus property determined to be without commercial value shall be placed by the county in a restricted fund for the benefit of organizations which provide social and human service within the County and eligible community based organizations. Funds derived from this source shall not be used as an offset or to reduce funds made available to these organizations from other County sources.

(c) *Exception for Emergency Purposes.* Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by 2/3 vote of the members present and upon a finding of an emergency situation, as declared by the President of the United States, the Governor of the State of Florida, the Mayor of Miami-Dade County or the Board of County Commissioners.

(d) *Exception for foreign governmental entities.* Notwithstanding the foregoing, the Board of County Commissioners may waive the procedure set forth in subsection (b) above by a two-thirds (2/3) vote of members present and may donate surplus property to a foreign governmental entity upon a finding that the property is obsolete and cannot legally be used by another County department, a municipality in Miami-Dade County or an eligible community based organization.

(Ord. No. 96-164, § 1, 11-12-96; Ord. No. 98-6, § 1, 1-13-98; Ord. No. 05-114, § 1, 6-7-05; Ord. No. 07-59, § 1, 4-24-07; Ord. No. 11-75, § 1, 10-4-11; Ord. No. 11-97, § 1, 12-6-11; Ord. No. 12-100, § 1, 12-4-12)

Sec. 2-11.3. Automatic suspension of County official charged with commission of a felony.

Whenever any person serving as an appointive official of the government of Miami-Dade County, including any member of a County board or agency created and appointed by the County Commission, has been charged with committing a felony under the laws of the State of Florida or the United States by indictment or information, such person shall be immediately suspended from office. Such suspension shall continue in effect until the charges shall have been finally disposed of or adjudicated by acquittal or dismissal. During the period of suspension, such person shall be disqualified from performing any of the duties and functions of his County office or position and from acting in any capacity for or on behalf of the County government. In the event such person is convicted of the charges, he or she shall be disqualified from holding any office or position under the County government. In the event such person is found not guilty of the charges, he or she may be reinstated to office by affirmative action of the official or entity responsible for making appointments to the position from which the person was suspended. During the period of such suspension, the office or position may be filled by temporary appointment for the remainder of the unexpired term or until reinstatement of the suspended official or officer, whichever is the sooner occurrence. The provisions of this section shall not be applicable to County officials holding an elective office.

(Ord. No. 02-217, § 1, 10-24-02)

Sec. 2-11.4. No impairment of power of governor to suspend County officers.

The provisions of [Section 2-11.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.3AUSUCOOFCHCOFE) shall not be construed as in any wise impairing the constitutional power of the Governor and Senate relating to the suspension and removal of County officers, and the exercise of such constitutional powers by the Governor and Senate shall supersede any actions taken under the provisions of [Section 2-11.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.3AUSUCOOFCHCOFE). The provisions of [Section 2-11.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.3AUSUCOOFCHCOFE) shall not be construed as affecting the powers of the County Commission to remove members of any County Boards or agencies provided by the Code of Miami-Dade County, or as affecting the power of the County Manager to suspend or remove personnel under his administrative jurisdiction not in the classified service of the County.

(Ord. No. 63-15, § 2, 4-30-63)

Sec. 2-11.5. County Board of Visitors Abolished; duties transferred to County Manager.

Pursuant to the provisions of the Miami-Dade County Home Rule Amendment to the Florida Constitution and the Home Rule Charter of Government for Miami-Dade County, the County Board of Visitors of Miami-Dade County, Florida, is hereby abolished and all duties, powers, functions and responsibilities of such County Board of Visitors are hereby transferred to the County Manager. The County Manager shall perform all duties imposed by law upon the County Board of Visitors of Miami-Dade County, Florida.

(Ord. No. 63-31, § 1, 7-23-63)

Sec. 2-11.6. New port facilities; consent and approval by Commission required.

No person, firm, corporation or other legal entity, including any municipal corporation, shall hereafter acquire, construct, operate or maintain any "port facilities" as defined by Chapter 315, Florida Statutes, or any "project" as defined by Chapter 22963, Acts of 1945, Laws of Florida, as amended, in Miami-Dade County, Florida, without securing the prior approval and consent of the Board of County Commissioners, which approval and consent, if given, shall be evidenced by resolution duly adopted by a majority of the entire membership of the Board of County Commissioners.

(Ord. No. 65-4, § 1, 1-12-65)

Sec. 2-11.7. Governmental units capital improvements projects reports—Definitions.

In construing the provisions of Sections [2-11.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.7GOUNCAIMPRREEF)—2-11.11 hereof and each and every word, term, phrase or part hereof where the context will permit, the definitions provided in Section 1.01, Florida Statutes, will apply and the following shall also apply:

(a) *Governmental units.* The words "governmental units" shall refer to agencies of the government of Miami-Dade County and municipalities therein including their authorities, commissions, councils, bodies, boards, governing bodies, and departments that plan for or provide capital improvements.

(b) *Capital improvement.* The words "capital improvement" shall refer to and include: (1) the acquisition of real property, improved or unimproved; and (2) the improvement of real property (including installed equipment, alterations and repairs of existing building); provided, the improvement shall have a probable useful life of at least five (5) years, and the cost of each improvement project shall exceed ten thousand dollars ($10,000.00).

(Ord. No. 66-34, § 1, 7-26-66)

**Amendment note—**Sections [2-11.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.7GOUNCAIMPRREEF)—2-11.11 are derived from Ord. No. 66-34, §§ 1—5, adopted July 26, 1966, effective ten days thereafter, which ordinance amended this Code to include the provisions thereof and authorized its codification in the discretion of the editors.

Sec. 2-11.8. [Agency authorized to acquire real property.]

(a) This Board hereby approves and authorizes execution by the County Manager of the Interlocal Cooperation Agreement between the County, the Agency and the City in substantially the form attached to the ordinance from which this section derives as Exhibit A and incorporated herein by this reference (the "Interlocal Agreement").

(b) The Board hereby authorizes the Agency to exercise the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it deems necessary for, or in connection with, community redevelopment and related activities under the Act provided such exercise must be in accordance with the provisions of Section 163.375, Florida Statutes. The Agency may exercise the power of eminent domain in the manner provided in Chapters 73 and 74 of the Florida Statutes and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provision for the exercise of the power of eminent domain. Notwithstanding and prevailing over anything in this section to the contrary, the exercise of eminent domain power shall be limited as follows:

(1) The power of eminent domain may be exercised upon only those parcels of land listed in Appendix B of the Plan, a copy of which Appendix B is attached hereto as Exhibit B and incorporated herein by this reference provided such properties are vacant or abandoned at the time of the filing of the condemnation action or with the mutual consent of the property owner and the Agency;

(2) The power of eminent domain shall not be exercised if the effect of such condemnation is a reduction in the pool of affordable housing; and

(3) The delegation of eminent domain power shall be effective for a five (5) year term commencing on the date of execution of the Interlocal Agreement, such that upon the lapse of such five (5) year period, the Agency shall no longer have the right to exercise the power of eminent domain.

(Ord. No. 99-100, §§ 2, 3, 9-9-99)

Sec. 2-11.9. Same—Action by County Commission.

The County Commission will, after review of the County Manager's recommendations either affirm or modify the same and thereupon authorize the publication of an annual report to be distributed to the various governmental units, including governmental units and agencies of the State and federal governments that may propose or provide State and federal capital improvements or aid therefor within Miami-Dade County.

(Ord. No. 66-34, § 3, 7-26-66)

**Note—**See amendment note following [§ 2-11.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.7GOUNCAIMPRREEF)

Sec. 2-11.10. Same—Participation in program by other governmental agencies.

It is the intent of the County Commission that the Miami-Dade County Board of Public Instruction, State Department of Transportation, Central and South Florida Flood Control District, and other State and federal agencies who engage in capital improvement projects in Miami-Dade County, shall be invited and encouraged to participate in this cooperative capital improvement program, and to cooperate with the County in executing the same by submitting reports in accordance with the provisions hereof.

(Ord. No. 66-34, § 4, 7-26-66)

**Note—**See amendment note following [§ 2-11.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.7GOUNCAIMPRREEF)

Sec. 2-11.11. Same—County Commission report advisory only.

It is the intent of the County Commission that the annual report of the County Commission to be distributed as herein provided by advisory only with regard to any recommendations contained therein concerning capital improvement projects of any municipal or other noncounty governmental units.

(Ord. No. 66-34, § 5, 7-26-66)

**Note—**See amendment note following [§ 2-11.7](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.7GOUNCAIMPRREEF)

Sec. 2-11.12. Use of County's distributive share of revenue derived from licensing and taxing of dog and horse racing.

Chapter 19193, Special Acts of Florida, 1939, is hereby superseded and nullified and all monies received from the State Treasurer by the County Commissioners of Miami-Dade County, constituting a distribution of revenue derived from the licensing and taxing of dog and horse racing shall be paid into the general fund of Miami-Dade County and shall be used for County purposes.

(Ord. No. 68-68, § 1, 11-5-68)

**Editor's note—**

[Section 2-11.12](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.12USCODISHREDELITADOHORA) is derived from Ord. No. 68-68, § 1, enacted Nov. 5, 1968, effective March 1, 1969. This ordinance, nonamendatory of this Code, was codified as said section at the discretion of the editors.

Sec. 2-11.13. Reimbursement to Miami-Dade County employees for certain loss or damage to personal property.

(a) *Reimbursement authorized.* Miami-Dade County, in its sole discretion, may reimburse any employee of Miami-Dade County for the loss or damage to the personal property of the employee if said loss or damage was incurred in the discharge of the employee's duties. Such reimbursement may only be made upon the express and affirmative findings and recommendations of the Manager of the Insurance and Risk Management Division, the Budget Director, and the head of the department in which the employee was working at the time of the loss or damage, and, in those instances in which the value of the loss or damage exceeds the value set in accordance with the provisions of subsection (c), upon the express and affirmative concurrence of the County Manager therein, that:

(1) The loss or damage was incurred in the discharge of the employee's duties on official County business;

(2) The loss or damage was not otherwise compensated or reimbursed;

(3) The loss or damage was not the result of the employee's negligence;

(4) The loss or damage was not caused by the negligence or willful act of a third party who is liable for said loss or damage, or that if said loss or damage was caused by the negligence or willful act of a third party that it would be unreasonable to expect the employee to attempt recovery from said third party; and

(5) The amount or reimbursement for the loss or damage is reasonable.

(b) *Reimbursement prohibited.* There shall be no reimbursement under the terms of this section for damages to:

(1) Personal clothing.

(2) Automobiles or any type of land, sea, or air motor vehicle or trailer.

(3) Personal property due to acts of fellow employees, whether accidental or willful.

(c) *Approval.* The County Manager is directed to establish by administrative order the threshold claim value above which approval by the Board of County Commissioners will be required, and is authorized to approve reimbursements in amounts below that value. Reimbursements for claims in excess of this threshold must be approved by the Board of County Commissioners.

(d) *Subrogation agreement.* The employee shall execute appropriate documents subrogating to Miami-Dade County any claim for compensation, damages, or other reimbursement, either contingent or vested, to sue in the name of the employee of its own, and the employee shall agree to affirmatively cooperate with Miami-Dade County in any such action or claim for damages.

(e) *Fraudulent claim.* Any employee who files a claim for reimbursement knowing said claim to be untrue, or any employee receiving reimbursement under the provisions of this section and who fails willfully or negligently or otherwise to make a complete and unqualified disclosure of the facts underlying the claim or of a present right or a right he may have in the future to receive reimbursement or compensation from any other party for his loss or damage shall be guilty of fraud and shall be subject to prosecution for Commission of same and shall, upon conviction, be punished as provided in [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE), Code of Miami-Dade County, Florida.

(f) *Notice.* Notice of any such claim by an employee under this section shall be made and filed in accordance with [Section 2-2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-2SUDAAGCONOSEAU), Code of Miami-Dade County, Florida.

(g) *Purpose of section.* The specific and only purpose of this section is to legislate and declare expenditures, made in conformity with and pursuant to its terms, to be lawful expenditures of public funds, and to authorize said expenditures, and it is the express intent of this section that no cause or right of action be created against Miami-Dade County on the part of any employee who shall make claim pursuant to its provisions.

(Ord. No. 69-27, §§ 1—7, 4-1-69; Ord. No. 79-83, § 1, 10-2-79; Ord. No. 90-131, § 1, 11-27-90)

**Editor's note—**

Pursuant to the provisions of § 9 of Ord. No. 69-27, which authorized inclusion of said ordinance as a part of this Code, the editors codified §§ 1—7 of said Ord. No. 69-27 as [§ 2-11.13](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.13REMIDECOEMCELODAPEPR) of this Code.

**Annotation—**AO 2-7-84.

Sec. 2-11.13.1. Payment of moving expenses for new employees.

(a) *Reimbursement authorized.* Miami-Dade County, in its sole discretion, may reimburse any new employee of Miami-Dade County for reasonable moving expenses incurred in relocating the employee and his family from any point to Miami-Dade County. Such reimbursement may be made only upon the express and affirmative finding by the County Manager that the payment of such moving expenses is a necessary condition to the employment of the new employee and that the new employee possesses such qualifications, expertise or experience which renders him particularly qualified to perform the duties for which he is being hired. It is the intent of this section that the principles of merit selection of new employees should be applied to insure that all new County employees are the best qualified persons to fill the available positions, and that such new employees should not be forced to make large personal sacrifices in the form of moving expenses in order to obtain employment with Miami-Dade County.

(b) *Approval procedure.* Any department head desiring to hire a prospective employee, which employment will necessitate that employee moving to Miami-Dade County, shall secure prior approval from the County Manager before hiring such an employee or promising payment of moving expenses. The County Manager shall, by administrative order, provide the necessary approval and authorization forms for use by all County departments.

(Ord. No. 77-48, § 1, 7-5-77)

**Editor's note—**

Ord. No. 77-48, § 1, adopted July 5, 1977, amended this Code by adding provisions designated as [§ 2-11.13](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.13REMIDECOEMCELODAPEPR)(a), which provisions have been redesignated as [§ 2-11.13.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.13.1PAMOEXNEEM) in order to preserve Code format.

**Annotation—**AO 7-17.

Sec. 2-11.14. Film production on publicly-owned or controlled property.

*Legislative purpose.* The purpose of this section shall be to provide for the coordination of film production on publicly-owned or controlled property to serve the public interest.

(a) *Definitions.* The following terms shall have the meanings ascribed to them below for the purposes of this section:

*Film.* Still, live or motion picture production whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, television commercials, or print media.

*Participating municipalities.* Those municipalities located within Miami-Dade County which have executed interlocal agreements with Miami-Dade County with regard to the coordination of film permitting.

(b) *Film permits.*

(1) *Required.* No person shall film within a publicly-owned site, facility or right-of-way within the participating incorporated or unincorporated area of Miami-Dade County without first obtaining a permit. Within the unincorporated area of Miami-Dade County, the County Manager shall establish the criteria and procedures to be followed for film permits. Within the participating incorporated areas, the municipality having jurisdiction shall establish the criteria and procedures to be followed for film permits through interlocal agreement with Miami-Dade County. Permits shall be authorized by the governmental body having jurisdiction over the public site.

(2) *Exceptions.* Nothing in this section shall require any permit from:

(i) Individuals filming or video taping only for their own personal or family use.

(ii) Employees of print or electronic news media when filming on-going news events. This exception shall not apply to simulations or re-enactments orchestrated by print or electronic news media.

(iii) Students and faculty filming exclusively for educational purposes.

(3) *Permit application.* The permit application shall (i) identify the applicant; (ii) demonstrate the public liability insurance provided by the applicant in the amount established by the governmental body having jurisdiction; (iii) identify the number and type of locations to be utilized for filming and the agencies to provide assistance. Each participating municipality may establish additional permit requirements.

(4) *Procedures.* Procedures for the collection of required fees and reimbursements, if any, shall be established through administrative orders in connection with County locations and through interlocal agreements in connection with participating municipal locations.

(5) *Permit criteria.* The permit shall be granted unless the County Manager's designee finds that the proposed film production:

(i) Unduly impedes governmental business or public access; or

(ii) Conflicts with previously scheduled activities; or

(iii) Imperils public safety; or

(iv) Violates the provisions of applicable interlocal agreement.

(6) *Appeals.* Any person aggrieved by the terms of a permit issued by the County, by the decision not to issue a permit or by a revocation of a permit issued by the County may, within ten (10) days of the decision, appeal to the County Manager, whose decision will be final.

(c) *Authority of County Manager.* The County Manager shall designate an individual who shall be authorized to facilitate and coordinate the use of publicly-owned sites within the incorporated and unincorporated areas of Miami-Dade County for the filming and production of film projects. In this regard the Manager's designee shall be responsible for:

(1) Negotiating interlocal agreements with municipalities to provide that the County may issue municipal film permits on behalf of the participating municipality, which shall conform to the requirements of all applicable municipal ordinances and written regulations, and shall set out the procedures by which the County shall facilitate film production within the municipality.

(2) Establishing by administrative order the criteria for film permits issued with regard to sites owned or controlled by the County.

(3) Issuing, denying or revoking permits pursuant to this section, administrative order or interlocal agreements.

(4) Coordinating proposed film production schedules to minimize conflicts and to monitor compliance with applicable rules and regulations of the County and of the participating municipalities, and coordinating with the police and fire departments having jurisdiction to determine those services reasonably necessary to protect the life, safety and welfare of the public, as well as property.

(5) Facilitating execution of appropriate permits for the provision of special police, fire or other public services as may be required. In connection with these arrangements, the County may collect all necessary fees and deposits on behalf of the County and participating municipalities and shall remit municipal fees collected in accordance with the interlocal agreement with the participating municipality. Municipal fees shall be determined by each participating municipality.

(6) Supporting public programs and private initiatives that enhance Miami-Dade County as a location for film production and post-production facilities.

(7) Developing and disseminating a comprehensive listing of all related available resources including but not limited to companies dealing with film production to assist in the expansion and enhancement of the film production industry and related industries in Miami-Dade County.

(Ord. No. 76-112, § 6, 12-21-76; Ord. No. 91-50, §§ 1, 2, 5-7-91)

**Annotation—**AO 4-34.

Sec. 2-11.14.1. Film and Entertainment Advisory Board.

(a) *Board created.* There is hereby created the Film and Entertainment Advisory Board.

(b) *Purpose.* The purpose of the Board is to advise and make recommendations to the Board of County Commissioners and the Mayor on all matters pertaining to the film and entertainment related industries and to support and advance the interests and resources of the film and entertainment industry in Miami-Dade County for the purposes of economic and professional development; education and national and international awareness of Miami-Dade County. The Board is intended to operate as a focal point for these industries in Miami-Dade County. The Board is to provide a point of reference for the public and the County government for collection, input and dissemination of information related to these relationships with other government agencies to enhance and support the film and entertainment industries in Miami-Dade County. No decision of the Board shall be binding upon the Board of County Commissioners or the Mayor.

(c) *Membership and terms of office.*

(1) *Membership.* The Board shall consist of seventeen (17) members. Each County Commissioner and the Mayor shall appoint one (1) Board member. Additionally, one (1) Board member shall be appointed by a majority vote of the entire Board of County commissioners, and one (1) Board member shall be appointed by the League of Cities. One (1) additional Board member, who is a representative consumer of the film and entertainment industry shall be appointed by a majority vote of the entire Board of County Commissioners. Board members shall serve without compensation but may be reimbursed for actual authorized expenses incurred in the discharge of their duties.

(2) *Qualifications.* Each of the members shall be individuals who have substantial knowledge and personal involvement in the film and entertainment industries. Board members should represent the following components of the industry: film, television, still photography, commercial production, music, new media. The one member selected by the Board of County Commissioners shall represent the consumers of the film and entertainment industry. All members shall satisfy the qualifications for membership set out in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of this Code.

(3) *Terms.* Each Board member shall be appointed to a term which shall end concurrently with the last day of the term of the Mayor or County Commissioner or other appointing authority who appointed the Board member, as provided in Section 2-38.2 of this code. The Board member appointed by the Board of County Commissioners and the Board member appointed by the League of Cities shall each serve four-year terms. If a vacancy occurs prior to the expiration of the Board member's term, the County Commissioner who appointed that member shall appoint a new member to fill the balance of the term.

(4) *Removal.* Failure by any Board member to maintain the qualifications for membership set out in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO), failure to maintain the attendance requirements of [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE), or a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR), Code of Miami-Dade County, Florida, shall be grounds for removal from the Board.

(d) *Procedure.*

(1) *Chair.* The Board shall have a Chairperson elected by a majority of the Board members.

(2) *Meetings.* The Board shall meet at the call of the Chairperson, but in no event shall it meet less than once every three (3) months. A quorum shall consist of seven (7) members. The Board may appoint committees of at least two (2) Board members, and may include as committee members individuals who are not Board members. All actions by committees are advisory, and are not binding upon the Board, the County Manager, or the County Commission. All meetings of the Board and its committees shall comply with all requirements of the Florida "Government in the Sunshine" Law, Chapter 119, Florida Statutes, as it may be amended from time to time.

(e) *Powers.* The Board shall have the power to invite individuals to address it, to hold public hearings, workshops and seminars. The Board shall have the power to solicit private sponsors for networking events which is a legitimate purpose for the Board subject to the County's Conflict of Interest and Code of Ethics Ordinance codified at [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County. Any funds contributed for such purpose shall be paid into a trust fund administered by the County Finance Department which shall be named the Film and Entertainment Advisory Board Trust Fund which shall be used to fund activities authorized by the Code with the majority vote of the Board. Other than authorized expenditures from the Film and Entertainment Advisory Board Trust Fund, the Board cannot commit itself or the County to any expenditure of funds without the specific approval of the Board of County Commissioners, or of the County Manager, under circumstances when the Board of County Commissioners has delegated that authority to him or her.

(f) *Staff.* The Mayor shall provide to the Board adequate staff and support services to enable it to carry out its purposes, subject to the budget approved by the Board of County Commissioners.

(g) *Reports.* The Board shall submit a written report annually to the Mayor and the Board of County Commissioners detailing its activities during the past year and outlining its contemplated activities for the ensuing year. Additionally, such report shall specifically set forth the names and addresses of any private sponsors that contribute money or in-kind goods or services to any Board activity and the amounts of such in-kind or cash contributions made by such sponsors to any Board activity and an accounting of the funds deposited and paid out from the Film and Entertainment Advisory Board Trust Fund.

(Ord. No. 91-108, § 1, 10-1-91; Ord. No. 94-8, §§ 1, 2, 1-18-94; Ord. No. 99-110, § 1, 9-9-99; Ord. No. 00-140, § 1, 11-14-00; Ord. No. 07-167, § 1, 11-6-07)

Sec. 2-11.15. Works of art in public places.

1. *Art-in-public-places program.*

(a) *Appropriation for construction to include amount for works of art.* Miami-Dade County and each municipality in Miami-Dade County shall provide for the acquisition of works of art equivalent in value to not less than one and one-half (1½) percent of the construction cost of new governmental buildings, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund. To the extent the total appropriation is not used for the acquisition of works of art for said buildings, the remainder may be used for:

(1) Program administrative costs, insurance costs or for the repair and maintenance of any works of art acquired under this section; or

(2) To supplement other appropriations for the acquisition of works of art under this section or to place works or art in, on, or near government facilities which have already been constructed.

(b) *Waiver of requirements.* The requirements of subsection (a) may be waived by resolution of the Board of County Commissioners of Miami-Dade County when and if it appears to said Board that a construction project covered hereunder is not appropriate for application of the above requirements.

(c) *Definitions.* For the purpose of this section, the following terms are hereby defined:

(1) *Works of art* is defined as the application of skill and taste to production of tangible objects, according to aesthetic principles, including, but not limited to, paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, lighting designs and drawings.

(2) *Construction cost* is defined to include architectural and engineering fees, site work, and contingency allowances. It does not include land acquisition or subsequent changes to the construction contract. All construction costs shall be calculated as of the date the contract is executed.

2. *Art-in-Public-Places Trust.* There shall be an Art-in-Public-Places Trust to administer the program.

(a) *Purpose.* The Trustees of the Art-in-Public-Places Trust shall act in the public interest upon all matters relating to the program and shall support the program's goals and objectives. The Trustees' responsibilities include the selection, maintenance, planning, public education and curating of all works of art acquired by the program.

(1) Membership; qualifications. The Trust shall be composed of fifteen (15) Trustees appointed to staggered terms by the Board of County Commissioners, serving without compensation. Each Board member shall be appointed to a term which shall end concurrently with the last day of the term of the County Commissioner who appointed the Board member, as provided in Section 2-38.2 of this Code. If a vacancy occurs prior to the expiration of the Board member's term, the County Commissioner who appointed that member shall appoint a new member to fill the balance of the term. Additionally, the Mayor shall appoint two (2) members of the Board of County Commissioners to sit as ex officio Trustees. Each Trustee must be knowledgeable in public art, must be a resident of Miami-Dade County and may not operate, own or be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of art work. Membership is governed by Sections [2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) and [2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Miami-Dade County Code.

(2) Term of office. No trustee shall serve more than eight (8) consecutive years on the Council; provided that this limitation shall not be applicable to Trustees with unexpired terms on November 1, 1993 who were reappointed after that date. Nothing shall prohibit any individual from being reappointed to the Trust after a hiatus of two (2) years.

(3) Duties. The Trustees shall prepare a master art plan to ensure a coherent acquisition program and implementation guidelines, both of which shall be approved by the Board of County Commissioners. The Trustees shall approve all program acquisitions in accordance with the master art plan and implementation guidelines and shall oversee the public education, and curatorial aspects of the program. The Trustees shall recommend to the County Manager an Executive Director, a budget for staff and other expenditures necessary to operate the program and shall deliver an annual report to the Board of County Commissioners.

(b) *Professional Advisory Committee.* The Professional Advisory Committee shall be composed of eleven (11) members appointed by the Trust, and shall be compensated for professional services in accordance with a schedule established by the Trust, although this shall not preclude donation of such services.

(1) Membership, qualifications. Each member of the professional advisory committee shall be a professional in the field of art, architecture, art history, or architectural history. Members' reasonable expenses shall be reimbursed at a uniform rate to be established from time to time by the Trust.

(2) Term of office. Each Professional Advisory Committee member shall serve a two-year term and may be reappointed for a total of three (3) consecutive terms.

(3) Duties. The Professional Advisory Committee will screen submissions and will recommend to the Trust for each acquisition not more than three (3) possible selections, which may be existing works of art or new commissions.

(4) Proceedings. For each acquisition the Trust shall direct the Professional Advisory Committee to act as a committee of the whole or in smaller subcommittees.

(c) *Selections of works of art.* All acquisitions will be in accordance with the master art plan. Trustees shall approve each acquisition from those elections recommended by the Professional Advisory Committee. The County Manager will negotiate and execute appropriate contracts to acquire each approved work of art. Funds may be aggregated to acquire works of art.

(1) Selection criteria. In the selection process, the following principles shall be observed:

a. Works of art shall be located in areas where residents and visitors live and congregate and shall be highly accessible and visible.

b. Areas used by tourists, including the airport, seaport, beaches, parks and thoroughfares, shall each have a separate master plan which shall be incorporated as a portion of the master art plan.

c. The Trustees should consider the inherently intrusive nature of public art on the lives of those frequenting public places. Artworks reflecting enduring artistic concepts, not transitory ones, should be sought.

d. The Trust's selections must reflect the cultural and ethnic diversity of this County without deviation from a standard of excellence.

e. Final selection shall also take into account appropriateness to the site, permanence of the work in light of environmental conditions at the site, maintenance requirements, quality of the work, likelihood that the artist can successfully complete the work within the available funding, diversity of works already acquired by the Trust, diversity of the artists whose work has been acquired by the Trust.

(d) *Master art plan and implementation guidelines.* The Trustees shall adopt and publish a master art plan and written uniform guidelines to govern the manner and method of the submission of proposed works of art to the Professional Advisory Committee, the process by which the Professional Advisory Committee shall make recommendations to the Trustees and the process by which the Trustees shall approve acquisition. These shall be approved by the Board of County Commissioners. Purchases and Commissions pursuant to such approved guidelines shall be reflected on the information section of the Commission agenda, but shall not require Commission approval.

3. *Ownership and Upkeep.* Ownership of all works of art acquired by the County under this section is vested in Miami-Dade County. The Art-in-Public-Places Trust is charged with the custody, supervision, maintenance and preservation of such works of art. In each instance, the County shall acquire title to each work of art acquired.

4. *Personnel.* The County Manager shall provide adequate and competent clerical and administrative personnel as may be reasonably required by the Trust for the proper performance of its duties, subject to budget limitations.

(Ord. No. 73-77, §§ 1—4, 9-18-73; Ord. No. 78-75, § 1, 11-7-78; Ord. No. 82-90, § 1, 9-21-82; Ord. No. 82-112, § 1, 12-21-82; Ord. No. 84-14, § 1, 2-7-84; Ord. No. 94-12, § 1, 1-18-94; Ord. No. 98-18, § 1, 2-3-98)

**Editor's note—**

Ord. No. 73-77, § 5, provided for inclusion of the ordinance as a part of this Code, but did not specify the manner of inclusion; hence, codification of §§ 1—4 as [§ 2-11.15](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.15WOARPUPL) was at the discretion of the editors.

**Cross reference—** Center for Fine Arts, § 2-301 et seq.

Sec. 2-11.16. County construction contracts.

(a) In addition to the other elements of the term "responsible bidder" in law or in the discretion of the Board of Commissioners of Miami-Dade County, as applies to competitively bid County contracts in excess of one hundred thousand dollars ($100,000.00) for the construction, alteration, and/or repair, including painting or decorating, of public buildings or public works, shall mean a bidder who provides documented proof in its bid that the various classes of laborers and mechanics will be paid no less than the specified overall hourly rates as set forth in the contract specifications. All leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land shall require laborers and mechanics performing such work be paid no less than the overall hourly rates required on competitively bid County construction contracts under this Section unless specifically exempted below. Fees for monitoring compliance with this Section shall be charged as provided in the most current County-wide Budget as follows: for County construction contracts, the Department of Business Development shall charge the using department therefor; for leases and contracts which provide for privately funded construction, alteration or repair of buildings or improvements on County owned land, the party contracting with the County shall be charged therefor.

(b) The specifications for each competitively bid County contract in excess of one hundred thousand dollars ($100,000.00) for the construction, alteration and/or repair, including painting or decorating, of public buildings or public works shall specify an initial overall per hour rate to be paid to each craft or type of employee necessary to perform the contract work as listed in local area nondiscriminatory negotiated contracts (hereinafter referred to for purposes of this subsection (b) as "negotiated contracts") between organizations which represent employees and contractors. In ascertaining the initial overall per hour rate to be paid, the minimum standard shall be the combined overall dollar value on an hourly basis of the wages (paid as set forth below) and of the hospitalization, medical, pension and life insurance benefits (paid as set forth below) for such craft or type of employee under negotiated contracts in effect as of January 1st of the calendar year in which said proposal bid is expected to be advertised, or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, under the negotiated contracts in effect as of January 1st of the calendar year in which said proposed lease or contract is expected to be executed. Thereafter, the specifications shall provide that the overall per hour rate to be paid for work performed under the contract during each subsequent calendar year shall be the overall per hour rate in effect as of January 1st, of the year in which the work is performed. If a particular craft or type of employee is not listed in such negotiated contracts, in ascertaining the initial overall per hour rate to be paid those employees, the minimum standard shall be the combined overall dollar value on an hourly basis of the "basic hourly rate of pay" (as defined in [29](../level2/PTIIICOOR_CH29TA.docx#PTIIICOOR_CH29TA) CFR 5.24) (paid as set forth below) and of the fringe benefits payments (paid as set forth below) for hospitalization, medical pension and life insurance benefits for such craft or type of employee under the Secretary of Labor's wage determination (made pursuant to the provisions of the Davis-Bacon Act) in effect for Miami-Dade County, Florida, as of the end of the calendar year in which the proposed bid is expected to be advertised. The foregoing and the provisions of [Section 2-11.16](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO)(e) notwithstanding, where not otherwise precluded by state or federal law, the overall per hour rate shall be the higher rate under this [Section 2-11.16](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.16COCOCO) or the rate of wages to be paid under the requirements of the Davis-Bacon Act; provided, further, that the overall per hour rate shall not be the higher rate if the federal government requires the County as a condition of receiving federal funds for a project to pay no more than the wages as determined by the U.S. Department of Labor under the Davis-Bacon Act on project contracts. The specifications for such contracts shall:

(i) Include a sum certain in dollars and cents as an initial overall per hour rate for each craft or type of employee to be paid for work performed during the period commencing on the date of issuance of the notice to proceed and continuing through the calendar year (or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section, ending the last day of the calendar year in which the lease or contract was executed). The specifications shall further provide that the overall per hour rate to be paid for work performed during the year period commencing the next January 1st after the date of issuance of the notice to proceed (or, in the case of a lease or contract providing for privately funded construction on County-owned land subject to this Section after the date of execution of such lease or contract) shall be such rate (as determined in accordance with subsection (b) above) for that calendar year and shall be updated thereafter on each subsequent January 1st to the rate (as determined in accordance with subsection (b) above) for the ensuing calendar year until completion of the contract work; and

(ii) Mandate the contractor to whom the contract is awarded, and any of its subcontractors performing any of the contract work, pay not less than the specified overall per hour rate adjusted over the term of the contract as provided in subsubsection (i); and

(iii) Provide that the contractor, and any of its subcontractors, may fulfill the obligation to pay such specified overall per hour rate by payment to the employee of the hourly wage rate listed in the negotiated contracts (or, if applicable, under subsubsection (i) above, the "basic hourly rate of pay" as defined in [29](../level2/PTIIICOOR_CH29TA.docx#PTIIICOOR_CH29TA) CFR 5.24 contained in the Secretary of Labor's wage determination) for such craft or type of employee plus either: (i) payment on the employee's behalf of the cost (on an hourly basis) of the hospitalization, medical, pension and life insurance benefits specified for such craft or type of employee; or, (ii) payment to the employee (in addition to the listed hourly wage rate, or "basic hourly rate of pay if applicable) of an amount equal to the hospitalization, medical, pension and life insurance benefits (on an hourly basis) contractors are required to provide under the negotiated contracts (or, if applicable, under subsubsection (i) above, an amount equal to the fringe benefit payments on an hourly basis for hospitalization, medical, pension and life insurance benefits contained in the Secretary of Labor's wage determination) for such craft or type of employee. Payments to employees shall be counted towards fulfillment of the above obligation only to the extent that such payments are made by check or money order; and

(iv) Provide that the contractor, and each subcontractor under him, shall post in a conspicuous place on the site where such contract work is performed: (1) the schedule of the specified overall per hour rate for each applicable classification specified by such negotiated contracts; (2) the amount of liquidated damages for any failure to pay such rates; and (3) the name and address of the responsible official in Miami-Dade County to whom complaints should be given; and

(v) Provide that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer to pay to employees employed by the contractor (or any subcontractor under him) in the performance of the contract work the difference between the overall per hour rate required by the contract to be paid employees on the work and the amounts received by such employees and not refunded to the contractor, and any of its subcontractors or their agents; and

(vi) Require the contractor and each subcontractor under him to keep, or cause to be kept, accurate written records signed under oath as true and correct showing the names, Social Security numbers, and craft classifications of all employees performing work on said contract, the hours and fractions of hours for every type of work performed by each employee, the combined dollar value of all wages, any contributions to benefit plans and payments made to each employee of the overall per hour rate required by this Section and further require the contractor to submit to the County a list of all subcontractors and the names and Social Security numbers of all employees thereof who performed work each day on the contract and further require each subcontractor to also submit to the County a list of the names and Social Security numbers of its employees who performed work each day on the contract; and

(vii) Provide that no contractor (or subcontractor under him) may terminate an employee performing work on the contract because of the employee's filing a complaint regarding payment of required overall per hour rates.

(c) Miami-Dade County shall periodically examine the records required to be kept under subsection (vi) of subsection (b) of this section.

(d) The County Manager shall establish an administrative procedure for monitoring compliance with and enforcement of the requirements of this Section. Such procedure shall provide that:

(i) DBD may conduct investigations of compliance with the requirements of this Section and issue written notices to a contractor (or subcontractor under the contractor) when it determines based on such investigation that the contractor (or subcontractor) has not complied herewith;

(ii) The contractor or subcontractor shall respond in writing to the notice of noncompliance;

(iii) Based on the response, DBD may determine to rescind the notice of noncompliance or to conduct a Compliance Meeting with the affected contractor or subcontractor at which any additional evidence may be presented;

(iv) DBD shall make a written compliance determination following any Compliance Meeting. A determination that the contractor or subcontractor has not complied with the requirements of this Section shall state the basis therefore and shall advise the contractor or subcontractor of its right to file a written request with the County Manager within 30 calendar days to schedule an administrative hearing before a hearing officer to appeal the determination as provided below; and

(v) A contractor or subcontractor who fails to respond to a notice of noncompliance, fails to attend a Compliance Meeting, or who does not timely request an administrative hearing from an adverse compliance determination made by DBD after a Compliance Meeting shall be deemed not to have complied with the requirements of this ordinance as stated in the notice or determination of non-compliance and, in the case of underpayment of the required overall per hour rate, an amount sufficient to pay any underpayment shall be withheld from contract proceeds and remitted to the employee and the contractor or subcontractor shall be fined the applicable penalty for such underpayment as provided in this subsection (d). A contractor or subcontractor who does not make the required payment of the underpaid wages or who does not pay any fine imposed hereunder shall not be deemed responsible to perform subsequent County construction contracts and shall be ineligible to be awarded such contracts for so long as the identified underpayment or any penalties imposed therefor remain outstanding, not to exceed three years.

Upon timely receipt of a request for an administrative hearing before a hearing officer to appeal a determination of non-compliance, the County Manager shall appoint a hearing officer and fix a time for an administrative hearing thereon. A notice of hearing (together with a copy of DBD's determination of non-compliance) shall be served upon the contractor (or subcontractor). Upon completion of the hearing, the hearing officer shall submit proposed written findings and recommendations together with a transcript of the hearing to the County Manager within a reasonable time. The County Manager shall determine whether the contractor (or subcontractor) failed to comply with the requirements of this ordinance. If the Manager's determination is that the contractor (or subcontractor) failed to comply, and that such failure was pervasive, the Manager may order that the contract work be suspended or terminated, and that the noncomplying contractor (or subcontractor) and the principal owners thereof be prohibited from bidding on or otherwise participating in County contracts for the construction, alteration and/or repair, including painting or decorating of public buildings or public works for a period of up to three (3) years. In addition, in the case of underpayment of the required overall per hour rate, an amount sufficient to pay any underpayment shall be withheld from contract proceeds and remitted to the affected employees and the contractor or subcontractor shall be fined the penalties provided below. If the Manager's determination is that the contractor (or subcontractor) failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Manager may, in the case of underpayment of the required overall per hour rate, order an amount equal to the amount of such underpayment be withheld from the contractor and remitted to the employee, and may also fine the contractor or subcontractor for such noncompliance as follows: for the first underpayment, a penalty in an amount equal to 10% of the amount thereof; for the second underpayment, a penalty in an amount equal to 20% thereof; for the third and successive underpayments, a penalty in an amount equal to 30% thereof. A fourth violation, shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray DBD's costs of administering this ordinance. If the required payment is not made within a reasonable period of time, the noncomplying contractor (or subcontractor) and the principal owners thereof shall be prohibited from bidding on or otherwise participating in County contracts for the construction, alteration, and/or repair, including painting or decorating of public buildings or public works for a period of three (3) years.

(e) This section shall not apply to County contracts for construction or alteration which are federally funded or which are otherwise subject to the provisions of the Davis-Bacon Act (40 U.S.C. 276(a)).

(f) This section shall not apply to any contract for which authority to advertise for bids has been obtained prior to the effective date of this section [Ordinance No. 90-90].

(g) This ordinance shall not apply to blanket contracts designed to consolidate an indeterminate number of individual smaller construction, repair or alteration activities which may be needed over a fixed period of time, provided the overall contract ceiling does not exceed five hundred thousand dollars ($500,000.00) and further provided that no individual work order issued under such contract shall exceed twenty-five thousand dollars ($25,000.00) per craft.

(h) As used in the construction of this section, references to the masculine shall include the feminine and neuter and references to the singular shall include the plural, and vice-versa.

(i) Exemption for certain privately funded construction. This Section shall not apply to leases and contracts entered into after the effective date of this ordinance which provide for privately funded construction, alteration or repair of buildings or improvements located on County-owned land whose estimated cost is equal to or less than five million dollars ($5,000,000.00) which are financed:

(1) Solely through private sources, without one dollar ($1.00) or more of financing provided through any federal, state, county or local governmental entity or bond sources including Industrial Development Authority (IDA) bonds or similar type of bond funding; or

(2) by entities which meet all of three (3) of the following conditions: exemption from Federal Income Taxes under section 501(c)(3), not-for-profit and community-based.

(j) The foregoing notwithstanding, any lease or contract entered into after the effective date of this ordinance which provides for privately funded construction, alteration or repair of buildings or improvements located on County-owned land whose estimated cost is equal to or less than five million dollars ($5,000,000.00), receives IDA bond financing and also receives State and/or local development incentives (including but not limited to: waiver of or reduced impact or permit fees and reduced property or other taxes) based on job creation shall not require payment of the overall hourly rates provided by this Section. Such lease or contract shall provide that in the event the job creation requirements on which the foregoing development incentives were conditioned are not fulfilled, the lessee shall be required to pay a penalty of up to twenty (20) percent of the cost of such construction, alteration or repair. Said penalty shall be in addition to any rental or other payments required in each lease or contract to which this subsection applies. Said penalty shall be paid to Miami-Dade County for deposit in the Department of Business Development Compliance Trust Fund and used to cover the costs of monitoring compliance with this Section.

(Ord. No. 77-17, §§ 1—4, 3-15-77; Ord. No. 90-90, § 1, 9-11-90; Ord. No. 90-123, § 1, 11-8-90; Ord. No. 90-143, § 1, 12-18-90; Ord. No. 95-183, § 1, 10-17-95; Ord. No. 99-158, § 1, 11-16-99; Ord. No. 02-129, § 1, 7-23-02; Ord. No. 05-199, § 1, 11-3-05; Ord. No. 12-43, § 1, 7-3-12)

**Annotation—**CAO 79-13.

**Cross reference—** Bidding on public projects, § 10-33 et seq.

Sec. 2-11.17. Reserved.

**Editor's note—**

Section 1 of Ord. No. 07-164, adopted Nov. 6, 2007, repealed [§ 2-11.17](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.17RE), which pertained to residency condition for new employee, and derived from Ord. No. 77-39, adopted June 21, 1977; Ord. No. 81-27, adopted March 17, 1984; Ord. No. 97-216, adopted Dec. 16, 1997; Ord. No. 99-28, adopted March 18, 1999; Ord. No. 00-69, adopted May 23, 2000; Ord. No. 05-88, adopted May 3, 2005; and Ord. No. 06-65, adopted May 9, 2006.

Sec. 2-11.18. Performance based program review proposal.

(a) The County Manager shall develop a schedule and apply performance based program review principles in reviewing the programs of each County department and agency, including all trusts and entities falling under the jurisdiction of Miami-Dade County government, at least once every eight years, commencing with the Fiscal Year 2004-2005 Budget Cycle. As used herein, "performance based program review principles" may include, among others, the following: (1) a review as to whether the program is in conformance with the strategic plans, business plans, and adopted budgetary priorities; (2) zero-based budgeting concepts; (3) application of program workload measures, program efficiency measures, program effectiveness measures, program outcome measures and cost-benefit analysis; and (4) an analysis of the customer or client base served by the program and delivery of service alternatives.

(b) The County Manager shall develop a plan for such performance based program reviews and submit a report regarding that plan for consideration by the Budget and Finance Committee by May 15, 2003. That plan shall include a grouping of all County departments, trusts, and agencies so that approximately one-eighth of the entities are thoroughly reviewed annually and so the cycle will subject each entity to a performance based program review every eight years. The plan shall require that all performance based program reviews be performed in coordination with the Office of the Commission Auditor.

(c) For each department, trust, and agency required to conduct a performance based program review, the County Manager shall present his or her findings, analysis, and reports to the Budget and Finance Committee before the Proposed Budget is submitted. When any trust is reviewed under the performance based program review, the trust board shall be responsible for reviewing its programs under the same principles and shall present its findings, analysis and reports to the County Manager for review at last six weeks prior to the presentation to the Budget and Finance Committee. The trust board shall present its findings, analysis and reports to the Budget and Finance Committee at the same meeting at which the County Manager presents his or her findings, analysis, and reports regarding that trust.

(Ord. No. 03-65, §§ 1—3, 4-8-03)

**Editor's note—**

Ord. No. 03-65, §§ 1—3, adopted April 8, 2003, did not specifically amend the Code. Hence its inclusion herein as [section 2-11.18](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.18PEBAPRREPR) was at the discretion of the editor.

Sec. 2-11.19. Medical Examiner Department services.

(a) The Medical Examiner of Miami-Dade County shall charge a fee for services rendered to the next of kin of a decedent, or other person in lawful control of a decedent's body, who requests the medical examiner, pursuant to Section 406.11(1)(c), Florida Statutes, to approve the performance of a cremation, donation to a medical school for dissection, burial at sea.

(b) The fees for such services shall be reasonable and related to the overall cost of providing these services. The fee shall be in such amount as shall be established by administrative order of the County Manager. Said fees shall be effective upon approval by the Board of County Commissioners.

(c) The County Manager shall implement necessary procedures for collecting these fees.

(Ord. No. 91-117, § 1, 10-1-91)

**Editor's note—**

Ord. No. 91-117, § 1, adopted Oct. 1, 1991, amended the Code by the addition of provisions which have been designated at the discretion of the editor as [§ 2-11.19](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.19MEEXDESE)

Sec. 2-11.20. Budgetary requirements regarding empowerment zone.

In the event Miami-Dade County is selected as a Federal Empowerment Zone or Enterprise Community, the County Manager's proposed budgets over a five-year period shall include an amount which totals one hundred (100) percent of the applicable federal grant (Empowerment Zone or Enterprise Community Grant, respectively). The funds in the proposed budget shall be used to implement and carry out the purposes of the Strategic Plan.

(Ord. No. 94-144, § 1, 7-14-94)

**Editor's note—**

Ord. No. 94-144, adopted July 14, 1994, amended the Code by the addition of provisions which have been codified herein at the discretion of the editor as [§ 2-11.20](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.20BUREREEMZO)

Sec. 2-11.21. Unincorporated municipal service area revenues.

(a) No portion of the revenues derived from the unincorporated municipal service area millage shall be pledged or utilized to meet countywide obligations. Said funds shall be utilized solely to meet financial obligations of, or provide services to, the unincorporated municipal service area.

(b) Nothing contained herein shall apply to any debt service obligation which has been or will be approved by referendum; nor shall this section be construed to impair the obligation of any existing bonds or other debt instruments.

(Ord. No. 94-157, §§ 1, 2, 9-13-94)

**Editor's note—**

Ord. No. 94-157, adopted Sept. 13, 1994, amended the Code by the addition of provisions which have been codified herein at the discretion of the editor as [§ 2-11.21](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.21UNMUSEARRE)

Sec. 2-11.22. Reserved.

**Editor's note—**

Ord. No. 07-45, § 1, adopted March 6, 2007, repealed [section 2-11.22](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.22RE) in its entirety. Former [section 2-11.22](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.22RE) pertained to expenditures of municipal service area contingency reserve funds and derived from Ord. No. 95-1, §§ 1, 2, adopted Jan. 17, 1995.

Sec. 2-11.23. Use of utility tax and franchise fee revenues.

Revenues which the County receives from the collection of the utility tax and franchise fee in the unincorporated area of the County shall not be bonded, pledged or used as collateral for debt issued by the County other than in conjunction with projects and activities which are exclusively for the use of residents of the unincorporated area of the County. This ordinance shall not apply to existing bonds nor their refinancings or refundings.

(Ord. No. 96-36, § 1, 2-20-96)

**Editor's note—**

Ord. No. 96-36, § 1, adopted Feb. 20, 1996, amended the Code by the addition of provisions which have been designated at the discretion of the editor as [§ 2-11.23](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.23USUTTAFRFERE)

Sec. 2-11.24. Disposition of unexpended omnibus reserve funds.

(1) All unexpended omnibus reserve funds at the end of each fiscal year, beginning with fiscal year 1995-96, shall be earmarked in the Countywide General Fund Budget for the following fiscal year for the Countywide General Fund Reserve for State and Federal Funding Cuts. These funds shall only be for expenditure on social service, affordable housing, community and economic development programs. Additionally, these funds shall supplement and not supplant the funding included in the proposed operating budget designated for the Countywide General Fund Reserve for State and Federal Funding Cuts. The Board shall be duly notified of unexpended omnibus reserve funds and those funds shall be incorporated as an amendment to the Countywide General Fund Budget Ordinance.

(2) These funds shall be subject to the provisions of the ordinance that regulates the Countywide General Fund Reserve for State and Federal Funding Cuts. Particularly, allocations from these funds must require a favorable recommendation from the County Manager.

(3) Definitions.

(a) *Housing, Community and Economic Development* shall mean services such as but not limited to programs for the homeless, housing counseling, affordable housing, fair housing, community development corporations, community development programs, and economic development programs.

(b) *Social services* shall mean services such as but not limited to employment training, drug and alcohol rehabilitation, drug prevention, mental health, meals programs, temporary shelter, child care, child development, acculturation, family support services or services that target specific communities such as but not limited to children, adolescents, elderly, disabled, mentally ill, indigent, migrant workers, immigrants, homeless, illiterate, substance abusers and domestic violence victims.

(c) *Unexpended omnibus reserve funds* shall mean any funds which have not been allocated by September 30 of the fiscal year in which they were originally budgeted.

(4) This section shall repeal any actions by the Board of County Commissioners that are in conflict with this ordinance.

(5) This section shall stand repealed two (2) years after its effective date.

(6) This section [Ordinance No. 96-35] shall become effective ten (10) days after the date of enactment.

(Ord. No. 96-35, §§ 1—3, 5—7, 2-20-96)

**Editor's note—**

Ord. No. 96-35, adopted Feb. 20, 1996, amended the Code by the addition of provisions which have been designated at the discretion of the editor as [§ 2-11.24](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.24DIUNOMREFU)

Secs. 2-11.24.1, 2-11.25. Reserved.

**Editor's note—**

Ord. No. 07-45, § 1, adopted March 6, 2007, repealed sections 2-11.24.1, [2-11.25](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_SS2-11.24.1_2-11.25RE) in their entirety. Former sections 2-11.24.1, [2-11.25](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_SS2-11.24.1_2-11.25RE) pertained to "omnibus general discretionary reserve fund expenditures made by commissioners leaving office" and "countywide general fund reserve for federal and state funding cuts," respectively, and derived from Ord. No. 96-29, §§ 1—5, adopted Feb. 6, 1996; Ord. No. 97-88, § 1, adopted June 17, 1997; Ord. No. 98-32, § 1, adopted Feb. 19, 1998.

Sec. 2-11.26. Reserved.

**Editor's note—**

Ord. No. 02-21, § 1, adopted Jan. 29, 2002, repealed [section 2-11.26](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.26RE) in its entirety. Former [section 2-11.26](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.26RE) pertained to contracts for lobbyists and derived from Ord. No. 96-15, §§ 1—5, adopted Jan. 16, 1996.

Sec. 2-11.27. Responsibility for and control of pool and public affairs budget and staff.

(a) Commencing with the 1996-1997 fiscal year the County Commission pool budget shall be under the direct supervision and control of the County Commission.

(b) The office of the Mayor shall have no responsibility for, nor authority over, the County Commission pool budget and staff, or the budget and staff of the Public Affairs section.

(Ord. No. 96-72, §§ 1, 2, 5-21-96)

Sec. 2-11.28. Members of County Canvassing Board.

(a) Commencing with the effective date of this section, County Commissioners shall be assigned to serve on the Canvassing Board in rotation, starting with District 1 and continuing through District 13.

(b) A County Commissioner assigned to a Canvassing Board shall notify the Supervisor of Elections in writing as to his or her ability to serve.

(c) In the event a County Commissioner is unable to serve, either because he or she is a candidate with opposition in the election being canvassed or is otherwise unavailable, the next Commission District in numerical order shall serve.

(d) Before any Commissioner shall be requested to serve an additional time, the Supervisor of Elections shall provide the Commission with a list of those Commissioners, if any, who were unable to serve in rotation, and those Commissioners, in numerical order, be then requested to serve.

(Ord. No. 96-94, §§ 1—4, 6-18-96)

**Editor's note—**

Ord. No. 96-94, §§ 1—4, adopted June 18, 1996, amended the Code by the addition of provisions which have been codified herein as [§ 2-11.28](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.28MECOCABO) at the discretion of the editor.

Sec. 2-11.29. Selective service registration for applicants for county employment.

(1) No person between the ages of eighteen (18) and twenty-six (26), who is required to register with the Selective Service System under the Military Selective Service Act, 50 U.S.C. App. 453, may be employed by the County or any of its agencies or instrumentalities without proof of such registration.

(2) The County or the agency or instrumentality, as applicable, shall provide for a review, when requested by the applicant or employee, of any denial of employment for reasons of noncompliance with selective service registration requirements.

(Ord. No. 99-117, § 1, 9-21-99)

Sec. 2-11.30. Contracts providing external auditing services.

All contracts between the County and any of its agencies and instrumentalities and any company providing external auditing services shall contain language mandating the external auditor, within five (5) days of completion of its final audit, to deliver copies of said audit to the Mayor and members of the County Commission. Additionally, all such contracts shall specifically state that external auditors shall be liable for damages to the County if the auditors fail to fulfill any provision of their contract with the County.

(Ord. No. 96-180, § 1, 12-3-96)

**Editor's note—**

Ordinance No. 96-180, § 1, adopted December 3, 1996, did not specifically amend the Code. Therefore, such ordinance was treated as adding a new [section 2-11.30](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.30COPREXAUSE), at the discretion of the editor.

Sec. 2-11.31. Reserved.

**Editor's note—**

Ord. No. 07-45, § 1, adopted March 6, 2007, repealed [section 2-11.31](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.31RE) in its entirety. Former [section 2-11.31](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.31RE) pertained to the budget process and derived from Ord. No. 02-128, § 1, adopted July 23, 2002.

FOOTNOTE(S):

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**Charter reference—** Authority of Commission to adopt own rules of procedure, § 1.02(A). Every ordinance to be introduced in writing, prescribing enacting clause and publication, § 1.02(B); authority to adopt published code by reference, § 1.02(D); effective date of ordinances, § 1.02(E); emergency ordinances, § 1.02(F); numbering and indexing ordinances, § 1.02(G); codification of ordinances, § 1.02(H). [(Back)](#BK_9A09D8728ED2525BC57D342AD30A9C56)

**Cross reference—** Method of amending Code of Miami-Dade County, § 1-4. [(Back)](#BK_9A09D8728ED2525BC57D342AD30A9C56)

### ARTICLE IA. SUNSET REVIEW [[3]](#BK_FA4554B737F5804D3C339F5CDF9D4792)

[Secs. 2-11.32—2.11.35. Reserved.](#BK_145873A70E2DF29C954B93C0909FFB48)

Secs. 2-11.32—2.11.35. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 81-11, § 1, enacted Feb. 17, 1981, repealed Ord. No. 79-84, enacted Oct. 16, 1979, codified as Art. IA, §§ 2-11.31—2-11.35, relative to the "sunset" review process for County governmental units. Ord. No. 80-137, § 2, adopted Dec. 16, 1980, was also a part of said article. Ord. No. 02-25, § 1, adopted Feb. 12, 2002, repealed section 2-11.31 in its entirety. Former section 2-11.31 pertained to sunset of ordinances; limitation on number of ordinances a commissioner may introduce, and derived from Ord. No. 95-125, §§ 1—4, adopted July 11, 1995; Ord. No. 96-135, § 3, adopted Sept. 17, 1996; and Ord. No. 97-10, § 1, adopted Feb. 4, 1997. [(Back)](#BK_4490F83DC55C287E980FCC7A1E10B628)

### ARTICLE IB. STANDARDS FOR CREATION AND REVIEW OF BOARDS GENERALLY [[4]](#BK_99D3D1DA30B113CE0C9D2E7EADC7C9C2)

[Sec. 2-11.36. Statement of policy.](#BK_8FE7534005535472ED441A090C35463A)

[Sec. 2-11.36.1. Definition of board.](#BK_3ED000CCA63280C9F4489D7B4489D091)

[Sec. 2-11.37. Creation of new boards.](#BK_37C2C277BCEC6D2EEFB4EF005EE889AE)

[Sec. 2-11.38. Membership on boards.](#BK_6FF8FD417C95C45CFAA2A8534909AD6D)

[Sec. 2-11.38.1. Process of appointment.](#BK_99A3274834C672C3E361C72B25E468FD)

[Sec. 2-11.38.2. Term of office.](#BK_A1BC99137D5FB98C73F83C24D6D7910B)

[Sec. 2-11.38.3. Uniform rule for filling of open vacancies on boards that remain unfilled for thirty days.](#BK_0804669BF84CADD51840636FAC53B166)

[Sec. 2-11.39. Attendance requirement.](#BK_C2034ABEFBB0D134147AA4CBDEF00512)

[Sec. 2-11.39.1. Quorum.](#BK_B96F61D53E892FBA470784E3828ABE76)

[Sec. 2-11.39.2. Application of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.](#BK_7F7D7FD6D00B84BF833703309820262E)

[Sec. 2-11.40. "Sunset" review of boards.](#BK_BC3784E4F29BCD7EFEE99B05AC54B33C)

Sec. 2-11.36. Statement of policy.

It is hereby declared to be the policy of the Board of County Commissioners of Miami-Dade County, Florida, to promote economy, efficiency and improved service in the transaction of the public business by County Boards.

(Ord. No. 80-136, § 1, 12-16-80)

Sec. 2-11.36.1. Definition of board.

(a) The term "board" is defined to include every agency, authority, advisory board, regulatory board, quasijudicial board, semiautonomous instrumentality, committee, task force or any other citizens' group created and funded in whole or in part by the Board of County Commissioners. The foregoing notwithstanding, this article shall not apply to citizen groups created for specific advisory purposes where such group's existence is limited to a period of less than one (1) year. Except as otherwise provided, "County boards" and "citizens' advisory groups" may only be created by action of the County Commission, and only the County Commission, as a body, may appoint the members of the such boards and groups.

(b) Notwithstanding the provisions of subsection (a) hereof, no board, committee, task force, or other citizens' group created by a County Commissioner for the purpose of advising him or her with regard to issues solely within his or her district shall be deemed a County "board" as that term is defined herein. Such a "district board" shall, however, be governed by Florida's "Government in the Sunshine Law," Section 286.011, Florida Statutes, and the County's and Florida's Code of Ethics Laws, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County and Chapter 112, Part III, Florida Statutes, as those laws may be amended from time to time.

(Ord. No. 80-136, § 2, 12-16-80; Ord. No. 88-120, § 1, 12-20-88; Ord. No. 91-46, § 1, 4-16-91; Ord. No. 94-42, § 1, 3-17-94)

Sec. 2-11.37. Creation of new boards.

(a) All County boards created after the effective date of this article shall be created only by ordinance. Such ordinance shall set forth the board's purpose, function, power, responsibility, jurisdiction, membership requirements and restrictions, terms and conditions of appointment to or removal from the board, and the specific staff support, if any, to be provided to the board. The ordinance shall also provide for an annual report, either oral or written, to the Board of County Commissioners.

(b) After passage on first reading of an ordinance creating a new board and prior to the public hearing held on said ordinance, the County Manager shall submit to the Board of County Commissioners, a report setting forth the following information concerning the proposed new board:

(1) Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners' delegation of a portion of its authority.

(2) Whether another board or agency, either public or private, which is already in existence could serve the same purpose.

(3) The costs, both direct and indirect, of establishing and maintaining the board.

(4) Whether the board is necessary to enable the County to obtain State or federal grants or other financing.

(5) Whether the board should have bonding authority.

(6) Whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board of County Commissioners.

(7) Whether the creation of a new board is the best method of achieving the benefit desired.

(c) The public hearing shall be held no earlier than six (6) weeks after passage on first reading of the ordinance creating said board.

(Ord. No. 80-136, § 3, 12-16-80)

Sec. 2-11.38. Membership on boards.

All members of County boards shall be permanent residents and electors of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement, and should have reputations for integrity and community service. In addition, all board members should have demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one (1) person whose livelihood does not depend on the area regulated, administered or dealt with by the board.

Unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of [section 2-11.38.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP).

The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.

No person shall be eligible to serve on a County board if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the Board of County Commissioners, unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives this requirement. No person sitting on a County board may file a lawsuit against the County that challenges a policy set by the Board of County Commissioners without relinquishing his or her seat on the County board unless the Board of County Commissioners by two-thirds (2/3) vote of its membership waives this requirement.

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than two (2) County boards simultaneously, unless the Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, provided, however, a person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust. Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.

Any Commissioner who has nominated a citizen to a County board as that term is defined in [section 2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) of the Code of Miami-Dade County may at any time, with or without cause, request the Board of County Commissioners to remove said board member from his or her position on a County board and recommend a different person to fill the position.

(Ord. No. 80-136, § 4, 12-16-80; Ord. No. 89-55, § 1, 6-20-89; Ord. No. 92-141, § 1, 11-17-92; Ord. No. 93-68, § 1, 7-15-93; Ord. No. 93-104, § 6, 10-19-93; Ord. No. 93-114, § 7, 10-21-93; Ord. No. 96-179, § 1, 12-3-96; Ord. No. 04-57, § 1, 3-16-04; Ord. No. 05-194, § 1, 11-3-05; Ord. No. 08-35, § 1, 3-18-08)

**Annotation—**CAO 81-1.

Sec. 2-11.38.1. Process of appointment.

(a) Vacancies occurring on any board shall be advertised in publications of general circulation. Twice a year advertisements shall appear setting forth a list of all County boards; any special qualifications necessary for membership on the board; and the County telephone number to call for additional information.

(b) Prior to its making appointments to County boards, the Board of County Commissioners shall be furnished (1) a list setting forth the qualifications and demographic background of all new candidates for membership; (2) a list of the qualifications and demographic backgrounds of the present members of the board to which an appointment is being made; and (3) a copy of a background check regarding criminal history, if any, of each applicant performed by the Office of the Inspector General.

(Ord. No. 80-136, § 5, 12-16-80; Ord. No. 09-95, § 1, 11-3-09)

Sec. 2-11.38.2. Term of office.

(a) The terms of office of the members of each board shall be staggered.

(b) No board member shall serve more than eight (8) consecutive years on any one (1) board. The provisions of this section shall not apply to current board members. Nothing set forth in this subsection above shall prohibit any individual from being reappointed to a County board after a hiatus of two (2) years. Notwithstanding the foregoing, the Board of County Commissioners may, by a resolution adopted by a two-thirds (2/3) vote of members present, waive the restriction that a particular member of a board may not serve more than eight (8) consecutive years on that board or any other term limit applicable to a particular board member.

(c) Additionally, notwithstanding any other provision of the Code or of any resolution, the term of every board member nominated by a Commissioner shall automatically expire when:

(1) The nominating Commissioner leaves office; or

(2) The nominating Commissioner's term of office expires.

The provisions of this subsection shall be applicable to the terms of County Commissioners which expired in October 1998, and thereafter.

(Ord. No. 80-136, § 6, 12-16-80; Ord. No. 93-104, §§ 5, 7, 10-19-93; Ord. No. 93-114, §§ 6, 8, 10-21-93; Ord. No. 99-04, § 1, 1-21-99; Ord. No. 10-06, § 1, 1-21-10)

Sec. 2-11.38.3. Uniform rule for filling of open vacancies on boards that remain unfilled for thirty days.

Notwithstanding any other provision of the Code or of any resolution, if a vacancy on any County board which is subject to individual commissioner appointment remains unfilled for more than thirty (30) days, it may thereafter be filled by action of the County Commission.

(Ord. No. 95-94, § 1, 6-6-95)

Sec. 2-11.39. Attendance requirement.

Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or, (ii) if he or she is absent from three (3) of the board's meetings without an acceptable excuse. A member of a County board shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the board, by a two-thirds vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board of County Commissioners, the provisions of this section may be waived.

(Ord. No. 80-136, § 7, 12-16-80; Ord. No. 93-69, § 1, 7-15-93; Ord. No. 94-129, § 1, 6-21-94; Ord. No. 97-195, § 1, 11-4-97)

Sec. 2-11.39.1. Quorum.

Notwithstanding any other provision of the Code or of any resolution, a quorum for all County Boards shall consist of a majority of those persons duly appointed to the board, provided that at least one-half (½) of the full board membership has been appointed. It is expressly provided, however, that the quorum requirement for any board created or established pursuant to [Section 20-40](../level3/PTIIICOOR_CH20MU_ARTIVCOCO.docx#PTIIICOOR_CH20MU_ARTIVCOCO_S20-40COCOCRPU) or [Section 33-306](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-306COZOAPBOST) of this Code (Community Council or Community Zoning Appeal Board) shall be four (4) members and that the quorum requirement for any board created or established pursuant to [Section 2-107](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-107PLADBOSTCOCOMENEMEORANORWO) of this Code (Planning Advisory Board) shall be six (6) members.

(Ord. No. 97-195, § 1, 11-4-97; Ord. No. 05-188, § 1, 11-3-05)

Sec. 2-11.39.2. Application of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

The provisions of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance shall be applicable to county boards.

(Ord. No. 03-74, § 1, 4-8-03; Ord. No. 08-53, § 1, 5-6-08)

Sec. 2-11.40. "Sunset" review of boards.

Commencing with calendar year 2001 the initial board program category shall be reviewed and every year thereafter in the following manner:

(a) By February 1, 2001 and by February 1 each year thereafter, each board's chairperson shall submit a report, approved by the board, to the County Manager setting forth the following information concerning the board:

(1) Whether the board is serving the purpose for which it was created.

(2) Whether the board is serving current community needs.

(3) A list of the board's major accomplishments.

(4) Whether there is any other board, either public or private, which would better serve the function of the board.

(5) Whether the ordinance creating the board should be amended to better enable the board to serve the purpose for which it was created.

(6) Whether the board's membership requirements should be modified.

(7) The cost, both direct and indirect, of maintaining the board.

(8) Whether the County board is meeting performance measures developed to determine their effectiveness in achieving stated goals.

(b) By March 15, 2001 and by March 15, each year thereafter, the County Manager shall deliver to the Board of County Commissioners the report submitted by the chairperson of each board, pursuant to subsection (a) of this section, together with the recommendation or comments that the County Manager submits.

(c) By April 15, 2001 and by April 15 each year thereafter, the chairperson shall make an oral presentation to the Board of County Commissioners should it be the desire of the Board. Said presentation shall be based upon the report set forth in subsection (a) above. The Board of County Commissioners shall evaluate the chairperson's report, the County Manager's recommendations and any other information it deems relevant to determine whether the board shall continue in its present form.

(d) The Board of County Commissioners shall determine whether to abolish, continue, consolidate or modify the board.

(e) At the conclusion of this review process, affected County departments must follow up on the Board of County Commissioners' action and, if necessary, prepare the appropriate legislation to abolish, consolidate or modify a board if it is not continued in its present form.

(f) Reserved.

(g) The following board categories shall be reviewed in the following years and every other year thereafter:

(i) 2001: Policy Formulation, General Government, Internal Support, Culture and Recreation, and Physical Environment

(ii) 2002: Protection of People and Property, Transportation, and Health and Human Services

(h) All existing and newly created boards shall be administratively placed in the appropriate program category under subsection (g) above.

(i) Any proposed Miami-Dade County ordinance or resolution creating a board must be accompanied by a report from the County Manager's Office setting forth the following information concerning the board:

(1) Whether there is a need for the proposed board.

(2) Whether the purpose of the proposed board could be accomplished in any other manner.

(3) The cost both direct and indirect of creating and maintaining such a board.

(4) A clear statement of the mission, desired outcomes and strategies for accomplishing such outcomes, and performance measures to assess whether such outcomes are being achieved. Such outcomes specified shall be measurable, concrete and specific.

(5) A date when the ordinance creating the board shall be repealed, contingent upon the completion of a review by the County Manager and the Board of County Commissioners prior to said repeal date, to determine its effectiveness in achieving stated goals and to revise or modify program components for the full achievement of said goals. No board shall be created whose date for repeal is greater than five (5) years from the effective date of the enacting ordinance.

(j) Any and all boards created pursuant to state or federal law shall be exempt from the requirements of [Sec. 2-11.40](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.40SUREBO)

(Ord. No. 80-136, § 8, 12-16-80; Ord. No. 95-93, § 1, 6-6-95; Ord. No. 98-113, § 1, 7-21-98; Ord. No. 01-20, § 1, 1-23-01)

FOOTNOTE(S):

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**Editor's note—** At the editor's discretion, pursuant to § 11 of said ordinance, §§ 1—8 of Ord. No. 80-136, adopted Dec. 16, 1980, have been codified as Art. IB, §§ 2-11.36—2-11.40. [(Back)](#BK_BF25131E03EFC2948332A2F5F71B84C9)

Annotations—CAO's 81-32, 82-16. [(Back)](#BK_BF25131E03EFC2948332A2F5F71B84C9)

**Cross reference—** Regulations concerning presentations to Board, matters of local concern and Board positions on candidates, § 2-10.2. [(Back)](#BK_BF25131E03EFC2948332A2F5F71B84C9)

### ARTICLE IC. INDEPENDENT REVIEW PANEL [[5]](#BK_D32E08EC67031108E53510FF2548AB7B)

[Sec. 2-11.41. Legislative intent and purpose; liberal construction.](#BK_C14C02B766B140E3557F6B20F5C42F6B)

[Sec. 2-11.42. Created, established.](#BK_3FEC2771F6A88C4E7266C0AEF006567E)

[Sec. 2-11.43. Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.](#BK_297CAE6F78CEE1ED8A09FAA26575CC7C)

[Sec. 2-11.44. Organization and procedures.](#BK_02CE6998E359E2496AE3636235FF6CE7)

[Sec. 2-11.45. Authority and powers generally.](#BK_5ABFB0490134984AE417F0E881A126CB)

[Sec. 2-11.46. Panel proceedings.](#BK_2B7600D3D9415638793A0EEC3F9C9247)

[Sec. 2-11.47. Interim reports during pending review.](#BK_A61AFBDE60DFC07DF401443D50933682)

[Sec. 2-11.48. Final reports on matters reviewed; referral for further proceedings.](#BK_8FF5D5E8CFDE4431677D1870EE00E445)

[Sec. 2-11.49. Simultaneous reviews.](#BK_B9369B6FD4DE492D8A31321576A7FB06)

[Sec. 2-11.50. Immunity of Panel members from suit.](#BK_FC610DDDFF50DB50CE114FEB61B915FE)

[Sec. 2-11.51. Physical facilities and staff.](#BK_FFF766333E4BD1ED0808CA7E33078DC0)

[Sec. 2-11.52. Municipal utilization of Panel authorized.](#BK_97B09A766D96E9833F7CF7DC76AC3436)

Sec. 2-11.41. Legislative intent and purpose; liberal construction.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. It is also the intent of the Board of County Commissioners that the Independent Review Panel conduct headings as provided in [Chapter 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD), Article LXXI of the Code where there is a complaint of retaliation for the disclosure of specific information. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

(Ord. No. 80-8, § 1, 2-19-80; Ord. No. 96-41, § 2, 3-5-96)

Sec. 2-11.42. Created, established.

There is hereby created and established an Independent Review Panel (hereinafter referred to as the "Panel") pursuant to Section 4.08(a) of the Miami-Dade County Home Rule Charter.

(Ord. No. 80-8, § 2, 2-19-80)

Sec. 2-11.43. Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

(A) The Panel shall consist of nine (9) members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and has demonstrated an active interest in public affairs and service.

(1) *Members:*

(a) In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons [and] the Board of County Commissioners shall select one (1) panel member from each of the five (5) lists:

(i) The Community Relations Board.

(ii) The Community Action Agency.

(iii) The Miami-Dade County League of Women Voters.

(iv) The Miami-Dade County Bar Association.

(v) The Miami-Dade Police Chiefs' Association. Each nominee by the Miami-Dade Police Chiefs' Association shall be an Association member. In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami-Dade Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.

(b) In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethnocultural and gender balance.

The foregoing appointments shall constitute the membership of the Panel, and each member shall serve for a period of three (3) years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).

(2) *Nonpermanent members.* In addition to the foregoing, former Panel members may serve as substitute Panel members given advanced notice of absence of current members or vacancy pending appointment.

(B) Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board of County Commissioners. Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

(C) Any Panel member shall be automatically removed if absent for three (3) consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three (3) years from the date of appointment.

(Ord. No. 80-8, § 4, 2-19-80; Ord. No. 81-44, § 1, 4-21-81; Ord. No. 97-86, § 1, 6-5-97)

Sec. 2-11.44. Organization and procedures.

(a) The members of the Panel shall select a chairperson to serve at the pleasure of the Panel, together with such other officers as may be deemed necessary by the Panel.

(b) A simple majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum.

(c) All action by the Panel shall be by majority vote.

(d) All Panel proceedings shall be conducted in accordance with the [Government-in-the-] Sunshine Law, Section 286.011, Florida Statutes.

(e) All Panel proceedings shall be conducted in accordance with the provisions of the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter.

(f) The Panel shall be deemed an "agency" for purpose of compliance with the Public Records Law, Chapter 119, Florida Statutes.

(Ord. No. 80-8, § 6, 2-19-80)

Sec. 2-11.45. Authority and powers generally.

(a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in [Chapter 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD), Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether complaints or grievances are sufficiently serious to institute a review process.

(b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.

(c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.

(d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.

(e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.

(f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.

(g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.

(h) The Panel shall not interfere with any ongoing criminal investigation of the State Attorney.

(Ord. No. 80-8, § 3, 2-19-80; Ord. No. 96-41, § 2, 3-5-96)

Sec. 2-11.46. Panel proceedings.

Panel members shall meet with staff from time to time:

(1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and

(2) To consider whether any complaint or grievance filed with the Panel is sufficiently serious to merit review by the full Panel.

Full panel meetings shall be scheduled monthly and with appropriate notice given to the public.

(Ord. No. 80-8, § 5, 2-19-80; Ord. No. 81-44, § 2, 4-21-81; Ord. No. 97-86, § 2, 6-5-97)

Sec. 2-11.47. Interim reports during pending review.

At least every thirty (30) days, the Panel shall receive interim reports from staff with regard to each pending review.

(Ord. No. 80-8, § 7, 2-19-80; Ord. No. 97-86, § 3, 6-5-97)

Sec. 2-11.48. Final reports on matters reviewed; referral for further proceedings.

The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Manager and the director of the concerned County department. If the Panel has reason to believe that any public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

(Ord. No. 80-8, § 8, 2-19-80)

Sec. 2-11.49. Simultaneous reviews.

The Panel may review more than one (1) incident at the same time.

(Ord. No. 80-8, § 11, 2-19-80; Ord. No. 97-86, § 4, 6-5-97)

Sec. 2-11.50. Immunity of Panel members from suit.

The Panel members shall be, to the full extent permitted by law, immune from any suit based upon any action or report undertaken within the scope of the Panel's duties or powers as provided in this article.

(Ord. No. 80-8, § 9, 2-19-80)

Sec. 2-11.51. Physical facilities and staff.

(a) *Office space, etc.; auditorium.* The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment and furnishings.

(b) *Executive Director.* The Board of County Commissioners shall appoint an Executive Director from 3 nominees provided by the Independent Review Panel. The Independent Review Panel shall utilize a competitive selection process when selecting nominees for Executive Director. The Executive Director shall only be removed by the Independent Review Panel. Such removal shall be for good cause upon a majority vote. The Independent Review Panel shall establish the rate of remuneration of the Executive Director in conjunction, concurrence and consensus with the County Manager.

(c) *Staff.* The Executive Director may hire and administer the necessary staff, subject to budgetary allocation by the Board.

(d) *Legal counsel.* The County Attorney shall provide the Panel with necessary legal counsel.

(e) *Research, investigative personnel.* The Panel may request the Board to provide such other fact-finding and research personnel as it may determine are necessary from time to time.

(Ord. No. 80-8, § 10, 2-19-80; Ord. No. 81-44, § 3, 4-21-81; Ord. No. 83-19, § 1, 4-19-83; Ord. No. 83-42, § 1, 6-21-83; Ord. No. 97-86, § 5, 6-5-97; Ord. No. 97-130, § 1, 7-22-97; Ord. No. 06-31, § 1, 3-7-06)

Sec. 2-11.52. Municipal utilization of Panel authorized.

At the request of any municipality, on a case-by-case basis or for a time certain, the Panel may assume jurisdiction to consider complaints of citizens against any employee, agency or instrumentality of said municipality. The Panel may proceed to consider, review, investigate and conduct hearings relative to such complaint or grievance. In such event, all references to the County or County officers, employees or representatives shall be determined to be references to the municipality and to the municipal officers, employees or representatives who serve in comparable capacities.

(Ord. No. 80-8, § 12, 2-19-80; Ord. No. 81-44, § 4, 4-21-81; Ord. No. 97-86, § 6, 6-5-97)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 80-8, §§ 1—12, adopted Feb. 19, 1980, did not expressly amend this Code; hence, codification as Art. IC of Ch. 2, §§ 2-11.41—2-11.52, is at the discretion of the editor. [(Back)](#BK_0BBCC3A8958F832A0B920C6B036D5E5B)

### ARTICLE II. LAW DEPARTMENT [[6]](#BK_77E395B19DB81ADCD92CF868C9983A05)

[Sec. 2-12. Created; full-time employment; unclassified service; office facilities; funds provided; County Attorney as head.](#BK_3D613EAA2AA227CC16BBDF2A3C18D751)

[Sec. 2-13. County Attorney—Appointment; term; compensation; appointment and removal of assistants and employees; qualifications.](#BK_98FD63E40C62270C90BF66A14151F2AF)

[Sec. 2-14. Same—Duties and functions.](#BK_DC77E7A797A0DE75443110684C6980EA)

[Sec. 2-15. Limitation on power to compromise, confess judgment, accept service of process.](#BK_642B0811895ED96DD7E5657239AB7831)

[Sec. 2-16. First Assistant County Attorney.](#BK_C64AF4300E05C91EDE0CE1C4C1C1BADC)

[Sec. 2-17. Annual report.](#BK_B7AE4E44EBA4BC35F83DF9FBE47798BC)

[Sec. 2-18. Records and files.](#BK_733DDC15C33FDC3A61DAAD81C501B4C4)

[Sec. 2-19. Prosecution of violations of County ordinances.](#BK_16A37CA474AB74C591AADAEF53420285)

[Sec. 2-19.1. Appropriation of funds for prosecution of violations of County ordinances.](#BK_18899F1B6FC13B85851228D40E3FF093)

[Sec. 2-20. Special counsel.](#BK_836FFD519607CA7FE0E9413F90BD5543)

Sec. 2-12. Created; full-time employment; unclassified service; office facilities; funds provided; County Attorney as head.

The County Law Department is hereby created and established under and pursuant to the provisions of Section 4.06 of the Charter. All personnel of the Department shall devote full time to the service of the County, and shall be exempt from the classified service. Office facilities for the Department shall be provided and maintained in the County courthouse. Sufficient funds for the proper operation and maintenance of the Department shall be provided in the County budget. The department shall be operated under the direction and supervision of the County Attorney, who shall serve under the jurisdiction of the County Commission.

**Cross reference—** Additional provisions excepting attorneys in Department of Law from classified service, § 2-41.

Sec. 2-13. County Attorney—Appointment; term; compensation; appointment and removal of assistants and employees; qualifications.

There shall be a County Attorney appointed by the County Commission. He shall serve at the will and under the jurisdiction of the County Commission. The County Commission shall fix the compensation of the County Attorney. The County Attorney shall be the chief civil law officer of the County and shall be the Director or head of the Law Department. He shall select, appoint and employ all personnel of the Department, and shall be responsible for the performance of all duties and functions assigned to the Department. With approval of the County Commission as to salaries, he shall appoint such Assistant County Attorneys as may be necessary for the proper and efficient performance of his duties. Subject to budget provisions, he shall employ such legal secretaries and office personnel as needed for proper operation of the Department, and fix the compensation of such employees. The County Attorney shall have the right to discharge, remove and replace any assistants or other personnel of the Law Department at any time without cause. The County Attorney and all Assistant County Attorneys shall be members of The Florida Bar in good standing.

**Cross reference—** Provisions of rules of procedure of County Commission requiring County Attorney to prepare ordinances and resolutions, § 2-1, Rule 1.21; attorneys for Personnel Advisory Board under supervision of County Attorney, § 2-36.

Sec. 2-14. Same—Duties and functions.

(a) The County Attorney shall be the attorney of record in all civil suits, actions and legal proceedings wherein the County, County Commission, Manager, departments, boards or County officials or employees are parties by virtue of their official positions or actions. He shall institute and prosecute all eminent domain proceedings and other civil suits, actions and legal proceedings authorized by the County Commission. He shall defend all civil suits, actions and legal proceedings brought against the County. The County Attorney shall not be required to represent any County official or employee in respect to their private or personal affairs or actions.

(b) The County Attorney shall serve as legal adviser to the County Commission, Manager, department heads, County boards, and County officers. When requested, he shall render written legal opinions on matters relating to County government and the interpretation, construction and meaning of the constitutional amendment, charter, statutes, ordinances, resolutions and contracts affecting or pertaining to the County government, and such opinions shall be binding upon, and adhered to by all appointed County officials or employees, except in the performance of judicial or quasi-judicial powers of duties. Copies of all written opinions of law rendered by the County Attorney shall be furnished to the Chairman of the County Commission and the Manager.

(c) The County Attorney shall prepare, or review and approve as to form and legal sufficiency, all County ordinances, resolutions, deeds, contract documents and other legal instruments affecting or pertaining to the County, or in which the County is a party.

(d) The County Attorney, or an Assistant County Attorney, shall attend and be present during all regular and special meetings of the County Commission. When requested, he shall attend meetings of special committees of the County Commission, and meetings of County boards.

(e) The County Attorney shall represent the County and department heads in hearings or trials before the Personnel Advisory Board in appeals taken by County employees under the provisions of the Larger Counties Civil Service Act, codified herein as Article IV of this chapter.

(f) The County Attorney shall perform all duties and functions imposed by general or special laws upon County Attorneys; and he shall perform such other legal duties as may be assigned by the County Commission.

(Ord. No. 70-91, § 1, 12-1-70)

Sec. 2-15. Limitation on power to compromise, confess judgment, accept service of process.

The County Attorney shall not compromise, settle or adjust any claims, debts, demands or causes of action in favor of or against the County, or offer to confess judgment against the County, without prior approval of the County Commission or, to the extent he possesses settlement authority, the County Manager or his designee; nor shall the County Attorney accept service of process in any suit or action brought against the County; provided, that this section shall not be construed to limit the discretion of the County Attorney in the proper conduct of the trial of any action, suit or proceeding, nor deprive him of the powers and privileges ordinarily exercised in judicial proceedings by attorneys acting for private clients.

(Ord. No. 78-84, § 2, 11-21-78)

Sec. 2-16. First Assistant County Attorney.

The County Attorney shall designate a First Assistant County Attorney, and during the absence or disability of the County Attorney such First Assistant County Attorney shall be vested with all powers and shall perform all duties and functions of the County Attorney; and in event the Office of County Attorney becomes vacant by death, resignation or other cause the First Assistant County Attorney shall act and serve as County Attorney until such time as the County Commission shall appoint a successor. The First Assistant County Attorney shall perform such other duties as may be assigned to him by the County Attorney.

Sec. 2-17. Annual report.

The County Attorney shall prepare and submit to the County Commission annually a written report concerning the work and activities of the Law Department.

Sec. 2-18. Records and files.

The County Attorney, upon his resignation or removal, shall surrender forthwith to his successor in office all records and files in his possession belonging to the County or relating to the legal affairs of the County, together with a written consent of substitution of his successor in all suits, actions or legal proceedings then pending and undetermined in which the County is a party. All records of the Law Department, except the work products of the County Attorney or his assistants in pending litigation, shall be public records.

Sec. 2-19. Prosecution of violations of County ordinances.

All prosecutions for violations of any County ordinance punishable by fine or imprisonment shall be conducted by the State Attorney, and the County Attorney shall not be responsible for the handling of any criminal prosecutions on behalf of the County.

Sec. 2-19.1. Appropriation of funds for prosecution of violations of County ordinances.

The Board hereby appropriates the funding to pay the salary of one (1) Assistant State Attorney whose sole function shall be to prosecute violations of special laws or ordinances of the County. The County Manager is hereby directed to make the funds hereby appropriated available to the State Attorney of the Eleventh Judicial Circuit on a continuing basis.

(Ord. No. 78-67, §§ 1, 2, 10-17-78)

**Editor's note—**

Ord. No. 78-67, §§ 1, 2, adopted Oct. 17, 1978, did not expressly amend the Code; hence, inclusion herein as [§ 2-19.1](../level3/PTIIICOOR_CH2AD_ARTIILADE.docx#PTIIICOOR_CH2AD_ARTIILADE_S2-19.1APFUPRVICOOR) is at the discretion of the editor.

**State law reference—** Salaries and other related costs of State Attorneys' offices, authority of County to appropriate funds, F.S. § 27.34(1).

Sec. 2-20. Special counsel.

The County Commission may employ special counsel for specific needs of the County. The County Attorney shall not be responsible for the performance of any duties assigned to such special counsel. All special counsels shall serve under the direction and supervision of the County Commission. The compensation fixed and paid for services of special counsel shall not be included in the budget for the Law Department.

**Cross reference—** Attorneys employed by County excepted from classified service, § 2-41.

FOOTNOTE(S):

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Annotations—AO's 2-2, 9-1 [(Back)](#BK_7646919069160BB993CD6E77729A6358)

**Charter reference—** Department of Law, § 4.06. [(Back)](#BK_7646919069160BB993CD6E77729A6358)

### ARTICLE III. RESERVED [[7]](#BK_2E8783B493197B75228A12A61EF2801A)

[Secs. 2-21—2-25. Reserved.](#BK_E061472A1FD96E15544E26913393841F)

Secs. 2-21—2-25. Reserved.

FOOTNOTE(S):

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**Editor's note—** Article III, relating to the county public defender, was derived from Ord. No. 57-24 enacted October 30, 1957. Section .07 of Ord. No. 57-24 specifically repealed Chapter 30143, General Laws of Florida, 1955. The article has been deleted as superseded by Fla. Const. Art. V, § 18 [(Back)](#BK_5198B1468AB29ACF063592FF6C65C189)

### ARTICLE IIIA. CONSUMER ADVOCATE [[8]](#BK_54F80ECC13B5B2C7952300ECD2AD901E)

[Sec. 2-25.1. Miami-Dade County Consumer Advocate—Position established; appointment; term; exempt from classified service.](#BK_183323CD36855B4DC59429C04E0F265C)

[Sec. 2-25.2. Same—Duties and powers.](#BK_3A36F99A11EAD8F79A687FA1991E3550)

[Sec. 2-25.3. "Public interest" defined.](#BK_B8EF4A019D9138C34BBE82EA0177ED75)

[Sec. 2-25.4. Decision to represent particular public interest.](#BK_BE44B58E19912ECBB6774CB05B45FF85)

Sec. 2-25.1. Miami-Dade County Consumer Advocate—Position established; appointment; term; exempt from classified service.

The position of Miami-Dade County Consumer Advocate is hereby created and established. The Con

sumer Advocate shall be appointed by and serve at the will of the County Manager. The Consumer Advocate shall be a duly licensed practicing attorney of the State of Florida. The Consumer Advocate shall serve under the supervision of the County Manager and shall be exempt from the classified service.

(Ord. No. 75-23, § 1, 4-2-75)

Sec. 2-25.2. Same—Duties and powers.

The duties and powers of the Consumer Advocate shall include, but not be restricted to, the following:

(a) To represent and protect the public interest in proceedings or hearings of any nature, by appearance, intervention or institution of proceedings, before the legislature, courts, commissions, agencies, boards, authorities, or any other such bodies charged with the regulation or control of any business, industry or utility affecting the citizens of this County.

(b) To represent the public interest in proceedings of any nature, by appearance, intervention, or institution of proceedings in court or any other manner in matters other than those set forth hereinbefore as the Consumer Advocate deems shall best serve the public interest.

(c) In providing such legal representation for the people of Miami-Dade County before rate making bodies of this County or of the State of Florida, the Consumer Advocate shall have such powers as set forth in subsection (a) as are necessary to carry out the duties of his office, including but not limited to the following specific powers:

(1) To recommend by petition the commencement of any proceeding or action, or appear in any proceeding or action before any such body in the name of the County or its citizens and to urge therein any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by such body, and to utilize therein all forms of discovery available to attorneys in civil actions generally.

(2) To have access to and use of all files, records, and data of any such body.

(3) The Consumer Advocate may in any such proceeding in which he has participated seek review of any determination, finding or order, in the name of the County or its citizens.

(4) To prepare and issue reports, recommendations and proposed orders to any such body, or to the County Commission on any matter or subject within the jurisdiction of such body, and to make such recommendations as he deems appropriate for legislation relative to procedures, rules, jurisdiction, personnel and functions.

(d) To conduct public hearings in areas of widespread consumer interest at such time and places and upon such notice that he may deem necessary and adequate to fulfill his duties.

(Ord. No. 75-23, § 2, 4-2-75)

Sec. 2-25.3. "Public interest" defined.

Defined as used in this article, "public interest" shall mean an interest or right arising from the Constitution, decisions of courts, common law or other laws, rules and regulations of the United States, or of this State or County, inhering in the citizens of this County or in a broad class of such citizens.

(Ord. No. 75-23, § 3, 4-2-75)

Sec. 2-25.4. Decision to represent particular public interest.

The Consumer Advocate shall have sole discretion to represent or refrain from representing the public interest in any proceeding. He shall consider in exercising his discretion the importance and the extent of the public interest involved, whether that interest would be adequately represented without his presence, and the recommendations of the County Manager, the Board of County Commissioners, and the Director of the Consumer Protection Division of Miami-Dade County, Florida.

(Ord. No. 75-23, § 4, 4-2-75)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 75-23, enacted April 2, 1975, provided that said ordinance be included in this Code, but did not specify the manner of inclusion. Codification of §§ 1—4 of said Ord. No. 75-23 as Art. IIIA, §§ 2-25.1—2-25.4, was at the discretion of the editors. [(Back)](#BK_165330661BD0AEB5E9DA010BD9058770)

Annotation—AO 9-1 [(Back)](#BK_165330661BD0AEB5E9DA010BD9058770)

**Cross reference—** Business regulations generally, Ch. 8A. [(Back)](#BK_165330661BD0AEB5E9DA010BD9058770)

### ARTICLE IV. PERSONNEL [[9]](#BK_DAEA4278696CC3A4C071EC7C9873C827)

[DIVISION 1. - PERSONNEL DEPARTMENT](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV1PEDE.docx)

[DIVISION 2. - CIVIL SERVICE FOR COUNTY EMPLOYEES](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx)

[DIVISION 3. - SPECIAL OFF-DUTY POLICE AND FIRE SERVICES](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV3SPOTYPOFISE.docx)

[DIVISION 4. - SERVICE-CONNECTED DISABILITY PROGRAM](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR.docx)

[DIVISION 5. - DEFERRED COMPENSATION PROGRAM](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV5DECOPR.docx)

[DIVISION 6. - PROTECTION OF EMPLOYEES DISCLOSING SPECIFIED INFORMATION](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN.docx)

[DIVISION 7. - RETIREMENT BENEFITS PROTECTION PROGRAM](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV7REBEPRPR.docx)

[DIVISION 8. - PAYMENT OF ACCUMULATED SICK AND ANNUAL LEAVE](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV8PAACSIANLE.docx)

FOOTNOTE(S):

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**Cross reference—** Outside employment by county employees, § 2-11; pensions, Ch. 23. [(Back)](#BK_08FF3C481A595A5842A93D1728D6688C)

#### DIVISION 1. PERSONNEL DEPARTMENT [[10]](#BK_C323A24AC720F324BD0F25EDEE154C6C)

[Sec. 2-26. Established.](#BK_97565F05A7D79B7524CFE65D72F6E574)

[Sec. 2-27. Director—As head; appointment; term.](#BK_23C3D5A3AE983B68273DE4BF3D80B746)

[Sec. 2-28. Same—Duties.](#BK_D909A6D481BEE690497B9FF473826347)

[Sec. 2-29. Organization; personnel; salaries.](#BK_01B3676381F0D6D20552CD17C6AEA2C9)

[Secs. 2-30—2-36. Reserved.](#BK_DDDF379D07DC42184E01F12393BC8B93)

[Sec. 2-37. Personnel departments in County hospitals.](#BK_2822D71E749F76DA5347DFD7946DF5C4)

[Sec. 2-37.1. Reserved.](#BK_774E44E7AAC53E00DFC12435FFC237C3)

[Sec. 2-38. Financing.](#BK_F95A55EB0DADD8D1BB09D9026A1C0037)

Sec. 2-26. Established.

A Personnel Department is hereby established, which shall be responsible for the administration of the County personnel program and the rules governing such program.

(Ord. No. 57-9, § 19.01, 9-3-57)

Sec. 2-27. Director—As head; appointment; term.

The head of the Personnel Department is the Personnel Director who shall be appointed by the Manager and the Director shall serve at the Manager's will. The Personnel Director shall have had training and experience in personnel administration.

(Ord. No. 57-9, § 19.01, 9-3-57; Ord. No. 88-1, § 1, 1-19-88)

**Cross reference—** Personnel director excepted from classified service, § 2-41.

Sec. 2-28. Same—Duties.

The Director, as executive head of the Department, shall under the supervision of the Manager direct all its administrative and technical activities. In addition to the duties imposed upon the Director elsewhere in this law, it shall be the Director's duty:

(1) To apply and carry out this law and the rules adopted thereunder.

(2) To attend meetings of the Board and act as its Secretary and keep minutes of its proceedings.

(3) To establish and maintain a roster of all employees in the County classified service, in which there shall be set forth, as to each employee, the class title, pay or status, and other pertinent data.

(4) To foster and develop, in cooperation with appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counseling and welfare.

(5) To encourage and exercise leadership in the development of effective personnel administration within the several departments of the County service, and to make available the facilities of the Personnel Department to this end.

(6) To investigate from time to time the operation and effect of this law and of the rules made thereunder and to report the findings and recommendations to the Personnel Advisory Board and to the County Commission and other officials.

(7) To make an annual report regarding the work of the Department, and such special reports as the Director may consider desirable, to the Personnel Advisory Board, and to the County Commission and other officials.

(8) To perform any other lawful acts which the Director may consider necessary or desirable to carry out the purposes and provisions of this law.

(9) The Director may designate appropriate persons, including officers and employees in the County services, to assist in the preparation and rating of tests. An appointing authority shall excuse any employee from duty for the time required for this work as an examiner. Such officers and employees shall not be entitled to extra pay for their services as examiners but shall be entitled to reimbursement for necessary traveling and other expenses.

(Ch. 30255, § 7, Laws 1955; Ord. No. 57-16, § 1, 10-7-57; Ord. No. 88-1, § 1, 1-19-88)

**Annotations—**AO's [7-4](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx#PTIIICOOR_CH7BODOWA_ARTIINGE_S7-4MOWABRFESYPUBAET), 7-8, 7-11.

Sec. 2-29. Organization; personnel; salaries.

The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager. The Manager shall appoint such employees and other personnel as may be necessary to operate the Department. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 57-9, § 19.08, 9-3-58)

**Charter reference—** For authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Secs. 2-30—2-36. Reserved.

**Editor's note—**

Ord. No. 93-104, § 3, adopted Oct. 19, 1993 and Ord. No. 93-114, § 3, adopted Oct. 21, 1993, abolished the personnel advisory board, and at the discretion of the editor, §§ 2-30—2-36, relative to such board, have been deleted from this Code. The provisions of former §§ 2-30—2-36 derived from Laws of Florida 1955, Ch. 30255, §§ 5, 6; Ord. No. 57-16, 10-7-57; Ord. No. 58-11, 4-16-58; Ord. No. 64-39, 9-1-64; Ord. No. 68-50, 9-19-68; Ord. No. 73-20, 3-8-73; Ord. No. 88-1, 1-19-88.

Sec. 2-37. Personnel departments in County hospitals.

There may be established at any County hospital unit, a Personnel Department which shall work with and through the Director of the Personnel Department of the County.

(Ch. 30255, § 3, Laws 1955; Ord. No. 57-16, § 1, 10-7-57)

Sec. 2-37.1. Reserved.

**Editor's note—**

[Section 2-37.1](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV1PEDE.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV1PEDE_S2-37.1RE), pertaining to rules governing Transit Authority operating personnel, has been deleted as covered by §§ [2-39](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-39DE)(h), [2-45](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-45RE). The section was derived from Ord. No. 64-51, § 1, adopted October 6, 1964.

Sec. 2-38. Financing.

The County Commission shall provide sufficient funds in its annual budget to carry out effectively the provisions of this article.

(Ch. 30255, § 3(c), Laws 1955)

FOOTNOTE(S):

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Annotations—AO's 3-5, 6-1, 6-3, 7-3, 7-6, 7-9, 7-19, 7-27, 9-1 [(Back)](#BK_7D64F756647D9F95F4A8374E1EEFA73D)

**Charter reference—** Charter provisions providing for department of personnel, § 4.05. [(Back)](#BK_7D64F756647D9F95F4A8374E1EEFA73D)

#### DIVISION 2. CIVIL SERVICE FOR COUNTY EMPLOYEES [[11]](#BK_0102D60AB416F0CE40F72E0614467AAF)

[Sec. 2-39. Definitions.](#BK_117A264D6992901DC3149D44AB68077F)

[Sec. 2-40. Merit system created.](#BK_BEA35443367EA62619E614B531DC9DF5)

[Sec. 2-41. Classified service; exceptions therefrom.](#BK_296215C86EE10DC02818B2B20C6C07AF)

[Sec. 2-42. Rules.](#BK_5CE821285CBA7B087F8CA16A00EC5740)

[Sec. 2-43. Use of County buildings for examinations, etc.](#BK_82AE0607331CD7B065D230769F738618)

[Sec. 2-44. Compliance by County personnel; furnishing data.](#BK_7A75DB3FA28ABF29CEAB054598BE90AD)

[Sec. 2-45. Reserved.](#BK_48B13E35D2E566EC7C1DB51A24AB2E20)

[Sec. 2-46. Certification of payrolls.](#BK_812428555E6B947FC7E6BE7AC50ED016)

[Sec. 2-47. Suspension, dismissal, reduction in grade and appeals.](#BK_B8BA65E775D87D11BC439F8AD41AC095)

[Sec. 2-47.1. Review of County Manager's decision in personnel disciplinary actions.](#BK_459AB4AC36180789CD76F6C95535818A)

[Sec. 2-48. Records of Department to be public.](#BK_B0B6C280E8D26840366A121981DB85E9)

[Sec. 2-49. Services to political subdivisions.](#BK_4068B4A76303482A4E3FA04DF73B55F3)

[Sec. 2-50. Oaths, testimony and the production of records.](#BK_29232D20772215CD9FB0E5BFA9C8C013)

[Sec. 2-51. Election duties, required.](#BK_BDE93D64A04F5C345939775ABD36BA82)

[Sec. 2-52. Political activities, prohibited.](#BK_A532A88887DA9F4CE6B5C92C60C3166E)

[Sec. 2-53. Misrepresentations on examinations, etc.; employees of Department unlawfully aiding or obstructing applicants.](#BK_451C813DD2676BEA074913837D3308A5)

[Sec. 2-54. Applicability of provisions.](#BK_5EE156C0530BC6E7D15CEC2B3F6F7FDC)

[Sec. 2-55. Penalty for violations.](#BK_28E01E8A12F39B09959F843D48505CD4)

[Sec. 2-56. Reserved.](#BK_BFC19FCE0DA88EB6129CC101D65CE66C)

Sec. 2-39. Definitions.

The following terms employed in this division shall have the following meanings unless the context clearly implies a different intent:

(a) "Board" shall mean the Personnel Advisory Board.

(b) "Appointing authority," subject to the provisions of [Section 8.01](../level2/PTICOAMCH_ART8INRERE.docx#PTICOAMCH_ART8INRERE_S8.01INRE) of the Charter, shall mean the Manager for all County employees except those of elective officials whose offices are not affected by the Charter.

(c) "County service" shall mean employment, payment for which is made in whole or in part by the County Commission or by other elected officials of the County whose employees are affected by this division.

(d) "Public office" shall mean the Manager, any person appointed by the Manager who serves at his pleasure, and any elected official of the County or any municipality in the County.

(e) "Elected officials" and "elected officer" shall mean an elective public official whose employees are affected by this division.

(f) "Department head" and "division head" shall mean department or division heads established by ordinance of the County Commission.

(g) "Professional medical employees" shall mean those persons who must be licensed by the State of Florida as qualified to practice a healing art.

(h) "Conditional employees" shall mean those persons who occupied positions with the Miami-Dade Transportation Administration which, prior to the effective date of this ordinance [July 27, 1984], were excepted from the classified service and who shall be merged into the classified service in accordance with [Section 2-45](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-45RE) herein.

(Ch. 30255, § 21, Laws 1955; Ord. No. 57-16, § 1, 10-7-57; Ord. No. 64-35, § 1, 7-21-64; Ord. No. 77-86, § 1, 12-6-77; Ord. No. 84-63, § 1, 7-17-84)

Sec. 2-40. Merit system created.

There is created a merit system of personnel administration for the County, which system shall be based on merit principles and scientific methods governing the selection, appointment, promotion, transfer, lay-off, removal, discipline, and welfare of the employees of the County, and other incidents of County employment. All appointments and promotions in the County merit system shall be made solely on the basis of merit and fitness.

(Ch. 30255, § 1, Laws 1955; Ord. No. 99-112, § 1, 9-9-99)

Sec. 2-41. Classified service; exceptions therefrom.

The classified service shall comprise all full-time positions in the County service existing on January 1, 1956, or thereafter established, except positions held by employees of the Public Health Trust of Miami-Dade County, Florida, and except the following:

(1) The Mayor, County Commissioners and other officers elected by popular vote or appointed by the governor, and persons appointed to fill vacancies in elective offices, and all administrative assistants and secretaries to the foregoing.

(2) Members of Boards and Commissions, appointed by the County Commissioners or by elected official or by the Manager; and all administrative assistants and all secretaries to the foregoing.

(3) The County Manager, all Senior Assistants to the County Manager, all administrative assistants, all secretaries and all other employees of the County Manager's Office or its offices.

(4) The County Attorney, all Assistant County Attorneys, law Clerks, secretarial, clerical and all other employees of the County Attorney's office.

(5) All members of the staff of the Eleventh Circuit and the employees of the Administrative Office of the Court.

(6) Department directors, deputy department directors, assistant department directors, division directors, agency heads, board of directors, consumer advocates, program directors and all immediate assistants and all immediate assistants and all secretaries to the foregoing.

(7) Persons employed in a professional or scientific capacity to make or conduct a temporary and specific inquiry, investigation or examination on behalf of the County Commissioners or a committee thereof, and other elected officials, or by the authority thereof, or persons employed in a highly specialized professional scientific or technical capacity needed to implement a mass transit system.

(8) Physicians, attorneys and other professional medical employees, and licensed practical nurses.

(9) All employees of the Office of Management and Budget.

(10) All employees of the Cooperative Extension Division of the Department of Consumer Services.

(11) All administrative interns.

(12) Persons who are jointly employed by the County and any institute of higher learning.

(13) Director of art museums.

(14) All independent contractors.

(15) Medical examiners and their professional personnel.

(16) The Clerk of Circuit and County courts, Chief Deputy Clerk, Senior Deputy Clerk, division chiefs, assistant division chiefs, court operations officers, Deputy Clerk of the Board of County Commissioners, all administrative assistants and secretaries to the foregoing, and ex-parte clerks.

(17) Employees who are hired and occupy positions that must be filled under guidelines inconsistent with merit employment principles.

(18) The following employees of the Miami-Dade Police Department and the Department of Corrections and Rehabilitation: commanders of all bureaus and all police ranks above captain. It is the intention of the Board of County Commissioners that those positions shall be filled from the ranks of lieutenant or higher from within the departments whenever possible, in the judgment of the directors.

(19) Employees of the Miami-Dade police department with the rank of police commander.

(20) Employees of the fire department with the classifications of fire department special assistant 1 and 2.

(21) Non-bargaining unit professional or managerial positions whose duties are determined to be inconsistent with the County's classified service rules, as recommended by the concerned department director and approved by the personnel director and County Manager.

(22) All employees of the audit and management services department.

(23) All non-bargaining unit professional and managerial employees of the Department of Business Development.

(24) All employees of the Communications Department.

(25) All non-bargaining unit professional and managerial employees of the Office of Building Code Compliance.

(26) All employees of the Housing Finance Authority.

(27) All employees of the Labor Management and Employee Appeals Division of the Employee Relations Department.

(28) All employees of the Community Action Agency.

(Ch. 30255, § 2, Laws 1955; Ord. No. 57-16, § 1, 10-7-57; Ord. No. 58-31, § 1, 8-5-58; Ord. No. 64-35, §§ 2, 3, 7-21-64; Ord. No. 65-8, § 1, 1-25-65; Ord. No. 66-38, § 1, 7-26-66; Ord. No. 67-46, § 1, 7-11-67; Ord. No. 68-82, § 1, 12-17-68; Ord. No. 69-43, § 1, 7-16-69; Ord. No. 70-50, § 1, 6-16-70; Ord. No. 71-77, § 1, 9-22-71; Ord. No. 75-71, §§ 1, 2, 9-17-75; Ord. No. 75-102, § 1, 11-4-75; Ord. No. 76-26, §§ 1, 2, 3-2-76; Ord. No. 77-86, § 2, 12-6-77; Ord. No. 80-16, § 1, 3-4-80; Ord. No. 82-60, § 1, 7-6-82; Ord. No. 86-23, § 1, 3-18-86; Ord. No. 90-18, § 1, 3-6-90; Ord. No. 92-30, § 1, 4-21-92; Ord. No. 99-112, § 2, 9-9-99)

**Annotation—**All County employees in Miami-Dade County are required to be in the classified service (civil service) except for those specifically excluded therefrom. No exclusion or exemption is made for personnel in positions which would be engaged in work necessarily incident to the operation of the County owned transit system, Miami-Dade County v. Amalgamated Ass'n. of S.E.R.&M.C. Emp., Fla. 157 So. 2d. 176.

Sec. 2-42. Rules.

The Director of the Personnel Department shall prepare and submit to the Personnel Advisory Board proposed rules for the classified service. The Board shall forthwith schedule and announce a public hearing on the rules, to be held within thirty (30) days following submission by the Director.

Such rules shall have the force and effect of law when adopted by a majority of the County Commissioners and the other elected officials whose employees are affected by this division, acting as a unit, following a review and recommendation by the Personnel Advisory Board, or when approved by a majority of the County Commissioners in an agreement or agreements with a County employee, County employees or a County employee organization and ratified by the County Commission by separate resolution. Amendments thereto may be made in the same manner. If not adopted, amended or rejected by a majority of the County Commissioners and other elected officials whose employees are affected by this division within ninety (90) days after submission to them, they shall automatically become effective. The rules shall provide:

(1) For the preparation, maintenance, and revision of a position reclassification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for and the same schedule of pay may be equitably applied to all positions in the same class. After such classification has been approved by the Board, the Director shall allocate the position of every employee in the classified service to one (1) of these classes in the plan. Any employee affected by the allocation of a position to a class, after filing with the Director a written request for reconsideration thereof in such manner and form as the Director may prescribe, shall be given a reasonable opportunity to be heard thereon by the Director.

(2) For a pay plan for all employees in the classified service, after consultation with the Manager, the County Commission and other elected officials. Such a pay plan shall become effective only after it has been approved by the Manager, the County Commission and other elected officials. Amendments to the pay plan may be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the class or position in which he is employed.

(3) For veterans' preference in accordance with the intent and requirements of Chapter 295, Florida Statutes.

(4) For open competitive examinations to test the relative fitness of applicants for the respective competitive positions. Such examinations shall be announced publicly at least fifteen (15) days in advance of the date fixed for closing the filing of applications therefor, and must be advertised in a major newspaper of general circulation published in the County. Such further notice may be given as the Personnel Advisory Board may prescribe; provided, however, that in the event the examination is a promotional examination, notice by publication shall not be required. Notice of promotional examinations shall be posted in conspicuous places where they may be seen by all employees in line for the promotion. The Director, however, with the approval of the Personnel Advisory Board, may continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the service; and may add the names of successful candidates to the existing lists in accordance with their respective ratings.

(5) For promotions which shall give appropriate consideration to the applicant's qualifications, record of performance, seniority, and conduct. Vacancies shall be filled by promotion whenever practicable and in the best interest of the service, and promotion shall be by competitive examination wherever practicable. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class shall constitute a promotion.

(6) For the establishment of eligible lists for appointment and promotion, upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations. The duration of eligible lists for original appointment and promotion shall be for not more than one (1) year unless extended by the Director of Employment Services of the Employee Relations Department, or by the Personnel Advisory Board. An eligible list may be extended for up to two (2) additional years (for a total of three (3) years), beyond the original expiration date, providing qualified applicants remain on the list. This provision shall not be construed to deprive any employee of rights provided by a collective bargaining agreement.

(7) For the rejection of candidates who fail to comply with reasonable requirements of the Director in regard to such factors as age, physical condition, training and experience, or who have been guilty of infamous or disgraceful conduct; who are addicted to alcohol to excess or to narcotics, or who have attempted any deception or fraud in connection with an examination, or where in the judgment of the Board there is reasonable doubt of the loyalty of the candidate to the nation.

(8) For the appointment of any person on the appropriate eligible list, except in cases of promotion, in which latter cases the rules shall provide for the appointment of a person standing among the highest four (4) on the appropriate eligible list.

(9) For periods of probation which may vary, based on the duties of the various positions but in no event to exceed one (1) year before appointment or promotion may be made complete, and during which period a probationer may, without charges, hearing or right of appeal, be discharged or reduced in class or rank, or replaced on the eligible list; provided, however, in case of a promotional probationer, if reduced in class or rank, he shall be returned to the classification from which promoted. The appointing authority or departmental head or his designee as approved in an administrative order may at any time prior to the expiration of an employee's probationary period notify the employee in writing, with a copy thereof to the Personnel Director, that such employee shall not be retained in the appointed position or promoted position, as the case may be; however, if such written notice is not mailed or delivered to the employee on or before the expiration of the employee's probationary period such employee shall become a permanent employee in the appointed or promoted classification. It is intended that the probationary period is to be regarded as an integral part of the selection process and it is to be utilized for closely observing the employee's work, leadership, adjustment, abilities, conduct, performance, morals and character, attributes or deficiencies, in order to determine if the employee shall become a permanent employee in the appointed or promoted classification. The determination of the appointing authority shall be final and conclusive.

(10) For emergency employment for not more than thirty (30) days with or without examination, and for temporary or seasonal employment with or without examination, for period approved by the Board but not in excess of six (6) months in any one (1) year, unless approved by the Board.

(11) For provisional employment without competitive examination where there is no appropriate eligible list available. No such provisional employment shall continue longer than six (6) months, nor shall successive provisional appointments be allowed, except during the first year after the effective date of the law in order to avoid stoppage of orderly conduct of the business of the County.

(12) For transfer from a position in one (1) department to a similar position in another department involving similar qualifications, duties, responsibilities, and salary ranges.

(13) For reinstatement within two (2) years, only with the approval of the Director, of persons who resign in good standing.

(14) For keeping of records of performance of all employees in the classified service, which service records may be considered in counseling employees regarding improvement in work performance, in determining salary increases and decreases provided in the pay plan; as a factor in promotion tests; as a factor in determining the order of lay-offs because of lack of funds or work, and in reinstatement; and as a factor in demotions, discharges and transfers.

(15) For lay-offs by reason of lack of funds or work, or abolition of a position, or material changes in duties or organization, and for reemployment of employees so laid off, giving consideration in both lay-offs and reemployment to performance record and seniority.

(16) For imposition as disciplinary measures of a suspension from the service without pay.

(17) For discharge or suspension without pay or reduction in rank or grade of permanent employees only for cause.

(18) For establishment of a plan for resolving employee grievances and complaints.

(19) For hours of work, holidays, and attendance regulations in the various classes of positions in the classified service; for vacation, sick and special leaves of absence, with or without pay, or reduced pay.

(20) For the development and operation of programs to improve the work effectiveness and morale of employees in the County service, including training, safety, health, welfare, counseling, recreation, and employee relations.

(21) For noncompetitive class within the classified service which shall consist of all employees requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character, as may be determined by the rules.

(22) For the automatic suspension of any person from the County service immediately upon being indicted by any grand jury or upon having an information filed against him by any prosecuting official, such suspension to continue until any such indictment or information shall have been disposed of by a trial and conviction or acquittal of the accused or by any dismissal or quashing or reversal of the same. In case any such person shall have been tried and found guilty and his conviction is not reversed, he shall automatically forfeit his position in the County service and shall not thereafter be eligible to any such service. This rule applies regardless of whether the person is placed on probation or given a suspended sentence. In the event any such person is tried and acquitted or the information or indictment is quashed or dismissed or a court of competent jurisdiction places the person in a pre-trial intervention program or withholds adjudication pending rehabilitation, the particular person shall be reinstated and entitled to back pay for the period of automatic suspension less any sums earned by the person in any other employment during the period of suspension and less any pay withheld by the County as a result of disciplinary action taken against the person. Disciplinary action under [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP) may also be taken by the department head or appropriate designee at any time they feel the relevant facts warrant such action. When disciplinary action is taken, the procedures provided for in [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP) shall prevail.

(23) For nonlawyer representation of persons appearing at hearings held pursuant to [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP) of the Code. Such rules shall set forth standards for determining whether a prospective nonlawyer representative is qualified to appear at the hearing and capable of representing the rights of the person desirous of nonlawyer representation.

(24) For such other rules and administrative regulations, not inconsistent with this law, as may be proper and necessary for its enforcement.

(Ch. 30255, § 8, Laws 1955; Ord. No. 57-16, § 1, 10-7-57; Ord. No. 58-11, § 1, 4-16-58; Ord. No. 65-25, § 1, 4-6-65; Ord. No. 69-19, § 1, 4-1-69; Ord. No. 70-49, §§ 1—4, 6-16-70; Ord. No. 71-66, § 1, 8-3-71; Ord. No. 75-102, § 2, 11-4-75; Ord. No. 76-103, § 1, 11-2-76; Ord. No. 81-65, § 1, 6-2-81; Ord. No. 82-35, § 1, 5-4-82; Ord. No. 84-55, § 1, 6-19-84; Ord. No. 86-33, § 1, 5-6-86)

**Annotations—**AO's 7-13, 7-14; AO of 12-15-87; CAO 82-30.

Sec. 2-43. Use of County buildings for examinations, etc.

All officers and employees of the County shall allow the Personnel Department any reasonable use of public buildings under their control, and furnish heat, light and furniture, for any examination, hearing or investigation authorized by this division.

(Ch. 30255, § 9, Laws 1955)

Sec. 2-44. Compliance by County personnel; furnishing data.

All officers and employees of the County shall comply with and aid in all proper ways in carrying out the provisions of this division and the rules, regulations and orders thereunder. All officers and employees shall furnish any records or information which the Director or the Personnel Advisory Board may request for any purpose of this division.

(Ch. 30255, § 10, Laws 1955; Ord. No. 57-16, § 1, 10-7-57)

Sec. 2-45. Reserved.

**Editor's note—**

[Section 2-45](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-45RE), pertaining to the merger of conditional employees into the classified service by Oct. 1, 1974, has been deleted as obsolete. The section was derived from Ord. No. 77-86, § 3, adopted Dec. 6, 1977 and Ord. No. 84-63, § 2, adopted July 17, 1984.

Sec. 2-46. Certification of payrolls.

(a) No elected official shall make or approve or take any part in making or approving any payment for personal service to any person holding a position in the County classified service unless the payroll bears the certification of the Director, or his authorized agent, that the persons named therein have been appointed and employed in accordance with the provisions of this law and the rules, regulations and order thereunder. The Director may for proper cause withhold certification from an entire payroll or from any specific item or items thereon. The Director may, however, provide that certification of payrolls may be made once every six (6) months, and such certification shall remain in effect except in the case of any officer or employee whose status has changed after the last certification of his payroll. In the latter case no payment of salary to such employee shall be made without further certification by the Director.

(b) Any person appointed or employed in wilful contravention of any provision of this law or of any rule, regulation or order thereunder who performs service for which he is not paid, may maintain an action against the person or persons who purported so to appoint or employ him to recover the agreed pay for such services, or the reasonable value thereof, if no pay is agreed upon. No officer shall be reimbursed by the County or out of monies of his office at any time for any sum paid to such person on account of such services.

(c) If the Director wrongfully withholds certification of the pay of an employee, such employee may maintain a proceeding in the courts to compel the Director to certify such payroll.

(Ch. 30255, § 12, Laws 1955)

Sec. 2-47. Suspension, dismissal, reduction in grade and appeals.

Any employee may be suspended or reduced in grade or dismissed by the head of his department or designee thereof as approved in the manner provided for in an administrative order for any cause which will promote the efficiency of the service. In the case of dismissals or suspensions of five (5) or more consecutive days, prior to taking such action, the department head or approved designee may consult with the Personnel Director, unless such emergency conditions exist as would preclude such prior consultation. A written statement of the reasons for the action shall be furnished to every permanent employee suspended, reduced in grade, or dismissed. A probationary employee shall not, as a matter of right, be entitled to appeal the action taken. Any employee who has completed the probationary period may appeal the action to a hearing examiner within fourteen (14) days by requesting the same in writing of the Personnel Director. Such hearing examiner shall be assigned by the Personnel Director from:

(a) A list supplied by the American Arbitration Association; or

(b) A list of private attorneys, approved from time to time by the Board of County Commissioners, who have practiced not less than five (5) years and who have received a rating from a national rating service for attorneys.

Such hearing examiners may be paid a fee for their services but shall not be deemed County officers or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) or otherwise. The hearing examiner shall conduct a hearing after notice upon the charges and shall transmit his findings of facts, conclusions, and any recommendations together with a transcript of all evidence taken before him and all exhibits received by him, to the Manager who may sustain, reverse or modify the suspension, reduction in grade, or the dismissal. Such hearings shall be conducted insofar as is practicable in accordance with the rules of civil procedure governing the procedure in the Circuit Court, except as may be provided in this Code or by rules adopted by the Board of County Commissioners. Any interested party may procure the attendance of witnesses and the production of records at such hearings in the manner provided by [Section 2-50](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-50OATEPRRE). Any person appearing before a hearing examiner under the provisions of this section has the right, at his own expense, to be accompanied, represented and advised by counsel or other qualified representative. (Counsel shall mean a member of the Florida Bar.) If a person is not represented by counsel or does not appear on his own behalf, but is desirous of representation by a qualified representative, the hearing examiner shall make diligent inquiry of the prospective representative, under oath and on the record, prior to commencing the hearing to assure that the prospective representative is qualified to appear in the hearing and capable of representing the rights of the person.

All hearings requested pursuant to this section shall be commenced within sixty (60) days from the time the notice of appeal is received by the Personnel Director unless the employee requests additional time to prepare his appeal or requests that the hearing be continued pending the outcome of a related criminal proceeding, or requests additional time for other good reason. In the event a properly requested hearing is not commenced timely, the dismissed employee shall be entitled to temporary reinstatement until such time as a hearing is commenced. The County Manager shall reach his decision within thirty (30) days from the receipt of the hearing examiner's recommendations. In the event the County Manager does not reach a decision within thirty (30) days of receipt of the hearing examiner's recommendations, the dismissed employee shall be entitled to temporary reinstatement until such time as the decision by the County Manager is reached. However, at all times requirements of this section may be waived by mutual agreement between the dismissed employee and the County. This section shall also apply to exempt employees when required by the terms of a collective bargaining agreement or as approved in an administrative order.

(Ch. 30255, § 13, Laws 1955; Ord. No. 57-16, § 1, 10-7-57; Ord. No. 58-11, § 1, 4-16-58; Ord. No. 65-18, § 1, 3-16-65; Ord. No. 68-63, § 1, 11-5-68; Ord. No. 70-49, § 5, 6-16-70; Ord. No. 73-35, § 1, 4-3-73; Ord. No. 75-102, § 3, 11-4-75; Ord. No. 76-43, § 1, 5-4-76; Ord. No. 77-15, § 1, 3-1-77; Ord. No. 78-64, § 1, 10-4-78; Ord. No. 83-100, § 1, 11-1-83; Ord. No. 84-55, § 2, 6-19-84)

**Annotation—**AO 7-16.

Sec. 2-47.1. Review of County Manager's decision in personnel disciplinary actions.

The County Manager's decision shall be subject to review in accordance with Florida Appellate Rules. For purposes of such review, any original jurisdictional notices required to be filed under the Florida Appellate Rules, shall be filed with the Personnel Director of Miami-Dade County. The Personnel Department shall provide the index and record on appeal when required by and in accordance with the Florida Appellate Rules. A fee may be charged by the Personnel Department for the preparation and transmission of the record on appeal to the Circuit Court. Such fees shall not exceed the amount charged from time to time by the Clerk of the Circuit Court for similar services.

(Ord. No. 78-64, § 2, 10-4-78)

**Editor's note—**

Ord. No. 78-64, § 2, adopted Oct. 4, 1978, amended the Code by adding provisions designated as § 2-47A; in order to preserve Code format, the editor has redesignated said provisions [§ 2-47.1](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47.1RECOMADEPEDIAC)

Sec. 2-48. Records of Department to be public.

The records of the Personnel Department, except such records as the rules may properly require to be held confidential for reasons of public policy, shall be public records and shall be open to public inspection, subject to reasonable regulations as to the time and manner of inspection which may be prescribed by the Director.

(Ch. 30255, § 14, Laws 1955)

Sec. 2-49. Services to political subdivisions.

(a) Subject to the approval of the County Commission, the Manager may enter into agreements with any municipality or other political subdivision of the County to furnish services and facilities of the Department to such municipality or political subdivision in the administration of its personnel on merit principles. Any such agreement shall provide for the reimbursement to the County of the reasonable cost of the services and facilities furnished, as determined by the County Commission. Each municipality and political subdivision of the County is hereby authorized to enter into such an agreement.

(b) The Director may cooperate with governmental agencies for other jurisdictions charged with personnel administration in conducting joint tests and establishing joint lists from which eligibles shall be certified for appointment in accordance with the provisions of this division.

(Ch. 30255, § 15, Laws 1955)

Sec. 2-50. Oaths, testimony and the production of records.

The hearing examiner shall have the power to administer oaths. When an appeal has been timely requested, the Director, at the written request of any interested party, may subpoena witnesses and may, with the approval of the Manager, compel the production of records, books or papers. Should the Director without good cause refuse to subpoena witnesses or request the Manager's approval for compelling the production of books, records or papers, or should the Manager, having been so requested without good cause, fail to compel the production of books, records or papers, then and in either event, any interested party may, without cost to the petitioner, petition the court of appropriate jurisdiction to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing before the hearing examiner. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of the court of appropriate jurisdiction. If any witness fails to honor a subpoena, the party requesting the same may apply to the court of appropriate jurisdiction for a rule to show cause why the witness should not appear and if after being ordered to appear by the court, the witness fails to comply therewith, the court after due notice and hearing may adjudge the witness in contempt of court and punish him accordingly. The subpoenaing party shall bear the cost of such subpoena.

(Ch. 30255, § 16, Laws 1955; Ord. No. 57-16, § 1, 10-7-57; Ord. No. 70-49, § 6, 6-16-70)

Sec. 2-51. Election duties, required.

Notwithstanding any other provision of this Code or the civil service rules and regulations, the County Manager, in the manager's sole discretion, may direct such county employees as the manager deems necessary to serve as election clerks, deputy custodians, inspectors, supervisors, officers and officials incident to the conduct of any election held within Miami-Dade County. The manager shall, however, first endeavor to secure County employees to serve in such capacities on a voluntary basis. The foregoing power shall be deemed to include all implied powers necessary and proper to carrying out such power including but not limited to providing appropriate instruction and training, and specifying the locations, hours, terms and conditions, duties and compensation for such election service.

(Ord. No. 74-72, § 1, 9-13-74; Ord. No. 02-199, § 1, 10-22-02)

Sec. 2-52. Political activities, prohibited.

(a) No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations; but nothing herein shall be construed as precluding the dismissal of any employee who may be engaged in subversive activities or found disloyal to the nation.

(b) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(d) No employee in the classified service or member of the Board or the Director shall, directly or indirectly, coerce or attempt to coerce, command or advise any other employee in the classified service or member of the Board or officer to pay, lend or contribute any part of his salary, kickback any sum of money, or anything else of value to any party, committee, organization, agency or person for political purposes.

(e) Reserved.

(f) Any person in the classified service of the County who violates any of the foregoing provisions of this section shall forfeit his office or position, and for one (1) year shall be ineligible for any office or position in the County classified service.

(Ch. 30255, § 18, Laws 1955; Ord. No. 74-64, § 1, 7-30-74; Ord. No. 75-15, §§ 1, 2, 3-4-75)

**Annotation—**AO [7-2](../level3/PTIIICOOR_CH7BODOWA_ARTIINGE.docx#PTIIICOOR_CH7BODOWA_ARTIINGE_S7-2RE)

Sec. 2-53. Misrepresentations on examinations, etc.; employees of Department unlawfully aiding or obstructing applicants.

(a) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this law or in any manner commit or attempt to commit any fraud preventing the impartial execution of this law and the rules.

(b) No employee of the Department, examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under this law, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

(c) Any person who is convicted of a violation of any provision of subsection (a) or (b) of this section shall, for a period of five (5) years, be ineligible for appointment to or employment in a classified position in the County service and if he is an employee in the classified County service, shall forfeit his employment.

(Ch. 30255, § 19, Laws 1955; Ord. No. 57-16, § 1, 10-7-57)

**State law reference—** Restrictions on political activities, F.S. § 104.31.

Sec. 2-54. Applicability of provisions.

This division shall apply only to that part of the County service defined herein as the classified service.

(Ch. 30255, § 20, Laws 1955)

Sec. 2-55. Penalty for violations.

Any person who wilfully violates any provision of this division shall be guilty of an offense, triable in the court of appropriate jurisdiction, and shall upon conviction be punished by a fine of not to exceed one thousand dollars ($1,000.00), or by imprisonment in the County jail not to exceed twelve (12) months, or both.

(Ch. 30255, § 23, Laws 1955; Ord. No. 57-16, § 1, 10-7-57)

Sec. 2-56. Reserved.

**Editor's note—**

[Section 2-56](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-56RE), pertaining to the repeal of named Laws of Fla., has been deleted as obsolete. The section was derived from Laws of Fla. (1955), Ch. 30255, [§ 25](../level2/PTIIICOOR_CH25AVDERURE.docx#PTIIICOOR_CH25AVDERURE)

FOOTNOTE(S):

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Annotations—AO 7-18; CAO 78-60. [(Back)](#BK_13E03E84F5F31ADA01E3D92AFA99E41C)

**Charter reference—** Authority of County to amend or change Ch. 30255, Laws of Florida, 1955, § 4.05(C). [(Back)](#BK_13E03E84F5F31ADA01E3D92AFA99E41C)

#### DIVISION 3. SPECIAL OFF-DUTY POLICE AND FIRE SERVICES [[12]](#BK_18FF278385EF91BB44AF8019C7606094)

[Sec. 2-56.1. Definitions.](#BK_221E5A0844EE7C09C1268D7582CCFEFA)

[Sec. 2-56.2. Permit—Application.](#BK_4B99FD06CC718E4EE8FC494A5E52FE9E)

[Sec. 2-56.3. Same—Issuance.](#BK_3031A18B50D57DB3407ACC4A2CEE1F31)

[Sec. 2-56.4. Same—Charges.](#BK_F503450004AC7E199538B82384FFB060)

[Sec. 2-56.5. Same—Relinquishing.](#BK_6E8EAB657CC6C59BBF95928C1702B173)

[Sec. 2-56.6. Compensation of Law Enforcement Officers Correctional Officer and Firefighters.](#BK_847B5D58A6D50D4C201F69779BC4903A)

[Sec. 2-56.7. Certain compensation prohibited.](#BK_9506AE6DFB8B8DA898CB96BCBC97F981)

[Sec. 2-56.8. Status of Law Enforcement Officers Correctional Officers and Firefighters fulfilling permit assignments.](#BK_C72A6EB7D3507BBCA8BE2AB23EFD9C39)

[Sec. 2-56.9. Disposition of proceeds.](#BK_FB0A9FF42CCCF2740CF81427032EBBD0)

[Sec. 2-56.10. Rules and regulations.](#BK_3AF0AC2E70BE60D4E9440D23108D1D0C)

[Secs. 2-56.11—2-56.20. Reserved.](#BK_48ECF70E8F2197D10E98A9E0E82F3B77)

Sec. 2-56.1. Definitions.

When the terms defined in this section are used in this division, they shall have the meanings ascribed to them in this section, unless the context of this division expressly provides to the contrary:

(a) *Department* shall mean the authorized permit issuing agent(s) of the Miami-Dade Police Department, Fire Department, Corrections and Rehabilitation Department, and the Office of County Manger, respectively, of Miami-Dade County.

(b) *Law Enforcement Officer* shall mean a certified Law Enforcement Officer of any rank who is a duly appointed employee of the Miami-Dade Police Department.

(c) *Correctional Officer* shall mean a certified Correctional Officer of any rank who is a duly appointed employee of the Miami-Dade Corrections and Rehabilitation Department.

(d) *Off-regular-duty police services* shall mean and include any police services rendered by a Law Enforcement Officer or Correctional Officer during a period or periods of time not within the regularly assigned hours of duty except for those police services performed by Correctional Officers on behalf of a state, county or municipal law enforcement agency other than Miami-Dade County pursuant to that agency's supervision and authority and otherwise in accordance with applicable state law. Correctional Officers shall not be considered to be acting within the course and scope of their official duties for Miami Dade County whenever they are performing police work on behalf of any state, county or municipal law enforcement agency other than Miami-Dade County.

(e) *Firefighter* shall mean a Fire Officer of any rank who is an employee of the Fire Department.

(f) *Off-regular-duty fire prevention and fire inspection services* shall mean and include any such services rendered by a Firefighter during a period or periods of time not within his regularly assigned hours of duty.

(g) *Permit* shall mean a permit issued pursuant to this division.

(h) *Permittee* shall mean and include any person and/or business concern receiving a permit.

(i) *Permit assignment* shall mean and include any assignment made by the appropriate department to a Law Enforcement Officer or Correctional Officer to provide any off-regular-duty police services, and shall also be deemed to include any assignment made by or to a Firefighter to provide any off-regular-duty fire prevention or fire inspection services.

(Ord. No. 65-56, § 1, 7-27-65; Ord. No. 75-4, § 1, 1-7-75; Ord. No. 76-92, § 1, 10-5-76; Ord. No. 76-112, § 1, 12-21-76; Ord. No. 04-74, § 1, 4-13-04)

Sec. 2-56.2. Permit—Application.

Any person who engages in an activity or function within Miami-Dade County which may reasonably require special police services or special fire prevention or fire inspection services, in addition to those police services or fire prevention and fire inspection services provided generally to the public by law, may apply to the appropriate department for a permit providing such services.

(Ord. No. 65-56, § 2, 7-27-65; Ord. No. 75-4, § 1, 1-7-75)

Sec. 2-56.3. Same—Issuance.

Upon application on a form provided by the Department for that purpose, the Department may issue to the applicant a permit which shall authorize and define such off-regular-duty police services or off-regular-duty fire prevention or fire inspection services as the Department deems appropriate; provided, however, that the Department may cancel a permit issued hereunder at any time with or without cause.

(a) The issuing Department may require a permittee to deposit cash monies or a certified check in an amount estimated as being applicable for performance of requested services when the permit is for nonrepetitive services, or the permittee has previously been delinquent in remitting charges for services rendered.

(b) An adjusted remittance will be effective upon fulfillment of authorized permit services, with unearned amounts of the aforementioned deposit returned to the permittee or such additional amount required remitted by said permittee.

(Ord. No. 65-56, § 3, 7-27-65; Ord. No. 75-4, § 1, 1-7-75)

Sec. 2-56.4. Same—Charges.

The charges for each permit issued shall be made in accordance with a uniform schedule of fees approved by the Manager and submitted to the County Commission in the form of an administrative order.

(Ord. No. 65-56, § 4, 7-27-65; Ord. No. 67-80, § 1, 10-17-67; Ord. No. 69-83, § 1, 11-26-69; Ord. No. 71-44, § 1, 5-18-71; Ord. No. 75-4, § 1, 1-7-75; Ord. No. 76-92, § 2, 10-5-76)

**Annotation—**AO 7-15.

Sec. 2-56.5. Same—Relinquishing.

A permittee may relinquish his permit at any time; provided, however, that in the event of such relinquishment, the permittee shall be required to pay to the Department which issued the permit a reasonable compensation for all expenses incurred and preparations made to provide the services authorized by said permit. The amount of said reasonable compensation may be agreed upon by the Department and the permittee at the time the permit is relinquished.

(Ord. No. 65-56, § 5, 7-27-65; Ord. No. 76-112, § 2, 12-21-76)

Sec. 2-56.6. Compensation of Law Enforcement Officers Correctional Officer and Firefighters.

For each permit assignment fulfilled by him or her, a Law Enforcement Officer, Correctional Officer or Firefighter shall be compensated by Miami-Dade County in an amount equal to the amount charged for his or her services under the permit, less the surcharge of twenty (20) percent; and a Law Enforcement Officer, Correctional Officer or Firefighter shall not accept or receive any other compensation whatsoever from any person for fulfilling a permit assignment. No time served by a Law Enforcement Officer, Correctional Officer or a Firefighter in fulfilling a permit assignment shall be considered in determining the amount of compensatory time off that a Law Enforcement Officer, Correctional Officer or Firefighter may be entitled to receive.

(Ord. No. 65-56, § 6, 7-27-65; Ord. No. 75-4, § 1, 1-7-75; Ord. No. 04-74, § 1, 4-13-04)

Sec. 2-56.7. Certain compensation prohibited.

No Law Enforcement Officer, Correctional Officer or Firefighter shall accept or receive any compensation whatsoever from any person except Miami-Dade County for performing any off-regular-duty police services or off-regular-duty fire prevention or fire inspection services.

(Ord. No. 65-56, § 7, 7-27-65; Ord. No. 75-4, § 1, 1-7-75; Ord. No. 04-74, § 1, 4-13-04)

Sec. 2-56.8. Status of Law Enforcement Officers Correctional Officers and Firefighters fulfilling permit assignments.

Law Enforcement Officers, Correctional Officers and Firefighters shall be deemed to be acting within the course and scope of their official duties while fulfilling permit assignments.

(Ord. No. 65-56, § 8, 7-27-65; Ord. No. 75-4, § 1, 1-7-75; Ord. No. 04-74, § 1, 4-13-04)

Sec. 2-56.9. Disposition of proceeds.

All proceeds collected by the Department under the terms of this division shall be forthwith transmitted by same to the Director of the Finance Department of Miami-Dade County, who shall deposit said proceeds in the general fund of Miami-Dade County.

(Ord. No. 65-56, § 9, 7-27-65; Ord. No. 75-4, § 1, 1-7-75)

Sec. 2-56.10. Rules and regulations.

(a) The Department shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this division.

(b) Employees shall be selected and assigned in accordance with departmental policies, consistent with the duties of the employee's classification.

(c) The Department shall furnish from time to time such information as is requested by either the County Manager or the Insurance Manager pertaining to the specific character and volume of off-regular-duty services provided under the provisions hereof and the Insurance Manager shall report to the County Manager and the Department at least each six (6) months the frequency, character and cost of compensation claims paid, together with any recommendations he may have to reduce the frequency of accidents.

(Ord. No. 65-56, § 10, 7-27-65; Ord. No. 75-4, § 1, 1-7-75)

Secs. 2-56.11—2-56.20. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 65-56 added the provisions contained in this division to the Code. The editors have, at their discretion, inserted such provisions at this place. [(Back)](#BK_0981ED1F15A5F58B347DB85BEC4E46E5)

#### DIVISION 4. SERVICE-CONNECTED DISABILITY PROGRAM [[13]](#BK_CE0B2AE9E9D256EE4252671AF7694E8C)

[Sec. 2-56.21. Title.](#BK_F7704C088EC3164F95C04D8EB342AFA8)

[Sec. 2-56.22. Intent and purpose of division.](#BK_DB407177BC8A765775B0BAFF3F4B255B)

[Sec. 2-56.23. Definitions.](#BK_E646D596DD2122C932BBBB65495F9E92)

[Sec. 2-56.24. Long-term benefits.](#BK_22CB7F292FD59008B7093E927BD13F13)

[Sec. 2-56.25. Administration.](#BK_0CF960B4B308E5C235D7AB1740DB7203)

[Sec. 2-56.26. Sick leave.](#BK_23B30C7391DE9F15AA3E0510DC46E8BF)

[Sec. 2-56.27. Eligibility.](#BK_16B4D202D04D59D0BA3C03E47E65CD9E)

[Sec. 2-56.27.1. Short-term disability leave and benefits.](#BK_3CF0A07C2A89BED8C58665B811F899B0)

[Secs. 2-56.27.2—2-56.27.10. Reserved.](#BK_19D74D028160A4BF21B5B33EC4C38118)

Sec. 2-56.21. Title.

This division shall be known and may be cited as the "Miami-Dade County Service-Connected Disability Program."

(Ord. No. 69-49, § 1, 7-23-69)

Sec. 2-56.22. Intent and purpose of division.

The intent and purpose of this division is:

(a) To protect County employees from the economic hardships of service-connected disability of long duration, while preserving the incentive to return to work.

(b) To enable County departments to fill positions with medically able employees by making proper provision for those injured in the performance of their duties.

(c) To facilitate recruitment and retention of employees for the County service.

(Ord. No. 69-49, § 2, 7-23-69)

Sec. 2-56.23. Definitions.

(a) *Employee* shall mean anyone engaged full time by the Board of County Commissioners of Miami-Dade County and who is paid a salary or wage for services rendered provided he has attained permanent status in the classified service or, if exempt, has completed six (6) months' full-time employment prior to the onset of disability.

(b) *Long-term disability* shall mean a disability of at least eight (8) months' duration, which disability incapacitates an employee from performing the duties of his job classification, and is the proximate result of an accident occurring at some definite time and place while in the actual performance of duty.

(c) *Disability leave* shall be as defined in the personnel rules of Miami-Dade County.

(d) *Disability-date salary* shall mean an employees' gross monthly County salary at the time of incurring a disability.

(e) *County physician* shall mean any physician designated by the Disability Panel.

(f) *Disability Panel* shall mean a committee composed of the Director of Risk Management, the Director of the Employee Relations Department, a representative of the County Manager's office, a representative of the disabled employee's department, and a representative of the disabled employee's collective bargaining unit, if any.

(g) *Disability payments* shall mean the payments by the County to an employee with a long-term disability.

(h) *Secondary employment* shall mean a disabled individual's employment by the County, or other employer, or self-employment.

(Ord. No. 69-49, § 3, 7-23-69; Ord. No. 05-184, § 1, 10-18-05)

Sec. 2-56.24. Long-term benefits.

(A) A County employee who suffers a long-term disability shall be assured an income of sixty-six and two-thirds (662/3) percent of his disability-date salary for so long as such disability continues, subject to the following conditions:

(1) The County disability payments shall consist of the difference between all other County-supported disability income payable to the employee and two-thirds of his disability-date salary.

(a) "County-supported disability" income shall include but not be limited to income from Worker's Compensation, Social Security, State Retirement System, or other applicable State statutes.

(b) In the event of lump sum payment under Worker's Compensation, disability payments shall be reduced by that portion of the lump sum figure representing the employee's weekly Worker's Compensation rate based upon his average weekly wage, for the number of weeks determined by dividing that portion of the lump sum figure as herein described by the weekly rate.

(c) The disability-date salary shall be recomputed on October 1 each year to reflect upward or downward changes in the Consumer Price Index for Southeastern United States published by the Bureau of Labor Statistics, U.S. Department of Labor, for the previous twelve-month period.

(2) The maximum County disability payments and all other County-supported disability income shall not exceed one thousand five hundred dollars ($1,500.00) per month, which shall be adjusted on October 1 each year to reflect upward or downward changes in the Consumer Price Index for the previous twelve-month period.

(3) The employee shall have been examined by one (1) or more County physicians and found to be disabled as defined in [Section 2-56.22](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR_S2-56.22INPUDI)(b).

(4) The employee's disability shall have been determined to be service-connected by the Disability Panel and not due to: intentional self-inflicted injury; commission or attempt to commit by the disabled employee an unjustified or criminal assault, battery, or felony; intoxication; gross negligence; or any other misconduct causing the employee's disability. "Misconduct" is defined to be that conduct, which, in the determination of the Disability Panel, is a substantial deviation from the personnel rules, the orders or rules of the employee's supervisor, or other rules applicable to the course of conduct of the employee in the pursuit of his employment, and which is the proximate cause of the disability.

(5) Where a pre-existing condition, not attributable to or caused by a service-connected injury while serving as an employee of Miami-Dade County, is accelerated or aggravated by accidents arising out of and in the course of employment, only the acceleration or aggravation of disability reasonably attributable to the accident shall be considered.

(6) Disability payments shall be adjusted as required so that the total income from all other County-supported sources, secondary employment, and this program, shall not exceed one hundred (100) percent of disability-date salary.

(7) Any high hazard employee, as defined by Chapter 122, Florida Statutes, who incurs a disability for which benefits under this division or Chapter 122, Florida Statutes are payable, shall have the option of electing to choose which benefits he shall receive. Exercise of this option must be made by the employee in writing prior to the earlier date on which he would be entitled to benefits under either this division or Chapter 122, Florida Statutes.

(8) With the exception of an award made as hereinafter provided, no provision of this division shall constitute a vested right in any employee and the Board of County Commissioners expressly reserves the legislative prerogative to alter, suspend or terminate any provision of this division.

(Ord. No. 69-49, § 4, 7-23-69; Ord. No. 76-83, § 1, 9-21-76; Ord. No. 05-184, § 1, 10-18-05)

Sec. 2-56.25. Administration.

(a) The Disability Panel shall administer all matters arising under this program.

(1) The Disability Panel, on its initiative or upon the request of the employee, shall arrange for such physical examinations as are considered necessary, and shall determine an employee's eligibility for the benefits provided herein.

(2) The Panel will guide the disabled employee in the full and continuing use of available vocational rehabilitation services.

(3) The Panel shall be authorized to place a disabled employee in any vacant position normally not filled by promotion, for which the employee would be eligible because of background, education, training, experience, and other factors. For positions normally filled by promotional competitive examinations, the Panel may waive qualifications for the disabled employee. The Director of the Employee Relations Department shall provide for seniority points for disabled employees on such examinations.

(4) When placed in employment pursuant to [Section 2-56.25](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR_S2-56.25AD)(a)(3) the employee shall serve a normal probationary period and the department shall submit periodic reports on the employee's performance to the Panel.

(5) Failure of an employee to submit to physical examinations, or to take employment examinations, or to accept suitable employment, or refusal to make use of vocational rehabilitation services shall result in automatic and permanent forfeiture of all benefits of this program.

(6) Recipients of disability payments under this program shall immediately report all changes in income from secondary employment and other County-supported disability payments to the Panel. Failure to provide such information when requested shall be cause for termination of benefits.

(7) Recipients of disability payments may be required by the Panel to submit annual Federal income tax returns or such other proof of income as may be acceptable to the Panel. Failure to provide such information when requested shall be cause for termination of benefits.

(b) Neither the awarding of other County-supported benefits, nor the acts of the Florida Industrial Commission or courts, nor other Florida Statutes, shall serve as presumptions for the decisions of the Disability Panel. In the absence of fraud an award or the denial or termination of an award by the Disability Panel shall be final and binding upon both the employee and Miami-Dade County.

(c) Payments authorized by this program and related procedural matters shall be administered by the Risk Management Division.

(d) Application for consideration under this plan may be initiated by the employee, his department head, or the Disability Panel, on forms provided by the Director of the Employee Relations Department.

(Ord. No. 69-49, § 5, 7-23-69; Ord. No. 05-184, § 1, 10-18-05)

Sec. 2-56.26. Sick leave.

An employee who suffers a service-connected disability shall not use or be charged sick leave if he is granted disability leave or disability payments.

(Ord. No. 69-49, § 6, 7-23-69)

Sec. 2-56.27. Eligibility.

It is the intent of this division that any employee with a service-connected disability as of August 2, 1969 shall be eligible for consideration for benefits hereunder.

(Ord. No. 69-49, § 7, 7-23-69)

Sec. 2-56.27.1. Short-term disability leave and benefits.

Unless otherwise provided by agreement with a County employee or bargaining representative of a County employee, any employee who sustains a service-connected disability may be entitled to the following benefits, only after the injury has been investigated by the Insurance Management Division and approval has been given by the Division and Personnel Division of the Employee Relations Department.

(a) Career employees occupying permanently budgeted full time positions and who have competed nine (9) pay periods (four (4) months) of service, may be entitled to receive their normal salary, reduced by the Workmen's Compensation benefits due them, for a period not to exceed four (4) months.

(b) Career employees occupying permanently budgeted full time positions, and who have not completed nine (9) pay periods (four (4) months) of service, shall be entitled to normal Workmen's Compensation benefits for the first fifteen (15) calendar days of disability. If at the end of this period, the employee is not able to return to duty, the employee may receive additional compensation, representing the difference between workmen's compensation and the usual salary, up to an inclusive period of four (4) months.

(c) If the employee is not able to return to work at the end of his period of entitlement, the case shall be reviewed by the Personnel Department and the Insurance Management Division. Upon the recommendation of these agencies and the approval of the County Manager, the employee may receive an extended period of entitlement up to another four (4) months. If the individual is a special risk employee as defined by Chapter 121, Florida Statutes, who has been disabled as a result of an assault and battery on his period in the performance of his duties, the employee may receive an additional period of entitlement up to one month. In no case will the total extended period of entitlement exceed five (5) months. If it is decided not to extend the employee beyond his initial period of entitlement, he shall, after using his accrued annual and sick leave, revert to Workmen's Compensation benefits. If the medical prognosis shows that the employee will continue to be disabled, he may apply for, or application may be made for him, for benefits of the extended disability program provided in Sections [2-56.21](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR_S2-56.21TI) through [2-56.27](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR_S2-56.27EL) of the Code.

When it has been determined by medical examination that an employee is able to resume his duties and the employee does not do so, all benefits under this section shall be immediately terminated.

Disability leave shall not be approved when it is determined by the Insurance and Safety Division and the Personnel Department that the disability occurred through the employee's negligence or willful misconduct. If the employee brings litigation against the County, while receiving Workmen's Compensation, supplemented by disability leave providing full salary, disability leave shall be terminated. The employee may then draw upon accrued vacation and sick leave.

Effective April 1, 1972, the Finance Department will make provision to pay Workmen's Compensation payments and the disability leave supplement on a single check, which will indicate the amounts attributable to each.

(Ord. No. 71-76, § 1, 9-22-71; Ord. No. 75-2, § 1, 1-7-75; Ord. No. 79-86, § 1, 10-16-79)

**Editor's note—**

Ord. No. 71-76 amended this Code, but did not specify the manner thereof, hence inclusion of § 1 herein as [§ 2-56.27.1](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV4SENNDIPR_S2-56.27.1SHRMDILEBE) was at the discretion of the editors.

Secs. 2-56.27.2—2-56.27.10. Reserved.

FOOTNOTE(S):

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**Editor's note—** Division 4, §§ 2-56.21—2-56.27, is derived from Ord. No. 69-49, §§ 1—7, enacted July 23, 1969. This ordinance was codified as a part of the Code pursuant to the provisions of § 9 of said ordinance. [(Back)](#BK_39A972F1200B71E06C565FE92CF56773)

Annotation—CAO 83-27. [(Back)](#BK_39A972F1200B71E06C565FE92CF56773)

**Cross reference—** Pensions, Ch. 23. [(Back)](#BK_39A972F1200B71E06C565FE92CF56773)

#### DIVISION 5. DEFERRED COMPENSATION PROGRAM [[14]](#BK_8821E27E3032CAD393FC43B8A4B96C5E)

[Sec. 2-56.27.11. Established.](#BK_B6038C1F411E0D1B86C36A85C6B18E44)

[Sec. 2-56.27.12. County Manager to approve and administer plan.](#BK_75B5D3746F1ADC5025A4053E4D1B732B)

[Sec. 2-56.27.13. County Attorney to make certain determinations in accordance with Florida Statutes, Section 112.215(6)(b).](#BK_459663C63506DD6921F0E5D3D30545BB)

[Sec. 2-56.27.14. Plan to be in addition to any other retirement, pension or benefit systems.](#BK_93C71BC716F34E43FA6CC441FFA41906)

[Secs. 2-56.27.15—2-56.28.10. Reserved.](#BK_65D25E2D88A243350D137E8CC21E02DF)

Sec. 2-56.27.11. Established.

There is hereby established a Miami-Dade County Employees Deferred Compensation Program.

(Ord. No. 76-114, § 1, 12-21-76)

Sec. 2-56.27.12. County Manager to approve and administer plan.

The County Manager is hereby designated as the official to approve and administer a deferred compensation plan as required by state law.

(Ord. No. 76-114, § 2, 12-21-76)

Sec. 2-56.27.13. County Attorney to make certain determinations in accordance with Florida Statutes, Section 112.215(6)(b).

The County Attorney is hereby designated as the appropriate official to determine, in accordance with the requirements of Florida Statutes, Section 112.215(6)(b) (1976), whether the compensation deferred under any plan approved by the County Manager will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of the deferral for the purposes of social security, the retirement system of the County, or for any other retirement, pension or benefit program required by law.

(Ord. No. 76-114, § 3, 12-21-76)

Sec. 2-56.27.14. Plan to be in addition to any other retirement, pension or benefit systems.

The deferred compensation plan authorized hereunder and any other plan approved and adopted as herein provided, will exist and serve in addition to any other retirement, pension or benefit systems established by the federal government, the State of Florida or Miami-Dade County, and shall not supersede, make inoperative or reduce any benefits provided by the Florida Retirement System or by any other retirement, pension or benefit program established by law.

(Ord. No. 76-114, § 4, 12-21-76)

Secs. 2-56.27.15—2-56.28.10. Reserved.

FOOTNOTE(S):

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**Editor's note—** Section 5 of Ord. No. 76-114, enacted Dec. 21, 1976, provided that such ordinance become a part of this Code, but did not specify the manner of codification, hence inclusion herein as Div. 5, §§ 2-56.27.11—2-56.27.14, was at the discretion of the editors. [(Back)](#BK_0DAEE7B76B4AF8AF1BB5391E6BE3A810)

#### DIVISION 6. PROTECTION OF EMPLOYEES DISCLOSING SPECIFIED INFORMATION

[Sec. 2-56.28.11. Legislative findings and purpose.](#BK_ECB8C29271590B476FE1EE494DD91A2C)

[Sec. 2-56.28.12. Definitions.](#BK_7B0689D8303CCB3B9230351F19FA574E)

[Sec. 2-56.28.13. Actions prohibited.](#BK_AE4E40E9CF1C93DD61C935DA58442F1D)

[Sec. 2-56.28.14. Nature of information disclosed.](#BK_9C4B6F1E71BE1BEB7C14606F01CC86BD)

[Sec. 2-56.28.15. To whom information disclosed.](#BK_DAB0E0AD45C6714686A55DDE020C68CD)

[Sec. 2-56.28.16. Employees and persons protected.](#BK_F41FE22944215C6C5A4B905F577CC547)

[Sec. 2-56.28.17. Remedies.](#BK_17D5453A63E7E28A9C2966DF63183120)

[Sec. 2-56.28.18. Relief.](#BK_371994072B04BEE2089EA4763A1FC294)

[Sec. 2-56.28.19. Reporting employee's award program.](#BK_7B0F519D2B3C376165DC586D03C2D15A)

[Sec. 2-56.28.20. Existing rights.](#BK_10A21BEF3F7E18096ABB789924CD24FE)

[Sec. 2-56.28.21. Retroactive application.](#BK_BC5261FD9EDD1060010F1418277EC3D5)

[Secs. 2-56.28.22—2-56.28.30. Reserved.](#BK_C3CB1C4AE737514E1A5EBA960DD96833)

Sec. 2-56.28.11. Legislative findings and purpose.

The Board of County Commissioners finds that it is in the best interests of the County to ensure that employees who have knowledge of unlawful activity, misfeasance or malfeasance by the County or independent contractors report such knowledge to the appropriate authorities for investigation and corrective action. In order to encourage employees to report such information without fear of reprisal, it shall be the policy of the County to prohibit adverse action against an employee for disclosing such information to an appropriate official or agency and to award such employees when the information they disclose leads to the County's recovery of public funds.

Recognizing that the State of Florida has adopted its own Whistle-blower's Act, Fla. Stat. Sections 112.3187, et. seq. (1993) and that the State Act provides for the adoption of local procedures for administrative enforcement, the Commission intends that this ordinance be interpreted consistently with the State Act, as it may from time to time be amended.

(Ord. No. 94-107, § 1, 6-9-94)

Sec. 2-56.28.12. Definitions.

As used in this division:

(1) *County* shall include all Miami-Dade County departments, and all political subdivisions and special districts under the County Commission's legislative authority.

(2) *Employee* shall mean a person who performs services for, and under the control and direction of, the County for wages or other remuneration.

(3) *Independent contractor* shall mean a person, other than a federal, state or local government entity, engaged in any business and who enters into a contract with the County.

(4) *Adverse personnel action* shall mean the discharge, suspension, transfer or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the County.

(5) All other words or terms used in this ordinance shall have the same meaning as such words and terms have under the State Whistle-blower's Act.

(Ord. No. 94-107, § 1, 6-9-94)

Sec. 2-56.28.13. Actions prohibited.

(1) The County shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this division.

(2) The County shall not take any adverse action that affects the rights or interests of an employee in retaliation for the employee's disclosure of information under this division.

(3) The provisions of this division shall not be applicable when an employee discloses information known by the employee to be false.

(Ord. No. 94-107, § 1, 6-9-94)

Sec. 2-56.28.14. Nature of information disclosed.

The information disclosed under this division must include:

(1) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the County or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or

(2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the County or an independent contractor.

(Ord. No. 94-107, § 1, 6-9-94)

Sec. 2-56.28.15. To whom information disclosed.

(a) Except as set forth in Subsection (b) hereof, the information disclosed under this division must be disclosed to the Office of Inspector General, the County Mayor or such official or officials as the Mayor may designate to receive such information on his behalf.

(b) Employees with information, as defined in [Section 2-56.28.14](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN_S2-56.28.14NAINDI), concerning the Miami-Dade Aviation Department shall disclose such information directly to the Miami-Dade County Commission on Ethics and Public Trust or the Office of Inspector General. Employees who disclose such information to the Miami-Dade County Commission on Ethics and Public Trust or the Office of Inspector General shall be entitled to the full protection of this ordinance and to the remedies and awards it provides.

(Ord. No. 94-107, § 1, 6-9-94; Ord. No. 03-68, § 1, 4-8-03; Ord. No. 10-75, § 1, 11-4-10)

Sec. 2-56.28.16. Employees and persons protected.

(1) This division protects employees who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by the County, any state agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act; who refuse to participate in any adverse action prohibited by this division; or who are otherwise protected by the State Whistle-blower's Act. The provisions of this division may not be used by employees while they are under the care, custody, or control of the state or county correctional system, or after their release from the care, custody or control of the state or county correctional system, with respect to circumstances that occurred during any period of incarceration.

(2) No remedy or other protection under this division applies to any person who has committed or intentionally participated in committing a violation or suspected violation for which protection under this division is being sought.

(3) It shall be an affirmative defense to any complaint brought pursuant to this division that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this division.

(Ord. No. 94-107, § 1, 6-9-94)

Sec. 2-56.28.17. Remedies.

(1) Any employee protected by this division who has the right to file an appeal of an adverse personnel action under [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP) shall also have the right to have the hearing examiner appointed under that section consider the issue of whether the adverse action was in violation of this division. The hearing examiner shall include in his findings of fact and conclusions a determination of whether the adverse action was in violation of this section and shall recommend an appropriate remedy.

(2) Any employee protected by this division who does not have the right to file an appeal under [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP) may file a written complaint within sixty (60) days after the action prohibited by this division with the Miami-Dade County Personnel Director. The Director shall refer the complaint to a panel of impartial persons from whom a hearing examiner shall be selected. The panel shall be comprised of all persons available to serve as a hearing examiner under [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP). Such hearing examiners may be paid a fee for their services, but shall not be deemed County officials or employees within the purview of Sections [2-10.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.2COBO), [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) or otherwise. The hearing examiner shall conduct a hearing after notice to the complainant and the County department, political subdivision or special district involved. The hearing shall be conducted in accordance with the procedures applicable to hearings under [Section 2-47](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-47SUDIREGRAP), except as may be provided herein. Any interested party may procure the attendance of witnesses and the production of records at such hearing in the manner provided by [Section 2-50](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-50OATEPRRE). All hearings requested pursuant to this paragraph shall be commenced insofar as is practicable within sixty (60) days of the Personnel Director's receipt of the complaint, except that the Director shall have the authority to extend such time for reasonable cause.

(3) The hearing examiner shall transmit his findings of facts, conclusions of law and any recommendations together with a transcript of all evidence taken before him and all exhibits received by him to the County Mayor or Mayor's designee for a final decision. The Mayor or Mayor's designee may sustain, reverse or modify the adverse personnel action. In any case in which the hearing examiner finds that the employee filed a frivolous complaint in bad faith, the hearing examiner may recommend and the Mayor or Mayor's designee may direct the employee to pay the costs of the hearing, including the employer's attorney's fees.

(4) *Investigation by Ethics Commission.* In addition to the remedies set forth above.

(a) Any employee protected under this division who alleges retaliation may, in lieu of or in addition to seeking the relief set forth above, file a written complaint with the Miami-Dade County Ethics Commission alleging a prohibited personnel action, no later than 60 days after the prohibited personnel action.

(b) Within ten working days after receiving a complaint under this section, the Ethics Commission shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under this Section to the department or employee accused of retaliation.

(c) *Fact finding.* Upon the filing of a complaint with the Ethics Commission under this section, the Ethics Commission shall:

(i) Conduct a preliminary investigation and a fact finding hearing within 60 days regarding the allegation of retaliation, to the extent necessary, to determine whether there is probable cause to believe that a prohibited personnel action under this Section has occurred, is occurring, or is to be taken.

(ii) Within 90 days after receiving the complaint, provide the accused department or employee and the complainant with a fact-finding report. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

(iii) Based on its fact-finding report, recommend to the County Manager an appropriate course of action. The Manager shall thereafter take appropriate remedial action in accordance with [Section 2-56.28.18](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN_S2-56.28.18RE)

(5) Any employee found by the Ethics Commission to have retaliated against another County employee in violation of this section shall be considered to have committed a violation of the County's Code of Ethics and shall be subject to disciplinary action up to and including dismissal from County employment.

(Ord. No. 94-107, § 1, 6-9-94; Ord. No. 07-63, § 1, 5-8-07; Ord. No. 10-75, § 1, 11-4-10)

Sec. 2-56.28.18. Relief.

In any case brought under this division in which the County Mayor or Mayor's designee finds that the employee has been discharged, disciplined, or subjected to other adverse personnel action in violation of this division, the Mayor or Mayor's designee may:

(a) Reinstate the employee to the same position held before the adverse action was commenced or to an equivalent position, or award reasonable front pay as alternative relief,

(b) Reinstate the employee's fringe benefits and seniority rights, as appropriate, and

(c) Compensate the employee, if appropriate, for lost wages, benefits or other lost remuneration caused by the adverse action.

(Ord. No. 94-107, § 1, 6-9-94; Ord. No. 10-75, § 1, 11-4-10)

Sec. 2-56.28.19. Reporting employee's award program.

Employees who report information pursuant to this division which results in the County's recovery of public funds shall be eligible to apply for an award of up to ten (10) percent of the net amount recovered or one hundred thousand dollars ($100,000.00), whichever is less. The precise amount of any such award shall be set by the County Mayor or Mayor's designee in accordance with the following procedure: The Mayor or Mayor's designee shall select for each application a panel of three (3) County administrators who shall conduct an informal hearing for the purpose of recommending to the County Mayor or Mayor's designee whether an award should be granted and the amount of any such award. The panel's recommendation shall include consideration of:

(1) The significance of the information revealed to improving the efficiency of the County;

(2) The likelihood that the County would have learned of the information if the employee had not reported it; and

(3) If the information was reported by more than one employee, whether and how it should be apportioned.

The panel's written recommendation shall be submitted to the Mayor or Mayor's designee whose decision as to whether an award should be granted and the amount thereof shall be final.

(Ord. No. 94-107, § 1, 6-9-94; Ord. No. 10-75, § 1, 11-4-10)

Sec. 2-56.28.20. Existing rights.

This division shall not be construed to diminish the rights, privileges or remedies of any employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies provided by Florida Statute Section 447.401 shall also apply to complaints under this division.

(Ord. No. 94-107, § 1, 6-9-94)

Sec. 2-56.28.21. Retroactive application.

Notwithstanding the requirements of [Section 2-56.28.17](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV6PREMDISPIN_S2-56.28.17RE) employees who have filed complaints of whistle-blowing in state or federal court as of the date this ordinance is enacted shall have the right to file a complaint and receive a hearing in accordance with the terms of this division.

(Ord. No. 94-107, § 1, 6-9-94)

Secs. 2-56.28.22—2-56.28.30. Reserved.

#### DIVISION 7. RETIREMENT BENEFITS PROTECTION PROGRAM

[Sec. 2-56.29. Compensation of former employees denied adequate contributions.](#BK_B0CA113FC322D36C597D6B1A1ED3DB39)

Sec. 2-56.29. Compensation of former employees denied adequate contributions.

The County Manager shall have the authority to investigate and resolve claims involving the failure to make adequate retirement contributions on behalf of former County employees. Any former employee may file a written claim with the County Manager stating the grounds upon which it is believed the County failed to make adequate retirement contributions on the former employee's behalf and the amount of such contributions the former employee believes should have been made. The Manager shall conduct an investigation of any such claim and upon completion of the investigation shall issue a written determination as to whether the claim is valid or invalid. If the Manager determines that the claim is valid, he may award to the employee such amount as the Manager deems appropriate under the circumstances and as are available in the former employee's department's existing budget. If funds in the existing budget are not available for the payment, the Manager may apply to the County Commission for the appropriation of such funds as the Manager deems necessary for adequate compensation.

(Ord. No. 96-132, § 1, 9-10-96)

#### DIVISION 8. PAYMENT OF ACCUMULATED SICK AND ANNUAL LEAVE

[Sec. 2-56.30. Generally.](#BK_F9801E8339A89B89059B80FBB59B4469)

[Sec. 2-56.31. Offenses involving a breach of public trust.](#BK_9FC90CC0A023AC5C08BB58A120E0AF1C)

[Sec. 2-56.32. Officer or employee found by court to have committed offense.](#BK_40015F745E129AEA0794086B8E726A24)

[Sec. 2-56.33. Officer or employee under investigation of an offense.](#BK_828B0A003BC54B92ADA9388D98F3F387)

Sec. 2-56.30. Generally.

Notwithstanding any other provision of law, any County or Public Health Trust officer or employee who separates from County or Public Health Trust service and would otherwise be entitled to payment for accumulated sick or annual leave and either:

(a) Has been found by a court of competent jurisdiction to have committed; or

(b) Is under investigation by any governmental entity, whether county, state or federal, for allegedly having committed while in county service an offense, whether criminal or civil, involving a breach of the public trust, shall not receive payment of such accumulated leave except as provided herein.

(Ord. No. 98-34, § 1, 2-19-98; Ord. No. 05-183, § 1, 10-18-05)

Sec. 2-56.31. Offenses involving a breach of public trust.

Offenses involving a breach of the public trust shall include, but not be limited to:

(a) Criminal offenses of embezzlement of public funds, theft, bribery, perjury or any felony specified in F.S. ch. 838; or

(b) Non-criminal offenses involving a breach of the officer or employee's fiduciary responsibility to the public.

(Ord. No. 98-34, § 2, 2-19-98)

Sec. 2-56.32. Officer or employee found by court to have committed offense.

Any county or Public Health Trust officer or employee who is found by a court of competent jurisdiction to have committed while in county or Public Health Trust service an offense involving a breach of the public trust shall forfeit all rights to payment for accumulated sick and annual leave accrued from the inception of employment.

(Ord. No. 98-34, § 3, 2-19-98; Ord. No. 02-234, § 1, 11-19-02; Ord. No. 05-183, § 1, 10-18-05)

Sec. 2-56.33. Officer or employee under investigation of an offense.

Any county or Public Health Trust officer or employee who is under investigation by any governmental entity, whether county, state or federal, for commission of an offense involving a breach of the public trust committed while in county service, shall have any payment of accumulated sick and annual leave to which he or she may be entitled under this division and the Leave Manual held in escrow by the county or Public Health Trust until the investigation and any subsequent judicial proceedings thereon are completed. Such accumulated sick and annual leave shall be paid to the officer or employee together with interest thereon:

(a) Upon indication from the investigating entity that the investigation has been concluded without the filing of charges or other proceedings; or

(b) Exoneration of the officer or employee; or

(c) On the first year anniversary from the date payment would otherwise have been made unless there is an indication from the investigating entity that the investigation is continuing, and, if such indication is made, on each annual anniversary date thereafter.

(Ord. No. 98-34, § 4, 2-19-98; Ord. No. 05-183, § 1, 10-18-05)

### ARTICLE V. FINANCE DEPARTMENT [[15]](#BK_6828A224BD92C7C9D9A080CAB3EF69EA)

[Sec. 2-57. Established; Director of Finance as head; appointment; term; operating procedures; compensation of employees.](#BK_23461F57E39812B8253580A556011F03)

[Sec. 2-58. Powers and duties.](#BK_CAE644E8E9D709AC37C82FD2E5DF7708)

[Sec. 2-58.1. Annual leave payments; prepayment authorized; rules and procedures.](#BK_994A2804C4F7471530D7F2154CD2BED4)

Sec. 2-57. Established; Director of Finance as head; appointment; term; operating procedures; compensation of employees.

A Finance Department is hereby established. The head of this Department is the Director of Finance. The Director shall be appointed by and serve at the will of the Manager. The organization and operating procedures of the Department shall be prescribed by administrative orders and regulations of the Manager. The Manager shall appoint such employees as may be necessary to operate the Department. The compensation of all personnel, except employees with the classified service, shall be fixed by the Commission upon recommendation of the Manager.

(Ord. No. 58-42, § 2, 10-21-58)

**Charter reference—** Authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Sec. 2-58. Powers and duties.

The Finance Department shall be responsible for the financial affairs of the County.

(Ord. No. 58-42, § 3, 10-21-58)

Sec. 2-58.1. Annual leave payments; prepayment authorized; rules and procedures.

(a) The Finance Director is authorized to pay any employee or officer whose salary is disbursed by Miami-Dade County for the period of accrued annual leave granted the employee or officer, before the start of the annual leave, upon receipt of an appropriate request.

(b) The Finance Director is authorized to establish such rules and procedures as may be necessary to implement this provision.

(Ord. No. 67-62, §§ 1, 2, 9-6-67)

FOOTNOTE(S):

--- (**15**) ---

Annotations—AO's 3-1, 3-2, 3-3, 3-4, 3-6, 5-4, 8-1, 9-1. AO's of 4-19-83, 2-7-89. [(Back)](#BK_CE28EED6F7F09709A78DC0FCF38DAA03)

**Charter reference—** Financial administration, § 4.03; bids and purchasing procedure, § 4.03(D); assessment and collection of taxes, § 4.04. [(Back)](#BK_CE28EED6F7F09709A78DC0FCF38DAA03)

**Cross reference—** Taxation, Ch. 29. [(Back)](#BK_CE28EED6F7F09709A78DC0FCF38DAA03)

### ARTICLE VI. MUNICIPAL UTILITY [[16]](#BK_57E2723A3472765308AB4FEE0901DFE9)

[Sec. 2-59. Establishment of Municipal Utility; director, organization and employees.](#BK_7BFE4742B97D384BE6E27BD48CFEA6D1)

[Sec. 2-60. Service area and powers.](#BK_8BFE9D17AA9EEA7AAD65B576DE9B60A2)

[Sec. 2-61. Rates.](#BK_D3447DEDC634A0797204DADC6311E914)

[Sec. 2-62. Costs of establishment and method of financing.](#BK_AB9CAAB5CE3B858D01E2D7B474E98700)

[Secs. 2-63—2-67. Reserved.](#BK_48CF97ADA17459655B1AE5106D1DCF48)

Sec. 2-59. Establishment of Municipal Utility; director, organization and employees.

There is hereby created and established the Miami-Dade Municipal Utility which shall be operated by the Office of Utility Management of the Department of Development and Facilities Management. The County Manager is hereby empowered and shall have the duty and responsibility to provide the administrative direction and supervision of the Miami-Dade Municipal Utility, in accordance with the policies adopted and promulgated by the Board of County Commissioners. The organization and operating procedures shall be prescribed by administrative orders and regulations of the Manager. The Manager shall appoint such employees as may be necessary to operate the Municipal Utility.

(Ord. No. 94-58, § 1, 4-19-94)

Sec. 2-60. Service area and powers.

The Miami-Dade Municipal Utility shall have the power to, in addition to all other powers conferred:

(a) To own, manage and operate an electrical utilities system in Miami-Dade County to furnish electricity by sale or otherwise only to County-owned facilities, and for said purposes shall have the right to construct and maintain electric lines in and along all public highways and streets throughout the County;

(b) To construct, acquire, establish, improve, extend, enlarge, reconstruct, re-equip, maintain, repair and operate the electric utility system known as the Miami-Dade Municipal Utility;

(c) Subject to County Commission approval, to enter in agreements with one or more other electric utilities, public or private, or qualifying cogeneration or small power production facilities, for the purchase, sale or transmission of electric power and for the provision of back-up, stand-by and maintenance supplemental power and for the acquisition or use of interconnection, transmission and distribution facilities.

(Ord. No. 94-58, § 2, 4-19-94)

Sec. 2-61. Rates.

To the extent permitted by law, the County Commission shall fix and regulate all rates and charges for the services furnished by the Miami-Dade Municipal Utility. The County Manager may recommend changes or modification to such rates and charges, which changes may be adopted by the resolution of the Board of County Commissioners.

(Ord. No. 94-58, § 3, 4-19-94)

Sec. 2-62. Costs of establishment and method of financing.

The Municipal Utility will be compensated for any physical facilities that it will be required to acquire. Therefore, the sole County costs to establish the Municipal Utility will be the costs of regulatory requirements or filings which collectively are estimated at between ten thousand dollars ($10,000.00) and twenty-five thousand dollars ($25,000.00), which will be financed out of the General Fund of the County.

(Ord. No. 94-58, § 4, 4-19-94)

Secs. 2-63—2-67. Reserved.

FOOTNOTE(S):

--- (**16**) ---

**Editor's note—** Ord. No. 94-58, adopted April 19, 1994, amended the Code by the addition of provisions which have been codified herein at the discretion of the editor as Art. VI, §§ 2-59—2-62. Prior to the codification of said Ord. No. 94-58, Ord. No. 86-72, § 1, adopted Oct. 14, 1986, repealed former Art. VI, §§ 2-59—2-65, relative to the documentary surtax advisory board which derived from Ord. No. 83-95, § 1(1)—(7), adopted Oct. 18, 1983. [(Back)](#BK_FAB67662ED3625601BD51DCBEBFECBDB)

### ARTICLE VII. TAX REVIEW BOARD [[17]](#BK_55873E8772E1EE37B5BB2CCD62261C35)

[Sec. 2-68. Reserved.](#BK_8119F6348BE45D7CF2F032DCF1526378)

[Sec. 2-69. Election of the Property Appraiser of Miami-Dade County; Establishing Qualifying Period and Fee and Residency Requirements; Commencement of Term; Compliance with the Ethical Campaign Requirements Ordinance; Restricting Corporate Campaign Contributions; Vacancy in Office.](#BK_6F5BAED6BD2AE2C1CC00344A6AEFD4CD)

[Sec. 2-70. Duties and Powers of the Property Appraiser.](#BK_555C94EC60846E68D12CC8FB09E32A5A)

[Sec. 2-71. Applicability of County Ordinances to the Property Appraiser.](#BK_80097273532CDCCA9DF1DCFDB34C5648)

[Sec. 2-72. The Property Appraiser's Salary, Compensation and Benefits.](#BK_14487CB88D5B588AB51A39DD3FF3D678)

[Sec. 2-73. Employees of the Office of the Property Appraiser; Salary, Compensation and Benefits of Such Employees; Use of County Facilities and Services. County Attorney's Office to Provide Legal Counsel.](#BK_E1C21C970F0AE0BBE2389C87766FEFF9)

[Sec. 2-73.1. Reserved.](#BK_416297A8F461495ADE1D03123A2BCC95)

[Sec. 2-73.2. Reserved.](#BK_5A71FA433E62CBE94EB6BD8944E5893E)

[Sec. 2-73.3. Publication in Spanish, and Haitian Creole of information about certain countywide tax, special assessment, and fee notices.](#BK_76A2C7FB1ABBCD9288D84ED922ADD8C4)

Sec. 2-68. Reserved.

**Editor's note—**

[Section 2-68](../level3/PTIIICOOR_CH2AD_ARTVIITAREBO.docx#PTIIICOOR_CH2AD_ARTVIITAREBO_S2-68RE), pertaining to the short title of Article VII Tax Review Board, has been deleted as obsolete. The section was derived from Ord. No. 67-1, § 1, adopted Jan. 10, 1967.

Sec. 2-69. Election of the Property Appraiser of Miami-Dade County; Establishing Qualifying Period and Fee and Residency Requirements; Commencement of Term; Compliance with the Ethical Campaign Requirements Ordinance; Restricting Corporate Campaign Contributions; Vacancy in Office.

(a) The duties of the Property Appraiser, previously carried out under the supervision of the Mayor, are transferred to the Property Appraiser of Miami-Dade County, who shall be elected pursuant to [Section 5.04](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.04ASCOTA) of the Miami-Dade County Home Rule Charter, effective upon the commencement of the term of office of the Property Appraiser of Miami-Dade County.

(b) Commencing with the general election held on November 4, 2008, the Property Appraiser of Miami-Dade County shall be elected by a majority of the qualified electors voting at a countywide election held within Miami-Dade County, Florida. If no candidate receives a majority vote of qualified electors voting at the November 4, 2008 election, the Commission shall call a countywide runoff election to be held prior to January 1, 2009. Every four years thereafter, the Property Appraiser of Miami-Dade County shall be elected at a countywide election by a majority of the qualified electors voting at such election held in conjunction with the Miami-Dade County state Primary election. If no candidate receives a majority of the votes cast, there will be a runoff election at the time of the general election following the state primary election between the two (2) candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

(c) For the general election held on November 4, 2008, all candidates seeking election as the Property Appraiser of Miami-Dade County shall qualify using the method provided by ordinance no earlier than noon on the 84th day and no later than noon on the 68th day prior to the date of the election at which he or she is a candidate. Every four years thereafter, all candidates seeking election as the Property Appraiser of Miami-Dade County shall qualify using the method provided by ordinance with the Clerk of the Circuit Court no earlier than the 84th day and no later than noon on the 70th day prior to the date of the election at which he or she is a candidate. Each candidate for Property Appraiser of Miami-Dade County shall pay a filing fee of five thousand dollars ($5,000.00). All filing fees shall be paid into the general funds of the county. Each candidate for Property Appraiser of Miami-Dade County shall be a qualified elector residing within Miami-Dade County for at least three (3) years before qualifying.

(d) All candidates seeking election as the Property Appraiser of Miami-Dade County shall comply with the Ethical Campaign Practices Ordinance codified at [Section 2-11.1.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1.1ETCAPROR) of the Code of Miami-Dade County, Florida.

(e) It is unlawful for any candidate, political committee, or other person in connection with the election of any candidate for the Property Appraiser of Miami-Dade County to knowingly accept or receive any contribution from a corporation incorporated under the laws of the State of Florida or any other state or any foreign country or any partnership or any other legal entity other than a natural person ("Contributing Entity") unless: (1) the Contributing Entity discloses to the campaign treasurer of the campaign receiving the contribution all real and personal property assessed for taxes in Miami-Dade County which is owned by the Contributing Entity, or a parent or subsidiary of the Contributing Entity, or any entity which has the same parent entity as the Contributing Entity; and (2) the campaign treasurer reports, on a form provided by the Supervisor of Elections, all real and personal property assessed for taxes in Miami-Dade County which is owned by the Contributing Entity, or a parent or subsidiary of the Contributing Entity, or any entity which has the same parent entity as the Contributing Entity to the Supervisor of Elections at the same time the campaign treasurer reports the contribution. In addition to any other penalties which may be applicable, any person who violates this subsection shall be punishable by a fine up to five hundred dollars ($500.00) or imprisonment not to exceed sixty days, or both. Contributions made prior to the effective date of this ordinance shall be reported in accordance with the requirements of this subsection on or before the next required reporting date. It shall also be unlawful for a candidate for property appraiser to knowingly use or permit the use of campaign material that falsifies, distorts, or misrepresents the property appraiser's ability to appraise property in a manner which is in violation of state law.

(f) The term of office of the Property Appraiser of Miami-Dade County shall commence on the first Tuesday after the first Monday in January following his or her election.

(g) In the event of any vacancy in office of the Property Appraiser of Miami-Dade County, the person appointed by the Property Appraiser of Miami-Dade County as his or her deputy or next in authority shall act as the Property Appraiser of Miami-Dade County. The person serving as the acting Property Appraiser of Miami-Dade County shall meet the eligibility requirements for the office unless waived by the Board of County Commissioners by resolution. The person acting as the Property Appraiser shall serve only until the next countywide election. A person elected at such countywide or runoff election, if necessary, shall serve for the remainder of the unexpired term of office vacated by the Property Appraiser.

(Ord. No. 08-62, § 1, 5-20-08)

Sec. 2-70. Duties and Powers of the Property Appraiser.

The Property Appraiser of Miami-Dade County shall serve as the head of the Office of the Property Appraiser with the following specific powers and responsibilities:

(1) The Property Appraiser of Miami-Dade County shall perform the duties and functions pertaining to assessing all property in Miami-Dade County as required by and in accordance with the Florida Constitution and Florida Statutes, including but not limited to the following specific responsibilities:

a. Annual determination of exempt status, classification and valuation of real and personal property in Miami-Dade County;

b. Preparation of real and personal property tax rolls.

c. Delivery of real and personal property tax rolls to the Department of Revenue and taxing authorities within Miami-Dade County;

d. Certification of value to all taxing authorities for purposes of preparation of budget[s] and adoption of millage[s].

e. Mailing of TRIM ("Truth and Responsibility in Millage") notices to all property owners in Miami-Dade County under the mark, brand or seal of the Property Appraiser of Miami-Dade County.

f. Certification of the assessment rolls to the Tax Collector.

g. Completion of any pending or unfinished tasks or duties that were originally begun or undertaken by the Miami-Dade County Property Appraisal Department or the predecessor Property Appraiser.

(2) The Property Appraiser may sue and be sued in his or her name and official capacity in cases involving assessment challenges or related issues. Any suit by or against the Property Appraiser may be settled or compromised by the Property Appraiser and the County Attorney or their designees, if the Property Appraiser and County Attorney determine that said settlement or compromise is in the best interests of Miami-Dade County after considering the legal liability, potential litigation expenses, potential financial exposure of the County and the precedential effect of such litigation. The settlement of all such litigation shall be reported quarterly to the County Commission.

(3) The Property Appraiser, upon request of the Mayor and/or the County Manager, shall provide the proposed budget for purposes of preparing the budget for the Office which will be considered by the Board of County Commissioners in its adoption of the County's annual budget.

(4) The Property Appraiser may enter into interdepartmental agreements with other County departments as may be necessary to carry out the purposes and provisions of this ordinance.

(5) The Property Appraiser may enter into agreements with third parties, subject to approval by the Board of County Commissioners. Such approval, however, shall not be required if funds for the agreement are within the Property Appraiser's approved budget. Contracts and purchases by the Property Appraiser shall not require competitive bids when the transaction involves funds within the Property Appraiser's approved budget, provided the contract or purchase is made in accordance with the provisions of this section. Contracts and purchases exceeding the Property Appraiser's approved budget may be made by the Board of County Commissioners in accordance with the provisions of the Code. The Property Appraiser shall be authorized to contract for the purchase of goods and services subject only to the requirements of the procurement policy set forth in the implementing order approved by resolution of this Board.

(6) The Property Appraiser may submit proposed resolutions, ordinances or reports related to his or her duties to the Clerk of the Board of County Commissioners and such items shall be placed on the next available agenda of the Board of County Commissioners.

(7) The Property Appraiser may become associated with The Florida Association of Property Appraisers; The Property Appraisers' Association of Florida and/or such other organizations dedicated to supporting and advocating on behalf of Property Appraisers in the State of Florida.

(8) The Property Appraiser, in order to make a determination regarding the exempt status, classification, or valuation of real and personal property in Miami-Dade County, may request the Chairperson of the Board of County Commissioners to issue subpoenas to compel the attendance of witnesses and the production of any books, letters, or other documentary evidence required by the Property Appraiser in the performance of such duties. At the request of the Property Appraiser, the Chairperson of the Commission may issue said process on behalf of the Board of County Commissioners. Prior to requesting the issuance of a subpoena, the Property Appraiser shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Property Appraiser shall not request the issuance of a subpoena where the State Attorney, the U.S. Attorney for the Southern District of Florida, or other law enforcement agency notifies the Property Appraiser in writing that the subpoena will interfere with an ongoing criminal investigation. The Property Appraiser may seek enforcement of such process issued under the authority of this section by filing a petition for enforcement in the County Court of Miami-Dade County, Florida, or other appropriate cause of action in any court of competent jurisdiction. Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry, or to produce records, documents or other evidence, if in his or her power to do so, may be fined by the County Court of Miami-Dade County, Florida or other court of competent jurisdiction, not more than five hundred dollars ($500.00) or imprisoned not more than sixty (60) days, or both. Any person who, with intent thereby to mislead, makes or causes to be made any false entry or statement of fact in any report, account, record or other document submitted pursuant to this section, or who shall willfully neglect or fail to make, or cause to be made, full, true and correct entries in such reports, accounts, records or other documents, or who shall willfully mutilate, alter or by any other means falsify any documentary evidence, may be fined by the County Court of Miami-Dade County, Florida, or other court of competent jurisdiction, not more than five hundred dollars ($500.00) or imprisoned not more than sixty (60) days, or both.

(9) The Property Appraiser may perform any other lawful acts which the Property Appraiser may consider necessary or desirable in carrying out the purposes and provisions of this ordinance.

(Ord. No. 08-62, § 1, 5-20-08; Ord. No. 12-34, § 1, 5-1-12; Ord. No. 12-07, § 1, 2-21-12)

Sec. 2-71. Applicability of County Ordinances to the Property Appraiser.

The Property Appraiser of Miami-Dade County shall be subject to the ordinances of Miami-Dade County to the same extent as other department directors of Miami-Dade County, including, but not limited to, the Code of Ethics and Conflict of Interest Ordinance codified at [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) et seq. of the Code of Miami-Dade County, Florida, [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE) et seq. of the Code relating to the Office of the Inspector General, and [Section 2-1795](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1795ALCORE) of the Code relating to the County's annual budget. The Property Appraiser of Miami-Dade County shall devote his or her full time service to the office of Property Appraiser and shall not be otherwise employed.

(Ord. No. 08-62, § 1, 5-20-08)

Sec. 2-72. The Property Appraiser's Salary, Compensation and Benefits.

The salary, compensation and benefits of the Property Appraiser of Miami-Dade County for 2009 shall be one hundred fifty-three thousand dollars ($153,000.00) and he or she shall receive Class 1 Executive Benefits and thereafter salary, compensation and benefits shall be fixed annually by the Board of County Commissioners.

(Ord. No. 08-62, § 1, 5-20-08)

Sec. 2-73. Employees of the Office of the Property Appraiser; Salary, Compensation and Benefits of Such Employees; Use of County Facilities and Services. County Attorney's Office to Provide Legal Counsel.

1. Upon the commencement of the term of office of the elected Property Appraiser of Miami-Dade County elected in November, 2008, the employees assigned to the Property Appraisal department prior to the election of the Property Appraiser of Miami-Dade County shall be assigned to the Office of the Property Appraiser of Miami-Dade County (the "Office"). From that point forward, the Property Appraiser shall have the authority to select all employees of the Office, in accordance with the provisions of the Code and Personnel Rules. Upon selection by the Property Appraiser of an employee for a position in the County's classified service and compliance with the requirements of the Code and Personnel Rules for the appointment of personnel, the Mayor shall formally appoint the selected employee to the County's classified service. The Property Appraiser shall have the authority to directly appoint employees to all positions in the Office which are exempt from the County's classified service. The elected Property Appraiser shall have the authority to hire, evaluate, promote, demote, discipline or discharge Office employees; provided, however, that employees shall continue to have the right to challenge or appeal such decisions on the same terms as other County employees. The Office of the Property Appraiser shall continue to honor and abide by the terms of any existing collective bargaining agreement and to negotiate any changes in such agreement in accordance with state law.

2. The salaries, compensation and benefits of all Office employees shall be fixed by the County Commission upon recommendation of the Property Appraiser, subject to the provisions of any applicable collective bargaining agreement. Except for the purpose of transmitting constituent inquiries, budgeting, funding and carrying out other functions required by this ordinance, the Property Appraiser shall perform his or her duties without supervision or interference from the Mayor or the County Manager.

3. The Property Appraiser of Miami-Dade County shall utilize general County services and facilities, including but not limited to, purchasing, centralized computer services, general services administration, and personnel. Legal services shall be provided by the County Attorney's Office.

(Ord. No. 08-62, § 1, 5-20-08)

Sec. 2-73.1. Reserved.

**Editor's note—**

[Section 2-73.1](../level3/PTIIICOOR_CH2AD_ARTVIITAREBO.docx#PTIIICOOR_CH2AD_ARTVIITAREBO_S2-73.1RE), pertaining to the deadline for modification of assessments because of errors in judgment, has been deleted as obsolete. The section was derived from Ord. No. 67-1, § 5, adopted Jan. 10, 1967 and Ord. No. 71-3, § 5, adopted Jan. 6, 1971.

Sec. 2-73.2. Reserved.

**Editor's note—**

[Section 2-73.2](../level3/PTIIICOOR_CH2AD_ARTVIITAREBO.docx#PTIIICOOR_CH2AD_ARTVIITAREBO_S2-73.2RE), pertaining to the extension of deadlines for the performance of duties by the Tax Assessment Department and the Tax Review Board has been deleted as obsolete. The section was derived from Ord. No. 68-24, § 1, adopted May 7, 1968.

Sec. 2-73.3. Publication in Spanish, and Haitian Creole of information about certain countywide tax, special assessment, and fee notices.

(a) It is the official policy of Miami-Dade County that information about certain legal notices regarding taxes, special assessments, and fees that are published or delivered in English also be published or delivered in Spanish and Haitian Creole to the communities that speak Spanish or Haitian Creole.

(b) This policy applies when:

(1) There is an increase or creation of a tax, special assessment, or fee;

(2) The tax, special assessment, or fee is countywide;

(3) Notice of such increase or creation is legally required by statute to be published or delivered; and

(4) The legally required notice is published or delivered in English.

In addition, when it is reasonably foreseeable that the creation or increase of a tax, special assessment, or fee that is less than countywide in scope will impact a substantial number of persons who speak Spanish or Haitian Creole, efforts shall be made to provide information in Spanish or Haitian Creole about any legally-required notices which are published or delivered in English.

(c) This policy does not require a word-for-word translation of the legal notice, but only the publication or delivery of information about such notice. Such information may include a reference to sources such as the 311 call center or the Miami-Dade County Web Pages for more precise information. This policy does not require the publication of the budget book in any language other than English.

(d) The official in charge of providing the legal notice shall have discretion to determine the best and most cost effective method to provide information about the notice in Spanish and Haitian Creole.

(e) This additional information is intended to supplement and not replace formal legal notice as required by governing law. Any mistakes or failure to provide such supplemental information, therefore, shall not provide a basis to challenge any legal action taken pursuant to the formal legal notice.

(Ord. No. 09-51, § 1, 6-30-09)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 67-1, § 8, adopted Jan. 10, 1967, changed the title of Article VII from "Reassessment Advisory Board" to "Tax Review Board." [(Back)](#BK_F2510AAC031F074D646EDFAF186E1D9B)

### ARTICLE VIII. PUBLIC HEALTH DEPARTMENT [[18]](#BK_74D6A9795FD26676F8EF3AEBBFDA19C6)

[Sec. 2-74. Established; Director as head; employment of officers and employees.](#BK_EFA40345C55F91486C7AB1193DF63C93)

[Sec. 2-74.1. Supplemental compensation for directors.](#BK_9F5E03D7BDC03035CCDE66F67E1FBE0F)

[Sec. 2-75. Organization.](#BK_E6FA60ED1FFE8983921527E499F133D5)

[Sec. 2-76. Reserved.](#BK_A2F09375D2CD081E0F8B679DB2C622D8)

[Sec. 2-77. Powers and duties.](#BK_6051B7B7475926F95F6EC308D99632DF)

Sec. 2-74. Established; Director as head; employment of officers and employees.

A Department of Public Health is established. The head of the Department is the Director of Public Health. The Director and the other personnel provided in Section 154.04, Florida Statutes, shall be employed in compliance therewith.

(Ord. No. 57-15, § 13.01, 10-2-58)

**Cross reference—** Professional employees in County health service excepted from classified service, § 2-41.

Sec. 2-74.1. Supplemental compensation for directors.

The Director of the Public Health Department of Miami-Dade County, Florida, shall receive supplemental compensation, payable from the general fund of the County, in addition to the compensation payable from State funds, in an amount equal to the difference between the State salary authorized for such position and the aggregate annual salary range of seventeen thousand eight hundred thirty-two dollars ($17,832.00)—twenty-two thousand seven hundred fifty-two dollars ($22,752.00) (Pay Range 57-6), as shall be determined from time to time by the County Manager. The payment of such supplemental compensation shall be effective as of April 1, 1964.

The supplemental compensation herein prescribed shall be payable in the same manner and at the same time as salaries paid to County officials and employees.

(Ord. No. 64-17, §§ 1, 2, 5-5-64)

**Editor's note—**

Ord. No. 64-17, § 1 purported to amend this Code to add § 11-40.3, but the County has directed that it be codified as [§ 2-74.1](../level3/PTIIICOOR_CH2AD_ARTVIIIPUHEDE.docx#PTIIICOOR_CH2AD_ARTVIIIPUHEDE_S2-74.1SUCODI). The County has also directed that § 2 of said ordinance, which did not amend this Code, be codified, and the editors have set it out as the second paragraph of [§ 2-74.1](../level3/PTIIICOOR_CH2AD_ARTVIIIPUHEDE.docx#PTIIICOOR_CH2AD_ARTVIIIPUHEDE_S2-74.1SUCODI)

**Cross reference—** Ambulances and medical transportation vehicles, Ch. 4; food and food service establishments, Ch. 14B; public health trust, Ch. 25A.

Sec. 2-75. Organization.

The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager. Except as provided in Section 154.04, Florida Statutes, the Manager may appoint such additional employees and other personnel as may be necessary to operate the Department. The Manager may also designate certain additional specified duties to the Department not inconsistent with the duties and responsibilities set out for the Department by the applicable State statutes, and the rules and regulations promulgated thereunder, to be performed for the benefit of the residents of Miami-Dade County. In order to insure the proper execution of such specified duties, the Director of the Miami-Dade County Department of Public Health shall be designated the project Manager of such duties and shall be furnished funds, personnel and materials as necessary for the duration of such duties. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 76-31, § 1, 4-6-74)

**Charter reference—** For authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Sec. 2-76. Reserved.

**Editor's note—**

Ord. No. 80-43, § 1, adopted May 20, 1980, repealed former [§ 2-76](../level3/PTIIICOOR_CH2AD_ARTVIIIPUHEDE.docx#PTIIICOOR_CH2AD_ARTVIIIPUHEDE_S2-76RE). Said former section provided for a health appeals board and was derived from Ord. No. 57-15, § 13.02, adopted Oct. 2, 1957; Ord. No. 64-39, § 2, adopted Sept. 1, 1964; Ord. No. 73-20, § 1, adopted March 8, 1973; and Ord. No. 74-52, § 1, adopted July 2, 1974.

Sec. 2-77. Powers and duties.

(a) The Department of Public Health shall plan, develop and supervise a systematic program designed to prevent, control and cure diseases, their origin and diffusion among inhabitants of the County, and for the education of the public on health and sanitation problems.

(b) In addition to general duties prescribed in subsection (a) above, and without limitation thereupon, the Department shall:

(1) Enforce the State sanitary code as promulgated by the State Board of Health, and all other general laws, or rules promulgated pursuant thereto, affecting the public health of the County.

(2) Declare, enforce, modify and abolish quarantine as the circumstances may require.

(3) Compile and cause to be put into effect appropriate rules and regulations promulgated by the Manager for the prevention and control of public health nuisances, sanitary practices relating to drinking water made accessible to the public, disposal of excreta, sewage or other wastes, disposal of garbage and refuse, plumbing, rodent control, pollution of lakes, rivers, canals, bays, streams and other waters, the production, handling, processing, and sale of food products and drinks, canning plants, fisheries, restaurants and all other places serving food and drink to the public, toilets and washrooms in all public places and places of employment, factories, trailer, tourist, recreation and other camps offering ac- commodations to the public, swimming pools and bathing places, state, county, municipal and private institutions serving the public, public and privately owned schools, vehicles offering transportation to the public, all places used for the incarceration of prisoners and any other condition, place or establishment necessary for the control of communicable diseases or the protection and safety of the public health and for the prevention of air pollution.

(4) Prescribe the qualifications of operators of milk plants, water purification plants, sewage treatment plants and public swimming pools.

(5) Investigate and study the frequency of occurrence, cause and modes of promulgation and means of prevention, control and cure of communicable diseases among humans, animals, fowl and fish.

(6) Administer a program to improve material and child health with particular emphasis on the school health program.

(7) Be responsible for finding active cases of pulmonary tuberculosis and placing them under proper treatment, and take the necessary steps for the prevention and control of this disease in the County.

(8) Administer a program to prevent and cure venereal diseases, and issue all health certificates for food handlers as may be required by law.

(9) Conduct the children's dental clinic.

(10) Make special studies of the care, cure, control of diseases and improvement of the public health.

(11) Provide nursing service to all Health Department clinics and to all other divisions of the Health Department as required. It shall also provide the necessary public health services to the public schools and related facilities.

(12) Keep a complete and current record of all births and deaths in the County and such other records and duties as the Manager may require.

(13) Inform the public on health problems, their cure and elimination.

(14) Maintain supervision over the operation of public water and sewage facilities, bottled water plants, industrial waste disposal and public swimming pools, and furnish consultation to public and private organizations relative to sanitary engineering problems as well as review plans of new treatment plants and alterations to existing plants.

(15) Maintain sanitary supervision of eating and drinking establishments, food processing and handling establishments, dairy farms and plants, typhus control, rabies control, and over-all environmental sanitation.

(16) Discover and eliminate all unsanitary conditions found in the County.

(Ord. No. 57-15, §§ 13.03, 13.05, 13.07, 13.17, 10-2-57)

FOOTNOTE(S):

--- (**18**) ---

Annotations—AO 9-1; AO of 4-1-80. [(Back)](#BK_A0BFC1A2EE8D3486A8C7674ABC0D6757)

### ARTICLE IX. RESERVED [[19]](#BK_413FD4A94EAC57B090327C70D7601C85)

[Secs. 2-78—2-84. Reserved.](#BK_71995EC3A61E2F2108714709684E14BF)

Secs. 2-78—2-84. Reserved.

FOOTNOTE(S):

--- (**19**) ---

**Editor's note—** Article IX, consisting of Sections 2-78—2-84 and pertaining to the hospital department, has been deleted as obsolete. Such article was derived from Ord. No. 57-14, adopted Oct. 2, 1957. Section 2-81 had been repealed by Ord. No. 72-24, § 1, adopted April 4, 1972. Section 2-81 had been amended by Ord. No. 59-42, § 1, adopted Nov. 17, 1959 and Ord. No. 69-15, § 1, adopted Feb. 18, 1969. [(Back)](#BK_3CD9719B1705D766B22B1D47042AE99B)

### ARTICLE X. PARK AND RECREATION DEPARTMENT [[20]](#BK_BE8722E53A3DDC833BDD4D8CE1FF53FC)

[Sec. 2-85. Established; Director as head; appointment; term; employees.](#BK_CAD5A5485F7C28F6CB3CBEC7E203DAC5)

[Sec. 2-86. Functions, powers and duties.](#BK_8F5983D69EC1A5F0449E4D5420EE9A49)

[Sec. 2-86.1. Appointment of litter enforcement officers; qualifications.](#BK_F8E15CAEDF4F787074047C27D6941E82)

[Sec. 2-86.2. Appointment of Park Security Officers; qualifications, powers and duties.](#BK_5C84F9FD1861FDE33CD2E6441293ABCB)

Sec. 2-85. Established; Director as head; appointment; term; employees.

A Department of Parks and Recreation is established. The head of this Department shall be the Director of Parks and Recreation, who shall be appointed by and serve at the will of the Manager. The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager. The Manager shall appoint such employees and other personnel as may be necessary to operate the Department. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 58-27, § 1, 7-8-58)

Sec. 2-86. Functions, powers and duties.

The Department of Parks and Recreation shall administer, manage, operate and care for all real and personal property held or acquired by the County for park, parkway, recreational, sports or cultural purposes, and it shall plan, provide, develop, maintain and operate all parks, recreational, sports and cultural facilities and programs of the park system in a manner so as to provide maximum use and benefit consistent with public safety and welfare in accordance with and consistent to the policy adopted by the County Commission. It shall perform such administrative functions as are directed by the Manager. The Director shall be responsible for the collection, accounting and transfer to the Finance Department of all revenues received through the operation of facilities within the parks in accordance with administrative procedures prescribed by the Manager; supervise and inspect the operations and services of all revenue producing facilities or businesses operated on properties under the care or control of the Department, and enforce the terms of leases and licenses, and with the Manager's approval, make rules and regulations for the use and occupancy and operation of the properties and facilities under the care or control of the Department, and such rules and regulations, when approved by the County Commission, shall have the force and effect of law in the County. The Director, with the approval of the Manager, shall make a uniform schedule of fees for the use of the properties and facilities under the care or control of the Department.

(Ord. No. 58-27, § 2, 7-8-58)

**Annotations—**AO's [4-1](../level3/PTIIICOOR_CH4AMMETRVE_ARTIINGE.docx#PTIIICOOR_CH4AMMETRVE_ARTIINGE_S4-1LEIN), [4-2](../level3/PTIIICOOR_CH4AMMETRVE_ARTIINGE.docx#PTIIICOOR_CH4AMMETRVE_ARTIINGE_S4-2DE), [4-3](../level3/PTIIICOOR_CH4AMMETRVE_ARTIINGE.docx#PTIIICOOR_CH4AMMETRVE_ARTIINGE_S4-3CEPUCONE), [4-7](../level3/PTIIICOOR_CH4AMMETRVE_ARTIINGE.docx#PTIIICOOR_CH4AMMETRVE_ARTIINGE_S4-7RA), 4-28.

**Charter reference—** Authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Sec. 2-86.1. Appointment of litter enforcement officers; qualifications.

The County Director of Parks and Recreation is hereby authorized to designate and appoint such employees of the Department of Parks and Recreation as he deems advisable as litter enforcement officers of the County, solely for the purposes of Section 403.413, Florida Statutes, also known as the Florida Litter Law.

The directors of any municipal park and recreation departments in the County are similarly authorized to designate and appoint such of their employees as they in their discretion deem advisable as litter enforcement officers of the county, solely for the purposes of Section 403.413, Florida Statutes, also known as the Florida Litter Law.

Such employees as are designated and appointed as litter enforcement officers by their respective directors of parks and recreation shall have the following qualifications:

(a) They shall have attended a course of at least five (5) days' duration on the duties of litter enforcement officers jointly given or approved by the directors of the departments of public safety and parks and recreation.

(b) They shall be personally approved and certified by the director of the Miami-Dade Police Department as persons of good moral character and standing in the community, and suited by temperament and learning to be litter enforcement officers of the County.

(Ord. No. 75-105, § 1, 11-18-75; Ord. No. 76-7, § 1, 1-20-76)

**Cross reference—** Littering prohibited ("Miami-Dade Clean County Ordinance"), etc., § 15-6.

Sec. 2-86.2. Appointment of Park Security Officers; qualifications, powers and duties.

(a) The County Director of the Park and Recreation Department is hereby authorized to designate and appoint certain employees of the Park and Recreation Department as Park Security Officers, for the sole purpose of enforcing the Miami-Dade County ordinances, rules and regulations pertaining to the conduct of members of the public in, on and at facilities operated or managed by the Park and Recreation Department.

(b) Park Security Officers shall have the following qualifications:

(1) Satisfactory completion of a course of at least forty (40) hours' duration pertaining to the duties of enforcement officers, which course shall be jointly given by the Directors of the Departments of Public Safety, and Park and Recreation.

(2) Approval and certification by the Director of the Miami-Dade Police Department as persons of good moral character and standing in the community, suited by temperament and learning to be enforcement officers of the County.

(c) Park Security Officers shall while on duty:

(1) Issue citations for violations of County ordinances, rules and regulations pertaining to the conduct of members of the public in, on and at facilities operated or managed by the Park and Recreation Department. Citations shall be on a form approved by the Board of County Commissioners. Fines shall be in amounts approved by the Board of County Commissioners.

(2) Notify the Miami-Dade Police Department immediately when, in their judgment, an arrest or forcible restraint becomes the appropriate response to a situation.

(3) Perform such additional duties as may be prescribed by ordinance or by administrative orders and regulations of the County Manager.

(d) Park Security Officers shall be identified either by special uniform or badge or both. Park Security Officers shall not carry firearms.

(Ord. No. 81-5, § 1, 1-20-81; Ord. No. 97-23, § 1, 3-18-97)

FOOTNOTE(S):

--- (**20**) ---

Annotation—AO 9-1 [(Back)](#BK_2C1B3298F57125676E72DFD22B171A4E)

**Cross reference—** Parks and recreation generally, Ch. 25B; Park and Recreation Department rules and regulations, Ch. 26. [(Back)](#BK_2C1B3298F57125676E72DFD22B171A4E)

### ARTICLE XI. PUBLIC WELFARE DEPARTMENT [[21]](#BK_D85A92A5449D1F9CC73F0C8BA0822C62)

[Sec. 2-87. Established; Director as head; appointment; term; operating procedures.](#BK_46202AA20FC2635CFDA9B9543408D78F)

[Sec. 2-88. Powers and duties.](#BK_786F98E8F3EB875364C69E0B8D997173)

[Sec. 2-88.1. Lien on property of welfare recipients—Created.](#BK_1300EA435BC3A3908674F6420F8B17A6)

[Sec. 2-88.2. Same—Persons presently receiving benefits.](#BK_A4620286383EDC780233303F26FA0994)

[Sec. 2-88.3. Same—Effective date; superiority; filing.](#BK_5D88849B567732AF987A302487B3B186)

[Sec. 2-88.4. Same—Foreclosure.](#BK_C9ADEE9A34BD5CF1FE1C59CD6AB5EA9F)

[Sec. 2-89. County home for aged and infirm.](#BK_6F1830D5CD206DE5A74249DA348297F6)

[Sec. 2-90. County children's home.](#BK_94F4ACE786F5677498750AB190EC21AF)

Sec. 2-87. Established; Director as head; appointment; term; operating procedures.

A Public Welfare Department is established. The head of the Department is the Director of Public Welfare who shall be appointed by the Manager and shall serve at the Manager's will. The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager. The Manager shall appoint such employees and other personnel as may be necessary to operate the Department. The salaries and compensation of all personnel, except employees in the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 57-5, § 11.02, 8-27-57)

**Charter reference—** For authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Sec. 2-88. Powers and duties.

The Public Welfare Department shall:

(1) Administer public assistance and care and child welfare programs.

(2) Operate County welfare institutions for children, the aged and the infirm.

(3) Accumulate and analyze data concerning the volume, nature, and cost of welfare programs, assemble data for State and national reporting systems, serve as liaison between the County and the reporting units of other public and privately sponsored welfare organizations, and conduct special research studies of welfare problems, programs and activities.

(4) Inform the public of the operations and programs of the Department.

(5) Perform specialized case work directed toward returning persons to self-support or self-care; provide employment and placement services; and be responsible for the conduct of a rehabilitation program for recipients of welfare services.

(6) Administer programs of financial aid and care for families and unattached individuals in need, supplemental aid to persons on State public assistance or awaiting eligibility for State grants, and aid and service to nonresidents; certify eligibility for hospital care under the State hospital aid program.

(7) Administer a program of assistance and care to adults and the aged; provide housekeeper and homemaker services, place adults and the aged in foster family homes; provide placement in boarding and nursing homes, including placement in voluntary nonprofit institutions, and certify cases for admission to the County home for the aged and infirm.

(8) Accept for shelter in the Home for Dependent Children, maintained and operated by the County, any children who are referred to it by the Juvenile and Domestic Relations Court.

(9) Administer programs of housekeeper, homemaker, and day care services to children in their own homes where necessary and advisable as an alternative to placement in foster homes.

(10) Place children in foster homes both directly and through voluntary agencies and the State Department of Public Welfare; provide adoption services, and place children needing special treatment or care in the County children's home or with other group care agencies.

(Ord. No. 57-5, §§ 11.01, 11.06—11.09, 8-27-57)

Sec. 2-88.1. Lien on property of welfare recipients—Created.

Any person requesting or receiving public assistance or other welfare payments from Miami-Dade County funds shall agree to creation of a lien in favor of Miami-Dade County upon any real property then owned or later acquired by him. Before any application for such assistance or payments are approved any applicant owning real estate shall execute an agreement for lien in a form prescribed by the Miami-Dade County Department of Public Welfare. Such form shall describe with particularity any real property owned by the applicant and shall be executed in the presence of two (2) subscribing witnesses and acknowledged in the same manner as a mortgage.

(Ord. No. 59-11, § 1, 5-19-59)

**Editor's note—**

Sections [2-88.1](../level3/PTIIICOOR_CH2AD_ARTXIPUWEDE.docx#PTIIICOOR_CH2AD_ARTXIPUWEDE_S2-88.1LIPRWERERE) through [2-88.4](../level3/PTIIICOOR_CH2AD_ARTXIPUWEDE.docx#PTIIICOOR_CH2AD_ARTXIPUWEDE_S2-88.4SAOR) are derived from Ord. No. 59-11, §§ 1 through 4 adopted May 19, 1959. Ord. No. 60-1 declared Ord. No. 59-11 to be amendatory to this Code.

Sec. 2-88.2. Same—Persons presently receiving benefits.

Any person presently [[22]](#BK_4AEBCE0DE5566515E23D56D7EE005CC7) receiving the public assistance or other welfare payments aforesaid who now owns or hereafter acquires real estate, in order to be eligible for benefits to be paid on or after September 1, 1959, shall execute an agreement for lien in the same form as prescribed hereinabove; provided, however, that such lien shall secure only those payments made to the recipient on or after September 1, 1959.

(Ord. No. 69-11, § 2, 5-19-59)

**Note—**See editor's note following [§ 2-88.1](../level3/PTIIICOOR_CH2AD_ARTXIPUWEDE.docx#PTIIICOOR_CH2AD_ARTXIPUWEDE_S2-88.1LIPRWERERE)

Sec. 2-88.3. Same—Effective date; superiority; filing.

The lien created hereunder shall be effective from the date the agreement for lien is filed in the Office of the Clerk of the Circuit Court in the County in which real property owned by the recipient is located. Such lien shall secure the principal amount of all assistance paid from Miami-Dade County funds on or after September 1, 1959, whether paid before or after execution and filing of the agreement of lien. Said agreement shall be filed and cross-indexed in the same manner as other liens or judgments of record and if the property is located within Miami-Dade County the Clerk shall file such notice without cost to Miami-Dade County. Such agreement for lien shall be filed in each county in which a recipient owns real property. Such lien shall be superior to all subsequent liens except that the Miami-Dade County Welfare Director shall have authority to subordinate any lien created hereunder to a mortgage or lien created against the property of a recipient for necessary repairs or improvements to such property, and shall have authority to enter into an agreement with appropriate federal or State authorities claiming reimbursement for public assistance payments made pursuant to Chapter 409, Florida Statutes, to divide the lien proceeds, after deduction of costs, in proportion to contributions made by the United States, the State of Florida, and Miami-Dade County.

(Ord. No. 59-11, § 3, 5-19-59)

**Note—**See editor's note following [§ 2-88.1](../level3/PTIIICOOR_CH2AD_ARTXIPUWEDE.docx#PTIIICOOR_CH2AD_ARTXIPUWEDE_S2-88.1LIPRWERERE)

Sec. 2-88.4. Same—Foreclosure.

Liens created hereunder shall be foreclosed in the same manner provided for foreclosure of mortgages, except that no deficiency decree shall be entered. The lien created hereunder shall not be a debt of the recipient of assistance nor a charge against his personal property. Such lien may not be foreclosed during the occupancy of the real property by the recipient, a surviving spouse, by any minor dependent child, or by a dependent adult child of such recipient who is incapable of self support because of total mental or physical disability.

(Ord. No. 59-11, § 4, 5-19-59)

Sec. 2-89. County home for aged and infirm.

The County home for the aged and infirm shall provide group care for adults unable to provide self-care. Admission to the home shall be prescribed by the Director.

(Ord. No. 57-5, § 11.10, 8-27-57)

Sec. 2-90. County children's home.

The County children's home shall provide group care of children requiring special care in a group setting. Admission to the home shall be prescribed by the Director.

(Ord. No. 57-5, § 11.11, 8-27-57)

FOOTNOTE(S):

--- (**21**) ---

Annotation—AO 9-1 [(Back)](#BK_A14684C95BAB4E3D2A20511770713E4A)

--- (**22**) ---

**Editor's note—** The Ord. from which this section is derived was adopted May 19, 1959. [(Back)](#BK_E544B4B95CFF3866EDAF44CF8866CC91)

### ARTICLE XII. Miami-Dade POLICE DEPARTMENT [[23]](#BK_F5BE20D93ECD3FF8F3EDFA36EE37373E)

[Sec. 2-91. Established; Director as head, appointment, term; organization and operating procedures; appointment, compensation of personnel; psychological testing of personnel.](#BK_962814309B84FC800922672AEAF1DB04)

[Sec. 2-92. Powers and duties generally.](#BK_3A81AC4460A92552D7B9E5D88A8C035C)

[Sec. 2-92.1. Docketing and service of process in civil cases, surfees.](#BK_F2DDCEB0806391E3904FFE4BD7D6F437)

[Sec. 2-92.2. Availability of records to public.](#BK_5C6437680A2E927BB11AAD2D0BEEAA89)

[Sec. 2-93. Reserved.](#BK_417287845A4B2216202759EACD129FA0)

[Sec. 2-94. Consolidation of County departments.](#BK_91E6A22A490A39235EAEF5C5FBBE43BB)

[Sec. 2-94.1. Law Enforcement Services Regarding Investigations of Criminal Violations of Law by the County Mayor and County Commissioner and Investigations of Public Corruption By Non-elected County Officials and Employees.](#BK_94EBD5A5E7202F5AE4CF9995020731D3)

Sec. 2-91. Established; Director as head, appointment, term; organization and operating procedures; appointment, compensation of personnel; psychological testing of personnel.

(a) A Miami-Dade Police Department is hereby established.

(b) The head of this Department shall be the Miami-Dade Police Director who shall also be known by the title of Metropolitan Sheriff. The Director shall be appointed by and serve at the will of the Manager.

(c) The organization and operating procedures of the Department shall be described in administrative orders and regulations of the Manager.

(d) The Manager shall appoint such employees and other personnel as may be necessary to operate the Department. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(e) The County Manager, or his designee, shall within a reasonable time adopt rules or regulations for the formulation and implementation of valid and relevant psychological testing to be required of all applicants for employment as Police Officers in the Miami-Dade Police Department, and said rules or regulations shall further authorize such psychological testing of officers presently employed as shall be considered by the Manager upon the advice of the Miami-Dade Police Department and Director to be conducive to effective law enforcement and sound community relations.

(Ord. No. 58-15, § 6.01, 5-6-58; Ord. No. 80-5, § 1, 1-22-80; Ord. No. 81-87, § 1, 7-21-81)

**Editor's note—**

Ord. No. 80-5, § 1, adopted Jan. 22, 1980, did not expressly amend this Code. For purposes of classification, and at his discretion, the editor has added subsection designations (a)—(d) to [§ 2-91](../level3/PTIIICOOR_CH2AD_ARTXIIMIDEPODE.docx#PTIIICOOR_CH2AD_ARTXIIMIDEPODE_S2-91ESDIHEAPTEOROPPRAPCOPEPSTEPE) as derived from Ord. No. 58-15 and added § 1 of Ord. No. 80-5 as [§ 2-91](../level3/PTIIICOOR_CH2AD_ARTXIIMIDEPODE.docx#PTIIICOOR_CH2AD_ARTXIIMIDEPODE_S2-91ESDIHEAPTEOROPPRAPCOPEPSTEPE)(e).

Sec. 2-92. Powers and duties generally.

The Miami-Dade Police Department shall:

(a) Preserve the public peace, prevent crime, detect and arrest offenders, protect the rights of persons and property, and regulate and control traffic in accordance with the laws of this State and the ordinances of this County.

(b) Have all powers and perform all duties, powers and functions formerly exercised by the Sheriff of this County.

(c) Reserved.

(d) Recruit and provide training for Department personnel.

(e) Provide central records, investigation, and communications of police protection and require each municipality to furnish the department with all police records prescribed by the Director.

(f) [Reserved].

(g) Provide police protection in the unincorporated areas of the County.

(h) Perform such additional duties as may be prescribed by ordinance or by administrative orders and regulations of the Manager.

(i) Charge and collect a fee for administrative services rendered for or on behalf of any person by furnishing copies of background investigations, photographs taken or processed by it, accident reports, and any other reports authorized to be furnished to members of the public; provided that a schedule of the type and amount of fees to be charged will be established in accordance with an administrative order governing the setting of such fees pursuant to Section 4.02 of the Miami-Dade County Charter. Any and all fees charged and collected by the Miami-Dade Police Department prior to enactment of this subsection [May 21, 1975], for the furnishing of those items enumerated in this subsection are hereby ratified, approved and declared to have been legal, proper and authorized.

(Ord. No. 58-15, § 6.02, 5-6-58; Ord. No. 60-26, §§ 1, 2, 9-20-60; Ord. No. 66-37, §§ 9—11, 9-7-66; Ord. No. 68-79, § 2, 12-17-68; Ord. No. 72-60, § 1, 9-19-72; Ord. No. 75-32, § 1, 5-21-75; Ord. No. 81-87, § 1, 7-21-81)

**Annotation—**AO's 4-32, 4-33.

Sec. 2-92.1. Docketing and service of process in civil cases, surfees.

(A) The Miami-Dade Police Department in civil cases shall charge fixed surfees for docketing and service of process as prescribed by State statute, as may be amended from time to time.

(1) Evictions: As permitted by State statute 83.62, in addition to prescribed State fee, a fee shall be established by the Miami-Dade Police Department and charged for service of each writ of possession for the first one-half hour during which a police officer must remain at the location of the eviction while the personal property of the tenant is removed. A charge for additional time of the police officer shall also be established by the Miami-Dade Police Department, and charged when the officer remains beyond the one-half hour period.

(B) All surfees established by this section shall be nonrefundable and shall be deposited monthly into the fine and forfeiture fund of the County, in accordance with Section 30.231(4) and (5), Florida Statutes.

(Ord. No. 77-82, §§ 1, 2, 11-15-77; Ord. No. 81-87, § 1, 7-21-81; Ord. No. 90-41, § 1, 5-1-90; Ord. No. 99-113, § 1, 9-9-99)

**Editor's note—**

Ord. No. 77-82, §§ 1, 2, adopted Nov. 15, 1977, did not expressly amend the Code; hence, inclusion herein as [§ 2-92.1](../level3/PTIIICOOR_CH2AD_ARTXIIMIDEPODE.docx#PTIIICOOR_CH2AD_ARTXIIMIDEPODE_S2-92.1DOSEPRCICASU) is at the discretion of the editor.

Sec. 2-92.2. Availability of records to public.

(a) *Files of internal investigations; procedures generally.* The Miami-Dade Police Department shall designate a place where records or files of investigations conducted by the internal review section of the Miami-Dade Police Department shall be kept and maintained; the location thereof shall be disseminated to the public, and the public shall have free access thereto during normal business hours. Sufficient qualified personnel shall be assigned to such location to assist in locating and producing any such record or file for inspection or copying by any person making request therefor. Photographic copies of any such file or record, or portion thereof, shall be provided to any person upon request and upon payment by such person of the actual cost of duplication. All other expenses shall be borne by the County.

(b) *Officer profiles.* The Miami-Dade Police Department shall compile a profile on each officer in alphabetical order by name. Such profile shall indicate each and every commendation received by each officer and shall identify every complaint against the officer where the identity of the complainant is known. Such complaints shall be identified by the name of the complainant, nature of the complaint and case file number and indicate the disposition. This profile shall be available to the public pursuant to the provisions of subsection (a) of this section.

(c) *Records not available.* All public records exempt from statutory disclosure requirements by Florida Statutes, subsections 119.07(3), (4), and (5), as defined by Florida Statutes, subsections 119.011(3) and (4), shall be exempt from provisions of subsection (a) of this section.

(Ord. No. 80-4, § 3, 1-22-80; Ord. No. 81-87, § 1, 7-21-81)

**Editor's note—**

Ord. No. 80-4, §§ 1—3, adopted Jan. 22, 1980, did not expressly amend this Code; hence, codification as [§ 2-92.2](../level3/PTIIICOOR_CH2AD_ARTXIIMIDEPODE.docx#PTIIICOOR_CH2AD_ARTXIIMIDEPODE_S2-92.2AVREPU) is at the discretion of the editor.

**State law reference—** Public records, F.S. Ch. 119.

Sec. 2-93. Reserved.

**Editor's note—**

[Section 2-93](../level3/PTIIICOOR_CH2AD_ARTXIIMIDEPODE.docx#PTIIICOOR_CH2AD_ARTXIIMIDEPODE_S2-93RE) has been deleted as obsolete. Such section abolished the Office of County Sheriff and transferred the powers, duties, etc., of same to the Miami-Dade Police Department. Such section was derived from Ord. No. 58-15, [§ 6.03](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.03MUCH), adopted May 6, 1958 and Ord. No. 81-87, adopted July 21, 1981.

Sec. 2-94. Consolidation of County departments.

The Miami-Dade Police Department shall be vested with sole and exclusive responsibility for performance of the powers, duties and functions hereinabove enumerated except as otherwise provided by [Section 2-95](../level3/PTIIICOOR_CH2AD_ARTXIIITRTRDE.docx#PTIIICOOR_CH2AD_ARTXIIITRTRDE_S2-95SHTI) of the Code of Miami-Dade County. All such powers, duties and functions heretofore performed by other County departments, agencies and officials are hereby transferred to the Miami-Dade Police Department, and all County departments and agencies whose activities are confined solely to performance of the powers, duties and functions hereby vested exclusively in the Miami-Dade Police Department are hereby abolished and all their equipment transferred to this Department.

(Ord. No. 58-15, § 6.04, 5-6-58; Ord. No. 81-87, § 1, 7-21-81; Ord. No. 07-48, § 1, 3-8-07)

Sec. 2-94.1. Law Enforcement Services Regarding Investigations of Criminal Violations of Law by the County Mayor and County Commissioner and Investigations of Public Corruption By Non-elected County Officials and Employees.

(a) Upon the execution of a memorandum of understanding (MOU) with the Miami-Dade State Attorney's Office, the Florida Department of Law Enforcement ("FDLE") or other appropriate law enforcement agency, the Miami-Dade Police Department ("MDPD") shall make its personnel and financial resources available to the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency to conduct investigations of the violation of criminal law by the County Mayor and/or County Commissioners subject to the limitations imposed herein;

(b) "violation of criminal law" as used herein shall be defined as the violation of any of the laws of the United States, the State of Florida or the Ordinances of Miami-Dade County that provide for a criminal penalty including but not limited to violations of law that constitute public corruption as defined herein.

(c) "Public corruption" as used herein shall be defined to include:

(1) a "breach of the public trust" as defined in §112.312(3), Florida Statutes;

(2) all of the crimes within the definition of "specified offense" set forth in §112.3173, Florida Statutes; and

(3) a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance codified at [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(d) The term "County Mayor" and "County Commissioners" as used herein shall be defined in the same manner as the term "commissioners" is defined in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(e) The term "employees" and "officials" as used herein shall be defined to include:

(1) the following persons as defined in [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County:

(a) "autonomous personnel",

(b) "quasi-judicial personnel",

(c) "advisory personnel",

(d) "departmental personnel", and

(e) "employees"; and

(2) the President, Board of Trustees and employees of the Public Health Trust of Miami-Dade County, Florida.

(f) The MDPD Director is hereby authorized and directed to negotiate memoranda of understanding (MOU) with the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency that provides for such agency other than MDPD to: (1) serve as the lead investigative law enforcement agency to investigate the violation of criminal law by the County Mayor or Commissioners, and (2) to participate in MDPD public corruption investigations of County employees and officials. Upon completion of such negotiation, the MDPD Director shall present such MOU to the Board of County Commissioners for approval by the Board of County Commissioners and, if approved, for execution by the Mayor.

(g) Upon the execution of an MOU with the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency as authorized herein, if MDPD is requested to investigate a violation of criminal law involving the County Mayor or Commissioners or otherwise becomes aware of a possible violation of criminal law involving the County Mayor or Commissioners, MDPD shall refer such matter to the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency pursuant to such MOU. In such event, MDPD shall make its personnel and financial resources available to the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency pursuant to such MOU, but MDPD shall not be the lead investigative agency responsible for the manner in which such investigation is conducted and concluded.

(h) Upon the execution of an MOU with the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency as authorized herein, if MDPD is requested to investigate otherwise becomes aware of a possible public corruption matter involving County officials or employees, MDPD shall be required to include the Miami-Dade State Attorney's Office, the FDLE or other appropriate law enforcement agency as a participant in such investigation pursuant to such MOU.

(i) The requirements of this section shall only apply to investigations commenced after the effective date of this section.

(Ord. No. 07-48, § 2, 3-8-07)

**Editor's note—**

Ord. No. 07-48, § 1, adopted March 8, 2007, amended the Code with the addition of a new [§ 2-95](../level3/PTIIICOOR_CH2AD_ARTXIIITRTRDE.docx#PTIIICOOR_CH2AD_ARTXIIITRTRDE_S2-95SHTI). In order to avoid duplication of section numbers, the provisions of said ordinance have been included herein as [§ 2-94.1](../level3/PTIIICOOR_CH2AD_ARTXIIMIDEPODE.docx#PTIIICOOR_CH2AD_ARTXIIMIDEPODE_S2-94.1LAENSEREINCRVILACOMACOCOINPUCONECCOOFEM) at the discretion of the editor.

FOOTNOTE(S):

--- (**23**) ---

**Editor's note—** Section 1 of Ord. No. 81-87, adopted July 21, 1981, changed the name of the public safety department to the Miami-Dade Police Department. [(Back)](#BK_DC525D86FE1EAB5DBFF2BB6D0AFFEBA4)

Annotations—AO's 7-9, 9-1 [(Back)](#BK_DC525D86FE1EAB5DBFF2BB6D0AFFEBA4)

**Cross reference—** Police relief and pension fund, § 23-11 et seq. [(Back)](#BK_DC525D86FE1EAB5DBFF2BB6D0AFFEBA4)

**State Law reference—** Law enforcement training, F.S. § 943.085 et seq. [(Back)](#BK_DC525D86FE1EAB5DBFF2BB6D0AFFEBA4)

### ARTICLE XIII. TRAFFIC AND TRANSPORTATION DEPARTMENT [[24]](#BK_BA667B85740CD31A431118DC27E0F5D7)

[Sec. 2-95. Short title.](#BK_DE490932029A34C067E407B717384DCD)

[Sec. 2-95.1. Traffic and Transportation Department created; duties, powers.](#BK_65B1EA2EB0A164CCB8CBE3D7A2AE330F)

[Sec. 2-96. Powers of Traffic Engineer assumed by Department.](#BK_42AB08BEE6DB20D5E21BEA8D7F035462)

[Sec. 2-96.1. Jurisdiction declared exclusive; tampering with control devices prohibited.](#BK_F8344C05330343B979FEB1C37EE4C033)

[Sec. 2-97. Limitations on jurisdiction over parking, parking meters.](#BK_33857456283A171F8E858F653AF82F99)

[Sec. 2-97.1. Jurisdiction over street lighting limited to unincorporated areas.](#BK_BB14651CD144335C6D846BE3899E412F)

[Sec. 2-98. Existing control devices declared effective until changed.](#BK_811905216D8042FF2226B814057934E3)

[Sec. 2-98.1. Director designated head; organization; administration; personnel.](#BK_B658CFC5FCBD73FE5F8A5357A1F0ACD1)

[Sec. 2-98.2. Violations; signs must be legible; enforcement by municipal police; jurisdiction of metropolitan court.](#BK_CCED2F50532F5E37D10B2947B5A3F86F)

[Sec. 2-98.3. Reserved.](#BK_E2968480E6EF86BD9320FA93A80F984F)

Sec. 2-95. Short title.

This article shall be known and may be cited as the "Miami-Dade County Traffic and Transportation Department Article."

(Ord. No. 60-25, § 1, 9-6-60)

Sec. 2-95.1. Traffic and Transportation Department created; duties, powers.

There is hereby created and established the Miami-Dade County Traffic and Transportation Department.

The Traffic and Transportation Department is hereby empowered and shall have the duty and responsibility to perform, under the administrative direction and supervision of the County Manager, and in accordance with policies adopted by the Board of County Commissioners, the following functions:

(a) *Master plan.* To provide, develop, maintain, improve, implement and enforce a comprehensive master plan for the control, regulation and appropriate movement of traffic for Miami-Dade County, Florida, including both the incorporated and unincorporated areas thereof.

(b) *Traffic-control devices.* The planning, installation, operation and maintenance of all traffic control devices, including but not limited to, traffic signals, signs, markings and street name signs on all public streets.

(c) *Street uses, traffic regulations.* To determine and designate arterial streets, residential streets, parkways, play streets, bus streets, scenic routes, bus routes, truck routes, one-way streets, alleys, service roads, speed zones, stop signs, crosswalks, safety zones, truck loading zones, passenger loading zones, taxi zones, bus loading zones, no-parking zones, restricted parking zones, time limit parking zones, school crossing zones, automatic signal devices, pedestrian signals, channelization, pavement markings, warning signs, yield right-of-way signs, advisory speed signs, turn restrictions, regulation and routing of overweight vehicles.

(d) *Traffic engineering.* The Department shall have exclusive jurisdiction in respect to all matters of traffic engineering within the territorial areas of Miami-Dade County, subject only to the jurisdiction of the state road department in respect to state highways. For the purposes of this article, "traffic engineering" shall mean that phase of engineering which deals with the planning and geometric design of streets, highways, roads, alleys, or other places used for travel or parking of motor vehicles, and abutting lands, and with traffic operation thereon, as the use thereof is related to the safe, convenient, economical and feasible transportation of persons and goods.

(e) *Designation of lanes.* To mark lanes upon the roadway of any street where it is deemed and determined that regular alignment of traffic is necessary in the interest of safety and efficiency, including no-passing lanes designated and indicated by double yellow lines. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle, where permitted, or preparatory to making a lawful turning movement.

(f) *Promulgation of regulations; control device testing.* The department is hereby empowered to make all regulations necessary to effectuate the provisions of this article and the provisions of [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) of this Code, and to make temporary or experimental regulations, consistent with this article, to cover emergencies or special conditions. No such traffic regulation shall be effective or in force and effect until and unless adequate signs, signals or other notices or warnings are erected clearly indicating such regulation. The department may test traffic control devices under actual conditions of traffic.

(g) *Municipal traffic markings.* The department shall assume full responsibility for the operation, maintenance and replacement of all existing signs signals, and markings now in use in the several municipalities, provided that the Traffic Director may at his discretion remove, change, or replace any such installation.

(h) *All night parking.* The Traffic Director shall have the power and authority to prohibit all night parking upon any public street or portion thereof, and to prohibit the all night parking of trucks or other vehicles bearing commercial signs or advertising upon public streets in residential areas, and cause to be erected signs or markings giving notice of such traffic regulations, whenever such prohibition is necessary in the interest of public safety.

(i) *General.* It shall be the general duty of the Department to plan and determine the installation and proper timing of all traffic control devices; to plan and direct the operation and movement of traffic on all public streets within Miami-Dade County; to conduct investigations of traffic conditions; to cooperate with other county, municipal and state officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets; and to perform duties and functions necessary to provide traffic engineering on a County-wide basis, commensurate with the provisions of this article.

(Ord. No. 60-25, §§ 2, 3, 9-6-60)

Sec. 2-96. Powers of Traffic Engineer assumed by Department.

In addition to the powers, duties, and functions hereinabove vested in the Traffic and Transportation Department, such Department shall have and exercise all powers conferred upon the County Traffic Engineer by the provisions of [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) of this Code, not inconsistent with the provisions of this article.

(Ord. No. 60-25, § 4, 9-6-60)

Sec. 2-96.1. Jurisdiction declared exclusive; tampering with control devices prohibited.

From and after September 16, 1960, all traffic engineering services shall be performed by the traffic and transportation department, and such department shall have exclusive jurisdiction over all traffic control devices in both the incorporated and unincorporated areas of the county, and shall have exclusive jurisdiction to exercise the powers, duties and functions set forth herein. All municipalities in Miami-Dade County are prohibited from exercising any such powers, duties and functions, and shall not interfere with the performance thereof by said county department; provided, however, that the County Manager or designee, in his/her sole discretion, may authorize municipalities, which desire and are equipped and able to perform certain traffic engineering functions, to assume, together with all liability and without additional cost to the County, through an individual Intergovernmental Agency Agreement, and for local municipal streets only, the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, markings and barricades, pavement markings, traffic maintenance and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement. The Department shall, however, retain exclusive jurisdiction over the permanent closure of access to any road or street. It shall be unlawful for any person, firm, corporation, or other legal entity, including municipal corporations, to change, modify, install, remove, damage, deface or destroy any traffic control device, unless authorized to do so by the traffic and transportation department, or by an Intergovernmental Agency Agreement.

(Ord. No. 60-25, § 9, 9-6-60; Ord. No. 06-55, § 1, 4-25-06)

Sec. 2-97. Limitations on jurisdiction over parking, parking meters.

The Department shall not have any jurisdiction, power or authority in respect to offstreet parking in any municipality, unless requested to assume jurisdiction thereof by appropriate resolution adopted by the governing body of the municipality. The Department shall have exclusive jurisdiction in respect to the installation, location and regulation of parking meters only within the unincorporated areas of the County. The Department shall have exclusive jurisdiction over the installation, location and regulation of parking meters and parking within the boundaries of any municipality only in respect to public roads designated as arterial streets by the Traffic Director and shown upon appropriate maps prepared by and signed by the Traffic Director and furnished to the municipalities affected thereby, unless requested to assume jurisdiction of parking meters and parking on other municipal streets by appropriate resolution adopted by the governing body of the municipality.

(Ord. No. 60-25, § 5, 9-6-60)

Sec. 2-97.1. Jurisdiction over street lighting limited to unincorporated areas.

The installation and maintenance of street lighting devices and facilities within the boundaries of any municipality is hereby declared to constitute a municipal function, and shall be performed and accomplished by each municipality. The powers, duties and functions of the traffic and transportation department shall be limited to street lighting within the unincorporated areas of Miami-Dade County.

(Ord. No. 60-25, § 8, 9-6-60)

Sec. 2-98. Existing control devices declared effective until changed.

All traffic control devices installed, existing, operated or in force and effect on September 16, 1960, shall remain in full force and effect and shall be observed, complied with and obeyed, until modified, changed or removed by the Traffic and Transportation Department.

(Ord. No. 60-25, § 6, 9-6-60)

Sec. 2-98.1. Director designated head; organization; administration; personnel.

The head of this Department shall be the direction of the Traffic and Transportation Department, who shall be appointed by and serve at the will of the County Manager. The organization and operating procedures of the Department shall be prescribed by administrative orders and regulations of the County Manager. The County Manager shall appoint such employees and other personnel as may be necessary to efficiently operate the department, except that personnel within the classified service shall be employed in accordance with controlling civil service rules and regulations. The salaries and compensation, except for employees within the classified service, shall be fixed and established by resolution adopted by the County Commission upon recommendation of the County Manager. All transfers of municipal employees and municipal equipment, property, material and supplies shall be accomplished in accordance with the controlling provisions of the charter, subject to budget limitations, and in accordance with policies adopted by the County Commission.

(Ord. No. 60-25, § 7, 9-6-60)

**Cross reference—** Authority of manager to promulgate orders, rules and regulations and to prescribe the organization and operating procedures of departments, § 4.02.

Sec. 2-98.2. Violations; signs must be legible; enforcement by municipal police; jurisdiction of metropolitan court.

It shall be unlawful for any person to violate, ignore, or fail to observe or obey any traffic-control device, sign, marking or traffic regulation provided for herein, provided that no provisions of this article for which signs or markings are required shall be enforced against an alleged violator, if at the time and place of the alleged violation an official sign or marking was not sufficiently legible to be seen by an ordinarily observant person. It shall be the duty of all municipal police officers to enforce the provisions of this article, applicable to traffic-control devices, signs and markings, within the municipality wherein they are employed, and all violations thereof shall be prosecuted in the metropolitan court.

(Ord. No. 60-25, § 10, 9-6-60)

Sec. 2-98.3. Reserved.

**Editor's note—**

Ord. No. 68-70, § 1, enacted Nov. 19, 1968, repealed former [§ 2-98.3](../level3/PTIIICOOR_CH2AD_ARTXIIITRTRDE.docx#PTIIICOOR_CH2AD_ARTXIIITRTRDE_S2-98.3RE) which derived from Ord. No. 62-31, § 3, enacted July 17, 1962, which transferred the functions of the Miami-Dade County Traffic and Transportation Department to the Public Works Department as a branch thereof.

FOOTNOTE(S):

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**Editor's note—** Prior to the reinclusion of Ord. No. 60-25 as Art. XIII, former Art XIII, relative to the Traffic and Transportation Department had derived from Ord. No. 57-28, §§ 20.01—20.05, enacted Dec. 10, 1957. Provisions relative to nuisance abatement which were previously designated as Art. XIII, §§ 2-95—2-98.3 have been redesignated as Art. XIIIA, §§ 2-98.4—2-98.10 hereof. [(Back)](#BK_C89E890D8B87E013FB37844E08BB53F2)

**Cross reference—** Transportation master plan adopted, § 2-115.4; traffic and motor vehicles, Ch. 30. [(Back)](#BK_C89E890D8B87E013FB37844E08BB53F2)

### ARTICLE XIIIA. NUISANCE ABATEMENT [[25]](#BK_5AECE06797AD8C0765C79F9839ED1BCE)

[Sec. 2-98.4. Legislative findings and intent.](#BK_3DD68401FD9AD59D23298CEB03DEAB9F)

[Sec. 2-98.5. Definitions.](#BK_8702E90B73353BC57B02B8E231C72353)

[Sec. 2-98.6. Operating procedure.](#BK_39780B1901891D6CCF9632C20C3289CA)

[Sec. 2-98.7. Public Nuisance Abatement Board.](#BK_834B35CD33567B902F36B50401BD24BD)

[Sec. 2-98.8. Costs.](#BK_97AA38546D7E8379D9B788E9B5758599)

[Sec. 2-98.9. Appeals.](#BK_5BD6C644171EBCE393EC62B53E4058DC)

[Sec. 2-98.10. Rights preserved.](#BK_50327053D1415EDE1AB49307881C9C0B)

Sec. 2-98.4. Legislative findings and intent.

This article [Ordinance No. 92-42] is enacted pursuant to the provisions of the Miami-Dade County Home Rule Charter and Florida Statute, Section 893.138, as it may be renumbered or amended from time to time, and shall be known and may be cited as the "Miami-Dade County Public Nuisance Abatement Ordinance."

The Board of County Commissioners of Miami-Dade County, hereby finds and declares that any places or premises which are used as the site of the unlawful sale or delivery of controlled substances, prostitution, youth and street gang activity, gambling, illegal sale or consumption of alcoholic beverages, or lewd or lascivious behavior, may be a public nuisance that adversely affects the public health, safety, morals, and welfare. This Board also finds that abating the public nuisance which results from said criminal activity is necessary to improve the quality of life of the residents of Miami-Dade County and that said abatement will safeguard the public health, safety, and welfare.

This article is hereby declared to be remedial and essential to the public interest and it is intended that this article be liberally construed to effect the purposes as stated above. The provisions of this article and the standards set forth herein shall be applicable only to the unincorporated areas of Miami-Dade County, Florida.

The provisions of this article shall be cumulative and supplemental to and not in deregation of any provision of the Florida Statutes, the Code of Miami-Dade County, or any other applicable law.

(Ord. No. 92-42, § 1, 5-19-92)

Sec. 2-98.5. Definitions.

For the purpose of this article the following definitions shall apply:

*Public nuisance:* Any place or premise which has been used on more than two (2) occasions within a twelve-month period:

(1) As the site of the unlawful sale or delivery of controlled substances, or

(2) By a youth and street gang for the purpose of conducting a pattern of youth and street gang activity, or

(3) For prostitution, or solicitation of prostitution, or

(4) For illegal gambling, or

(5) For the illegal sale or consumption of alcoholic beverages, or

(6) For lewd or lascivious behavior, or

(7) Any premise or place declared to be a nuisance by Florida Statute, Section 823.05 or Section 823.10 as they may be renumbered or amended from time to time.

(Ord. No. 92-42, § 2, 5-19-92; Ord. No. 95-104, § 1, 6-20-95)

Sec. 2-98.6. Operating procedure.

Any employee, officer or resident of Miami-Dade County may file a complaint and request for prosecution with the Miami-Dade County Public Nuisance Abatement Board regarding the existence of a public nuisance located within Miami-Dade County. Said complaint shall be filed with the Director of the Miami-Dade Police Department, or his designee. Upon the filing of more than two (2) complaints on any particular place or premises, the Director or his designee shall mail written notice of such complaints by certified mail with return receipt to the owner of the place or premises complained of at the owner's address as shown in the Miami-Dade County property tax collector's file. Said notice shall provide for the owner of the place or premises to contact the Director or his designee within fourteen (14) days of receipt of the notice. This time period shall be allowed for the purpose of allowing the owner to take such good faith measures as are appropriate to abate the nuisance. The Director or his designee may extend the fourteen (14) days to allow the owner to institute or continue actions to abate the nuisance provided the actions are reasonable. In the event the owner fails to respond to Notice of Complaint or fails to take reasonable action to abate the nuisance, the Director or his designee shall schedule a hearing on the complaint before the Miami-Dade County Public Nuisance Abatement Board, and written notice of said hearing shall be by certified mail with return receipt to the owner of the premises and the complaintant at least ten (10) days prior to the scheduled hearing.

The aforesaid notice of hearing shall include:

(a) A statement of the time, place and nature of the hearing;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and ordinances involved;

(d) A short and plain statement summarizing the incidents complained of.

(Ord. No. 92-42, § 3, 5-19-92)

Sec. 2-98.7. Public Nuisance Abatement Board.

The Miami-Dade County Public Nuisance Abatement Board is hereby created and established. The Board shall consist of nine (9) members with one member appointed by each County Commissioner.

(a) *Qualification of members.* The composition and representative membership of the Board shall be as follows:

(1) All members shall reside in the unincorporated areas of Miami-Dade County.

(2) One (1) member shall be a law enforcement officer as defined in Florida Statutes, Section 943.10 who is retired or inactive and who is not employed by Miami-Dade County.

(3) One (1) member shall be an attorney practicing law in Miami-Dade County and a members in good standing of the Florida Bar.

(4) Eleven (11) members of the general public, who possess outstanding reputations for civic pride, integrity, responsibility and business or professional ability, with interest or experience in abating public nuisances.

(b) *Terms of office.* The initial appointments to the Board shall be as follows: Seven (7) members shall be appointed for the term of one year, six (6) members shall be appointed for the term of two (2) years. Thereafter all appointments shall be made for the term of two (2) years. No members shall serve more than three (3) consecutive terms or seven (7) years. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office. A member may be removed with or without cause by the affirmative vote of not less than a majority of the entire County Commission. Should any member of the Board fail to attend three (3) consecutive meetings without due cause, the chairperson shall certify the same to the County Commission. Upon such certification, the member shall be deemed to have been removed and the County Commission shall fill the vacancy by appointment.

(c) *Organization of the Board.* The members of the Board shall elect a chairperson and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. Members shall serve without compensation, but shall be entitled to be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission.

(d) *Meetings of the Board.* Meetings of the Board shall be held monthly, or more frequently if necessary, to hear and dispose of the pending complaints. Notice of the time and place of meetings shall be given to all complaintants and owners of premises scheduled to be heard. Notice shall be given in writing at least ten (10) days prior to the hearing. Any aggrieved person may request a continuance of the hearing. The Board may grant a continuance of any hearing for good cause. The chairperson may call an emergency meeting of the Board, and meetings may also be called by written notice signed by three (3) members of the Board. The meetings of the Board shall be recorded and be transcribed at the expense of the party requesting the transcript. All meetings shall be in compliance with Florida's "Government in Sunshine Law" and Chapter 286.011, Florida Statute. No less than seven (7) members shall constitute a quorum. No less than six (6) members voting affirmatively shall be required to declare any place or premises a public nuisance under this provision. The County Manager shall provide adequate and competent clerical and administrative personnel, and such technical or scientific personnel as may be reasonably required by the Board for the proper performance of its duties. The County Manager shall provide a regular meeting place for the Board. All records shall be public records as defined by Chapter 119.011, Florida Statutes.

(e) *Conduct of hearings.*

(1) The Director of the Miami-Dade Police Department or his designee shall present cases before the Board. All parties shall have an opportunity to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the Board proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it. The Board may consider any evidence, including evidence of the general reputation of the place or premises. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Orders of the Board shall be based on competent and substantial evidence and must be based on a preponderance of the evidence.

(2) After considering all evidence, the Board may declare the place or premises to be a public nuisance as defined in this chapter and may enter an order prohibiting:

(i) The maintaining of the nuisance;

(ii) The operating or maintaining of the place or premises; or

(iii) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

(3) An order entered under subsection (2) shall expire after one year or at such earlier time as stated in the order. The Board may retain jurisdiction to modify its orders prior to the expiration of said orders.

(4) The Board may bring a complaint under Section 60.05 of the Florida Statutes, seeking a permanent injunction against any public nuisance.

(Ord. No. 92-42, § 4, 5-19-92; Ord. No. 94-11, § 1, 1-18-94; Ord. No. 95-84, § 1, 5-2-95)

Sec. 2-98.8. Costs.

In the event that the Board declares a place or premises to be a nuisance and issues an order pursuant to [Section 2-98.7](../level3/PTIIICOOR_CH2AD_ARTXIIIANUAB.docx#PTIIICOOR_CH2AD_ARTXIIIANUAB_S2-98.7PUNUABBO)(e)(2) above, the Board shall assess against the owner of the place or premises the costs which the County has incurred in the preparation, investigation, and presentation of the case. These costs shall be due and payable ten (10) days after the written order of the Board has been filed. A certified copy of an order imposing costs may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists or, if the violator does not own the land, upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriffs of this state including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After one year from the filing of any such lien which remains unpaid, Miami-Dade County may foreclose or otherwise execute on the lien. Interest shall accrue on the unpaid costs at the legal rate of interest set forth in Section 55.03, Florida Statute as that may be amended from time to time.

(Ord. No. 92-42, § 5, 5-19-92)

Sec. 2-98.9. Appeals.

An aggrieved party may appeal a final order of the Miami-Dade County Public Nuisance Abatement Board to the Circuit Court of the Eleventh Judicial Circuit, Appeals Division. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Board. An appeal shall be filed within thirty (30) days of the date of the written order appealed from.

(Ord. No. 92-42, § 6, 5-19-92)

Sec. 2-98.10. Rights preserved.

This article does not restrict the right of any person to proceed under Section 60.05 of the Florida Statutes, against any Public Nuisance.

(Ord. No. 92-42, § 7, 5-19-92)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 92-42, adopted May 19, 1992, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. XIIIA. These provisions were previously designated as Art. XIII, §§ 2-95—2-98.3 and subsequently redesignated as Art. XIIIA, §§ 2-98.4—2-98.10 hereof. See the editor's note to Article XIII of this chapter. [(Back)](#BK_1A666597B2734FDA378A2E646F2BC7DA)

### ARTICLE XIV. PUBLIC WORKS DEPARTMENT [[26]](#BK_444945CD2699A30314CB2D6BD050F538)

[Sec. 2-99. Established; Director as head; appointment; term.](#BK_845BB2D73D3412E72A69E5C3DDDCA839)

[Sec. 2-100. Functions, powers and duties.](#BK_D3FDC6CAA103BF12FF46E5C1173ED920)

[Sec. 2-100.1. Team Metro; delegation of enforcement power and duties.](#BK_B3F8F905A51574102E5CD3011A05A607)

[Sec. 2-101. Powers of County Engineer assumed by Director.](#BK_D154AC883EC742CA2790CC984E0320AB)

[Sec. 2-102. Reserved.](#BK_09EA3039B0C28CBFC496787311B030DE)

[Sec. 2-103. Organization and operating procedures; appointment of personnel.](#BK_6A5BD060FCE066D9978088FB25D4BFFF)

[Sec. 2-103.1. Construction of public utilities or works in public rights-of-way; construction of paving and drainage on private property—Permit required; effect of installation of County facility; exemption.](#BK_8B39AAC5E65C910ED38D241F33FC82E1)

[Sec. 2-103.2. Same—Permit fees—Schedule.](#BK_DDE4DB80E0598AB3C43AFF2813C8800B)

[Sec. 2-103.3. Same—Same—Refunds.](#BK_C0D6B6B7002336C712A616EEA786BCD0)

[Sec. 2-103.4. Same—Same—Waiver.](#BK_8B9E657810ECCE3F7D6EBA3D69A40B41)

[Sec. 2-103.5. Same—Time of completion.](#BK_78E023217B26968CD696010989FC7C99)

[Sec. 2-103.6. Same—Penalties for violations of Sections 2-103.1 through 2-103.5.](#BK_57DA7E2109493B5ABD407A456DD78510)

[Sec. 2-103.7. Definitions.](#BK_E050E70092FDABB44B4D666BFD0F37D3)

[Secs. 2-103.8, 2-103.8.1, 2-103.9. Reserved.](#BK_FE6468C3A216B428F1A9BFA835A63DFF)

[Secs. 2-103.10—2-103.13. Reserved.](#BK_57A779BD036A7A83E0CE7FD3D93B08DA)

[Sec. 2-103.14. Definition of sign appertaining to Section 2-103.15.](#BK_C5DF38CAB63C1966EAA091D16F42A2EB)

[Sec. 2-103.15. Signs in public right-of-way; prohibition.](#BK_0DC764E8A310C85F8CCD7A406C712C29)

[Sec. 2-103.16. Articles in the public right-of-way.](#BK_0210FFC4CAA15DFFCAEFF44B961B2BB0)

[Sec. 2-103.17. Newsracks in the public right of way.](#BK_07B6E2BA843755FA943371A5A8B1400A)

[Secs. 2-103.18, 2-103.19. Reserved.](#BK_73014AB44C81DD9F6001DDF6161C43A5)

Sec. 2-99. Established; Director as head; appointment; term.

The Public Works Department is established. The head of the Department is the Director of Public Works who shall be appointed by the Manager and shall serve at the will of the Manager.

(Ord. No. 57-2, § 5.01, 8-16-57)

Sec. 2-100. Functions, powers and duties.

The Public Works Department shall perform the following functions:

(a) Plan, design, construct and maintain all arterial and other roads, bridges, tunnels, canals and related facilities in the unincorporated area of the County, as well as such other arterial and other roads, bridges, tunnels, canals and related facilities situated partially or entirely within the incorporated areas of the County, which are from time to time designated by the Manager as County arterial, or other roads, bridges, tunnels, canals or related facilities.

(b) Develop plans and make recommendations for the establishment, merger, and abolishment of special purpose districts within which may be provided beach erosion control, water, streets, sidewalks, street lighting, sewage collection and disposal, drainage, and other essential facilities and services, and at the direction of the Commission construct, maintain, provide and administer such facilities and services.

(c) With the cooperation of the Department of Planning and Zoning, establish and enforce minimum standards for the approval of platting or replatting of any land in the County.

(d) Promulgate, establish and enforce minimum standards for public works construction by the publication of a public works manual. The public works manual, which shall be filed with the Clerk of the County Commission, shall be the official guide and standards for public works construction in Miami-Dade County, Florida. These standards shall be applicable within the unincorporated area and all incorporated areas. Variances from these standards may be granted by the Public Works Department Director where such variance will not nullify the intent and purpose of the standards to provide uniform construction requirements for the protection and safety of the general public.

(e) Control, abate and eliminate mosquitoes and other noxious insects throughout the County.

(f) Dispose of solid waste collected throughout the County including the incorporated areas and adopt and enforce such rates and regulations as are approved by the County Commission.

(g) Provide and enforce a uniform Countywide motor vehicle inspection system.

(h) Administer lot clearing and abandoned vehicle programs.

(i) Perform all functions previously performed by the County surveyor.

(j) Perform any other functions reasonably necessary to, or reasonably related to, the performance of the functions hereafter designated by administrative order of the Manager.

(k) Review plans, issue permits and inspection of paving and drainage on public right-of-way and private property in the unincorporated areas of Miami-Dade County.

(Ord. No. 57-2, § 5.02, 8-16-57; Ord. No. 58-25, §§ 1, 2, 7-1-58; Ord. No. 68-70, § 2, 11-19-68; Ord. No. 72-60, § 1, 9-19-72; Ord. No. 78-69, §§ 1, 2, 10-17-78; Ord. No. 88-12, § 1, 3-1-88; Ord. No. 98-125, § 1, 9-3-98)

**Annotations—**AO [4-41](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-41SHTI); AO of 9-16-80.

**Cross reference—** Improvement and special-purpose districts, Ch. 18.

Sec. 2-100.1. Team Metro; delegation of enforcement power and duties.

Unless otherwise provided by ordinance, the Director of Public Works Department shall delegate his enforcement powers and duties to the Director of Team Metro for the expressed purpose of enforcing the regulations of this chapter as specified in [Section 2-969](../level3/PTIIICOOR_CH2AD_ARTLXXIAOFCIASOUTEME.docx#PTIIICOOR_CH2AD_ARTLXXIAOFCIASOUTEME_S2-969EN) or in an administrative order of the County Manager.

(Ord. No. 96-86, § 4, 6-4-96)

Sec. 2-101. Powers of County Engineer assumed by Director.

Any power conferred upon the County Engineer by prior ordinance or resolution not inconsistent with the provisions of this article may be exercised by the Director of Public Works.

(Ord. No. 57-2, § 5.05, 8-16-57)

Sec. 2-102. Reserved.

**Editor's note—**

[Sec. 2-102](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-102RE), derived from Ord. No. 57-18, § 9.20, as amended by Ord. No. 58-25, § 5, providing waste taxes become a lien, was repealed by Ord. No. 62-33, § 2, enacted July 31 and effective August 10, 1962. The section has been reserved by the editors.

Sec. 2-103. Organization and operating procedures; appointment of personnel.

The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager.

The Manager, with the advice of the Director, shall appoint such employees as may be necessary to perform the functions of this Department. The salaries for all departmental officers and employees shall be fixed by the County Commission. The Manager or the Director may assign one (1) person to perform, without additional compensation, the duties of other offices or positions created by or made necessary by the provisions of this article.

(a) The Manager or the Director may designate toll enforcement officers, who will be authorized to issue uniform traffic citations for violations pursuant to Section 316.1001, Florida Statutes.

(Ord. No. 57-2, §§ 5.03, 5.06, 8-16-57; Ord. No. 58-25, § 3, 7-1-58; Ord. No. 97-170, § 1, 9-23-97)

**Annotation—**AO [9-1](../level3/PTIIICOOR_CH9STCOCOBUROBRCA_ARTIINGE.docx#PTIIICOOR_CH9STCOCOBUROBRCA_ARTIINGE_S9-1COEXSOMIDEAREAU.HINO1PR)

**Charter reference—** Authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Sec. 2-103.1. Construction of public utilities or works in public rights-of-way; construction of paving and drainage on private property—Permit required; effect of installation of County facility; exemption.

(a) It shall be unlawful for any person, corporation, partnership, association or other legal entity to construct utilities or other public works, except mailboxes in road and street right-of-way and easements in the unincorporated area of this County; and in rights-of-way of roads and streets located within municipalities that are maintained by Miami-Dade County, without first having obtained a permit from the Public Works Department. All said construction work in said right-of-way shall conform to uniform standards established by the official manual of public works construction. It shall also be unlawful for any person, corporation, partnership, association or other legal entity to construct paving or drainage on private property for areas used for vehicle driveways or parking in the unincorporated area of this County, without first having obtained a permit from the Public Works Department.

If the Director of the Public Works Department determines that the permittee is not performing the construction in accordance with the conditions of the permit or the approved plans upon which the permit was issued or in conformance with the uniform standards established by the official manual of public works construction, he may order suspension of the permit or the stopping of work until such time as the permittee has complied with the permit, plans or standards. In such case, the permittee shall take all necessary precautions to leave the work area in a safe and secure condition.

The Director of the Public Works Department may withhold the issuance of public works permits to a contractor if that contractor has previously been issued a citation regarding work that requires a public works permit as listed in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, and the citation is still outstanding forty-five (45) days after the date the citation was issued.

In the event of any future widening, repairs, installation, construction, or reconstruction, by or for Miami-Dade County, of any road, bridge, canal, culvert, traffic signal, streetlight, water distribution system, sewage collection system, storm drainage system, or any other County facility within the public right-of-way in which the permittee or owner has constructed any utility, said permittee or owner shall move or remove such utility as may be required for the public convenience as and whenever specified by the Director of the Public Works Department and at his own expense.

Permits for the installation of liquefied petroleum gas in easements will be issued by the Miami-Dade County Fire Safety Bureau rather than the Public Works Department.

The term "right-of-way" or "rights-of-way" shall be construed throughout this article to include, but not be limited to, all proposed dedications of public rights-of-way set forth on official grading and drainage plans required to accompany approved and valid tentative plats, as well as all existing or dedicated rights-of-way.

Provided, however, the United States, federal agencies and their contractors, in the execution of federal projects authorized by Congress, are exempted from the provisions of Sections [2-103.1](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.1COPUUTWOPURI-WCOPADRPRPRERREEFINCOFAEX) through [2-103.7](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.7DE) and 2-103.10 through 2-103.13.

(b) Whenever any person, corporation, partnership, association, County Department or other legal entity performs any construction or public work within an existing right-of-way located within unincorporated Miami-Dade County, or in right-of-ways of roads or streets located within municipalities that are maintained by the County, the right-of-way, including sidewalks, curbs and gutters, landscaping and must be restored to their legally permissable preexisting condition, including any aesthetic enhancements thereto and any adjacent private property damaged during construction, within forty-five (45) days of completion of the construction or public work in that right of way or within forty-five (45) days of damage to the affected property or area, which ever occurs first. Prior to the time such construction work begins, the contractor, by posting the construction site, shall inform the local community of the requirement to restore the right-of-way as well as any affected adjacent private property and the fines that could be imposed for each failure to do so. All work to be done pursuant to this Section shall be performed in compliance with the Public Works Manual. Any entity failing to restore the right-of-way to its preexisting condition or better within the time permitted shall be subject to a civil fine of five hundred dollars ($500.00) per violation per day until such time as the right-of-way is restored, as well as five hundred dollars ($500.00) per day for each affected adjacent private property until it is restored.

(Ord. No. 61-16, § 1, 4-18-61; Ord. No. 64-29, § 1, 7-21-64; Ord. No. 65-53, § 1, 7-27-65; Ord. No. 68-23, § 1, 4-16-68; Ord. No. 80-54, § 6, 6-3-80; Ord. No. 88-12, § 2, 3-1-88; Ord. No. 92-49, § 1, 6-2-92; Ord. No. 95-194, § 1, 10-17-95; Ord. No. 00-66, § 1, 5-23-00; Ord. No. 03-06, § 1, 1-23-03; Ord. No. 03-89, § 1, 4-22-03)

**Cross reference—** Construction, etc., in canal rights-of-way, tidal waters, submerged bay-bottom lands and coastal wetlands, § 24-58 et seq.

Sec. 2-103.2. Same—Permit fees—Schedule.

The Miami-Dade County Public Works Department shall charge and collect permit fees at the rates established by separate administrative order which shall not become effective until approved by the Board of County Commissioners.

(Ord. No. 61-16, § 2, 4-18-61; Ord. No. 66-26, § 1, 6-7-66; Ord. No. 76-112, § 3, 12-21-76; Ord. No. 77-75, § 1, 10-4-77)

Sec. 2-103.3. Same—Same—Refunds.

If a person, firm or corporation to whom a permit has been issued decides to cancel the work for which a permit fee has been collected by the Public Works Department, the person, firm or corporation shall be entitled to a refund.

Refunds for permit fees previously collected shall be made by the Finance Department, but must be requested prior to the beginning of any work and no later than the date on which the permit expires. No refunds shall be made on permit fees of ten dollars ($10.00) or less. In lieu of a refund, a credit for the amount of the permit fee in excess of ten dollars ($10.00) may be given to the person, firm or corporation which may be applied to the charge for a subsequent permit of equal or greater amount.

(Ord. No. 61-16, § 2, 4-18-61; Ord. No. 77-75, § 2, 10-4-77)

Sec. 2-103.4. Same—Same—Waiver.

The Public Works Department shall waive the permit fee for all work performed by a governmental agency, except for utility construction, whether this work is performed by employees of the governmental agency or by a private firm or corporation under contract with the governmental agency. However, such governmental agency or private firm or corporation under contract therewith shall not be relieved of the responsibility for obtaining a permit for work covered in [Section 2-103.1](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.1COPUUTWOPURI-WCOPADRPRPRERREEFINCOFAEX). In addition to the above, the Public Works Department will waive the permit fee for any work in the rights-of-way of roads or streets located within municipalities that are maintained by Miami-Dade County, providing a municipal permit fee has been or will be imposed for the same work. However, a Public Works Department permit must be obtained for this work.

(Ord. No. 61-16, § 2, 4-18-61; Ord. No. 77-75, § 3, 10-4-77; Ord. No. 80-54, § 7, 6-3-80; Ord. No. 89-75, § 1, 7-25-89)

**Editor's note—**

Section 5 of Ord. No. 89-75 declared the ordinance effective Oct. 1, 1989.

Sec. 2-103.5. Same—Time of completion.

The time allotted to complete the work for which a permit was issued under [Section 2-103.1](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.1COPUUTWOPURI-WCOPADRPRPRERREEFINCOFAEX) shall be limited to the period stipulated on the permit unless the person, firm or corporation to whom the permit was issued requests the Public Works Department for an extension of time, and provided the request is received prior to the time of expiration. If a time extension is needed but not requested until after the expiration of the time originally allotted, a new permit will be required for the uncompleted work. The fee amount for the new permit shall be based upon the uncompleted work.

(Ord. No. 61-16, § 2, 4-18-61)

Sec. 2-103.6. Same—Penalties for violations of Sections 2-103.1 through 2-103.5.

Any person convicted of a violation of any of the provisions contained in Sections [2-103.1](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.1COPUUTWOPURI-WCOPADRPRPRERREEFINCOFAEX) through [2-103.5](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.5SAIMCO) shall be punishable by a fine not to exceed five hundred dollars ($500.00), or imprisonment not to exceed sixty (60) days in the County Jail, or both, at the discretion of the judge of the court of appropriate jurisdiction.

(Ord. No. 61-16, § 3, 4-18-61)

Sec. 2-103.7. Definitions.

The definitions as set forth in the South Florida Building Code, the Miami-Dade County Public Works Manual and the following definitions shall apply to this article unless a contrary intent is obvious:

(a) *County:* Miami-Dade County, Florida.

(b) *Direct control:* Under the complete jurisdiction of Miami-Dade County, Florida, by virtue of ownership, dedication by plat, easement, reservation or right-of-way and access agreement or instrument.

(c) *Engineer:* A professional engineer registered by the State of Florida.

(d) *Work:* Activity or result of such activity as set forth in [Section 2-103.1](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.1COPUUTWOPURI-WCOPADRPRPRERREEFINCOFAEX) of the Code of Miami-Dade County, Florida, or area or site of such activity.

(Ord. No. 67-39, § 1, 5-16-67; Ord. No. 67-77, § 1, 10-17-67; Ord. No. 80-54, § 8, 6-3-80)

**Cross reference—** Building code, Ch. 8.

Secs. 2-103.8, 2-103.8.1, 2-103.9. Reserved.

**Editor's note—**

Ord. No. 80-54, § 9, adopted June 3, 1980, repealed former §§ 2-103.8, 2-103.8.1, and [2-103.9](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_SS2-103.8_2-103.8.1_2-103.9RE). Said former sections pertained to permits for work in County water areas and were derived from Ord. No. 67-39, §§ 2, 3, adopted May 16, 1967; Ord. No. 67-77, §§ 2—5, adopted Oct. 17, 1967; Ord. No. 68-16, §§ 1—3, adopted March 5, 1968; Ord. No. 70-54, § 1, adopted July 7, 1970; Ord. No. 77-52, § 1, adopted July 19, 1977; and Ord. No. 77-75, §§ 4—7, adopted Oct. 4, 1977.

Secs. 2-103.10—2-103.13. Reserved.

**Editor's note—**

Sections 2-103.10—2-103.13, relating to refunds or waiver of permit fees and new permit fees for incomplete work, and providing a penalty, were repealed by § 2 of Ord. No. 89-75, adopted July 25, 1989, and declared effective Oct. 1, 1979, by § 5. Sections 2-103.10—2-103.13 were derived from the following: Ord. No. 67-39, §§ 4—7, adopted May 16, 1967; Ord. No. 68-16, § 4, adopted March 5, 1968; and Ord. No. 77-75, §§ 8, 9, adopted Oct. 4, 1977.

Sec. 2-103.14. Definition of sign appertaining to Section 2-103.15.

"Signs" means any combination of structure and message in the form of an outdoor sign, display device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or doubled-faced display, designed, intended, or used to advertise or inform. The term does not include an official traffic control sign, official marker, entrance feature or specific information panel erected, caused to be erected, or approved by the Director of the Public Works Department. The term does not include signs approved by Miami-Dade County prior to the effective date of this Ordinance Number 87-56.

(Ord. No. 87-56, § 1, 9-1-87)

Sec. 2-103.15. Signs in public right-of-way; prohibition.

(a) No person shall erect any sign, as described above [Section [2-103.14](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.14DESIAPSE2-103.15)], within the right-of-way limits of any County maintained road within the unincorporated areas of Miami-Dade County or any County maintained road within the municipal limits of any municipality in Miami-Dade County.

(b) Traffic signs which have been approved by the Director of the Public Works Department are exempt from this section of the Code. Such exempted signs shall not contain any commercial advertisement.

(c) The Director of the Public Works Department has the authority to direct removal of any sign in violation of paragraph (a) as provided herein:

(1) If a sign is located on or within the right-of-way of a County maintained road in violation of paragraph (a) the Director shall have the authority to remove and dispose of the sign.

(2) The Director may require the owner or benefactor and/or erector of the sign to immediately remove the sign and repair any damage caused by the placement of the sign including the replacement of any tree damaged or destroyed by the placement of the sign.

(d) In addition to any other remedy available by law or ordinance, enforcement against the owner or benefactor and/or erector of the sign shall be as outlined in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) (Code Enforcement). It shall be unlawful for any person to erect any sign, as described below, within the limits of any County maintained right-of-way:

(1) Illegal sign in the right-of-way affixed to a tree in such a manner as to penetrate or injure a tree. For purposes of this section the definition of sign shall include any writing or graffiti which is directly applied to a tree.

(2) Illegal signs in the right-of-way equal to or less than 22 inches by 28 inches overall secured by any non-adhesive means including but not limited to a stake, metal rod, rope, nails, thumb tacks, bricks, or boulders in the right-of-way.

(3) Illegal signs in the right-of-way equal to or less than 22 inches by 28 inches overall secured with any adhesive type of material including but not limited to material such as tape, glue, duct tape or paste.

(4) Illegal signs in the right-of-way of a size greater than 22 inches by 28 inches overall regardless of sign material or method of posting or attachment.

(5) Illegal banners, pennants, or streamers in the right-of-way.

(e) Information contained on any sign including names, addresses or phone numbers of person benefitting from the sign shall be sufficient evidence of ownership and/or beneficial interest for purpose of the enforcement of this [Section 2-103.15](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.15SIPURI-WPR). It is provided, however, that a person charged with violation of this section may rebut such evidence by demonstrating the following:

(1) that the person charged with violation of this section gave prior, clear and express instruction regarding the specific lawful location or locations at which the sign or signs should have been placed. Such evidence may include written documentation establishing the prior instruction regarding the intended location, identification and form of placement of the specific sign or signs.

(2) that the sign or signs that are the subject of the charge were in fact properly and lawfully placed in accordance with the person's instruction but were moved to an unlawful location without the person's permission or authorization. Such documentation may include but is not limited to an index of signs and site maps of their assigned locations, photographs of the proper placement of the sign or signs in accordance with the person's instructions, or police information reports of missing signs identifying the original location of the sign or signs and a description of the size and design.

(f) The provisions of paragraph (a) above do not apply to bus benches or transit shelters, or advertising on bus benches and transit shelters, on the right-of-way of any County road, which bus benches or transit shelters have been erected for the comfort or convenience of the general public, provided written authorization has been secured from Miami-Dade County pursuant to [Chapter 21](../level2/PTIIICOOR_CH21OFMIPR.docx#PTIIICOOR_CH21OFMIPR), Article XII (Public and Bus Passenger Benches and Shelters), Code of Miami-Dade County, Florida.

(g) The provisions of paragraph (a) above do not apply to advertising placed upon waste disposal receptacles of less than one hundred ten (110) gallons in capacity erected or placed on the right-of-way of any County road, provided written authorization has been secured from the Director of the Public Works Department.

(h) The provisions of paragraph (a) above do not apply to the Miami-Dade County program that solicits and collects donations for the County's homeless programs by and through County owned and operated Homeless Trust donation meters; provided, however, written authorization for the number, location and placement of the Homeless Trust donation meters has first been secured from the Director of the Public Works Department.

(i) All retail stores which sell pre-printed information signs, including but not limited to signs advertising garage sales, and signs indicating that real property is for lease or sale shall post at their cashier(s) or checkout counter(s) a sign in English, Spanish and Creole that advises the customer that the placing of the foregoing type of sign in the public right-of-way is illegal and can subject a person placing such sign in a public right-of-way to a fine of up to five hundred dollars ($500.00) per violation; provided, however, first time violators shall receive a warning rather than a fine in any dollar amount.

(Ord. No. 87-56, § 1, 9-1-87; Ord. No. 96-61, § 1, 5-7-96; Ord. No. 99-114, § 1, 9-9-99; Ord. No. 01-154, § 1, 9-25-01; Ord. No. 03-115, § 1, 5-6-03; Ord. No. 03-179, § 1, 7-22-03; Ord. No. 10-07, § 1, 1-21-10)

**Cross reference—** Sign Code of Miami-Dade County, Florida, § 33-82 et seq.

Sec. 2-103.16. Articles in the public right-of-way.

(a) *Definitions.* For the purposes of this section:

(1) *Storage bin* shall mean any container used for the collection, storage or distribution of personal property.

(2) *Vehicle* shall mean functioning automobiles, trucks, buses or trailers.

(3) *Trees* shall be defined as in [Section 19-3](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-3DE) of the Code.

(4) *Public right-of-way* shall mean rights-of-way in the unincorporated area of Miami-Dade County.

(5) *Article* shall mean any personal property, including but not limited to storage bins, and trees, except newsracks and vehicles temporarily parked in the public right-of-way.

(b) Unless otherwise authorized by law, no person, corporation, partnership, association or other legal entity shall place any article in the public right-of-way without first having obtained a permit from the Public Works Department; provided, however, the United States, federal agencies and their contractors, the State of Florida and State agencies, in the execution of federal or State projects are exempted from the provisions of this section.

(c) *Issuance of permit.* The Department of Public Works shall have the authority to issue permits for the placement of articles in the public right-of-way in accordance with standards established in the Official Manual of the Public Works Department. In establishing standards for the placement of articles in the public right-of-way, the department shall take into consideration:

(1) Pedestrian and driving safety and convenience;

(2) Public and property safety during hurricane conditions;

(3) Access for the use and maintenance of poles, traffic signs or signals, hydrants, and access to locations used for public transportation purposes;

(4) Uniformity in the treatment of similar articles;

(d) *Permit application process.* Applicants for permits to place articles in the public right-of-way shall file with the Public Works Director a written application in a form prepared by the Public Works Department. If the application meets the standards set forth in the Public Works Department Manual, a permit shall be issued upon payment of the fee set forth in an administrative order. If a permit is denied, the applicant shall be notified within five (5) working days of the department's receipt of the completed application. The applicant shall be advised of the specific cause of the denial.

(e) The Public Works Department shall charge and collect permit fees at rates established by separate administrative order which shall not become effective until approved by the Board of County Commissioners. All such fees will be used solely to defray administrative expenses incurred pursuant to this section. Any applicant who, after paying a permit fee, chooses not to place the article for which the permit was obtained in the public right-of-way shall be entitled to a refund and the permit shall be cancelled. If a permit is denied, the applicant shall be notified within five (5) working days of the department's receipt of the completed application. The applicant shall be advised of the specific cause of the denial.

(f) *Existing articles in the public right-of-way.* Owners of trees and precast concrete traffic buttons existing in the public right-of-way at the time this ordinance is adopted shall not be required to obtain permits under this section but shall be required to comply with all other standards set forth in the Public Works Department Manual. Owners of other articles in the public right-of-way at the time this section is adopted shall have ninety (90) days from the date this section becomes applicable to such article within which to obtain the permit or permits required by this section.

(g) The Director of the Public Works Department shall have the authority to order the removal of any article from the public right-of-way which does not comply with this section or is otherwise in violation of the law.

(h) In addition to any other remedy available by law or ordinance, enforcement against a person, firm, corporation or benefactor who places an article in the public right-of-way or fails to remove an article from the public right-of-way in violation of this section shall be as provided in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code.

(Ord. No. 95-198, § 1, 11-7-95; Ord. No. 96-37, § 1, 2-20-96; Ord. No. 06-178, § 1, 12-5-06)

Sec. 2-103.17. Newsracks in the public right of way.

(a) *Definitions.* For purposes of this section:

(1) *Department* shall mean the Department of Public Works.

(2) *Director* shall mean the Director or designee of the Department of Public Works.

(3) *Modular newsrack* means a newsrack, as defined herein below, that is designed with multiple separate enclosed compartments and/or to accommodate at any one time the display, sale and distribution of multiple distinct and separate newspapers or other publications and is subject to all of the provisions of this section as a newsrack.

(4) *Newsrack* shall mean any type of unmanned device for the vending or free distribution of newspapers, news periodicals or advertising publications.

(5) *Public right-of-way* shall mean rights-of-way in the unincorporated area of Miami-Dade County.

(6) *Publisher* shall mean the person, individual, partnership, corporation, association, firm, company, organization or any other legal entity owning or responsible for placing or maintaining a newsrack in a public right-of-way.

(b) *Purpose and criteria for the placement of newsracks in the public right-of-way.*

The purpose of the following is to promote the public health, safety and welfare through the regulation of placement, type, appearance, servicing, and ensuring that newsracks in the public right-of-way comply with the following criteria:

(1) Provide for safety and convenience of pedestrians, bicyclists, and drivers.

(2) Avoid unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress into or egress from a residence or place of business or from the street to the sidewalk by persons exiting or entering parked or standing vehicles.

(3) Provide reasonable access for the use and maintenance of poles, posts, traffic signs or signals, hydrants, and mailboxes and access to locations used for public transportation purposes.

(4) Provide for consistency with the aesthetics of the surrounding area by: eliminating, relocating, or replacing newsracks which result in a visual blight; avoiding excessive concentration of newsracks on the public rights-of-way; and eliminating newsracks which unreasonably detract from the aesthetics of adjacent store window display, landscaping or other improvements.

(5) Facilitate the removal of abandoned newsracks.

(6) Maintain and protect the values of surrounding properties.

(7) Eliminate and avoid unnecessary injury to persons or property damage.

(8) Maintain and preserve freedom of the press and treat all newspapers equally regardless of their size, content, circulation, or frequency of publication.

(c) *Permit required; expiration of existing permits and procedures to preserve locations.*

(1) Unless otherwise authorized by law, no Publisher shall place, install, or maintain any newsracks in the public right-of-way without first having obtained a permit from the Department in accordance with the provisions of this section.

(2) The permit year shall run from January 1 to December 31 of each year. All permit applications received by the Director shall be awarded on a first come, first serve basis in accordance with the provisions of this section.

(3) Failure to timely secure a permit in advance of placing a newsrack in the public right-of-way in accordance with the provisions of this section may result in the removal of the non-permitted newsrack by the County. Prior to removal, the County shall send notice to the Publisher if known, that the County shall remove the newsrack within seven days unless the Publisher removes it or files for a permit. It is provided, however, the Director need not provide notice where the newsrack in the opinion of the Director constitutes a hazard to automobiles, bicyclists or pedestrians.

(d) *Application and issuance of permits.*

(1) Applicants for permits to place newsracks in the public right-of-way shall file with the Director a written application for a location and installation permit. The application shall contain the following information:

(a) The name, address, and telephone number of the Publisher responsible for the newsrack.

(b) The name, address, and telephone number of a responsible person whom the County may contact concerning the newsrack.

(c) A dimensional drawing identifying the number of newsracks, the dimensions of each newsrack, the proposed location of each newsrack, the existing physical features surrounding the proposed location including existing sidewalks, paths, posts, poles, walls, and other relevant features as well as each newsrack's setbacks.

(d) Names of newspapers or periodicals to be contained in each newsrack.

(e) The type or brand of newsracks, including an illustration and description of the newsrack and mount.

(2) Procedure.

(a) The Department shall have ten working days from the receipt of a complete application to determine whether the proposed newsrack complies with the provisions of this section and to approve or deny the permit accordingly.

(3) Issuance of permit.

(a) Upon a determination that the application complies with the provisions of this section and upon payment of applicable fees, the Director shall issue a permit for the installation of the newsrack in the right-of-way.

(b) The Department shall charge and collect permit fees at a rate to be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners. All fees collected pursuant to this section shall be used solely to defray administrative expenses incurred pursuant to this section. Any applicant who, after paying a permit fee, chooses not to place the newsrack for which the permit was obtained in the public right-of-way shall be entitled to a refund. In that event, the permit shall be canceled.

(c) If a permit is denied, the Department shall advise the applicant of the specific cause of denial.

(d) Publishers with newsracks installed with or without a permit in the public right-of-way prior to the effective date of this ordinance shall have 12 months from the effective date of this ordinance to comply with the terms of this section provided that; an application for permit is filed with the Department within six months of the effective date of this ordinance.

(e) For each newsrack, the initial permit sticker issued pursuant to this section shall be applied by the Department and shall be visible when affixed to the upper right corner of the door of the newsrack. For each subsequent renewal of a permit, the Publisher shall be responsible for affixing the permit sticker in the same location as the initial one.

(f) Upon payment of all applicable fees, the Director shall issue an annual renewal permit within ten days after receipt of payment, provided that the newsrack otherwise complies with the provisions of this section.

(g) The Director shall have the authority to order the removal of any newsrack from the public right-of-way that does not comply with this section or is otherwise in violation of the law.

(4) Appeals.

(a) Any Publisher who has been denied a permit pursuant to the provisions of the Section may appeal such denial to the Board of County Commissioners by filing a written request with the clerk of the board. The clerk of the board shall place the item on the next regularly scheduled meeting of the Board provided that the appeal has been filed no less than four business days prior to such meeting; otherwise, the appeal shall be heard at the next regularly scheduled board meeting thereafter. The decision of the Board shall be subject to judicial review pursuant to the laws of the state.

(e) *Newsrack placement: permitted locations and specific prohibitions.*

(1) Placement of newsracks shall be permitted at the following locations:

(a) On sidewalks: Newsracks shall be situated parallel to the edge of the sidewalk. A minimum sidewalk space of three feet shall remain clear in front of the newsracks.

(b) In a grass, dirt, gravel, or other unpaved area: Newsracks placed in unpaved areas shall be secured to concrete foundations, as required in this section. Newsracks shall not be chained or otherwise tied to any poles, trees, or other structures under any circumstances.

(2) No newsrack shall be placed, installed, used, or maintained at the following locations:

(a) Within five feet of any curbed roadway or within 15 feet of any uncurbed roadway unless placement outside of such area interferes with safe and convenient use of the public right-of-way.

(b) Within five feet of any marked crosswalk.

(c) On or within two feet of any bicycle or non-motorized multiple-use path.

(d) Within ten feet of any fire hydrant, fire call box, police call box, or other emergency facility.

(e) Within five feet in front of, or fifteen feet to the rear of, any sign marking a designated bus stop, as measured along the edge of pavement.

(f) Within two feet of any bus bench or plaza bench.

(g) Within ten feet of any advertisement panel located on a transit shelter.

(h) At any location that would reduce the clear accessible space for passageway of pedestrian to less than three feet, exclusive or curbs.

(i) Where a protruding portion of a newsrack is within 12 inches of any area improved with landscaping, lawn, or hedges, or within a three-foot radius of flowers or trees.

(j) Within six inches of any building wall located on the property line.

(k) Within three feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window display.

(l) Within five feet of a building entrance.

(m) Within a three foot radius of a mailbox, sign, parking meter, streetlight, or utility pole.

(n) Within visibility triangles at street intersections as determined by the Public Works Department pursuant to the Florida Department of Transportation's 2006 Design Standards as amended from time to time. It is provided however, that where a building already protrudes into the sight triangle, newsracks may be placed flush with the building and set back from the building line sufficiently to avoid further intrusion into the line of sight.

(o) Within ten-foot pedestrian visibility triangles at the intersection of driveways with streets or at the intersection of driveways with driveways. Pedestrian visibility triangle legs are to be measured from the intersecting edges of a street or a driveway.

(p) Within four feet of a pedestrian ramp.

(3) No more than ten non-modular newsracks shall be placed at any intersection, with no more than five non-modular newsracks at any one corner.

(4) No more than five non-modular newsracks shall be placed side by side at any one location, and there shall be a minimum distance of 300 feet from another location of newsracks along the same sidewalk.

(5) When modular newsracks are provided:

(a) No more than one modular newsrack shall be placed at any one location.

(b) No more than one modular newsrack and two side-by-side standard newsracks shall be permitted at any one location.

(f) *Newsrack construction, design and maintenance.*

(1) All newsracks shall be constructed of galvanized steel with corrosive resistant hardware and door assembly. Manufacturer modifications may be made to the door, window, and cabinetry to accommodate tabloid or broadsheet newspaper display and distribution.

(2) The shape of a newsrack shall be a rectangular hexahedron with a height of 36 inches, excluding coin box, width of not more than 20 inches and a depth of not more than 17 inches. Pedestal newsracks shall not be permitted. Coin box attachments shall not exceed 14 inches in height, 20 inches in width and 20 inches in depth.

(3) The shape of a modular newsrack shall be a rectangular hexahedron with a height of 50 inches, width of not more than 60 inches and a depth of not more than 17 inches. Pedestal modular newsracks shall not be permitted.

(4) The color of the entire newsrack, including coin box and mounting hardware, shall be painted dark green with a powder finish consistent with a paint sample provided by the Director.

(5) No newsrack shall provide for card holders or display advertising. It is provided, however, that a cling-on sticker or equivalent may be placed within a four-inch square area of the inside lower left hand corner of the clear plastic viewing panel of the newsrack's access door to promote particular features or offerings inside the current publication. The sticker shall be applied only during the period of time that is relevant to the current publication, and it shall be the Publisher's responsibility to remove the sticker when it is no longer applicable.

(6) A newsrack may display the name, with lettering of any color, of the newspaper being dispensed, in the location and size set forth below:

(a) On the front of the newsrack, the lettering size shall not exceed 1 ¾ inches in height. The lettering shall be placed within a clear or colored-band space not exceeding two and one-half inches in height above the door hinge.

(b) On the sides and back of standard newsracks, the lettering size shall not exceed 2 ½ inches in height. The lettering shall be placed within a clear or colored-band space not exceeding four inches in height and beginning one inch from the top of the newsrack.

(7) Newsracks for free newspapers may omit the coin box and may have the pull bar welded to the door.

(8) Newsracks shall be maintained in good working order at all times, including but not limited to the following: no faded or dull paint; no broken hood; and no graffiti, stickers, tape, advertising, posters or other materials unless specifically permitted in this section.

(9) Notwithstanding the limitations on advertising set forth in this section, a modular newsrack may include advertising, provided that the advertising consists only of a single panel within the confines of the modular newsrack that does not exceed 14 square feet in area.

(g) *Abandonment of newsrack.*

(1) A newsrack shall be deemed abandoned when it does not contain the publication specified within 48 hours after release of the current issue or when the newsrack is empty for more than seven consecutive days.

(2) When a newsrack has been abandoned on public property, the Director shall attempt to notify the Publisher by certified mail and by telephone to afford the Publisher the opportunity to remove the newsrack, resume distribution, or show reasonable cause why the newsrack should not be removed.

(3) The Director may remove and store the newsrack when the Publisher is unknown or where the Publisher has failed to resume distribution, remove the newsrack, or show reasonable cause therefor within seven days from the date that the return receipt indicates that the letter has been received, gone unclaimed, or been refused. If a newsrack that is removed and stored is not claimed within 60 days of storage, the Director may dispose of it. The cost of storage and disposal of a newsrack shall be established by separate administrative order, which shall not become effective until approved by the Board of County Commissioners.

(4) If a Publisher desires to voluntarily abandon a newsrack location, the Publisher shall notify the Director, completely remove the newsrack and mount, and restore the public right-of-way to a safe condition, leaving no holes or projections in the mounting surface or concrete base.

(h) *Newsrack mounting.* A newsrack shall be mounted on a concrete surface and shall be affixed to this surface in a manner as provided in the Miami-Dade Department of Public Works' Manual of Public Works.

(i) *Violations:* Notwithstanding any provision in the code to the contrary, any Publisher that places or maintains a newsrack in the public right-of-way in violation of this section shall have five calendar days from service of the civil violation notice pursuant to Miami-Dade County Code [Section 8CC-3](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN_S8CC-3ENPR)(e) to correct the violation, or five calendar days from service to file for an appeal. It is provided however, where a permitted newsrack has been damaged as a result of vandalism or by accident, the Publisher shall have a five-day grace period to correct such damage prior to service of the civil violation notice. In all other respects, any appeal of a civil violation notice shall follow the procedures set forth in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN)

(Ord. No. 06-178, § 2, 12-5-06)

Secs. 2-103.18, 2-103.19. Reserved.

FOOTNOTE(S):

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Annotation—AO 9-1 [(Back)](#BK_FF2303D885CC4D6A537DC59CC39A426C)

### ARTICLE XIVA. WATER SUPPLY FOR FIRE SUPPRESSION [[27]](#BK_39DFCBF60A8B9A708736D8ED0FA68D00)

[Sec. 2-103.20. Intent and applicability.](#BK_1402911F0F16960B7380DC6ABA694E2D)

[Sec. 2-103.21. Required fire flow; consumption.](#BK_81B0975F28BFA98991904B7D819C4FAC)

[Sec. 2-103.22. Rules and regulations; fire flow requirements.](#BK_CF7C1C07D624A452F7A806C622C6BCED)

[Sec. 2-103.23. Review of decisions.](#BK_F0993BA75A55F9324F7287E84AA92705)

Sec. 2-103.20. Intent and applicability.

The intent of this article is to assure an adequate water supply for fire suppression by establishing minimum flow rates required to control and extinguish fires that may occur within prescribed occupancy classifications. Requirements of this article are applicable to public and private water systems including individual properties and land development projects. This article is further applicable to all water supply systems owned and operated by Miami-Dade County and to those portions of systems acquired by dedication by Miami-Dade County.

(Ord. No. 74-96, § 1, 12-3-74)

Sec. 2-103.21. Required fire flow; consumption. [[28]](#BK_BD748D5FC6FE0763FB462A28BCDBF310)

(A) *Required fire flow.* The required fire flow is the rate of flow needed for firefighting purposes to confine a major fire to the buildings within a block or other contiguous group. The determination of this flow depends upon the size, construction, occupancy, and exposure of buildings within and surrounding the block or group of buildings, and upon the existence of automatic sprinkler protection. The minimum required fire flow in the various land use zone classifications shall be as listed in Table I.

A required fire flow shall be determined at appropriate locations in each district or section of the County. The minimum fire flow requirement is five hundred (500) gallons per minute (gpm) in residential areas and the maximum for a single fire is twelve thousand (12,000) gpm in principal business districts. Where local conditions indicate that consideration must be given to possible simultaneous fires, an additional two thousand (2,000) to eight thousand (8,000) gpm will be required. The required minimum duration for fire flow shall be as listed in Table II. These required fire flow rates shall be required in addition to the water flow rates necessary to supply the needs of average daily consumption.

(B) *Consumption.* The average daily consumption is the average of the total amount of water used each day during a one-year period. This average, considered as a rate for a twenty-four-hour period, is the average daily consumption rate. The maximum daily consumption is the maximum total amount used during any twenty-four-hour period (in determining this figure, records for at least the past three (3) years should be used, but high consumption that will not occur again due to changes in the system or that was caused by unusual operations, such as refilling of a reservoir after cleaning, should not be considered). This maximum considered as a rate over a twenty-four-hour period, is the maximum daily consumption rate; it is the average rate of consumption on the maximum day.

When available, the actual consumption shall be used. When no record of the maximum daily consumption is available, it shall be estimated on the basis of consumption in other communities of similar character and climate, but such estimates shall be at least fifty (50) percent greater than the average daily consumption in such other communities. The consumption rate to be used shall be the total maximum daily consumption rate that passes through the pumps, filters, mains, or other facilities being considered.

TABLE I

REQUIRED FIRE FLOWS BY ZONING  
CLASSIFICATION

|  |  |
| --- | --- |
| EU-M, EU-2, EU-S, EU-1 | The system shall deliver not less than 500 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 500 gpm. |
| RU-1, RU-2 | The system shall deliver not less than 750 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 500 gpm. |
| RU-TH, RU-3, RU-3M, RU-3B | The system shall deliver not less than 1500 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 500 gpm. |
| RU-4L, RU-4M, RU-4, RU-4A, Hospital, School | The system shall deliver not less than 2000 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gpm. |
| RU-5A | The system shall deliver not less than 1500 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gpm. |
| RU-5 | The system shall deliver not less than 2000 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 750 gpm. |
| BU-1A, BU-1, BU-2, BU-3 | The system shall deliver not less than 3000 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 1000 gpm. |
| IU-1, IU-2, IU-3, IU-C | The system shall deliver not less than 3000 gpm at 20 psi residual on the system. Each fire hydrant shall deliver not less than 1000 gpm. |

Each fire hydrant shall be able to deliver its required fire flow with a loss of not more than 2.5 psi in the hydrant and a total loss of not more than 5.0 psi between the street main and the outlet.

Those municipalities whose zoning classifications differ from that of Miami-Dade County shall adapt Table I fire flows to their zoning classifications and shall submit same to the Miami-Dade County Public Works Department within sixty (60) days from the adoption of this ordinance.

In the event that a zoning classification is changed by a zoning resolution of the Miami-Dade County Commission or by court order which would increase the fire flow requirement, the public utility shall have one (1) year from the date of said zoning resolution or court order to deliver the required gallons per minute at 20 psi residual and to increase the flow to each fire hydrant.

TABLE II

REQUIRED DURATION FOR FIRE FLOW

|  |  |
| --- | --- |
| *Required Fire*  *Flow GPM* | *Required Duration*  *Hours* |
| 10,000 and greater | 10 |
| 9,500 | 9 |
| 9,000 | 9 |
| 8,500 | 8 |
| 8,000 | 8 |
| 7,500 | 7 |
| 7,000 | 7 |
| 6,500 | 6 |
| 6,000 | 6 |
| 5,500 | 5 |
| 5,000 | 5 |
| 4,500 | 4 |
| 4,000 | 4 |
| 3,500 | 3 |
| 3,000 | 3 |
| 2,500 and less | 2 |

(C) All new buildings and all existing buildings being altered to increase the area or height shall have available the required number of fire hydrants as specified in the Public Works Manual D-8, connected to a public water supply which meets the fire flow requirements specified in Table I hereof except in the following instances:

(1) Exemptions:

(a) All duplexes and single-family detached homes not requiring water main extensions for domestic purposes. For purposes of this section, water main extensions shall mean the extension of a water supply system by installation and construction of a new water main, six (6) inches in diameter or larger, as required by the appropriate regulatory authorities or utilities.

(b) All single-family residential structures on lots in excess of one-half acre in size, including but not limited to the zoning classifications of EU-1, EU-2, EU-M, EU-S, and EU-1C, where a public water supply is not available.

(c) Additions to existing buildings and accessory buildings not exceeding twenty-five (25) percent of the square footage of existing structures, but in no event greater than five thousand (5,000) square feet. Furthermore, additions to existing buildings or accessory buildings, less than two thousand (2,000) square feet, shall be exempt from the terms of [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO)(C).

(2) Neighborhood shopping centers with buildings totaling an area of less than one hundred thousand (100,000) square feet with no building under one (1) roof of more than ten thousand (10,000) square feet, with no building exceeding two (2) stories in height, and with at least twenty-five-foot separations between buildings, shall meet fire flow requirements of at least one thousand two hundred fifty (1,250) gallons per minute.

(3) Individual, industrial or commercial buildings or structures not part of a neighborhood shopping center or industrial park and less than five thousand (5,000) square feet in area and with low or ordinary hazard content shall meet a fire flow requirement of at least seven hundred fifty (750) gallons per minute.

(4) In the event the rate of fire flow required under the terms of this section is not available from the water supply utility serving the property at the time of application for a building permit and none of the exemptions or qualifications noted in [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO)(C)(1) through (3) apply, then the following interim criteria will govern the issuance of building permits:

(a) Properties classified as having low hazard contents and not exceeding two (2) stories in height will be required to provide a minimum of fifty (50) percent of the flow rate described in Table I of this section.

(b) Properties classified as having ordinary hazard contents and not exceeding two (2) stories in height will be required to provide a minimum of sixty (60) percent of the flow rate described in Table I of this section.

(c) Properties classified as having low or ordinary hazard contents and having more than two (2) stories but not exceeding five (5) stories in height will be required to provide a minimum of seventy (70) percent of the flow rate described in Table I of this section.

(d) Properties classified as having high hazard contents and not exceeding one (1) story in height will be required to provide a minimum of seventy (70) percent of the flow rate described in Table I of this section.

(e) Properties classified as having high hazard contents and exceeding one (1) story in height will be required to provide one hundred (100) percent of the flow rate described in Table I of this section.

(f) All properties in excess of five (5) stories in height will be required to provide one hundred (100) percent of the flow rate described in Table I.

(g) Property classifications of hazard of content (low, ordinary and high) when utilized in this section shall be defined as set out in Section 401 of the South Florida Building Code.

(5) In all cases of new construction where less than the flow rate described in Table I of this section is permitted pursuant to the provisions of [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO)(C)(4), engineering and construction of new facilities to meet the total fire flow requirements as described in Table I of this section will be provided so that at the time the water utility serving the property is capable of providing full fire flow, the properties receiving said flow will be capable of utilizing the full fire flow provided by the utility.

(6) In all cases wherein the interim criteria of [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO)(C)(4) are utilized, no less than five hundred (500) gallons per minute fire flow shall be permitted for any type of improved property and all fire flow tests will be calculated with a minimum of twenty (20) psi residual pressure remaining in the water main.

(7) In the event the minimum fire flow requirements set out in this section cannot be met by the water supply utility servicing said property, then the applicant for a building permit shall be required to supplement those flows through an on-site or readily available system meeting the minimum fire flow requirements of this section and meeting with the approval of the Fire Department having jurisdiction.

(8) In the event that the required fire flow is not available to supply an applicant for a certificate of occupancy but it is determined by the Fire Department having jurisdiction that system improvements are in process and/or are imminent so that the applicant will be able to meet the fire flow requirements, then the Fire Department having jurisdiction may extend the time to meet the requirements of this section for an initial interim period not to exceed ninety (90) days and may authorize temporary certificates of occupancy based thereon. A bond sufficient to assure completion of the required system improvements in order to meet the fire flow requirements shall be posted by the applicant with the appropriate governmental agency having jurisdiction. The amount of the bond shall be determined by the Fire Department having jurisdiction and shall be equivalent to one hundred ten (110) percent of the cost to complete the fire flow improvements.

(9) The location and number and sizes of the fire hydrants and fire hydrant branches shall be designated by the Fire Department having jurisdiction and in accordance with the Miami-Dade County Public Works Manual, Section D-8, Water Supply.

(10) Unobstructed access to fire hydrants or on-site private systems shall be provided and maintained to accommodate firefighting apparatus.

(D) *Distribution systems.* The supply mains shall be of adequate size and have properly arranged connections to the arterial mains which shall extend throughout the system and have numerous connections to the secondary feeders that supply the minor distribution.

(E) *Main Sizes.* The minor distribution branches or systems supplying residential districts shall consist of mains at least six (6) inches in size arranged so that they form a closed loop in all areas of the distribution system. Where long unsupported length of pipe are necessary, eight-inch or larger mains shall be used. In new construction, eight-inch or larger pipe shall be used where dead ends and a poor system pattern are likely to exist for a considerable period or where the layout of the streets is not well suited to producing a closed-loop system. The use of dead-ended six-inch and smaller mains to provide fire protection shall not be permitted.

(F) *Pressure.* Sufficient pressures shall be provided within the system to maintain twenty (20) psi residual pressure while providing required fire flows. In those cases where system supply design and hydrant locations are capable of meeting full domestic, commercial and fire flow demands, residual pressures of ten (10) psi will be permitted.

(G) No person shall place or keep any post, fence, vegetation growth, trash or other material near any fire hydrant that would prevent such hydrant from being immediately seen or in any manner deter or hinder the Fire Department from gaining immediate access to a fire hydrant.

(H) No person shall use or operate any fire hydrant or other valve on any fire system intended for use by the Fire Department for fire suppression purposes except for the purpose of extinguishing fires, unless such person secures written prior approval from the Fire Department and the public utility concerned.

(I) No person shall remove, tamper with, or otherwise disturb any fire hydrant or firefighting appliance except for the purpose of extinguishing fires, firefighting training, or making necessary repairs without first obtaining written approval by the Fire Department.

(J)   
(1)  
Prior to issuance of any building permit, approval of the building plans shall be obtained from the Fire Department having jurisdiction in accordance with the requirements set out in [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO)(C).

(2) Approval or disapproval of fire suppression systems and fire flow requirements set out in [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO)(C) for the purpose of obtaining a certificate of occupancy shall be accomplished by the Fire Department having jurisdiction within two (2) weeks after receiving a written request for same by the applicant for the certificate. Such approval or disapproval shall be given in writing.

(3) A schedule of fees to cover the cost of processing building permits, certificates of occupancy, and other services for compliance with this article shall be established by administrative order of the County Manager for the Miami-Dade County Fire Department and shall be effective upon approval by the Board of County Commissioners. Municipal fire departments having jurisdiction to enforce this article may adopt the County fee schedule or may establish a fee schedule for the particular municipality. No permit or certificate of occupancy shall be issued and no services shall be rendered until the appropriate fee, if any, is paid.

(K) All public utilities as defined in [Chapter 32](../level2/PTIIICOOR_CH32WASERE.docx#PTIIICOOR_CH32WASERE) of the Code of Miami-Dade County shall submit to the Miami-Dade County Fire Department a detailed preliminary engineering study outlining the projected costs to said public utility in order to conform their systems to the provisions of this ordinance. The study shall further provide for an analysis as to the time period in which conformity to this article can be accomplished. Said reports shall be submitted by October 31, 1975.

(L) *Temporary Fire Flow Operating Permits.*

(1) *Intent.* It is the intent of the Board of County Commissioners to provide a procedure whereby public water supply utilities, as defined herein, may continue to operate their facilities, even though they cannot meet the requirements for fire flow pressures and water quantities by December 31, 1977. However, it is not the intent of the Board to grant such temporary fire flow operating permit unless the utility seeking same can affirmatively show a bona fide good faith effort being made to comply with the provisions hereof as soon as is reasonably possible. The Board recognizes the difficulty in complying with the terms of this section but also recognizes the overwhelming public need for adequate fire protection to all citizens of Miami-Dade County in as expeditious a manner as good faith efforts will allow.

(2) *Applications.* All water supply utilities subject to the terms of this section that have not or cannot comply with the provisions of subsections (A), (B), (D), or (F) hereof, on or before December 31, 1977, shall apply within six (6) months of the date hereof for a temporary fire flow operating permit. Said application shall be made to and on forms supplied by the Miami-Dade County Fire Department, Division of Technical Services, Fire Engineering and Water Supply Services Section, or its successor entity, division, department, or section (hereinafter referred to as Department). Said application shall contain such information as the Department requires. The Department may require the applicant to submit any additional information reasonably necessary, and may refuse to grant a permit until such time as the information is furnished and evaluated.

(3) *Grounds for permit issuance.* The Department may either grant, deny, or grant the permit subject to conditions set forth within it and/or as attached to the permit. No temporary permit shall be granted by the Department unless it is affirmatively shown and the Department finds that:

(a) The applicant is not in compliance with subsections (A), (B), (D), or (F) of this section; and

(b) The applicant is either constructing, installing, or placing in operation, or has submitted plans and reasonable schedules for constructing, installing or placing in operation approved facilities to increase and meet the fire flow requirements of this section; or the applicant has or is negotiating a contract, within a reasonable time period, which would allow the applicant to receive an increased supply of water and/or water pressure within a reasonable period of time so as to comply within the terms of this section; or, the applicant is actively engaged or engaging in financial planning efforts directed specifically towards compliance with this section and with a reasonable time schedule set out for completion and implementation of said financial planning; or, the applicant is actively pursuing implementation of financial planning in a bona fide attempt to receive funds to comply with this section either through, but not limited to, utility rate relief, fire flow surcharges, federal, State or local grant applications, loan applications, special purpose taxing districts, ad valorem tax increases or otherwise; or, that the applicant has or will, within reasonable time limits, file applications with regulatory agencies to permit the construction of facilities designed to accomplish the purposes of this section; or, such other active bona fide and good faith actions on behalf of the applicant as are directed to an expeditious implementation of the requirements of this section; and

(c) There is no present, reasonable or alternative means of compliance with this section without the granting of the subject permit; and

(d) The denial of a temporary operating fire flow permit would work an extreme hardship upon the applicant; and

(e) The granting of a temporary operating fire flow permit will be in the public interest; or

(f) The grant of such a permit will not significantly endanger the public health, safety or welfare.

(4) *Permit issuance.* Any permit issued hereunder shall be on a form prescribed by the Department which shall indicate on its face or as an attachment the conditions of the grant of said permit. Said permit shall be granted for a period of time not to exceed five (5) years in duration depending upon the reasonable time schedules for compliance set by the applicant and approved by the Department. Any permit granted for a period in excess of one (1) year shall automatically include a requirement for a yearly status report by the applicant on the progress that has been made in meeting the conditions set out within the permit. Any permit issued for a period of one (1) year or less will automatically include a provision for such a report every six (6) months, or such lesser period of time as the Department deems reasonable and necessary to accomplish the purposes of this section.

(5) *Permit revocation.* The Department may revoke the temporary operating fire flow permit issued hereunder upon finding that the applicant has failed to meet the conditions of the permit or that the applicant has not shown a bona fide good faith effort to comply with the terms of this section. In the event the Department determines that the permit should be revoked, it shall notify the applicant of its intent to revoke and the grounds therefor. The applicant may, within fifteen (15) days of receipt of said notice, invoke the appeal provisions of this section towards the notice of intent to revoke permit issued by the Department.

(6) *Permit renewal.* Temporary operating fire flow permits may be renewed upon proper application by the affected utility utilizing the same criteria affecting original permit issuance. In addition, the Department shall also consider compliance with original permit conditions in determining whether the permit shall be renewed. Applications for permit renewal shall be made at least sixty (60) days prior to the expiration date of the existing permit.

(7) *Appeals from actions of the Department.* The provisions of [Section 2-103.23](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.23REDE) shall govern appeals by any person or applicant from any decision of the Department made pursuant to this subsection.

(8) *Enforcement.* The provisions of this section and enforcement of the conditions of a temporary operating fire flow permit may be enforced by the Department in the following manner:

(a) The Department, by and through its enforcement agent for the implementation of the fire flow ordinance, may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to persons, realty or personalty that occur as a result of violation of this subsection or in violation of any conditions contained within a temporary operating fire flow permit.

(b) The Department by and through its enforcement agent for the implementation of the fire flow ordinance, may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation of this subsection in an amount of not more than five thousand dollars ($5,000.00) per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(c) The Department, by and through its enforcement agent for the implementation of the fire flow ordinance, may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this subsection or any condition of a temporary operating fire flow permit issued hereunder in order to prevent and mandatorily enjoin the applicant to perform the duties, responsibilities and conditions to said permit and subsection.

(d) The enforcement remedies set out hereinabove shall be in addition and supplemental to the remedies and penalties continued within [Section 1-5](../level2/PTIIICOOR_CH1GEPR.docx#PTIIICOOR_CH1GEPR_S1-5GEPECOCILICRLIPE) of the Code of Miami-Dade County, and each day a violation of the provisions of this subsection or of the conditions of a permit issued pursuant hereto shall [continue shall] constitute a separate offense for purposes of this subsection.

(Ord. No. 74-96, § 2, 12-3-74; Ord. No. 75-26, § 1, 4-16-75; Ord. No. 75-64, § 1, 7-16-75; Ord. No. 75-89, § 1, 10-15-75; Ord. No. 75-104, §§ 1, 2, 11-18-75; Ord. No. 78-6, § 1, 2-7-78; Ord. No. 80-42, § 1, 5-20-80)

**Annotations—**CAO's 80-8, 80-13, 81-23.

Sec. 2-103.22. Rules and regulations; fire flow requirements.

The Miami-Dade County Fire Department shall establish, and from time to time amend, rules and regulations relating to the requirements set forth in [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO) of the Code of Miami-Dade County. Said rules and regulations, and amendments thereto, shall only become effective when approved by the Board of County Commissioners following public hearing thereon and filed with the Clerk of the County Commission.

(Ord. No. 75-16, § 1, 3-4-75)

Sec. 2-103.23. Review of decisions.

Whenever any person is aggrieved by any decision of the Miami-Dade County Fire Department or Fire Department having jurisdiction as to the enforcement of [Section 2-103.21](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.21REFIFLCO) and [Section 2-103.22](../level3/PTIIICOOR_CH2AD_ARTXIVAWASUFISU.docx#PTIIICOOR_CH2AD_ARTXIVAWASUFISU_S2-103.22RUREFIFLRE) it may appeal said decision within fifteen (15) days to the Environmental Quality Control Board pursuant to the procedures contained in [Section 24-6](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-6DIMIDECODEENREMAFFCRAPTEEXCLSEMESYCOASOPPR) of this Code.

(Ord. No. 75-87, § 1, 10-15-75)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 74-96, §§ 1, 2, enacted Dec. 3, 1974, amended this Code by adding §§ 2-103.20 and 2-103.21 as set out in Art. XIVA. [(Back)](#BK_ECDD437D604C6B78CE8E54C4D52B54A5)

**Cross reference—** Fire prevention generally, Ch. 14; water generally, Ch. 32. [(Back)](#BK_ECDD437D604C6B78CE8E54C4D52B54A5)

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**Editor's note—** Section 6 of Ord. No. 74-96 provided that § 2-103.21(A), (B), (D)—(F) would become effective Dec. 31, 1977, unless extended by the Commission for cause. [(Back)](#BK_D073394B74721E1C295BD7ADED7DF0A7)

### ARTICLE XV. DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION [[29]](#BK_12C3BC3AD928CD67A1E47FEF8A1BD496)

[Sec. 2-104. Established; Director as head; appointment; term; assistants; qualifications.](#BK_B0517798CD85DA2590ACD396E691B08D)

[Sec. 2-105. Director—Duties.](#BK_C3DC26D82710185793D10F32AF45B7C5)

[Sec. 2-105.1. Same—Responsibility for preparation of Comprehensive Development Master Plan.](#BK_F307A6811DC180CB2DE8952284622633)

[Sec. 2-106. Organization; appointment of employees; salaries.](#BK_BF0DC6CDCB4691391907E4408EF00207)

[Sec. 2-106.1. Reserved.](#BK_2DC9F34A8D37163FD5943C1F252121E1)

[Sec. 2-107. Planning Advisory Board—Established; composition; compensation of members; new member orientation; annual orientation workshop.](#BK_03DE85492CE4DF4DA7F2B12C687B8503)

[Sec. 2-108. Same—Duties.](#BK_47AE037B056B604B57ADB75F0B6DF5C2)

[Sec. 2-108.1. Same—Responsibilities aslocal planning agency.](#BK_FC548604BB2F385BF67D4DE2808A312B)

[Sec. 2-109. Same—Terms of office; vacancies.](#BK_E395A35C3F952B9567C53CA4D29B8FBE)

[Sec. 2-110. Same—Organization; meetings; quorum; rules; records of meetings.](#BK_1755CF22369ACB3E8D7C2B530853468F)

[Secs. 2-111—2-112.2. Reserved.](#BK_8F1A88760C0BC1C533E4241C9B90ABCE)

[Sec. 2-113. Adoption of Comprehensive Development Master Plan—Findings of fact; declarations of policy; purpose.](#BK_6E4374F34DFFCD8DA11C01C9AAC4DCC3)

[Sec. 2-113.1. Adoption of Comprehensive Development Master Plan—Plan contents designated, official text to be maintained.](#BK_1574CBFB1936712E04938F635980242F)

[Sec. 2-114. Adoption of Comprehensive Development Master Plan—Legal status of plan; relationship to neighborhood, area, and functional studies; legislative intent; definitions.](#BK_EC6A2E3A6953505B8E62E10851C01124)

[Sec. 2-114.1. Administrative review of takings and vested rights claims.](#BK_295826279927AB52FA4581E8E8B21192)

[Sec. 2-114.2. Supplemental optional vested rights procedure.](#BK_8FC7DD8A11934140FD5F1821394D0A16)

[Sec. 2-114.3. Reaffirmation of vested rights.](#BK_CF0EB9F095511A29DD67AA0B229EEE65)

[Sec. 2-114.4. Modification of vested development.](#BK_6D5DD4B0B78C60A341A2949ECBA37E8D)

[Sec. 2-115. Adoption of Comprehensive Development Master Plan—Relationship to County agencies, boards and departments.](#BK_692689E428548125C424FF831D53DDE8)

[Sec. 2-115.1. Adoption of Comprehensive Development Master Plan—Necessity for further implementation.](#BK_1009369D156E90C9F218ACA74A5BCDAC)

[Sec. 2-115.2. Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area—Adoption and amendment.](#BK_9A0F28344D2FDEB19449084A0595DDE5)

[Sec. 2-115.3. Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area—Legal status.](#BK_B53A8223BD09AE93B9588FFD5B6E6E29)

[Sec. 2-115.4. Transportation Plan for Miami-Dade County—Adoption.](#BK_35500D49605445EAFD9C17D9D039B424)

[Sec. 2-115.5. Transportation Plan for Miami-Dade County—Legal status and amendment requirements.](#BK_DAB49D7FD28DAA64AFBA9136633DC56E)

[Sec. 2-115.6. Agricultural Land Use Plan—Findings and legislative intent.](#BK_DDE238FC89C56A57EECFC14116886F7F)

[Sec. 2-115.7. Agricultural Land Use Plan—Adoption and acceptance.](#BK_F454E463F4468D1E734095AFA0844486)

[Sec. 2-115.8. Agricultural Land Use Plan—Legal status.](#BK_7C83CC202B026E2B4A25230B4F2E6E33)

[Sec. 2-115.9. Agricultural Land Use Plan—Relationship to County agencies, boards and departments.](#BK_81AC11F9D5CE6B7A3092E01753C5D35B)

[Sec. 2-115.10. Agricultural Land Use Plan—Necessity for further implementation.](#BK_D00E940D2C54F6FDDD09787915E3989C)

[Sec. 2-115.11. Biscayne National Park Buffer Development Review Committee; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.](#BK_D08E4A63D5D5BACE572AA2B12C3167D7)

[Sec. 2-115.12. Advisory committee for the South Miami-Dade Watershed Plan;](#BK_77E96A1D6C375B153E6DBE77F410A46D)

[Sec. 2-115.13. Citizens' Advisory Committee for the Agriculture and Rural Area Study; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.](#BK_6AE53ED33CCDB3D7A08D5A22F80B6F9B)

[Sec. 2-116. Evaluation and appraisal of the Comprehensive Development Master Plan.](#BK_E5A400E83768A70ECE04B786A8C708A7)

[Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan.](#BK_D9649DF613349DF655FCA4131C541BA5)

[Sec. 2-116.1.1. Fees for furnishing publications.](#BK_19225050BE016F10E76AF1D7B7A5ACFB)

[Sec. 2-116.1.2. Applicability of Comprehensive Master Plan to Municipalities.](#BK_24C487E7105835C475FC159797E83ABD)

[Sec. 2-116.2. Area planning reports—Legislative intent.](#BK_47435F86BA15C417B9A9BBFBA1C77FA7)

[Sec. 2-116.3. Area planning reports—Initiation.](#BK_3E34AA1BA486413EF87C2D36CA78AAFA)

[Sec. 2-116.4. Area planning reports—Scope and contents.](#BK_A9D8B1942D1FD0B445E79FDF846FEDF1)

[Sec. 2-116.5. Area planning reports—Preparation.](#BK_136A5D61CCC3A2DB020ABD5ECD159B2A)

[Sec. 2-116.6. Area planning reports—Planning Advisory Board action.](#BK_BC0111E7F7080C275C56C641F79349BF)

[Sec. 2-116.7. Area planning reports—Board of County Commission Action.](#BK_14915AC4CCD34081CED328C8F8E14749)

[Sec. 2-116.8. Area planning reports—Implementation.](#BK_46A12BA1DF9A85EA4164E03853EE6701)

[Sec. 2-116.9. Area planning reports—Amendment or rescission.](#BK_4E0311DEFCB98C402F007D6CCB4E43C1)

[Sec. 2-116.10. Area planning reports—Legal status.](#BK_5FC84CC4950F4BC0FAB915AFD2B3D78A)

[Sec. 2-116.11. Area planning reports—Previous studies.](#BK_E26E6287C961A2AD3AE255FB42201386)

Sec. 2-104. Established; Director as head; appointment; term; assistants; qualifications.

The Department of Planning and Zoning is established. The Manager shall appoint a Director of Planning and Zoning who shall head the Department, and Assistant Directors, all of whom shall serve at the will of the Manager. The Director shall be qualified in the field of planning, and the Assistant Directors shall be qualified in their respective fields, by special training and experience. The Manager shall be responsible for coordinating the work of the Department of Planning and Zoning, the Department of Public Works, and the Department of Parks and Recreation.

(Ord. No. 57-8, § 14.01, 8-30-57; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

**Editor's note—**

Reference in the last sentence of [§ 2-104](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-104ESDIHEAPTEASQU) to a Director of Traffic and Transportation has been deleted as obsolete.

**Cross reference—** Planning Director excepted from classified service, § 2-41.

Sec. 2-105. Director—Duties.

Under the supervision of the Manager and with the advice of the Planning Advisory Board, the Director shall among other things:

(a) Conduct studies of County population, land use, facilities, resources, and needs and other factors which influence the County's development and on the basis of such studies prepare official and other maps and reports.

(b) Prepare for review and public hearing by the Planning Advisory Board, and for adoption by the Commission, zoning, subdivision and related regulations for the unincorporated areas of the County and minimum standards governing zoning, subdivision, and related regulations for the municipalities.

(c) Prepare recommendations to effectuate the master plan and to coordinate the County's proposed capital improvements with the master plan.

(d) Review the municipal systems of planning, zoning, subdivision, and related regulations and make recommendations thereon with a view to coordinating such municipal systems with one another and with those of the County.

(e) Upon request of the Commission to the Manager conduct special surveys and studies and make reports thereon.

(f) Promote public understanding of and interest in the master plan and community development.

(g) Examine and approve all proposed plats and proposed local area developments.

(h) Provide for public hearings before the Planning Advisory Board.

(i) Have the right to enter upon any land and make examinations and surveys, and place and maintain necessary monuments and markers.

(j) Call upon any municipal or County official to appear before the Planning Advisory Board within a reasonable length of time and to bring with him such records or information as may be requested pertaining to any matter pending before the Planning Advisory Board.

(k) To enter into an "essentially built out" agreement with a developer and the state land planning agency where it has been finally determined that a development of regional impact ("DRI") is "essentially built out", in accordance with the procedures set forth in [Section 33-303.1](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303.1DEIMCO). Code of Miami-Dade County, as amended, and Section 380.06(15)(g)(3), Florida Statutes, as amended.

The Department of Planning and Zoning shall be responsible for the enforcement of the Planning and Zoning laws of the County, in accordance with the provisions of this Code, including but not limited to Sections [2-968](../level3/PTIIICOOR_CH2AD_ARTLXXIAOFCIASOUTEME.docx#PTIIICOOR_CH2AD_ARTLXXIAOFCIASOUTEME_S2-968DUPO), [2-969](../level3/PTIIICOOR_CH2AD_ARTLXXIAOFCIASOUTEME.docx#PTIIICOOR_CH2AD_ARTLXXIAOFCIASOUTEME_S2-969EN) and 33-39.21, and shall perform such other duties and functions as the County Commission may prescribe.

The Department is authorized to charge and collect fees and furnish copies of plans, permits, and other department records to the public provided that a schedule of the type and amount of fees to be charged is first filed with the Clerk of the Board of County Commissioners in accordance with the provisions of [Section 2-3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-3RURECOAGILCLCICO) of this Code.

(Ord. No. 57-8, § 14.02, 8-30-57; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-123, § 1, 9-21-99; Ord. No. 00-31, § 1, 2-24-00)

Sec. 2-105.1. Same—Responsibility for preparation of Comprehensive Development Master Plan.

Pursuant to Section 4.07, Charter of Miami-Dade County, and Section 163.3174(4)(a), Florida Statutes, the Director of Planning and Zoning, with the support of the Department, shall have the responsibility to prepare the comprehensive plan and all elements thereof, and any proposed amendments which, in his discretion, warrant initiation for public hearing and consideration by the Board of County Commissioners. The Director shall also have the responsibility to make recommendations to the Planning Advisory Board in its capacity as the local planning agency as provided in [Section 2-108.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-108.1SAESLOPLAG), and to the Board of County Commissioners on proposed comprehensive plan amendments and on the evaluation and appraisal report (EAR) prepared pursuant to [Section 2-116](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116EVAPCODEMAPL). The Director shall also have the responsibility to monitor and oversee the effectiveness and status of the comprehensive plan including the timely preparation of proposed periodic evaluation and appraisal reports required by Section 163.3191, Florida Statutes. Any such proposed comprehensive plans, elements, or portions thereof or proposed amendments thereto, and proposed evaluation and appraisal reports shall be subject to duly noticed public hearings and to recommendations by the Planning Advisory Board acting as the local planning agency, and shall be presented to the Board of County Commissioners for their consideration. The Director shall work in close coordination with the County Manager in directing the Department in the exercise of these responsibilities.

(Ord. No. 92-17, § 2, 3-17-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-106. Organization; appointment of employees; salaries.

The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager. The Manager shall appoint such employees and other personnel as may be necessary to operate the Department. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 57-8, § 14.13, 8-30-57)

**Charter reference—** Authority of Manager to issue and place into effect administrative orders, rules and regulations and to prescribe the organization and operating procedure of departments of the County, § 4.02.

Sec. 2-106.1. Reserved.

**Editor's note—**

Ord. No. 92-17, § 1 adopted March 17, 1992, repealed former [§ 2-106.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-106.1RE), relative to the Planning Department designated as the local planning agency, which derived from Ord. No. 76-441, § 1, adopted May 18, 1976 and Ord. No. 86-97, § 1, enacted Dec. 16, 1986.

Sec. 2-107. Planning Advisory Board—Established; composition; compensation of members; new member orientation; annual orientation workshop.

(a) A Planning Advisory Board is hereby established. This Board shall consist of:

(1) Seventeen (17) voting members appointed by the County Commission. Each County Commissioner shall nominate one (1) member. The remaining four (4) members, each of whom shall be a professional in architecture, landscape architecture, urban design, urban planning, real estate or a similar field, shall be at-large appointments. Nominations for the at-large appointments shall be submitted to the Chair of the Board of County Commissioners to be voted on by the Board. Members shall serve without compensation, but shall be entitled to be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission.

(2) The following nonvoting members:

a. A representative appointed by the School Board of Miami-Dade County, who may attend those meetings at which the Board considers an application to amend the comprehensive plan that would, if approved, increase residential density on the property that is the subject of the application.

b. A representative appointed by the commanding officer of the Homestead Air Reserve Base, who may attend those meetings at which the Board considers an application to amend the comprehensive plan that, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.

(b) New members of the Planning Advisory Board appointed to the Board after the effective date of this ordinance shall attend a New Member Orientation Seminar conducted by the Department of Planning and Zoning and the County Attorney's Office. The seminar shall include, but shall not be limited to, a review of the Comprehensive Development Master Plan and issues related thereto, incorporation and annexation issues, and a review of applicable laws, rules and regulations pertaining to duties and responsibilities of Planning Advisory Board members.

(c) Planning Advisory Board members shall attend an Annual Planning Advisory Board Workshop organized and conducted by the Department of Planning and Zoning and the County Attorney's Office. The Workshop shall include, but shall not be limited to, a review of the Comprehensive Development Master Plan and issues related thereto, incorporation and annexation issues, and a review of applicable laws, rules and regulations pertaining to duties and responsibilities of Planning Advisory Board members.

(Ord. No. 57-8, § 14.03, 8-30-57; Ord. No. 59-2, § 1, 1-20-59; Ord. No. 64-39, § 10, 9-1-64; Ord. No. 73-20, § 1, 3-8-73; Ord. No. 81-53, § 1, 5-5-81; Ord. No. 94-119, § 1, 6-9-94; Ord. No. 05-90, § 1, 5-3-05; Ord. No. 05-188, § 2, 11-3-05; Ord. No. 07-146, § 1, 10-2-07)

**Charter reference—** Authority to establish Planning Advisory Board, § 4.08(A).

Sec. 2-108. Same—Duties.

The Planning Advisory Board shall perform such duties as are conferred on it by this article and shall hold at least one (1) meeting a month to review the work of the Planning and Zoning Director and to consider such matters as may be referred to it by the Director or the County Commission.

(Ord. No. 57-8, § 14.04, 8-30-57; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-108.1. Same—Responsibilities as  
local planning agency.

Pursuant to the provisions of Chapter 163, Part II, Florida Statutes, the Planning Advisory Board shall serve as the local planning agency (LPA) fulfilling the following specific responsibilities:

(a) Hold at least one (1) public hearing with due public notice on the proposed comprehensive plan, plan element or portion thereof or proposed amendment thereto, and on proposed plan evaluation and appraisal reports prepared by the Department of Planning and Zoning;

(b) Review the proposed comprehensive plan, plan element or portion thereof or proposed amendments thereto, and the Department of Planning and Zoning's recommendations, reports on proposed amendments, and proposed plan evaluation and appraisal reports prepared by the Department of Planning and Zoning pursuant to [Section 2-116](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116EVAPCODEMAPL), and make final recommendations to the Board of County Commissioners prior to Commission action on transmittal to the State land planning agency or final action on such proposals or reports;

(c) Complete the preparation of evaluation and appraisal reports for submission to the Board of County Commissioners and the State land planning agency pursuant to Section 163.3191(4), Florida Statutes; and

(d) Conduct all meetings as public meetings with records properly maintained and available to the public.

(Ord. No. 92-17, § 2, 3-17-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-109. Same—Terms of office; vacancies.

(a) The terms of office of the members of the Planning Advisory Board shall end December 31, 1994 for members nominated by the County Commissioners representing Commission Districts 2, 4, 6, 8, 10 and 12 and shall end December 31, 1996, for members nominated by the County Commissioners representing Commission Districts 1, 3, 5, 7, 9, 11 and 13, with appointments thereafter for terms of four (4) years each. The membership of each appointee expires when the Commissioner who nominated that member leaves office. The four at-large members shall serve terms of two (2) years each. Each member shall hold office until his or her successor has been duly appointed and qualified. Any member of the Planning Advisory Board may be removed from office at any time by two-thirds vote of the County Commission.

(b) A member's position shall become vacant when:

(1) The member is absent from three (3) consecutive meetings, regardless of reason, provided that absences from emergency meetings or specially called meetings shall not count toward the attendance requirement;

(2) The member's term expires; or

(3) The member resigns or is removed.

Any vacancy occurring during the unexpired term of office of any member of the Planning Advisory Board shall be filled for the unexpired term by the County Commission within thirty (30) days after the vacancy occurs.

(Ord. No. 57-8, § 14.05, 8-30-57; Ord. No. 59-2, § 1, 1-20-59; Ord. No. 94-119, § 1, 6-9-94; Ord. No. 05-188, § 3, 11-3-05)

Sec. 2-110. Same—Organization; meetings; quorum; rules; records of meetings.

The Planning Advisory Board shall elect a Chairperson and such other officers as may be necessary from among its members to serve for a one (1) year term commencing March first. Elections shall be held in February of each year, and each officer shall serve until his or her successor is elected. The Director of Planning and Zoning shall be the executive director and secretary of the Planning Advisory Board. Such staff as may be necessary to assist and advise the Planning Advisory Board in the fulfillment of its duties shall be furnished by the Department of Planning and Zoning. All meetings of the Board shall be held in a public place and shall be open to the public. Six (6) members of the Board shall constitute a quorum, and, except as otherwise provided, decisions may be made by majority vote of the members present at a meeting at which a quorum is present. The Planning Advisory Board may prescribe other rules for the conduct of its affairs. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses in the manner prescribed for the attendance of witnesses in the County Court. The Planning Advisory Board shall keep minutes of its proceedings and records of its other official actions, showing the vote of each member on each question. If a member is absent or fails to vote, the record shall indicate such fact. All records shall be filed immediately in the Department of Planning and Zoning office and shall be open to the inspection of the public.

(Ord. No. 57-8, § 14.06, 8-30-57; Ord. No. 59-2, § 1, 1-20-59; Ord. No. 81-53, § 2, 5-5-81; Ord. No. 94-119, § 1, 6-9-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 05-188, § 4, 11-3-05)

Secs. 2-111—2-112.2. Reserved.

**Editor's note—**

Ord. No. 92-17, § 1, adopted March 17, 1992, repealed former §§ 2-111—2-112.2, relative to the procedure for adopting a master plan and Comprehensive Development Master Plan, which derived from Ord. No. 57-8, §§ 14.07, 14.08, enacted Aug. 30, 1957; Ord. No. 75-22, § I, adopted March 31, 1975; and Ord. No. 79-63, §§ 1, 2, adopted July 11, 1979.

Sec. 2-113. Adoption of Comprehensive Development Master Plan—Findings of fact; declarations of policy; purpose.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that uncoordinated use of lands within the County threatens the orderly development, the environment of the County, and the health, safety, order, convenience, prosperity and welfare of the people of this County. The Board of County Commissioners, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; in recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances; and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of Miami-Dade County, Florida, in cooperation with federal, State, regional and local governments, and other concerned public and private organizations, to use all reasonable means and measures to:

(a) Foster and promote the general welfare;

(b) Create and maintain conditions under which man and nature can exist in productive harmony; and

(c) Fill the social, economic and other requirements of the present and future generations of citizens of Miami-Dade County, Florida.

Accordingly, it is the purpose of this Commission in adopting the Miami-Dade County Comprehensive Development Master Plan to declare a County policy which will [encourage productive and enjoyable harmony between man and his environment, to promote reasonable efforts which will] prevent or eliminate unreasonable or unnecessary damage to the environment and the biosphere, to stimulate the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the County, the State and the nation. It is the purpose and intent of this plan to assure for all people of Miami-Dade County safe, healthful, productive and aesthetically and culturally pleasing surroundings; to attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to the health or safety, or other undesirable and unintended consequences; to preserve important historic, cultural and natural aspects of our national heritage; to maintain, wherever possible, environment which supports diversity and variety of individual choice; to achieve a balance between population and natural and man-made resources which will permit the high standards of living and a wide sharing of life's amenities, and to enhance the quality of renewal resources and approach the maximum attainable recycling of depletable resources. Accordingly, this Commission hereby recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment. The Commission further adopts the goals and objectives of the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, § 163.3161 et seq., Florida Statutes (1987), and dedicates its decision-making function in furtherance of the express intent of said act.

(Ord. No. 75-22, § 2, 3-31-75; Ord. No. 79-63, § 3, 7-11-79; Ord. No. 88-110, § 3, 11-29-88)

**Note—**See editor's note following § 2-112.1.

Sec. 2-113.1. Adoption of Comprehensive Development Master Plan—Plan contents designated, official text to be maintained.

(a) The Board of County Commissioners of Miami-Dade County, Florida, hereby declares that the Comprehensive Development Master Plan shall consist of the following adopted statement and elements as the same may be amended from time to time:

(i) Statement of Legislative Intent.

(ii) Elements:

1. Land Use Element.

2. Traffic Circulation Element.

3. Mass Transit Element.

4. Port and Aviation Element.

5. Conservation, Drainage, and Aquifer Recharge Element.

6. Coastal Management Element.

7. Housing Element.

8. Water, Sewer and Solid Waste Element.

9. Recreation and Open Space Element.

10. Intergovernmental Coordination Element.

11. Capital Improvements Element.

(b) An official true and correct copy of all elements of the Comprehensive Development Master Plan as adopted and as amended from time to time shall be maintained by the Director of the Department of Planning and Zoning.

(Ord. No. 75-22, § 3, 3-31-75; Ord. No. 76-100, § 3, 11-2-76; Ord. No. 77-49, § 3, 7-12-77; Ord. No. 78-45, § 3, 7-11-78; Ord. No. 79-63, § 4, 7-11-79; Ord. No. 88-110, § 3, 11-29-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

**Note—**See the editor's note following § 2-112.1.

**Annotation—**CAO 83-13.

**Cross reference—** Comprehensive Development Master Plan, § 23A-1.

Sec. 2-114. Adoption of Comprehensive Development Master Plan—Legal status of plan; relationship to neighborhood, area, and functional studies; legislative intent; definitions.

(a) *Legal status.* The Comprehensive Development Master Plan is hereby declared to be the official long-range and comprehensive guide for the orderly growth and development of Miami-Dade County, Florida, and is adopted to direct and achieve coordinated and harmonious development and land use in a manner which will permit the planning for adequate community facilities and protect the ecological balance of the environment, in order to promote the public health, safety, convenience, prosperity and general welfare of Miami-Dade County's citizens and visitors. In furtherance hereof, this Commission hereby declares its policy and intent to evaluate and consider all its public actions involving development orders or land development regulations as defined by Section 163.3164(6), (7), and (22), Florida Statutes (1987) or affecting land use or development, including action on applications for zoning relief, to be in conformity with and consistent with the Comprehensive Development Master Plan, as provided by Section 163.3194(3)(a), Florida Statutes (1987), and to determine whether such action or actions will better serve the community. Pursuant hereto, all County actions, including, but not limited to, those for capital improvements, transportation, housing, health, parks, recreation, culture and libraries shall be coordinated and rendered consistent with the Comprehensive Development Master Plan. In recognition that developmental actions and orders have been and shall continue to be a major tool for the implementation of land use and development policies, it shall henceforth be required that applicants for developmental actions or orders shall be determined to further the attainment of the intent of this plan, which embodies the essence of the community's development policy. Any deviations from the plan shall be approved only if the provisions of subsection [2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE)(c) are applicable, and further may only be approved by not less than a majority of the total membership of the Board of County Commissioners on applications for development orders pending before it, or by not less than a majority of the total membership a Community Zoning Appeals Board on applications for development orders pending before it. It shall be the responsibility of the Department of Planning and Zoning or other appropriate Miami-Dade County Boards, departments and agencies to formulate recommendations for the resolution of any conflicts in the interpretation or application of the Comprehensive Development Master Plan in a manner which will best serve the spirit and intent of the Comprehensive Development Master Plan. Any decisions relating to such conflict shall contain specific findings by the board, department or agency making said decisions.

(b) *Relationship to neighborhood, area, and functional studies.* Notwithstanding any other ordinance, or regulation of Miami-Dade County, Florida, neighborhood, area, and functional studies are not a part of the Comprehensive Development Master Plan. The Comprehensive Development Master Plan is hereby declared to supersede all neighborhood, area, and functional studies, which studies shall be advisory only, and the Comprehensive Development Master Plan shall prevail in the event of any conflict or difference with any such study.

(c) *Legislative intent.*

(1) No taking or abrogation of vested rights. Nothing in the Comprehensive Development Master Plan shall be construed or applied to constitute a temporary or permanent taking of private property without just compensation (hereinafter "taking") or the abrogation of vested rights.

a. Vested rights or taking. Nothing contained in this ordinance or in the Comprehensive Development Master Plan shall be construed or applied to constitute a temporary or permanent taking of private property or the abrogation of validly existing vested rights. It shall be the duty and responsibility of the party alleging a taking or vested rights to affirmatively demonstrate the legal requisites of a taking or vested rights. Rights shall vest upon a demonstration to an appropriate County board or agency that the provisions of Section 163.3167(8), Florida Statutes (1987) apply or that the applicant (1) has relief in good faith (2) upon some act or omission of the government and (3) has made such a substantial change in position or incurred such extensive obligations and expenses to their detriment that it would be highly inequitable to deny relief. The mere existence of zoning contrary to the Comprehensive Development Master Plan shall not be determined to vest rights. To establish a taking, the burden shall be on the applicant to demonstrate that (1) denial of the application will deny the applicant all beneficial use of the property; and (2) that no variances, alternative uses or other forms of relief are available which could, if approved, afford the applicant a beneficial use of the property. Mere diminution in property value shall not constitute a temporary or permanent taking of private property.

b. Notwithstanding any contrary provisions of the Code of Miami-Dade County, no applicant claiming that the Comprehensive Development Master Plan, as applied to a particular development action or order, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights may pursue such claim in court or before a quasi-judicial body unless he has first exhausted the administrative remedies provided in [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL)

(2) The Comprehensive Development Master Plan shall not be construed to preempt considerations of fundamental fairness that may arise from a strict application of the Plan. Accordingly, the Plan shall not be deemed to require any particular action: (a) where the plan is incomplete or internally inconsistent, (b) that would constitute a taking of private property without due process or fair compensation; or (c) which would deny equal protection of the laws.

(3) Nothing contained in this ordinance or in the Comprehensive Development Master Plan shall limit or modify the rights of any person to complete any development that has been authorized as a development or regional impact pursuant to Chapter 380, Florida Statutes or who has been issued a final local development order and development has commenced and is continuing in good faith as provided by Section 163.3167(8), Florida Statutes (1987).

(4) The Comprehensive Development Master Plan is intended to set general guidelines and principles concerning its purposes and contents. The Comprehensive Development Master Plan is not a substitute for land development regulations as defined by Section 163.3164(22), Florida Statutes.

(5) The Comprehensive Development Master Plan is not intended to preempt the processes whereby applications may be filed for relief from land development regulations. To the contrary, it is the intent of the Board of County Commissioners that such applications be filed, considered and finally determined, where a strict application of the Comprehensive Development Master Plan would contravene the legislative intent as expressed herein.

(6) The Board recognizes that a particular application may bring into conflict, and necessitate a choice between, different goals, priorities, objectives, and provisions of the Comprehensive Development Master Plan. While it is the intent of the Board that the land use element be afforded a high priority, other elements must be taken into consideration in light of the Board's responsibility to provide for the multitude of needs of a large heavily populated and diverse community. This is especially true with regard to the siting of public facilities.

Recognizing that County boards and agencies will be required to balance competing policies and objectives of the Comprehensive Development Master Plan, it is the intention of the County Commission that such boards and agencies consider the overall intention of the Comprehensive Development Master Plan as well as portions particularly applicable to a matter under consideration.

(7) The Comprehensive Development Master Plan as adopted by the Board of County Commissioners shall be controlling and shall prevail over any error contained in a reprinting of the Comprehensive Development Master Plan or any of its parts, provided, however, this shall not preclude correction of scrivener's errors contained in the original documents.

(d) *Definitions.*

(1) *"Developmental action or order defined."* "Developmental action or order" shall mean any action or order granting, denying, or granting with conditions an application for a development permit, which shall include any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, environmental permit, or any other official action of Miami-Dade County having the effect of permitting the development of land.

(2) *"Consistent with"* and *"in conformity with" defined.* For the purposes of this section, the terms "consistent with" and "in conformity with" shall mean that all developmental actions or orders shall tend to further the Comprehensive Development Master Plan and will not inhibit or obstruct the attainment of the articulated policies contained therein. A development approved or undertaken shall be consistent and in conformity with the Comprehensive Plan if the land uses, densities or intensities, capacity or size, timing, and all other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the Comprehensive Plan.

(e) If particular provisions of the CDMP differ from a municipal comprehensive plan that authorizes existing or proposed facilities, the particular CDMP provisions shall not supersede the municipal plan and nothing in this section shall be construed to preclude County actions pertaining to the facilities when consistent with the municipal plan, if the following conditions are met:

(1) The existing or proposed facilities shall be located entirely within the municipality and shall be consistent with the municipal comprehensive plan;

(2) The municipality shall have building permit and zoning jurisdiction over such facilities;

(3) The County and the municipality shall have entered an interlocal agreement relating specifically to the facilities, mutually funding them to be in the public interest; and the County's actions pertaining to the facilities are not inconsistent with such agreement.

County actions within the scope of this subsection shall be deemed consistent with the CDMP.

(f) In evaluating or rendering a decision on any application for developmental action or order, all County departments and boards shall deem land to be inside the Urban Development Boundary only if the land is inside and not on the marked Urban Development Boundary Line denoted on the Land Use Plan Map of the Comprehensive Development Master Plan. It is provided, however, that where there is a discrepancy between the Urban Development Boundary Line on the Land Use Plan Map versus the legal description of an approved application to expand the Urban Development Boundary, the legal description shall prevail.

(Ord. No. 75-22, § 4, 3-31-75; Ord. No. 79-63, § 5, 7-11-79; Ord. No. 88-3, § 1, 2-2-88; Ord. No. 88-110, § 4, 11-29-88; Ord. No. 89-10, § 1, 2-21-89; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-89, § 1, 6-18-96; Ord. No. 96-127, § 1, 9-4-96; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 06-169, § 1, 11-28-06)

**Note—**See the editor's note following § 2-112.1.

Sec. 2-114.1. Administrative review of takings and vested rights claims.

(a) *Documentation of claim.*

(1) Any applicant alleging that the Comprehensive Development Master Plan, as applied to a particular development order or action, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights (taking or abrogation) and any person or entity claiming a potential taking or abrogation under [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of this Code must affirmatively demonstrate the legal requisites of the claim by exhausting the administrative remedy provided in this section.

(2) Claims of a taking or abrogation of vested rights are limited solely to extreme circumstances rising to the level of a potential denial of rights under the Constitutions of the United States and the State of Florida. The procedures provided herein for demonstrating such a taking or abrogation of vested rights are not intended to be utilized routinely or frivolously, but only in the extreme circumstances described above. The claimant or the attorney for the claimant shall exercise due diligence in the filing and argument of any sworn statement, notice of invoking administrative remedy or other claim for a taking or abrogation of vested rights. The signature of the claimant or the attorney for the claimant upon any document in connection with a claim of taking or abrogation of vested rights shall constitute a certificate that the person signing has read the document and that to the best of his knowledge it is supported by good grounds and that it has not been presented solely for delay. The claimant and the attorney for the claimant shall have a continuing obligation throughout the proceedings to correct any statement or representation found to have been incorrect when made or which becomes incorrect by virtue of changed circumstances. If a claim of taking or abrogation of vested rights is: (1) based upon facts that the claimant or the attorney for the claimant knew or should have known were not true; or (2) frivolous or filed solely for the purposes of delay, the appropriate County board or agency shall make such a finding and may pursue any remedy or impose any penalty provided by law or ordinance.

(b) *Definitions.*

(1) *Developmental permit defined.* For purposes of this section a "developmental permit" shall mean a developmental order or action which may be issued by an administrative official without the necessity of a hearing on the application for said developmental permit.

(2) *Developmental resolution defined.* For purposes of this section, a "developmental resolution" shall mean a developmental order or action which requires the approval of a County board or agency after a hearing on the application for said developmental resolution prior to its issuance.

(3) *Sworn statement defined.* For purpose of this section, "sworn statement" shall mean the sworn statement described in [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL)(a) together with all accompanying documents, witness lists, items and things supporting the applicant's claim and an administrative fee established by administrative order of the County Manager to be approved by the Board of County Commissioners.

(c) *Invocation of administrative remedy.*

(1) Any developmental permit denied on the grounds of inconsistency with the Comprehensive Development Master Plan shall state in writing that the permit has been denied on such basis. Any applicant seeking to appeal the denial of a developmental permit on the grounds set forth in [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL)(a) shall file a notice of invoking administrative remedy with the Developmental Impact Committee Coordinator on a form prescribed by the Director within fifteen (15) days of the denial of said developmental permit. Any claimant contending that action upon a County application will result in a taking or abrogation of vested rights under [Section 33-311](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU) of this Code shall file a notice of invoking administrative remedy with the Developmental Impact Committee Coordinator on a form prescribed by the Director within thirty (30) days of receipt of the certified mail notice required by [Section 33-311](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU), provided the County Commission may extend the thirty-day filing period prescribed by this sentence upon a showing of good cause as provided by [Section 33-311](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-311COZOAPBOUTDU). The applicant shall file a complete sworn statement within ninety (90) working days of the filing of the notice of invoking administrative remedy. Failure to file the sworn statement within the time specified in this paragraph shall constitute an irrevocable waiver of claim.

(2) Any applicant alleging that the action of the Board of County Commissioners or a Community Zoning Appeals Board upon an application for a zoning action under [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) would constitute a temporary or permanent taking of private property or an abrogation of vested rights shall file a complete sworn statement with the Developmental Impact Committee Coordinator not later than forty-five (45) days before the first hearing on the developmental resolution. No oral testimony or written reports or documents in support of any argument that the denial of the developmental resolution would constitute a temporary or permanent taking of private property or would abrogate vested rights shall be considered as evidence at the public hearing unless the complete sworn statement has been timely filed pursuant to this paragraph; provided, however, that where an applicant has failed to timely file a sworn statement pursuant to this paragraph, the Board of County Commissioners, Environmental Quality Control Board, or any other board taking action on a developmental resolution may defer the hearing on an application for a developmental resolution to avoid a manifest injustice and to provide adequate time for review of the sworn statement by the Developmental Impact Committee or, in the event of an application initiated by a party other than the affected property owner, to provide adequate time for the property owner to invoke the administrative remedy and to adhere to the time schedules provided herein.

(d) *Review by Developmental Impact Committee and County Boards.*

(1) It shall be the duty and responsibility of the Executive Council of the Developmental Impact Committee to review all sworn statements timely filed with the Developmental Impact Committee Coordinator pursuant to this section. The Developmental Impact Committee shall have the authority to request additional information from the applicant.

(2) If the Executive Council of the Developmental Impact Committee finds that a denial of a developmental permit would result in a temporary or permanent taking or abrogation of vested rights, it shall reverse or modify said denial. Otherwise, the Executive Council shall affirm said denial. Within fourteen (14) days the applicant may appeal the decision of the Executive Council to the Board of County Commissioners pursuant to [Section 33-314](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO) of the Code.

(3) Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Board of County Commissioners shall have jurisdiction to review conflicts between decisions of the Executive Council of the Developmental Impact Committee regarding developmental permits made pursuant to this section and decisions of any other County board made pursuant to an appeal of an administrative decision.

(4) The Executive Council of the Developmental Impact Committee shall prepare a written recommendation to the appropriate County board regarding sworn statements filed in connection with an application for a developmental resolution. With the exception of County boards whose decisions are directly reviewable by an appellate court, the Board of County Commissioners shall have exclusive jurisdiction to consider and take action upon all applications for developmental resolutions for which the applicant has invoked the administrative remedy set forth in this section.

(5) The appropriate County board may elect to first consider the primary application rather than concurrently conduct a hearing upon a claim of taking or abrogation of vested rights. If the Board's determination is that the primary application should be denied in whole or in part, such determination shall not be a final decision but shall be subject to a further determination of a claim of taking or abrogation of vested rights. The Board may either hear directly the claim of taking or abrogation of vested rights, may defer consideration of the claim to a subsequent hearing, or may refer the same to the Executive Council of the Development Impact Committee for further review and recommendation prior to taking final action. If the Board shall finally determine that denial of the primary application would result in a taking or abrogation of vested rights, the Board shall grant appropriate relief which would avoid such result. Upon a determination by the Board that denial of the primary application would not effect a taking or abrogate vested rights, the preliminary determination to deny shall become final.

(e) Notwithstanding any contrary provision of the Code of Miami-Dade County, a developmental resolution adopted by any County board other than the Board of County Commissioners shall not be deemed to be a final order for any purpose where: (1) the administrative remedy of this section has been invoked; and (2) the Executive Council of the Developmental Impact Committee has appealed said developmental resolution to the Board of County Commissioners. Said appeal shall be filed within fourteen (14) days of the date of the adoption of the developmental resolution.

(f) *Exhaustion of administrative remedies.* A developmental order or action shall not be deemed a final order in any court or quasi-judicial proceeding challenging the denial of the developmental order or action as a temporary or permanent taking of private property or an abrogation of vested rights unless the remedies set forth in this section have been exhausted.

(Ord. No. 89-10, § 2, 2-21-89; Ord. No. 94-37, § 1, 3-3-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 1, 9-4-96; Ord. No. 97-198, § 1, 11-4-97; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-114.2. Supplemental optional vested rights procedure.

(a) *Purpose.* Any property owner who has received a master tentative plat, tentative plat or waiver of plat approval prior to July 1, 1989, may apply for a determination of whether the owner has a vested right to obtain specified developmental permits or developmental resolutions, as defined in [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL)(b), for the purpose of accomplishing a specifically described development, notwithstanding provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP) or County land development regulations.

(b) *Standards, procedures, requirements and definitions.* Unless otherwise specifically provided, all standards, procedures, requirements and definitions of Sections [2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE) and [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL) of the Code shall be applicable to proceedings under this section, Sections [2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI) and [2-114.4](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.4MOVEDE) and shall be in addition to the provisions of this section.

The following definitions shall apply to this section and Sections [2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI) and [2-114.4](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.4MOVEDE) unless otherwise indicated herein.

(1) *Consistent with and in conformity with* shall have the definitions set forth in [Section 2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE)(d)(2) of the Code of Miami-Dade County, Florida (Code).

(2) *Continuing in good faith. Continuing* shall mean a progression of steps taken to proceed with and complete the development authorized by a development permit in a diligent, prudent and businesslike manner, in compliance with all applicable laws and regulations. *Good faith* shall not encompass dishonest, fraudulent, or deceitful action, ignorance or circumvention of legal requirements, or delay resulting from neglect or lack of diligence.

(3) *Development* shall have the definition set forth in Sections 163.3164(5) and 380.04, Florida Statutes, as the same may from time to time be amended.

(4) *Development permit* shall mean any official action of local government having the effect of permitting the development of land without any further local government action, which may include, but is not limited to, a building permit, zoning permit, subdivision approval, rezoning, certification, special exception, or variance. For purposes of this section, a development permit shall be deemed a final local development order within the meaning of Section 163.3167(8), Florida Statutes.

(5) *Land development regulations* shall mean the County's service concurrency management program contained in [Chapter 33G](../level2/PTIIICOOR_CH33GSECOMAPR.docx#PTIIICOOR_CH33GSECOMAPR) of the Code, as the same may be amended from time to time.

(c) *Application.* An application form to accomplish the purposes of this section shall be prescribed by the Chairman of the Executive Council of the Developmental Impact Committee (DIC). Such form shall require information relevant and material to a determination of vested rights, including but not limited to:

(1) Detailed description of the particular development in question, including but not limited to (a) authorized land use; (b) density or intensity of development; (c) staging, phasing or timing of development; and (d) other conditions of development or mitigation that are specific to prior development permits;

(2) An itemization of all actions or omissions of Miami-Dade County allegedly relied upon, together with specific acts of reliance pertaining to each;

(3) A complete itemization of government approvals to the extent practicable (e.g. permits or resolutions) needed to complete the development for which applicant claims vested rights in relationship to the CDMP and land development regulations;

(4) An itemization of all CDMP provisions or land development regulations adopted subsequent to December 6, 1988 which, if applied, would allegedly abrogate vested rights;

(5) The period of time for which the applicant claims rights are vested; and

(6) Any and all conditions and limitations applicable to the claimed vested development right.

In addition to all items otherwise required by the Chairman or by [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), the applicant shall attach the following to the application: (1) copies of any applicable development permits and development orders, and (2) any other documents which support or negate the claim of vested rights. To the extent there is a claim of reliance upon an act or omission of Miami-Dade County under subsection [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR)(d)(1), the applicant shall submit all available documentation showing such reliance, including bills, statements, copies of canceled checks, and a complete itemization and total of all expenses incurred in reliance upon such act or omission. The applicant shall submit with his application a letter of intent explaining the basis of his claim for vested rights and a notice, including the mailing address, of all parties who hold a security interest in the affected property. The mere existence of zoning prior to the effective date of this section shall not vest rights.

(d) *Standards.* In order to establish vested rights pursuant to this section and [Section 2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI), the applicant shall establish:

(1) That he has (1) relied in good faith (2) upon some act or omission of Miami-Dade County occurring prior to December 6, 1988 as related to the CDMP and prior to July 1, 1989 for those matters related to the County's Service Concurrency Management Program, [Chapter 33G](../level2/PTIIICOOR_CH33GSECOMAPR.docx#PTIIICOOR_CH33GSECOMAPR), Code, and (3) has made such a substantial change in position or incurred such extensive obligations and expenses to his detriment that it would be highly inequitable to deny relief; or

(2) The applicant has the right to complete development pursuant to Section 163.3167(8), Florida Statutes, because a development permit issued from Miami-Dade County, and development has lawfully commenced on the property for which the applicable development permit has been issued and is continuing in good faith. The development permit must have issued prior to the adoption of the land development regulations which the applicant contends should not be strictly applied to him because of vested rights.

Good faith reliance shall not include ignorance or unawareness of the law.

(e) *Notice.*

(1) The meeting of the DIC Executive Council at which an application shall be considered pursuant to this section shall be held upon at least fifteen (15) days' notice of the time and place of such meeting published in a newspaper of general circulation in Miami-Dade County, which publication shall include the time and place of hearing before the DIC. A courtesy notice containing general information as to the date, time, and place of the meeting, the property location and general nature of the application shall be mailed to the property owners of record, within a radius of three hundred (300) feet of the property described in the application, or such greater distance as the DIC Coordinator may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public meeting thereon. Failure to post such property shall not affect any action taken hereunder.

(2) In addition, notice of all DIC Executive Council meetings in which recommended vested rights determinations shall be considered shall be published in the regularly published calendar of County events known as the "Metro Calendar."

(3) Additional notice shall be given by the DIC Coordinator by posting a short, concise statement of the action requested to be taken on a conspicuous bulletin board that may be seen by the public at reasonable time and hours within or adjacent to the offices of the Department of Planning and Zoning.

(f) *Review of application by DIC Executive Council.*

(1) An application filed pursuant to this section shall be reviewed by the DIC Executive Council at a meeting of the council. The council, board, agency or official having responsibility for the issuance of any and all development resolutions or permits encompassed by the application shall be requested by the Executive Council, and is required hereby, to submit a report addressing the application as it relates to the function of said council, official, agency or board. Where the issuance of a development resolution or permit encompassed by the application must be preceded by a public hearing conducted by a board, the report to the Executive Council shall be made by staff who are responsible for reporting to such board. Except as otherwise provided herein, the DIC Executive Council shall conduct its review in accordance with the standards and procedures of [Section 2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE) and [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL)

(2) Within fifteen (15) days after receipt of an application for a recommended vested rights determination, the DIC Coordinator shall determine and notify the applicant whether the application information is sufficient to enable the DIC Executive Council to issue a recommended vested rights determination, and the DIC Coordinator shall request any additional information needed. If the DIC Coordinator determines that the information in the application is not sufficient, the applicant shall either provide additional information as requested, or shall notify the DIC Coordinator in writing that the information will not be supplied and the reasons therefor. If the applicant declines to provide the requested information, the DIC Executive Council will begin the recommended vested rights determination. If the applicant does not respond to the request for additional information within ninety (90) days, then the application shall be deemed to be withdrawn. If the applicant provides requested additional information, the DIC Coordinator shall, within fifteen (15) days from receipt of the additional information, determine whether the additional information furnished is sufficient to comply with this request. If the additional information is not sufficient, the DIC Coordinator shall notify the applicant of the respects in which the information does not comply with the original request. When all requested information is received, the application will be considered sufficient and the applicant will be so notified.

(3) The DIC Executive Council shall review the completed application and any additional information provided. It shall consider all written documents, written statements, and information submitted by the applicant or gathered and made part of the record by the DIC Coordinator during the investigation and evaluation of the application. The DIC Coordinator may solicit and shall accept submission of relevant information from any other appropriate departments or agencies of Miami-Dade County. The DIC Coordinator may solicit and shall accept information from any third persons who may possess factual information relevant to the investigation of an application. Copies of such information obtained by the DIC Coordinator shall be furnished to the applicant, and the applicant shall be given an opportunity to respond to the information. The applicant shall be given an opportunity to address the DIC Executive Council and present evidence and argument in favor of its application, and respond to any questions or concerns raised by members of the DIC Executive Council.

(4) Within sixty (60) days after acknowledging receipt of a sufficient application, or receiving notification that additional information requested pursuant to subsection (f)(2) will not be supplied, the DIC Executive Council shall give notice and review the application in accordance with the procedures contained herein and shall issue its vested rights recommended determination. The time for issuance of the recommended vested rights determination by the DIC Executive Council may be extended by agreement between the applicant and the DIC Executive Council. A recommended vested rights determination shall contain findings of fact and conclusions supporting the said recommended determination.

(g) *Vested rights determination.* If the recommended determination of the DIC Executive Council is favorable to the applicant either in whole or in part, the recommended determination shall be as specific as possible in articulating all those matters set forth in subsections (c)(1)—(6). Additionally, the recommended determination shall specify what development permits or development resolutions are vested in relation to specific provisions of this CDMP or land use regulations. Further, the recommended determination shall clearly state that vested rights are not found to be applicable to any development permits or resolutions other than those specified in the recommended determination, nor do vested rights apply against the application or enforcement of any provisions of the CDMP or the County's land use regulations other than those specified in the recommended determination. The vested rights determination shall state that the vested rights determination may be reconsidered if it is subsequently found that the determination was based upon substantially inaccurate information provided by the applicant.

The DIC Executive Council's recommended determination shall be promptly transmitted to each County official, agency, board or department having authority to issue any development permit or resolution encompassed by the recommended vested rights determination.

Official public notice of the issuance of the recommended determination shall be given by posting a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in the office of the Department of Planning and Zoning. If the recommended determination of the DIC Executive Council pertains in any way to a request for a developmental resolution or any other matter over which the Board of County Commissioners may subsequently have original (nonappellate) jurisdiction, the Executive Council's recommended determination shall automatically be placed upon the agenda of the Board of County Commissioners simultaneously with the request for original County Commission action, shall not be binding upon the Board of County Commissioners, and shall be noticed and heard pursuant to the procedure of subsection (h) below. With regard to any application not encompassed by the preceding sentence, the determination of the Executive Council shall become final unless the same is appealed pursuant to the provisions of subsection (h) below.

(h) *Appeal, exhaustion of administrative remedies and judicial review.* An appeal of a recommended determination of the Executive Council may be taken to the Board of County Commissioners pursuant to the procedures of Sections [33-312](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-312COZOAPBOEC) and [33-313](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-313APBOCOCO) of the Code. The County Commission hearing shall be after notice in accordance with [Section 33-313](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-313APBOCOCO) of the Code which section incorporates the notice provisions of Sections [33-310](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-310NOHEPRACCOZOAPBOBOCOCO)(c), (d), (e), and (f) of the Code. The Board of County Commissioners shall conduct a de novo hearing and, by resolution, issue a final vested rights determination pursuant to the procedures of [Section 33-314](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO) of the Code. [Section 33-316](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-316EXRECORE) of the Code (Exhaustion of Administrative Remedies, Hearing Procedure and Judicial Review) shall apply to appeals filed pursuant to this section.

(i) *Filing period.* Any application for an initial determination of vested rights, pursuant to [Section 2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR), shall be filed with the DIC Coordinator within: (A) eighteen (18) months after the effective date of this section; or (B) one (1) year after the effective date of any land development regulation enacted subsequent to the effective date of this section [Ordinance No. 90-76] if applicant is seeking a determination that vested rights exempt it from compliance with such subsequently enacted land development regulation.

(j) *Effect of vested rights determination.* If an affirmative vested rights determination becomes final, then the particular provisions of the CDMP or County land development regulations specified in the final determination shall not limit or modify the vested right of the applicant to complete the particular project in question. However, such a final vested rights determination shall not limit the applicability of any other provisions of the CDMP or any other ordinances, rules, regulations and requirements of Miami-Dade County. Nor shall the vested rights determination entitle the applicant to the issuance of any development resolution or permit not specified in the final vested rights determination. Within these limitations of this subsection, the development rights specifically protected by this section may include, but are not limited to, the following:

(1) Authorized land use;

(2) Density or intensity of development;

(3) Staging, phasing or timing of development; and

(4) Other conditions of development or mitigation that are specific to the development approval or to the final local development order.

(k) *Duty to continue development in good faith.*

(1) In order to implement effective decision-making by the County with regard to the planning, financing and construction of infrastructure, any applicant affirmatively demonstrating the existence of vested rights pursuant to this section and Sections [2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI) and [2-114.4](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.4MOVEDE) must continue in good faith to develop the vested project after the date of the vested rights determination.

(2) For any affirmative vested rights determination the DIC Executive Council may include definite criteria and requirements which, if satisfied, will establish conclusively that the applicant has continued in good faith to develop after the date of the vested rights determination. These criteria and requirements shall include one (1) or more of the following:

a. A reasonable deadline for commencement of physical development, if such development has not commenced as of the date of the vested rights determination;

b. Phasing or staging requirements, as appropriate, including but not limited to deadlines for requesting or receiving permits or approvals for initiating and completing various development activities;

c. Termination dates, which shall reasonably reflect the time required to complete the phase in question or to complete the development, as applicable, and which may take into consideration the requirements of lenders while diligently enforcing security interests; or

d. Any other appropriate development requirements set forth in prior development permits.

An applicant's failure to satisfy such criteria and requirements will not necessarily establish that applicant has not continued in good faith to develop the project. However, the vested rights determination for the project will be suspended and all applications for development permits will be subject to the CDMP and applicable land development regulations unless and until the applicant has received a further determination of vested rights pursuant to paragraph (k)(4) below.

(3) The DIC Executive Council may require the submission of annual reports by the applicant on forms to be prepared by the DIC Executive Council, on the anniversaries of the vested rights determination, which include such information as the development activity actually conducted for the past year, sales of undeveloped parcels to third parties, as assessment of the applicant's compliance with the criteria and requirements set forth in the vested rights determination and with any conditions of the original approval, and any other information reasonably required by the DIC Executive Council.

(4) If an applicant has failed to satisfy the criteria and requirements incorporated in the vested rights determination pursuant to paragraph (k)(2), then the applicant may apply to the DIC Executive Council for a determination that it has in fact continued to develop in good faith since the date of the vested rights determination. Such subsequent determination will be limited solely to a consideration of applicant's development activities and other matters occurring since the date of the vested rights determination, in order to ascertain whether the applicant has continued in good faith to develop since the date of the vested rights determination. That determination shall be governed by the procedures for an initial recommended vested rights determination under this section.

(5) Nothing set forth in this subsection shall apply to any development that has been authorized as a development of regional impact pursuant to Chapter 380, Florida Statutes, prior to July 1, 1989.

(Ord. No. 90-76, § 1, 7-24-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 1, 9-4-96; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-114.3. Reaffirmation of vested rights.

(a) *Requirements to invoke.* In lieu of the procedures set forth in [Section 2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR) of the Code, a property owner shall be entitled to utilize the reaffirmation procedures of this section when (1) there has been a previous determination of vested rights pursuant to Sections [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL) through [2-114.4](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.4MOVEDE) of the Code; (2) all "zoning action" (as defined in [Section 33-302](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-302DE) of the Code) required for the development sought to be vested was in existence at the time of the previous vested rights determination or was obtained pursuant to the vested rights determination; and (3) subsequent to the prior vested rights determination, the development has received:

(1) A Class IV permit within one hundred twenty (120) days; or

(2) A building permit within one hundred twenty (120) days; or

(3) Approval of a tentative plat within ninety (90) days, approval of a final plat within an additional one hundred eighty (180) days thereafter, and a building permit within an additional ninety (90) days thereafter.

(b) *Application.* An application form to accomplish the purposes of this section shall be prescribed by the Chairman of the DIC Executive Council. The form shall require information relevant and material to a determination of reaffirmation of vested rights, including but not limited to:

(1) A detailed description of the particular development in question;

(2) A complete itemization of each development permit in question;

(3) A sworn statement by the applicant establishing issuance of the prior vested rights determination and the fulfillment of one (1) or more of the three (3) conditions described in subsection (a). The sworn statement shall have attached a copy of the prior vested rights determination and documentation establishing the extent of compliance with the conditions of that determination. The applicant shall submit with his application a letter of intent explaining the basis of his claim for reaffirmation of vested rights.

(c) *Procedure.* Except as otherwise specified all standards, procedures, requirements and definitions of Sections [2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE), [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), and [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR) shall be applicable to applications and proceedings under this section. An application for reaffirming of vested rights shall be filed with the DIC Coordinator. The DIC Coordinator shall verify the correctness of the application and sworn statement and shall give a notice to all County departments affected by the application. The DIC Coordinator shall, within thirty (30) days after receiving a complete application, forward a recommendation to the Chairman of the DIC Executive Council. Except as otherwise provided herein, the DIC Executive Council shall conduct its review in accordance with the standards and procedures of Sections [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), and [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR). If the Chairman finds that the aforementioned conditions have been met he shall issue a reaffirmation that the prior determination of vested rights still remains in effect. This reaffirmation shall describe, with particularity, the development in question as well as any and all development permits which are vested. If the Chairman finds such conditions have not been met, he shall issue a denial of reaffirmation.

(d) *Appeal.* Within fourteen (14) days after the issuance of a reaffirmation of vested rights or a denial of reaffirmation, an appeal of that determination to the Board of County Commissioners may be filed pursuant to Sections [33-312](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-312COZOAPBOEC) and [33-313](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-313APBOCOCO) of the Code. The requirement to exhaust remedies, as prescribed by [Section 33-316](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-316EXRECORE) of the Code, shall apply to the approval or denial of reaffirmation of vested rights.

Such County Commission hearing shall be after notice in accordance with [Section 33-313](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-313APBOCOCO) of the Code, which section incorporates the notice provisions of Sections [33-310](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-310NOHEPRACCOZOAPBOBOCOCO)(c), (d), (e), and (f) of the Code. The Board of County Commissioners shall conduct a de novo hearing and, by resolution, issue a final vested rights reaffirmation determination pursuant to the procedures of [Section 33-314](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO) of the Code. Judicial review shall be pursuant to [Section 33-316](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-316EXRECORE) of the Code.

(e) *Filing period.* Any application for reaffirmation of vested rights pursuant to this section, shall be filed with the DIC Coordinator within sixty (60) days after (a) the expiration of the original determination or a reaffirmation or modification of vested rights, or (b) the applicant's failure to meet a specific timetable identified in the previous vested rights determination, reaffirmation, or modification.

(Ord. No. 90-76, § 2, 7-24-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 1, 9-4-96)

Sec. 2-114.4. Modification of vested development.

(a) *Purpose and persons eligible to apply.* An owner of property which is the subject of (1) a current, valid vested rights determination, (2) a pending application relating thereto pursuant to Sections [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR), or [2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI) of the Code, or (3) a development order approving a development of regional impact subject to the provisions of Section 163.3167(8), Florida Statutes, may file an application for modification of vested development pursuant to this section.

(b) *Application.* An application form to accomplish the purposes of this section shall be prescribed by the Chairman of the DIC Executive Council. Such form shall require sworn information relevant and material to a determination of modification of vested development, including but not limited to:

(1) A statement of the applicant establishing either the issuance of a prior final vested rights determination or a pending application pursuant to Sections [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR), or [2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI) of the Code;

(2) A detailed description of the existing or pending vested rights determination for the particular development in question, including the period of time for which the applicant claims rights are vested and any and all conditions and limitations applicable to the asserted existing or pending application for vested right to develop;

(3) A detailed description of the proposed change to the vested development;

(4) A detailed comparison of the impacts on governmental facilities and services for which the CDMP establishes level of service standards, for both the vested development and the proposed modified development;

(5) A detailed comparison of the vested development with the proposed modified development pertaining to impacts upon the environment; and

(6) A complete itemization of governmental approvals (e.g. permits and resolutions) encompassed by the vested development as compared with those encompassed by the proposed modified development.

In addition to all items otherwise required by the Chairman, the applicant shall attach: (1) copies of any applicable development permits and development orders; and (2) any other documents which either support or negate the relief sought by the applicant.

(c) *Standards.* A development which is the subject of a current valid vested rights determination or reaffirmation pursuant to Sections [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR), or [2-114.3](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.3REVERI) of the Code may be modified without the loss of vested rights upon an affirmative finding that:

(1) The proposed modified development shall not generate increased impacts on any governmental facilities or services for which the CDMP establishes level or service standards, when compared with the vested development; and

(2) The proposed modified development shall not generate increased impacts on the environment when compared to the vested project.

If both of the foregoing standards are met, the proposed modified development may incorporate a land use not previously approved for the vested project, provided that such land use does not exceed either fifteen (15) percent of the acreage of the vested project or fifteen (15) percent of the gross floor area for the vested project, and further provided that this ordinance shall not entitle the applicant or the development to alternate or additional land use approvals, including but not limited to (i) zoning actions as defined by [Section 33-302](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-302DE)(1) of the Code, or (ii) a use in conflict with the land use element of the CDMP.

(d) *Notice; review of application; appeal.* The requirements of [Section 2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR)(e) relating to notice, and [Section 2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR)(f) relating to review of the application, shall be applicable to proceedings under this section and shall be in addition to the provisions of this section. Unless otherwise specifically provided herein or required as a matter of practicality, all standards, procedures, and requirements of Sections [2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE), [2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), and [2-114.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.2SUOPVERIPR) of the Code shall be applicable to applications and proceedings under this section and shall be in addition to the provisions hereof.

(e) *Effect of modification of vested development.* If an affirmative DIC Executive Council recommendation pertaining to modification of vested development becomes a final determination, then the particular provisions of the CDMP or the County land development regulations specified in the final determination shall not limit or modify the right of the applicant to complete the particular modified development in question. A final determination of modification of vested development, however, shall not limit the applicability of any other provisions of the CDMP or any other ordinances, rules, regulations and requirements of Miami-Dade County. Nor shall the determination of modification of vested development entitle the applicant to the issuance of any development resolution or permit not specified in the final determination. The existence of a final determination of a modification of vested development shall not have any relevance to an application for any such development permit or development resolution other than to provide evidence that the development specified in said determination is subject to vested rights in relation to CDMP provisions or land development regulations specified in the determination.

An applicant who has obtained a determination regarding a modified project shall not be required to commence development of the modified project, and may elect to commence, continue or complete the vested project. However, if the modified development is commenced, the development plan for the original vested development shall stand abandoned together with any determination or reaffirmation of vested rights pertaining thereto.

(Ord. No. 90-76, § 3, 7-24-90)

Sec. 2-115. Adoption of Comprehensive Development Master Plan—Relationship to County agencies, boards and departments.

All County agencies, boards and departments shall act consistently with the Comprehensive Development Master Plan when considering and taking action affecting land use and development in Miami-Dade County. In accordance herewith, copies of this ordinance, together with the Comprehensive Development Master Plan, shall be furnished to all County boards, departments and agencies and shall be made a part of the public records. The goals, objectives and policies shall be broadly construed and shall apply to all developmental actions and orders of all County agencies and Boards, whether or not specifically named in said policies. Moreover, the County Manager is authorized to designate alternative or additional County Boards, departments, and agencies to conduct activities necessary to implement the goals, objectives or policies.

(Ord. No. 75-22, § 5, 3-31-75; Ord. No. 88-110, § 5, 11-29-88)

**Note—**See editor's note following § 2-112.1.

**Annotation—**AO 4-59.

Sec. 2-115.1. Adoption of Comprehensive Development Master Plan—Necessity for further implementation.

It is hereby declared that the Comprehensive Development Master Plan shall be the basis for more specific rules, regulations and ordinances which shall implement the policies, standards and objectives expressed in the Comprehensive Development Master Plan. Further, such implementation shall include and encourage the continuance of an affirmative action program for the construction and development of low and moderate income housing with Miami-Dade County, Florida. The statutory requirement that a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan shall not take effect until the County has adopted land development regulations specifically addressing said statutory requirement. Said land development regulations shall be adopted not later than the date specified in Section 163.3202, Florida Statutes, as same may be amended from time to time.

(Ord. No. 75-22, § 6, 3-31-75; Ord. No. 88-110, § 5, 11-29-88)

**Note—**See the editor's note following § 2-112.1.

Sec. 2-115.2. Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area—Adoption and amendment.

The Board of County Commissioners hereby adopts all recommendations (1 through 36) contained in the Miami-Dade County Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area and accepts the balance of the report (as revised dated October 28, 1976), as a further refinement of the Miami-Dade County Comprehensive Development Master Plan and a component part thereof. A copy of the Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area as revised dated October 28, 1976, shall be on file at all times with the Clerk of the County Commission. The County Commission may amend the Miami-Dade County Fire Protection and Rescue Services Master Plan by ordinance.

(Ord. No. 77-5, § 2, 2-1-77)

**Cross reference—** Miami-Dade Fire and Rescue Services district, § 18-24 et seq.

Sec. 2-115.3. Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area—Legal status.

The Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area is hereby declared to be a further refinement of the Comprehensive Development Master Plan of Miami-Dade County, Florida, and shall constitute a guide for the orderly growth and development of Miami-Dade County, Florida. In furtherance thereof, the Board of County Commissioners declares its policy and intent to evaluate and consider the criteria established in the Fire Protection and Rescue Services Master Plan for the Miami-Dade County Area as an element in future land planning and development decisions. The failure or inability of Miami-Dade County or others to meet any criteria in the plan shall not, in and of itself, constitute grounds for restrictions or limitations on land use or development, or for the denial of any application for zoning.

(Ord. No. 77-5, § 3, 2-1-77)

Sec. 2-115.4. Transportation Plan for Miami-Dade County—Adoption.

The Board of County Commissioners hereby enacts the twenty-page document entitled "Long Range Element of the Year 2005 Miami-Dade Transportation Plan" (June 1985) as the Transportation Plan for Miami-Dade County, revised, hereinafter referred to in its entirety as the "Transportation Plan" or "Plan."

Such Plan lists transportation improvements to be implemented during the twenty-year period. The order or priority in which such improvements are to be made is not part of the plan, and the establishment of or change in such order or priority by appropriate MPO action shall not constitute an amendment to the plan.

(Ord. No. 78-55, § 1, 7-19-78; Ord. No. 85-48, § 2, 7-3-85)

Sec. 2-115.5. Transportation Plan for Miami-Dade County—Legal status and amendment requirements.

The adopted Transportation Plan for Miami-Dade County is hereby declared to be ancillary to but not a part of the Comprehensive Development Master Plan of Miami-Dade County, and shall constitute a guide for the programming and provision of transportation improvements in Miami-Dade County. In furtherance thereof, the Board of County Commissioners declares its policy and intent to evaluate and consider this plan in all future decisions relating to transportation improvements. The failure or inability of Miami-Dade County or others to adhere to this plan shall not, in and of itself, constitute grounds for restrictions or limitations on land development use or development, or for any application for zoning.

Any requested amendment to the adopted Transportation Plan shall be considered by the Board of County Commissioners only after the transportation Planning Council of the Metropolitan Planning Organization, the Miami-Dade County Citizens' Transportation Advisory Committee, the Miami-Dade County Planning Advisory Board and the Department of Planning and Zoning have forwarded to the County Commission their recommendations regarding the disposition of the requested amendment. All amendments to the Transportation Plan shall be by ordinance.

(Ord. No. 78-55, §§ 2, 3, 7-19-78; Ord. No. 85-48, § 3, 7-3-85; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-115.6. Agricultural Land Use Plan—Findings and legislative intent.

The foregoing declarations and findings are found to be true and are hereby adopted as the legislative intent of the Board of County Commissioners of Miami-Dade County, Florida, and are made a part hereof. The Board of County Commissioners of Miami-Dade County, Florida, hereby declares and finds that it is essential to encourage and protect agriculture as a viable economic use of Miami-Dade County's land. This Board declares and finds that the agricultural land use plan provides a comprehensive framework to guide future planning, land use, and land development decisions in a manner that will minimize the adverse effects of continuing urban growth on Miami-Dade County's farmland; will help maintain a supply of land for a diversity of viable agricultural uses; will protect and enhance agriculture as a resource of economic, social and environmental importance to Miami-Dade County; will help maintain an adequate supply of land for urban uses; and will provide for continuing urban growth. It is the purpose and intent of this Board to protect the health, safety, and welfare of the present and future inhabitants of Miami-Dade County through implementation of the "final proposals" of the "Agricultural Land Use Plan for Miami-Dade County, Florida," dated March 1983.

(Ord. No. 83-24, § 1, 5-3-83)

**Editor's note—**

Ord. No. 83-24, adopted May 3, 1983, amended [Ch. 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD), Art. XV, but did not specify disposition of individual sections; therefore, codification of §§ 1—5 as §§ [2-115.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-115.6AGLAUSPLINLEIN)—2.115.10 has been at the editor's discretion. The "whereas" clauses, adopted by reference in [§ 2-115.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-115.6AGLAUSPLINLEIN), are not reproduced herein.

Sec. 2-115.7. Agricultural Land Use Plan—Adoption and acceptance.

The Board of County Commissioners hereby adopts as policy subject to further implementation the "Final Proposals of the Agricultural Land Use Plan" dated March, 1983, which appear on pages ii through vi of the document titled "Agricultural Land Use Plan for Miami-Dade County, Florida," dated March, 1983. The Board of County Commissioners accepts, as background and informational material used for the preparation of the plan and as a guide for the preparation of future studies, the document titled "Agricultural Land Use Plan for Miami-Dade County, Florida," dated March, 1983, and the background reports listed in Appendix C of that document which were prepared by the agricultural land use planning project.

(Ord. No. 83-24, § 2, 5-3-83)

**Note—**See the editor's note for [§ 2-115.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-115.6AGLAUSPLINLEIN)

Sec. 2-115.8. Agricultural Land Use Plan—Legal status.

The adopted "Final Proposals of the Agricultural Land Use Plan" are hereby declared to be ancillary to but not a part of the Comprehensive Development Master Plan of Miami-Dade County (CDMP) and shall constitute a guide for land use in a manner that will minimize adverse impacts upon agricultural land use in areas designated "agricultural area" on the map in Figure 1 of the "Final Proposals of the Agricultural Land Use Plan." In furtherance thereof, the Board of County Commissioners declares its policy and intent to evaluate and consider the final proposals in all its zoning and other public actions involving or affecting land use or development within areas designated "agricultural area" on the above-reference map as may be amended from time to time through the CDMP amendment process.

In the event that any inconsistencies or conflicts are found between the adopted "Final Proposals of the Agricultural Land Use Plan" and the materials accepted herein as background information, the adopted "Final Proposals" shall prevail.

(Ord. No. 83-24, § 3, 5-3-83)

**Note—**See the editor's note for [§ 2-115.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-115.6AGLAUSPLINLEIN)

Sec. 2-115.9. Agricultural Land Use Plan—Relationship to County agencies, boards and departments.

All County agencies, boards and departments shall take into consideration and be guided by the "Final Proposals of the Agricultural Land Use Plan" when considering and taking action affecting land use and development in Miami-Dade County. In accordance herewith, copies of the ordinance, from which this section derives, together with the "Final Proposals of the Agricultural Land Use Plan," shall be furnished to all affected County boards, departments and agencies and shall be made a part of the public records.

(Ord. No. 83-24, § 4, 5-3-83)

**Note—**See the editor's note for [§ 2-115.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-115.6AGLAUSPLINLEIN)

Sec. 2-115.10. Agricultural Land Use Plan—Necessity for further implementation.

The County Manager is hereby instructed to prepare and submit to the Board of County Commissioners ordinances and regulations which are necessary to implement the "Final Proposals of the Agricultural Land Use Plan."

(Ord. No. 83-24, § 5, 5-3-83)

**Note—**See the editor's note for [§ 2-115.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-115.6AGLAUSPLINLEIN)

Sec. 2-115.11. Biscayne National Park Buffer Development Review Committee; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.

(1) *Legislative intent and purpose.*

(a) It is the intent of the Board of County Commissioners of Miami-Dade County, Florida, to develop a plan and study, to be known collectively as the South Miami-Dade Land Use and Water Management Plan (hereinafter referred to as "the Plan"), pursuant to policy established in the Comprehensive Development Master Plan (CDMP). The purposes of this Plan shall be:

i. To identify and protect lands, including their uses and functions, that are essential for preserving the environmental, economic and community values of Biscayne National Park;

ii. To identify and establish mechanisms for protecting constitutional private property rights of owners of lands identified in (1)(a)i. above.

iii. To support a viable, balanced economy including agriculture, recreation, tourism, and urban development in the planning area, hereafter defined as the area from the C-2 (Snapper Creek) canal basin south as the primary area, and the C-3 (Coral Gables) to C-2 canal basin as a secondary area, as said canal basins are delineated in the South Florida Water Management District's November 1995 Update of the Surface Water Improvement and Management (SWIM) Plan for Biscayne Bay.

iv. To assure compatible land uses and zoning decisions in the planning area consistent with long-term objectives for a sustainable south Miami-Dade.

(b) In the interim, until the plan is adopted, it is the intent of the Board of County Commissioners to conservatively manage land and water resources within the described plan area east of US-1 outside the Urban Development Boundary (UDB) as delineated in the CDMP (hereinafter referred to as the "Review Area") to enable the prospective plan to accomplish its purposes. Toward that end, until the plan is prepared and the Board of County Commissioners takes final action on the proposed plan, all County boards shall apply heightened scrutiny to potential impacts on Biscayne National Park that might result from any requests for CDMP amendments or other development approvals in the Review Area that require approval at a public hearing.

Until the plan is completed, a review committee shall be created to advise appropriate County boards regarding certain requests for CDMP amendments and development approvals in the Review Area, in the manner provided herein.

(2) *Biscayne National Park Buffer Development Review Committee.*

(a) There is hereby established an advisory board to be known as the Biscayne National Park Buffer Development Review Committee. The Committee shall be composed of nine (9) members, appointed as follows: one representative from Biscayne National Park; one representative from the South Florida Water Management district; two (2) representatives from nonregulatory environmental organizations/advocacy groups; one representative of landowners; one representative of a local lending institution having an equity interest in land, in the Review Area; two (2) representatives from local agricultural organizations; and one representative from a Chamber of Commerce active in south Miami-Dade.

(b) Each member shall be appointed by the County Manager and approved by the Board of County Commissioners to serve a term lasting the duration of the Committee's life or until replaced by the County Manager with the approval of the Board of County Commissioners. Appointments and activities of the Committee shall otherwise comply with requirements of Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) through [2-11.40](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.40SUREBO) of the Code of Miami-Dade County, Florida. At its first meeting and annually thereafter, the Committee shall elect a Chair and Vice Chair. It is the Chair's responsibility to chair all meetings, to certify the recommendations issued by the Committee to the final decision-making body, and to issue an annual report to the Board of County Commissioners in accordance with [Section 2-11.37](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.37CRNEBO)(a), Code of Miami-Dade County. A simple majority of the Committee members shall constitute a quorum and a simple majority of a quorum of the Committee shall be required for the passage of any motion or approval of any recommendation.

(c) The responsibility of the Biscayne National Park Buffer Development Review committee shall be to evaluate and make recommendations on requests for CDMP amendments and development approvals in the Review Area which require approval after a public hearing pursuant to the requirements of [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO), Miami-Dade County Code, including, but not limited to, zoning district boundary changes, special exceptions, unusual uses, use variances, nonuse variances, and nonadministrative site plan reviews. The Committee's recommendations shall specifically address and be limited to potential impacts on Biscayne National Park and consistency with relevant provisions of the CDMP. The Committee's recommendations may include appropriate justifications for their conclusions, and recommendations for approval may include conditions where appropriate. In formulating its recommendations, the Committee shall consider County staff's evaluation and/or recommendations if timely available, public comments, and other information received during public meetings conducted by the Committee. Any such information or considerations shall be made part of the public record of the Committee. If a proposal is scheduled for review by the Committee at a properly noticed public meeting, and the Committee fails to adopt a recommendation on the proposal, the Committee's recommendation shall be deemed to be without objection to the proposal.

(d) The County Manager shall assign appropriate staff, who shall prepare necessary meeting materials and advertisements, arrange meeting locations, and transmit the recommendations of the Committee to the appropriate body. The Committee's meetings and actions shall be scheduled in a manner that will enable timely issuance of recommendations in advance of agenda preparation for the final decision-making body without delaying the established procedure of that body.

(e) After January 2002 and until the Watershed Plan is implemented, the Review Committee shall apply the following interim measures to the Board of County Commissioners to further the purposes of the Plan and to assist in the heightened scrutiny required by this section. These measures are as follows:

i. Applicants for uses other than those permitted as of right in the applicable Comprehensive Development Master Plan designation and by the existing zoning should be required to demonstrate that the proposed use is a public necessity, or is in the public interest and that no suitable site for the use exists outside of the Review Area.

ii. For each application involving a telecommunications tower in the Review Area, the applicant shall provide the Review Committee and the applicable community zoning appeals board with a regional map showing the location of existing and permitted telecommunication towers and available data on the impact of existing towers on birds, in areas comparable to the Review Area. Further, the applicant shall document that co-location opportunities, existing public structures and already developed public lands have been utilized to the maximum extent feasible and that design aesthetics have been incorporated. Assessment of feasibility shall include consideration of the technical requirements of differing types of telecommunications providers. The County shall review all documentation submitted by the applicant pursuant to the above requirements for technical accuracy. The Committee and the applicable community zoning appeals board shall defer or deny actions on applications for telecommunications towers in the Review Area until the above listed items are provided.

iii. County staff from DERM and the Department of Planning and Zoning shall coordinate reports on all issued and pending state and federal environmental permits associated with a specific, pending development proposal in the Review Area. These reports should be presented by representatives of the permitting agencies, including the South Florida Water Management District, the Florida Department of Environmental Protection, and the U.S. Army Corps of Engineers, at public meetings conducted by the Committee, and/or submitted in writing prior to public meetings.

(f) The Committee may issue recommendations for revisions to these interim measures or for additional interim measures from time to time until the Plan is approved.

(Ord. No. 97-22, § 1, 3-18-97; Ord. No. 99-43, § 1, 4-27-99; Ord. No. 01-111, § 1, 6-19-01; Ord. No. 02-233, § 1, 10-22-02)

Sec. 2-115.12. Advisory committee for the South Miami-Dade Watershed Plan;

(1) *Legislative intent and purpose.*

(a) It is the intent of the Board of County Commissioners of Miami-Dade County to establish a broad-based Advisory Committee (the Committee) to participate in the formulation of the South Dade Watershed Plan (the Watershed Plan) to be prepared pursuant to policy established in the Comprehensive Development Master Plan (CDMP). The purposes of the Committee and duties of its members shall be as follows:

(i) To serve as a conduit of information between project supervisors, consultants retained to prepare the Watershed Plan, and community interests represented by the Committee members;

(ii) To advise the consultants and assigned County, South Florida Water Management District, and Regional Planning Council staff as to the views of the Committee members and represented community interests;

(iii) To inform the membership of represented interest organizations as to the purpose of the watershed planning project, status of planning activities, findings and proposals, and bases thereof;

(iv) To suggest information sources to the consultants; and

(v) To review and comment on the proposed scope of work and subsequent consultant drafts and deliverables;

(2) *South Miami-Dade Watershed Plan Advisory Committee.*

(a) There is hereby established an advisory committee to be known as the South Miami-Dade Watershed Plan Advisory Committee. The Committee shall be comprised of voting and nonvoting members as follows:

(i) Voting members shall be representatives of the Miami-Dade Agri-Council, the Miami-Dade County Agricultural Practices Study Advisory Board, the Miami-Dade County Farm Bureau, the Potato Grower Exchange, the Miami-Dade County Chapter of the Florida Nurserymen and Grower's Association, the Florida Lime & Avocado Committee, the Tropical Everglades Visitor Association, the Homestead-Florida City Chamber of Commerce, Chamber South, the Florida Engineering Society, a citizens' organization active in the combined geographic area of Community Councils 11 and 12, a citizens' organization active in the combined geographic area of Community Councils 13 and 15, the Redland Citizens' Association as the citizens' organization active in the area of Community Council 14, one building industry organization, the National Audubon Society, the Tropical Audubon Society, the Sierra Club Miami Group, Biscayne National Park, Everglades National Park, the cities of Homestead and Florida City, one member from the community at large appointed by the County Manager to serve as Chairperson and two at large members recommended by the Chairperson.

(ii) Non-voting members shall be representatives of the Miami-Dade Department of Planning and Zoning, the Miami-Dade Department of Environmental Resources Management, the Miami-Dade Water and Sewer Department, the South Florida Water Management District, the South Florida Regional Planning Council, and the Florida Department of Environmental Protection.

(b) Each member shall be appointed by the County Manager and approved by the Board of County Commissioners to serve until the Board of County Commissioners takes final action on the proposed Watershed Plan, or until replaced by the County Manager with the approval of the Board of County Commissioners. The provision in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of this Code prohibiting simultaneous membership on more than one County board shall not apply to those members of the Miami-Dade County Agricultural Practices Study Advisory Board, the Floodplain Management Task Force, the Redland Area Municipal Advisory Committee, and the Biscayne National Park Buffer Development Review Committee who are appointed to the Committee. Appointments and activities of the Committee shall otherwise comply with the requirements of Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) through [2-11.40](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.40SUREBO) of the Code of Miami-Dade County, Florida. The County Manager shall appoint the Chair. It is the Chair's responsibility to chair all meetings and to issue an annual report to the Board of County Commissioners in accordance with [Section 2-11.37](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.37CRNEBO)(a). Code of Miami-Dade County. A simple majority of the Committee members shall constitute a quorum, and a two-thirds majority of a quorum of the Committee shall be required for the passage of any motion. The Committee may establish other procedures and protocols regarding attendance, alternate attendees, and voting. The Committee shall automatically sunset upon adoption of the Plan.

(c) The County Manager shall assign appropriate staff to assist the Committee in accomplishing its purpose, including the following: prepare necessary meeting materials and notices; arrange meeting locations; prepare meeting summaries; and transmit communications between the Committee, project consultants, and participating agencies.

(Ord. No. 00-37, § 1, 3-21-00; Ord. No. 01-97, § 1, 5-24-01; Ord. No. 01-200, § 1, 12-4-01; Ord. No. 04-62, § 1, 3-16-04)

Sec. 2-115.13. Citizens' Advisory Committee for the Agriculture and Rural Area Study; intent and purpose; establishment; membership; qualifications; appointment; term; duties; staff support.

(1) *Legislative intent and purpose.*

(a) It is the intent of the Board of County Commissioners of Miami-Dade County to establish a broad-based Citizens' Advisory Committee (the CAC) for the Agriculture and Rural Area Study (the Study) pursuant to policy established in the Comprehensive Development Master Plan (CDMP). The purposes of the CAC and duties of its members shall be:

(i) To serve as a two-way conduit of information between consultants retained to assist in the study and community interests represented by the CAC members;

(ii) To advise the consultants and assigned County, South Florida Water Management District, and U.S. Army Corps of Engineers staff as to those views represented by the CAC members;

(iii) To suggest information sources to the consultants; and

(iv) To review and comment on the consultants' draft and all deliverables, including recommendations on polices, programs, and strategies.

(2) *Citizens' Advisory Committee for the Agriculture and Rural Area Study.*

(a) There is hereby established an advisory board to be known as the Citizens' Advisory Committee (CAC) for the Agriculture and Rural Area Study. The CAC shall be composed of sixteen (16) members appointed as follows: one representative from the row crop industry, to be recommended by the Miami-Dade County Farm Bureau; one representative from the lime and avocado industry, to be recommended by the Florida Lime and Avocado Growers Association; one representative from the tree crop industry, to be recommended by Tropical Fruit Growers of South Florida; two representatives from the nursery industry, to be recommended by the Florida Nurseryman and Growers Association; one agribusiness representative, to be recommended from the Florida Fertilizer and Agri-Chemical Association; one agri-banking representative, recommended from a bank in South Dade with significant involvement in commercial/banking aspects of the agricultural industry; one representative from and recommended by the Homestead/Florida City Chamber of Commerce; one representative from and recommended by the Redland Citizen's Association; one representative of farm labor recommended by the Coalition of Florida Farmworkers Organizations; one representative of the aquaculture industry, recommended by the South Florida Aquaculture Association; one representative of the agricultural land leasing real estate industry, to be recommended by the Agricultural Practices Study Advisory Board; one representative from and recommended by the Redland Conservancy; one representative from and recommended by the National Audubon Society; one representative from and recommended by Sierra Club; and one representative from and to be recommended by the Miami-Dade County Agri-Council.

(b) Each member shall be appointed by the County Manager and approved by the Board of County Commissioners to serve until submission of the study to the Board of County Commissioners or until replaced by the County Manager with the approval of the Board of County Commissioners. Except for the provision prohibiting membership on two County boards, appointments and activities of the CAC shall otherwise comply with the requirements of Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) through [2-11.40](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.40SUREBO) of the Code of Miami-Dade County, Florida. At its first meeting, the CAC shall elect a Chair and Vice-Chair. It is the Chair's responsibility to chair all meetings and to issue an annual report to the Board of County Commissioners in accordance with [Section 2-11.37](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.37CRNEBO)(a), Code of Miami-Dade County. A simple majority of the CAC members shall constitute a quorum and a simple majority of a quorum of the CAC shall be required for the passage of any motion. The CAC shall automatically sunset upon the completion of the Study.

(c) The County Manager shall assign appropriate staff. Designated staff shall prepare necessary meeting materials and advertisements, arrange meeting locations, and undertake other responsibilities associated with staffing the CAC.

(Ord. No. 00-136, § 1, 10-3-00)

Sec. 2-116. Evaluation and appraisal of the Comprehensive Development Master Plan.

(a) The evaluation and appraisal process shall be the principal process for updating the Comprehensive Development Master Plan (CDMP) to reflect changes in state policy on planning and growth management. The evaluation and appraisal of the CDMP shall be prepared and presented in a report. Such report shall contain an assessment and evaluation of the success or failure of the comprehensive plan or element or portion thereof, and shall also recommend changes needed to update the comprehensive plan, or elements or portions thereof, including reformulated objectives, policies, and standards and shall contain a schedule for reviewing and taking final action on the proposed amendments.

(b) The Director of the Department of Regulatory and Economic Resources, or successor agency (hereinafter referred to as "the Department") shall prepare the evaluation and appraisal report pursuant to [Section 2-105.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-105.1SAESPRCODEMAPL), Code of Miami-Dade County, for finalization by the Planning Advisory Board acting in its capacity as the Miami-Dade County local planning agency (LPA) pursuant to [Section 2-108.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-108.1SAESLOPLAG), Code of Miami-Dade County, and for adoption by the Board of County Commissioners as provided in this section. Not less than three (3) months prior to the deadline established by the State Land Planning Agency to comply with Section 163.3191, F.S., for evaluating the comprehensive plan, the Director of the Department shall deliver the proposed report to the Planning Advisory Board acting in its capacity as the LPA.

Upon receipt of the proposed plan evaluation and appraisal report, the Planning Advisory Board acting as the LPA shall conduct one (1) or more public hearings duly noticed in accordance with Section 163.3164(17), F.S.

Following the public hearing(s), the Planning Advisory Board acting as the LPA, shall complete preparation of the report, including their recommendations, and submit it to the Board of County Commissioners not less than two (2) months prior to the deadline established by the State Land Planning Agency to comply with Section 163.3191, F.S. The Department may issue recommendations regarding the report as finalized by the LPA.

The Board of County Commissioners shall by resolution adopt, or adopt with changes, the report or portions thereof on or before the date established by the State Land Planning Agency to comply with Section 163.3191, F.S.

Not less than six (6) months prior to the deadlines established by the State Land Planning Agency to comply with Section 163.3191, F.S., the Department shall publish in a newspaper of general circulation in Miami-Dade County a schedule of all activities required by law for evaluating the comprehensive plan. Any changes in the schedule shall be published in the same manner. The published schedule and changes thereto shall be delivered to the Board of County Commissioners and the Planning Advisory Board.

(c) At any time prior to or during preparation or review of the proposed or recommended evaluation and appraisal report, the Board of County Commissioners, Planning Advisory Board or the Department may conduct public meetings or public workshops in addition to the public hearing specified herein to address the matters set forth in Section 163.3191(4), F.S. Any such public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County, at least once seven (7) to fourteen (14) days prior to the date of said workshop.

(Ord. No. 75-22, § 7, 3-31-75; Ord. No. 76-4, § 1, 1-20-76; Ord. No. 76-95, § 1, 10-19-76; Ord. No. 78-48, § 1, 7-18-78; Ord. No. 79-80, § 1, 10-2-79; Ord. No. 88-18, § 1, 4-5-88; Ord. No. 90-2, § 1, 1-16-90; Ord. No. 92-17, § 3, 3-17-92; Ord. No. 92-120, § 1, 10-13-92; Ord. No. 93-23, § 1, 3-30-93; Ord. No. 93-131, § 1, 11-16-93; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 13-25, § 1, 3-5-13)

**Annotations—**AO's [4-49](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-49SAEHST), 4-81.

Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan.

(1) *Scope of eligibility.*

(a) Any person or organization, including the federal government, the State of Florida, Miami-Dade County, any municipality in Miami-Dade County and any of their agencies, authorities and departments may request the initiation of the amendatory process provided below.

(b) If the applicant has an ownership interest in any real property covered by an application to amend the land use element of the Comprehensive Development Master Plan, such interest shall be disclosed in the same manner as required of zoning applicants in [Section 33-304](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-304AP) of the Miami-Dade County Code. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as required of zoning applicants in [Section 33-304](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-304AP) of the Miami-Dade County Code. This subsection (b) shall not apply to governmental applicants.

(2) *Application.* Except as specifically provided below for applications pursuant to a compliance agreement, pursuant to a State statutory requirement, or pursuant to a concurrently requested development of regional impact (DRI) development order or change to an existing DRI development order, or for applications relating to reuse of military bases pursuant to Chapter 288, F.S., any request for amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be submitted to the Miami-Dade County Department of Regulatory and Economic Resources or successor agency (hereinafter referred to as "the Department") during the period between May 1 and May 31 inclusive (hereinafter "May period"), and during the period between November 1 and November 30 inclusive (hereinafter "November period"), in each year only in accordance with the following provisions:

(a) Applications requesting amendment to the Urban Development Boundary (UDB) or to the Urban Expansion Area (UEA) boundary depicted on the Land Use Plan map, or to the land use classification of land located outside of said Urban Development Boundary may be filed only during the May period in odd-numbered years. The Director of the Department may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB for processing during either the May or November period following the adoption of an evaluation and appraisal report, provided that the amendments proposed in said applications are suggested in the adopted evaluation and appraisal report.

(b) All requests shall be made by filing an application in a form and containing the information prescribed by the Director of the Department. Applicants seeking to have their requests considered to be small-scale amendment applications, as provided in Section 163.3187, F.S., and eligible for processing in accordance with the procedures provided herein for final action, shall clearly state such request in the application. Small-scale amendment applications shall not be eligible to request amendments to modify or expand the UDB or UEA. All proposed plan amendment applications not requested for adoption as small-scale amendment applications, and all requested small-scale amendment applications which are not adopted but which are transmitted to the State Land Planning Agency and other review agencies for review and comment are hereby defined as standard expedited amendment applications. Applications which are deemed by the Department to be unclear or incomplete may be supplemented no later than the seventh (7th) business day following notice from the Department that the application filed is deficient.

(c) The Miami-Dade County Board of County Commissioners may, by resolution or ordinance, at any time initiate a request to amend, modify, add to or change the Comprehensive Development Master Plan, or may, by resolution or motion, authorize or direct the County Mayor to utilize the optional procedure provided in Section 288.975, F.S., and [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b), herein, to amend the CDMP to enable military base reuse. Except for requests by the Board of County Commissioners to amend the Comprehensive Development Master Plan in the case of a compliance agreement as provided in Section 163.3187(5). F.S., in the case of a State statutory requirement, in the case of an application necessary to authorize a Development of Regional Impact initiated by the County, in the case of an application for a small-scale amendment pursuant to Section 163.3187, F.S., in the case of an application relating to military base reuse, prepared pursuant to Section 288.975, F.S., or unless otherwise provided by said resolution or ordinance, the content, activities, and time periods herein provided, as quantified by number of days, shall be substantially applicable to such a request from the date of the adoption of the resolution or ordinance. Said resolution or ordinance shall direct the County Mayor to include the special application for review and action along with May period or November period applications as provided herein or that the special application shall be reviewed and action shall be taken on a special schedule prescribed in the resolution or ordinance. In no instance shall the filing or authorization of applications by the Board of County Commissioners for processing on a special schedule result in adoption of more than two (2) Comprehensive Development Master Plan amendments in any calendar year except in the case of a concurrent approval of a Development of Regional Impact as provided in Section 380.06(6)(b), F.S., approval of a small-scale amendment as provided in Section 163.3187, F.S., a compliance agreement as provided in Section 163.3187(1)(e), F.S., or utilization of the optional CDMP amendment procedure for military base reuse as provided in Section 288.975, F.S.

(d) In the event that the Board of County Commissioners has entered into a compliance agreement pursuant to Section 163.3184(6), F.S., requiring the filing of an application to amend, modify, add to or change the Comprehensive Development Master Plan, the County Mayor or the Mayor's designee shall file an application pursuant to the terms of the approved settlement agreement in accordance with the content, activities and time periods provided by the terms of the compliance agreement and by the resolution approving such agreement and in accordance with the procedures provided in Section 163.3184(6), F.S.

(3) *Procedure upon application; Director of Regulatory and Economic Resources, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; or applications pursuant to a compliance agreement.*

(a) Upon receipt of an application for amendment, modification, addition or change to the Comprehensive Development Master Plan, the Director of the Department shall consult with other County personnel, departments or agencies, a municipality or County having jurisdiction over or adjacent to the area in question as he deems necessary to evaluate the proposed application. Each application may be deemed by the Board of County Commissioners to include similarly situated or adjoining property which could be affected by the adoption of the request in whole or in part, except that no such determination by the Board of County Commissioners shall cause a requested small-scale amendment to exceed the conditions for such amendments enumerated in Section 163.3187(1)(e), F.S.

(b) The Director of the Department shall prepare an applications report listing all applications received, including small-scale amendment applications and staff applications, including the nature of the application and the reasons stated for requesting the proposed amendment, modification, addition or change. The report shall also itemize proposals suggested and under evaluation by the Department staff; however, this initial identification of staff proposals shall not preclude further staff proposals. Such staff proposals, except those initiated in direct response to the written comments submitted by the State Land Planning Agency and other review agencies pursuant to Section 163.3184(3) and (4), F.S., shall be finalized no later than the advertised notice of the public hearing to be conducted by the Community Councils pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(e), Code of Miami-Dade County. Further staff proposals initiated in direct response to the written comments submitted by the State Land Planning Agency and other review agencies shall be finalized no later than two weeks prior to the date of the Board of County Commissioners final public hearing pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(4)(b), Code of Miami-Dade County. The Department and the local planning agency are authorized to recommend, and the Board of County Commissioners is authorized to adopt, CDMP amendments with changes to include, (a) similarly situated or adjoining property which could be affected by the adoption of a request, (b) staff proposals in whole or in part as provided in this section, (c) changes within the scope of the applications and staff proposals, or (d) changes to ensure internal consistency among plan elements, applications or staff proposals.

On or before June 21st following the filing of May period applications and December 21st following the filing of November period applications, the applications report shall be submitted to the Planning Advisory Board and directly impacted Community Councils as determined by the Director of the Department and shall be available to the public at the same time. Any small-scale application may be withdrawn by written notice by the applicant filed with the Director on or before the deadline established in paragraph (3)(f) for formulation of recommendations by the Planning Advisory Board acting as the local planning agency, and any standard or transmitted application may be withdrawn by written notice by the applicant filed with the Director on or before the deadline for formulation of final recommendations by the Department. After these dates a withdrawal may be authorized only by affirmative vote of the Board of County Commissioners. However, in no instance shall a filing fee be refunded unless timely request for withdrawal and refund is filed in accordance with paragraph (8), herein.

(c) For the purposes of preparing the initial recommendations of the Department, the Director shall request an evaluation from all county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP as determined by the Director. Such departments and agencies shall respond with a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure and services to the area as well as the costs of annually operating and maintaining such infrastructure and services. The evaluation shall estimate the extent to which the costs of the required infrastructure and services will be borne by the described property or will require general taxpayer support, and an estimate of the amount of such support. The Director shall also request a similar report from non-County authorities and agencies which may be affected by a proposed land use change including but not limited to the Metropolitan Planning Organization, Miami-Dade County Public School District, and the South Florida Water Management District. The Director shall consider responses received in writing by any person or organization, on or before the tenth (10th) day in July following the filing of May period applications and on or before the tenth (10th) day of January following the filing of November period applications. The Director shall also consider and evaluate the information presented at any public workshops which are held in accordance with this section.

(d) On or before the twenty-fifth (25th) day in August following the filing of May period applications and the twenty-fifth (25th) day of February following the filing of November period applications, the Department shall issue its initial recommendations on the applications. The initial recommendations of the Department shall refer to each application specifically or as combined with other similar applications and shall consider all comments, information and recommendations received in accordance with paragraph (c) above. The initial recommendations of the Department are not necessarily limited to specific applications but may deal with any aspect of the Comprehensive Development Master Plan.

(1) The proposed future land use plan map designation of the subject property; the boundary of the subject property and its location in relation to the surrounding street and thoroughfare network shall be shown on (a) map(s);

(2) The land use designations of the subject property and abutting properties currently designated on the future land use plan map shall be shown on (a) map(s);

(3) The size of the subject property in acres or fractions thereof shall be indicated;

(4) A description of the availability of, and the demand on, the following public facilities shall be included: sanitary sewer, solid waste, drainage, potable water, traffic circulation and recreation, as appropriate, and any others deemed appropriate by the Director; and

(5) Information regarding the compatibility of the proposed land use amendments with the objectives and policies of the land use element and those of other affected elements.

(e) Each Community Council may at its option conduct one (1) public hearing per amendment cycle to address proposed CDMP amendment applications, or portions thereof that would directly impact the Council's area as determined by the Director of the Department. All Community Council hearings on CDMP amendment applications shall occur either during September following the filing of May period applications or during March following the filing of November period applications. Upon conclusion of a public hearing addressing CDMP amendment applications, the Community Council may, at its option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on the applications. Recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the applicable applications to the State Land Planning Agency and other review agencies for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applicable applications. Public hearings of Community Councils shall be advertised in the manner provided in the "Requirements for the Conduct of Community Council's Non-Zoning Business" adopted by resolution of the Board of County Commissioners, A decision by any Community Council not to conduct a public hearing or not to adopt recommendations within the time frame established in this paragraph shall not preclude the Planning Advisory Board acting as the Local Planning Agency, or the Board of County Commissioners, from conducting public hearings or taking actions required by this section. In the event that the Board of County Commissioners by ordinance or resolution authorizes or requests a committee, board, council or similar entity to review proposed CDMP amendment applications, such reviews shall also occur during September following the filing of May period applications and during March following the filing of November period applications.

(f) The Planning Advisory Board acting as the local planning agency shall hold one (1) public hearing in October following the filing of May period applications and in April following the filing of November period applications. Such public hearings shall be preceded by a notice of the time, place and purpose of such hearing published in a newspaper of general circulation in Miami-Dade County not less than ten (10) days prior to the date of the hearing. In the event that the Planning Advisory Board acting as the local planning agency determines it to be necessary or desirable, it may continue the hearing to one (1) or more additional dates during the same month in which the hearing commenced. No additional public notice shall be required for the continued hearing, provided that the date and time are announced at the hearing being continued. The purpose of the public hearing shall be to receive public comments and to address the amendment applications, the initial recommendations of the Department, and the questions of, (1) the adoption of requested small-scale amendment applications, (2) transmittal of the standard expedited applications, and (3) transmittal of the State coordinated review applications. and any small-scale amendment applications not recommended for adoption to the State Land Planning Agency and other review agencies for review pursuant to Section 163.3184(3) and (4), F.S., and (4) subsequent approval of transmitted applications, by the Board of County Commissioners. At the conclusion of each public hearing conducted pursuant to this paragraph, the Planning Advisory Board acting as the local planning agency shall issue recommendations regarding adoption of any small-scale amendment requests, recommendations regarding transmittal by the Board of County Commissioners, to State agencies for review pursuant to Section 163.3184(3) and (4), F.S., of the expedited standard amendment applications. State coordinated review applications and any small-scale amendment applications not recommended for adoption, and recommendations regarding subsequent final action by the Board of County Commissioners on the transmitted plan amendment(s).

(g) The Board of County Commissioners shall hold one public hearing during November following the filing of May period applications and during May following the filing of November period applications. Hearing(s) held pursuant to this paragraph shall be advertised in accordance with Section 163.3184(11)(b), F.S., and shall be held on a weekday not less than ten (10) days after the day that the advertisement is published. At these hearings the Department shall present to the Board the listing of applications filed pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(b), Code of Miami-Dade County, and the Board shall consider the adoption or adoption with change of any requested small-scale amendments, the transmittal of the expedited standard amendment applications and the transmittal of the State coordinated review amendment applications to the State Land Planning Agency and other review agencies and any requested small-scale amendments not adopted. If any requested small-scale amendments will be considered for adoption at a public hearing conducted pursuant to this paragraph, the Department shall, prior to said hearing, submit to the Board of County Commissioners an ordinance for first reading providing for Commission action on said small-scale amendments. The action to adopt any small-scale amendment to the CDMP shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office. Notwithstanding any other provision to the contrary, any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of members present, but not less than seven affirmative votes. The transmittal action shall be taken by resolution of the Board of County Commissioners. The decision to transmit shall be by affirmative vote of not less than a majority of the total membership of the County Commission then in office. Following the adoption of the resolution pertaining to transmittal, the Board may consider the approval on first reading of one (1) or more ordinances to subsequently take final action on the transmitted applications. The Board of County Commissioners hereby authorizes and directs the County Mayor or the Mayor's designee to transmit all documents and information required by Sections 163.3184(3) and (4), F.S., following the hearing, on behalf of the Board.

(h) The Department shall evaluate all of the information received at the transmittal hearing or within thirty (30) days after action by Board of County Commissioners addressing transmittal of the applications and may present final recommendations to the Board of County Commissioners.

(4) Procedures for final actions after transmittal to state review agencies. After the County Mayor or his designee transmits the applications instructed by the Board of County Commissioners pursuant to foregoing paragraph 3(g), subsequent County actions shall be as follows:

(a) The Board of County Commissioners shall conduct one (1) or more advertised public hearings not later than forty-five (45) days after receipt of comments from the State Land Planning Agency and other review agencies, unless a greater time period is deemed necessary by the Director. At such hearing(s) the Board of County Commissioners shall take final action to adopt, adopt with changes or not adopt each of the applications. Any changes must be within the scope of the applications filed and the proposals made pursuant to, and as authorized by, Sections [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(2)(a), (b), (c), and (d), and (3)(a) and (b), Code of Miami-Dade County, or within the scope of the written comments submitted by the State Land Planning Agency and other review agencies pursuant to Section 163.3184(6)(3) and (4), F.S. The deadline established in this paragraph may be extended by sixty (60) days where all pending plan amendments are proposed to implement an adopted evaluation and appraisal report of the CDMP.

(b) All public hearings conducted by the Board of County Commissioners pursuant to foregoing paragraph (4)(a) to take final action on applications to amend the CDMP shall be advertised in the manner required by Section 163.3184(11), F.S. All such hearings shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. All amendments, modifications, additions or changes to the comprehensive development master plan shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary, or to redesignate to an urban use any land located outside the UDB shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office. Notwithstanding any other provision to the contrary, any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of members present, but not less than seven affirmative votes. Findings, if any, made by the Board of County Commissioners which are not included in the ordinance adopting plan amendments and which provided the basis for adoption or determination not to adopt shall be transmitted to the State Land Planning Agency and other review agencies with the adopted amendments. In addition, the Department shall prepare for transmittal a statement in support of the Commission's actions indicating the relationship, if any, of the changes not previously reviewed by the State Land Planning Agency and other reviewing agencies to the comments submitted by said agencies pursuant to Section 163.3184(3) and (4), F.S. The County Mayor or the Mayor's designee is hereby authorized and directed to transmit, on behalf of the Board, the adopted amendments, adopting ordinance and all other necessary information and documents required by Section 163.3184(3)(c)2. and (4), F.S. Copies of adopted proposals shall be transmitted by the County Mayor or the Mayor's designee to said agency after adoption pursuant to Section 163.3184(3) and (4), F.S.

(5) *Applications filed pursuant to a compliance agreement, concurrent approval of a Development of Regional Impact (DRI), or to enable reuse of a military base designated for closure or closed by the Federal Government.* Notwithstanding other requirements of this subsection, any application filed pursuant to a compliance agreement as provided in Section 163.3184(6), F.S., shall be subject only to the procedural requirements for such applications found in Section 163.3184, F.S., and to the procedural requirements of the resolution or other action of the Board of County Commissioners approving the filing of such application. Applications which are subject to concurrent approval of, or change to, a development of regional impact development order shall be subject only to the procedural requirements for such applications provided in Section 380.06(6)(b), F.S., and in [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(a)(1) through (7), herein.

(a) Procedure for amendment concurrently with Development of Regional Impact Development Order, Applications related to a proposed development of regional impact (DRI) including requests for approval of a substantial deviation from an approved DRI, may be filed at times other than May and November as provided by Section 380.06(6)(b), F.S., in instances where a CDMP amendment would be necessitated by the DRI approval sought. Such applications shall be processed in accordance with the following provisions:

(1) Whenever an applicant for a DRI development order seeks a related amendment to the CDMP, the applicant must inform the Director of the Department of the amendment requested by filing an application in the form prescribed by the Director pursuant to this section. The application must be accompanied by a copy of the letter submitted to the regional planning council applying for DRI development approval, the data and analysis and any other information specified at the preapplication conference with the regional planning council staff, or its successor agency, upon which the County can determine whether or not to transmit the proposed CDMP amendment pursuant to Section 163.3184(4), F.S. The application filing date is hereby deemed to be the later of the dates on which the Director of the Department receives a completed CDMP amendment application, or the date on which the Director receives notification from the regional planning council or its successor agency that the application for development approval is sufficient,

(2) Where an application directly impacts a Community Council as determined by the Director of the Department, the subject Community Council shall be provided with an opportunity to conduct a public hearing and issue recommendations on the application in the manner set forth in paragraph [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(e), herein; provided, however, such hearing and review shall take place within twenty (20) days after an application is filed pursuant to this paragraph and before the public hearing conducted by the Local Planning Agency. The Planning Advisory Board acting as the Local Planning Agency (LPA) shall conduct a public hearing to address the application not later than thirty (30) days after an application is filed pursuant to this paragraph. This public hearing shall be noticed in accordance with the notice provisions contained in [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(f), herein. At the conclusion of the public hearing, the LPA shall issue the following to the Board of County Commissioners: (1) recommendations regarding transmittal of the application by the Board of County Commissioners to the State review agencies pursuant to Section 163.3184(3), F.S.; and (2) recommendations regarding subsequent final action by the Board of County Commissioners on the plan amendment(s) being proposed for transmittal to the State Land Planning Agency and other review agencies.

(3) Not later than sixty (60) days after the filing of an application pursuant to this paragraph, the Board of County Commissioners shall conduct a public hearing and make a determination on the transmittal of the application pursuant to Section 163.3184(4), F.S. The public hearing shall be advertised once not later than thirty (30) days after the filing of the application in the manner required by Section 163.3184(11), F.S., for the advertisement of public hearings at which the Board of County Commissioners will consider the transmittal of proposed plan amendments. The transmittal actions of the Board of County Commissioners and the transmittal by the County Mayor or the Mayor's designee shall occur in the manner prescribed in [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(g), herein, for transmittal of applications filed during May and November CDMP amendment filing periods.

(4) The Board of County Commissioners shall take final action on the application filed pursuant to this paragraph at the same public hearing as it acts upon the application for approval of or the proposed change to, the DRI development order. However, the Board of County Commissioners shall take action separately on the application for development approval or the proposed change and on the CDMP amendment. This public hearing shall occur no sooner than thirty (30) days and no later than sixty (60) days after receipt of the response from the State Land Planning Agency and other review agencies pursuant to Section 163.3184, F.S. This public hearing to consider amending the CDMP shall be advertised in the manner prescribed in Section 163.3184(11), F.S., for the advertisement of public hearings at which the Board of County Commissioners will consider adoption of CDMP amendments.

(5) Board of County Commissioners actions to transmit, adopt, or adopt with changes any application filed pursuant to this paragraph shall be by affirmative vote of not less than a majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary, or to redesignate to urban use any land outside the Urban Development Boundary, or to modify the Urban Expansion Area boundary shall require the affirmative vote of two-thirds (2/3) of the total membership of the County Commission then in office. Notwithstanding any other provision to the contrary, any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of members present but not less than seven affirmative votes.

(6) The deadlines established in paragraphs [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(a)(2) through (4), above, may be extended only at the written request of the applicant received by the Director of the Department prior to the earliest of the dates that the Department submits public hearing advertisements for newspaper publication or mails hearing notices to neighboring property owners. After this date, such written requests may be approved only by motion by the Board of County Commissioners.

(b) *Procedure for amendments implementing military base reuse plans, pursuant to Section 288.975, F.S.* Notwithstanding other requirements of this section, applications requesting amendments to the CDMP, to enable base reuse activities authorized by a base reuse plan approved by record of decision issued by the military branch having jurisdiction over a military base which has been closed or which is designated for closure or realignment, may be filed and approved in accordance with the optional procedures provided in Section 288.975, F.S., and in [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b) through (5)(b)(12), herein, if authorized by the Board of County Commissioners or County Mayor as provided in paragraph (5)(b)(1). CDMP amendments necessary to initially adopt the military base reuse plan pursuant to Section 288.975, F.S., shall be exempt from the limitation on frequency of plan amendments contained in [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(2), herein.

(1) Any decision by Miami-Dade County to use the optional procedure established in Section 288.975, F.S., shall be made by motion or resolution by the Board of County Commissioners. Such decisions shall be made not less than seven (7) days prior to the deadline established in Section 288.975(3), F.S., for issuing notice of intent to the State Land Planning Agency of the County's intent to use the optional procedure provided in Section 288.975, F.S. If a decision is made to use the optional procedure, the County Mayor or the Mayor's designee shall, within the time frame established in Section 288.975(3), F.S., notify the State Land Planning Agency in writing; by hand delivery or return receipt requested, of the County's intent to use the optional provisions of Section 288.975, F.S. The Board of County Commissioners or County Mayor may designate a County agency to have principal responsibility to manage the facility or County portion thereof (hereinafter the base management agency). Any written notice issued by the Miami-Dade County Aviation Department to the State Land Planning Agency prior to the effective date of this provision indicating Miami-Dade County's intent to use the optional procedures provided in Section 288.975, F.S,, is hereby deemed sufficient and approved.

(2) Whenever Miami-Dade County shall be the host local government as defined in Section 288.975(2)(d), F.S., (a) the Department of Regulatory and Economic Resources or successor agency shall coordinate all CDMP amendment activities in close consultation with, and with the assistance of, the designated base management agency, if any, and (b) the Department, or the Aviation Department solely in the case of Homestead Air Reserve Base, shall request the State Land Planning Agency to coordinate a presubmission workshop in Miami- Dade County pursuant to Section 288.975(8), F.S. The Department and base management agency shall be the Miami-Dade County agencies with which the State Land Planning Agency shall coordinate the workshop, and the County shall request the State Land Planning Agency to invite all Miami-Dade County agencies represented on the Miami-Dade County Developmental Impact Committee (DIC) to attend.

(3) Application to amend the CDMP shall be filed with the Department in a form prescribed by the Director pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(2)(b), herein, and shall contain all information required by Section 288.975(4)(a) through (4)(e), F.S., and all information necessary to ensure consistency as required by Section 288.975(7), F.S. If all information data and analysis required by Section 288.975, F.S., Chapter 163, Part 2, F.S. and administrative rules adopted thereunder, are not submitted with the application initially submitted, the initial application shall contain a scope of work and schedule for production of all such supporting information, deemed necessary by the Director, for submission on a date specified by the Director which will ensure timely submittal to, and analysis by, the Department and review by the Planning Advisory Board, but not later than the last day of the ninth month following issuance of notice pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b)(1), herein. Applications shall be deemed by the Director to be complete upon his confirmation that the application content and supporting information, data, and analyses reasonably respond to the requirements of laws referenced herein. Completion of an application shall not preclude the preparation or submittal of additional information, data, or analyses by the applicant or Department, or recommendations by the Department for submittal of additional information.

(4) Upon receipt of an application, the Director may distribute the application to the Director of the MPO Secretariat and to other County agencies he deems necessary for review and comment on aspects of the application which pertain to matters under the jurisdiction of the agency and which are within the scope of the Comprehensive Development Master Plan. Any such requested comments shall be returned to the Director by the director of the requested agency or his designee on a date specified by the Director in his request.

(4.5) Not later than seventy (70) days prior to the due date for transmittal of a proposed plan pursuant to Section 288.975(9), F.S., the Director shall submit to the Planning Advisory Board, acting as the Local Planning Agency (LPA), and any Community Council(s) directly impacted by the application as determined by the Director of the Department, the complete application along with supporting information, data and analyses or summaries thereof. The Director shall submit the Department's initial recommendations on the application not less than ten (10) days before the respective public hearing(s) conducted pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b)(5) and (6), herein. In formulating its initial recommendations, the Department shall consider the supporting information submitted by the applicant, government agencies, and timely public comments. The initial recommendations shall reflect consideration of the factors and information noted in [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(d), herein. The Director's recommendations may suggest changes to the application as filed, may address subsequent adoption of the application with or without changes, may recommend production of additional supporting analyses or information, and may recommend an alternative schedule for submission of the application to state review agencies if changes to the application or production of addition information is recommended.

(5) At least six (6) weeks before the date scheduled for the Board of County Commissioners public hearing to be conducted pursuant to Section 2- 116.1(5)(b)(7), herein, the Community Council(s) directly impacted, as determined by the Director, by an application filed pursuant to this section may at its option conduct a public hearing and issue recommendations addressing the proposed amendments. The public hearing shall occur in the manner set forth in paragraph [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(e), herein; provided, however, such hearing and review shall occur during the period provided in this paragraph, and before the hearing conducted by the Local Planning Agency.

(6) The Planning Advisory Board acting as the LPA shall conduct one (1) public hearing at least three (3) weeks before the date scheduled for the Board of County Commissioners public hearing to be conducted pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b)(7), herein, and approximately ten (10) days after publication of an advertisement in a newspaper of general circulation in Miami-Dade County. If it finds it necessary, the LPA may continue the public hearing once to a date not later than three (3) weeks prior to the date scheduled for the Board of County Commissioners hearing. No additional public notice shall be required for the continued hearing provided that the date and time are announced at the hearing being continued. The purpose of the public hearing shall be to receive public comments on the CDMP amendment proposals contained in the application and to address the initial recommendations of the Department, the questions of transmittal of the amendment proposals to State agencies for review pursuant to Section 288.975(9)(a), F.S., and subsequent adoption of the proposed amendments by the Board of County Commissioners, or if justified and necessary in accordance with Section 288.975(9), F.S., a request for an extension of the deadline for transmitting the proposed amendments to the State review agencies. At the conclusion of the public hearing, the Planning Advisory Board acting as the LPA shall issue recommendations regarding transmittal of the amendment proposals to the State for review, and recommendations regarding subsequent final action by the Board of County Commissioners to adopt, adopt with changes, or not adopt the proposed amendments contained in the application, or if necessary to comply with Section 288.975, F.S., to recommend that the Commission request an extension of the deadline for submission.

(7) The Board of County Commissioners shall hold one (1) public hearing not later than fifty (50) weeks after the County Mayor or the Mayor's designee submits notice to the State Land Planning Agency of Miami-Dade County's intent to use the optional provisions of Section 288.975, F.S. The hearing held pursuant to this paragraph shall be advertised in accordance with Section 163.3184(11), F.S., and shall be held on a weekday approximately ten (10) days after the day that the advertisement is published. At this hearing the Board shall consider transmitting to the State agencies listed in Section 288.975(8), F.S., (hereinafter State review agencies) a copy of the amendments proposed pursuant to Section 288.975, F.S., or petitioning the secretary of the State Land Planning Agency for an extension of the deadline if justified and necessary, in conformance with Section 288.975(9)(b), F.S. The transmittal action shall be taken by approving on first reading an ordinance to take final action on the proposed amendments. The Board of County Commissioners shall take final action after future public hearing to occur after State review agencies have received the transmitted proposed amendments and had opportunity to review and comment. Notwithstanding any other provision of this Section, petition for extension of the deadline may be approved by motion approved by majority of a quorum of the Board of County Commissioners in attendance at any meeting of the Board of justified and necessary in conformance with Section 288.975(9)(b), F.S, The County Mayor or the Mayor's designee is authorized and directed to transmit to the state review agencies the amendments authorized by approval at first reading along with all supporting information required by Section 288.975 and Chapter 163, Part 2, F.S., and pertinent administrative rules adopted pursuant thereto. Transmittal shall occur by hand delivery, or certified or express mail service, with return receipt, not later than ten (10) days after approval of transmittal by the Board of County Commissioners, and the transmittal letter shall specify that all State review agencies shall return comments directly to the Miami-Dade County Department of Regulatory and Economic Resources or successor agency as the County's coordinator of the CDMP amendment process. Not more than five (5) days after transmittal of the proposed plan amendments to the State, the Department shall cause the commencement of the State review period to be advertised in a newspaper of general circulation in Miami-Dade County with invitation for public comments to be submitted to the Department within sixty (60) days after publication of this advertisement. Miami-Dade County shall consider all comments received not later than sixty (60) days after publication of this advertisement. If a listed State review agency has not provided comments within seventy (70) days after transmittal, the Director may determine that comments have not been timely provided and that no objection has been issued by that agency and he may proceed to schedule the activities listed in following paragraphs (8) through (12), herein.

(8) Not later than fourteen (14) days after the Department receives comments from all State review agencies or the Director determines that no additional comments are timely as provided in foregoing paragraph (7), the Department, in consultation with the base management agency and any other agencies deemed appropriate by the Director shall issue to the LPA revised recommendations for the Board of County Commissioners to adopt, adopt with changes, or not adopt the proposed amendments.

(9) Not later than thirty (30) days after the Department determines that it has received all timely comments from the listed State review agencies, the Planning Advisory Board acting as the LPA shall conduct a duly noticed public hearing. The purpose of the public hearing shall be to receive public comments on the proposed amendments, on the initial recommendation of the LPA issued prior to transmittal, on any comments received from State review agencies, on the current recommendations of the Department, and on the questions of adoption by the Board of County Commissioners pursuant to Section 288.975, F.S., and to formulate its revised recommendations. In the event that the LPA determines it to be necessary, it may continue the hearing to a date not later than thirty-five (35) days after the Department has received timely comments from the listed State review agencies. No additional public notice shall be required for the continued public hearing, if any, provided that the date and time are announced at the hearing being continued. At the conclusion of the public hearing the Planning Advisory Board acting as the local planning agency shall deliberate and formulate final recommendations. The Department may also modify its previous recommendations. If the Local Planning Agency has issued recommendations prior to transmittal, failure by the Local Planning Agency to timely conduct a public hearing or issue recommendations pursuant to this paragraph shall not preclude the Board of County Commissioners from conducting a public hearing and taking final action pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b)(10), herein.

(10) (a) Not later than sixty (60) days after the Department has received timely comments from all of the State review agencies, the Board of County Commissioners shall conduct a public hearing and shall take final action to adopt, adopt with changes or not to adopt the proposed amendments. Any such changes must be within the scope of the application filed and the proposals made pursuant to, and as authorized by, [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL), Code of Miami-Dade County, or within the scope of the written comments received from the State review agencies or other affected persons pursuant to Section 288.975, F.S. The public hearing conducted by the Board of County Commissioners to take final action on the proposed amendments to the CDMP shall be advertised in the manner required by Section 163.3184(11), F.S. The hearing shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. All amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary (UDB), or to redesignate land outside the UDB to an urban use, or to include or exclude any land within the Urban Expansion Area boundary, shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office. Notwithstanding any other provision to the contrary, any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of members present, but not less than seven affirmative votes.

(b) Whenever the sixty-day period prescribed in the preceding paragraph is waived pursuant to Florida Statutes, the time for the taking of final action upon a proposed amendment implementing a military base reuse plan shall be extended through and including one hundred seventy-nine (179) days after the sixty-day period prescribed by the preceding subsection [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(b)(10)(a). It is the express intent of this subsection to permit, inter alia, further consideration of an application, even after "final action" under subsection (10)(a). In the event that a hearing under subsection (10)(a) is concluded and a further hearing on the merits is held under this subsection (10)(b), all advertising and other requirements of subsection (10)(a) shall separately apply to such further public hearing. It is provided, however, that once a public hearing is advertised, the same may be recessed without the requirement of further advertisement if the date, time and place of the continuation of the hearing are announced during the hearing at the time the matter is recessed.

(11) Within ten (10) days after adoption of CDMP amendments, the County Mayor or the Mayor's designee shall forward a copy of the adopted amendments to any affected local government and regional and State agencies that submitted comments on the proposed plan amendments. In addition the Department shall publish notice in a newspaper of general circulation in Miami-Dade County indicating how and where a copy of the Plan amendments may be obtained or inspected. The County Mayor and County Attorney, in consultation with the Director of the Department and the director of the base management agency, are hereby authorized and instructed to resolve any challenge or dispute which may resolve any challenge or dispute which may arise pursuant to Section 288.975(12), F.S. Miami-Dade County shall utilize the procedures established in Section 288.975(12) through (12)(d), F.S., to resolve any such challenge.

(12) Not later than one hundred thirty-five (135) days following adoption of the base reuse CDMP amendments by the Board of County Commissioners pursuant to Section 288.975, F.S., and resolution of any petitions filed pertaining to the amendments, the County Mayor, in consultation with the Directors of the Department, base management agency, and other affected County agencies, shall submit for first reading by the Board of County Commissioners any ordinances necessary to create or amend Miami-Dade County's land development regulations necessary to fully implement the CDMP amendments adopted pursuant to Section 12-116.1(5)(b), herein.

(6) *Optional Public Workshops.* At any time prior to final action by the Board of County Commissioners, the Board of County Commissioners, Planning Advisory Board or Department may conduct public workshops in addition to the public hearings required by this Section. Any such public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County at least once seven (7) to fourteen (14) days prior to the date of the workshop.

(7) *Consideration of economic reports, appraisals, etc.* No economic reports or studies, real estate appraisals or reports, and/or written reports of consultants or other experts shall be considered as evidence by either the Planning Advisory Board, the Department, or the Board of County Commissioners during their consideration of final action on the amendments unless filed with the Director not later than thirty (30) days after the Board of County Commissioners takes action to transmit the subject proposed application(s) to the State review agencies. Submittal of such reports after this date is hereby authorized only to respond to comments submitted after this date by the State Land Planning Agency or its successor or delegates. This deadline may be waived to permit the submission of such materials addressing matters other than the comments of the State Land Planning Agency only after an affirmative vote of the Board of County Commissioners which may approve such submittal of material upon a demonstration by any interested party that an injustice will occur.

(8) *Schedule of fees.* All fees charged for filing, processing and evaluating applications requesting amendments to the Comprehensive Development Master Plan by the Department are established by separate administrative order which shall not become effective until approved by the Board of County Commissioners. In approving the administrative order, the Board shall consider the cost to the county in processing amendments to the Comprehensive Development Master Plan. Fees will be returned to any applicant who requests an application withdrawal on or before the fifth work day following the deadlines established in this section for filing applications, or the actual date of filing of an application pursuant to [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(5)(a)(1), herein. After these dates no fees shall be returned to any applicant withdrawing their application without express approval by the Board of County Commissioners. Such administrative order shall also provide that a portion of the fee will be returned to the applicant for any application which is not eligible for adoption as a small-scale amendment application and which is denied transmittal by the Board of County Commissioners to the State Land Planning Agency or its successor or designees pursuant to paragraph [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(g) of this section.

(9) No applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board that the property which is the subject of the application will be put to a specific use or uses or to exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director and has received approval as to form. This subsection shall not apply, however, if a CDMP amendment is being reviewed concurrently with an application seeking approval or modification of a Development of Regional Impact ("DRI") development order, if the proposed DRI development order application incorporates an Application for Development Approval ("ADA") or Notification of Proposed Change ("NOPC") with the express restrictions limiting development in the same manner as represented by the applicant in the CDMP amendment process.

(10) *Adjustment of dates.* Regarding all dates and time computations contained in this section, except those pertaining to advertising dates, when the last day of a time period falls on a Saturday, Sunday, or official County holiday, that time period will be expanded to include the following business day.

(11) All references in this Section to Florida Statutes shall also refer to any amendments thereto and successor legislation or rules.

(12) The foregoing procedure shall be the exclusive procedure for amending all elements of the Comprehensive Development Master Plan (CDMP); however, annual updates to the capital improvements element schedule of improvements shall not be deemed to be amendments to the CDMP and may be made by ordinance of the Board of County Commissioners without regard to foregoing subsections (1) through (7).

(Ord. No. 76-4, § 3, 1-20-76; Ord. No. 76-95, § 2, 10-19-76; Ord. No. 78-48, § 2, 7-18-78; Ord. No. 78-49, § 1, 7-18-78; Ord. No. 78-50, § 1, 7-18-78; Ord. No. 78-85, § 1, 11-21-78; Ord. No. 86-97, § 2, 12-16-86; Ord. No. 88-18, § 2, 4-5-88; Ord. No. 89-24, § 2, 4-4-89; Ord. No. 89-66, § 3, 7-11-89; Ord. No. 89-121, § 1, 12-5-89; Ord. No. 90-2, § 2, 1-16-90; Ord. No. 90-19, § 1, 3-6-90; Ord. No. 90-111, § 1, 9-25-90; Ord. No. 90-135, § 1, 12-4-90; Ord. No. 92-17, § 3, 3-17-92; Ord. No. 92-120, § 1, 10-13-92; Ord. No. 93-23, § 2, 3-30-93; Ord. No. 93-131, § 2, 11-16-93; Ord. No. 95-69, § 1, 4-18-95; Ord. No. 95-96, § 1, 6-6-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-104, § 1, 7-2-96; Ord. No. 97-150, § 1, 9-9-97; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 98-143, § 11, 9-18-98; Ord. No. 99-30, § 1, 3-18-99; Ord. No. 00-50, § 1, 4-11-00; Ord. No. 01-163, § 1, 10-23-01; Ord. No. 03-40, § 1, 3-11-03; Ord. No. 08-52, § 1, 5-6-08; Ord. No. 10-10, § 1, 2-2-10; Ord. No. 12-81, § 1, 10-2-12; Ord. No. 13-25, § 2, 3-5-13)

**Note—**According to Ord. No. 97-150, § 2, adopted September 9, 1997: Any CDMP amendment applications filed prior to the adoption of this ordinance in accordance with the then existing provisions of [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL) of the Code of Miami-Dade County shall be processed according to those provisions until this ordinance becomes effective. After this ordinance becomes effective, [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL) of the Code as amended by Section 1 of this ordinance shall govern May 1997-98 CDMP amendment cycle activities with the following exceptions to the schedule of activities:

A) The public hearing and action to be taken by Community Councils and other entities authorized or requested pursuant to paragraph [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(e) shall occur during October 1997;

B) The public hearing and action to be taken by the Planning Advisory Board pursuant to paragraph [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(f) shall occur during November 1997; and

C) The public hearing and actions to be taken by the Board of County Commissioners pursuant to paragraph [2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(3)(g) shall occur during December 1997.

Sec. 2-116.1.1. Fees for furnishing publications.

The Director of Planning and Zoning may prescribe reasonable charges for publications of the Department.

(Ord. No. 57-8, § 14.12, 8-30-57; Ord. No. 75-22, § 9, 3-31-75; Ord. No. 76-4, § 2, 1-20-76; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.1.2. Applicability of Comprehensive Master Plan to Municipalities.

(a) The location of the Urban Development Boundary (UDB) and permitted land uses outside the UDB shall be governed by the Miami-Dade County comprehensive Development Master Plan (CDMP) notwithstanding the fact that the UDB may lie within a municipality.

(b) Any amendments to the UDB line or land uses permitted by the CDMP shall be filed and processed in accordance with procedures for applications located within the unincorporated area.

(c) All municipal land use decisions outside the UDB line shall be consistent with the CDMP.

(Ord. No. 95-177, § 2, 10-5-95)

Sec. 2-116.2. Area planning reports—Legislative intent. [[30]](#BK_EADAC80BA742330C09F92FEE06C32669)

It is the purpose of Sections [2-116.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.2ARPLREEGIN) through [2-116.11](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.11ARPLREREST) to provide a process for preparing and implementing "area planning reports" for portions of the unincorporated area which process shall include, but not be limited to, the following:

(a) A procedure for initiating the preparation of growth management planning reports on an area basis;

(b) A means of citizen participation in the preparation of area planning reports at a time reasonably convenient to the area residents, owners of property, members of homeowner associations or civic groups and other interested parties during the study process;

(c) A method for preparing and periodically revising area planning reports that may be more detailed than the Miami-Dade County Comprehensive Development Master Plan, and that may provide the basis for subsequent amendments to the master plan or for zoning district boundary changes and other suggested implementation actions; and

(d) A procedure for Planning Advisory Board recommendation on area planning reports and acceptance of such reports by the Board of County Commissioners.

(e) A requirement for the Department of Planning and Zoning initiation of the implementation actions contained in accepted area planning reports.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.3. Area planning reports—Initiation.

The Board of County Commissioners, an individual, a group or an entity, including the Miami-Dade County Department of Planning and Zoning, may petition the County Manager for the preparation of an area planning report. The County Manager shall direct the Department of Planning and Zoning to review petitions from entities other than the Department of Planning and Zoning, meeting with the petitioner(s) as needed, and within sixty (60) days to recommend to him whether the requested area planning report should be prepared and, if so, the issues, objectives, boundaries, approach, schedule, and magnitude of staff resources required and available for the preparation of the requested area planning report. A Department of Planning and Zoning petition for an area planning report shall contain the same type of information as does its recommendation to the County Manager on a petition by another entity.

Upon receipt of a Department of Planning and Zoning petition for an area planning report or the Department of Planning and Zoning's recommendation regarding a petition submitted by another entity, the County Manager shall transmit such petition or recommendation to the Board of County Commissioners, together with the County Manager's recommendation as to whether the requested area planning report should be prepared. After consideration of the petition for the preparation of the area planning report and the recommendation of the County Manager, the Board of County Commissioners shall either deny the petition or by resolution direct the County Manager to direct the preparation of an area planning report by the Department of Planning and Zoning. Such resolution shall set forth the objectives, boundaries, approach, schedule and magnitude of staff resources to be used in the preparation of the area planning report. The boundaries of the area designated as the subject of an area planning report shall be described by reference to streets, highways or other geographic boundaries.

When the area planning reports procedure is utilized in conjunction with the building and zoning moratoria provisions of [Section 33-319](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-319ADBUMO) through [33-324](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-324OTZOMO), Code of Miami-Dade County, the time limitations therein contained shall govern the schedule for completion of the report established in the authorizing resolution. The County Manager shall have discretion as to whether or not to incorporate any or all of an area planning report into his report pursuant to Sections [33-319](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-319ADBUMO) through [33-324](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-324OTZOMO) of the Code.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.4. Area planning reports—Scope and contents.

An area planning report may address demographic, land use, environmental, facilities and services, aesthetics, design, economic or social considerations that are determined by the Department of Planning and Zoning to be related to the physical maintenance or improvement of the study area or to the preservation or enhancement of the natural or man-made environment of the area consistent with the intent or objectives of the study set forth in the authorizing resolution. An area planning report may include the following:

(a) Historic information on the development patterns of the area;

(b) Existing and, to the extent feasible, future conditions in the area including:

(1) Agricultural land considerations,

(2) Environmental considerations,

(3) Population characteristics,

(4) Socioeconomic factors,

(5) Land uses and densities,

(6) Housing characteristics,

(7) Thoroughfares and traffic circulation,

(8) Public facilities and services,

(9) Land ownership and parcelization patterns,

(10) Urban design parameters,

(11) Appearance and amenities, and

(12) Zoning and other developmental approval patterns and any judicial determinations affecting these patterns;

(c) Analysis and recommendations regarding land use and physical development of the area including:

(1) Future development pattern including land use,

(2) Urban design and appearance considerations,

(3) Comprehensive development master plan provisions,

(4) Zoning changes,

(5) Public facilities and services, and

(6) Other development regulation changes.

(d) Proposed implementation actions for the area to be initiated by the Department of Planning and Zoning including the following:

(1) Applications to amend the Miami-Dade County Comprehensive Development Master Plan,

(2) Applications for zoning changes,

(3) Requests for capital improvements,

(4) Requests for special tax districts,

(5) Revisions or additions to development regulations, and

(6) Other appropriate growth management initiatives.

Nothing contained herein shall be deemed exclusive, and any characteristics and issues germane to a specific area may be discussed and evaluated in the area planning report.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.5. Area planning reports—Preparation.

The Department of Planning and Zoning shall prepare a proposed area planning report in cooperation and coordination with other County departments and municipal governments (where applicable) and with residents and owners of property in the area. Following the preparation of a proposed area planning report, the Department of Planning and Zoning shall hold at least one (1) public meeting in the area or its vicinity. An advertisement of such public meeting, including the meeting time and place, a map depicting the area being studied and the purpose of the meeting shall be published in the newspaper of largest general circulation in Miami-Dade County not less than seven (7) days prior to the public meeting. Additionally, written courtesy notices of said public meeting, containing the time, place, description of the area being studied, and a brief summary of the contents of the preliminary area planning report shall be mailed to any individual or group representative who has made a written request to the Department of Planning and Zoning for such notice. Failure to mail or to receive written notice shall not affect the validity of the public meeting or any other matter to which this ordinance pertains.

The Department of Planning and Zoning shall seek to obtain concurrence with the proposed area planning report from the residents, owners of property, and residents or property owner associations and other organizations having an interest in the study area. Such concurrence may be determined by the submission to the Department of resolutions from said groups, letters or petitions from residents and owners of property in the area. Summaries of the public meeting(s), which shall be prepared by the Department, should indicate the number of persons attending the meetings and the level of their support for the proposed area planning report.

If the Department believes that substantial revisions to the proposed report are appropriate and would facilitate obtaining greater concurrence with the report by the residents, owners of property, resident and property owner associations in the area, the department may hold another public meeting. Such additional public meeting may either be announced at the conclusion of the prior public meeting or advertised and noticed in the same manner provided in this section.

Following the public meeting(s), the Department of Planning and Zoning shall complete the preparation of the proposed area planning report and submit it to the Miami-Dade County Planning Advisory Board.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.6. Area planning reports—Planning Advisory Board action.

Upon receipt of a proposed area planning report from the Department of Planning and Zoning, the Planning Advisory Board shall forthwith hold a public hearing thereon in the area or its vicinity, and invite the participation of interested persons, to consider the proposed area planning report including the actions proposed for its implementation. An advertisement of such public hearing, including the meeting time and place and a map depicting the area being studied and the purpose of the hearing shall be published in the newspaper of largest general circulation in Miami-Dade County not less than seven (7) days prior to the public hearing. Additionally, written courtesy notices of said public hearing, containing the time, place, description of area being studied, and a brief summary of the contents of the proposed area planning report shall be mailed to any individual or group representative who has made a written request to the Department of Planning and Zoning for such notice. Failure to mail or to receive such written notice shall not affect the validity of the public hearing or any other matter to which this ordinance pertains. Copies of the proposed area planning report shall be made available to the general public prior to and during the public hearing.

At the conclusion of the public hearing, the Planning Advisory Board shall take one (1) of the following actions:

(a) By resolution make recommendation to the County Manager and Board of County Commissioners on the proposed area planning report, or state the reason(s) it is unable to make any recommendation,

(b) Return the proposed area planning report to the Department of Planning and Zoning for further consideration and evaluation, to be followed by a further public hearing in accordance with this subsection, or

(c) Conduct another public hearing for the purpose of soliciting or suggesting revisions to the proposed area report. Such additional public hearing may either be announced at the conclusion of the previous public hearing or advertised and noticed in the manner provided in this section.

The above actions shall in no way prejudge or predetermine the actions of the Planning Advisory Board on any amendments to the Miami-Dade County Comprehensive Development Master Plan or other implementation actions proposed in the report that may be subsequently heard and acted upon by the Planning Advisory Board.

The Planning Advisory Board shall complete its action on the area planning report within the schedule established by the Board of County Commissioners or obtain a time extension from the commission by resolution.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.7. Area planning reports—Board of County Commission Action.

Following the action by the Planning Advisory Board pursuant to [Section 2-116.6](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.6ARPLRELAADBOAC) above, the Department shall: a) prepare its recommendations on the proposed area planning report including proposed implementation actions; and b) transmit the area planning report and the resolution of the Planning Advisory Board, together with the recommendations of the Department, through the County Manager to the Board of County Commissioners.

Upon receipt of the proposed area planning report and recommendations of the Department and recommendations, if any, of the planning advisory board, the Board of County Commissioners shall conduct a public hearing on the proposed area planning report. An advertisement of such public hearing, including the meeting time and place and a map depicting the area being studied and the purpose of the hearing shall be published in the newspaper of largest general circulation in Miami-Dade County not less than seven (7) days prior to the public hearing.

At the conclusion of the public hearing, the Board of County Commissioners shall by resolution:

(1) Accept or accept with modification, the proposed area planning report including proposed implementing actions,

(2) Resubmit the proposed area planning report to the Department of Planning and Zoning for further consideration and for revision, or

(3) Reject the proposed area planning report in its entirety.

The acceptance of an area planning report shall be by resolution and shall henceforth be referred to as the accepted area planning report.

The above actions shall in no way prejudge or predetermine the actions of the Board of County Commissioners on any amendments to the Miami-Dade County Comprehensive Development Master Plan or other implementation actions proposed in the report that may be subsequently heard and acted upon by the Commission. Acceptance of proposed implementation actions shall be solely for the purpose of considering such actions at an appropriate future time.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.8. Area planning reports—Implementation.

Following acceptance of an area planning report by the Board of County Commissioners, the Department of Planning and Zoning shall within one (1) year make official requests for the various implementing actions proposed in the report, except that 1) proposed amendments to the Urban Development Boundary of the Miami-Dade County Comprehensive Development Master Plan shall be initiated at the next filing opportunity authorized by [Section 2-116.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.1AMPRCODEMAPL)(2) Code of Miami-Dade County, and 2) proposed zoning changes that require prior amendments to the Miami-Dade County Comprehensive Development Master Plan shall be filed no later than three (3) months following the enactment of such plan amendments.

Within five (5) years after County Commission acceptance of an initial or amended area planning report, the Department of Planning and Zoning shall review the subject area planning report and prepare and provide to the Board of County Commissioners a written evaluation presenting: 1) an assessment of the success or failure in accomplishing the purposes of the subject area planning report and in implementing the recommendations contained in the report, and of the continuing applicability of the report to conditions and circumstances within, and in the vicinity of the area; and 2) any need for amendment or rescission of the report as may be warranted by any changes to such conditions and circumstances.

After receipt of the evaluation, the Board of County Commissioners shall conduct a public hearing on the evaluation. An advertisement of such public hearing, including the meeting time and place and a map depicting the area covered by the area planning report being evaluated and the purpose of the hearing shall be published in the newspaper of largest general circulation in Miami-Dade County not less than seven (7) days prior to the public hearing.

At the conclusion of the public hearing, the Board of County Commissioners shall by resolution:

(1) Accept or accept with modification, the area planning report evaluation including any need for amendment or rescission,

(2) Resubmit the area planning report evaluation to the Department of Planning and Zoning for further consideration and for revision, or

(3) Reject the area planning report evaluation in its entirety.

Following acceptance or acceptance with modification of an area planning report evaluation by the Board of County Commissioners, the Department of Planning and Zoning shall petition the County Manager for amendment or rescission of the area planning report pursuant to [Section 2-116.9](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.9ARPLREMERE) if a need therefor has been identified in the accepted evaluation.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.9. Area planning reports—Amendment or rescission.

An area planning report shall be amended or rescinded only pursuant to the procedures set forth in Sections [2-116.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.2ARPLREEGIN) through [2-116.8](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.8ARPLREMP), and shall be implemented pursuant to [Section 2-116.8](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.8ARPLREMP).

(Ord. No. 92-46, § 1, 6-2-92)

Sec. 2-116.10. Area planning reports—Legal status.

Accepted area planning reports prepared or amended pursuant to Sections [2-116.2](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.2ARPLREEGIN) through [2-116.9](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-116.9ARPLREMERE) are hereby declared to be nonbinding informational considerations available to the Board of County Commissioners, the County Manager and to county agencies, departments and personnel responsible for a) preparing recommendations for, or acting on, amendments to the Miami-Dade County Comprehensive Development Master Plan and applications for zoning relief, b) preparing or administrating land development regulations, or c) any other matter proposed as part of such area planning report. Area planning reports are declared to be informational only and not a part of the Miami-Dade County Comprehensive Development Master Plan. However, the acceptance of an area planning report pursuant to this process shall constitute a directive to the Department of Planning and Zoning to file official requests for the various implementing actions proposed in the report.

Notwithstanding any inconsistencies or ambiguities between any existing neighborhood study or area study adopted by the Board of County Commissioners as of the effective date of this ordinance, and the Comprehensive Development Master Plan (CDMP), the CDMP shall govern.

Furthermore, land uses permitted by the CDMP shall not be limited or constrained by the provisions of any area planning report or of any area study or neighborhood study adopted or accepted prior or subsequent to such effective date. It is provided, however, that this paragraph shall not limit the informational or advisory status of any area or neighborhood study as otherwise provided by ordinance.

No area planning report, nor any other planning study, shall in itself constitute a finding of land use or zoning inconsistency with the comprehensive development master plan. Such findings of inconsistency shall be made only by the Board of County Commissioners in conjunction with particular zoning actions. In furtherance hereof, the Board of County Commissioners declares its policy and intent to evaluate and consider its public actions involving or affecting land use and development, including action on applications for comprehensive development master plan amendments and for zoning action in relationship to area planning reports, if applicable, in addition to considering all other criteria established by ordinance or otherwise required for consideration by law.

(Ord. No. 92-46, § 1, 6-2-92; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-116.11. Area planning reports—Previous studies.

All neighborhood or area studies previously accepted and adopted by the Board of County Commissioners, and in effect on the effective date of this ordinance, shall continue to have the same legislative and legal status as prior to the adoption of this ordinance, consistent with the provisions of [Section 2-114](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114ADCODEMAPLEGSTPLRENEARFUSTLEINDE)(b) Code of Miami-Dade County, unless such studies are specifically repealed or modified by Board of County Commissioners action.

(Ord. No. 92-46, § 1, 6-2-92)

FOOTNOTE(S):

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Annotation—AO 9-1 [(Back)](#BK_B5082B49769BBDEBBB64CC5505609494)

**Charter reference—** Charter provisions providing for Department of Planning, § 4.07. [(Back)](#BK_B5082B49769BBDEBBB64CC5505609494)

**Cross reference—** Subdivisions, Ch. 28; urban renewal, Ch. 30A; zoning, Ch. 33; developments in incorporated areas creating County impact, Ch. 33A. [(Back)](#BK_B5082B49769BBDEBBB64CC5505609494)

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**Editor's note—** Ord. No. 92-46, § 1, adopted June 2, 1992, repealed former §§ 2-116.2—2-116.9, relative to neighborhood or area studies, and enacted new §§ 2-116.2—2-116.11 to read as herein set out. The provisions of former §§ 2-116.2—2-116.9 derived from Ord. No. 75-48, §§ 1—8, adopted June 18, 1975; Ord. No. 76-64, §§ 1, 2, adopted July 6, 1976; Ord. No. 79-79, §§ 1, 2, 4, adopted Oct. 2, 1979; and Ord. No. 80-72, §§ 1, 2, adopted July 1, 1980. [(Back)](#BK_EF2C76E244B0E08743EEA8D4AC472C1B)

### ARTICLE XVI. RESERVED [[31]](#BK_5ED2039707A93927276D3F5204E913CF)

[Secs. 2-117, 2-118. Reserved.](#BK_83BE9ECBD460F38A18559BEEBC4509EF)

Secs. 2-117, 2-118. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 95-215, § 1, adopted Dec. 5, 1995, deleted the provisions of former Art. XVI, §§ 2-117, 2-118, relative to the Building and Zoning Department. Former § 2-117 derived from the original codification and former § 2-118 derived from Ord. No. 62-35, § 1, adopted Aug. 24, 1962. [(Back)](#BK_F72B67C930051037E52629AA1CAC72F2)

### ARTICLE XVII. BRANCH OFFICES OF COUNTY AUTO TAG AGENCY [[32]](#BK_E6C518DDF979EB18B100646DC5EAB51C)

[Sec. 2-119. Occupational license, approval by County Manager, prerequisites to operation.](#BK_697DECCECAE9FBB6887E9192E9AF71E7)

[Sec. 2-119.1. Definitions.](#BK_416A28DFCC655D0D13078CBF1B2EE4E7)

[Sec. 2-119.2. Creation and operation authorized; limitation on transfers.](#BK_9C75E61E2615420D53018F3F15358AE2)

[Sec. 2-120. Eligibility to apply to operate a branch office; qualifications, examination of applicants; conditions for transfer of branch office; reporting responsibilities of applicants and operators.](#BK_0B7CAD1E69C660F30B2B3B541605D4CC)

[Sec. 2-120.1. Awards of authorizations to operate branch offices.](#BK_131D110B486F9270A9BC47AD2C65D9C3)

[Sec. 2-120.2. Qualified personnel required.](#BK_6007B4AFDEE412BD56F537CB3B494FF4)

[Sec. 2-120.3. Business hours.](#BK_ABE7DB20CBA38B2E0A8C1C4439EA605E)

[Sec. 2-120.4. Full service to be provided.](#BK_FCC88B3FAB1203F49030394E41D52DB0)

[Sec. 2-121. Bond and insurance; amount, terms, conditions; computers.](#BK_0464C13DAF56DF93B9804F4A367272D5)

[Sec. 2-121.1. Payment of occupational license taxes; duration of licenses; address of licensee.](#BK_7CA3B7790D01C0530643CECCA2DA53C8)

[Sec. 2-122. Grant, revocation of decal paper stock and/or tag consignment privileges; inventory of decals and/or tags.](#BK_EBF5DDC4C4EE45D7CBE67CDA96FC6032)

[Sec. 2-123. Fees, amounts, collection, disposition.](#BK_3242EC1E430C65A04F14DDA1E7F0638F)

[Sec. 2-124. Books and records of operator.](#BK_6EAE108BF1E11779A11521D13D0A2D05)

[Sec. 2-125. Compliance with applicable rules, regulations, required; supervision or revocation of agency authorization, review of suspension or revocation.](#BK_E6A85EF53BC3D3A2CBDAA9AC53F82A81)

[Sec. 2-126. Violations by operators and employees.](#BK_ADF89FDB60AAA16862E8DB6CE58AAA0D)

[Sec. 2-127. Penalties for violation.](#BK_80FA5AC95ACF7BBF07BB8330A6A6D150)

Sec. 2-119. Occupational license, approval by County Manager, prerequisites to operation.

(a) Any person, firm, partnership, professional association or corporation operating a branch auto tag agency office and performing the functions thereof pursuant to law must have (1) authorization from the County Manager, pursuant to the provisions of this article and (2) a valid, current occupational license pursuant to this article. This section shall apply to branch auto tag agency offices in existence prior to July 1, 1994, as well as any office established subsequent thereto; provided, however, that only those branch auto tag agency offices authorized for the first time after July 1, 1994, shall be subject to the bid provisions of [Section 2-120.1](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120.1AWAUOPBROF)(a).

(b) It is unlawful for any person, firm, partnership or corporation not authorized to operate a branch auto tag agency office pursuant to this article to advertise, name its business, or otherwise hold itself out in such a way as to represent itself as an official state or county office or agent with respect to performing the functions of an auto tag agency. The penalties for violation of this subsection are set forth in [Section 2-127](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-127PEVI)(a).

(c) Automobile and/or truck dealers which are properly licensed by the State of Florida and which are in good standing with the Florida Division of Motor Vehicles may operate a Limited Branch Office solely for the purpose of issuing a vehicle registration renewal, permanent license plat, and/or title transfer only in the course of a sale or lease of a vehicle by said dealer. Prior to issuing a vehicle registration renewal, permanent license plate, and/or title transfer, the automobile and/or truck dealer must:

(1) Enter into a written agreement with a currently licensed and existing branch auto tag agency, which agreement shall contain, but not be limited to, the proper procedures for issuance of auto tags and decal inventory through the Electronic Filing System. This written agreement shall be approved by and on file with the Tax Collector.

(2) Enter into an agreement with a Valid Certified Service Provider to obtain approved software applications which will enable the dealer (Limited Branch Office) to comply properly with this article and the program standards for the Electronic Filing System as established by the Florida Tax Collectors, Inc.

(3) Obtain written authorization from the Miami-Dade County Tax Collector.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 97-93, § 1, 6-17-97)

Sec. 2-119.1. Definitions.

For the purpose of this article the following definitions shall apply:

(1) The term "applicant" shall refer to any person, firm, partnership or corporation which meets the requirements for placement in the eligibility pool described in [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP). As set forth in [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP)(f), a designated person shall represent a corporate applicant.

(2) The term "authorization" shall refer to the authority granted an operator by the County Manager in accordance with this article, and after compliance with all applicable requirements, to operate a branch auto tag agency office.

(3) The term "Board" shall refer to the Board of County Commissioners of Miami-Dade County, Florida.

(4) The term "branch office" shall refer to a private business operating pursuant to the provisions of this article and on behalf of the Miami-Dade County Auto Tag Agency providing auto tag agency services to the public.

(5) The term "corporate," when used in this ordinance, shall refer to and encompass, in addition to a corporation, any firm, partnership or other business entity other than a sole proprietorship.

(6) The term "eligibility pool" shall refer to the pool established pursuant to [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP) containing the names of applicants eligible to bid for award of authorizations to operate new branch offices and to otherwise acquire existing branch offices.

(7) The term "operator" shall refer to any person, firm, partnership or corporation which is authorized to operate a branch auto tag agency or a Limited Branch Office and the name for which the authorization is granted. With respect to a branch auto tag agency, as set forth in [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP)(f), and subject to the requirements therein, a designated person shall represent a corporate operator.

(8) The term "qualified employee" shall refer to a person who has satisfactorily passed a written examination given under the direction and supervision of the Tax Collector or his designees, which tests the person's knowledge of applicable laws, rules, regulations and procedures.

(9) The term "automobile and/or truck dealer" shall refer to those entities properly licensed by the State of Florida to engage in the business of selling motor vehicles to the general public.

(10) The term "Electronic Filing System" (EFS) shall refer to the system by which permanent auto tags are assigned and issued to buyers of cars or trucks when the transaction occurs at a licensed automobile and/or truck dealer with Miami-Dade County.

(11) The term "limited branch office" shall refer to an automobile and/or truck dealer who is licensed by and is in good standing with the State of Florida, has been authorized by the Tax Collector, and has a current written agreement with a private branch auto tag agency, which agreement has been approved by and is on file with the Tax Collector, for the purpose of fulfilling obligations relating to the EFS. A limited branch office shall not mean and shall not be interpreted to mean a privately owned auto tag agency as described in this article.

(12) The term "valid certified service provider" shall refer to a provider of software and other computer services to a limited branch office which has contracted with the Florida Department of Highway Safety and Motor Vehicles for the applicable access agreements, contracted with the Florida Tax Collectors, Inc. for compliance with the program standards of the EFS, and agreed with Miami-Dade County to adhere to appropriate local laws, standards, administrative orders, and other appropriate procedures.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 97-93, § 2, 6-17-97)

Sec. 2-119.2. Creation and operation authorized; limitation on transfers.

(a) The County Manager is hereby authorized and empowered to create one branch office of the Miami-Dade County Auto Tag Agency for each seventy-five thousand (75,000) population, according to the last official federal census, at such location as he may determine is necessary to properly serve the needs, convenience and interest of the public; however, new branch offices will be phased in ratably during the ten-year periods between each census. Only members of the eligibility pool may be appointed to operate all branch offices in existence as of the effective date of this article or created pursuant to the provisions of this article.

(b) There shall be no branch office created except as provided in subsection (a) of this section, unless the County Manager, upon finding that a special need exists within a specified geographical area of the County, recommends to the Board that a branch office of the Miami-Dade County Auto Tag Agency operate within said area and the Board, by separate resolution, authorizes the creation of such branch office. Said branch office shall be in addition to those authorized in subsection (a) of this section.

(c) Authorization to operate a branch office shall be conditioned upon the faithful compliance by the operator with all rules, regulations, laws and public needs as determined by the manager. Whenever the County Manager has determined that an operator has not faithfully complied with all rules, regulations, laws and the provisions of this article, he may revoke, suspend or otherwise condition his authorization to continue operation subject to the provisions of this article.

(d) Except for those operators who, prior to April 6, 1982, were authorized to operate more than one branch auto tag agency, no operator shall own, in whole or in part, operate, or control more than one branch auto tag agency. Members of the immediate family of a non-corporate operator, as defined in subsection (f) of this section, shall be limited to owning no more than two (2) branch agencies.

(e) The rights and privileges granted any operator or qualified employee under the provisions of this article are personal in nature and cannot be sold, transferred or assigned, except as provided for in [Section 2-120.1](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120.1AWAUOPBROF), or subsection (f) of this section. In the event of any voluntary or involuntary dissolution of a corporate operator, the authorization shall be deemed revoked. For purposes of this subsection, a change of voting control within a corporation shall be treated as a transfer for purposes of [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP)(c).

(f) When an existing branch office ceases operation for any reason, including but not limited to the death of a non-corporate operator, a sustained revocation or voluntary cessation, such office shall not be transferred, sold or otherwise replaced unless replacement is specifically authorized by the County Manager in accordance with the provisions of this article. Any transfer of authorization allowed hereunder shall be only to qualified operators on the eligibility list established pursuant to this article. Any such transfer shall be in accordance with the provisions of this article:

(1) Transfer of authorization in event of death of non-corporate operator. A non-corporate operator may transfer by testamentary disposition the existing authorization to operate an existing office to a family member or authorized co-operator who is qualified or qualifies as an applicant pursuant to [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP) within six (6) months from the time of death of the operator, unless an extension, not to exceed six (6) months, is authorized by the Tax Collector for good cause shown, and whose name has been submitted for inclusion on a succession list maintained by the Tax Collector. A family member is defined as a spouse, child, son/daughter-in-law, parent, grandparent, brother, sister, or upon proof, any person whose ties customarily would be considered immediate family. In the absence of testamentary disposition, the branch office may be sold by the estate of the operator to an applicant in the authorized eligibility pool established by the county in accordance with the provisions of [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP). Such sale must take place within one (1) year from the date of the operator's death, unless an extension, not to exceed six (6) months, is authorized by the Tax Collector for good cause shown. Prior to any sale or transfer hereunder, the administrator of the operator's estate shall be responsible for all moneys, decal paper stock, license tags, computer equipment and all accountable forms and items belonging to the State of Florida and Miami-Dade County. If there is no sale within the time limitation set forth herein, the authorization to operate the branch office shall be deemed revoked.

(2) Transfer of authorization in event of bankruptcy of a corporate operator. Upon the filing of a petition for bankruptcy by an operator, no transaction affecting ownership or operation of the branch office shall occur without notice to and the consent of the County Manager and in accordance with the provisions of this article.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 01-25, § 1, 2-13-01)

Sec. 2-120. Eligibility to apply to operate a branch office; qualifications, examination of applicants; conditions for transfer of branch office; reporting responsibilities of applicants and operators.

(a) Effective July 1, 1994, authorization for operation of a new branch office shall be awarded to the highest bidder. Only applicants in the eligibility pool established and maintained by the Tax Collector shall be eligible to bid. The eligibility list in existence as of the effective date of this ordinance shall expire July 1, 1994. However, applicants on said list can be placed in the eligibility pool by notifying the Tax Collector by certified mail no later than thirty (30) days from the effective date of this ordinance.

(b) The eligibility pool shall contain only the names of applicants whose written applications have been approved, who have qualified by written examination and who have paid an application fee established by administrative order. A grade of seventy (70) in the written examination shall qualify the applicant for purposes of passing the examination and the names of those qualified shall appear in the eligibility pool. A qualified applicant shall remain eligible to bid for newly established branch offices or on those existing offices offered for sale provided that the Tax Collector is notified via certified mail every three (3) years that the applicant wishes to remain in the eligibility pool. The Tax Collector shall open the eligibility pool each October 1, or whenever he deems appropriate. An advertisement shall appear in a newspaper of daily circulation at least forty-five (45) days prior to the opening of any eligibility pool. The advertisement shall be in substantially the following form:

"Notice for acceptance of applications for authorizations to operate branch auto tag agency offices of the Miami-Dade County Auto Tag Agency in Miami-Dade County, Florida."

"Pursuant to the provisions of [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP), Code of Miami-Dade County, Florida, notice is hereby given that applications will be accepted for eligibility to bid for an award of authorization to operate a new or existing branch auto tag agency of the Miami-Dade County Auto Tag Agency. Application forms may be obtained from the Miami-Dade County Auto Tag Agency, 140 West Flagler Street, Miami, beginning at \_\_\_\_\_\_\_\_\_\_\_\_. Completed applications may be filed with the Miami-Dade County Tax Collector at any time following the above time and date along with a \_\_\_\_\_\_\_\_\_\_\_\_ application fee. All persons submitting a completed application prior to \_\_\_\_\_\_\_\_\_\_\_\_ shall submit to a written examination to be given at \_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_. An application list will be established based upon a qualifying score on the written examination. All future authorizations for new agencies will be offered to the highest bidder in the eligibility pool maintained by the Tax Collector. The sale or transfer of existing agencies will be allowable only to those applicants in said eligibility pool. No person shall be appointed to simultaneously operate more than one branch auto tag agency office. Only legal residents of the United States who reside in Miami-Dade County or corporations authorized to operate within the State of Florida shall be authorized to operate branch auto tag agency offices."

"MIAMI-DADE COUNTY, FLORIDA  
   
By "

(c) As established by administrative order, a fee shall be paid to the County for the transfer by sale or gift of any authorization granted hereunder. The fee owed to the County will be paid in full upon consummation of the sale or transfer. No fee shall be paid for transfer by gift to family, as defined in [Section 2-119.2](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-119.2CROPAULITR)(f)(1), or by testamentary devise pursuant to [Section 2-119.2](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-119.2CROPAULITR)(f)(1).

(d) At the time of application, each applicant shall provide complete information about any prior violation of any provision of this article, any prior charge or conviction of any felony or of any offense involving moral turpitude or the mishandling of funds or properties, the nature and extent of his business or professional experience, character, employment and business references and such other information as may be required by applicable law or that the Tax Collector may in his discretion deem appropriate.

(e) Each applicant and operator is required to keep on file with the Tax Collector complete and current copies of all documents requested by the Tax Collector consistent with State and County disclosure requirements and necessary to the Tax Collector for implementation of this article, including the name of the designee required in subsection (f) of this section. The Tax Collector shall be notified of all changes to the applicant's or operator's corporate charter, officers and directors and of individuals having a financial interest in the branch agency. Additionally, a copy of any contract executed in the event of a transfer or sale of existing agency shall be submitted to the Tax Collector.

(f) Corporate applicants and operators shall be represented by one qualified officer or employee who will be responsible for fulfilling all requirements of this article that pertain to applicants and operators. A person so designated can act only on behalf of one applicant or operator. In the event that the designated person's affiliation or employment with the applicant or operator ends, there must be designated within thirty (30) days a successor who must qualify by written examination as provided in subsection (b) herein.

(g) Only legal residents of the United States who reside in Miami-Dade County or corporations authorized to operate within the State of Florida shall be authorized by the County to operate branch auto tag agency offices.

(Ord. No. 94-135, § 2, 6-21-94)

Sec. 2-120.1. Awards of authorizations to operate branch offices.

(a) Effective July 1, 1994, all new authorizations granted pursuant to [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP) shall be accomplished through a bidding process to be administered by the Tax Collector pursuant to established County procedures. In the event of a transfer of an existing agency pursuant to [Section 2-119.2](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-119.2CROPAULITR)(f), the Tax Collector shall determine that the transfer was bona fide. In addition to all requirements placed upon operators by this article, the Tax Collector may include such additional requirements as may be needed to ensure efficient operation of the branch office and accountability to the State and the County.

(b) The award of authorization hereunder shall be conditioned upon the operator's written acknowledgement agreeing to abide by all applicable laws, rules, regulations and requirements relating to the terms and conditions under which branch offices must operate.

(Ord. No. 94-135, § 2, 6-21-94)

Sec. 2-120.2. Qualified personnel required.

(a) Each branch office shall have on its premises during all working hours a minimum of one qualified employee handling ongoing business transactions within the branch office. Any branch office which does not have on its premises such qualified employee to conduct business shall immediately cease from operating as a branch office of the Miami-Dade County Auto Tag Agency until this section is complied with.

(b) Unless the operator and the qualified employee are the same person, each operator must designate at least one individual, who shall be a qualified employee, to be involved on a continual basis in on-site management of the branch office. This individual shall be in addition to the qualified employee referred to in subsection (a) of this section.

(c) Each qualified employee must satisfactorily complete the examination as provided in this article.

(Ord. No. 94-135, § 2, 6-21-94)

Sec. 2-120.3. Business hours.

Each branch office shall be open to the public from 9:00 a.m. to 5:00 p.m. on all days when County government offices are normally open unless otherwise required or authorized by the Tax Collector. Branch offices have the option to open their offices on other days and to maintain longer office hours. Operating hours must be prominently displayed at each public entrance to the branch office.

(Ord. No. 94-135, § 2, 6-21-94)

Sec. 2-120.4. Full service to be provided.

Each branch office shall provide the same full services to the public as given at the Miami-Dade County Auto Tag Agency.

(Ord. No. 94-135, § 2, 6-21-94)

Sec. 2-121. Bond and insurance; amount, terms, conditions; computers.

(a) Before being authorized or reauthorized, each potential or current operator shall give bond with good and sufficient sureties, or part cash collateral with the Tax Collector. The amount and type of said bond will be set forth in Administrative Order 4-83. Such bond shall be conditioned upon the branch office and its officers, directors, agents and employees' faithful compliance with all laws, correctly accounting for all moneys coming into its hands, and using ordinary care in correctly informing persons with whom it deals concerning any taxes or fees levied against them or their property. Such bond shall be payable to the County for any damages suffered by the County by reason of any unlawful act, fraud, neglect or embezzlement by such branch office, its owners, employees, officers or agents. It is further provided that any person who shall be damaged by reason of any unlawful act, fraud, neglect or embezzlement of said branch office shall have as his sole recourse an action on said bond in his name against the principal and sureties thereon. In no event shall such person claiming to have been damaged have any right, remedy, action or course of action against the County or its agents or employees.

(b) Each branch office shall furnish evidence of liability insurance in an amount and type to be determined by the County.

(c) The bond and insurance shall be carried with solvent and responsible insurers authorized to transact business in the State of Florida. Such bond and insurance shall be subject to the approval of the County risk manager prior to acceptance by the Tax Collector. Failure of the operator to maintain the required bond and insurance shall result in suspension of all auto tag activities during the period when the bond and insurance are not in effect.

(d) Computer equipment providing access to Division of Motor Vehicle (DMV) Florida Real Time Information System (FRTIS) will be supplied and maintained by DMV. Operators shall be required to execute a use agreement with the State and maintain such insurance thereon as required by the State. Failure to execute and comply with said agreement may result in the removal of the agency's computer equipment.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 01-25, § 2, 2-13-01)

Sec. 2-121.1. Payment of occupational license taxes; duration of licenses; address of licensee.

Every branch office shall pay a County occupational license tax as set forth in Sections [8A-223.1](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-223.1SCTA) and [8A-247.1](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-247.1SCTA). No license shall be issued for more than one year and all licenses shall expire on the thirtieth day of September of each year. All licenses shall be issued in the name of the operator and shall state the address of the branch office.

Prior to the issuance of a license renewal, the Tax Collector shall ascertain the operator's compliance with all applicable laws, rules, regulations, procedures and agreements. In his discretion, and with respect to minor acts of non-compliance, the Tax Collector may in writing notify the operator of such acts and extend a thirty-day period within which to come into compliance. If the Tax Collector declines to renew a license, he shall notify the County Manager so that the manager may take action pursuant to [Section 2-119.2](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-119.2CROPAULITR)(c). No license shall be issued to a branch office if its authorization has been revoked by the County Manager.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 01-118, § 1, 7-12-01)

Sec. 2-122. Grant, revocation of decal paper stock and/or tag consignment privileges; inventory of decals and/or tags.

Upon the issuance of the bond required by [Section 2-121](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-121BOINAMTECOCO) and the payment of the occupational license tax required by [Section 2-121.1](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-121.1PAOCLITADULIADLI), each branch office may secure decal paper stock and/or tags from the Miami-Dade County Auto Tag Agency.

Each branch office may be granted decal paper stock and/or tag distribution privileges at quantities for automobiles and vessels and classes to be determined by the Miami-Dade County Auto Tag Agency. The Tax Collector shall prescribe rules and regulations upon which the distribution privileges are predicated.

All reports shall be accompanied by remittances in full and reports for tags sold shall be returned to the Miami-Dade County Auto Tag Agency on the basis of first in-first out, according to each series.

Each branch office shall furnish the Miami-Dade County Auto Tag Agency with a letter setting forth the names and signatures of that branch office's qualified employees who can receive and sign for decal paper stock, tags and other accountable items.

The failure of any operator or its employees or agents to comply with any rules, regulations or the provisions of this article shall constitute adequate and sufficient grounds for the revocation of prepayment and/or decal paper stock and/or tag distribution privileges in the discretion of the Tax Collector.

Each branch office shall, upon request of the Tax Collector or his representative, return all unused decal paper stock, tags, and other accountable documents, licenses and items supplied by the Tax Collector to the Miami-Dade County Auto Tag Agency for inventory purposes, and all decal paper stock, tags and other accountable documents, located within the branch office's place of business, shall be subject to physical inventory by the Tax Collector or his representative at any time.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 01-25, § 3, 2-13-01)

Sec. 2-123. Fees, amounts, collection, disposition.

(a) Any and all fees and payments, whether payable to the County by an applicant or operator or payable to an operator in the course of branch office transactions or for services otherwise rendered, shall be established by and set forth in an administrative order submitted by the County Manager and approved by the Board.

(b) The operator shall collect the service fees specified in Chapters 319, 320, 327 and 328, Florida Statutes. These amounts shall be remitted with each motor vehicle transaction report delivered to the Tax Collector.

(c) Each operator shall be entitled to fees for services rendered. Fees so authorized are the only lawful fees allowable for such services which the operator performs or renders on behalf of Miami-Dade County. Any branch office charging fees in excess [of] those set forth in the applicable administrative order shall return such overcharges to the customer and submit to the Tax Collector proof of refund. Charging fees in excess of that set forth may constitute adequate and sufficient grounds for the revocation or suspension of the authorization to operate a branch office.

(d) To compensate for inflation and other changes in operating conditions, at the request of the Tax Collector or the majority of operators, fees may be subject to review and adjustment, but not more frequently than at two-year intervals unless the Tax Collector in his discretion determines that special circumstances exist necessitating review. The adjustments are intended to compensate for such factors as inflation, changes in the law which affect the costs of operation and other changes in operating conditions. In no event shall the initial obligations or start-up costs of new or transferred branch offices be considered as grounds for fee adjustments.

(e) Whenever any operator shall receive any moneys from any person for a transaction pertaining to a motor vehicle or vessel decal, tag, title, title transfer, registration, or other application, the customer shall be given a receipt for all moneys collected, showing all details of the transaction, upon a receipt form approved by the Tax Collector, and shall report such transaction upon a form supplied by the Tax Collector, and pay over such moneys together with the respective documents and a copy of the customer's receipt to the Miami-Dade County Auto Tag Agency within the time prescribed by the tax collector in Administrative Order 4-83.

(f) It shall be unlawful for any branch office to accept payments and/or documents on any application and hold such payments and/or documents in abeyance for any reason.

(g) Whenever any operator fails to report any transaction to the Miami-Dade County Auto Tag Agency within the prescribed period, the said operator will be assessed a penalty on the total remittance due and in arrears at a rate of 12 percent per year or 0.0329 percent per day. This penalty shall be in addition to any suspension or revocation of the branch office's authorization.

(h) The failure of any operator of a private branch agency or limited branch office or employee or agent thereof to comply with all rules and regulations as established by the County Manager, Tax Collector or other governmental agency shall constitute adequate and sufficient grounds for the suspension and/or revocation of the operator's authorization to act on behalf of Miami-Dade County. In such event, each operator shall, upon request of the Tax Collector, return all unsold decals, tags, unreported registrations, title applications, all other documents the Tax Collector deems appropriate, and all unused forms to the Miami-Dade County Auto Tag Agency.

(i) After approval by the Tax Collector, a copy of the fee schedule shall be posted in a conspicuous place in the branch office where it may be readily observed by customers without inquiry as to its place of posting. The fee schedule shall include the following notice:

"This is a privately owned business under contract with Miami-Dade County as a branch office of the Miami-Dade County Auto Tag Agency. The fees shown on this schedule are the maximum fees authorized and approved by Miami-Dade County. Any complaint concerning this branch office may be directed to the Miami-Dade County Tax Collector, 140 West Flagler Street, (375-4677)."

(j) Limited branch offices must deposit funds in a bank designated by Miami-Dade County using procedures outlined in the program standards of the EFS and those included in the administrative order regarding the EFS when the transaction is completed, but in no event more than thirty (30) days after the transaction was commenced.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 97-93, § 3, 6-17-97; Ord. No. 01-25, §§ 4, 5, 2-13-01)

Sec. 2-124. Books and records of operator.

(a) Each branch office and limited branch office shall maintain a complete set of accounting records, including a permanent set of ledgers, journals, and supporting source documents, posted up to date, reflecting all business transactions regarding the issuance of vehicle or vessel titles, registrations of same, and any and all transactions relating to the EFS or this article. All such records shall be held for a period of not less than three (3) years or until all applicable audits have been satisfied, whichever period is longer.

(b) The director of the Miami-Dade County Audit and Management Services Department may establish a standard uniform accounting system to be used by all branch offices and limited branch offices and may require the use of such accounting system. All books and records of the operators pertaining to transactions under this article and the EFS shall be available during all business hours for the inspection and/or audit by the Miami-Dade County Internal Auditor, the Tax Collector, or their designee(s).

(c) Each operator shall complete each of the prescribed forms as required by the Tax Collector and submit completed forms to the Miami-Dade County Auto Tag Agency at the time specified.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 97-93, § 4, 6-17-97)

Sec. 2-125. Compliance with applicable rules, regulations, required; supervision or revocation of agency authorization, review of suspension or revocation.

(a) In addition to complying with the laws, rules and regulations of the United States, Florida and Miami-Dade County, the operator of private branch agencies and limited branch offices shall fully comply with all rules and regulations of the Florida Division of Motor Vehicles, Florida Department of Revenue, the County Manager, and the Tax Collector.

(b) The Tax Collector shall have authority to prescribe rules and regulations relating to the operation of all branch offices and limited branch offices and standards of service.

(c) Failure to comply with any applicable laws, rules or regulations of the United States, Florida and Miami-Dade County, including those promulgated by the County Manager and Tax Collector, shall constitute adequate and sufficient grounds for suspension or revocation by the County Manager of the operator's authorization. In the event of such action, the County Manager shall serve a notice of suspension or revocation upon the operator. Conditions of suspension or revocation may include, in the County Manager's discretion, immediate suspension of operations until such time as a review, if requested, is concluded. If three (3) violations of this ordinance which result in a letter of reprimand and/or suspension occur within an eighteen-month period, it will be grounds for revocation of authorization to operate the branch office. The Tax Collector may in his discretion continue branch office operations with his own personnel during the period in which a suspension is in effect or during which operations have been suspended pending review.

(d) The operator may seek review by the Board of County Commissioners of the County Manager's notice of suspension or revocation by filing a written request for review with the clerk of the board within fifteen (15) days from the date of service of the County Manager's notice. If requested, said review shall be scheduled on the next available Board agenda. The operator shall have the right to present its position and all supporting evidence to the Board as part of the Board's review. Witnesses shall be sworn and the rules of evidence applicable to quasi-judicial proceedings shall govern. The Board shall hear and consider all facts material to the review and may affirm, modify or reverse the action taken. The decision of the Board shall be final unless overturned by a court of competent jurisdiction.

(e) Nothing herein is to be deemed to vest in any third party the right to require the Tax Collector or the County Manager to take any course of action with respect to the activities of branch offices.

(f) Any violations by a limited branch office of this article and/or administrative orders shall constitute an irreparable injury and grounds for suspension or revocation of the privilege of utilizing the EFS system in Miami-Dade County.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 97-93, § 5, 6-17-97)

Sec. 2-126. Violations by operators and employees.

(a) Any person, whether as an individual or as an officer, manager, agent or employee of a private branch office or a limited branch office who shall receive or collect any money from any person upon the representation, promise or for the purpose of payment of any taxes or fees imposed on any motor vehicle or boat for which a fee, commission or any other compensation is collected or expected and who shall convert or embezzle said money to his/her own use or benefit or to the use or benefit of some person other than the taxpayer or who shall fail to pay over said money to the Tax Collector within the time prescribed by this article and applicable administrative orders or to the person paying same upon demand, shall be guilty of embezzlement and shall upon conviction be punished as if he/she had been guilty of larceny.

(b) An operator shall not knowingly aid or abet any person or firm in an unlawful transaction relating to a motor vehicle, boat or any other vehicle. It shall be unlawful for any branch office or limited branch office to knowingly give false information to persons with whom it deals concerning official agency or limited branch office transactions.

(c) Private auto tag agencies shall not conduct business in such a manner as to restrict the choice of certified service providers by a licensed branch office.

(d) Certified service providers shall not conduct business in such a manner as to restrict the choice of private auto tag agencies by a licensed branch office.

(e) Limited branch offices shall not conduct business in such a manner as to restrict the choice of certified service providers and/or private auto tag agencies by a licensed branch office.

(f) Violations of any of the provisions of this section shall constitute an irreparable injury and grounds for suspension or revocation of authorization to operate the branch office or limited branch office.

(Ord. No. 94-135, § 2, 6-21-94; Ord. No. 97-93, § 6, 6-17-97)

Sec. 2-127. Penalties for violation.

(a) In addition to any penalties or sanctions provided elsewhere in this article, any operator who fails to obtain the required occupational license or any person, firm, partnership or corporation which violates the provisions of [Section 2-119](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-119OCLIAPCOMAPROP)(b) shall be subject to penalties in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County.

(b) No operator shall be eligible to operate a branch office under this chapter if the designee required in [Section 2-120](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-120ELAPOPBROFQUEXAPCOTRBROFREREAPOP)(f), any qualified employee or any person otherwise involved on behalf of the operator in the operations on the branch office has been convicted of any crime involving misuse of funds or of a felony. Upon conviction, the authorization and occupational license shall be automatically cancelled or nullified.

(c) Nothing herein shall prohibit the County or any affected operator from seeking injunctive relief for violations of [Section 2-119](../level3/PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG.docx#PTIIICOOR_CH2AD_ARTXVIIBROFCOAUTAAG_S2-119OCLIAPCOMAPROP)(b).

(Ord. No. 94-135, § 2, 6-21-94)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 94-135, § 1, adopted June 21, 1994, deleted former Art. XVII, §§ 2-119—2-127, relative to branch auto tag agencies, and § 2 of said ordinance enacted a new Art. XVII to read as herein set out. The provisions of former Art. XVII derived from Ord. No. 65-75, 11-23-65; Ord. No. 67-58, 8-8-67; Ord. No. 67-93, 12-5-67; Ord. No. 68-12, 2-21-68; Ord. No. 70-59, 7-21-70; Ord. No. 76-47, 5-18-76; Ord. No. 79-36, 6-5-79; Ord. No. 82-24, 4-6-82; Ord. No. 87-17, 4-7-87. [(Back)](#BK_DF107AC3DEEB877D67DD72B7797FB1E3)

**Cross reference—** State vehicle license required for operation of the vehicle on County roads, highways, etc., § 30-367. [(Back)](#BK_DF107AC3DEEB877D67DD72B7797FB1E3)

### ARTICLE XVIII. MIAMI-DADE COUNTY EXPRESSWAY AUTHORITY [[33]](#BK_81396FFFD93B5B54AA5505021C599887)

[Sec. 2-128. Creation.](#BK_3B40594DF1CD2F22F556F0D885735B08)

[Sec. 2-129. Governing body; composition.](#BK_829CA41DCD21A4261680FB98CAD3CB43)

[Sec. 2-130. Officers; quorum.](#BK_99911663DD4A406C65F6CEAEB6344C7A)

[Sec. 2-131. Staffing.](#BK_FE13555A47D07D7B6C2DC59E9232B0E8)

[Sec. 2-132. Powers.](#BK_235A924D2E5721D5CE7F0D1DEB490720)

[Sec. 2-133. Appointments.](#BK_DC09131183CC677EEE1F5EFB42ADB604)

[Sec. 2-134. Reimbursement for beautification and road improvements on state roads.](#BK_0A517D67A49B438C19F613E01AC99649)

[Sec. 2-135. Validity.](#BK_794C219B5587304BDB1DBAEF05953657)

[Sec. 2-136. Effective dates.](#BK_0C1FE7148F41359C3EC56812FE5DF65F)

[Secs. 2-137—2-144. Reserved.](#BK_CAFE7A35E0F2967353B82D3D482BB4D7)

Sec. 2-128. Creation.

The Miami-Dade County Expressway Authority (the "Authority") is hereby formed. The Authority shall be an agency of the state pursuant to the Florida Expressway Authority Act.

(Ord. No. 94-215, § 1, 12-13-95)

Sec. 2-129. Governing body; composition.

The governing body of the Authority shall consist of thirteen (13) members, each of whom shall, except for the District Secretary of the Florida Department of Transportation, at all times during his or her term of office be a resident of Miami-Dade County. The governing body shall consist of:

(a) Five (5) voting members appointed by the Governor.

(b) Seven (7) voting members appointed by the Board of County Commissioners. Up to two (2) of the members so appointed may be elected officials residing in Miami-Dade County.

(c) Four (4) non-voting members appointed by the Board of County Commissioners; and

(d) The District Six Secretary of the Florida Department of Transportation shall serve as a voting member of the governing body.

The terms of the members shall be four (4) years each, except that the initial terms of the voting members shall be as follows: one (1) member appointed by the Governor shall serve a one (1) year term and two (2) members appointed by the Governor shall serve a two (2) year term; two (2) members appointed by the County Commission shall serve a three (3) year term and three (3) members appointed by the Commission shall serve a four (4) year term; and except that the initial terms of those persons who were non-voting members of the Authority prior to July 1, 1997 shall be: two (2) members shall serve a three (3) year term and two (2) members shall serve a four (4) year term. Upon the effective date of his or her appointment, or as soon as practicable thereafter, each appointed member shall enter upon his or her duties. A member shall hold office until his or her successor has been appointed and qualified. Any member of the Authority is eligible for reappointment. The Governor may remove any member of the governing body from office for misconduct, malfeasance, misfeasance, or nonfeasance in office. Members of the governing body shall receive from the Authority their travel and other expenses incurred in connection with the business of the Authority as provided in Section 112.061, Florida Statutes, but they may not draw salaries or other compensation from the Authority. Members of the governing body shall comply with the applicable financial disclosure requirements of Florida Statutes Sections 112.3145, 112.3148, and 112.3149, and the Code of Ethics for Public Officers and Employees at Florida Statutes Section 112.311, et seq.

All those persons initially appointed as non-voting members on the Board shall be converted to voting members, as of July 1, 1997, without any effect on their initial term of office. When the initial term of members who were non-voting member prior to July 1, 1997 expires, those members shall be replaced by two (2) Governor-appointed members and two (2) Board of County Commissioners-appointed members, until the governing body is comprised of seven (7) voting members appointed by the Board of County Commissioners and five (5) voting members appointed by the Governor.

(Ord. No. 94-215, § 2, 12-13-95; Ord. No. 98-4, § 1, 1-13-98)

Sec. 2-130. Officers; quorum.

The Authority shall elect one (1) of its members as its chairperson and shall elect a secretary and a treasurer who need not be members of the Authority. The chairperson, secretary and treasurer shall hold their offices at the will of the Authority. A simple majority of the Authority shall constitute a quorum, and a vote of the majority of those members present shall be necessary for the Authority to take any action. A vacancy on the governing body of the Authority shall not impair the right of a quorum to exercise all rights and perform all of the duties of the Authority.

(Ord. No. 94-215, § 3, 12-13-95)

Sec. 2-131. Staffing.

The Authority may employ an executive secretary, an executive director, its own counsel and legal staff, technical experts, and such engineers and employees, permanent or temporary, as it may require and shall determine the qualifications and fix the compensation of such persons, firms, or corporations. The Authority may, subject to the limitations provided in the Florida Expressway Authority Act, employ a fiscal agent or agents and delegate to one or more of its agents or employees such of its power as it deems necessary to carry out the functions. Any underwriter retained by the Authority in connection with the negotiated sale of bonds pursuant to Florida Statutes Section 348.0005 and this article [Ordinance No. 94-215] shall be designated by Miami-Dade County and the Authority.

(Ord. No. 94-215, § 4, 12-13-95; Ord. No. 96-119, § 1, 7-18-96)

Sec. 2-132. Powers.

The Authority shall have all the powers provided in the Florida Expressway Authority Act.

(Ord. No. 94-215, § 5, 12-13-95)

Sec. 2-133. Appointments.

The clerk of this board shall provide a certified copy of the ordinance from which this article derives to the Governor together with a request that the Governor make the appointments provided herein to the Miami-Dade County Expressway Authority.

(Ord. No. 94-215, § 6, 12-13-95)

Sec. 2-134. Reimbursement for beautification and road improvements on state roads.

The Authority shall consider on a priority basis reimbursing Miami-Dade County for all amounts expended by the County for beautification and road improvements on state roads, including but not limited to S.R.s 112 and 836, and the amounts expended by the County for other beautification and road improvements undertaken within the jurisdiction of the Authority expedited in connection with the Summit of the Americas.

(Ord. No. 94-215, § 7, 12-13-95)

Sec. 2-135. Validity.

If any section, subsection, sentence, clause or provision of this article [Ordinance No. 94-215] is held invalid, the remainder of this article shall not be affected by such invalidity.

(Ord. No. 94-215, § 8, 12-13-95)

Sec. 2-136. Effective dates.

The effective date of Sections [2-129](../level3/PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU.docx#PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU_S2-129GOBOCO), [2-130](../level3/PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU.docx#PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU_S2-130OFQU), [2-133](../level3/PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU.docx#PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU_S2-133AP), [2-134](../level3/PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU.docx#PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU_S2-134REBEROIMSTRO) and [2-135](../level3/PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU.docx#PTIIICOOR_CH2AD_ARTXVIIIMIDECOEXAU_S2-135VA) of this article shall be ten (10) days after the date of enactment. The effective date of the remainder of this article shall be one (1) day after the completion of negotiation of the transfer of Miami-Dade County and State Florida tollroads and related assets to the Authority, but in no event later than one hundred twenty (120) days from adoption of the ordinance from which this article derived.

(Ord. No. 94-215, § 10, 12-13-95)

Secs. 2-137—2-144. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 94-215, adopted Dec. 13, 1994, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. XVIII, §§ 2-128—2-136. Prior to the adoption of said Ord. No. 94-215, Ord. No. 87-33, § 1, adopted June 2, 1987, repealed former Art. XVIII, §§ 2-128—2-131, which pertained to the Rental Housing Advisory Board and which derived from Ord. No. 81-94, §§ 1—4, adopted Sept. 1, 1981. [(Back)](#BK_A0BEE36E1228E8856E759A4190D0B0DC)

### ARTICLE XIX. Miami-Dade TRANSIT AGENCY [[34]](#BK_44F07C1E5A6A17C748081FAEDD6319B4)

[Sec. 2-145. Created and established; administrative direction and supervision; functions.](#BK_7FC01BD1D8019D4BC7B0A70EA4A5BF8C)

[Sec. 2-146. Functions of County Manager in relation to Agency.](#BK_2BD6F39557120106BE25E163F588363B)

[Sec. 2-147. Reserved.](#BK_075B0C169DC310AF76601E60D9D706F3)

[Sec. 2-148. Authority of County Attorney to adjust, compromise or settle damage claims arising out of operation of Agency.](#BK_CA345E67AAA466B1FCFAB286A6BCC58B)

[Sec. 2-149. Rules and regulations.](#BK_B400C2576A77622FB9BB5322C09074F8)

[Sec. 2-150. Fixing and changing fares, service, rates or charges.](#BK_CFF26E1F6B92E84F7CF3551CA615E416)

[Sec. 2-150.1. Reserved.](#BK_331B1DD75CC2C5F693FE82AA4F3F06E2)

[Sec. 2-151. Compliance with safety regulations, etc.](#BK_94EE709492B721569BB7727126966309)

[Sec. 2-152. Rights of employees of transit systems acquired by County.](#BK_5CFC2EC9E37519B06644A1F20F4B7B22)

[Secs. 2-153—2-170. Reserved.](#BK_BDAFB63A858EFBC494CA3DDB3BF9D0CD)

Sec. 2-145. Created and established; administrative direction and supervision; functions.

The Miami-Dade Transit Agency is hereby created and established. The County Manager is hereby empowered and shall have the duty and responsibility to provide the administrative direction and supervision of the Miami-Dade Transit Agency, in accordance with policies adopted and promulgated by the Board of County Commissioners. The Miami-Dade Transit Agency shall perform the following functions:

(a) *Routes, schedules and operations.* Develop and maintain a system of routes consonant with the needs of the riding public and extend, discontinue or adjust such routes based upon studies relating to population distribution, business activity, employment, origin and destination of trips, traffic conditions, load analyses, schedules, or other such factors which would show the practicability, feasibility or general public benefit of such changes; make and adjust schedules; carry on safety and training activities; maintain an information service; conduct passenger traffic route change and marketing studies; and market the services of the transit system.

(b) *Maintenance of the fleet.* Maintain, repair or modify the rolling stock of the fleet including engines, electrical systems, air conditioning systems, bodies, chassis, painting, and other mechanical components; conduct a preventative maintenance program; and keep such equipment cost accounts and records as may be necessary to determine the life, effectiveness, or usefulness of the equipment.

(c) *Damage claims.* Investigate, adjust, compromise, settle or defend all damage claims arising from operation of the system in accordance with the procedures established by the County Manager pursuant to [Section 2-148](../level3/PTIIICOOR_CH2AD_ARTXIXMIDETRAG.docx#PTIIICOOR_CH2AD_ARTXIXMIDETRAG_S2-148AUCOATADCOSEDACLAROUOPAG) of this article.

(d) *Sale of advertising space.* Promote the sale of advertising space in or on the buses, stations, shelters, or other suitable facilities of the system on a nondiscriminatory basis.

(e) *Providing public transportation services and facilities for the physically disabled.* Such services and facilities, in addition to other services and facilities for the disabled, shall be provided through the purchase and operation of buses equipped with appropriate devices (specifically including wheelchair lifts) to facilitate transportation of the physically disabled. The anticipated capital and operating expenditures for each fiscal year shall be determined and budgeted by the Manager in accordance with established budgetary procedures. For the purposes of this subsection, "buses" are defined as buses with a maximum capacity of forty-five (45) passengers.

(Ord. No. 74-92, § 1, 10-15-74; Ord. No. 76-76, § 1, 9-7-76)

Sec. 2-146. Functions of County Manager in relation to Agency.

The County Manager is hereby empowered and shall have the duty and responsibility to perform the following functions:

(a) Appoint a Director of the Miami-Dade Transit Agency, who shall serve at the will of the County Manager.

(b) Prescribe, by administrative order, the organization and operating procedure of the Agency.

(c) Appoint such employees and other personnel as may be necessary to operate the Agency.

(d) May establish a special fund for the payment of damage claims against the Agency and designate those County employees authorized to issue drafts thereon. All drafts shall bear at least two (2) authorized signatures thereon.

(Ord. No. 74-92, § 1, 10-15-74)

Sec. 2-147. Reserved.

**Editor's note—**

[Section 2-147](../level3/PTIIICOOR_CH2AD_ARTXIXMIDETRAG.docx#PTIIICOOR_CH2AD_ARTXIXMIDETRAG_S2-147RE), pertaining to the transfer of salaried officers and employees from the Transit Authority to the Transit Agency, has been deleted as obsolete. The section was derived from Ord. No. 74-92, § 1, adopted Oct. 15, 1974.

Sec. 2-148. Authority of County Attorney to adjust, compromise or settle damage claims arising out of operation of Agency.

Notwithstanding anything in [Section 2-15](../level3/PTIIICOOR_CH2AD_ARTIILADE.docx#PTIIICOOR_CH2AD_ARTIILADE_S2-15LIPOCOCOJUACSEPR), Code of Miami-Dade County, Florida, to the contrary, the County Attorney shall be and is hereby authorized to adjust, compromise, or settle all damage claims against Miami-Dade County arising out of the operation of the Miami-Dade Transit Agency, provided that the County Attorney shall first determine that said adjustment, compromise, or settlement is in the best interest of the taxpayers of Miami-Dade County after taking into regard the legal liability of the Agency, the amount of damages claimed, potential litigation expenses and the potential financial exposure of the County; provided further, that any proposed adjustment, compromise, or settlement in excess of two thousand five hundred dollars ($2,500.00) per claimant shall also require the prior approval of the County Finance Director: and provided further, that any proposed adjustment, compromise, or settlement in excess of five thousand dollars ($5,000.00) per claimant shall require the prior approval of both the County Manager and the County Finance Director.

(Ord. No. 74-92, § 1, 10-15-74)

Sec. 2-149. Rules and regulations.

The Director of the Transit Agency shall prepare and submit to the County Manager such rules and regulations as may be necessary to perform the duties and functions conferred or imposed upon him by this article or as are required to properly govern the use, operation and maintenance of the system. Such rules and regulations, when approved by the County Commission shall have the force and effect of law.

(Ord. No. 74-92, § 1, 10-15-74)

**Cross reference—** Transit Agency rules and regulations for Metrorail, Metromover and Metrobus systems, Ch. 30B.

Sec. 2-150. Fixing and changing fares, service, rates or charges.

(a) Except as provided in [Section 2-150](../level3/PTIIICOOR_CH2AD_ARTXIXMIDETRAG.docx#PTIIICOOR_CH2AD_ARTXIXMIDETRAG_S2-150FICHFASERACH)(c), the County Commission shall have the authority to make service changes and fix all fares, rates or charges for the use of the transit system, provided however, that those fares, rates or charges in force on the effective date of this article shall continue in full force and effect until changed or modified by the County Commission.

(b) Approved by County Commission after public hearing. The County Manager may recommend the following changes or modifications to service, fares, rates or charges, which changes may be adopted by resolution of the Board of County Commissioners after a public hearing:

1. Any fare, rate or charge for transit service or for service ancillary to transit;

2. Any change in service of twenty-five (25) percent or more of the number of route miles of a route;

3. If, in a fiscal year, the cumulative changes on a route add up to twenty-five (25) percent or more change in the number of route miles of a route;

4. A change in the interval between peak period transit services on a route of more than ten (10) minutes;

5. A change in the interval between off-peak period transit services on a route of more than thirty (30) minutes; or

6. A new transit service is established or an existing service is abolished.

(c) Approved by County Manager. The following transit fare or service changes may be approved administratively by the County Manager, or his or her designee, and shall not require a public hearing:

1. Institution of reduced or free promotional fares for up to one hundred and eighty (180) days;

2. Service changes which are seasonal in nature;

3. During an emergency for a period up to one hundred eighty (180) days;

4. When the designation of a route (i.e., route name, number or letter) is changed;

5. Institution of experimental service changes or demonstration routes/service changes for the duration of the experiment or demonstration;

6. Any scheduling or service change which does not require a public hearing as described in [Section 2-150](../level3/PTIIICOOR_CH2AD_ARTXIXMIDETRAG.docx#PTIIICOOR_CH2AD_ARTXIXMIDETRAG_S2-150FICHFASERACH)(b).

The Agency shall provide public notice of such passenger fare and service changes in such a manner as to inform the public thereof.

(d) The County Manager or his designee is delegated the authority to change service or modify or waive fares, rates or charges for special events not to exceed sixty (60) days. These short-term program changes, modifications or waivers will be exempt from public hearing requirements.

(Ord. No. 74-92, § 1, 10-15-74; Ord. No. 84-91, § 1, 12-4-84; Ord. No. 98-162, § 1, 11-5-98)

Sec. 2-150.1. Reserved.

**Editor's note—**

Ord. No. 98-162, § 1, adopted Nov. 5, 1998, repealed [section 2-150.1](../level3/PTIIICOOR_CH2AD_ARTXIXMIDETRAG.docx#PTIIICOOR_CH2AD_ARTXIXMIDETRAG_S2-150.1RE) in its entirety. Former [section 2-150.1](../level3/PTIIICOOR_CH2AD_ARTXIXMIDETRAG.docx#PTIIICOOR_CH2AD_ARTXIXMIDETRAG_S2-150.1RE) pertained to public hearing for services changes and derived from Ord. No. 86-32, § 1, adopted April 15, 1986.

Sec. 2-151. Compliance with safety regulations, etc.

In the operation of transit facilities, the Agency and any corporation, association, employee or individual acting for the Agency, shall comply with safety regulations, County ordinances, State laws or regulations, and federal regulations applicable to comparable street, railway and bus systems.

(Ord. No. 74-92, § 1, 10-15-74)

Sec. 2-152. Rights of employees of transit systems acquired by County.

Whenever the County acquires existing transit systems or facilities from a publicly owned public utility, to the extent necessary or feasible for the economic operation of such facilities, all of the employees of such acquired transit system whose duties pertain to the facilities acquired shall be employed in comparable positions in the County service and the pay status, seniority, vacation and sick leave rights shall be preserved and maintained to the fullest possible extent.

(Ord. No. 74-92, § 1, 10-15-74)

Secs. 2-153—2-170. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 74-92, §§ 1, 2, adopted Oct. 15, 1974, repealed former Art. XIX, §§ 2-145—2-167, pertaining to the Transit Authority, and enacted in lieu thereof a new Art. XIX, §§ 2-145—2-152, as herein set out. [(Back)](#BK_23345C1FEE9A948177D8F4ABCE9CFA16)

Former Art. XIX was derived from Ord. No. 60-23, §§ 1—3, adopted Aug. 2, 1960; Ord. No. 61-22, § 1, adopted May 23, 1961; Ord. No. 62-49, §§ 1, 2, adopted Dec. 4, 1962; Ord. No. 64-39, § 14, adopted Sept. 1, 1964; Ord. No. 71-32, § 1, adopted March 30, 1971; and Ord. No. 74-26, § 1, adopted April 16, 1974. [(Back)](#BK_23345C1FEE9A948177D8F4ABCE9CFA16)

Annotation—AO 9-1 [(Back)](#BK_23345C1FEE9A948177D8F4ABCE9CFA16)

Case law annotation— State v. Miami-Dade County, 142 So. 2d 79 (Fla. 1962), arising out of proceedings to validate a Transit System revenue bond issue to be issued by Miami-Dade County, the Supreme Court held that the County could acquire by purchase all the capital stock of transportation systems in the County, and issue revenue bonds payable solely from earnings of such system, that the purchase would not impair any legal rights of municipalities involved, and that the sale of the common stock of the transportation system was not a sale condemned by the constitution. [(Back)](#BK_23345C1FEE9A948177D8F4ABCE9CFA16)

### ARTICLE XX. RAPID TRANSIT PROJECT [[35]](#BK_543669E93E49D06B28241305628394C1)

[Sec. 2-171. County Manager's authority to manage Stage I.](#BK_4155EBC3EC7479C8AE789A901CE1F9A4)

[Secs. 2-172—2-180. Reserved.](#BK_548F450DC83F84A30006E85C30868EB9)

Sec. 2-171. County Manager's authority to manage Stage I.

(a) *Authority generally.* The County Manager is hereby charged with the responsibilities of managing the design, development, construction and operation of Stage I of the Rapid Transit System. In order to carry out such responsibility, the County Manager shall have the following authority and may exercise such authority without necessity of further approval by the Board:

(1) To file applications on behalf of Miami-Dade County for State and federal funds to be utilized for development and construction of the project.

(2) To advertise contracts for competitive bids, issue bid documents including addenda thereto, receive and open bids, review bids, and issue notices to proceed after award.

(3) To provide in the bid specifications and contract documents that the contract time and liquidated damages for failure to comply therewith may be extended and waived before or after the specified date for completion of the contract.

(4) To provide in the bid specifications and contract documents that prime contractors submitting bids list thereon the names of all subcontractors that will be utilized on the contract.

(5) To determine the validity of and negotiate and settle contractor claims[, and] to issue change orders and modifications within the general scope of the contract work in accordance with the contract's provisions. In no event shall the aggregate of claims settled, and changes or modifications made in a particular contract, exceed ten (10) percent of the original contract price without prior approval of the Board.

(6) Enforce contract compliance with contract obligations.

(7) Exercise the termination and suspension provisions of all or any portions of contracts.

(8) Receive and review requests for partial or final payment, determine whether such requests meet the requirements of the contract and, if so, authorize appropriate payment.

(9) Accept work or grant final acceptance in accordance with the terms of the applicable contract.

(b) *Delegation of authority.* The County Manager may designate persons within the Office of Transit Agency to exercise the authority specified within subsection (a). Such persons may redelegate specific limited portions of such authority to specified members of the Kaiser Transit Group, the County's general architectural and engineering consultant for Stage I of the Rapid Transit System. Any delegation or redelegation of authority made pursuant to the provisions of this subsection (b) must be submitted in writing to and be approved by the Board as a condition of its becoming effective.

(Ord. No. 79-76, § 2, 9-18-79)

**Cross reference—** Exemption of contracts for construction of Stage I of the Rapid Transit System from Commission approval and other requirements for contract extensions, § 9-3; listing of subcontractors for Stage I of Rapid Transit System permitted, § 10-34; commercial signs on Rapid Transit System right-of-way, § 33-121.20 et seq.; fixed-guideway Rapid Transit System development zone, Ch. 33C.

Secs. 2-172—2-180. Reserved.

FOOTNOTE(S):

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**Editor's note—** Section 2 of Ord. No. 79-76, adopted Sept. 18, 1979, amended the Code by adding Art. XX of Ch. 2, § 2-171. Section 1 of Ord. No. 79-76 provided for incorporation of the recitations of the preamble of the ordinance as a portion of said ordinance. The recitations have not been included herein. [(Back)](#BK_0A59C71A55D407EC952F736664C7F043)

### ARTICLE XXI. COUNTY FIRE DEPARTMENT [[36]](#BK_66071016082471C30DE840754A9A4CDF)

[Sec. 2-181. Established; fire chief; appointment, term, compensation; organization; employees.](#BK_DACBB30F6AD998F36C84FAFA7BDA4497)

[Sec. 2-182. Powers and duties; authority to enter into mutual fire protection agreements.](#BK_BB3BBDC5750E00F8572B54CAA9A942D7)

[Secs. 2-183—2-185. Reserved.](#BK_BDD9C4803334C6B1D564950A9B89A486)

Sec. 2-181. Established; fire chief; appointment, term, compensation; organization; employees.

A Miami-Dade County Fire and Rescue Department is hereby established. The head of this Department shall be the Fire Chief, who shall be known by the title of Miami-Dade County Fire Chief. The organization and operating procedures of the Department shall be described in administrative orders and regulations of the Manager. The Manager shall in accordance with the Code and Personnel Rules appoint such employees and other personnel as may be necessary to operate the Department. The salaries, compensation and benefits of all employees shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 66-37, § 1, 9-7-66; Ord. No. 96-28, § 1, 2-6-96; Ord. No. 98-115, § 1, 7-21-98; Ord. No. 02-45, § 2, 4-9-02; Ord. No. 03-069, § 1, 4-8-03)

**Editor's note—**

Ord. No. 96-28, § 1, adopted Feb. 6, 1996, amended [§ 2-181](../level3/PTIIICOOR_CH2AD_ARTXXICOFIDE.docx#PTIIICOOR_CH2AD_ARTXXICOFIDE_S2-181ESFICHAPTECOOREM) and § 3 of said ordinance provided sunset provisions which provided that the ordinance shall stand repealed five years from its effective date. Said ordinance became effective ten days after the date of enactment.

Sec. 2-182. Powers and duties; authority to enter into mutual fire protection agreements.

(a) The Miami-Dade County Fire Department shall:

(1) Provide fire and rescue protection in the unincorporated area of the County and other areas of the County as directed by the Board of County Commissioners.

(2) Maintain County fire stations and firefighting equipment.

(3) Provide central records, investigations and communications of fire protection and require each municipality to furnish the Department with all fire records prescribed by the Miami-Dade County Fire Chief.

(4) Perform such additional duties as may be prescribed by ordinance of the County, resolution of the Board, administrative orders and regulations of the Fire Chief, or as to non-District functions, administrative orders and regulations of the Manager.

(b) The County Manager shall have the power to enter into agreements with one (1) or more municipalities in Miami-Dade County to provide fire protection within such municipalities by the Miami-Dade County Fire Department, such agreement to have the prior approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 66-37, § 2, 9-7-66; Ord. No. 96-28, § 1, 2-6-96; Ord. No. 98-115, § 1, 7-21-98; Ord. No. 03-069, § 1, 4-8-03)

**Editor's note—**

Ord. No. 96-28, § 1, adopted Feb. 6, 1996, amended [§ 2-182](../level3/PTIIICOOR_CH2AD_ARTXXICOFIDE.docx#PTIIICOOR_CH2AD_ARTXXICOFIDE_S2-182PODUAUENINMUFIPRAG) and § 3 of said ordinance provided sunset provisions which provided that the ordinance shall stand repealed five years from its effective date. Said ordinance became effective ten days after the date of enactment.

**Annotations—**AO's [4-45](../level3/PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR.docx#PTIIICOOR_CH4AMMETRVE_ARTIIINOMETR_S4-45OBCHRE), 4-54.

Secs. 2-183—2-185. Reserved.

FOOTNOTE(S):

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**Editor's note—** Art. XXI, §§ 2-181—2-191, entitled "County Fire Department," is derived from Ord. No. 66-37, §§ 1, 2, enacted September 7, 1966 and effective October 1, 1966. [(Back)](#BK_7DADF68B0306F7487269388B7E57930E)

Annotations—AO's 7-9, 9-1 [(Back)](#BK_7DADF68B0306F7487269388B7E57930E)

**Cross reference—** Fire prevention, Ch. 14; fire and rescue services district, § 18-24 et seq.; firefighter's pension fund, § 23-30 et seq. [(Back)](#BK_7DADF68B0306F7487269388B7E57930E)

### ARTICLE XXIA. HOUSING AND URBAN DEVELOPMENT DEPARTMENT [[37]](#BK_ACF36092E446B6D7AC4123341D4C028A)

[Sec. 2-186. Declaration of legislative intent.](#BK_646661F4907E6C2F08296ED6EDD3AE51)

[Sec. 2-187. Department created; Director; organization; employees.](#BK_B71EAE523BE977BB8FE3BB3DFD68C7E1)

[Sec. 2-188. Powers of Director.](#BK_089893734D9DDDE16155E184167CD134)

[Sec. 2-189. Housing and Urban Development Advisory Board.](#BK_7C15FC9B73AE5BDE6BE5CFE5F8849964)

[Secs. 2-190, 2-191. Reserved.](#BK_DA740D422499B3053AF207DAB2DF096F)

Sec. 2-186. Declaration of legislative intent.

The Board of County Commissioners finds that in order to carry on a central metropolitan government and to administer effectively coordinated public housing, slum clearance, urban renewal and relocation programs within Miami-Dade County, it is necessary that such programs be administered under policy determinations of the Board and the supervision of the Manager through a Director of Housing and Urban Development with the powers, duties and functions previously exercised by the Miami-Dade County Urban Renewal Agency with the advice and assistance of a Housing and Urban Development Advisory Board (hereafter referred to as HUD Board).

(Ord. No. 67-32, § 1, 4-25-67; Ord. No. 88-123, § 1, 12-20-88; Ord. No. 90-66, § 1, 7-10-90)

Sec. 2-187. Department created; Director; organization; employees.

(a) A Department of Housing and Urban Development is hereby established.

(b) The head of this department is the Director of Housing and Urban Development. The Director shall be appointed by the Manager subject to the approval of the Board of County Commissioners and shall serve at the will of the Manager.

(c) The organization and operating procedures of the department shall be prescribed by administrative orders and regulations of the Manager.

(d) The Manager shall appoint such employees as may be necessary to operate the department. The compensation of all personnel shall be fixed by the Commission upon recommendation of the Manager.

(Ord. No. 67-32, § 2(a), 4-25-67; Ord. No. 88-123, § 1, 12-20-88; Ord. No. 90-66, § 1, 7-10-90)

Sec. 2-188. Powers of Director.

Subject to the policy determination of the Board of County Commissioners and the administrative supervision of the Manager, the Director of Housing and Urban Development shall exercise the following powers:

(a) All administrative powers, duties and functions heretofore vested in the Urban Renewal Agency, as defined in [Chapter 30A](../level2/PTIIICOOR_CH30AURRE.docx#PTIIICOOR_CH30AURRE), Metropolitan Code, except the power to enter into contractual commitments, which power may only be exercised with the approval of the County Commission.

(b) On behalf of the Manager, to initiate conferences with representatives of any departments of the County government and with representatives of any other local, State or federal agencies concerned with the programs of the department, in order to achieve maximum coordination in the development and execution of their programs.

(c) Perform such other functions as may be delegated from time to time by the Manager with the approval of the Board of County Commissioners, including but not limited to the functions of any housing authority which may be transferred to Miami-Dade County under the provisions of [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(a)17 or 18(b) of the Miami-Dade County Home Rule Charter.

(Ord. No. 67-32, § 2(b), 4-25-67; Ord. No. 88-123, § 1, 12-20-88; Ord. No. 90-66, § 1, 7-10-90)

Sec. 2-189. Housing and Urban Development Advisory Board.

A Housing and Urban Development Advisory Board is created (hereinafter referred to as "the HUD Board"). The Director of Housing and Urban Development shall serve as Secretary to the Board.

(a) *Membership.* The HUD Board shall consist of twenty-two (22) members, to be designated as follows:

(1) The Board of County Commissioners will make thirteen (13) appointments to the HUD Board. Ten (10) of these appointees are to represent the following disciplines: Construction, property management, banking, legal and other appropriate disciplines. Three (3) additional appointees shall be residents of low income public housing projects, owned, leased or operated by Miami-Dade County, Florida.

(2) The Overall Tenant Advisory Council (OTAC) will make nine (9) appointments. Four (4) appointees shall be residents of low income public housing projects, owned, leased or operated by Miami-Dade County, Florida, and shall include at least one (1) elderly/handicapped public housing resident, one (1) Section-8 resident, and two (2) at-large residents of public housing. Five (5) additional appointees are to represent professionals or community leaders from the following disciplines: Education, social service, community based organizations, employment/training, government, legal, civic and religious organizations. One (1) of these five (5) appointees shall represent an organization or agency involved with the elderly.

(b) *Terms.* Members of the HUD Board shall serve staggered terms of four (4) years each. Of the initial members, six (6) members shall serve an initial term of four (4) years, six (6) members shall serve an initial term of three (3) years, five (5) members shall serve an initial term of two (2) years and five (5) members shall serve an initial term of one (1) year as determined by the Director of the Department of Housing and Urban Development. Vacancies shall be filled by appointment to fill the unexpired terms and shall be designated by the Board responsible for making the initial appointment where the vacancy has occurred. Terms of office of members of the HUD Board, appointed by the Board of County Commissioners or OTAC, which would normally expire on or between the dates of January 1 through June 30, or July 1 through December 31 of the termination year, shall be deemed ended and expired as of March 31 or September 30 thereof respectively; and the position thereon vacated may be refilled by the County Commission or by OTAC.

(c) *Removal.* Members may be removed by a majority of the HUD Board members for one (1) or more of the following reasons: (1) Three (3) consecutive unexcused absences from (a) Advisory Board (b) general and/or (c) committee meetings; (2) potential business conflict of interest; (3) consistent demonstration of incompetent or disruptive activities when carrying out Board duties.

(d) *Function.* The HUD Board shall review and evaluate all major plans, programs and projects prepared by the Director of Housing and Urban Development and make recommendations for approval, disapproval or modification to the Board of County Commissioners and the Manager. The HUD Board shall advise the Director of Housing and Urban Development and make recommendations to the Manager and the Board of County Commissioners in matters relating to the management of property and materials, tenant services, budget and finance, formulation and enforcement of policies and procedures and their consistency with existing federal mandates and County administrative practices. The HUD Board shall promote public interest in and understanding of matters relating to urban renewal, housing and other urban development and redevelopment plans and consult with citizens to ascertain their duties and need for public housing, slum clearance, urban renewal and other programs designed to improve living conditions in Miami-Dade County. The HUD Board may initiate studies designed to improve the functioning of the Department of Housing and Urban Development.

(Ord. No. 67-32, § 3, 4-25-67; Ord. No. 71-33, § 1, 4-13-71; Ord. No. 71-82, § 1, 10-5-71; Ord. No. 73-20, § 1, 3-8-73; Ord. No. 88-123, § 1, 12-20-88; Ord. No. 90-66, § 1, 7-10-90; Ord. No. 94-09, § 1, 1-18-94; Ord. No. 95-44, § 1, 3-7-95)

Secs. 2-190, 2-191. Reserved.

FOOTNOTE(S):

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**Editor's note—** Article XXIA, §§ 2-186—2-189, is derived from §§ 1—3 of Ord. No. 67-32, adopted April 25, 1967, effective ten days after enactment. Section 9 of said ordinance authorized its inclusion in this Code, in the discretion of the editors. Section 6 of the ordinance provided that in construing the foregoing sections, the definitions provided in Section 1.01, Florida Statutes, shall apply. [(Back)](#BK_724F6AB70A39FBDC47031E4EB7EE6877)

Subsequently, an administrative order of Feb. 16, 1988, separated a new department from the Housing and Urban Development Department. Said administrative order provided as follows: "This administrative order creates the new Department of Special Housing Programs and supersedes all previous administrative orders concerning the functions included in this Department. The Department of Special Housing Programs shall be responsible for the administration of such Federal, State and local housing programs as: Residential and Multifamily Rehabilitation Assistance, Urban Homesteading, and Rental Rehabilitation; the Section 8 programs (Existing, Moderate Rehabilitation, Substantial and New Construction); the Housing Development Grant Program (HODAG); and the Documentary Stamp Surtax Loan programs (Lottery, Community Development Corporation, Rental Housing, and the Developer Loan Program, involving first and second mortgages)." [(Back)](#BK_724F6AB70A39FBDC47031E4EB7EE6877)

Subsequently, Ord. No. 88-123, § 1, adopted Dec. 20, 1988, amended Art. XXIA, §§ 2-186—2-189, relative to expanding the role and membership of the HUD Advisory Board, and Ord. No. 90-66, § 1, adopted July 10, 1990, provided that the effective date for said Ord. No. 88-123, as set out in § 5 of said ordinance, be amended to indicate that Ord. No. 88-123 shall be effective June 1, 1992. [(Back)](#BK_724F6AB70A39FBDC47031E4EB7EE6877)

Annotation—AO 9-1 [(Back)](#BK_724F6AB70A39FBDC47031E4EB7EE6877)

**Cross reference—** Housing, Ch. 17; urban renewal, Ch. 30A. [(Back)](#BK_724F6AB70A39FBDC47031E4EB7EE6877)

### ARTICLE XXIB. HOUSING FINANCE AUTHORITY [[38]](#BK_AF0DE53067088D89EF0137962B0E0905)

[Sec. 2-191.1. Legislative authority.](#BK_364EC6B4A8D18F1E02DAAC89300EA125)

[Sec. 2-191.2. Legislative findings.](#BK_3AAC830FE9CD10395E4EF7FE7285F832)

[Sec. 2-191.3. Creation; powers generally.](#BK_E3F161CCBC23E04E61631DCC79E713E8)

[Sec. 2-191.4. Countywide authority; authority outside County.](#BK_DBE2F67FBE7954561C2A99F96600968F)

[Sec. 2-191.5. Composition; terms of members; vacancies; evidence of appointment, compensation of members.](#BK_F1FBB33C3399E226B113BEF1378A4C9A)

[Sec. 2-191.6. Authority to act; employees.](#BK_5F0F79BC8FFA7871BA23D34D9F831CDB)

[Sec. 2-191.7. Reserved.](#BK_880DC13FD940D5058619C1BE1D01E5E1)

[Sec. 2-191.8. Amendments to structure, programs, etc.; termination.](#BK_16BC2551DEF86716CD0FD67593949C87)

[Sec. 2-191.9. Miami-Dade County Housing Finance Authority Savings Bank.](#BK_B6FB7EC064824C1E7184D79B1DCFAA14)

Sec. 2-191.1. Legislative authority.

This article is enacted pursuant to the Florida Housing Finance Authority Law, Chapter 78-89, Laws of Florida, a copy of which is attached hereto and incorporated herein by reference.

(Ord. No. 78-89, § 1, 12-12-78)

**Editor's note—**

The "Florida Housing Finance Authority Law," Chapter 78-89, Laws of Florida, is included in the Florida Statutes at § 159.601 et seq.

Sec. 2-191.2. Legislative findings.

It is hereby ascertained and found that there are shortages of housing and of capital for investment in housing in Miami-Dade County, Florida (the "County"), and declared that there is a need for a Housing Finance Authority in the County to alleviate and remedy the aforementioned housing and investment capital shortages.

(Ord. No. 78-89, § 2, 12-12-78)

Sec. 2-191.3. Creation; powers generally.

There is hereby created a separate public body corporate and politic to be known as the "Housing Finance Authority of Miami-Dade County, Florida," referred to as the "Authority", which is directed to carry out and exercise, without limitation except as is herein expressly stated, all powers and public and governmental functions set forth in and contemplated by the act [Chapter 78-89, Laws of Florida]. The Authority shall have the power to make and issue such regulations, bylaws and rules as it deems necessary to implement its powers and functions.

(Ord. No. 78-89, § 3, 12-12-78)

Sec. 2-191.4. Countywide authority; authority outside County.

The Authority shall have the power and is hereby directed to operate within the territorial boundaries of the County, and within any area outside the territorial boundaries of the County if the Governing Body of the County within which such outside area is located so approves, either generally or only for specified qualifying housing developments or only for a specified number of qualifying housing developments.

(Ord. No. 78-89, § 4, 12-12-78)

Sec. 2-191.5. Composition; terms of members; vacancies; evidence of appointment, compensation of members.

The Authority shall be composed of five (5) members, one (1) of whom shall be designated Chairperson. Not less than three (3) of the members shall be knowledgeable in one (1) of the following fields: labor, finance or commerce. The terms of the members shall be four (4) years each, except that the terms of the initial members shall be as follows: two (2) members shall serve a term of one (1) year; one (1) member shall serve a term of two (2) years; one (1) member shall serve a term of three (3) years, and one (1) member shall serve a term of four (4) years. A member shall hold office until his successor has been appointed and has qualified. Each vacancy shall be filled for the remainder of the unexpired term. A certificate of the appointment or reappointment of any member shall be filed with the Clerk of the Circuit Court, and the certificate shall be conclusive evidence of the due and proper appointment of the member. A member shall receive no compensation for his services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties.

(Ord. No. 78-89, § 5, 12-12-78)

**Annotations—**CAO's 79-12, 80-31, 82-10.

Sec. 2-191.6. Authority to act; employees.

The powers of the Authority granted by the act [Chapter 78-89, Laws of Florida], subject to the limitations contained herein, shall be vested in the members of the Authority in office from time to time. Three (3) members shall constitute a quorum, and action may be taken by the Authority upon a vote of a majority of the members present. The Authority may employ such agents and employees. The Authority may delegate to an agent or employee such powers or duties as it may deem proper and may employ its own legal counsel.

(Ord. No. 78-89, § 6, 12-12-78)

Sec. 2-191.7. Reserved.

**Editor's note—**

Section 1 of Ord. No. 11-99, adopted Dec. 6, 2011, deleted [§ 2-191.7](../level3/PTIIICOOR_CH2AD_ARTXXIBHOFIAU.docx#PTIIICOOR_CH2AD_ARTXXIBHOFIAU_S2-191.7RE), which pertained to approval of certain actions by the Board of County Commissioners, and derived from Ord. No. 78-89, adopted Dec. 12, 1978.

Sec. 2-191.8. Amendments to structure, programs, etc.; termination.

The County may, at its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Authority, [such power] including the power to terminate the Authority, subject to any limitation on the impairment of contracts entered into by the Authority and subject to the limitations or requirements of the act [Chapter 78-89, Laws of Florida].

(Ord. No. 78-89, § 7, 12-12-78)

Sec. 2-191.9. Miami-Dade County Housing Finance Authority Savings Bank.

(1) The preamble clauses of this Ordinance No. 90-125 containing the findings of the Board (including the exhibit thereto) are incorporated herein by reference.

(2) The Housing Finance Authority of Miami-Dade County, Florida, is hereby expressly empowered to purchase and own the stock of and vote to capitalize the association in accordance with this ordinance. The policy of the association shall be to originate and make low-cost loans and provide related services to eligible persons to allow them to obtain affordable housing in accordance with the purposes of the Florida Housing Finance Authority Law. Such association may accept deposits which must be federally insured and may sell mortgages originated by it in the secondary market and issue mortgage-backed securities. The policy of the association shall be to reinvest the proceeds of the loans and sale of mortgage-backed securities in mortgage loans as provided in the Florida Housing Finance Authority Law or as reserves for the association. The association shall comply with all State and federal banking and regulatory requirements.

(Ord. No. 90-125, § 1, 11-27-90)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 78-89, §§ 1—10, adopted Dec. 12, 1978, did not specifically amend the Code; hence, inclusion herein as Art. XXIB of Ch. 2, §§ 2-191.1—2-191.8, is at the discretion of the editor. [(Back)](#BK_F52F8210A918E04C0F2EB320272EDB2E)

Annotation—AO 9-1 [(Back)](#BK_F52F8210A918E04C0F2EB320272EDB2E)

**Cross reference—** County employees transacting business with housing finance authority, § 2-11.1(c)(5); housing Ch. 17. [(Back)](#BK_F52F8210A918E04C0F2EB320272EDB2E)

**State Law reference—** Housing finance authorities, F.S. § 159.601 et seq. [(Back)](#BK_F52F8210A918E04C0F2EB320272EDB2E)

### ARTICLE XXII. PUBLIC LIBRARY ADVISORY BOARD [[39]](#BK_5CBEF2EDD5754F08C14A441D68667045)

[Sec. 2-192. Short title.](#BK_499714EC66862CDB261F7B43281A8435)

[Sec. 2-193. Declaration of legislative intent.](#BK_AEC1B269EB9848551CA2621836B4E58E)

[Sec. 2-194. Creation of Advisory Board.](#BK_A8E2F01A5A3D3FC621CF692C561BD123)

[Sec. 2-195. Membership; vacancies; qualifications; term.](#BK_5652A4222D977F21F153B810D6276B50)

[Sec. 2-196. Removal of members.](#BK_644023710AE556A39358B7D37B88BB14)

[Sec. 2-197. Organization of Board; quorum; meetings; clerical personnel.](#BK_5DCC51A6F53CF63F33EF07AF2D7A3F76)

[Sec. 2-198. Compensation; expenses.](#BK_7D76BD7129BB8EA255723D82255BE60C)

[Sec. 2-199. Duties and functions.](#BK_915FD0B80EDE9F89873ADBBD3DBCF49D)

[Sec. 2-200. Limitation on powers of Board.](#BK_35408DC9732B10F169945BF3FC2C9D71)

[Secs. 2-201—2-203. Reserved.](#BK_7634CEEF5162496C1BC8137A66960BE8)

Sec. 2-192. Short title.

This article shall be known and may be cited as the "Miami-Dade County Public Library Advisory Board Ordinance".

(Ord. No. 63-27, § 1, 7-2-63)

Sec. 2-193. Declaration of legislative intent.

It is the purpose and intent of the Board of County Commissioners, in enacting this article under and pursuant to the provisions of Section 4.08 of the Home Rule Charter, to create and establish an Advisory Board of official status composed of outstanding citizens with representative interests and geographical distribution, who are dedicated to the purposes of providing a feasible, adequate Public Library system for this entire metropolitan area in cooperation with all other governmental entities, and that will be in a position to furnish information, advice and counsel to the Board of County Commissioners in respect to the appropriate means and methods by which adequate Public Library facilities and services may be provided within the framework of the County government on a sound financial basis for the use and benefit of all residents and visitors of this metropolitan area, and to work towards the development and implementation of sound programs for public libraries through the mutual cooperation between the State, County and municipal governments and agencies and coordination with non-governmental organizations interested in library facilities and services. This article shall not be construed as delegating to such advisory board or its members any power or authority of a governmental, legislative or administrative nature, but as the establishment of an official instrumentality by which the Board of County Commissioners may obtain the benefit of accurate, comprehensive information, advice and counsel concerning all matters relating to public libraries and other cultural facilities and programs which may be necessary for appropriate action by the Board of County Commissioners.

(Ord. No. 63-27, § 2, 7-2-63)

Sec. 2-194. Creation of Advisory Board.

There is hereby created and established in Miami-Dade County, Florida, an Advisory Board to be known as the Miami-Dade County Public Library Advisory Board.

(Ord. No. 63-27, § 3, 7-2-63)

Sec. 2-195. Membership; vacancies; qualifications; term.

(A) *Membership.* The Miami-Dade County Public Library Advisory Board shall consist of eleven (11) members appointed by the County Commission. Eight (8) members shall be residents of the Library Taxing District and three (3) members shall be residents of the City of Miami and members of the City of Miami's Library Board.

(B) *Vacancies.*

(1) *Library taxing district members.* In filling any vacancy the County Commission shall select the replacement board member from a list of three (3) candidates to be submitted by the remaining members of the Board; provided that the City Manager of the City of Miami Beach may recommend to the Library Board candidates for two (2) membership positions. In the event that none of the three (3) candidates suggested meets with commission approval, the Board shall submit another and entirely different list for commission consideration. This process shall continue until a replacement has been appointed.

(2) *City of Miami members (if City Library Board abolished).* If the City of Miami's Library Board is abolished, then vacancies from among the aforesaid three (3) members who are residents of the City of Miami shall be filled as follows:

a. The Board shall submit a list of three (3) candidates to the City Commission.

b. The City Commission shall select one (1) of the candidates to submit to the County Commission; however, in the event that none of the three (3) candidates suggested meets with City Commission approval, the Board shall submit three (3) different names to the City Commission for its consideration.

c. The County Commission shall appoint the suggested candidate to the Board; however, in the event that the candidate suggested does not meet with County Commission approval, the City Commission shall either submit one (1) of the remaining candidates to the County Commission or request three (3) different names from the Board.

This process shall continue until a replacement has been appointed.

(C) *Qualifications.* Each member shall be a qualified elector of Miami-Dade County, and shall possess a reputation for civic pride, integrity, responsibility, and business or professional ability, and shall have demonstrated an active interest in Public Library facilities and services. As far as practicable, the membership of the Board shall be representative of the various interests of this metropolitan area in respect to geographic and economic factors.

(D) *Terms.* The term of office of the membership shall be one (1) year for three (3) members, two (2) years for three (3) members and three (3) years for three (3) members; and effective October 1, 1986, the Board of County Commissioners shall appoint the tenth member to a two (2) year term and the eleventh member to a three (3) year term with appointments thereafter to be for a term of three (3) years for each of the eleven (11) members. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office. Terms of office of members of the Board appointed by the Board of County Commissioners, which would normally expire on or between the dates of January 1 through June 30, or July 1 through December 31 of the termination year, shall be deemed ended and expired as of March 31 or September 30 thereof respectively; and the position thereon vacated may be refilled by the Board of County Commissioners. Prior to October 1, 1989, the Board of County Commissioners shall review the composition of the Public Library Advisory Board.

(Ord. No. 63-27, § 4, 7-2-63; Ord. No. 63-29, § 1, 7-16-63; Ord. No. 64-39, § 5, 9-1-64; Ord. No. 71-78, § 1, 9-22-71; Ord. No. 73-20, § 1, 3-8-73; Ord. No. 77-81, § 1, 11-15-77; Ord. No. 86-65, § 1, 9-16-86; Ord. No. 86-84, § 1, 10-28-86)

Sec. 2-196. Removal of members.

Any member of the Board who ceases to be a qualified elector of Miami-Dade County shall immediately forfeit his office. Should a vacancy result from such forfeiture, or should any member of this Board fail to attend three (3) consecutive meetings of the Board without due cause, the Chairman of the Board shall certify the same to the County Commission, who shall fill the vacancy created thereby by appointment. Any member of the Board may be removed from office without cause by two-thirds vote of the entire membership of the County Commission.

(Ord. No. 63-27, § 5, 7-2-63; Ord. No. 67-15, § 4, 3-7-67)

Sec. 2-197. Organization of Board; quorum; meetings; clerical personnel.

The members of the Board, or a majority thereof, shall select a Chairman and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. A majority vote of the entire membership of the Board shall be necessary to take any action. A majority of the members of the Board shall constitute a quorum necessary to hold a meeting or take any action. The Chairman may call meetings of the Board, and meetings may be called by written notice signed by four (4) members of the Board, and the Board at any meeting may fix and call a meeting for a future date. Minutes shall be kept of all meetings of the Board. All meetings shall be public. The County Manager shall provide adequate and competent clerical and administrative personnel as may be reasonably required by the Board for the proper performance of its duties and functions, subject to budget limitations as fixed by the County Commission.

(Ord. No. 63-27, § 6, 7-2-63; Ord. No. 63-34, § 1, 8-27-63; Ord. No. 64-39, § 6, 9-1-64; Ord. No. 71-78, § 2, 9-22-71)

Sec. 2-198. Compensation; expenses.

Members of the Public Library Advisory Board shall serve without compensation, salary or remuneration of any nature, but the County Commission may provide in the annual County budget sufficient funds for the reasonable and necessary expenses incurred by the Board in performance of its duties and functions prescribed by the provisions of this article.

(Ord. No. 63-27, § 7, 7-2-63)

Sec. 2-199. Duties and functions.

The Public Library Advisory Board shall have the following duties, functions and responsibilities:

(a) To serve in an advisory capacity to the County Commission in respect to all matters pertaining to Public Library and other cultural facilities, and to make periodic reports and recommendations in respect to such matters.

(b) To make a continuing study of all existing Public Library facilities and services in this metropolitan area, and the future needs of this community in respect to Public Library facilities and services.

(c) To formulate plans and programs for the coordination of the activities of all governmental entities, and nongovernmental agencies, relating to Library facilities and services.

(d) To formulate comprehensive, feasible plans and programs for providing adequate Public Library facilities and services necessary to fulfill the present and future needs of this metropolitan area.

(e) To devise means and methods by which existing and future Library facilities and services may be improved and more fully utilized to provide better service and availability to the general public.

(f) To make a continuing study and periodic reports and recommendations for a sound, feasible program for financing the costs of improving existing Library facilities and services and providing additional Public Library facilities and services.

(g) To review all laws, regulations and requirements governing Public Libraries and make recommendations concerning appropriate actions that may be taken to achieve the objective of providing adequate Public Library facilities and services for this metropolitan area, and to devise programs by which financial assistance from other governmental entities may be utilized to the fullest extent.

(h) To perform and carry out such other duties and functions of an advisory nature as may be assigned to the Board by the County Commission.

(Ord. No. 63-27, § 8, 7-2-63)

Sec. 2-200. Limitation on powers of Board.

The Public Library Advisory Board shall have no power or authority to commit the County Government to any policies or to incur any financial obligation or to create any liability on the part of the County. No actions or recommendations of this Board shall be binding upon the County until approved or adopted by the County Commission. This Board shall not infringe upon any of the powers granted by law to any other duly constituted Board relating to matters involving Public Library facilities and services.

(Ord. No. 63-27, § 9, 7-2-63)

Secs. 2-201—2-203. Reserved.

FOOTNOTE(S):

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**Editor's note—** This article is derived from Ord. No. 63-27, adopted on July 2, 1963. Section 10 of said ordinance declared it to be the intention of the County Commission that the provisions of the ordinance, including the recitations contained in the "whereas" clauses, become a part of this Code of Ordinances. The "whereas" clauses read as follows: [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

 "WHEREAS, it is recognized that the establishment, maintenance and administration of adequate Public Library facilities to which the general public has free access as places of resort to seek quiet study, educational pursuits and enjoyment constitute joint functions and responsibilities of the State, County and municipal government; and [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

 "WHEREAS, it is apparent that increased and expanded Public Library facilities and services, and the coordination of existing Public Library facilities and services, are urgently required in order to meet the needs of the ever increasing population of this metropolitan area. This may be accomplished only by appropriate planning based upon accurate factual data and information and sound financial feasibility; and [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

 "WHEREAS, the planning and accomplishment of a sound, feasible and adequate Public Library system for the use and benefit of all the residents and visitors of this metropolitan area constitutes a governmental function or service that is susceptible to, and may be most effectively performed, under a uniform plan and program applicable to and embracing this entire metropolitan area; and [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

 "WHEREAS, the general laws of the State of Florida grant to the Boards of County Commissioners of the several counties the permissive power to establish, operate and maintain free public libraries, and prescribe the methods and procedures by which such power shall be exercised. The general laws further authorize certain types of grants of financial assistance to counties meeting regulations established by the State Library Board. The general laws also grant to the governing bodies of municipalities the power and authority to establish, maintain and operate public libraries in accordance with the prescribed statutory procedures. The Home Rule Charter of Government for Miami-Dade County, Florida, empowers the Board of County Commissioners to provide libraries and other cultural facilities and programs, to create by ordinance such Boards as may be deemed necessary, and to carry on a central metropolitan government and perform such acts as may be required in the common interest of the people; and [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

 "WHEREAS, the coordination and reconciliation of the applicable and controlling requirements of law, the coordinate and feasible utilization of existing facilities and services, and the appropriate planning for additional facilities and services, relating to public libraries, may be best accomplished through the medium of an advisory Board composed of outstanding qualified citizens, [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

 "NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF Miami-Dade County, FLORIDA:" [(Back)](#BK_5AB3053332DDFD25064E7F4CCDBF69BE)

### ARTICLE XXIII. COMMUNITY RELATIONS BOARD [[40]](#BK_450F7FC9A37C812B306A9AFC6ECB38F3)

[Sec. 2-204. Creation of Board.](#BK_99CDBCB17EB039162260ED9AFB413E15)

[Sec. 2-205. Membership; qualifications; terms.](#BK_1573E0F5794A17D52C2A85364CF60B0F)

[Sec. 2-206. Organization; quorum; voting; rules of procedure; records of meetings.](#BK_8ECF1F15688F69F796B4050BF260B513)

[Sec. 2-207. Supervision and Support.](#BK_28499A06826C4B4241619F44E283A74D)

[Sec. 2-208. Duties and functions.](#BK_2FD6E06B700BB54FD56B1F6DECA0C999)

[Sec. 2-209. Limitation of powers.](#BK_A7ACC7FF05070B696410511C8CBA1C0D)

[Secs. 2-210—2-214. Reserved.](#BK_3AF9FAD514AC075F8D372AACAAED4B2B)

Sec. 2-204. Creation of Board.

There is hereby created and established in Miami-Dade County an advisory Board to be known as the Miami-Dade County Community Relations Board.

(Ord. No. 63-22, § 1, 6-11-63)

Sec. 2-205. Membership; qualifications; terms.

This Board shall consist of thirty (30) voting members. The membership of the Board shall be broadly representative of the various social, racial, religious, linguistic, cultural, economic, national origin and geographic groups comprising the population of this County. Each member shall be a resident of Miami-Dade County with an outstanding reputation for community pride, interest, integrity, responsibility, and business or professional ability and a documented commitment to intergroup relations.

Each Commissioner shall appoint a member to the Community Relations Board who is duly qualified under this ordinance and the criteria provided by a special nominating committee. The special nominating committee shall consist of: the Mayor or his designee, as chair; the County Manager; one person appointed by the Board of County Commissioners; and six past chairs of the Community Relations Board appointed by the Mayor. The special nominating committee will appoint thirteen duly qualified at-large members assuring diverse representation from among gender, ethnic and national origin groups. Four additional members shall serve by virtue of their election as chairpersons by the respective community advisory boards which are: Black Affairs Advisory Board, Hispanic Affairs Advisory Board, Asian-American Advisory Board and the Commission for Women. The advisory board chairpersons shall serve as voting members of the CRB during the period each holds that elected position. The remaining twenty-six (26) members of the Community Relations Board shall be appointed for an initial one year term.

Thereafter, the Community Relations Board shall consist of thirteen duly qualified members appointed by each Commissioner thirteen at-large members appointed by an ad hoc nominating committee designated by the CRB and four members elected as chairpersons by the community advisory boards.

After one year, the twenty-six appointed members will serve staggered terms chosen by lottery as follows: nine (9) members shall be appointed for terms expiring on the second anniversary of their appointment, nine (9) members shall be appointed for terms expiring on the third anniversary of their appointment, and eight (8) members shall be appointed for terms expiring on the fourth anniversary of their appointment. Subsequent appointments shall be for terms of three (3) years except that appointments to fill any vacancy shall be for the remainder of the unexpired term. Former chairpersons of the Board, who are not current members of the Board shall serve as ex officio members of the Board but shall not be entitled to vote on any matter before the Board and shall not be required to attend meetings of the Board. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in official duties, as may be determined and approved by the County Manager. The members of the Community Relations Board at the time of the passage of this ordinance shall continue to serve until such time as the reorganized Board is convened. The reorganized Community Relations Board shall be convened by the Mayor and Board of County Commissioners within 90 days of the passage of this ordinance. The Mayor shall serve as the convening chairperson until such time as the newly constituted Board shall select an executive committee.

(Ord. No. 63-22, §§ 2, 3, 6-11-63; Ord. No. 67-38, § 1, 5-16-67; Ord. No. 69-44, § 1, 7-16-69; Ord. No. 73-20, § 1, 3-8-73; Ord. No. 73-71, § 1, 7-31-73; Ord. No. 77-30, § 1, 5-17-77; Ord. No. 00-115, § 1, 9-19-00; Ord. No. 02-30, § 1, 2-26-02; Ord. No. 03-86, § 1, 4-10-03)

Sec. 2-206. Organization; quorum; voting; rules of procedure; records of meetings.

The members of the Board shall select and designate from its members a Chairperson, Vice-Chairperson, Secretary, and such other officers as may be deemed necessary, who shall serve at the pleasure of the Board. Fifteen (15) members of the Board shall constitute a quorum, not withstanding [Chapter 2-11.39.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39.1QU). No action shall be taken except by a majority vote of those present at a duly constituted meeting of the Board; provided, however, an executive committee consisting of all officers and such other persons as the Chairperson may appoint from time to time is authorized to exercise all powers, duties and functions of the Board between Board meetings, any such action to be reported to the Board at its next meeting and the Board shall either ratify or rescind the action of the executive committee. The Board may adopt rules of procedure governing its meetings and actions on matters within its jurisdiction, not inconsistent with the provisions of this article, which rules of procedure shall be filed with the Clerk of the County Commission. Copies of the minutes of all Board meetings shall be furnished to the Chairperson of the County Commission and the County Manager.

(Ord. No. 63-22, § 3, 6-11-63; Ord. No. 64-10, § 1, 3-24-64; Ord. No. 67-38, § 2, 5-16-67; Ord. No. 68-2, § 1, 2-6-68; Ord. No. 00-115, § 1, 9-19-00; Ord. No. 03-86, § 2, 4-10-02)

Sec. 2-207. Supervision and Support.

The Office of the Chairperson of the County Commission shall provide appropriate support for the Community Relations Board. The Chairperson of the County Commission shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Community Relations Board, and such assistants, employees, and personnel shall serve at the will of the Chairperson of the County Commission.

(Ord. No. 63-22, § 4, 6-11-63; Ord. No. 00-115, § 1, 9-19-00; Ord. No. 10-45, § 2, 7-8-10)

Sec. 2-208. Duties and functions.

The primary mission of the Community Relations Board is to intervene and contain, as quickly as possible, community tensions.

The secondary mission of the Community Relations Board is to: work proactively to identify and relieve intergroup conflicts before crisis arise; to develop bridges of understanding, communication, and mutual respect; to develop and support local or city based Community Relations Boards throughout the County; and to assure that resources are in place to respond to community crisis.

The functions of the Board shall be:

(a) To foster mutual understanding, tolerance, and respect among all economic, social, religious and ethnic groups in the County.

(b) To make studies in the field of human relations. The Board is vested with the power and authority and charged with the duty and responsibility.

(c) To attempt to act as conciliator in controversies involving community relations.

(d) To cooperate with federal, State and City agencies in developing harmonious community relations.

(e) To cooperate in the development of educational programs dedicated to the improvement of community relations with, and to enlist the support of, civic leaders; civic, religious, veterans, labor, industrial, commercial and eleemosynary groups; and private agencies engaged in the inculcation of ideals of tolerance, mutual respect and understanding.

(f) To serve as a quasi-autonomous body authorized to act independently to pursue strategies for the promotion of intergroup relations and to recommend to the Mayor, the Board of County Commissioners, and the County Manager such resolutions, ordinances and other causes of action as will aid in carrying out the purposes of this article.

(g) To submit an annual report to the Mayor, the Board of County Commissioners and the County Manager.

(h) To accept grants and donations on behalf of the County from foundations and others for the purpose of carrying out the above listed functions, subject to approval by the County Commission.

(Ord. No. 63-22, § 5, 6-11-63; Ord. No. 00-115, § 1, 9-19-00)

Sec. 2-209. Limitation of powers.

The powers and jurisdiction of the Board shall be purely advisory, voluntary and persuasive. The Board shall not have any power or authority to subpoena or compel the attendance of witnesses.

(Ord. No. 63-22, § 6, 6-11-63)

Secs. 2-210—2-214. Reserved.

FOOTNOTE(S):

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**Editor's note—** This article is derived from Ord. No. 63-22, adopted on June 11, 1963. The general repealer has been omitted and the sections renumbered to include the ordinance in this Code. [(Back)](#BK_C67142E78E94AD038C6A40303D1A989F)

Annotation—CAO 76-53. [(Back)](#BK_C67142E78E94AD038C6A40303D1A989F)

**Cross reference—** Discrimination, Ch. 11A. [(Back)](#BK_C67142E78E94AD038C6A40303D1A989F)

### ARTICLE XXIV. INDUSTRIAL DEVELOPMENT AUTHORITY [[41]](#BK_E8D55AA53126B9537FAA5156578F6F87)

[Sec. 2-215. Determination of need for Industrial Development Authority to function.](#BK_527EA01DD5C7E909B286D7BFFE96C930)

[Sec. 2-216. Powers.](#BK_6B2D0992216FD24B198F4AE5E532BF45)

[Sec. 2-217. Membership; terms.](#BK_72189A486933CDE2215F31CD1CDFA9CB)

[Secs. 2-218—2-220. Reserved.](#BK_6F3C527601EE7165AA80E239085EF54D)

Sec. 2-215. Determination of need for Industrial Development Authority to function.

There is found a need for the development and financing of industry in Miami-Dade County, and therefore, there is declared a need for an Industrial Development Authority in Miami-Dade County.

(Ord. No. 78-19, § 1, 3-21-78; Ord. No. 86-57, § 1, 7-15-86)

**State law reference—** Creation of industrial development authorities, limitation of authority to transact business until the County Commission declares, by proper resolution, the need for such an authority to function in the County, composition of authority, terms of membership, etc., § 159-45, Fla. Stats.

Sec. 2-216. Powers.

The Miami-Dade County Industrial Development Authority shall have all the powers from time to time:

(1) Conferred by, and incorporated by reference into, the enabling act, Part III of Chapter 159, Sections 159.44 through 159.53, Florida Statutes, as the same shall be amended from time to time; and

(2) Otherwise granted under the laws of the State of Florida.

(Ord. No. 78-19, § 2, 3-21-78; Ord. No. 86-57, § 2, 7-15-86)

**State law reference—** Powers of industrial development authority generally, § 195.47, Fla. Stats.

Sec. 2-217. Membership; terms.

(a) *Initial members.* Five (5) persons who are residents and electors of Miami-Dade County are designated as the initial members of the Authority.

(b) *Additional members.* Additional members may be appointed by motion of the Board of County Commissioners; provided, however, that the membership of the Authority shall not exceed thirteen (13) persons. Any member appointed pursuant to this subsection (b) shall serve for a term of four (4) years. Section 6 of Ordinance No. 93-114 shall not apply.

(Ord. No. 86-57, § 3, 7-15-86; Ord. No. 94-32, 2-1-94)

Secs. 2-218—2-220. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 78-19, § 1, adopted March 21,1978, repealed Ord. No. 77-44, which ordinance provided for an industrial development council to function as the Industrial Development Authority for Miami-Dade County; said ordinance was formerly codified herein as Art. XXIV of Ch. 2, §§ 2-215—2-221. In lieu of said former provisions, the editor has included herein at his discretion the provisions of Ord. No. 78-19, §§ 1, 2, adopted March 21, 1978, likewise providing for an Industrial Development Authority for Miami-Dade County, as a new Art. XXIV of Ch. 2 [(Back)](#BK_5DDAA4812200C895E60E9767289B1CB7)

Annotations—AO 9-1; CAO 81-16. [(Back)](#BK_5DDAA4812200C895E60E9767289B1CB7)

**State Law reference—** Industrial development authorities, F.S. § 159.44 et seq. [(Back)](#BK_5DDAA4812200C895E60E9767289B1CB7)

### ARTICLE XXIVA. RESERVED [[42]](#BK_6E7DE5A00ECFBDFA7D6BE8861F2A8B0C)

[Secs. 2-221—2-230. Reserved.](#BK_19F7733FA7C1F9D683D2022A94EE3C38)

Secs. 2-221—2-230. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 05-29, § 2, adopted Feb. 1, 2005, repealed article XXIVA, sections 2-221—2-228, in its entirety. Former article XXIVA pertained to the small business advisory council and derived from Ord. No. 79-35, §§ 1—8, adopted June 5, 1979. [(Back)](#BK_B82F2ED6D4B1058811811ADD013303FB)

### ARTICLE XXV. CHILDREN'S SERVICES COUNCIL [[43]](#BK_10E7713BD5A2B31522840F330A148B4C)

[Sec. 2-231. Purpose.](#BK_A2456D1DA0980F845E511E4ED6B25CC2)

[Sec. 2-232. Limited applicability of ordinance creating standards for creation and review of boards.](#BK_8F512A117DE9093E1B1274EEBEB1B17A)

[Sec. 2-233. Composition and terms of membership.](#BK_01CEE3275E234343CC3CEDE6F17A21F2)

[Sec. 2-234. Appointment and removal of Commission-appointed Council members.](#BK_76E573A332EA59CD58BB9821E7AB4A0E)

[Sec. 2-235. Organization of Council and staff support.](#BK_2B26CDE7299A91157C2939A92F2C16DF)

[Sec. 2-236. Council functions, responsibilities and restrictions.](#BK_A1408AF0BE6C162D19CFAFFD45BAEA68)

Sec. 2-231. Purpose.

In recognition of the special and urgent needs for advocacy and planning on behalf of children, there is hereby established the Miami-Dade County Children's Services Council for the purpose of advising the Board of County Commissioners on matters pertaining to the provision of services and care to all children within the County. The Council shall also assist in the coordination of efforts made by the public and private sectors to plan for and enhance the availability and quality of services and programs affecting children within the County.

(Ord. No. 90-50, § 1, 6-5-90)

Sec. 2-232. Limited applicability of ordinance creating standards for creation and review of boards.

Unless otherwise specified herein, Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) through [2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Code of Miami-Dade County shall govern the Council.

(Ord. No. 90-50, § 1, 6-5-90)

Sec. 2-233. Composition and terms of membership.

(a) The Council shall be composed of twenty-seven (27) members as follows: The Miami-Dade State Attorney; the Superintendent of Schools; the District Administrator of the State of Florida Department of Children and Families District XI; the Senior Juvenile Justice Manager of the State Department of Juvenile Justice, District XI; the Director of the Miami-Dade County Department of Health; the County Manager, seven (7) members, one (1) from each of the following organizations or agencies: A member of the Board of County Commissioners; a member of the Miami-Dade County School Board; a Judge assigned to the Juvenile Court Division of Florida's Eleventh Judicial Circuit; a member of the Miami-Dade Legislative Delegation; a representative of United Way; a representative from the Miami-Dade County PTA/PTSA; a representative from the Greater Miami Chamber of Commerce; one (1) youth representative between the ages of fifteen (15) and twenty-two (22) years; and thirteen (13) members appointed by the Board of County Commissioners.

(b) No member appointed by the Board of County Commissioners or by a designated organization or agency shall serve more than three (3) consecutive and complete two-year terms. Of the initial Commission-appointed members, five (5) shall be appointed for two (2) years and four (4) shall be appointed for one (1) year. After the initial appointments, all terms shall be for two (2) years.

(Ord. No. 90-50, § 1, 6-5-90; Ord. No. 90-108, § 1, 9-25-90; Ord. No. 95-83, § 1, 5-2-95; Ord. No. 97-54, § 1, 5-20-97; Ord. No. 99-40, § 1, 4-27-99)

Sec. 2-234. Appointment and removal of Commission-appointed Council members.

(a) With respect to the appointment of Council members by the Commission, the Commission shall give careful consideration to the advocacy needs of children and to the expertise needed to accomplish the goals of the Council, including, but not limited to, medical expertise.

(b) In the event of a vacancy during the term of a Commissioner-appointed member, the Council shall notify the Commission of the vacancy.

(c) Any Commission-appointed Council member may be removed for cause by two-thirds vote of the entire membership of the Board of County Commissioners.

(Ord. No. 90-50, § 1, 6-5-90)

Sec. 2-235. Organization of Council and staff support.

(a) The Council shall select one of its members as Chairperson, shall select any other officers as the Council deems necessary or desirable and shall adopt a schedule of regular meetings. A majority of the members of the Council shall constitute a quorum. No recommendations shall be forwarded nor action taken by the Council unless first approved by a majority of a quorum attending a regularly scheduled or specially called meting of the Council. Special meetings of the Council may be called by the Chairperson or upon the written request of five (5) Council members. All meetings of the Council shall be public and written minutes shall be maintained.

(b) The County Manager, County Attorney and Department of Youth and Family Development shall provide appropriate staff support to the Council. The Council may engage the services of additional staff and personnel and contract for other services, subject to County Commission approval.

(Ord. No. 90-50, § 1, 6-5-90)

Sec. 2-236. Council functions, responsibilities and restrictions.

(a) The Council shall have the following functions within the scope of its powers and shall exercise same subject to the direction of the Board of County Commissioners.

(1) To serve in an advisory capacity to County government with respect to all issues within the Council's jurisdiction.

(2) To encourage and facilitate coordination and cooperation with respect to programs and funding among those public and private agencies providing children's services within Miami-Dade County.

(3) To formulate legislative, programmatic and funding agendas needed to address present and future needs of children in the community, including the identification and development of funding sources.

(4) To provide legislative analysis and development at the local, State and federal levels.

(5) To provide technical assistance as needed in the areas of concept development and grant writing.

(6) To conduct research, compile information and maintain a comprehensive data base relating to children's programs, services and needs.

(7) To monitor and evaluate existing children's services and give appropriate input with respect thereto.

(8) To provide a forum for the discussion of issues relating to children.

(9) To engage in advocacy activities on behalf of children.

(10) To advise public and private sector organizations and agencies on issues relating to children, including recommending public policies relevant to children and families.

(11) To network with other local governments to identify, increase and promote governmental and other funding for children's services programs.

(12) To perform any other advisory functions assigned to the Council by the Commission.

(b) The Chairperson, or his or her designee, shall present to the Board of County Commissioners on an annual basis a written report describing the Council's activities. The Chairperson, or his or her designee, may also appear as needed before the Board to present any matters pertinent to the Council's concerns.

(c) The Council is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies to any policies, to incur any financial obligation or to create any liability, contractual or otherwise, on the part of the County or any of its agencies.

(d) Council members shall serve without compensation. The Board of County Commissioners may provide funds for appropriate and necessary expenses incurred by the Council or any of its members.

(e) The Council shall have the authority to accept gifts of money, services, or personal property. Subject to the prior approval of the Board of County Commissioners, the Council may accept gifts of real property, the title of which shall be in Miami-Dade County. All gifts shall be held in a designated trust fund and used in the exercise of the Council's functions and responsibilities as outlined in this section. The trust fund shall be administered by the Department of Human Services, Office of Youth and Family Development and all expenditures of trust funds shall be approved by the Children's Services Council. Formal bid procedures and the requirements of Administrative Order 3-2 for the expenditure of trust funds for the purchase of goods and services associated with the programs and projects of the Children's Services Council are waived.

(Ord. No. 90-50, § 1, 6-5-90; Ord. No. 92-36, § 1, 5-5-92; Ord. No. 96-75, § 1, 5-7-96)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 90-50, § 1, adopted June 5, 1990, repealed former Art. XXV, §§ 2-231—2-236, relative to the Youth Advisory Board, and enacted a new Art. XXV, the substantive provisions of which have been designated at the discretion of the editor as §§ 2-231—2-236. The provisions of former Art. XXV derived from the following ordinances: Ord. No. 65-39, §§ 1—6, 5-18-65; Ord. No. 67-15, § 5, 3-7-67; Ord. No. 68-74, § 1, 12-3-68; Ord. No. 76-110, § 1, 12-7-76; Ord. No. 79-61, § 1, 7-3-79; Ord. No. 85-55, § 1, 7-16-85; Ord. No. 85-79, § 1, 10-1-85. [(Back)](#BK_599AE729D14182E0291DA06D493F6C4B)

### ARTICLE XXVA. GREATER MIAMI YOUTH PLANNING COUNCIL [[44]](#BK_1459D6499027D76EB184623E2B52C110)

[Sec. 2-237. Created and established; composition, qualifications term, compensation of Board of Directors; officers; rules of procedure; quorum.](#BK_91118E9CE620D754F367072D6241CA28)

[Sec. 2-238. Duties and powers of the Board of Directors.](#BK_73563FFDF493FC9C9384D88316F32643)

[Sec. 2-239. Reserved.](#BK_B35ACDA8337082CD17B1234467091EE3)

[Sec. 2-240. Reserved.](#BK_479B07B584AC20F090BF75F7A949BEC7)

Sec. 2-237. Created and established; composition, qualifications term, compensation of Board of Directors; officers; rules of procedure; quorum.

The Greater Miami Youth Planning Council is hereby created and established.

(a) The Board of Directors of the Youth Planning Council shall consist of eleven (11) members, four (4) of whom are youths between twelve (12) and twenty-one (21) years of age, four (4) of whom are lay community leaders and have evidenced a continuing interest in the well-being of young people and three (3) of whom are professionals providing services to youth.

(b) The members of the Board of Directors at the Youth Planning Council shall be nominated and appointed in the following manner:

(1) The four (4) members who are between twelve (12) and twenty-one (21) years of age shall be appointed by the Board of County Commissioners from a panel of twelve (12) names presented by the Coalition of Service Agencies' representatives designated for that purpose by the following: South Florida Young Adult Program (Neighborhood Youth Corps), Young Women's Christian Association, Girl Scout Council of Tropical Florida, Florida State Division of Youth Services, Regional Drug Program of the State Department of Health and Rehabilitative Services, Miami-Dade Police Department, American Red Cross, Switchboard of Miami, Workmen's Circle, Catholic Welfare Bureau, James E. Scott Community Association, Youth Industries, Miami-Dade County School Board, Young Women's and Young Men's Hebrew Association, South Florida Boy Scout Council, Miami-Dade County Park and Recreation Department, Florida International University, Miami-Dade Community College, United Way of Miami-Dade County, Young Men's Christian Association, Miami-Dade County Department of Youth Services, the Urban League of Greater Miami, the Miami-Dade County Community Relations Board, Youth Advisory Board, Organized Migrants in Community Action, North Miami-Dade Youth for Progress, Miami-Dade County Community Action Agency, Model Cities, Centro Mater, Redlands Christian Migrant Association, Belafonte-Tacolcy, La Casa Abierta, and the Federation of Cuban Professionals Exile.

(2) Of the four (4) members who are lay community leaders, three (3) shall be appointed by the Board of County Commissioners from a panel of nine (9) nominated by the Board of Directors of the United Way of Miami-Dade County, and one shall be appointed from a panel of three (3) nominated by the Miami-Dade County Youth Advisory Board.

(3) The three (3) members who are professionals providing services to youth shall be appointed from a list of nine (9) nominated by the above listed agencies (subsections (b)(1)).

(c) Three (3) members of the Board of Directors shall serve for a term of one year, four (4) members shall serve terms of two (2) and three (3) years, respectively, as designated by the Board of County Commissioners at the time of appointment.

(d) Each member shall be eligible for reappointment and shall hold office until his or her successor is duly appointed and qualified. Any member appointed to serve in lieu of any member on account of death, resignation or disability of such member shall serve only for the unexpired term of such member.

(e) After the initial appointment, each term of office shall be for a period three (3) years.

(f) The Board of Directors shall, by majority vote of the entire membership, select or change its officers, and adopt or change its rules of procedure. Six (6) members shall constitute a quorum but the Board shall not take a position on any issue without meeting and deciding what that position shall be by two-thirds of the entire membership. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the per- formance of their official duties, upon approval of the County Commission. All meetings shall be open to the public.

(Ord. No. 74-35, § 2, 5-21-74)

Sec. 2-238. Duties and powers of the Board of Directors.

The Board shall have the following duties, functions, powers and responsibilities:

(a) To serve in an advisory capacity to the Miami-Dade County Commission or any other institution or agency in any matters affecting the rights of young people and to provide the County Commission and other groups with an authoritative source of consolidated information and representative opinion regarding youth and youth concerns.

(b) To assure that youth have direct input into planning and decision-making in all areas affecting them by the establishment of a youth congress to be comprised of a representative group of young people.

(c) To assure that youth serving agencies, through their professional staff, are provided a forum for interchange of ideas and problems thereby leading to the development of new and innovative services to youth, the coordination of existing services, and the reduction of duplication and gaps in services to youth.

(Ord. No. 74-35, § 2, 5-21-74)

Sec. 2-239. Reserved.

**Editor's note—**

Ord. No. 85-80, § 1, adopted Oct. 1, 1985, repealed [§ 2-239](../level3/PTIIICOOR_CH2AD_ARTXXVAGRMIYOPLCO.docx#PTIIICOOR_CH2AD_ARTXXVAGRMIYOPLCO_S2-239RE), "Miami-Dade County Youth Focus on Government Board," as derived from Ord. No. 75-108, § 1, adopted Nov. 18, 1985, and Ord. No. 75-61, § 2, adopted July 3, 1979.

Sec. 2-240. Reserved.

FOOTNOTE(S):

--- (**44**) ---

**Editor's note—** Ord. No. 74-35, §§ 1, 2, adopted May 21, 1974, repealed former Art. XXVA, §§ 2-237, 2-238, pertaining to a Youth Relations Board, and enacted in lieu thereof a new Art. XXVA, §§ 2-237, 2-238, as herein set out. Former Art. XXVA was derived from Ord. No. 70-92, §§ 1, 2, adopted Dec. 8, 1970, and Ord. No. 71-84, § 1, adopted April 13, 1971. [(Back)](#BK_2BCD0A3946554365BC022C767079DE43)

**Cross reference—** Children's services council, § 2-231 et seq.; young people's council, § 2-240.1 et seq. [(Back)](#BK_2BCD0A3946554365BC022C767079DE43)

### ARTICLE XXVB. RESERVED [[45]](#BK_CB089725932B129A3A4B3FCF516D3B83)

[Secs. 2-240.1—2-240.10. Reserved.](#BK_1386227E9C72D0E4D951B32EA29503FA)

Secs. 2-240.1—2-240.10. Reserved.

FOOTNOTE(S):

--- (**45**) ---

**Editor's note—** Ord. No. 93-104, § 3, adopted Oct. 19, 1993 and Ord. No. 93-114, § 3, adopted Oct. 21, 1993, abolished the Young People's Council, and at the discretion of the editor, Art. XXVB, §§ 2-240.1—2-240.3, relative to such council, has been deleted from this Code. The provisions of former Art. XXVB derived from Ord. No. 91-13, adopted Jan. 15, 1991. [(Back)](#BK_2E497CDE74526F31B5B52E1C3C040232)

### ARTICLE XXVC. RESERVED [[46]](#BK_F3A5DB3630D4D0F1DF671DB7E44A7806)

[Secs. 2-240.11—2-240.14. Reserved.](#BK_1D827158EB49B7F5F101E0412285F1F7)

Secs. 2-240.11—2-240.14. Reserved.

FOOTNOTE(S):

--- (**46**) ---

**Editor's note—** Ord. No. 00-152, § 2, adopted Nov. 28, 2000 repealed article XXVC, sections 240.11—240.14, in its entirety. Former article XXVC pertained to the Miami-Dade Youth Advisory Council and derived from Ord. No. 94-116, §§ 1—4, adopted June 9, 1994. [(Back)](#BK_AEAB6C6D6DD65B65E4E6FE9010F39447)

### ARTICLE XXVI. RESEARCH AND DEVELOPMENT AUTHORITY [[47]](#BK_F8D7B9077421F9BBD642AE2D5E2C5EBD)

[Sec. 2-241. Created.](#BK_18778325B74B9287350C0B909490FEA9)

[Sec. 2-242. Purpose.](#BK_71C865EC81933584DD72EC7C7FE91E75)

[Sec. 2-243. Powers and responsibilities.](#BK_49E8461FBF1444814EAF19702F910428)

[Sec. 2-244. Designation of members.](#BK_F85CAF59C526902B61120E3A51B4D196)

[Sec. 2-245. Procedures.](#BK_8EDF3FB3016662693AA8B96405954F42)

[Secs. 2-246, 2-247. Reserved.](#BK_1C09DD714AEDAFE32BBB3B1F2A5C6647)

Sec. 2-241. Created.

There is hereby created and established the Miami-Dade County Research and Development Authority pursuant to Part V, Chapter 159, Florida Statutes (1983), as amended from time to time.

(Ord. No. 85-51, § 2, 7-16-85; Ord. No. 85-66, § 1, 9-18-85)

Sec. 2-242. Purpose.

The Miami-Dade County Research and Development Authority is created for the purpose of promoting scientific research and development in affiliation with one or more State-based, accredited, public or private institutions of higher education, and for the purpose of financing and refinancing capital projects related to establishment of a research and development park, including appurtenant facilities for the complete operation thereof as defined by, and in the manner provided by, the Florida Industrial Development Financing Act and by Sections 159.701 through 159.7095, Florida Statutes (1983), as amended from time to time, and for the purpose of fostering the economic development of the County.

(Ord. No. 85-51, § 3, 7-16-85; Ord. No. 85-66, § 2, 9-18-85)

Sec. 2-243. Powers and responsibilities.

The Miami-Dade County Research and Development Authority shall have all the powers and responsibilities (i) conferred by, and incorporated by reference into, Part V, Chapter 159, Florida Statutes (1983), as the same may be amended from time to time, (ii) otherwise granted under the laws of the State of Florida, and (iii) the Miami-Dade County Code and the resolutions and policies adopted or approved by the Board of County Commissioners, as the same may be amended from time to time.

(Ord. No. 85-51, § 4, 7-16-85)

Sec. 2-244. Designation of members.

Five (5) persons who are residents and electors of Miami-Dade County [shall be] designated as members of the Authority. [Of the initial membership, one (1) shall serve for one (1) year, one (1) shall serve for two (2) years, one (1) shall serve for three (3) years, and two (2) shall serve for four (4) years.] Provided, however, that in each case a member shall serve until his successor is appointed and has qualified. Thereafter, the Board of County Commissioners shall appoint for terms of four (4) years each a member or members to succeed those whose terms expire. In addition to the other members, the president of each affiliated institution of higher education, or other president's designee, shall be a member of the Authority, and shall serve ex officio. The Board of County Commissioners shall fill any vacancy for an unexpired term. A member of the Authority shall be eligible for reappointment. Any member of the Authority may be removed by the Board of County Commissioners for misfeasance, malfeasance, willful neglect of duty or any failure to meet the requirements of Article IB entitled "Standards for Creation and Review of Boards Generally," Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) through [2-11.40](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.40SUREBO), inclusive, of the Miami-Dade County Code.

(Ord. No. 85-51, § 5, 7-16-85; Ord. No. 85-66, § 3, 9-18-85)

**Editor's note—**

In keeping with the general and permanent format of the Code, the editor has substituted the bracketed general summary of the initial board members' terms for the actual names of the persons appointed.

Sec. 2-245. Procedures.

(a) [*Officers.*] The Authority shall annually elect one of its members as Chairman and one as Vice-Chairman and may also appoint a Secretary who shall serve at the pleasure of the Authority and receive such compensation as shall be fixed by the Authority.

(b) [*Records.*] The Secretary shall keep a record of the proceedings of the Authority and shall be custodian of all books and records of the Authority and of its official seal.

(c) [*Quorum.*] Three (3) members of the Authority shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. Any action taken by the Authority under the provisions of Sections 159.701 through 159.7095, Florida Statutes (1983), may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

(d) [*Compensation; expenses.*] The members of the Authority shall receive no compensation for the performance of their duties hereunder, but each such member shall be paid his necessary expenses incurred while engaged in the performance of such duties.

(e) [*Additional officers.*] The authority may also appoint such other officers as it may deem necessary.

(Ord. No. 85-51, § 6, 7-16-85)

Secs. 2-246, 2-247. Reserved.

FOOTNOTE(S):

--- (**47**) ---

**Editor's note—** Ord. No. 85-51, adopted July 16, 1985, provided for its inclusion in this Code; at the discretion of the editor, §§ 2—6 have been codified as Art. XXVI, § 2-241 et seq. [(Back)](#BK_78E61A02D35B8F37A16991D61871C0B6)

Annotation—AO 9-1 [(Back)](#BK_78E61A02D35B8F37A16991D61871C0B6)

**Cross reference—** Cultural affairs council, § 2-291 et seq. [(Back)](#BK_78E61A02D35B8F37A16991D61871C0B6)

**State Law reference—** Research and development authorities, F.S. § 159.701 et seq. [(Back)](#BK_78E61A02D35B8F37A16991D61871C0B6)

### ARTICLE XXVII. Miami-Dade County TOURIST DEVELOPMENT COUNCIL [[48]](#BK_51942C42323D00373E4DE1DA18BC2A76)

[Sec. 2-248. Statement of intent.](#BK_6FE114BD3BEEE718B7B19FDB4375D6C0)

[Sec. 2-249. Miami-Dade County Tourist Development Council created; purposes and powers.](#BK_DCD72FEBBCF4A8F25FFF2FE833182C31)

[Sec. 2-250. Appointment of members; qualifications for membership; terms of membership.](#BK_E75281ECF1593549D0CB4C06724C9FD2)

[Sec. 2-251. Organization of the Council; voting, quorum; conduct of meetings.](#BK_18CD9D44173294967E7BD614AF66038C)

[Sec. 2-252. Compensation of members.](#BK_D53C3A743CC595D5DC325428F39EF282)

[Sec. 2-253. Removal of members.](#BK_BE5220428B5199641DFA3EC59DC68495)

[Sec. 2-253.1. Liberal construction to effectuate public purpose.](#BK_B6B0763F760C4161ABF2DD46346388DE)

Sec. 2-248. Statement of intent.

It is the intent of the Miami-Dade County Board of County Commissioners to consider the enactment of an ordinance levying and imposing a tourist development tax, as authorized by Chapter 77-209, Laws of Florida, known as the "Local Option Tourist Development Act". The ordinance is intended to be effective throughout Miami-Dade County, except for the municipal areas of Bal Harbour, Miami Beach and Surfside.

(Ord. No. 78-28, § 1, 4-4-78)

**Editor's note—**

Ord. No. 78-62, adopted Oct. 4, 1978, and approved at referendum on Nov. 7, 1978, provides for the levy and imposition of the tourist development tax authorized pursuant to Ch. 77-209, Laws of Fla. Provisions of Ord. No. 78-62 are codified herein at [§ 29-51](../level3/PTIIICOOR_CH29TA_ARTVTODEROTA.docx#PTIIICOOR_CH29TA_ARTVTODEROTA_S29-51LEIM) et seq.

Sec. 2-249. Miami-Dade County Tourist Development Council created; purposes and powers.

There is hereby created and established in Miami-Dade County, Florida, a nine-member advisory Board to be known as the Miami-Dade County Tourist Development Council (hereinafter referred to as the "Council") for the purposes and with the powers conferred by the enabling act, Chapter 77-209, Laws of Florida. As part of its purpose and power, the council shall prepare and submit a plan for tourist development to the Board of County Commissioners for its consideration.

(Ord. No. 78-28, § 2, 4-4-78)

**Editor's note—**

A Miami-Dade County Tourist Development Council Plan was adopted pursuant to Ord. No. 78-62, § 4, adopted Oct. 4, 1978, and approved at referendum on Nov. 7, 1978. Copies of the Miami-Dade County Tourist Development Council Plan may be found on file in the Office of the Clerk of the Board of County Commissioners.

**Annotation—**CAO 79-3.

Sec. 2-250. Appointment of members; qualifications for membership; terms of membership.

The Board of County Commissioners shall, by resolution, appoint the members of the Council. The Mayor of Miami-Dade County shall be the Chairman of the Council. Two (2) members of the Council shall be elected municipal officials. Three (3) members of the Council shall be owners or operators of motels, hotels, or other tourist accommodations in the County and subject to the tax. Three (3) members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of motels, hotels or other tourist accommodations in the County and subject to the tax. All members of the Council shall be electors of the County. Members shall serve staggered terms of four (4) years as determined in the appointing resolution.

(Ord. No. 78-28, § 3, 4-4-78)

Annotation—CAO 80-7.

Sec. 2-251. Organization of the Council; voting, quorum; conduct of meetings.

The Chairperson of the Council shall be the Mayor of Miami-Dade County. The members of the Council, by majority vote, shall select any other officer as may be deemed necessary or desirable. Any other such officer shall serve at the will of the Council. A majority vote of the entire membership of the Council shall be necessary to take any action. A majority of the members of the Council shall constitute a quorum necessary to hold a meeting or take any action. The Chairperson may call meetings of the Council, and meetings may be called by written notice signed by five (5) members of the Council, and the Council at any meeting may fix and call a meeting for a future date. Minutes shall be kept of all meetings of the Council. All meetings shall be public. The County Manager shall provide adequate and competent clerical and administrative personnel as may be reasonably required by the Council for the proper performance as may be reasonably required by the Council for the proper performance of its duties and functions, subject to budget limitations as fixed by the County Commission.

(Ord. No. 78-28, § 5, 4-4-78)

Sec. 2-252. Compensation of members.

Members of the Miami-Dade County Tourist Development Council shall serve without compensation, salary or remuneration of any nature, but the County Commission may provide in the annual County budget sufficient funds for the reasonable and necessary expenses incurred by the Council in performance of its duties and functions.

(Ord. No. 78-28, § 6, 4-4-78)

Sec. 2-253. Removal of members.

Any member of the Council who ceases to be a qualified elector of Miami-Dade County shall immediately forfeit his or her office. Should a vacancy result from such forfeiture, or should any member of this Council fail to attend three (3) consecutive meetings of the Council without due cause, the Chairperson of the Council shall certify the same to the County Commission, which shall fill the vacancy created thereby by appointment. Any member of the Council may be removed from office without cause by a majority of the entire membership of the County Commission.

(Ord. No. 78-28, § 4, 4-4-78)

Sec. 2-253.1. Liberal construction to effectuate public purpose.

This article, being for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 78-28, § 7, 4-4-78)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 78-28, §§ 1—7, adopted April 4, 1978, did not expressly amend this Code; hence inclusion herein as Art. XXVII of Ch. 2, §§ 2-248—2-253.1, is at the discretion of the editor. [(Back)](#BK_9EC77C90207A67DB828A82F4A80DA57B)

Annotation—CAO 82-18. [(Back)](#BK_9EC77C90207A67DB828A82F4A80DA57B)

**Cross reference—** Tourist development room tax, § 29-51 et seq. [(Back)](#BK_9EC77C90207A67DB828A82F4A80DA57B)

**State Law reference—** Tourist development council, F.S. § 125.0104(4)(c). [(Back)](#BK_9EC77C90207A67DB828A82F4A80DA57B)

### ARTICLE XXVIII. MIAMI-DADE COUNTY EDUCATIONAL FACILITIES AUTHORITY [[49]](#BK_C3954C9D6A9926198231678EAA80D08D)

[Sec. 2-254. Created; membership.](#BK_030A1E4634026B663DB6840B9C111092)

[Sec. 2-255. Organization of Authority.](#BK_8882DD1F4E066D7816ED4922A54BAFBF)

[Sec. 2-256. Powers of Authority.](#BK_C07B472FA7AF294522D33E8EDFAB4524)

[Sec. 2-257. Expenses.](#BK_8293D14AB280ED0C75C34828C2A5F4E7)

[Sec. 2-258. Reports.](#BK_05F3AB4951B9999BF0BF6A38EE05AE08)

[Sec. 2-259. Reserved.](#BK_24C4BC57EB89EB1B5B13BE1D89661B8C)

Sec. 2-254. Created; membership.

Pursuant to Chapter 69-345, Laws of Florida, and upon its own motion, the Board of County Commissioners does hereby create the Miami-Dade County Educational Facilities Authority consisting of five (5) members to be appointed by resolution of the County Commission; one (1) of such members shall be a trustee, director or officer of an institution for higher education located in Miami-Dade County.

(Ord. No. 69-72, § 1, 10-22-69)

Sec. 2-255. Organization of Authority.

Of the members first appointed, one (1) shall serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years, and in each case until his successor is appointed and has qualified. Thereafter, the Commission shall appoint for terms of five (5) years each a member or members to succeed those whose terms expire. The Commission shall fill any vacancy for an unexpired term. A member of the Authority shall be eligible for reappointment. Any member of the Authority may be removed by the Commission for misfeasance, malfeasance or willful neglect of duty. Each member of the Authority before entering upon his duties shall take and subscribe the oath of affirmation required by the State constitution. A record of each such oath shall be filed in the Office of the Secretary of State and with the Clerk.

The Authority shall annually elect one (1) of its members as Chairman and one (1) as Vice-Chairman, and shall also appoint an Executive Director who shall not be a member of the Authority and who shall serve at the pleasure of the Authority and receive such compensation as shall be fixed by the Authority. The Executive Director shall keep a record of the proceedings of the Authority and shall be custodian of all books, documents and papers filed with the Authority and of the minute book or journal of the Authority and of its official seal. He may cause copies to be made of all minutes and other records and documents of the Authority and may give certificates under the official seal of the Authority to the effect that such copies are true copies, and all persons dealing with the Authority may rely upon such certificates. Three (3) members of the Authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the Authority shall be necessary for any action taken by an Authority; provided, however, any action may be taken by an Authority with the unanimous consent of all of the members of an Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority. Any action taken by the Authority under the provisions of Chapter 69-345 may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

The members of the Authority shall receive no compensation for the performance of their duties hereunder but each such member shall be paid his necessary expenses incurred while engaged in the performance of such duties. Notwithstanding any other law to the contrary, it shall not be or constitute a conflict of interest for a trustee, director, officer or employee of an institution for higher education to serve as a member of the Authority.

(Ord. No. 69-72, § 2, 10-22-69)

Sec. 2-256. Powers of Authority.

The Authority is vested with those powers specified in Chapter 69-345 and no other powers or Authority, such powers to be exercised in accordance with the provisions of Chapter 69-345.

(Ord. No. 69-72, § 3, 10-22-69)

Sec. 2-257. Expenses.

All expenses incurred in carrying out the provisions of Chapter 69-345 shall be payable solely from funds provided under the Authority of Chapter 69-345, and no liability or obligation shall be incurred by an Authority hereunder beyond the extent to which moneys shall have been provided under the provisions of Chapter 69-345. Neither the notes, bonds nor any other obligation incurred by the Authority shall be deemed a pledge of the faith or credit of Miami-Dade County nor shall any act or inaction by the Authority directly or indirectly or contingently obligate Miami-Dade County to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

(Ord. No. 69-72, § 4, 10-22-69)

Sec. 2-258. Reports.

Within the first ninety (90) days of each calendar year, the Authority shall make a report to the Governing Body of the County of its activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operations during such year. The Authority shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof shall be paid by the Authority from funds available to it pursuant to Chapter 69-345.

(Ord. No. 69-72, § 5, 10-22-69)

Sec. 2-259. Reserved.

FOOTNOTE(S):

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**Editor's note—** Article XXVIII, §§ 2-254—2-258, is derived from Ord. No. 69-72, §§ 1—5, enacted Oct. 22, 1969. This ordinance did not amend this Code. [(Back)](#BK_EB647BC7973E0B02A5EA0625BF1BC6E6)

Annotation—AO 9-1 [(Back)](#BK_EB647BC7973E0B02A5EA0625BF1BC6E6)

**State Law reference—** Higher Education Facilities Law, F.S. § 243.18 et seq. [(Back)](#BK_EB647BC7973E0B02A5EA0625BF1BC6E6)

### ARTICLE XXIX. MIAMI-DADE COUNTY HEALTH FACILITIES AUTHORITY [[50]](#BK_1F56B9E79C4C789B4A6DE4557ADE46C3)

[Sec. 2-260. Declaration of need.](#BK_BAC861C61985EF301B530E85F35B5149)

[Sec. 2-261. Definitions.](#BK_209DA91755E79FCBD2702F972B3884D6)

[Sec. 2-262. Creation, exercise of authority deemed public function; membership, etc.; organization, meetings.](#BK_DABB42C8B26D1A4E9B83632A745637E7)

[Sec. 2-263. Powers and duties.](#BK_A080246B6628C48C4DC31D5253C5C76C)

[Sec. 2-263.1. Administrative procedures for project evaluation.](#BK_8A22B951A97424D6375536CFA0CF7DD3)

[Sec. 2-263.2. Approval of bonds and notes by County Commission.](#BK_DD24E39344EE229ED776A8A6B32E9085)

[Sec. 2-263.3. Revenue bonds generally.](#BK_47BFAA3A64EEBF6780353A5DF46CDBD9)

[Sec. 2-263.4. Refunding revenue bonds.](#BK_7CAE30F339C929DC20D09A2AE85C4DA3)

[Sec. 2-263.5. Charging, payment of expenses.](#BK_940C609D954D5E46946C16D46DC313C0)

[Sec. 2-263.6. Tax exemption; limitations on exemptions.](#BK_BCC0C2003A53831E09F58756865DBBDF)

[Sec. 2-263.7. Reports.](#BK_9825D5967A266A3D2A9898C0CDAE22BD)

Sec. 2-260. Declaration of need.

The Board of County Commissioners hereby finds and declares that there is a need for a Miami-Dade County Health Facilities Authority to function in Miami-Dade County so as to assist in the development and maintenance of the health facilities of Miami-Dade County.

(Ord. No. 79-92, § 1, 10-16-79)

Sec. 2-261. Definitions.

The following terms, whenever used in this article, shall have the following meanings unless a different meaning clearly appears from the context:

(a) *Authority* means the Miami-Dade County Health Facilities Authority.

(b) *Bonds* or *revenue bonds* means revenue bonds of the Authority issued under the provisions of this article, including revenue refunding bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit of a health facility.

(c) *Certificate of need* means a written advisory statement issued by the [State] Department of Health and Rehabilitative Services, having as its basis a written advisory statement issued by an areawide council and, where there is no council, by the [State] Department of Health and Rehabilitative Services, evidencing community need for a new, converted, expanded, or otherwise significantly modified health facility.

(d) *Enabling act* means Part III, Chapter 154, Florida Statutes, as maybe amended from time to time.

(e) *Health facility* means any private corporation organized not for profit and authorized by law to provide hospital, adult congregate living or nursing home care services in accordance with Florida law.

(f) *Project* means any structure, facility, machinery, equipment or other property suitable for use by a health facility in connection with its operations or proposed operations, including without limitation, real property therefor; a clinic, computer facility, dining hall, firefighting facility, fire prevention facility, food service and preparation facility, health-care facility, long-term care facility, hospital, interns' residence, laboratory, laundry, maintenance facility, nurses' residence, nursing home, nursing school, office, parking area, pharmacy, recreational facility, research facility, storage facility, utility, or X-ray facility, or any combination of the foregoing; and other structures or facilities related thereto or required or useful for health-care purposes, the conducting of research, or the operation of a health facility, including facilities or structures essential or convenient for the orderly conduct of such health facility and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project" shall not include such items as fuel, supplies, or other items which are customarily deemed to result in a current operating charge.

(g) *Real property* includes all lands, including buildings, structures, improvements, and fixtures thereon; any property of any nature appurtenant thereto or used in connection therewith; and every estate, interest, and right, legal or equitable, therein including any such interest for a term of years.

(Ord. No. 79-92, § 2, 10-16-79; Ord. No. 89-132, § 1, 12-19-89)

Sec. 2-262. Creation, exercise of authority deemed public function; membership, etc.; organization, meetings.

(a) *Creation.* The Date County Health Facilities Authority is hereby created and established and, in accordance with Section 154.207, Florida Statutes, is constituted a public instrumentality. The exercise by said Authority of the powers conferred by Section 154.201 to 154.246, inclusive, Florida Statutes, shall be deemed and held to be the performance of an essential public function.

(b) *Membership, etc.* The Authority shall consist of five (5) persons who are residents of Miami-Dade County, appointed by the Board of County Commissioners.

(1) *Term of office, filling vacancies; reappointment; removal.* Of the members first appointed, one (1) shall serve for one (1) year, one (1) for two (2) years, one (1) for three (3) years, and two (2) for four (4) years, in each case until his successor is appointed and has qualified. Thereafter the Board shall appoint, for terms of four (4) years each, a member or members to succeed those whose terms expire. The Board shall fill any vacancy for an unexpired term. A member of the Authority shall be eligible for reappointment. Any member of the Authority may be removed by the Board for misfeasance, malfeasance, or willful neglect of duty.

(2) *Oath; compensation; ethical considerations.* Each member of the Authority, before entering upon his duties, shall take and subscribe the oath or affirmation required by the State Constitution. A record of each oath shall be filed in the Department of State and with the Clerk of the Board of County Commissioners. The members of the Authority shall receive no compensation for the performance of their duties hereunder, but each member shall be paid necessary expenses incurred while engaged in the performance of such duties. Service as a member of the Authority by a trustee, director, officer, or employee of a health facility shall not, in and of itself, constitute a conflict of interest. However, any member of the Authority who is employed by, or receives income from, a health facility under consideration by the Authority shall not vote on any matter related to such facility. Members shall comply with the Miami-Dade County financial disclosure requirements.

(c) *Organization; meetings.* The Authority, at its initial meeting, and annually thereafter, shall elect one (1) of its members as Chairman and one (1) as Vice-Chairman. Three (3) members of the Authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the Authority shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights to perform all the duties of the Authority. The initial meeting of said Authority shall be at 9:00 a.m., on November 13, 1979, at 1 S.E. 3rd Avenue, City of Miami, in Miami-Dade County, Florida. If fewer than three (3) members are present at said meeting, the members who are present may adjourn the meeting from time to time until at least three (3) members shall be present.

(Ord. No. 79-92, § 3, 10-16-79)

**Note—**See editor's footnote to this Art. XXIX of [Ch. 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD)

Sec. 2-263. Powers and duties.

The Miami-Dade County Health Facilities Authority shall have all the powers conferred upon it by the enabling act, Part III of Chapter 154, Sections 154.201 through 154.245, Florida Statutes, incorporated herein by reference, as the same shall be amended from time to time, and by other provisions of law, including, but not limited to, Part I of Chapter 163, Sections 163.01 through 163.04, Florida Statutes, as the same shall be amended from time to time, which powers shall include, but are not limited to, the following:

(1) To adopt an official seal and alter the same at its pleasure;

(2) To maintain an office at such place or places in Miami-Dade County as it may designate;

(3) To sue and be sued in its own name and to plead, and be impleaded;

(4) To acquire by purchase, lease, gift, or otherwise, or to obtain options for the acquisition of, any property, real or personal, improved or unimproved, for the acquisition, construction, operation or maintenance of any project;

(5) To construct, acquire, own, lease, repair, maintain, extend, expand, improve, rehabilitate, renovate, furnish and equip projects and to pay all or any part of the costs thereof from the proceeds of bonds of the Authority or from any contribution, gift, or donation or other funds made available to the Authority for such purpose;

(6) To make and execute agreements of lease, contracts, deeds, mortgages, notes and other instruments necessary or convenient in the exercise of the powers and functions conferred upon the Authority by this article;

(7) To sell, lease, exchange, mortgage, transfer, or otherwise dispose of, or to grant options for any such purposes with respect to any project, or any real or personal property or interest therein;

(8) To pledge or assign any money, rents, charges, fees or other revenues and any proceeds derived from sales of property, insurance, or condemnation awards;

(9) To fix, charge and collect rents, fees and charges for the use of any project;

(10) To issue bonds for the purpose of providing funds to pay all or any part of the cost of any project and to issue refunding bonds;

(11) To employ consulting engineers, architects, surveyors, attorneys, accountants, financial experts, Executive Director, and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(12) To acquire existing projects and to reimburse any health facility for the cost of such project in accordance with an agreement between the Authority and the health facility; however, no such reimbursement shall exceed the total cost of the project as determined by the health facility and approved by the Authority;

(13) To acquire existing projects and to refund outstanding obligations, mortgages, or advances issued, made or given by a health facility for the cost of such projects;

(14) To charge to, and equitably apportion among, health facilities approved for loans, its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this article;

(15) To mortgage any project and the site thereof for the benefit of the holders of the bonds issued to finance such project;

(16) To issue negotiable revenue bonds of the Authority for the purpose of paying all or any part of the cost of any project or projects for which a certificate of need has been obtained, or for the purpose of paying all or any part of the cost of acquiring existing or completed health facility projects. To issue negotiable bond anticipation notes and to renew the same from time to time. The maximum maturity of any anticipation note, including renewals thereof, shall not exceed five (5) years from the date of issue of the original note. The revenue bonds and notes of every issue authorized and any anticipation notes issued pursuant to this subsection shall be in accordance with the terms and provisions outlined in Section 154.219, Florida Statutes.

(17) To keep a record of all its proceedings and be custodian of all books, documents and papers filed with it and of its minute book or journal and official seal. The Authority shall cause copies to be made of all its minutes and other records and documents and shall give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with said Authority may rely upon such certificates.

(18) To make a report to the Board of County Commissioners, within the first ninety (90) days of each calendar year, of the authority's activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operations during the year.

(19) To do all things necessary to carry out the above powers and purposes of the Miami-Dade County Health Facilities Authority.

The County Commission may, at its discretion, amend the foregoing powers and duties of the Authority as long as the amended powers and duties do not impair the contractual obligations to the holders of any bonds theretofore issued by the Authority and then outstanding.

(Ord. No. 79-92, § 4, 10-16-79; Ord. No. 89-132, § 2, 12-19-89)

Sec. 2-263.1. Administrative procedures for project evaluation.

The Authority shall promulgate written administrative procedures, subject to final approval by the County Commission, that will be uniformly used to evaluate proposed projects. These administrative procedures shall include, but not be limited to, the following:

(1) *Certificate of need; review by Health Council of South Florida, Inc.* The Authority shall require a certificate of need for all new project applications as prescribed by Section 154.245, Florida Statutes, as said status may be amended from time to time, and in addition request a review and comment from the Health Council of South Florida, Inc., prior to acting on any applications for the issuance of revenue bonds for refinancing or refunding purposes. Comments received from the Health Council of South Florida, Inc., within thirty (30) days of request shall be considered by the Authority in making its decision on the application. If such comment has not been received thirty (30) days from the date of a formal written request, the Authority may act as though the application was favorably considered by the Health Council of South Florida, Inc.

(2) [Reserved]

(3) *Service priorities.* The guidelines shall include a priority for those institutions who currently provide or present a plan to provide services including, but not limited to:

(a) Services rendered to patients eligible for all or partial County support in County-sponsored institutions; and

(b) Uncompensated services rendered under County/public health trust decentralization programs.

The services referred to in this paragraph shall be in addition to services mandated under the Hill-Burton program or other State or federally mandated programs.

(4) *Applicant expenses; review by County Manager or his designee.* The applicant shall bear all costs and expenses incurred incident to the preparation of its application. The Authority shall provide for the timely review of each project by the County Manager in such a way as to minimize the expenditure of funds by the applicant should the review prove to be unfavorable. If the initial review is favorable, the applicant shall proceed with finalizing the bond issue for final approval by the Commission.

(Ord. No. 79-92, § 6(A)—(C), (E), 10-16-79; Ord. No. 81-22, § 1, 3-3-81; Ord. No. 83-41, § 1, 6-21-83)

Sec. 2-263.2. Approval of bonds and notes by County Commission.

The sale of the bonds and notes authorized to be issued by the Authority pursuant to this article shall be subject to the approval of the Board of County Commissioners of Miami-Dade County, Florida, prior to the validation requirements of subsection [2-263.3](../level3/PTIIICOOR_CH2AD_ARTXXIXMIDECOHEFAAU.docx#PTIIICOOR_CH2AD_ARTXXIXMIDECOHEFAAU_S2-263.3REBOGE)(d).

(Ord. No. 79-92, § 8, 10-16-79)

Sec. 2-263.3. Revenue bonds generally.

(a) *Applicability of Uniform Commercial Code.* All bonds issued under the provisions of this article shall have, and are hereby declared to have, all the qualities and incidents, including negotiability, of investment securities under the Uniform Commercial Code, but on provision of such code respecting the filing of a financing statement to perfect a security interest shall be deemed necessary for, or applicable to, any security interest created in connection with the issuance of any such bonds.

(b) *Nonliability of County, State.* All revenue bonds issued under the provisions of this article shall not be deemed to constitute a debt, liability or obligation of Miami-Dade County or the State or any political subdivision thereof, or a pledge of the faith and credit of Miami-Dade County or the State or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the Authority shall not be obligated to pay the same or the interest thereon except from the revenues of the project or the portion thereof for which they are issued and that neither the faith and credit nor the taxing power of Miami-Dade County or of the State or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this article shall not directly, indirectly, or contingently obligate Miami-Dade County or the State or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

(c) *Investment in, use as security by public officers, fiduciaries, etc.* Bonds issued by the Authority under the provisions of this article are hereby made securities in which all public officers and public bodies of the State and its political subdivisions and all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is now or may hereinafter be authorized by law.

(d) *Validation.* Bonds issued under the provisions of this article shall be validated in the manner prescribed by Chapter 75, Florida Statutes.

(Ord. No. 79-92, § 5(A), (B), (D), (E), 10-16-79)

Sec. 2-263.4. Refunding revenue bonds.

The Authority is hereby authorized to provide for the issuance of revenue bonds for the purpose of refunding any of its revenue bonds then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase, or maturity of such revenue bonds. The proceeds of any such revenue bonds issued for the purpose of refunding outstanding revenue bonds may, in the discretion of the Authority, be applied to the purchase or retirement at maturity or redemption of such outstanding revenue bonds either on their earliest or any subsequent redemption date, or upon the purchase or at the maturity thereof, and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the Authority. Any such escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States, in any obligations of which the principal and interest are unconditionally guaranteed by the United States, in certificates of deposit or time deposits secured by direct obligations of the United States, or in any obligations of which the principal and interest are unconditionally guaranteed by the United States, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest, and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income, and profits, if any, earned or realized on the investments thereof may be returned to the Authority for use by it in any lawful manner. All such revenue bonds issued for the purposes of refunding shall be subject to the provisions of this article in the same manner and to the same extent as other revenue bonds issued pursuant to this article.

(Ord. No. 79-92, § 5(C), 10-16-79)

Sec. 2-263.5. Charging, payment of expenses.

The Authority shall charge each project for all the Authority's administrative costs and expenses incurred in the exercise of the powers and duties conferred by this article. No Miami-Dade County funds from any source shall be utilized by the Authority without prior approval of the Board of County Commissioners.

(Ord. No. 79-92, § 9, 10-16-79)

Sec. 2-263.6. Tax exemption; limitations on exemptions.

The exercise of the powers granted by this article will be in all respects for the benefit of the people of this County, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions. Since the operation and maintenance of a project by a health facility will constitute the performance of an essential public function, neither the Authority nor a hospital institution shall be required to pay any taxes or assessments upon or with respect to a project or any property acquired by the Authority under the provisions of this article or upon the income therefrom, and any bonds issued under the provisions of this article, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the State, Miami-Dade County, and municipalities and other political subdivisions in the State, except that such income shall be subject to the tax imposed pursuant to the provisions of Chapter 220, Florida Statutes. Nothing in this section shall be construed as exempting from taxation or assessments the leasehold interest of any health facility organized for profit. If any project or any part thereof shall be occupied or operated by any health facility organized for profit pursuant to any contract or lease with the Authority, the property interest created by such contract or lease shall be subject to taxation to the same extent as other privately owned property.

(Ord. No. 79-92, § 7, 10-16-79)

Sec. 2-263.7. Reports.

(a) *Value of County-supported services at County institutions, uncompensated services.* The Authority shall include the value of the services described in paragraph [2-263.2](../level3/PTIIICOOR_CH2AD_ARTXXIXMIDECOHEFAAU.docx#PTIIICOOR_CH2AD_ARTXXIXMIDECOHEFAAU_S2-263.2APBONOCOCO)(3) as a part of its annual report to the County Commission as specified in paragraph [2-263.1](../level3/PTIIICOOR_CH2AD_ARTXXIXMIDECOHEFAAU.docx#PTIIICOOR_CH2AD_ARTXXIXMIDECOHEFAAU_S2-263.1ADPRPREV)(18).

(b) *Use of bond proceeds.* Each health facility receiving proceeds from any bonds issued hereunder shall advise the Authority in writing, within the first ninety (90) days of each calendar year during which its bonds remain outstanding, of the manner in which its patients have benefited from the issuance of the bonds.

(Ord. No. 79-92, § 6(D), (F), 10-16-79)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 79-92, §§ 1—9, adopted Oct. 16, 1979, did not expressly amend this Code; hence, codification as Art. XXIX of Ch. 2, §§ 2-260—2-263.7, is at the discretion of the editor. Section 10 of Ord. No. 79-92 provides as follows: [(Back)](#BK_A94618934A2CD34650A7EED1ACCB5CD9)

"Section 10. Charter. [(Back)](#BK_A94618934A2CD34650A7EED1ACCB5CD9)

"The County Clerk of this Board shall send a certified copy of this ordinance to each of the above named members of said Authority as official notice of his appointment. This ordinance shall constitute the charter of said Authority and shall be effective on the tenth day after its enactment by this Board." [(Back)](#BK_A94618934A2CD34650A7EED1ACCB5CD9)

**Cross reference—** Public health department, § 2-74 et seq.; public health trust, Ch. 25A. [(Back)](#BK_A94618934A2CD34650A7EED1ACCB5CD9)

**State Law reference—** Health Facilities Authority Law, F.S. § 154.201 et seq. [(Back)](#BK_A94618934A2CD34650A7EED1ACCB5CD9)

### ARTICLE XXX. COMMISSION FOR WOMEN [[51]](#BK_5C4063ED4AD025CE261D3A141447F1F8)

[Sec. 2-264. Short title.](#BK_91AEA73DE99E1DF8386D0AE0DA84FDE1)

[Sec. 2-265. Commission for Women.](#BK_05F2A6EA9C69ED51DDC009F69C73F057)

[Sec. 2-266. Qualifications of members.](#BK_B61700928B8623C3015308E35CCDAA8E)

[Sec. 2-267. Terms of office.](#BK_51F34D5335EE68BA09E379182F6D057B)

[Sec. 2-268. Organization of the Commission.](#BK_B21DAE52E70623C5806DBEFF116C97D7)

[Sec. 2-269. Duties and powers of the Commission.](#BK_9C5E1B36B770E118447B689B4B15DF4B)

[Sec. 2-270. Limitation of powers.](#BK_45F9A907056DC255AC4181BB569203CB)

Sec. 2-264. Short title.

This article enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Miami-Dade County Commission for Women Ordinance".

(Ord. No. 71-11, § 1, 1-19-71; Ord. No. 99-35, § 2, 4-13-99)

Sec. 2-265. Commission for Women.

The Miami-Dade County Commission for Women is hereby created and established. The Commission shall consist of twenty-seven (27) members appointed by the County Commission. The Office of the Chairperson of the County Commission shall provide appropriate support for the Commission for Women. The Chairperson of the County Commission shall have the power to appoint employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Commission for Women, and such assistants, employees, and personnel shall serve at the will of the Chairperson of the County Commission.

(Ord. No. 71-11, § 2, 1-19-71; Ord. No. 99-35, § 3, 4-13-99; Ord. No. 10-45, § 3, 7-8-10)

Sec. 2-266. Qualifications of members.

Members of the Commission shall be permanent residents of Miami-Dade County. Members, while serving, shall not become candidates for election to any public office. In order to secure representative membership upon the Commission, each of the eight (8) County Commissioners shall appoint three (3) members to the Commission and the Mayor shall appoint three (3) members to the Commission.

(Ord. No. 71-11, § 3, 1-19-71)

Annotation—CAO 78-19.

Sec. 2-267. Terms of office.

In order that the terms of Office of all members of the Commission shall not expire at the same time, the initial appointments to the Commission shall be as follows: The Mayor and the County Commissioners shall each appoint one (1) member to the Commission for a term of one (1) year, one (1) member to the Commission for a term of two (2) years, and one (1) member to the Commission for a term of three (3) years. The Chairman shall be elected by the members of the Commission for a one (1) year term. Thereafter all appointments shall be made for a term of four (4) years. Appointments to fill any vacancy on the Commission shall be for the remainder of the unexpired term of office. A member may be removed without cause only by three-fourths vote of the entire membership of the County Commission. When any member of the Commission fails to attend three (3) consecutive meetings without due cause, the Chairman shall certify the same to the County Commission. Such member shall then be deemed to have been removed and a vacancy created.

Terms of office, of members of the Commission appointed by the Board of County Commissioners, which would normally expire on or between the dates of January 1 through June 30, or July 1 through December 31 of the termination year, shall be deemed ended and expired as of March 31 or September 30 thereof respectively; and the position thereon vacated may be refilled by the Board of County Commissioners.

(Ord. No. 71-11, § 4, 1-19-71; Ord. No. 73-20, § 1, 3-8-73)

Sec. 2-268. Organization of the Commission.

The members of the Commission shall elect such officers other than a Chairman as may be deemed necessary or desirable, who shall serve at the will of the Commission. Fourteen (14) members of the Commission shall constitute a quorum necessary to hold a meeting and take any action. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission. The Chairman may call meetings of the Commission, and meetings may be called by written notice signed by fourteen (14) members and the Commission at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the Commission. All meetings shall be public.

(Ord. No. 71-11, § 5, 1-19-71; Ord. No. 71-51, § 1, 6-15-71)

**Editor's note—**

Ord. No. 71-51, § 1, amended § 5 of Ord. No. 70-11, codified as [§ 2-268](../level3/PTIIICOOR_CH2AD_ARTXXXCOWO.docx#PTIIICOOR_CH2AD_ARTXXXCOWO_S2-268ORCO), by substituting "fourteen (14)" in lieu of "seventeen (17)".

Sec. 2-269. Duties and powers of the Commission.

The Commission shall have the following duties, functions, powers and responsibilities:

(a) To serve in an advisory capacity to the County Commission, the County administration, the community, and all agencies and persons in Miami-Dade County, Florida, in respect to all matters pertaining to the status of women, including but not limited to discrimination against women, employment of women, education of women, establishment of day care centers in the community, and attitudes towards women in the community, and to make periodic reports and recommendations to these bodies in respect to such matters.

(b) To make a continuing study of all existing County institutions, facilities and services, and programs dealing with women or affecting women, and consider the future needs of this metropolitan area in respect to such institutions, facilities, services and programs.

(c) To serve as liaison between the County Commission and the County administration, and consult with representatives of said bodies from time to time as requested and necessary in order to carry out the Commission's duties and functions.

(d) To make studies and have studies made of the problems of discrimination against women employees, increasing the availability of part-time employment for women, establishment of day care centers in the community, and attributable changes towards women in the community, and to formulate and recommend plans and programs for the coordination of the activities of all governmental entities and nongovernmental agencies dealing with these problems.

(e) It is the express purpose of this Commission to serve as a medium for responsible persons to utilize and consult with in attempting to understand and solve the many complex problems involved with dealing with the status of women, and to make findings and recommendations to the County Commission and the County administration regarding such matters as are presented to the Commission.

(f) To establish the Miami-Dade County Commission for Women Trust Fund (hereinafter referred to as "Trust Fund") in which will be placed all donations, contributions and funds received by the Commission for Women. The funds placed into the Trust Fund shall be used only to fund conferences, projects and special events which further the purposes of the Miami-Dade County Commission for Women.

(g) To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.

(Ord. No. 71-11, § 6, 1-19-71; Ord. No. 92-85, § 1, 7-21-92; Ord. No. 92-121, § 1, 10-13-92; Ord. No. 99-35, § 4, 4-13-99)

Annotations—CAO's 78-16, 82-2.

Sec. 2-270. Limitation of powers.

The powers and jurisdiction of the Commission shall be purely advisory, voluntary, and persuasive. The Commission shall not have any power or authority to subpoena or compel the attendance of witnesses. The Commission shall have no power to appoint County officers or employees or to make policy decisions, or to manage, control or administer institutions or programs relating to the status of women in Miami-Dade County.

(Ord. No. 71-11, § 7, 1-19-71)

FOOTNOTE(S):

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**Editor's note—** Article XXX, §§ 2-264—2-270, is derived from Ord. No. 71-11, §§ 1—7, enacted Jan. 19, 1971, which ordinance was codified pursuant to § 9 thereof. Ord. No. 99-35, § 1, adopted April 13, 1999, changed the title of article XXX from "Commission on the Status of Women" to "Commission for Women." [(Back)](#BK_5A949DB15FE42887106744026BA8D8B6)

**Cross reference—** Discrimination, Ch. 11A. [(Back)](#BK_5A949DB15FE42887106744026BA8D8B6)

### ARTICLE XXXI. RESERVED [[52]](#BK_DDAE613959DDB629408BD989FDFA72D8)

[Secs. 2-271—2-277. Reserved.](#BK_EE561BC96D132FF3912969514AC6098E)

Secs. 2-271—2-277. Reserved.

FOOTNOTE(S):

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**Editor's note—** Article XXXI, pertaining to the Latin American Advisory Board and consisting of §§ 2-271—2-277, was derived from Ord. No. 71-19, §§ 1—7, enacted Feb. 16, 1971. This ordinance was codified pursuant to § 9 thereof. It has been deleted as § 2 of the ordinance provided that the Board was abolished on Jan. 1, 1976. [(Back)](#BK_6407734A460ABB325B82CD94D10DE7CF)

### ARTICLE XXXII. AVIATION DEPARTMENT [[53]](#BK_80CB915F51D2404D57A22030D66AAFE2)

[Sec. 2-278. Department established; general responsibilities.](#BK_E2FC62B085DFC77050D9053D628AEF50)

[Sec. 2-279. Appointment, term, qualifications of Aviation Director.](#BK_3C158A1929AF6A6442F61BA14513EA69)

[Sec. 2-280. Duties of Director.](#BK_9E8F71C0B615E1EEDB087F1B4A014F06)

[Sec. 2-281. Department organization and operating procedures.](#BK_C09A8DD53B1965E5E75598C19E680E89)

[Sec. 2-282. Appointment, compensation of personnel.](#BK_22C8931B45A042CF3CB0E8C7E2D6233B)

[Sec. 2-283. Reserved.](#BK_E3C58B8A50451DC1C54CBB4740F5B245)

[Sec. 2-284. Effect upon Port Authority trust agreement.](#BK_AF8DAEFCBFE56D66F0C7C102DC63E75B)

[Sec. 2-285. County Manager's authority as to contracts for the Aviation Department.](#BK_F83A09557E02E6A299A7B8CB2921C9EA)

[Sec. 2-285.1. Mayor's authority as to contracts relating to the North Terminal Development Project at Miami International Airport.](#BK_81BBC97C3BFD609DD44E980B6831B5D1)

[Sec. 2-286. Reserved.](#BK_D99244D73E630261F48F2AD84BFD94BC)

[Sec. 2-286.1. County Manager's authority for retail activities at Miami International Airport.](#BK_7987B7E25B500B118540F5DC5B3F77FA)

[Secs. 2-287—2-290. Reserved.](#BK_612019CCCC44DAF1431CE4AF825DEE14)

Sec. 2-278. Department established; general responsibilities.

An Aviation Department is hereby established, which shall be responsible for the administration of all projects of the Board of County Commissioners which have been or will be established pursuant to Chapter 71-249, Laws of Florida, and its predecessor enactments, excepting those projects which the County Manager may, by appropriate administrative order, transfer to other departments of Miami-Dade County.

(Ord. No. 73-8, § 1, 2-6-73)

Sec. 2-279. Appointment, term, qualifications of Aviation Director.

The head of the Aviation Department is the Aviation Director who shall be appointed by the Manager and shall serve at the Manager's will. The Aviation Director shall have had training and experience in airport operations.

(Ord. No. 73-8, § 1, 2-6-73)

Sec. 2-280. Duties of Director.

The Director, as executive head of the Department, shall under the supervision of the Manager direct all its administrative, operational and technical activities. In addition to the duties imposed on him elsewhere in this law, it shall be his duty to carry out whatever additional functions the County Manager assigns to him.

(Ord. No. 73-8, § 1, 2-6-73)

Sec. 2-281. Department organization and operating procedures.

The organization and operating procedures of the Department shall be prescribed in administrative orders and regulations of the Manager. The Manager is hereby authorized to transfer all or any part of the duties of the Aviation Department to such other Departments of Miami-Dade County as he deems proper, by appropriate administrative order. Should he deem it proper, the County Manager is hereby authorized to transfer all or any part of the duties of any other department of Miami-Dade County to the Aviation Department, by appropriate administrative order. All transferred duties shall be compatible with the other duties of the department or departments affected by any such transfer.

(Ord. No. 73-8, § 1, 2-6-73)

Sec. 2-282. Appointment, compensation of personnel.

The Manager shall appoint such employees and other personnel as may be necessary to operate the Department. The salaries and compensation of all personnel, except employees within the classified service, shall be fixed by the County Commission upon recommendation of the Manager.

(Ord. No. 73-8, § 1, 2-6-73)

Sec. 2-283. Reserved.

**Editor's note—**

[Section 2-283](../level3/PTIIICOOR_CH2AD_ARTXXXIIAVDE.docx#PTIIICOOR_CH2AD_ARTXXXIIAVDE_S2-283RE), relating to officers and employees of the Port Authority as of February 6, 1973, has been deleted as obsolete. The section was derived from Ord. No. 73-8, § 1, adopted Feb. 6, 1973.

Sec. 2-284. Effect upon Port Authority trust agreement.

Any functions imposed on the Chairman and the Director of the Miami-Dade County Port Authority by the trust agreement dated as of October 1, 1954, as amended, by and between said authority and the Chase Manhattan Bank (now The Chase Manhattan Bank (National Association)), as trustee and the First National Bank of Miami, as co-trustee, securing bonds of the County of Miami-Dade issued thereunder and by any and all resolutions securing bonds of the County of Miami-Dade issued by the Board of Commissioners of Miami-Dade County, acting as Miami-Dade County Port Authority, shall be performed by the Mayor and the County Manager, or his designee, respectively, of said County. Nothing contained in this article shall impair in any way the covenants and agreements made by the Board of County Commissioners of Miami-Dade County, acting as Miami-Dade County Port Authority, in said trust agreement and said resolutions with the holders of the bonds of the County of Miami-Dade issued thereunder and the terms of such covenants and agreements shall prevail over any conflicting provisions of this article.

(Ord. No. 73-8, § 1, 2-6-73)

Sec. 2-285. County Manager's authority as to contracts for the Aviation Department.

Notwithstanding any other provision of the Miami-Dade County Code to the contrary, the County Manager shall have the following authority:

(1) As to any Aviation Department contract to which Sections [2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR), [2-8.2.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.3WOBUENPR) or [2-8.2.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.4HIBUENPR) are applicable, the County Manager may advertise any competitive contract in which appropriate contract measures as provided in Sections [2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR)(3)(c), [2-8.2.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.3WOBUENPR)(3)(c), and [2-8.2.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2.4HIBUENPR)(3)(c) have been specified; issue bid and proposal documents including addenda thereto; receive, open and review bids and proposals; issue notices to proceed after award; advertise, select committees for, and negotiate professional services agreements under [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) of the Code; issue amendments to any professional services agreement after award by the Board, including any professional services agreement that relates to a construction or project contract which has been increased in scope hereunder or by approval by the Board (subject, however, to any limitations on such authority as may be contained in the statutory and code provisions applicable to competitive selection of professional services); and perform all the foregoing for professional services agreements not subject to [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE); provided however, that the authority in this subsection (1) is subject subsection (4) of this section.

(2) The County Manager may provide in the bid specifications and contract documents that the contract time may be extended and that liquidated damages for failure to comply therewith may be waived before or after the specified date for completion of the contract;

(3) The County Manager may negotiate and settle contractor claims, and issue change orders for additional work under contracts and amendments for professional services agreements; as to any specific contract or agreement, change orders or amendments thereto shall not exceed five hundred thousand dollars ($500,000.00) in cumulative dollar amount and shall not exceed fifteen (15) percent of the contract price in cumulative percentage amount; provided however, that the foregoing limitation shall not apply to any change order or amendment related to environmental remediation or health requirements, and the foregoing change orders and amendments shall require ratification by the Board; provided further, that the County Manager may reduce in any amount the scope and compensation payable under any contract and grant compensable and non-compensable time extensions thereunder.

(3.1) The provisions of subsection (3) above notwithstanding, the County Manager shall have the authority to issue change orders or amendments provided that the cumulative effect of any such change orders and amendments to a specific contract or agreement does not exceed twenty (20) percent of the original amount of such contract or amendment, and further provided that the consulting engineer (under the existing trust indenture), the Aviation Director, and the Miami-Dade Aviation Consultants (DAC) concur in such action, that the change order or amendment is submitted to the County Commission for ratification within one hundred eighty (180) days. The County Manager shall report on a monthly basis to the Aviation Operations Committee of the County Commission on his actions taken in exercising the authority delegated to him hereunder. the County Manager shall not have delegated authority hereunder to issue any change order or amendment that is the result of design errors or omissions, and any such change order or amendment shall require prior County Commission approval.

Note—Ord. No. 95-210, amended § 2-285 by the addition of subsection (3.1) and § 3 of said ordinance provided sunset provisions which provided that the provisions of subsection (3.1) of Section 2-285 shall stand repealed twelve (12) months from its effective date (adopted Nov. 21, 1995, effective 10 days after the date of enactment.)

(4) All actions taken by the County Manager under this section shall not require review by any Committee, but the County Manager shall obtain approval of the Board to execute any contract or agreement submitted under subsection (1);

(5) For any lease with an airport tenant, the County Manager may authorize reimbursement for construction and other costs for the tenant's relocation of all or a portion of its premises, preparation of premises for occupancy, or making emergency repairs, provided the tenant obtains competitive bids for construction work, follows the procedures in [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE) for obtaining professional services covered therein, complies with contract measures as approved by the County Manager, and complies with direction otherwise provided by the Aviation Department;

(6) Subject to ratification of the Board, the County Manager may execute all standard form federal grant documents or state joint participation agreements, including acceptance of grant or joint participation commitments required to be imposed by federal or state law as a condition to the County's receiving grant or joint participation benefits;

(7) The County Manager may delegate authority for execution by the Aviation Director or his immediate designee of actions and authorizations permitted hereunder; and

(8) For all Aviation Department contracts subject to [Section 2-8.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.3MARE) of the Code, the County Manager may waive the provisions of [Section 2-8.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.3MARE) to the extent provided in the solicitation documents.

(9) The County Manager shall prepare and submit to the County Commission for approval, an Administrative Order which shall establish procedures to expedite the review and approval of change orders, including total quality management techniques and concurrent review by departmental and consultant staff.

(Ord. No. 95-64, § 2, 4-6-95; Ord. No. 95-210, §§ 1—3, 11-21-95)

**Cross reference—** Aviation Department rules and regulations, Ch. 25.

Sec. 2-285.1. Mayor's authority as to contracts relating to the North Terminal Development Project at Miami International Airport.

(1) With respect to contracts assigned to Miami-Dade County pursuant to Resolution R-735-05, or other contracts previously procured by American Airlines and previously assumed by Miami-Dade County via action of the Board of County Commissioners, or contracts to finish work begun but left incomplete as of August 1, 2005, or contracts related to the construction, design, or construction management of the North Terminal Development which were awarded by the Board of County Commissioners prior to May 1, 2008, and notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, the Mayor and the Airport Director, shall have the authority to: extend the contract time and waive liquidated damages for failure to comply therewith before the specified date for completion of the contract provided good cause exists and the contract provides that after the expiration of the contract time the County may extend the contract time or waive liquidated damages; and may otherwise modify the contract terms, may increase or reduce in any amount the scope and compensation payable under any contract, and may grant compensable and non-compensable time extensions. Additionally, to the extent that a contract listed above has expired, and such contract was competitively procured and contains no minority goals or measures, the County Mayor, and the Airport Director, may recommend to the Board of County Commissioners that a contract be re-awarded to the firm holding such expired contract, and such request will be heard by the full Board of County Commissioners without need for prior Committee Approval. The authority delegated in this section is intended to be supplemental to, and shall not limit, authority otherwise granted to the Mayor, County Manager, or Airport Director by ordinance or by administrative order.

(2) The authority in this Subsection is subject to the following limitations:

(a) Any amendment in excess of ten million dollars in value shall be subject to the prior approval of the Board of County Commissioners, but shall not require prior committee approval.

(b) Any exercise of authority to this section shall be subject to the budget approved by the Board for the North Terminal Development Project as a whole.

(c) Any exercise of authority pursuant to this Section shall require ratification by the Board.

(d) Nothing in this section shall affect the requirements of State law for the competitive purchase of goods and services, including those related to public construction work and those contained in the Consultants Competitive Negotiation Act.

(e) Any exercise of authority pursuant to this section shall be in conformity with the policies and procedures which may be established by implementing order to be approved by this Board. The implementing order shall contain guidelines for the exercise of the authority conferred under this section, and shall specifically provide for the application of County policies with respect to contracting, including but not limited to procedures for bid protests, inclusion of small business measures, community business enterprises, community small business enterprises, community workforce, and responsible wages. The provision of the Code relative to such programs shall not be applicable to the contracts specified herein except as specifically provided for in the implementing order.

(f) Nothing in this section shall affect the process for settlement of construction disputes relating to the North Terminal Development approved by separate resolution of the Board.

(g) The provisions of this Ordinance shall not apply except to those contracts listed in Resolution R-735-05, or other contracts previously procured by American Airlines and previously assumed by Miami-Dade County via action of the Board of County Commissioners, or contracts to finish work begun but left incomplete as of August 1, 2005, or contracts related to the construction, design, or construction management of the North Terminal Development which were awarded by the Board of County Commissioners prior to May 1, 2008.

(Ord. No. 08-87, § 1, 7-1-09)

Sec. 2-286. Reserved.

**Editor's note—**

Ord. No. 95-127, adopted July 11, 1995 and Ord. No. 95-134, adopted July 25, 1995, which enacted [Section 2-286](../level3/PTIIICOOR_CH2AD_ARTXXXIIAVDE.docx#PTIIICOOR_CH2AD_ARTXXXIIAVDE_S2-286RE) provided that said section would expire after a term of three years. Former [Section 2-286](../level3/PTIIICOOR_CH2AD_ARTXXXIIAVDE.docx#PTIIICOOR_CH2AD_ARTXXXIIAVDE_S2-286RE) pertained to the county manager's authority as to tenant or user projects or program of projects.

Sec. 2-286.1. County Manager's authority for retail activities at Miami International Airport.

(a) The County Manager shall implement retail activities (which shall be defined as including retail, food, and beverage products and services) at Miami International Airport envisioned in the Retail Concessions Master Plan, dated May 1995, as it may be administratively amended from time to time. Notwithstanding any other provisions of the Code, and notwithstanding any prior resolution or administrative order approved by the Board, including, but not limited to, Resolutions No. R. 1586-72 and 1587-72, and Administrative Orders No. 3-2, 3-4, and 3-16, the provisions of which resolutions and administrative orders are hereby waived, the County Manager shall have the following authority as to retail activities at the Airport:

(1) Maintain close working relationships with the signatory air carriers at the Airport to obtain their input into the retail activities at the Airport, and execute amendments to airline agreements so as to permit negotiation of concessions at the Airport;

(2) Issue invitations for bids, requests for qualifications, and requests for proposals for concessions, activities, services or goods related to retail activities at the Airport, provided, however, that to the extent permitted by state law and by contract, such invitations and requests in the discretion of the County Manager may be limited to retail or suppliers, including a single retailer or supplier, whom the County Manager determines will best meet the goals of the Retail Concessions Master Plan;

(3) Enter into negotiations with a single retail concession provider, or competitive negotiations with two (2) or more retail concession providers, whom the County Manager in his discretion determines will best meet the goals of the Retail Concessions Master Plan. If the proposed concession will be exclusive, the County Manager is authorized to comply with all requirements of Section 125.012(17), Florida Statutes;

(4) Negotiate and settle all claims arising out of the foregoing leases and concession agreements;

(5) To the extent permitted by ordinance and other law, establish Disadvantaged Business Enterprise goals and set asides for concessions;

(6) For any agreement with a concessionaire or tenant, authorize reimbursement or rental credit for construction and other costs for relocation of all or a portion of its premises, preparation of its premises for occupancy, and making changes or emergency repairs to the premises in any manner necessary or reasonably required to meet the requirements of the retail activities; provided that the concessionaire or tenant shall comply with the County's competitive bidding requirements, the essential requirements of [Section 2-10.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE), DBE contract measures, and any other directions provided by the County Manager;

(7) For all the foregoing leases and concession agreements subject to [Section 2-8.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.3MARE) of the Code, waive the provisions of [Section 2-8.3](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.3MARE) to the extent provided in the solicitation documents;

(8) Extend any concession, management agreement or agreement related to the retail activities on a month-to-month basis for so long as may be needed to avoid disruption of concession services to passengers, and

(9) Delegate authority for execution of actions or authorizations permitted hereunder to the Aviation Director or his or her designee.

(b) The County Manager may exempt from the County's classified service such Aviation Department employees as determined by the County Manager to be necessary or reasonably required for the efficient management or administration of retail activities at the Airport.

(c) From the day on which any advertisement of a competitive contract is placed by the County Manager until the day the County Manager's notice of intent is filed with the Clerk, neither the bidder nor any one on its behalf shall have any contact with the County Manager, any County Commissioner, or any member of their staff, except for any person specifically designated by the County Manager in the contract documents or otherwise, or except in response to any inquiry or contact initiated by the County Manager.

(Ord. No. 95-138, § 1, 7-25-95; Ord. No. 97-157, § 1, 9-23-97)

**Editor's note—**

Ord. No. 95-138, § 1, adopted July 25, 1995, amended the Code by the addition of [§ 2-286](../level3/PTIIICOOR_CH2AD_ARTXXXIIAVDE.docx#PTIIICOOR_CH2AD_ARTXXXIIAVDE_S2-286RE), which provisions have been redesignated at the discretion of the editor as [§ 2-286.1](../level3/PTIIICOOR_CH2AD_ARTXXXIIAVDE.docx#PTIIICOOR_CH2AD_ARTXXXIIAVDE_S2-286.1COMAAUREACMIINAI)

Secs. 2-287—2-290. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 73-8, § 1, adopted Feb. 6, 1973, amended Ch. 2 of this Code by adding Art. XXXII, §§ 2-278—2-284. [(Back)](#BK_5C67C8FC0E1380AF95CEAFD7748B7AD6)

Annotation—AO 9-1 [(Back)](#BK_5C67C8FC0E1380AF95CEAFD7748B7AD6)

**Cross reference—** Aviation Department rules and regulations, Ch. 25. [(Back)](#BK_5C67C8FC0E1380AF95CEAFD7748B7AD6)

### ARTICLE XXXIII. CULTURAL AFFAIRS COUNCIL [[54]](#BK_99177387A92327EE6CD584B74FC6B312)

[Sec. 2-291. Miami-Dade County Cultural Affairs Council created; purpose; objectives.](#BK_27B47AC49DF9CADC8619ABE22BAC8CE0)

[Sec. 2-292. Definition of "the arts and sciences."](#BK_729E43AB3CA6F4D7C4E9154E530BE28C)

[Sec. 2-293. Membership and organization.](#BK_8F1B4E15F4C2381E7A57C46ABE709A20)

[Sec. 2-294. Council officers.](#BK_3E0A9FE26F519EF8148473787E975C19)

[Sec. 2-295. Executive Director.](#BK_F44D9408AA94C656EA000CEDDA28EA64)

[Sec. 2-296. Powers of the Council.](#BK_76ABF03EE940F84243A5A02268C9DD2B)

[Sec. 2-297. Council meetings; public hearings; committees and advisors; reports; rules.](#BK_270E0A9B29C956D7593275C78CB57ADD)

[Sec. 2-298. Initial Council; funding.](#BK_35FAA09A2FADC80A6D9DCC4EEC168B4D)

[Sec. 2-299. Construction of provisions.](#BK_871234873CF0F8ED22D5642C9BC0C5F3)

Sec. 2-291. Miami-Dade County Cultural Affairs Council created; purpose; objectives.

There is hereby created and established the Miami-Dade County Cultural Affairs Council, hereinafter referred to as the Council, a part of the government of Miami-Dade County, Florida, for the purpose of developing, coordinating and promoting the performing and visual arts and the sciences, in Miami-Dade County, contracting for artistic services, performances, and exhibits, and developing physical facilities for the use of the arts and sciences, all for the enjoyment, education, cultural enrichment, and benefit of the citizens of Miami-Dade County. In furtherance of said purpose, the Council shall attempt to accomplish the following objectives:

(1) Stimulate greater governmental and public awareness and appreciation of the importance of the arts and sciences to the people of Miami-Dade County.

(2) Encourage and implement greater and more efficient use of governmental and private resources for the development and support of the arts and sciences.

(3) Encourage and implement opportunities for County residents to participate in artistic and scientific activities.

(4) Promote the development of Miami-Dade County artists, scientists and institutions and community organizations sponsoring arts and science activities, and audiences.

(5) Survey and assess the needs of the arts and sciences, and of the people of this County relating thereto and make such information promptly and regularly available to all interested agencies and persons upon request.

(6) Support and implement the preservation and growth of the County's artistic and scientific resources.

(7) Foster the development of a receptive climate for the arts and sciences to culturally enrich and benefit the citizens of Miami-Dade County in their daily lives, to make Miami-Dade County visits and vacations all the more appealing to the world and to attract to Miami-Dade County residency additional outstanding creators in the field of arts and sciences through appropriate programs of publicity, education, coordination and to sponsor activities such as the presentation of lectures and exhibitions and central compilation and dissemination of information on the progress of the arts and sciences in Miami-Dade County.

(8) Encourage and coordinate the artistic and scientific activities of other governmental agencies, including those concerned with the public educational system.

(9) Provide Miami-Dade County cultural organizations with information and assistance.

The purposes and objectives provided by this section are hereby deemed to be public purposes.

(Ord. No. 76-34, § 1, 4-20-76; Ord. No. 87-34, § 1, 6-2-87)

Sec. 2-292. Definition of "the arts and sciences."

The boundaries of the arts and sciences are constantly changing, but for the purposes of this article shall include, without limitation, all phases of the visual and performing arts and shall also include the exhibition of all forms of history and science, when such activities are conducted by nonprofit organizations.

(Ord. No. 76-34, § 2, 4-20-76)

Sec. 2-293. Membership and organization.

(a) Each Council member will be charged with the responsibility of serving the best interests of the arts and sciences in the County within the purposes of this article, and no Council member shall view his or her Council role to be that of representing any particular geographic area of the County, interest group, arts or science institution, community organization, or audience.

(b) (1)  
The Council shall consist of fifteen (15) members. No person shall be qualified to sit as a member of the Cultural Arts Council if he or she is a salaried Manager, administrator or director of any cultural organization in Miami-Dade County. Each Council member: (i) shall be affiliated with one or more local cultural organizations, (ii) shall be an active member of one or more charitable, educational or other organizations which provide community benefits, (iii) shall have relevant professional experience or (iv) shall possess stature within the community.

(2) Vacancies on the Council shall be filled by the County Commission. The members shall be appointed for staggered terms. Each board member shall be appointed to a term which shall end concurrently with the last day of the term of the County Commissioner who appointed the Board member, as provided in Section 2-38.2 of this Code. If a vacancy occurs prior to the expiration of the Board member's term, the County Commissioner who appointed that member shall appoint a new member to fill the balance of the term. Subject to the provisions of this paragraph, the Council's fifteen (15) members shall consist of thirteen (13) members appointed by individual Commissioners and two (2) members appointed by the Board of County Commissioners to a term of four (4) years. Individual Commissioners shall each appoint one (1) member until thirteen (13) members shall have been appointed by individual Commissioners. The next two (2) appointments shall be made by the Board of County Commissioners. In filling any vacancy to be filled by the Commission, the County Commission shall select the replacement Council member from a list of three (3) candidates to be submitted by the remaining members of the Council. In the event that none of the three (3) candidates suggested meets Commission approval, the Council shall submit another and entirely different list for Commission consideration. This process shall continue until a suitable replacement has been found to fill the existing or anticipated vacancy.

(3) The Council shall endeavor to make the public aware of any vacancy which occurs, or which is expected, by complying with the notice and publication requirements established in subsection (f) of this section. The Council shall then receive open nominations from citizens of Miami-Dade County before submitting any list of candidates to the County Commission. As any vacancies occur, the Council shall furnish the Board of County Commissioners with a list of the qualifications and demographic backgrounds of the present members of the Council.

(c) All members of the Council shall be qualified electors residing in the County.

(d) No Council member shall serve more than eight (8) consecutive years on the Council; provided that this limitation shall not be applicable to Council members with unexpired terms on November 1, 1993 who were reappointed after that date. Nothing shall prohibit any individual from being reappointed to the Council after a hiatus of two (2) years.

(e) No Council member may receive compensation for his or her services, but the council may approve reimbursement for expenses necessarily incurred in the performance of a member's duties.

(f) For purposes of this section, notice and publication requirements shall be deemed to have been met by advertisement three (3) consecutive days in a newspaper of County-wide circulation at least fourteen (14) days prior to the taking of the intended action.

(Ord. No. 76-34, § 3, 4-20-76; Ord. No. 89-106, § 1, 11-7-89; Ord. No. 94-06, §§ 1, 2, 1-18-94)

Sec. 2-294. Council officers.

The Council shall elect annually one of its members to be its Chairperson, and another as Vice-Chairperson.

(Ord. No. 76-34, § 4, 4-20-76)

**Annotations—**CAO's 76-31, 78-44, 81-22.

Sec. 2-295. Executive Director.

The County Manager, with the advice and consent of the Council, and subject to approval by the County Commission, shall appoint an Executive Director who shall be a full-time employee and shall receive a salary fixed by the County Commission. The Executive Director shall carry out the policies and programs established by the Council, shall employ, subject to Council approval, such full-time and part-time staff and consultants as appropriate to carry out those policies and programs and shall be in charge of the day-to-day operation of those policies and programs.

(Ord. No. 76-34, § 5, 4-20-76)

Sec. 2-296. Powers of the Council.

The Council shall have all legal powers necessary and appropriate to effectuate its objectives and the purposes as set forth in this article, subject to the approval of the County Commission, including, but not limited to, the power:

(1) To have a seal and to alter the same at pleasure.

(2) To provide financial support, including grants, matching grants, loans and guarantees, when other sources of financial support are unavailable or impractical, to Florida artists, arts institutions, local arts interests, and community organizations sponsoring arts activities pursuant to such regulations as the Council may adopt and publish.

(3) To adopt rules for the regulation of its affairs and the conduct of its business.

(4) To acquire by grant, purchase, gift or devise all property, real or personal, or any estate or interest therein necessary, desirable or convenient for the purpose of this article, and to lease or rent all or any part thereof and to exercise all of its powers and authority with respect thereto.

(5) To lease or contract for the operation of any part of any of the cultural facilities of the Council, subject to reasonable notice, bids and hearing.

(6) To fix and collect rates, rentals, fees and charges for the use of any and all of the cultural facilities of the Council.

(7) To contract for the operation of concessions on or in any of the cultural facilities of the Council, subject to reasonable public notice, bids and hearing.

(8) To advertise within or without the State any of the activities, events or facilities of the Council.

(9) To make and enter into all contracts and agreements necessary or incidental to the purposes and the performance of the duties imposed and the execution of the powers granted under this article, and to employ such Director, consulting services, engineers, superintendents, managers, construction and financial experts and attorneys, and such employees and agents as may, in the judgment of the Council, be deemed necessary, and to fix their compensation.

(10) To cooperate and contract with the government of the United States or the State of Florida, or any agency or instrumentality thereof, or with any municipality, district, private corporation, copartnership, association, or individual providing for or relating to cultural activities, events or facilities.

(11) To organize advisory committees.

(12) To recommend for consideration the names of at least three (3) qualified persons for each vacancy that occurs on the Council that will be filled by the Board of County Commissioners.

(13) To give such priority to the accomplishment of the purposes, objectives, and duties of the Council as it shall determine to be in the best interests of the arts and sciences and the people of Miami-Dade County.

(14) To request and obtain such assistance, services, and information from other governmental agencies or entities as will enable the Council to properly carry out its objectives under this article.

(15) To do all acts or things necessary or convenient to carry out the powers expressly granted in this article.

(16) To seek and accept appropriations or funds from any federal, State, County, city, or municipal governmental entity, or any individual, partnership, joint venture, or corporation.

(17) To create associate memberships.

(18) To recommend certain grant awards to be made final by the County Manager without further action of the Board of County Commissioners.

(a) The Council may by this method recommend grant awards subject to the following:

(i) Grantees shall be nonprofit corporations or, notwithstanding the provisions of [Section 2-10](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-10SAATBODUFI) herein, units of local or State government;

(ii) The Council may recommend up to three thousand nine hundred ninety-nine dollars ($9,999.00) in one (1) fiscal year to each grantee;

(iii) The Council shall recommend grant awards by a method that recognizes the cultural and ethnic diversity of this community; and

(iv) Each grant shall be for the purpose of enhancing cultural and community activities within Miami-Dade County, to assist in the creation of a nurturing climate for artists and Miami-Dade County audiences, to enhance the quality of life in Miami-Dade County for residents and visitors and to make Miami-Dade County a better place in which to live, work and visit.

(b) All recommended grant awards shall be reviewed by the County Attorney and approved as to form and legal sufficiency prior to award.

(c) Approval of any proposed grant that fails to meet any of the conditions of paragraph (18)(a) or (b) can only be accomplished by the Board of County Commissioners.

(d) The Council shall furnish a report to the culture and recreation committee no less frequently than monthly listing all grants awarded under this subsection (18).

(Ord. No. 76-34, § 6, 4-20-76; Ord. No. 89-94, § 1, 9-26-89; Ord. No. 89-106, § 2, 11-7-89)

**Annotations—**CAO's 78-3, 78-23.

Sec. 2-297. Council meetings; public hearings; committees and advisors; reports; rules.

(a) (1)  
All meetings shall be open to the public. Council meetings shall be held at least quarterly pursuant to notice and at such times and places as the Council shall determine. One-half of the Council membership, plus one (1), shall comprise a quorum for the transaction of business at Council meetings.

(2) Continued and unexcused absence from Council meetings shall constitute cause for a member's removal from the Council, and replacement as provided for in subsection (b) of [Section 2-293](../level3/PTIIICOOR_CH2AD_ARTXXXIIICUAFCO.docx#PTIIICOOR_CH2AD_ARTXXXIIICUAFCO_S2-293MEOR). Such action shall be taken only with approval of two-thirds of the remaining Council members.

(b) The Council shall hold at least one public hearing annually, pursuant to public notice specifying the date and place of hearing and the subjects to be considered, specifically for the purpose of making the Council's work known and investigating and assessing the needs and development of the arts and sciences in the County.

(c) The Council may establish such working committees of Council members as it deems appropriate to carry out its purposes, objectives, duties and powers.

(d) The Council may convene such advisory panels and may consult with such advisors and experts as it deems necessary and appropriate for carrying out its objectives, duties and powers, and it shall initially establish and consult a professional advisory committee.

(e) The Council shall formulate and publish rules and regulations setting forth the criteria pursuant to which its financial aid is given, and such other rules regarding its activities as it deems appropriate.

(f) The Council shall annually file with the Board of County Commissioners a report summarizing its activities conducted during the preceding year and setting forth such recommendations, including recommendations with respect to present or proposed legislation, concerning State encouragement and support of the arts, as it considers appropriate. The Council's annual report, and such other reports as it deems appropriate, shall be made available to the public.

(Ord. No. 76-34, § 7, 4-20-76)

**Annotations—**CAO's 76-28, 77-6.

Sec. 2-298. Initial Council; funding.

(a) *Selection of initial members.* The initial fifteen (15) Council members shall be selected as follows:

(1) The Planning Advisory Board shall submit all public nominations received by it as of March 31, 1976, to both the Mayor's Advisory committee on the Arts and the Cultural Executive Council/Junior League.

(2) Both the Mayor's Advisory Committee on the Arts and the Cultural Executive Council/Junior League shall consider said public nominations, together with any additional nominations that either group may have, and each group will submit forty-five (45) nominations to the Planning Advisory Board.

(3) The Planning Advisory Board will select forty-five (45) nominations from the total of ninety (90) received and submit these forty-five (45) nominations to the Board of County Commissioners.

(4) From the forty-five (45) names submitted by the Miami-Dade County Planning Advisory Board the initial fifteen (15) Council members shall be appointed by the Board of County Commissioners.

(b) *Fundings by Miami-Dade County.* Requests of the Council for funding by Miami-Dade County shall be initiated through the County Manager in accordance with established procedures.

(Ord. No. 76-34, § 8, 4-20-76)

Sec. 2-299. Construction of provisions.

This article, being for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 76-34, § 9, 4-20-76)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 76-34, enacted April 20, 1976, amended this Code, but did not specify the manner thereof, hence inclusion of §§ 1—9 herein as Art. XXXIII, §§ 2-291—2-299, was at the discretion of the editors. [(Back)](#BK_32221B8257A9A650EDB9B65BAE92439A)

Annotation—CAO 82-18. [(Back)](#BK_32221B8257A9A650EDB9B65BAE92439A)

### ARTICLE XXXIIIA. SOUTH FLORIDA CULTURAL CONSORTIUM [[55]](#BK_5A4359981C3E07907D02C9B39C138E5A)

[Sec. 2-300. Consortium created.](#BK_3BBA3DB0173665245DA0D0FEE96D5785)

[Sec. 2-300.1. Purpose.](#BK_7B3298BF7EEAC0F626770B2EFCE6FB5E)

[Sec. 2-300.2. Membership.](#BK_286B043F9332347FEC733A1FB5D6FCF1)

[Sec. 2-300.3. Meetings.](#BK_506C7A79BCFBAA7A179E0724009A20DC)

[Sec. 2-300.4. Powers.](#BK_782AB6B109AD13581B7EEC160C30D347)

[Sec. 2-300.5. Membership contributions.](#BK_4DC1DD01D2F3FD0FD95A04EAC89A2878)

[Sec. 2-300.6. Fiscal and administrative agent.](#BK_8CA2A40FE41554618898C25A8E6548FD)

[Sec. 2-300.7. Contract approval.](#BK_F85166FAFF4C0FDE5A81A245A59CD86F)

[Sec. 2-300.8. Prohibition on borrowing.](#BK_DF593BDE319F6EE5C3A84EAF504AEAD1)

[Sec. 2-300.9. Cooperation.](#BK_3B92AE085D3904814EB4B6A5161FA035)

[Sec. 2-300.10. Legal advisor.](#BK_D753CC8F587AFAADD97939479F5EDF2E)

[Sec. 2-300.11. Establishment of uniform rates for services and materials offered.](#BK_691C7247533ECCED754FD7BE743E0D77)

[Sec. 2-300.12. Distribution of assets.](#BK_16587E8E4706382AD69DD7451CACE657)

[Sec. 2-300.13. Insurance.](#BK_4F2015076F3FAE6A3771F8D34FEEBAEB)

[Sec. 2-300.14. Reports.](#BK_678E057026FB8C390128025AE09C9F89)

[Sec. 2-300.15. Delegation of powers.](#BK_5357E7762B1F93664DACD7BE361CC785)

[Sec. 2-300.16. Interlocal agreement.](#BK_F2F19DDF677CAFE89921DB3D8A17866E)

Sec. 2-300. Consortium created.

There is hereby authorized to be created and established, pursuant to Section 163.01, Florida Statutes, an agency of Miami-Dade County to be known as The South Florida Cultural Consortium (hereinafter "Consortium").

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.1. Purpose.

The purpose of the Consortium shall be to create a formal process for intercounty cooperation for enhancement, encouragement and public expenditures in support of culture and the arts within Broward, Miami-Dade, Monroe, and Palm Beach Counties and with such other government entities with which these counties may in the future contract.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.2. Membership.

The membership of the Consortium shall be composed of the Chair of each county's cultural council responsible for matters relating to culture and the arts and the executive Director of each county cultural council, or such other Council staff member as the county manager or county administrator for each respective county may designate.

Members shall serve without compensation but may be reimbursed from consortium funds for actual authorized expenses incurred in the discharge of their duties as provided below.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.3. Meetings.

The Consortium will meet no less frequently than two (2) times per year and otherwise as may be called by the Chair of the Consortium. The Consortium shall annually elect a Chair from among the members who are executive directors or designated staff people. In the event the Chair resigns, a new election shall be held as soon as practicable. Each member shall have one (1) vote and a member must be present to exercise that vote. A quorum shall consist of a majority plus one (1) of all Consortium members. All Consortium action, except as noted below, shall require a majority vote at a duly constituted meeting. A matter may be reconsidered at the same meeting at which it was initially decided or at the next meeting of the Consortium, provided that the motion to reconsider must be offered by a member who voted with the majority at the initial determination. The fiscal year shall be October 1 through September 30.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.4. Powers.

The Consortium shall have the following powers which may be exercised without further approval of the governing body of any participating County:

(a) To seek and accept in the name of the participating counties, federal, State, local or private gifts, grants, assistance, funds and bequests in the furtherance of its purposes;

(b) To enter into contracts for commodities, goods and services, and into leases not exceeding one (1) year in duration and these contracts and leases shall bind the participating counties to the same extent as if entered into by those counties directly;

(c) To expend or carry over budgeted sums to the succeeding fiscal year, provided that all expenditures and leases shall be in accordance with federal regulations, State law and the Miami-Dade County Charter, ordinances and procedures, and further provided that where Miami-Dade County ordinances and procedures require action by the Miami-Dade County Board of County Commissioners, then action by the Consortium shall be required in lieu thereof, and where Miami-Dade County ordinances and procedures require action by the County Manager, then action by the Chair shall be required in lieu thereof;

(d) To grant moneys in accordance with a formal program or programs which it shall develop; and

(e) To acquire, operate, maintain, lease or sell any personal property subject to federal grant restrictions. At no time may the Consortium expend or commit more money in any fiscal year than it has received. The Consortium may sue and be sued in its own name; provided that each participating county shall bear an equal share of all liabilities incurred as a result of formal Consortium acts.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.5. Membership contributions.

Unless a County withdraws from the Consortium by giving notice prior to October 31 of its intention not to participate effective January 1 of the following year, each County shall contribute an equal amount of dollars to fund the Consortium for each calendar year of the Consortium and that amount shall not be less than sixty-six thousand six hundred and seventy dollars ($66,670.00). Each County shall include this amount in its annual budget and shall hold its contribution in a segregated fund/project until committed for expenditure by formal action of the Consortium.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.6. Fiscal and administrative agent.

Miami-Dade County shall be designated as the fiscal and administrative agent for the Consortium. All sums due to the Consortium from any source except the contributions of the other counties shall be paid to Miami-Dade County. No expenditure shall be made without formal authorization from the Consortium in accordance with procedures which it shall adopt. Documentation of all expenditures associated with contributions of the other counties shall be maintained and provided to Miami-Dade County.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.7. Contract approval.

All contracts, leases and expenditures shall be formally approved by the Consortium and signed by the Executive Director of the Miami-Dade Cultural Affairs Council, acting in his capacity as administrative and fiscal agent for the Consortium.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.8. Prohibition on borrowing.

Without the express authorization of each of the participating counties, the Consortium may not borrow funds nor issue debt instruments; provided that nothing in the article shall prevent the Consortium from leasing equipment or paying for equipment under a lease-purchase or installment sale agreement, the term of which shall not exceed the remaining term of the interlocal agreement authorized hereby.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.9. Cooperation.

Employees of the participating counties shall reasonably cooperate with the Consortium and shall provide such in-house service as may be available. The Consortium may engage such consultants and other service providers as it deems necessary.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.10. Legal advisor.

The Miami-Dade County Attorney shall furnish legal advice and representation to the Consortium. All contracts and leases to be considered by the Consortium must have been approved by the Miami-Dade County Attorney's Office for form and legal sufficiency before Consortium action.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.11. Establishment of uniform rates for services and materials offered.

The Consortium shall establish uniform rates for the temporary use of any equipment it may lease, service it may provide, or literature it may sell to the general public. The Consortium shall establish such rules and regulations as may be necessary in the conduct of its business. These rates, rules and regulations shall be enforced in each participating County as if they had been promulgated by each County Commission by resolution.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.12. Distribution of assets.

At the termination of the Consortium all property then held by the Consortium in which the federal government holds no equity shall be evaluated and distributed among the participating counties or sold at public auction and the proceeds distributed to those counties. Property purchased with federal grant funds shall be disposed of in accordance with applicable regulations.

At the termination of the Consortium each participating County is entitled to an equal proportionate share of all property (or the proceeds thereof) acquired in part with the contribution of that County. Any County terminating its participation prior to the termination date fixed by the Consortium, as it may be extended from time to time, shall not be entitled to any share of any property or the proceeds thereof.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.13. Insurance.

The Consortium will participate with the Miami-Dade County self-insurance program and may purchase insurance.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.14. Reports.

The Consortium shall, in February of each year during the term of this article, report to the County Commission of each of the participating counties as to the past and proposed activities of the Consortium. In addition, copies of all agendas and of minutes of each Consortium and Executive Committee meeting shall be furnished to the County administrator or Manager and the County Attorney or general counsel of each party.

(Ord. No. 85-26, § 1, 4-16-85; Ord. No. 88-103, § 1, 11-1-88)

Sec. 2-300.15. Delegation of powers.

The Consortium may delegate to its Executive Committee any and all of the business of the Consortium. The Executive Committee shall be composed of the executive director members of the Consortium. The Executive Committee shall meet no less frequently than ten (10) times during each calendar year. A quorum of the Executive Committee shall be three (3) members, and the Consortium Chair shall Chair the Executive Committee. All meetings of the Executive Committee shall comply with the requirements of the Florida Government in the Sunshine Law.

(Ord. No. 85-26, § 1, 4-16-85)

Sec. 2-300.16. Interlocal agreement.

To implement the foregoing article, Broward County, Miami-Dade County, Monroe County, and Palm Beach County shall, at the earliest practicable time, enter into an interlocal agreement pursuant to the provisions of Section 163.01, Florida Statutes.

(Ord. No. 85-26, § 1, 4-16-85)

FOOTNOTE(S):

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**Editor's note—** For purposes of classification and for ease of reference, the editor has grouped §§ 2-300—2-300.16, as enacted by Ord. No. 85-26, under an article title, Art. XXXIIIA, and has renumbered the former article XXXIIIA as XXXIIIB. Language naming specific persons in § 2-300.2 has been deleted to preserve the general and permanent format of the Code. Consult the text of the original ordinance, on file in the Office of the County Clerk, to determine the names of the individuals. [(Back)](#BK_274933B16089B0B4321411D6EB060754)

### ARTICLE XXXIIIB. CENTER FOR THE FINE ARTS [[56]](#BK_426742B6CCA5FE56686E300689A59A75)

[Sec. 2-301. Preamble.](#BK_0F22460C38376C2CFECF0B5080A3A89E)

[Sec. 2-302. Definitions.](#BK_C9250EDCDD864733F46879DC0B71C995)

[Sec. 2-303. Department established.](#BK_E1592ECD7227C3AA9CF4F966B8286F39)

[Sec. 2-304. Department; powers and duties.](#BK_2B7AB507252A214FD2FD04DE4689736E)

[Sec. 2-305. Association.](#BK_DAEA41B5F5833C283F8DE998D27CD1E3)

[Sec. 2-306. Association; rights and obligations.](#BK_676D9CA359B6BFB08E31D6DC8B73752E)

Sec. 2-301. Preamble.

This Board of County Commissioners owns and has constructed the Center for the Fine Arts building as an integral part of the Miami-Dade Cultural Center in Miami. It is the intention of the Board of County Commissioners that the County support the operation and maintenance of the facilities of the Center, and that the programming policies and expenses for the center be determined and borne by a private nonprofit corporation.

(Ord. No. 87-1, § 1, 1-20-87)

Sec. 2-302. Definitions.

(a) *Association:* The Center for the Fine Arts Association, Inc., a private, nonprofit corporation, with membership open to the general public and with reasonable annual membership fees. The Association is not an agency or instrumentality of Miami-Dade County. Its articles, bylaws and regulations shall be promulgated by its Board of Trustees.

(b) *Center for the Fine Arts:* That building located within the Miami-Dade Cultural Center in Miami that houses fine arts exhibitions.

(c) *Center for the Fine Arts Department:* A department of Miami-Dade County established by this article [Ordinance Number 87-1] to operate and maintain the facilities of the Center for the Fine Arts.

(d) *Director:* The head of the Center for the Fine Arts Department and, at the discretion of the Association, may also be the Chief Administrative Officer of the Association.

(e) *Trustees:* The Board of Trustees of the Center for Fine Arts Association, Inc.

(Ord. No. 87-1, § 1, 1-20-87)

Sec. 2-303. Department established.

The Center for the Fine Arts Department is hereby established, which shall be responsible for the operation and maintenance of the Center for the Fine Arts. The head of this Department is the Director of the Center for the Fine Arts. The Director shall carry out the policies and programs established by the Association and shall be in charge of the day to day operations of the Center for the Fine Arts. The Association trustees may nominate candidates for the position of Director to the County Manager; and may recommend to the County Manager that the Director be discharged, but the Director shall be appointed by and serve at the will of the County Manager. The organization and operating procedures of the Department shall be prescribed by administrative orders and regulations of the Manager. The Director shall appoint such employees as may be necessary to operate the Department.

The compensation of all personnel, except employees with the classified service, shall be fixed by the County Manager. The Director may receive supplemental compensation and expenses, payable from the association, in addition to the compensation paid by the County Commission, as shall be determined from time to time jointly by the Association and the County Manager.

Annotation—AO 9-1

Sec. 2-304. Department; powers and duties.

(a) *Contracts.* No contract executed by the Director, shall be binding upon Miami-Dade County, unless specifically approved by the Board of County Commissioners.

(b) *Maintenance.* The Department shall operate and maintain the Center for the Fine Arts in accordance with appropriate museum practices and shall provide all water, sewer, electrical, repair, security services as the Center may reasonably require.

(c) *Rules and regulations.* Except as to admission charges, the Department may promulgate rules and regulations regarding the use of the center.

(Ord. No. 87-1, § 1, 1-20-87)

Sec. 2-305. Association.

(a) The Association, shall support the Center for the Fine Arts and shall foster community involvement in the Center for the Fine Arts' activities. The Association shall fund exhibitions and other programs at the Center for the Fine Arts for the advancement of public knowledge and appreciation of art and design. The Association shall actively interact with other components of the Miami-Dade Cultural Center to advance the cultural life and experience of the residents of and visitors to Miami-Dade County. With respect to the display of works and collections of art, the primary objective of the Association shall be the attraction to the Center of major art exhibitions loaned by other institutions and individuals. No permanent exhibition is contemplated. With respect to its other objectives, the Association shall conduct lectures, seminars and any other functions or operations appropriate for the dissemination of public knowledge and appreciation of art and shall promote the exchange of artists' aesthetic expressions, concepts and practices among the various academic, cultural, ethnic, religious and social groups within Miami-Dade County.

These objectives may be revised or restated by the Association trustees.

(b) Neither the Board of Trustees nor any of its members shall direct the appointment of any person to, or his removal from, office by the Director or any of his subordinates. Except for the purpose of inquiry, the Board and its members shall deal with the Department employees solely through the Director, and neither the Board nor any of its members shall give orders to any Department employees either publicly or privately.

(c) The bylaws of the Association shall provide that the Association shall hold the County and any individuals serving or employed by the County entirely harmless from and against any and all liabilities, damages, costs, expenses, causes of action, suits, claims, demands or judgments of any nature which arise from the negligent or deliberate acts or omissions of the Association, its officers, trustees, employees or agents; provided however, that this provision shall not apply to actions of or directed by any County employee.

(d) The Association is intended to reflect and be responsive to the cultural needs of the community. The Association should provide a broad source of community support for the Center for the Fine Arts, coordinating its private fund-raising activities and service of volunteers. To these ends, the bylaws and regulations of the Association shall encourage the membership of, and participation in the activities of the Association by, citizens of the diverse cultural, ethnic and artistic backgrounds in Miami-Dade County.

(e) The Association shall establish a fiscal year which coincides with that of Miami-Dade County. Its budget in connection with the operations of the Center for the Fine Arts shall be balanced.

(Ord. No. 87-1, § 1, 1-20-87)

Sec. 2-306. Association; rights and obligations.

The Association shall be responsible for funding all programming of the Center for the Fine Arts. The Board of County Commissioners may from time to time budget or grant funding support to the Association.

(a) *Admissions and charges.* The Association may set and collect admissions rates and charges for entrance to the Center for the Fine Arts or any part thereof and may use the funds so collected as it may designate; provided, however, that at least one (1) day each week, admissions shall be free or on a voluntary donation basis and further provided, that the Board of County Commissioners shall approve the schedule of admissions charges as may be in effect from time to time.

(b) *Gift store.* The Association shall have the exclusive right to sell merchandise inside the Center for the Fine Arts and to determine the identity and nature of items offered for sale. No partial assignment, concession, license, or sublease agreement for the gift shop may be entered into without the prior consent of the County regarding selection criteria and the identity of the assignee.

(c) *Annual report.* The Association shall report to the Board of County Commissioners, no less frequently than once each year, the Association budget and programming at the Center for the Fine Arts.

(d) *Books and records.* The Association shall maintain books and records in accordance with generally accepted accounting principles. The Association shall furnish an audited accounting to the County within one hundred twenty (120) days after the close of each fiscal year. The County shall have the right to examine and to audit all Association books and records until three (3) years after such time as the Association may cease to exist.

(Ord. No. 87-1, § 1, 1-20-87)

**Annotation—**CAO 79-40.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 87-1, § 1, adopted Jan. 20, 1987, amended Art. XXXIIIB, relative to the Center for the Fine Arts to read as herein set out in §§ 2-301—2-306. Prior to this amendment, Art. XXXIIIB, §§ 2-301—2-307, derived from Ord. No. 78-46, § 1, adopted July 18, 1978; Ord. No. 79-65, § 1, adopted July 17, 1979; Ord. No. 79-108, §§ 1, 2, enacted Dec. 4, 1979; Ord. No. 81-39, § 1, adopted April 21, 1981; and Ord. No. 82-77, § 1, enacted Sept. 7, 1982. [(Back)](#BK_FE5710A213029F4AD34425EC66F1AB6E)

Annotation—AO 9-1 [(Back)](#BK_FE5710A213029F4AD34425EC66F1AB6E)

**Cross reference—** Works of art in public places, § 2-11.15. [(Back)](#BK_FE5710A213029F4AD34425EC66F1AB6E)

### ARTICLE XXXIIIC. RESERVED [[57]](#BK_D3C3FF09CF3077085E91F37EB051267E)

[Secs. 2-307—2-310. Reserved.](#BK_16336307FF31BE30D42C6A71ADA85B96)

Secs. 2-307—2-310. Reserved.

FOOTNOTE(S):

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**Editor's note—** Section 1 of Ord. No. 08-119, adopted Oct. 7, 2008, deleted Art. XXXIIIC, Performing Arts Center Trust, §§ 2-307—2-307.6, as the trust established by Ord. No. 88-114, adopted Dec. 6, 1988, has been abolished. [(Back)](#BK_3E5B3D85BE0A07754C66EA9DED4111A4)

### ARTICLE XXXIV. COMMISSION ON DISABILITY ISSUES [[58]](#BK_AC1C11A9F9FEF22D627FE23FE5C81D51)

[Sec. 2-311. Short title.](#BK_64E05E850A36DC1FCF4BE8D0CA35619F)

[Sec. 2-312. Commission on Disability Issues established.](#BK_9FB5329ABC20AF5471B151AEE3D3A5E2)

[Sec. 2-313. Qualifications of members.](#BK_8DA43EBF47D7193D95CC153BB1FD7A38)

[Sec. 2-314. Appointments and terms of office.](#BK_B6AA39B6FD04B1E4A3B41536D4B50A20)

[Sec. 2-315. Organization of the Commission.](#BK_0C8CCE2727D419AB8E2DA658544B8A49)

[Sec. 2-316. Prerogatives and powers of the Commission.](#BK_104C67EE78DCB81E35A78C158912DA94)

[Sec. 2-317. Limitations of powers.](#BK_112D013FAD6A633A2F9E74E110B78AC7)

[Sec. 2-318. Staff support.](#BK_B76440ABDAFB767EC06D5847ED202178)

Sec. 2-311. Short title.

This article, enacted under and pursuant to the provisions of the Home Rule Charter of Government for Miami-Dade County, Florida, shall be known and may be cited as the "Miami-Dade County Commission on Disability Issues."

(Ord. No. 77-23, § 1, 4-19-77; Ord. No. 94-04, § 1, 1-18-94; Ord. No. 02-133, § 1, 7-23-02)

Sec. 2-312. Commission on Disability Issues established.

The Miami-Dade County Commission on Disability Issues is hereby created and established. The commission shall consist of thirteen (13) members appointed by the Board of County Commissioners.

(Ord. No. 77-23, § 2, 4-19-77; Ord. No. 79-90, § 1, 10-16-79; Ord. No. 94-04, § 2, 1-18-94; Ord. No. 02-133, § 2, 7-23-02)

Sec. 2-313. Qualifications of members.

Members of the Commission shall be individuals who have demonstrated their dedication to issues affecting persons with disabilities or representatives of organizations or agencies dedicated to the advancement of persons with disabilities. At least fifty (50) percent of the members of the Commission shall be persons with disabilities as defined from time to time in the Americans with Disabilities Act. In the event that the percentage of Commission members with disabilities falls below fifty (50) percent, all succeeding appointees shall be persons with disabilities until persons with disabilities constitute a majority of Commission membership. Members of the Commission shall work in or be permanent residents of Miami-Dade County. Members, while serving, shall not become candidates for election to any public office.

(Ord. No. 77-23, § 3, 4-19-77; Ord. No. 79-90, § 2, 10-16-79; Ord. No. 94-04, § 3, 1-18-94; Ord. No. 02-133, § 3, 7-23-02)

**Annotation—**CAO 77-37.

Sec. 2-314. Appointments and terms of office.

All appointments to the Commission shall be for a term which begins on the day of appointment and expires when the appointing Commissioner's term of office expires or the appointing Commissioner leaves office. A Commissioner who has appointed a Commission member may at any time, with or without cause, remove the member. A member of the Commission may be removed pursuant to the provisions of any general county ordinance relating to advisory boards or by the Board of County Commissioners when the member's absenteeism is generally excessive or the continued membership of the individual would be detrimental to the Commission on Disability Issues as determined by a majority of that Commission. The Commission on Disability Issues will make its determination by a formal motion and vote and the chairperson shall certify said vote to the Clerk of the Board of County Commissioners who shall place the matter on the next available agenda.

When any vacancy occurs on the Commission, the remaining members of the Commission shall recommend up to three (3) persons to the Commissioner responsible for recommending an appointment to that vacancy. That Commissioner shall either recommend to the Board of County Commissioners one of the individuals on the list or the commissioner shall request a new list of three (3) people either including or excluding, at the Commissioner's discretion, specific names from the original list. The Board of County Commissioners shall fill the vacancy from the names submitted.

Terms of office for CODI members shall run from the day of appointment by the Commission and expire when the appointing Commissioner's term of office expires or the appointing Commissioner leaves office. Notwithstanding any other provision of the Code, no member shall serve more than a cumulative total of eight (8) years on the Commission unless reappointed after a hiatus of two (2) years. If a seat remains vacant for more than thirty (30) days then any Commissioner may fill the vacancy. The positions vacated or expiring shall be filled by the Board of County Commissioners in the manner stated above.

(Ord. No. 77-23, § 4, 4-19-77; Ord. No. 79-90, § 3, 10-16-79; Ord. No. 94-04, § 4, 1-18-94; Ord. No. 02-133, § 4, 7-23-02)

Sec. 2-315. Organization of the Commission.

The members of the Commission shall elect a Chairperson, two (2) Vice-Chairpersons and a Secretary. Fifty-one (51) percent of the current members of the Commission shall constitute a quorum necessary to hold a meeting and to take any action provided that at least one-half (½) of the Commission's members have been appointed. The Chairperson shall set date, time and place of the meetings of the Commission, but special meetings may be called upon with agreement by fifty-one (51) percent of the members of the Commission. There shall be at least eight (8) meetings a year. Minutes shall be kept of all meetings of the Commission, under the supervision of the Secretary. All meetings shall be open to the public. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission. The Chairperson, the two (2) Vice-Chairpersons and the Secretary shall constitute the Executive Committee.

(Ord. No. 77-23, § 5, 4-19-77; Ord. No. 79-80, § 4, 10-16-79; Ord. No. 94-04, § 5, 1-18-94; Ord. No. 02-133, § 5, 7-23-02)

Sec. 2-316. Prerogatives and powers of the Commission.

The Commission shall have the following prerogatives and powers:

(a) To serve in an advisory capacity to the Board of County Commissioners and, upon request, the County administration, the community, and all agencies and persons in Miami-Dade County, Florida, in respect to all matters pertaining to the status of persons with disabilities, including but not limited to discrimination against persons with disabilities, employment of persons with disabilities, vocational training for persons with disabilities, establishment of residential facilities in the community for persons with disabilities, transportation needs of persons with disabilities and attitudes towards persons with disabilities in the community, and to make reports and recommendations to these bodies in respect to such matters.

(b) To serve as liaison between the Board of County Commissioners and persons with disabilities of the community, and to consult with representatives of said bodies from time to time as requested and necessary in order to carry out the Commission's functions.

(c) When feasible and desirable, to institute studies and to have studies made of all existing County institutions, facilities, services and programs dealing with or affecting persons with disabilities, and to consider the future needs of Miami-Dade County in respect to such institutions, facilities, services and programs.

(d) To institute studies and to have studies made in respect to, but not limited to, discrimination against persons with disabilities in employment, education, transportation, and architecture; the problems involving the establishment of a residential center for persons with disabilities; the treatment, recreational service and other facilities for persons with disabilities; and the problems of attitudinal barriers toward persons with disabilities.

(e) To formulate and recommend plans and programs for the coordination of the activities of all governmental entities and nongovernmental agencies dealing with problems of persons with disabilities.

(f) To serve as a resource facility to persons with disabilities and to those interested in advancing the welfare of persons with disabilities.

(g) To seek and accept appropriations or funds from interested persons and entities in order to carry out studies and activities for the advancement of persons with disabilities.

(h) To perform any other activities as may from time to time be assigned to the Commission by resolution of the Board of County Commissioners.

(i) To prepare and submit an annual report on the studies and activities of the Commission to the Board of County Commissioners.

(Ord. No. 77-23, § 6, 4-19-77; Ord. No. 02-133, § 6, 7-23-02)

Sec. 2-317. Limitations of powers.

The powers and jurisdiction of the Commission shall be purely advisory, voluntary and persuasive. The Commission shall not have any power or authority to subpoena or compel the attendance of witnesses. The Commission shall have no power to appoint County officers or employees or to make policy decisions, or to manage, control or administer institutions or programs relating to persons with disabilities in Miami-Dade County.

(Ord. No. 77-23, § 7, 4-19-77; Ord. No. 02-133, § 7, 7-23-02)

Sec. 2-318. Staff support.

The Office of Americans With Disabilities Act Coordination shall coordinate, support and provide liaison services for the Commission on Disability Issues.

(Ord. No. 77-23, § 8, 4-19-77; Ord. No. 79-90, § 5, 10-16-79; Ord. No. 94-04, § 6, 1-18-94)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 77-23, nonamendatory of the Code, has been included as Art. XXXIV at the editor's discretion. [(Back)](#BK_2BF517E130F1768EE17F99CB4F90D0D9)

**Cross reference—** Discrimination, Ch. 11A. [(Back)](#BK_2BF517E130F1768EE17F99CB4F90D0D9)

### ARTICLE XXXV. CODE ENFORCEMENT BOARDS [[59]](#BK_9CA2ACAFD406E5274AD8C1D80E388CB7)

[Sec. 2-319. Exemption from Chapter 162, Florida Statutes.](#BK_BFE5EF71BF3653DD5C73657C469E18F2)

[Secs. 2-320—2-330. Reserved.](#BK_336551B566ED4E2400377102424A2757)

Sec. 2-319. Exemption from Chapter 162, Florida Statutes.

Miami-Dade County shall be exempt from the provisions of Chapter 162, Florida Statutes, to the extent that said chapter relates to any code which is or may be adopted or enforced on a County-wide basis, specifically including but not limited to State codes enforced by the County and the following chapters of the Code of Miami-Dade County, as they may be amended from time to time:

|  |  |
| --- | --- |
| Chapter | |
| 4 | Ambulances and Medical Transportation Vehicles; |
| 5 | Animals and Fowl; |
| 6 | Blood Donor Facilities; |
| 7 | Boats, Docks and Waterways; |
| 8 | Building Code; |
| [8A](../level2/PTIIICOOR_CH8ABURE.docx#PTIIICOOR_CH8ABURE) | Business Regulations; |
| [8C](../level2/PTIIICOOR_CH8CBUSEME.docx#PTIIICOOR_CH8CBUSEME) | Intrusion and Burglary Security; |
| 10 | Contractors; |
| [11A](../level2/PTIIICOOR_CH11ADI.docx#PTIIICOOR_CH11ADI) | Discrimination; |
| [11B](../level2/PTIIICOOR_CH11BDULASI.docx#PTIIICOOR_CH11BDULASI) | Dumps and Landfill Sites; |
| [11C](../level2/PTIIICOOR_CH11CDEWIFLHADI.docx#PTIIICOOR_CH11CDEWIFLHADI) | Development Within Flood Hazard Districts; |
| [11D](../level2/PTIIICOOR_CH11DDIPATR.docx#PTIIICOOR_CH11DDIPATR) | Diseased Palm Trees; |
| [13](../level2/PTIIICOOR_CH13EX.docx#PTIIICOOR_CH13EX) | Explosives; |
| [14](../level2/PTIIICOOR_CH14FIPR.docx#PTIIICOOR_CH14FIPR) | Fire Prevention; |
| [14A](../level2/PTIIICOOR_CH14AFIMALI.docx#PTIIICOOR_CH14AFIMALI) | Fish and Marine Life; |
| [14B](../level2/PTIIICOOR_CH14BFOFOSEES.docx#PTIIICOOR_CH14BFOFOSEES) | Food and Food Service Establishments; |
| [17](../level2/PTIIICOOR_CH17HO.docx#PTIIICOOR_CH17HO) | Housing; |
| [18A](../level2/PTIIICOOR_CH18AMIDECOLAOR.docx#PTIIICOOR_CH18AMIDECOLAOR) | Landscaping; |
| [19A](../level2/PTIIICOOR_CH19AMOHO.docx#PTIIICOOR_CH19AMOHO) | Mobile Homes; |
| [21](../level2/PTIIICOOR_CH21OFMIPR.docx#PTIIICOOR_CH21OFMIPR) | Offenses and Miscellaneous Provisions; |
| [24](../level2/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR) | Environmental Protection |
| [26A](../level2/PTIIICOOR_CH26ASANU.docx#PTIIICOOR_CH26ASANU) | Sanitary Nuisance; |
| [27](../level2/PTIIICOOR_CH27SWPOPU.docx#PTIIICOOR_CH27SWPOPU) | Swimming Pools, Public; |
| [29](../level2/PTIIICOOR_CH29TA.docx#PTIIICOOR_CH29TA) | Taxation; |
| [30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) | Traffic and Motor Vehicles; |
| [31](../level2/PTIIICOOR_CH31VEHI.docx#PTIIICOOR_CH31VEHI) | Vehicles for Hire; |
| 32 | Water and Sewer Regulations; and |
| [33A](../level2/PTIIICOOR_CH33ADEINARCRCOIM.docx#PTIIICOOR_CH33ADEINARCRCOIM) | Developments in Incorporated Areas Creating County Impact. |

(a) However any municipal code enforcement board created pursuant to Chapter 162, Florida Statutes, may enforce municipal codes which establish a more stringent standard of compliance than a County or State code setting forth minimum standards. This section shall be effective in both the incorporated and unincorporated jurisdictions of the County.

(b) The exemption provided herein shall not apply to the creation of a local government code enforcement board by a municipality for enforcement of the South Florida Fire Prevention Code, as amended from time to time.

(Ord. No. 81-2, § 1, 1-20-81; Ord. No. 89-123, § 1, 12-5-89)

**Annotation—**CAO 83-15.

Secs. 2-320—2-330. Reserved.

FOOTNOTE(S):

--- (**59**) ---

**Cross reference—** Code enforcement, Ch. 8CC. [(Back)](#BK_825EB72AB3C3FD530AD3272A240FD196)

### ARTICLE XXXVI. CHARTER REVIEW COMMISSION [[60]](#BK_5040CEFB4BC0EB2BCE8F652F1C0340A5)

[Sec. 2-331. Created.](#BK_42D80F6D3FBB74C42650B07670E22566)

[Sec. 2-332. Purpose.](#BK_C7B292FDDAE933E7A504244E2495F0B0)

[Sec. 2-333. Conducting of proceedings; status of "agency."](#BK_28F4895152B0A53AE9781E8E3EBA8133)

[Sec. 2-334. Delivery of report.](#BK_1C0B339D6DCACD1CF687E56964387498)

[Sec. 2-335. Clerical, etc., assistance.](#BK_46635AB4D67F13CAFE2CE1072DFA9757)

Sec. 2-331. Created.

There is hereby created a Miami-Dade County Charter Review Commission which shall consist of nine (9) members, one (1) appointed by each member of the Board of County Commissioners.

(Ord. No. 81-55, § 1, 5-19-81)

Sec. 2-332. Purpose.

The Charter Review Commission shall study the Charter of Miami-Dade County in its entirety and provide this Board with a written report setting forth its recommendations as to any proposed amendments or revisions to the Charter.

(Ord. No. 81-55, § 2, 5-19-81)

Sec. 2-333. Conducting of proceedings; status of "agency."

All proceedings of the Charter Review Commission shall be conducted in accordance with the Government-in-the Sunshine Law, Section 286.011, Florida Statutes, and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Panel shall be deemed an "agency" for the purpose of compliance with the Public Records Law, Chapter 119, Florida Statutes.

(Ord. No. 81-55, § 3, 5-19-81)

Sec. 2-334. Delivery of report.

The Charter Review Commission shall deliver its written report to this Board by January 1, 1982. Thereupon, this Board shall review and debate the report in time to enable it to present to the electorate at the Countywide elections to be held in the fall of 1982 any amendments to the Home Rule Charter which this Board approves.

(Ord. No. 81-55, § 4, 5-19-81)

Sec. 2-335. Clerical, etc., assistance.

The County Manager is hereby authorized to expend a sum not exceeding twenty-five thousand dollars ($25,000.00) for the purpose of providing clerical and secretarial assistance to the Charter Review Commission.

(Ord. No. 81-55, § 5, 5-19-81)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 81-55, adopted May 19, 1981, did not specify manner of disposition; hence, designation of §§ 1—5 as Art. XXXVI, §§ 2-331—2-335 has been at the editor's discretion. [(Back)](#BK_7262B4D43EB42E8157FDB0B274F8F4E0)

**Charter reference—** Review of Charter, § 8.08. [(Back)](#BK_7262B4D43EB42E8157FDB0B274F8F4E0)

### ARTICLE XXXVIA. RESERVED [[61]](#BK_C2C89B021CF91EBDA465FFF26985AF3C)

[Secs. 2-336—2-339. Reserved.](#BK_312C9668BCE2DD355DBDD28ADFCD55A8)

Secs. 2-336—2-339. Reserved.

FOOTNOTE(S):

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**Editor's note—** Section 1 of Ord. No. 12-62, adopted Sept. 6, 2012, repealed Art. XXXVIA, §§ 2-336—2-339.2, which pertained to the Citizens' Transportation Advisory Committee, and derived from Ord. No. 83-55, adopted July 5, 1983; Ord. No. 84-33, adopted May 1, 1984; Ord. No. 94-74, adopted May 5, 1994; Ord. No. 99-139, adopted Oct. 5, 1999; and Ord. No. 02-42, adopted March 26, 2002. [(Back)](#BK_AEC66CFEF40A0E9F642D9D6BEA204610)

### ARTICLE XXXVII. MIAMI-DADE WATER AND SEWER DEPARTMENT AND ADVISORY BOARD [[62]](#BK_113B17D21A8619F20AB32A874ABA5932)

[Sec. 2-340. Declaration of legislative intent.](#BK_461842C76C83FFCDDEF643E9E3BD7916)

[Sec. 2-341. Establishing Department; Director; organization and employees.](#BK_21E1E474D59E69A6748AC1F94842074F)

[Sec. 2-342. Water and Sewer Advisory Board established.](#BK_AF1FDA9D9394A4603DD71AFB72460451)

[Sec. 2-343. Membership of Board.](#BK_D11759881C89E826950BBF5CA0430589)

[Sec. 2-344. Duties and functions of Board.](#BK_A26BC6BA60C831B26935EA811B42569C)

[Sec. 2-345. Transfer of obligations.](#BK_781212DA9935F3B7C9A4A3376A8362C7)

[Sec. 2-346. Audit Review Committee.](#BK_83D4CCCB8BADC67E935E0BAF83066CAB)

[Sec. 2-347. Service area of the Miami-Dade Water and Sewer Authority Department.](#BK_27C3A87370DE89B2C5358BFAC8FA0C35)

[Sec. 2-348. Exemption from payment of water and sewer connection charges.](#BK_E6DEB7313DB6107BEB79BEA9A6CB783A)

[Sec. 2-348.1. Determination of exemption.](#BK_05904E8FEDA22BEBF65C58D93E60C657)

[Sec. 2-348.2. Refund of connection charges.](#BK_73415F6C978FC0C0BDAB95FDC70F0D3C)

[Sec. 2-348.3. Dispute resolution procedure.](#BK_3EAB4E39A10A30502BB0BF1833DD572E)

[Sec. 2-349. Reserved.](#BK_56FFFC327DADACE66BCC27A85F6272F6)

Sec. 2-340. Declaration of legislative intent.

The Board of County Commissioners hereby declares it to be the policy of Miami-Dade County to establish, own and operate a Countywide sanitary sewage collection and disposal system and water supply, treatment and distribution system. The Board finds that in order to best administer a Countywide water and sewer service within the incorporated and unincorporated areas of Miami-Dade County with the ability effectively to provide for water and sewer services in conjunction with the growth and expansion needs of Miami-Dade County, it is necessary that the administration and policies of said agency be closely coordinated with the overall County plans and programs for growth and development. It is the further intent of this Board that the most effective method of implementing the foregoing policies and considerations is by creating a Countywide Water and Sewer Department to be administered under policy determinations of the Board of County Commissioners and the supervision of the County Manager through a Director of the Water and Sewer Department acting with the advice and assistance of a Water and Sewer Advisory Board.

(Ord. No. 83-92, § 3, 10-4-83)

Sec. 2-341. Establishing Department; Director; organization and employees.

There is hereby created and established a County department to be known as the Miami-Dade Water and Sewer Department (hereinafter called "Department"). The Department shall be an agency Countywide in scope and authority, with the power to acquire, construct and operate water and sewer systems within the incorporated and the unincorporated areas of Miami-Dade County and shall have the responsibility to develop and operate a Countywide water and sewer system for the purpose of providing potable water, sewage collection and disposal and water pollution abatement to the citizens of Miami-Dade County. The Director of the Department shall be appointed by the County Manager subject to the approval of the Board of County Commissioners and shall serve at the will of the County Manager. The organization and operating procedures and any future name changes of the Department shall be prescribed by administrative orders and regulations of the Manager. The Manager shall appoint such employees as may be necessary to operate the Department. The salaries and compensation of all personnel shall be determined by the County Commission upon recommendation of the Manager.

(Ord. No. 83-92, § 3, 10-4-83; Ord. No. 93-110, § 1, 10-19-93)

Sec. 2-342. Water and Sewer Advisory Board established.

There is hereby created and established in Miami-Dade County an advisory Board to be known as the Miami-Dade County Water and Sewer Advisory Board.

(Ord. No. 83-92, § 3, 10-4-83)

Sec. 2-343. Membership of Board.

The Water and Sewer Advisory Board shall consist of nine (9) members, each of whom shall be an individual of outstanding reputation, integrity, responsibility and business ability; provided, however, that no person who is an officer or employee of any water or sewer system or company operating within Miami-Dade County, shall be eligible for membership. The members of said Board shall be appointed and serve in accordance with the provisions of Sections [2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO), [2-11.38.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP), [2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF), and [2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) inclusive of the Code of Miami-Dade County.

(Ord. No. 83-92, § 3, 10-4-83)

Sec. 2-344. Duties and functions of Board.

The Water and Sewer Advisory Board shall have the following duties, functions and responsibilities:

(a) To serve in an advisory capacity to the County Commission and the Department with respect to matters relating to long-range planning of a Countywide water and sewer system.

(b) To make a continuing study of the County's needs for water and sewer services.

(c) To formulate plans and programs for the implementation of necessary activities to effectuate its recommendations.

(d) To devise methods by which the existing water and sewer service may be improved to more fully provide service to the general public.

(e) To perform and carry out such duties and functions of an advisory nature as may be assigned by the Board of County Commissioners.

(Ord. No. 83-92, § 3, 10-4-83)

Sec. 2-345. Transfer of obligations.

Immediately upon the effective date of the ordinance from which this article derives, Miami-Dade County, by and through its Board of County Commissioners, shall serve as the legally and validly organized successor to the Miami-Dade Water and Sewer Authority and shall assume all of the rights, obligations, properties, and duties of the Miami-Dade Water and Sewer Authority.

(Ord. No. 83-92, § 3, 10-4-83)

Sec. 2-346. Audit Review Committee.

(a) An Audit Review Committee is to be established composed of any or all of the following persons designated by the City of Miami: City Manager or designated representative; City Internal Auditor or designated representative; Director of Finance or designated representative; Public Works Director or designated representative; five (5) members of the public to be appointed by the City Commission.

(b) This Committee will perform a review of the annual budget, finances and operation of the Miami-Dade Water and Sewer Authority Department to ensure that all Department funds remain segregated from the general funds of Miami-Dade County and that all proceeds received by the Department are used for the operation, maintenance and improvement of the water and sewer system of Miami-Dade County, including administrative overhead billed by other County departments.

(c) The review will be performed within the months of April through June of each year.

(d) The findings of the Committee shall be reported to both the City Manager and County Manager for presentation by each Manager to their respective Boards of Commissioners.

(e) The Miami-Dade Water and Sewer Authority Department will provide to each member of the Audit Review Committee information normally furnished to bondholders, other interested parties and any other information as shall be requested by the Board relevant to the performance of the review.

(f) The Committee shall have such staff support from the Department as they may reasonably require to perform their responsibilities.

(Ord. No. 86-8, §§ 1—6, 2-4-86)

**Editor's note—**

Ord. No. 86-8, adopted Feb. 4, 1986, did not amend the Code; therefore, codification of §§ 1—6 as [§ 2-346](../level3/PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO.docx#PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO_S2-346AURECO) has been at the editor's discretion.

Sec. 2-347. Service area of the Miami-Dade Water and Sewer Authority Department.

(a) [Section 2-340](../level3/PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO.docx#PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO_S2-340DELEIN) of the Code of Miami-Dade County declares that it is the policy of Miami-Dade County to establish, own and operate a Countywide sanitary sewage collection and disposal system and water supply, treatment and distribution system. Accordingly, it is the intent of the Board of County Commissioners and of this section that the Miami-Dade Water and Sewer Authority Department shall provide and furnish water and sewer service to all areas in Miami-Dade County located outside of municipal boundaries as existing on the effective date of this section which areas have not previously been granted or assigned by the Miami-Dade County Water and Sewer Board to a private or municipal water or sewer utility. The Miami-Dade Water and Sewer Authority Department is hereby empowered to decline to serve portions of the aforementioned service area whenever the Director of the Department or his designee determines that same is in the best interests of Miami-Dade County and the water and sewer customers. If a private or municipal water or sewer utility proposes to expand its assigned service area in Miami-Dade County, the utility shall make a written request to the Miami-Dade Water and Sewer Authority Department. The Director of the Department or his designee shall determine whether or not the Department shall release the portion of the service area requested. The Director or his designee shall use the Director's or designee's best efforts to render a determination within thirty (30) days of receipt of the request. In making the aforesaid determinations, the Director or his designee shall consider the following evaluation factors:

(1) Location of area proposed to be released.

(2) Size of area.

(3) Type of development planned for area.

(4) Location of Department water and sewer facilities and those of the other utility.

(5) Capability of Department water and sewer facilities and those of the other utility to serve the area.

(6) Construction costs necessary to connect to Department facilities and to the facilities of the other utility.

(7) Special considerations involving the public health, welfare and interest.

(b) If the Director of the Department or his designee makes a determination to release the Department's right to serve the area, the release shall be subject to the following conditions:

(1) The public or private utility shall comply with the fire flow requirements set forth in the Code of Miami-Dade County.

(2) The design and construction of all water and sewer facilities by the public or private utility must conform to the standards of the Department. All plans of proposed water and sewer facilities must be approved by the Department prior to construction.

The determination by the Director or his designee shall be in writing and shall be sent by regular mail to the requesting utility.

(c) The provisions of this section shall not apply to areas within municipal boundaries as existing on the effective date of this section. However, this section shall be applicable to areas annexed by municipalities after the effective date of this section.

(d) A public or private utility which is aggrieved by a decision of the Director of the Department or his designee hereunder shall have the right to have the decision reviewed by the Board of County Commissioners by filing a petition with the Board within thirty (30) days of the written decision. The utility shall have the opportunity to present written and oral arguments to the Board in opposition to a decision of the Director or his designee. The Board of County Commissioners shall consider the evaluation factors listed above and may affirm, modify or reverse the decision of the Director or his designee.

(e) A public or private utility aggrieved by a decision by the Board of County Commissioners with respect to a release of service area by the Department may seek judicial review in accordance with the Florida Rules of Appellate Procedure.

(Ord. No. 89-15, §§ 1—3, 3-7-89)

**Editor's note—**

Sections 2 and 3 of Ord. No. 89-15 have been included herein at the discretion of the editor as [2-347](../level3/PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO.docx#PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO_S2-347SEARMIDEWASEAUDE)(d) and (e).

Sec. 2-348. Exemption from payment of water and sewer connection charges.

Commercial or industrial real property development, as defined herein, shall be exempt from payment of water and sewer connection charges imposed by the Miami-Dade Water and Sewer Authority Department, (hereinafter referred to as "Department") subject to the provisions of this section. For the purposes of this section, "commercial or industrial real property development" shall mean development of commercial or industrial real property for which new or increased water or sewer service or both is required as determined by the Department, excluding, however, commercial real property used for residential or dwelling purposes.

(Ord. No. 92-8, § 1, 2-4-92)

Sec. 2-348.1. Determination of exemption.

An exemption from payment of water and sewer connection charges for commercial or industrial real property development shall be granted only upon a determination by the Board of County Commissioners that such real property development conforms to the following requirements:

(a) The commercial or industrial real property development is consistent with the Miami-Dade County Comprehensive Development Master Plan;

(b) The commercial or industrial real property development is located within an existing designated enterprise zone as defined in Section 290.004, Florida Statutes (1989), as the same may be amended from time to time, provided that: (1) the commercial or industrial real property development has been granted a property tax exemption under Sections [29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX) through [29-89](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-89EXDA) of the Code of Miami-Dade County; and (2) if such commercial or industrial real property development is located within a municipality, the municipality has also granted a property tax exemption under the aforesaid Sections [29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX) through [29-89](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-89EXDA); and

(c) Twenty five (25) percent of the employees of the commercial or industrial real property development are residents of the enterprise zone.

(Ord. No. 92-8, § 1, 2-4-92; Ord. No. 01-151, § 1, 9-25-01)

Sec. 2-348.2. Refund of connection charges.

If an exemption is sought, water or sewer connection charges or both shall be paid prior to rendition of water and sewer service at the time required by the Department or volume customer of the Department, as may be applicable. The paid connection charges shall be refunded to the payor if so determined by the Board pursuant to [Section 2-348.1](../level3/PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO.docx#PTIIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO_S2-348.1DEEX).

(Ord. No. 92-8, § 1, 2-4-92)

Sec. 2-348.3. Dispute resolution procedure.

This section establishes procedures for resolving disputes and protests between Miami-Dade County and persons adversely affected by the planning, design, construction and operation of sewage or wastewater treatment facilities financed by a loan from the State's Sewage Treatment Revolving Loan Fund authorized by Section 403.1835, Florida Statutes.

(1) *Applicability.* This section applies only to those persons, other than participants in a competitive process, who are adversely affected by the planning, design, construction, and operation of sewage or wastewater treatment facilities owned by Miami-Dade County which are financed pursuant to Section 403.1835, Florida Statutes. Any protest made by any participant in a competitive process shall utilize the procedures set forth in [Section 2-8.4](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR) of the Code of Miami-Dade County. A person shall be defined as an individual, corporation, partnership, joint venture or other business entity.

(2) *Protest procedures.* Any person subject to this section who is adversely affected shall file a written protest with the Director of the Miami-Dade Water and Sewer Department within ten (10) calendar days after the basis of the protest is known or should have been known, whichever is earlier. Telephonic or verbal protests will not be considered. Filing shall be complete upon physical delivery to the Director or his designee. A protest which is untimely will not be considered. A complaining person (hereinafter complainant) shall bear the risk of nondelivery of a written protest, whether the protest is mailed or otherwise sent.

(a) The written protest shall state the following:

1. The name, address and telephone number of the complaining person;

2. A statement describing how the complainant is adversely affected;

3. A statement describing how and when the complainant became aware of the basis for the protest;

4. A statement identifying and describing the specific facts which are the basis of the protest;

5. A statement which identifies and describes the specific laws, rules and regulations which are alleged to be the basis of the protest; and

6. The arguments in support of the complainant's position.

(b) The complainant shall be given the opportunity to appear at a hearing before the Director to present all written and oral arguments in support of the protest. The complainant may be represented by an attorney. The complainant may present testimony of witnesses and may present facts, evidence and arguments in support of his position. The complainant shall have the right to cross examine witnesses. The Director shall ensure that an appropriate record of the entire hearing is made which record shall include the Director's ultimate findings and conclusions. All interested persons shall be afforded the same rights as the complainant.

(c) The Director shall consider all facts, evidence and testimony presented and shall render an appropriate ruling within ten (10) days which shall be conveyed in writing to the complainant and all other interested persons.

(d) A complainant who is aggrieved by a ruling of the Director shall have the right to have the ruling reviewed by the Miami-Dade County Board of County Commissioners by filing a petition with the Clerk of the Board, within thirty (30) days of the date of the Director's written ruling. The Clerk of the Board shall provide due notice of the hearing date. The complainant shall have a de novo hearing before the Board including all other rights which are provided pursuant to a hearing before the Director. The Board shall consider all facts, evidence and testimony presented and shall affirm, modify or reverse the ruling of the Director based on the showing made at the hearing. The Clerk shall ensure that a proper record of the entire hearing is made.

(e) No person who is adversely affected by the planning, design, construction, and operation of facilities financed pursuant to Section 403.1835, Florida Statutes, may apply to the courts for judicial review unless all administrative remedies provided for herein have been exhausted. It is the intention of the Board of County Commissioners that all steps as provided by this section shall be taken before any application is made to a court of competent jurisdiction.

(Ord. No. 94-133, § 1, 6-21-94)

Sec. 2-349. Reserved.

FOOTNOTE(S):

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**Cross reference—** Water supply for fire suppression, § 2-103.20 et seq.; environmental control, Ch. 24; water and sewer regulations, Ch. 32; Miami-Dade County Water and Sewer Board, § 32-11 et seq.; Miami-Dade Water and Sewer Authority Department billing procedures, § 32-91 et seq. [(Back)](#BK_F27FC291F535AF9886723C0529D9B23E)

### ARTICLE XXXVIII. IMPOSITION OF MORATORIUM ON EXECUTION OF WATER SUPPLY CONTRACTS [[63]](#BK_9F414213312D2889ACCDE3BAD0AA8C13)

[Sec. 2-350. Issuance of administrative order by County Manager prohibiting execution of new water contract commitments.](#BK_9BBAE12D81484BC72B0E9C5DBED51C1F)

[Sec. 2-351. Compliance with administrative order required.](#BK_153DC96F8EDD41D1F7449B391FDDC2F5)

[Sec. 2-352. Duty of County Manager to notify Clerk of Board of County Commissioners upon issuance of administrative order; placement of matter before Board for consideration and review after public hearing.](#BK_22D2AACD1172F39ABA1D1F7D560E5061)

[Sec. 2-353. Notice of public hearing.](#BK_C001F92CE6EDCB5CA9ECF1C156EE741E)

[Sec. 2-354. Authority of Board to reverse, modify or supersede moratorium order.](#BK_28BE7C272352C92575E7B7B2920E9F73)

[Sec. 2-355. Determination by Board of necessity of water contract moratorium; recommendations relating to allocation plant, etc.; period of moratorium.](#BK_EA4BA1B434D9A49C0C03B0FB3064AD86)

[Sec. 2-356. Extension of time limitation for County Manager's report back to Board.](#BK_0DE16B3905B244C54A747209838F6324)

[Sec. 2-357. Public hearing upon submission of County Manager's report and recommendations; determination and action of Board.](#BK_9ACB4A78884AAD2C8B2019E7D08D06B2)

[Sec. 2-358. Completion of recommendations; issuance of Board order terminating water contract moratorium in whole or in part.](#BK_2319628F34CEB0FAAB94DE60077FF09E)

[Sec. 2-359. Application to County Manager for issuance of administrative order; denial of order or failure of Manager to act on application; application to Board of County Commissioners; determination as to necessity of public hearing.](#BK_62B1A6CDBE218AE6D5E73A9DD8E465DC)

[Sec. 2-360. Authority of County Manager to grant exceptions to article provisions; guidelines for determination of public interest.](#BK_3B3673869071E50C8E765B24E0ED4EF9)

[Sec. 2-361. Appeals from decision of County Manager as to grant or denial of exception.](#BK_CE541AEEE7FC869FB9B13D72FE970F1A)

Sec. 2-350. Issuance of administrative order by County Manager prohibiting execution of new water contract commitments.

Whenever it shall be made to appear to the County Manager that it is in the public interest and necessary to the public health, safety and welfare to make a comprehensive determination as to whether existing water resources are adequate and sufficient to meet the needs of the County or any portion thereof, and it is further made to appear to the County Manager that the existing allocation or supply of water resources jeopardizes present and future use of same to the detriment of the residents of the County or any part thereof should the present allocations and contractual commitments be continued, then the County Manager shall immediately issue his administrative order to the Miami-Dade Water and Sewer Authority and/or any private or public utility within Miami-Dade County prohibiting the execution of new water contract commitments that represent new requests for gallonage allotments not filed with the Authority or the utility prior to the date of the administrative order.

(Ord. No. 75-31, § 1, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-351. Compliance with administrative order required.

Any administrative order issued pursuant to [Section 2-350](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-350ISADORCOMAPREXNEWACOCO) shall be complied with by all Miami-Dade County departments, Boards, agencies, authorities, personnel and said utilities, and shall be effective until reversed, modified or superseded by order of the Board of County Commissioners.

(Ord. No. 75-31, § 2, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-352. Duty of County Manager to notify Clerk of Board of County Commissioners upon issuance of administrative order; placement of matter before Board for consideration and review after public hearing.

Immediately upon issuance of any administrative order pursuant to [Section 2-350](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-350ISADORCOMAPREXNEWACOCO), the County Manager shall notify the Clerk of the Board of County Commissioners, whose duty it shall be to place the matter before the Board of County Commissioners for consideration and review following a public hearing as soon as is reasonably practicable.

(Ord. No. 75-31, § 3, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-353. Notice of public hearing.

The aforesaid Clerk shall give reasonable notice by publication in a newspaper of general circulation in Miami-Dade County of the public hearing which has been scheduled before the Board of County Commissioners.

(Ord. No. 75-31, § 4, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-354. Authority of Board to reverse, modify or supersede moratorium order.

At the public hearing the Board of County Commissioners shall inquire into the propriety of the water contract moratorium or any part thereof and may reverse, modify or supersede any moratorium order previously issued. The Board's determination shall be predicated upon the reasonable necessity for a detailed comprehensive analysis of the water resource problem and the probability of detriment to the County or any part thereof by the continued execution of water resource contract commitments.

(Ord. No. 75-31, § 5, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-355. Determination by Board of necessity of water contract moratorium; recommendations relating to allocation plant, etc.; period of moratorium.

Should the Board of County Commissioners determine that a water contract moratorium is reasonably necessary, it shall order the same and direct that no further water contracts be entered into by either the public or private utility involved or the Miami-Dade Water and Sewer Authority. The Board's order shall fix a time within which the County Manager shall report back to the Board with his recommendations relating to an allocation plan for existing water resources and/or a plan to provide more water to the affected area consistent with the Comprehensive Development Plan for Miami-Dade County, Florida. The said time limitation shall be a reasonable one, predicated upon the time needed for a comprehensive analysis of the affected area. The initial Commission moratorium shall be for a period not to exceed one hundred twenty (120) days. The Commission on its own motion or otherwise may continue any moratorium for a longer period of time if reasonably necessary. This provision is supplemental to [Section 2-356](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-356EXTILICOMAREBABO) hereof.

(Ord. No. 75-31, § 6, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-356. Extension of time limitation for County Manager's report back to Board.

Should the County Manager be unable to report back to the Board within the time prescribed by its moratorium order, upon timely request by the County Manager and after public hearing on the need therefor, the Board may reasonably extend the time limitation.

(Ord. No. 75-31, § 7, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-357. Public hearing upon submission of County Manager's report and recommendations; determination and action of Board.

Upon the submission of the County Manager's report and recommendations to the Clerk of the Board, the Clerk shall call a public hearing thereon before the Board at the earliest practicable time, after reasonable notice by publication in a newspaper of general circulation in Miami-Dade County. After said public hearing the Board shall make its determination as to whether existing allocations of water resources shall remain the same or shall be changed and/or what actions, if any, can and should be taken to increase these water resources. Should the Board determine that the allocation of water resources shall remain the same, it shall immediately issue its order terminating the water contract moratorium or any part thereof. Should the Board determine that the allocation of existing and future water resources should be changed, or new sources of supply created therefor, it shall issue its order continuing the water contract moratorium or any part thereof and shall immediately take the actions required elsewhere within the Miami-Dade County Code or Charter for such changes.

(Ord. No. 75-31, § 8, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-358. Completion of recommendations; issuance of Board order terminating water contract moratorium in whole or in part.

Upon the completion of all recommendations relating to the affected area or the completion of a part thereof that are effective on a short-term basis, the Board shall issue its order terminating the water contract moratorium in whole or in part depending upon the nature of the completed recommendation.

(Ord. No. 75-31, § 9, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-359. Application to County Manager for issuance of administrative order; denial of order or failure of Manager to act on application; application to Board of County Commissioners; determination as to necessity of public hearing.

(a) Any person, as defined herein, shall be entitled to make written application to the County Manager for issuance of an administrative order provided for by [Section 2-350](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-350ISADORCOMAPREXNEWACOCO) herein. Should such an application be made and denied by the County Manager or should the Manager fail to take action thereon within thirty (30) days, such person may make written application to the Board of County Commissioners for the issuance of a water contract moratorium by that Board. Such application to the Board shall be filed with the Clerk of the Board of County Commissioners, whose duty it shall be to place the matter before the Board of County Commissioners as soon as is reasonably practicable for the Board's determination as to whether a public hearing shall be called thereon. The County Manager shall be notified by the Clerk that the matter is to be considered by the Board. The word "person" as used in this section includes, but is not limited to, any individual, firm, corporation, governmental or private entity, including any County department, Board, agency or authority.

(b) Should the Board determine that a public hearing should be held as to whether a water contract moratorium is appropriate, it shall call the same for the earliest practicable date and give reasonable notice thereof by publication in a newspaper of general circulation in Miami-Dade County. Pending the public hearing, the Board may issue an order prohibiting the execution of water contracts in the affected area.

The procedure to be followed for the purposes of this section after the completion of the steps provided in Sections [2-359](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-359APCOMAISADORDEORFAMAACAPAPBOCOCODENEPUHE) and [2-360](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-360AUCOMAGREXARPRGUDEPUIN) above, is that set forth in Sections [2-354](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-354AUBOREMOSUMOOR) through [2-358](../level3/PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO.docx#PTIIICOOR_CH2AD_ARTXXXVIIIIMMOEXWASUCO_S2-358COREISBOORTEWACOMOWHPA) of this article.

(Ord. No. 75-31, §§ 10, 11, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-360. Authority of County Manager to grant exceptions to article provisions; guidelines for determination of public interest.

The County Manager or his designated agent is hereby authorized to grant such exceptions to or variances from the terms of this article as he deems consistent with the public health, safety and general welfare of the residents of the County. In determining which applicants, if any, should be granted exceptions or variances from the terms of any order issued pursuant to this article, the County Manager or his designated agent shall be guided by the standard of public interest. In determining the public interest the County Manager or his designated agent may consider the following guidelines in descending order of importance:

(a) The amount of water requested and its relationship, if any, to the supply of water available, if any, and the causes calling the order or orders issued pursuant to this article;

(b) Domestic use normally has the highest priority. For purposes of this section "domestic use" means any use of water for individual personal needs or for household purposes such as drinking, bathing, heating, cooking or sanitation;

(c) Proposed uses that supply essential services to the public are to be preferred over proposed uses not supplying such essential services. For purposes of this section "essential services" include, but are not limited to, fire departments, hospitals or other emergency services;

(d) Proposed public use or quasi-public uses are to be preferred over proposed private uses;

(e) Proposed water uses that do not require extensions of existing water mains are to be preferred over those requiring such extensions;

(f) Proposed uses that will diminish reliance on private water supply wells are to be preferred over proposed uses calling for new supplies of water to areas not relying on private water supply wells;

(g) Proposed uses that will diminish serious economic hardships or loss of invested capital if not granted are to be preferred over proposed uses not subject to such losses or hardships;

(h) Economically more productive uses should be preferred over less productive uses.

The listing of the above guidelines is nonexclusive and should establish a priority ranking between prospective users.

(Ord. No. 75-31, § 12, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

Sec. 2-361. Appeals from decision of County Manager as to grant or denial of exception.

Any person aggrieved with a decision of the County Manager or his designated agent as to the grant or denial of such an exception or variance may apply to the Environmental Quality Control Board in the manner and mode provided for by [Section 24-6](../level4/PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR.docx#PTIIICOOR_CH24ENPRBIBAENDEAQPACOARBIBAENENTRFUENENLAPR_ARTIINGE_DIV1GEPR_S24-6DIMIDECODEENREMAFFCRAPTEEXCLSEMESYCOASOPPR) of this Code for a review of that decision. Further review of the Board's decision affirming, reversing or modifying the decision sought to be reviewed shall be to the Board of County Commissioners. Any person aggrieved by the decision of the Board of County Commissioners shall be entitled to apply to the Circuit Court of Miami-Dade County for a review thereof by writ of certiorari in accordance with the applicable court rules.

(Ord. No. 75-31, § 13, 5-7-75; Ord. No. 83-92, § 4, 10-4-83)

FOOTNOTE(S):

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**Editor's note—** The Miami-Dade Water and Sewer Authority, as referred to in this article, is now the Miami-Dade Water and Sewer Authority Department. [(Back)](#BK_4974379F85AFEE7C5177D75337028C0C)

**Cross reference—** Water and sanitary sewer connections, § 32-76 et seq. [(Back)](#BK_4974379F85AFEE7C5177D75337028C0C)

### ARTICLE XXXIX. CHILD CARE TASK FORCE

[Sec. 2-362. Task force created.](#BK_983A3A0A94D097AB27F948490053A5D1)

[Sec. 2-362.1. Purpose.](#BK_C344F84279DB2B63A8CCBC85CBE3CA4E)

[Sec. 2-362.2. Membership.](#BK_9E673E89444FB952E8777A848BAB7781)

[Sec. 2-362.3. Procedure.](#BK_ECFCFAE09555475ABC77DF977517F356)

[Sec. 2-362.4. Powers.](#BK_419850D5151FC9490D08532067F2EB04)

[Sec. 2-362.5. Staff.](#BK_34169D224972E99EE5BE8983661D9BEC)

[Sec. 2-362.6. Reports.](#BK_99FFD683A2CB48395C21FDC25A991C09)

[Secs. 2-363—2-370. Reserved.](#BK_741DFDF9B61EF8FD1C68A75FF4C22D87)

Sec. 2-362. Task force created.

There is hereby authorized to be created and established the Miami-Dade County Child Care Task Force.

(Ord. No. 88-60, § 1, 7-5-88)

Sec. 2-362.1. Purpose.

The purpose of the Task Fore is to advise the Board of County Commissioners on issues relating to child care within the incorporated and the unincorporated areas of Miami-Dade County, including, without limitation, consideration of the assessment of impact fees, joint public-private ventures, as well as other potential revenue sources and funding.

(Ord. No. 88-60, § 1, 7-5-88)

Sec. 2-362.2. Membership.

(a) The Task Force all be comprised of nine (9) members, and shall include a member to represent each of the following entities: The Greater Miami Chamber of Commerce, the South Florida Builder's Association, the Miami-Dade County Community Action Agency and the James E. Scott Community Association. Members shall serve without compensation but may be reimbursed for actual authorized expenses incurred in the discharge of their duties.

(b) Members shall be appointed to three-year terms which shall end concurrent with the last day of the County's fiscal year; provided, however, that initially three (3) members shall be appointed to serve a one-year term, three (3) members shall be appointed to serve a two-year term and three (3) members shall be appointed to serve a three-year term.

(c) Failure to maintain the qualifications for membership set out in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO), failure to maintain the attendance requirements of [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE), or a violation of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR), Code of Miami-Dade County, Florida, shall be grounds for removal from the Task Force.

(Ord. No. 88-60, § 1, 7-5-88)

Sec. 2-362.3. Procedure.

(a) *Chairperson.* The Task Force shall have a Chairperson appointed by the Board of County Commissioners, who shall keep that position until the expiration of his or her term, or until replaced by the Board of County Commissioners.

(b) *Meetings.* The Task Force shall meet at the call of the Chairperson, but in no event shall meet less often than once every three (3) months. A quorum shall consist of five (5) members. The Task Force may appoint committees of at least two (2) Task Force members, and may include as committee members individuals who are not Task Force members. All actions by Task Force committees are advisory, and are not binding upon the Task Force. All meetings of the Task Force and its committees shall comply with all requirements of the Florida "Government in the Sunshine" Law, Chapter 119, Florida Statutes, as it may be amended from time to time.

(Ord. No. 88-60, § 1, 7-5-88)

Sec. 2-362.4. Powers.

The Task Force shall have the power to invite individuals to address it, to hold public hearings, workshops and seminars. The Task Force shall have all the powers necessary to carry out its purposes. The Task Force cannot commit itself or the County to any expenditure of funds without the specific approval of the Board of County Commissioners, or by the County Manager, under circumstances when he has been authorized to do so by the Board of County Commissioners.

(Ord. No. 88-60, § 1, 7-5-88)

Sec. 2-362.5. Staff.

The County Manager shall provide the Task Force with adequate staff and support services to enable it to carry out its purposes.

(Ord. No. 88-60, § 1, 7-5-88)

Sec. 2-362.6. Reports.

No less frequently than once per year, the Task Force shall submit a written report to the Board of County Commissioners detailing its activities during the past year and outlining its contemplated activities for the ensuing year.

(Ord. No. 88-60, § 1, 7-5-88)

Secs. 2-363—2-370. Reserved.

### ARTICLE XL. 1989 SUPER BOWL COMMITTEE [[64]](#BK_6FF25C6B1AE4EF2E01B3E43CDBF33F83)

[Sec. 2-371. Committee created; purpose.](#BK_BC0DB08C12EADE67649C79A7CDBC111A)

[Sec. 2-372. Appointment of members; composition of membership; terms.](#BK_B7DB1CE28B425A49D868E529E0A14606)

[Sec. 2-373. Powers of the Committee.](#BK_7119864AF2B12689E83F72AB906DE414)

[Sec. 2-374. Committee report.](#BK_6160604B6470D4880092A4C8FD9FFCF4)

[Secs. 2-375—2-390. Reserved.](#BK_C92D25423DDC183259E97594BD20EE18)

Sec. 2-371. Committee created; purpose.

There is hereby created a 1989 Super Bowl Committee whose purpose shall be to coordinate the efforts of local government and the private sector with regard to bringing the 1989 Super Bowl to Miami-Dade County. The coordination of the various local components involved, both public and private, shall be the ultimate aim of the Committee.

(Ord. No. 87-24, § 1, 4-28-87; Ord. No. 87-27, § 1, 5-19-87; Ord. No. 88-5, § 1, 2-2-88)

Sec. 2-372. Appointment of members; composition of membership; terms.

(a) The Board of County Commissioners shall, by resolution, appoint a Committee comprised of twenty-one (21) to thirty (30) members.

(b) The County Manager shall submit to the Board a recommended list of twenty-one (21) to thirty (30) individuals to serve on the Committee. In addition County Commissioners shall also be able to submit recommendations. The list submitted by the County Manager shall be broad based and shall include a representative selection of prominent individuals from private industry, the tourist industry, the transportation industry and local government. The representatives of business need not be engaged in the tourist industry. The representatives of the tourist industry shall be representative of the different components of that industry, including but not limited to hotels and restaurants. The representatives of local government shall include elected and appointed public officials. All members of the Committee shall have demonstrated an active and continued civic interest in Miami-Dade County and shall have demonstrated an area of expertise in the industry they represent. In the event the Board of County Commissioners does not approve one (1) or more of the County Manager's recommendations, the County Manager shall provide the Board with sufficient additional recomendations. This process will continue until the Committee comprises the required twenty-one (21) members.

(c) Included among the twenty-one (21) members shall be the County Manager, the Executive Director of the Greater Miami Convention and Visitors Bureau or its successor, the President of the Greater Miami Chamber of Commerce, or their respective designees, and a representative from each of the following: (1) North Miami-Dade Chamber of Commerce; (2) South Miami-Dade Chamber of Commerce; (3) Hialeah Chamber of Commerce; (4) Miami-Dade Chamber of Commerce; and (5) Latin Chamber of Commerce.

(d) The members shall serve until the conclusion of all business relating to the 1989 Super Bowl.

(e) In the event a member resigns or otherwise fails to be able to serve the full term, the Board of County Commissioners shall appoint another individual representing the same industry in the same manner as the original appointment procedure.

(Ord. No. 87-24, § 2, 4-28-87; Ord. No. 87-27, § 1, 5-19-87; Ord. No. 88-5, § 1, 2-2-88; Ord. No. 88-14, § 1, 3-15-88; Ord. No. 88-81, § 1, 9-6-88)

Sec. 2-373. Powers of the Committee.

The Committee shall have the authority to re commend, to all levels of government and to the private sector, appropriate procedures to be utilized and to help the event run in a smooth and efficient manner. In addition to making recommendations to governmental entities the Committee shall have the power to recommend to the private sector appropriate procedures for the private sector to follow in order to enhance the image and reputation of South Florida as a major location for holding the 1989 Super Bowl. If necessary, the Committee shall have the authority to incorporate as a not-for-profit corporation pursuant to [Section 5.01](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.01DE)(c)(3) or (6) of the Internal Revenue Code and shall have the power to transact business as any other private, not-for-profit corporation.

(Ord. No. 87-24, § 3, 4-28-87; Ord. No. 87-27, § 1, 5-19-87; Ord. No. 88-5, § 1, 2-2-88)

Sec. 2-374. Committee report.

Within sixty (60) days after the conclusion of the Committee's activities for the 1989 Super Bowl, the Committee shall provide a written report to the Board of County Commissioners describing its activities, its recommendations, and an accounting for any public funds it received.

(Ord. No. 87-24, § 4, 4-28-87; Ord. No. 87-27, § 1, 5-19-87; Ord. No. 88-5, § 1, 2-2-88)

Secs. 2-375—2-390. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 87-24, adopted April 28, 1987, amended the Code, but did not specify the manner of codification. At the discretion of the editor, §§ 1—4 of said Ord. No. 87-24 have been included herein as Art. XL, §§ 2-371—2-374. [(Back)](#BK_11A91BFD7D2CE603FCC258443D96D16C)

### ARTICLE XLI. MIAMI-DADE COUNTY TRAUMA ADVISORY COMMITTEE [[65]](#BK_1AA9FD39CB79AA1EBD3DDB17549252E8)

[Sec. 2-391. Created; purpose.](#BK_A6D1073A2799E5AF44C4FE31433D9B11)

[Sec. 2-392. Terms and conditions of membership.](#BK_065DE589BB3A773DB4231426162AD1A3)

[Sec. 2-393. Organization; staff support.](#BK_A9A4C19A0EC57BF31001726260068D66)

[Sec. 2-394. Functions.](#BK_F072BA5A34E33102083BB582FE9F680E)

Sec. 2-391. Created; purpose.

There is hereby created and established the Miami-Dade County Trauma Advisory Committee whose purpose shall be to advise the Board of County Commissioners on all matters pertaining to the provision of transportation and medical care to victims of trauma and to assist in the coordination of all efforts made by the public and private sectors to enhance the availability and quality of such care.

(Ord. No. 88-84, § 1, 9-6-88)

Sec. 2-392. Terms and conditions of membership.

(a) The Committee shall be composed of twenty-nine (29) voting members appointed to staggered two-year terms pursuant to resolution of the Board of County Commissioners. Two (2) members shall be active in organizations that support the interests of consumers; and two (2) members shall be appointed as governmental representatives from Monroe County, Florida, such appointments to be the Project Director of the Upper Keys Health Care Taxing District and the Director of the Public Safety Division of Monroe County. Additionally, the Public Health Trust Trauma Committee and the Miami-Dade Fire Board shall each appoint one nonvoting ex officio member to the Miami-Dade County Trauma Advisory Committee. Each member shall serve a two-year term; provided, however, that of the initial Committee members, twelve (12) members shall be appointed for one-year terms. No member of the Committee shall be permitted to serve more than three (3) consecutive and complete terms. [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of the Miami-Dade County Code shall govern terms of membership on the Committee.

(b) Prior to the annual expiration date of members' terms, the County Manager shall submit to the Board of County Commissioners a recommended list of individuals to serve on the Committee, which said list may be augmented by individual County Commissioners. This list shall be in compliance with the requirements of Sections [2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) and [2-11.38.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP) of the Miami-Dade County. The list shall be broad-based and shall include a representative selection of individuals who have demonstrated familiarity with and interest in issues relating to the provision of trauma care. Each individual on the list shall have a reputation for integrity and service to the citizens of Miami-Dade County. In the event that the Board does not approve a sufficient number of recommendations from the list to fill available positions on the Committee, the County Manager shall provide the Board with additional recommendations until such time as all the available positions are filled. All vacancies occurring on the Committee shall be filled in the same manner either at the time of the annual appointment process or at a time specifically set by the Board.

(c) Any member of the Committee who fails to meet the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) or [2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Miami-Dade County Code shall immediately forfeit membership on the Committee, unless said requirements are waived as provided. Any member of the Committee may be removed from office by two-thirds vote of the entire membership of the Board of County Commissioners.

(d) Members of the Committee shall serve without compensation. The Board of County Commissioners may provide funds for appropriate and necessary expenses incurred by the Committee or any of its members in the performance of Committee functions; provided, however, that no such funds will be expended without prior approval of the Board.

(Ord. No. 88-84, § 2, 9-6-88; Ord. No. 89-14, § 1, 3-7-89; Ord. No. 90-75, § 1, 7-24-90; Ord. No. 91-86, § 1, 7-23-91)

Sec. 2-393. Organization; staff support.

(a) The Committee shall select one of its members as Chairman and shall adopt a schedule of regular meetings. A majority of the members of the Committee shall constitute a quorum. No recommendations shall be forwarded nor action taken by the Committee unless first approved by a majority of a quorum attending a regularly scheduled or specially called meeting of the Committee. Special meetings of the Committee may be called by the Chairman and otherwise shall be called upon the written request of five (5) Committee members. All meetings of the Committee shall be public and written minutes shall be maintained.

(b) The County Manager shall designate and make available staff support through the County Manager's office for the purpose of assisting the Committee in the fulfillment of its stated function.

(Ord. No. 88-84, § 3, 9-6-88)

Sec. 2-394. Functions.

(a) The Committee, in conjunction with the County Manager's office, shall advise the Board of County Commissioners and shall make recommendations with respect to establishment and implementation of Miami-Dade County's overall plans for the care of victims of trauma. The Committee's recommendations shall be in the areas of:

(1) Coordination with all public and private entities and organizations which are concerned with provision of trauma care;

(2) Formulation of legislative, programmatic and funding agendas needed to address present and future trauma care needs of the community;

(3) Establishment of suggested administrative and medical policies and protocols to enhance the efficiency and quality of trauma care;

(4) Overseeing the development of the State mandated trauma medical services plan;

(5) Performance of any other advisory function assigned to the Committee by the Board.

(b) The Committee is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies to any policies, to incur any financial obligation or to create any liability, contractual or otherwise, on the part of the County or any of its agencies.

(c) The Chairman, or his designee, shall present to the Board of County Commissioners on an annual basis a written report describing the Committee's activities. The Chairman, or his designee, may also appear as needed before the Board to present any matters pertinent to the Committee's concerns.

(Ord. No. 88-84, § 4, 9-6-88)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 88-84, adopted Sept. 6, 1988, amended the Code, but did not specify the manner of codification. At the discretion of the editor, §§ 1—4 of said Ord. No. 88-84 have been included herein as Art. XLI, §§ 2-391—2-394. [(Back)](#BK_9269A91E3088F30D5F3142D7DCDCA8E4)

**Cross reference—** Ambulances and medical transportation vehicles, Ch. 4. [(Back)](#BK_9269A91E3088F30D5F3142D7DCDCA8E4)

### ARTICLE XLII. TRANSPORTATION, INFRASTRUCTURE AND CONCURRENCY TASK FORCE [[66]](#BK_D09C196D7157AB03184765BEBDA58875)

[Sec. 2-395. Transportation, Infrastructure and Concurrency Task Force created; purpose.](#BK_1601670F588B0D619EB375D408792B03)

[Sec. 2-395.1. Appointment of members; terms; qualifications for membership.](#BK_6A9E923178B0EF4E8344B32A6DF19068)

[Sec. 2-395.2. Organization of the Task Force; voting, quorum; conduct of meetings; compensation of members; staff support.](#BK_E17B23F3C65C4215EC908E90EE4E4BFB)

[Sec. 2-395.3. Removal of members.](#BK_39DD512DA49A88C010E4D3351828F6C6)

[Sec. 2-395.4. Duties and powers.](#BK_D01C1666941AA85071C059807DAE1612)

[Secs. 2-396—2-400. Reserved.](#BK_9B11C7F53940E484F8700079C8B8E064)

Sec. 2-395. Transportation, Infrastructure and Concurrency Task Force created; purpose.

There is hereby created and established the Miami-Dade County Transportation, Infrastructure and Concurrency Task Force, the purpose of which shall be advise the Board of County Commissioners on all matters pertaining to transportation facilities and services, as well as other public facilities and services, necessary for sound and orderly land development and infilling, with particular emphasis on matters pertaining to the formulation and coordination of public and private efforts to provide transportation facilities and services, that will best enhance the quality of life for the County's present and future residents and visitors.

(Ord. No. 91-34, § 2, 3-19-91)

Sec. 2-395.1. Appointment of members; terms; qualifications for membership.

(a) With the exception of not more than one member who shall represent the transit dependent or transit users, all members of the Task Force shall possess expertise in transportation (both public and private), engineering, banking, finance, urban planning, environmental protection, construction, trades, law or other disciplines related to designing, planning or funding of transportation facilities, other capital improvements and other infrastructure components necessary to meet the demands created by growth.

(b) The Task Force shall be composed of a maximum of eleven (11) voting members. Each member of the Board of County Commissioners shall appoint one (1) voting member; however each Commissioner may appoint an alternate who shall be entitled to participate and vote in the absence of the voting member.

(c) The Mayor may only appoint two (2) additional voting members to achieve a more representative ethnic balance of the community on the Task Force.

(d) The Mayor shall designate a Chairperson from the voting membership of the Task Force.

(e) The voting members of the Transportation Planning Council of the Metropolitan Planning Organization for the Miami Urbanized Area, the Executive Director of the Metropolitan Planning Organization, the Executive Director of the South Florida Regional Planning Council and the County Manager shall be nonvoting, ex officio members of the Task Force. The ex officio members shall participate on the Task Force as resource members and may provide written comments pertaining to any recommendations adopted by the Task Force.

(f) The Task Force shall continue in existence for a term of two (2) years from the effective date of this ordinance, at which time the Task Force shall issue a final report and then be dissolved.

(Ord. No. 91-34, § 2, 3-19-91)

Sec. 2-395.2. Organization of the Task Force; voting, quorum; conduct of meetings; compensation of members; staff support.

(a) The voting members of the Task Force, by majority vote, shall adopt a schedule of regular meetings. A majority of the voting members of the Task Force shall constitute a quorum necessary to hold meetings or take any action. No recommendation shall be forwarded nor any action taken unless first approved by a majority of a quorum attending a Task Force meeting. Special meetings of the Task Force may be called by the Chairperson or upon the written request of five (5) Task Force members. All meetings of the Task Force shall be public and written minutes shall be maintained. Each meeting of the Task Force shall be advertised, no less than seven (7) days in advance of any such meeting, in a newspaper of general circulation in Miami-Dade County. The public shall be invited to provide comment at each meeting concerning items on the official agenda for the meeting. Members of the Task Force shall serve without compensation, but the Board of County Commissioners may approve expenses or a budget for the reasonable and necessary expenses incurred by the Task Force in the performance of its duties.

(b) The County Manager and County Attorney shall provide adequate clerical, administrative and technical personnel for the purpose of assisting the Task Force in the performance of its duties and functions, subject to budget limitations as fixed by the Board of County Commissioners.

(Ord. No. 91-34, § 2, 3-19-91)

Sec. 2-395.3. Removal of members.

Any voting member of the Task Force who ceases to be a qualified elector of Miami-Dade County shall immediately forfeit his or her office, unless the Board of County Commissioners, by a two-thirds vote of its membership, waives that requirement. Should a vacancy result from such forfeiture, or should any member of the Task Force fail to attend three (3) consecutive meetings of the Task Force without cause, or a majority of the meetings held by the Task Force during any fiscal year, the Chairperson of the Task Force shall certify that fact to the Board of County Commissioners, which shall then by appointment fill the vacancy created. Any member of the Task Force may be removed without cause by a majority of the entire membership of the Board of County Commissioners.

(Ord. No. 91-34, § 2, 3-19-91)

Sec. 2-395.4. Duties and powers.

(a) The Task Force shall advise the Board of County Commissioners on all matters pertaining to transportation facilities and services, as well as other public facilities and services, necessary for sound and orderly land development and infilling, with particular emphasis on matters pertaining to the formulation and coordination of public and private efforts to provide transportation facilities and services, as well as other public facilities and services, that will best enhance the quality of life for the County's present and future residents and visitors. The Task Force shall hold public hearings to elicit community input for the purpose of carrying out its duties. The Task Force shall make recommendations to the Board of County Commissioners relative to:

(1) Coordinating with public and private entities which are concerned with providing transportation facilities and other public facilities and services concurrent with the impacts of development and infilling necessitating those facilities and services;

(2) Formulating referenda, as well as legislative, programmatic and funding plans and priorities, for addressing present and future transportation and other infrastructure component needs, including, without limitation, revenue streams, tax benefit districts, an expressway authority, as well as cost-saving operation and maintenance considerations and other cost-saving measures;

(3) Reviewing compliance with State and regional laws, judicial decrees, administrative orders, rules and policies applicable to transportation, growth management and concurrency; and

(4) Performing any other advisory function in connection with transportation, infrastructure and growth management which may be assigned to the Task Force by any member of the Board of County Commissioners.

(b) The Task Force is advisory only and shall not have the power to commit Miami-Dade County or any of its agencies to any policies, to incur any financial obligation, or to create any lability, contractual or otherwise, on the part of Miami-Dade County or any of its agencies.

(c) The Chairperson of the Task Force, or designee, shall deliver to the Board of County Commissioners:

(1) A first interim written report no later than sixty (60) days after the effective date of this ordinance, presenting the preliminary findings and recommendations of the Task Force;

(2) A second interim written report no later than one hundred and eighty (180) days after the effective date of this ordinance, presenting further findings and recommendations of the Task Force; and

(3) A third interim written report within one (1) year of the effective date of this ordinance describing an implementation and action plan;

(4) A final written report within two (2) years of the effective date of this ordinance, presenting an overview of the subject matter and commenting on the effectiveness of the implementation and action plan.

The Chairperson, or designee, may also appear as needed before the Board of County Commissioners to present any matters pertinent to the concerns of the Task Force. The interim reports and the final report may be accompanied by separate comments from the ex officio members of the Task Force concerning any of the findings and recommendations contained in such reports.

(Ord. No. 91-34, § 2, 3-19-91)

Secs. 2-396—2-400. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 91-34, § 1, adopted March 19, 1991, repealed former Art. XLII, §§ 2-395—3-395.4, relative to the Miami-Dade County Long Range Infrastructure Task Force and § 2 of said ordinance enacted a new Art. XLII to read as herein set out. The provisions of former Art. XLII derived from Ord. No. 90-5, § 1, adopted Feb. 6, 1990 and Ord. No. 90-23, § 1, adopted March 20, 1990. [(Back)](#BK_C501E75AE63C5372F08669ACF953F187)

### ARTICLE XLIII. MIAMI-DADE COUNTY ADVISORY COMMITTEE ON IMMIGRATION [[67]](#BK_3AB24680DEE629A08736CF54216B7024)

[Sec. 2-401. Created.](#BK_6B117131276F152E7232F00F67B4FBDE)

[Sec. 2-402. Purposes.](#BK_8DD17AFDCC528A9C97154955D11187CB)

[Sec. 2-403. Powers.](#BK_7BD595E5FBA1B69046F929EE162ED21E)

[Sec. 2-404. Membership.](#BK_15C588D17994884E6A5E77AF41B7A886)

[Sec. 2-405. Staff support.](#BK_B2C0CAF9B4421FDFC3ED038C03CF1572)

[Secs. 2-406—2-420. Reserved.](#BK_207BA2ADFAA93A7112EF25362F1C9F0D)

Sec. 2-401. Created.

There is hereby created the Miami-Dade County Advisory Committee on Immigration.

(Ord. No. 88-96, § 1, 10-4-88)

Sec. 2-402. Purposes.

The purposes of the Committee shall be to assess the impact of immigrant groups on the County's infrastructure, to develop methods of assimilating and acculturing immigrants within Miami-Dade County, to assess the economic costs of immigration and recommend alternative strategies for cost recovery.

(Ord. No. 88-96, § 2, 10-4-88)

Sec. 2-403. Powers.

The Committee shall have the following powers:

(1) To identify refugee and immigrant groups.

(2) To define refugee and immigrant status.

(3) To quantify cost of service delivery systems impacted by various classifications of refugees and immigrants.

(4) To quantify cost of resettlement, assimilation and acculturation.

(5) To indemnify funding sources to recover these costs and make sure that Miami-Dade County receives reimbursement.

(6) To liaise with the federal and State governments concerning appropriate legislation.

(7) To direct staff to study the impact of legislation and to develop programs.

(8) To do any and all other tasks relating to refugees and immigrants which the Board of County Commissioners assigns.

(Ord. No. 88-96, § 3, 10-4-88)

Sec. 2-404. Membership.

The Committee shall be co-chaired by Commissioners Barbara M. Carey, Jorge E. Valdes, and Harvey Ruvin. The members of the committee shall be Mrs. Roxcy Bolton, T. Willard Fair, Rep. Dante Fascell or designee, Mrs. Toni Gary, Dr. Michael Krop, Mayor Raul Martinez, Mrs. M. Athalie Range, Hon. Abe Resnick, Perry Rivkind, Hon. Harvey Ruvin, Dr. Artistides A. Sosa, Msgr. Bryan Walsh, Father Tom Wenski and Hon. Gerald T. Wetherington. Staff members of the Committee shall be the County Manager and the County Attorney, or their designees. Each member shall serve for a term of four (4) years. The Board of County Commissioners may, by motion, appoint additional or successor members and may remove members with or without cause at any time.

(Ord. No. 88-96, § 4, 10-4-88)

Sec. 2-405. Staff support.

The Office of County Manager shall provide staff support to this Committee. The Committee shall provide an annual report to the Board of County Commissioners.

(Ord. No. 88-96, § 5, 10-4-88)

Secs. 2-406—2-420. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 88-96, adopted Oct. 4, 1988, amended the Code, but did not specify the manner of codification. At the discretion of the editor, §§ 1—5 of said Ord. No. 88-96 have been included herein as Art. XLIII, §§ 2-401—2-405. [(Back)](#BK_70F94F8D08C1182948F69463BA28FEA0)

### ARTICLE XLIV. MIAMI-DADE COUNTY ADDICTION SERVICES BOARD [[68]](#BK_D39E48B6AA3BDF342A2E8FBD9449C83B)

[Sec. 2-421. Created.](#BK_BF4857EAA59B6C65C45D13873F5B32BF)

[Sec. 2-422. Membership; qualifications; terms.](#BK_1193D9545DE2E5716AC237DF10E95AEE)

[Sec. 2-423. Organization.](#BK_CDEB80AC76F8CCA0B6EF7BC63599FC6C)

[Sec. 2-424. Duties and powers.](#BK_D79BC66356F72554A9915581EDA58D72)

[Sec. 2-425. Reports.](#BK_C16E761F8237362DE4568119FE767BC4)

Sec. 2-421. Created.

There is hereby created and established in Miami-Dade County an advisory board to be known as the Miami-Dade County Addiction Services Board.

(Ord. No. 90-144, § 1, 12-18-90)

Sec. 2-422. Membership; qualifications; terms.

(a) This Board shall consist of eighteen (18) members appointed by the County Commission in a manner set forth below. Each member of the Board shall be a resident and elector of Miami-Dade County and shall have an outstanding reputation for integrity, responsibility, and commitment to serving the community.

(b) Nine (9) of the members shall be appointed from the public sector and nine (9) of the members shall be appointed from the private sector. In filling any "private sector" seat, the County Commission shall select from a list to be submitted by The Miami Coalition for a Drug-Free Community. The "public-sector" members appointed by the Board of County Commissioners shall include the following:

(1) A State HRS administrator;

(2) A representative of the State Attorney's Office;

(3) A member of the Circuit Court of the 11th Judicial Circuit;

(4) A representative from the Public Defender's Office;

(5) The Superintendent of Schools, or the Superintendent's designee;

(6) The Director of the Miami-Dade Department of Human Resources or the Director's designee;

(7) The Director of Miami-Dade Police Department or the Director's designee;

(8) The County Manager or the Manager's designee;

(9) The Chief of Police of the City of Miami or the Chief's designee.

(c) All private sector members shall be appointed for terms of three (3) years. The public sector members shall be permanent appointments. Appointments to fill any vacancy of a private sector member shall be for the remainder of the unexpired term.

(d) Each member shall be eligible for reappointment and shall hold office until his or her successor is duly appointed and qualified.

(e) If any member of the Board fails to attend three (3) consecutive meetings without due cause, the Chairperson shall certify the same to the County Commission, and such member shall then be deemed to have been removed and a vacancy created.

(f) The members shall serve without compensation. The County Commission or other sources may provide funds for appropriate and necessary expenses incurred by the Board or any of its members in the performance of Board functions; provided, however, that no County funds will be expended without prior approval of the County Commission.

(Ord. No. 90-144, § 2, 12-18-90; Ord. No. 92-93, § 1, 9-15-92)

Sec. 2-423. Organization.

(a) The members of the Board shall elect a Chairperson and such other officers as may be deemed necessary or desirable, who shall serve at the will of the Board. Ten (10) members of the Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the members present shall be necessary to take any action.

(b) An Executive Committee consisting of all officers and such other persons as the Chairperson may appoint from time to time is authorized to exercise all powers, duties and functions of the Board between Board meetings. Any action taken by the Executive Committee shall be reported to the Board at its next regular meeting and the Board shall either ratify or rescind the action of the Executive Committee.

(c) The Chairperson may call meetings of the Board. Meetings may also be called by written notice signed by ten (10) members. The Board at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the Board. All meetings shall be public. The County Manager and the Miami-Dade County Office of Substance Abuse shall provide appropriate staff support to the Miami-Dade County Addiction Services Board.

(Ord. No. 90-144, § 3, 12-18-90)

Sec. 2-424. Duties and powers.

The Board shall have the following duties, functions, powers and responsibilities:

(1) To assist in the establishment, operation and oversight of a central intake system providing twenty-four-hour access to addiction therapy.

(2) To serve in an advisory capacity to the Board of County Commissioners, the County Manager, and the community concerning substance abuse prevention and treatment services in Miami-Dade County.

(3) To make a continuous study and review of all existing substance abuse prevention and treatment services, both public and private, in Miami-Dade County.

(4) To make recommendations on the administration and distribution of monies directed to substance abuse prevention and treatment services from all sources.

(5) To make recommendations on the administration and distribution of nondesignated trust funds held for substance abuse prevention and treatment services in Miami-Dade County.

(6) To make recommendations on the coordination, organization, utilization, and implementation of substance abuse prevention and treatment services in Miami-Dade County as well as public education as to the addiction problems faced by Miami-Dade County and as to the substance abuse prevention and treatment services available to the County.

(7) To work with the existing governmental providers of treatment and care as well as those providers in the private sector, and to make recommendations to these groups regarding the needs of Miami-Dade County for treatment programs and facilities.

(8) To recommend to the Manager and the Board of County Commissioners such ordinances as will aid in carrying out the purposes of this article.

(9) To submit an annual report to the Manager and the Board of County Commissioners.

(10) To accept grants and donations on behalf of the County from foundations and others for the purpose of carrying out the above listed functions, subject to approval by the Board of County Commissioners.

(11) To perform such other duties as may from time to time be assigned to it by the Board of County Commissioners or that are reasonable, necessary or proper to the exercise of the powers and duties enumerated above.

(Ord. No. 90-144, § 4, 12-18-90; Ord. No. 02-81, § 1, 5-21-02)

Sec. 2-425. Reports.

Within the first ninety 90 days of each calendar year, the Board shall make a report or the Board of County Commissioners of the Board's activities for the preceding calendar year. Each such report shall set forth a complete operating and financial statement covering its operation during such year.

(Ord. No. 90-144, § 5, 12-18-90)

FOOTNOTE(S):

--- (**68**) ---

**Editor's note—** Ord. No. 90-144, adopted Dec. 18, 1990, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. XLIV, §§ 2-421—2-425. [(Back)](#BK_39EAD60DDB72377EFD9924AD502DDD7A)

**Cross reference—** Imposition of additional assessment to person found guilty of offenses involving drug abuse, §§ 11-4.1, 11-4.2 [(Back)](#BK_39EAD60DDB72377EFD9924AD502DDD7A)

### ARTICLE XLV. RESERVED [[69]](#BK_56304EE4D24C9440FD535A086A5499DF)

[Secs. 2-426—2-430. Reserved.](#BK_42ABC8DA875A5D452AFC1C951C67B82F)

Secs. 2-426—2-430. Reserved.

FOOTNOTE(S):

--- (**69**) ---

**Editor's note—** Ord. No. 93-104, § 3, adopted Oct. 19, 1993 and Ord. No. 93-114, § 3, adopted Oct. 21, 1993, abolished the Sunny Isles Design Review Committee, and at the discretion of the editor, Art. XLV, §§ 2-426—2-430, relative to such committee, has been deleted from this Code. The provisions of former Art. XLV derived from Ord. No. 91-101, adopted Sept. 16, 1991; Ord. No. 92-4, adopted Jan. 21, 1992; and Ord. No. 92-67, adopted July 7, 1992. [(Back)](#BK_52298A5414F907899F98DD5CC2046E3E)

### ARTICLE XLVI. RESERVED [[70]](#BK_152B0F0B9CBFA1E55EE1FC3CD39E2944)

[Secs. 2-431—2-470. Reserved.](#BK_7E98DCE4AA50E799DFC39E15F90CAEE2)

Secs. 2-431—2-470. Reserved.

FOOTNOTE(S):

--- (**70**) ---

**Editor's note—** Ord. No. 03-182, § 5, adopted Sept. 9, 2003, repealed article XLVI, sections 2-431—2-436, in its entirety. Former article XLVI pertained to the Miami-Dade County Health Policy Authority and derived from Ord. No. 94-209, §§ 1—6, adopted Nov. 15, 1994; Ord. No. 95-71, §§ 1—7, adopted April 18, 1995. [(Back)](#BK_2FDA4B988D7D463F6DDE9CA63DCD7E6C)

### ARTICLE XLVII. COMMISSION AUDITOR [[71]](#BK_AAC730C931B409A312D85594E750AA94)

[Sec. 2-471. Created and Established.](#BK_C869D344528F9A1430E36CF6FF055CFE)

[Sec. 2-472. Appointment.](#BK_D983403AA162B3C28C43526BFAE18373)

[Sec. 2-473. Auditor selection process.](#BK_0D9FDA5D6CAC6DA570B6FAA3224415C2)

[Sec. 2-474. Minimum Qualifications.](#BK_36E71F422A5666B0D5DD53D05A3D9BE2)

[Sec. 2-475. Term of office.](#BK_65A71E38E08EC51E676CA488C797DEBC)

[Sec. 2-476. Types of audits.](#BK_3819B556897C8710CC7A7243B396BFEE)

[Sec. 2-477. Scope of Authority.](#BK_91B6B5641BFA59AAB31C7105C900ECB3)

[Sec. 2-478. Work program.](#BK_A97E4245F029DF10F9C590BF2BADB878)

[Sec. 2-479. Annual Report.](#BK_F9EB0B055931039A8B958F91D59F6E91)

[Sec. 2-480. Relationship to internal auditor, Inspector General and Clerk of Courts.](#BK_C236937A3C15C546C875ABA14D8D5BF5)

[Sec. 2-481. Access to information.](#BK_39525F7AC616D14C677ED2450F5DFC59)

[Secs. 2-482—2-500. Reserved.](#BK_55C59BE1998D6A6380105ED8A0F185C8)

Sec. 2-471. Created and Established.

There is hereby created the Office of the Commission Auditor. The organization and administration of the Office of Commission Auditor shall be sufficiently independent to assure that no interference or influence external to the office shall adversely affect the independence and objectivity of the Commission Auditor. The Office of the Commission Auditor shall be provided a discrete budget and staffing allowance. The Commission Auditor shall head the Office of the Commission Auditor and shall have the power to appoint, employ, and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the affairs of the office. The Commission Auditor shall report solely to and receive direction from the Board of County Commissioners ("Commission"). The Commission shall determine the appropriate salary and benefits package for the Commission Auditor.

(Ord. No. 03-2, § 1, 1-23-03)

Sec. 2-472. Appointment.

The Commission Auditor shall be appointed by a majority vote of the entire Commission utilizing the selection process described in [Section 2-473](../level3/PTIIICOOR_CH2AD_ARTXLVIICOAU.docx#PTIIICOOR_CH2AD_ARTXLVIICOAU_S2-473AUSEPR).

(Ord. No. 03-2, § 2, 1-23-03)

Sec. 2-473. Auditor selection process.

The selection process shall be open and competitive and shall include, at a minimum, the following:

1. Establishment of an Ad Hoc Auditor Screening Committee ("Auditor Screening Committee"), appointed by the Commission and responsible for the screening and preliminary interviewing of candidates. The Auditor Screening Committee shall be composed of five members appointed by the Commission and selected as follows:

a. Two members, preferably certified public accountants, from either a private sector accounting firm or other governmental agency with experience in accounting and financial management operations.

b. Two members from either private sector or non-profit organizations with executive experience and a background in program evaluation; and

c. One member who is not an elected official.

2. The Miami-Dade County Employee Relations Department shall advertise the availability of the position of Commission Auditor and shall provide the Auditor Screening Committee with a list of qualified candidates.

3. The Auditor Screening Committee shall screen, interview and evaluate applicants for the position of Commission Auditor, and propose a slate of the top five candidates for the Commission's consideration. The Auditor Screening Committee shall be staffed by the Employee Relations Department.

4. The Commission shall interview and select the Commission Auditor from the slate presented by the Auditor Screening Committee.

(Ord. No. 03-2, § 3, 1-23-03)

Sec. 2-474. Minimum Qualifications.

The Commission Auditor shall possess a State of Florida Certified Public Accountant license, and have at least five years of progressive managerial experience in the field of government accounting, auditing and program evaluation.

(Ord. No. 03-2, § 4, 1-23-03)

Sec. 2-475. Term of office.

The Commission Auditor may be removed from office by a vote of at least two-thirds of the entire Commission. The Commission Auditor shall maintain an active State of Florida Certified Public Accountant license while serving in this position.

(Ord. No. 03-2, § 5, 1-23-03)

Sec. 2-476. Types of audits.

The Office of the Commission Auditor shall, to the extent required by the annual work program, perform, among others, the following types of audits in accordance with Government Auditing Standards:

1. Financial and compliance audits - to determine whether financial operations are being properly conducted, whether the financial reports of the audited department, agency or entity are presented fairly, and whether the agency, department or entity has complied with the applicable requirements and regulations;

2. Economy and efficiency audits - to determine whether an agency, department or entity is managing or utilizing its resources in an economical and efficient manner, and the causes of any inefficiencies or uneconomical practices;

3. Program results audits - to determine whether the desired results or benefits are being achieved, whether the objectives established by the Commission are being met, and whether the agency, department or entity has considered alternatives that might yield desired results at a lower cost;

4. Special studies - which are informally conducted audits used to evaluate program effectiveness or efficiency under specific circumstances or when directed by the Commission;

5. Follow-up reports - to determine the extent to which the original recommendations were implemented and whether the implemented recommendations resulted in the desired improvements;

6. Contract Audits - to audit any contract entered into by the County or using County funds; and

7. Memoranda - to inform about pending legislation, issues and proposals coming before the Commission and provide independent assessments including, but not limited to, a fiscal impact analysis of all ordinances and resolutions on the Commission agenda.

(Ord. No. 03-2, § 6, 1-23-03)

Sec. 2-477. Scope of Authority.

The Commission Auditor shall, to the extent provided for in the annual work program, perform the following functions and be charged with the following responsibilities on behalf of the Commission:

1. To determine the extent to which legislative policies are being faithfully, efficiently and effectively implemented by the County Manager and County personnel;

2. To determine whether County programs are achieving their desired objectives;

3. To review both the administrative control and executive control systems as established by the County Manager and departmental personnel, and to determine whether such control systems are adequate and effective in accomplishing their objectives;

4. To perform audits provided for in [Section 2-476](../level3/PTIIICOOR_CH2AD_ARTXLVIICOAU.docx#PTIIICOOR_CH2AD_ARTXLVIICOAU_S2-476TYAU)

5. To give information to the Commission whenever required regarding any subject relating to the affairs of the County;

6. To offer input throughout the budgetary process;

7. To review the reasonableness of all revenue estimates included in the Mayor's and Manager's proposed budgets;

8. To review all departmental budgets and perform an analysis of the Manager's and Mayor's proposed budgets and make recommendations to the Commission regarding adjustments to the proposed budgets;

9. To prepare a budget for the County if requested by the Commission;

10. To make periodic reports to the Commission which shall include, but not be limited to, the following:

a. To determine whether departments, agencies and entities of the County have complied with the fiscal and legislative policies of the Commission;

b. To provide information on proposals that could adversely affect the County including, but not limited to, the County's credit rating;

c. To report matters and make recommendations concerning the effectiveness and efficiency of programs and the operation of the County;

d. To be empowered to take exception to improper specific expenditures incurred by any County department, agency or entity; and

11. The Commission Auditor shall serve as a voting member of any competitive selection committee convened for the purpose of recommending an external auditor to the County Manager. The Commission Auditor shall also be apprised by the County Manager of the activities of the external auditor and may monitor the conduct of, and responses to, external financial statement audits, and the resolution of audit findings. The Commission Auditor shall also work toward the elimination of duplicative audit work through cooperation with state, federal and external auditors, and the Clerk of the Circuit and County Courts when the Clerk is performing as auditor under Article V, Section 16 of the Florida Constitution and general laws of the State of Florida.

(Ord. No. 03-2, § 7, 1-23-03)

Sec. 2-478. Work program.

1. At the beginning of each fiscal year, the Commission Auditor shall submit a one-year work program to the Commission for approval.

2. The Commission may by majority vote of members present move to amend the approved annual work program to meet circumstances as they may arise. However, the Commission shall not direct the Commission Auditor to terminate an audit in progress except upon a two-thirds vote of members present.

3. The Commission Auditor shall respond to oral requests for assistance from individual members of the Commission if the response requires a relatively minor effort that can be accomplished without disruption to the approved work program.

4. If the Commission Auditor determines that there is serious concern regarding fraud, abuse or illegality, the Commission Auditor shall refer the matter to the Office of the Inspector General.

5. A final draft of each audit report shall be forwarded to the audited County agency, department or entity and the chief executive officer or department director for review and comment regarding the contents of the audit before it is released. The agency, department or entity shall respond in writing and specify agreement with the audit findings and recommendations or reasons for disagreement with findings and/or recommendations, plans for implementing solutions to issues identified in the report and a timetable to complete such activities. The response must be forwarded to the Commission Auditor within 30 days. The Commission Auditor shall consider the response and, at a minimum, include the response in the report. If no response is received, the Commission Auditor shall note that fact in the transmittal letter and release the audit report.

(Ord. No. 03-2, § 8, 1-23-03)

Sec. 2-479. Annual Report.

The Commission Auditor shall submit an annual report to the Commission within 60 days after the close of the fiscal year. The annual report shall indicate audits completed, major findings, corrective actions taken by the County Manager, and significant findings which have not been fully addressed by the County Manager.

(Ord. No. 03-2, § 9, 1-23-03)

Sec. 2-480. Relationship to internal auditor, Inspector General and Clerk of Courts.

The Office of the Commission Auditor is not intended to duplicate the work of the County's internal auditor, Inspector General or Clerk of the Circuit and County Courts, although audits or investigations may from time to time address issues arising from the same function or activity. The County's internal auditor and the Office of the Inspector General shall fully cooperate with the Commission Auditor.

(Ord. No. 03-2, § 10, 1-23-03)

Sec. 2-481. Access to information.

The Commission Auditor shall have read-only access to any and all financial, data, and reporting systems of the County and access to all books, records, memoranda and other documents, including both those internally or externally created, of all departments, boards, agencies, and other entities of the County. To the extent such information is required by law to remain confidential and/or exempt from disclosure, such information shall also be maintained by the Commission Auditor as confidential and/or exempt. Access to such information shall be provided to the Commission Auditor within five (5) business days from the date of the Commission Auditor's request; provided, however, if it is not reasonably possible to comply with the Commission Auditor's request within five (5) business days, then access to the requested information shall be provided within the limited reasonable time necessary to retrieve the information. The information must be provided in the medium requested if the record is maintained in that medium. The Commission Auditor may make direct inquiries of any officer, agent, or employee of any department, board, agency or other County entity to clarify matters under his or her purview. It shall be a policy of this Board that such officer, agent or employee shall respond to such inquiries and shall not knowingly omit significant facts when presenting the requested information. The Commission Auditor may require the appearance of any officer, agent or employee of any department, board, agency or other entity for the purpose of examining that person under oath or affirmation. All contracts with outside contractors and subcontractors shall provide for access by the Commission Auditor to all financial and performance related records, property, and equipment purchased in whole or in part with governmental funds. The Commission Auditor shall have the power to summon any person to be examined under oath or affirmation. The Commission Auditor, or an assistant, may administer an oath or affirmation. The Commission Auditor may issue necessary process, including a subpoena or subpoena duces tecum, to compel attendance or the production of documents or other things. Prior to issuing a subpoena, the Commission Auditor shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Commission Auditor shall not interfere with any ongoing investigation of the State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Commission Auditor in writing that the Commission Auditor's investigation is interfering with an ongoing criminal investigation.

(Ord. No. 03-2, § 11, 1-23-03; Ord. No. 08-08, § 2, 1-10-08; Ord. No. 10-46, § 1, 7-8-10)

Secs. 2-482—2-500. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 03-2, § 1, adopted Jan. 23, 2003, did not specifically amend the Code. Hence, its inclusion herein as article XLVII, sections 2-471—2-481, was at the discretion of the editor. [(Back)](#BK_EAC5C11F884674C0F8DE35911E273378)

### ARTICLE XLVIII. MIAMI-DADE ECONOMIC ADVOCACY TRUST [[72]](#BK_40F89E23FA8023BF78E91A788F2479AB)

[Sec. 2-501. Creation and purpose.](#BK_50EE7A876C767A7319AAA76D085BBC98)

[Sec. 2-502. Governing body.](#BK_2C4A1E234834CDA9A06E42BFCFB33F8B)

[Sec. 2-503. Appointment and tenure.](#BK_CE4EF27EB8C2DEBBB72C83F059F98669)

[Sec. 2-504. Removal of Trustees.](#BK_8B0F1FC082C8F0971F3463A26A9892E2)

[Sec. 2-505. Organization; staff support.](#BK_3D8862500B079789419F0FD59568E6C4)

[Sec. 2-506. Powers and duties of the Trust.](#BK_191C9D9B46BC23D7428EB3060C93ADFD)

[Sec. 2-507. Reserved.](#BK_3BD6CAF7E6415F6E44E4A242A39DA98A)

[Sec. 2-508. Applicability of Florida Open Government and Conflict of Interest Laws.](#BK_FAB13BC07ED1AD5504331652EFEA9769)

[Sec. 2-509. Validity.](#BK_AC12D5DEE8752B4058A3E899ABC7015A)

[Secs. 2-510—2-520. Reserved.](#BK_28222F43B93EB5F08AEE554974C4CFBD)

Sec. 2-501. Creation and purpose.

(a) There is hereby created and established a revocable trust, the terms of which may be modified by Miami-Dade County, which trust shall be named and known as the Miami-Dade Economic Advocacy Trust (hereinafter referred to as the "Trust"). The Trust shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated. The Trust shall be an agency and instrumentality of Miami-Dade County.

(b) The purpose of the Trust shall be to ensure the equitable participation of Blacks in Miami-Dade County's economic growth through advocacy and monitoring of economic conditions and economic development initiatives in Miami-Dade County.

(c) This Board recognizes the independence of the Trust and its obligation to provide the Board of County Commissioners and the County Mayor or the Mayor's designee with independent advice on matters of policy relating to the purposes and projects of the Trust.

(d) Notwithstanding the independence of the Trust, this Board may by resolution take any action to effectuate the purposes of the Trust.

(Ord. No. 92-12, § 1, 2-18-92; Ord. No. 01-01, § 1, 1-23-01; Ord. No. 09-70, § 2, 9-1-09)

Sec. 2-502. Governing body.

(a) The governing body of the Trust shall be a Board of Trustees composed of fifteen (15) voting members. A quorum of the Trust shall be the lesser of seven (7) Trustees or a majority of those Trustees in office.

(b) The Board of Trustees shall hold regular meetings in accordance with the bylaws of the Trust and other such meetings as it deems necessary.

(c) The establishment and activities of the Board of Trustees shall be governed by [Section 2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) et seq. of the Code of Miami-Dade County, as applicable.

(Ord. No. 92-12, § 2, 2-18-92; Ord. No. 08-86, § 1, 7-1-08)

Sec. 2-503. Appointment and tenure.

(a) *Nominating council.* Trustees shall be appointed by resolution of the Board of County Commissioners (hereinafter known as "Board") after having been selected by the Miami-Dade Economic Advocacy Trust Nominating Council (hereinafter known as "Nominating Council") established and described herein. The Nominating Council shall be comprised of five (5) voting members, two (2) of whom shall be the Chairperson of the Board of Trustees of the Trust and the Chair of the Board's committee with jurisdiction over economic development issues, who shall serve as the chair of the Nominating Council and three (3) of whom shall be appointed by the Chair of the Board of County Commissioners and ratified by the Board. No acting Trustee of the Trust, other than the Chairperson of the Board of Trustees, shall serve on the Nominating Council, nor shall any acting member of the Nominating Council, other than the Chairperson of the Board of Trustees, be eligible to serve on the Board of Trustees of the Trust. In serving on the Nominating Council, the Chairperson of the Board of Trustees of the Trust shall not vote on or participate in any way in any matter affecting the Chairperson's appointment to the Board of Trustees of the Trust. The members of the Nominating Council shall be appointed for staggered three-year terms and shall not serve more than two (2) consecutive and complete three (3) years each as set forth in [Section 2-503](../level3/PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR.docx#PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR_S2-503APTE)(d) of this article. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy of the Board of Trustees. The Nominating Council and the procedures under which it will operate shall be approved by the Board of County Commissioners. The Nominating Council shall submit to the Board of County Commissioners one (1) nominee for each vacancy on the Trust Board. The slate of nominees shall be submitted directly to the Board of County Commissioners no later than September 1 of each year. As applicable, [Section 2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) et seq. of the Code of Miami-Dade County shall govern the establishment and activities of the Nominating Council. In the event the Commission is unable to appoint a member to the Board of Trustees pursuant to said section(s), no action of the Trust shall be rendered void because of such inability on the part of the Commission. The County Mayor shall designate a liaison to coordinate the Nominating Council process.

In the event of a vacancy during the term of a Trustee, the Trust shall notify the Board of County Commissioners of the vacancy and shall request that it be filled in accordance with the applicable criteria set forth herein either as a part of the annual appointment process or by a special meeting of the Nominating Council.

(b) *Composition.* Notwithstanding [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of this Code with respect to eligibility of membership on the Board of Trustees, the voting membership shall include representatives from the following areas of professional expertise: (1) economic and business development; (2) criminal justice; (3) community based organizations; (4) educational organizations; (5) banking and finance; and (6) health organizations. In addition, the Board of Trustees shall have at least one (1) voting member from the Miami-Dade County School Board and one (1) voting member from State or local government. At least seven (7) members of the initial Board of Trustees shall be selected from members of the existing Trust Board of Directors. With respect to the appointment of the balance of Trustees, careful consideration shall be given to the expertise needed to accomplish the goals and objectives of the Trust. In addition, a majority of the membership of the Board of Directors shall be members of the African-American community.

(c) *Qualifications.* Each member of the Board of Trustees shall be a United States citizen, a permanent resident and duly qualified elector of Miami-Dade County unless the Board of County Commissioners waives the residency requirement by a two-thirds vote of its membership. No person shall be qualified to sit as a Trustee if that person is an officer, representative, administrator or employee of any consultant, contractor or agency contracting with or receiving funding from the Trust except if that person is employed by or is serving on the Board of Trustees as a representative of State or local government. Trustees who are representatives of or who are employed by any State or local governmental agency may not vote on matters affecting the governmental agency by which they are employed or whom they represent.

(d) *Tenure of Trustees.* The Trustees shall serve terms of three (3) years each; provided, however, that of the original Board of Trustees, the Board of County Commissioners shall select one-third (1/3) for a term of one (1) year and one-third (1/3) for a term of two (2) years. No Trustee shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by a two-thirds (2/3) vote of the full membership of the Board of County Commissioners. All Trustees serving on the Board of Trustees on the effective date of this ordinance shall continue to serve on the Board of Trustees. Current Trustees shall be eligible to serve up to two (2) consecutive and complete three-year terms. Service on the Board of Trustees by current members prior to the effective date of this ordinance shall not count towards the maximum term of service provided for in this ordinance. The initial Board of Trustees, appointed after the effective date of this ordinance, excluding Trustees serving on the Board of Trustees on the effective date of this ordinance, shall serve staggered terms. One-third (1/3) of Trustees appointed after the effective date of this ordinance shall serve for a term of one (1) year, one-third (1/3) shall serve for a term of two (2) years, and one-third (1/3) shall serve for a term of three (3) years. Straws shall be drawn to determine the terms.

(e) *Compensation.* Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses.

(Ord. No. 92-12, § 3, 2-18-92; Ord. No. 01-01, § 1, 1-23-01; Ord. No. 08-86, § 2, 7-1-08; Ord. No. 09-70, § 3, 9-1-09)

Sec. 2-504. Removal of Trustees.

Any Trustee shall be removed for excessive absence in accordance with [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Code of Miami-Dade County. In addition, before or after the transition period any Trustee may be removed for cause by two-thirds vote of the entire membership of the Board of County Commissioners or, at the conclusion of the transition period (hereinafter defined), by two-third vote of the entire membership of the Board of Trustees.

(Ord. No. 92-12, § 4, 2-18-92)

Sec. 2-505. Organization; staff support.

(a) *Organization.* The Board of Trustees shall organize after the members have qualified to serve and shall elect one of its voting members as Chairperson, one of its voting members as Vice-Chairperson and such other officers as the Board of Trustees may determine to be necessary. In addition, the Board of Trustees shall make, adopt and amend bylaws, rules and regulations for its own governance.

(b) *Employees.* The Executive Director and all employees of the Trust shall be Miami-Dade County employees. The Board of Trustees shall submit the names of nominee(s) for the position of Executive Director to the County Manager. The Manager shall make a recommendation from the nominee(s) proposed by the Trust to the Board of County Commissioners for its approval. The Trust shall have the power to remove the Executive Director.

The Board of Trustees shall submit the names of nominee(s) for the position of Executive Director to the County Manager. The Manager shall make a recommendation from the nominee(s) proposed by the Trust to the Board of County Commissioners for its approval. The Trust shall have the power to remove the Executive Director.

(c) *Staff support.* The County Attorney shall serve as Attorney for the Trust, the County Manager shall provide audit, budget and financial assistance to the Trust, and the Clerk of the Board of County Commissioners shall be the Clerk and Secretary of the Trust.

(d) The Board of County Commissioners shall provide to the Trust fiscal review and oversight as well as programmatic focus and direction.

(e) The Trust shall present quarterly financial reports, including a current statement of all accounts, to the Commission Auditor and the County Manager. Copies of said reports shall be provided to the Board of County Commissioners. Said reports shall also include information concerning an assessment of the performance of each agency funded by the Trust as well as those program activities carried out directly by the Trust. In addition to these quarterly reports, the Trust shall submit annual reports to the County Manager and the Commission Auditor summarizing and evaluating all programs and activities undertaken by the Trust during the previous fiscal year. The annual report shall include an audit in accordance with generally accepted accounting principles of all funds received and expended by the Trust. The Trust shall not be able, however, to establish any bank accounts without the express approval of either the Board of County Commissioners or the County Manager; provided, however, that the Trust can establish an account for Miami-Dade Community Foundation monies to receive and expend non-County monies which the Trust receives. No County monies nor income from County accounts shall be deposited into external accounts. The Trust shall be subject to periodic reviews as deemed necessary by the County Mayor, the Board of County Commissioners, the Department of Audit and Management Services and the Office of Strategic Business Management. In the event that these reviews reveal management problems, as determined by the reviewing entity, then the County Mayor, after the approval of the Board of County Commissioners, may place the Trust on Management Watch. If the Trust is placed on Management Watch, the Mayor shall present a plan to the Board of County Commissioners which provides timelines for removal of the Trust from Management Watch. The Board of County Commissioners shall have the authority to remove the Trust from Management Watch.

The Trust, in addition to providing quarterly financial reports, shall submit to the Board an annual Report Card on the State of the Black Community in Miami-Dade County. The report card shall include information on factors such as, but not limited to, the unemployment rate, the rates of business ownership, graduation rates, and homeownership rates within Miami-Dade County's Black community. The report card shall be presented to the Board and to the community.

(f) Subject to the Miami-Dade County budgetary process and the availability of funds, the County will include in its annual budget funds for administrative costs and additional funds for programmatic activities. Requests for administrative and programmatic funds are to be made in accordance with the procedures described in [Section 2-506](../level3/PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR.docx#PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR_S2-506PODUTR)(i). The County Manager is directed to include his recommendation for administrative and programmatic funding for the Trust in the annual proposed budget.

(Ord. No. 92-12, § 5, 2-18-92; Ord. No. 01-01, § 1, 1-23-01; Ord. No. 08-86, § 3, 7-1-08)

Sec. 2-506. Powers and duties of the Trust.

The Trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided:

(a) Every five (5) years, the Trust shall establish a five-year comprehensive plan (hereinafter "the plan"). The plan shall contain one-year goals and objectives, the completion of which shall be needed to accomplish the comprehensive plan. The first plan shall be submitted to the Board of County Commissioners for approval.

(b) The Trust shall be empowered to expend administrative and programmatic resources to achieve each of its one-year goals and objectives as well as to accomplish and complete each five-year plan.

(c) The Trust shall identify and develop a variety of alternative funding sources and shall seek and apply for State, federal and private grants, including but not limited from philanthropic and non-tax based sources.

(d) The Trust shall serve as an advocate for and providing of the economic conditions and economic development initiatives in Miami-Dade County.

(e) The Trust shall submit to the Board an annual scorecard that reflects the performance of those entities, (both public and private) charged with and funded to improve conditions in blighted communities.

(f) The Trust shall conduct a disparity study that examines the present economic conditions of Blacks in Miami-Dade County. This study shall be conducted every ten (10) years and submitted to the Board.

(g) The Trust, as an agent and instrumentality of Miami-Dade County, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts and, subsequent to the effective date of this chapter and subject to the limitations set forth below, shall additionally be empowered to negotiate and execute such contracts as are properly within the powers and duties of the Trust. However, the Trust shall not without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated to the trust by the Board of County Commissioners.

The Trust shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Miami-Dade County, Florida, and for such purpose the term "board" as used in Section 4.03(D) shall be construed to be "board of trustees" and the term "manager" shall be construed to be executive director of the Trust.

For all construction contracts, the trust shall comply with the provisions of [Section 10-38](../level3/PTIIICOOR_CH10CO_ARTIIBIPUPR.docx#PTIIICOOR_CH10CO_ARTIIBIPUPR_S10-38DECOCOWO) of the County Code and the administrative procedures adopted pursuant to said section.

For all purchases of commodities and services, the trust shall comply with the provisions of [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR) of the County Code and the administrative procedures adopted pursuant to said section.

(h) The Trust's budget requests shall be prepared and submitted in the same manner as the budget for a County department and will be considered as part of the Miami-Dade County budget process. The Trust's budget requests shall be prepared in a format prescribed by the County Manager.

(Ord. No. 92-12, § 6, 2-18-92; Ord. No. 93-12, § 1, 2-16-93; Ord. No. 01-01, § 1, 1-23-01; Ord. No. 09-70, § 4, 9-1-09)

Sec. 2-507. Reserved.

**Editor's note—**

Ord. No. 01-01, § 1, adopted Jan. 23, 2001, repealed [section 2-507](../level3/PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR.docx#PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR_S2-507RE) in its entirety. Former [section 2-507](../level3/PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR.docx#PTIIICOOR_CH2AD_ARTXLVIIIMIDEECADTR_S2-507RE) pertained to an extension of the transition period and derived from Ord. No. 92-12, § 7, adopted Feb. 18, 1992.

Sec. 2-508. Applicability of Florida Open Government and Conflict of Interest Laws.

The Trust shall at all times operate under the Florida Open Government Laws, including the "Sunshine Laws," Public Meeting Laws and Public Record Laws, and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida.

(Ord. No. 92-12, § 8, 2-18-92)

Sec. 2-509. Validity.

If any section, subsection, sentence, clause or provision of this article is held invalid, the remainder of this article shall not be affected by such invalidity.

(Ord. No. 92-12, § 9, 2-18-92)

Secs. 2-510—2-520. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 92-12, adopted Feb. 18, 1992, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. XLVIII, §§ 2-501—2-509. [(Back)](#BK_E1ABC8FE1CEDBF5E16E3669B40733BA9)

Section 1 of Ord. No. 09-70, adopted Sept. 1, 2009, renamed Art. XLVIII, Metro-Miami Action Plan Trust, to read as herein set out. [(Back)](#BK_E1ABC8FE1CEDBF5E16E3669B40733BA9)

### ARTICLE XLIX. MIAMI-DADE COUNTY INDIGENT HEALTH CARE TASK FORCE

[Sec. 2-521. Creation and purpose of task force.](#BK_3D1374A94CAF197B6786CAD81083C543)

[Sec. 2-522. Membership; appointment; terms; removal.](#BK_668BD069F0C3B7E49A252962910F6BB8)

[Sec. 2-523. Organization of the task force.](#BK_114DE64DC59A886336FF491B513532C6)

[Sec. 2-524. Duties and powers of the task force.](#BK_095BA00276C50E8C2CB1B791C820DBF6)

[Sec. 2-525. Reports.](#BK_C60D58C5AE9355EDEC39C37FED19595E)

[Secs. 2-526—2-530. Reserved.](#BK_F86053CC95942D8B11F06ED65FD91566)

Sec. 2-521. Creation and purpose of task force.

There is hereby created and established the Miami-Dade County Indigent Health Care Task Force. The task force's purpose is to advise and make recommendations to the County Commission on a means whereby private sector physicians, hospitals and other private health care providers and facilities are encouraged to provide health care to the medically indigent residents of Miami-Dade County.

(Ord. No. 92-40, § 1, 5-19-92)

Sec. 2-522. Membership; appointment; terms; removal.

(a) The Board of County Commissioners shall, by resolution, appoint ten (10) members to the task force in a manner set forth below.

(b) The membership shall consist of a community service agency representative and a representative from each of the following organizations:

Miami-Dade County Public Health Trust

Miami-Dade Legislative Delegation

Miami-Dade County Medical Association

South Florida Hospital Association

Primary Health Care Consortium

Health Council of South Florida

Miami-Dade League of Cities

Miami-Dade County Chapter of the National Medical Association

Miami-Dade County Bar Association

In addition, the County Commission shall appoint an alternate for each member who shall be empowered to vote in the absence of the representative.

(c) Initial appointment and tenure. The ten (10) members and ten (10) alternates representative of the foregoing organizations, presently serving on the task force pursuant to Resolution Nos. 549-91 and 319-92, shall constitute the initial appointment. These members and alternates shall hold office until the task force expires pursuant to [Section 2-525](../level3/PTIIICOOR_CH2AD_ARTXLIXMIDECOINHECATAFO.docx#PTIIICOOR_CH2AD_ARTXLIXMIDECOINHECATAFO_S2-525RE) below or until his or her successor is duly appointed and qualified.

(d) Attendance requirements for members shall be in accordance with [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of this Code. If a member appointed to represent a category listed in subsection (b) above loses such representative status, fails to maintain the qualifications for membership set forth in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of this Code, fails to maintain attendance requirements, voluntarily resigns, or for other good cause is removed, the member shall forfeit membership on the task force and the designated alternate shall replace that member and the County Commission shall appoint a new alternate.

(e) The members shall serve without compensation. The County Commission or other sources may provide funds for appropriate and necessary expenses incurred by the task force or any of its members in performance of task force functions, provided that no County funds will be expended without prior approval of the County Commission.

(Ord. No. 92-40, § 2, 5-19-92)

Sec. 2-523. Organization of the task force.

(a) The members of the task force shall elect a chairperson and other such officers as may be deemed necessary or desirable, who shall serve at the will of the task force.

(b) A majority of members of the task force shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the members present shall be necessary to take any action. The chairperson may call meetings of the task force. Meetings may also be called by written notice signed by six (6) members. The task force at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the task force and all meetings shall be public. The County Manager, County Attorney and Clerk of the County Commission shall provide appropriate staff support.

(c) The task force may appoint committees to accomplish its tasks, and may include as committee members individuals who are not task force members.

(Ord. No. 92-40, § 3, 5-19-92)

Sec. 2-524. Duties and powers of the task force.

The task force shall have the following duties, functions, powers and responsibilities:

(a) The task force shall prepare recommendations to the County Commission addressing the following issues:

(1) Reducing or limiting the liability exposure for registered volunteer health care providers that provide services to medically indigent patients whose treatment would otherwise be rendered by the Public Health Trust; and

(2) Developing a voucher system, reimbursement program or other financial arrangement that will allow private hospitals to recover the reasonable costs of rendering secondary level support services to those medically indigent patients that would otherwise be treated at Jackson Memorial Hospital. This program or arrangement would be available to registered volunteer physicians and other health care providers and staff physicians of the Public Health Trust.

(b) The task force may review and comment on other indigent health care issues.

(c) In carrying out the duties and responsibilities set forth above, the task force may utilize a strategic planning process and shall meet with and receive input from other groups and agencies involved in health care planning.

(d) The task force shall, on behalf of the above-referenced groups, present recommendations to the Board of County Commissioners regarding areas of indigent health care where the combined efforts of the public and private health care providers would be appropriate and cost effective.

(Ord. No. 92-40, § 4, 5-19-92)

Sec. 2-525. Reports.

The task force shall submit its recommendations in writing to the County Commission on or before December 31, 1992 at which time the task force's tenure shall expire, unless otherwise extended by the Board of County Commissioners.

(Ord. No. 92-40, § 5, 5-19-92)

Secs. 2-526—2-530. Reserved.

### ARTICLE L. MIAMI-DADE COUNTY HISPANIC AFFAIRS ADVISORY BOARD

[Sec. 2-531. Created.](#BK_7811ECCA084F8EC043767EFFA442A5F5)

[Sec. 2-532. Composition; terms.](#BK_07A2DD57C141899E95245F156184AEB0)

[Sec. 2-533. Officers; quorum; compensation.](#BK_640E020BFD47A743AB184A3184E217E7)

[Sec. 2-534. Duties, powers and responsibilities.](#BK_B410360D65C78D7D9975A7C685E09D76)

[Sec. 2-535. Supervision and Support.](#BK_F28B82D829EB9F009C77CB4F02617F29)

[Secs. 2-536—2-550. Reserved.](#BK_8D00192BD09175CDD93372F782C44612)

Sec. 2-531. Created.

There is hereby created the Miami-Dade County Hispanic Affairs Advisory Board.

(Ord. No. 92-41, § 1, 5-19-92)

Sec. 2-532. Composition; terms.

The Miami-Dade County Hispanic Affairs Advisory Board shall be composed of twenty-seven (27) members who shall be permanent residents and electors of the county and who shall have a knowledge of and interest in the county's Hispanic community. Each county commissioner shall appoint three (3) members of the Board: one member for an initial one-year term, one member for an initial two-year term, and one member for an initial three-year term. Appointments after the initial term shall be for a term of three (3) years.

(Ord. No. 92-41, § 2, 5-19-92)

Sec. 2-533. Officers; quorum; compensation.

The members of the Board shall elect a chairperson and vice chairperson, who shall serve at the will of the Board. Nine (9) members of the Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the quorum of the Board shall be necessary to take any action. Members shall serve without compensation. The chairperson or vice chairperson may call meetings of the Board. Meetings may also be called by written notice signed by nine (9) members. The Board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

(Ord. No. 92-41, § 3, 5-19-92; Ord. No. 93-44, § 1, 5-18-93)

Sec. 2-534. Duties, powers and responsibilities.

The Board shall have the following duties, powers and responsibilities:

(a) To serve in an advisory capacity to the county commission, the county administration, the community, and all agencies and persons in Miami-Dade County, Florida, in respect to matters pertaining to the Hispanic community of Miami-Dade County.

(b) To formulate and recommend plans and programs for coordination of the activities of governmental entities and nongovernmental agencies pertaining to the Hispanic community.

(c) It is the express purpose of this Board to serve as a medium for responsible persons to utilize and consult with in attempting to understand and solve the many complex problems involved with the Hispanic community in Miami-Dade County and to make findings and recommendations to the County Commission and the county administration regarding such matters.

(d) The Board shall annually report to the Commission as to its findings and recommendations.

(e) To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.

(Ord. No. 92-41, § 4, 5-19-92)

Sec. 2-535. Supervision and Support.

The Office of the Chairperson of the County Commission, County Attorney and Clerk of the Board shall provide appropriate support for the Hispanic Affairs Advisory Board. The Chairperson of the County Commission shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Hispanic Affairs Advisory Board, and such assistants, employees, and personnel shall serve at the will of the Chairperson of the County Commission.

(Ord. No. 92-41, § 5, 5-19-92; Ord. No. 10-45, § 4, 7-8-10)

Secs. 2-536—2-550. Reserved.

### ARTICLE LI. MIAMI-DADE COUNTY HIV HEALTH SERVICES PLANNING COUNCIL.

[Sec. 2-551. Creation and purposes.](#BK_70E988CDCED93077EEEE6D86C8A4B80F)

[Sec. 2-552. Membership requirements; appointment of members; terms; removal.](#BK_BAAD3195A7A366C75DE568760929EC81)

[Sec. 2-553. Organization.](#BK_6886FA0E34AB40D2427F1481575167E1)

[Sec. 2-554. Powers and duties.](#BK_2A3E8148F36343F63529100551988BAC)

[Sec. 2-555. Conflict of interest waiver.](#BK_894593F19E7B8B4FCAF2D19EE3131C9B)

[Sec. 2-556. Reports.](#BK_E6422D370B67B3F6E01DD6A158144966)

[Secs. 2-557—2-580. Reserved.](#BK_6F03644C515E1ADA8E15B9F16958E5EF)

Sec. 2-551. Creation and purposes.

There is hereby created and established the Miami-Dade County HIV Health Services Planning Council. The Council's purpose is to enable the County to apply for, receive and allocate financial assistance under the Ryan White Act and advise the Board of County Commissioners on HIV/AIDS related health services issues.

(Ord. No. 92-100, § 1, 9-15-92; Ord. No. 94-206, § 1, 11-1-94)

Sec. 2-552. Membership requirements; appointment of members; terms; removal.

(a) The council shall be composed of thirty-one (31) members from the following categories of representatives:

(1) Health care providers;

(2) Community based and AIDS service organizations;

(3) Social service providers;

(4) Mental health providers;

(5) Local public health agencies;

(6) Hospital or health care planning agencies;

(7) Affected socio-economic communities, including individuals with HIV disease;

(8) Non-elected community leaders who do not provide HIV related health care services subject to funding under the Ryan White Act;

(9) State government;

(10) Agencies receiving grants under Title III of the Ryan White Act;

(11) The lead agency for Health Resources and Services Administration adult and pediatric HIV-related care demonstration project.

(b) The Board of County Commissioners shall designate at the time of appointment which category listed in subsection (a) above each member shall represent. Appointments shall comply with the following requirements:

(1) The Board shall appoint at least one member form each category listed in subsection (a) above, the President of the Primary Health Care Consortium of Miami-Dade County, at least one provider receiving a grant under the Special Projects of National Significance Program, and an individual designated by the grantee of Housing Opportunities for Persons with AIDS (HOPWA) Program for Miami-Dade County.

(2) The Board shall appoint at least six (6) individuals with HIV disease as members, and six (6) additional individuals with HIV disease as alternates. To the greatest extent possible, the gender, racial, ethnic and cultural make-up of the alternates should reflect that of the six (6) members. These alternates shall serve as non-voting members except when the chairperson certifies that a member with HIV disease is unable to serve due to the disease, in which case a designated alternate shall vote for such absent member.

(3) The Board shall appoint no more than ten (10) individuals who personally provide or who represent entities that provide HIV related health care services subject to funding under the Ryan White Act. Of these ten (10) appointments, no more than seven (7) shall be full or part-time employees of entities that provide such services. No provider shall have more than one representative or employee as a member, except the Department of Health and Rehabilitative Services, which may have two (2) members.

(c) Members shall be appointed in accordance with Sections [2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) and [2-11.38.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP) of the Code of Miami-Dade County.

(d) The term of office of members shall be in accordance with [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of the Code of Miami-Dade County. Members shall be appointed to three (3) year terms, which shall end concurrent with the last day of the county's fiscal year, except that initially nine (9) members shall be appointed to a one-year term and ten (10) members to a two-year term.

(e) Attendance requirements for members shall be in accordance with [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE), except that absences from meetings by members with HIV disease due to the disease shall not be counted as an absence. If a member appointed to represent a category listed in subsection (a) above loses such representative status, fails to maintain the qualifications for membership set forth in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO), fails to maintain attendance requirements, voluntarily resigns, or for other good cause is removed, the member shall forfeit membership on the council and the County Manager shall recommend a replacement to fill the unexpired term of such member.

(Ord. No. 92-100, § 2, 9-15-92; Ord. No. 94-206, § 1, 11-1-94)

Sec. 2-553. Organization.

(a) The council shall elect a chairperson and vice-chairperson from among its members, who shall serve at the will of the council. The chairperson and vice-chairperson shall not personally provide or represent entities that provide HIV-related health care services subject to funding under the Ryan White Act. The chairperson shall preside at all meetings at which he or she is present. The vice-chairperson shall act as chairperson in the absence or inability of the chairperson.

(b) The council shall have assistance from staff designated by the county manager and legal representation from the county attorney's office. The staff shall maintain and keep the records of the council; prepare, in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, resolutions or correspondence as the council may direct; and generally administer the business and affairs of the council, subject to budgetary limitations.

(c) In order to transact any business or to exercise any power vested in the council, a quorum consisting of no less than thirteen (13) members shall be present.

(d) The council shall not transact business or exercise its powers unless a majority of the quorum in attendance agrees to the activity. The chairperson or five (5) council members upon written request to the chairperson may call for a special meeting.

(e) The council may appoint committees to accomplish its tasks, and may appoint as committee members individuals who are not council members.

(Ord. No. 92-100, § 3, 9-15-92; Ord. No. 94-206, § 1, 11-1-94)

Sec. 2-554. Powers and duties.

The Council shall:

(a) Have those powers and duties given HIV health services planning councils by the Ryan White Act as it presently exists or as it may be amended;

(b) Advise the Board of County Commissioners on HIV/AIDS related health care services issues; and

(c) Seek to have, in cooperation with other state and local bodies with planning authority, a comprehensive plan for the organization and delivery of all HIV/AIDS related health services in Miami-Dade County.

(Ord. No. 92-100, § 4, 9-15-92; Ord. No. 94-206, § 1, 11-1-94)

Sec. 2-555. Conflict of interest waiver.

Sections [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) (c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for council members for transactions arising from the exercise of those powers given the council by the Ryan White Act.

(Ord. No. 92-100, § 5, 9-15-92; Ord. No. 94-206, § 1, 11-1-94)

Sec. 2-556. Reports.

The chairperson or the chairperson's designee shall present to the Board of County Commissioners on an annual basis a written report describing the council's activities and shall appear as needed before the Board to present any matters pertinent to the council.

(Ord. No. 92-100, § 6, 9-15-92; Ord. No. 94-206, § 1, 11-1-94)

Secs. 2-557—2-580. Reserved.

### ARTICLE LII. MIAMI-DADE COUNTY ADVISORY COMMITTEE ON GROUND TRANSPORTATION REGULATION

[Sec. 2-581. Creation and purposes.](#BK_D1C16F9061D1939FEB6B21766BFB6DA7)

[Sec. 2-582. Membership; organization; terms; rules.](#BK_558EA74531B658B8E155F7A4035F40A0)

[Sec. 2-583. Meetings.](#BK_5DCDC8582B64B29EBA53F3F1B26A6206)

[Sec. 2-584. Staff.](#BK_6EBFF30CF89B0C0BC29EB189C780530B)

[Sec. 2-585. Report.](#BK_CD531A36A6D78BE47499F43B816877F3)

[Secs. 2-586—2-600. Reserved.](#BK_55F52A764AE38726BFAE8D6334CB0FED)

Sec. 2-581. Creation and purposes.

There is hereby created and established the Miami-Dade County Advisory Committee on Ground Transportation Regulation. The committee is created for the specific purpose of reviewing such written recommendations and accompanying ordinance amendments of the county manager related to ground transportation regulation as provided in Resolution No. R.127-91.

(Ord. No. 92-115, § 1, 10-13-92)

Sec. 2-582. Membership; organization; terms; rules.

Committee members shall be appointed by resolution of the County Commission from among nominees recommended by the Community Affairs Committee and shall consist of the following:

One (1) member — who is a user of such ground transportation system;

One (1) member — who is a member of the private school bus industry;

One (1) member — who is a member or the non-emergency medical transportation industry;

One (1) member — who is a user of the Special Transportation Services (STS);

One (1) member — who is a member of the tourism industry;

One (1) member — who is the holder of a Miami-Dade County certificate of transportation to operate a passenger motor carrier;

One (1) member — who is a holder of a Miami-Dade County for-hire taxi license;

One (1) member — who is a holder of a Miami-Dade County for-hire limousine license;

One (1) member — who is a taxi driver who does not own or have any interest in a Miami-Dade County for-hire taxi license;

One (1) member — who is a representative of the Miami-Dade County League of Cities; and

One (1) member — who is a representative of a management company supplying services to taxis operated in Miami-Dade County; and

Four (4) members — each of whom has a background or a concern in ground transportation issues.

Committee members shall serve without compensation. The committee shall elect a chairperson and vice-chairperson from among its members. The committee shall have the power to develop and adopt rules to govern its internal procedures and operation.

The fifteen (15) members, including the chairperson and vice-chairperson, presently serving on the advisory committee pursuant to Resolution No. R.127-91 and appointment by the County Commission shall hold office until the committee is dissolved pursuant to [section 2-585](../level3/PTIIICOOR_CH2AD_ARTLIIMIDECOADCOGRTRRE.docx#PTIIICOOR_CH2AD_ARTLIIMIDECOADCOGRTRRE_S2-585RE) herein or until his or her successor is duly appointed and qualified. The rules previously adopted by the committee shall continue to govern its internal procedures and operations until such time as the committee amends such rules.

(Ord. No. 92-115, § 2, 10-13-92)

Sec. 2-583. Meetings.

The committee is further authorized to meet as often as it deems appropriate. All committee members shall comply with the "government in the sunshine" requirements of Chapter 286, Florida Statutes, and all materials received or generated by the committee in carrying out its responsibilities are "public records" pursuant to Chapter 119, Florida Statutes.

(Ord. No. 92-115, § 3, 10-13-92)

Sec. 2-584. Staff.

The County Manager, County Attorney and Clerk of the County Commission shall provide appropriate staff support to such committee.

(Ord. No. 92-115, § 4, 10-13-92)

Sec. 2-585. Report.

The committee shall submit a written report thereon to the Clerk of the Board of County Commissioners on May 31, 1994 relating to the written recommendations and accompanying ordinance amendments of the county manager prepared in accordance with [Section 2-581](../level3/PTIIICOOR_CH2AD_ARTLIIMIDECOADCOGRTRRE.docx#PTIIICOOR_CH2AD_ARTLIIMIDECOADCOGRTRRE_S2-581CRPU). Upon submission of its report, the committee shall be dissolved.

(Ord. No. 92-115, § 5, 10-13-92; Ord. No. 93-22, § 1, 3-30-93; Ord. No. 94-45, § 1, 3-17-94)

Secs. 2-586—2-600. Reserved.

### ARTICLE LIII. COMMISSION OF INQUIRY [[73]](#BK_20E3061A17CCF6C79150FD377FE48922)

[Sec. 2-601. Commission of Inquiry created.](#BK_0D401840B4E023BF0FD62AD017FBA46B)

[Sec. 2-602. Powers.](#BK_E1CEC972DE010B324A41765564E087FA)

[Sec. 2-603. Organization.](#BK_DBBF3968F122628B6B0DE2A8F8580AF7)

[Sec. 2-604. Authority to utilize independent staff, consultants and counsel.](#BK_4984A63639180F47FC9E385AD923FB66)

[Sec. 2-605. Applicability of conflict of interest, public records and open meeting requirements.](#BK_A07FC548B2721F3B711CFB10BA180F68)

[Secs. 2-606—2-620. Reserved.](#BK_1BBA05BDA4CB3965A3D7BA2C4F3268D4)

Sec. 2-601. Commission of Inquiry created.

There is hereby created and established a Commission of Inquiry consisting of nine (9) members.

The mayor and each county commissioner shall nominate one (1) member to the Commission subject to ratification of five (5) additional members of the Board of County Commissioners. Each appointee shall have expertise in one or more of the following subject areas: building construction, architecture, engineering, construction finance, or construction law. No member or staff shall have had direct or indirect involvement in the design or construction of a building project in Miami-Dade County during the past five (5) years.

(Ord. No. 92-137, § 1, 10-27-92)

Sec. 2-602. Powers.

Within two (2) weeks of its initial meeting, the Commission shall report to the Board of County Commissioners its goals and objectives. The Commission shall inquire into the adequacy of the South Florida Building Code, compliance therewith by the local construction industry and enforcement thereof by the county in light of the widespread damage to residential, commercial and industrial structures caused by Hurricane Andrew. The Commission shall submit a written report containing its findings, conclusions and recommendations to the Board of County Commissioners on or before March 31, 1993. The Commission may petition the Board of County Commissioners for an extension of time to conclude its inquiry and submit its written report. In conducting such inquiry, the Commission may subpoena witnesses, administer oaths and require the production of records. Upon submission of its written report, the Commission of Inquiry shall be deemed dissolved.

(Ord. No. 92-137, § 1, 10-27-92)

Sec. 2-603. Organization.

(a) The Commission shall elect a chairperson and other such officers as may be deemed necessary or desirable, who shall serve at the will of the Commission.

(b) A majority of members of the Commission shall constitute a quorum necessary to hold a meeting and take any action. Except as specified elsewhere in this article, a majority vote of the members present shall be necessary to take any action. The chairperson may call meetings of the Commission. Meetings may also be called by written notice signed by six (6) members. The Commission at any meeting may fix and call a meeting on a future date. Minutes shall be kept of all meetings of the commission and all meetings shall be public.

(Ord. No. 92-137, § 1, 10-27-92)

Sec. 2-604. Authority to utilize independent staff, consultants and counsel.

The Commission shall have authority to engage the services of such independent staff, consultants and counsel as it deems necessary and proper to carry out its duties. Any such counsel shall have experience in construction law and familiarity with investigative law principles. Provided, however, the Commission shall not exceed its budgetary appropriation as authorized by the Board. No county employee shall serve as staff or consultant to the Commission.

(Ord. No. 92-137, § 1, 10-27-92)

Sec. 2-605. Applicability of conflict of interest, public records and open meeting requirements.

Members of the Commission shall be subject to the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, including the financial disclosure provisions thereof. The Commission shall be subject to the applicable provisions of the "Government in the Sunshine" and Public Records laws, Chapters 286 and 119, Florida Statutes.

(Ord. No. 92-137, § 1, 10-27-92)

Secs. 2-606—2-620. Reserved.

FOOTNOTE(S):

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**Cross reference—** Building code, Ch. 8. [(Back)](#BK_594972A04D45364D7EA2359160C57258)

### ARTICLE LIV. MIAMI-DADE COUNTY PRIVATE AMBULANCE SERVICE STUDY COMMITTEE

[Sec. 2-621. Created; purposes.](#BK_03AD11C988CBACA13FA42261941B545D)

[Sec. 2-622. Composition; terms.](#BK_DF14F6E5CFA10CF6EFA6949EEE4A361D)

[Sec. 2-623. Meetings.](#BK_C8C09BE45DFCB58A6A2CCF88D0F42BB4)

[Sec. 2-624. Staff.](#BK_374C3A69A50A2B221158F3907C9868E0)

[Sec. 2-625. Reports.](#BK_55295832DA91F5D2A6FABC638EF38998)

Sec. 2-621. Created; purposes.

There is hereby created and established the Miami-Dade County Private Ambulance Service Study Committee. The committee is created for the specific purpose of establishing criteria for the determination of when there is a need for additional private ambulance service in Miami-Dade County and reviewing [Chapter 4](../level2/PTIIICOOR_CH4AMMETRVE.docx#PTIIICOOR_CH4AMMETRVE), Articles I and II of the Code of Miami-Dade County relating to private ambulance service (the "ordinance"); such criteria for determination of the need for private ambulance service shall include a minimum requirement "calls-to-car-ratio" of no less than 6.0, as provided in Resolution No. R-1302-90.

(Ord. No. 92-156, § 1, 12-15-92)

Sec. 2-622. Composition; terms.

Committee members shall be appointed by the County Manager, as provided in Resolution No. R-1302-90 to include representatives of the private ambulance industry, the chief of the Miami-Dade County Fire Department and the Director of the Consumer Services Department of Miami-Dade County or their designees.

Committee members shall serve without compensation. The County Manager shall appoint a chairperson. The members serving on the committee pursuant to Resolution No. R-1302-90 and appointment by the County Manager shall continue to serve until the committee is dissolved pursuant to [Section 2-625](../level3/PTIIICOOR_CH2AD_ARTLIVMIDECOPRAMSESTCO.docx#PTIIICOOR_CH2AD_ARTLIVMIDECOPRAMSESTCO_S2-625RE) or until a successor is duly appointed.

(Ord. No. 92-156, § 2, 12-15-92)

Sec. 2-623. Meetings.

The committee is further authorized to meet as often as it deems appropriate. All committee meetings shall comply with the "government in the sunshine" requirements of Chapter 286, Florida Statutes, and all materials received or generated by the committee in carrying out its responsibilities are "public records" pursuant to Chapter 119, Florida Statutes.

(Ord. No. 92-156, § 3, 12-15-92)

Sec. 2-624. Staff.

The County Manager, County Attorney and Clerk of the County Commission shall provide appropriate staff support to such committee.

(Ord. No. 92-156, § 4, 12-15-92)

Sec. 2-625. Reports.

The committee shall present quarterly progress report to the Public Safety and Community Services Committee and a written report thereon to the Board of County Commissioners, no later than March 1, 1994. The Commission shall review the final report of the committee and the ordinance. Upon submission of its report, the committee shall be dissolved.

(Ord. No. 92-156, § 5, 12-15-92; Ord. No. 93-119, § 1, 11-3-93)

### ARTICLE LV. RESERVED [[74]](#BK_75FB9CA15A6157AB0767F591B7F8DA7A)

[Secs. 2-626—2-650. Reserved.](#BK_47D1BA80A99D397B1153A51E31966F90)

Secs. 2-626—2-650. Reserved.

FOOTNOTE(S):

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**Editor's note—** Section 2 of Ord. No. 09-62, adopted June 30, 2009, provided for the repeal of Ord. No. 07-144 on October 13, 2009. Ordinance No. 07-144 had been codified as Art. LV, Miami-Dade County Manatee Protection Review Committee, §§ 2-626—2-632; and amended by Ord. No. 09-06, adopted Jan. 22, 2009; and Ord. No. 09-62, adopted June 30, 2009. [(Back)](#BK_B2217BA74F99E1642F50B8832C21ED3C)

### ARTICLE LVI. MIAMI-DADE COUNTY CITIZENS TASK FORCE ON INCORPORATION [[75]](#BK_83D7772E3D00AD57CDCB1163B97146CB)

[Sec. 2-651. Creation; composition.](#BK_9133EDDF1E29A022E4D2DE7756880028)

[Sec. 2-652. Purposes.](#BK_7632B670ED70FF5C210521A184D16982)

[Sec. 2-653. Report.](#BK_FDB0B2D0EA566F1B096737F5A0485119)

[Secs. 2-654—2-700. Reserved.](#BK_D6F249256C577240B2966DADC658DDBC)

Sec. 2-651. Creation; composition.

There is hereby created a Miami-Dade County Citizens Task Force on incorporation consisting of thirteen (13) members, one (1) member to be appointed by each County Commissioner. The task force shall remain in existence until September 30, 1994.

(Ord. No. 93-78, § 1, 7-29-93)

Sec. 2-652. Purposes.

The task force is created for the following purposes:

(1) To review the final report submitted in February of 1992 by the Miami-Dade County Citizens Advisory Committee on countywide incorporation and to make recommendations based on that report;

(2) To study the report on a review of two-tier government in Miami-Dade County submitted by Touche Ross and Company in 1978. Special attention should be devoted to the incorporation of unincorporated areas with municipal governments providing local services and the Board of County Commissioners considering issues of regional impact;

(3) To develop an overall countywide plan, in consultation with the Planning Advisory Board, for annexations and the creation of municipalities, with specific attention devoted to the municipal annexation of enclave areas.

(Ord. No. 93-78, § 2, 7-29-93)

Sec. 2-653. Report.

The task force shall submit a written report to the County Commission with its recommendations relating to subsections [2-652](../level3/PTIIICOOR_CH2AD_ARTLVIMIDECOCITAFOIN.docx#PTIIICOOR_CH2AD_ARTLVIMIDECOCITAFOIN_S2-652PU)(1) and (3) hereof no later than February 28, 1994. The task force shall submit a written report to the County Commission with its recommendations relating to subsection [2-652](../level3/PTIIICOOR_CH2AD_ARTLVIMIDECOCITAFOIN.docx#PTIIICOOR_CH2AD_ARTLVIMIDECOCITAFOIN_S2-652PU)(2) hereof no later than September 30, 1994.

(Ord. No. 93-78, § 3, 7-29-93)

Secs. 2-654—2-700. Reserved.

FOOTNOTE(S):

--- (**75**) ---

**Editor's note—** Ord. No. 93-78, adopted July 29, 1993, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. LVI, §§ 2-651—2-653. [(Back)](#BK_DA5160D32B2D1864D1A9834E14AA53D2)

### ARTICLE LVII. MIAMI-DADE COUNTY ADVISORY BOARD FOR MINORITY AND WOMEN-OWNED BUSINESSES [[76]](#BK_87890CEBC0C81F18BDD7F5D7BA494AE1)

[Sec. 2-701. Created; composition; terms; compensation.](#BK_12E678ABDAC06F00A42B1D858FFBC74C)

[Sec. 2-702. Purpose and intent; report; staff.](#BK_7BC4FC9F3A355D30A05AB8879922A64E)

[Sec. 2-703. Conflict of interest waiver.](#BK_73AF2614EA66300678BC7CF2A549B868)

[Secs. 2-704—2-720. Reserved.](#BK_5460FE062186FDA230571F72E6A8E424)

Sec. 2-701. Created; composition; terms; compensation.

There is hereby created a Miami-Dade County Advisory Board for Minority and Women-Owned Businesses consisting of 15 members, one member to be appointed by each County Commissioner and two members to be appointed by the County Manager. No less than seventy-five (75) percent of the members appointed shall be members of those groups affected by the Minority and Women-Owned Business Discrimination Study prepared by MRD Consulting, dated November 29 and December 16, 1993. The terms of each commissioner appointed member shall be coterminous with the term of the appointing Commissioner. The terms of each County Manager appointed member shall be at the will and discretion of the County Manager. In no event shall a Board member serve more than four (4) consecutive years. Members shall serve without compensation.

(Ord. No. 94-31, § 1, 2-1-94; Ord. No. 02-70, § 1, 5-7-02)

Sec. 2-702. Purpose and intent; report; staff.

The Advisory Board is created for the purpose of reviewing County set-aside programs for minority-owned and women-owned businesses, and for making recommendations concerning said programs to the Board of County Commissioners on all matters pertaining to these programs. The Advisory Board is also intended to operate as a focal point for the public. The Advisory Board, with the assistance of the County Manager, will collect, input, and disseminate information related to economic opportunities within Miami-Dade County government for women and minority business owners. The Board shall submit an annual written report to the County Commission on ways to improve such communication. The Board may submit interim reports as it deems appropriate. The County Manager, County Attorney, and Clerk of the Board shall provide appropriate staff support.

(Ord. No. 94-31, § 2, 2-1-94; Ord. No. 02-70, § 1, 5-7-02)

Sec. 2-703. Conflict of interest waiver.

Sections [2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR)(c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for advisory board members for transactions arising from the exercise of those powers given the advisory board by this ordinance.

(Ord. No. 96-46, § 1, 3-19-96)

Secs. 2-704—2-720. Reserved.

**Editor's note—**

Ord. No. 07-17, § 1, adopted Feb. 6, 2007, repealed section 2-704 in its entirety. Former section 2-704 pertained to the Miami-Dade County flood management task force, and derived from Ord. No. 01-70, § 1, adopted April 10, 2001.

FOOTNOTE(S):

--- (**76**) ---

**Editor's note—** Ord. No. 94-31, adopted Feb. 1, 1994, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LVII, §§ 2-701, 2-702 [(Back)](#BK_7DD341750D0E362476F30530F5ED1182)

### ARTICLE LVIII. MIAMI-DADE COUNTY AFFIRMATIVE ACTION ADVISORY BOARD [[77]](#BK_7B4CFF1856BC7EB72DC1EB0CEAA9868A)

[Sec. 2-721. Created; terms; compensation.](#BK_BFD3578A96C80276736731CE02EFEA36)

[Sec. 2-722. Purpose.](#BK_FCED6CEBA1A4B52345113CD676BB3CFC)

[Secs. 2-723—2-750. Reserved.](#BK_A117C1813C33213BD51192D5D412D8BB)

Sec. 2-721. Created; terms; compensation.

There is hereby created a Miami-Dade County Affirmative Action Advisory Board consisting of thirteen (13) members, one member to be appointed by each County Commissioner. The terms of each member shall be coterminous with the term of the appointing Commissioner. In no event shall a Board member serve more than four (4) years. Members shall serve without compensation.

(Ord. No. 94-43, § 1, 3-17-94)

Sec. 2-722. Purpose.

The Advisory Board is created for the purpose of reviewing and making recommendations concerning the County's internal employment policies, practices, and workforce profile. The Advisory Board shall submit an annual report of its findings and recommendations. The Board may submit interim reports as it deems appropriate. The County Manager, County Attorney, and Clerk of the Board shall provide appropriate staff support.

(Ord. No. 94-43, § 1, 3-17-94)

Secs. 2-723—2-750. Reserved.

FOOTNOTE(S):

--- (**77**) ---

**Editor's note—** Ord. No. 94-43, adopted March 17, 1994, amended the Code by the addition of provisions which have been codified herein at the discretion of the editor as Art. LVIII, §§ 2-721, 2-722 [(Back)](#BK_E805FC26772B7FE1F7A82E86AAF43C00)

### ARTICLE LIX. MIAMI-DADE COUNTY HOMELESS TRUST [[78]](#BK_242AFE88B606BA201996672780AF5631)

[Sec. 2-751. Creation of the Miami-Dade County Homeless Trust.](#BK_AA8C056A80CB170691C0E523667A904E)

[Sec. 2-752. Governing body.](#BK_D6D0E29292D554385EE93DFD67CC670D)

[Sec. 2-753. Powers and duties.](#BK_FCE18E4FE850D9930CEA055F25B36E00)

[Sec. 2-754. Staff support.](#BK_979C025EE30175D097AE08E382B3B1AE)

[Sec. 2-755. Liberal construction to effectuate public purpose.](#BK_F135B713FAB9B5277DBECCADF785420C)

[Secs. 2-756—2-760. Reserved.](#BK_905C7D84C1E0DAC6ED229E3A431FC28E)

Sec. 2-751. Creation of the Miami-Dade County Homeless Trust.

There is hereby created and established as an agency and instrumentality of Miami-Dade County a revocable trust which shall be named and known as the Miami-Dade County Homeless Trust (hereinafter referred to as "the trust"). The trust shall be a public body through which its governing body may exercise all those powers either specifically granted herein or necessary in the exercise of the powers herein enumerated.

(Ord. No. 94-66, § 1, 5-3-94)

Sec. 2-752. Governing body.

(a) *Membership; compensation.* The governing body of the trust shall be a board of trustees composed of twenty-seven (27) voting members. Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(b) *Composition.* The voting membership of the board of directors shall be ethnically, racially and gender balanced and shall be composed of the following members:

(1) Seven (7) members representing the civic and business community which shall be selected by the Greater Miami Chamber of Commerce. After the initial terms of these seven (7) members, the trust may recommend that four (4) of the civic and business community positions include the following: one (1) representative of the downtown Miami business community; one (1) representative from the judicial sector; one (1) representative from the medical profession and one (1) representative of the neighborhood association in the area immediately impacted by the first homeless assistance center, or from the area most affected by homeless provider services;

(2) A member of the Miami-Dade County Public School Board or the Superintendent of Miami-Dade County Public Schools as determined by the School Board;

(3) The Chairperson of the Board of County Commissioners Committee on Housing and the Homeless or, in the absence of such a committee or in the absence of any other committee overseeing homeless issues, the Board of County Commissioners;

(4) Three (3) members of the Miami-Dade League of Cities selected by the Miami-Dade League of Cities, taking into consideration the cities most impacted by the homeless issue;

(5) The City Manager of the City of Miami;

(6) Two (2) formerly homeless persons selected by the Homeless/Formerly Homeless Persons Coalition or in the absence of such an organization, by the Homeless Providers' Forum.

(7) Four (4) representatives of the Homeless Providers Forum selected by the Homeless Providers Forum;

(8) One (1) representative of the academic or professional sector, selected by the Chair of the Housing and Homeless Committee of the Board of County Commissioners, or in the absence of such a committee or any other committee overseeing homeless issues, the Board of County Commissioners;

(9) One (1) advocate, formerly homeless person, or provider, selected by the South Florida Interfaith Coalition for the Homeless;

(10) Three (3) members of the Greater Miami Religious Leaders Coalition selected by the Greater Miami Religious Leaders Coalition;

(11) One (1) advocate for the homeless or one (1) formerly homeless person selected by the Homeless Providers Forum;

(12) The President of the Miami Coalition for the Homeless; and

(13) The District Administrator of the State of Florida Department of Health and Rehabilitative Services for the District encompassing Miami-Dade County.

Vacancies on the board of trustees shall be filled in the same manner by which the original trustees were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community.

(c) *Tenure and removal of trustees.* All non-ex officio trustees shall serve staggered terms of three (3) years each; provided, however, of the original board of trustees, the trust shall select one-third (1/3) for a term of one (1) year and one-third (1/3) for a term of two (2) years. No trustee, with the exception of ex officio trustees, shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Trustees may be removed in accordance with the provisions of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(d) *Qualifications.* Each member of the board of trustees must comply with the requirements of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(e) *Organization and procedure.*

(1) *Officers.* The board of trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its members as chairperson and such other officers as the board of trustees may determine to be necessary. In addition, the board of trustees shall make, adopt and amend bylaws, rules and regulations for its own governance.

(2) *Meetings.* The board of trustees shall hold regular meetings and such other meetings as it deems necessary. A majority of the members of the trust shall constitute a quorum. Minutes shall be kept of all meetings of the trust and all meetings shall be public.

(3) *Committees.* The trust shall appoint any committees it deems necessary.

(f) *Applicability of County rules and procedures.* The trust shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(g) *Voting requirements.* Trustees may designate alternates to serve and/or vote on their behalf.

(Ord. No. 94-66, § 2, 5-3-94)

Sec. 2-753. Powers and duties.

The trust shall have the following powers, duties, functions and responsibilities:

(a) To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting or relating to persons who have become or are about to become homeless;

(b) To recommend to the Board of County Commissioners, in accordance with the Miami-Dade County Community Homeless Plan, an annual budget and plan for use of the Homeless Tax;

(c) To recommend to the Board of County Commissioners, in accordance with the Miami-Dade County Community Homeless Plan, the award of contracts and grants from funds generated by the Homeless Tax to organizations, entities, and agencies, including an independent 501(c)(3) corporation and relevant service providers. The Board of County Commissioners shall accept such recommendations unless rejected by an affirmative vote of a majority plus one additional vote of the Board of County Commissioners.

All requests for proposals for such contracts and grants shall be prepared at the direction of the trust and issued by the County Manager. In addition the County Manager shall collect and open such proposals, evaluate each proposal for responsiveness, rank all responsive proposals and make recommendations to the trust regarding the award of the contract or grant. In the event of a bid protest, the party protesting the bid award shall first appear before the trust. The trust shall consider the protest and make a recommendation to the Board of County Commissioners;

(d) To review the Miami-Dade County Community Homeless Plan on a regular basis and at least annually to assure that the plan continues to serve the needs of the total community and the homeless and to recommend any needed amendments, deletions or modifications to the Board of County Commissioners. The Board of County Commissioners shall only have the power to amend the plan based upon changed circumstances;

(e) To develop a community-wide consolidated funding plan to implement the Miami-Dade County Community Homeless Plan including the use of the following potential funding sources:

(1) The annual proceeds of the Homeless Tax;

(2) Funding from municipalities interested in supporting implementation of the Miami-Dade County Community Homeless Plan;

(3) Community Development Block Grant funds;

(4) Other federal grants;

(5) State grants;

(6) Private contributions.

(f) To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the trust during the previous fiscal year. The report shall include an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

(g) To monitor, review and evaluate the homeless assistance services, activities and expenditures of Miami-Dade County and the municipalities within Miami-Dade County to determine compliance with state law.

(h) To recommend through an RFP process the award of a contract to an independent 501(c)(3) corporation which will raise private funds and carry out certain functions of the Miami-Dade County Community Homeless Plan including construction, operation, and siting of housing assistance centers and any other duties the trust may so determine.

(i) To cooperate and work with service providers in carrying out the Miami-Dade County Community Homeless Plan.

(Ord. No. 94-66, § 3, 5-3-94)

Sec. 2-754. Staff support.

The board of trustees shall select, with the approval of the County Manager, the Executive Director of the Trust. The Clerk of the Board shall record all meetings of the trust and the County Manager shall provide to the trust adequate staff and support services to enable the trust to carry out its duties and responsibilities and shall continue to coordinate all homeless provider services and assist homeless providers in applying for grants and other available funds.

(Ord. No. 94-66, § 4, 5-3-94)

Sec. 2-755. Liberal construction to effectuate public purpose.

This article, being for public purpose and for the welfare of the citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 94-66, § 5, 5-3-94)

Secs. 2-756—2-760. Reserved.

FOOTNOTE(S):

--- (**78**) ---

**Editor's note—** Ord. No. 94-66, adopted May 3, 1994, amended the Code by the addition of provisions which have been codified herein at the discretion of the editor as Art. LIX, §§ 2-751—2-755. [(Back)](#BK_1111DB62230869D3DB55B3F1B9870241)

### ARTICLE LX. RESERVED [[79]](#BK_F2EB8B4DBF4CB3AA0D4F1687D1BE368E)

[Secs. 2-761—2-770. Reserved.](#BK_52486DB4DFE6D4B4FB732E0DD84B9818)

Secs. 2-761—2-770. Reserved.

FOOTNOTE(S):

--- (**79**) ---

**Editor's note—** Ord. No. 01-71, § 1, adopted April 10, 2001, repealed article LX, sections 2-761—2-764, in its entirety. Former article LX pertained to district 5 citizens advisory commission and derived from Ord. No. 94-114, § 1, adopted June 9, 1994. [(Back)](#BK_8AC5C47B25CD964D8095AF04CDF99B3C)

### ARTICLE LXI. PARKS AND RECREATION CITIZENS ADVISORY COMMITTEE [[80]](#BK_6565030C6E95DD5C13CF56896047E3B3)

[Sec. 2-771. Established; purpose.](#BK_1328CEB7E2A8188EAD8E48955EBB61E6)

[Sec. 2-772. Composition and qualifications of members.](#BK_B35BDB808ACEF75238A0D5F1E367C8AD)

[Sec. 2-773. Method of appointment and terms of membership.](#BK_843D06F9D72DC68DD84139EC802B3773)

[Sec. 2-774. Authority and limitation of powers of PRCAC.](#BK_AC91A0E0F7E05FB937955E731608CC9F)

[Secs. 2-775—2-780. Reserved.](#BK_9D1F68DD07DA82D1732E128AE5D4B59F)

Sec. 2-771. Established; purpose.

The Parks and Recreation Citizens Advisory Committee (hereinafter referred to as PRCAC) is hereby established for the purpose of providing the Board of County Commissioners and the Parks and Recreation Department with non-binding recommendations to assist the County in its ongoing efforts to improve and promote its park facilities and programs.

(Ord. No. 94-115, § 1, 6-9-94)

Sec. 2-772. Composition and qualifications of members.

The PRCAC shall be composed of twenty-seven (27) members, twenty-six (26) of whom shall be appointed by the Board of County Commissioners. One (1) member shall be the chairperson of the Parks, Recreation and Arts Committee of the Board of County Commissioners. Members of the PRCAC shall be residents of Miami-Dade County who possess outstanding reputations for civic pride, interest, integrity, responsibility and business or professional ability. Appointments by the Board of County Commissioners shall be made on the basis of experience or interest in the fields of recreation, natural resources conservation and land use planning.

(Ord. No. 94-115, § 1, 6-9-94)

Sec. 2-773. Method of appointment and terms of membership.

Each County Commissioner shall appoint two (2) members of the committee. The term of each of the twenty-six (26) appointed members shall run concurrently with the term of office of the County Commissioner who appointed each such committee member. The term of the Chairperson of the Parks, Recreation and Arts Committee shall be continuous as long as he or she serves as committee chairperson. The members of the PRCAC shall elect a chairperson and such other officers as may be deemed necessary or desirable, who shall serve at the will of the PRCAC. Appointed members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, in accordance with County policy, upon approval of the County Manager. A majority vote of a quorum shall be necessary to take any action. Fourteen (14) members shall constitute a quorum. The PRCAC shall conduct its meetings in accordance with Mason's rules of order. The Director of the Parks and Recreation Department shall serve as executive secretary to the PRCAC.

(Ord. No. 94-115, § 1, 6-9-94)

Sec. 2-774. Authority and limitation of powers of PRCAC.

The PRCAC shall have the authority to make non-binding recommendations to the Board of County Commissioners. The PRCAC shall provide an annual report, either oral or written, to the Board of County Commissions embodying its recommendations. The PRCAC shall also have the authority to make non-binding recommendations to the Parks and Recreation Department regarding any matter relating to the PRCAC. The PRCAC shall have no power or authority to commit Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the PRCAC are advisory only and shall not be binding upon the County unless adopted by the Board of County Commissioners.

(Ord. No. 94-115, § 1, 6-9-94)

Secs. 2-775—2-780. Reserved.

FOOTNOTE(S):

--- (**80**) ---

**Editor's note—** Ord. No. 94-115, adopted June 9, 1994, amended the Code by the addition of provisions which have designated at the discretion of the editor as Art. LXI, §§ 2-771—2-774. [(Back)](#BK_A6F8A631A5EFD3119C634AD7EBC57B5E)

### ARTICLE LXII. RESERVED [[81]](#BK_C61B753EB1D8055684CBDB4029146CAB)

[Secs. 2-781—2-830. Reserved.](#BK_A8E7F82004C9D7E91E3191210A8F4E6A)

Secs. 2-781—2-830. Reserved.

FOOTNOTE(S):

--- (**81**) ---

**Editor's note—** Ordinance No. 98-55, § 1, adopted April 21, 1998, repealed §§ 2-781—2-787. Formerly, such sections pertained to Metropolitan Miami-Dade County Sports Facility Financing Authority and derived from Ord. No. 94-130, § 1(1—7), 6-21-94. [(Back)](#BK_180FDBD3C767ACAD07B93915298A03AF)

### ARTICLE LXIII. MIAMI-DADE COUNTY BLACK AFFAIRS ADVISORY BOARD [[82]](#BK_29A0B337D2CA84887CD50F107FD3E9E6)

[Sec. 2-831. Created.](#BK_59620EB571D9123F64280490D189E434)

[Sec. 2-832. Composition.](#BK_74112749346ECBA7878379F905276E57)

[Sec. 2-833. Membership; officers; meetings.](#BK_38B1D3315498A931AEDBAC98C00F4011)

[Sec. 2-834. Duties; powers and responsibilities.](#BK_0E56BB502531B461650A6EFEB8D47469)

[Sec. 2-835. Supervision and Support.](#BK_9ED793CC336615D8F7AED88A43CD500A)

[Sec. 2-836—2-850. Reserved.](#BK_4BF3CE4B55764CEE9F7A520D49063ABC)

Sec. 2-831. Created.

There is hereby created the Miami-Dade County Black Affairs Advisory Board.

(Ord. No. 94-137, § 1, 7-12-94)

Sec. 2-832. Composition.

The Miami-Dade County Black Affairs Advisory Board shall be composed of thirteen (13) members who shall be permanent residents and electors of the County and who shall have a knowledge and interest in the County's Black community. Each County Commissioner shall appoint one member of the board. Appointments after the initial three-year term shall be for a term of three (3) years. Notwithstanding [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF)(b) of the Miami-Dade County Code, a Commissioner may reappoint an existing member to serve in excess of the eight (8) year term limit, provided that said member has demonstrated exceptional dedication and service to the board and that the reappointment is presented to the Board of County Commissioners in the form of a resolution and approved by a two-thirds (2/3) vote of the full membership of the Board of County Commissioners.

(Ord. No. 94-137, § 2, 7-12-94; Ord. No. 09-54, § 1, 6-30-09)

Sec. 2-833. Membership; officers; meetings.

The members of the board shall elect a chairperson and vice-chairperson, who shall serve at the will of the board. A majority of the appointed members shall constitute a quorum to hold a meeting and take any action. All board action shall be by majority vote. Members shall serve without compensation. The chairperson or vice-chairperson may call meetings of the board. Meetings may also be called by written notice signed by a majority of members appointed. The board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

(Ord. No. 94-137, § 3, 7-12-94; Ord. No. 97-129, § 1, 7-22-97)

Sec. 2-834. Duties; powers and responsibilities.

The board shall have the following duties, powers and responsibilities:

(1) To serve in an advisory capacity to the County Commission, the County administration, the community, and all agencies and persons in Miami-Dade County, Florida, in respect to matters pertaining to the Black community of Miami-Dade County.

(2) To formulate and recommend plans and programs for coordination of the activities of governmental entities and nongovernmental agencies pertaining to the Black community.

(3) It is the express purpose of this board to serve as a medium for responsible persons to utilize and consult with in attempting to understand and solve the many complex programs involved with the Black community in Miami-Dade County and to make findings and recommendations to the County Commission and the County administration regarding such matters.

(4) The board shall annually report to the Commission as to its findings and recommendations.

(5) To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.

(Ord. No. 94-137, § 4, 7-12-94)

Sec. 2-835. Supervision and Support.

The Office of the Chairperson of the County Commission, County Attorney and Clerk of the Board shall provide appropriate support for the Black Affairs Advisory Board. The Chairperson of the County Commission shall have the power to appoint, employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Black Affairs Advisory Board, and such assistants, employees, and personnel shall serve at the will of the Chairperson of the County Commission.

(Ord. No. 94-137, § 5, 7-12-94; Ord. No. 10-45, § 5, 7-8-10)

Sec. 2-836—2-850. Reserved.

FOOTNOTE(S):

--- (**82**) ---

**Editor's note—** Ord. No. 94-137, adopted July 12, 1994, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXIII, §§ 2-831—2-835. [(Back)](#BK_D5CEB55AB1FEB0C9181E803E42AC1C75)

### ARTICLE LXIV. EMPOWERMENT PLANNING AND DEVELOPMENT TRUST [[83]](#BK_4DD27AE5E3C573264B2ADCBFABEB008C)

[Sec. 2-851. Creation.](#BK_54C7E9121ABF7138FAF5DEE0D1357B03)

[Sec. 2-852. Governing body.](#BK_C49694DFCAACD918970F36E8B8E8988C)

[Sec. 2-853. Powers, duties and responsibilities.](#BK_3CDB9D824BE108C4907C3D7BD1A8EB55)

[Sec. 2-854. Staff support.](#BK_93F730FFA746EBD4B80171041D31AC04)

[Sec. 2-855. Liberal construction to effectuate public purpose.](#BK_0E4E60E9F2FFDC0012271569DABF9BE9)

[Sec. 2-856. Effective date.](#BK_90C9C5794A099A0C1CEFD6C88CBAB87A)

[Sec. 2-857. County committment to match federal funds.](#BK_1B78BD78870D61B45F39ECA2FCDA435B)

[Secs. 2-858—2-870. Reserved.](#BK_F84BDBC26CA9285F5CA7F123F655B56B)

Sec. 2-851. Creation.

There is hereby created and established as an agency and instrumentality of Miami-Dade County a revocable trust which shall be named and known as the Empowerment Planning and Development Trust (hereinafter referred to as "the trust"). The trust shall be a public body through which its governing body may exercise all those powers either specifically granted herein or necessary in the exercise of powers herein enumerated.

(Ord. No. 94-143, § 1, 7-14-94)

Sec. 2-852. Governing body.

(a) The governing body of the trust shall be a board of trustees composed of thirty-four (34) voting members. The trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(b) *Composition.* The voting membership of the board of directors shall be ethnically, racially and gender balanced, and dedicated to fulfillment of the goals of the Empowerment Strategic Plan. It shall be composed of the following members:

(1) Twelve (12) members representing the Empowerment Zone communities of Liberty City/Model City; Wynwood; Overtown; Allapattah; Little Havana; and Homestead/Florida City. Each community shall select two (2) representatives.

(2) Four (4) members representing eligible communities not included within the Empowerment Zone boundaries which participated in the development of the Strategic Plan. One representative shall be selected by each of the communities of Opa-Locka; Miami Beach; Goulds; and the community of Edison/Little River/Little Haiti.

(3) The chairperson of the Board of County Commissioners Committee on Finance, Budget and Empowerment Zone.

(4) Mayor and City Manager of the City of Miami, who together shall have one vote.

(5) Mayor and City Manager of Florida City, who together shall have one vote.

(6) Mayor and City Manager of the City of Homestead, who together shall have one vote.

(7) Mayor and City Manager of Miami Beach, who together shall have one vote.

(8) Mayor and City Manager of Opa-Locka, who together shall have one vote.

(9) Superintendent of the Miami-Dade County Public Schools and the chairperson of the School Board who together shall have one vote.

(10) Four (4) members of the Empowerment Zone Opportunities Council which shall be selected by the Council to represent a cross-section of the Council including business, labor, education and community-based organizations.

(11) Two (2) members of the Service Coordinating Council which shall be selected by the Council to represent the different fields of service affecting very young children; elementary and middle school children; adolescents; and youth.

(12) The District Administrator of the State of Florida Department of Health and Rehabilitative Services for the district encompassing Miami-Dade County.

(13) Two (2) representatives from the academic, non-profit or professional sectors, selected by the Chair of the Board of County Commissioners.

(14) A student body president from a high school located within the Empowerment Zone shall be selected by the Board of County Commissioners.

(15) The County Manager.

Vacancies on the Board of Trustees shall be filled in the same manner by which the original trustees were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community, and the segments of the community necessary to achieving the goals of the Strategic Plan.

(c) *Tenure and removal of trustees.* All voting trustees shall serve staggered terms of three (3) years each; provided, however, of the original Board of Trustees, the trust shall select one-third (1/3) for a term of one year and one-third (1/3) for a term of two (2) years. No trustee, with the exception of ex officio trustees, shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Trustees may be removed in accordance with the provisions of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(d) *Qualifications.* Each member of the Board of Trustees shall comply with the requirements of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(e) *Ex officio members.* The Board of Trustees may, from time to time, appoint ex officio members. The Directors of Miami International Airport, the Port of Miami and the Community Action Agency, the President of each campus of Miami-Dade Community College, and the chairperson of the South Florida Employment and Training Consortium shall serve as ex officio members.

(f) *Organizations and procedure.*

(1) *Officers.* The Board of Trustees shall organize after the members thereof have qualified to serve and shall select one (1) of its members as chairperson and such other officers as the Board of Trustees may determine to be necessary. In addition, the Board of Trustees shall make, adopt and amend bylaws, rules and regulations for its own governance.

(2) *Meetings.* The Board of Trustees shall hold regular meetings and such other meetings as it deems necessary. A majority of the members of the trust shall constitute a quorum. Minutes shall be kept of all meetings of the trust and all meetings shall be public.

(3) *Committees.* The trust shall appoint any committees it deems necessary.

(g) *Applicability of County rules and procedures.* The trust shall at all times operate under the Florida Open Government Laws, including the "Sunshine Law," Public Meetings Laws and Public Records Laws and shall be governed by all state and county conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(h) *Voting requirements.* Trustees may designate alternatives to serve and/or vote on their behalf.

(Ord. No. 94-143, § 2, 7-14-94)

Sec. 2-853. Powers, duties and responsibilities.

The trust shall have the following powers, duties, functions and responsibilities:

(1) To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting or relating to the Empowerment Zone and implementation of the Strategic Plan.

(2) To recommend to the Board of County Commissioners, in accordance with the Strategic Plan, an annual budget and plan for use of the federal grant and other funds allocated to carry out the Strategic Plan to recommend to the Board of County Commissioners, in accordance with the Strategic Plan, the allocation of funds to public agencies, the award of contracts and grants to organizations, entities and agencies, including independent 501(c)(3) corporation and others. The Board of County Commissioners shall accept such recommendations unless rejected by an affirmative vote of a majority plus one additional vote of the Board of County Commissioners.

(3) All requests for proposals for such contracts and grants shall be prepared at the direction of the trust and issued by the County Manager. In addition, the County Manager shall collect and open such proposals, evaluate each proposal for responsiveness, rank all responsive proposals and make recommendations to the trust regarding the award of the contract or grant. In the event of a bid protest, the party protesting the bid award shall first appear before the trust. The trust shall consider the protest and make a recommendation to the Board of County Commissioners.

(4) To review the Strategic Plan on a regular basis and at least annually to assure that the plan implementation is achieving Plan goals and addressing the needs of the Empowerment Zone communities.

(5) To evaluate performance and recommend any needed amendments, delegation or modifications to the Board of County Commissioners. The Board of County Commissioners only shall have the power to amend the plan based upon changed circumstances.

(6) To submit annually to the Board of County Commissioners and the City Commissions of Miami, Florida City and Homestead, a report summarizing and evaluating the performance of all programs and activities in the Strategic Plan during the previous fiscal year, including the timetable for performance. The report shall include an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

(7) To monitor, review, and evaluate Miami-Dade County's economic links to the Zone, including the airport and seaport and the direct benefit to the residents of the Empowerment Zone.

(8) To submit reports required by the United States Department of Housing and Urban Development.

(Ord. No. 94-143, § 3, 7-14-94)

Sec. 2-854. Staff support.

The Board of Trustees shall select, with the approval of the County Manager, the Executive Director of the Trust. The Clerk of the Board shall provide to the trust adequate staff and support services to enable the trust to carry out its duties and responsibilities. The Board of Trustees may remove the Executive Director by a majority plus one vote of "no confidence."

(Ord. No. 94-143, § 4, 7-14-94)

Sec. 2-855. Liberal construction to effectuate public purpose.

This article being for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes thereof.

(Ord. No. 94-143, § 5, 7-14-94)

Sec. 2-856. Effective date.

This article shall become effective upon Miami-Dade County's being designated an Empowerment Zone.

(Ord. No. 94-143, § 8, 7-14-94)

Sec. 2-857. County committment to match federal funds.

In the event Miami-Dade County is selected as a Federal Empowerment Zone, The County Manager's recommended budgets over the next succeeding ten (10) years shall include funding in an amount equal to at least 100 percent of the Empowerment Zone grant. These funds shall be used to implement and carry out Empowerment Zone initiatives. Such County sources shall not include funding from Federal, State, or other local governments or private entities.

(Ord. No. 98-128, § 1, 9-3-98)

Secs. 2-858—2-870. Reserved.

FOOTNOTE(S):

--- (**83**) ---

**Editor's note—** Ord. No. 94-143, adopted July 14, 1994, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXIV, §§ 2-851—2-855. [(Back)](#BK_42570DAD56A734233F7C9B199693145C)

### ARTICLE LXV. RESERVED [[84]](#BK_B1CABEE1826A8EB0CDAD296B3352E1E3)

[Secs. 2-871—2-890. Reserved.](#BK_70C68D8FC3D4541F0AB423F9694D5BB7)

Secs. 2-871—2-890. Reserved.

FOOTNOTE(S):

--- (**84**) ---

**Editor's note—** Ord. No. 98-144, § 1, adopted Oct. 6, 1998; Ord. No. 98-188, § 1, adopted Dec. 15, 1998; and Ord. No. 99-121, § 1, 9-21-99 repealed article LXV, sections 2-871—2-890 in its entirety. Former article LXV pertained to the Miami-Dade County Point-of-Service Review Committee and derived from Ord. No. 94-155, §§ 1—3, 5—8, 11, adopted July 28, 1994 and Ord. No. 95-107, § 1, adopted June 20, 1995. [(Back)](#BK_E84E8CF419E77CC6AF5E932E122A646D)

### ARTICLE LXVI. MIAMI-DADE COUNTY DOMESTIC VIOLENCE OVERSIGHT BOARD [[85]](#BK_520511BA2B40B8A163C5D63C3C1B2A26)

[Sec. 2-891. Creation.](#BK_62D28A89DADC229D83214D91CE08B919)

[Sec. 2-892. Governing body.](#BK_BB001CBD0127EA35AE89251530076EEA)

[Sec. 2-893. Powers and duties.](#BK_7286B49479696235F14629DC0E1FF77D)

[Sec. 2-894. Staff support.](#BK_F0786E88DBE1224759733F072C3784A6)

[Sec. 2-895. Liberal construction to effectuate public purpose.](#BK_E35CEC440F7549E5101F66BCD265BC4A)

[Secs. 2-896—2-920. Reserved.](#BK_949E6CF12E3AEC59B71AB5919E6CE171)

Sec. 2-891. Creation.

There is hereby created and established as an agency and instrumentality of Miami-Dade County the Miami-Dade County Domestic Violence Oversight Board (hereinafter referred to as "the board"). The board shall be a public body through which its governing body may exercise all those powers either specifically granted herein or necessary in the exercise of the powers herein enumerated.

(Ord. No. 94-156, § 1, 9-13-94)

Sec. 2-892. Governing body.

(a) *Membership; compensation.* The governing body of the board shall be composed of fifteen (15) voting members. Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(b) *Composition.* The voting membership of the board shall be ethnically, racially and gender balanced and shall be composed of at least one person from each of the following categories:

(1) Providers of services to domestic violence victims, including but not limited to a representative of Safe Space Shelter Inc.;

(2) Domestic violence victim advocates;

(3) Members of the judiciary, preferably a full-time, sitting domestic violence judge or a former or acting administrative judge of the domestic violence court;

(4) Concerned citizens (at-large);

(5) Victims of domestic violence;

(6) Representatives of impacted jurisdictions; and

(7) A representative of the Public Health Trust.

(c) *Appointment.* Each member of the Board of County Commissioners of Miami-Dade County shall appoint one (1) member to the board and the County Manager shall appoint two (2) members, one of which shall be a member of the law enforcement community.

Vacancies on the board shall be filled in the same manner by which the original members were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community.

(d) *Tenure and removal of board members.* All board members shall serve terms of three (3) years each. No board member shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Board members may be removed in accordance with the provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(e) *Qualifications.* Each member of the board must comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(f) *Organization and procedure.*

(1) *Officers.* The board shall organize after the members thereof have qualified to serve and shall elect one of its members as chairperson and such other officers as the board may determine to be necessary. In addition, the board shall make, adopt and amend bylaws, rules and regulations for its own governance.

(2) *Meetings.* The board shall hold regular meetings and such other meetings as it deems necessary. A majority of the members of the board shall constitute a quorum. Minutes shall be kept of all meetings of the board and all meetings shall be public.

(3) *Committees.* The board shall appoint any committees it deems necessary.

(g) *Applicability of county rules and procedures.* The board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(Ord. No. 94-156, § 2, 9-13-94)

Sec. 2-893. Powers and duties.

The board shall have the following powers, duties, functions and responsibilities:

(1) To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting or relating to domestic violence;

(2) To submit to the Board of County Commissioners a comprehensive plan, budget and specific recommendations for use of the portion of the food and beverage tax proceeds dedicated to the provision of domestic violence shelters (hereinafter referred to as "the plan") which shall address the following issues:

a. The construction and operation of domestic violence shelters, and the expansion of existing domestic violence shelters;

b. The maximization of funds by matching available Federal and State funds;

c. The relationship between domestic violence centers, the courts, police, other criminal justice agencies and social services; and

d. Other issues that the board finds relevant and necessary.

This plan shall be specific and shall, to the extent practical, detail intended programs, the nature of facilities to be assisted, identify potential complimentary or leveraged funding sources and the amount of funds which could be generated from such sources.

(3) To review the plan annually to assure that the plan continues to serve the needs of the total community and victims of domestic violence and to recommend any needed amendments, deletions or modifications to the Board of County Commissioners. The Board of County Commissioners shall only have the power to amend the plan by an affirmative vote of a two-thirds (2/3) majority.

(4) To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the board during the previous fiscal year. The report shall include a budget and an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

(Ord. No. 94-156, § 3, 9-13-94)

Sec. 2-894. Staff support.

The clerk of the board shall record all meetings of the board and the County Manager shall provide to the board adequate staff and support services, through the Office of Victims Services, to enable the board to carry out its duties and responsibilities.

(Ord. No. 94-156, § 4, 9-13-94)

Sec. 2-895. Liberal construction to effectuate public purpose.

This article, being for public purpose and for the welfare of the citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 94-156, § 5, 9-13-94)

Secs. 2-896—2-920. Reserved.

FOOTNOTE(S):

--- (**85**) ---

**Editor's note—** Ord. No. 94-156, adopted Sept. 13, 1994, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXVI, §§ 2-891—2-895. [(Back)](#BK_8650DD3C6422C9F09B15CC70DE7730F5)

### ARTICLE LXVII. RESERVED [[86]](#BK_B04E28887AB5CBCEB9024707B4136CDD)

[Secs. 2-921—2-930. Reserved.](#BK_606BAD992307B11B28C1017E66507869)

Secs. 2-921—2-930. Reserved.

FOOTNOTE(S):

--- (**86**) ---

**Editor's note—** Ord. No. 01-92, § 1, adopted May 22, 2001, repealed article LXVII, sections 2-921—2-925, in its entirety. Former article LXVII pertained to the visitor industry voluntary educational service training trust and derived from Ord. No. 94-187, §§ 1(1)—(5), adopted Oct. 7, 1994; and Ord. No. 95-156, § 1, adopted Sept. 14, 1995. [(Back)](#BK_45BC88380B726019C0B34EEBAF963D9C)

### ARTICLE LXVIII. AGRICULTURAL PRACTICES ADVISORY BOARD [[87]](#BK_DC4D8AFE441E5030676C3831B15C2C03)

[Sec. 2-931. Creation; purpose; duties.](#BK_00ED285C2386404D2A1D51DEE487B5DE)

[Sec. 2-932. Definitions.](#BK_2F62266D788789A90A2FA20993F96587)

[Sec. 2-933. Membership; qualifications.](#BK_5C3CD6FE6F2EC2A9B05BE08A4CEB1326)

[Sec. 2-934. Terms.](#BK_7A0B91C31A5359CADE61A2CEDBC054F2)

[Sec. 2-935. Vacancies; election of officers; committees; meetings and records.](#BK_B28CE0452721302AED99B6CFD1D3C530)

[Sec. 2-936. Staff support.](#BK_3627124375F5E1080D64DB77A31595EA)

[Secs. 2-937—2-950. Reserved.](#BK_C7DCB93B7720C54AF3D162A71AD4C62B)

Sec. 2-931. Creation; purpose; duties.

There is hereby created and established an advisory board to be known as the Agricultural Practices Advisory Board. Its purpose shall be to review proposed or existing regulations or legislation pertaining to agricultural practices in Miami-Dade County, and to provide recommendations to the Board of County Commissioners with regard to such regulations and legislation.

The duties of the Board shall be to:

(a) Evaluate on an ongoing basis all pertinent existing or proposed federal, state, regional and local regulations, statutes, ordinances and policies concerning or impacting the agricultural industry in Miami-Dade County;

(b) Provide recommendations for eliminating or reducing duplication of effort when two (2) or more governmental entities administer similar regulatory programs;

(c) Provide recommendations for eliminating or modifying language in the Code of Miami-Dade County and/or regulatory activities that have mutually exclusive or contradictory criteria or goals;

(d) Provide recommendations for eliminating or modifying language in the Code of Miami-Dade County and/or regulatory activities that create undue burden or hardship on the agricultural industry;

(e) Provide recommendations for modifying or implementing provisions from any future or previously conducted study or plan that has the ability to impact the agricultural industry; and

(f) Prepare draft language to the Board of County Commissioners amending relevant sections of the Code of Miami-Dade County.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 96-14, § 1, 1-16-96; Ord. No. 96-181, § 1, 12-3-96; Ord. No. 98-16, § 1, 2-3-98; Ord. No. 08-101, § 1, 9-2-08)

Sec. 2-932. Definitions.

For the purposes of this article, the following definitions apply:

*Allied Agribusiness.* A proprietorship, partnership, or other firm that provides goods, services, or supplies to those actively engaged in bona fide agriculture.

*Board.* The Agricultural Practices Advisory Board.

*Director.* The Director of the Department of Planning and Zoning or his or her designee.

*Legislation.* Statutes, ordinances, resolutions, and policies.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 99-79, § 1, 7-13-99; Ord. No. 08-101, § 1, 9-2-08)

Sec. 2-933. Membership; qualifications.

There shall be a total of thirteen (13) members appointed by the Board of County Commissioners as follows:

(1) Two (2) representatives from the Tropical Fruit Crops Industry of Miami-Dade County, one (1) recommended by the Florida Avocado Committee, and one (1) recommended by the Tropical Fruit Growers of South Florida, Inc.;

(2) Two (2) representatives from the nursery industry, recommended by the Miami-Dade County Chapter of the Florida Nursery Growers & Landscape Association;

(3) Two (2) representatives from the vegetable industry, recommended by the Dade County Farm Bureau;

(4) One (1) representative of the aquaculture industry, recommended by the Ornamental Aquaculture Association of South Florida;

(5) One (1) representative of a citizens' association supportive of agriculture, recommended by the Redland Citizens' Association;

(6) One (1) representative of allied agribusiness recommended by the Dade AgriCouncil;

(7) One (1) representative of agri-banking, agri-financial consulting, or agri-lending recommended by the Homestead-Florida City Chamber of Commerce;

(8) One (1) representative of Farm Labor, recommended by Coalition of Florida Farmworkers Organizations;

(9) One (1) representative of the South Dade Soil & Water Conservation District, recommended by the South Dade Soil & Water Conservation District; and

(10) One (1) at large representative recommended by the Miami-Dade Agricultural Practices Advisory Board.

Members shall have a majority of their income from or work time devoted to production agriculture in Miami-Dade County, hold membership in recognized agricultural organizations, or have a demonstrated interest in the agricultural industry in Miami-Dade County.

(Ord. No. 95-03, § 1, 1-17-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-16, § 2, 2-3-98; Ord. No. 98-125, § 38, 9-3-98; Ord. No. 99-79, § 2, 7-13-99; Ord. No. 08-101, § 1, 9-2-08)

Sec. 2-934. Terms.

Notwithstanding anything in the Code to the contrary, members shall be appointed for terms of four years without term limits. A member may serve until his or her successor has been duly appointed and qualified.

(Ord. No. 08-101, § 2, 9-2-08; Ord. No. 11-58, § 1, 8-2-11)

Sec. 2-935. Vacancies; election of officers; committees; meetings and records.

(a) *Vacancies.* If a vacancy occurs, it shall be filled by the Board of County Commissioners. The designated organizations listed in [Section 2-933](../level3/PTIIICOOR_CH2AD_ARTLXVIIIAGPRADBO.docx#PTIIICOOR_CH2AD_ARTLXVIIIAGPRADBO_S2-933MEQU) shall submit at least one nominee from their respective organizations, including the nominee's resume and the minutes of the board meeting approving the nominee to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner. In the case where a member organization fails to submit a nomination for a replacement member within 45 days of notification of a vacancy, the Board shall propose a nominee to fill the vacancy. The nominee shall be approved at a meeting of the Board, and the Board shall forward the minutes approving such nominee, together with the nominee's resume, to the County Manager, who shall forward the nominee to the Board of County Commissioners in a timely manner.

(b) *Election of officers.* The Board shall annually elect a Chairperson and Vice-Chairperson from among its members at the Board's last meeting of each calendar year, or at the first Board meeting after a vacancy may occur in such positions. The Chairperson shall preside at all meetings at which he or she is present. The Vice-Chairperson shall act as Chairperson in the absence or inability of the Chairperson.

(c) *Committees.* The Board may establish or eliminate committees at its discretion; however, only two such committees may be in existence at any time. In no instance shall the authority to act or speak in the name of the Board be delegated to any committee. The Chairperson shall nominate and appoint the chairperson and members of such committees as the Board shall find helpful to their mission. The committee chairperson shall schedule committee meetings, set the agenda, establish guidelines for discussion at committee meetings, and ensure that committee meeting minutes are properly recorded. Committees shall consist of at least three (3) members appointed by the Chairperson. Fifty-one percent of a committee's membership shall constitute a quorum.

(d) *Meetings.* The Board shall hold regular meetings at least bimonthly and at other times in consultation with the Director.

(Ord. No. 08-101, § 2, 9-2-08)

Sec. 2-936. Staff support.

(1) The Director shall designate representatives from the Department of Planning and Zoning to prepare meeting agendas, advertise meeting dates, record minutes from meetings of the Board, reserve meeting locations, arrange for speakers, administer the filling of vacancies, prepare and forward resolutions adopted by the Board to the County Manager, and provide the Board with a monthly update of the progress of such resolutions as they move through the legislative process.

(2) Representatives from the Department of Planning and Zoning shall prepare draft ordinances and correspondence.

(Ord. No. 08-101, § 2, 9-2-08)

Secs. 2-937—2-950. Reserved.

FOOTNOTE(S):

--- (**87**) ---

**Editor's note—** Ord. No. 95-03, adopted Jan. 17, 1995, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXVIII, §§ 2-931—2-933. [(Back)](#BK_3D2462CDBDA00D56B8C59C4BB1B7FB6C)

Section 1 of Ord. No. 08-101, adopted Sept. 2, 2008, amended Art. LXVIII, Agricultural Practices Study Advisory Board, to read as herein set out. [(Back)](#BK_3D2462CDBDA00D56B8C59C4BB1B7FB6C)

### ARTICLE LXIX. BUSINESS IMPACT COMMITTEE [[88]](#BK_FCBFEF6F01C0AC53C6CA76347932EC9B)

[Sec. 2-951. Created.](#BK_D7E874EB56D0026A936462F78C3FA7E8)

[Sec. 2-952. Purpose.](#BK_A6FCEE3EC2505D21E8FADD1FC5CAEC0F)

[Sec. 2-953. Composition; nomination; approval.](#BK_BC1AF35EAD0320E93AEA3B97205F9D1F)

[Sec. 2-954. Staff.](#BK_941F4ABCDE4F19D67EDD07A17E555A33)

[Sec. 2-955. Validity.](#BK_FB2D440A73C3FB04AF8DA1F03D51108B)

Sec. 2-951. Created.

There is hereby created a Business Impact Committee to review existing and proposed County policies relating to the County's interaction with the Miami-Dade County business community.

(Ord. No. 95-20, § 1, 2-7-95)

Sec. 2-952. Purpose.

The proposed committee shall identify appropriate leaders of the Miami-Dade County business community, meet with them as necessary, and make recommendations to the Board of County Commissioners regarding methods by which the County and its policies could coordinate and work efficiently with the private sector business community.

(Ord. No. 95-20, § 2, 2-7-95)

Sec. 2-953. Composition; nomination; approval.

The Business Impact Committee shall consist of thirteen (13) members with each County Commissioner nominating one individual actively involved in the Miami-Dade County business community. Approval of each Commissioner's nominee shall be required by the County Commission.

(Ord. No. 95-20, § 3, 2-7-95)

Sec. 2-954. Staff.

The County Manager shall designate appropriate County staff to work with the Business Impact Committee.

(Ord. No. 95-20, § 4, 2-7-95)

Sec. 2-955. Validity.

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this article shall not be affected thereby.

(Ord. No. 95-20, § 5, 2-7-95)

FOOTNOTE(S):

--- (**88**) ---

**Editor's note—** Ord. No. 95-20, adopted Feb. 7, 1995, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. LXIX, §§ 2-951—2-955. [(Back)](#BK_2A8F5A6CE9F1C074CAC238C686A73135)

### ARTICLE LXIXA. RESERVED [[89]](#BK_1C2A7EA0BDE73C8C3C2A13EBDE08AECD)

FOOTNOTE(S):

--- (**89**) ---

**Editor's note—** Ordinance No. 97-69, § 1, adopted June 3, 1997, repealed § 2-956 in its entirety. Formerly, such section pertained to Miami-Dade County Consumer Services Board and derived from Ord. No. 95-137, § 4, 7-25-95. [(Back)](#BK_0DDD03DACA2F1803090FC0ABE418ED16)

### ARTICLE LXX. MEDAL OF MERIT AWARD; SELECTION COMMITTEE [[90]](#BK_91DA25CC3BB49F6254BCE52629C5E177)

[Sec. 2-961. Medal of Merit created; implementation of program.](#BK_C23B839292B23A42328C07B8B8CF9348)

[Secs. 2-962—2-966. Reserved.](#BK_6B937C4E4ED1E51EE32878B2D5E69717)

[Sec. 2-967. Reserved.](#BK_6180D8441F205480C42DE3ED5B2AFB11)

Sec. 2-961. Medal of Merit created; implementation of program.

There is hereby created a "Medal of Merit" award which the Board of County Commissioners shall annually present to those citizens who have exhibited exemplary dedication to improve the quality of life in Miami-Dade County. The County Manager shall develop for approval by the Board an Administrative Order with appropriate procedures to implement a program for the award for the Medal of Merit.

(Ord. No. 95-39, § 1, 2-23-95)

Secs. 2-962—2-966. Reserved.

**Editor's note—**

Ord. No. 99-50, § 1, adopted May 11, 1999, repealed sections 2-962—2-966 in their entirety. Former sections 2-962—2-966 pertained to the Medal of Merit Selection Committee and derived from Ord. No. 95-39, §§ 2—6, adopted Feb. 23, 1995.

Sec. 2-967. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 95-39, adopted Feb. 23, 1995, amended the Code by the addition of provisions which have been included herein at the discretion of the editor as Art. LXX, §§ 2-961—2-966. [(Back)](#BK_CAE1F82528B5D643C6FAFD84C763F2F8)

### ARTICLE LXXI. PROTECTION OF PERSONS DISCLOSING SPECIFIED INFORMATION

[Sec. 2-967.1. Legislative findings and purpose.](#BK_699C4BD8DB008612DBF1FC62D26CBBC6)

[Sec. 2-967.2. Definitions.](#BK_9AA6D042AD053E663D34F196B78E6387)

[Sec. 2-967.3. Actions prohibited.](#BK_466C9A7CF3C5EEE677B9B97EF7A16394)

[Sec. 2-967.4. Nature of information disclosed.](#BK_7450650AD5FA5AA8F5B011E9E4BDC052)

[Sec. 2-967.5. To whom information disclosed.](#BK_4FEEA054A9BA2868E46FD041D988064B)

[Sec. 2-967.6. Persons protected.](#BK_176E3C56AB2E61D65A9F120220A7D330)

[Sec. 2-967.7. Procedure where complaint of retaliation.](#BK_20AE801157FB7979C64BBCE026E31859)

[Sec. 2-967.8. Relief.](#BK_91467BA37590FF8F3CA7C3A645E13E6F)

[Sec. 2-967.9. Reporting person's award program.](#BK_D7811D4A314F742212157A91C077845D)

[Sec. 2-967.10. Existing rights.](#BK_00FE02EC6F865C1AB5F506A5AC4FF45A)

Sec. 2-967.1. Legislative findings and purpose.

The Board of County Commissioners finds that it is in the best interest of the County to ensure that persons who have knowledge of unlawful activity, misfeasance or malfeasance by the County or independent contractors report such knowledge to the appropriate authorities for investigation and corrective action In order to encourage persons to report such information without fear of reprisal, it shall be the policy of the County to prohibit adverse action against a person for disclosing such information to an appropriate official or agency and, if appropriate, to reward such person when the information disclosed leads to the County's recovery of public funds.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.2. Definitions.

As used in this Article:

(1) *County* shall include all Miami-Dade County departments, and all political subdivisions and special districts under the County Commission's legislative authority.

(2) *Employee* shall mean a person who performs services for, and under the control and direction of, the County for wages or other remuneration.

(3) *Independent contractor* shall mean a person, other than a federal, state or local government entity, engaged in any business and who enters into a contract with the County.

(4) *Person* shall mean any natural person, corporation, firm, joint venture or entity other than a federal, state or local government entity or any employee thereof.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.3. Actions prohibited.

(1) No County employee shall take any adverse action that affects the rights or interests of any person in retaliation for the person's disclosure of information under this article.

(2) The provisions of this article shall not be applicable when a person discloses information known by the person to be false.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.4. Nature of information disclosed.

The information disclosed under this article must include:

(1) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the County or independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or

(2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the County or an independent contractor.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.5. To whom information disclosed.

The information disclosed under this article must be disclosed to the County Manager or such official or officials as he may designate to receive such information on his behalf or any other appropriate public authority.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.6. Persons protected.

(1) This article protects persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by the County, any state agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act; who refuse to participate in any adverse action prohibited by this article, or who are otherwise protected by the State Whistle-blower's Act. The provisions of this article may not be used by persons while they are under the care, custody, or control of the state or county correctional system, or after their release from the care, custody or control of the state or county correctional system, with respect to circumstances that occurred during any period of incarceration.

(2) No remedy or other protection under this article applies to any person who has committed or intentionally participated in committing a violation or suspected violation for which protection under this article is being sought.

(3) lt shall be an affirmative defense to any complaint brought pursuant to this article that the adverse action was predicated upon grounds other than, and would have been taken absent, the person's exercise of rights protected by this article.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.7. Procedure where complaint of retaliation.

(1) Any person protected by this article may file a written complaint within sixty (60) days after the action prohibited by this Article with the County Manager. The County Manager shall refer the complaint to the Independent Review Panel. The Independent Review Panel shall conduct a hearing after notice to the complainant, the respondent and the County department, political subdivision, special district or independent contractor involved. Any interested party may procure the attendance of witnesses and the production of records at such hearings in the manner provided by [Section 2-50](../level4/PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM.docx#PTIIICOOR_CH2AD_ARTIVPE_DIV2CISECOEM_S2-50OATEPRRE). All hearings requested pursuant to this paragraph shall be commenced insofar as is practicable within sixty (60) days of the County Manager's receipt of the complaint, except that the County Manager shall have the authority to extend such time for reasonable cause.

(2) The Independent Review Panel shall transmit its findings of fact, conclusions of law and any recommendation(s) together with the transcript of all evidence taken and all exhibits received by the Independent Review Panel to the County Manager for a final decision. The Manager may sustain, reverse or modify any action recommended by the Independent Review Panel. In any case in which the Independent Review Panel finds that the person filed a frivolous complaint in bad faith, the Independent Review Panel may direct the person to pay the costs of the hearing, including attorney's fees.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.8. Relief.

In any case brought under this article in which the County Manager or any other appropriate public authority finds that the person has been subjected to an adverse action in violation of this article, the Manager may:

(a) Refer the matter to the appropriate department head for appropriate disciplinary action, if any;

(b) Compensate the person, if appropriate, for the lost income, benefits or other lost remuneration caused by the adverse action.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.9. Reporting person's award program.

Persons who report information pursuant to this article which results in the County's recovery of public funds shall be eligible to apply for an award of up to ten (10) percent of the net amount recovered or fifty thousand dollars ($50,000.00), whichever is less. The precise amount of any such award shall be set by the County Manager in accordance with the following procedure: The Manager shall select for each application a panel of three (3) County administrators who shall conduct an informal hearing for the purpose of recommending to the County Manager whether an award should be granted and the amount of any such award. The panel's recommendation shall include consideration of:

(1) The significance of the information revealed to improving the efficiency of the County;

(2) The likelihood that the County would have learned of the information if the person had not reported it; and

(3) If the information was reported by more than one person, whether and how it should be apportioned.

The panel's written recommendation shall be submitted to the Manager whose decision as to whether an award should be granted and the amount thereof shall be final.

(Ord. No. 96-41, § 1, 3-5-96)

Sec. 2-967.10. Existing rights.

This article shall not be construed to diminish the rights, privileges or remedies of any person under any other law or rule.

(Ord. No. 96-41, § 1, 3-5-96)

### ARTICLE LXXIA. OFFICE OF CITIZEN ASSISTANCE AND OUTREACH ("TEAM METRO") [[91]](#BK_ACB39EBAF4102828038E0E2CF39F38E8)

[Sec. Sec. 2-967.11. Established; director as head; appointment; term; operating procedures; compensation of employees.](#BK_8468C85FB3E547AE7345D3024CD77A61)

[Sec. 2-968. Duties and powers.](#BK_4EC18C296B724008960E1FFC678E7FC7)

[Sec. 2-968.1 Definitions.](#BK_6A5D65EEEBA3498DCA64B3E6D7B22BB7)

[Sec. 2-969. Enforcement.](#BK_6348FD77FAD791FE3E284D4DBF837464)

[Sec. 2-970. Resisting or obstructing enforcement.](#BK_42FC21E571CC251067EA635A9B874A80)

[Sec. 2-971. Penalty for violation of chapter.](#BK_5C60558533F350B09C639FA6BA9FEA44)

[Sec. 2-972. Remedies.](#BK_87DB7CA07ED86AEB7DA78B8A99623A5B)

[Sec. 2-973. Consent agreements.](#BK_87E4CE5C0C484614BC8DCC97E7600CBF)

[Sec. 2-974. Enforcement; procedure.](#BK_8D79366915948AB5C40F69E967B7C0F8)

[Secs. 2-975—2-980. Reserved.](#BK_2A13D059ACDE5C2EA422E554C4C098D5)

Sec. Sec. 2-967.11. Established; director as head; appointment; term; operating procedures; compensation of employees.

The Office of the Citizen Assistance and Outreach (hereinafter referred to as "Team Metro") is hereby established as a department of Miami-Dade County. The head of this Department is its Director. The Director shall be appointed by and serve at the will of the Manager. The organization and operating procedures of the Department shall be prescribed by administrative orders and regulations of the Manager. Any changes made to the Office of Citizen Assistance and Outreach ("Team Metro") including any changes to the duties and powers of the Department must occur by amendment to the Code. The Manager shall appoint such employees as may be necessary to operate the Department. The compensation of all personnel, except employees with the classified service, shall be fixed by the Commission upon recommendation of the Manager.

(Ord. No. 96-86, § 1, 6-4-96; Ord. No. 02-19, § 1, 1-29-02)

Sec. 2-968. Duties and powers.

The duties and powers of the Director of Team Metro shall include, but not be restricted to, the following:

(a) Providing assistance to the public in accessing government and its information and services;

(b) Establishing regional offices to increase citizen access to government;

(c) Identifying community concerns and issues and providing information for local civic action and to work with County government to bring to the citizens the available resources to alleviate or eliminate problems to the greatest degree and as effectively as possible;

(d) Providing an integrated system of code enforcement authorized to enforce the provisions of the Code of Miami- Miami-Dade County set forth below, and to collect fines, fees and, penalties,and file liens and foreclosure actions for County Departments as identified in administrative orders of the County Manager.

(e) Performing such additional duties as may be prescribed by ordinance or by administrative orders and regulations of the Manager.

(Ord. No. 96-86, § 1, 6-4-96; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-968.1 Definitions.

Definitions of specific terms used in the enforcement of this chapter are incorporated by reference from [Chapter 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD),Chapter 8, [Chapter 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA),Chapter 17, [Chapter 17A](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI), [Chapter 17B](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR), [Chapter 18A](../level2/PTIIICOOR_CH18AMIDECOLAOR.docx#PTIIICOOR_CH18AMIDECOLAOR), [Chapter 19](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC), [Chapter 21](../level2/PTIIICOOR_CH21OFMIPR.docx#PTIIICOOR_CH21OFMIPR) [Chapter 28](../level2/PTIIICOOR_CH28SU.docx#PTIIICOOR_CH28SU), [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE), [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of the Code of Miami-Dade County and the South Florida Building Code. In cases where there are two (2) or more definitions in the Code for the same word, the definition in the Code chapter being enforced shall prevail.

(Ord. No. 96-86, § 1, 6-4-96; Ord. No. 98-125, § 1, 9-3-98)

Sec. 2-969. Enforcement.

Team Metro shall, through its duly authorized enforcement officers, be authorized to enforce the following provisions of the Code of Miami-Dade County:

|  |  |
| --- | --- |
| *Code Section* | Description of Violation |
| [2-100](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-100FUPODU)(d) | Illegal object(s) or vegetation in the right-of-way not approved for use according to the Public Works Manual |
| [2-103.15](../level3/PTIIICOOR_CH2AD_ARTXIVPUWODE.docx#PTIIICOOR_CH2AD_ARTXIVPUWODE_S2-103.15SIPURI-WPR) | Illegal signs in right-of-way |
| All other [Chapter 2](../level2/PTIIICOOR_CH2AD.docx#PTIIICOOR_CH2AD) violations as identified in administrative order of the County Manager | |
| [15-2](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA_S15-2SOWACOSECOUSCOLO) | Having a waste container at curbside, right-of-way, or street edge before or after specified hours of normal collection day |
| [15-5](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA_S15-5DUDISOWAPRAC) | Unauthorized bulky or industrial waste on right-of-way |
| [15-5](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA_S15-5DUDISOWAPRAC) | Uncontainerized refuse, rubbish, or solid waste |
| [15-6](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA_S15-6LIDUUNDEPRDUBUSOWAWIPRAUUNDESOWANETRRECEDEPUNUPR)(b)(1), (3) | General littering in an amount not exceeding 100 pounds in weight or 50 cubic feet in volume |
| All other [Chapter 15](../level2/PTIIICOOR_CH15SOWAMA.docx#PTIIICOOR_CH15SOWAMA) violations as identified in administrative order of the County Manager | |
| All [Chapter 17](../level2/PTIIICOOR_CH17HO.docx#PTIIICOOR_CH17HO), [Chapter 17A](../level2/PTIIICOOR_CH17AVASTSTMI.docx#PTIIICOOR_CH17AVASTSTMI) and [Chapter 17B](../level2/PTIIICOOR_CH17BMEMIDECODEUNSTOR.docx#PTIIICOOR_CH17BMEMIDECODEUNSTOR) violations as identified in administrative order of the County Manager or as necessary to enforce the Minimum Housing Standards. Minimum Standards for Vacant Structures and Demolition of Uninhabitable Structures Ordnance, respectively. | |
| [19-3](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-3DE) | Allowing public nuisance to exist |
| [19-4](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-4RECO)(C) | Illegal disposal of cuttings, solid waste or junk |
| [19-5](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-5COENRECO) | Failure to comply with schedule |
| [19-6](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC_S19-6TEMEDIENPODU) | Allowing a violative condition to exist |
| All other [Chapter 19](../level2/PTIIICOOR_CH19REPROWMEAC.docx#PTIIICOOR_CH19REPROWMEAC) violations as identified in administrative order of the County Manager | |
| [21-30](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30OFAGPUPRPR)(2) | Destroying, damaging or vandalizing public property, including public right-of-way |
| [21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR)(f)(1) | Sale of spray paint or markers to persons under 18 years of age. |
| [21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR)(d) | Failure to remove graffiti |
| [21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR)(f)(1) | Sale of spray paint or markers to persons under 18 |
| [21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR)(f)(2) | Failure to display graffiti warning signs or improper storage of spray paint or markers |
| [21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR)(f)(3) | Violation of spray paint or marker sale injunction |
| All other [Chapter 21-30.01](../level3/PTIIICOOR_CH21OFMIPR_ARTIVMI.docx#PTIIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR) violations as identified in administrative order of the County Manager | |
| All [Chapter 30](../level2/PTIIICOOR_CH30TRMOVE.docx#PTIIICOOR_CH30TRMOVE) violations as identified in Sections [30-388.32](../level3/PTIIICOOR_CH30TRMOVE_ARTIINGE.docx#PTIIICOOR_CH30TRMOVE_ARTIINGE_S30-388.32PEVIAR), [30-447](../level3/PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE.docx#PTIIICOOR_CH30TRMOVE_ARTIIPASPDIPE_S30-447PEMISPMAPASP), [30-449](../level3/PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST.docx#PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST_S30-449PASPPETRYOCHST) and [30-450](../level3/PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST.docx#PTIIICOOR_CH30TRMOVE_ARTIIAPASPPETRYOCHST_S30-450PEMISPMAPASP) of this code | |
| [33-13](../level3/PTIIICOOR_CH33ZO_ARTIINGE.docx#PTIIICOOR_CH33ZO_ARTIINGE_S33-13UNUS)(b) | Unpermitted use in conflict with prescribed and expected uses therein |

Enforce against violations of [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of the Code of Miami-Dade County with the exception of [Section 33-8](../level3/PTIIICOOR_CH33ZO_ARTIINGE.docx#PTIIICOOR_CH33ZO_ARTIINGE_S33-8CEUS) and all work lawfully in progress under an authorized permit.

Issue civil violation notices for work without permits as required under the South Florida Building Code.

Wherever reference is made in any of the provisions cited above to an enforcement officer or agency, such references shall also be understood to refer to Team Metro.

(Ord. No. 96-86, § 1, 6-4-96; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-66, § 3, 6-8-99)

Sec. 2-970. Resisting or obstructing enforcement.

It shall be unlawful to resist, obstruct or oppose the Director or the Director's designee or enforcement officer in the discharge of duties under this chapter.

(Ord. No. 96-86, § 1, 6-4-96)

Sec. 2-971. Penalty for violation of chapter.

(1) Any person who shall violate a provision of this chapter, or fails to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment. At the discretion of the Director, violations of this chapter may be enforced pursuant to [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County. Any person who violates or fails to comply with this chapter shall also be subject to fines in accordance with [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of this Code. Each day of violation or noncompliance shall constitute a separate offense.

(2) Whenever a violation of this chapter occurs or exists, or has occurred or existed, any person individually or otherwise, who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial or equitable interest in the real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation.

(Ord. No. 96-86, § 1, 6-4-96)

Sec. 2-972. Remedies.

In addition to any other remedies provided in this chapter, in [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Code of Miami-Dade County, or in any other applicable provision of the County Code, the Director shall have the following judicial remedies available for violations of this chapter or any other lawful rule or regulation promulgated hereunder.

(1) Any person who violates a provision of this chapter or any lawful rule, regulation or written order promulgated under this chapter is subject to injunction or other equitable relief to enforce compliance with or prohibit the violation of this chapter. Further, such person is liable for any damage to Miami-Dade County caused by such violation, and for the reasonable costs and expenses incurred by Miami-Dade County in enforcing the provisions of this chapter, including but not limited to the costs of enforcement, inspections, preparation of enforcement reports, photographs, title searches, postage and other demonstrable administrative costs for enforcement and collection. All such sums shall become immediately due and payable upon expenditure by the County and shall become delinquent if not paid within thirty (30) days after receipt by the violator of the Department's bill itemizing the enforcement costs incurred in enforcing the provisions of this chapter (the "due date"). All such delinquent sums shall bear interest at the rate of twelve (12) percent per annum.

(2) In addition to the foregoing, any person who violates a provision of this chapter or any lawful rule, regulation or written order promulgated under this chapter is subject to the judicial imposition of a civil penalty for each offense of an amount not to exceed five thousand dollars ($5,000.00) per day per offense. In assessing the penalty, the court may receive evidence in mitigation. Each day during any portion of which a violation occurs constitutes a separate offense.

(3) Upon the rendition of a judgment or decree by any of the courts of this State against any person and in favor of the Director or the County in any action to enforce compliance with or prohibit the violation of the provisions of this chapter, the court shall adjudge or decree against that person and in favor of the Director or the County a reasonable sum as fees or compensation for the attorney acting on behalf of the Director or the County in the suit in which recovery is had. This provision shall apply to all civil actions filed after the effective date of this ordinance. Cessation of the violation of any of the provisions of this chapter prior rendition of a judgment or prior to execution of a negotiated settlement, but after an action has been filed by the Director or the County to enforce the provisions of this chapter, shall be deemed for the purpose of this section the functional equivalent of a confession of judgment or verdict in favor of the Director or the County, for which attorney's fees shall be awarded as set forth in the Department's Administrative Order.

(4) Nothing in this section shall be construed to permit or require the Director to bring an action on behalf of any private person.

(Ord. No. 96-86, § 1, 6-4-96)

Sec. 2-973. Consent agreements.

The Director or the Director's designee may, in the discretion of the Director or the Director's designee, terminate an investigation or an action commenced under the provisions of this chapter upon execution of a written consent agreement between the Director or the Director's designee and the persons who are the subject of the investigation or action. The consent agreement shall provide written assurance of voluntary compliance with all the applicable provisions of this chapter by such persons. The consent agreement may in addition provide for the following: Mitigation of injuries accruing on account of the violation investigated or sued upon; compensatory damages, punitive damages; civil penalties; costs and expenses of enforcement; attorney's fees; and remedial or corrective action. Except as expressly and specifically provided in the executed written consent agreement, an executed written consent agreement shall neither be evidence of a prior violation of this chapter nor shall such agreement be deemed to impose any limitation or action by the Director or the County in enforcing any of the provisions of this chapter, nor shall the agreement constitute a waiver of or limitation upon the enforcement of any federal, State or local law or ordinance. Each violation of any of the terms of an executed written consent agreement shall constitute a separate violation under this chapter by the persons who executed the agreement and by their respective officers, directors, agents, servants, employees, attorneys, heirs, successors and assigns, and by any persons in active concert or participation with any of the foregoing persons and who have received actual notice of the consent agreement. Each day during any portion of which each such violation occurs constitutes a separate offense under this chapter.

(Ord. No. 96-86, § 1, 6-4-96)

Sec. 2-974. Enforcement; procedure.

The Director is hereby authorized to institute actions on behalf of the County in any court of competent jurisdiction in this State to seek enforcement of this chapter and all remedies for violation thereof.

(Ord. No. 96-86, § 1, 6-4-96)

Secs. 2-975—2-980. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 96-86, adopted June 4, 1996, amended the Code by the addition of Art. LXXII, §§ 2-967—2-974, which provisions have been redesignated at the discretion of the editor as Art. LXXIA, §§ 2-967.11—2-974 to avoid duplication of with existing article and section numbering. [(Back)](#BK_90BB582CA45A30E4164E58D6CDD37AAE)

**Cross reference—** Delegation of public works department enforcement powers and duties to director of Team Metro, §§ 2-100.1, 19-11; delegation of solid waste management department enforcement powers and duties to director of Team Metro, § 2-100.1; delegation of the department of planning, development and regulation enforcement powers and duties to director of Team Metro, § 33-39.2.1. [(Back)](#BK_90BB582CA45A30E4164E58D6CDD37AAE)

### ARTICLE LXXII. RESERVED [[92]](#BK_3F09D7887FA6C0A14CBFC95E7F5B6CDE)

[Secs. 2-981—2-990. Reserved.](#BK_015FF4ABE77D7D64E6E10B31466A5FF6)

Secs. 2-981—2-990. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ordinance No. 97-37, § 1, adopted May 6, 1997, repealed Ord. No. 96-5 in its entirety. Therefore, §§ 2-981—2-990 have been deleted. Formerly, such sections pertained to Maritime Park Board and derived from Ord. No. 96-5, §§ 1—6, 1-9-96; Ord. No. 96-125, §§ 1, 2, 7-18-96. [(Back)](#BK_350C586B2A9276F52CE3109B1F588929)

### ARTICLE LXXIII. WORLD TRADE CENTER DEVELOPMENT COMMITTEE [[93]](#BK_2DC38402BF7A156BC406A1270AA1E582)

[Sec. 2-991. Creation; purpose.](#BK_7CAAE3D8726F943AD5CF93790CE5DA58)

[Sec. 2-992. Governing body.](#BK_D6CA822C06494889E8767AB1005A986A)

[Sec. 2-993. Staff support.](#BK_E1E986A82DF9118CDA65D5265AEB4587)

[Secs. 2-994—2-1000. Reserved.](#BK_4320E806EACA882B37C41B3516E1B071)

Sec. 2-991. Creation; purpose.

There is hereby created and established an advisory committee to be known as the World Trade Center Development Committee. Its purpose shall be to negotiate with potential developers of a World Trade Center to be located in Miami-Dade County and to recommend to the Board of County Commissioners a proposed developer and a Final Development Agreement. The recommendation shall be submitted to the Board of County Commissioners no later than December 31, 1997.

(Ord. No. 96-6, § 1, 1-9-96; Ord. No. 97-30, § 1, 4-8-97)

Sec. 2-992. Governing body.

(a) *Membership.* The governing body of the Committee shall consist of fifteen (15) members, at least one of whom shall represent the public sector, and shall be selected by the Board of County Commissioners from a slate of nominees provided by the County Manager. The nominees shall have a demonstrated interest in the development of international trade and business.

(b) *Composition.* The Committee shall contain two (2) co-chairs, one of whom shall represent the public sector. The co-chairs shall be appointed by the Board of County Commissioners upon a recommendation from the County Manager. The Committee is authorized to create and appoint subcommittees and to schedule meetings as it deems necessary. All meetings shall be held in accordance with Florida's "Government in the Sunshine Law," Section 286.011, Florida Statutes.

(c) *Terms.* Members of the Committee shall serve until a recommendation of the Final Development Agreement is submitted to the Board of County Commissioners.

(Ord. No. 96-6, § 2, 1-9-96)

Sec. 2-993. Staff support.

Staff support for the Committee shall be provided by the County Manager's Office through the Seaport Department. Appropriate funding shall be provided for the purpose of administration of the Committee and for hiring consultants and other support as deemed necessary to accomplish the purpose of the Committee.

(Ord. No. 96-6, § 1, 1-9-96)

Secs. 2-994—2-1000. Reserved.

FOOTNOTE(S):

--- (**93**) ---

**Editor's note—** Ord. No. 96-6, adopted Jan. 9, 1996, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. LXXIII, §§ 2-991—2-995. [(Back)](#BK_A8DDF3BE10D6109D64282A724CB85549)

### ARTICLE LXXIV. RESERVED [[94]](#BK_8345528DB020F993B12BFCB53B15344A)

[Secs. 2-1001—2-1020. Reserved.](#BK_C159085ECADC1B44AD27EBCFC326B068)

Secs. 2-1001—2-1020. Reserved.

FOOTNOTE(S):

--- (**94**) ---

**Editor's note—** Ordinance No. 98-54, § 1, adopted April 21, 1998, repealed §§ 2-1001—2-1010. Formerly, such sections pertained to sports, recreation and environmental advisory council and derived from Ord. No. 96-76, §§ 1—7, 9—11, 5-21-96. [(Back)](#BK_C2B18E4C8E1541523F435FE7CC43B49B)

### ARTICLE LXXV. FEDERAL ENTERPRISE COMMUNITY COUNCIL [[95]](#BK_DA523635C1436A12B00035F485E66382)

[Sec. 2-1021. Creation.](#BK_07EB8A6BA7FE7664F57ACEC4B6DF9C7B)

[Sec. 2-1022. Purpose.](#BK_CD28E3B0DF4E9D3EC3AB465027A41548)

[Sec. 2-1023. Composition, appointment and term of office.](#BK_58DCD001F9AA7A396F5661EAF7162DB0)

[Sec. 2-1024. Organizations and procedure.](#BK_45086ACBB71217A2D0EDE1AE434BBD08)

[Sec. 2-1025. Powers and functions of the Council.](#BK_58AD1DBB71F69E1EE029314D48CE2EF6)

[Sec. 2-1026. Staff support.](#BK_0CEFE2D1D29765D4B4BD6DCE0F3375C2)

[Sec. 2-1027. Liberal construction to effectuate public purpose.](#BK_06CAB5586AFA8F65CDC6960A780607CD)

[Sec. 2-1028. Validity.](#BK_32996F5590A8DB645C771FACFB4C6504)

[Secs. 2-1029—2-1035. Reserved.](#BK_A5BD7511787A71871493F54F30E9E849)

Sec. 2-1021. Creation.

There is hereby created and established as an agency and instrumentality of Miami-Dade County, the Federal Enterprise Community Council (the "Council").

(Ord. No. 96-87, § 1, 6-4-96)

Sec. 2-1022. Purpose.

The Council is created for the specific purposes of (a) advising the Board of County Commissioners (the" Board") on issues regarding the Federal Enterprise Community Strategic Plan (the "Plan") and (b) providing the mechanism by which the Plan's benchmarks and goals will be monitored, and performance evaluated.

(Ord. No. 96-87, § 2, 6-4-96)

Sec. 2-1023. Composition, appointment and term of office.

(a) The Council shall be composed of twenty-eight (28) voting members. The members may designate an alternate to serve and/or vote on their behalf. The members shall serve without compensation.

(b) The voting membership of the Council shall be ethnically, racially and gender balanced, and dedicated to the goals of the Plan. The Council shall be appointed by the Board with representatives from the following:

(1) The Federal Enterprise Community: Two (2) representatives of each of the communities of Liberty City; Wynwood; Overtown; Little Havana; Allapattah; Melrose; Homestead and Florida City for a total of sixteen (16) representatives. The representatives will be appointed by the Board from a list of five (5) nominees for each community, to be submitted by the respective cities as follows: Wynwood, Overtown, Little Havana, Liberty City and Allapattah (City of Miami); Homestead (City of Homestead); and Florida City (Florida City). The Board will nominate representatives for Melrose.

(2) Mayor or City Manager of the City of Miami.

(3) Mayor or City Manager of Florida City.

(4) Mayor or City Manager of the City of Homestead.

(5) The County Manager of Miami-Dade County.

(6) Superintendent of the Miami-Dade County Public Schools or the Chairperson of the Miami-Dade County School Board.

(7) The District Administrator of the State of Florida Department of Health and Rehabilitative Services for the district encompassing Miami-Dade County.

(8) Four (4) representatives from the following: Two (2) from the private sector, one (1) from the non-profit sector and one (1) from the labor sector.

(9) The President of Miami-Dade Community College

(10) The Chairperson of the South Florida Employment and Training Consortium.

Vacancies on the Council shall be filled in the same manner by which the original members were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community, and the segments of the community necessary to achieving the goals of the Strategic Plan.

(c) All voting members shall serve staggered terms of three (3) years each; provided, however, of the original membership, ten (10) shall serve for an initial term of one (1) year, ten (10) shall serve for an initial term of two (2) years, and eight (8) shall serve for an initial term of three (3) years.

(d) No member, with the exception of ex officio members, shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board. Members may be removed in accordance with the provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(e) The Board may, from time to time, appoint ex officio members. The Directors of Miami International Airport, the Port of Miami, the Public Health Trust, and the Community Action Agency shall serve as ex officio members.

(f) Each member shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(Ord. No. 96-87, § 3, 6-4-96)

Sec. 2-1024. Organizations and procedure.

(a) The Council shall organize after the members thereof have qualified to serve and shall select one (1) of its members as chairperson and such other officers as the Council may determine to be necessary. In addition, the Council shall make, adopt and amend bylaws, rules and regulations for its own governance. The Council shall create any committees it deems necessary.

(b) The Council shall hold regular meetings and such other meetings as it deems necessary. A majority of the members of the Council shall constitute a quorum. Minutes shall be kept of all meetings of the Council and all meetings shall be public. The Clerk of the Board shall keep minutes of all meetings of the Council.

(c) All Council members shall comply with the Florida Open Government Laws, including the "Sunshine Law", Public Meeting Laws and Public Records Laws and shall be governed by all state and county conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(Ord. No. 96-87, § 4, 6-4-96)

Sec. 2-1025. Powers and functions of the Council.

The members shall have the following powers, duties, functions and responsibilities:

(a) To serve in an advisory capacity to the Board with respect to all issues affecting or relating to the implementation of the Plan.

(b) To recommend to the Board, in accordance with the Plan, an annual budget and plan for use of the federal grant and other funds allocated to carry out the Plan.

(c) To recommend to the Board, in accordance with the Plan, the allocation of funds to public agencies, the award of contracts and grants to organizations, entities and agencies, including independent 501(c)(3) corporations.

(d) To review the Plan on a regular basis and at least annually to assure that the Plan's implementation is achieving Plan goals and addressing the needs of the Enterprise Community.

(e) To evaluate performance and recommend to the Board any needed amendments or modifications.

(f) To submit annually to the Board of County Commissioners and the City Commissions of Miami, Florida City and Homestead, a report summarizing and evaluating the performance of all programs and activities in the Strategic Plan during the previous fiscal year, including the timetable for performance. The report shall include an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

(g) To monitor, review and evaluate Miami-Dade County's economic links to the Enterprise Community, including the airport and seaport and medical complex and the direct benefit to the residents of the Enterprise Community.

(h) To submit reports required by the United States Department of Housing and Urban Development.

(i) To monitor, review and evaluate the effectiveness of the Enterprise Community Center in its delivery of services including increasing access to capital, targeted technical assistance for businesses, job development and training.

(Ord. No. 96-87, § 5, 6-4-96)

Sec. 2-1026. Staff support.

The County Manager shall provide to the Council adequate staff and support services to enable the Council to carry out its duties and responsibilities.

(Ord. No. 96-87, § 6, 6-4-96)

Sec. 2-1027. Liberal construction to effectuate public purpose.

This article being for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes thereof.

(Ord. No. 96-87, § 7, 6-4-96)

Sec. 2-1028. Validity.

If any section, subsection, sentence, clause or provision of this article is held invalid, the remainder of this article shall not be affected by such invalidity.

(Ord. No. 96-87, § 8, 6-4-96)

Secs. 2-1029—2-1035. Reserved.

FOOTNOTE(S):

--- (**95**) ---

**Editor's note—** Ord. No. 96-87, adopted June 4, 1996, amended the Code by the addition of provisions which have been designated at the discretion of the editor as Art. LXXV §§ 2-1021—2-1028. [(Back)](#BK_B3A7950D17A001F877EDE36A1AE1B140)

### ARTICLE LXXVI. Miami-Dade County ENTERPRISE ZONE ADVISORY COUNCIL

[Sec. 2-1036. Creation.](#BK_38280720A81872A5306C532D73055C88)

[Sec. 2-1037. Purpose.](#BK_1F50CC19FC0BC5980851C3B9A0E6069F)

[Sec. 2-1038. Membership requirements; appointment of members.](#BK_83AEC5F1F29F02F7644E269608A0F878)

[Sec. 2-1039. Organization.](#BK_599D511BF550E4A3C3E35D02CBB89577)

[Sec. 2-1040. Powers and responsibilities.](#BK_91A7A523FD803424FEA882390DB64776)

[Sec. 2-1041. Reports.](#BK_CCE312939D3EF07E9ED6A97F13825CB6)

[Sec. 2-1042. Rules and regulations for Council.](#BK_E7363037B65B22B417B266DC8ABCBCFF)

[Secs. 2-1043—2-1050. Reserved.](#BK_81545337EAF41265BDBA268F1F63DB26)

Sec. 2-1036. Creation.

There is hereby created pursuant to the provisions of Section 290.0056, Florida Statutes, the Miami-Dade County Enterprise Zone Advisory Council (the "Council").

(Ord. No. 96-106, § 1, 7-2-96)

Sec. 2-1037. Purpose.

The Council is created for the specific purposes of (a) fulfilling and meeting the technical requirements of the Enterprise Zone Act and; (b) advising the Board of County Commissioners on issues regarding the Enterprise Zone Strategic Plan.

(Ord. No. 96-106, § 2, 7-2-96)

Sec. 2-1038. Membership requirements; appointment of members.

(1) The Council shall be comprised of thirteen (13) members, appointed by the Board, with at least one (1) representative from each of the following:

(a) Local Chamber of Commerce.

(b) Local financial or insurance entities.

(c) Businesses operating within the Enterprise Zone.

(d) Residents residing within the Enterprise Zone.

(e) Nonprofit community based organizations operating within the Enterprise Zone.

(f) Local private industry council.

(g) Local code enforcement agency.

(h) Local law enforcement agency.

(i) Five (5) At-Large members.

(2) All members shall serve staggered terms of three (3) years each; provided, however, of the original Council, the Council shall select three (3) for a term of one (1) year, five (5) for a term of two (2) years, and five (5) for a term of three (3) years. No member shall be allowed to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by a two-thirds (2/3) vote of the full membership of the Board of County Commissioners. All representatives appointed to the Council should reflect the gender, racial and ethnic composition of the Enterprise Zone and the community as a whole. Council members shall serve without compensation.

(Ord. No. 96-106, § 1, 7-2-96)

Sec. 2-1039. Organization.

(1) The board shall designate a chair and a vice-chair from among the members of the Council.

(2) The County Manager and County Attorney shall provide staff support to the Council. The Clerk shall act as clerk and secretary to the Council, and shall provide all notices and perform other ministerial tasks.

(3) A majority of members appointed and serving constitutes a quorum for the purpose of conducting business and for all other purposes. Action may be taken by the Council upon a vote of a majority of the members present.

(4) The Council may develop and adopt rules to govern its internal procedures and operation, including the establishment of subcommittees.

(5) The Board of County Commissioners, by and through the County Manager, shall act as the managing agent of the Council and shall have all the powers and responsibilities included in Section 290.0056(9), Florida Statutes.

(Ord. No. 96-106, § 4, 7-2-96)

Sec. 2-1040. Powers and responsibilities.

Pursuant to Section 290.0056(8), Florida Statutes, the Council shall have the following powers and responsibilities:

(a) To assist in the development and implementation of the strategic plan;

(b) To oversee and monitor the implementation of the strategic plan;

(c) To identify and recommend to the board and the included municipalities ways to remove regulatory barriers;

(d) To identify to the board and the included municipalities the financial needs of, and local resources or assistance available to eligible businesses in the zone.

(Ord. No. 96-106, § 5, 7-2-96)

Sec. 2-1041. Reports.

(1) Prior to December 1 of each year, the Council shall submit to the Department of Commerce a complete and detailed written report setting forth:

(a) Its operations and accomplishments during the fiscal year.

(b) The accomplishments and progress concerning the implementation of the strategic plan.

(c) The number and types of businesses assisted by the Council during the fiscal year.

(d) The number of jobs created within the Enterprise Zone during the fiscal year.

(e) The usage and revenue impact of state and local incentives granted during the calendar year.

(f) Any other information required by the Department of Commerce.

(2) The Council shall make quarterly reports to the board and the Department of Commerce as necessary, evaluating the progress in implementing the strategic plan.

(3) Prior to March 31 of each year, the Council shall file a report of its activities for the preceding fiscal year with the board.

(Ord. No. 96-106, § 6, 7-2-96)

Sec. 2-1042. Rules and regulations for Council.

The Council shall also be subject to all rules and regulations set out in Section 290.001 et seq., Florida Statutes. The Council is further authorized to meet as often as it deems appropriate. All Council members shall comply with Florida's "Government in the Sunshine" requirements of Chapter 286, Florida Statutes, and all materials received or generated by the Council in carrying out its responsibilities are public records pursuant to Chapter 119, Florida Statutes.

(Ord. No. 96-106, § 7, 7-2-96)

Secs. 2-1043—2-1050. Reserved.

### ARTICLE LXXVII. AFRICAN-AMERICAN TOURIST SITE TASK FORCE BOARD

[Sec. 2-1051. Creation; purpose; duties.](#BK_D1106C4E6255B269246A9F382652547C)

[Sec. 2-1052. Membership, appointment and term office.](#BK_A162E57076C05DE5F8D96F8EDCA671D2)

[Sec. 2-1053. Organizations and procedures.](#BK_129257470CED73BAD8A3564C2900F6BA)

[Sec. 2-1054. Powers and functions of the Task Force Board.](#BK_17C017D46636718E87AAF26BE4A083A8)

[Sec. 2-1055. Staff support.](#BK_4A2C85FFAFF8BFB69541322CB5DC3C97)

[Secs. 2-1056—2-1065. Reserved.](#BK_3724A64E579F3D655E21F797077B2D3C)

Sec. 2-1051. Creation; purpose; duties.

There is hereby created and established as a task force of Miami-Dade County, the African-American Tourist Site Task Force Board (the Task Force Board"). The Task Force Board is created for the specific purpose of identifying a location and developing business opportunities for a tourist attraction within the African-American community. To that end, the Task Force Board shall submit a final report to the Board of County Commissioners on its findings and recommendations. Prior to submission of the final report, the Task Force Board is directed to appear, as needed, at regular meetings of the Housing, Community and Economic Development and the Maritime Trade and Tourism Committees of the Board of County Commissioners to report on its progress.

(Ord. No. 96-169, § 1, 11-12-96)

Sec. 2-1052. Membership, appointment and term office.

(a) The Task Force Board shall be composed of twenty-three (23) voting members, appointed as described below. Each member may designate a single alternate to serve and vote on his or her behalf. Members shall serve without compensation.

(b) The Task Force Board shall be appointed by the Board with representatives from the following:

(1) One (1) representative of each member of the Board of County Commissioners for a total of thirteen (13) representatives, to be chosen initially from the membership of the original African-American Tourist Site Task Force.

(2) The County Manager of Miami-Dade County.

(3) Two (2) representatives from the Miami-Dade Chamber of Commerce.

(4) One (1) representative from the Miami-Dade County Public Schools.

(5) One (1) representative from the Greater Miami Chamber of Commerce.

(6) Two (2) representatives from the Greater Miami Convention and Visitors Bureau.

(7) One (1) representative from the Beacon Council.

(8) One (1) representative from the Tools for Change.

(9) Mayor or City Manager of the City of Miami.

Vacancies on the Task Force Board shall be filled in the same manner by which the original members were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community, and the segments of the community necessary to achieving the goals of the Task Force Board.

(c) All voting members shall serve terms of three (3) years each.

(d) No member, with the exception of ex officio members, shall be permitted to serve more that two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Members may be removed in accordance with provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(e) The Board of County Commissioners may, from time to time, appoint ex officio non-voting members, by resolution or motion.

(f) Each member shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

(Ord. No. 96-169, § 1, 11-12-96)

Sec. 2-1053. Organizations and procedures.

(a) The Task Force Board shall organize after the members thereof have qualified to serve and shall select one (1) of its members as a chairperson and such other officers as the Task Force Board may determine to be necessary. In addition, the Task Force Board shall make, adopt and amend bylaws, rules and regulations for its own governance. The Task Force Board shall create any committees it deems necessary.

(b) The Task Force Board shall hold regular meetings and such other meetings as it deems necessary. A majority of the members of the Task Force Board shall constitute a quorum. Minutes shall be kept of all meetings and all meetings shall be public. The Clerk of the Board shall keep minutes of all meetings.

(c) All Task Force Board members shall comply with the Florida Open Government Laws, including the "Sunshine Law," Public Meeting Laws and Public Records Laws and shall be governed by all state and county conflict of interest laws, as applicable, including Miami-Dade County's Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(Ord. No. 96-169, § 1, 11-12-96)

Sec. 2-1054. Powers and functions of the Task Force Board.

The members shall have the following powers, duties, functions and responsibilities:

(a) To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting or relating to the designation, development and implementation of the Site.

(b) To recommend to the Board of County Commissioners an annual budget and plan for use of the federal grant and other funds allocated to carry out plans for the Site.

(c) To recommend to the Board of County Commissioners the allocations of funds to public agencies, the award of contracts and grants to organizations, entities and agencies, including independent not-for-profit corporations organized under Section 501(c)(3) of the Internal Revenue Code.

(d) To review the Site recommendations on a regular basis and at least annually to assure that the Site's implementation is achieving Site goals and addressing the needs of the Community.

(e) To evaluate performance and recommend to the Board of County Commissioners any needed amendments or modifications.

(f) To submit annually of the Board of County Commissioners a report summarizing and evaluating the performance of all programs and activities in the Site Selection, including the timetable for performance. The report shall include an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

(Ord. No. 96-169, § 1, 11-12-96)

Sec. 2-1055. Staff support.

The County Manager shall provide to the Task Force Board adequate staff and support services to enable the Task Force Board to carry out its duties and responsibilities.

(Ord. No. 96-169, § 1, 11-12-96)

Secs. 2-1056—2-1065. Reserved.

### ARTICLE LXXVIII. COMMISSION ON ETHICS AND PUBLIC TRUST

[Sec. 2-1066. Creation of Commission.](#BK_875FECD38D81695B039D9391463CF5E8)

[Sec. 2-1067. Legislative intent and purpose.](#BK_F9A1C2BCC3251FDE6601E1F1C84A4A02)

[Sec. 2-1068. Jurisdiction.](#BK_A4B88B481C6CC1362463B39075950235)

[Sec. 2-1069. Membership, qualifications, terms, vacancies.](#BK_C0FACA7EAC509E24245EA20A1F967539)

[Sec. 2-1070. Applicability of Conflict of Interest and Code of Ethics Ordinance.](#BK_F6FD8226DC7404A90BCD1ED470E6A338)

[Sec. 2-1071. Organization of the Ethics Commission.](#BK_3C5903FAB9B2C79FD795211BC70FE0F3)

[Sec. 2-1072. Powers and duties of the Ethics Commission.](#BK_510E4FF600980C741F93AF0D64C809FC)

[Sec. 2-1073. Financial support for the Ethics Commission.](#BK_CCF41A836BE1FBB16E4C7617680918D9)

[Sec. 2-1074. Procedure on complaint of violationor request for advisory opinion within Ethics Commission's jurisdiction.](#BK_928DFEB1074F65B7ED722664156F2EA7)

[Sec. 2-1075. Appeals.](#BK_4FD545C6B02368ABD54B77C39D4BB160)

[Sec. 2-1076. Office of the Inspector General.](#BK_C70FAA93EFCB20E63D20B985F48D6751)

[Secs. 2-1077—2-1085. Reserved.](#BK_B7140E8979D2BCAF9FE8A0A75E8F0C43)

Sec. 2-1066. Creation of Commission.

There is hereby created and established pursuant to the Miami-Dade County Home Rule Charter, as amended by Miami-Dade County voters on March 12, 1996, an independent agency and instrumentality of Miami-Dade County to be known as the "Commission on Ethics and Public Trust" (hereinafter "Ethics Commission"). The Ethics Commission shall be an advisory, quasi-judicial body which may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

(Ord. No. 97-105, § 1(1), 7-8-97)

Sec. 2-1067. Legislative intent and purpose.

The Board of County Commissioners ("County Commission") finds that the integrity of both the governmental decisionmaking process and the process whereby candidates are elected is essential to the continued functioning of an open government. In order to ensure the integrity of these processes and restore public confidence in government, the County Commission finds it necessary to create the Ethics Commission. The purpose of the Ethics Commission is to serve as the guardian of the public trust by, among other things, educating the public, candidates for elective office, elected and appointed officials and other public servants as to the required standards of ethical conduct and enforcing those standards of conduct. It is not the intent of the County Commission that the Ethics Commission serve as a personnel board resolving personnel matters involving County and municipal employees.

(Ord. No. 97-105, § 1(2), 7-8-97)

Sec. 2-1068. Jurisdiction.

The jurisdiction of the Ethics Commission shall extend to any person required to comply with the County or municipal Code of Ethics Ordinances, Conflict of Interest Ordinances, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances or Citizens' Bill of Rights.

(Ord. No. 97-105, § 1(3), 7-8-97; Ord. No. 98-94, § 2, 7-7-98)

Sec. 2-1069. Membership, qualifications, terms, vacancies.

(a) *Composition and appointment.* The Ethics Commission shall be composed of five (5) members. The members of the Ethics Commission shall be appointed as follows:

(1) The Chief Judge of the Eleventh Judicial Circuit shall be requested to appoint one (1) former federal judge, or former United States magistrate or former State court judge;

(2) The Chief Judge of the Eleventh Judicial Circuit shall be requested to appoint one (1) former U.S. Attorney or Assistant U.S. Attorney, former State Attorney or Assistant State Attorney, former County Attorney or Assistant County Attorney or former City Attorney or Assistant City Attorney;

(3) The Dean of the University of Miami School of Law or St. Thomas School of Law shall on a rotating basis be requested to appoint one (1) faculty member from his or her law school who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. The Dean of the University of Miami shall be requested to appoint the first faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the Dean of St. Thomas School of Law shall be requested to appoint a faculty member to sit on the Ethics Commission. Thereafter, each Dean shall on a rotating basis select a faculty member from his or her law school;

(4) The Director of Florida International University's Center for Labor Research and Studies shall be requested to appoint one (1) member; and

(5) The Miami-Dade County League of Cities, Inc. shall be requested to appoint one (1) member who has held elective office at the local level prior to appointment.

(b) *Additional qualifications.* Each member of the Ethics Commission shall be a United States citizen, resident of Miami-Dade County and shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The members of the Ethics Commission should be representative community-at-large and should reflect the racial, gender and ethnic make-up of the community. Prior to final selection of each member of the Ethics Commission, those persons empowered herein to appoint members shall meet and evaluate the qualifications of each person(s) under consideration to ensure (a) that said person(s) is qualified to serve on the Ethics Commission and (b) that the membership of the Ethics Commission will be representative of the community-at-large and reflect the racial, gender and ethnic make-up of the community. Before entering upon the duties of office, each appointee on the Ethics Commission shall take the prescribed oath of office. Members of the Ethics Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(c) *Term.* The members of the Ethics Commission shall serve staggered terms of four (4) years each, provided that of the original members, two (2) members shall be appointed for a term of two (2) years and three (3) shall be appointed for a term of four (4) years.

(d) *Vacancies.* A vacancy occurring during or at the expiration of a member's term on the Ethics Commission shall be filled as provided in subsections (a) and (b).

(e) *Additional requirements.* No individual, while a member of the Ethics Commission, shall:

(1) Hold or campaign for any elective political office;

(2) Hold office in any political party or political committee;

(3) Actively participate in or contribute to any political campaign or political action committee;

(4) Be employed by Miami-Dade County or any municipality within Miami-Dade County; or

(5) Allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question. Nothing herein shall preclude a member of the Ethics Commission from signing a petition in support of or against any referendum or other ballot question.

(Ord. No. 97-105, § 1(4), 7-8-97)

Sec. 2-1070. Applicability of Conflict of Interest and Code of Ethics Ordinance.

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida, shall be applicable to the members and staff of the Ethics Commission.

(Ord. No. 97-105, § 1(5), 7-8-97)

Sec. 2-1071. Organization of the Ethics Commission.

The Ethics Commission shall elect one (1) of its voting members as chairperson who shall serve a term of two (2) years. No chairperson shall be permitted to serve two (2) consecutive terms.

The Ethics Commission shall hold regular, meetings in accordance with the by-laws of the Ethics Commission and the Ethics Commission may hold such other meetings as it deems necessary. Except as provided in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU), all meetings of the Ethics Commission shall be public and written minutes of the proceedings thereof shall be maintained by the County Commission. All actions taken at the meetings of the Ethics Commission shall be promptly and properly recorded. Copies of all minutes, resolutions, decisions or advisory opinions of the Ethics Commission shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Ethics Commission.

The Ethics Commission shall make, adopt and amend by-laws, rules of procedure which are consistent with the provisions of this ordinance and rules and regulations for the Ethics Commission's governance. The Ethics Commission shall be empowered to appoint an Executive Director and to remove such appointee at will. The Executive Director shall be a member of the Florida Bar in good standing. The Ethics Commission shall utilize a competitive selection process when selecting an Executive Director. The Ethics Commission shall fix the Executive Director's salary. The Executive Director shall be exempt from the classified service.

The Executive Director shall be empowered to appoint, remove, and suspend employees or agents of the Ethics Commission, to fix their compensation, and to adopt personnel and management policies,

(Ord. No. 97-105, § 1(6), 7-8-97)

Sec. 2-1072. Powers and duties of the Ethics Commission.

(a) The Ethics Commission shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the County and municipal:

(1) Code of Ethics Ordinances;

(2) Conflict of Interest Ordinances;

(3) Lobbyist Registration and Reporting Ordinances; and

(4) Ethical Campaign Practices Ordinances.

(b) The Ethics Commission shall be empowered to review, interpret and render advisory opinions regarding the applicability of the Citizens' Bill of Rights as provided in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU)

(c) The Ethics Commission shall from time to time review County and municipal Conflict of Interest and Code of Ethics Ordinances, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances, the Citizens' Bill of Rights and applicable state and federal statutes relating to ethics in government and shall report annually to the County Commission.

(d) The Ethics Commission shall prepare and make available to any person a copy of ordinances within the Ethics Commission's jurisdiction and the Citizens' Bill of Rights.

(e) The County Commission shall by resolution set a reasonable filing fee to be paid by any person filing a complaint as provided in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU). The Ethics Commission may waive the filing fee when a complainant is indigent.

(f) The Ethics Commission shall be empowered to appoint and remove the Inspector General and exercise those powers as provided in [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE)

(Ord. No. 97-105, § 1(7), 7-8-97; Ord. No. 97-215, § 1, 12-16-97; Ord. No. 98-94, § 2, 7-7-98)

Sec. 2-1073. Financial support for the Ethics Commission.

The Ethics Commission shall establish a fiscal year which coincides with that of Miami-Dade County, and the County shall provide the Ethics Commission with financial support pursuant to the official county budget. The Ethics Commission shall timely submit to the Board of County Commissioners an Ethics Commission budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the Board of County Commissioners.

The Ethics Commission budget request shall be prepared on official county budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which of other County departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the County Commission each year. Nothing contained herein shall be construed to prohibit the Ethics Commission from submitting to the County Commission supplemental budget requests which, if approved by the Commission, shall constitute amendments to the county budget. In addition to budgetary appropriations made by Miami-Dade County, the Ethics Commission may accept grants, contributions or appropriations from the federal government, state government, any municipality within Miami-Dade County, or any academic institution or nonprofit entity which has not entered into a contract or transacted business with the County. The Ethics Commission may accept grants, contributions or appropriations from an academic institution or nonprofit entity which has entered into a contract or transacted business with the County if the County Commission by resolution approves the grant, contribution, or appropriation. No other grants, contributions or appropriations may be accepted by the Ethics Commission.

(Ord. No. 97-105, § 1(8), 7-8-97; Ord. No. 01-23, § 1, 1-23-01)

Sec. 2-1074. Procedure on complaint of violation  
or request for advisory opinion within Ethics Commission's jurisdiction.

(a) *Legally sufficient complaint.*

(1) Upon a written complaint filed by the Inspector General, the Advocate or the State Attorney which alleges a violation within the jurisdiction of the Ethics Commission, the Ethics Commission shall conduct an investigation of said complaint. Any complaint filed by the Inspector General, the Advocate or the State Attorney shall be sworn to by the person filing the complaint before a notary public and shall contain the following language: Personally known to me and appeared before me, \_\_\_\_\_\_\_\_\_\_\_\_, whose signature appears below, being first duly sworn, says that the allegations set forth in this complaint are based upon facts which have been sworn to as true by a material witness or witnesses and which if true would constitute the offenses alleged and that this complaint is instituted in good faith. Within five (5) days after receipt of a complaint by the Ethics Commission, a copy of the complaint shall be sent to the alleged violator.

(2) Upon a written complaint, except for a complaint filed by the Inspector General, the Advocate or the State Attorney as provided for in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU) (a) (1), which alleges the elements of a violation within the Ethics Commission's jurisdiction and is (i) executed on a form prescribed by the Ethics Commission, (ii) based substantially upon the personal knowledge of the complainant and (iii) signed under oath or affirmation by the complaining person, the Ethics Commission shall investigate any alleged violation within its jurisdiction. Within thirty (30) days after receipt of a complaint by the Ethics Commission, a copy shall be sent to the alleged violator.

(b) *Preliminary investigation and public hearing.* A preliminary investigation shall be undertaken by the Ethics Commission of each legally sufficient complaint over which the Ethics Commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. Where a complaint is filed pursuant to subsection (a)(1), the Ethics Commission shall within sixty (60) days from the receipt of the complaint, unless extended by the Ethics Commission for good cause, determine whether the complaint is legally sufficient. If, upon completion of the preliminary investigation, the Ethics Commission finds no probable cause to believe that a violation has been committed, the Ethics Commission shall dismiss the complaint with the issuance of a report to the complainant and the alleged violator. If the Ethics Commission finds from the preliminary investigation probable cause to believe that a violation has been committed, it shall notify via certified mail the complainant and the alleged violator, otherwise known as the respondent, in writing. Where a complaint is filed pursuant to subsection (a)(1), the Ethics Commission shall make a probable cause determination within sixty (60) days from the date the complaint is filed. Where a complaint is filed pursuant to subsection (a)(2), the Ethics Commission shall make a probable cause determination within sixty (60) days from the date the complaint is filed. Upon request submitted to the Ethics Commission in writing, any person who the Ethics Commission finds probable cause to believe has committed a violation of a provision within its jurisdiction shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within twenty-one (21) days following the mailing of the probable cause notification required by this subsection. The Ethics Commission may on its own motion require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the citizens of Miami-Dade County. The public hearing provided for in this [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU) shall be held within sixty (60) days of the probable cause determination unless extended by the Ethics Commission for good cause.

(c) *Investigations.* Investigations shall be conducted by Ethics Commission staff or by any other person or agency so designated by the Ethics Commission under the supervision of the Executive Director and/or the Inspector General. Investigations shall be limited to the allegations of the complaint, but shall include an investigation of all facts and persons materially related to the complaint at issue.

(d) *Counsel.*

(1) *Counsel to Ethics Commission.* The Ethics Commission shall select counsel to advise the Ethics Commission.

(2) *Advocate.* The Ethics Commission shall retain legal counsel to serve as the Advocate. The Advocate shall prosecute cases before the Ethics Commission.

(3) *Respondent.* The respondent may appear on his or her own behalf or may be represented by a lawyer. All notices and communications to a respondent. represented by a lawyer shall be made through respondent's lawyer.

(4) *Complainant.* To the limited extent the complainant is entitled to participate in or observe Commission proceedings, the complainant may be represented by legal counsel. All notices and communications to a complainant represented by a lawyer shall be made through complainant's lawyer.

(5) *Legal Opinion From County or City Attorney.* Where a complaint or request for an advisory opinion requires interpretation of a particular ordinance within the jurisdiction of the Ethics Commission as provided in [Section 2-1072](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1072PODUETCO), the County Attorney and any City Attorney may provide the Ethics Commission with a nonbinding legal opinion.

(e) *Public meetings and public records.* All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein shall be confidential and exempt from the provisions of Section 119, Florida Statutes, either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed notwithstanding any provision of Chapter 120, Florida Statutes, and Chapter 286, Florida Statutes. As provided in Section 2-1074(b), the preliminary investigation is completed when the probable cause determination is made. All other proceedings conducted pursuant to this subsection shall be public meetings within the meaning of Chapter 286, Florida Statutes, and all other documents made or received by the Ethics Commission shall be public records within the of Chapter 119, Florida Statutes.

(f) *[Response.]* Any response to a request of a person within the Ethics Commission's jurisdiction shall be addressed in the first instance to the person making the request.

(g) *Subpoena.* The Ethics Commission shall be empowered to subpoena, audit, and investigate. The Ethics Commission may by a two-thirds (2/3) vote of the entire membership subpoena relevant witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the Ethics Commission or to the exercise of its powers. The Ethics Commission may delegate to its investigators the authority to administer oaths and affirmations. Prior to issuing a subpoena, the Executive Director shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. In the case of a refusal to obey a subpoena issued to any person, the Ethics Commission may make application to any circuit court of this State which shall have jurisdiction to order the witness to appear before the Ethics Commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Any person who fails to obey the order may be punished in a court of law.

(h) *Subpoenas for discovery; discovery.* At any time after the Ethics Commission orders a public hearing of the matter, the Ethics Commission may issue subpoenas to effect discovery upon the written request of respondent or Advocate. The requesting person shall give the name and address of each witness he or she wishes to have deposed and shall describe with particularity those documents or other items that the person wishes to have the witness produce, bring or deliver pursuant to a subpoena duces tecum. Subpoenas shall be issued as provided in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU)(g). Parties may also obtain discovery through the means and in the manner provided in Rules 1.280 through 1.390, Florida Rules of Civil Procedure. The chairperson or a member of the Ethics Commission designated by the chairperson may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

(i) *Subpoenas for public hearing.* The respondent and the Advocate shall submit to the Executive Director a list of all witnesses he or she wishes to have subpoenaed to attend the hearing. The lists shall contain the correct names and addresses of the witnesses and shall describe with particularity those documents or other items that he or she wishes to have the witness bring to the hearing pursuant to subpoena duces tecum. Subpoenas shall be issued as provided in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU)(g).

(j) *Motions.*

(1) All motions shall be in writing unless made on the record during a hearing, and shall fully state the actions requested and the grounds relied upon. The motion shall include a statement that the movant has conferred with the Advocate and all other parties of record and shall state whether there is any objection to the motion.

(2) The original written motion shall be filed with the Ethics Commission and a copy served on all parties or their attorneys. The Ethics Commission staff shall send a copy of the motion to the chairperson.

(3) Unless the motion is in opposition to the proceeding as provided in [Section 2-1074](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1074PRCOVIREADOPWIETCOJU)(k), the chairperson, or a member of the Ethics Commission designated by the chairperson, shall conduct such proceedings and make such orders as are deemed necessary to dispose of issues raised by motions, but is not required to hold a hearing on the motion in order to rule upon it.

(4) Every written motion may be accompanied by, or included in, a written memorandum stating the grounds upon which the motion is based. Other parties to a proceeding may, within seven (7) days of service of a written motion, file written memoranda in opposition.

(k) *Motions in opposition to proceeding.* Motions in opposition to a proceeding include motions to dismiss, to strike, and for a more definite statement and shall be filed within twenty (20) days of service of the notice of hearing. Unless waived by the parties, the Ethics Commission shall hold a hearing and rule on the motion.

(l) *Prehearing conferences.* The chairperson, or a member of the Ethics Commission designated by the chairperson, may conduct one (1) or more prehearing conferences for the purpose of hearing arguments on pending motions, clarifying and simplifying issues, discussing the possibilities of settlement of the issues, examining exhibits and documents, exchanging names and addresses of witnesses, and resolving other procedural matters.

(m) *Exchange of witness lists.* Unless otherwise ordered by the chairperson or a member of the Ethics Commission designated by the chairperson as a result of a prehearing conference, the Advocate and the respondent(s) or counsel for respondent(s) shall exchange the names and addresses of witnesses at least ten (10) days prior to the public hearing, with a copy being provided to the chairperson. Names and addresses of witnesses discovered subsequently shall be disclosed to the other party or parties and to the chairperson as soon as possible. Failure to disclose the name and address of a witness may result in the exclusion of the witness's testimony, according to the rule applied in civil judicial proceedings.

(n) *Procedures for public hearings.*

(1) *Presentation of the case.* The Advocate shall present his or her case first. Respondent may then present his or her case. Rebuttal evidence may be permitted in the discretion of the Ethics Commission.

(2) *Opening and closing statements.* Opening and closing statements may be presented by the Advocate and the respondent. The Advocate may make the first statement and the respondent may follow. Rebuttal by the Advocate may be permitted or may be denied.

(3) *Evidence.*

(a) Stipulations may be received and are encouraged as to uncontested matters.

(b) Oral evidence shall be taken only on oath or affirmation.

(c) The respondent and the Advocate shall have the right: to present evidence relevant to the issue; to cross-examine opposing witnesses on any matter relevant to the issue; and to impeach any witness regardless of who first called him or her to testify.

(d) The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted. Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The Ethics Commission shall not allow the introduction into evidence of an affidavit of a person when that person can be called to testify; this shall not preclude the admission of a deposition of such a person, however, for any reason permissible in a court of law under the Florida Rules of Civil Procedure.

(4) *Transcript of proceedings.* The proceedings shall be recorded by recording instruments or by a court reporter. Respondent may, at his or her own expense, provide a court reporter or recording instruments. The Ethics Commission may provide a court reporter. No transcript of the proceedings shall be prepared unless requested by the Ethics Commission or by the respondent. If the respondent requests that a transcript be prepared by a court reporter, the respondent shall pay the expense of transcription. If the respondent requests that the Ethics Commission prepare a transcript from recording instruments and the Ethics Commission grants such request, the respondent shall pay the Ethics Commission the actual cost of transcription. If a court reporter records the proceedings, the court reporter's transcript shall be the official transcript.

(5) *Proposed public report.* After the conclusion of the hearing, the respondent and the Advocate may present written proposed public reports, within a time designated by the chairperson or a member of the Ethics Commission designated by the chairperson. If a proposed public report is filed by the respondent or the Advocate each proposed finding in the proposal that is rejected shall be accompanied by a statement summarizing the reasons for rejection.

(o) *Motions to dismiss filed by Advocate.* After probable cause is found and a public hearing is ordered by the Ethics Commission and after further investigation or discovery is made by the Advocate, the Advocate may move to dismiss the proceeding if the Advocate concludes that there is insufficient evidence to proceed to the public hearing in good faith. Such a motion shall specifically state the grounds upon which it is made. The motion shall be heard by the Ethics Commission in accordance with the procedure provided for in subsection (k).

(p) *Public order imposing penalty.* Upon completion of any investigation initiated under this subsection, the Ethics Commission shall make a finding and public report as to whether any provision within its jurisdiction has been violated. If the Ethics Commission finds, based upon clear and convincing evidence in the record, that a violation has been committed, the Ethics Commission shall issue an order imposing the appropriate penalty as provided in the ordinance being enforced. The public report and final order shall include a determination as to whether the violation was intentional or unintentional. The Ethics Commission shall, within eighteen (18) months of the filing of a complaint, render a final order disposing of said complaint. If a person fails to comply with an order issued by the Ethics Commission, the Ethics Commission may make application to any circuit court of this State which shall have jurisdiction to order the violator to comply with the order of the Ethics Commission. Any violator who fails to obey the order may be punished by the court.

(q) *[Initiating prosecution.]* The Ethics Commission shall notify the State Attorney or any other appropriate official or agency having authority to initiate prosecution when a violation of criminal law is indicated. The Ethics Commission shall notify the State of Florida Commission on Ethics, the State Attorney, the U.S. Attorney for the Southern District of Florida and other appropriate law enforcement agencies within ten (10) days of a finding of no probable cause or of a final order disposing of a complaint.

(r) *Exhaustion of municipal remedies.* Where a municipal Code of Ethics Ordinance, Conflict of Interest Ordinance or Lobbyist Registration and Reporting Ordinance provides for a municipal administrative remedy, a complainant shall be required to exhaust his or her municipal administrative remedies prior to filing a written complaint with the Ethics Commission.

(s) *Dismissal of complaints.* Notwithstanding any other provision of this ordinance, the Ethics Commission may, at its discretion, (i) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (ii) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional Commission or insubstantial. In the event the Ethics dismisses a complaint provided in this subsection (s), the Ethics Commission shall issue a public report stating with particularity its reasons for the dismissal. The Ethics Commission may, at the request of the State Attorney or any other law enforcement agency, stay an ongoing proceeding. The Ethics Commission shall not interfere with any ongoing criminal investigation of the State Attorney or U.S. Attorney for the Southern District of Florida.

(t) *Frivolous or groundless complaints.* In any case in which the Ethics Commission determines that the complaining party filed a frivolous or groundless complaint as defined in Section 57.105, Florida Statutes, the Ethics Commission shall order the complaining party to pay any costs and attorney's fees incurred by the Ethics Commission and/or the alleged violator. The determination by the Ethics Commission regarding whether a complaint is frivolous or groundless shall be deemed conclusive. The County Commission or any city commission may pay any attorney's fees and costs incurred by a respondent when the Ethics Commission finds either no probable cause to believe that a violation has been committed or that no violation has been committed.

(u) *[Other applicable laws.]* The provisions of this article shall be deemed supplemental to any other applicable Miami-Dade County ordinance or state or federal law and are not intended to replace or repeal any provision of state or federal law or of the Miami-Dade County Code.

(v) *Prospective jurisdiction.* The Ethics Commission shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date of this ordinance. Any alleged violation committed before the effective date of this ordinance shall be governed by the applicable County or municipal Code of Ethics Ordinances, Conflict of Interest Ordinances or Lobbyist Registration and Reporting Ordinances in effect at the time of the alleged violations.

(w) *Personnel proceeding.* Where an employee of Miami-Dade County or a municipality within Miami-Dade County is alleged to have violated an ordinance within the jurisdiction of the Ethics Commission and, based upon the same set of facts, is subject to an ongoing disciplinary action initiated by Miami-Dade County or a municipality, the Ethics Commission shall stay consideration of a complaint until the conclusion of the personnel proceeding.

(x) *Statute of limitations.* Unless provided otherwise in a County or municipal Code of Ethics Ordinance, Conflict of Interest Ordinance, Ethical Campaign Practices Ordinance or Lobbyist Registration and Rating Ordinance, no action may be taken on a complaint filed more than three (3) years after the violation is alleged to have accrued unless a person, by fraud or other device, prevents discovery of the violation. Where the allegations are the subject of a personnel proceeding or where the complainant is required to exhaust his or her administrative remedies prior to filing a complaint, the statute of limitations shall be tolled until the termination of said personnel proceeding or the exhaustion of administrative remedies.

(y) *Advisory opinion.* Any person within the Ethics Commission's jurisdiction, when in doubt about the applicability or interpretation of any provision within the Ethics Commission's jurisdiction, to himself or herself in a particular context, may submit in writing the facts of the situation to the Ethics Commission with a request for an advisory opinion to establish the standard of public duty, if any. An advisory opinion shall be rendered by the Ethics Commission on a timely basis, and each such opinion shall be numbered, dated and published. Such opinion, until amended or revoked, shall be binding on the conduct of the official or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(Ord. No. 97-105, § 1(9), 7-8-97; Ord. No. 98-94, § 2, 7-7-98; Ord. No. 99-149, § 1, 10-19-99; Ord. No. 06-149, § 1, 10-10-06)

Sec. 2-1075. Appeals.

(a) Any final order where the Ethics Commission finds that a violation has been committed or any advisory opinion issued by the Ethics Commission shall be subject to review in accordance with the Florida Rules of Appellate Procedure. The Ethics Commission shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee may be charged by the Ethics Commission for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction. Such fee may be waived by the Executive Director if the party requesting the record is indigent.

(b) Costs or fees may not be assessed against the Ethics Commission in any appeal from a final order or advisory opinion issued by the Ethics Commission pursuant to this chapter.

(c) Unless specifically ordered by the Ethics Commission or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order or advisory opinion of the Ethics Commission.

(Ord. No. 97-105, § 1(10), 7-8-97)

Sec. 2-1076. Office of the Inspector General.

(a) *Created and established.* There is hereby created and established the Office of Miami-Dade County Inspector General. The Inspector General shall head the Office. The organization and administration of the Office of the Inspector General shall be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

(b) *Minimum Qualifications, Appointment and Term of Office.*

(1) *Minimum qualifications.* The Inspector General shall be a person who:

(a) Has at least ten (10) years of experience in any one, or combination of, the following fields:

(i) as a Federal, State or local Law Enforcement Officer;

(ii) as a Federal or State court judge;

(iii) as a Federal, State or local government attorney;

(iv) progressive supervisory experience in an investigative public agency similar to an inspector general's office;

(b) Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy;

(c) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary; and

(d) Has a four-year degree from an accredited institution of higher learning.

(2) *Appointment.* The Inspector General shall be appointed by the Ad Hoc Inspector General Selection Committee ("Selection Committee"), except that before any appointment shall become effective, the appointment must be approved by a majority of the whole number of members of the Board of County Commissioners at the next regularly scheduled County Commission meeting after the appointment. In the event that the appointment is disapproved by the County Commission, the appointment shall become null and void, and the Selection Committee shall make a new appointment, which shall likewise be submitted for approval by the County Commission. The Selection Committee shall be composed of five members selected as follows:

(a) The State Attorney of the Eleventh Judicial Circuit for Miami-Dade County;

(b) The Public Defender of the Eleventh Judicial Circuit for Miami-Dade County;

(c) The Chairperson of the Miami-Dade Commission on Ethics and Public Trust;

(d) The President of the Miami-Dade Police Chief's Association; and

(e) The Special Agent in charge of the Miami Field Office of the Florida Department of Law Enforcement.

The members of the Selection Committee shall elect a chairperson who shall serve as chairperson until the Inspector General is appointed. The Selection Committee shall select the Inspector General from a list of qualified candidates submitted by the Miami-Dade County Employee Relations Department.

(3) *Term.* The Inspector General shall be appointed for a term of four (4) years. In case of a vacancy in the position of Inspector General, the Chairperson of the Board of County Commissioners may appoint the deputy inspector general, assistant inspector general, or other Inspector General's office management personnel as interim Inspector General until such time as a successor Inspector General is appointed in the same manner as described in subsection (b)(2) above. The Commission may by majority vote of members present disapprove of the interim appointment made by the Chairperson at the next regularly scheduled County Commission meeting after the appointment. In the event such appointment shall be disapproved by the County Commission, the appointment shall become null and void and, prior to the next regularly scheduled Commission meeting, the Chairperson shall make a new appointment which shall likewise be subject to disapproval as provided in this subsection (3). Any successor appointment made by the Selection Committee as provided in subsection (b)(2) shall be for the full four-year term.

Upon expiration of the term, the Board of County Commissioners may by majority vote of members present reappoint the Inspector General to another term. In lieu of reappointment, the Board of County Commissioners may reconvene the Selection Committee to appoint the new Inspector General in the same manner as described in subsection (b)(2). The incumbent Inspector General may submit his or her name as a candidate to be considered for selection and appointment.

(4) *Staffing of Selection Committee* The Miami-Dade County Employee Relations Department shall provide staffing to the Selection Committee and as necessary will advertise the acceptance of resumes for the position of Inspector General and shall provide the Selection Committee with a list of qualified candidates. The County Employee Relations Department shall also be responsible for ensuring that background checks are conducted on the slate of candidates selected for interview by the Selection Committee. The County Employee Relations Department may refer the background checks to another agency or department. The results of the background checks shall be provided to the Selection Committee prior to the interview of candidates.

(c) *Contract.* The Director of the Employee Relations Department shall, in consultation with the County Attorney, negotiate a contract of employment with the Inspector General, except that before any contract shall become effective, the contract must be approved by a majority of Commissioners present at a regularly scheduled Commission meeting.

(d) *Functions, authority and powers.*

(1) The Office shall have the authority to make investigations of county affairs and the power to review past, present and proposed County and Public Health Trust programs, accounts, records, contracts and transactions.

(2) The Office shall have the power to require reports from the Mayor, County Commissioners, Manager, County agencies and instrumentalities. County officers and employees and the Public Health Trust and its officers and employees regarding any matter within the jurisdiction of the Inspector General.

(3) The Office shall have the power to subpoena witnesses, administer oaths and require the production of records. In the case of a refusal to obey a subpoena issued to any person, the Inspector General may make application to any circuit court of this State which shall have jurisdiction to order the witness to appear before the Inspector General and to produce evidence if so ordered, or to give testimony touching on the matter in question. Prior to issuing a subpoena, the Inspector General shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Inspector General shall not interfere with any ongoing criminal investigation of the State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Inspector General in writing that the Inspector General's investigation is interfering with an ongoing criminal investigation;

(4) The Office shall have the power to report and/or recommend to the Board of County Commissioners whether a particular project, program, contract or transaction is or was necessary and, if deemed necessary, whether the method used for implementing the project or program is or was efficient both financially and operationally. Any review of a proposed project or program shall be performed in such a manner as to assist the Board of County Commissioners in determining whether the project or program is the most feasible solution to a particular need or problem. Monitoring of an existing project or program may include reporting whether the project is on time, within budget and in conformity with plans, specifications and applicable law;

(5) The Office shall have the power to analyze the need for, and the reasonableness of, proposed change orders. The Inspector General shall also be authorized to conduct any reviews audits, inspections, investigations or analyses relating to departments, offices, boards, activities, programs and agencies of the County and the Public Health Trust;

(6) The Inspector General may, on a random basis, perform audits, inspections and reviews of all County contracts. The cost of random audits, inspections and reviews shall, except as provided in (a)—(o) in this subsection (6) be incorporated into the contract price of all contracts and shall be one quarter (¼) of one (1) percent of the contract price (hereinafter "IG contract fee"). The IG contract fee shall not apply to the following contracts:

(a) IPSIG contracts;

(b) Contracts for legal services;

(c) Contracts for financial advisory services;

(d) Auditing contracts;

(e) Facility rentals and lease agreements;

(f) Concessions and other rental agreements;

(g) Insurance contracts;

(h) Revenue-generating contracts;

(i) Contracts where an IPSIG is assigned at the time the contract is approved by the Commission;

(j) Professional service agreements under one thousand dollars ($1,000.00);

(k) Management agreements;

(l) Small purchase orders as defined in Administrative Order 3-2;

(m) Federal, state and local government-funded grants;

(n) Interlocal agreements; and

(o) Grant Agreements granting not-for-profit organizations Building Better Communities General Obligation Bond Program funds.

Notwithstanding the foregoing, the Commission may by resolution specifically authorize the inclusion of the IG contract fee in any contract. Nothing contained in this Subsection (c)(6) shall in any way limit the powers of the Inspector General provided for in this Section to perform audits, inspections, reviews and investigations on all county contracts including, but not limited to, those contracts specifically exempted from the IG contract fee.

(7) Where the Inspector General detects corruption or fraud, he or she shall notify the appropriate law enforcement agencies. Subsequent to notifying the appropriate law enforcement agency, the Inspector General may assist the law enforcement agency in concluding the investigation. When the Inspector General detects a violation of one (1) of the ordinances within the jurisdiction of the Ethics Commission, he or she may file a complaint with the Ethics Commission or refer the matter to the Advocate;

(8) The Inspector General shall have the power to audit, investigate, monitor, oversee, inspect and review the operations, activities and performance and procurement process including, but not limited to, project design, establishment of bid specifications, bid submittals, activities of the contractor, its officers, agents and employees, lobbyists, County staff and elected officials in order to ensure compliance with contract specifications and detect corruption and fraud.

(9) The Inspector General shall have the power to review and investigate any citizen's complaints regarding County or Public Health Trust projects, programs, contracts or transactions.

(10) The Inspector General may exercise any of the powers contained in [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE) upon his or her own initiative.

(11) The Inspector General shall be notified in writing prior to any meeting of a selection or negotiation committee where any matter relating to the procurement of goods or services by the County is to be discussed. The notice required by this subsection (11) shall be given to the Inspector General as soon as possible after a meeting has been scheduled, but in no event later than twenty-four (24) hours prior to the scheduled meeting. The Inspector General may, at his or her discretion, attend all duly noticed County meetings relating to the procurement of goods or services as provided herein, and, in addition to the exercise of all powers conferred by [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE), may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General. An audio tape recorder shall be utilized to record all selection and negotiation committee meetings.

(12) The Inspector General shall have the authority to retain and coordinate the services of Independent Private Sector Inspectors General (IPSIG) or other professional services, as required, when in the Inspector General's discretion he or she concludes that such services are needed to perform the duties and functions enumerated in subsection (d) herein.

(e) *Physical facilities and staff.*

1. The County shall provide the Office of the Inspector General with appropriately located office space and sufficient physical facilities together with necessary office supplies, equipment and furnishings to enable the Office to perform its functions.

2. The Inspector General shall have, subject to budgetary allocation by the Board of County Commissioners, the power to appoint, employ, and remove such assistants, employees and personnel and establish personnel procedures as deemed necessary for the efficient and effective administration of the activities of the Office.

(f) *Procedure for finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected.* Notwithstanding any other provision of this Code, whenever the Inspector General concludes a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the Inspector General shall provide the affected person or entity a copy of the report or recommendation and such person or entity shall have 10 working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation. The requirements of this subsection (f) shall not apply when the Inspector General, in conjunction with the State Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

(g) *Reporting.* The Inspector General shall annually prepare and submit to the Mayor and Board of County Commissioners a written report concerning the work and activities of the Office including, but not limited to, statistical information regarding the disposition of closed investigations, audits and other reviews.

(h) *Removal.* The Inspector General may be removed from office upon the affirmative vote of two-thirds (2/3) of the whole number of members of the Board of County Commissioners.

(i) *Abolition of the Office.* The Office of Inspector General shall only be abolished upon the affirmative vote of two-thirds (2/3) of the whole number of members of the Board of County Commissioners.

(j) *Retention of current Inspector General.* Notwithstanding any provision to the contrary, the incumbent Inspector General, Christopher R. Mazzella, shall serve a four-year term of office commencing on December 20, 2005, as provided in the Memorandum of Understanding approved by Resolution No. R-1394-05, and shall not be subject to the appointment process provided for in [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE)(b)(2).

(Ord. No. 97-215, § 1, 12-16-97; Ord. No. 99-63, § 1, 6-8-99; Ord. No. 99-149, § 1, 10-19-99; Ord. No. 00-105, § 1, 7-25-00; Ord. No. 01-114, § 1, 7-10-01; Ord. No. 05-51, § 1, 3-1-05; Ord. No. 06-88, § 2, 6-6-06; Ord. No. 07-165, § 1, 11-6-07)

Secs. 2-1077—2-1085. Reserved.

### ARTICLE LXXIX. MIAMI-DADE COUNTY ASIAN-AMERICAN ADVISORY BOARD

[Sec. 2-1086. Created.](#BK_FC39EE71B03D557245EDC210372F82C4)

[Sec. 2-1087. Composition.](#BK_5855A5D3BAF4C18B42567348286F9B17)

[Sec. 2-1088. Membership; officers; meetings.](#BK_723C10594E720B8B21D2290D58246021)

[Sec. 2-1089. Duties; powers; responsibilities.](#BK_C1CCE7860BFC9C5AD7226112A57E92C0)

[Sec. 2-1090. Supervision and Support.](#BK_2BEF45D415C8FAA76A19832315EB9E4F)

[Secs. 2-1091—2-1100. Reserved.](#BK_8A247DF670AAAB60CB0C97DBFAB16DA2)

Sec. 2-1086. Created.

There is hereby created the Miami-Dade County Asian-American Advisory Board.

(Ord. No. 97-128, § 1, 7-22-97)

Sec. 2-1087. Composition.

The Miami-Dade County Asian-American Advisory Board shall be composed of twenty-six (26) members who shall be permanent residents and electors of the County and who shall have a knowledge of and interest in the county's Asian community. Each County Commissioner shall appoint two (2) members of the board, one of whom shall serve an initial term of one (1) year and one of whom shall serve an initial term of three (3) years. After the initial appointment, all members shall thereafter serve three-year terms.

(Ord. No. 97-128, § 2, 7-22-97)

Sec. 2-1088. Membership; officers; meetings.

The members of the board shall elect a chairperson, vice-chairperson, and such other additional offices as the Asian-American Advisory Board shall deem necessary. All officers shall serve at the will of the board. Fourteen (14) members of the board shall constitute a quorum necessary to hold a meeting and take any action. Members shall serve without compensation. The chairperson or vice-chairperson may call meetings of the board. Meetings may also be called by written notice signed by fourteen (14) members. The board at any duly noticed public meeting may fix and call a meeting on a future date. All meetings shall be public.

(Ord. No. 97-128, § 3, 7-22-97)

Sec. 2-1089. Duties; powers; responsibilities.

The board shall have the following duties, powers and responsibilities:

(1) To serve in an advisory capacity to the County Commission, the County administration, the community, and all agencies and persons in Miami-Dade County, Florida, with respect to matters pertaining to the Asian community of Miami-Dade County.

(2) To formulate and recommend policies, plans, programs and services and to coordinate the activities of governmental entities and nongovernmental agencies pertaining to the Asian community.

(3) It is the express purpose of this board to serve as a medium for responsible persons to utilize and consult with in attempting to understand and address the various complex problems affecting the Asian community in Miami-Dade County and to make findings and recommendations to the County Commission and the County administration regarding such matters.

(4) To recommend solutions to the social, economic, cultural and political problems in the Asian community, as well as to serve as liaison between the Asian community and the Miami-Dade County community at large.

(5) To promote active participation of Asian-Americans in civic, cultural, commercial and community affairs.

(6) To encourage and attract Asian businesses to Miami-Dade County, to assist Asian businesses located in Miami-Dade County, and to promote economic development, especially job creation in Miami-Dade County.

(7) To foster relationships with public officials and maintain formal channels of communication so that Asian concerns are effectively transmitted and heard.

(8) To promote positive images and concepts of Asian and Asian-Americans as well as promote their many contributions to our society.

(9) To build coalitions with various community groups to address issues of common concern, such as advocating positive legislation regarding immigration and advocating legislation to strengthen the penalties for racially motivated crimes.

(10) To promote the cultural heritage of Asian-Americans.

(11) To encourage and assist in citizenship registration and voter registration.

(12) To eliminate ignorance and bigotry towards Asian-Americans.

(13) To conduct studies through fact-finding and analysis of problems encountered by Asian community members.

(14) The board shall report at least annually to the Commission as to its activities, findings and recommendations.

(15) To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.

(Ord. No. 97-128, § 4, 7-22-97)

Sec. 2-1090. Supervision and Support.

The Office of the Chairperson of the County Commission, County Attorney and Clerk of the Board shall provide appropriate support for the Asian-American Advisory Board. The Chairperson of the County Commission shall have the power to appoint employ, remove and supervise such assistants, employees, and personnel as deemed necessary to provide appropriate support to the Asian-American Advisory Board, and such assistants, employees, and personnel shall serve at the will of the Chairperson of the County Commission.

(Ord. No. 97-128, § 5, 7-22-97; Ord. No. 10-45, § 6, 7-8-10)

Secs. 2-1091—2-1100. Reserved.

### ARTICLE LXXX. MIAMI-DADE COUNTY HIV/AIDS PARTNERSHIP

[Sec. 2-1101. Creation and purpose.](#BK_08DC470A849EAEE821FCDD5F9C234104)

[Sec. 2-1102. Membership requirements; appointment of members; terms; removal.](#BK_F6EB32C0EFF03DA40043FBBC6887C77C)

[Sec. 2-1103. Organization.](#BK_30125347203EEDC922A8F89AABAA85C1)

[Sec. 2-1104. Powers and duties.](#BK_8746A7F1A46283D733A9A6C887CA3649)

[Sec. 2-1105. Conflict of interest.](#BK_3D06EC8DF756E8F5D6948B3C5F14662E)

[Sec. 2-1106. Reports.](#BK_0DBB3FC238681BC46B05EABE5E97769C)

[Secs. 2-1107—2-1110. Reserved.](#BK_A36406B3D97A6638871C0C230B39CB6B)

Sec. 2-1101. Creation and purpose.

There is hereby created and established the Miami-Dade HIV/AIDS Partnership (hereinafter referred to as the "Partnership"). The Partnership's purpose is to enable the County and other governmental entities to apply for, receive, plan for, assess, and allocate financial assistance under the Title XXVI of the Public Health Service Act as amended by the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (hereinafter called the "Ryan White Program"), Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, State of Florida General Revenue Care and Treatment Allocations, and other HIV/AIDS related funding as it becomes available; and to advise the Board of County Commissioners, the Mayor, and other governmental entities on HIV/AIDS related issues. Except where Federal or State laws or regulations mandate to the contrary the provisions of this article shall apply.

(Ord. No. 98-127, § 1, 9-3-98; Ord. No. 02-35, § 1, 2-26-02; Ord. No. 07-71, § 1, 6-5-07)

Sec. 2-1102. Membership requirements; appointment of members; terms; removal.

(a) All members of the Partnership shall be permanent residents and electors of Miami-Dade County, unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement and shall have reputations for integrity and community service. Notwithstanding the qualified elector requirement stated herein, applicants for or members of the Partnership who are appointed to fill the seat of a former inmate of a local, state, or federal prison as described in [Section 2-1102](../level3/PTIIICOOR_CH2AD_ARTLXXXMIDECOHIAIPA.docx#PTIIICOOR_CH2AD_ARTLXXXMIDECOHIAIPA_S2-1102MEREAPMETERE) (23) of this code shall be exempt from the qualified elector requirement set forth herein.

(b) The Partnership shall be composed of thirty-eight (38) voting members from the following categories of representatives:

(1) Fifteen (15) member representatives of affected communities that include individuals with HIV disease, who are not affiliated or employed by a Part A funded provider and are recipients of Part A services, and historically underserved groups and subpopulations that reflect the demographics of the population within the eligible metropolitan area, and constitute;

(2) One (1) Health care provider, which must represent a Federally Qualified Health Center;

(3) One (1) Community based AIDS service organization;

(4) Two (2) Housing, Homeless or Social Service providers;

(5) One (1) Mental health provider;

(6) One (1) Substance abuse provider;

(7) One (1) HIV prevention provider;

(8) One (1) Hospital or health care planning agency;

(9) One (1) representative from agencies receiving grants under Part C of the Ryan White Program;

(10) One (1) representative from agencies receiving grants under Part D of the Ryan White Program, or from organizations with a history of providing services to children, youth, and families if funded locally;

(11) Four (4) grantee representatives of Other Federal HIV programs including Ryan White Program Part F and HOPWA, if funded locally;

(12) One (1) Ryan White Program Part A local grantee;

(13) One (1) State government/Ryan White Program Part B grantee representative;

(14) One (1) State government/Medicaid Agency representative;

(15) One (1) Local public health agency representative from the Miami-Dade County Health Department;

(16) One (1) Miami-Dade County Public Schools representative;

(17) One (1) Non-elected community leader who does not provide HIV related health care services subject to funding under Partnership programs;

(18) One (1) former inmate of a local, state, or federal prison released from the custody of the penal system during the preceding three (3) years and had HIV disease as of the date of his release, or a representative of HIV+ incarcerated persons;

(19) One (1) State of Florida General Revenue grantee representative;

(20) One (1) representative of a federally recognized Indian tribe as represented in the population from the affected community;

(21) One (1) representative co-infected with hepatitis B or C from the affected community.

(b) Ex officio members shall be appointed in the same manner by which voting members are appointed, and at a minimum shall include ex officio members from the following categories of representatives:

(1) One (1) representative from the Office of the Mayor;

(2) One (1) representative from the Board of County Commissioners.

(c) Three (3) representatives of the affected community who are not affiliated or employed by a Part A funded provider, and are recipients of Part A services shall also be appointed as alternates. Alternate members may be assigned as voting members of committees, but are non-voting members of the full Partnership except when the voting member appointed to that category of representatives is unable to serve, at which time an alternate member of the same category of representatives designated by the chairperson shall serve as voting member for the full Partnership.

(d) The Partnership shall maintain at all times a fair and open nominations process as written in its By-Laws which shall result in a recommended slate of candidates, including alternates, which is forwarded to the Mayor for his consideration. Members and alternates shall be appointed by the Mayor, who shall designate which category listed in subsections (a) and (b) above each member shall represent. Members shall be appointed in accordance with Sections [2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) and [2-11.38.1](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.1PRAP) of the Code of Miami-Dade County.

(e) Vacancies on the Partnership shall be filled in the same manner as above, except for affected community positions, which may be filled by an affected community alternate member appointed by the Partnership.

(f) Appointment shall comply with the following requirements:

(1) Composition of the Partnership shall reflect in its composition the demographics of the epidemic in Miami-Dade County with particular consideration given to disproportionately affected and historically underserved groups, subpopulations, and geographic areas in Miami-Dade County

(2) Composition of the Partnership, including committee membership, shall strive to assure the following:

(A) Parity, with each member having equal opportunity for input and participation as well as equal voice in voting and other decision making activities;

(B) Inclusiveness, that all affected communities are represented and involved in a meaningful manner in the community planning process;

(C) Representation, that members who represent a specific community truly reflect that community's values, norms and behaviors.

(3) No more than fifteen (15) individuals shall be appointed who personally provide, who represent entities that provide, or who otherwise possess a financial relationship with entities that provide HIV related services funded by Partnership programs.

(4) No funded provider shall have more than one (1) representative or employee as a member, except as mandated by the legal requirements of Partnership programs.

(g) The term of office of members shall be in accordance with [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of the Code of Miami-Dade County. Members shall be appointed to three (3) year terms, which shall end concurrent with the last day of the county's fiscal year, except that initially twelve (12) members shall be appointed to a one (1) year term and twelve (12) members appointed to a two (2) year term.

(h) No member shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years except as required by law. Notwithstanding the term limit requirements set forth herein, members appointed to fill government or grantee seats are excepted from these requirements and shall serve as members of the Partnership for as long as they are designated by their respective agencies to serve in this capacity.

(i) Attendance requirements for members shall be in accordance with [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE), except that five (5) absences, excused or unexcused, in any fiscal year shall also constitute grounds for removal and except absences that are due to Partnership business related travel are not counted against the total of five (5) absences. If a member appointed to represent a category listed in subsection (a) or (b) above loses such representative status, fails to maintain the qualifications for membership set forth in [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO), fails to maintain attendance requirements, voluntarily resigns, or for other good cause is removed, the member shall forfeit membership on the Partnership.

(j) Members shall serve without compensation but shall be entitled to reimbursement for necessary authorized expenses incurred in the discharge of their duties pursuant to policies and procedures published by the County.

(Ord. No. 98-127, § 2, 9-3-98; Ord. No. 02-35, § 2, 2-26-02; Ord. No. 07-71, § 2, 6-5-07)

Sec. 2-1103. Organization.

(a) The Partnership shall establish, adopt, and amend bylaws, rules, and regulations for its own governance.

(b) The Partnership shall elect a chairperson and a chair-elect from among its members, who shall serve at the will of the Partnership. The chairperson and chair-elect shall not personally provide, represent entities that provide, or otherwise possess a financial relationship with entities that provide HIV related services funded by programs under the purview of the Partnership. The chairperson and chair-elect shall not be a representative of a grantee organization for any HIV/AIDS related program under the purview of the Partnership.

(c) The chairperson shall preside at all meetings at which he or she is present. The chair-elect shall act as chairperson in the absence or inability of the chairperson.

(d) The Partnership shall have assistance from staff designated by the county manager and other governmental entities and legal representation from the county attorney's office. The staff shall maintain and keep the records of the Partnership; prepare, in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, resolutions or correspondences as the Partnership may direct; and generally administer the business and affairs of the Partnership, subject to budgetary limitations.

(e) In order to transact any business or to exercise any power vested in the Partnership, a quorum consisting of no less than thirteen (13) voting members shall be present.

(f) All meetings of the Partnership shall be open to the public and shall be held only after adequate notice to the public. The records, reports, transcripts, minutes agenda and other documents which are made available to or prepared for or by the Partnership shall be available for public inspection and copying at a single location consistent with Chapter 119 of the Florida Statutes and the Federal Advisory Council Act.

(g) The Partnership shall not transact business or exercise its powers unless a majority of the quorum in attendance agrees to the activity. The chairperson, or five (5) Partnership members upon written request to the chairperson, may call for a special meeting.

(h) The Partnership may appoint committees to accomplish its tasks, and may appoint as committee members individuals who are not Partnership members.

(i) Each committee shall strive to maintain no less than one-third (1/3) membership by representatives of the affected community.

(Ord. No. 98-127, § 3, 9-3-98; Ord. No. 02-35, § 3, 2-26-02; Ord. No. 07-71, § 2, 6-5-07)

Sec. 2-1104. Powers and duties.

The Partnership shall have the following powers, duties, functions and responsibilities:

(a) Establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.

(b) Develop a community-wide comprehensive plan for the Partnership and health services that is compatible with the State of Florida and the County's plan regarding the provision of health services to individuals with HIV/AIDS.

(c) Establish prevention, housing, and care and treatment recommendations, including priorities.

(d) Establish priorities for the allocation of Part A funds within the County, including how best to meet each such priority and individual factors that the County should consider in allocating funds under Part A of the Ryan White Program based on the:

(1) Documented needs of the population affected by HIV/AIDS within the County;

(2) Cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available;

(3) Priorities of the communities affected by HIV/AIDS for whom the services are intended; and

(4) Availability of other governmental and non-governmental resources.

(e) Make recommendations for service priorities for the use of other funds, to the areas of greatest need, with equal weight and attention provided to HIV/AIDS prevention, health and supportive services, and housing, including but not limited to the use of the following funding sources:

(1) Part B of the Ryan White Program.

(2) Housing Opportunities for Persons with AIDS program.

(3) State of Florida General Revenue Care and Treatment funding.

(4) Other federal and state grants

(5) Funding from municipalities interested in supporting implementation of the Partnership's Comprehensive Plan.

(6) Private Foundation grants.

(7) Private contributions.

(f) To serve in an advisory capacity to the Board of County Commissioners, the Mayor, and other governmental entities with respect to all issues affecting or relating to persons at risk of contracting the virus and persons living with the virus.

(g) Participate in the development of the Statewide Coordinated Statement of Need initiated by the State of Florida's public health agency responsible for administering grants under the Ryan White Program.

(h) Establish procedures within the Partnership's By-Laws for addressing grievances with respect to Part A funding and any other matter deemed appropriate by the Partnership, including but not limited to procedures for submitting grievances for Part A allocations that cannot be resolved by binding arbitration as required by the Ryan White Program. Grievance procedures developed by the Partnership shall be submitted for review and approval to the appropriate federal agency. Upon approval, these procedures shall become the sole dispute resolution mechanism and shall take precedence over all other County dispute resolution mechanisms, including but not limited to the County bid protest procedures.

(i) Assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need with the County and, at the discretion of the Partnership, assess the effectiveness and quality, either directly or through contractual arrangements, of the services offered in meeting the identified needs.

(j) Those powers and duties granted by the Ryan White Program, Healthy Communities 2010 Objectives, AIDS Housing Opportunity Act, and Housing and Community Development Act of 1992, and State of Florida General Revenue Care and Treatment Allocations as presently exist or as may be amended.

(Ord. No. 98-127, § 4, 9-3-98; Ord. No. 02-35, § 4, 2-26-02; Ord. No. 07-71, § 4, 6-5-07)

Sec. 2-1105. Conflict of interest.

[Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) (c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for Partnership members for transactions arising from the exercise of those powers granted the Partnership herein and by the requirements of the Partnership programs. Notwithstanding the foregoing, the Partnership and its members shall comply with all other provisions set forth in Section 2-11.1 and any other applicable state and federal laws.

(Ord. No. 98-127, § 5, 9-3-98; Ord. No. 02-35, § 5, 2-26-02)

Sec. 2-1106. Reports.

The chairperson or chair-elect's designee shall present to the Board of County Commissioners on an annual basis a written report describing the Council's activities and shall appear as needed before the Board to present any matters pertinent to the Partnership.

(Ord. No. 98-127, § 6, 9-3-98)

Secs. 2-1107—2-1110. Reserved.

### ARTICLE LXXXI. VIZCAYA GARDENS AND MUSEUM TRUST

[Sec. 2-1111. Creation of the Vizcaya Museum and Gardens Trust.](#BK_663FC325157AB6858111A8230B488447)

[Sec. 2-1112. Designated facilities.](#BK_BA8533624F650D78E477B615FC1FD1BC)

[Sec. 2-1113. Governing body.](#BK_C1677B4E220C096235502E0BAC3830CB)

[Sec. 2-1114. Initial transitional scope of Trust authority.](#BK_EF4A42C9205968AE6C6A7A554A601CFF)

[Sec. 2-1115. Scheduled expanded scope of Trust authority.](#BK_2C379A7C473EFEC2A91236CCCAF68458)

[Sec. 2-1116. Requirements for complete transition.](#BK_D10963F401F0CB79405D12C5279A6016)

[Sec. 2-1117. Budget and finances.](#BK_3CC9D97FC593E1B1C969C186537DDF3D)

[Sec. 2-1118. Executive Director.](#BK_025074AACC93AFD19FDC72608C834500)

[Sec. 2-1119. Continuing role of the Park and Recreation Department.](#BK_D07ED2DCD30B606ED7DC7849073C2DE6)

[Sec. 2-1120. Relationship with Miami-Dade County.](#BK_0658030FFC7ECD8A1092EB3673953ABE)

[Sec. 2-1121. Liberal construction to effectuate public purpose.](#BK_6F1616A52D0EB2D48072D549B97F05A1)

[Sec. 2-1122. Replacement of policy committee by the Trust.](#BK_43850518DE860E8A14E68FE851F7EE43)

[Secs. 2-1123—2-1130. Reserved.](#BK_0B0E6339D65934717909BC6319DF5ED3)

Sec. 2-1111. Creation of the Vizcaya Museum and Gardens Trust.

There is hereby created and established as an agency and instrumentality of Miami-Dade County a revocable trust which shall be named and known as the Vizcaya Museum and Gardens Trust (hereinafter referred to as "the Trust").

(Ord. No. 98-112, § 1, 7-21-98)

Sec. 2-1112. Designated facilities.

A. *Facilities designated as Vizcaya Museum and Gardens.* As used herein, the term "Vizcaya Museum and Gardens" shall include:

(1) That certain real property acquired by the County on November 1, 1952 by Warranty Deed, recorded in the public records of Miami-Dade County at Book 3673, Pages 64-69 (main house and surrounding gardens), subject to certain restrictive covenants;

(2) That certain real property acquired by the County on November 9, 1955 by Warranty Deed, recorded in the public records of Miami-Dade County at Book 4193, Pages 345-351 (Vizcaya Farm Village and surrounding property), subject to certain restrictive covenants; and

(3) That certain personal property and art objects located in 1952 in the main residential building of Vizcaya, James Deering Estate and subsequently acquired by Miami-Dade County.

(Ord. No. 98-112, § 2, 7-21-98)

Sec. 2-1113. Governing body.

A. *Members.* The governing body of the Trust shall be a Board of Trustees composed of twenty-four (24) members, none of whom shall be employees of the Trust. The members shall be the following:

(a) One (1) appointment from each member of the Board of County Commissioners;

(b) One (1) appointment by the Executive Mayor;

(c) The Miami-Dade County Manager or his designee;

(d) The President of the Vizcayans;

(e) The Chairperson of the Foundation of Villa Vizcaya;

(f) The President of the Guides;

(g) The Chairperson of the Black Archives, History and Research Foundation of South Florida, Inc. or designee;

(h) A Representative of the Deering/Danielson Family chosen by the Trust;

(i) The President or Chairperson of the Cultural Affairs Council.

(j) The Director of the Miami-Dade Park and Recreation Department.

(k) The Chairperson of the Miami-Dade Hispanic Advisory Board.

(l) The Chairperson of the Miami-Dade Asian-American Advisory Board.

Individuals shall be appointed based on the following criteria:

(a) Knowledge of and demonstrable service to Vizcaya Museum and Gardens;

(b) Knowledge of and service to museums;

(c) Representation of the diverse populations of the Miami-Dade County community;

(d) Ability to expand involvement in Vizcaya to communities that have historically not utilized and supported Vizcaya; and

(e) Special expertise in areas of museum collections, architectural preservation, environmental science, history, museum interpretation, landscaping, or historic preservation.

Members of the Trust shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties. Each member must sign and abide by a code of ethics modeled after the most recent American Association of Museum's Code of Ethics.

B. *Vacancies on Board of Trustees.* Vacancies on the Board of Trustees shall be filled in the same manner by which the original Trustees were appointed, with a special emphasis on choosing persons who represent the demographic composition of the entire community. When an initial or subsequent vacancy exists, the Executive Director of Vizcaya Museum and Gardens shall notify the appointing entity by registered mail, return receipt requested. Such notice shall inform the appointing entity of the vacancy and the fact that the Board of Trustees shall appoint an individual to serve if the vacancy is not filled within ninety (90) days of receipt of the notice. Upon expiration of ninety (90) days from the date of the delivery of such notice, the Board of Trustees may appoint an individual to serve that position until expiration of the existing term.

C. *Qualifications of Members.* Each member of the Board of Trustees shall be a United States citizen and a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the residency requirement by a two-thirds (2/3) vote of its membership, and shall be of an outstanding reputation of integrity, responsibility, and commitment to serving the community.

D. *Tenure and Removal of Members.* All members shall serve staggered terms of three (3) years each, provided, however, of the original Board of Trustees, the Trust shall select seven (7) members for a term of one (1) year and seven (7) members for a term of two (2) years and nine (9) members for a term of three (3) years. No trustee shall be permitted to serve more than two (2) consecutive and complete terms of three (3) years each unless so authorized by two-thirds (2/3) vote of the full membership of the Board of County Commissioners. Trustees may be removed in accordance with the provisions of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

E. *Organization of the Board of Trustees.*

1. *Officers.* The Trust shall organize after the members thereof have qualified to serve and shall, each fiscal year, elect one (1) of its voting members as chairperson and one (1) of its voting members as vice-chairperson and shall designate a secretary who may or may not be a member of the Board, and such other officers as the Trust may determine to be necessary. In addition, the Trust shall make, adopt and amend by-laws, rules and regulations for its own governance and for the operation, governance, restoration, preservation and maintenance of designated facilities.

2. *Meetings.* The Trust shall hold regular meetings, no less then six (6) times per year, and such other meetings, as it deems necessary. Nine members shall constitute a quorum. Minutes shall be kept of all meetings of the Trust and all meetings shall be duly noticed to the public.

3. *Committees.* The chairperson shall nominate and the Trust shall appoint the chairperson and members of such committees as the Trust shall find helpful to their mission, however, no authority to act or speak in the name of the Trust shall be delegated to a committee. Each committee shall be chaired by a duly appointed member of the Trust, however, committee membership may include persons who are not members of the Trust. The Trust may establish or eliminate committees at its discretion.

4. *Applicability of County rules and procedures.* The Trust shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Sec. 1112-11.1 of the Code of Miami-Dade County.

5. *Voting Requirements.* Trustees may not designate alternates to vote on their behalf or vote by proxy.

6. *Protection from personal liability.* The members of the Trust may be included as insureds within the terms of any comprehensive general and professional liability insurance policies adopted by Miami-Dade County for the benefit of the Trust. Members shall, while acting within the scope of their duties, also be entitled to personal liability protection by Miami-Dade County, to the same extent that Miami-Dade employees and agents have such protection. Through the County Budgetary process, the Trust is empowered to obtain such additional Trust member's liability insurance as the Trust shall determine to be necessary, and the expense of such insurance shall be an expense of the Trust.

7. *Restriction on the Board.* Neither the Trust nor any of its members shall direct or request the appointment of any person to, or his removal from their position by the Executive Director or any of his subordinates, or take part in the appointment or removal of Miami-Dade employees at Vizcaya, provided, however, that the Trust and its members may take such actions regarding the removal and appointment of the Vizcaya Director as provided in this article. Except for the purpose of inquiry, the Trust and its members shall deal with the employees at Vizcaya solely through the Executive Director and neither the Trust nor any members thereof shall give orders to any subordinates of the Executive Director, either publicly or privately. Any willful violation of the provisions of this section by a member of the Trust shall be grounds for his or her removal from office by an action brought in the Circuit Court by the State Attorney of this County. No Board member shall be eligible for the position of Director during or within two (2) years after the expiration of his or her latest term as a Board member.

8. *Attendance requirement.* Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given fiscal year:

(i) He or she is absent from two (2) consecutive meetings without an acceptable excuse;

(ii) He or she is absent from three (3) of the Board's meetings without an acceptable excuse; or

(iii) Whether excused or not, he or she misses two-thirds (2/3) of the Board's meetings in a given fiscal year. A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Trust, by a two-thirds (2/3) vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board of Trustees, the provisions of this section may be waived.

(Ord. No. 98-112, § 3, 7-21-98; Ord. No. 00-126, § 1, 10-3-00)

Sec. 2-1114. Initial transitional scope of Trust authority.

For the transition period commencing from the effective date of the ordinance from which this article derives to October 1, 2000, the powers of the Trust include the following:

1. Prepare the Mission Statement for the Vizcaya Museum and Gardens. This Mission Statement shall meet AAM requirements and must address the purpose, function, membership, outreach, and aspirations of Vizcaya Museum and Gardens. It shall include short and long-term strategic plans for the operation, maintenance, interpretation, preservation and restoration in perpetuity of the Vizcaya Museum and Gardens, including the Farm Village, as a self-sustaining, AAM accredited museum of fine arts of national stature. Once approved by the Board of County Commissioners, the Mission statement will govern all actions by Miami-Dade County and its agents and employees concerning Vizcaya Museum and Gardens. The Trust may amend the Mission Statement from time to time, which shall be effective upon approval of the Board of County Commissioners.

2. Establish written schedules of rates, charges, and fees relating to Vizcaya, which shall be effective upon approval by the Board of County Commissioners.

3. Develop policies regarding Vizcaya Museum and Gardens which shall be binding on all Miami-Dade County departments, agents, users, and employees once approved by the Board of County Commissioners. The Trust shall develop policies governing and overseeing the management of:

(a) The role of support groups, including recognition, affiliation with the Museum and Gardens, creation, dissolution, oversight, audit, reporting requirements, use of the Vizcaya Museum and Gardens name, use of facilities, and community outreach by support groups;

(b) Membership programs;

(c) Education programs;

(d) Fee waivers and reductions;

(e) Acceptance of gifts and grants;

(f) Outreach programs for Miami-Dade County communities that have historically underutilized the Museum and Gardens;

(g) Preparation for any accreditation and re-accreditation processes;

(h) Exhibition policies;

(i) Appropriate stewardship of the collection and their management.

4. Negotiate and recommend contracts and agreements with support groups, which, upon approval by the Board of County Commissioners, shall govern the support groups. Such contracts shall include: the mission statement of the support group; standards to measure the accomplishments of the support group; terms and conditions for use and access to the Museum and Gardens; Miami-Dade County's and the Trust's authority to inspect and audit books and records of support groups; accounting and disposition of fund raising proceeds; reporting requirements; coordination of support group activities; and other related matters. The agreement with the support groups will address fund raising targets which will be based on the aggregate gross revenues of the support groups and contributions in kind by the Vizcaya Volunteer Guides. It is intended that the aggregate of such support group revenues and contributions in kind by the Volunteer Guides will be not less than five hundred fifty thousand dollars ($550,000) per year, including amounts in excess of five hundred fifty thousand dollars ($550,000) carried forward from year to year.

5. Develop such additional appropriate plans and ordinance amendments for the transition of the operation of the Museum and Gardens to a public/private operating partnership similar to the structure of other successful cultural institutions owned by Miami-Dade County.

6. Exercise its powers regarding the budget of the Museum and Gardens as outlined in this article.

7. Advise the County Manager, Mayor, Board of County Commissioners, the Director of the Park and Recreation Department, and the Executive Director of Vizcaya on matters relating to the operation and management of the Museum and Gardens.

(Ord. No. 98-112, § 4, 7-21-98)

Sec. 2-1115. Scheduled expanded scope of Trust authority.

Subject to meeting the requirements set forth in Section 6, after October 1, 2000, the Trust shall have the following additional powers:

1. *Power to act.* The Trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.

2. *Contracts.* Except as otherwise provided by this chapter, the Trust as agent and instrumentality of Miami-Dade County, shall be authorized to act for Miami-Dade County in the performance and enforcement of all contracts pertaining to the Trust and designated facilities and existing on the effective date of this chapter, and shall additionally be empowered to negotiate and execute, subsequent to the effective date of this chapter, such contracts as are properly within the powers and duties of the Trust subject to the following limitations:

a. The Trust shall not, without prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated in the contractual services category of the section of the County budget pertaining to the operation of the Trust.

b. The Trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change substantially policies established by the Board of County Commissioners.

c. The Trust shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the Board of County Commissioners. The County Manager through the County labor relations officer and the County personnel department shall be responsible for the negotiation of labor agreements with organizations representing Trust employees; however, the Trust and the Director shall be authorized to participate in such negotiations.

d. The Trust shall comply with the formal bid requirements of Section 4.03(D) of the Charter of Metropolitan Miami-Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03(D) shall be construed to be the "Trust" and the term "Manager" shall be construed to be "the Director."

e. For all construction contracts, the Trust shall comply with the provisions of [Article 11](../level2/PTIIICOOR_CH11CO.docx#PTIIICOOR_CH11CO) of [Chapter 10](../level2/PTIIICOOR_CH10CO.docx#PTIIICOOR_CH10CO) of the County Code and the administrative procedures adopted pursuant to said section.

f. For all purchases of commodities and services, the Trust shall comply with the provisions of [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR) of the County code and the administrative procedures adopted pursuant to said section.

g. It is specifically provided that contracts and amendments thereto executed by the Trust or other obligations incurred by the Trust, shall not be binding upon Miami-Dade County. In the event that the Trust is abolished, obligations of the Trust shall only be enforceable against Miami-Dade County to the extent that such obligations would have been enforceable with regard to business income which would have come into the possession of the Trust had the Trust not been abolished.

h. If the Trust intends to procure goods or services from an entity other than Miami-Dade County, the Trust must also solicit offers from Miami-Dade County. The Trust shall annually present a written report to the Board of County Commissioners that details the date, amounts, and circumstances of each such contract and explains why the offer from Miami-Dade County was not accepted.

3. *Property.* The Trust shall, subject to prior approval of the County Commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Miami-Dade County and the possession and operating control of which shall be held in trust for Miami-Dade County under the provisions of this chapter.

The Trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property.

The Trust shall not, without having previously obtained the approval of the Commission, destroy, replace, or abandon real property. The Trust shall be authorized to maintain and repair designated facilities and may alter, modify, or make additions to such facilities whenever such changes are necessary for the proper operation and maintenance of such facilities. The Trust may buy and sell personal property provided, however, such personal property that constitutes part of the museum collection of the Trust may be sold only with the concurrence of the Board of County Commissioners.

(Ord. No. 98-112, § 5, 7-21-98)

Sec. 2-1116. Requirements for complete transition.

The additional powers and responsibilities shall be exercised by the Trust beyond those described for the initial transition period upon the following being produced and approved by the Board of the County commissioners:

1. A Transitional Plan setting forth the manner in which management of personnel, property and other resources are to be assumed by the Trust from the Park and Recreation Department.

2. Negotiated agreements with all support groups clearly reflecting roles and responsibilities of each in relation to the Trust, including how private fund raising is to be optimized and coordinated with other funding for the benefit of the facilities. Such private fund raising shall conform with the national Standards of Philanthropy established by the National Charities Information Bureau, including the requirement that no less than sixty (60) percent of annual expenses from privately generated funds be dedicated to program activities. The fund raising shall also follow Standards for Charitable Solicitations established by the Council for Better Business Bureaus.

3. By-laws, rules, regulations governing all of the Trust's contemplated activity.

4. Updated mission statement as required by Section 4, Paragraph I of this agreement.

5. Recommended standards of operations, including restoration, preservation and maintenance of the facilities.

6. Audited financial statements for all finances relating to activities supporting the facilities and which are not reflected in the County financial statements.

7. A report of decision-making and business activity indicating the Trusts' demonstrated ability to assume management responsibility of the facilities.

8. A report from the County Manager attesting to compliance with this article and recommendation to proceed with the October 1, 2000 transition.

The above requirements shall be met no later than March 30, 2000. It shall be at the sole discretion of the Board of County Commissioners to determine, at any time, whether to proceed with the complete transition.

(Ord. No. 98-112, § 6, 7-21-98)

Sec. 2-1117. Budget and finances.

1. The Vizcaya Museum and Gardens shall be operated as a proprietary fund. Separate accounts shall be established by the County that will allow for the segregated collection, deposit, maintenance and disbursement of funds derived from the operation of Vizcaya Museum and Gardens. It is intended that funds in such established accounts shall be used for the purpose of supporting the designated facilities, however, nothing shall prevent the use of funds for reimbursement of departmental and county indirect costs in support of the facilities consistent with generally accepted accounting principles as validated by the County's independent external auditor and for Vizcaya Museum and Gardens related activities.

2. The budget for Vizcaya Museum and Gardens shall be prepared by the Director of Vizcaya with the advice and recommendation of the Trust on official county budget forms in a format prescribed by the County Manager, and, for the transition period, shall be incorporated into the proposed budget of the Park and Recreation Department submitted to the County Manager. In the event any changes to the budget recommended by the Trust are made by any department or the County Manager, the County Manager, with the advice and recommendation of the Trust, shall ensure that the recommendations of the Trust are reported to the County Commission. Effective October 1, 2000, upon meeting the transition requirements of Section 6, the Trust shall prepare the budget for Vizcaya in accordance with this paragraph, but it shall be submitted directly to the County Manager. Nothing contained herein shall be construed to prohibit the Trust from submitting to the County Commission supplemental budget requests which, if approved by the Commission, shall constitute amendments to the official county budget.

(Ord. No. 98-112, § 1, 7-21-98)

Sec. 2-1118. Executive Director.

(a) *Autonomy Within Park and Recreation Department.* The Director of Vizcaya Museum and Gardens shall, for the transition period, report directly to the Director of the Park and Recreation Department. In recognition of the unique status and special needs of Vizcaya, the Vizcaya Director shall be afforded the maximum degree of management autonomy within the departmental structure without compromising necessary command and control requirements. Among other matters, the Executive Director shall have the authority and responsibility to alert the County Manager to any matter necessary and essential to protect the accreditation of the Vizcaya Museum and Gardens or to comply with this article. After October 1, 2000, upon meeting the transition requirements of Section 6, the Director of Vizcaya shall report directly to the Trust.

(b) *Authority and Responsibilities.* Within the confines of reasonable departmental command and control requirements, the Executive Director is authorized to conduct and manage the day-to-day operations of Vizcaya Museum and Gardens, including but not limited to:

1. Maintain the property, collections, and exhibits;

2. Manage all publications and educational programs;

3. Administer all sales programs;

4. Coordinate all membership, volunteer and support groups and programs;

5. Counsel, hire, terminate, and supervise all staff and employees pursuant to Miami-Dade County personnel rules;

6. Serve as Executive Director of the Trust;

7. Prepare and present the annual budget for the Vizcaya Museum and Gardens to the Park and Recreation Department, the County Manager and the Board of County Commissioners, subject to the advice and recommendation of the Trust;

8. File on behalf of Miami-Dade County all reports, applications, and documentation necessary to secure and maintain the accreditation of Vizcaya Museum and Gardens in accordance with County procedures;

9. Apply for and in conjunction with departmental management, serve as fiscal manager of gifts and grants for Vizcaya, in accordance with County procedures;

10. Ensure appropriate publicity and marketing;

11. Implement policy as established by the Board of County Commissioners and the Trust; and undertake such other activities which will further the mission of the Vizcaya Museum and Gardens within the confines of adopted budgets and operating rules and regulations and through appropriate chains of command.

(c) *Removal and Appointment.* The Director of the Park and Recreation Department, with the approval of the County Manager, shall have the authority to remove the Executive Director. After October 1, 1999, the Director of the Park and Recreation Department, with the approval of the County Manager and the Trust, shall have the authority to remove the Director. After October 1, 2000, upon meeting the transition requirements of Section 1116, the Trust shall have the authority to remove the Director with the concurrence of the County Manger. When a vacancy occurs, the vacancy shall be filled using the following process. No earlier than twenty (20) days and not later than forty-five (45) days from the occurrence of a vacancy, the Trust and the Director of the Park and Recreation Department shall submit the name or names of suitable candidates either jointly or individually to the County Manager, who may appoint from the list, or reject the list and request names of additional candidates. It is the intent that candidates shall be offered by the Trust and department on the basis of a competitive recruitment relying on the requisite level of appropriate experience and training. After October 1, 2000, upon meeting the transition requirements of Section 6, the Trust shall have the power to hire the Executive Director with the concurrence of the County Manager. Prior to October 1, 1999, any interim vacancy shall be filled by the Director of Park and Recreation. After October 1, 1999, any interim vacancy shall be filled by the Director of Park and Recreation, with the approval of the Trust. After October 1, 2000, any interim vacancy shall be filled by the Trust with the concurrence of the County Manager.

(Ord. No. 98-112, § 8, 7-21-98)

Sec. 2-1119. Continuing role of the Park and Recreation Department.

It is intended that the Park and Recreation Department will continue its contribution to the success of the Vizcaya Museum and Gardens. To this end, the Director of the Park and Recreation Department shall have the following responsibilities regarding Vizcaya:

(a) To exercise the powers regarding the removal and appointment of the Director of Vizcaya as described in this ordinance.

(b) In the event of a vacancy, to exercise the powers regarding appointment of an interim Director of Vizcaya as described in this ordinance.

(c) To exercise the powers regarding the budget of Vizcaya described in this ordinance.

(d) To provide management oversight and to provide recommendations to the County Manager and Trust. In recognition of these responsibilities, the Trust and Director of Vizcaya shall ensure that the Director of the Park and Recreation Department is advised of all reports, recommendations, and other actions affecting the management of the facilities in a timely manner. The Park and Recreation Department shall make its expertise and advice available to the Trust and the Director of Vizcaya at the appropriate times.

(Ord. No. 98-112, § 1, 7-21-98)

Sec. 2-1120. Relationship with Miami-Dade County.

As an agency and instrumentality of Miami-Dade County, the Trust shall be accountable directly to Miami-Dade County and subject to its Legislative and Executive powers. The Executive Director, on behalf of the Trust, shall serve as liaison to the County through the Park and Recreation Director and County Manager or his designee. This will remain as the official and primary means of communication between the respective parties; notwithstanding, as to day-to-day matters, there will be communication between County personnel, Vizcaya Museum and Gardens Trustees, committee members, personnel, and the County Commission, in compliance with the Sunshine Laws. The Trust described herein shall continue to be subject to modification or abolishment in whole or in part by duly enacted ordinance of the Commission. County Manager shall at all times be empowered to conduct audits of the Trust, its activities and that of the support groups. Legal opinions by the County Attorney's Office shall be binding upon the Trust.

(Ord. No. 98-112, § 10, 7-21-98)

Sec. 2-1121. Liberal construction to effectuate public purpose.

This article, being for the public purpose and for the long-term welfare of the Vizcaya Museum and Gardens facilities and the present and future citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 98-112, § 11, 7-21-98)

Sec. 2-1122. Replacement of policy committee by the Trust.

For the purposes of complying with the deed restrictions, and related agreements governing Vizcaya, the Vizcaya Museum and Gardens Trust shall replace and serve as the Policy Committee.

(Ord. No. 98-112, § 12, 7-21-98)

Secs. 2-1123—2-1130. Reserved.

### ARTICLE LXXXII. RONALD REAGAN EQUESTRIAN CENTER COUNCIL

[Secs. 2-1131—2-1149. Reserved.](#BK_93358DAF1DD704C19F6FB917D8A392E0)

[Sec. 2-1150. Ronald Reagan Equestrian Center Council.](#BK_075578D986D5936C8B30310FBB15E1B7)

Secs. 2-1131—2-1149. Reserved.

Sec. 2-1150. Ronald Reagan Equestrian Center Council.

A. *Creation of the Ronald Reagan Equestrian Center Council.* There is hereby created and established the Ronald Reagan Park Equestrian Center Council (the "Council") for the purpose of providing guidance on programming and use of the Ronald Reagan Equestrian Center and to report to the Board of County Commissioners the status and progress of programming and use of the Ronald Reagan Equestrian Center.

B. *Authority and Mission of the Council:*

1. The Council shall assist with promoting the Ronald Reagan Equestrian Center internationally and secure major events for this magnificent venue in order to generate revenues for the Miami-Dade County Park, Recreation, and Open Spaces Department or its successor department ("Parks Department").

2. The Council shall have the authority to make recommendations to the Board of County Commissioners. The Council shall provide an annual report, either oral or written, to the Board of County Commissioners embodying its recommendations.

3. The Council shall have the authority to make recommendations to the Parks Department regarding programming and maximizing the use of the Ronald Reagan Equestrian Center. The Council shall also provide technical and practical advice to the Parks Department regarding the Ronald Reagan Equestrian Center's operations.

4. The Council shall provide a citizens' review of the County's annual operating budget for the Ronald Reagan Equestrian Center and make its budgetary recommendations to the Mayor and the Board of County Commissioners.

5. The Council may provide recommendations to the Mayor and the Board of County Commissioners concerning the reinvestment of a share of the revenues derived from the Ronald Reagan Equestrian Center for maintaining and operating the Center, as well as concerning ways to market the center as a venue for future revenue generating activities.

6. The Council shall have no power or authority to bind Miami-Dade County to any policies, or to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the Council are advisory only and shall not be binding upon the Board of County Commissioners, the Mayor or the Parks Department.

C. *Council Membership.* The composition and representative membership of the Council shall be as follows:

1. Three (3) members shall be representatives from the Miami-Dade Horse Council;

2. One (1) member shall be a representative from the Florida Paso Fino Association;

3. One (1) member shall be a representative from the Foundation for the Pure Spanish Horse;

4. One (1) member shall be a representative from the Hipico Nicaraguence Miami U.S.A.;

5. One (1) member shall be a representative from the South Florida Horse Show Association;

6. One (1) member shall be a representative from the South Florida Trail Riders Association;

7. One (1) member shall be a representative from the Southeastern Peruvian Horse Club;

8. One (1) member shall be a representative from the Miami-Dade Farm Bureau;

9. One (1) member shall be a representative from the Greater Miami Convention and Visitors Bureau;

10. One (1) member shall be a representative from the "Team Roping" equestrian sport;

11. One (1) member shall be a representative from the "Team Penning" equestrian sport;

12. One (1) member shall be a representative from a cattle association;

13. One (1) member shall be a representative from the cattle ranching industry;

14. One (1) member shall be a representative with expertise in tropical fruit crops horticulture or horticulture research;

15. One (1) member shall be a representative from the veterinary medicine industry specializing in large animals;

16. One (1) member shall be a representative from the farming/growers community;

17. One (1) member shall be a representative of the horse breeding industry;

18. One (1) member shall be a representative from the "Hunters or Jumpers" equestrian sport.

19. Three (3) members shall be representatives from the equestrian or large animal trades business, supply or equipment business, transportation business, international trade business or animal genetics business.

D. *Qualifications of Council Members.* Council Members shall be of high moral character and have demonstrated business experience and acumen in the professional category under which they are appointed.

E. *Appointment of Council Members.* The Parks Department shall contact each of the entities referenced in subsection (C)(1) through (9) above, and shall request that each entity submit the name of at least one (1) interested and eligible nominee. The Parks Department shall also review the credentials of any person interested in serving as a Council Member who meets any of the criteria outlined in subsection (C)(9) through (19). The Parks Department shall submit their nominations for approval by the Board of County Commissioners.

F. *Election and Term of Office.* Council Members appointed by the Board of County Commissioners shall serve a two-year term and may be reappointed by the Board of County Commissioners for subsequent terms. Council Members shall serve until the earlier of: (i) unsuccessful reappointment by the Board of County Commissioners; (ii) removal by a majority vote of the Council; or (iii) resignation from the Council. Any Council vacancies arising due to a Council Member's term expiring, removal, resignation, or otherwise shall be filled as follows: the Council shall review the credentials of any person interested in serving as a Council Member and the Council shall submit their nomination for approval by the Board of County Commissioners.

G. *Removal.* Any Council Members may be removed from the Council with or without cause at any time by the vote of a majority of the Council Members present at a special meeting of the Council called for that purpose.

H. *Compensation.* Members of the Council shall serve without compensation, salary or remuneration of any nature, but the County Commission may provide in the annual County budget sufficient funds for the reasonable and necessary expenses incurred by the Council in performance of its duties and functions.

I. *Organization of the Council:*

1. *Meetings.* The Council shall adopt a schedule of regular meetings. Council meetings shall be held at least quarterly pursuant to notice and at such times and places as the Council shall determine. Seven (7) members of the Council shall constitute a quorum. Special meetings of the Council may be called by the written request of five (5) members. All meetings of the Council shall be duly noticed to the public and written minutes shall be maintained.

2. *Applicability of County Rules and Procedures.* The Council shall at all times operate under Florida open government laws, including the "Sunshine Law," public meeting laws, and public records laws, and shall be governed by all State and County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, as amended.

3. *Attendance Requirement*. Notwithstanding any other provision of the Code of Miami-Dade County, any Council Member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from three (3) Council meetings, consecutive or otherwise, without an acceptable excuse; or (ii) whether excused or not, he or she misses two-thirds (2/3) of the Council's meetings in a given fiscal year. A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason, which a majority of the Council Members present at a meeting deem appropriate. By a two-thirds (2/3) vote of the Council Members present at a meeting, the provisions of this subsection (I)(3) may be waived.

4. *Staff and Facility Support.* The Park and Recreation Department shall provide such staff to support the Council as may be necessary to accomplish its purpose. The Park and Recreation Department may provide such facilities as the Council deems necessary to accomplish its purpose.

(Ord. No. 12-83, § 1, 10-2-12)

### ARTICLE LXXXIII. MIAMI-DADE ZOOLOGICAL PARK AND GARDENS OVERSIGHT BOARD

[Sec. 2-1151. Miami-Dade Zoological Park and Gardens Oversight Board.](#BK_45EB375B3489D9FC7395F1E5C82CFBC6)

[Secs. 2-1152—2-1160. Reserved.](#BK_362C505C34B4AAA94DA3727E27BA21F7)

Sec. 2-1151. Miami-Dade Zoological Park and Gardens Oversight Board.

1. *Creation of the Miami-Dade Zoological Park and Gardens Oversight Board.* There is hereby created and established as an agency and instrumentality of Miami-Dade County a board which shall be named and known as the Miami-Dade Zoological Park and Gardens Oversight Board (hereinafter referred to as "the Zoo Board").

2. *Purpose.* The Zoo Board shall be a governing advisory board to the Board of County Commissioners and have such rights and responsibilities as set forth in this ordinance and in the Operating Agreement between Miami-Dade County and the Zoological Society. In addition to overall policy and operational guidance, the Zoo Board shall be responsible for establishing long and short term strategic and program plans for Miami-Dade Zoological Park and Gardens, including the establishment of goals and objectives guiding all activities and for overseeing the preparation of a consolidated (Zoological Society and County) budget for Miami-Dade Zoological Park and Gardens for adoption by the Zoological Society and Board of County Commissioners.

3. *Designated facilities.* Facilities designated as Miami-Dade Zoological Park and Gardens. As used herein, the term "Miami-Dade Zoological Park and Gardens" shall include certain real property owned by Miami-Dade County at the zoological park located at 12400 SW 152 Street subject to certain restrictive covenants and its related personal property utilized to support the Miami-Dade Zoological Park and Gardens.

4. *Board membership.*

A. *Members.* Oversight of the policy and operation of the Miami-Dade Zoological Park and Gardens shall be performed by an Oversight Board composed of the following nine (9) members:

(a) The County Mayor and in his absence, a designee;

(b) The Miami-Dade County Manager or designee;

(c) The Sitting President of the Zoological Society;

(d) The immediate past president of the Zoological Society;

(e) The Executive Director of the Zoological Society;

(f) The Executive Director of the Miami-Dade Zoological Park and Gardens;

(g) The Director of the Miami-Dade Park and Recreation Department;

(h) A member of the Board of County Commissioners to be designated by the Chairperson of the Board of County Commissioners ("Board Designee"); and

(i) A member of the Executive Committee of the Zoological Society.

Members of the Zoo Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties. Each member must sign and abide by a code of ethics modeled after the most recent American Association of Zoos and Aquariums Code of Ethics.

5. *Organization of the Oversight Board.*

(a) *Officers.* The chairperson of the Zoo Board shall be the Board Designee and the vice-chairperson of the Zoo Board shall be a representative of the Zoological Society selected by the Zoological Society. The Zoo Board shall designate a secretary who may or may not be a member of the Zoo Board, and such other officers as the Zoo Board may determine to be necessary. In addition, the Zoo Board shall make, adopt and amend bylaws, rules and regulations for its own governance and for the operation, governance, restoration, preservation and maintenance of designated facilities.

(b) *Meetings.* The Zoo Board shall hold regular meetings, no less then six (6) times per year, and such other meetings, as it deems necessary. A majority of the duly appointed and sitting members of the Zoo Board shall constitute a quorum. Minutes shall be kept of all meetings of the Zoo Board and all meetings shall be duly noticed to the public.

(c) *Committees.* The chairperson shall nominate and the Zoo Board shall appoint the chairperson and members of such committees as the Zoo Board shall find helpful to their mission, however, no authority to act or speak in the name of the Zoo Board shall be delegated to a committee. Each committee shall be chaired by a duly appointed member of the Zoo Board, however, committee membership may include persons who are not members of the Zoo Board. The Zoo Board may establish or eliminate committees at its discretion.

(d) *Applicability of County rules and procedures.* The Zoo Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(e) *Restriction on the Zoo Board.* Neither the Zoo Board nor any of its members shall direct or request the appointment of any person to, or his removal from, their position by the County Zoo Director or Zoological Society Executive Director or any of their subordinates, or take part in the appointment or removal of Miami-Dade or Zoological Society employees at Miami-Dade Zoological Park and Gardens; provided, however, that the Zoo Board and its members may render advisory assistance regarding the removal and appointment of the Directors as provided in this section. Except for the purpose of inquiry, the Zoo Board and its members shall deal with the employees at Miami-Dade Zoological Park and Gardens solely through the Executive Directors of the Zoological Society and the County Zoo Director and neither the Zoo Board nor any members thereof shall give orders to any subordinates of the Executive Directors of the Zoological Society and the County Zoo Director, either publicly or privately. Any willful violation of the provisions of this section by a member of the Zoo Board shall be grounds for his or her removal from the Zoo Board by an action brought in the Circuit Court by the State Attorney of this County.

(f) *Attendance requirement.* Notwithstanding any other provision of this Code, any board member shall be automatically removed if, in a given fiscal year:

(i) He or she is absent from two (2) consecutive meetings without an acceptable excuse;

(ii) If he or she is absent from three (3) of the Zoo Board's meetings without an acceptable excuse; or

(iii) Whether excused or not, he or she misses two-thirds (2/3) of the Zoo Board's meetings in a given fiscal year. A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Zoo Board, by a two-thirds (2/3) vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Zoo Board, the provisions of this section may be waived.

(g) *Staff support.* The County Manager and the County Attorney, in cooperation with the Zoological Society of Florida, shall provide such staff support to the Zoo Board as may be necessary to accomplish its purpose.

6. *Operating agreement.* The relationship between the County and Zoological Society and the manner in which these parties work jointly under the oversight of the Zoo Board shall be set forth in an Operating Agreement. The Operating Agreement shall include, but not be limited to, the following terms and conditions: requirement for the development and approval of a master strategic plan and maintaining national accreditation, establishment of specific goals and objectives, development of a consolidated (Zoological Society and County) budget, stipulating the manner in which capital improvement, zoo operations, marketing, fundraising, education and other activities will be conducted jointly by the Zoological Society and the County. The Operating Agreement shall be approved by the Board of County Commissioners and Zoological Society of Florida Board of Directors.

7. *Liberal construction to effectuate public purpose.* This section, being for the public purpose and for the long-term welfare of the Miami-Dade Zoological Park and Gardens facilities and the present and future citizens of Miami-Dade County, Florida, shall be liberally construed to effect the purposes hereof.

(Ord. No. 98-168, § 1, 11-24-98; Ord. No. 10-86, § 1, 12-7-10)

Secs. 2-1152—2-1160. Reserved.

### ARTICLE LXXXIV. MIAMI-DADE COUNTY CITIZENS' TRANSPORTATION OVERSIGHT COMMITTEE [[96]](#BK_6AF1220842795E7FBB5192BDCE5C8E34)

[Sec. 2-1161. Creation of Miami-Dade County Citizens' Transportation Oversight Committee.](#BK_68D82DBB687B00CC9C0A1B7F5C20096B)

[Sec. 2-1162. Composition and appointment.](#BK_B9A81F5DB38D117FFEF5DAB060FA44D8)

[Sec. 2-1163. Additional qualifications.](#BK_CC4B738CE84989B0DB49B908DE39AFE7)

[Sec. 2-1164. Applicability of Conflict of Interest and Code of Ethics Ordinance.](#BK_97C8E68823D4B9A3E3E050312F3EDB86)

[Sec. 2-1165. Term of service.](#BK_62990653A13D736067FEA427564216B8)

[Sec. 2-1166. Organization of the Oversight Committee.](#BK_06441F153BA269F530DD623333C00FDB)

[Sec. 2-1167. Powers, duties and jurisdiction.](#BK_E3D5498845E5D3E5DB2A44C287C49BB2)

[Sec. 2-1168. Staff support.](#BK_77E6DFC9A7DB9693AEBC68450745775C)

[Sec. 2-1169. Inspector General.](#BK_BC5517A16B8E8AFBE34800736717C572)

[Secs. 2-1170—2-1190. Reserved.](#BK_11DAE6E2949CB888530D3CC97AE460C0)

Sec. 2-1161. Creation of Miami-Dade County Citizens' Transportation Oversight Committee.

There is hereby created an advisory and oversight committee to be known as the Miami-Dade County Citizens' Transportation Oversight Committee ("Oversight Committee").

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1162. Composition and appointment.

The Oversight Committee shall consist of sixteen (16) members. Thirteen (13) members shall be selected by the Board of County Commissioners from a slate of candidates submitted by a nominating committee as provided in [Section 2-1162](../level3/PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO.docx#PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO_S2-1162COAP)(a). The additional three (3) members shall be appointed as provided in [Section 2-1162](../level3/PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO.docx#PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO_S2-1162COAP)(b).

(a) *Nominating Committee.* Thirteen (13) members of the Oversight Committee shall be appointed in the manner set forth in this subsection. A nominating committee ("Nominating Committee") comprised of at least twenty-two (22) members shall be appointed as follows:

(1) The Mayor of Miami-Dade County shall appoint one (1) member of the Nominating Committee;

(2) The Chief Judge of the Eleventh Judicial Circuit shall serve as a member of the Nominating Committee;

(3) The Mayor of each municipality with a population of 50,000 or more residents shall serve as a member of the Nominating Committee;

(4) The Executive Director of the Miami-Dade League of Cities shall serve as a member of the Nominating Committee;

(5) The Greater Miami Chamber of Commerce ("Greater Miami Chamber") shall appoint one (1) member of the Nominating Committee who shall be the Chairperson of the Greater Miami Chamber or one (1) of its members;

(6) The Camara de Comercio Latina de los Estados Unidos ("CAMACOL") shall appoint one (1) member of the Nominating Committee who shall be the President of CAMACOL or one (1) of its members;

(7) The North Dade Regional Chamber of Commerce ("North Dade Chamber") shall appoint one (1) member of the Nominating Committee who shall be the Chairperson of the North Dade Chamber or one (1) of its members;

(8) The Chamber South shall appoint one (1) member of the Nominating Committee who shall be the Chairperson of Chamber South or one (1) of its members;

(9) The Miami-Dade Chamber of Commerce shall appoint one (1) member of the Nominating Committee who shall be the President of the Miami-Dade Chamber of Commerce or one (1) of its members;

(10) The President of Florida International University or his or her designee shall serve as a member of the Nominating Committee;

(11) The President of Miami-Dade Community College or his or her designee shall serve as a member of the Nominating Committee;

(12) The President of the Trust for Public Land or his or her designee shall serve as a member of the Nominating Committee;

(13) The Chairperson of the United Way or his or her designee shall serve as a member of the Nominating Committee;

(14) The Chairperson of the Champion Our Children Initiative or his or her designee shall serve as a member of the Nominating Committee;

(15) The Chairperson of the Cultural Affairs Council or his or her designee shall serve as a member of the Nominating Committee;

(16) The Chairperson of the Greater Miami Visitors and Convention Bureau or his or her designee shall serve as a member of the Nominating Committee;

(17) The Chairperson of the Urban Economic Revitalization Task Force or his or her designee shall serve as a member of the Nominating Committee;

(18) The Chairperson of the Citizen's Transportation Advisory Committee shall serve as a member of the Nominating Committee; and

(19) The Hialeah Chamber of Commerce & Industries ("Hialeah Chamber") or the Hialeah-Miami Springs Northwest Dade Area Chamber of Commerce ("Hialeah-Miami Springs Chamber") shall appoint one (1) member of the Nominating Committee. The Board of County Commissioners shall by resolution determine whether the Hialeah Chamber or the Hialeah-Miami Springs Chamber shall appoint one (1) member of the Nominating Committee.

The Nominating Committee shall submit a slate of four (4) candidates from each Commission District to the Board of County Commissioners for selection. The Board must select from the slate submitted by the Nominating Committee; however, the Board may request additional nominations.

(b) *Additional members.* In addition to the thirteen (13) members of the Oversight Committee appointed pursuant to Subsection (a), the following persons shall serve on the Oversight Committee:

(1) The Chairperson of the Miami-Dade County Commission on Ethics and Public Trust shall serve as a member of the Oversight Committee;

(2) The Chairperson of the Alliance for Ethical Government shall serve as a member of the Oversight Committee; and

(3) One (1) member of the Efficiency and Competition Commission shall serve as a member of the Oversight Committee. Said member shall be appointed by the Mayor of Miami-Dade County and shall not be an elected official.

Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties. The provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) which provide that no member of a county board shall become a candidate for elective political office during his or her term shall not apply to members of the Nominating Committee appointed pursuant to [Section 2-1162](../level3/PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO.docx#PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO_S2-1162COAP)(a)(3).

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1163. Additional qualifications.

Each member of the Oversight Committee shall be a United States citizen, resident of Miami-Dade County and shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The members of the Oversight Committee shall have no financial interest in the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit. The members of the Oversight Committee should be representative of the community-at-large and should reflect the racial, gender and ethnic make-up of the community.

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1164. Applicability of Conflict of Interest and Code of Ethics Ordinance.

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida, shall be applicable to members of the Oversight Committee.

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1165. Term of service.

At the first meeting of the Oversight Committee, a blind lottery shall be held to determine the initial staggered terms of the sixteen (16) members. These initial terms shall be: five (5) members shall serve for a period of one (1) year; five (5) members shall serve for a period of two (2) years; and six (6) members shall serve for a period of three (3) years. Upon expiration of each initial term, all appointments shall serve a two-year term. Appointments to fill any vacancy on the Oversight Committee shall be for the remainder of the unexpired term of office.

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1166. Organization of the Oversight Committee.

The Mayor of Miami-Dade County shall appoint the Chairperson of the Oversight Committee who shall be one (1) of the members appointed pursuant to [Section 2-1162](../level3/PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO.docx#PTIIICOOR_CH2AD_ARTLXXXIVMIDECOCITROVCO_S2-1162COAP). The Oversight Committee shall hold regular meetings. All meetings of the Oversight Committee shall be public and written minutes of the proceedings thereof shall be maintained by the Oversight Committee. All actions taken at the meetings of the Oversight Committee shall be promptly and properly recorded. Copies of all minutes and resolutions of the Oversight Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Oversight Committee.

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1167. Powers, duties and jurisdiction.

The Oversight Committee shall have the following duties, functions, powers, responsibilities and jurisdiction:

(a) To audit, investigate, monitor, oversee, inspect and review the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit;

(b) To require reports from the Mayor, County Commission, Manager, County agencies and instrumentalities regarding the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit;

(c) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit; and

(d) To review any proposed amendments to Ordinance No. 99-68 prior to adoption by the County Commission, and to file a report with the Mayor and the County Commission regarding such proposed amendments.

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1168. Staff support.

The County Manager shall provide appropriate staff support to the Oversight Committee.

(Ord. No. 99-87, § 1, 7-27-99)

Sec. 2-1169. Inspector General.

The Inspector General shall be charged with the responsibility of overseeing the activities of the Oversight Committee. In order to perform his or her oversight function, the Inspector General shall, pursuant to [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE) of the Code, be empowered to, among other things, require reports from the Oversight Committee, perform audits, subpoena witnesses, administer oaths and require the production of records. The Inspector General or his or her designee shall attend all meetings of the Oversight Committee. The Office of the Inspector General shall, on at least an annual basis and subject to budgetary limitations, audit the implementation of the transportation and nontransportation components of the Mayor's Transportation Plan, as stated in the ballot question presented to the voters on July 29, 1999, Ordinance No. 99-68 and any amendments thereto, and the use of funds generated by the 1999 Transit Surtax, MDTA general fund subsidy moneys, MDTA revenue and the three (3) cents local option gas tax dedicated for transit. The Office of the Inspector General shall provide the Oversight Committee with a copy of each audit report.

(Ord. No. 99-87, § 1, 7-27-99)

Secs. 2-1170—2-1190. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 99-87, § 1, adopted July 27, 1999, added a new article LXXX, pertaining to the Miami-Dade County Citizens' Transportation Oversight Committee. However, in order to avoid duplication of articles, said article has been redesignated as article LXXXIV at the discretion of the editor. [(Back)](#BK_59C2F92925402CF6ED35F54311DA1308)

### ARTICLE LXXXV. CHARTER REVIEW TASK FORCE

[Sec. 2-1191. Created; duties.](#BK_A0767DBA0B319A01188945E692358BDC)

[Secs. 2-1192—2-1250. Reserved.](#BK_891C5EC4312DF670F2AC46CDE28F03FC)

Sec. 2-1191. Created; duties.

(a) There is hereby created a Charter Review Task Force which shall consist of thirteen members comprised of each County Commissioner or his or her designee.

(b) The Task Force shall review the Home Rule Charter or Miami-Dade County in its entirety and shall prepare and submit to this Board written recommendations setting forth any proposed amendments or revisions to the Charter.

(c) All proceedings or the Charter Review Task Force shall be conducted in accordance with the Government in the Sunshine Law (§ 286.011, Fla. Stats.) and the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter. The Task Force shall be deemed an "agency" for the purposes of the Public Records Law (§ 119, Fla. Stats.).

(d) The County Manager shall convene a meeting of the Task Force on or before January 14, 2000 and the Task Force shall submit its written recommendations to this Board on or before July 31, 2001.

(Ord. No. 99-56, §§ 1—4, 5-25-99; Ord. No. 99-168, § 1, 12-16-99; Ord. No. 00-89, § 1, 7-6-00; Ord. No. 01-63, § 1, 3-20-01)

Secs. 2-1192—2-1250. Reserved.

### ARTICLE LXXXVI. TARGETED JOBS INCENTIVE FUND PROGRAM

[Sec. 2-1251. Title.](#BK_5431EF0326EFB7E5E03536042733AA1D)

[Sec. 2-1252. Definitions.](#BK_5B2593D597C82701174413009CC8214C)

[Sec. 2-1253. Eligible applicants.](#BK_104DE9266BD011D0B051E6BD2A6D1E27)

[Sec. 2-1254. Eligible industries.](#BK_C4D336174EF55FFB750F4E04968CDEF0)

[Sec. 2-1255. Program requirements.](#BK_EFD7E4754147033487FC62D706BAD828)

[Sec. 2-1256. Application process.](#BK_2B34B8F1CE980E0382E4039354C81A2E)

[Sec. 2-1257. Approval process.](#BK_B72675F8225207A2EEB4B475EC36DE35)

[Sec. 2-1258. TJIF incentives.](#BK_E5435059B3F232C6B6FC1A0BF8EB46C2)

[Sec. 2-1259. Source, claim period and disbursement of TJIF incentives.](#BK_7F9210C8A90DFFD9D1FE7BF1925E262D)

[Sec. 2-1260. Reserved.](#BK_C48BF89AC4ADFE147143E02A738AD3C2)

[Secs. 2-1261—2-1270. Reserved.](#BK_EDE741DB7573D357A69DFFC791C36EF5)

Sec. 2-1251. Title.

This article shall be cited as the Targeted Jobs Incentive Fund Program of Miami-Dade County.

(Ord. No. 00-98, § 2, 7-25-00)

Sec. 2-1252. Definitions.

As used in this article, unless the context otherwise requires:

a. *Average Annual Wage* means the average of all wages and salaries in the State of Florida or Miami-Dade County, using the most currently available data as determined by the Florida Agency for Workforce Innovation.

b. *Capital Investment* means the amount of money that a business spends on local taxable real and/or tangible personal property, which shall be limited to new construction, renovation of buildings and new equipment used in business operations as specified in the TJIF application/agreement.

c. *County Code* means the Code of Ordinances of Miami-Dade County.

d. *Company* means a business, or employing unit, as defined in Section 443.036, Florida Statutes, which is registered with the Florida Agency for Workforce Innovation for unemployed compensation purposes; or a subcategory or subdivision of an employing unit which is accepted by the Agency for Workforce Innovation as a reporting unit.

e. *Designated Priority Area* or *Designated Priority Areas* means the Empowerment Zone area as designated by the Board of County Commissioners by Resolution No. R-1028-98 as may be amended, Enterprise Zone areas as designated by the Board of County Commissioners by Ordinances Nos. 0-88-27 and 0-96-74 as well as Resolutions No. R-492-95 and No. R-913-08, as may be amended, Targeted Urban Areas designated by the Board of County Commissioners by Ordinance No. 97-33 as may be amended, Brownfields areas as designated by the Board of County Commissioners by Resolution R-767-99 as may be amended, and Community Development Block Grant eligible areas as designated by the Board of County Commissioners by Resolution No. 618-02 as may be amended.

f. *Expanding Business* or *Expanding Businesses* means a commercial or industrial business, excluding residential development that increases operations on a site in Miami-Dade County co-located with a commercial or industrial operation owned by the same business or a site in Miami-Dade County to which the commercial or industrial operation will relocate or has relocated.

g. *Incentive* or *Incentives* means the funds paid to a Company under this TJIF Program by the County.

h. *New Job* or *New Jobs* means jobs created by a local Expanding Business or a New-to-Market Business which are being added to the Company's roster of employees and that did not exist within the last twelve (12) months prior to the date The Beacon Council submits the Company's application to the County.

i. *New-to-Market Business* or *New-to-Market Company* is an entity that relocates to Miami-Dade County or is a start-up company setting up operations in Miami-Dade County.

j. *South Florida* means the region comprised of Miami-Dade, Broward, and Palm Beach counties.

k. *The Beacon Council* means Miami-Dade County's official economic development partnership entity as designated by the Board of County Commissioners per Ordinance No. 87-38.

l. *TJIF Project* or *Project* means the capital investment and the associated new jobs that are the basis of the application for a TJIF award.

(Ord. No. 00-98, § 3, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1253. Eligible applicants.

The TJIF Program will only be available to New-to-Market companies or Expanding Businesses with a minimum Capital Investment of $3 million in Miami-Dade County. The TJIF Program will not be available to companies that pay any of their employees less than the Living Wage Rate as defined in [Section 2-8.9](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOCOEM) of the Code of Miami-Dade County, as adjusted annually by the Department of Small Business Development or its successor department. Companies wishing to relocate to Miami-Dade County from Palm Beach, Broward, and Monroe Counties, respectively, are not eligible for the TJIF Program except in cases where said companies are otherwise planning to relocate outside of South Florida. Companies planning to relocate outside of South Florida are eligible for this program and may be solicited by The Beacon Council in an effort to retain the business in South Florida.

(Ord. No. 00-98, § 4, 7-25-00; Ord. No. 05-193, § 1, 11-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1254. Eligible industries.

The TJIF Program is available to the following industries:

a. Advanced Manufacturing;

b. Aviation/Aerospace;

c. Clean Energy including, but not limited to, Solar Photovoltaic and Solar Thermal Energy, Biofuels, Smart Grid Technologies, Energy Storage, and Ocean Energy;

d. Financial/Professional Services;

e. Homeland Security/Defense;

f. Information Technology;

g. Life Sciences;

h. Creative Industries including, but not limited to, Fashion and Lifestyle;

i. Global Logistics;

j. Headquarters including regional headquarters (NAICS Code 5511); and

k. Any industry designated as a "Target industry business" under the State of Florida's Qualified Target Industry ("QTI") program, Section 288.106(1)(o) of the Florida Statutes.

The Board of County Commissioners, at its discretion, may waive the eligible industry requirement at the request and recommendation of The Beacon Council and the County Mayor and County Mayor's designee.

(Ord. No. 00-98, § 5, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-91, § 1, 5-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1255. Program requirements.

Companies applying for TJIF incentives must be New-to-Market Companies or Expanding Businesses. Any company applying for TJIF incentives must pay all of its employees salaries that are no less than the Living Wage Rate as defined by [Section 2-8.9](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOCOEM) of the Code of Miami-Dade County as adjusted annually by the Miami-Dade County Department of Small Business Development, or its successor department. Companies receiving TJIF incentives must pay all of its employees no less than the Living Wage Rate to remain eligible for the TJIF program. In addition, the New Jobs promised under the TJIF application/agreement must pay an estimated Average Annual Wage at least equal to the average private sector wage of the County or the statewide private sector average wage, in determining the Average Annual Wage, only New Jobs are to be included and wages for existing jobs shall be excluded from the calculation. The Board of County Commissioners at its discretion may waive the Average Annual Wage requirement upon receipt of a written request and justification from the Beacon Council and the County Mayor or the County Mayor's designee.

New-to-Market or Expanding Businesses must create at least ten (10) New Jobs within three (3) years of starting operations or completing their Capital Investment commitment in Miami-Dade County, whichever is later, and maintain those new jobs for an additional three (3) years. County staff, as directed by the County Mayor or the County Mayor's designee, must verify compliance with New Job creation and wage requirements as specified in the Board of County Commissioners approved TJIF application/agreement prior to any disbursement of a TJIF incentive. The Company must agree to furnish all documents necessary for staff to verify the Company's compliance with the New Job and salary requirements pursuant to the TJIF application/agreement.

The Company's Capital Investment must generate economic growth within Miami-Dade County and strengthen Miami-Dade County's tax base over the period for which the TJIF incentive is provided. The Capital Investment must be verified by County staff, as directed by the County Mayor or the County Mayor's designee, from a review of information available from the Company, the Tax Collector's records or any other sources prior to disbursement of a TJIF incentive award. The Company must furnish an independently audited financial accounting to verify the Capital Investment, when the County so requests, as provided in [Section 2-1259](../level3/PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR.docx#PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1259SOCLPEDITJIN).

Where a Company is delinquent in paying its County taxes the County shall withhold Incentive funds until the Company is current on such taxes. Where a Company is more than one (1) year delinquent in paying such taxes, the Company's TJIF award shall be canceled and the Company shall be disqualified from participating in the TJIF program.

(Ord. No. 00-98, § 6, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-193, § 2, 11-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1256. Application process.

Through September 30, 2020, a company wishing to participate in the TJIF Program will submit an application to The Beacon Council. Upon request, a Company's confidentiality will be protected for any information regarding a project's location and/or expansion evaluation of any site in Florida in accordance with Sections 288.075 and 288.1066 of the Florida Statues.

The application will be approved by the Board of County Commissioners and all TJIF requirements shall be incorporated therein to ensure all parties comply with the requirements of this Ordinance. An application must be signed by an officer of the applying company.

At the time of application, The Beacon Council will confirm that the Company has provided information and/or documentation supporting the Company's consideration of other locations and that the requested TJIF incentive is required for the Company to choose Miami-Dade County as the location of its new operations or expansion. Any Company decisions committing the Company to a location in the County prior to the Board of County Commissioners approval of the TJIF application/agreement will render a Company ineligible to participate in the TJIF program. The County Mayor or the County Mayor's designee may waive this prior decision rule and forward the Company's application to the Board of County Commissioners for consideration upon the written request by the Company to preserve the inducement for a limited time period and the recommendation of The Beacon Council. However, the Board of County Commissioners retains the sole and absolute discretion to approve or deny the Company's application. This prior business decision rule waiver shall not be available to a Company that has already publicly disclosed the intent to locate or expand its operations in Miami-Dade County. Upon receipt and initial review, The Beacon Council shall contact the County to schedule application presentation to County staff as directed by the County Mayor or the County Mayor's designee. Within 14 days of receipt of the Company's application, The Beacon Council shall prepare its recommendation on the application, including an economic impact analysis utilizing a professionally accepted econometric model such as Department of Commerce, BEA RIMS-II; Minnesota Implan Group, IMPLAN V.3; or REMI, Inc., REMI Model PI+. At the request of The Beacon Council or at the direction of the County Mayor or the County Mayor's designee, the analysis and projections of economic and fiscal impacts may be performed by the Office of Economic Development and International Trade, or its successor department, using a professionally accepted econometric model such as those noted above. Each Board approved application shall serve as the written agreement between Miami-Dade County and the Company, and shall include all application requirements outlined in this Section and, at a minimum, specify:

a. The total number of New Jobs to be created and that will be dedicated to the project, the Average Annual Wage of those jobs, and a time schedule or plan for when such jobs will be in place and active in Miami-Dade County;

b. The projected amount of Capital Investment on the project;

c. The fiscal impact to the County;

d. The timeframe of when the project will be completed and when the Capital Investment will appear on the County tax roll;

e. The maximum amount of TJIF awards which the Company is eligible to receive on the project and the maximum amount of TJIF awards that the Company is eligible to receive for each fiscal year;

f. That Miami-Dade County may review and verify the financial and personnel records of the Company and/or perform on-site visits to verify employment relating to the New Jobs, wages paid, and the Capital Investment indicated in the TJIF application/agreement, and ascertain whether the Company is in compliance with the terms of the application/agreement;

g. The date (May 15) by which, in each fiscal year, the Company must file a claim to be considered to receive a TJIF award in the following County fiscal year;

h. That compliance with the terms and conditions of the approved application/agreement is a condition precedent for the receipt of any TJIF award in a fiscal year and that the Company's failure to comply with the terms and conditions of the approved application/agreement results in the loss of eligibility for receipt of TJIF awards and the revocation by the County Mayor or the County Mayor's designee of the certification of the Company as a TJIF eligible business;

i. That payment of TJIF incentives are conditioned on and subject to specific annual appropriations by the Board sufficient to pay amounts under the approved application/agreement; and

j. That the amount of the incentives received will be based on the incentive levels specified in [Section 2-1258](../level3/PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR.docx#PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1258TJIN) of the County Code.

(Ord. No. 00-98, § 7, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1257. Approval process.

After The Beacon Council provides the application and its recommendation on the application to the County, County staff, when requested by the County Mayor or the County Mayor's designee shall recommend application approval or denial to the County Mayor or the County Mayor's designee. County staff to review the TJIF application shall include, but not be limited to, the County's Office of Economic Development and International Trade, or its successor department, a representative from the Office of Strategic Business Management, or any other staff as determined by the County Mayor or the County Mayor's designee. Applications will be approved by resolution of the Board. The Board shall have no obligation to approve any application before it. Final determination of an approval of the award of TJIF incentives shall be at the sole and absolute discretion of the Board. Upon any Board approval, The Beacon Council shall send the applicant a letter explaining such approval and any attendant conditions, and request the Company's roster of employees. The Beacon Council will provide a copy of said letter and the roster of employees to the County.

(Ord. No. 00-98, § 8, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1258. TJIF incentives.

The amount of the TJIF award is tentatively ascertained, pending Board approval, during application processing and is based on the commitment of Capital Investment in the TJIF project and the commitment of new job creation as specified in the TJIF application/agreement. The actual TJIF award will be determined after the Company has completed its Capital Investment, hires the number of new jobs as specified in the Board of County Commissioners approved TJIF application/agreement, and all other obligations set forth in the application/agreement and the Resolution approving the TJIF award.

The maximum TJIF award is based on the Project's Capital Investment. For Capital Investment in real property, the incentive over the six-year period subsequent to the Project's Capital Investment appearing on the tax roll may not exceed 1.70 percent of the value of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

a. An additional 0.175 percent of the Project's Capital Investment in taxable real property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.

b. An additional 0.175 [percent] of the Project's Capital Investment in taxable real property if the Project is located within a Designated Priority Area.

c. An additional 0.05 percent of the Project's Capital Investment in taxable real property if the Project is located in a "green certified" building under one of the following certification systems:

(1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;

(2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.

d. An additional 0.05 percent of the Project's Capital Investment in taxable real property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy products.

For Capital Investment in tangible personal property, the incentive over the six-year period subsequent to the Project's Capital Investment appearing on the tax roll, may not exceed 1.15 percent of the Project's Capital Investment made by the Company, unless the TJIF Project is eligible for the following bonuses:

a. An additional 0.175 [percent] of the Project's Capital Investment in tangible personal property if the project is a Miami-Dade County "green certified" business, as applicable, before the first disbursement.

b. An additional 0.175 [percent] of the Project's Capital Investment in tangible personal property if the Project is located within a Designated Priority Area.

c. An additional 0.05 percent of the Project's Capital Investment in tangible personal property if the Project is located in a "green certified" building under one of the following certification systems:

(1) U.S. Green Building Council Silver-level certified building under the New Construction, Core and shell, Healthcare, Retail, Commercial Interior, Retail Interior, Existing Building or equivalent applicable LEED rating, or comparable third party certification;

(2) Green Globes 3 globes-level certified building under the New Construction or Continual Improvement of Existing Building rating.

d. An additional 0.05 percent of the Project's Capital Investment in tangible personal property if the Project's principal business activity is in the manufacturing, installation, and repair of Solar Thermal and Photovoltaic energy production or other clean energy products.

A Company may not receive award payments of more than twenty-five (25) percent of the total awards specified in the approved application/agreement in any fiscal year even if all the New Jobs are created in one (1) year. Further, a Company may not receive more than $1.5 million in awards in any single fiscal year, or more than $2.5 million in any single fiscal year if the project is located in a Designated Priority Area. A Company may not receive more than $5 million in award payments in all fiscal years, or more than $7.5 million if the project is located in a Designated Priority Area. The Board of County Commissioners, at its discretion, may waive the applicable $5 million or $7.5 million total award cap at the request and recommendation of The Beacon Council and the County Mayor or the County Mayor's designee. However, in no event shall the total award exceed the amount of countywide general fund ad valorem property taxes paid in as a result of the Project. While a Company can receive funds under the County's Enterprise Zone Program under [Section 29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX), et al. of the County Code, the State of Florida Qualified Target Industry Program and the County's TJIF Program in the same year, the County's total incentive award under all three (3) programs is capped at the maximum TJIF award as specified in [Section 2-1258](../level3/PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR.docx#PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1258TJIN).

(Ord. No. 00-98, § 9, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 05-91, § 2, 5-3-05; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1259. Source, claim period and disbursement of TJIF incentives.

Annual disbursements will be contingent on the verification of the new jobs created, and the Capital Investment made by the Company. Disbursement will begin in the County fiscal year following the Project's Capital Investment appearing on the tax roll. The County's fiscal year runs from October 1 through September 30 of the following calendar year. Companies will be monitored annually to ensure compliance with the projected number of new jobs, the wages associated with the new jobs, and the Capital Investment. Disbursements to the Company will only be made after it has met all commitments as set forth in the TJIF application/agreement and the Board approved TJIF Resolution, and disbursements are limited in each year of the disbursement schedule approved in the TJIF Resolution to amounts set forth in [Section 2-1258](../level3/PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR.docx#PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1258TJIN). No Incentive amounts shall be disbursed after the last fiscal year set forth in the TJIF application/agreement and the Board approved TJIF Resolution.

To be eligible to claim any award under the TJIF Program, a Company that has entered into an approved application/agreement must annually apply to the County by May 15 for such award. An appropriation, if made by the Board, will be paid in the County fiscal year that begins on October 1 following the May 15 claims-submission date. The claim for award must include a copy of all documents that allow the County to verify compliance with all the terms and the Company's commitments set forth in the Board of County Commissioners' Resolution approving the TJIF incentive award and the accompanying approved application/agreement. At the County's request the Company shall provide, at its own expense, an independently audited financial accounting to verify the amount and nature of the Company's Capital Investments in the Project.

The County Mayor or the County Mayor's designee shall designate the Office of Economic Development and International Trade, or its successor department, to administer the TJIF Program and determine Company compliance. Any awards determined to be due to Companies and processed by said designated staff shall require written approval of such staff and funds issuance authority by the Office of Strategic Business Management, or its successor department, and the County Mayor or the County Mayor's designee.

An adjustment in the taxable value of the Project's Capital Investment subsequent to the submission of an application and disbursement of a TJIF award may reduce the Company's allowable incentive below the amount specified in the Board of County Commissioners approved TJIF application/agreement. When such an event occurs, the Company will reimburse the County any difference between the amount of TJIF Incentive disbursed and the allowable TJIF award based on the adjusted taxable value.

(Ord. No. 00-98, § 10, 7-25-00; Ord. No. 02-251, § 1, 12-3-02; Ord. No. 11-08, § 1, 2-1-11)

Sec. 2-1260. Reserved.

**Editor's note—**

Section 1 of Ord. No. 11-08, adopted Feb. 1, 2011, deleted [§ 2-1260](../level3/PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR.docx#PTIIICOOR_CH2AD_ARTLXXXVITAJOINFUPR_S2-1260RE), which contained sunset provisions, and derived from Ord. No. 00-98, adopted July 25, 2000.

Secs. 2-1261—2-1270. Reserved.

### ARTICLE LXXXVII. AIRCRAFT NOISE ABATEMENT TASK FORCE FOR OPA-LOCKA EXECUTIVE AIRPORT [[97]](#BK_5D2064FE34A5E3BF5ED48B8184DBB650)

[Sec. 2-1271. Creation.](#BK_39C659BA052B16A773B1823141D2D8C6)

[Sec. 2-1272. Purpose.](#BK_19130504BFCCE9B22A4A8FA3552CF764)

[Sec. 2-1273. Membership.](#BK_523CE2A27D361F02069331A11A31E802)

[Sec. 2-1274. Procedure.](#BK_223023E748D2E05F1395DDCB3A977805)

[Sec. 2-1275. Powers and Duties of the Board.](#BK_8036E17E271831C521FA7E51741AF15E)

[Sec. 2-1276. Staff.](#BK_4E6B7EB3BB2E73C8CAFEE96238870B83)

[Sec. 2-1277. Scheduled Meetings.](#BK_BE5CDC8F64FA9CC2C6A8DB51BB514B0C)

[Secs. 2-1278—2-1290. Reserved.](#BK_D270EDB7D243C08913FA4737069BD6BD)

Sec. 2-1271. Creation.

There is hereby created an Aircraft Noise Abatement Advisory Task Force for Opa-locka Executive Airport (the "Task Force").

(Ord. No. 08-15, § 1, 2-5-08)

Sec. 2-1272. Purpose.

The purpose of the Task Force is to discuss, evaluate and recommend to the Miami-Dade Aviation Department ("MDAD") alternatives to reduce or mitigate aircraft noise impact on the areas surrounding Opa-locka Executive Airport ("OPF").

(Ord. No. 08-15, § 2, 2-5-08)

Sec. 2-1273. Membership.

(a) *Members.* The Task Force shall consist of not fewer than seven (7) or more than nine (9) members, each of whom shall be appointed by the Mayor or designee. The Task Force is to be composed of members providing balanced representation from the communities impacted by aircraft noise at OPF, current and prospective tenants of OPF, and MDAD. The members of the Task Force shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County ("Code") and shall serve without compensation.

(b) *Term.* The members of the Task Force shall serve staggered terms of two (2) years each. Notwithstanding any other provision of the Code, no member shall be permitted to serve more than two (2) consecutive terms.

(c) *Vacancies.* Vacancies in the membership of the Task Force shall be filled in the same manner by which the original Task Force members were appointed and shall be filled within 45 days.

(d) *Removal from Office.* Notwithstanding any other provision of the Code, if any Task Force member is absent from two (2) consecutive Task Force meetings annually without an acceptable excuse, or from four (4) Task Force meetings annually without an acceptable excuse, the Task Force shall certify the same to the Mayor or designee.

(e) *Exemption from Conflict of Interest and Code of Ethics Ordinance.* Pursuant to the authority of [Section 2-11.39.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39.2APMIDECOCOINCOETOR) of the Code, the members of the Task Force are exempted from the application of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance arising from Task Force membership.

(Ord. No. 08-15, § 3, 2-5-08)

Sec. 2-1274. Procedure.

(a) *Executive Director.* An employee of MDAD shall serve as Executive Director of the Task Force.

(b) *Meetings.* A majority of the members, then in office, constitutes a quorum for the purpose of conducting business and exercising the powers of the Task Force and for all other purposes. Meetings of the Task Force shall be public and written minutes of the proceedings thereof shall be maintained. No vacancy in the membership of the Task Force shall impair the right of a quorum to exercise the right to perform all the duties of the Task Force.

(Ord. No. 08-15, § 4, 2-5-08)

Sec. 2-1275. Powers and Duties of the Board.

The Task Force shall consider present and future noise impacts arising from operations at OPF. With the assistance of staff, the Task Force shall explore, consider and recommend programs and practices that may be helpful in reducing or mitigating noise impacts.

(Ord. No. 08-15, § 5, 2-5-08)

Sec. 2-1276. Staff.

The Mayor or designee and MDAD shall provide to the Task Force adequate staff and support services to enable the Task Force to carry out its purposes.

(Ord. No. 08-15, § 6, 2-5-08)

Sec. 2-1277. Scheduled Meetings.

The Task Force shall meet no less than every three (3) months. The Task Force shall conduct quarterly meetings for the purpose of soliciting public participation and comments from OPF's surrounding communities.

(Ord. No. 08-15, § 7, 2-5-08)

Secs. 2-1278—2-1290. Reserved.

FOOTNOTE(S):

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**Editor's note—** Article LXXXVII, Aircraft Noise Abatement Task Force, §§ 2-1271—2-1278, created pursuant to Ord. No. 01-69, has sunset, and was deleted. Ord. No. 08-15 reconstituted and created a new task force which has been codified to read as herein set out. [(Back)](#BK_EBF8400B5D90850B0036E6977E71F10E)

### ARTICLE LXXXVIII. CENTURY PARC COMMUNITY DEVELOPMENT DISTRICT [[98]](#BK_2CB4DC531B8D841E212F2D44291B93B5)

[Sec. 2-1291. [Created.]](#BK_2822D86E6983D56BDE043E1031EDCB49)

[Sec. 2-1292. [Charter.]](#BK_7070F938AFDFD0B5FBFC3B98AFE899DA)

[Sec. 2-1293. [Grant of general powers.]](#BK_047B14215861BB92C18B0AA4501C5587)

[Sec. 2-1294. [Grant of special powers.]](#BK_51224F83A6FFDDA83C2F740F352DA698)

[Sec. 2-1295. [Bond validation.]](#BK_581E7127753609D54D044DF13D73681A)

[Sec. 2-1296. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_871E7DE13F2E1AADE8C11D9169815A25)

[Sec. 2-1297. [County rates, fees and charges applicable to district.]](#BK_6CFB938933E4625A1055142911BB81E5)

[Sec. 2-1298. [Power of eminent domain.]](#BK_F57E43B4F23910CA4780295D36A000B8)

[Secs. 2-1299—2-1310. Reserved.](#BK_4D142851CEAB0723B52548E5BB47B845)

Sec. 2-1291. [Created.]

The Century Parc Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 01-101, § 6, 6-5-01)

Sec. 2-1292. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Century Parc Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 01-101, § 7, 6-5-01)

Sec. 2-1293. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Century Parc Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 01-101, § 8, 6-5-01)

Sec. 2-1294. [Grant of special powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Century Parc Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal or regarding collection of any waste other than commercial or industrial), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 01-101, § 9, 6-5-01)

Sec. 2-1295. [Bond validation.]

All bonds issued by the Century Parc Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 01-101, § 10, 6-5-01)

Sec. 2-1296. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the Century Parc Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 01-101, § 11, 6-5-01)

Sec. 2-1297. [County rates, fees and charges applicable to district.]

Notwithstanding any power granted to the Century Parc Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 01-101, § 12, 6-5-01)

Sec. 2-1298. [Power of eminent domain.]

Notwithstanding any power granted to the Century Parc Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 01-101, § 13, 6-5-01)

Secs. 2-1299—2-1310. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 01-101, §§ 6—13, adopted June 5, 2001, did not specifically amend the Code; hence, its inclusion herein as article LXXXVIII, sections 2-1291—2-1298, was at the discretion of the editor. The boundaries of the district may be found attached to said ordinance as exhibit B and available in the office of the county clerk. [(Back)](#BK_A52C03426E1A542004DB80BFF706A6EB)

### ARTICLE LXXXIX. DIAL-A-LIFE PROGRAM

[Sec. 2-1311. Creation; operations.](#BK_5D0256BE038A973E5A7885EF70F60F7B)

[Sec. 2-1312. [Program board.]](#BK_A1917801A00289969544AC88826AF4EA)

[Secs. 2-1313—2-1320. Reserved.](#BK_157E60D6ED9D04F1D0E8BA6393CCD32C)

Sec. 2-1311. Creation; operations.

A. *Creation of the Dial-A-Life Program.* There is hereby created and established the Dial-A-Life Program for the purpose of collecting cellular and/or mobile telephones and distributing them to eligible members of the Miami-Dade County community for purpose of providing them access to emergency "911" services.

B. *Dial-A-Life Program Operations.*

1. *Collection from Public.* The Dial-A-Life Program is to operate through the Miami-Dade Fire Rescue Department (the "Department"). The Department shall coordinate the distribution of collection bins provided by the Miami-Dade Solid Waste Department ("Solid Waste") in at least five (5) locations throughout Miami-Dade County for the purpose of collecting discarded cellular and/or mobile telephones from members of the Miami-Dade County community ("Donors"). The Department shall also be responsible for distributing information regarding the Dial-A-Life Program, and collecting any and all information and/or forms from Donors required by the Dial-A-Life Program Board, as provided in [Section 2-1312](../level3/PTIIICOOR_CH2AD_ARTLXXXIXDILIPR.docx#PTIIICOOR_CH2AD_ARTLXXXIXDILIPR_S2-1312PRBO), below. The Department will also distribute, if requested by Donors, receipts reflecting the approximate value of the donated cellular and/or mobile telephones.

2. *County Surplus Telephones.* Notwithstanding anything in Administrative Order [8-2](../level3/PTIIICOOR_CH8BUCO_ARTIAD.docx#PTIIICOOR_CH8BUCO_ARTIAD_S8-2INFLBUCOADOPPR) or [Section 2-11.2.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.2.1DICOSUPR) of the Code of Miami-Dade County to the contrary, the County may assign surplus mobile and/or cellular telephones with no commercial value to the Dial-A-Life Program for donation in accordance with the terms and conditions of this article; provided, however, that the Board of County Commissioners first make a finding by resolution that any surplus cellular and/or mobile telephones slated for donation through the Dial-A-Life Program are obsolete, or their continued use is uneconomical or inefficient, or that they no longer serve a useful function, and that they are without commercial value. All donation of County surplus mobile and/or cellular telephones shall be in accordance with Section 274.05 or 274.06 of the Florida Statutes.

3. *Distribution to Eligible Recipients.* The cellular and/or mobile telephones collected by the Department for the Dial-A-Life Program shall be distributed to persons whose household income is less than twenty thousand dollars ($20,000.00) per year and/or who are:

(1) Living with a physical or mental disability;

(2) Over the age of sixty-five (65);

(3) Have children in the home who are at-risk or disabled; or

(4) Have been victims of domestic violence (collectively "Eligible Recipients").

The Dial-A-Life Program Board, as provided in [Section 2-1312](../level3/PTIIICOOR_CH2AD_ARTLXXXIXDILIPR.docx#PTIIICOOR_CH2AD_ARTLXXXIXDILIPR_S2-1312PRBO) below, shall establish all guidelines for the distribution of the telephones to Eligible Recipients, including, but not limited to those for: proof of income, proof of disability, and proof of domestic violence. No more than two (2) cellular and/or mobile telephones will be distributed to a household.

C. *Sunset.* The provisions of this ordinance shall sunset on June 15, 2013, unless otherwise reenacted by the Board of County Commissioners.

(Ord. No. 01-115, § 1, 7-10-01; Ord. No. 02-40, § 1, 3-12-02; Ord. No. 07-180, § 1, 12-18-07; Ord. No. 13-65, § 1, 7-2-13)

Sec. 2-1312. [Program board.]

A. *Creation of Dial-A-Life Program Board.* A Dial-A-Life Program Advisory and Oversight Board (the "Board") will be formed to oversee the collection and distribution of donated cellular and/or mobile telephones, and to report to the Board of County Commissioners the status and progress of the Dial-A-Life Program.

B. *Purpose.* The Board shall have the following rights and responsibilities:

1. To oversee the collection and disbursement of the donated mobile and/or cellular telephones;

2. To establish guidelines and application procedures for Eligible Recipients consistent with the requirements of this article.

3. To evaluate applications of potential Eligible Recipients;

4. To solicit assistance from the telecommunications industry for the repair and refurbishing of inoperable donated telephones;

5. To report to the Board of County Commissioners no less than two (2) times per year the status and progress of the Dial-A-Life Program, including the number of cellular and/or mobile telephones collected by the Program, the number of applications received by potential Eligible Recipients, the number of cellular and/or mobile telephones actually distributed to Eligible Recipients, and the cost of administering the Program.

6. To promulgate rules consistent with this article for the conduct of its meetings and the discharge of its responsibilities;

7. To perform other functions as are set forth for the Board in this article.

C. *Ratification by the Board of County Commissioners.* Any rules, guidelines, applications, or other material established by the Board in accordance with [Section 2-1312](../level3/PTIIICOOR_CH2AD_ARTLXXXIXDILIPR.docx#PTIIICOOR_CH2AD_ARTLXXXIXDILIPR_S2-1312PRBO)(B) shall be submitted to the Board of County Commission for ratification.

D. *Board Membership.*

1. *Members.* The Board shall be composed of the following members: a County Commissioner to be appointed by the Board of County Commissioners, or his or her appointee; one (1) member who shall be selected and appointed by the County Manager; one (1) member of the Miami-Dade County Fire Rescue Department who shall be appointed by the Director; one (1) representative of the telecommunications industry who shall be selected and appointed by the Board of County Commissioners; one (1) representative from a domestic violence awareness, services, and/or prevention organization who shall be selected and appointed by the Board of County Commissioners; one (1) representative from an elderly awareness, services and/or advocacy organization who shall be selected and appointed by the Board of County Commissioners; one member of the Miami-Dade County Domestic Violence Oversight Board who shall be selected and appointed by the Board of County Commissioners; one (1) representative from a community based organization dedicated to supporting families with at-risk or disabled children who shall be selected and appointed by the Board of County Commissioners; and one (1) representative from a disability awareness, services, and/or advocacy organization who shall be selected and appointed by the County Manager; and one (1) member of the Miami-Dade Enterprise Technology Services Department, or its successor, who shall be selected and appointed by the Director of that Department.

2. *Qualification.* All of the Board members shall be at least twenty-one (21) years of age and be citizens of the United States. In addition to any other qualification the Board may establish from time to time, the Board members shall be of high moral character and have demonstrated business experience and acumen.

3. *Election and Term.* Board members appointed by the Board of County Commissioners shall serve two (2) years terms and may be reappointed as approved by the Board of County Commissioners. All other Board members shall serve until the earlier of:

(i) The expiration of a two-year term from their appointment;

(ii) Their removal by a majority vote of the Board; or

(iii) Their resignation from the Board.

The foregoing shall not prohibit any Board member from serving multiple or consecutive terms, if reappointed to such position. Any Board vacancies arising due to a Board member's term expiring, removal from office, resignation, or otherwise shall be filled by the entity or person responsible for the initial appointment. By example, if a Board vacancy occurs in a position appointed by the County Manager, such vacancy shall be filled by a person selected and appointed by the County Manager of Miami-Dade County.

4. *Removal.* Any Board members may be removed with or without cause at any time by the vote of seven (7) of the eight (8) Board members entitled to vote at a special meeting of the Board members called for that purpose. New Board members to fill the vacancies thus created shall be elected and designated in accordance with [Section 2-1312](../level3/PTIIICOOR_CH2AD_ARTLXXXIXDILIPR.docx#PTIIICOOR_CH2AD_ARTLXXXIXDILIPR_S2-1312PRBO)(E)(1).

5. *Compensation.* Members of the Board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

E. *Organization of the Board.*

1. *Meetings.* The Board shall hold regular meetings, no less than four (4) times per year for calendar year 2003, and three (3) times per year for every year thereafter, and such other meetings, as it deems necessary. Three of the duly appointed and sitting members of the Board shall constitute a quorum. Minutes shall be kept of all meetings of the Board and all meetings shall be duly noticed to the public.

2. *Applicability of County rules and procedures.* The Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

3. *Attendance requirement.* Notwithstanding any other provision of this Code, any Board member shall be automatically removed if, in a given fiscal year:

(i) He or she is absent from three consecutive meetings without an acceptable excuse;

(ii) If he or she is absent from three (3) of the Board's meetings without an acceptable excuse; or

(iii) Whether excused or not, he or she misses two-thirds (2/3) of the Board's meetings in a given fiscal year.

A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Board, by a two-thirds (2/3) vote of the membership, deems appropriate. By a two-thirds (2/3) vote of the members of the full Board, the provisions of this section may be waived.

4. *Staff and Facility Support.* The County Manager and the County Attorney shall provide such staff support to the Board as may be necessary to accomplish its purpose. The County Manager will provide such facilities as the Board may deem necessary to accomplish its purposes.

(Ord. No. 01-115, § 2, 7-10-01; Ord. No. 04-18, § 1, 1-20-04; Ord. No. 04-96, § 1, 5-11-04; Ord. No. 07-43, § 1, 3-6-07; Ord. No. 07-180, § 2, 12-18-07; Ord. No. 11-18, § 1, 4-4-11)

Secs. 2-1313—2-1320. Reserved.

### ARTICLE XC. BUILDING DEPARTMENT [[99]](#BK_2E252573083206D15D916272AA004AD0)

[Sec. 2-1321. Building Department established; Director as head; qualifications.](#BK_6F5D5DB16464C1DF917794C0DFB467F1)

[Sec. 2-1321.1. Requirement of Boundary Survey.](#BK_DD545AECA0CFE1DB0099D768A42F721E)

[Sec. 2-1322. References to officials in the building code.](#BK_4F4F086BBB5DB648999ED1257DA4B944)

[Sec. 2-1323. Duties.](#BK_BC84BA3494DA261DEED39FD6BD690482)

[Sec. 2-1324. Fees.](#BK_130119D621676ED5CD8ED7C64AEDA16C)

[Sec. 2-1325. Professional certification.](#BK_40873D3301B81237DDB2EC9E9F32D679)

Sec. 2-1321. Building Department established; Director as head; qualifications.

The Building Department is established. The Manager shall appoint a Director who shall head the department and serve at the will of the Manager. At all times, the Director shall be qualified and certified as a building code administrator or building official pursuant to the requirements of State law and applicable County ordinances.

(Ord. No. 01-113, § 1, 7-10-01)

Sec. 2-1321.1. Requirement of Boundary Survey.

As part of an application for a building permit or land improvement permit which authorizes construction of a new structure or expansion of an existing structure, the permit applicant shall provide a boundary survey performed in accordance with Chapter 61G17-6.0031, Florida Administrative Code, in the event any portion of the subject property is contiguous to or across the street from a municipal boundary. It is further provided that such survey shall depict the location of any municipal boundary on or across the property being surveyed. The survey submitted shall have been updated within one year of the date of application for permit pursuant to this section. Such survey shall be forwarded to the appropriate county departments for their review for compliance with applicable county code provisions.

(Ord. No. 02-150, § 2, 9-12-02; Ord. No. 03-75, § 1, 4-8-03)

Sec. 2-1322. References to officials in the building code.

Any reference in the building code to the "Building Official" in its application to the unincorporated areas of Miami-Dade County shall mean the Director of the Building Department or his or her designee.

(Ord. No. 01-113, § 1, 7-10-01)

Sec. 2-1323. Duties.

The Director of the Building Department shall perform the duties of the Building Official throughout unincorporated Miami-Dade County all as set forth in the Building Code as that term is defined in [Chapter 8](../level2/PTIIICOOR_CH8BUCO.docx#PTIIICOOR_CH8BUCO) of this Code. The Director of the Building Department shall, through his or her lawful designees, conduct plan examinations and inspections, issue permits and certificates of occupancy, all as provided in the Building Code. The Director of the Building Department shall be responsible for the operations of the building department. The Director of the Building Department shall perform such other functions as may be set forth by Administrative Order or as may be prescribed by the County Manager.

(Ord. No. 01-113, § 1, 7-10-01)

Sec. 2-1324. Fees.

The Director of the Building Department shall be authorized to assess and collect permit fees to defray the costs of performing the functions of the department, in accordance with the schedule authorized by administrative order of the County Manager, to be approved by the Board of County Commissioners.

(Ord. No. 01-113, § 1, 7-10-01)

Sec. 2-1325. Professional certification.

(a) *General.* The Department shall have a professional certification permitting process as specifically allowed by the law of the State of Florida and subject to the terms and conditions of this Section. The expedited process set forth in this section shall be used at the option of the owner of the project and the applicant for permits for construction of structures within unincorporated Dade County. This expedited permitting process shall be an alternative to the permit process involving plans review and inspections by the Building Department, and is not intended to affect the permit review, approval and inspection process which may be performed by operation of this Code by other County departments, including, but not limited to the Department of Environmental Resources Management, Planning and Zoning, Fire, Water and Sewer or Public Works. Nothing in this article shall be construed to impair any review mandated by Federal or State law. Participation in the professional certification program shall not relieve the owner, design professional or contractor from any of their respective responsibilities for conformance with the Building Code. No approval or certification by a Responsible Person shall be deemed a waiver of any of the requirements of the Building Code. Municipalities may at their option adopt the provisions of this section through enactments of their governing authorities, whereupon they shall be entitled to participate in the registration process set forth below.

(b) *Applicability.* For the period of one hundred and eighty (180) days following the effective date of this article, this section shall govern applications for permits for new construction, additions and alterations of commercial structures contained within Building Code Occupancy Groups A, B, E, F, H, I, M and S. All Building Code occupancies will be governed by this Section commencing one hundred and eighty (180) days following its effective date.

(c) *Registration.* Architects and engineers who wish to participate in the voluntary professional certification program established by this Section shall register with the Office of Code Compliance of Miami-Dade County under their specific discipline. As a condition of registration, architects and engineers shall provide to the Chief Building Code Compliance Officer, in forms to be developed for this purpose, proof of the following:

(1) Active license as an architect under Part I of Chapter 481 of the Florida Statutes or as an engineer under chapter 471 of the Florida Statutes; and

(2) Professional errors and omissions insurance, with coverage not less than $1,000,000 per occurrence for residential construction and $2,000,000 per occurrence for commercial construction. The insurance policy shall have no deductible, except that the Board of County Commissioners may by resolution allow for a deductible as deemed necessary or advisable for the implementation of the program.

A person registered in this manner shall be referred to in this Section as a Registered Person. The Chief Building Code Compliance Officer shall maintain records of Registered Persons for each discipline and shall update such records, as required, in the event that the registration is suspended or revoked pursuant to the operation of this Section, or in the event that the Registered Person loses his or her qualifications to be so registered. In addition, the Chief Building Code Compliance Officer shall maintain records of individuals performing plans examination and inspections under this program and of such person's license and authorization to perform those services, including certification or exemption under Chapter 468 of the Florida Statutes.

(d) *Application.* The permit applicant under the expedited process must submit:

(1) Two completed sets of plans required for the work. The plans must be complete, and in accordance with all applicable codes including without limitation all laws, rules and regulations relating to building, zoning, planning, fire safety, access to the disabled, environmental protection, water and sewer and public works.

(2) Completed verification forms to be developed by the Building Department pursuant to Administrative Order, where the permit applicant makes a notation of Yes (Y) to indicate whether the item has been fulfilled, and where applicable (E) to indicate that the applicant is exempt from the requirement. The verification form shall identify the individuals who performed plans examination and who will be responsible for performing inspections in connection with the work and the disciplines they represent, and shall submit proof of authorization to perform those services. The verification shall also contain an acknowledgment by the permit applicant and the property owner that he or she has opted for the professional certification of plans and inspections provided for in this section, and disclosure language substantially as follows:

I have opted to participate in the professional certification program made available to me by operation of State law and County ordinance. I understand that under this optional program, the Building Official for Miami-Dade will not review the plans submitted or perform the code inspections, subject only to a quality assurance program established by law. Instead, plans review and inspections will be performed through licensed personnel of my choosing. The law requires minimum insurance requirements for such licensed personnel, but I understand that I may require more insurance to protect my interests. By executing this form I acknowledge that I have made inquiry regarding the competence of the licensed personnel and the levels of their insurance and am satisfied that my interests are adequately protected.

(3) Any required supporting documentation specifically identified in the verification form.

(4) An affidavit or affidavits duly executed by a Registered Person, under his/her specific discipline certifying, to the extent required by the Florida Building Code, the following:

(i) The plans submitted conform to the technical codes, including the Building Code. The plans conform to the laws as to egress, type of construction and general arrangement and show the structural design. The plans and design conform to the requirements of the building codes as to strength, stresses, strains, loads and stability.

(ii) The plans review was performed by the individuals identified in the permit application form who are duly authorized by law to perform those duties.

(iii) The inspection duties will be performed by the individuals identified in the permit application who are duly authorized to perform those duties.

(5) For threshold buildings, the structural inspection plan required in accordance with Section 553.79 of the Florida Statutes. In addition, the Registered Person shall agree by submitting the affidavit:

(i) To submit timely to the Building Official of Miami-Dade County copies of inspection reports as inspections are performed. Failure to submit reports may result in the revocation of the permit or the issuance of a stop work order.

(ii) To submit to the Building Official upon completion of the work a certification that the structure, electrical, gas, mechanical, or plumbing system, as applicable, has been constructed in accordance with all provisions of the technical codes and other pertinent laws or ordinances.

(iii) To assume full responsibility for review of plans and inspection of construction for compliance with all provisions of the technical codes, including the Building Code, acknowledging that the Building Department will rely on the truth and accuracy of this statement.

The Building Official shall be authorized to accept a properly executed affidavit verified by Registered Persons representing the various disciplines of architecture and engineering. The design professional who signed and sealed the plans shall not serve as the Registered Person for the construction. A person who holds a financial interest in the construction shall not be authorized to serve as Registered Person. For these purposes, a partner, employee, or shareholder of a developer, owner or contractor submitting the permit application or a participant in a design-build team together with a contractor submitting the application shall be deemed to hold a financial interest in the construction.

(6) All applicable fees, including a permit fee to be established by administrative order which shall be used to defray the cost of clerical review of the application for completeness and the cost of the quality control system established pursuant to this Section.

(e) *Review of application.* Upon receipt of a complete application, the plans and application shall be reviewed by other County departments having jurisdiction. Following all required approvals, the Building Official shall stamp the plans "Permit Issued by Affidavit" and return the job copy to the applicant together with the permit for construction not later than ten (10) days following submission of a complete permit application.

Applicants will be notified of a rejected submission. A permit application may be resubmitted to the Building Department by the applicant when all required information has been compiled.

(f) *Effect of application.* The Building Official shall accept a properly completed application, and authorize the construction without further examination or inspection subject to the quality control provisions of this Section. Applicants who file under the professional certification option cannot subsequently request plan examination, approval or inspection under the same permit application, but may request cancellation of the permit. Upon such cancellation, the permit applicant may file a new permit application which shall be treated as an application for a new permit, subject to all applicable requirements for fees, plans review, examination and inspection. Applicants may also request in writing, in forms to be developed for this purpose, the interpretation or reconsideration of an issue related to the Building Code or technical codes in advance of filing the application. Such interpretation may be rendered by the responsible official, in writing, and a copy of the same will become part of the application. The Building Official shall be authorized to establish a fee to defray the cost of these services in the administrative order which implements this Section.

(g) *Amendment.* Any and all amendments to the permit application and related construction documents must be submitted to the Building Department, also certified. For good cause shown, the Building Official may permit the substitution of the Registered Person or any person performing examination or inspection services, provided that the substitute person also satisfies the requirements of this Section and an amendment to the permit application is properly filed.

(h) *Inspections.* The permit holder shall provide to the Building Official notice of the request to perform an inspection mandated by the Building Code at least one working day in advance of such inspection. Inspections performed by inspectors qualified pursuant to this Section shall be recorded in a form acceptable to the Building Official. Such inspection records shall reflect all inspections performed, including the mandatory inspections required by the Building Code. The inspection records shall be maintained at the job site, and in the files of the Registered Person, available for review and inspection by the Building Official. The Registered Person shall report immediately to the Building Official:

(1) Any condition which poses an imminent threat to the safety of persons or property; or

(2) The presence of any known violation of the Building Code which the contractor has failed or refused to correct.

Nothing in this Section shall be construed to make the Registered Person the guarantor of the construction or in any way responsible for the means and methods of the construction. In performing the inspection duties, the Registered Person shall be responsible for observing and reporting those aspects of the construction which would be observable through the exercise of due care during an inspection visit. To satisfy the requirements of this Section, the Registered Person shall only be responsible for performing those inspections specifically provided for in the Building Code or requested by the Building Official pursuant to the Building Code. For threshold buildings, the Registered Person shall be responsible for compliance with the requirements of Section 553.79 of the Florida Statutes, including the performance of inspections through a person qualified as a special inspector, and submission of the required written reports of the Building Official.

(i) *Certificate of Occupancy.* Upon receipt of the certification by the Registered Person set forth in [2-1325](../level3/PTIIICOOR_CH2AD_ARTXCBUDE.docx#PTIIICOOR_CH2AD_ARTXCBUDE_S2-1325PRCE)(d)(4)(v) and all inspection reports relating to all mandatory inspections as set forth in [2-1325](../level3/PTIIICOOR_CH2AD_ARTXCBUDE.docx#PTIIICOOR_CH2AD_ARTXCBUDE_S2-1325PRCE)(d)(4)(iv), the Building Official shall issue a certificate of occupancy or completion for the construction.

(j) *Quality control.*

(1) The County, through its officials entrusted with the responsibility of performing plans reviews and approvals, shall perform audit review of at least 20 percent of all plans submitted through the affidavit program within thirty (30) days of permit issuance. The review will represent a random sample of construction types, prioritized based on public safety impact and anticipated completion date of construction. The review will place primary emphasis on the following issues; structural integrity, fire and occupant safety, egress requirements, sanitary facilities, and access to persons with disabilities.

(2) The County, through its officials entrusted with the responsibility of performing building inspections, shall perform quality assurance inspection representing at least 50 percent of all inspections identified in the Building Code as mandatory. The quality assurance inspections will be performed to determine job progress, compliance with approved permit documents, and of violations, if any, of the Building Code. The inspections will represent a random sample of construction types, placing primary emphasis on foundation, framing and accessibility inspections. The inspections performed by the Building Department shall be for quality assurance purposes only, and shall not relieve the Registered Person for each discipline of any obligation to perform the inspections and issue the certifications provided in this Section.

(3) The Building Official shall, through the County Manager, make an immediate report to the Board of County Commissioners upon the occurrence of any of the following conditions:

(i) Failure of the Building Department to conduct quality assurance inspections representing a minimum of twenty (20) percent of all minimum mandatory inspections for a continuous period of three (3) months;

(ii) Failure of the Building Department to conduct the minimum quality assurance plans examinations set forth in this section for a continuous period of three (3) months;

(iii) A period of emergency, involving extraordinary permitting, plans examination or inspection activities;

(iv) Any other condition which the County Manager certifies to involve a public emergency or which may compromise the County's ability to perform the quality assurance program set forth in this section.

Upon receipt of such report, the Board of County Commissioners may by resolution suspend or modify the permit by affidavit program as necessary to address the reported condition.

(4) The Miami-Dade County Inspector General shall oversee the permit by affidavit program and provide periodic reports to the Board of County Commissioners regarding its operation.

(k) *Violations.*

(1) The Building Official may revoke a permit and issue a stop work order, or refuse to issue a certificate of occupancy in the event that the Building Official determines, through the quality assurance program, that any of the following conditions exist:

(i) A material misrepresentation in the permit application.

(ii) A significant error or omission in the permit documents that is not addressed, to the reasonable satisfaction of the Building Official, within ten (10) working days of notification to the permit applicant.

(iii) Loss of certification under chapter 468 or Professional Registration or registration by any of the personnel used for plans examination or responsible for inspection of the work.

(iv) Construction that violates the Building Code, or other technical codes, which deficiency is not corrected to the reasonable satisfaction of the Building Official within ten (10) days of notification to the permit applicant, or such other reasonable time as may be established by the Building Official.

(2) The Building Official may issue a stop work order, revoke a permit immediately, or refuse to issue a certificate of occupancy or completion if he or she discovers a condition which poses an imminent threat to the safety of persons or property.

(3) The Building Official may also revoke a permit for failure of the Registered Person to submit an inspection report of work in progress, as required by this Section, for a period of one hundred eighty (180) days, except for good cause shown within ten (10) days following written notification by the Building Official to the permit applicant.

(l) *Dispute resolution.* In the event of a disagreement with the Building Official regarding building construction conformance with the Building Code or technical codes, it shall be the Registered Person's responsibility to meet with the Building Official and make a reasonable effort to attempt an informal resolution of any disagreements. If the Building Official and Registered Person are unable to resolve the conflict informally, then the matter must be immediately referred to the Board of Rules and Appeals which must consider the matter at its next scheduled meeting or sooner as may be required by the Building Official. The decision of the Building Official shall be in effect during the pendency of any such appeal to the Board of Rules and Appeals.

(m) *Suspension or exclusion.* The Building Official in his or her discretion may suspend or exclude an owner, permit applicant, constructor or Registered Person from participating in the professional certification program established in this section for:

(1) Violations of the provisions of this section which are not remedied to the satisfaction of the Building Official;

(2) Three (3) or more violations of the provisions of this section;

(3) Three (3) or more submissions of applications which are incomplete or incorrect;

(4) Material misrepresentations or fraud in permit applications;

(5) The existence of any condition which poses the threat of imminent bodily harm to the public;

(6) Revocation of permit.

In addition, a Registered Person shall be suspended from participation in the program of permit by affidavit during the pendency of any disciplinary proceeding based upon the referral of a complaint by the Building Official against such person before the state board regulating his or her profession.

The Building Official shall give to the affected person written notice of any decision to suspend or exclude such person. The decision of the Building Official shall be final, subject only to appeal to the Board of Rules and Appeals of Miami-Dade County, within thirty (30) days of rendition of the decision.

Exclusion from the program of permit by affidavit shall be in addition to, and not in derogation of, other remedies provided by law for violation of professional responsibilities.

Reinstatement to the program shall be at the discretion of the Board of Rules and Appeals, upon petition and showing of education, redress of any problems causing the suspension or exclusion and other remedial measures relating to identified deficiencies.

(n) *Evaluation of program.* The Building Official shall maintain records on the professional certification program established by this Section with a view towards the evaluation of its effectiveness in expediting the permit and inspection process consistent with protecting the health and safety of the public. In particular, the Building Official shall maintain records on the use of the program, the number of rejected applications, and the results of the quality assurance program. The County Manager shall report the results of the program, with recommendations, to the Board of County Commissioners, every six (6) months.

(o) *Administrative Order.* The provisions of this section shall be implemented through an administrative order to be approved by the Board of County Commissioners. The administrative order shall also contain provisions for an optional expedited plan review service to be implemented by the Building Department which shall contain a fee for such optional service.

(Ord. No. 01-113, § 1, 7-10-01)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 01-113, § 1, adopted July 10, 2001, added a new article LXXXVI, sections 2-1261—2-1265. To avoid duplication of articles, the provisions of said ordinance have been included herein as article XC, §§ 2-1321—2-1325, at the discretion of the editor. [(Back)](#BK_65D7FC417E532D9E434EF27C2B1E1782)

### ARTICLE XCI. SOUTH-DADE VENTURE COMMUNITY DEVELOPMENT DISTRICT [[100]](#BK_75EE8FB7F7311F6F2B0A9B7CB0357B81)

[Sec. 2-1326. [Created.]](#BK_AA9ECF389BDE4B2D4C03B91BD95DDE7F)

[Sec. 2-1327. [Charter.]](#BK_E061FC34B066E441213D9E55C483086E)

[Sec. 2-1328. [Grant of general powers.]](#BK_8385F6DBB9C4B3F5778F477C222CDBDA)

[Sec. 2-1329. [Grant of specific powers.]](#BK_138AB5FB18DEC5964876B79C6765FCFE)

[Sec. 2-1330. [Bond validation.]](#BK_20A51AAAAC72E1347A67EC2091D7B9F7)

[Sec. 2-1331. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_DBE8330B2765C9101C56872E8741DDC4)

[Sec. 2-1332. [County rates, fees and charges applicable to district.]](#BK_3F65A80A8E5E885A329174CE951FF5AD)

[Sec. 2-1333. [Power of eminent domain.]](#BK_DEC37EA8FEE2E4D9AF4A231288DB1E11)

Sec. 2-1326. [Created.]

The South-Dade Venture Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 01-194, § 6, 11-20-01)

Sec. 2-1327. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the South-Dade Venture Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 01-194, § 7, 11-20-01)

Sec. 2-1328. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the South-Dade Venture Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 01-194, § 8, 11-20-01)

Sec. 2-1329. [Grant of specific powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the South-Dade Venture Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 01-194, § 9, 11-20-01)

Sec. 2-1330. [Bond validation.]

All bonds issued by the South-Dade Venture Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 01-194, § 10, 11-20-01)

Sec. 2-1331. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the South-Dade Venture Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami Dade Board of County Commissioners.

(Ord. No. 01-194, § 11, 11-20-01)

Sec. 2-1332. [County rates, fees and charges applicable to district.]

Notwithstanding any power granted to the South-Dade Venture Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 01-194, § 12, 11-20-01)

Sec. 2-1333. [Power of eminent domain.]

Notwithstanding any power granted to the South-Dade Venture Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 01-194, § 13, 11-20-01)

FOOTNOTE(S):

--- (**100**) ---

**Editor's note—** Ord. No. 01-194, §§ 6—13, adopted Nov. 20, 2001, did not specifically amend the Code. Hence, its inclusion herein as article XCI, §§ 2-1326—2-1333, was at the discretion of the editor. [(Back)](#BK_CD8F8F7318CAE5AE254B0B9AB5F60A60)

### ARTICLE XCII. COMMUNITY IMAGE ADVISORY BOARD [[101]](#BK_7B4F53DEA131E16F1C397785B143E5D1)

[Sec. 2-1334. Purpose.](#BK_34C78D61B51D8DD7DC16F60F0A9BB040)

[Sec. 2-1335. Organization of the board.](#BK_C909544367EFDCFDDC8D84E1C3DDF66A)

[Sec. 2-1336. Function.](#BK_511D99FBFC0DE7B1101CA0A218111997)

[Secs. 2-1337—2-1340. Reserved.](#BK_9EA6C2942CF30893D5442CC1CE9AEDC1)

Sec. 2-1334. Purpose.

The Advisory Board shall be responsible for establishing the yearly Community Image plans, including budget and initiative priorities, based on the following Community Image 2000 Goals:

(1) The proper maintenance of grass in and around our main roadways and transportation gateways;

(2) The continued enhancement of our main roadways and transportation gateways through the replacement of unhealthy or damaged landscaping;

(3) The enhancement of areas under overpasses and bridges;

(4) The establishment of a standard color-scheme for bridge overpasses;

(5) The proper maintenance around the Metrorail and Metromover system and the creation of exciting designs through lighting, painting, and cosmetic changes to the Metrorail and Metromover trains;

(6) The elimination of litter and trash on our main roadways and transportation gateways;

(7) The clearance of roadway intersections and emergency lanes of debris;

(8) The enhancement of all roadways serving major tourist transportation terminals, such as the airport, seaport, and train station;

(9) The enhancement of water retention areas near major roadways through the use of lighting and fountains.

(10) The education of the community regarding the goals of the Advisory Board, especially roadway and transportation gateway beautification.

(Ord. No. 01-164, § 2, 10-23-01; Ord. No. 02-31, § 1, 2-26-02)

Sec. 2-1335. Organization of the board.

1. *Membership.* The Advisory Board shall be made up of the following members:

a. A representative from Florida Department of Transportation;

b. A representative from the Miami-Dade County Solid Waste Department;

c. A representative member from Team Metro;

d. A representative from each municipality located within Miami-Dade County;

e. A representative from West Kendall;

f. A representative from the Miami-Dade County Public Works Department;

g. A representative from the Miami-Dade Transit Agency;

h. A representative from the Miami-Dade County Park and Recreation Department;

i. A representative from the County Manager's Office;

j. A Miami-Dade County Commissioner from each Commission District or his or her designee;

k. A representative from the Expressway Authority;

l. A representative from the Miami-Dade County Aviation Department;

m. A representative from the Miami-Dade County Seaport;

n. A representative from the Miami-Dade Planning & Zoning Department;

o. A representative from the Metropolitan Planning Organization ("MPO");

p. A representative from Miami-Dade County Public Schools;

q. A representative from Transportation Aesthetics Review Committee ("TARC");

r. A representative from the Citizen's Transportation Advisory Committee ("CTAC");

s. A representative from the Homestead/Florida City Chamber of Commerce;

t. A representative from the Greater Miami Chamber of Commerce;

u. A representative from the Greater Miami Convention and Visitors Bureau;

v. A representative from the Downtown Development Authority;

w. A representative from the Miami-Dade League of Cities;

x. A representative from Amtrak;

y. A representative from Tri-Rail.

z. A representative on behalf of the media sector.

2. *Appointment of members.* The County Manager shall contact each of the organizations, companies, and municipalities referenced in Section (1) above, and shall request that each of these organizations, companies, and municipalities submit the names of at least one (1) interested and eligible nominee. The nominee from West Kendall shall be selected by the Commissioner from District 11. These nominees shall be submitted to the Board of County Commissioners in the form of a report for approval and appointment to the Advisory Board.

3. *Meetings.* The Advisory Board shall hold regular meetings, no less than six times per year, and such other meetings as it deems necessary. Ten (10) of the duly appointed and sitting members of the Advisory Board shall constitute a quorum. Minutes shall be kept of all meetings of the Advisory Board and all meetings shall be duly noticed to the public.

4. *Applicability of County Rules and Procedures.* The Advisory Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

5. *Attendance requirement.* Notwithstanding any other provision of this Code, any Advisory Board member shall be automatically removed if, in a given fiscal year he or she is absent from more than 50% of the year's meetings. A member shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five percent of the time. By a one-third (1/3) vote of the members present, the provisions of this section may be waived.

6. *Compensation.* Members of the Advisory Board shall serve without compensation, but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

7. *Staff and Facility Support.* The County Manager and the County Attorney shall provide such staff support to the Advisory Board as may be necessary to accomplish its purpose. The County Manager will provide such facilities as the Advisory Board may deem necessary to accomplish its purposes.

(Ord. No. 01-164, § 2, 10-23-01; Ord. No. 02-31, § 1, 2-26-02; Ord. No. 03-215, § 1, 10-7-03)

Sec. 2-1336. Function.

1. Submittal of Semi-annual Reports. The Advisory Board shall be responsible for providing two (2) reports per year for the duration of its existence, the first of which shall be submitted to the Board within three (3) months following the passage of this article or the first meeting of the Advisory Board, whichever is later. Each subsequent semi-annual report will be submitted within six (6) months following the submittal of the prior report, but provided that no more than two (2) reports need be presented to the Board of County Commissioners in one (1) year. For purposes of this article, a year shall be the 365 contiguous days following the submittal of the first Semi-annual report, regardless of whether those 365 days fall in a single calendar year.

2. Contents of the Semi-annual Reports. The first semi-annual report in a given year shall contain the Advisory Board's prioritization of the Community Image Goals, as set forth in Section 2 (A), above, with the highest priority given to the Community Image Goal most necessary for the enhancement of tourism. This report will include an analysis detailing which County departments, if any, have an existing responsibility and budget allotment to undertake the Community Image Goal. The second semi-annual report will provide an action plan for each of the Goals, including which County departments should be responsible to undertake the proposed action(s). The second semi-annual report will detail the approximate budget required for each of the proposed actions, shall constitute the final Community Image plan to be submitted to the Board for consideration, and will contain the Advisory Committee's final action plan based on the priorities and budgets contained therein.

3. The Advisory Board may promulgate rules consistent with this article for the conduct of its meetings and the discharge of its responsibilities under this article. Any rules promulgated by the Advisory Board under this section shall be submitted to the Board of County Commissioners for ratification.

4. Implementation of the Community Image Plan. It shall be the responsibility of the County Manager to implement the elements of the plans that she or he, in her or his discretion, determines are in the best interest of the County.

(Ord. No. 01-164, § 2, 10-23-01; Ord. No. 02-31, § 1, 2-26-02; Ord. No. 03-215, § 2, 10-7-03)

Secs. 2-1337—2-1340. Reserved.

FOOTNOTE(S):

--- (**101**) ---

**Editor's note—** Ord. No. 01-164, § 2, adopted Oct. 23, 2001, did not specifically amend the Code. Hence, its inclusion herein as article XCII, §§ 2-1334—2-1336, was at the discretion of the editor. [(Back)](#BK_3970539C64B9C438A4892DB9258991F8)

### ARTICLE XCIII. VENETIAN ISLES COMMUNITY DEVELOPMENT DISTRICT [[102]](#BK_0D2A25728311C6259D1DEF5CCB999F11)

[Sec. 2-1341. [Created.]](#BK_54C9BF9DFB22D14D712C76F7622749AE)

[Sec. 2-1342. [Charter.]](#BK_CA9EABF5A0D8B0BED36ABFCD1D2BE072)

[Sec. 2-1343. [Grant of general powers.]](#BK_96FCC4FF13D6F8CE6BE0C994A52C1C18)

[Sec. 2-1344. [Grant of special powers.]](#BK_130D24D736FBF075B4362646975934F3)

[Sec. 2-1345. [Bond validation.]](#BK_160917ED1E49BA11D22F9737D9A2A8F5)

[Sec. 2-1346. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_F57879E6673596AE3DBA63AC7A7A8269)

[Sec. 2-1347. [County rates, fees and charges applicable to the district.]](#BK_27015EC7F90065E07F636CC887AAD560)

[Sec. 2-1348. [Power of eminent domain.]](#BK_5C03657BC630F5CF33F2E6C632CAF422)

[Secs. 2-1349—2-1360. Reserved.](#BK_55D1A125D5E6E5D2A276C28DD89E2EA5)

Sec. 2-1341. [Created.]

The Venetian Isles Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 02-60, § 6, 4-23-02)

Sec. 2-1342. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Venetian Isles Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 02-60, § 7, 4-23-02)

Sec. 2-1343. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Venetian Isles Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 02-60, § 8, 4-23-02)

Sec. 2-1344. [Grant of special powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Venetian Isles Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 02-60, § 9, 4-23-02)

Sec. 2-1345. [Bond validation.]

All bonds issued by the Venetian Isles Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 02-60, § 10, 4-23-02)

Sec. 2-1346. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the Venetian Isles Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 02-60, § 11, 4-23-02)

Sec. 2-1347. [County rates, fees and charges applicable to the district.]

Notwithstanding any power granted to the Venetian Isles Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, or special taxing districts special assessments, which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 02-60, § 12, 4-23-02)

Sec. 2-1348. [Power of eminent domain.]

Notwithstanding any power granted to the Venetian Isles Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 02-60, § 13, 4-23-02)

Secs. 2-1349—2-1360. Reserved.

FOOTNOTE(S):

--- (**102**) ---

**Editor's note—** Ord. No. 02-60, §§ 6—13, adopted April 23, 2002, did not specifically amend the Code. Hence, its inclusion herein as article XCIII, §§ 2-1341—2-1348, was at the discretion of the editor. [(Back)](#BK_BC03F39E512A4D742226366070BFF35B)

### ARTICLE XCIV. KENDALL BREEZE COMMUNITY DEVELOPMENT DISTRICT [[103]](#BK_1D71B2747EE5701F58DADA327C861448)

[Sec. 2-1361. [Created.]](#BK_CB4FAFC789B2F096EB8F844F39715294)

[Sec. 2-1362. [Charter.]](#BK_6E8FF0A448597FA25BDA332145593148)

[Sec. 2-1363. [Grant of general powers.]](#BK_4C045A85272905CBA23F515C981AC88D)

[Sec. 2-1364. [Grant of special powers.]](#BK_90DCE11E0B94D96BDF19FBE6E8A27C8A)

[Sec. 2-1365. [Bond validation.]](#BK_67B6DE5941B4535FEEDD8487FBF398F0)

[Sec. 2-1366. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_535DD4BBCC772FD26CDCE5BEF73D562C)

[Sec. 2-1367. [County rates, fees and charges applicable to the district.]](#BK_D5A0E0B0DFD67007BE4DD520E7208758)

[Sec. 2-1368. [Power of eminent domain.]](#BK_8606217DEC41114979631A19BF6AD278)

[Secs. 2-1369—2-1380. Reserved.](#BK_998EA6E4D5DD6B7EB83A7D2C048C47C6)

Sec. 2-1361. [Created.]

The Kendall Breeze Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 02-59, § 6, 4-23-02)

Sec. 2-1362. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Kendall Breeze Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 02-59, § 7, 4-23-02)

Sec. 2-1363. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Kendall Breeze Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 02-59, § 8, 4-23-02)

Sec. 2-1364. [Grant of special powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Kendall Breeze Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 02-59, § 9, 4-23-02)

Sec. 2-1365. [Bond validation.]

All bonds issued by the Kendall Breeze Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 02-59, § 10, 4-23-02)

Sec. 2-1366. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the Kendall Breeze Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 02-59, § 11, 4-23-02)

Sec. 2-1367. [County rates, fees and charges applicable to the district.]

Notwithstanding any power granted to the Kendall Breeze Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, or special taxing districts special assessments, which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 02-59, § 12, 4-23-02)

Sec. 2-1368. [Power of eminent domain.]

Notwithstanding any power granted to the Kendall Breeze Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 02-59, § 13, 4-23-02)

Secs. 2-1369—2-1380. Reserved.

FOOTNOTE(S):

--- (**103**) ---

**Editor's note—** Ord. No. 02-59, §§ 6—13, adopted April 23, 2002, did not specifically amend the Code. Hence, its inclusion herein as article XCIV, §§ 2-1361—2-1368, was at the discretion of the editor. [(Back)](#BK_7CC8CD2255369CBC62263F044F98B43B)

### ARTICLE XCV. PENTATHLON COMMUNITY DEVELOPMENT DISTRICT [[104]](#BK_8A793D783E2C4B1CD4419B1B5F2004A6)

[Sec. 2-1381. [Created.]](#BK_33DA32AFDF4D7C6313AAE4D5292D970C)

[Sec. 2-1382. [Charter.]](#BK_5B516C33D52A1CC2FADBFC1150CFDCEA)

[Sec. 2-1383. [Grant of general powers.]](#BK_DA3D5C5A0C84EF999E52268DAA42B889)

[Sec. 2-1384. [Grant of special powers.]](#BK_238170402610D0D641ED1019334EB5D4)

[Sec. 2-1385. [Bond validation.]](#BK_E3208B53F76F8F81E3F72BC806E9A1E3)

[Sec. 2-1386. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_BE5EA7A6F0447CA069B373C57DBF5230)

[Sec. 2-1387. [County rates, fees and charges applicable to the district.]](#BK_B636C861910E8E006F55C0E07A6814EA)

[Sec. 2-1388. [Power of eminent domain.]](#BK_B314DAC9D43BB8DB9FF29B747BFFECEE)

[Secs. 2-1389—2-1400. Reserved.](#BK_AC1DDAA33188B7F28234F8F2BDBE15EB)

Sec. 2-1381. [Created.]

The Pentathlon Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 02-58, § 6, 4-23-02)

Sec. 2-1382. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Pentathlon Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 02-58, § 7, 4-23-02)

Sec. 2-1383. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Pentathlon Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 02-58, § 8, 4-23-02)

Sec. 2-1384. [Grant of special powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Pentathlon Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 02-58, § 9, 4-23-02)

Sec. 2-1385. [Bond validation.]

All bonds issued by the Pentathlon Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 02-58, § 10, 4-23-02)

Sec. 2-1386. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the Pentathlon Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 02-58, § 11, 4-23-02)

Sec. 2-1387. [County rates, fees and charges applicable to the district.]

Notwithstanding any power granted to the Pentathlon Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 02-58, § 12, 4-23-02)

Sec. 2-1388. [Power of eminent domain.]

Notwithstanding any power granted to the Pentathlon Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 02-58, § 13, 4-23-02)

Secs. 2-1389—2-1400. Reserved.

FOOTNOTE(S):

--- (**104**) ---

**Editor's note—** Ord. No. 02-58, §§ 6—13, adopted April 23, 2002, did not specifically amend the Code. Hence, its inclusion herein as article XCV, §§ 2-1381—2-1388, was at the discretion of the editor. [(Back)](#BK_24E0CA70CD216E0DDAB4A8783DFAF678)

### ARTICLE XCVI. TRAILS AT MONTEREY COMMUNITY DEVELOPMENT DISTRICT [[105]](#BK_177D2970B9E083A2F1235DF74C0CF701)

[Sec. 2-1401. [Created.]](#BK_156517F8E8D3CCD4FD4B1FA9A3AE98D0)

[Sec. 2-1402. [Charter.]](#BK_BF572A2BD8BE79BDE082C53170A6FAF8)

[Sec. 2-1403. [Grant of general powers.]](#BK_A458ACA13E436DDC9E7FF1A6B904741B)

[Sec. 2-1404. [Grant of special powers.]](#BK_508760837AED1374588F258BF794DBC9)

[Sec. 2-1405. [Bond validation.]](#BK_1C4D510E58CF0511A9ADF3F0DC1548B1)

[Sec. 2-1406. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_D337B45284C9571C230366FA5EC2855B)

[Sec. 2-1407. [County rates, fees and charges applicable to district.]](#BK_FFD6ABF6E2ABE25E983D2BD4EBC3D646)

[Sec. 2-1408. [Power of eminent domain.]](#BK_8190FB22D3BFA7A69FF1D5FE5E115C8D)

[Secs. 2-1409—2-1420. Reserved.](#BK_77C00CFDEF8411F9603EACE48A8EF823)

Sec. 2-1401. [Created.]

The Trails at Monterey Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 02-124, § 6, 7-9-02)

Sec. 2-1402. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Trails at Monterey Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 02-124, § 7, 7-9-02)

Sec. 2-1403. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Trails at Monterey Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 02-124, § 8, 7-9-02)

Sec. 2-1404. [Grant of special powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Trails at Monterey Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 02-124, § 9, 7-9-02)

Sec. 2-1405. [Bond validation.]

All bonds issued by the Trails at Monterey Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 02-124, § 10, 7-9-02)

Sec. 2-1406. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the Trails at Monterey Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 02-124, § 11, 7-9-02)

Sec. 2-1407. [County rates, fees and charges applicable to district.]

Notwithstanding any power granted to the Trails at Monterey Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the District shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 02-124, § 12, 7-9-02)

Sec. 2-1408. [Power of eminent domain.]

Notwithstanding any power granted to the Trails at Monterey Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 02-124, § 13, 7-9-02)

Secs. 2-1409—2-1420. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 02-124, §§ 6—13, adopted July 9, 2002, did not specifically amend the Code. Hence, its inclusion herein as article XCVI, §§ 2-1401—2-1408, was at the discretion of the editor. [(Back)](#BK_9D429F069C0D31190A512BF1F7CA5212)

### ARTICLE XCVII. CITIZENS' INDEPENDENT TRANSPORTATION TRUST [[106]](#BK_A9A00262D4B60BB80A3E27FC580FBC91)

[Sec. 2-1421. Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.](#BK_864D9FEE0015537D77118283CD2487CF)

[Secs. 2-1422—2-1430. Reserved.](#BK_E4C61A5582DF53E483F7C5007A7B0ACF)

Sec. 2-1421. Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

(a) *Creation.* A Citizens' Independent Transportation Trust ("Trust") is hereby created. The Trust will have fifteen (15) members: one residing in each of Miami-Dade County's thirteen commission districts, one appointed by the Mayor without regard to such appointee's district of residence, and one appointed by the Miami-Dade League of Cities without regard to such appointee's district of residence. Members of the Trust shall be residents of Miami-Dade County who possess outstanding reputations for civic involvement, integrity, responsibility, and business and/or professional ability and experience or interest in the fields of transportation mobility improvements or operations, or land use planning. No person shall be eligible to serve as a member of the Trust who has any interest, direct or indirect, in a contract with the County or in any corporation, partnership or other entity that has a contract with the County, or who is a member of a community council. The Trust and the Nominating Committee, as defined below, will be comprised of members who are representative of the geographic, ethnic, racial and gender make-up of the County.

(b) *Initial members.* The initial members of the Trust shall be nominated and appointed in the manner set forth in this subsection. The Board of County Commissioners shall appoint a nominating committee (the "Nominating Committee") comprised of seventeen (17) members as set forth below who are representative of the geographical, ethnic, racial and gender make-up of the County:

(1) The Executive Director of the Miami-Dade League of Cities or one of the League's officers shall serve as a member of the Nominating Committee;

(2) The Chairperson of the United Way or his or her designee shall serve as a member of the Nominating Committee;

(3) The Chairperson of the Greater Miami Visitors and Convention Bureau or his or her designee shall serve as a member of the Nominating Committee;

(4) The Chairperson of the Citizen's Transportation Advisory Committee or his or her designee shall serve as a member of the Nominating Committee;

(5) The Chairpersons of the Community Councils shall meet and shall, by majority vote, appoint one member of the Nominating Committee;

(6) The Chair of the Ethics Commission or his or her designee;

(7) The President or CEO of the Urban Environment League shall appoint one member of the Nominating Committee;

(8) The President or CEO of the local branch of the Urban League shall appoint one member of the Nominating Committee;

(9) The President or CEO of the Alliance for Aging shall appoint one member of the Nominating Committee;

(10) The President or CEO of the Miami-Dade Branch NAACP shall appoint one member of the Nominating Committee;

(11) The President or CEO of the Coalition of Chambers shall appoint one member of the Nominating Committee;

(12) The President or CEO of Florida International University shall appoint one member of the Nominating Committee;

(13) The President or CEO of Miami-Dade Community College shall appoint one member of the Nominating Committee;

(14) The President or CEO of People Acting for the Community Together (P.A.C.T.) shall appoint one member of the Nominating Committee;

(15) The President or CEO of Underrepresented People's Positive Action Council (UP-PAC) shall appoint one member of the Nominating Committee;

(16) The Executive Director of the local chapter of the League of Women Voters shall appoint one member of the Nominating Committee; and

(17) The Executive Director of the Haitian American Grass Roots Coalition shall appoint one member.

The Nominating Committee shall submit a slate of four (4) candidates from each Commission District to the Commissioner of each District for selection. The District Commissioner must select from the slate submitted by the Nominating Committee; however, the District Commissioner may request one additional slate of entirely new nominations. The Board of County Commissioners shall ratify each District Commissioner's selection. The Nominating Committee shall submit a slate of four (4) candidates without regard to district to the Miami-Dade League of Cities for selection. The Miami-Dade League of Cities must select from the slate submitted by the Nominating Committee; however, the League may request one additional slate of entirely new nominations. The Nominating Committee shall also submit a slate of four (4) candidates without regard to district to the Mayor for selection. The Mayor must select from the slate submitted by the Nominating Committee; however, the Mayor may request one additional slate of entirely new nominations.

(c) *Term of initial members.* The initial members from Districts 1 to 5, inclusive, shall serve two-year terms; the initial members from Districts 6 to 9, inclusive, shall serve three-year terms; and, the initial members from Districts 10 to 13, inclusive, shall serve four-year terms. The selection of the Mayor shall serve an initial term of four years. The selection of the Miami-Dade League of Cities shall serve an initial term of two years. The foregoing notwithstanding, such initial terms shall be subject to automatic expiration as provided in subsection (c) of [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of this Code provided however, a District Commissioner appointed Trust member may continue to serve until the appointment and ratification of the succeeding District Commissioner's selection.

(d) *Subsequent membership and term.* Any vacancy on the Trust that occurs after appointment of the initial membership, as well as appointment of successors to those members whose terms have expired shall be filled directly by appointment of the Commissioner for the district for in which a vacancy occurs, or, in the case of a vacancy in a Miami-Dade League of Cities appointment shall be filled by appointment of the League, or, in the case of a vacancy in a mayoral appointment shall be filled by appointment of the Mayor. Such appointments shall be made from a slate submitted by the Nominating Committee in accordance with subsection (b) pertaining to initial members, and shall have the qualifications for Trust membership set forth in subsection (a) above. The foregoing notwithstanding, an incoming District Commissioner or Mayor may elect to re-appoint his or her predecessor's currently serving appointee, in which case there shall be no need for the Nominating Committee to submit a slate of candidates for such vacancy. The term of any Trust member appointed or re-appointed pursuant to this subsection after the initial terms set forth in (c) above shall be for a term of four years, and in the case of Commissioner or Mayor appointees shall be subject to automatic expiration as provided in subsection (c) of [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of this Code provided however, a District Commissioner or Mayor appointed Trust member may continue to serve until the appointment and ratification of the succeeding District Commissioner's or Mayor's selection. Members may be re-appointed, however no member shall serve more than the maximum number of years provided in subsection (b) of [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of this Code. If an appointment is not made by the District Commissioner (or the League or Mayor where applicable) within thirty (30) days from the date on which the Nominating Committee submits the required slate of candidates, the County Commission may appoint the successor.

(e) *Leave of absence for CITT members on active military duty.* Any Trust member who as a result of being called into active duty of any of the branches of the United States Armed Services is unable to continue serving on the CITT may request a leave of absence from the CITT for a period not to exceed ninety (90) days. Said leave of absence may be renewed so long as the Trust member remains in active duty of the United Services Armed Services, but may only extend until the expiration of the term for that Trust member. Upon a Trust member's leave of absence, the applicable District Commissioner, Mayor, or League of Cities may directly appoint an interim Trust member who shall serve on the CITT until the expiration of the term of the Trust member on leave of absence or the return of the Trust member from leave of absence, whichever is sooner.

(f) *Attendance and quorum requirements.* Any Trust or Nominating Committee member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or, (ii) if he or she is absent from three (3) of the Trust's or Nominating Committee's meetings without an acceptable excuse. A member of the Trust or Nominating Committee shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Trust or Nominating Committee, by two-thirds (2/3) vote of its membership, deems appropriate. The requirements of this section may be waived by two-thirds (2/3) vote of the members of the full Board of County Commissioners. A quorum of the Trust or Nominating Committee shall consist of a majority of those persons duly appointed to the Trust or Nominating Committee, provided that at least one-half (½) of the full Trust or Nominating Committee membership has been appointed.

(g) *Powers and duties.* The Trust shall have the following duties, functions, powers, responsibilities and jurisdiction with regard to use and expenditure of proceeds of any Charter County Transit System Surtax that is levied by the County under authority of Section 212.055(1), Florida Statutes:

(1) To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds;

(2) To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to:

(a) Any limitation that surtax proceeds only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4, Florida Statutes (2010);

(b) Any limitation that no more than five (5) percent of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax;

(c) The limitation that the County Commission may not delete or materially change any County project listed in the approved Five Year Implementation Plan or on Exhibit 1 attached to the ordinance levying the surtax nor add any project thereto except as provided in this subsection (c) and [Section 29-124](../level3/PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001.docx#PTIIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)(d), (e). A proposed deletion, material change or addition of such a County project shall be initially reviewed by the Citizens' Independent Transportation Trust ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommenddation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds (2/3) vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in said Exhibit 1 and the Five Year Implementation Plan may be changed as a result of the MPO process as mandated by federal and state law; and

(d) Any requirement with regard to maintenance of effort of general fund support for MDTA.

(3) To assure compliance with federal and state requirements applicable thereto;

(4) To require monthly reports from the Manager, County agencies and instrumentalities regarding the implementation of the projects funded by surtax proceeds (which reports shall be posted on-line, i.e., made publicly accessible on the Internet);

(5) To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the projects funded by surtax proceeds;

(6) To monitor, oversee and periodically report to the County Commission on the level of participation by CSBEs and CBEs in contracts funded in whole or in part with surtax proceeds, and to recommend ways to increase such participation; and

(7) Notwithstanding any provision to the contrary, to retain the services of consultants the Trust deems necessary to assist in its monitoring functions without the need for action by the County Commission, so long as the retaining of such consultants does not result in the budget for the Trust exceeding the amount approved by the County Commission during the annual budget approval process.

(h) *Staff support.* The County Attorney shall serve as legal counsel to the Trust. The Trust may by a majority vote of its membership hire an Executive Director. The Executive Director shall provide to the Trust adequate staff and support services to enable the Trust to carry out its duties and responsibilities. The Executive Director is authorized to hire and/or remove staff in order to provide adequate support for the Trust. The Executive Director may be removed by a two-thirds (2/3) vote of the Trust members present.

(i) *Trust subject to Florida Open Government law, the Conflict of Interest and Code of Ethics Ordinance and the investigatory powers of the Inspector General.* The Trust shall at all times operate under the Florida Open Government Laws, including the "Sunshine" and Public Records laws, and shall be governed by the Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of this Code providing, among other things, a proscription on transacting business with the County and on oral communications with bidders or their representatives during the bid process, and a requirement for financial disclosure. The Trust and its actions shall be subject to the investigatory powers of the Inspector General provided in [Section 2-1076](../level3/PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR.docx#PTIIICOOR_CH2AD_ARTLXXVIIICOETPUTR_S2-1076OFINGE) of this Code. Additionally, Trust members shall not lobby, directly or indirectly, the Mayor, any member of the County Commission or any member of County staff regarding a project funded in whole or in part by surtax proceeds, or regarding any person or business bidding for or under contract for a project funded in whole or in part with surtax proceeds. Trust members shall not have any interest, direct or indirect, in any contract with the County or in any corporation, partnership or other entity that has a contract with the County.

(j) *Removal of Trust members.* A finding by the Ethics Commission that a person serving as a member of the Trust has in the course of his or her service willfully violated any provision of [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of this Code (the Conflict of Interest and Code of Ethics Ordinance) shall constitute malfeasance in office and shall effect an automatic forfeiture of such person's position as a member of the Trust.

(Ord. No. 02-117, § 1, 7-9-02; Ord. No. 04-208, § 1, 12-2-04; Ord. No. 05-53, § 1, 3-15-05; Ord. No. 06-71, § 1, 5-9-06; Ord. No. 06-72, § 1, 5-9-06; Ord. No. 07-06, § 1, 1-25-07; Ord. No. 08-21, § 1, 2-7-08; Ord. No. 08-97, § 1, 9-2-08; Ord. No. 08-98, § 1, 9-2-08; Ord. No. 10-53, § 1, 9-21-10; Ord. No. 11-13, § 1, 3-15-11)

Secs. 2-1422—2-1430. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 02-117, § 1, adopted July 9, 2002, did not specifically amend the Code; hence, its inclusion herein as article XCVII, § 2-1421, was at the discretion of the editor. [(Back)](#BK_1A8791642AA8A9E42B71A3BC45106563)

### ARTICLE XCVIII. MIAMI-DADE COUNTY YOUTH CRIME TASK FORCE [[107]](#BK_064E5F37CFF559C94600904B88ED48FC)

[Sec. 2-1431. Creation and purpose.](#BK_AB319676DC49A75B6172F1D4FC72C81C)

[Sec. 2-1432. Membership.](#BK_D85877CE5B0102E5B5CCD5FB7EA73CEC)

[Sec. 2-1433. Organization.](#BK_776F190D6C8FF14BAA05A55D8C53A2B4)

[Sec. 2-1434. Powers and Duties.](#BK_277849B3936DB8B54EC753D2F64BD3DD)

[Sec. 2-1435. Compensation.](#BK_F0BD7ABD7DD4A95415D5D51895DD8A62)

[Sec. 2-1436. Applicability of State and County laws.](#BK_6FB5E8D00418CA09778A43293A855A7C)

[Sec. 2-1437. Section 2-11.37(c) waived for this article.]](#BK_D26D898D7FB4C426E5E47717D38FE104)

[Secs. 2-1438—2-1440. Reserved.](#BK_AAAD0FF8490DD44FEFD3FBFB2D92B69A)

Sec. 2-1431. Creation and purpose.

There is hereby created the Miami-Dade County Youth Crime Task Force. The purpose of this Task Force is to advise the Board of County Commissioners on matters related to youth crime, youth weapons crime and youth crime prevention.

(Ord. No. 02-131, § 1, 7-23-02)

Sec. 2-1432. Membership.

The Task Force shall consist of the following appointments:

(a) Mayor of Miami-Dade County;

(b) Two Members of the Miami-Dade County Board of County Commissioners;

(c) Assistant County Manager for Public Safety;

(d) Representative from the Miami-Dade County Legislative Delegation;

(e) Director of Miami-Dade Police Department;

(f) Coordinator, Neighborhood Resource Team, Miami-Dade Police Department;

(g) Chief of the City of Miami Police Department;

(h) Chief of Police for Miami-Dade Public Schools;

(i) Superintendent of Miami-Dade Public Schools;

(j) Chief of the Juvenile Division, State Attorney for Miami-Dade County;

(k) Chief of the Juvenile Division, Public Defender's Office of Miami-Dade County;

(l) Juvenile Court Judge, 11th Judicial Circuit;

(m) Deputy Division Director of Operations, Department of Children & Families;

(n) Senior Juvenile Justice Manager, Florida State Department of Juvenile Justice, District XI;

(o) Director Delinquency Prevention Services, Miami-Dade County Department of Human Services;

(p) Director of Miami-Dade Juvenile Assessment Center;

(q) Director of the Children's Services Council;

(r) Director of Metro-Miami Action Plan (MMAP);

(s) The President of the National Association for the Advancement of Colored People (NAACP), Florida State Conference Branch;

(t) Up to eleven (11) members who work for or serve on the board of directors of an organization that works with youth and/or crime prevention recommended by the County Manager and appointed by the Board of County Commissioners;

The appointments listed in [Section 2-1432](../level3/PTIIICOOR_CH2AD_ARTXCVIIIMIDECOYOCRTAFO.docx#PTIIICOOR_CH2AD_ARTXCVIIIMIDECOYOCRTAFO_S2-1432ME)(a) through (s) may be served by a designee. If the appointment is served by a designee that person serves in the full capacity of the appointment, with all its duties and responsibilities, and not as a proxy. The appointment of a designee by a Task Force member shall be in writing to the Clerk of the Board.

(Ord. No. 02-131, § 2, 7-23-02)

Sec. 2-1433. Organization.

(a) *Officers.* Members of the Task Force shall elect one (1) of its members as chairperson, one (1) of its members as vice-chairperson and any such other officers as the Task Force determines to be necessary and appropriate.

(b) *Meetings.* The Task Force shall conduct at least four (4) meetings per annum. All meetings of the Task Force shall be public and written minutes shall be maintained. No recommendations shall be forwarded nor action taken by the Task Force unless first approved by a majority of a quorum attending a regularly scheduled meeting or specially called meeting of the Task Force.

(c) *Reserved.*

(d) *Attendance.* Attendance requirements for members shall be in accordance with [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE), as amended, of the Code of Miami-Dade County.

(e) *Special or Emergency Meeting.* The chairperson or five (5) members of the Task Force upon written request to the chairperson may call for a special or emergency meeting.

(f) *Committee.* The Task Force may appoint committees to accomplish its tasks. Members of a committee may consist of members of the Task Force and/or other persons with specialized knowledge that would benefit the committee.

(g) *Bylaws.* The Task Force may create bylaws in order to operate and conduct its business.

(h) *Staff Support.* The Task Force shall have assistance from staff designated by the county manager. The staff shall: maintain and keep the records of the Task Force; prepare, in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, resolutions or correspondence as the Task Force may direct; and generally administer the business and affairs of the Task Force, subject to budgetary limitations.

(Ord. No. 02-131, § 3, 7-23-02)

Sec. 2-1434. Powers and Duties.

(a) The Task Force shall have the following powers and duties:

(1) To serve in an advisory capacity to the Board of County Commissioners with respect to matters of youth crime, youth weapons violence and youth crime prevention.

(2) To study the problems of youth crime and youth weapons violence in Miami-Dade County and to analyze possible solutions to these problems with particular emphasis on studying crime prevention programs which have significantly reduced youth crime in other communities and cities.

(3) To develop an overall countywide plan for the prevention of youth crime and youth weapons violence in Miami-Dade County in cooperation with other planning agencies and entities.

(4) To submit a written report to the Board of County Commissioners with its countywide plan and recommendations to address youth crime and youth weapons violence.

(5) To recommend guidelines and criteria to be included in competitive solicitation processes for the allocation of youth crime prevention funding, review any and all proposals submitted through such competitive solicitation process and provide recommendations to the Board of County Commissioners or the Alliance for Human Services for the award of such youth crime prevention funding.

(b) The Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, to incur any financial obligation or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

(Ord. No. 02-131, § 4, 7-23-02)

Sec. 2-1435. Compensation.

The members of the Task Force shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(Ord. No. 02-131, § 5, 7-23-02)

Sec. 2-1436. Applicability of State and County laws.

(a) The Task Force shall be regulated by the Standards for Creation and Review of Boards Generally Ordinance (Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) et. al. of the Code of Miami-Dade County), Chapter 286 of Florida Statutes (the "Sunshine Law") and Chapter 119 of Florida Statutes (the "Public Records Law"). However, members of the Youth Crime Task Force may sit on more than one (1) County advisory board, but no more than two (2) County advisory boards.

(b) Methods of organization and conduct of business shall be governed by Mason's Manual of Legislative Procedure (1953 Edition).

(c) Task Force members shall be regulated by the State of Florida Code of Ethics for Public Officers and Employees and the Miami-Dade County Conflict of Interest and Code of Ethics ordinance.

(Ord. No. 02-131, § 6, 7-23-02)

Sec. 2-1437. Section 2-11.37(c) waived for this article.]

[Section 2-11.37](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.37CRNEBO)(c) of the Miami-Dade County Code which requires six (6) weeks between first reading and public hearing for consideration of an advisory board ordinance shall be waived for this article.

(Ord. No. 02-131, § 7, 7-23-02)

Secs. 2-1438—2-1440. Reserved.

FOOTNOTE(S):

--- (**107**) ---

**Editor's note—** Ord. No. 02-131, §§ 1—7, adopted July 23, 2002, did not specifically amend the Code. Hence, its inclusion herein as article XCVIII, §§ 2-1431—2-1437, was at the discretion of the editor. [(Back)](#BK_7DFE6D992BAB1443EBFE93FCF15AB118)

### ARTICLE XCIX. SOCIAL AND ECONOMIC DEVELOPMENT COUNCIL [[108]](#BK_EE69F600F38E9AE5753D8F5A6A0ACF74)

[Sec. 2-1441. Creation of Board.](#BK_E0C9D54B8165E0594C3D5CFACE34D756)

[Sec. 2-1442. Membership.](#BK_18F165AA41540D1CDDB0855FBB9FA8F6)

[Sec. 2-1443. Organization.](#BK_F4E2B850A1CA1C5E97243889DC09EEE9)

[Sec. 2-1444. Duties and Functions.](#BK_76F616AB4F59F6DA4936A26414722210)

[Sec. 2-1445. Staff Support.](#BK_2F214C337CC24287D516002C72D59B12)

[Secs. 2-1446—2-1460. Reserved.](#BK_3EB4BD53D1AC4E6819B7B2D3DA623113)

Sec. 2-1441. Creation of Board.

There is hereby created and established in Miami-Dade County an advisory board to be known as the Dr. Antonio Jorge Social and Economic Development Council for Miami-Dade County ("Council").

(Ord. No. 02-120, § 1, 7-9-02; Ord. No. 11-78, § 1, 10-4-11)

Sec. 2-1442. Membership.

(a) The Council shall consist of at maximum twenty-two (22) voting members. The Council, by a majority vote of members present, shall appoint its own members and its own chairperson and vice-chairperson. The SEDC may review the credentials of any person interested in serving as an SEDC member.

(b) The provisions of [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF)(b) of the Code of Miami-Dade County shall not apply to current voting members of the Social and Economic Development [Council] as of September 30, 2009.

(Ord. No. 02-120, § 2, 7-9-02; Ord. No. 08-117, § 1, 10-7-08; Ord. No. 09-99, § 1, 11-3-09; Ord. No. 11-78, § 2, 10-4-11)

Sec. 2-1443. Organization.

(a) Five (5) members of the Council shall constitute a quorum. The Council shall adopt a schedule of regular meetings. Special meetings of the Council may be called by the Chairperson or upon the written request of five (5) members. All meetings of the Council shall be public and written minutes shall be maintained.

(b) Ex officio members. The Council may, from time to time appoint ex officio, non-voting members to the Council. The ex officio members shall not count towards a quorum. The Council may remove any ex officio member, with or without cause. The Council may appoint whatever number of ex officio members the Council deems necessary. There shall be no attendance requirement for ex officio members.

(Ord. No. 02-120, § 3, 7-9-02; Ord. No. 08-117, § 2, 10-7-08; Ord. No. 11-78, § 3, 10-4-11)

Sec. 2-1444. Duties and Functions.

The Council shall be charged with the following duties, functions and responsibilities and will report biannually to the Economic Development and Housing Committee:

a. To suggest and recommend to the Mayor and Commissioners of Miami-Dade County the appropriate short-run policies and measures to reactivate the economy of the County, with special attention to the needs of low income segments of the population;

b. To actively participate in and coordinate the efforts for the conceptualization, formulation and implementation of a long-run strategy for the acceleration of the social and economic development of Miami-Dade County. The resulting socioeconomic plan should aim at the rapid increase in the per-capita income of the general population as well as at the diversification of the local economy and the substantial reduction in the prevailing rates of poverty in the County;

c. To provide a forum and medium for governmental officers and community leaders to study and address the socioeconomic consequences of the terrorist attacks of September 11, 2001;

d. To make findings and recommendations on a quarterly basis to the Mayor of Miami-Dade County and the Board of County Commissioners regarding the necessary measures to ensure full recovery and future socioeconomic development.

(Ord. No. 02-120, § 4, 7-9-02; Ord. No. 08-117, § 3, 10-7-08)

Sec. 2-1445. Staff Support.

The County Manager shall provide adequate departmental staff support and access to the necessary resources to enable the Council to carry out its duties, functions and responsibilities.

(Ord. No. 02-120, § 5, 7-9-02)

Secs. 2-1446—2-1460. Reserved.

FOOTNOTE(S):

--- (**108**) ---

**Editor's note—** Ord. No. 02-120, §§ 1—5, adopted July 9, 2002, did not specifically amend the Code. Hence, its inclusion herein as article XCIX, §§ 2-1441—2-1445, was at the discretion of the editor. [(Back)](#BK_048162B1D51818370B3224DE4D208DE2)

### ARTICLE C. NARANJA LAKES COMMUNITY REDEVELOPMENT AGENCY [[109]](#BK_8FEE677F02E8D6E79947FF5A7702F17A)

[Sec. 2-1461. Community Redevelopment Agency created.](#BK_6F2B657CDE92785E53F719AE4912FB15)

[Sec. 2-1462. Purpose.](#BK_094420FD1C62E8C8FDD32FB06A46425A)

[Sec. 2-1463. Membership.](#BK_92FA092243EB7CB957A5672DD18502A8)

[Sec. 2-1464. Procedure.](#BK_04F8E792D49D4431A3F1201C0C9BFC99)

[Sec. 2-1465. Public officials, commissioners and employees subject to code of ethics.](#BK_7C7C19798FB1DD5F66912AA422507F50)

[Sec. 2-1466. Powers.](#BK_F95DA270B0668828ED90D4E63B5515BF)

[Sec. 2-1467. Staff.](#BK_C1B42AFD0171EC694940152AB0C8C406)

[Sec. 2-1468. Annual Report.](#BK_8F7A4A80E65B844BCA24137B4ABF6519)

[Sec. 2-1469. Report of Agency activities.](#BK_1F1C338E92D63659CA64CCED964C72AB)

[Sec. 2-1470. Appointment.](#BK_3E11D2EA068338D525166739C4776D75)

[Secs. 2-1471—2-1480. Reserved.](#BK_FCD53D1F58071CC553E0E2957935F586)

Sec. 2-1461. Community Redevelopment Agency created.

Pursuant to the provisions of Section 163.356, Florida Statutes, this Board hereby creates a public body corporate and politic to be known as the Naranja Lakes Community Redevelopment Agency (the "Agency"). The Agency shall be constituted as a public instrumentality and the exercise by the Agency of the powers conferred by the Act and delegated by the Board shall be deemed and held to be the performance of an essential public function.

(Ord. No. 02-216, § 1, 10-22-02)

Sec. 2-1462. Purpose.

The purpose of the Agency is to carry out the community redevelopment purposes of the Act.

(Ord. No. 02-216, § 2, 10-22-02)

Sec. 2-1463. Membership.

(a) The board of commissioners of the Agency shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four (4) years, except that three of the members first appointed shall be designated to serve terms of one (1), two (2) and three (3) years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of four (4) years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under the Act. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the Clerk of the Board, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(b) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.

(c) The Board may remove a commissioner for inefficiency, neglect of duty or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

(Ord. No. 02-216, § 3, 10-22-02)

Sec. 2-1464. Procedure.

(a) *Chair.* The Board shall designate a chair and vice-chair from among the commissioners.

(b) *Meetings.* The powers of the Agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the Agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number.

(Ord. No. 02-216, § 4, 10-22-02)

Sec. 2-1465. Public officials, commissioners and employees subject to code of ethics.

(a) The officers, commissioners and employees of the Agency shall be subject to the provisions and requirements of Part III of Chapter 112, Florida Statutes, and Section 2-11.1 of the Code of Miami-Dade County, Florida.

(b) If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in the Naranja Lakes Community Redevelopment Area, he or she shall immediately disclose this fact in the manner provided in Part III of Chapter 112, Florida Statutes. Any disclosure required to be made by this section shall be made prior to taking any official action.

(c) No commissioner or other officer of the Agency exercising powers pursuant to the Act shall hold any other public office under the County other than his or her commissionership or office with respect to such Agency.

(Ord. No. 02-216, § 5, 10-22-02)

Sec. 2-1466. Powers.

(a) The Board hereby delegates the following community redevelopment powers to the Agency in accordance with the Act:

(i) Initiate, prepare and adopt a plan of redevelopment and any amendments thereto, which plan and amendments shall be subject to subsequent review and approval by the Board; and

(ii) All powers not specifically delegated to the Agency are reserved exclusively by the Board.

(b) The Agency cannot commit itself or the County to any expenditure of funds without the specific approval of the Board.

(Ord. No. 02-216, § 6, 10-22-02)

Sec. 2-1467. Staff.

The County Manager and the Office of the County Attorney shall provide to the Agency adequate staff and support services to enable it to carry out its purposes.

(Ord. No. 02-216, § 7, 10-22-02)

Sec. 2-1468. Annual Report.

No less than once per year, the Agency shall submit a written report to the Board detailing its activities during the past year and outlining its contemplated activities for the ensuing year.

(Ord. No. 02-216, § 8, 10-22-02)

Sec. 2-1469. Report of Agency activities.

The Agency shall file with the Board and with the Auditor General, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the Agency shall publish in a newspaper of general circulation in the County a notice to the effect that such report has been filed with the County and that the report is available for inspection during business hours in the office of the Clerk of the Board and in the office of the Agency.

(Ord. No. 02-216, § 10, 10-22-02)

Sec. 2-1470. Appointment.

The CRA Board shall consist of eight (8) members. All future appointments and reappointments to the CRA Board, as well as designation of Chair and Vice-Chair, may be accomplished by Resolution.

(Ord. No. 06-64, § 9, 5-9-06)

Secs. 2-1471—2-1480. Reserved.

FOOTNOTE(S):

--- (**109**) ---

**Editor's note—** Ord. No. 02-216, §§ 1—8, 10, adopted Oct. 22, 2002, did not specifically amend the Code. Hence, its inclusion herein as article C, sections 2-1461—2-1469, was at the discretion of the editor. [(Back)](#BK_1BEE93DCE0F24EC8443A0C475AF5FE74)

### ARTICLE CI. SOUTH MIAMI-DADE DEVELOPMENT AGENCY [[110]](#BK_025C942499758D8789257B9DD7A80D11)

[Sec. 2-1481. Creation of the South Miami-Dade Development Agency.](#BK_01813DB0B5DFB1EE44E8C7D4C29B4FFF)

[Sec. 2-1482. Composition.](#BK_0E3E38D7A06E82333966A598DBB334AA)

[Sec. 2-1483. Applicability of County rules and procedures.](#BK_BF2854B215001AC6D087926B59AC7F98)

[Sec. 2-1484. Voting requirements.](#BK_8613667B556422C053D1B5CAF43A7BEF)

[Sec. 2-1485. Powers and duties.](#BK_590BC50667899963D2351F35369F654D)

[Sec. 2-1486. Staff Support.](#BK_0C1394D04F182477D9EEE3195A99A231)

[Secs. 2-1487—2-1500. Reserved.](#BK_A33FE1CDEF8DAFF5BB4C2468E4712C26)

Sec. 2-1481. Creation of the South Miami-Dade Development Agency.

There is hereby created and established as an instrumentality of Miami-Dade County an agency which shall be named and known as the South Miami-Dade Development Agency (hereinafter referred to as the "Agency"). The Agency may exercise all those powers either specifically granted herein or necessary in the exercise of the powers herein enumerated.

(Ord. No. 02-218, § 1, 12-18-02)

Sec. 2-1482. Composition.

A. *Membership.* Members of the Agency shall serve without compensation. The voting membership, reflecting the ethnic, racial, and gender diversity of Miami-Dade County, shall be composed of the designated representatives of each of the following organizations:

1. Chamber South

2. Perrine Cutler Ridge Council

3. Vision Council

4. Greater Homestead/Florida City Chamber of Commerce

5. Everglades National Park

6. Biscayne National Park

7. Tropical Everglades Visitor Association

8. City of Homestead

9. City of Florida City

10. Empowerment Zone-Florida City Neighborhood Assembly

11. Empowerment Zone-Homestead Neighborhood Assembly

12. West Perrine CDC

13. Goulds CDC

14. Naranja-Princeton CDC

15. South Miami Heights CDC

16. Princeton CDC

17. Leisure City OCED

18. Haitian Organization for Women

19. Unique Coalition of Minority Businesses (UCOMB)

20. Greater Miami Convention & Visitors Bureau

21. Cutler Ridge Business Improvement District

22. Naranja Lakes Community Redevelopment Agency

23. Park of Commerce (Rockefeller Group)

24. Homestead Air Reserve Base

25. Agri-Council

26. Florida Nurserymen and Growers Association

27. Dade County Farm Bureau

28. Everglades Coalition

29. Beacon Council

30. Greater Miami Chamber of Commerce

31. Coalition of Florida Farmworkers Organizations

32. Dade County Public Schools Region 5

33. Dade County Public Schools Region 6

34. Miami-Dade Community College-Homestead Campus

35. Job Corps

36. University of Miami

37. Florida International University

38. University of Florida

39. Urban Land Institute/Southeast Council

40. Newly Incorporated Municipalities within the geographic boundaries of this article

41. Board of County Commission District Eight Office (ex officio)

42. Board of County Commission District Nine Office (ex officio)

43. South Miami-Dade State Legislative Districts (ex officio)

44. Miami-Dade County Mayor's Office (ex officio)

45. South Miami-Dade Congressional Districts (ex officio)

46. City of Palmetto Bay

If any Member's designated representative also holds a federal, state, or local elected office, that representative shall serve in an ex officio capacity. No person may serve simultaneously as the designated representative for more than one Member. Additional Members may be added as set forth in the by-laws. Vacancies shall be filled in the same manner by which the original representatives were appointed, with a special emphasis on choosing persons representative of the gender, racial and ethnic composition of the entire community.

B. *Removal of Members.* Members and designated representatives may be removed in accordance with the provisions of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

C. *Tenure.* Terms shall be established by the Agency by-laws.

D. *Qualifications.* Each Member and designated representative must comply with the requirements of [Chapter 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County.

E. *Organization and procedure.*

(1) *Officers.* The Agency shall organize after the Members and designated representatives thereof have qualified to serve and shall elect one (1) of its representatives as chairperson and such other officers as may be necessary. In addition, the Agency shall make, adopt and amend by-laws, rules and regulations for its own governance.

(2) *Meetings.* The Agency shall hold regular meetings and such other meetings as it deems necessary. Quorum shall be defined in the Agency by-laws. Minutes shall be kept of all meetings and all meetings shall be public.

(3) *Committees.* The Agency shall appoint any committees it deems necessary.

(Ord. No. 02-218, § 2, 12-18-02)

Sec. 2-1483. Applicability of County rules and procedures.

The Agency shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(Ord. No. 02-218, § 3, 12-18-02)

Sec. 2-1484. Voting requirements.

Designated Representatives may not in turn designate alternates to serve and/or vote on their behalf.

(Ord. No. 02-218, § 4, 12-18-02)

Sec. 2-1485. Powers and duties.

The Agency shall have the following powers, duties, functions and responsibilities:

A. To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting economic development in South Miami-Dade County.

B. To serve in an advisory capacity to the Board of County Commissioners with respect to implementation of the Homestead Reuse Plan.

C. To recommend expenditure of funds either derived from or allocated to the reuse of the former Homestead Air Force Base surplus property.

D. To serve as a clearinghouse of information regarding South Miami-Dade County economic development.

E. To encourage economic development initiatives in South Miami-Dade County from Southwest 152 Street to the Monroe County line.

(Ord. No. 02-218, § 5, 12-18-02)

Sec. 2-1486. Staff Support.

The Agency shall select, with the approval of the County Manager, a full-time Executive Director. The Clerk of the Board shall record all meetings and the County Manager shall provide adequate funding, staff and support services to enable the Agency to carry out its duties and responsibilities.

(Ord. No. 02-218, § 6, 12-18-02)

Secs. 2-1487—2-1500. Reserved.

FOOTNOTE(S):

--- (**110**) ---

**Editor's note—** Ord. No. 02-218, §§ 1—6, adopted Dec. 18, 2002, did not specifically amend the Code. Hence, its inclusion herein as article CI, sections 2-1481—2-1486, was at the discretion of the editor. [(Back)](#BK_DFF6A056ADFEC16E9746EF9E3CDEE3FB)

### ARTICLE CII. JAY MALINA INTERNATIONAL TRADE CONSORTIUM OF MIAMI-DADE COUNTY [[111]](#BK_EA7EC083F5F2073915AA6360287024D7)

[Sec. 2-1501. Purpose and duties.](#BK_DDEB61CD2BF7F94D84EA4A38B2A9AD4B)

[Sec. 2-1502. Organization and staff support.](#BK_E83BCDC2F5D8F66EABC14D4A6B5FB309)

[Sec. 2-1503. Advisory board.](#BK_73A52836CC259B4DA31A85624A13D878)

[Sec. 2-1504. Composition, qualifications, and appointment and tenure.](#BK_C8840824ABDA72200A1249CA2AEFA497)

[Secs. 2-1505—2-1520. Reserved.](#BK_84E667C314ABCF3A1F0811A72E40F9B1)

Sec. 2-1501. Purpose and duties.

The Office of Economic Development and International Trade (hereinafter referred to as "The Office") shall promote Miami-Dade County as a Global Gateway and enhance access to economic development opportunities. It shall be authorized to exercise such powers and to perform such duties as are hereinafter provided:

(a) Advocate and support the development of Miami-Dade County as a premiere hemispheric platform for two-way trade.

(b) Promote Miami-Dade County as a Global Gateway both locally and abroad by developing and expanding trade opportunities with Africa, Asia, Europe, and the Western Hemisphere.

(c) Liaise with trade offices and chambers of commerce.

(d) Establish and maintain a database of local businesses involved in international trade to foster import and export opportunities.

(e) Recommend trade policy.

(f) Cultivate relations with Miami-Dade County's Sister Cities.

(g) Coordinate and integrate Miami-Dade County's various economic development initiatives in pursuit of the County's strategic economic development goals.

(h) Conduct economic and demographic research and other evaluative studies; and issue periodic analysis, reports, information, and/or recommendations that support the development of economic policies.

(i) Improve access to economic development opportunities through the Targeted Job Incentive Fund (TJIF) and Qualified Target Industry (QTI) Programs.

(j) Staff and support the International Trade Consortium and the Dr. Antonio Jorge Social and Economic Development Council for Miami-Dade County.

(k) Administer the ITC Trust Fund Account, which shall hereafter be named the OEDIT Trust Fund Account, the Trade Mission Center of the Americas, Inc. funds, and the Miami-Dade County Sister Cities Program including its trust funds, pursuant to previously authorized resolutions. Notwithstanding anything to the contrary including any directive in Resolution R-1169-06, the OEDIT Trust Fund Account shall be administered by the Office.

(l) Represent and advocate Miami-Dade County's economic development and international trade interests at the local, state and federal level.

(m) Accept, receive, and expend public and private monies, gifts, fees, revenues and donations in addition to County funds.

(n) Coordinate and act as a proactive liaison between the County and the Consular Corps of Miami.

(o) Submit an annual report to the Mayor and Board of County Commissioners detailing the Office's activities, goals, outcomes, and statement of all its accounts.

(p) Perform any other such functions reasonably related to the execution of the Office's functions and responsibilities.

(Ord. No. 10-60, § 10, 9-24-10; Ord. No. 12-31, § 1, 5-1-12)

Sec. 2-1502. Organization and staff support.

(a) *Employees.* The Mayor shall appoint the Executive Director of the Office who shall have the authority to administer its activities, and to hire and terminate its employees. The Executive Director may be a County employee or a contract employee of the Office. The employees of the Office shall be Miami-Dade County employees in the Exempt service.

(b) *Budget.* Subject to the Miami-Dade County budgetary process and the availability of funds, the Mayor shall include in the County's annual budget, administrative costs and additional funds for the implementation of the Office's programmatic activities.

(Ord. No. 10-60, § 10, 9-24-10)

Sec. 2-1503. Advisory board.

(a) There is hereby established an advisory board that replaces the International Trade Advisory Board, which may be revoked or modified by the Miami-Dade County Board of County Commissioners (hereinafter referred to as the "BCC", or the "Commission"), which shall be named and known as the International Trade Consortium ("ITC") (hereinafter referred to as the "Board" or "Advisory Board" ). The Board shall be generally governed by County Code [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) governing advisory boards unless specifically addressed herein.

(b) The Advisory Board shall provide the Mayor and the Board of County Commissioners with advice on policy matters relating to international trade initiatives and Sister Cities program activities.

(Ord. No. 10-60, § 10, 9-24-10; Ord. No. 12-31, § 1, 5-1-12)

Sec. 2-1504. Composition, qualifications, and appointment and tenure.

(a) *Composition.* The members of the Advisory Board shall be appointed as follows: The Mayor of Miami-Dade County shall appoint the Chairperson from among the members of the Board of County Commissioners, and the Chairperson of the Board of County Commissioners shall appoint the Vice Chair who shall be a well-respected member of the business community. The Mayor shall also appoint three other members. Each member of the Board of County Commissioners shall appoint one member to the Advisory Board. The Chair of the Advisory Board shall appoint a member. In addition, the following organizations shall appoint one member to the Advisory Board: the Beacon Council, the Greater Miami Chamber of Commerce, the Greater Miami Convention and Visitors Bureau, Enterprise Florida, Inc., the Latin Chamber of Commerce (CAMACOL), World Trade Center Miami, the Miami-Dade Chamber of Commerce, the District Export Council, the Florida International Bankers Association, the Florida Custom Brokers and Forwarders Association and the Foundation for Democracy in Africa. The Directors of Miami International Airport and the Port of Miami shall each appoint a representative from their respective departments.

(b) *Qualifications.* Each member of the Advisory Board shall be a United States citizen, a permanent resident, and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives the permanent residency and qualified elector requirements by a two-thirds vote of its membership. Members who represent economic development organizations must be members of the Board of Directors of said organizations and not paid staff members with the exception of the appointees of Miami International Airport, Port of Miami, and Enterprise Florida, Inc. Advisory Board members who are representatives of, or who are employed by, any State or local governmental agency may not vote on matters affecting the governmental agency by whom they are employed or whom they represent. The provision of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Miami-Dade County Code providing that no person shall serve on more than one County board simultaneously, shall not apply to the members of the Advisory Board appointed since its inception.

(c) *Tenure.* The members of the ITC Board that are serving on the ITC Board at the time of the adoption of this ordinance that: (1) were appointed by the Mayor and the Board of County Commissioners or (2) that have appointments on the Advisory Board representing economic development agencies shall hereafter serve on the Advisory Board until the expiration of their terms as such terms were existing on the ITC Board and shall be eligible to be reappointed for additional two-year terms up to a maximum of eight years. Those remaining ITC Board members representing agencies not having appointments on the Advisory Board shall continue to serve for a period of one year from the adoption of this ordinance. Advisory Board appointees that are appointed after the adoption of this ordinance shall serve two-year staggered terms from the time of appointment and may be reappointed to three additional two-year terms at the conclusion of their first term for a maximum of eight years.

(d) *Compensation.* Advisory Board members shall serve without compensation.

(e) *Removal.* Board members may be removed by a majority vote of the BCC for cause. Additionally, Board members that have three (3) absences out of a possible four (4) Board meetings within any one fiscal year shall automatically be removed from the Board.

(f) *Vacancy.* Upon any vacancy of the Advisory Board member, the appropriate appointing agency or authority shall fill the vacancy.

(g) *Organization.* Members of the Board shall elect one of its members as Secretary and Treasurer, and such other officers as may [be] deemed to be necessary. The Chairperson, Vice Chairperson, the elected officers, the Chairs of standing Committees, and the representatives of Miami International Airport and the Port of Miami shall constitute the Executive Committee, and shall serve for a two-year term. The Executive Committee shall act on behalf of the Board when the Board is not meeting but its decisions are subject to ratification by the full Board at a later date. The Executive Committee shall provide all Board members with an advanced copy of the agenda of the Executive Committee meetings. There shall be a Sister Cities Committee to the Board and such other committees as the Chair of the Board determines are appropriate. The Chair of the Board shall appoint the members of the Sister Cities Committee and such other committees of the Board that the Chair of the Board establishes.

(h) *By-Laws.* The Advisory Board shall make, adopt, and amend its own By-Laws and Rules.

(i) *Meetings, Quorum, Sunshine and public records.* The Board shall hold regular meetings in accordance with its By-Laws. Notwithstanding anything to the contrary in the Code of Miami-Dade County, quorum for Board meetings shall constitute one Board member more than 40% of the Board members that have been appointed. All meetings shall be public and in accordance with Section 286.011 of the Florida Statutes, the "Sunshine Law." In addition, the books and records of the Board shall be open to the public in the manner provided in Chapter 119 of the Florida Statutes, the "Public Records Act."

(j) *Applicability of conflict of interest and code of ethics ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida shall be applicable to Advisory Board members and members of the staff.

(k) The County Attorney shall provide support to the Advisory Board.

(Ord. No. 10-60, § 10, 9-24-10; Ord. No. 12-31, § 1, 5-1-12)

Secs. 2-1505—2-1520. Reserved.

FOOTNOTE(S):

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**Editor's note—** Section 10 of Ord. No. 10-60, adopted Sept. 24, 2010, repealed §§ 2-1501—2-1506, and replaced said sections with similar provisions to read as herein set out. Former §§ 2-1501—2-1506 derived from Ord. No. 02-225, adopted Nov. 19, 2002, the amendatory history for which can be found in the Code Comparative Table located at the back of Vol. III of these Code of Ordinances. [(Back)](#BK_2ABB3A288F7A1BFD7C690C50D8594A55)

### ARTICLE CIII. THE CHILDREN'S TRUST [[112]](#BK_7A62C5CD254B170162BB1FB4EDB05695)

[Sec. 2-1521. Creation and Purpose.](#BK_E3167B2DD814771792F1563914568AE5)

[Sec. 2-1522. Governing Board.](#BK_419E07CC4D25B9506F66867CD5F84A0B)

[Sec. 2-1523. Terms, Reappointment and Reimbursement.](#BK_4D73A0EDB223AAF5F60925CEB9C53656)

[Sec. 2-1524. Powers.](#BK_01D4C317508B21C46CC588A63C9A823C)

[Sec. 2-1525. Responsibilities.](#BK_9E5E2738520A41F37E60573D77F49C4A)

[Sec. 2-1526. Fiscal Responsibilities and Obligations.](#BK_3AA9C665215CF2C173EA9A8C67DE6D82)

[Sec. 2-1527. Dissolution.](#BK_318CC34BB7E3FCC5A89563238552C550)

[Sec. 2-1528. Amendments.](#BK_96CC006AF9FE0069DD8BD1A022EFDC97)

[Sec. 2-1529. Applicability of State and County Laws.](#BK_ECDB381F3481816C9831CE28D1DFAD0A)

[Sec. 2-1530. Interim Staff Support.](#BK_BF265FB85FCF11B98A4FC62E396BE449)

[Sec. 2-1531. Legal Counsel.](#BK_EF45BD5A42439BFDC99D6813DD60A752)

[Secs. 2-1532—2-1540. Reserved.](#BK_C30872320B359D3071D4C12CB520FE71)

Sec. 2-1521. Creation and Purpose.

There is hereby created the independent special district called "The Children's Trust." The purpose of The Children's Trust is to fund improvements for the children of Miami-Dade County in the areas of health, development, safety, parental responsibility, community responsibility and other necessary and important children's services.

(Ord. No. 02-247, § 1, 12-3-02)

Sec. 2-1522. Governing Board.

(a) The governing board of The Children's Trust shall consist of the following thirty-three (33) members:

(1) Superintendent of Miami-Dade Public Schools;

(2) One (1) member who is a representative of Florida International University as appointed by the university president;

(3) One (1) member who is a representative of Miami-Dade Community College as appointed by the college president;

(4) Miami-Dade County Manager;

(5) District XI Administrator, State of Florida Department of Children and Family Services or designee who is a member of the Senior Management Service or the Selected Exempt Service;

(6) Director of Miami-Dade County Public Health Department or designee;

(7) State Attorney for Miami-Dade County or designee;

(8) Chief Judge of Juvenile Division of the Eleventh Circuit, or another juvenile judge designated by the Chief Judge, who shall sit as a voting member of the board on all matters except for the setting of ad valorem taxes;

(9) One (1) member selected by the Board of the United Way of Miami-Dade County;

(10) One (1) member who is a member of and is selected by the Greater Miami Chapter of the National Conference for Community and Justice;

(11) One (1) member who is a member of and is selected by a coalition of the local chambers of commerce;

(12) One (1) member who is a member of and is selected by the Miami-Dade County School Readiness Coalition;

(13) One (1) member who is a representative of the United Teachers of Dade;

(14) One (1) member who is a member of and is selected by the Alliance for Human Services;

(15) One (1) member who is a member of and is selected by the Miami-Dade Council of Parent-Teacher Association/Parent-Teacher-Student Association;

(16) One (1) member who is a youth selected by the Miami-Dade Student Government Association;

(17) One (1) member of the School Board of Miami-Dade County as appointed by the Chair of the School Board;

(18) Mayor of Miami-Dade County or designee;

(19) One (1) member of the Miami-Dade County Board of County Commissioners, as appointed by the Commission Chair;

(20) One (1) member of the State of Florida Legislature who represents residents of Miami-Dade County, as appointed by the chair of the Miami-Dade legislative delegation;

(21) One (1) elected official representing the residents of a municipality located within Miami-Dade County, as appointed by the League of Cities;

(22) Circuit Manager, State of Florida Department of Juvenile Justice or designee;

(23) Four (4) members-at-large, as appointed by a majority of the sitting members of The Children's Trust;

(24) Seven (7) members appointed by the Governor of the State of Florida in accordance with provisions set forth below.

(b) Members Appointed by Governor.

(1) *Criteria.* Members who are appointed by the Governor: a) must have resided within Miami-Dade County during the previous twenty-four (24) months; and b) must be representative of the geographic and demographic diversity of the population of Miami-Dade County, to the extent reasonably possible.

(2) *Selection Process.* The Miami-Dade Board of County Commissioners, after soliciting recommendations from the public, shall submit to the governor the names of at least three (3) persons for each vacancy occurring among the seven (7) members appointed by the governor. The governor shall make his appointments to The Trust from the candidates recommended by the Board of County Commissioners. The governor shall make his appointments within forty-five (45) days of receipt of the Board of County Commissioners recommendations or request a new list of candidates. The governor's appointments shall serve four-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms.

(3) *Removal/Resignation.* The governor may remove a member for cause or upon the written petition of The Children's Trust. If any member appointed by the governor resigns, dies or is removed from office, the vacancy shall as soon as practicable be filled by the governor using the same method as the original appointment. The newly appointed member shall serve the remaining term of the person who resigns, dies or is removed from office.

(Ord. No. 02-247, § 2, 12-3-02)

Sec. 2-1523. Terms, Reappointment and Reimbursement.

(a) Members who are appointed to The Trust by reason of their position are not subject to the length of terms and limits on consecutive terms.

(b) Members appointed by the governor shall serve four-year terms.

(c) The youth representative member and the State of Florida legislative delegate member shall serve one-year terms.

(d) All other members shall serve two-year terms.

(e) A member may be reappointed; however, a member may not serve more than three (3) consecutive terms. A member who has served three (3) consecutive terms is eligible to be appointed again after a two-year hiatus from The Trust.

(f) Members of The Trust shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of Section 112.061 of Florida Statutes.

(Ord. No. 02-247, § 3, 12-3-02)

Sec. 2-1524. Powers.

The governing board of The Trust shall have all of the following powers and functions:

(a) To provide and maintain, in Miami-Dade County, such health, development, safety, prevention, early intervention, enrichment, family empowerment, parenting and advocacy services for children as The Trust determines are needed for the general welfare of Miami-Dade County;

(b) To provide such other services for children as the Trust determines are needed for the general welfare of Miami-Dade County;

(c) To allocate and provide funds for other agencies in Miami-Dade County that are operated for the benefit of children, provided they are not under the exclusive jurisdiction of the public school system;

(d) To seek grants from state, federal and local agencies and to accept grants and donations from public and private sources;

(e) To collect information and statistical data and to conduct research that will help the Trust and Miami-Dade County meet the needs of children in the county;

(f) To consult and coordinate with other agencies dedicated to the welfare of children so as to avoid whenever possible overlap and duplication of services;

(g) To lease or buy such real estate, equipment, and personal property and to construct such buildings as are needed to execute the foregoing powers and functions, provided that no such purchases shall be made or building done unless paid for with cash on hand or secured by funds deposited in financial institutions. Nothing in this subparagraph shall be construed to authorize The Trust to issue bonds of any nature, nor shall The Trust have the power to require the imposition of any bond by the Board of County Commissioners of Miami-Dade County;

(h) To employ, pay and provide benefits for part-time or full-time personnel needed to execute the foregoing powers and functions; and

(i) Any other powers and functions which may from time to time be added to Section 125.901 of the Florida Statutes.

(Ord. No. 02-247, § 4, 12-3-02)

Sec. 2-1525. Responsibilities.

The governing board shall:

(a) Immediately after the members are appointed, including the seven (7) members appointed by the Governor, elect a chair and a vice chair from among its members and elect other officers as deemed necessary by The Trust. An interim chair, vice-chair and other officers may be elected to serve until such time as the seven (7) members appointed by the Governor have been selected.

(b) Immediately but within a year of the effective date of this article, after the members are appointed and officers elected, identify and assess the needs of the children in the county and submit to the Miami-Dade County Board of County Commissioners a written description of:

(1) The activities, services and opportunities that will be provided to children;

(2) The anticipated schedule for providing those activities, services and opportunities;

(3) The manner in which children will be served, including a description of arrangements and agreements to be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies and organizations;

(4) The special outreach efforts to be undertaken to provide prevention services to children at-risk of abuse and neglect;

(5) The manner in which the Trust will seek and provide funding for unmet needs; and

(6) The strategy to be used for interagency coordination to maximize existing human and fiscal resources;

(c) Provide training and orientation to all new members sufficient to allow them to perform their duties;

(d) Make and adopt bylaws and rules and regulations for The Trust's guidance, operation, governance and maintenance, provided such rules and regulations are consistent with federal or state laws or county ordinances;

(e) Provide an annual written report, to be presented no later than January 1 of each year, to the Miami-Dade Board of County Commissioners. The annual report shall contain, but not be limited to, the following information:

(1) Information on the effectiveness of activities, services, and programs offered by The Trust, including cost effectiveness;

(2) A detailed anticipated budget for continuation of activities, services and programs offered by The Trust, and a list of all sources of requested funding, both public and private;

(3) Procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the additional or continued services are received;

(4) A description of the degree to which The Trust's objectives and activities are consistent with the goals of Section 125.901 of the Florida Statutes;

(5) Detailed information on the various programs, services and activities available to participants and the degree to which the programs, services and activities have been successfully used by children; and

(6) Information on programs, services and activities that should be eliminated, programs, services and activities that should be continued, and programs, services and activities that should be added to the basic format of The Children's Trust;

(f) Maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person; and

(g) Comply with any other responsibilities as may from time to time be added s. 125.901 of the Florida Statutes.

(Ord. No. 02-247, § 5, 12-3-02)

Sec. 2-1526. Fiscal Responsibilities and Obligations.

(a) The fiscal year of The Children's Trust shall be the same as that of Miami-Dade County.

(b) On or before July 1 of each year, The Children's Trust shall prepare a tentative annual written budget of its expected income and expenditures, including a contingency fund. The Trust shall, in addition, compute a proposed millage rate within the voter-approved cap necessary to fund the tentative budget and, prior to adopting a final budget, comply with the provisions of s. 200.065 of the Florida Statutes, relating to the method of fixing millage, and shall fix the final millage rate by resolution of The Trust. The adopted budget and final millage rate shall be certified and delivered to the Miami-Dade Board of County Commissioners as soon as possible following The Trust's adoption of the final budget and millage rate pursuant to chapter 200 of the Florida Statutes. Included in each certified budget shall be the millage rate, adopted by resolution of The Trust, necessary to be applied to raise the funds budgeted for The Trust's operations and expenditures. In no circumstances, however, shall The Trust levy millage in excess of the maximum approved by the voters and allowed under s. 125.901 of the Florida Statutes.

(c) The budget of The Trust so certified and delivered to the Board of County Commissioners shall not be subject to change or modification by the Board of County Commissioners or any other authority. Neither shall the Board of County Commissioners consider The Children's Trust funds to be a supplanting of County funds for children's services.

(d) All tax money collected under this section, as soon after the collection thereof as is reasonably practicable, shall be paid directly to The Trust by the tax collector of the county, or the clerk of the circuit court if the clerk collects delinquent taxes.

(e) All moneys received by The Trust shall be deposited in qualified public depositories, as defined in s. 280.02 of the Florida Statutes, with separate and distinguishable accounts established specifically for The Trust and shall be withdrawn only by checks signed by the chair of The Trust and countersigned by either another member of the Trust or by the chief executive officer who shall be so authorized by the Trust.

(f) Upon entering the duties of office, the chair and either another member of The Trust or the chief executive officer who signs its checks shall each give a surety bond in the sum of at least $1,000 for each $1 million or portion thereof of The Trust's annual budget, which bond shall be conditioned that each shall faithfully discharge the duties of his or her office. The premium on such bond may be paid by The Trust as part of the expense of The Trust. No other member of The Trust shall be required to give bond or other security.

(g) No funds of The Trust shall be expended except by check as aforesaid, except expenditures from a petty cash account which shall not at any time exceed $100. All expenditures from petty cash shall be recorded on the books and records of The Trust. No funds of The Trust, excepting expenditures from petty cash, shall be expended without prior approval of The Trust, in addition to the budgeting thereof.

(h) Within 10 days, exclusive of weekends and legal holidays, after the expiration of each quarter annual period, The Trust shall cause to be prepared and filed with the Board of County Commissioners a financial report which shall include the following:

(1) The total expenditures of The Trust for the quarter annual period;

(2) The total receipts of The Trust during the quarter annual period;

(3) A statement of the funds The Trust has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter annual period; and

(4) The total administrative costs of The Trust for the quarter annual period.

(i) After or during the first year of operation of The Trust, the board of county commissioners, at its option, may fund in whole or in part the budget of The Trust from its own funds.

(j) The Trust shall comply with all other statutory requirements of general application which relate to the filing of any financial reports or compliance reports required under part III of chapter 218 of the Florida Statutes, or any other report or documentation required by law, including the requirements of ss. 189.415, 189.417, and 189.418 of the Florida Statutes.

(k) The Trust shall comply with any other fiscal responsibilities or obligations that may from time to time be added to s. 125.901 of the Florida Statutes.

(Ord. No. 02-247, § 6, 12-3-02)

Sec. 2-1527. Dissolution.

To the extent permitted by law, the dissolution of The Children's Trust may be accomplished in the manner provided in Section 125.901 of the Florida Statutes. In addition, the Children's Trust may also be dissolved pursuant to the provisions of s. 189.4042 of the Florida Statutes. In the event that The Children's Trust is dissolved pursuant to the provisions of this section, Miami-Dade County shall first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of The Trust within the total millage available to the Board of County Commissioners for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution.

(Ord. No. 02-247, § 7, 12-3-02)

Sec. 2-1528. Amendments.

The Board of County Commissioners shall amend this article when necessary for The Children's Trust to remain in compliance with the statutory requirements of the Children's Services Statutes, Section 125.901 of the Florida Statutes.

(Ord. No. 02-247, § 8, 12-3-02)

Sec. 2-1529. Applicability of State and County Laws.

The Children's Trust shall be regulated by: Chapter 286 of Florida Statutes, ("Sunshine Law") including but not limited to the notice requirements; Chapter 119 of Florida Statutes ("Public Records Act"); Chapter 112, Part III of Florida Statutes ("Code of Ethics for Public Officers and Employees"); [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of Miami-Dade County Code ("Conflict of Interest and Code of Ethics Ordinance"), including but limited to the gift disclosure and financial disclosure requirements; and Article IB of Miami-Dade County Code ("Standards for Creation and Review of Boards Generally") to the extent that the requirements of this article do not conflict with the requirements of Sec. 125.901 of Florida Statutes ("Children's Services").

(Ord. No. 02-247, § 9, 12-3-02)

Sec. 2-1530. Interim Staff Support.

The County Manager's Office shall provide staff support to The Children's Trust on an interim basis until such time as The Children's Trust hires permanent staff.

(Ord. No. 02-247, § 10, 12-3-02)

Sec. 2-1531. Legal Counsel.

The County Attorney's Office shall provide legal counsel to The Children's Trust.

(Ord. No. 02-247, § 11, 12-3-02)

Secs. 2-1532—2-1540. Reserved.

FOOTNOTE(S):

--- (**112**) ---

**Editor's note—** Ord. No. 02-247, §§ 1—11, adopted Dec. 3, 2002, did not specifically amend the Code. Hence, its inclusion herein as article CIII, sections 2-1521—2-1531, was at the discretion of the editor. [(Back)](#BK_56DFE3123569E6E556CF48695A77AE79)

### ARTICLE CIV. STONEGATE COMMUNITY DEVELOPMENT DISTRICT [[113]](#BK_67474EA8D942903B8EC4D13BD8D4B02F)

[Sec. 2-1541. Findings.](#BK_9C987B4655FF3AA5BEFE801B0222AD16)

[Sec. 2-1542. Petition.](#BK_079CACE96CCFD0BD3501EC6A2672057E)

[Sec. 2-1543. District boundaries.](#BK_D8B824F302CD7132B892E634CEE02267)

[Sec. 2-1544. District name.](#BK_96B0F40DC648E611BB8A1ECDDB417725)

[Sec. 2-1545. Purpose.](#BK_65F75F3B4410CD83B935EC8BC08B72F0)

[Sec. 2-1546. District charter.](#BK_A1F26830EA1C4E522A2437FFBBAE0894)

[Sec. 2-1547. Grant of general powers.](#BK_73C4A8C1EC240F6DE611F38090800015)

[Sec. 2-1548. Grant of special powers.](#BK_73AE818752CC04233817DEC5CAD340FE)

[Sec. 2-1549. Bond validation.](#BK_1133CB9A626599343DC75523040E9C11)

[Sec. 2-1550. No district bonds or debts to constitute debts or obligations of the county.](#BK_862D4203B32F24BB49A115F55E033040)

[Sec. 2-1551. County rates, fees and charges applicable to district.](#BK_C981CB0BAE2133AF8D63045BDBE2C92E)

[Sec. 2-1552. Power of eminent domain.](#BK_FD641E5356B5C05996A019FB0E8F31BD)

[Sec. 2-1553. District regulations.](#BK_06E1B44D134CCBFA3F5AF5C4691ED668)

[Secs. 2-1554—2-1560. Reserved.](#BK_BE3004FF6C1C984F04B4A59F3FCF4D80)

Sec. 2-1541. Findings.

The foregoing findings [attached to Ordinance 02-258], which are expressly set forth herein, are hereby adopted and made a part hereof.

(Ord. No. 02-258, § 1, 12-3-02)

Sec. 2-1542. Petition.

The Petition to establish the Stonegate Community Development District over the real property described in Exhibit 1 attached [to the ordinance from which this article derives], which was filed by Landstar Development Corporation, a Florida corporation, on September 30, 2002, and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition, attached as Exhibit "B", is set forth in its entirety and incorporated herein.

(Ord. No. 02-258, § 2, 12-3-02)

Sec. 2-1543. District boundaries.

The external boundaries of the District shall be as depicted on the location map attached [to the ordinance from which this article derives] and incorporated herein as Exhibit "A".

(Ord. No. 02-258, § 4, 12-3-02)

Sec. 2-1544. District name.

The name of the District shall be the "Stonegate Community Development District."

(Ord. No. 02-258, § 5, 12-3-02)

Sec. 2-1545. Purpose.

The Stonegate Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 02-258, § 6, 12-3-02)

Sec. 2-1546. District charter.

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Stonegate Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 02-258, § 7, 12-3-02)

Sec. 2-1547. Grant of general powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Stonegate Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 02-258, § 8, 12-3-02)

Sec. 2-1548. Grant of special powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Stonegate Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 02-258, § 9, 12-3-02)

Sec. 2-1549. Bond validation.

All bonds issued by the Stonegate Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 02-258, § 10, 12-3-02)

Sec. 2-1550. No district bonds or debts to constitute debts or obligations of the county.

No bond, debt or other obligation of the Stonegate Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 02-258, § 11, 12-3-02)

Sec. 2-1551. County rates, fees and charges applicable to district.

Notwithstanding any power granted to the Stonegate Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 02-258, § 12, 12-3-02)

Sec. 2-1552. Power of eminent domain.

Notwithstanding any power granted to the Stonegate Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 02-258, § 13, 12-3-02)

Sec. 2-1553. District regulations.

This article shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. It is provided, however, that this article shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 hereof, having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developer's, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such application/s;

(b) The City of Homestead shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Stonegate Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provision shall contain examples of such agencies and programs. The Stonegate Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Stonegate Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Stonegate Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Stonegate Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

(f) In addition to notice required under Section 190.048 of the Florida Statutes, the Stonegate Community Development District shall provide a separate notice to each purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(Ord. No. 02-258, § 16, 12-3-02)

Secs. 2-1554—2-1560. Reserved.

FOOTNOTE(S):

--- (**113**) ---

**Editor's note—** Ord. No. 02-258, §§ 1—3, 5—16, adopted Dec. 3, 2002, did not specifically amend the Code. Hence, its inclusion herein as article CIV, sections 2-1541—2-1555, was at the discretion of the editor. [(Back)](#BK_8E20B74C1EFA248DD789D30FCDEF1F94)

### ARTICLE CV. MIAMI-DADE COUNTY STS OVERSIGHT TASK FORCE [[114]](#BK_BFD5939D334FA5852FC4F91A675F2E10)

[Sec. 2-1561. Creation of Task Force.](#BK_C136B8F9081B55FDE03FDACAE7728DF0)

[Sec. 2-1562. Membership.](#BK_E2A4C494925967087A4A8A7873F43732)

[Sec. 2-1563. Terms of Office.](#BK_60275202580872AE5B508BFA029D4393)

[Sec. 2-1564. Organization.](#BK_8F595CAA91176E1DFDFCB7995F4C3775)

[Sec. 2-1565. Duties and Functions.](#BK_77C4FADB4D919200C56E4C666120EF9D)

[Sec. 2-1566. Staff Support.](#BK_5176F212A75BC541CC6B9AF0A3DFFAAD)

[Secs. 2-1567—2-1570. Reserved.](#BK_A243E74F4D90E2873A9933ECA7ADF207)

Sec. 2-1561. Creation of Task Force.

There is hereby created and established in Miami-Dade County an advisory task force to be known as the Miami-Dade County STS Oversight Task Force (STS Task Force).

(Ord. No. 03-46, § 1, 3-11-03)

Sec. 2-1562. Membership.

The STS Task Force shall be composed of nine members as follows:

(a) One (1) member of the Board of County Commissioners appointed by the Commission who shall serve as the Chairperson of the STS Task Force;

(b) Four (4) STS users appointed by the Committee on Disability Issues; and

(c) Four (4) representatives from the providers of STS services appointed by the Commission.

Notwithstanding the foregoing, the STS Task Force shall, upon creation, be composed of those individuals appointed to serve on the STS Oversight Task Force pursuant to Resolution 133-02.

(Ord. No. 03-46, § 2, 3-11-03)

Sec. 2-1563. Terms of Office.

All members shall serve for two years and may be reappointed thereafter for successive two-year terms. Members may be removed in accordance with the provisions of [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Code of Miami-Dade County. Vacancies on the Task Force shall be filled in the same manner by which Task Force members were appointed.

(Ord. No. 03-46, § 3, 3-11-03)

Sec. 2-1564. Organization.

The STS Task Force shall select a Vice-chairperson. A majority of the members shall constitute a quorum. The STS Task Force shall adopt a regular schedule of meetings. All meetings of the STS Task Force shall be public and written minutes shall be maintained.

(Ord. No. 03-46, § 4, 3-11-03)

Sec. 2-1565. Duties and Functions.

The STS Task Force shall be charged with:

(a) Monitoring the effectiveness of paratransit software utilized for the provision of STS services;

(b) Monitoring service provided by STS brokers and service providers;

(c) Considering any other matters relating to the provision of STS services; and

(d) Providing semiannual reports to the Board of County Commissioners regarding the effectiveness of paratransit software, the service provided by STS brokers and service providers and any other matters relating to the provision of STS services.

(Ord. No. 03-46, § 5, 3-11-03; Ord. No. 04-135, § 1, 7-13-04)

Sec. 2-1566. Staff Support.

The County Manager shall provide adequate departmental staff support and access to necessary resources to enable the STS Task Force to carry out its duties and functions.

(Ord. No. 03-46, § 6, 3-11-03)

Secs. 2-1567—2-1570. Reserved.

FOOTNOTE(S):

--- (**114**) ---

**Editor's note—** Ord. No. 03-46, §§ 1—6, adopted March 11, 2003, did not specifically amend the Code. Hence its inclusion herein as article CV, sections 2-1561—2-1566, was at the discretion of the editor. [(Back)](#BK_BC39D32B6CC77CCDC52F2F45D68306DF)

### ARTICLE CVI. ISLANDS AT DORAL (SW) COMMUNITY DEVELOPMENT DISTRICT [[115]](#BK_5B05E85C5F28FCA51406E0C3DDCFA2C6)

[Sec. 2-1571. Findings.](#BK_C3E76B57264E5DD6A3DA3BB3AA996CCC)

[Sec. 2-1572. Petition.](#BK_DCC97F274CB440FD550038E223B63603)

[Sec. 2-1573. District boundaries.](#BK_D145C6B431FE184D0EA408ED7B6A3528)

[Sec. 2-1574. Name of district.](#BK_BC328F7A7DFB498BDBFF391CE7A710A9)

[Sec. 2-1575. Purposes.](#BK_FAD4A1706C44E193E72E5D42DC157F32)

[Sec. 2-1576. Charter.](#BK_39F3ECDDD5284FDA77B03F77B689B3E0)

[Sec. 2-1577. Grant of general powers.](#BK_13B5CBB94DC9A3D13D5ACEB42ABAF261)

[Sec. 2-1578. Grant of special powers.](#BK_40D624F9ABF62009C8A55C07C2135A65)

[Sec. 2-1579. Bond validation.](#BK_0089085D0F1AF8DE8EA1EF72629CCDEA)

[Sec. 2-1580. No district bonds or debts to constitute debts or obligations of the county.](#BK_B4AFF867389229C49AB9D3841A93118D)

[Sec. 2-1581. County rates, fees and charges applicable to district.](#BK_B2D6AFD41FF6C2F729C29482897EBE5C)

[Sec. 2-1582. Power of eminent domain.](#BK_8D7E0B4EAF98B45AC5C9A9E4445CBD32)

[Sec. 2-1583. District regulations.](#BK_2809B0AF063852D0B9630246D441AE6E)

[Secs. 2-1584—2-1600. Reserved.](#BK_D8701FCB4A5DEDB6CD4F9D8847639C50)

Sec. 2-1571. Findings.

The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

(Ord. No. 03-37, § 1, 3-11-03)

Sec. 2-1572. Petition.

The Petition to establish the Islands at Doral (SW) Community Development District over the real property described in Exhibit A attached hereto, which was filed by Century Homebuilders, LLC., a Florida limited liability company, on December 9, 2002 and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached in its entirety and incorporated herein (Exhibit B).

(Ord. No. 03-37, § 2, 3-11-03)

Sec. 2-1573. District boundaries.

The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit C.

(Ord. No. 03-37, § 3, 3-11-03)

Sec. 2-1574. Name of district.

The name of the District shall be the "Islands at Doral (SW) Community Development District."

(Ord. No. 03-37, § 5, 3-11-03)

Sec. 2-1575. Purposes.

The Islands at Doral (SW) Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 03-37, § 6, 3-11-03)

Sec. 2-1576. Charter.

Pursuant to Section 190.005 (2) (d), Florida Statutes, the charter for the Islands at Doral (SW) Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 03-37, § 7, 3-11-03)

Sec. 2-1577. Grant of general powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Islands at Doral (SW) Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 03-37, § 8, 3-11-03)

Sec. 2-1578. Grant of special powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Islands at Doral (SW) Community Development District the special powers authorized pursuant to Section 190.012 (1), Florida Statutes and Sections 190.012 (2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012 (3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 03-37, § 9, 3-11-03)

Sec. 2-1579. Bond validation.

All bonds issued by the Islands at Doral (SW) Community Development District pursuant to the powers granted by this Ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 03-37, § 10, 3-11-03)

Sec. 2-1580. No district bonds or debts to constitute debts or obligations of the county.

No bond, debt or other obligation of the Islands at Doral (SW) Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 03-37, § 11, 3-11-03)

Sec. 2-1581. County rates, fees and charges applicable to district.

Notwithstanding any power granted to the Islands at Doral (SW) Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 03-37, § 12, 3-11-03)

Sec. 2-1582. Power of eminent domain.

Notwithstanding any power granted to the Islands at Doral (SW) Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 03-37, § 13, 3-11-03)

Sec. 2-1583. District regulations.

This Ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. It is provided, however, that this Ordinance shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 of this Ordinance, having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developer's, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such applications;

(b) The Miami-Dade County Water and Sewer Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Islands at Doral (SW) Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provisions shall contain examples of such agencies and programs. The Islands at Doral (SW) Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Islands at Doral (SW) Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Islands at Doral (SW) Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Islands at Doral (SW) Community Development District shall provide for the election of a member to its Board of Supervisors who is deemed by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) In addition to notice required under Section 190.048, Florida Statutes, the Islands at Doral (SW) Community Development District shall provide a separate notice to each prospective purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(g) The Islands at Doral (SW) Community Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

(h) The Islands at Doral (SW) Community Development District agrees to apply for the creation of a multipurpose special taxing district to maintain the development's infrastructure such as roadways, storm drainage, water, sewer and landscape should the CDD be dissolved or fail to fulfill its maintenance obligations. Any and all plats of property within the CDD shall contain a conveyance clause to Miami-Dade County to be exercised at its discretion should the CDD be dissolved or fail to perform.

(Ord. No. 03-37, § 15, 3-11-03)

Secs. 2-1584—2-1600. Reserved.

FOOTNOTE(S):

--- (**115**) ---

**Editor's note—** Ord. No. 03-37, §§ 1—3, 5—13, 15, adopted March 11, 2003, did not specifically amend the Code. Hence its inclusion herein as article CVI, sections 2-1571—2-1583, was at the discretion of the editor. [(Back)](#BK_F5A331E4D81599E991370A7BEAD0E397)

### ARTICLE CVII. MIAMI-DADE SPORTS COMMISSION [[116]](#BK_3442AAA43B967D939F2AF74F71B5CDBF)

[Sec. 2-1601. Creation of Authority.](#BK_DBC2A8B0DD939BED7181980E6E7AE335)

[Sec. 2-1602. Promotion and Attraction of Sports.](#BK_E96B9BB09C415DC93F1284950152814E)

[Sec. 2-1603. Governing Body.](#BK_24768B33A4DF74B151CE5026BB39FBCD)

[Sec. 2-1604. Powers and Duties of the Commission.](#BK_399E483ECFF40A8FB480BEBB05BC6019)

[Sec. 2-1605. Financial support for the Commission.](#BK_A5379E85480BA71CC7E3A558F7CD857E)

[Sec. 2-1606. Modifications and Term.](#BK_D0889C52C975F3852C5D57CA055C6A4C)

[Sec. 2-1607. Counsel.](#BK_A747CC74C94798BFF4838ED16A88D6DC)

[Secs. 2-1608—2-1620. Reserved.](#BK_75DA40D07A84C402DA88DBD73DE6A01D)

Sec. 2-1601. Creation of Authority.

There is created and established pursuant to the Metropolitan Dade County Home Rule Charter, as amended, an agency and instrumentality of Metropolitan Dade County to be known as the "Miami-Dade Sports Commission" ("Commission"). The Commission shall be a public body corporate and politic which, through its governing body, may exercise all those powers either specifically granted in this Article or necessary in the exercise of those powers enumerated in this Article.

(Ord. No. 03-71, § 1, 4-8-03)

Sec. 2-1602. Promotion and Attraction of Sports.

The Authority shall promote, attract and solicit adult and youth sports from throughout the United States and within Miami-Dade County to the greatest extent feasible and shall strive to generate and further community support to achieve this purpose, including working closely with the County's Parks Department so as not to compete for events and to use each other as a resource.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 06-109, § 1, 7-6-06)

Sec. 2-1603. Governing Body.

(a) *Composition and appointment.* The governing body of the Commission shall be a board of directors that consists of twelve (12) voting members from the following organizations and any additional members selected by the Executive Committee pursuant to (c) below:

(1) The County Manager, Deputy County Manager, or Assistant County Manager;

(2) The Director of the Miami-Dade Parks Department;

(3) A representative from the Miami-Dade League of Cities;

(4) A representative who is involved in collegiate athletics from one of the local colleges or universities to be selected by the board of directors;

(5) A representative from the Miami-Dade School Board;

(6) A representative from the Greater Miami Convention and Visitors Bureau;

(7) A representative from the Greater Miami and the Beaches Hotel Association;

(8) A representative from The Greater Miami Chamber of Commerce;

(9) A representative from The Orange Bowl Committee.

(10) A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners;

(11) A member of the Board of County Commissioners to be appointed by the Chairman or Chairperson of the Board of County Commissioners;

(12) The Miami-Dade County Mayor or his designee.

Each organization shall appoint its representative to the board of directors. When making a selection, each organization shall consider that the voting members should reflect the gender, racial, ethnic or cultural make-up of the community.

(b) *Qualifications.* Each member of the Commission shall be a United States citizen, a duly qualified elector of Miami-Dade County, and shall comply with the requirements of Chapter 2-11-38 of the Code of Miami-Dade County. Before taking any official action, each voting member shall take the prescribed oath of office. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(c) *Executive Committee.* The Executive Committee shall consist of the twelve (12) members of the Board of Directors appointed by the organizations listed in (a) above. The Executive Committee may, by majority vote, select and appoint up to thirty-four (34) additional voting members to the Board of Directors. The Executive Committee may expand its membership up to four (4) additional members selected from the Board of Directors. The Executive Committee, upon a majority vote, may veto any action taken by the Board of Directors. The twelve (12) members of the Board of Directors shall, by a majority vote, renew the up to thirty-four (34) Board members on an annual basis. The Chairperson shall be a member of the Board of County Commissioners appointed by the Chairperson of the Board of County Commissioners.

*Term.* The members of the Commission who are the County Mayor or his designee or are members of the Board of County Commissioners shall serve terms of three (3) years each. No member who is a member of the Board of County Commissioners shall serve more than two (2) consecutive terms of three (3) years each. Notwithstanding the foregoing, the Board of County Commissioners may waive the term limits contained herein, in the manner prescribed in [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF)(b) of the Code.

(d) *Vacancies.* Each organization shall appoint a new representation within one month when its appointee resigns or is removed from the Commission.

(e) *Modified applicability of Conflict of Interest and Code of Ethics Ordinance.* The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Metropolitan Dade County, Florida, shall be applicable to the members of the Commission only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Commission members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Commission.

(f) *Organization and Procedure.* The board of directors shall elect one (1) of its members as chairperson and one of its members as vice-chairperson whom shall both serve a term of two (2) years and such other officers as the board of directors may determine to be necessary.

The Commission shall create by-laws and shall hold regular meetings in accordance with those by-laws. The Commission may hold such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Commission shall be public and the Commission shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Commission shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Commission.

The members of the Commission shall have the powers, duties, and responsibilities customarily vested in the board of directors of a private corporation, including the power to appoint a Chief Executive Officer and to remove such appointee and to make, adopt and amend rules and regulations that supplement its by-laws.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 04-28, § 1, 2-3-04; Ord. No. 06-109, § 2, 7-6-06; Ord. No. 09-07, § 1, 1-22-09; Ord. No. 12-50, § 1, 7-3-12)

Sec. 2-1604. Powers and Duties of the Commission.

The Commission, acting through its governing body, shall have the following powers, duties, function and responsibilities.

(a) To attract quality sporting events to Miami-Dade County in cooperation with the County's Parks Department that will result in economic benefit to Miami-Dade County through tourism activity and improve the quality of life of its citizens and showcase the Miami-Dade County area and its many athletic facilities to a local, national and international audience.

(b) To form an independent 501(c)(3) corporation which will raise private funds to assist needy local adult and youth amateur athletic organizations and to assist the Commission.

(c) To solicit membership from local corporations and business entities and to establish an advisory board consisting of those individuals or corporate representatives who become members of the Commission.

(d) To establish membership fees and incentives programs.

(e) To sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal. This provision shall not be construed to in any way affect the laws relating to governmental immunity. The contractual powers of the Commission shall be subject to the following limitation:

It is specifically provided that contracts and any related amendments executed by the Commission, or other obligations incurred by the Commission, shall not be binding upon Miami-Dade County. In the event that the Commission shall be revoked, obligations of the Commission shall only be enforceable against Miami-Dade County to the extent that such obligations would have been enforceable with regard to personal property which was in the possession of the Commission and with regard to business income which would have come in the possession of the Commission had the Commission not been revoked.

The Commission shall comply with the formal bid requirements of Section 4.03D of the charter of Metropolitan Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03D shall be construed to be "The Metropolitan Dade County Sports Commission" and the term "Manager" shall be construed to be "Chief Executive Officer of the Authority."

For all contracts involving the purchase of goods or services (including construction), the Commission shall comply with the provisions of [Section 2-8.2](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-8.2BLBUENPR) of the County Code and the administrative procedures pursuant to that subsection (f) to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. Subject to prior approval by the Board of County Commissioners, the Commission shall have the authority to purchase real property and to sell, convey, mortgage or otherwise impair or encumber the title to real property. The Commission shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property shall be in accordance with the requirements of Section 125.35, Florida Statutes.

Subject to prior approval of the Board of County Commissioners, the Commission shall not destroy, replace, or abandon real property. The Commission shall be authorized to maintain and repair its facilities and may alter, modify, or make additions to its facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.

(g) To appoint, remove, and suspend employees or agents of the Commission including an Executive Director, to fix their compensation, and to adopt personnel and management policies. Initially, the Commission may use County employees to serve as its staff. The Commission shall assure employees a process of appeal with regard to disciplinary or other official action.

(h) To submit annually to the Board of County Commissioners, a report summarizing and evaluating all programs and activities undertaken by the Commission during that previous fiscal year.

(i) To accept gifts of money, services, or real or personal property. All gifts shall be held pursuant to the provisions of this article.

(j) To cooperate and contract with any governmental agency or instrumentality, federal, state, county, or municipal.

(k) The Commission shall comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records.

(l) To establish a not-for-profit corporation under the laws of Florida to assume the duties and responsibilities of the Commission.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 06-109, § 3, 7-6-06)

Sec. 2-1605. Financial support for the Commission.

The Commission shall establish a fiscal year that coincides with that of Miami-Dade County, and the County Manager shall provide financial support to the Commission by including the amount of two hundred fifty thousand dollars ($250,000.00) in the official Miami-Dade County budget each year unless directed otherwise by the Board of County Commissioners. The amount provided to the Commission may be increased or decreased by the Board from time to time. The board of directors shall submit a requisition to the Finance Director in a form acceptable by the Finance Director for the dispersal of funds as needed. The Commission shall timely submit to the Board of County Commissioners a budget request pertaining to operating and capital expenditures for the succeeding fiscal year, which request shall not be implemented until approved by the Board of County Commissioners.

The Commission budget request shall be prepared on official Miami-Dade County budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which requests of other county departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the Commission each year. Nothing contained herein shall be construed to prohibit the Commission from submitting to the Board of County Commissioners supplemental budget requests which, if approved by the Board of County Commissioners, shall constitute amendments to the official Miami-Dade County budget.

(a) *Borrowing of money.* Subject to prior approval of the Board of County Commissioners, the Commission shall have the authority to borrow money for any of its corporate purposes.

(b) *General financial provisions.* The Commission shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The Commission shall submit an annual financial report to the Board of County Commissioners no later than ninety (90) days from the close of such fiscal year. Miami-Dade County may require that an external auditor audit the Commission's annual financial statements.

The Commission Auditor of Miami-Dade County shall at all times have the right to audit all records of the Commission, and the external auditor of the Miami-Dade County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the Commission.

(Ord. No. 03-71, § 1, 4-8-03; Ord. No. 06-109, § 4, 7-6-06)

Sec. 2-1606. Modifications and Term.

It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, a Commission that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission.

(Ord. No. 03-71, § 1, 4-8-03)

Sec. 2-1607. Counsel.

The Commission shall utilize the County Attorney's Office for legal services. Legal opinions by the County Attorney's Office pertaining to this article shall be binding upon the Commission.

(Ord. No. 03-71, § 1, 4-8-03)

Secs. 2-1608—2-1620. Reserved.

FOOTNOTE(S):

--- (**116**) ---

**Editor's note—** Ord. No. 03-71, § 1, adopted April 8, 2003 did not specifically amend the Code. Hence, its inclusion herein as article CVII, sections 2-1601—2-1607, was at the discretion of the editor. [(Back)](#BK_B870DB660C912F063E23CFA599B65617)

### ARTICLE CVIII. CENTURY GARDENS COMMUNITY DEVELOPMENT DISTRICT [[117]](#BK_8B29B3A24958476C4E94B76506EAB1B4)

[Sec. 2-1621. Findings.](#BK_D7BF0DF4B35393232E1AA7C847BF5774)

[Sec. 2-1622. Petition.](#BK_E523AEA62E3F32211D2CD6A299F02F0A)

[Sec. 2-1623. District boundaries.](#BK_318303FCBD320FF887B9E898F691CD8E)

[Sec. 2-1624. District name.](#BK_1A67E800511C4C46FB8815D943CAC2C4)

[Sec. 2-1625. Purpose.](#BK_B93346D3A1E15447CB78249B6FA3422E)

[Sec. 2-1626. District charter.](#BK_6B599437CB2F2199CFE498AB3FA6AC4D)

[Sec. 2-1627. Grant of general powers.](#BK_C78A29A035D5B40BED0C6995854C4AD5)

[Sec. 2-1628. Grant of special powers.](#BK_72266481EE0FCAED7F6E4C5B5554C87E)

[Sec. 2-1629. Bond validation.](#BK_7E2FDA03B6435318FBF51266EA43BFA1)

[Sec. 2-1630. No district bonds or debts to constitute debts or obligations of the county.](#BK_9644AAF0CED51418409FDAE39D9C710F)

[Sec. 2-1631. County rates, fees and charges applicable to district.](#BK_B232B024A44650804728BE3EC3082B2A)

[Sec. 2-1632. Power of eminent domain.](#BK_94513EBC429C232CCF9FE628BCB8E6D0)

[Sec. 2-1633. District regulations.](#BK_BB069F631A4E41789B6A87A2E43A2624)

[Secs. 2-1634—2-1640. Reserved.](#BK_7E78D1EE378D07B1DFDB380F45CD8474)

Sec. 2-1621. Findings.

The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

(Ord. No. 03-150, § 1, 6-17-03)

Sec. 2-1622. Petition.

The Petition to establish the Century Gardens Community Development District over the real property described in Exhibit A attached to the ordinance from which this article derives, which was filed by Century Prestige I, II, III, LLC., Florida limited liability companies, on March 28, 2003 and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached and incorporated herein as (Exhibit B).

(Ord. No. 03-150, § 2, 6-17-03)

Sec. 2-1623. District boundaries.

The external boundaries of the District shall be as depicted on the location map attached to the ordinance from which this article derives and incorporated herein as Exhibit C.

(Ord. No. 03-150, § 3, 6-17-03)

Sec. 2-1624. District name.

The name of the District shall be the "Century Gardens Community Development District."

(Ord. No. 03-150, § 5, 6-17-03)

Sec. 2-1625. Purpose.

The Century Gardens Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 03-150, § 6, 6-17-03)

Sec. 2-1626. District charter.

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Century Gardens Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 03-150, § 7, 6-17-03)

Sec. 2-1627. Grant of general powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Century Gardens Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 03-150, § 8, 6-17-03)

Sec. 2-1628. Grant of special powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Century Gardens Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 03-150, § 9, 6-17-03)

Sec. 2-1629. Bond validation.

All bonds issued by the Century Gardens Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 03-150, § 10, 6-17-03)

Sec. 2-1630. No district bonds or debts to constitute debts or obligations of the county.

No bond, debt or other obligation of the Century Gardens Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 03-150, § 11, 6-17-03)

Sec. 2-1631. County rates, fees and charges applicable to district.

Notwithstanding any power granted to the Century Gardens Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 03-150, § 12, 6-17-03)

Sec. 2-1632. Power of eminent domain.

Notwithstanding any power granted to the Century Gardens Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 03-150, § 13, 6-17-03)

Sec. 2-1633. District regulations.

This article shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. It is provided, however, that this article shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 of the ordinance from which this article derives, having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developers, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such applications;

(b) The Miami-Dade County Water and Sewer Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Century Gardens Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provisions shall contain examples of such agencies and programs. The Century Gardens Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Century Gardens Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Century Gardens Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Century Gardens Development District shall provide for the election of a member to its Board of Supervisors who is deemed by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) In addition to notice required under Section 190.048, Florida Statutes, the Century Gardens Community Development District shall provide a separate notice to each prospective purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(g) The Century Gardens Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

(h) The Century Gardens Community Development District has filed a petition for a multipurpose special taxing district which will provided maintenance of certain common landscaped areas, lakes and lake access tracts within the CDD.

(Ord. No. 03-150, § 15, 6-17-03)

Secs. 2-1634—2-1640. Reserved.

FOOTNOTE(S):

--- (**117**) ---

**Editor's note—** Ord. No. 03-150, §§ 1—3, 5—13, 15, adopted June 17, 2003 did not specifically amend the Code. Hence, its inclusion herein as article CVIII, sections 2-1621—2-1633, was at the discretion of the editor. [(Back)](#BK_5B489345053133A8A134DBE31B6EAFF9)

### ARTICLE CIX. SAUSALITO BAY COMMUNITY DEVELOPMENT DISTRICT [[118]](#BK_9564ACB97E0307690CD00E4E65714A12)

[Sec. 2-1641. Findings.](#BK_781375AFCBA09771F49066496C06E71B)

[Sec. 2-1642. Petition.](#BK_8497319F38CC0E82AFC06C3D8333E40F)

[Sec. 2-1643. District boundaries.](#BK_28FE3AB0CC13A94D64EC9B7C43C26D7A)

[Sec. 2-1644. District name.](#BK_583C0B92D4197F7D1E477D4AED1DB2EA)

[Sec. 2-1645. Purpose.](#BK_D85F4B4C9202EE72F1D916236F9DD8CA)

[Sec. 2-1646. District charter.](#BK_FB21EA6791DAEE0E37558D036EB60437)

[Sec. 2-1647. Grant of general powers.](#BK_E5252084B55CE7E703194945F4341E86)

[Sec. 2-1648. Grant of special powers.](#BK_EDE549EAB43650E112E4E1CF47B5C1BB)

[Sec. 2-1649. Bond validation.](#BK_AFABC7374B4597B772014D715AAA94E4)

[Sec. 2-1650. No district bonds or debts to constitute debts or obligations of the county.](#BK_956C72D67EF921DEB3B2469C77D70389)

[Sec. 2-1651. County rates, fees and charges applicable to district.](#BK_479BF7E731C50BE8E61AE16E1883A110)

[Sec. 2-1652. Power of eminent domain.](#BK_CB18256CD5DECCF1A7D6A688BBFD1D99)

[Sec. 2-1653. District regulations.](#BK_430E3D0F70D9A84FDF388450FC3EF086)

[Secs. 2-1654—2-1660. Reserved.](#BK_09F376145393B5993814448E50C02D01)

Sec. 2-1641. Findings.

The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

(Ord. No. 03-104, § 1, 5-6-03)

Sec. 2-1642. Petition.

The Petition to establish the Sausalito Bay Community Development District over the real property described in Exhibit A attached to the ordinance from which this article derives, which was filed by Lennar-Century 8th Street Developers, J.V., a Florida joint venture, on February 25, 2003 and which Petition is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached in its entirety and incorporated herein (Exhibit B).

(Ord. No. 03-104, § 2, 5-6-03)

Sec. 2-1643. District boundaries.

The external boundaries of the District shall be as depicted on the location map attached to the ordinance from which this article derives and incorporated herein as Exhibit C.

(Ord. No. 03-104, § 3, 5-6-03)

Sec. 2-1644. District name.

The name of the District shall be the "Sausalito Bay Community Development District."

(Ord. No. 03-104, § 5, 5-6-03)

Sec. 2-1645. Purpose.

The Sausalito Bay Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 03-104, § 6, 5-6-03)

Sec. 2-1646. District charter.

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Sausalito Bay Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 03-104, § 7, 5-6-03)

Sec. 2-1647. Grant of general powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Sausalito Bay Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 03-104, § 8, 5-6-03)

Sec. 2-1648. Grant of special powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Sausalito Bay Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 03-104, § 9, 5-6-03)

Sec. 2-1649. Bond validation.

All bonds issued by the Sausalito Bay Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 03-104, § 10, 5-6-03)

Sec. 2-1650. No district bonds or debts to constitute debts or obligations of the county.

No bond, debt or other obligation of the Sausalito Bay Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 03-104, § 11, 5-6-03)

Sec. 2-1651. County rates, fees and charges applicable to district.

Notwithstanding any power granted to the Sausalito Bay Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 03-104, § 12, 5-6-03)

Sec. 2-1652. Power of eminent domain.

Notwithstanding any power granted to the Sausalito Bay Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 03-104, § 13, 5-6-03)

Sec. 2-1653. District regulations.

This article shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. It is provided, however, that this article shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 of the ordinance from which this article derives, having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developers, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such applications;

(b) The Miami-Dade County Water and Sewer Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Sausalito Bay Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provisions shall contain examples of such agencies and programs. The Sausalito Bay Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Sausalito Bay Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Sausalito Bay Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanie Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Sausalito Bay Development District shall provide for the election of a member to its Board of Supervisors who is deemed by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) In addition to notice required under Section 190.048, Florida Statutes, the Sausalito Bay Community Development District shall provide a separate notice to each prospective purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(g) The Sausalito Bay Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

(h) The Sausalito Bay Community Development District lies within the A.B. at Tamiami Trail Multipurpose Special Taxing District and will assume maintenance of certain landscaped areas, lakes and lake access tracts if the CDD is dissolved or fails to fulfill its maintenance obligations. Any and all plats of property within the CDD shall contain a conveyance clause to Miami-Dade County to be exercised at its discretion should the CDD be dissolved or fail to perform.

(Ord. No. 03-104, § 15, 5-6-03)

Secs. 2-1654—2-1660. Reserved.

FOOTNOTE(S):

--- (**118**) ---

**Editor's note—** Ord. No. 03-104, §§ 1—3, 5—13, 15, adopted May 6, 2003 did not specifically amend the Code. Hence, its inclusion herein as article CIX, sections 2-1641—2-1653, was at the discretion of the editor. [(Back)](#BK_D0E4AB498C5B6972A9F610D1F45AC845)

### ARTICLE CX. BEACON LAKES COMMUNITY DEVELOPMENT DISTRICT [[119]](#BK_65972C19618AC3C2978025B03D68F594)

[Sec. 2-1661. Findings.](#BK_A8FE3F854A002501BF5B9CEF837FC790)

[Sec. 2-1662. Petition.](#BK_038A9D7EA946943E6EBCFF0C46A50B1B)

[Sec. 2-1663. District boundaries.](#BK_95590731778CB70DB615C2A1B1BC67BB)

[Sec. 2-1664. District name.](#BK_03D6BBD9F84CD23DDE1579126A05E967)

[Sec. 2-1665. Purpose.](#BK_ED5C4FB85770C3805C4E3ECBD63AF130)

[Sec. 2-1666. District charter.](#BK_7F3AAE6039C8404F7ED2378DFCD184C8)

[Sec. 2-1667. Grant of general powers.](#BK_7779A3A1514D9298F62E712E3EEB038A)

[Sec. 2-1668. Grant of special powers.](#BK_B718C50AC04F7E301AB2D96622989873)

[Sec. 2-1669. Bond validation.](#BK_00DAF6AFFC30281948C56A5714E878ED)

[Sec. 2-1670. No district bonds or debts to constitute debts or obligations of the county.](#BK_E452613FE27773E41EBD8A559E56D28F)

[Sec. 2-1671. County rates, fees and charges applicable to district.](#BK_AF349DD11E7AC0E06A3B5B90412D78AB)

[Sec. 2-1672. Power of eminent domain.](#BK_42DBDC96E705F68303114F382EA5873D)

[Sec. 2-1673. District regulations.](#BK_659C3F8CBF2EF221A2DF114116692247)

[Secs. 2-1673—2-1680. Reserved.](#BK_C5CCDA782DADBE442E03BD0C451BA097)

Sec. 2-1661. Findings.

The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

(Ord. No. 03-105, § 1, 5-6-03)

Sec. 2-1662. Petition.

The Petition to establish the Beacon Lakes Community Development District over the real property described in Exhibit A attached to the ordinance from which this article derives, which was filed by AMB Codina Beacon Lakes L.L.C., on January 17, 2003 and which Petition as supplemented is on file at the Office of the Clerk of the Board, is hereby granted. A copy of the Petition is attached in its entirety and incorporated herein (Exhibit B).

(Ord. No. 03-105, § 2, 5-6-03)

Sec. 2-1663. District boundaries.

The external boundaries of the District shall be as depicted on the location map attached to the ordinance from which this article derives and incorporated herein as Exhibit C.

(Ord. No. 03-105, § 3, 5-6-03)

Sec. 2-1664. District name.

The name of the District shall be the "Beacon Lakes Community Development District."

(Ord. No. 03-105, § 5, 5-6-03)

Sec. 2-1665. Purpose.

The Beacon Lakes Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 03-105, § 6, 5-6-03)

Sec. 2-1666. District charter.

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Beacon Lakes Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 03-105, § 7, 5-6-03)

Sec. 2-1667. Grant of general powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Beacon Lakes Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 03-105, § 8, 5-6-03)

Sec. 2-1668. Grant of special powers.

The Miami-Dade County Board of County Commissioners hereby grants to the Beacon Lakes Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers.

(Ord. No. 03-105, § 9, 5-6-03)

Sec. 2-1669. Bond validation.

All bonds issued by the Beacon Lakes Community Development District pursuant to the powers granted by this article shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 03-105, § 10, 5-6-03)

Sec. 2-1670. No district bonds or debts to constitute debts or obligations of the county.

No bond, debt or other obligation of the Beacon Lakes Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 03-105, § 11, 5-6-03)

Sec. 2-1671. County rates, fees and charges applicable to district.

Notwithstanding any power granted to the Beacon Lakes Community Development District pursuant to this article, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 03-105, § 12, 5-6-03)

Sec. 2-1672. Power of eminent domain.

Notwithstanding any power granted to the Beacon Lakes Community Development District pursuant to this article, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 03-105, § 13, 5-6-03)

Sec. 2-1673. District regulations.

This article shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board. It is provided, however, that this article shall not become effective, in whole or in part, unless on or before 5:00 p.m. on the 10th day after the date of enactment, a proposed Interlocal Agreement has been submitted and received by the County Manager, in a form acceptable to the County Attorney, and executed by each member of the Board of Supervisor designates named in Section 4 of the ordinance from which this article derives, having provisions in substantially the following form:

(a) Except upon the prior written consent of Miami-Dade County, which shall not be unreasonably withheld, the District shall not apply for or use grants or loans of money or other property from the United States, the State of Florida, any other unit of local government in Florida, or any other person or entity (except in connection with any financings of the District, and any loans made to the District by the developers, their affiliates and/or lenders in connection with the land development orders for property that is the subject of the Petition approved hereby, as they may be amended from time to time) for any District purpose. Any and all such requests by the District for authorization to apply for or use such grants or loans shall be made to Miami-Dade County, which shall have the sole discretion to decide whether to allow application for any such loans or grants. Should the County apply for any such loans or grants on behalf of the District, the District shall pay all costs to the County in connection with any such applications;

(b) The Miami-Dade County Water and Sewer Department shall provide all water and wastewater service to the District and all lands within the District boundaries.

(c) The Beacon Lakes Community Development District shall, to the best of its ability, fully utilize economic development enhancement resource agencies and programs designed to involve small and minority businesses in the development and expansion of permanent job opportunities within the District. The proposed Interlocal Agreement containing this provisions shall contain examples of such agencies and programs. The Beacon Lakes Community Development District will attempt to access the range of job skills available in the region and promote greater labor force enhancement. At a minimum, the Beacon Lakes Community Development District shall encourage all landowners in the District to provide potential commercial tenants with information about employment and training agencies that maintain a database of trained/skilled workers to consider in meeting the District's employment needs.

(d) The Beacon Lakes Community Development District shall adopt and utilize specific measures designed to involve small and minority businesses in the development and expansion of permanent job opportunities. Such measures shall be in substantially the forms employed by Miami-Dade County, specifically, the Miami-Dade County Community Small Business Enterprise Program; the Black, Women and Hispanic Enterprise Programs; fair subcontracting measures; nondiscrimination in bidding and contracting measures; and prompt payment measures.

(e) The Beacon Lakes Community Development District shall provide for the election of a member to its Board of Supervisors who is deemed by the Board of County Commissioners to represent the voice of Miami-Dade County.

(f) In addition to notice required under Section 190.048, Florida Statutes, the Beacon Lakes Community Development District shall provide a separate notice to each prospective purchaser of residential property in the District, prior to execution of any contract for sale, describing the type and amount of all projected taxes and assessments on the property in the District, including a good-faith estimate of the taxes and assessments on the individual parcel being considered for prospective purchase.

(g) The Beacon Lakes Community Development District shall adopt and utilize measures providing for employment of welfare recipients by entities contracting with the District. Such measures shall be in substantially the form of Miami-Dade County Resolution R-1206-97, as the same shall be amended from time to time.

(h) The Beacon Lakes Community Development District agrees to apply for the creation of a multipurpose special taxing district to maintain the development's infrastructure such as roadways, storm drainage, water, sewer and landscape should the CDD be dissolved or fail to fulfill its maintenance obligations. Any and all plats of property within the CDD shall contain a conveyance clause to Miami-Dade County to be exercised at its discretion should the CDD be dissolved or fail to perform.

(Ord. No. 03-105, § 15, 5-6-03)

Secs. 2-1673—2-1680. Reserved.

FOOTNOTE(S):

--- (**119**) ---

**Editor's note—** Ord. No. 03-105, §§ 1—3, 5—13, 15, adopted May 6, 2003 did not specifically amend the Code. Hence, its inclusion herein as article CX, sections 2-1661—2-1673, was at the discretion of the editor. [(Back)](#BK_47CF3B450E0AE8F73CD21EBEC5F4C606)

### ARTICLE CXI. NARANJA LAKES COMMUNITY REDEVELOPMENT AREA [[120]](#BK_1FE238A7FA68FC738C852A4B2A9A3167)

[Sec. 2-1681. Recitations.](#BK_8C51DE154A450534DA30C3D7F625483E)

[Sec. 2-1682. Trust fund established.](#BK_85C63B6CD84C1BB0641F2EA2E1F20D3E)

[Sec. 2-1683. Appropriations to fund.](#BK_22635FFBA5A3DBF3369A4A0963E5F3AE)

[Sec. 2-1684. County obligation to fund the trust fund.](#BK_9EC37D5A12C3E982D93AF0406479DD65)

[Sec. 2-1685. Expenditures.](#BK_672A95282A6ED9753BBF41179A4E50ED)

[Sec. 2-1686. Money remaining in the fund.](#BK_05569931AFC9EB48DCE326F4740E4254)

[Sec. 2-1687. Audit.](#BK_67C6132CA5ACEE1A4EBB426FEF75C417)

[Sec. 2-1688. Construction.](#BK_652E07DDE34B165B9C75580D3F2DB9F5)

[Secs. 2-1689—2-1700. Reserved.](#BK_38986B73A1A86F82E2F8CF7432403452)

Sec. 2-1681. Recitations.

The foregoing recitations are deemed true and correct and are hereby incorporated as a part of this article.

(Ord. No. 03-106, § 1, 5-6-03)

Sec. 2-1682. Trust fund established.

The Naranja Lakes Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 03-106, § 2, 5-6-03)

Sec. 2-1683. Appropriations to fund.

Except for the purpose of funding the Fund pursuant to [Section 2-1684](../level3/PTIIICOOR_CH2AD_ARTCXINALACOREAR.docx#PTIIICOOR_CH2AD_ARTCXINALACOREAR_S2-1684COOBFUTRFU) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years) a sum that is no less than the increment as defined and determined by [Section 2-1682](../level3/PTIIICOOR_CH2AD_ARTCXINALACOREAR.docx#PTIIICOOR_CH2AD_ARTCXINALACOREAR_S2-1682TRFUES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-1682](../level3/PTIIICOOR_CH2AD_ARTCXINALACOREAR.docx#PTIIICOOR_CH2AD_ARTCXINALACOREAR_S2-1682TRFUES) of this article. Beginning with the twentieth year after the date of sale of the initial bonding or indebtedness pledging tax increment funds, no new sale of bonds or indebtedness supported by the County's tax increment may occur nor may existing indebtedness so supported be refunded without amending this article. The County's increment contribution is to be accounted for as a separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 03-106, § 3, 5-6-03)

Sec. 2-1684. County obligation to fund the trust fund.

Notwithstanding the provisions of [Section 2-1683](../level3/PTIIICOOR_CH2AD_ARTCXINALACOREAR.docx#PTIIICOOR_CH2AD_ARTCXINALACOREAR_S2-1683APFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 03-106, § 4, 5-6-03)

Sec. 2-1685. Expenditures.

Moneys in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan: (a) administrative and overhead expenses necessary or incidental to the implementation of the Plan; (b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted; (c) the acquisition of real property in the Redevelopment Area; (d) the clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes; (e) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness; (f) all expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness; (g) the development of affordable housing within the Redevelopment Area; or (h) the development of community policing innovations.

(Ord. No. 03-106, § 5, 5-6-03)

Sec. 2-1686. Money remaining in the fund.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Section 2-1685](../level3/PTIIICOOR_CH2AD_ARTCXINALACOREAR.docx#PTIIICOOR_CH2AD_ARTCXINALACOREAR_S2-1685EX) herein for such year shall be: (a) returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year; (b) used to reduce the amount of any indebtedness to which increment revenues are pledged; (c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or (d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 03-106, § 6, 5-6-03)

Sec. 2-1687. Audit.

The Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 03-106, § 7, 5-6-03)

Sec. 2-1688. Construction.

This article is hereby declared to be for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

(Ord. No. 03-106, § 8, 5-6-03)

Secs. 2-1689—2-1700. Reserved.

FOOTNOTE(S):

--- (**120**) ---

**Editor's note—** Ord. No. 03-106, §§ 1—8, adopted May 6, 2003 did not specifically amend the Code. Hence, its inclusion herein as article CXI, sections 2-1681—2-1688, was at the discretion of the editor. [(Back)](#BK_DAF727D5631EF6175CD450EC53B15861)

### ARTICLE CXII. COMMUNITY WORKFORCE PROGRAM [[121]](#BK_A0AA787C8B163687AF0306F101A24D14)

[Sec. 2-1701. Community Workforce Program.](#BK_991F73986A985C69C8DCD74D82E30B5B)

[Secs. 2-1702—2-1720. Reserved.](#BK_9D59B61B2C1BEEEF59A721184B269684)

Sec. 2-1701. Community Workforce Program.

(1) *Definitions.* For purposes of this section the following definitions shall be effective:

A. *Capital Construction Contract* means the building and or improvement of a specific fixed asset as approved in the Capital Budget, or for the purpose of this Ordinance, open contract infrastructure work where the individual work orders are distributed throughout the County.

B. *Construction Trade Work* means skilled laborers.

C. *Contract* means a contract for Capital Construction.

D. *Department* means department or agency administering a Capital Construction Contract to which a local workforce goal has been applied.

E. *Designated Target Area (DTA)* means any geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone, any geographic area of Miami-Dade County designated by the Board of County Commissioners as a Targeted Urban Area (TUA), Community Development Block Grant (CDBG) Eligible Block Group or Focus Area.

F. *Enterprise Zone* means a geographic area of Miami-Dade County designated as an Enterprise Zone or a Satellite Enterprise Zone pursuant to the Florida Enterprise Zone Act of 1994, as amended.

G. *Empowerment Zone* means a geographical area of Miami-Dade County designated by the federal government as an empowerment zone.

H. *CDBG Eligible Block Group* means a geographical area whose residents are lower to moderate income.

I. *Focus Area* means a geographical area slated for economic revitalization.

J. *Job* means a specific trade such as painting, electrical, plumbing, etc., in which a person hired by the contractor or subcontractor as part of the workforce used towards a workforce goal compliance and which the length of the job may aggregate to less than 120 days due to the nature of the job. Jobs that will be less than 30 days for completion may not be considered towards compliance with a workforce goal.

K. *Labor Force* means individuals (the workforce) that may count towards compliance to a workforce goal.

L. *Labor Work* means unskilled construction work.

M. *Local Workforce Goal* means a requirement that a percentage of the workforce performing construction trades work and labor under a Capital Construction Contract/Work Orders be residents of a Designated Target Area.

N. *New Hire* means any individual meeting the requirements of resident as defined below, employed by the contractor or subcontractor and on the contractor's or subcontractor's payroll, pursuant to the County's approval of the Workforce Plan by the contractor (or subcontractor to perform any construction trades work or labor under a contract to which a local workforce goal has been applied, and who remains employed by the contractor/subcontractor and performs the job as listed and approved on the contractor's or subcontractor's workforce plan to include any approved revisions to the workforce plan, for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less.

O. *Resident.* Resident means a person who has resided in Miami-Dade County in any designated target area the past year (12 months).

P. *Review Committee or RC* means the committee established by the Mayor or the Mayor's Designee to review proposed contracts for the application of local workforce goals.

Q. *Scope of Services* or *Scope of Work* means the work to be performed under a Contract.

R. *Subcontractor* means any person, firm, entity, or organization at any tier, other than the employees of the contractor, performing construction trade work and labor under a contract to which a local workforce goal has been applied pursuant to this ordinance. This term shall include employment agency furnishing personnel to a contractor or subcontractor.

S. *Targeted Urban Area* means a geographical area of Miami-Dade County that has been designated by the County Commission as a Targeted Urban Area under [Section 30A-129](../level3/PTIIICOOR_CH30AURRE_ARTVITAFOURECRE.docx#PTIIICOOR_CH30AURRE_ARTVITAFOURECRE_S30A-129DE) of the Code.

T. *Work* means the construction and services required by the contract including all labor, materials, equipment and services to be provided by the contractor to fulfill the contractor's obligations. The work may constitute the whole or a part of the contract.

U. *Workforce Plan* or *Plan* means a plan delineating the number and category of administrative, construction trades and labor personnel necessary to perform the work under a Capital Construction Contract to which a local workforce goal has been applied, and the proposed steps that will be taken to meet the goal. The Plan shall be organized by trade and indicate the number and category of positions already filled and the number and category of positions that require recruitment; the anticipated date that the hiring process will be initiated; the deadline for referrals; the anticipated position commencement date; and the duration of the position.

V. *Workforce Development Organization or WDO* means an organization providing construction trades skills training or providing skills training that are recognized and accepted by all federation members of the respective trade, who are instrumental in its design and provides certification after participation or apprenticeship training or any construction related training. The firm must be registered with the Department of Small Business Development (SBD).

W. *Workforce Recruitment/Referral Organization or WRO* means an organization providing qualified construction employment recruitment/referral services and employability skills training, including application process, interviewing, and appropriate attire. The organization must be registered with SBD.

X. *Worker Training Program or WTP* is a certified training program, technical school, apprenticeship program or other such construction industry related training program.

Y. *Work Order* means issuance of specific work based on an open work contract with fixed unit prices.

(2) *Program Components:*

A. *Application:* Except where state, or federal laws or regulations mandate to the contrary, the provisions of this ordinance shall require review of Capital Construction Contracts/Work Orders for public improvements located in Designated Target Areas to determine the appropriateness of applying a local workforce goal requiring that a minimum of 10% of the persons performing the construction trades and labor work under the contract be residents of Designated Target Areas as set forth in this ordinance. The provisions of this ordinance shall apply to all such Capital Construction Contracts/Work Orders entered into and issued by the County, its departments and agencies including the Public Health Trust or funded in whole or in part by County funds or with private funds on County property. The foregoing notwithstanding, the Board may by Implementing Order provide that Contracts and/or Work Orders below a certain dollar amount shall not be subject to the requirements of this ordinance.

B. *Establishment of local workforce goal:* A local workforce goal may be applied to a Capital Construction Contract/Work Orders subject to review under this section based on the Scope of Work the relative local unemployment rate, and an estimate of the trades and workforce necessary to perform construction trades work and labor under the contract. The RC is responsible for recommending to the Mayor or the Mayor's Designee whether a workforce goal should be applied to a Capital Construction Contract/Work Order. The contract language for a Capital Construction Contract/Work Order to which a local workforce goal is applied shall specify that a certain percentage of the workforce performing construction trades and labor work under such contract be residents of Designated Target Areas as provided herein.

C. *Workforce Plan:* Bid and proposal documents for Capital Construction Contracts/Work Order to which a local workforce goal has been applied shall require the contractor, to develop and submit to the County, within fifteen (15) days of notification of award of the contract, a Workforce Plan outlining how the goal will be met and containing all of the information and elements required by this Section. The Plan shall specify the total number of persons that will be used by the contractor (as well as by all subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category. The Plan shall identify by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll who reside in any Designated Target Area. The Plan shall also indicate the number of positions shown on the work, trade categories and minimum qualifications therefore of the positions to be hired by the contractor (or by any proposed subcontractors) to perform the construction trades and labor work under the contract. The County will not enter into the contract until it receives the contractor's Workforce Plan and deems the Plan acceptable. The contract language of a contract subject to a local workforce goal shall provide that in the event that at contract completion, the contractor fails to comply with the established local workforce goal, liquidated damages equal to a minimum of $1,500.00 per position or the salary that would be payable for such position had the person(s) been hired for the position as listed on the approved workforce plan to include all approved revisions to the workforce plan, whichever is greater shall be withheld from the contractor's final payment as liquidated damages and be applied to pay part of the costs of the Community Workforce Program under this ordinance. An updated Plan shall be submitted to SBD on a monthly basis. In the event that during the contract time a new hire or a person identified in the Plan as already on the contractor's (or any proposed subcontractor's) payroll to meet the local workforce goal is replaced, Miami-Dade County will require the contractor to immediately contact SBD identifying the replacement. Notwithstanding anything to the contrary above, the contractor may be relieved from the requirements of this ordinance, in part or in whole, if such contractor can demonstrate to SBD that it has utilized its best efforts to achieve the goal in accordance with the prescribed Implementing Order.

D. *Goal compliance:* The following shall count towards compliance with a local workforce goal. Within 15 days of approval of the Workforce Plan, the contractor shall complete and submit a Job Order Request Form (in the form attached to Resolution No. 1145-99, the Clearinghouse for posting of job opportunities) to the Employee Relations Department for each position designated in the approved Workforce Plan for recruitment. The employer/contractor Information portion of the Job Order Request Form shall provide the relevant information for the contractor or subcontractor who will employ the new hire. Persons designated in the approved Workforce Plan as already on the contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who reside in the DTA in which the public improvement is located and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in the DTA where the public improvement project is located who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work of the contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal. Persons that reside in a DTA other than the DTA in which the public improvement is located, may be counted towards meeting the goal provided the first priority in hiring for such position was given to persons residing in the Designated Target Area in which the public improvement is located, and when the hiring party as well as the WDOs and WROs have demonstrated to SBD that they have been unable to identify a qualified resident of the Designated Target Area in which the public improvement is located.

E. *Exceptions:* Due to the regional significance of Airport and Seaport public improvement projects as sources of employment, contractors performing work at the Airport and Seaport may hire residents of DTAs other than the DTA where the project is located and are not required to give first priority to persons residing in the DTA where the project is located. Persons designated in the approved Workforce Plan as already on the Airport or Seaport contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who reside in any DTA and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in any DTA who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work on the Airport or Seaport Capital Construction Contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal.

(3) *WDO and WRO Registration.* SBD shall register WDOs and WROs, and shall maintain and publish an updated list of WDOs and WROs, identifying areas of expertise and services. SBD shall collect, assemble, and verify information needed to establish eligibility for such registration.

(4) *Training.* The County Manager or designee may initiate the development of a training program for construction related trades.

(5) *Monitoring.* The County shall maintain staff for the purpose of monitoring compliance with this ordinance. Assigned individuals will be on site quarterly to review the progress towards meeting the local workforce goal. The contractor, WDO, WRO, and all subcontractors performing work on a contract to which a local workforce goal has been applied shall maintain, and make readily available, all records pertaining to employment by the contractor and subcontractors on the contract. The contractor shall submit monthly reports itemizing, by trade, all new hires performing work under the contract including, but not limited to the trade, the time period the work was performed and the permanent residence.

(6) *Incentives.* It is the County's plan to encourage contractors to access incentives available in Designated Target Areas. Included are incentives established for Enterprise/Empowerment Zones, and Targeted Urban Areas such as the Work Opportunity Tax Credit, Business Registry Incentives, and Qualified Targeted Industries Incentives (QTI), and any other applicable incentives. A contractor, WDO or WRO, is responsible for applying for any incentive for which they may be eligible.

(Ord. No. 03-01, § 1, 1-23-03; Ord. No. 03-237, § 1, 11-4-03; Ord. No. 10-39, § 1, 6-3-10; Ord. No. 13-66, § 1, 7-2-13)

Secs. 2-1702—2-1720. Reserved.

FOOTNOTE(S):

--- (**121**) ---

**Editor's note—** Ord. No. 03-01, § 1, adopted Jan. 23, 2003, did not specifically amend the Code. Hence, its inclusion herein as article CXII, Section 2-1701, was at the discretion of the editor. [(Back)](#BK_93E1718C52A36889157F612F0118F460)

### ARTICLE CXIII. COUNTYWIDE HEALTHCARE PLANNING OFFICE [[122]](#BK_8A1AD3E5AC1F62ACE437661DA4214850)

[Sec. 2-1721. Created.](#BK_270EBCD956BECC5B3375D38771DCAF8E)

[Sec. 2-1722. Office of Countywide Healthcare Planning.](#BK_251FD8241496F8AFF2B335589352F666)

[Secs. 2-1723—2-1740. Reserved.](#BK_C15F557FBE6797713C75F9E9C56A94F7)

Sec. 2-1721. Created.

There is hereby created an Office of Countywide Healthcare Planning.

(Ord. No. 03-182, § 2, 9-9-03)

Sec. 2-1722. Office of Countywide Healthcare Planning.

(a) Office Established; Director, Appointment; Term; Operating Procedures. An Office of Countywide Healthcare Planning is established. The head of the Office shall be a director appointed by the County Manager and shall serve at the County Manager's will. The organization and operating procedures of the Office shall be prescribed in administrative orders and regulations of the County Manager and approved by the Board of County Commissioners. The director shall appoint such employees and other personnel as may be necessary to operate the Office. The salaries and compensation in the classified service shall be included in the County's pay plan approved by the Board of County Commissioners.

(b) Duties and responsibilities. The duties and responsibilities of the Office shall be to provide the proper framework for delivery of countywide healthcare services by:

(1) Planning and coordinating the delivery of countywide healthcare services for the citizens of Miami-Dade County and, implementing programs that improve access to healthcare for all residents of Miami-Dade County.

(2) Cooperating and fostering productive relationships among the private and public healthcare providers and healthcare consumers and other affected communities to generate mutually beneficial agreements between and among the providers that enhance the accessibility, efficiency and quality of healthcare delivery and programs affecting all residents of Miami-Dade County, especially the indigent and medically indigent populations. These groups shall be organized in a manner established by the Office of Countywide Healthcare Planning and authorized by the Board of County Commissioners.

(3) Administering and complying with all countywide policies, initiatives and programs for healthcare approved or established by the Board of County Commissioners, including any healthcare plans for the uninsured, uniform health programs, alternative healthcare delivery systems, programs for the County to maximize federal reimbursements or matching funds, public/private healthcare partnerships, systems for utilizing excess hospital bed capacity throughout the County, and standards for the provision of charity care.

(4) Making a continuous study and review of all existing County institutions, facilities, services and programs dealing with healthcare or affecting it, for and in consideration of the future needs of Miami-Dade County; and making studies or causing studies to be made of the problems of the uninsured and underinsured, and formulating and recommending plans and programs for the coordination of the activities of all governmental entities and non-governmental agencies dealing with these problems.

(5) Systematically, reducing the number of uninsured children in Miami-Dade County, Florida, through creative and innovative outreach programs aimed at increasing enrollment in programs designed especially for children.

(6) Promoting innovation in healthcare by securing grants and contract funding from entities such as, but not limited to, private foundations and federal agencies.

(c) The County Manager shall annually develop and recommend to the Board of County Commissioners for its approval policies for the planning and delivery of countywide healthcare, including primary, secondary and tertiary care. Further, the County Manager shall develop and recommend to the Board of County Commissioners for its approval long-range five-year plans (and revisions and supplements thereto) for the delivery of countywide healthcare services. The County Manager's annual and long-range plans shall address and include, among other things, recommendations for maximizing revenues, specifically through federal matching fund mechanisms, and for providing for coverage of uninsured children in Miami-Dade County.

(Ord. No. 03-182, § 3, 9-9-03)

Secs. 2-1723—2-1740. Reserved.

FOOTNOTE(S):

--- (**122**) ---

**Editor's note—** Ord. No. 03-182, §§ 2, 3, adopted Sept. 9, 2003, did not specifically amend the Code. Hence, its inclusion herein as article CXIII, sections 2-1721, 2-1722, was at the discretion of the editor. [(Back)](#BK_1420BD9E37A99022A04ACF72B755AC53)

### ARTICLE CXIV. COMMUNITY REDEVELOPMENT REQUEST POLICY [[123]](#BK_E53D33FE2AEB82DD9E4FB7B4D915F8C4)

[Sec. 2-1741. Findings.](#BK_00F8EE6B6F2E5EF9CA4EF14473AD39FA)

[Sec. 2-1742. Children's Trust exempted.](#BK_4A4BF43FA1E070E86D07C123997413ED)

[Sec. 2-1743—2-1750. Reserved.](#BK_F13AFFC1183CB1A80A082BEBFF260DC9)

Sec. 2-1741. Findings.

This Board hereby finds that it is necessary to establish a policy by which the Board will consider requests from municipalities or community redevelopment agencies created by municipalities, for certain actions by the Board pursuant to the provisions of the Act or Interlocal Cooperation Agreement, including but not limited to: 1) creation of new tax increment districts within their municipal boundaries; 2) approval of amendments to an Interlocal Cooperation Agreement: 3) approval of an annual budget for expenditure of monies on deposit in the Trust Fund; 4) amendments to the redevelopment plan; and/or 5) any other matter that requires the approval of the Board. This Board hereby finds that it is in the best interest of the citizens of Miami-Dade County to require as a condition precedent to the Board's consideration of such municipal or agency requests that such municipality, in its sole discretion pursuant to § 163.387(2)(d)(1), F.S, exempt The Children's Trust, an independent special taxing district, from the provisions of Section 163.387(2)(a) for the term of collection of The Children's Trust ad valorem tax, including any extension of this ad valorem tax levy which is approved by the voters of Miami-Dade County.

However, if a municipality demonstrates to the reasonable satisfaction of the County that it is legally or contractually prohibited from exempting the Children's Trust in the manner required by this ordinance, then such municipality shall utilize any alternative method that results in the same or substantially the same benefit to the Children's Trust as if such municipality had exempted The Children's Trust. Any municipality that must use an alternative method shall be in compliance with this ordinance if such alternative method: (i) provides that the benefit accrues to The Children's Trust for the term of the collection of The Children's Trust ad valorem tax, including any extension of this ad valorem tax approved by the voters of Miami-Dade County; and (ii) is approved by the Board by resolution prior to the municipality's implementation.

(Ord. No. 03-210, § 2, 10-7-03)

Sec. 2-1742. Children's Trust exempted.

For all community redevelopment agencies created by the Board after the establishment of The Children's Trust independent special taxing district, the Board hereby, in its sole discretion pursuant to §163.387(2)(d)(1), exempts The Children's Trust, an independent special taxing district, from the provisions of §163.387(2)(a), F.S. for the term of collection of The Children's Trust ad valorem tax, including any extension of this ad valorem tax levy which is approved by the voters of Miami-Dade County.

(Ord. No. 03-210, § 3, 10-7-03)

Sec. 2-1743—2-1750. Reserved.

FOOTNOTE(S):

--- (**123**) ---

**Editor's note—** Ord. No. 03-210, §§ 2, 3, adopted Oct. 7, 2003, did not specifically amend the Code. Hence, its inclusion herein as article CXIV, sections 2-1741, 2-1742, was at the discretion of the editor. [(Back)](#BK_ADE64607DD735A90EE6B05043D20A4B9)

### ARTICLE CXV. GUIDELINES FOR ACHIEVING MAXIMUM FEDERAL MATCHING FUNDING FOR HEALTH, SOCIAL AND HUMAN SERVICES PROGRAMS [[124]](#BK_2EF2E7CF7AA94CF0D14BE4E97432420D)

[Sec. 2-1751. Legislative Findings and Purpose.](#BK_B8CDC0BF37F0571CCA64D6AB2408B426)

[Sec. 2-1752. Definitions.](#BK_7CC0CD8C3ADE8F4D97EA6E6CB5DB58E4)

[Sec. 2-1753. Participation in State Programs for Federal Matching Funds.](#BK_6F27365E3C066BBF3F169BAE65ABC727)

[Sec. 2-1754. Responsibility of County Manager; Administrative Orders.](#BK_11DD734BBCB1D163B878F16644AC4863)

[Sec. 2-1755. Receipt of Federal Matching Funds.](#BK_7B932C512DDD85226102098B4EDFE089)

[Secs. 2-1756—2-1760. Reserved.](#BK_2E6FE64ECEF37EFBB693AC274A5781CC)

Sec. 2-1751. Legislative Findings and Purpose.

It is in the best interest of the County to ensure to the greatest extent possible that the County evaluates, utilizes and participates in all systems, programs or other vehicles available for maximizing its receipt of federal matching funds in accordance with the Local Funding Revenue Maximization Act.

(Ord. No. 04-26, § 1, 2-3-04)

Sec. 2-1752. Definitions.

The terms used in this Ordinance shall have the following meaning, unless the context clearly implies a different intent:

a. County shall mean Miami-Dade County and all of its departments, offices, agencies and instrumentalities.

b. Act shall mean the Local Funding Revenue Maximization Act, Section 409.017, Fla. Stat. (2003), as amended from time to time.

c. Federal Funds Maximization Program shall mean the County's program for maximizing federal matching funds under the Act.

d. State shall mean the State of Florida and its agencies or departments that are involved in providing programs for health, social and human services, including, but not limited to, the Agency for Health Care Administration, the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Elderly Affairs, the Department of Juvenile Justice and the Florida Board of Education.

e. All other terms used in this Ordinance shall have the same meaning as such terms have in the Act.

(Ord. No. 04-26, § 2, 2-3-04)

Sec. 2-1753. Participation in State Programs for Federal Matching Funds.

The County shall:

(a) participate to the greatest extent possible in all programs and mechanisms established by the State pursuant to the Act;

(b) identify all certified local funds of the County (whether County funds or, to the extent provided or allowed by federal law, private funds) which are available, or potentially available, for utilization in maximizing the County's receipt of federal matching funds; and

(c) submit proposals to the State in accordance with the Act and the Federal Funds Maximization Program.

(Ord. No. 04-26, § 3, 2-3-04)

Sec. 2-1754. Responsibility of County Manager; Administrative Orders.

The County Manager shall develop policies for the Federal Funds Maximization Program through an administrative order which shall include, but not be limited to, the following:

(i) identification of federal matching fund opportunities and State programs available for maximizing federal matching funds;

(ii) creation and maintenance of an inventory of all available local funds (including private funds to the extent provided by federal law) that may qualify as certified local funds pursuant to the Act and periodic review of this inventory;

(iii) development and submittal of proposals that comply with the rules, regulations and other requirements promulgated by the State;

(iv) seeking and monitoring State approval of the proposals, provided that the Commission shall approve all County proposals prior to their being submitted to the State;

(v) implementation and monitoring of State-approved County programs which have been awarded revenue maximization funds;

(vi) maintenance of the documentation, records, information and databases necessary to maximize federal matching funds in subsequent years; and

(vii) submittal of quarterly reports to the Commission regarding the Federal Funds Maximization Program which shall include, but not be limited to, information on funds received and disbursed, problems encountered and recommendations.

Based upon the availability of State programs related to health services, the County Manager's first priority shall be to maximize federal matching funds for health services.

All entities, such as community-based organizations, other municipalities, special districts and instrumentalities of the County, that receive County funds for health, social or human services shall provide such documentation, records, information and data required by the County Manager to assist the County Manager in fulfilling his or her responsibilities hereunder.

(Ord. No. 04-26, § 4, 2-3-04)

Sec. 2-1755. Receipt of Federal Matching Funds.

Funds received by the County through the Federal Funds Maximization Program shall be disbursed by the Commission by a resolution in a manner that benefits the greatest number of Miami-Dade County residents in need of health, social and human services. The County shall maintain autonomy of revenue maximization funds for which it is awarded.

(Ord. No. 04-26, § 5, 2-3-04)

Secs. 2-1756—2-1760. Reserved.

FOOTNOTE(S):

--- (**124**) ---

**Editor's note—** Ord. No. 04-26, §§ 1—5, adopted Feb. 3, 2004, did not specifically amend the Code. Hence, its inclusion herein as article CXV, sections 2-1751—2-1755, was at the discretion of the editor. [(Back)](#BK_66C2D6BD82940AC4C9E6483F600A6ED4)

### ARTICLE CXVI. NORTHEAST DADE AREA MUNICIPAL ADVISORY COMMITTEE [[125]](#BK_04BC016F37639EA0CFA49EDC7D19C432)

[Sec. 2-1761. Creating of the Northeast Dade Area Municipal Advisory Committee; composition.](#BK_EB22DDEEC381AEB0516F3EE93FFC9587)

[Sec. 2-1762. Purposes.](#BK_42273A7280BBEB4CA04B3F55CB902E42)

[Sec. 2-1763. Duties and Responsibilities.](#BK_A17A89E6401527BDF8E11EAFD7933222)

[Sec. 2-1764. Code provision waived.](#BK_F7268E8E88B8CEA6A3CCCEACBF452834)

[Sec. 2-1765. Simultaneous service.](#BK_3BE09341EBFEE34919CFBADDEA381EF5)

[Secs. 2-1766—2-1770. Reserved.](#BK_1D0729A831913B15BFF496B64622F85E)

Sec. 2-1761. Creating of the Northeast Dade Area Municipal Advisory Committee; composition.

There is hereby created a Northeast Dade Area Municipal Advisory Committee consisting of a minimum of no less than seven (7) members and no more than eleven (11) members. The initial members as well as any vacancies on the Northeast Dade Area Municipal Advisory Committee shall be those members appointed pursuant to memorandum to be issued by the County Commissioner for the District. The members of the committee shall select officers from the membership as desirable or necessary.

(Ord. No. 04-104, § 1, 5-13-04)

Sec. 2-1762. Purposes.

1) To review the possible incorporation of the generally described area:

|  |  |
| --- | --- |
| North: | NE 215th Street or County Line Road |
| East: | the Florida East Coast Railway along West Dixie Highway |
| South: | the City of North Miami Beach |
| West: | Interstate 95 from NE 215th Street south to the Snake Creek Canal. |

2) To prepare an advisory report that shall address the results of the study prepared by County staff as well as incorporation concerns of members of the Board of County Commissioners and the manner in which those concerns may be alleviated in the event Northeast Dade Area is incorporated as a new municipality.

(Ord. No. 04-104, § 2, 5-13-04)

Sec. 2-1763. Duties and Responsibilities.

1) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the Northeast Dade Area.

2) Prior to the first public hearing, the committee shall have reviewed the tape of the County Commission workshop on incorporation held on January 14, 1999, and shall be familiar with written materials concerning incorporation presented to the Board of County Commissioners at that time and at any subsequent meeting or workshop.

3) The committee's responsibilities shall terminate upon submission of its report to the Board of County Commissioners.

(Ord. No. 04-104, § 3, 5-13-04)

Sec. 2-1764. Code provision waived.

The requirement of [Section 2-11.37](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.37CRNEBO)(c) of the Code of Miami-Dade County is hereby waived.

(Ord. No. 04-104, § 4, 5-13-04)

Sec. 2-1765. Simultaneous service.

Notwithstanding the provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County, a member of a Community Council may simultaneously serve on the Northeast Dade Area Municipal Advisory Committee.

(Ord. No. 04-104, § 5, 5-13-04)

Secs. 2-1766—2-1770. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 04-104, §§ 1—5, adopted May 13, 2004, did not specifically amend the Code. Hence, its inclusion herein as article CXVI, sections 2-1761—2-1765, was at the discretion of the editor. [(Back)](#BK_503DF53568C88E8AFEA77D568A7CEBA3)

### ARTICLE CXVII. 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AND REVITALIZATION TRUST FUND [[126]](#BK_0339C0AC25397A9BBA01767E77F4B01F)

[Sec. 2-1771. Established.](#BK_4440A8B68FB6277DFF7FA8A77E913F60)

[Sec. 2-1772. County's obligation to fund.](#BK_95105121A39573DB42B38DDB06889A9E)

[Sec. 2-1773. Same—Duration.](#BK_E5A8C910117DD774CB9FC2A5E7B02435)

[Sec. 2-1774. Expenditures; purposes.](#BK_837012B86C39EC788C0B2717BF8B763C)

[Sec. 2-1775. End of fiscal year; money remaining in fund.](#BK_86F322599B323367B8B1301BC755819A)

[Sec. 2-1776. Audit of fund.](#BK_D1EA2BBCBA4211E053CFA41C425CA98A)

[Sec. 2-1777. Liberal construction.](#BK_808BC2E7F2D045F787063AF911CC0572)

[Secs. 2-1778—2-1780. Reserved.](#BK_B598DA539BE1C1963BCEEAFD1FC2B5D8)

Sec. 2-1771. Established.

The 7th Avenue Corridor Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 04-124, § 2, 6-22-04)

Sec. 2-1772. County's obligation to fund.

Except for the purpose of funding the Fund pursuant to [Section 2-1773](../level3/PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU_S2-1773SAUR) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years) a sum that is no less than the increment as defined and determined by [Section 2-1771](../level3/PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU_S2-1771ES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-1771](../level3/PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU_S2-1771ES) of this article. Beginning with the twentieth year after the date of sale of the initial bonding or indebtedness pledging tax increment funds, no new sale of bonds or indebtedness supported by the County's tax increment may occur nor may existing indebtedness so supported be refunded without amending this article. The County's increment contribution is to be accounted for as a separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 04-124, § 3, 6-22-04)

Sec. 2-1773. Same—Duration.

Notwithstanding the provisions of [Section 2-1772](../level3/PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU_S2-1772COOBFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 04-124, § 4, 6-22-04)

Sec. 2-1774. Expenditures; purposes.

Moneys in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan:

(a) Administrative and overhead expenses necessary or incidental to the implementation of the Plan;

(b) Expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted;

(c) The acquisition of real property in the Redevelopment Area;

(d) The clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 2-177163.370, Florida Statutes;

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness;

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness;

(g) The development of affordable housing within the Redevelopment Area; or

(h) The development of community policing innovations.

(Ord. No. 04-124, § 5, 6-22-04)

Sec. 2-1775. End of fiscal year; money remaining in fund.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Sec. 2-1774](../level3/PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXVII7THAVCOCORERETRFU_S2-1774EXPU) herein for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 04-124, § 6, 6-22-04)

Sec. 2-1776. Audit of fund.

The Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 04-124, § 7, 6-22-04)

Sec. 2-1777. Liberal construction.

This article is hereby declared to be for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

(Ord. No. 04-124, § 8, 6-22-04)

Secs. 2-1778—2-1780. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 04-124, §§ 2—8, adopted June 22, 2004, did not specifically amend the Code. Hence, its inclusion herein as article CXVII, sections 2-1771—2-1777, was at the discretion of the editor. [(Back)](#BK_0C7C9997B04289E8DBBF8E5B34171863)

### ARTICLE CXVIII. OFFICE OF INTERGOVERNMENTAL AFFAIRS [[127]](#BK_63455ADFC7F0C6D31318A4AD73AEC081)

[Sec. 2-1781. Creation.](#BK_DCA331417A6DB784DDC3F3323882CA4C)

[Sec. 2-1782. Budget and Director.](#BK_A09129C0A6B3C2A8CB75C22474365994)

[Sec. 2-1783. Appointment of a Director.](#BK_D7461F2C5A540B4F5C5A92D5C5D0F4F8)

[Sec. 2-1784. Director Selection Process.](#BK_A372005BB6C82EFF3530BE4027EC918B)

[Sec. 2-1785. Minimum Qualifications of the Director.](#BK_DB1DAD6D4E429DF46074D84CA0BAB5D3)

[Sec. 2-1786. Term of Office.](#BK_B81E539FECBFB98460A5D8AEADC3D00B)

[Sec. 2-1787. Functions.](#BK_8C5D037E69D112870AADFF0E39E16A9E)

[Sec. 2-1788. Scope of Authority.](#BK_41E86749BC8259EC783DE32921B8DF69)

[Sec. 2-1789. Federal and State Legislative Packages.](#BK_69B55FFBF2F4F246EBBB81A6FC1D9599)

[Sec. 2-1790. Reporting.](#BK_18D731F18E49609F27AEA80D228E9754)

[Sec. 2-1791. Relationship to Mayor, Board, County Manager and County Attorney.](#BK_E836650DDC69FF84D7100AB849073516)

Sec. 2-1781. Creation.

This Board hereby creates the Office of Intergovernmental Affairs ("Office").

(Ord. No. 04-219, § 1, 12-16-04)

Sec. 2-1782. Budget and Director.

The Board shall provide the Office of Intergovernmental Affairs with a budget and staffing allowance. There shall be a Director, who shall head the Office of Intergovernmental Affairs and shall have the power to appoint, employ, and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the affairs of the Office. An appropriate salary and benefits package for the Director shall be recommended by the Director of the Employee Relations Department and subject to approval by the Mayor or designee and the Chair or designee. The approval or disapproval by the Chair or designee shall prevail in the event both the Mayor or designee and the Chair or designee do not approve or disapprove the recommendation. If the recommendation is not so approved, then the Director of the Employee Relations Department shall provide a new recommendation subject to approval process set forth above.

(Ord. No. 04-219, § 2, 12-16-04)

Sec. 2-1783. Appointment of a Director.

The Director of the Office of Intergovernmental Affairs shall be appointed by a majority vote of the full membership of the Board then in office, utilizing the selection process described in [Section 2-1784](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1784DISEPR).

(Ord. No. 04-219, § 3, 12-16-04)

Sec. 2-1784. Director Selection Process.

1. The Chair and the Board shall solicit and receive applications for the position of Office Director. The Board shall be provided with the names and background materials of all qualified candidates. By ballot determination, the full Board shall identify recommended candidates to interview (preferably no less than the top three (3)).

2. The Mayor or a designee appointed by the Mayor may interview applicants and provide written recommendations to the Board or, in the alternative the Mayor may join the Board at such time as the Board interviews the recommended candidates.

3. The Board shall appoint the Director by a majority vote of the entire Board.

(Ord. No. 04-219, § 4, 12-16-04)

Sec. 2-1785. Minimum Qualifications of the Director.

The Director shall have relevant experience working in the federal or state legislative process or representing either public or private entities at the federal or state level, or some combination of the above.

(Ord. No. 04-219, § 5, 12-16-04)

Sec. 2-1786. Term of Office.

The Director shall serve at the pleasure of the Board and may be removed from office with or without cause by a vote of two-thirds of the entire Board.

(Ord. No. 04-219, § 6, 12-16-04)

Sec. 2-1787. Functions.

The Office of the Intergovernmental Affairs shall perform the following functions within the scope of authority set forth in [Section 2-1788](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1788SCAU) below:

1. Coordinate the County's intergovernmental relations at the federal, state, and local levels.

2. Manage the County's federal and state governmental representation and consulting services contracts and report issues relating to conflicts of interest as they pertain to contract lobbyists.

3. Prepare annual federal and state legislative packages pursuant to [Section 2-1789](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1789FESTLEPA) below.

4. Report to the Board on a timely basis and otherwise comply with the reporting requirements set forth in [Section 2-1790](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1790RE) below.

5. Coordinate meetings and facilitate relationships between the Board and the Miami-Dade County state and federal legislative delegations no less than once each quarter pursuant to Resolution No. 1060-93.

6. On a continuing basis, advise the Board, Mayor, County Manager, and County Departments of the filing, progress and amendment of bills, appropriations, and legislative reports and projects that may affect the County.

7. Raise, discuss and recommend any legislative action that may benefit the County given the current legislative trends and dynamics, including actions related to both substantive legislation and appropriations.

(Ord. No. 04-219, § 7, 12-16-04)

Sec. 2-1788. Scope of Authority.

1. The Office of Intergovernmental Affairs shall not initiate any funding request or legislation (including both bills and amendments) at the federal or state level that has not been approved by the Board in the federal or state legislative package, respectively, or by resolution. Notwithstanding, nothing contained herein shall limit the Office from responding to any issues that may arise over the course of the legislative process that affects revenues and cost shifts to the County or that affects the local home rule authority of the County. See Resolution No. 232-01.

2. In the event it is not feasible to convene the Board to provide direction on a pending legislative issue, the Director shall consult with the Mayor or designee and the Chair or designee, with input from the County Manager and County Attorney, to provide direction on urgent legislative issues until such time as the Board meets and provides policy direction. The County Manager shall provide recommendations as to department budgetary and operational impacts to the Mayor and Chair or their designees in such circumstances. The policy direction of the Chair or designee will prevail in the event of a conflict between the Mayor and the Chair or their designees.

(Ord. No. 04-219, § 8, 12-16-04)

Sec. 2-1789. Federal and State Legislative Packages.

1. The Office of Intergovernmental Affairs shall prepare federal and state legislative packages for the Board's consideration and approval. The Office shall prepare such packages in a timely manner based on legislative requests submitted by the Mayor, members of the Board, the County Manager, and County departments and instrumentalities.

2. The Office shall prepare and submit to the Board for approval an annual timetable for preparation, consideration and approval of the federal and state legislative packages. Such timetable shall ensure that the Board has the ability to approve the packages a sufficient amount of time before appropriations and bill filing deadlines so the Office can seek legislative sponsors. The Office shall have a continuing obligation to advise the Board of changing legislative circumstances related to initiatives set forth in the federal and state legislative packages over the course of the legislative process. The Board shall have the continuing authority to amend and revise the federal and state legislative packages by resolution to add, revise or remove legislative policy directions.

(Ord. No. 04-219, § 9, 12-16-04)

Sec. 2-1790. Reporting.

The Office shall communicate with the Board and be available to meet with the Board upon request during each legislative Board meeting during the Congressional session and while the Florida Legislature is in session and meeting in committee. The Office shall report to and meet with the Board during the remainder of the year on at least a monthly basis. The Office shall prepare and submit annual federal and state legislative reports to the Board in a timely manner identifying issues that passed or were considered affecting the County.

(Ord. No. 04-219, § 10, 12-16-04)

Sec. 2-1791. Relationship to Mayor, Board, County Manager and County Attorney.

1. The Mayor shall be the official spokesperson on behalf of the County for federal and state legislative issues that have been adopted by resolution and/or included in the legislative packages approved by the Board. The Mayor shall submit all legislative requests to the Office of Intergovernmental Affairs for inclusion in the federal and state legislative packages pursuant to the timetable set forth in [Section 2-1789](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1789FESTLEPA) and shall respond to requests for information and direction from the Office on a timely basis.

2. The Board shall provide policy direction to the Office of Intergovernmental Affairs on legislative issues. Members of the Board shall submit all legislative requests for inclusion in the federal and state legislative packages pursuant to the timetable set forth in [Section 2-1789](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1789FESTLEPA) and shall respond to requests for information and direction from the Office on a timely basis. No member of the Board shall be precluded from speaking and lobbying on behalf of the County in support of the federal or state legislative issues that have been adopted by Board resolution and/or included in the federal and state legislative packages approved by the Board. The Chair or a member of the Board designated by the Chair shall serve as liaison to the County Manager on behalf of the Board in monitoring the Office.

3. Notwithstanding that the Office shall report directly to the Board, the County Manager shall monitor and work closely with the Director of Intergovernmental Affairs to ensure that the policy direction of the Board is carried out. The County Manager's Office and all County departments shall respond to annual federal and state legislative requests to the Office pursuant to the timetable set forth in [Section 2-1789](../level3/PTIIICOOR_CH2AD_ARTCXVIIIOFINAF.docx#PTIIICOOR_CH2AD_ARTCXVIIIOFINAF_S2-1789FESTLEPA). The County Manager and all County departments shall promptly respond to requests from the Office for information and review for fiscal and operational impact on departments.

4. The County Attorney's Office shall provide legal support to the Office.

(Ord. No. 04-219, § 11, 12-16-04)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 04-219, §§ 1—11, adopted Dec. 16, 2004, did not specifically amend the Code. Hence, its inclusion herein as article CXVIII, sections 2-1781—2-1791, was at the discretion of the editor. [(Back)](#BK_EFA8EE9BD8388360AF84E4EAE945A6C5)

### ARTICLE CXVIII.5. GOVERNING FOR RESULTS [[128]](#BK_56F6531299CB23FDDB92F457C0FB83BC)

[Sec. 2-1792. Legislative Findings and Purpose.](#BK_D6B45DF28E7C5DBB34FAB6C098CD1754)

[Sec. 2-1793. Strategic Planning.](#BK_08756E80DD323401F9AC3CFCF1D669E5)

[Sec. 2-1794. Business Planning.](#BK_C38E4732CF21C17A2AF2F823DFB7C18B)

[Sec. 2-1795. Allocation of County Resources.](#BK_895D01733B4D6211A575B1E1775D0C09)

[Sec. 2-1796. Managerial Accountability and Performance, authority to make certain intradepartmental budget amendments, proscription on allowing departmental expenditures for any line item to exceed appropriations therefor, notification of possible deficiency and quarterly reporting required.](#BK_E2DB96C45A759B8CB3D28628C178BC54)

[Sec. 2-1797. Performance Measurement, Monitoring and Reporting.](#BK_7DF1707FC8179BA28479D96CE0DCBDE1)

[Sec. 2-1798. Performance Based Program Review.](#BK_F82E86A2604C1A7EDC961BD4B146858E)

[Sec. 2-1799. Reserve funds.](#BK_6D5B3E159B8306862A66590B0A84C9B0)

[Sec. 2-1800. Line Item Budget Format.](#BK_C2D07E8C4CEC3208EB80A65FD93AF5D0)

[Sec. 2-1800A. Public Meetings Regarding New or Increased Taxes or Fees.](#BK_B3CFB78C18EF03D9B35ECB59A955A0AE)

Sec. 2-1792. Legislative Findings and Purpose.

(a) Miami-Dade County has an interest in improving the delivery of public services through the use of strategic planning, business planning, a sound resource allocation process encompassing the traditional budget process and a framework for managerial accountability.

(b) The County Commission finds that the use of performance measures and standards in the planning and resource allocation processes, as well as the public reporting of performance information, will result in a more efficient and effective utilization of County resources and improved results for the public.

(c) The purpose of this article is to:

1. Improve public service delivery through deliberate planning and an emphasis on accountability and results;

2. Improve managerial and legislative decision-making by gathering meaningful and objective performance information; and

3. Improve public trust in County government by holding the County and its departments accountable for achieving results.

(Ord. No. 05-136, § 1, 7-7-05)

Sec. 2-1793. Strategic Planning.

(a) The Mayor shall develop a strategic plan to guide the ongoing and proposed activities of the County for a period of not less than five years. The strategic plan should take into consideration the collective aspirations of the community, as well as the views and suggestions of County elected officials and professional staff.

(b) The County strategic plan shall be revised and updated periodically, at intervals of not more than five years, and shall be submitted by the Mayor to the Board of County Commissioners for ratification.

(c) The Strategic Plan shall include, but shall not be limited to, the following components:

1. A broad, comprehensive statement of purpose for County government;

2. Medium- to long-range goals;

3. Priority outcomes relative to each major program area which departments are expected to achieve; and

4. Specific and measurable performance indicators, with corresponding performance targets, for each priority outcome.

(d) The strategic plan shall serve as the framework for departmental business planning, the allocation of County resources and managerial accountability.

(Ord. No. 05-136, § 1, 7-7-05; Ord. No. 12-46, § 2, 7-3-12)

Sec. 2-1794. Business Planning.

(a) At least annually, each County department shall prepare a business plan to guide departmental operations. The business plan shall conform to goals and outcomes in the County strategic plan, and shall be the basis for the allocation of County resources to each department.

(b) On an annual basis, the Mayor shall prepare the business plan and proposed budget.

(c) Departmental business plans shall include, but not be limited to, the following components:

1. A statement of purpose for the department;

2. A functional table of organization;

3. A discussion of the department's fiscal and business environment;

4. Departmental activities which support the achievement of goals and priority outcomes in the County strategic plan; and

5. Specific and measurable performance indicators, with corresponding performance targets, for each departmental activity.

(Ord. No. 05-136, § 1, 7-7-05; Ord. No. 12-46, § 3, 7-3-12)

Sec. 2-1795. Allocation of County Resources.

(a) Each County department has the responsibility to prepare a proposed budget for review by the Mayor or his or her designee. The proposed budget shall identify the resources required to execute departmental activities, as outlined in the annual business plan, which conform to goals and priority outcomes in the County strategic plan.

(b) Departmental budgets shall include, but not be limited to, the following components that shall be set forth in a line item format for each specific component and each particular department, office, division or other unit of County government:

1. Proposed staffing levels;

2. Proposed revenues and appropriations;

3. Proposed adjustments to existing service levels; and

4. Proposed new or increased fees.

Proposed departmental, office, division or other unit appropriations shall be set forth in a line item format for each specific component and shall be specified by the following line items:

1. Personnel services;

2. Court costs;

3. Contractual services;

4. Other operating Costs;

5. Charges for county services;

6. Distribution of funds in trust;

7. Transfers out;

8. Debt payments;

9. Depreciation, amortizations and depletion;

10. Capital; and

11. Grants to outside organizations.

The line item format shall be used for all departments, offices, divisions or other units of government. Other formats, such as narrative, pie charts and graphs may also be used in addition to the line item format to supplement the line item format. In addition to the line items denoted above, a separate schedule containing the following specific expenditures for each department, office, division or other unit of County government shall be included: advertising, rent, security services, utilities, fuel, travel and registrations, temporary services and employee overtime.

(c) The proposed budget shall clearly show the relationship between resources, departmental activities and the expected level of performance.

(d) On an annual basis, the Mayor shall present the proposed budget, in a line item format, to the Board of County Commissioners for approval in accordance with the requirements of [Section 5.03](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.03FIAD) of the Home Rule Charter and [Section 2-1800](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1800LIITBUFO). Other formats, such as narrative, pie charts and graphs may also be used in addition to the line item format to supplement the line item format and a separate schedule containing the following specific expenditures for each department, office, division or other unit of County government shall be included: advertising, rent, security services, utilities, fuel, travel and registrations, temporary services and employee overtime. The Commission Auditor shall work with the Office of Management and Budget (or its successor department) in the development of the proposed budget. Copies of the proposed budget referenced in [Section 5.03](../level2/PTICOAMCH_ART5ADORPR.docx#PTICOAMCH_ART5ADORPR_S5.03FIAD)(B) of the Home Rule Charter shall be made available to the Commission Auditor on the same date as such budget is presented by the Mayor or his or her designee to the Board of County Commissioners. The Commission Auditor shall then commence an in-depth review and analysis of such budget giving full consideration to the County Commission's adopted policy directives, including specifically, an in-depth review and analysis of the proposed budget of the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund.

In addition to the foregoing, the Commission Auditor, in consultation with the Chair of the committee having jurisdiction over budgetary matters and the Mayor's designee from the Office of Management and Budget (or its successor department), shall prepare a separate budget for the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund.

Prior to the first meeting of the Committee of the Whole, the Commission Auditor shall present same to the Committee of the Whole. Between August 15th and the first budget hearing, a Committee of the Whole shall meet to review and discuss the Mayor's proposed budget and the Commission Auditor's proposed budgets for the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, the Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund, and the findings, results and recommendations of the Commission Auditor. Prior to the first meeting of the Committee of the Whole, the Commission Auditor shall provide to the Commission a report by department to reflect each line item set forth in [Section 2-1795](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1795ALCORE). Such report shall be as of June 30th of the current fiscal year and shall include the prior fiscal year's budgeted and actual expenditures, the current year's budgeted expenditures and unaudited actual amounts as of June 30th, and the amounts included in the proposed budget. The report shall be filed with the Clerk of the Board and shall be posted on the County's website so it may be available to the general public. In addition, the County Mayor or the Mayor's designee shall post on the County's website the proposed budget in a line item format by program.

Each commission committee shall meet between the first meeting of the Committee of the Whole and the first budget hearing to review and discuss the Mayor's proposed line item budget for each administrative department within the committee's jurisdiction, and to forward any recommendations to the Board regarding such proposed budget. The Mayor or the Mayor's designee will present each departmental budget at the appropriate committee meeting and shall include as part of such presentation, at a minimum, the information required by [Section 2-1800](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1800LIITBUFO). Each committee chair shall present any approved committee recommendations regarding the Mayor's proposed budget at the second Committee of the Whole.

Prior to the first budget hearing and after consultation with the Commission Chair and the Chair of the committee having jurisdiction over budgetary matters, the Commission Auditor, in cooperation with the Mayor or his/her designee, shall prepare and issue any recommended written changes to the Mayor's proposed budget and shall present same together with proposed budget amendments to the County Commission at the first budget hearing. A Committee of the Whole shall meet between the first and second budget hearings to discuss any proposed changes and recommendations which may result from the first budget hearing. At the second budget hearing, after consultation with the Chair of the Commission and the Chair of the committee having jurisdiction over budgetary matters and in cooperation with the Mayor or his/her designee, the Commission Auditor shall issue any final recommended written changes to the tentative budget and then present implementing amendments thereto to the County Commission.

In addition, the Commission Auditor shall review and analyze any midyear and year-end budget amendments proposed by the Mayor or his/her designee giving full consideration to the County Commission's policy directives. The Commission Auditor shall issue any final recommended written changes to the Mayor's proposed midyear and year-end budget amendments and present same to the County Commission prior to its consideration of such proposed budget amendments.

This subsection is not intended to be construed in any way as a limitation on the Mayor's right to participate in the budget process as set forth in the Home Rule Charter, including specifically the right to attend and be heard at the budget hearings to express a difference of opinion with the Commission Auditor's recommendations and proposed changes, or the Commission Auditor's proposed budgets for the Board of County Commissioners and all departments and divisions that report directly to the Board, including the County Attorney's Office, Office of the Inspector General, the Commission on Ethics and Public Trust and the Office of Commission Auditor and Legislative Analysis Division under the Board of County Commissioners' fund. The responsibilities assigned by this section to the Commission Auditor shall be deemed a permanent element of the Commission Auditor's annual work program for each ensuing fiscal year without need for further Commission approval.

(e) The Board shall adopt on an annual basis a five-year financial plan by September 30 of each year, reflecting as the base year, the current year's budget.

(f) The County shall adopt budgets and develop its long and short-term financial and capital improvement plans containing estimates developed utilizing a professional revenue estimating process. Participants in the process shall include, but not be limited to: the Director of the Office of Management and Budget (or its successor department), or his/her designee; the Director of the Finance Department or his/her designee; and the Commission Auditor or his/her designee. If there is not unanimity amongst the participants as to what an estimate should be, each participant's estimate shall be presented to the County Commission.

(g) Commencing Fiscal Year 2012—13, prior to the Board's consideration of the resolution adopting its proposed millage rates for use in the preparation of the notice of proposed property taxes, a public hearing shall be held before a Committee of the Whole to discuss the proposed millage rates for the ensuing fiscal year, including, but not limited to, the impact of such proposed millage rates on funding for community-based organizations and the community.

(Ord. No. 05-136, § 1, 7-7-05; Ord. No. 07-45, § 1, 3-6-07; Ord. No. 08-08, § 1, 1-10-08; Ord. No. 09-104, § 1, 11-17-09; Ord. No. 10-36, § 1, 6-3-10; Ord. No. 11-10, § 1, 3-1-11; Ord. No. 11-42, § 1, 7-7-11; Ord. No. 12-46, § 4, 7-3-12)

Sec. 2-1796. Managerial Accountability and Performance, authority to make certain intradepartmental budget amendments, proscription on allowing departmental expenditures for any line item to exceed appropriations therefor, notification of possible deficiency and quarterly reporting required.

(a) Managers shall be held accountable for the achievement of performance objectives, as outlined in the strategic plan and departmental business plans, through performance evaluation and other appropriate managerial tools.

(b) Management and staff shall employ progressive techniques to ensure continuous efficiency and effectiveness in County operations.

(c) Managers and staff shall not allow the expenditures for any line item (as specified in [Section 2-1795](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1795ALCORE)(b)) for their department or agency to exceed the total amount appropriated for such line item by the approved budgets providing revenues to that department or agency, as same may be administratively amended in accordance with subsection (d) below.

(d) The Mayor or his or her designee shall have the authority to make intradepartmental budget amendments that reallocate appropriations amongst a department's line item appropriations in each fund provided such reallocations do not cumulatively exceed ten percent of that fund's total appropriations to the department and, further provided that that fund's total appropriations to the department may not be changed. Reallocations amongst a fund's line item appropriations for expenditures in excess of ten percent of that fund's total appropriations to a department, or which reallocate line item appropriations from personnel services to any other line item, or which cause an increase in a fund's total appropriations to a department must be approved by the County Commission.

(e) Any department director, executive director or individual with the responsibility of budget development and monitoring who anticipates or has reason to believe that the annual budget of a department or agency may exceed the sum appropriated in the approved budget shall immediately provide written notification to the Budget Director. If verified, this information would then be forwarded to the Mayor, the County Commission, and Clerk of the Board.

(f) The Mayor or his or her designee shall present quarterly, except during the month of the Commission's summer recess, a written report on the status of the County's budget to the Commission Committee having oversight of the budget. At a minimum, this report should generally include, but not be limited to, the following information in a form acceptable to the Committee; fund summary, revenues by category and expenditure by major object, and revenues by category and expenditure by department, and the number and budgeted value of vacant positions.

(g) In the case of those administrative departments of the County under the management of the Mayor, the Mayor and those assisting the Mayor in the management of such departments (including any responsible Deputy Mayor and the department directors) shall comply with the requirements of this section.

(Ord. No. 05-136, § 1, 7-7-05; Ord. No. 07-45, § 1, 3-6-07; Ord. No. 11-10, § 2, 3-1-11; Ord. No. 12-46, § 5, 7-3-12)

Sec. 2-1797. Performance Measurement, Monitoring and Reporting.

(a) County departments shall gather performance information including, at a minimum, data relative to the performance indicators and targets established in the departmental business plan.

(b) Departmental performance information shall be submitted to the Mayor or his or her designee, on a regular basis, as determined by the Mayor or his or her designee.

(c) No less than annually, the Mayor or his or her designee shall prepare and make available to the public a performance report to the Community. The report shall include, at a minimum, performance data relative to goals and priority outcomes established in the County strategic plan.

(Ord. No. 05-136, § 1, 7-7-05; Ord. No. 11-10, § 3, 3-1-11)

Sec. 2-1798. Performance Based Program Review.

Departmental business plans and budgets shall serve as the basis for performance based program reviews. Such reviews may include the following:

1. A review as to whether the program is in conformance with the strategic plan and business plans;

2. Zero-based budgeting concepts;

3. Application of program workload measures, program efficiency measures, program effectiveness measures, program outcome measures and cost-benefit analysis; and

4. An analysis of the customer or client base served by the program and delivery of service alternatives.

(Ord. No. 05-136, § 1, 7-7-05; Ord. No. 11-42, § 2, 7-7-11; Ord. No. 12-46, § 6, 7-3-12)

Sec. 2-1799. Reserve funds.

(a) *Expenditures of Emergency Contingency Reserve Funds.*

1. The monies allocated by the County Commission to the countywide, unincorporated municipal service area, and fire rescue district emergency contingency reserve funds in the County's annual budget shall only be utilized to meet emergencies such as natural disasters and civil disturbances.

2. Moneys from these funds may be utilized upon a favorable recommendation of the Mayor and of the Commission Committee having oversight of the budget and a two-thirds (2/3) vote of the Board members in office. A plan for replenishing the reserve within seven (7) years of accessing such funding must be adopted at the time of approval.

3. Upon declaration of a county emergency, funding may be made available from the countywide emergency contingency reserve to reimburse the costs of sheltering and other storm preparation activities. In the base year of FY 2004-05, this funding was equivalent to $500,000 and grows at the same rate as the property tax roll each year.

4. Upon declaration of a county emergency, funding may be made available from the countywide emergency contingency reserve to provide income and other assistance to victims of such emergency. In the base year of FY 2005-06, this funding was equivalent to $500,000 and grows at the same rate as the property tax roll each year.

5. The funding in the countywide emergency contingency reserve shall continue to accumulate in the fund until the size of the reserve is equivalent to seven (7) percent of the total countywide general fund budget.

(b) *Expenditures of the Contingency Reserve Funds.*

1. The monies allocated by the County Commission to the countywide and unincorporated municipal service area contingency reserve funds in the County's annual budget shall only be utilized to address unusual circumstances, including but not limited to natural disasters or other emergencies or unexpected revenue reductions or extraordinary demands on County operations that cannot be absorbed through historical methods.

2. Additionally, authorization for use of funds from this reserve shall require favorable recommendation from the Mayor and from the Commission Committee having oversight of the budget and the affirmative vote of two-thirds (2/3) of the Commission members present.

3. Notwithstanding the provisions of subsection (b)(2) herein, upon the earlier of: (i) level II activation of the County's Emergency Operations Center, or (ii) declaration of a county emergency, funding shall be made available from the countywide and unincorporated municipal service area contingency reserves to reimburse each County Commission district office budget in an amount not to exceed $10,000 per emergency for costs expended related to the emergency, such as for preparation and recovery activities in the event of a hurricane or storm within the commission district, including, but not limited to, costs for the purchase of sand bags, water and other emergency provisions for distribution to County residents.

(c) *Countywide general fund reserve for federal and state funding cuts.*

(1) The funds allocated by the County Commission to the countywide reserve for federal and state cuts in the County's annual budget shall be used to offset reductions in federal or state funding when that funding was included in the approved budget.

(2) The Board will determine the amount of individual allocations from the reserve pursuant to reports from the Mayor, with no allocation exceeding the total amount of the shortfall between the budgeted amount of federal or state funds and the actual amount to be received by the County. The Mayor's report will include a discussion of the past use of the grant funds, the reasons for the federal or state cuts, audit findings, if any, and potential cuts in other areas or programs that may require future allocations from this reserve.

(3) Allocations shall be made on a fiscal year basis and annual reserve amounts should consider recurring federal or state funding reductions anticipated as part of the regular budget process.

(4) In determining allocations from the reserve, on-going direct service programs will be given priority over studies or demonstration projects.

(5) Allocations from the countywide reserve for federal and state cuts require a favorable recommendation from the Mayor and the affirmative vote of two-thirds (2/3) of the Commission members present.

(d) *District and Mayor discretionary reserve fund expenditures made by officials leaving office.* A Commissioner or Mayor who will be leaving office in October of any even-numbered year shall be prohibited from proposing or making an expenditure in excess of ten (10) percent from his or her district or mayor discretionary reserve funds for the fiscal year commencing in the month he or she is scheduled to leave office.

(e) *Disposition of unexpended District or Mayor Discretionary Reserves and Commission District Office or Mayor's Office Budgets.* Unexpended district or mayor discretionary reserves and commission district and mayor's office budgets shall be reflected as designated reserves at the end of the fiscal year in which the funds were unexpended and added to budget respective district or mayor discretionary reserve or commission district or mayor's office budget as part of the mid-year budget amendment in the following fiscal year.

(f) *Disposition of unallocated carryover funding in the countywide general fund and unincorporated municipal service area general fund budgets.* Unallocated carryover funding in the countywide general fund and unincorporated municipal service area general fund budgets shall be allocated as follows:

1. Fifty percent (50%) shall revert to the capital outlay reserve fund in the fiscal year following the fiscal year the funds were identified to support County services, including information technology needs and facility repair and replacement requirements.

2. The remainder of such unallocated carryover funding may be applied in the discretion of the County Commission for all or any of the following uses: i) tax relief; ii) profit sharing with the departments who generated additional revenues or underexpended authorized budgets as a result of departmental initiatives resulting in unallocated carryover; and, iii) build up of reserves. The Mayor shall recommend to the County Commission how such remainder of unallocated carryover funding should be applied as amongst the foregoing uses specified in this subsection (f)2.

(Ord. No. 07-45, § 1, 3-6-07; Ord. No. 12-46, § 7, 7-3-12; Ord. No. 12-105, § 1, 12-4-12)

Sec. 2-1800. Line Item Budget Format.

Notwithstanding and prevailing over any other provision of the Code, the Mayor shall present the proposed budget in a line item format as set forth in this section and [section 2-1795](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1795ALCORE). Other formats, such as narrative, pie charts and graphs may also be used to supplement the line item format. A separate schedule shall be included with the proposed budget containing the following specific expenditures for each department, office, division or other unit of County government shall be included: advertising, rent, security services, utilities, fuel, travel and registrations, temporary services and employee overtime. Any supplements and amendments to the budget also shall be presented in a line item format. Other formats may also be used in addition to the line item format for supplements and amendments. Such line item format shall follow, to the extent permitted by the County Charter, state law and other applicable laws, the format used in the State of Florida General Appropriations Act enacted by the Florida Legislature. Specifically, the line item format shall:

1. Include a line item for each specific revenue and expenditure component for a specified purpose as set forth in [section 2-1795](../level3/PTIIICOOR_CH2AD_ARTCXVIII.5GORE.docx#PTIIICOOR_CH2AD_ARTCXVIII.5GORE_S2-1795ALCORE), Code of Miami-Dade County, within each department, office, division or other unit of County government;

2. Include the actual amounts appropriated and expended for the last three completed fiscal years, the budgeted amounts for the current fiscal year and the proposed amounts for the upcoming fiscal year for each specific expenditure component and each department, office, division or other unit of County government;

3. Include the change in amount and percentage change between the proposed budget for the upcoming fiscal year and the budgeted amounts for the current fiscal year for each specific revenue and expenditure component and each department, office, division or other unit of County government;

4. Be presented by grouping in a single location within budget documents all budget information for each specific revenue and expenditure component and each particular department, office, division or other unit of County government to the extent possible under applicable law;

5. Set forth each individual grant funded in the proposed budget for an outside organization under a separate line item;

6. In line item format, separately set forth the number of positions and total salary and benefits for personnel services for each department, office, division or other unit of County government; and

7. For each particular numbered line item, indicate any proviso language that limits or directs the use of appropriated funds within such line item.

(Ord. No. 11-10, § 4, 3-1-11; Ord. No. 12-46, § 8, 7-3-12)

Sec. 2-1800A. Public Meetings Regarding New or Increased Taxes or Fees.

1. Six public meetings shall be conducted as provided herein throughout the County whenever the proposed budget or the proposed budget ordinances for the ensuing fiscal year provide for new taxes or fees or for increases in the rates of ad valorem taxes, local option sales and gasoline taxes, water and sewer rates, franchise fees, utility service taxes, garbage/trash collection fees, mass transit fares, impact fees, or County imposed auto registration fees. Such meetings shall be conducted by county staff to solicit community input about the proposed new or increased taxes or fees.

2. The public meetings described herein are required only when a new fee or tax, or an increase in the rate of an existing fee or tax as enumerated in Paragraph 1 is proposed that will impact a majority of the residents of unincorporated Miami-Dade County. Such meetings shall be for the purpose of discussing revenue increase proposals as described herein and the purpose for which such revenues are being proposed only. Such meetings shall not constitute public budget hearings.

3. The public meetings required hereby shall be held at locations and times which are accessible and convenient to the majority of residents in the County affected by the tax and which allow for maximum participation by the diverse population of the County.

4. All public meetings required hereby shall take place during the period following the issuance of the proposed budget for the ensuing year and prior to the first public hearing on the proposed budget ordinances by the Board of County Commissioners.

5. The public meetings shall be appropriately advertised including use of print advertisements in newspapers of general circulation and community based periodicals, and to the extent practicable, direct mail to all registered property owners.

6. This ordinance shall be construed as directory only, and failure to comply with the provisions hereof shall not affect the validity of any ordinance, resolution or action of this Board in whole or in part.

(Ord. No. 11-45, § 1, 7-7-11)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 05-136, § 1, adopted July 7, 2005, amended the Code with the addition of a new article CXVIV, sections 2-1792—2-1798. At the discretion of the editor, the provisions of said ordinance have been included herein as article CXVIII.5, sections 2-1792—2-1798. [(Back)](#BK_01DF9799134E362DE40823233AE03CD4)

### ARTICLE CXIX. BUILDING BETTER COMMUNITIES CITIZENS' ADVISORY COMMITTEE [[129]](#BK_6054F92E335B1D38A73098522E86F50F)

[Sec. 2-1801. Authority and purpose.](#BK_A741431A0726F0504A88008E9E6B4E63)

[Sec. 2-1802. Advisory Committee.](#BK_B1E3A975715405120074363D1E525C88)

[Sec. 2-1803. Duties of the Advisory Committee.](#BK_C3E753FDAEAF7939761FBBE39C94064F)

[Sec. 2-1804. Modifications and Term.](#BK_43B001B0A9D21E7E9BF4D86FA49C7312)

[Sec. 2-1805. Staff and Counsel.](#BK_D595BFF44FF15409E208F7BF633A3176)

[Secs. 2-1806—2-1820. Reserved.](#BK_C18191CB0AF9252F1EABFD7A67B786F3)

Sec. 2-1801. Authority and purpose.

There is created and established pursuant to the Home Rule Amendment and Charter of Miami-Dade County, as amended, an advisory committee of Miami-Dade County to be known as the Building Better Communities Citizens' Advisory Committee ("Advisory Committee"). The Advisory Committee is established solely for the purpose of advising the Mayor, the Board of County Commissioners ("Commission") and the County Manager regarding the Building Better Communities General Obligation Bond Program ("Bond Program"). The Advisory Committee may exercise only those duties specifically granted in this Article or necessary in the exercise of the duties enumerated in this Article.

(Ord. No. 05-70, § 1, 4-5-05)

Sec. 2-1802. Advisory Committee.

(1) *Membership and Appointment.* The Advisory Committee shall be comprised of twenty-one (21) members. The Mayor shall appoint three (3) members, each Commissioner shall appoint one member and the remaining five (5) at-large members shall be selected by the County Manager.

(2) *Qualifications.* Each member shall be a resident of Miami-Dade County; shall possess an outstanding reputation for civic pride, integrity, responsibility and business or professional ability; and shall have no financial interest, direct or indirect, in any of the programs or projects that are part of the Bond Program. The membership of the Advisory Committee should generally reflect the geographic, ethnic, racial and gender make-up of the County.

(3) *Term.* Mayoral appointed and District members of the Advisory Committee shall serve until the respective appointing authority, Mayor or Commissioner, leaves office, or until resignation, whichever occurs first. All such members may be reappointed or may continue to serve until resignation or their successors have been appointed.

The five (5) at-large members selected by the County Manager shall hold office for a term of five (5) years, or until resignation, whichever comes first and may be re-appointed for up to two (2) additional five (5) year terms.

(4) *Vacancies.* The Mayor and each Commissioner shall appoint or re-appoint a member within forty-five (45) days of taking office or in the event of their appointee's resignation. All at-large member vacancies shall be filled by the County Manager within forty-five (45) days of the resignation of the member.

(5) *Modified applicability of Conflict of Interest and Code of Ethics Ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Advisory Committee only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Advisory Committee members on the basis of interests relating to Miami-Dade County when such interests do not conflict, directly or indirectly, with the Bond Program.

(6) *Organization and Procedure.* The members shall elect a chairperson and a vice-chairperson and both shall serve a term of two (2) years. The members shall also elect other officers as the members determine to be necessary and such officers shall also serve a term of two (2) years.

The Advisory Committee shall hold regular meetings no less than four (4) times a year and such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Advisory Committee shall be public and the Advisory Committee shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Advisory Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Advisory Committee.

(7) *Compensation.* Members of the Advisory Board shall serve without compensation.

(Ord. No. 05-70, § 1, 4-5-05)

Sec. 2-1803. Duties of the Advisory Committee.

The Advisory Committee shall have the following duties, responsibilities, and functions.

(1) To review and monitor performance and program achievements related to the Bond Program.

(2) To periodically advise the Mayor, the County Commission and County Manager, and assist in informing the community regarding the Building Better Communities General Obligation Bond Program's accomplishments on projects as approved by the electorate on November 2, 2004.

(3) To assist in the preparation of quarterly reports to the Mayor and the County Commission, and annual written report to the community describing the progress of the Building Better Communities General Obligation Bond Program. The Advisory Committee may also periodically provide advice, by either a written resolution or oral presentation, as may be requested by the County Commission, at regularly scheduled Commission meetings in accordance with the terms of this Ordinance.

(4) To advise on the use of any surplus bond project funds or unspent allocations derived from those projects specifically identified in Resolution Numbers R-912-04, R-913-04, R-914-04, R-915-04, R-916-04, R-917-04, R-918-04, and R-919-04, and set forth in informational pamphlets and media releases distributed by the County to the public prior to said election.

(5) To participate, along with County staff, in citizen outreach efforts relating to the Bond Program.

(6) To promulgate rules consistent with this Ordinance for the conduct of its meetings and the discharge of its responsibilities.

(7) To comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including, but not limited to, the laws relating to the keeping of records including the preservation of all audit rights.

(8) Any member shall be automatically removed if, in a given calendar year; (i) he/she is absent from three (3) consecutive meetings or, (ii) he/she is absent from more than 50% of all the committee meetings held during a year. A member shall be deemed absent when he/she is not present at the meeting for at least 75% of its duration.

(Ord. No. 05-70, § 1, 4-5-05)

Sec. 2-1804. Modifications and Term.

It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, an Advisory Committee that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission.

(Ord. No. 05-70, § 1, 4-5-05)

Sec. 2-1805. Staff and Counsel.

The County Manager and the County Attorney shall provide such staff support to the Advisory Committee as may be necessary to accomplish its purpose. The Advisory Committee shall be provided meeting facilities and pre-approved expense reimbursement as the Commission or the County Manager may deem necessary to accomplish the Committee's purposes.

(Ord. No. 05-70, § 1, 4-5-05)

Secs. 2-1806—2-1820. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 05-70, § 1, adopted April 5, 2005, did not specifically amend the Code; hence, its inclusion herein as article CXIX, sections 2-1801—2-1805, was at the discretion of the editor. [(Back)](#BK_49A96EBCFFCD220BF25F64DF457E02F0)

### ARTICLE CXX. MID-TOWN MIAMI COMMUNITY REDEVELOPMENT AND REVITALIZATION TRUST FUND [[130]](#BK_5E3C7CC11535CF4081DE7F4BBFD93FD9)

[Sec. 2-1821. Established.](#BK_FC32FCB308031D1DA502677B1F8E317C)

[Sec. 2-1822. Appropriations to fund.](#BK_0669BBE7BC6A7435938D1699BA34452C)

[Sec. 2-1823. Obligation to fund.](#BK_3AAE6614DA9F1D2DD604694343240188)

[Sec. 2-1824. Expenditures.](#BK_E3A60AB49A307E89E7F268F78AC968AC)

[Sec. 2-1825. Money remaining in fund after payment of expenses.](#BK_D0037C44451CCB5EE6D567055F73D59C)

[Sec. 2-1826. Financial audit of fund.](#BK_956CAB601037AA51FA82B058DF977ADD)

[Sec. 2-1827. Construction.](#BK_03E9EBCF808E049C4D68CC50D59B8A4A)

[Secs. 2-1828—2-1840. Reserved.](#BK_A751C4931AEAB87827D93B9BB757D4FE)

Sec. 2-1821. Established.

The Mid-Town Miami Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (1) the amount of ad valorem taxes levied each year by each taxing authority; exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 05-108, § 2, 7-7-05)

Sec. 2-1822. Appropriations to fund.

Except for the purpose of funding the Fund pursuant to [Section 2-1823](../level3/PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU_S2-1823OBFU) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed thirty (30) years), a sum that is no less than the increment as defined and determined by [Section 2-1821](../level3/PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU_S2-1821ES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-1821](../level3/PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU_S2-1821ES) of this article. Beginning with the twentieth year after the date of sale of the initial bonding or indebtedness pledging tax increment funds, no new sale of bonds or indebtedness supported by the County's tax increment may occur nor may existing indebtedness so supported be refunded without amending this article. The County's increment contribution is to be accounted for as separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 05-108, § 3, 7-7-05)

Sec. 2-1823. Obligation to fund.

Notwithstanding the provisions of [Section 2-1822](../level3/PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU_S2-1822APFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 05-108, § 4, 7-7-05)

Sec. 2-1824. Expenditures.

Moneys in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan:

(a) administrative and overhead expenses necessary or incidental to the implementation of the Plan;

(b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted;

(c) the acquisition of real property in the Redevelopment Area;

(d) the clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes;

(e) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness;

(f) all expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness.

(Ord. No. 05-108, § 5, 7-7-05)

Sec. 2-1825. Money remaining in fund after payment of expenses.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Section 2-1824](../level3/PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXMWNMICORERETRFU_S2-1824EX) herein for such year shall be:

(a) returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year;

(b) used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 05-108, § 6, 7-7-05)

Sec. 2-1826. Financial audit of fund.

The agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals form the Fund during such fiscal year and the amount of principal and interest paid during such year or any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 05-108, § 7, 7-7-05)

Sec. 2-1827. Construction.

This article is hereby declared to be a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

(Ord. No. 05-108, § 8, 7-7-05)

Secs. 2-1828—2-1840. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 05-108, §§ 2—8, adopted July 7, 2005, did not specifically amend the Code. Hence, its inclusion herein as article CXX, sections 2-1821—2-1827, was at the discretion of the editor. [(Back)](#BK_E667F3AB01527976E4A697D412100BE8)

### ARTICLE CXXI. CITY OF NORTH MIAMI REDEVELOPMENT AREA [[131]](#BK_64FAE2554F77F6615AF33D9AB21C28D5)

[Sec. 2-1841. Established.](#BK_D494C90E98B044D18792A0958B01E4C8)

[Sec. 2-1842. Appropriations to fund.](#BK_1E31838639226108BA229810D42DAAE1)

[Sec. 2-1843. Obligation to fund.](#BK_F506C49C130A1EEEED7937802B32E58F)

[Sec. 2-1844. Expenditures.](#BK_FA1DA991A925CCD80B1B75854B117FFA)

[Sec. 2-1845. Money remaining in fund after payment of expenses.](#BK_3A81D3CD3F8E61D0290768367F80D395)

[Sec. 2-1846. Financial audit of fund.](#BK_DD6F962E3699444CC2D3BEE438B83BB0)

[Sec. 2-1847. Construction.](#BK_BFC52F471CD5FD12EFC91E30D7BA64F1)

[Secs. 2-1848—2-1860. Reserved.](#BK_3375F83FB0E8AD28D80C8A6721CE4214)

Sec. 2-1841. Established.

The City of North Miami Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (1) the amount of ad valorem taxes levied each year by each taxing authority; exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 05-109, § 2, 7-7-05)

Sec. 2-1842. Appropriations to fund.

Except for the purpose of funding the Fund pursuant to [Section 2-1843](../level3/PTIIICOOR_CH2AD_ARTCXXICINOMIREAR.docx#PTIIICOOR_CH2AD_ARTCXXICINOMIREAR_S2-1843OBFU) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding, but not to exceed thirty (30) years, a sum that is no less than the increment as defined and determined by [Section 2-1841](../level3/PTIIICOOR_CH2AD_ARTCXXICINOMIREAR.docx#PTIIICOOR_CH2AD_ARTCXXICINOMIREAR_S2-1841ES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-1841](../level3/PTIIICOOR_CH2AD_ARTCXXICINOMIREAR.docx#PTIIICOOR_CH2AD_ARTCXXICINOMIREAR_S2-1841ES) of this article. Beginning with the twentieth year after the date of sale of the initial bonding or indebtedness pledging tax increment funds, no new sale of bonds or indebtedness supported by the County's tax increment may occur nor may existing indebtedness so supported be refunded without amending this article. The County's increment contribution is to be accounted for as separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 05-109, § 3, 7-7-05)

Sec. 2-1843. Obligation to fund.

Notwithstanding the provisions of [Section 2-1842](../level3/PTIIICOOR_CH2AD_ARTCXXICINOMIREAR.docx#PTIIICOOR_CH2AD_ARTCXXICINOMIREAR_S2-1842APFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 05-109, § 4, 7-7-05)

Sec. 2-1844. Expenditures.

Moneys in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan:

(a) administrative and overhead expenses necessary or incidental to the implementation of the Plan;

(b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted;

(c) the acquisition of real property in the Redevelopment Area;

(d) the clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes;

(e) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness;

(f) all expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness;

(g) the development of affordable housing within the Redevelopment Area; or

(h) the development of community policing innovations.

(Ord. No. 05-109, § 5, 7-7-05)

Sec. 2-1845. Money remaining in fund after payment of expenses.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Section 2-1844](../level3/PTIIICOOR_CH2AD_ARTCXXICINOMIREAR.docx#PTIIICOOR_CH2AD_ARTCXXICINOMIREAR_S2-1844EX) herein for such year shall be:

(a) returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year;

(b) used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 05-109, § 6, 7-7-05)

Sec. 2-1846. Financial audit of fund.

The agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals form the Fund during such fiscal year and the amount of principal and interest paid during such year or any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 05-109, § 7, 7-7-05)

Sec. 2-1847. Construction.

This article is hereby declared to be a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

(Ord. No. 05-109, § 8, 7-7-05)

Secs. 2-1848—2-1860. Reserved.

FOOTNOTE(S):

--- (**131**) ---

**Editor's note—** Ord. No. 05-109, §§ 2—8, adopted July 7, 2005, did not specifically amend the Code. Hence, its inclusion herein as article CXXI, sections 2-1841—2-1847, was at the discretion of the editor. [(Back)](#BK_D685408DDFB9C25C232422150AA37DF6)

### ARTICLE CXXII. CITY OF NORTH MIAMI BEACH REDEVELOPMENT AREA [[132]](#BK_D1E12F380ED7C70244A111B27FAA0164)

[Sec. 2-1861. Established.](#BK_EC61C959C96F1A976B05B9B29E68F46A)

[Sec. 2-1862. Appropriations to fund.](#BK_954268412B370A2AFF26DBDEAE1F04A4)

[Sec. 2-1863. Obligation to fund.](#BK_B37FC1E84740A57785ADBA9147D5A253)

[Sec. 2-1864. Expenditures.](#BK_5509AD7E08BD4F67196E3FBB97608E61)

[Sec. 2-1865. Money remaining in fund after payment of expenses.](#BK_80CB19E1B9C7DD3D87F250943E9F7397)

[Sec. 2-1866. Financial audit of fund.](#BK_2378B360C39F3DA3823AD3447011ED54)

[Sec. 2-1867. Construction.](#BK_B52ED0C9D043E6978FB3B534FCF9782C)

[Secs. 2-1868—2-1880. Reserved.](#BK_3144612C28954997C3346BAC0CE80FDF)

Sec. 2-1861. Established.

The City of North Miami Beach Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority; exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 05-110, § 2, 7-7-05)

Sec. 2-1862. Appropriations to fund.

Except for the purpose of funding the Fund pursuant to [Section 2-1863](../level3/PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR.docx#PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR_S2-1863OBFU) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding but not to exceed thirty (30) years, or for a period not to exceed ten (10) years pending a sunset review by this Board, a sum that is no less than the increment as defined and determined by [Section 2-1861](../level3/PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR.docx#PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR_S2-1861ES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-1861](../level3/PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR.docx#PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR_S2-1861ES) of this article. The County's increment contribution is to be accounted for as a separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 05-110, § 3, 7-7-05)

Sec. 2-1863. Obligation to fund.

Notwithstanding the provisions of [Section 2-1862](../level3/PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR.docx#PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR_S2-1862APFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 05-110, § 4, 7-7-05)

Sec. 2-1864. Expenditures.

Moneys in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan:

(a) administrative and overhead expenses necessary or incidental to the implementation of the Plan;

(b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted;

(c) the acquisition of real property in the Redevelopment Area;

(d) the clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes;

(e) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness;

(f) all expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness;

(g) the development of affordable housing within the Redevelopment Area; or

(h) the development of community policing innovations.

(Ord. No. 05-110, § 5, 7-7-05)

Sec. 2-1865. Money remaining in fund after payment of expenses.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Section 2-1864](../level3/PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR.docx#PTIIICOOR_CH2AD_ARTCXXIICINOMIBEREAR_S2-1864EX) herein for such year shall be:

(a) returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year;

(b) used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 05-110, § 6, 7-7-05)

Sec. 2-1866. Financial audit of fund.

The agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals form the Fund during such fiscal year and the amount of principal and interest paid during such year or any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 05-110, § 7, 7-7-05)

Sec. 2-1867. Construction.

This article is hereby declared to be a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

(Ord. No. 05-110, § 8, 7-7-05)

Secs. 2-1868—2-1880. Reserved.

FOOTNOTE(S):

--- (**132**) ---

**Editor's note—** Ord. No. 05-110, §§ 2—8, adopted July 7, 2005, did not specifically amend the Code. Hence, its inclusion herein as article CXXII, sections 2-1861—2-1867, was at the discretion of the editor. [(Back)](#BK_1BD037FACEBA095467830013A58154D0)

### ARTICLE CXXIII. NW 7TH AVENUE CORRIDOR COMMUNITY REDEVELOPMENT AGENCY

[Sec. 2-1881. Community Redevelopment Agency created.](#BK_0BA46BBE0C70AEA15F8373EA30A6323E)

[Sec. 2-1882. Purpose.](#BK_0D12CB31699F2213C92A920F26468D87)

[Sec. 2-1883. Membership.](#BK_5A4AADAA8848FD31480B473BF075B43F)

[Sec. 2-1884. Procedure.](#BK_4E612E3DF09E0329DB4E9AFB8D6E68D5)

[Sec. 2-1885. Public officials, commissioners and employees subject to code of ethics.](#BK_19F8512C8A93D2497EF055B931CF5DED)

[Sec. 2-1886. Powers.](#BK_6FC1DF40AEF1012228D1220F55DE07B2)

[Sec. 2-1887. Staff.](#BK_0CDEE92A81563FF45F4653659E9EC90C)

[Sec. 2-1888. Annual Report.](#BK_8C6D61E0FB9237456D3F020DF5AD47C5)

[Sec. 2-1889. Appointments.](#BK_1EA7EA30E3B8D7317E1A24E7C4D95D1F)

[Sec. 2-1890. [Annual report; financial statement; publication.]](#BK_DC05B624C1467A87837C296818707D74)

[Secs. 2-1891—2-1900. Reserved.](#BK_E17485E941F775E51D7878A5E2F21528)

Sec. 2-1881. Community Redevelopment Agency created.

Pursuant to the provisions of Section 163.356, Florida Statutes, this Board created a public body corporate and politic to be known as the NW 7th Avenue Community Redevelopment Agency (the "Agency"). The Agency shall be constituted as a public instrumentality and the exercise by the Agency of the powers conferred by the Act and delegated by the Board shall be deemed and held to be the performance of an essential public function.

(Ord. No. 06-18, § 1, 2-7-06)

Sec. 2-1882. Purpose.

The purpose of the Agency is to carry out the community redevelopment purposes of the Act.

(Ord. No. 06-18, § 2, 2-7-06)

Sec. 2-1883. Membership.

(a) The board of commissioners of the Agency shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four (4) years, except that three of the members first appointed shall be designated to serve terms of one (1), two (2) and three (3) years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of four (4) years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under the Act. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the Clerk of the Board, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(b) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.

(c) The Board may remove a commissioner for inefficiency, neglect of duty or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

(Ord. No. 06-18, § 3, 2-7-06)

Sec. 2-1884. Procedure.

(a) *Chair.* The Board shall designate a chair and vice-chair from among the commissioners.

(b) *Meetings.* The powers of the Agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the Agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number.

(Ord. No. 06-18, § 4, 2-7-06)

Sec. 2-1885. Public officials, commissioners and employees subject to code of ethics.

(a) The officers, commissioners and employees of the Agency shall be subject to the provisions and requirements of Part III of Chapter 112, Florida Statutes, and Section 2-11.1 of the Code of Miami-Dade County, Florida.

(b) If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in the NW 7th Avenue Corridor Community Redevelopment Area, he or she shall immediately disclose this fact in the manner provided in Part III of Chapter 112, Florida Statutes. Any disclosure required to be made by this section shall be made prior to taking any official action.

(c) No commissioner or other officer of the Agency exercising powers pursuant to the Act shall hold any other public office under the County other than his or her commissionership or office with respect to such Agency.

(Ord. No. 06-18, § 5, 2-7-06)

Sec. 2-1886. Powers.

(a) The Board hereby delegates the following community redevelopment powers to the Agency in accordance with the Act:

(i) Initiate, prepare and adopt a plan of redevelopment and any amendments thereto, which plan and amendments shall be subject to subsequent review and approval by the Board; and

(ii) All powers not specifically delegated to the Agency are reserved exclusively by the Board.

(b) The Agency cannot commit itself or the County to any expenditure of funds without the specific approval of the Board.

(Ord. No. 06-18, § 6, 2-7-06)

Sec. 2-1887. Staff.

The County Manager and the Office of the County Attorney shall provide to the Agency adequate staff and support services to enable it to carry out its purposes.

(Ord. No. 06-18, § 7, 2-7-06)

Sec. 2-1888. Annual Report.

No less than once per year, the Agency shall submit a written report to the Board detailing its activities during the past year and outlining its contemplated activities for the ensuing year.

(Ord. No. 06-18, § 8, 2-7-06)

Sec. 2-1889. Appointments.

(a) The Board hereby appoints the following persons to the position of commissioners of the Agency each of whom shall serve a four-year term from the effective date of their appointments pursuant to Resolution Nos. R-1370-08, R-86-09 and R-571-11, respectively, which are ratified and approved by this ordinance:

(i) Mack Samuel;

(ii) Dr. Mae Bryant;

(iii) Alphoncia Lafrance-Mompremier;

(iv) Todd Ruderman;

(v) Gene Lamondo:

(vi) William Wallace IV; and

(vii) Donald E.W. Kressly.

(b) The Board hereby designates Alphoncia Lafrance-Mompremier as Chair and Todd Ruderman as Vice Chair of the Agency.

(c) All future appointments of chairs, vice-chairs and board of commissioners of the Agency shall be made by amendment to this Ordinance.

(d) All prior and current appointments made pursuant to Resolution Nos. R-1370-08, R-86-09, R-164-10 and R-571-11 are ratified and approved by this ordinance, as of the effective date of the appointments provided by these resolutions.

(Ord. No. 06-18, § 9, 2-7-06; Ord. No. 12-23, § 1, 4-3-12)

Sec. 2-1890. [Annual report; financial statement; publication.]

The Agency shall file with the Board and with the State of Florida, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the Agency shall publish in a newspaper of general circulation in the County a notice to the effect that such report has been filed with the County and that the report is available for inspection during business hours in the office of the Clerk of the Board and in the office of the Agency.

(Ord. No. 06-18, § 10, 2-7-06)

Secs. 2-1891—2-1900. Reserved.

### ARTICLE CXXIV. KENDALE LAKES LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT ADVISORY BOARD

[Sec. 2-1901. Creation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.](#BK_92E80787C88A84901FCC26EEEE40D9EF)

[Sec. 2-1902. Composition, Terms.](#BK_5A8BBD7A3D5534612F11C322F2501AA2)

[Sec. 2-1903. Nomination and Selection of Members.](#BK_1770B495A83CFB3D5605B78D7838C10F)

[Sec. 2-1904. Officers; Quorum; Compensation.](#BK_0D378946BDCE8FAD6DCDF50E691A8A38)

[Sec. 2-1905. Duties, Powers, and Responsibilities.](#BK_DF19BEAE7A4D6EF971730E336556AA1C)

[Sec. 2-1906. Support.](#BK_991DED143A9804DE331CDF1967C4A33C)

[Sec. 2-1907. Meetings of the Board.](#BK_9650B0998F8216E0B16F385355DB571D)

[Secs. 2-1908—2-1920. Reserved.](#BK_16270A651A7FB126E6045DF836693C2A)

Sec. 2-1901. Creation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

There is hereby created and established the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

(Ord. No. 01-133, § 1, 9-13-01)

Sec. 2-1902. Composition, Terms.

Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") shall be composed of seven (7) members, each residing in one of the seven regions within the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District"), as more specifically set forth below. The members shall serve staggered terms of no more than two (2) years, with no member serving for more than eight (8) consecutive years.

(Ord. No. 01-133, § 1, 9-13-01)

Sec. 2-1903. Nomination and Selection of Members.

(1) *Initial Advisory Board.* The Initial Advisory Board shall be established as provided in this paragraph. Within ten (10) days following the effective date of this article, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limit of the Special Taxing District, a notice stating where and when applications (the "Applications") for the Initial Advisory Board will be available. An Application will also be included with every notice sent by mail. The Applications will be developed by the Park and Recreation Department and will require the applicant to provide her or his name, address, proof of residence within the Special Taxing District, and proof of length of residence within the Special Taxing District.

(a) The Application deadline will be no less than three (3) weeks from the date of the advertisement and mailing.

(b) The Park and Recreation Department will collect and evaluate the Applications as provided herein. At the expiration of the Application deadline, the County Representative, as defined in Section 1(c)(3), shall select the nominees for the Initial Advisory Board using the following criteria. The applicant within each Special Taxing District region who has resided longest within the region will be the nominee for that region. If there is no applicant for a region, then the County Representative will appoint the nominee from the remaining pool of applicants.

(c) The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.

(d) In order to establish staggered terms for the Advisory Board, the terms of the Initial Advisory Board members will be as provided in this section. The term of the members from odd-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the next annual meeting provided in Section 1(c)(3) herein, irrespective of whether those members of the Advisory Board have served a full year term. The members of the Initial Advisory Board from even-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the annual meeting two years following the passage of this article. For example, if this article is passed in October, 2001 and the Initial Advisory Board is empanelled and approved by November, 2001, the members of the Initial Advisory Board from odd-numbered regions will serve until the nominees from odd-numbered regions selected at the May, 2002 Nomination Meeting are approved by the Board of County Commissioners. The members of the Initial Advisory Board from even-numbered regions shall serve until the nominees from the even-numbered regions selected at the May, 2003 Nomination Meeting are approved.

(2) *Advertisement for Nomination Meeting.* On or before May 1 of each year following the establishment of the Initial Advisory Board, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limits of the Special Taxing District, a notice setting the date, place, and time of a public meeting of property owners and residents within the limits of the Special Taxing District for purpose of selecting nominees for the Advisory Board. The notice shall briefly describe purpose of the meting, the responsibilities of the Advisory Board, and advise the recipients that at the meeting nominations will be received for persons from the specified Special Taxing District regions desiring to serve as members of the Advisory Board for the upcoming two (2) year term.

(3) *Nomination Meeting.* The annual nomination meeting shall be chaired by the Park & Recreation Department Special Taxing District Manager or other designee of the Park & Recreation Department Director ("County Representative"). The County Representative will open the floor for nominations only for those Special Taxing District regions with vacancies that year and shall record the names of those nominated for each vacant Special Taxing District region, as illustrated and defined in the Special Taxing District map attached as Exhibit "A." Each even-numbered year will have nominations for odd-numbered Special Taxing District regions and vice-versa. At least one person from each vacant Special Taxing District region shall be nominated for the Advisory Board. If more than one person from region is nominated for a single region, then the person residing in the region for the longest period of time shall become the region's nominee. If no nominee is secured for a given Special Taxing District region, then the Director of the Park & Recreation Department will appoint the nominee. The County Representative will be responsible for verifying the residence of all nominees, and if necessary, the length of residency within the Special Taxing District and specific region.

(4) *Board Approval of Nominees.* The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.

(5) *Vacancies.* Should any Advisory Board member move out of the region for which they were nominated during the course of her or his term, but continue to reside within the Special Taxing District, then that Advisory Board member will serve out her or his term, but will not be eligible for a new term within that region, unless no resident within the region desires to be the region's nominee at the following Nomination Meeting. Should any Advisory Board member move out of the Special Taxing District during her or his term, then she or he will forfeit her or his position on the Advisory Board. Should an Advisory Board member resign during her or his term for any other reason, the term will be filled by the next person eligible who has resided in that region the longest.

(Ord. No. 01-133, § 1, 9-13-01; Ord. No. 05-195, § 1, 11-3-05)

Sec. 2-1904. Officers; Quorum; Compensation.

The members of the Advisory Board shall elect a chairperson and vice chairperson, who shall serve at the will of the Advisory Board. Four (4) members of the Advisory Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the quorum of the Advisory Board shall be necessary to take any action. Members shall serve without compensation. The chairperson or vice chairperson may call meetings of the Advisory Board. Meetings may also be called by written notice signed by four (4) members. The Advisory Board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

(Ord. No. 01-133, § 1, 9-13-01)

Sec. 2-1905. Duties, Powers, and Responsibilities.

The Board shall have the following duties, powers and responsibilities:

(1) To serve in an advisory capacity to the Board of County Commissioners, and the County administration, in respect to matters pertaining to the Special Taxing District.

(2) To formulate and recommend plans and programs for the Special Taxing District.

(3) The Advisory Board shall annually report to the Board of County Commissioners as to its recommendations.

(4) To perform such other duties as may from time to time be assigned to it by resolution of the Board of County Commissioners.

(Ord. No. 01-133, § 1, 9-13-01)

Sec. 2-1906. Support.

The County Manager, County Attorney and Clerk of the Board shall provide appropriate support for the Advisory Board.

(Ord. No. 01-133, § 1, 9-13-01)

Sec. 2-1907. Meetings of the Board.

The Advisory Board shall hold regular meetings, no less than six times per year, and such other meetings, as it deems necessary. The Advisory Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Sec. 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County.

(Ord. No. 01-133, § 1, 9-13-01)

Secs. 2-1908—2-1920. Reserved.

### ARTICLE CXXV. TASK FORCE ON GOVERNMENTAL STRUCTURE [[133]](#BK_FDF9D802994D5A114DE0FC5D9725A0A1)

[Sec. 2-1921. Creation.](#BK_984CCBA36AA334933E3092AE5B5061ED)

[Sec. 2-1922. Membership.](#BK_2A65EEAEAD9B8728C8D49FD437AFE901)

[Sec. 2-1923. Duties and functions.](#BK_9550142CD97C366D35403AC9BB90F60C)

[Sec. 2-1924. Staff support.](#BK_AA6F46B28BFD70D3C239237E2C9166C4)

[Secs. 2-1925—2-1940. Reserved.](#BK_4A711D3A1FBACF0DC7C88D4DE0A9E612)

Sec. 2-1921. Creation.

There is hereby created the Miami-Dade County Task Force on Governmental Structure (hereinafter "Task Force").

(Ord. No. 06-59, § 1, 5-9-06)

Sec. 2-1922. Membership.

The Task Force shall consist of the Vice-Chairman of the County Commission, who shall be the Chair of the Task Force, and three (3) additional County Commissioners selected by the Chairman of the County Commission.

The Mayor shall, at his discretion, serve as the fifth voting member of the Task Force.

(Ord. No. 06-59, § 2, 5-9-06)

Sec. 2-1923. Duties and functions.

The Task Force shall:

a) Develop criteria for identifying efficient and effective structures of local government in this country [county]. Such criteria may include: bond ratings; efficiency awards or recognitions; success in obtaining state or federal funds; as well as other criteria deemed by the members to be objective measures of an efficient and effective local government;

b) Apply the criteria developed to evaluate the effectiveness and efficiency of the various structures of governance of the major metropolitan areas of this country [county]. This evaluation shall include local governments that vest procurement authority in elected officials, as well as those that vest such authority in appointed members of staff. The evaluation shall also include an analysis of jurisdictions that vest authority over air and seaports in elected officials, as well as in appointed officials;

c) Review Commission agendas over the past five years and analyze those instances where the County Commission has rejected the County Manager's recommendation on a procurement matter, and identify the number thereof in relation to the total number of such recommendations and the percentage that such instances comprise of the total number of and total dollar value of all procurement recommendations submitted by the County Manager to the Commission during such period of time. The data gathered as a result of the foregoing shall be compiled and disseminated to the public by the County Communications Department;

d) Conduct such public hearings as in the Task Force's opinion are sufficient to afford the members of the community the opportunity to provide their input. The Chair of the Task Force may, at his discretion, create a Citizens' Advisory Committee to assist the Task Force. The Chair of the Task Force shall appoint the members of the Citizens' Advisory Committee.

e) At the conclusion of the public hearing process, the Task Force shall prepare written report for the County Commission's consideration that includes a summary of the Task Force's evaluation of the efficient and effective structures of local government studied and the opinions of constituents shared with the Task Force during the public hearing process. Such report shall be completed and submitted to the County Commission as soon as practicable, and in no event later than six (6) months after the effective date of this article. Upon such submission, the Task Force shall be dissolved.

(Ord. No. 06-59, § 3, 5-9-06)

Sec. 2-1924. Staff support.

The County Manager and County Attorney shall provide staff support as needed to the Task Force.

(Ord. No. 06-59, § 4, 5-9-06)

Secs. 2-1925—2-1940. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 06-59, §§ 1—4, adopted May 9, 2006, did not specifically amend the Code. Hence, its inclusion herein as article CXXV, sections 2-1921—2-1924, was at the discretion of the editor. [(Back)](#BK_6E92EA670B2EA54216C53A168EA8DDEE)

### ARTICLE CXXVI. CLIMATE CHANGE ADVISORY TASK FORCE [[134]](#BK_7FB993FEF3A253294A9FA9D8E272D28F)

[Sec. 2-1941. Climate Change Advisory Task Force; purpose.](#BK_CE779A86ED1A13B37E5F0C0B0B06B3A9)

[Sec. 2-1942. Membership; appointment, staggered terms and removal.](#BK_3614AF0C914FCA936488C02F8CDD65F3)

[Sec. 2-1943. Quorum; organization and procedures at meetings.](#BK_2C93CAC7D77F7DB1B43F011699F3FE04)

[Sec. 2-1944. Responsibilities of the Climate Change Advisory Task Force.](#BK_7B645C650499187961523FDFABEEEC6C)

[Sec. 2-1945. Limitation of Authority.](#BK_E563C2202E6C250CAB75E80C28008969)

[Sec. 2-1946. Physical facilities, staff and supplies.](#BK_C1455C412AB0ADBBA646268D189F7064)

[Secs. 2-1947—2-2000. Reserved.](#BK_96D44D22AAF70A31A19C63333D482EE5)

Sec. 2-1941. Climate Change Advisory Task Force; purpose.

In accordance with Sections [2-11.36](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.36STPO) through [2-11.40](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.40SUREBO) of this Code, there is hereby created and established an advisory board to be known as the Miami-Dade County Climate Change Advisory Task Force (hereinafter referred to as the CCATF) for the purpose of providing technical assistance and advice to the Board of County Commissioners as to mitigation and adaptation measures to respond to global warming climate change.

(Ord. No. 06-113, § 1, 7-18-06)

Sec. 2-1942. Membership; appointment, staggered terms and removal.

(a) The CCATF shall have twenty-five (25) members. Each member shall be a resident and elector of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement.

Members should have reputations for integrity and community service and have demonstrated an interest in a field or activity related to global warming climate change.

The CCATF shall be composed of the following members:

1) Harvey Ruvin, who as a former member of the Board of County Commissioners sponsored Resolution No. R-335-91 adopting the County's "Urban CO2 Reduction Plan" (hereinafter referred to as the "adopted plan") and has chaired its implementation since, and who continues his service to the community as the Miami-Dade County Clerk of Courts;

2) One appointment for a member seat from each member of the Board of County Commissioners. In making the initial appointments preference should be given to those persons who have demonstrated a record of service by previous participation on the ad hoc committee on climate change adaptation chaired by Harvey Ruvin;

3) The County Manager shall recommend to the Board of County Commissioners candidates for nine (9) members' seats from governmental agencies and educational institutions on the basis of technical expertise in areas that will facilitate the work of the CCATF.

4) Two (2) appointments by the Mayor for two regular member seats.

(b) The initial appointment of those members appointed by individual commissioners shall be for a term of three (3) years. Those members not appointed by individual commissioners shall serve an initial term of two (2) years. The successors to the initial two-year appointments shall be appointed for three (3) years.

(c) Members may be removed in accordance with the provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of this Code.

(Ord. No. 06-113, § 2, 7-18-06)

Sec. 2-1943. Quorum; organization and procedures at meetings.

(a) A quorum shall be a majority of the duly appointed and sitting members.

(b) Harvey Ruvin shall serve as the initial chairperson for a three (3) year term. Thereafter, the chairperson shall be elected annually by a majority vote of the duly appointed membership.

(c) At the initial meeting, the chairperson shall appoint another member to serve a one (1) year term as vice-chairperson, subject to approval by a majority vote of those members in attendance. Thereafter, the vice-chairperson shall be selected and approved annually in the same manner. The CCATF shall adopt rules of procedure for its own governance.

(d) The chairperson shall nominate and the CCATF shall appoint, by a majority vote of those members in attendance, a chairperson and members for such committees as the CCATF finds helpful to its mission. Each committee shall be chaired by a duly appointed member of the CCATF, however, the committee membership may include persons who are not members of the CCATF. A committee shall have no authority to act or speak on behalf of the CCATF. The CCATF may establish or eliminate committees at its discretion.

(e) The CCATF shall hold not less than four (4) regular meetings each year.

(Ord. No. 06-113, § 3, 7-18-06)

Sec. 2-1944. Responsibilities of the Climate Change Advisory Task Force.

The primary responsibility of the CCATF is to advise the Board of County Commissioners as to strategies and policies with respect to the continued implementation of the adopted plan and its updates, as well as adaptation measures to be taken in response to the challenge of global warming climate change. The CCATF shall serve as a clearinghouse for information and strategies and provide reports on a quarterly basis to the Infrastructure and Land Use Committee of the Board of County Commissioners, or such other committee designated by the Board. On or before the first day of June, the CCATF shall provide an annual report of its recommendations to the Board of County Commissioners.

(Ord. No. 06-113, § 4, 7-18-06)

Sec. 2-1945. Limitation of Authority.

The CCATF shall have no authority to commit Miami-Dade County to any policies, to incur any financial obligations or to create any liability on the part of the County. The actions and recommendations of the CCATF are advisory only and shall not be binding upon the County.

(Ord. No. 06-113, § 5, 7-18-06)

Sec. 2-1946. Physical facilities, staff and supplies.

(a) The County shall provide the CCATF with appropriate meeting facilities, together with necessary supplies and equipment.

(b) The County Manager shall provide necessary staffing assistance to the CCATF.

(c) The CCATF may request the Board to provide such other specialized consulting expertise as it may determine are necessary from time to time.

(Ord. No. 06-113, § 6, 7-18-06)

Secs. 2-1947—2-2000. Reserved.

FOOTNOTE(S):

--- (**134**) ---

**Editor's note—** Ord. No. 06-113, §§ 1—6, adopted July 18, 2006, did not specifically amend the Code. Hence, its inclusion herein as article CXXVI, sections 2-1941—2-1946, was at the discretion of the editor. [(Back)](#BK_0DD8CDF84C98E7FD7E66AFD8560F45A3)

### ARTICLE CXXVII. WEST PERRINE COMMUNITY REDEVELOPMENT AND REVITALIZATION TRUST FUND [[135]](#BK_C2A70DA513236757797DD950E0749BEE)

[Sec. 2-2001. Established.](#BK_07951F7FC71EAEA9ACE7C5027211AAA4)

[Sec. 2-2002. Appropriations to fund.](#BK_83432BCB745A2C5AA2413AA17149F9A7)

[Sec. 2-2003. Obligation to fund.](#BK_5AF7B73BE9B4904B31A55B3BFE2B4F22)

[Sec. 2-2004. Expenditures.](#BK_AFF345EC9F993142FFBFD48882923D54)

[Sec. 2-2005. Money remaining in fund after payment of expenses.](#BK_0AE6EBAF693B3AD938FE64719D46E7F2)

[Sec. 2-2006. Financial audit of fund.](#BK_C8A1668AFA8C5ABE6B1A90D1F9342C95)

[Sec. 2-2007. Construction.](#BK_5D5BEC89159C285DFA3CFFBC1ABA22D3)

[Sec. 2-2008. Sunset.](#BK_D0572670C8D54E34815F97D7083954AD)

[Secs. 2-2009, 2-1010. Reserved.](#BK_66E49383E9B10B107459265181AE9C2B)

Sec. 2-2001. Established.

The West Perrine Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 07-79, § 2, 6-5-07)

Sec. 2-2002. Appropriations to fund.

Except for the purpose of funding the Fund pursuant to [Section 2-2003](../level3/PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU_S2-2003OBFU) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for a period not to exceed ten (10) years or for a period not to exceed thirty (30) years if there is outstanding indebtedness pledging increment revenues which has been approved by this Board, a sum that is no less than the increment as defined and determined by [Section 2-2001](../level3/PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU_S2-2001ES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-2001](../level3/PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU_S2-2001ES) of this article. The County's increment contribution is to be accounted for as a separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 07-79, § 3, 6-5-07)

Sec. 2-2003. Obligation to fund.

Notwithstanding the provisions of [Section 2-2002](../level3/PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU_S2-2002APFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 07-79, § 4, 6-5-07)

Sec. 2-2004. Expenditures.

Moneys in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan:

(a) Administrative and overhead expenses necessary or incidental to the implementation of the Plan;

(b) Expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted;

(c) The acquisition of real property in the Redevelopment Area;

(d) The clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes;

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness;

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness;

(g) The development of affordable housing within the Redevelopment Area; or

(h) The development of community policing innovations.

(Ord. No. 07-79, § 5, 6-5-07)

Sec. 2-2005. Money remaining in fund after payment of expenses.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Section 2-2004](../level3/PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXXVIIWEPECORERETRFU_S2-2004EX) herein for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 07-79, § 6, 6-5-07)

Sec. 2-2006. Financial audit of fund.

The Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 07-79, § 7, 6-5-07)

Sec. 2-2007. Construction.

This article is hereby declared to be for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be liberally construed to effectuate the purpose thereof.

(Ord. No. 07-79, § 8, 6-5-07)

Sec. 2-2008. Sunset.

This article shall, subject to a sunset review by this Board, stand repealed ten (10) years from its effective day.

(Ord. No. 07-79, § 11, 6-5-07)

Secs. 2-2009, 2-1010. Reserved.

FOOTNOTE(S):

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**Editor's note—** Ord. No. 07-79, §§ 2—8, 11, adopted June 5, 2007, did not specifically amend the Code. Hence, its inclusion herein as article CXXVII, §§ 2-2001—2-2008, was at the discretion of the editor. [(Back)](#BK_5004A76016BE0B6951EBA45F7207457B)

### ARTICLE CXXVIII. MIAMI-DADE COUNTY COMMUNITY PERIODICAL ADVERTISING PROGRAM

[Sec. 2-2011. Purpose.](#BK_AA19589526CF5A972454226BCC305E2D)

[Sec. 2-2012. Definitions.](#BK_DC4B51480EF0072CE8422D0B3E2F1E5C)

[Sec. 2-2013. Program described—No rights conveyed.](#BK_B6420D09FE90F8477588826333FFBC40)

[Sec. 2-2014. Qualifications.](#BK_BC583A1261813B05EDFF4BC806CD5294)

[Sec. 2-2015. Applications.](#BK_6117631B02114C5DA5511875F267D549)

[Sec. 2-2016. Responsibility to update application and other information.](#BK_56B45248339ECFE80D2A4007F3BBC213)

[Sec. 2-2017. Responsibility to provide copies of issues while in program.](#BK_D3EFBA6DF19AD054DBB0677AC46B02E9)

[Sec. 2-2018. Proof of publication and payment.](#BK_68E0AC78D6BF4BB1BA3D1EA791929D16)

[Sec. 2-2019. Retaining Records and Audits.](#BK_4EBF4A849C9040A7818B81EBDF87442F)

[Sec. 2-2020. Suspension and termination.](#BK_7469D351D0B525A9D8DF21062157D923)

[Sec. 2-2021. Departments required to purchase advertising through this program—Administrative matters.](#BK_92FCB98FD194D7438C6B8927D12CCEB2)

[Sec. 2-2022. Appeals.](#BK_4C43EE8CEB7DF7BB72DE6EB086FBBAAA)

[Sec. 2-2023. Censorship.](#BK_FD01888EF7388698398C361B73F74E6F)

Sec. 2-2011. Purpose.

The purpose of this ordinance is to codify the standards, criteria, and applications governing the Miami-Dade County Community Periodical Program. In line with its intent when originally established, the purpose of this program is to provide news and information about Miami-Dade County's programs and services, and other public service announcements to the poor, elderly and disadvantaged citizens who cannot afford to buy a mainstream newspaper.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2012. Definitions.

"Year" means the County fiscal year which extends from October 1st to September 30th.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2013. Program described—No rights conveyed.

It is the intention of Miami-Dade County to publish advertising in the periodicals that qualify and become a part of this program. No rights to receive advertising contracts are granted by qualifying for or participating in this program. The decision of whether, what, and how much to publish in a particular periodical remains in the sole discretion of Miami-Dade County, which may consider any lawful factor in making its decision including, but not limited to, rates, target audience, frequency and consistency of publication, while advertising rates shall remain the sole discretion of the individual periodical operating in a free market economy. The exercise of the County's discretion in this regard shall not be subject to any appeal. Nothing herein shall restrict the ability of an individual periodical to adopt whatever rate it deems appropriate, provided that Miami-Dade County may decline to purchase advertising based upon the rate. The Department charged with administering this program may periodically issue its own rate ceiling cards indicating the maximum amounts that it will pay for various categories of advertising.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2014. Qualifications.

To qualify for participation in this program a community periodical must meet the following conditions, and have a history of meeting the conditions in subsections (b), (c), (e), (f), (g), (h), and (k), for three years prior to entering the program:

(a) Be circulated free of charge. A periodical will be deemed circulating free of charge even if it charges for copies that are delivered by mail provided that at least eighty percent of its circulation is distributed at distribution points in public places in Miami-Dade County where the public can obtain copies free of any charge, as provided herein. The periodical shall not display a per edition charge anywhere in the publication, but may advertise a subscription rate for copies delivered by mail;

(b) Contain articles of local, national, or international news of interest to the general public;

(c) Be published in amounts of no less than 5,000 copies for each edition which must be distributed within Miami-Dade County;

(d) Contain no less than 12 pages in each edition and contain no less than 6 pages of non-advertising content such as news, calendar items, stories, photographs, recipes, comics, puzzles, and editorials; this content must consist of no less than 1,000 words; and any content whose placement in the periodical is paid for by a third party, including commercial and political advertising, must be labeled to indicate it is paid advertising when necessary to avoid consumer confusion;

(e) Prominently display the publication date on the masthead, cover, inside cover or other easily viewed location;

(f) Be published continuously throughout the year on a schedule set before the year begins, either once per month, twice per month, or four times per month;

(g) Have a main office or headquarters from which the periodical is published with a street address located in Miami-Dade County;

(h) Have an occupational license that reflects its main office or headquarters street address and that is valid for the year in which the periodical intends to participate in the program;

(i) Be printed in Miami-Dade County; but use of printing facilities outside of the County is permissible in emergency situations outside the control of the periodical, provided the periodical returns to printing in the County when the emergency has ended; and use of printing facilities outside of the County is also permissible when the cost of printing the periodical within the County is ten percent or more expensive than the cost of printing outside the County, as reflected in written cost estimates or bills obtained by the periodical from the printers;

(j) Be distributed in an established manner, either by mail or by delivery to no less than 10 different distribution points dispersed throughout the community it serves, none of which shall be a County-owned facility;

(k) Have a history of having published continuously for at least three years prior to the first year for which it seeks to participate in the program;

(l) Be registered as a vendor with the Miami-Dade County Internal Services Department, or its successor department responsible for registering vendors;

(m) Have a rate card reflecting the periodical's standard rates;

(n) Provide Miami-Dade County with price guarantee for rates for the year in which it intends to participate that comply with the rate requirements of this ordinance;

(o) Otherwise have complied with the provisions of this ordinance regarding including, but not limited to, applications, upkeep of records, reporting changes in information, and audit; and

(p) Provide business documents indicating the persons who control or own the periodical, such as articles of incorporation or partnership agreements.

(Ord. No. 12-25, § 1, 4-3-12; Ord. No. 12-42, § 1, 6-19-12; Ord. No. 12-104, § 1, 12-4-12)

Sec. 2-2015. Applications.

To participate, a periodical must submit an application in a form prepared by Miami-Dade County. The application will contain separate sections addressing each of the required qualifications of the program. At a minimum, the application form will require the following documents to be attached to the application: a current issue, printer's invoices, valid occupational license, proof of registration as a vendor with Miami-Dade County, rate card, business documents reflecting ownership, for example, articles of incorporation or partnership agreement. No submitted application will be complete without such documents. In addition, prior to admitting a periodical to the program, the administration will confirm the publication history by reviewing all issues published in the prior three years as required by subsection [2-2014](../level3/PTIIICOOR_CH2AD_ARTCXXVIIIMIDECOCOPEADPR.docx#PTIIICOOR_CH2AD_ARTCXXVIIIMIDECOCOPEADPR_S2-2014QU)(k). The application must be signed and notarized by an owner or officer of the periodical. The Miami-Dade County may require the applicant to file the application in person or to participate in an application review meeting. All Community Periodicals intending to participate in the program must submit new applications pursuant to this ordinance.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2016. Responsibility to update application and other information.

The periodical will have an ongoing responsibility to update the information contained in its application and any other information it provides the County regarding this program. Such updating of information shall be filed with Miami-Dade County within ten working days of the change.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2017. Responsibility to provide copies of issues while in program.

Once a periodical has entered the program, the periodical must provide Miami-Dade County with all copies of the issues that it publishes in order for the County to confirm that the periodical publishes on the schedule it has provided. This requirement applies whether or not the periodical is receiving advertising from the County.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2018. Proof of publication and payment.

In the event that the County contracts to have the periodical publish advertising, the following applies to payment:

(a) The periodical must invoice the County for the advertising, provide a copy of issue containing the advertisement, and provide three copies of a tear sheet of the advertisement.

(b) Miami-Dade County will remit payment within thirty (30) days of receiving these materials.

(c) Miami-Dade County may decline to pay the invoice if the conditions governing the publication of the advertising are not met, including, but not limited to:

(1) Failure to place the advertisement according to insertion order provided with the advertisement;

(2) Failure to place advertisement according to the date stipulated on insertion order;

(3) Placing an advertisement without having an insertion order accompany the advertisement; and

(4) Failure to charge the correct rate that is guaranteed at time of application.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2019. Retaining Records and Audits.

(a) A periodical that is paid to publish advertising as part of this program must retain for three years the following records for each year in which it received advertising:

(1) Copies of publications;

(2) Printers receipts showing the number of copies of each issue printed;

(3) Copies of checks or other form of payment to the printer showing proof that the printer was paid for printing the issues;

(4) The distribution points where the paper is distributed.

(b) Audits. Any periodical that participates in this program, whether or not it receives advertising, is subject to audits by officers and agents of the County to ensure compliance with the provisions of this ordinance. The periodical will make its accounts and records, including, but not limited to, the records mentioned above, available to the County at reasonable times and places as the County determines necessary to conduct the audits. These audits may include investigations to insure that the periodicals statements regarding circulation are accurate and that the periodical has complied with the qualifications required under [Section 2-2014](../level3/PTIIICOOR_CH2AD_ARTCXXVIIIMIDECOCOPEADPR.docx#PTIIICOOR_CH2AD_ARTCXXVIIIMIDECOCOPEADPR_S2-2014QU) during the preceding three years.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2020. Suspension and termination.

(a) *Suspension.* The County may formally suspend a periodical for any period of time up to and including twelve months for any of the following reasons:

(1) Failure to report changes in the information provided to the County within ten days of the change, when such change of information would not disqualify the periodical from participating in the program;

(2) Failure to publish according to the schedule provided on two or three occasions in any six-month period;

(3) On one occasion submitting an invoice for more than the guaranteed amount or when no insertion order was sent; and

(4) Single or accidental violations of the terms of this ordinance that County determines do not warrant termination.

(b) *Termination.* The County may formally terminate a periodical for any period of time from one to three years for any of the following reasons:

(1) Misrepresenting a material fact on the application that impacts the periodical's qualification for the program;

(2) Failure to report changes in the information provided to the County within ten days of the change, when such change of information would disqualify the periodical from participating in the program;

(3) Failure to publish according to the schedule provided on four or more occasions in any six-month period;

(4) On two or more occasions, submitting an invoice for more than the guaranteed amount or when no insertion order was sent; or

(5) Other multiple or intentional violations of the terms of this ordinance.

A periodical that is formally terminated must reapply by submitting a new application after its termination is over.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2021. Departments required to purchase advertising through this program—Administrative matters.

Community Periodical Advertising Expenditure. Each Department or County Entity that purchases print advertisements, will expend no less than one-half its discretionary print advertisement budget through this program. This requirement shall not apply to discretionary advertising or marketing that is designed to promote tourism or stimulate economic development by attracting consumers and businesses located outside of Miami-Dade County to do business within the County. As used in this section "discretionary print advertising" means all print advertisements, except those that are legally required to be published by ordinance, statute or law as a precondition to a County action or participation in a program. As part of each annual budget, the Mayor will provide the Board of County Commissioners a report that sets forth for each department the total budgeted print advertising dollars, the discretionary print advertising dollars, the print advertising dollars that are legally required to be published in newspapers of general circulation, and the non-print advertising dollars. If a specific amount for the program is established in the budget ordinance, the specific amount so established will control and the above provisions will not apply. Unless the budget ordinance indicates otherwise, moneys allocated in the budget for the program will be spent on the purchase of advertising and not on administrative expenses such as audits.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2022. Appeals.

Any periodical aggrieved by an administrative decision may appeal that decision by filing a written notice of appeal with the Clerk of the Courts, Code Enforcement, 111 N.W. 1st Street, Suite 1750, Miami, Florida within 20 days of the issuance of the written decision. The notice must fully explain the basis for the appeal and the reasons why the periodical believes the decision was wrong. The Miami-Dade County will have the appeal scheduled to be heard by one of the Hearing Officers provided for under [Chapter 8CC](../level2/PTIIICOOR_CH8CCCOEN.docx#PTIIICOOR_CH8CCCOEN) of the Miami-Dade County Code and a hearing will be conducted under the provisions of that Chapter. An appeal of the Hearing Examiner's decision may be taken as provided in that Chapter.

(Ord. No. 12-25, § 1, 4-3-12)

Sec. 2-2023. Censorship.

The County will not withhold advertising from a periodical because of the periodical's editorial or news content attacking the actions of the County government or any County official. Any County employee who receives any instruction, order, or direction to withhold advertising for this reason will immediately report the instruction, order to the Commission on Ethics and the Inspector General who shall investigate to determine the truth of the statement and may refer to appropriate agency.

(Ord. No. 12-25, § 1, 4-3-12)

### ARTICLE CXXIX. EMPOWERMENT ZONE STRATEGIES ALLIANCE

[Sec. 2-2024. [Created.]](#BK_B5477045356DFE121C321E24ED7FA767)

[Sec. 2-2025. [Implementation.]](#BK_70B9BFC84DC40158D0DE4C297D0CEFF5)

[Sec. 2-2026. [Neighborhood assemblies.]](#BK_FE5C2C5DD5B9A8C84397438052550257)

[Sec. 2-2027. [Reports.]](#BK_02CE531D2574D5363BD5D012EFD17CDB)

[Sec. 2-2028. [Termination of implementing arm.]](#BK_3804515EFAA6160B2963C0255CF7C1F4)

[Sec. 2-2029. [Authority.]](#BK_8795D3EEE42723EACDE89BD87B567325)

[Sec. 2-2030. Sunset provision.](#BK_A8834FC23F5A188CFBC2CBF5BB572C2D)

Sec. 2-2024. [Created.]

The Empowerment Zone Strategies Alliance is hereby created. The Empowerment Zone Strategies Alliance (hereinafter "EZSA") shall consist of fourteen (14) members. The Mayors of Miami-Dade County and the cities of Miami, Florida City and Homestead shall each appoint one member to the EZSA (the "general appointments"). In addition to their general appointments, the Mayor or Miami-Dade County shall also appoint one member representing the Miami International Airport area and the Mayor of the City of Miami shall appoint one member representing the Central Business District/Seaport area. Each of the currently existing eight (8) Empowerment Zone Neighborhood Assemblies—1) Melrose; 2) Allapatah/Civic Center; 3) Overtown; 4) East Little Havana; 5) Wynwood; 6) Liberty City/Model City; 7) Homestead; and 8) Florida City—shall appoint one of its members to the EZSA.

(Ord. No. 08-56, § 1, 5-6-08)

Sec. 2-2025. [Implementation.]

The Mayor or his designee is authorized to place the responsibility for the implementation of the County's Empowerment Zone designation with the Office of Community and Economic Development (OCED). The EZSA shall review OCED staff funding recommendations and make final recommendations to the Board of County Commissioners on the funding of all projects and programs funded with federal Empowerment Zone funds and any program income derived from local, and federal Empowerment Zone funds invested in Empowerment Zone assisted activities that are within the established EZ funding criteria, County procurement and fiscal guidelines, and benchmarks approved by the U.S. HUD. The funding recommendations made by OCED staff to the EZSA shall be based on proposals that comport with carrying out the Empowerment Zone Strategic Plan. Prior to OCED's funding recommendations to the EZSA, OCED shall receive input during the review of proposals through the currently existing Neighborhood Assembly process. Implementation and award of funds as recommended by EZSA shall require review by and approval of the Board of County Commissioners. OCED shall implement the final funding decisions as determined by the Board of County Commissioners. EZSA shall operate through the end of the County's designation as an Empowerment Zone.

(Ord. No. 08-56, § 2, 5-6-08)

Sec. 2-2026. [Neighborhood assemblies.]

Neighborhood Assemblies shall [be] re-established and convened for each of the neighborhoods in the Empowerment Zone. The role of the Neighborhood Assemblies shall be:

(1) To guide the implementation of the Empowerment Zone Strategic Plan and to make recommendations on projects to OCED;

(2) To advise and recommend to OCED when appropriate, amendments and revisions to the Strategic Plan, and

(3) To name representatives to the EZSA.

(Ord. No. 08-56, § 3, 5-6-08)

Sec. 2-2027. [Reports.]

OCED shall report quarterly to the BCC on all funding decisions made by the EZSA. These reports shall also be provided to the cities of Miami, Florida City and Homestead.

(Ord. No. 08-56, § 4, 5-6-08)

Sec. 2-2028. [Termination of implementing arm.]

The designation of OCED as the implementing arm of the Empowerment Zone shall terminate upon the expiration of the County's designation as an Empowerment Zone.

(Ord. No. 08-56, § 5, 5-6-08)

Sec. 2-2029. [Authority.]

The Mayor or his designee is authorized to take all actions necessary to carry out the purposes of this ordinance, including but not limited to, amending agreements with each of the Empowerment Zone Partners and U.S. HUD, including amending the Empowerment Zone Strategic Plan and the Memorandum of Agreement between the County and U.S. HUD, and executing any necessary interlocal agreements with the cities of Miami, Florida City, and Homestead. The Mayor or his designee is further authorized to execute and amend all contracts, grant agreements, and other documents for the award of Empowerment Zone funds as approved by the Board of County Commissioners.

(Ord. No. 08-56, § 6, 5-6-08)

Sec. 2-2030. Sunset provision.

This article shall sunset three (3) years after its creation.

(Ord. No. 08-56, § 10, 5-6-08)

### ARTICLE CXXX. AIRCRAFT NOISE ABATEMENT ADVISORY BOARD FOR MIAMI INTERNATIONAL AIRPORT

[Sec. 2-2031. Creation.](#BK_921BEF83A8A86FDF0D79E3A7E449948D)

[Sec. 2-2032. Purpose.](#BK_6A2BAF9B8F58C3AE3F805A1884385D88)

[Sec. 2-2033. Membership.](#BK_7845F3E29C0E66F003C5D517E4C6F836)

[Sec. 2-2034. Procedures.](#BK_7C29E987D3D51D9C7E06A441CE1FEFF3)

[Sec. 2-2035. Powers and duties.](#BK_89E229498C43EC8CFA9D88E0C7C0D0AE)

[Sec. 2-2036. Staff.](#BK_49E3C8796A734306EBCF66FBF71A0AD3)

[Sec. 2-2036.1. Sunset.](#BK_E3985D1054E2CC60D544E24D0617EDF6)

Sec. 2-2031. Creation.

There is hereby created an Aircraft Noise Abatement Advisory Board for Miami International Airport (the "NAAB").

(Ord. No. 08-116, § 1, 10-7-08)

Sec. 2-2032. Purpose.

The purpose of the NAAB is to discuss, evaluate and recommend to the Board of County Commissioners measures to reduce or mitigate aircraft noise impacts to the areas surrounding Miami International Airport ("MIA").

(Ord. No. 08-116, § 2, 10-7-08)

Sec. 2-2033. Membership.

(a) *NAAB Members.* The NAAB shall consist of twenty (20) members. Each member may designate a single alternate to participate and vote on his or her behalf. The members of the NAAB shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County and shall serve without compensation. Appointments to the NAAB shall be made as provided herein:

Notwithstanding and prevailing over anything in the Code of Miami-Dade County to the contrary, eight (8) members shall be residents of County Commission Districts 2, 3, 4, 5, 6, 7, 10 and 12, and shall be nominated by the County Commissioner representing each of those Districts;

One (1) member shall be a resident of the City of Miami, and shall be nominated by the Mayor of the City of Miami.

One (1) member shall be a resident of the City of Miami Springs, and shall be nominated by the Mayor of the City of Miami Springs.

One (1) member shall be a resident of the Village of Virginia Gardens, and shall be nominated by the Mayor of the Village of Virginia Gardens.

One (1) member shall be a resident of the City of Doral, and shall be nominated by the Mayor of the City of Doral.

One (1) member shall be a resident of the City of Miami Beach, and shall be nominated by the Mayor of the City of Miami Beach.

One (1) member shall be a resident of the City of West Miami, and shall be nominated by the Mayor of the City of West Miami.

One (1) member shall be a resident of the City of North Miami, and shall be nominated by the Mayor of the City of North Miami.

One (1) member shall be a resident of the City of North Bay Village, and shall be nominated by the Mayor of the City of North Bay Village.

One (1) member shall be a resident of the City of Sweetwater, and shall be nominated by Mayor of the City of Sweetwater;

One (1) member shall be a resident of the Village of Key Biscayne, and shall be nominated by the Mayor of the Village of Key Biscayne;

One (1) member shall be a resident of the Village of Miami Shores, and shall be nominated by the Mayor of the Village of Miami Shores;

One (1) member shall be a resident of the Village of El Portal, and shall be nominated by the Mayor of the Village of El Portal;

Any member who ceases to meet the membership requirements set forth above, shall immediately forfeit his or her office.

(b) *Term.* The members of the NAAB shall serve staggered terms of three (3) years each. Notwithstanding any other provision of the Code, no member shall be permitted to serve more than eight (8) consecutive years. Members nominated by the Commissioner of County Commission Districts 2, 3, 4, 5, 6, 7, 10 and 12, shall serve an initial term of three (3) years. Members nominated by the Mayor of the City of Miami, the Mayor of the City of Miami Springs, the Mayor of the Village of Virginia Gardens, the Mayor of the City of Doral, the Mayor of the City of Miami Beach, the Mayor of the City of South Miami, the Mayor of the City of North Miami, the Mayor of the City of North Bay Village, the Mayor of the City of Sweetwater, the Mayor of the Village of Key Biscayne, the Mayor of the Village of Miami Shores and the Mayor of the Village of El Portal shall serve an initial term of two (2) years. Thereafter, all members will serve terms of three (3) years.

(c) *Vacancies.* Vacancies in the membership of the NAAB shall be filled in the same manner by which the original NAAB members were appointed and shall be filled within 45 days.

(d) *Removal from Office.* Notwithstanding any other provision of the Code, if any NAAB member is absent from two (2) consecutive NAAB meetings annually without an acceptable excuse, or from four (4) NAAB meetings annually without an acceptable excuse, the NAAB shall certify the same to the Board of County Commissioners.

(Ord. No. 08-116, § 3, 10-7-08)

Sec. 2-2034. Procedures.

(a) *Chair.* A member of the NAAB, chosen by a majority of the members, shall serve as Chair of the NAAB.

(b) *Vice Chair.* A member of the NAAB, chosen by a majority of the members, shall serve as Vice Chair of the NAAB.

(c) *Meetings.* A majority of the members, then in office, constitutes a quorum for the purpose of conducting business and exercising the powers of the NAAB and for all other purposes. Meetings of the NAAB shall be held a minimum of four (4) times annually, shall be public and written minutes of the proceedings thereof shall be maintained. No vacancy in the membership of the NAAB shall impair the right of a quorum to exercise the right to perform all the duties of the NAAB.

(Ord. No. 08-116, § 4, 10-7-08; Ord. No. 12-82, § 1, 10-2-12)

Sec. 2-2035. Powers and duties.

(a) *Functions.* The NAAB shall consider present and future aircraft noise impacts arising from operations at MIA. With the assistance of staff, the NAAB shall explore, consider and recommend programs and practices that may be helpful in reducing or mitigating aircraft noise impacts.

(b) *Report.* The NAAB shall submit an annual written report to the Board of County Commissioners.

(Ord. No. 08-116, § 5, 10-7-08)

Sec. 2-2036. Staff.

Miami Dade Aviation Department shall provide to the NAAB adequate staff and support services to enable the NAAB to carry out its purposes.

(Ord. No. 08-116, § 6, 10-7-08)

Sec. 2-2036.1. Sunset.

The provisions of this article shall sunset on October 7, 2018, unless extended by amendment of the Board of County Commissioners prior to such date.

(Ord. No. 13-69, § 1, 7-2-13)

### ARTICLE CXXXI. MIAMI INTERNATIONAL AIRPORT NEIGHBORHOOD RELATIONS COMMITTEE

[Sec. 2-2037. Creation.](#BK_01B8CAC48206CFF8F6D8E6A1D530697F)

[Sec. 2-2038. Purpose.](#BK_A9E319DCE613991CD7978D418F9C8532)

[Sec. 2-2039. Membership.](#BK_49C148C814CE33A0C627F2863A3FC854)

[Sec. 2-2040. Procedure.](#BK_9C338164FBD5F31056DC9615F12923CC)

[Sec. 2-2041. Powers and duties.](#BK_F282740C818D1F20A6F5148E8A75ED44)

[Sec. 2-2042. Staff.](#BK_734AF577BB9202617FD36F060676AF7E)

[Sec. 2-2042.1. Sunset.](#BK_9AC3B803908460430BA45C338EEE70E2)

Sec. 2-2037. Creation.

There is hereby created a Miami International Airport Neighborhood Relations Committee (the "NRC").

(Ord. No. 08-115, § 1, 10-7-08)

Sec. 2-2038. Purpose.

The purpose of the NRC is to discuss, evaluate and recommend to County Commissioners of Districts 6 and 12, measures to reduce or mitigate adverse impacts to the residential areas immediately adjacent to MIA from various airport related activities including but not limited to airport vehicle traffic, vehicle access to MIA, construction in and around MIA, and air quality/aircraft emissions, and to promote positive communications between those residential areas and MIA.

(Ord. No. 08-115, § 2, 10-7-08)

Sec. 2-2039. Membership.

(a) *NRC members.* The NRC shall consist of nine (9) members representing the areas with the greatest potential for adverse impacts from MIA. Each member may designate a single alternate to participate and vote on his or her behalf. The members of the NRC shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County ("Code") and shall serve without compensation. Notwithstanding any provision in the Code to the contrary, the members shall be appointed in the following manner:

(1) Two (2) members shall be residents of County Commission District 6, and shall be appointed by the County Commissioner of District 6;

(2) Two (2) members shall be residents of County Commission District 12, and shall be appointed by the County Commissioner of District 12;

(3) One (1) member shall be a resident of the City of Miami, and shall be nominated by the Mayor of the City of Miami;

(4) One (1) member shall be a resident of the City of Miami Springs, and shall be nominated by the Mayor of the City of Miami Springs;

(5) One (1) member shall be a resident of the City of Doral, and shall be nominated by the Mayor of the City of Doral;

(6) One (1) member shall be a resident of the City of Coral Gables, and shall be nominated by the Mayor of the City of Coral Gables;

(7) One (1) member shall be a resident of the Village of Virginia Gardens, and shall be nominated by the Mayor of the Village of Virginia Gardens.

(8) Any member who ceases to meet the membership requirements set forth above shall immediately forfeit his or her office.

(b) *Term.* In accordance with [Section 2-11.38.2](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38.2TEOF) of the Code, the members of the NRC shall serve staggered terms of three (3) years each. Notwithstanding any other provision of the Code, no member shall be permitted to serve more than eight (8) consecutive years. Members nominated by the County Commissioners representing Districts 6 and 12 shall serve an initial term of three (3) years. Members nominated by the Mayor of the City of Miami, the Mayor of the City of Miami Springs, the Mayor of the City of Doral, the Mayor of the City of Coral Gables, and the Mayor of the Village of Virginia Gardens shall serve an initial term of two (2) years.

(c) *Vacancies.* Vacancies in the membership of the NRC shall be filled in the same manner by which the original NRC members were appointed and shall be filled within 45 days.

(d) *Removal from office.* Notwithstanding any other provision of the Code, if any NRC member is absent from two (2) consecutive NRC meetings annually without an acceptable excuse, or from four (4) NRC meetings annually without an acceptable excuse, the NRC shall report the same to the County Commissioners of District 6 and 12.

(Ord. No. 08-115, § 3, 10-7-08)

Sec. 2-2040. Procedure.

(a) *Executive director.* A member of the NRC, chosen by a majority of the members, shall serve as Executive Director of the NRC.

(b) *Ex-officio member.* An employee of the Florida Department of Transportation shall be invited to serve as an ex-officio non-voting member of the NRC.

(c) *Meetings.* A majority of the members, then in office, constitutes a quorum for the purpose of conducting business and exercising the powers of the NRC and for all other purposes. Meetings of the NRC shall be held quarterly, shall be public and written minutes of the proceedings thereof shall be maintained. No vacancy in the membership of the NRC shall impair the right of a quorum to exercise the right to perform all the duties of the NRC.

(Ord. No. 08-115, § 4, 10-7-08)

Sec. 2-2041. Powers and duties.

(a) *Functions.* The NRC shall consider present and future adverse impacts to the residential areas immediately adjacent to MIA arising from activity in and around MIA. With the assistance of staff, the NRC shall explore, consider and recommend programs and practices, such as airport landscaping, noise buffering, trash cleanup programs, signage and construction progress notices/updates, that may be helpful in reducing or mitigating those adverse impacts.

(b) *Report.* The NRC shall present an annual report of its recommendations at a sunshine meeting to the County Commissioners of Districts 6 and 12. A copy shall be filed with the Clerk of the Board.

(Ord. No. 08-115, § 5, 10-7-08)

Sec. 2-2042. Staff.

The NRC shall be provided adequate staff and support services to carry out its purposes.

(Ord. No. 08-115, § 6, 10-7-08)

Sec. 2-2042.1. Sunset.

The provisions of this article shall sunset on October 7, 2018, unless extended by amendment of the Board of County Commissioners prior to such date.

(Ord. No. 13-68, § 1, 7-2-13)

### ARTICLE CXXXII. COMMUNITY ACTION AGENCY BOARD

[Sec. 2-2043. Creation and purpose.](#BK_C525DED8257EE30BE37CA284AFC3D364)

[Sec. 2-2044. The board composition; petition process; interim board composition.](#BK_5365E3CEC27368744B38CFE9E65B0C8F)

[Sec. 2-2045. Terms, reappointment, vacancies and attendance.](#BK_7C8C913F98977A9C76C7270E1CE9BF4E)

[Sec. 2-2046. Reimbursement.](#BK_358C4C4EEFA69DBEAFD1ADAF30217B2F)

[Sec. 2-2047. Organization, procedure and orientation.](#BK_3334F5FD7709FF4886790BA049D11CAB)

[Sec. 2-2048. Powers and duties.](#BK_79F4A422BD53B20A7A692B029B929375)

[Sec. 2-2049. Applicability of Federal, State and County Laws.](#BK_EB8665E20F946B07B07685759D61AA4A)

[Sec. 2-2050. Staff support.](#BK_23C23936C275975A1665A6C3B3B259C3)

[Sec. 2-2051. Legal counsel.](#BK_0640FCEA121D932FDD3BAAE3AB9CC37E)

Sec. 2-2043. Creation and purpose.

There is hereby created the advisory board called the "Community Action Agency Board." The purpose of the Community Action Agency Board is to advise the County on the development, planning, implementation and evaluation of its Community Services Block Grant programs and other programs administered by the Community Action Agency; to advise the County on efforts or mechanisms to facilitate the reduction in poverty, the revitalization of low income communities and the empowerment of low income families and individuals to become self-sufficient; to provide for the oversight of quality services for the children and families served by the County's Head Start/Early Head Start program; and to make decisions related to the design and implementation of the County's Head Start/Early Head Start program on behalf of the Board of County Commissioners.

(Ord. No. 09-31, § 1, 5-5-09)

Sec. 2-2044. The board composition; petition process; interim board composition.

(a) The Community Action Agency Board shall consist of forty-five (45) members as follows:

(1) *Elected officials.*

a. Fifteen (15) members shall be the following elected officials:

1. The Mayor of Miami-Dade County;

2. The thirteen (13) Board of County Commissioners of Miami-Dade County;

3. The City of Miami Mayor;

b. These elected officials may appoint a designee to serve on their behalf.

c. If an elected official selects a designee to serve on the Community Action Agency Board, the elected official shall submit a letter on an annual basis advising the Community Action Agency Board of such designation.

d. If the elected official leaves office or his/her term of office expires and such elected official had selected a designee to serve, such designee may continue to serve until the newly elected official takes his/her seat with the Community Action Agency Board or appoints his/her own designee.

(2) *Citizen participants.* Sixteen (16) members shall be individuals who reside within sixteen (16) defined different target areas served by the Community Action Agency, are sufficiently representative of the individuals/families that reside within that specific target area and are selected through a democratic process developed by Miami-Dade County and delineated in the Community Action Agency's Board bylaws. No two (2) members shall reside in the same target area. However, in the event that the number of citizen participants exceeds the number of target areas, more than one citizen participant may reside in the same target area, provided that each target area has at least one representative. A target area shall mean a neighborhood of low income individuals and families served by the Community Action Agency.

(3) *Community interests and organizations.*

a. The remaining fourteen (14) members shall be representatives from the following: business; industry; labor; religious; law enforcement; social welfare; and education. Of the fourteen (14) members one shall be the Chair or his/her designee of the County's Head Start/Early Head Start Policy Council and one shall be the Chair or his/her designee of the County's Elderly Programs Committee of the Department of Human Services.

b. There shall be a Nominating Committee, which will be convened by the County Manager, to select the initial twelve (12) members and fill any future vacancies. Such Nominating Committee shall consist of the Mayor of Miami-Dade County or his/her designee, the Chair of the Community Action Agency Board and the Chair of the Commission Committee of jurisdiction over the Community Action Agency or his/her designee. The Nominating Committee shall convene at least three (3) months prior to the scheduled vacancy of any position. The Chair of the Community Action Agency Board shall serve as the Chair of the Nominating Committee. The Nominating Committee shall solicit recommendations from the public to fill vacancies on the Community Action Agency Board by providing the public with notice of the availability of such position(s). The Nominating Committee shall review all recommendations and then submit a name for each vacancy plus an additional two (2) names to the Board of County Commissioners. The Board of County Commissioners shall make the appointments to the Community Action Agency Board from the candidates recommended by the Nominating Committee or request a new list of candidates for any of the vacant positions. In the event that the Board of County Commissioners requests additional candidates, the Nominating Committee will devise the process for developing said list.

(4) *Ex-officio members.* The Board of County Commissioners may appoint ex-officio non-voting members, as recommended by the Community Action Agency Board. Such ex-officio members shall not count toward a quorum.

(b) *Petition process.* The Community Action Agency Board, in order to comply with Community Services Block Grant funding requirements, shall establish a procedure in its bylaws to allow any individual living in a target area served by the Community Action Agency, a representative of individuals who reside in a target area served by the Community Action Agency or any community or religious organization, to petition for adequate representation on the Community Action Agency Board if they believe they are underrepresented.

(c) *Interim board composition.* The Community Action Agency Board that exists at the time of the passage of this ordinance shall serve as the interim board for no more than ninety (90) days after the effective date of this ordinance, while the new Community Action Agency Board is convened.

(Ord. No. 09-31, § 2, 5-5-09)

Sec. 2-2045. Terms, reappointment, vacancies and attendance.

(a) Elected officials or designees are not subject to length of terms or limits on consecutive terms and shall serve as long as s/he is in office.

(b) All other members shall serve two-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms.

(c) A member may be reappointed; however, a member may not serve more than four (4) consecutive terms. A member who has served four (4) consecutive terms is eligible to be appointed again after a two-year hiatus from the Community Action Agency Board.

(d) Vacancies shall be filled in the same manner that initial appointments are filled.

(e) A member may be removed for failure to comply with the attendance requirements set out in [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Code of Miami-Dade County, Florida as amended, or for any other reason as established in the Community Action Agency Board Bylaws.

(Ord. No. 09-31, § 3, 5-5-09)

Sec. 2-2046. Reimbursement.

Members of the Community Action Agency Board shall serve without compensation, but may be entitled to receive reimbursement for out of town travel expenses consistent with the provisions of § 112.061, Florida Statutes.

(Ord. No. 09-31, § 4, 5-5-09)

Sec. 2-2047. Organization, procedure and orientation.

(a) *Bylaws.* The Community Action Agency Board shall make and adopt bylaws for its guidance, operation, governance and maintenance, provided such bylaws, and any amendments thereto, are consistent with federal and state laws and county ordinances, rules, regulations, policies and procedures and have been approved for form and legal sufficiency by the County Attorney's Office.

(b) *Officers.* Immediately after the members are appointed, including the fourteen (14) Community Interests members appointed by the Board of County Commissioners, the members of the Community Action Agency Board shall elect a chair, a vice-chair and other officers as designated in the bylaws. An interim chair, vice-chair and other officers may be elected to serve until such time as the fourteen (14) members appointed by the Board of County Commissioners have been selected. Officers shall be elected for a two-year term.

(c) *Committees.* The Community Action Agency Board shall have an executive committee and a finance committee. Other committee(s) considered necessary to address the core mission of the Community Action Agency shall be designated in the bylaws. The bylaws shall also allow for the creation of ad hoc committees as necessary.

(d) *Meetings.*

(1) Meetings shall be conducted upon the call of the chairperson; however, the Community Action Agency Board shall meet on a regular basis as determined in the bylaws during the County's fiscal year.

(2) All Community Action Agency Board meetings must be timely noticed at least seven (7) but not more than thirty (30) days prior to the meeting. Such notice shall be provided to the media and a copy shall be maintained at the Community Action Agency. However, if immediate action is necessary to address a matter of imminent harm to public health, safety and welfare, the Community Action Agency Board may schedule a meeting with no less than twenty-four (24) hours' notice.

(3) Minutes shall be kept of all meetings of the Community Action Agency Board and such minutes shall be available for inspection by any interested person.

(4) All meetings shall be open to the public.

(e) *Quorum.* A quorum of the Community Action Agency Board shall be one-half (½) of the total number of members seated on the Community Action Agency Board plus one (1).

(f) *Inquiries and communications.* All inquiries or communications from the Community Action Agency Board or any of its members to the Community Action Agency or to the County shall be made through the Chair of the Community Action Agency Board. Informal communications may be made freely from the Community Action Agency to the Community Action Agency Board members, pursuant to the Sunshine Laws.

(g) *Orientation.* All new members of the Community Action Agency Board shall receive sufficient training and orientation to enable them to perform their duties.

(Ord. No. 09-31, § 5, 5-5-09)

Sec. 2-2048. Powers and duties.

(a) The Community Action Agency Board shall have the following powers and duties with regard to the Community Services Block Grant funding and programs:

(1) To advise the Board of County Commissioners regarding: the development, planning, implementation and evaluation of Community Service Block Grant programs and other programs administered by the Community Action Agency; issues and causes of poverty in Miami-Dade County; the reduction of such poverty; the revitalization of low income communities; and the empowerment of low income families and individuals to become self-sufficient;

(2) To provide guidance and support to the Board of County Commissioners, the Mayor and the County Manager in identifying and helping to reduce the causes of poverty in Miami-Dade County;

(3) To assist in the identification of public and private resources at the local, state, and federal levels to promote self-sufficiency, family stability and community revitalization for economically disadvantaged persons;

(4) To involve economically disadvantaged persons in developing and carrying out anti-poverty programs and encouraging their regular participation in the implementation of these programs;

(5) To ensure the Community Action Agency is in compliance with all governing federal, state, county laws, regulations, policies and procedures, grant and contractual requirements;

(6) To encourage and support coordination with other agencies dedicated to the eradication of poverty and the empowerment of the economically disadvantaged so as to avoid whenever possible overlap and duplication of services;

(7) To approve and provide a Community Action Plan every two years, which shall serve as a written or oral report, to the Board of County Commissioners and the written report to the State of Florida. The Community Action Plan shall contain, but not be limited to, the following information:

a. A community needs assessment update (including food needs);

b. A description of the service delivery system targeted to low income individuals and families in the regions;

c. A description of how linkages will be developed to fill identified gaps in services through information, referral, case management, and follow-up consultation;

d. A description of how Community Service Block Grant funding will be coordinated with other public and private resources;

e. A description of outcome measures to be used to monitor success in promoting self-sufficiency, family stability, and community revitalization and a description of the Community Action Agency's success in promoting these activities.

f. A description of how the Community Action Plan interfaces with and is coordinated with Miami-Dade County's Strategic Plan;

g. Any other information that the Community Action Agency is required to gather as a condition of receiving Community Service Block Grant funds from the State of Florida or the federal government; and

(8) To perform any other duties or responsibilities that may from time to time be required as a condition of receiving Community Service Block Grant funds from the State of Florida or the federal government.

(b) The Community Action Agency Board shall have the following powers and duties with regard to Head Start/Early Head Start funding and programs:

(1) To adopt practices that are consistent with federal regulations and that assure active, independent and informed governance of the County's Head Start/Early Head Start program. Adoption of any such practices shall be documented as a report and presented to the Board of County Commissioners;

(2) To fully participate in the development, planning and evaluation of the County's Head Start/Early Head Start program as may be delineated more specifically in the CAA Board's bylaws;

(3) To ensure compliance with all applicable Federal, State and County laws and regulations;

(4) To recommend to the Board of County Commissioners for final approval the selection of service areas and delegate agencies, once any necessary Policy Council approval is attained and is consistent with County procurement policies and procedures;

(5) To review, consistent with County procurement policies and procedures, contracts and agreements under one million dollars, which are necessary for the day-to-day operation of the County's Head Start/Early Head Start program, including but not limited to, contracts with delegate agencies and ancillary service providers. The Community Action Agency Board shall review said contracts and agreements and send their recommendations to the Mayor or Mayor's designee for final review and approval. All other contracts and agreements shall be forwarded, with a recommendation from the Community Action Agency Board, to the Board of County Commissioners for final approval;

(6) To establish procedures and criteria for recruitment, selection and enrollment of children;

(7) To review and make recommendations to the Board of County Commissioners regarding all Head Start/Early Head Start program funding applications and amendments;

(8) To establish procedures and guidelines for accessing and collecting information for review by the Board of County Commissioners as the governing body and the Policy Council regarding program planning, policies and Head Start/Early Head Start program operations. The CAA Board shall provide a quarterly report to the Board of County Commissioners ensuring that all planning, policies and Head Start/Early Head Start program operations are proceeding efficiently and according to the requirements of the Head Start Act. Additional reports outside of this quarterly reporting period shall be required to inform the Board of County Commissioners of issues and instances of exceptional importance that require immediate attention;

(9) Consistent with the County's financial management structure, to: approve all major Head Start/Early Head Start financial expenditures; approve the Head Start/Early Head Start operating budget, prior to final approval by the Board of County Commissioners; oversee audit findings and other actions necessary to comply with applicable laws and regulations governing financial statements and accounting practices; review and approve the annual self-assessment and financial audit; review and approve the County's progress in carrying out the programmatic and fiscal provisions in the County's grant application, including implementation of corrective actions; and review results from federal monitoring, including appropriate follow-up activities;

(10) To establish advisory committees to oversee key responsibilities related to program governance and improvement of the County's Head Start/Early Head Start program if so approved by the Board of County Commissioners. If said advisory committee is approved by the Board of County Commissioners, the CAA Board shall contact the Office of Head Start and present information regarding the formation and purpose of the advisory committee;

(11) To provide the following information to the Board of County Commissioners in an annual report:

a. A list of approved delegate agencies and service areas;

b. Procedures and criteria for recruiting, selecting and enrolling children in the County's Head Start/Early Head Start program;

c. All approved contracts and agreements pursuant to subsection (b)(5);

d. A copy of the annual report required by the Head Start Act.

(12) All other powers and duties not specifically delegated hereunder shall remain with the Board of County Commissioners as the federally-recognized governing body of the County's Head Start/Early Head Start program with the legal and fiscal responsibility for administering and overseeing programs under the Head Start Act, including the safeguarding of federal funds.

(c) To perform any other duties that may from time to time be designated by the Board of County Commissioners through a resolution.

(Ord. No. 09-31, § 6, 5-5-09)

Sec. 2-2049. Applicability of Federal, State and County Laws.

The Community Action Agency Board shall be regulated by: the Community Service Block Grant statutes, regulations, resolutions, policies and contracts, including the conflicting interest prohibitions; the Head Start Act and regulations, as may be amended from time to time; Chapter 286 of Florida Statutes, ("Sunshine Law"); Chapter 119 of Florida Statutes ("Public Records Act"); Chapter 112, Part III of Florida Statutes ("Code of Ethics for Public Officers and Employees"); [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of Miami-Dade County Code ("Conflict of Interest and Code of Ethics Ordinance"); and Article IB of Miami-Dade County Code ("Standards for Creation and Review of Boards Generally") to the extent that these County requirements do not conflict with federal and state Community Service Block Grant funding requirements.

(Ord. No. 09-31, § 7, 5-5-09)

Sec. 2-2050. Staff support.

The County Manager's Office shall designate appropriate staff to support the Community Action Agency Board.

(Ord. No. 09-31, § 8, 5-5-09)

Sec. 2-2051. Legal counsel.

The County Attorney's Office shall provide legal counsel, as needed, to the Community Action Agency Board.

(Ord. No. 09-31, § 9, 5-5-09)

### ARTICLE CXXXIII. MIAMI-DADE HOUSING CIVIL RIGHTS OVERSIGHT BOARD

[Sec. 2-2052. Creation and Purpose.](#BK_BF21028E2CA889F11D682674DBDC6CAE)

[Sec. 2-2053. The Board Composition.](#BK_A271C53E939EC1B22E01DFDCFB5F0C4E)

[Sec. 2-2054. Terms, Reappointment, Vacancies and Attendance.](#BK_E3C84C699BBFB9C409DAC6396C95BB1E)

[Sec. 2-2055. Organization, Procedure and Orientation.](#BK_5D7C14C21362CE03A7174A359F655E22)

[Sec. 2-2056. Powers and Duties.](#BK_374C4BAB4060758DCBFDB030AAA76181)

[Sec. 2-2057. Applicability of Federal, State and County Laws.](#BK_7B7A34EFF5B6F561F44349E5FA11DD5F)

[Sec. 2-2058. Staff Support.](#BK_46F307EAD48C08137E9EE32CBBAD04F7)

[Sec. 2-2059. Legal Counsel.](#BK_A37252ED105FDF2CAFB482CB76436B12)

Sec. 2-2052. Creation and Purpose.

There is hereby created the advisory board called the "Miami-Dade Housing Civil Rights Oversight Board" (hereinafter "Oversight Board"). The purpose of the Oversight Board is to monitor the compliance with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies by the Miami-Dade Public Housing Agency, the Department of Housing and Community Development, and other County departments which administer housing programs and to report on such compliance to the Board of County Commissioners annually.

(Ord. No. 09-107, § 1, 12-1-09)

Sec. 2-2053. The Board Composition.

The Oversight Board shall consist of ten (10) members as follows:

(1) Four (4) members shall be appointed by the Board of County Commissioners.

(2) One (1) representative of each of the following organizations:

(a) Housing Opportunities Project for Excellence, Inc., and

(b) Overall Tenant Advisory Council, Inc.

(3) One (1) representative from the following County departments:

(a) Miami-Dade Commission on Human Rights,

(b) Miami-Dade Public Housing Agency,

(c) The Miami-Dade Economic Advocacy Trust; and

(d) The Department of Housing and Community Development.

(Ord. No. 09-107, § 2, 12-1-09)

Sec. 2-2054. Terms, Reappointment, Vacancies and Attendance.

(a) All members shall serve two-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms.

(b) A member may be reappointed; however, a member may not serve more than four (4) consecutive terms. A member who has served four (4) consecutive terms is eligible to be appointed again after a two-year hiatus from the Oversight Board.

(c) A member may be removed for failure to comply with the attendance requirements set out in [Section 2-11.39](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.39ATRE) of the Code of Miami-Dade County, Florida as amended, or for any other reason as established in the Oversight Board Bylaws.

(Ord. No. 09-107, § 3, 12-1-09)

Sec. 2-2055. Organization, Procedure and Orientation.

(a) *Bylaws.* The Oversight Board shall make and adopt bylaws for its guidance, operation, governance and maintenance, provided such bylaws, and any amendments thereto, are consistent with federal and state laws and county ordinances, rules, regulations, policies and procedures and have been approved for form and legal sufficiency by the County Attorney's Office.

(b) *Officers.* Immediately after the members are appointed, the members of the Oversight Board shall elect a chair, a vice chair and other officers as designated in the bylaws. Officers shall be elected for a two-year term.

(c) *Committees.* The Oversight Board may establish through its bylaws such committees as it considers necessary to address the core mission of the Oversight Board. The bylaws shall also allow for the creation of ad hoc committees as necessary.

(d) *Meetings.*

(1) Meetings shall be conducted upon the call of the chairperson; however, the Oversight Board shall meet on a regular basis as determined in the bylaws during the County's fiscal year.

(2) All Oversight Board meetings must be timely noticed at least seven (7) but not more than thirty (30) days prior to the meeting. Such notice shall be provided to the media and a copy shall be maintained at the Miami-Dade Commission on Human Rights. However, if immediate action is necessary to address a matter of imminent harm to public health, safety and welfare, the Oversight Board may schedule a meeting with no less than twenty-four (24) hours notice.

(3) Minutes shall be kept of all meetings of the Oversight Board and such minutes shall be available for inspection by any interested person.

(4) All meetings shall be open to the public.

(e) *Quorum.* A quorum of the Oversight Board shall be one-half of the total number of members seated on the Oversight Board plus one.

(f) *Inquiries and Communications.* All inquiries or communications from the Oversight Board or any of its members to the Miami-Dade Commission on Human Rights or to the County shall be made through the Chair of the Oversight Board, Informal communications may be made freely from the Miami-Dade Commission on Human Rights to the Oversight Board members, in a manner that is consistent with the Sunshine Law.

(g) *Orientation.* All new members of the Oversight Board shall receive sufficient training and orientation to enable them to perform their duties.

(Ord. No. 09-107, § 4, 12-1-09)

Sec. 2-2056. Powers and Duties.

The Oversight Board shall have the following powers and duties:

(1) To advise the Board of County Commissioners regarding compliance by the Miami-Dade County Public Housing Agency, the Miami-Dade County Department of Housing and Community Development and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies;

(2) To provide advice to the Board of County Commissioners, the Mayor and the County Manager regarding housing discrimination issues in Miami-Dade County;

(3) To approve and provide a report annually to the Board of County Commissioners regarding compliance of the Miami-Dade Public Housing Agency, the Miami-Dade County Department of Housing and Community Development, and other County departments that administer housing programs with the Fair Housing Act and other housing-related civil rights laws, regulations, ordinances and the County's antidiscrimination policies.

(Ord. No. 09-107, § 5, 12-1-09)

Sec. 2-2057. Applicability of Federal, State and County Laws.

The Oversight Board shall be subject to and governed by: Chapter 286 of Florida Statutes, ("Sunshine Law"); Chapter 119 of Florida Statutes ("Public Records Act"); Chapter 112, Part III of Florida Statutes ("Code of Ethics for Public Officers and Employees"); [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of Miami-Dade County Code ("Conflict of Interest and Code of Ethics Ordinance"); Article IB of Miami-Dade County Code ("Standards for Creation and Review of Boards Generally") and the Home Rule Charter.

(Ord. No. 09-107, § 6, 12-1-09)

Sec. 2-2058. Staff Support.

The County Manager's Office shall designate appropriate staff to support the Oversight Board.

(Ord. No. 09-107, § 7, 12-1-09)

Sec. 2-2059. Legal Counsel.

The County Attorney's Office shall provide legal counsel, as needed, to the Oversight Board.

(Ord. No. 09-107, § 8, 12-1-09)

### ARTICLE CXXXIV. MIAMI-DADE COUNTY YOUTH COMMISSION

[Sec. 2-2060. Creation of the Miami-Dade County Youth Commission.](#BK_BB30391EE152CF436632786301222EC8)

[Sec. 2-2061. Duties and responsibilities of the Youth Commission.](#BK_B0E67687F6AE11C6AB573B77A33751AE)

[Sec. 2-2062. Commission Composition; Qualifications; Process for Nomination and Appointment; Exceptions to County Code; Term; Officers; Rules of Procedure; Staff Support.](#BK_9300F1B61D35EF1AFB1DDCF68FC0325B)

[Sec. 2-2063. Youth Commission Committees.](#BK_8443E15C6A7F7D235444909D275F4D58)

[Sec. 2-2064. Meetings.](#BK_708CDB613B8C1C3A027932C498AAC16F)

Sec. 2-2060. Creation of the Miami-Dade County Youth Commission.

There is hereby created the Miami-Dade County Youth Commission (the "Youth Commission"), which is an advisory board of Miami-Dade County. The purpose of the Youth Commission is to provide the youth of Miami-Dade County with a vehicle to learn about government, participate in the process of Miami-Dade County government, represent and articulate the needs of youth in the County, and advise the Mayor and Board of County Commissioners on matters affecting the youth and teen population, especially County programs relating to youth and teens.

(Ord. No. 10-05, § 1, 1-21-10)

Sec. 2-2061. Duties and responsibilities of the Youth Commission.

The Youth Commission shall have the following duties and responsibilities:

(a) Foster increased youth involvement in the affairs of County government;

(b) Study problems and hold forums on issues, activities and concerns of youth in the County;

(c) Comment upon existing or proposed legislation, ordinances, resolutions and policies that impact the youth in Miami-Dade County;

(d) Present methods to resolve youth-related conflicts between youth and between youth and adults;

(e) Recommend the implementation of community programs to improve the lives of youth;

(f) Monitor programs and policies that affect youth to ensure that they are achieving the intended results;

(g) Work with other youth organizations in the County to collaborate on shared issues and interests;

(h) Submit to the Mayor and Board of County Commissioners an annual report of the activities of the Commission in the month of May prior to the end of the regular school year;

(i) Serve as the Violence Intervention Program representative for their respective school, as permitted by the Miami-Dade County Public School System;

(j) Facilitate an annual Youth Summit in conjunction with the Juvenile Services Department and the South Florida Youth Advisory Board; and

(k) Utilize social networking sites and/or technology to engage and inform the youth of their community of important County activities.

(l) Participate in a workshop which will introduce the Youth Commission members to a County Commission agenda process, a mock county commission meeting, the role of the officials who appoint them and the County Attorney, at a minimum.

(m) The member of the Youth Commission appointed by the Mayor shall be designated as a member of the South Florida Workforce Youth Advisory Council.

Additionally, each member of the Youth Commission is to meet with the official who appointed the Youth Commission member on a quarterly basis or at the discretion of the appointing official, as is mutually convenient for the Youth Commission member and appointing official to discuss teen and community issues of concern to them.

(Ord. No. 10-05, § 2, 1-21-10)

Sec. 2-2062. Commission Composition; Qualifications; Process for Nomination and Appointment; Exceptions to County Code; Term; Officers; Rules of Procedure; Staff Support.

(a) The Youth Commission shall be composed of twenty-seven (27) youth who will serve as voting members of the Youth Commission.

(b) Each County Commissioner shall appoint two members of the Youth Commission. At least one of the students appointed by a County Commissioner shall be a Miami-Dade County public school student. One of the students appointed by a Commissioner may be a student attending a parochial or private school in the Commissioner's district. The members of the Youth Commission shall be between the ages of fifteen (15) to eighteen (18) years old at the time of appointment and be in the 10th, 11th, or 12th grade. To be qualified for appointment, such student shall have a minimum 2.0 grade point average and shall demonstrate a sincere interest and the motivation to work for the community and have a background in community-based activity.

(c) Each member of the County Commission shall receive the names of high school students from public, private and parochial high schools in his or her district. Such high schools shall be requested to forward the names and resumes of interested students for appointment to the Youth Commission to the office of the County Commissioner of the commission district in which the high school is located. The County Commissioner shall interview the nominated student and forward the name and the resume of the students appointed by the County Commissioner to the Clerk of the Board of County Commissioners.

(d) The Mayor of Miami-Dade County, the Chairperson of the Board of County Commissioners, the County Manager, the Clerk of the Board of County Commissioners and the Agenda Coordinator for the Board of County Commissioners shall each select a Miami-Dade Public School System student to be a nonvoting member of the Youth Commission. The Youth Commission member selected by each official shall meet the qualifications set forth in subparagraph (b) above. Each of these officials shall receive the names of high school students from the Miami-Dade County School Board. Each official or his or her designee shall interview the nominated student and forward the name and the resume of the student appointed by the official to the Clerk of the Board of County Commissioners. These nonvoting members of the Youth Commission shall be exposed to and given the opportunity to learn the role of the official who appointed them as nonvoting members of the Youth Commission.

(e) The Miami-Dade County Public School student who is appointed to serve on the Miami-Dade County School Board shall be an ex officio voting member of the Youth Commission.

(f) Notwithstanding [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County, the members of the Youth Commission shall not be required to be an elector of Miami-Dade County.

(g) The term of office for each member shall be one (1) year. Members may be appointed for a subsequent one-year term; provided, that no member shall serve more than two (2) years as a member of the Youth Commission.

(h) The Youth Commission members shall annually elect a voting member as chairperson and other officers it deems necessary from its voting membership.

(i) The Youth Commission shall adopt its own rules and regulations, as may be necessary and appropriate to carry out its responsibilities, subject to the approval of the County Mayor or his or her designee.

(j) The County Mayor shall designate staff support sufficient to carry out the purposes of this ordinance and provide facilities for meetings and other activities, as necessary. Programming for the Youth Commission shall be executed jointly and in coordination with the Teen Court and Violence Intervention Project programs,

(Ord. No. 10-05, § 3, 1-21-10)

Sec. 2-2063. Youth Commission Committees.

The Youth Commission may establish such committees as are deemed necessary and appropriate to assist in its function and duties. Members of such committees may include nonvoting members and nonmembers of the Youth Commission.

(Ord. No. 10-05, § 4, 1-21-10)

Sec. 2-2064. Meetings.

The Youth Commission, which is subject to the Government in the Sunshine and Public Records requirements, shall meet at the call of the Chairperson or at the request of the majority of the membership, but no less than once monthly. A majority of the voting members of the Commission shall constitute a quorum for the transaction of business. A vote of a majority of the voting members present constituting a quorum shall be required to constitute action taken by the Youth Commission. The meetings of the Youth Commission may be conducted in the Board of County Commission Chambers and if so conducted, shall be televised and broadcast on Miami-Dade TV.

(Ord. No. 10-05, § 5, 1-21-10)

### ARTICLE CXXXV. PERFORMANCE AND EFFICIENCY COMMISSION

[Sec. 2-2065. Creation; Powers and Duties.](#BK_9E09136EC06CD203D210120679C99E2F)

[Sec. 2-2066. Membership Requirements; Appointment of Members.](#BK_98A4E8F59538F116070CD81993C5D0FB)

[Sec. 2-2067. Officers.](#BK_85406258DF6E87003716DE011E4A8487)

[Sec. 2-2068. Reporting.](#BK_B5BC6477097B68B5CA07F29128C946BD)

[Sec. 2-2069. Staff Support.](#BK_AD7863E642E707FDAE2FF402C5EF91DC)

Sec. 2-2065. Creation; Powers and Duties.

The Miami-Dade County Performance and Efficiency Commission is hereby created. The duties of the Miami-Dade Performance and Efficiency Commission shall be to:

(a) Provide and obtain private and public sector input on the performance and efficiency of the operations of Miami-Dade County and prioritize recommended improvements;

(b) Recommend cost-effectiveness measures and best business/management practices which will realize savings and improve service delivery, including, but not limited to, identifying opportunities for increased competition and efficiency, reorganizations, appropriate incentives such as performance pay and other gain sharing approaches, innovations in the building and permitting processes; and public-private price and performance competition projects which can be undertaken with county workers to ensure the highest potential value of services provided;

(c) Recommend ways to explore and promote technology improvements as a means of achieving optimal operational effectiveness, as well as recommend ethics management and accountability measures for Miami-Dade County government;

(d) Recommend management systems development, conduct project reviews and studies and participative management and employee recognition programs, public relations, and training and development programs;

(e) Review the County's Strategic Plan and other administrative mechanisms to implement the County's Strategic Plan in order to accomplish the aims of this resolution; and

(f) Monitor the implementation of recommended changes.

(Ord. No. 10-43, § 1, 7-8-10)

Sec. 2-2066. Membership Requirements; Appointment of Members.

The Performance and Efficiency Commission shall consist of nineteen (19) members, who shall be residents of Miami-Dade County and shall own or operate businesses in Miami-Dade County or are employed in Miami-Dade County. The Board of the Performance and Efficiency Commission shall consist of the following appointees:

(a) Six members appointed under the business category, who shall be appointed by the:

(1) Greater Miami Chamber of Commerce;

(2) Miami-Dade Chamber of Commerce;

(3) Latin Chamber of Commerce of the United States (CAMACOL);

(4) Three persons appointed by the Board of County Commissioners;

(b) Five members appointed under the labor category, who shall be appointed by the:

(1) AFSCME International;

(2) Dade County Police Benevolent Association (PBA);

(3) International Association of Firefighters, Local 1403;

(4) Government Supervisors Association of Florida;

(5) Services Employees International Union (SEIU) — Nurses at Jackson Memorial Hospital;

(c) Four members appointed under the education category, who shall be appointed by the:

(1) Florida International University;

(2) The University of Miami;

(3) Miami-Dade College;

(4) Florida Memorial University;

(d) Two Miami-Dade County Commissioners chosen by the Chairman of the Board of County Commissioners;

(e) One Miami-Dade County Commissioner chosen by the Chair of the Board of County Commissioners, who shall serve as the chair of the Performance and Efficiency Commission; and

(f) One member chosen by the Mayor of Miami-Dade County.

(Ord. No. 10-43, § 2, 7-8-10)

Sec. 2-2067. Officers.

The Chairman of the Board of County Commissioners shall appoint the Chairperson and the Vice-Chairperson of the Performance and Efficiency Commission by memorandum to the Clerk of the Board of County Commissioners.

(Ord. No. 10-43, § 3, 7-8-10)

Sec. 2-2068. Reporting.

The Performance and Efficiency Commission shall submit quarterly reports on the status of the assignments given pursuant to this resolution.

(Ord. No. 10-43, § 4, 7-8-10)

Sec. 2-2069. Staff Support.

The Office of the Commission Auditor shall provide primary staff support to the Performance and Efficiency Commission and its committees, including performing tasks as are assigned to such office, providing requested information, developing reports and assisting the Performance and Efficiency Commission in drafting the quarterly reports required by this ordinance. The Mayor or his designee shall also provide staff support, information and reports for the Performance and Efficiency Commission to the extent requested by the Performance and Efficiency Commission and its committees and shall promptly provide the Office of the Commission Auditor requested information and access to records and personnel needed by the Commission Auditor to carry out the responsibilities of this Section.

(Ord. No. 10-43, § 5, 7-8-10)

### ARTICLE CXXXVI. COMPENSATION AND BENEFITS REVIEW COMMITTEE

[Sec. 2-2070. Authority and purpose.](#BK_F6F5A668AE70B9A7BABF248F8141514F)

[Sec. 2-2071. Review committee.](#BK_86B6A2C6BD2224D999103FEBE0438EA9)

[Sec. 2-2072. Duties of the review committee.](#BK_22D7337B0DE036EB75DE195C560F3C84)

[Sec. 2-2073. Modifications and term.](#BK_2AB799CD27D77CCF604FC6F0AE77D213)

[Sec. 2-2074. Staff and counsel.](#BK_3F44B0F6113E22D06E47E28341CC1285)

Sec. 2-2070. Authority and purpose.

There is created and established pursuant to the Home Rule Amendment and Charter of Miami-Dade County, as amended, an advisory committee of Miami-Dade County to be known as the Compensation and Benefits Review Committee ("Review Committee"). The Review Committee is established solely for the purpose of advising the Mayor and the Board of County Commissioners ("Commission") regarding the compensation and benefits of County employees. The Review Committee may exercise only those duties specifically granted in this Article or necessary in the exercise of the duties enumerated in this Article.

(Ord. No. 09-109, § 1(1), 12-1-09)

Sec. 2-2071. Review committee.

(a) *Membership.* The Review Committee shall be comprised of nine (9) members.

(b) *Qualifications.* Each member shall be a resident of Miami-Dade County; shall possess an outstanding reputation for civic pride, integrity, responsibility and business or professional ability; and shall have no financial interest, direct or indirect, in the compensation paid to County employees. The membership of the Compensation and Benefits Review Committee should be representative of the community at large and should have a demonstrated expertise in human resources, organizational design, public management, or other related topics to be considered.

(c) *Term.* Members of the Review Committee shall serve for a three-year term. All such members may be reappointed or may continue to serve until resignation or their successors have been appointed.

(d) *Appointment of Members.* Members of the Review Committee shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by a Nominating Council established and described herein. The Nominating Council, hereinafter known as the Compensation and Benefits Review Nominating Council, shall be comprised of the following five (5) voting members: three (3) County Commissioners, the Chair of the Social and Economic Development Council, and one representative of a County Collective Bargaining Union. The Members of the Nominating Council shall be appointed by the Chairman of the Board of County Commissioners, who shall designate a Chairperson of the Nominating Council. The County Manager and the County Attorney shall provide appropriate staff support to the Council. The sole function of the Nominating Council shall be to solicit, screen, interview and recommend for appointment the best qualified candidate for each vacancy on the Compensation and Benefits Review Committee. All meetings of the Nominating Council shall be audio recorded and minutes of the proceedings shall be transcribed and maintained by the Clerk of the Board of the County Commission. The Nominating Council shall submit to the Commission a list of nominees containing a total number of names which is equal to one (1) nominee for each vacancy on the CBR Committee plus one (1) alternate nominee. The Commission shall select and appoint the voting members from the list of nominees submitted by the Nominating Council.

(e) *Modified Applicability of Conflict of Interest and Code of Ethics Ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Review Committee only in the manner and to the extent provided in the next sentence. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Review Committee members on the basis of interests relating to Miami-Dade County when such interests do not conflict, directly or indirectly, with their responsibilities on the Review Committee.

(f) *Organization and Procedure.* The members of the Review Committee shall elect a chairperson and a vice-chairperson and both shall serve a term of three (3) years. The chairperson may organize the membership of the Review Committee as deemed necessary to conduct its business. The Review Committee shall hold regular meetings no less than four (4) times a year and such other meetings, as it deems necessary. A majority of the members of the board of directors shall constitute a quorum. All meetings of the Review Committee shall be public and the Review Committee shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Review Committee shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Review Committee.

(g) *Compensation.* Members of the Review Committee shall serve without compensation.

(h) Any member shall be automatically removed if, in a given calendar year, (i) he/she is absent from three (3) consecutive meetings or, (ii) he/she is absent from more than 50% of all the committee meetings held during a year. A member shall be deemed absent when he/she is not present at the meeting for at least 75% of its duration.

(Ord. No. 09-109, § 1(2), 12-1-09)

Sec. 2-2072. Duties of the review committee.

The Review Committee shall have the following duties, responsibilities, and functions.

(a) To review and make recommendations concerning County personnel costs. The Review Committee shall conduct a comprehensive study of all employee compensation policies, and provide recommendations regarding salaries, wages and benefits. In making such recommendations, the Review Committee shall consider such factors as:

(1) The current County pay structure as set forth in the adopted County Pay Plan.

(2) The obligations and commitments adopted in the County's collective bargaining agreements.

(3) The span-of-control ratios for managers and subordinates within the various service areas.

(4) The preferences and desires of County employees as expressed through their collective bargaining representatives.

(5) Comparison of the compensation paid to County employees with the compensation paid to employees of other public employers in the local area.

(6) Comparison of the compensation paid to County employees with the compensation paid to private sector employees in the local area performing similar duties under similar conditions.

(7) The County's fiscal condition and capacity to meet future personnel obligations.

(8) The County's need to attract and retain qualified employees in order to provide efficient service to the public.

(9) Policies governing the hiring of individuals separated pursuant to the Deferred Retirement Option Program.

(10) Salary compression between supervisors and subordinates.

(11) The County's classified civil service rules and other laws and rules designed to protect the rights of its employees.

(12) Policies that govern continuing employment opportunities for civil service employees during periods of a reduction in force.

(b) To periodically advise the Mayor and the County Commission regarding the appropriate compensation policies to meet the needs of the County, its employees and the public.

(c) To submit a report in May 2010 and an annual report in February of each year thereafter to the Mayor and the County Commission recommending the appropriate compensation policies for County employees.

(d) To promulgate rules consistent with this Ordinance for the conduct of its meetings and the discharge of its responsibilities.

(e) To comply with all laws and regulations of the United States, the State of Florida, and Miami-Dade County, including, but not limited to, the laws relating to the keeping of records including the preservation of all audit rights.

(Ord. No. 09-109, § 1(3), 12-1-09)

Sec. 2-2073. Modifications and term.

It is the intent of the Board of County Commissioners to create by this article and for the purposes set forth in this article, a Review Committee that may be modified or revoked in whole or in part by duly enacted ordinance of the Commission. This Ordinance shall expire three years from its effective date.

(Ord. No. 09-109, § 1(4), 12-1-09)

Sec. 2-2074. Staff and counsel.

The County Manager and the County Attorney shall provide such staff support to the Advisory Committee as may be necessary to accomplish its purpose. The Review Committee shall be provided meeting facilities and pre-approved expense reimbursement as the Commission or the County Manager may deem necessary to accomplish the Committee's purposes.

(Ord. No. 09-109, § 1(5), 12-1-09)

### ARTICLE CXXXVII. MIAMI-DADE COUNTY OLYMPIC EXPLORATORY COMMITTEE

[Sec. 2-2075. Creation of committee.](#BK_E4522C0330C29083BEB6524F894B0031)

[Sec. 2-2076. Membership.](#BK_5F5389FE0667BC5830BC552047A930FB)

[Sec. 2-2077. Duties and responsibilities.](#BK_DD6EA78E533405DE0A80D5A0922D8647)

[Sec. 2-2078. Staff support.](#BK_0843108643D87125D4D243AAAA61AB27)

Sec. 2-2075. Creation of committee.

There is hereby created and established in Miami-Dade County an advisory board to be known as the Miami-Dade County Olympic Exploratory Committee.

(Ord. No. 10-66, § 1, 10-5-10)

Sec. 2-2076. Membership.

The members of the Miami-Dade Sports Commission shall serve as the members of the Miami-Dade County Olympic Exploratory Committee. Eligibility for membership on the Miami-Dade County Olympic Exploratory Committee shall be the same as membership for the Miami-Dade Sports Commission, as codified in [Section 2-1603](../level3/PTIIICOOR_CH2AD_ARTCVIIMIDESPCO.docx#PTIIICOOR_CH2AD_ARTCVIIMIDESPCO_S2-1603GOBO) of the Code of Miami-Dade County.

(Ord. No. 10-66, § 2, 10-5-10)

Sec. 2-2077. Duties and responsibilities.

The Miami-Dade County Olympic Exploratory Committee shall:

(a) Seek input and support from the public and private sectors during the evaluation of the feasibility of submitting a bid for and potentially hosting the Olympic Games or the Pan American Games or any other comparable international athletic events; and

(b) Submit an annual report to the Board of County Commissioners as to its findings.

(Ord. No. 10-66, § 3, 10-5-10)

Sec. 2-2078. Staff support.

The Mayor or his designee shall provide staff support to the Miami-Dade County Olympic Exploratory Committee.

(Ord. No. 10-66, § 4, 10-5-10)

### ARTICLE CXXXVIII. VOLUNTARY ENERGY EFFICIENCY AND RENEWABLE ENERGY COMMITTEE

[Sec. 2-2079. Definitions.](#BK_8C67E420B080C5036207454D2DD4757A)

[Sec. 2-2080. Eligible participants.](#BK_ABEFF5A5512EAB0691B7C29C65405833)

[Sec. 2-2081. Application.](#BK_8BC97D805A3525CF5669F124C2669357)

[Sec. 2-2083. Agreement terms.](#BK_9D558189F0212EA8F555AE992DCAE296)

[Sec. 2-2084. Administration.](#BK_44F31D64EBD68A3B8FD9A797FC8775FA)

[Sec. 2-2085. Funding.](#BK_485CEFFD51F4B76294A32CA24D11C3B2)

[Sec. 2-2086. Energy audit.](#BK_9B76D2FE133AAAD5767F611840DB1292)

[Sec. 2-2087. Non-ad valorem assessments.](#BK_943C4237E0A93EB1FE99FB193FB32312)

[Sec. 2-2088. Recordation.](#BK_7017DA3FDACE5C3B18D36948653E6015)

[Sec. 2-2089. Mortgagees.](#BK_892E44F3B90C91E78BF6672BEDC0DCEF)

[Sec. 2-2090. Notice to purchaser.](#BK_69F776098DE2FB4B90AB5EEBC3A3E0D0)

[Sec. 2-2091. Limitations.](#BK_669ED0A08F651EFB8CFC3D52F7C88B74)

Sec. 2-2079. Definitions.

*Administrator* means the County or any qualified firm selected by the County through a competitive process to administer the Energy Savings Program.

*Agreement* means a written agreement between the County and an Eligible Participant setting forth the terms and conditions of the Energy Savings Program.

*Contractor* means a contractor properly certified or registered pursuant to part I or part II of chapter 489, Florida Statutes.

*Eligible Participant* means any residential or commercial Property owner who voluntarily participates in this Energy Savings Program and satisfies the eligibility requirements set forth below.

*Energy Audit* shall mean an energy audit performed by qualified energy auditor or a certified building energy rater approved by the County pursuant to [Section 2-2086](../level3/PTIIICOOR_CH2AD_ARTCXXXVIIIVOENEFREENCO.docx#PTIIICOOR_CH2AD_ARTCXXXVIIIVOENEFREENCO_S2-2086ENAU).

*Energy Savings Program* means the Voluntary Energy Efficiency and Renewable Energy Program authorized by this Article.

*Notice* means the notice that an Eligible Participant is required to provide to a purchaser of the Property prior to its sale.

*Property* means a property, residential or commercial, located within the boundaries of the County which is being improved pursuant to the Energy Savings Program.

*Qualifying Improvement includes any:*

(1) Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of window(s); installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment; and

(2) Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, and wind energy; provided, such energy conservation and efficiency improvement and renewable energy improvement shall be made, and affixed, to an existing residential or commercial Property and not to new construction and shall not include a household appliance such as a washing machine or refrigerator that is not permanently fixed to real property.

(Ord. No. 10-78, § 1(B), 11-4-10)

Sec. 2-2080. Eligible participants.

In order to be an Eligible Participant, a Property owner (or Property) must meet the following criteria:

(1) Be the legal owner of the Property and provide proof of ownership in the application for the Energy Savings Program.

(2) Property must be located within Miami-Dade County.

(3) All Property taxes and any other assessments levied on the same bill as Property taxes are paid and have not been delinquent for the preceding three (3) years or the Property owner's period of ownership, whichever is less;

(4) Property owner must be current on any mortgage.

(5) Property owner cannot be in bankruptcy nor can the Property be an asset in any bankruptcy proceeding.

(6) Property cannot have any federal income tax lien, judgment lien or similar involuntary lien, including construction liens, encumbering it.

(7) No notices of default or other evidence of Property-based debt delinquency have been recorded during the preceding 3 years or the Property owner's period of ownership, whichever is less.

(Ord. No. 10-78, § 1(C), 11-4-10)

Sec. 2-2081. Application.

An Eligible Participant shall submit a complete application to the Administrator for approval. A complete application shall include the following information:

(1) Proof of ownership and location of the Property. Organizational documents if the Property owner is not on the title as an individual.

(2) Documentation showing the structure or building, subject of the application, is an existing structure or building on the date of application.

(3) A cost estimate for the installation of the Qualifying Improvements completed by a Contractor (including the name and license number of the Contractor). This estimate shall include all construction costs, equipment, permitting fees, recording fees for the assessment of liens, energy audit costs, and contingency fees. Estimated costs shall be reasonable for the scope of the proposed project and in relation to the property value.

(4) Written documentation indicating that the Property owner meets all of the criteria set forth in [Section 2-2080](../level3/PTIIICOOR_CH2AD_ARTCXXXVIIIVOENEFREENCO.docx#PTIIICOOR_CH2AD_ARTCXXXVIIIVOENEFREENCO_S2-2080ELPA)(3)—(7) above.

(5) Statement that the Eligible Participant will agree to a non-ad valorem assessment being collected pursuant to Section 197.3632, Florida Statutes to secure any loans entered into by the Eligible Participant related to the Energy Savings Program.

(6) Proof that notice was provided to any lender of the Eligible Participant's intent to enter into written agreement with the County with respect to the Energy Savings Program and in the event of a loan, the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount.

(Ord. No. 10-78, § 1(D), 11-4-10)

Sec. 2-2083. Agreement terms.

The County shall enter into a voluntary written agreement with each Eligible Participant. The written agreement shall provide, among other matters, for the following:

(1) All work requiring a license under any applicable law to make a qualifying improvement shall be performed by a Contractor.

(2) The source and amount of funding to be provided to the Eligible Participant.

(3) The maximum limit of the financing for the Energy Savings Program shall not exceed 10 percent of the just value of the Property as determined by the County's Property Appraiser on the latest available tax roll unless:

• A higher financing amount is consented to by the mortgage holder on the Property, if one exists; or

• The Energy Audit demonstrates that the annual energy savings from the Qualified Improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment.

(4) Express voluntary consent by the Eligible Participant to accept the non-ad valorem assessment collection process pursuant to Section 197.3632, Florida Statutes.

(5) The length of time for the Eligible Participant to repay the non-ad valorem assessment, provided, that it shall not exceed 20 years.

(6) The Eligible Participant shall be responsible for assuring the Qualifying Improvements are completed as reflected in the approved application documents. The Eligible Participant also consents to providing access to the Property to the County to verify that the Qualifying Improvements have been completed as proposed in the application.

At the time of a transfer of Property ownership except a transfer resulting from foreclosure, the past due balances of any non-ad valorem assessment under this Subsection shall be due for payment, but future payments shall continue as a lien on the property. At or before the execution of a contract for the sale and purchase of any property for which a non-ad valorem assessment for the Energy Savings Program has been levied and has an unpaid balance due, the seller shall give the prospective purchaser a Notice.

(7) The risks associated with participating in the Energy Savings Program shall be disclosed in the written Agreement, including risks related to the failure of the Eligible Participant to make payments and the risk of issuance of a tax certificate and loss of the property pursuant to Chapter 197, Florida Statutes.

(8) The cost of an energy savings audit or the cost to complete an estimate of information on energy saving measures, estimated energy savings for each measure, estimated greenhouse gas reductions and estimated cost savings from the projects will be subject to reimbursement upon execution of the written agreement to accept the non-ad valorem assessment.

(9) Description of the Qualifying Improvements, their cost, estimated completion date and estimated savings.

(10) A copy of the Energy Audit shall be included as an Exhibit.

(11) The Eligible Participant shall agree to apply any rebates provided by an entity other than the County, received for the Qualifying Improvements, towards the repayment of any non-ad valorem assessment.

(12) The Eligible Participant shall provide all copies of final permits and inspections to the County upon completion of the Qualifying Improvements.

(Ord. No. 10-78, § 1(E), 11-4-10)

Sec. 2-2084. Administration.

The Energy Savings Program may be administered by the County Mayor or County Mayor's designee or by a qualified energy firm selected by the County through a competitive selection process. The Energy Savings Program shall be administered in accordance with this Article and any additional regulations and orders adopted by the Board of Miami-Dade County Commission from time to time.

(Ord. No. 10-78, § 1(F), 11-4-10)

Sec. 2-2085. Funding.

The County may issue bonds or notes secured solely from non-ad valorem special assessments collected pursuant to Chapter 197, Florida Statutes and is authorized by this Article to provide funds to Eligible Participants to make Qualifying Improvements. The County may also make available to the Energy Savings Program, federal or state grant funds, private loans from a financial institution or not-for-profit sources of funds.

(Ord. No. 10-78, § 1(G), 11-4-10)

Sec. 2-2086. Energy audit.

At a minimum, an Energy Audit for the Energy Savings Program shall include the following information:

(1) Recommendations for energy savings measures;

(2) Estimated energy savings and a priority ranking for each measure;

(3) Estimated renewable energy to be produced;

(4) Estimated greenhouse gas reductions; and

(5) Estimated cost savings resulting from the implementation of the recommendations and use of funds made available by the County.

(Ord. No. 10-78, § 1(H), 11-4-10)

Sec. 2-2087. Non-ad valorem assessments.

The County is authorized to impose non-ad valorem assessments on Property to secure the repayment of any loan by an Eligible Participant to pay for Qualified Improvement(s). The non-ad valorem assessments shall be collected pursuant to Section 197.3632, Florida Statutes or any successor Section and, notwithstanding Section 197.3632(8)(a), shall not be subject to discount for early payment. The notice and adoption requirements of Section 197.3632(4), Florida Statutes are not applicable if the non-ad valorem assessments are collected pursuant to and in compliance with Section 163.08, Florida Statutes and this Article. The intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by Section 197.3632(3)(a), Florida Statutes may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this Article, if the property appraiser, tax collector, and local government agree.

Pursuant to Chapter 197, Florida Statutes, non-ad valorem assessments levied pursuant to this Article shall remain liens, coequal with the lien of all state, County, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid.

(Ord. No. 10-78, § 1(I), 11-4-10)

Sec. 2-2088. Recordation.

The Agreement shall be recorded in the public records of the County within five (5) days after execution of the Agreement. The recorded Agreement shall provide constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to County taxes and assessments from the date of recordation. Failure to record the Agreement within such five (5) day period shall not invalidate the terms of the Agreement.

(Ord. No. 10-78, § 1(J), 11-4-10)

Sec. 2-2089. Mortgagees.

A provision in any agreement between a mortgagee or other lien holder and an Eligible Participant, or otherwise now or hereafter binding upon the Property or the Eligible Participant, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a Agreement as provided for in the Energy Savings Program regarding the collection of non-ad valorem assessments is not enforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to annually pay the Qualifying Improvement non-ad valorem special assessment.

(Ord. No. 10-78, § 1(K), 11-4-10)

Sec. 2-2090. Notice to purchaser.

At or before the execution of a contract for the sale and purchase of any property for which a non-ad valorem assessment for the Energy Savings Program has been levied and has an unpaid balance due, the seller shall give the prospective purchaser the following notice in writing:

The property being purchased is located within the jurisdiction of Miami-Dade County that has placed an assessment on the property pursuant to Section 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or wind resistance, and is not based on the value of property. You are encouraged to contact the county property appraiser's office to learn more about this and other assessments that may be provided by law.

(Ord. No. 10-78, § 1(L), 11-4-10)

Sec. 2-2091. Limitations.

A provision in any agreement between the County and a public or private power or energy provider or other utility provider is not enforceable if it limits or prohibits the County from exercising its authority under this Article. A provision in any agreement between a mortgagee or other lienholder and an Eligible Participant, or otherwise now or hereafter binding upon an Eligible Participant, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into an Agreement as provided in this Article is not enforceable.

(Ord. No. 10-78, § 1(M), 11-4-10)

### ARTICLE CXXXIX. NW 79TH STREET CORRIDOR COMMUNITY REDEVELOPMENT AGENCY

[Sec. 2-2092. Community Redevelopment Agency created.](#BK_E566BA55D9B8784BBE38114E41E53084)

[Sec. 2-2093. Purpose.](#BK_8763B3B0CF9AED74A2F94F897464A7C7)

[Sec. 2-2094. Membership.](#BK_103D13C4B338A8FBF8C7E0E7E4114DCA)

[Sec. 2-2095. Procedure.](#BK_9A0E6AB68047A71DD1B596502C6ECB99)

[Sec. 2-2096. Public officials, commissioners and employees subject to code of ethics.](#BK_F1930D1A8067BD111C4F25E91363AD24)

[Sec. 2-2097. Powers.](#BK_27CE8002E7A444DE40A9461CFE41E252)

[Sec. 2-2098. Staff.](#BK_90A3953F805F1CA7EEF496FE69983F07)

[Sec. 2-2099. Appointments.](#BK_E7FA6F8FB7A23C99F7D2C4EEFCEB6B3B)

[Sec. 2-2100. Annual report.](#BK_685290A615B303F298384BB480F2C54A)

Sec. 2-2092. Community Redevelopment Agency created.

Pursuant to the provisions of Section 163.356, Florida Statutes, this Board created a public body corporate and politic to be known as the NW 79th Street Corridor Community Redevelopment Agency (the "Agency"). The Agency shall be constituted as a public instrumentality and the exercise by the Agency of the powers conferred by the Act and delegated by the Board shall be deemed and held to be the performance of an essential public function.

(Ord. No. 11-55, § 1, 7-19-11)

Sec. 2-2093. Purpose.

The purpose of the Agency is to carry out the community redevelopment purposes of the Act.

(Ord. No. 11-55, § 2, 7-19-11)

Sec. 2-2094. Membership.

(a) The board of commissioners of the Agency shall consist of not fewer than five or more than nine commissioners. The terms of office of the commissioners shall be for four (4) years, except that three of the members first appointed shall be designated to serve terms of one (1), two (2) and three (3) years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of four (4) years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the County, and is otherwise eligible for such appointment under the Act. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the Clerk of the Board, and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(b) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties.

(c) The Board may remove a commissioner for inefficiency, neglect of duty or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least ten (10) days prior to such hearing and has had an opportunity to be heard in person or by counsel.

(Ord. No. 11-55, § 3, 7-19-11)

Sec. 2-2095. Procedure.

(a) *Chair.* The Board shall designate a chair and vice-chair from among the commissioners.

(b) *Meetings.* The powers of the Agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the Agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number.

(Ord. No. 11-55, § 4, 7-19-11)

Sec. 2-2096. Public officials, commissioners and employees subject to code of ethics.

(a) The officers, commissioners and employees of the Agency shall be subject to the provisions and requirements of Part III of Chapter 112, Florida Statutes, and Section 2-11.1 of the Code of Miami-Dade County, Florida.

(b) If any official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in the NW 79th Street Corridor Community Redevelopment Area, he or she shall immediately disclose this fact in the manner provided in Part III of Chapter 112, Florida Statutes. Any disclosure required to be made by this section shall be made prior to taking any official action.

(c) No commissioner or other officer of the Agency exercising powers pursuant to the Act shall hold any other public office under the County other than his or her commissionership or office with respect to such Agency.

(Ord. No. 11-55, § 5, 7-19-11)

Sec. 2-2097. Powers.

(a) The Board hereby delegates the following community redevelopment powers to the Agency in accordance with the Act:

(i) Initiate, prepare and adopt a plan of redevelopment and any amendments thereto, which plan and amendments shall be subject to subsequent review and approval by the Board; and

(ii) All powers not specifically delegated to the Agency are reserved exclusively by the Board.

(b) The Agency cannot commit itself or the County to any expenditure of funds without the specific approval of the Board.

(Ord. No. 11-55, § 6, 7-19-11)

Sec. 2-2098. Staff.

The County Manager and the Office of the County Attorney shall provide to the Agency adequate staff and support services to enable it to carry out its purposes.

(Ord. No. 11-55, § 7, 7-19-11)

Sec. 2-2099. Appointments.

(a) The Board hereby appoints the following persons, whose resumes are attached to and incorporated by reference as Exhibit A to Ordinance No. 11-55, to the position of commissioners of the Agency and designates their initial terms to be as follows:

(i) Amy Lee: One (1) year.

(ii) Oliver Gross: Two (2) years.

(iii) Ron Butler: Three (3) years.

(iv) Yolly Roberson: Four (4) years.

(v) Dorothea Nichson: Four (4) years.

(b) The Board hereby designates Dorothea Nichson as Chair and Yolly Roberson as Vice Chair of the Agency.

(c) All future appointments of chairs, vice-chairs and members of the Agency shall be made by resolution of the Board.

(Ord. No. 11-55, § 8, 7-19-11)

Sec. 2-2100. Annual report.

The Agency shall file with the Board and with the Auditor General, on or before March 31 of each year, a report of its activities for the preceding fiscal year and outlining its contemplated activities for the ensuing year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the Agency shall publish in a newspaper of general circulation in the County a notice to the effect that such report has been filed with the County and that the report is available for inspection during business hours in the office of the Clerk of the Board and in the office of the Agency.

(Ord. No. 11-55, § 9, 7-19-11)

### ARTICLE CXL. MILITARY AFFAIRS BOARD

[Sec. 2-2101. Creation of Military Affairs Board.](#BK_634E5F92F43AE0F59943CC6A2E9612DE)

[Sec. 2-2102. Powers and Duties of Board.](#BK_5D747E25B4AE8C87595CEE1742E349A7)

[Sec. 2-2103. Governing Board.](#BK_39062EFAE2AB8DADE81BFBB9F0E664F5)

[Sec. 2-2104. Financial Support for the Board.](#BK_108F301A8DB7F0C2CDABC6ADE307EFFC)

[Sec. 2-2105. Staff Support and Counsel.](#BK_6E4FAB8DC7854B4D76F233BD563B62A6)

Sec. 2-2101. Creation of Military Affairs Board.

There is hereby created and established pursuant to the Miami-Dade County Home Rule Charter, as amended, the Miami-Dade County Military Affairs Board (hereinafter the "Board").

(Ord. No. 12-37, § 1, 5-15-12)

Sec. 2-2102. Powers and Duties of Board.

The Board shall have the following powers and duties:

(a) Provide the Board of County Commissioners with recommendations regarding military affairs in Miami-Dade County involving the Marine Corps, Army, Navy, Air Force, National Guard and Coast Guard (collectively "Armed Forces") and active, reserve, retired, disabled and deceased military personnel in Miami-Dade County (collectively "military personnel"); and

(b) Promote measures to enhance the quality of life for active, reserve, retired and disabled military personnel and their families, and families of deceased military personnel in Miami-Dade County; and

(c) Advocate on behalf of military personnel in Miami-Dade County regarding, among other matters: health care; housing; housing and business loans; pension benefits; education; employment; incarceration; reintegration; unemployment benefits; disability claims; vocational training; and insurance; and

(d) Administer the medal of valor program created by Ordinance No. 10-29; and

(e) Take steps to increase awareness and support for our military personnel from Miami-Dade County who are serving in the Armed Forces around the world; and

(f) Interface with local Reserve Officer Training Corps ("ROTC") programs at both the high school and collegiate levels; and

(g) Solicit input from and maintain a strong relationship with the United States Department of Defense, Department of Homeland Security, Department of Veterans Affairs, the Red Cross and any other entity which interacts with the Armed Forces regarding military affairs or military personnel regarding, among other things, military affairs impacting Miami-Dade County, military personnel in Miami-Dade County and ROTC; and

(h) Coordinate Miami-Dade County's activities regarding Veteran's Day, Memorial Day and the 4th of July; and

(i) Promote, attract and solicit military activities in Miami-Dade County from throughout the United States and within Miami-Dade County to the greatest extent feasible and strive to generate and further community support for the United States Armed Forces in the United States and abroad; and

(j) Adopt an official seal; and

(k) To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the Board during the previous fiscal year; and

(l) Notwithstanding any provision to the contrary, accept and solicit gifts of money or services for the public purposes provided for in this article; and

(m) Cooperate with any federal, state, county, or municipal government, agency or instrumentality; and

(n) Create a standing committee relating to the Base Realignment and Closure process ("BRAC") charged with the following responsibilities and duties:

(1) Working with other entities, such as federal and state agencies, to represent Miami-Dade County's interests by ensuring that local military bases remain open as part of the next BRAC round potentially scheduled for 2015; and

(2) Maximizing any opportunities for Miami-Dade County that may be realized from any potential realignment; and

(3) Minimizing any negative impacts to local communities; and

(4) Developing a comprehensive plan, approved by the Military Affairs Board, to be recommended to the Board of County Commissioners after evaluating infrastructure needs, land use needs, 21st century mission of the armed forces, and community support; and

(5) Working with military bases in South Florida in order to put together a vision for the future and a relevance plan; and

(6) Providing advice and recommendations, approved by the Military Affairs Board, to the Board of County Commissioners regarding any actions it may take to further Miami-Dade County's interests with relation to any future BRAC round.

(o) Expend funds for the purposes provided in this article. The Military Affairs Board shall only be authorized to expend funds deposited in the Military Affairs Trust Fund. The Mayor or his or her designee shall, on a monthly basis, provide the Military Affairs Board with an accounting of available funds. All expenditures of the Military Affairs Board shall be subject to a county audit.

(p) To solicit and approve grant agreements for the public purposes provided for in this article. All funds received pursuant to a grant agreement shall be deposited in the Military Affairs Trust Fund. The Military Affairs Board shall only approve a grant agreement distributing funds to a third-party to the extent that funds are currently available in the Military Affairs Trust Fund.

(q) To solicit and approve contracts for the public purposes provided for in this article, and only to the extent that funds are currently available in the Military Affairs Trust Fund. It is the intent of the County Commission that the Military Affairs Board be given the authority to enter into county contracts with the assistance of county staff subject to the limitations of this article. The contracting policies and procedures to be followed by the Military Affairs Board to give effect to this intent shall be set forth in an implementing order approved by resolution of the Board of County Commissioners.

(Ord. No. 12-37, § 1, 5-15-12; Ord. No. 13-10, § 1, 2-5-13)

Sec. 2-2103. Governing Board.

(a) *Composition and appointment.* The Military Affairs Board shall consist of twenty-four (24) voting members appointed as follows:

(1) Each member of the Board of County Commissioners shall designate one (1) member who shall be approved by the County Commission; and

(2) The Chairperson of the County Commission shall appoint one (1) member of the County Commission who shall be the Military Liaison of the County Commission; and

(3) The Mayor of Miami-Dade County shall appoint one (1) member of the Board; and

(4) The command staff of Southern Command shall appoint one (1) member; and

(5) The command staff at the United States Air Force Base in Homestead shall appoint one (1) member; and

(6) The command staff at the United States Coast Guard District 7 shall appoint one (1) member; and

(7) The command staff at the United States Army National Guard Reserve Station located in Miami shall appoint one (1) member; and

(8) The command staff of the United States Navy and Marine Corps Reserves located in Hialeah shall appoint two (2) members: one (1) member representing the United States Navy; and one (1) member representing the United States Marine Corps; and

(9) The Miami-Dade Defense Alliance shall appoint one (1) member; and

(10) The Greater Miami Chamber of Commerce shall appoint one (1) member; and

(11) The Red Cross shall appoint one (1) member.

The Military Affairs Board shall also consist of the following non-voting members:

(1) The Director of the Miami Veteran's Administration Healthcare System shall appoint one (1) member; and

(2) Each Congressperson whose district includes a portion of Miami-Dade County shall appoint one (1) member; and

(3) Each United States Senator representing the State of Florida shall appoint one (1) member; and

(4) The United States Attorney from the Southern District of Florida shall appoint one (1) member; and

(5) The State Attorney for Miami-Dade County shall appoint one (1) member.

When making a selection, each person or entity shall consider that the voting members should reflect the gender, racial ethnic or cultural make-up of the community.

(b) *Qualifications.* Each member of the Commission shall (i) be a United States citizen, a duly qualified elector of Miami-Dade County and (ii) shall comply with the requirements of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County. Additionally, each member shall be a person who has previously served or is currently serving in the Armed Forces, or has an interest in military affairs. Before taking any official action, each voting member shall take the prescribed oath of office.

(c) *Term.* Members of the Board shall serve terms of three (3) years each.

(d) *Vacancies.* Each person or entity shall appoint a new representative within one month when its appointee resigns or is removed.

(e) *Applicability of Conflict of Interest and Code of Ethics Ordinance.* The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (the "Conflict of Interest Ordinance"), [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) of the Code of Miami-Dade County, Florida, shall be applicable to the members of the Board. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as Board members on the basis of interests relating to Miami-Dade County when such interests do not conflict with the Board.

(f) *Organization and Procedure.* The Chairperson of the Board shall be the Military Liaison of the County Commission selected by the Chairperson of the County Commission. The Board shall elect one (1) of its members as vice-chairperson and such other officers as the Board may determine to be necessary. The Board shall create by-laws and shall hold regular meetings in accordance with those by-laws. The Board may hold such other meetings as it deems necessary. A majority of the members of the Board shall constitute a quorum. All meetings of the Board shall be public and the Board shall maintain written minutes of all proceedings that shall be promptly prepared and recorded. Copies of all minutes and resolutions of the Board shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Board.

(Ord. No. 12-37, § 1, 5-15-12; Ord. No. 13-10, § 1, 2-5-13)

Sec. 2-2104. Financial Support for the Board.

Subject to Miami-Dade County's budgetary process and the availability of funds, the Mayor shall include in die County's annual budget, administrative costs and additional funds for the implementation of the Board's powers and duties. There is hereby created the Military Affairs Trust Fund for the public purposes provided for in this Ordinance. The Finance Director is hereby authorized and directed to establish the Military Affairs Trust Fund and disburse monies in accordance with the provisions of this Ordinance.

(Ord. No. 12-37, § 1, 5-15-12; Ord. No. 13-10, § 1, 2-5-13)

Sec. 2-2105. Staff Support and Counsel.

The Mayor shall provide the Board with adequate staff to perform its powers and duties. The Board shall utilize the County Attorney's Office for legal services. The Clerk of the Board of County Commissioners shall take and keep the minutes of the Military Affairs Board.

(Ord. No. 12-37, § 1, 5-15-12; Ord. No. 13-10, § 1, 2-5-13)

### ARTICLE CXLI. SCRAP METAL AND COPPER WIRE THEFT TASK FORCE

[Sec. 2-2106. Created.](#BK_7BD94C8E35622C89C88AC5E5C5E9C3B4)

[Sec. 2-2107. Membership; Appointments; Vacancies; and Qualifications.](#BK_AEA7930BBFEC4065380845AC7D8271E5)

[Sec. 2-2108. Organization.](#BK_6C4B89B761081099B4D1C5F7FAF23F51)

[Sec. 2-2109. Meetings.](#BK_8C6A5DD911427782AF13B70F89B11D0E)

[Sec. 2-2110. Powers and duties.](#BK_D85BFC7433F92828C81DBFC70888F94F)

[Sec. 2-2111. Reports.](#BK_334EA92DA98A5834AA28D326CD802EAF)

[Sec. 2-2112. Applicability of County rules and procedures.](#BK_61BDCC48A430783C20D220D7FBB803C2)

Sec. 2-2106. Created.

There is hereby created the Miami-Dade County Task Force on Scrap Metal and Copper Wire Theft ("Task Force").

(Ord. No. 11-76, § 1, 10-4-11)

Sec. 2-2107. Membership; Appointments; Vacancies; and Qualifications.

The Task Force shall be comprised of twenty-six (26) members from the following categories of representatives:

(1) One (1) member of the Miami-Dade County Board of County Commissioners appointed by the Chair;

(2) One (1) selected by each of the following municipalities:

(a) City of Miami,

(b) City of Hialeah,

(c) City of Miami Gardens,

(d) City of North Miami,

(e) City of Miami Beach,

(f) City of Medley, and

(g) City of Homestead;

(3) One (1) selected by the League of Cities;

(4) One (1) from the Miami-Dade Office of the State Attorney selected by the Miami-Dade Office of the State Attorney;

(5) One (1) selected by the Miami-Dade County Inspector General's Office;

(6) One (1) from Florida Power & Light selected by Florida Power & Light;

(7) One (1) from the Miami-Dade Schools Police Department selected by the Miami-Dade Schools Police Department; and

(8) One (1) representative from each of the following County departments appointed by the Mayor or the Mayor's designee:

(a) Miami-Dade County Police Department, and

(b) Miami-Dade County Public Works Department.

(9) The following representatives shall be appointed by majority vote of the Board of County Commissioners:

(a) Six (6) representatives from the scrap metals industry each possessing at least five (5) years experience in the scrap metals industry; and

(b) Five (5) representatives from the community with an understanding of the impact of copper wire and scrap metal theft on neighborhoods.

(10) Vacancies. Vacancies shall be filled in the same manner by which the original members were appointed.

(11) Qualifications of Members. Each member of the Task Force shall be a permanent resident and duly qualified elector of Miami-Dade County, unless the Board of County Commissioners waives this requirement by a two-thirds (2/3) vote of its membership. No applicant shall be selected for the Task Force if he or she has ever had in any jurisdiction any prior charge, indictment, citation, prosecution, plea of guilty or nolo contendere of a felony, misdemeanor, or ordinance violation, for larceny, theft, possession of or dealing in stolen goods or any crime related to scrap metal processors or junk dealers, regardless of whether adjudication was withheld. The members of the Task Force shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(Ord. No. 11-76, § 2, 10-4-11; Ord. No. 12-79, § 1, 10-2-12)

Sec. 2-2108. Organization.

(1) The Task Force may establish, adopt, and amend bylaws, rules, and regulations for its own governance.

(2) A chairperson and a vice chairperson shall be selected by the Task Force at its first meeting. The chairperson and vice chairperson shall serve at the will of the Task Force.

(3) The chairperson shall preside at all meetings at which he or she is present. The vice chairperson shall act as chairperson in the absence or inability of the chairperson.

(4) In order to transact any business or to exercise any power vested in the Task Force, a quorum consisting of a majority of those persons duly appointed to the Task Force shall be present, provided that at least one-half (½) of the full Task Force membership has been appointed.

(5) The Task Force may appoint committees to accomplish its tasks. Members of a committee may consist of members of the Task Force and/or other persons with specialized knowledge that would benefit the committee.

(6) The Mayor or the Mayor's designee shall supply such support staff to the Task Force as may be necessary to fulfill its purpose. The staff shall maintain and keep the records of the Task Force; prepare in cooperation with the chairperson, the agenda for each meeting; be responsible for the preparation of such reports, minutes, documents, or correspondence as the Task Force may direct; and generally administer the business and affairs of the Task Force, subject to budgetary limitations.

(7) The County Attorney's Office shall provide legal counsel, as needed, to the Task Force.

(Ord. No. 11-76, § 3, 10-4-11)

Sec. 2-2109. Meetings.

The Task Force shall meet no less than every 90 days. Additional meetings may be held at the discretion of the Task Force.

(Ord. No. 11-76, § 4, 10-4-11)

Sec. 2-2110. Powers and duties.

The purpose of the Task Force is to provide non-binding written recommendations to the Board of County Commissioners on:

(1) Enforcement of ordinances regulating junk dealers and scrap metal processors, including Sections [8A-203](../level3/PTIIICOOR_CH8ABURE_ARTIXLOBUTARE.docx#PTIIICOOR_CH8ABURE_ARTIXLOBUTARE_S8A-203JUDELOBUTARERE), [8A-237](../level3/PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR.docx#PTIIICOOR_CH8ABURE_ARTXLOBUTAREUNAR_S8A-237JUDELOBUTARE), and [8A-9](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9SHTIPU) through [8A-9.6](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.6APENTR) of the Code of Miami-Dade County, Florida;

(2) Proposed amendments to ordinances regulating junk dealers and scrap metal processors;

(3) Methods of educating local businesses and the community on the effect of ordinances regulating junk dealers and scrap metal processors; and

(4) Methods of preventing the illegal sale of regulated metals and restricted regulated metals as defined in Sections [8A-9.1](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.1DE) and [8A-9.4](../level3/PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR.docx#PTIIICOOR_CH8ABURE_ARTIAJUDESCMEPR_S8A-9.4REPU) of the Code of Miami- Dade County, Florida.

(5) The Task Force is advisory only and shall not have the power or authority to commit Miami-Dade County or any of its agencies or instrumentalities to any policies, incur any financial obligations or to create any liability, contractual or otherwise, on behalf of Miami-Dade County or any of its agencies or instrumentalities.

(Ord. No. 11-76, § 5, 10-4-11)

Sec. 2-2111. Reports.

The Task Force shall submit its first written recommendations to the Board of County Commissioners no later than 180 days from the effective date of this ordinance and shall submit written recommendations to the Board of County Commissioners every 180 days thereafter.

(Ord. No. 11-76, § 6, 10-4-11)

Sec. 2-2112. Applicability of County rules and procedures.

The Task Force shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, [Section 2-11.1](../level3/PTIIICOOR_CH2AD_ARTIINGE.docx#PTIIICOOR_CH2AD_ARTIINGE_S2-11.1COINCOETOR) [of] the Code of Miami-Dade County.

(Ord. No. 11-76, § 7, 10-4-11)

### ARTICLE CXLII. FIRST SOURCE HIRING REFERRAL PROGRAM

[Sec. 2-2113. First Source Hiring Referral Program.](#BK_A332A8B596800420B6B3C983412EE5E0)

[Secs. 2-2114—2-2120. Reserved.](#BK_2C5ECAC9889D5AB5D2ACD46A333CF31F)

Sec. 2-2113. First Source Hiring Referral Program.

(1) *Title.* This section shall be referred to as the "Miami-Dade County First Source Hiring Referral Program."

(2) *Definitions.* The following definitions shall apply to this section:

A. "Implementing Order" or "IO" means the implementing order developed by the Mayor or Mayor's designee and approved by this Board of County Commissioners (the "Board") to give effect to the provisions of this Section.

B. "County Contract" means an agreement for the purchase of goods and services specifically identified in the Implementing Order.

C. "Contractor" means any person or entity which enters into a County Contract.

D. "First Source Register" means the register of unemployed persons maintained by the Referral Agency in accordance with the provisions of this Section.

E. "Referral Agency" means the South Florida Workforce Investment Board ("SFWIB"), through its career centers, or community-based partners and faith-based organizations.

F. "Referral Period" means the three (3) to five (5) day period following notification to the Referral Agency of employment availability.

(3) *First Source Register created.* The Referral Agency shall compile and maintain a First Source Register, which shall be a listing of unemployed persons, including graduates of programs funded by the Workforce Investment Act to be made available to Contractors as a first source for their employment needs. The Referral Agency shall not discriminate on the basis of race, ethnicity, sex, residence, or other protected category or class, in the compilation or maintenance of the First Source Register, or in its referral activities provided for in this Section. The Referral Agency shall, to the extent allowed by law, maintain a data base which identifies the race, ethnicity, sex, and residence of the persons within the First Source Register sufficient to permit adequate analysis of the available work force.

(4) *Referral Procedure.*

A. The Referral Agency shall be the first source for employees to fill jobs created to satisfy the requirements of County Contracts. The following requirements shall be included in all County Contracts, except those covered under the Community Workforce Program ("CWP"), and except those covered under programs intended to encourage and assist in the employment of the blind and other severely handicapped persons such as described in Sections 413.032—413.037, Florida Statutes (2011):

1. The Contractor, prior to hiring to fill each vacancy arising under a County Contract, shall first notify the Referral Agency of the vacancy and list the vacancy with the Referral Agency. The listing shall contain a detailed description of the job responsibilities and qualifications, and be posted during the Referral Period. The Referral Agency shall provide a list of qualified candidates, if such candidates are available, to Contractor within twenty-four (24) hours of receiving notice of vacancy. Thereafter, Contractor shall (a) review the resumes and qualifications of the candidates, and (b) make a good faith effort as determined by the County, to fill a minimum of fifty percent (50%) of its employment needs under the County Contract from the First Source Register. Notwithstanding the foregoing, if after the Referral Period a suitable employee is not found from the Referral Agency, the Contractor is free to fill its vacancies from other sources.

2. A good faith effort to employ candidates from the Referral Agency shall constitute, at a minimum, evaluating the qualification of such candidates, and conducting interviews with those candidates who satisfy the minimum competency requirements. The Contractor is not required to hire any individual candidate referred. However, Contractors shall not commit to fill vacancies in any other manner until after the end of the Referral Period, unless the Referral Agency notifies the Contractor in writing prior to the end of the Referral Period that qualified candidates are not available in sufficient numbers to fill the vacancies. Upon such notification, the Contractor may immediately fill vacancies using other sources.

3. In determining whether a Contractor has made good faith efforts, the County may consider, among other criteria to be set forth in the Implementing Order: (a) the number, skills and composition of the Contractor's labor force ultimately hired; (b) whether minimum requirements were established for available positions beyond reasonable requirements to complete the job; (c) the number of referred candidates interviewed for the position; and (d) the Contractor's use of the First Source Register to satisfy its labor needs in contracts other than County Contracts. The County's determination as to whether a Contractor has made such good faith efforts is final and binding.

4. All competitive solicitations for County Contracts, except those covered under CWP, shall set forth the requirements of this Section.

(5) *Monitoring and Compliance.*

A. County Contracts shall require the Contractor to submit quarterly reports to the Referral Agency indicating the name and number of employees hired by Contractor in the previous quarter, including the source from which such employees were found, and payroll records and tallies of employee work hours. If none of the candidates referred to a Contractor by the Referral Agency were hired, the Contractor shall report the reasons why all referred candidates were rejected in its quarterly reports. Each quarterly report shall be submitted to Referral Agency within two (2) weeks of the end of the quarter.

B. For each County Contract, the Contractor shall retain records sufficient to determine compliance with this Section. Such records shall include: (1) notifications to the Referral Agency; (2) referrals from the Referral Agency; (3) job applications received from sources other than the Referral Agency; and (4) the number of candidates hired based on referrals from the Referral Agency. To the extent allowed by law, such records shall be made available to Referral Agency upon request.

C. Referral Agency shall be entitled to perform random, unannounced site visits to applicable project sites to determine whether or not Contractor has filled its vacancies.

D. Referral Agency shall report to the County, any noncompliance with the requirements of this ordinance, any related Implementing Order, or first source agreement between Referral Agency and Contractor.

(6) *Implementation.*

A. The Mayor or Mayor's designee shall prepare and submit to the Board for approval, the Implementing Order which shall at a minimum:

1. Indicate that all County Contracts shall be subject to the requirements of this Section. The requirements of this Section shall be implemented to the maximum extent feasible, for all County purchases of goods and services.

2. Develop a time frame for implementation of First Source Hiring Referral Program. A rollout department shall be identified to use the Referral Agency with its County Contracts, and all other County departments will be phased into this process within six (6) months of the passage of this ordinance.

3. Advise prospective and awarded Contractors of the nature of the First Source Hiring Referral Program.

4. Set forth procedures to determine Contractor compliance with the requirements of this Section.

5. Recommend and establish a minimum funding threshold.

6. Establish a procedure for review and investigation of allegations of noncompliance with the provisions of this ordinance, implementing order, or first source hiring agreement.

7. Establish a procedure to determine appropriate sanctions for failure to comply with the terms of this ordinance, implementing order, or first source hiring agreement.

8. Establish an appeals process for determinations of noncompliance with the provisions of the ordinance, implementing order, or first source hiring agreement.

B. The Mayor or Mayor's designee shall prepare quarterly reports for the Board which shall include: (a) the dollar amount of each County Contract utilizing the First Source Hiring Referral Program; and (b) an analysis of the effectiveness of the program during each quarterly reporting period.

(7) *Sanctions for Violations.*

A. Each County Contract shall include provisions stating the nature of the sanctions to be imposed on a Contractor that is not in compliance with this Section. Such sanctions shall include, but not be limited to, the following:

1. Suspension of contract until Contractor performs obligations, if appropriate.

2. Default and/or termination.

3. Payment of one thousand five hundred dollars ($1,500.00) per employee, or the value of wages that would have been earned by employees injured by Contractor's noncompliance, whichever is less.

B. If any Contractor attempts to comply with the provisions of this ordinance through fraud, misrepresentation or material misstatement, the County, in its sole discretion, may immediately terminate the subject County Contract.

(Ord. No. 12-32, § 1(2-2092), 5-1-12)

Secs. 2-2114—2-2120. Reserved.

### ARTICLE CXLIII. BELLAGIO COMMUNITY DEVELOPMENT DISTRICT [[136]](#BK_C4C254B2D6F8AA26D584EB8297E5BB4F)

[Sec. 2-2121. [Created.]](#BK_52BC243BAEA362E417293D21BE5A0E90)

[Sec. 2-2122. [Charter.]](#BK_FBCEEB4FD4F7C16F44D9806F088B7561)

[Sec. 2-2123. [Grant of general powers.]](#BK_EDD3D387E33287AE569F90D6A7EDB993)

[Sec. 2-2124. [Grant of special powers.]](#BK_8A7A38C476A7C2096A21EB884C62ADDD)

[Sec. 2-2125. [Bond validation.]](#BK_8C6D04B8A6A51B027F246344EABDF5C4)

[Sec. 2-2126. [No district bonds or debts to constitute debts or obligations of the county.]](#BK_13DDD40A40C6DC40A979A7335EB575D8)

[Sec. 2-2127. [County rates and charges applicable to the district.]](#BK_55CC69588651867B3B80E1B993085DA2)

[Sec. 2-2128. [Power of eminent domain.]](#BK_D131A1575257A1B59C3E54418A075380)

[Secs. 2-2129, 2-2130. Reserved.](#BK_E1CB97F9D43F0B97B0F1AB2701C3DCF8)

Sec. 2-2121. [Created.]

The Bellagio Community Development District is created for the purposes set forth in Chapter 190, Florida Statutes, pursuant to the authority granted by [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO)(A)(21) of the Miami-Dade County Home Rule Charter.

(Ord. No. 13-59, § 7, 6-18-13)

Sec. 2-2122. [Charter.]

Pursuant to Section 190.005(2)(d), Florida Statutes, the charter for the Bellagio Community Development District shall be Sections 190.006 through 190.041, Florida Statutes.

(Ord. No. 13-59, § 8, 6-18-13)

Sec. 2-2123. [Grant of general powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Bellagio Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such general powers.

(Ord. No. 13-59, § 9, 6-18-13)

Sec. 2-2124. [Grant of special powers.]

The Miami-Dade County Board of County Commissioners hereby grants to the Bellagio Community Development District the special powers authorized pursuant to Section 190.012(1), Florida Statutes and Sections 190.012(2)(a), (d) and (f), (except for powers regarding waste disposal), Florida Statutes and Section 190.012(3), Florida Statutes, and hereby finds that it is in the public interest of all citizens of Miami-Dade County to grant such special powers; provided that the District's exercise of power under Section 190.012(1)(b), Florida Statutes, pertaining to water, waste water and reuse water services shall be pursuant to that Declaration of Restrictive Covenants submitted to the Board of County Commissioners in connection with the petition.

(Ord. No. 13-59, § 10, 6-18-13)

Sec. 2-2125. [Bond validation.]

All bonds issued by the Bellagio Community Development District pursuant to the powers granted by this ordinance shall be validated pursuant to Chapter 75, Florida Statutes.

(Ord. No. 13-59, § 11, 6-18-13)

Sec. 2-2126. [No district bonds or debts to constitute debts or obligations of the county.]

No bond, debt or other obligation of the Bellagio Community Development District, nor any default thereon, shall constitute a debt or obligation of Miami-Dade County, except upon the express approval and agreement of the Miami-Dade Board of County Commissioners.

(Ord. No. 13-59, § 12, 6-18-13)

Sec. 2-2127. [County rates and charges applicable to the district.]

Notwithstanding any power granted to the Bellagio Community Development District pursuant to this Ordinance, neither the District nor any real or personal property or revenue in the district shall, solely by reason of the District's creation and existence, be exempted from any requirement for the payment of any and all rates, fees, charges, permitting fees, impact fees, connection fees, or similar County rates, fees or charges, or special taxing districts special assessments which are required by law, ordinance or County rule or regulation to be imposed within or upon any local government within the County.

(Ord. No. 13-59, § 13, 6-18-13)

Sec. 2-2128. [Power of eminent domain.]

Notwithstanding any power granted to the Bellagio Community Development District pursuant to this Ordinance, the District may exercise the power of eminent domain outside the District's existing boundaries only with the prior specific and express approval of the Board of County Commissioners of Miami-Dade County.

(Ord. No. 13-59, § 14, 6-18-13)

Secs. 2-2129, 2-2130. Reserved.

FOOTNOTE(S):

--- (**136**) ---

**Editor's note—** Ord. No. 13-59, §§ 7—14, adopted June 18, 2013, did not specifically amend the Code. Hence, its inclusion herein as article CXLIII, §§ 2-2121—2-2128, was at the discretion of the editor. [(Back)](#BK_91054B021E93967175EB637F06CC86FE)

### ARTICLE CXLIV. WEST KENDALL (SECTION ONE) MUNICIPAL ADVISORY COMMITTEE [[137]](#BK_335C00C48892D3A443B4A92E4B374D8A)

[Sec. 2-2131. Created.](#BK_2449FDB7F1B5D1025E898503F748AF70)

[Secs. 2-2132—2-2135. Reserved.](#BK_A8BA3CF495187E1CAC74065070E391CA)

Sec. 2-2131. Created.

The West Kendall (Section One) Municipal Advisory Committee (the "Committee") is hereby created as follows.

A. *Purposes.*

(1) To review the possible incorporation of the area known as West Kendall (Section One) generally described by the following boundaries:

North:   Tamiami Trail

South:   SW 88th Street/North Kendall Drive East: Florida Turnpike

West:   The Everglades

But such study boundaries shall only include areas within District 11 (the "Study Area"). It is provided, however, that the Committee as established herein may expand or contract the Study Area within District 11, as long as the Commissioner of that district files a written consent with the Clerk of the Board agreeing to the study of any expanded area.

B. *Duties and Responsibilities; Sunset.*

(1) The committee shall prepare an advisory report that shall:

a. Make findings of whether it is feasible or not to incorporate the Study Area; determine whether there is a desire to incorporate the Study Area; and propose a plan for the development of the Study Area as a viable municipality, as required by [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR) of the Code of Miami-Dade County.

b. Address any concerns of members of the Board of County Commissioners regarding incorporation of the area and the manner in which those concerns may be alleviated in the event the area studied by the Committee is incorporated as a new municipality.

(2) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the West Kendall (Section One) area.

(3) Prior to the first public hearing, the committee shall become familiar with written materials concerning incorporation as presented by the staff of the Office of Management and Budget.

(4) The committee's responsibilities shall terminate upon submitting its report to the Board of County Commissioners or within twenty-four (24) months of the effective date of this article, whichever date is earlier.

C. *Composition and appointment of members.* The Committee shall consist of seven (7) members who are resident electors of the Study Area. Based on the percentage of current population in each Commission district within the Study Area as compared to the current population of the total Study Area, Commissioners, by filing a written memorandum to the Clerk of the Board of County Commissioners, shall appoint the number of members as stated below:

District 11: 7 members

The district commissioner who previously made appointments to a seat shall fill any vacancy in that seat by filing a written memorandum to the Clerk of the Board of County Commissioners.

The members of the committee shall select officers from the membership as desirable or necessary.

The provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County that prohibit simultaneous board service on more than two County boards and membership on certain listed County boards and service on this Committee are waived; provided, however, no member of the Planning Advisory Board may be a member of this Committee.

The provisions of [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR)(A) of the Code of Miami-Dade County that prohibit the creation of a municipal advisory committee unless at least twenty-five (25) percent of the resident electors in the area to be studied consent in writing to the creation of a municipal advisory committee are hereby waived.

(Ord. No. 1370, §§ 1—3, 7-2-13)

Secs. 2-2132—2-2135. Reserved.

FOOTNOTE(S):

--- (**137**) ---

**Editor's note—** Ord. No. 13-70, §§ 1—3, adopted July 2, 2013, did not specifically amend the Code. Hence, its inclusion herein as article CXLIV, § 2-2131, was at the discretion of the editor. [(Back)](#BK_99254320D6DE5E89B9721243B8DA6151)

### ARTICLE CXLV. WEST KENDALL (SECTION THREE) MUNICIPAL ADVISORY COMMITTEE [[138]](#BK_B5A0ED94F19A449C9D1C83E86453B888)

[Sec. 2-2136. Created.](#BK_23F7775F0586BFD34694E1898473AB95)

[Secs. 2-2137—2-2140. Reserved.](#BK_A26C4980DD99514DB87A38A89FE3CDE1)

Sec. 2-2136. Created.

The West Kendall (Section Three) Municipal Advisory Committee (the "Committee") is hereby created as follows:

A. *Purposes.*

(1) To review the possible incorporation of the area known as West Kendall (Section Three) generally described by the following boundaries:

North: Kendall Drive

South: SW 152 Street

East: The Florida Turnpike (between SW 88 Street and SW 104 Street (generally known as the "Calusa" area)

—and—

SW 137 Avenue between SW 104 Street and SW 152 Street

West: The Everglades

(the "Study Area"). It is provided, however, that the Committee as established herein may expand or contract the Study Area within the boundaries of District 11 or District 7, as long as the Commissioner of the affected district files a written consent with the Clerk of the Board agreeing to the study of any expanded area.

B. *Duties and Responsibilities; Sunset.*

(1) The Committee shall prepare an advisory report that shall:

a. Make findings of whether it is feasible or not to incorporate the Study Area; determine whether there is a desire to incorporate the Study Area; and propose a plan for the development of the Study Area as a viable municipality, as required by [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR) of the Code of Miami-Dade County.

b. Address any concerns of members of the Board of County Commissioners regarding incorporation of the area and the manner in which those concerns may be alleviated in the event the area studied by the Committee is incorporated as a new municipality; and

(2) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the West Kendall (Section Three) area.

(3) Prior to the first public hearing, the committee shall become familiar with written materials concerning incorporation presented by the Office of Management and Budget.

(4) The committee's responsibilities shall terminate upon submitting its report to the Board of County Commissioners or within twenty-four (24) months of the effective date of this article, whichever date is earlier.

C. *Composition and appointment of members.* The Committee shall consist of seven (7) members who are resident electors of the Study Area. Based on the percentage of current population in each Commission district within the Study Area as compared to the current population of the total Study Area, Commissioners, by filing a written memorandum to the Clerk of the Board of County Commissioners, shall appoint the number of members as stated below:

District 7: 1 member

District 11: 6 members

If a Study Area is contracted as required by [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR) of the Code because a Commissioner does not consent to the inclusion of any portion of his or her district in the Study area, the number of members any Commissioner is entitled to appoint will be modified proportionately. Upon such occurrence, the Mayor or the Mayor's designee shall then determine the percentage of population in the Study Area in each Commission district as compared to the population of the total Study Area, as revised, compute the number of appointments per Commissioner, and shall notify each affected Commissioner of how many appointments are to be made based on the revised Study Area. Alternatively, should the Study Area be expanded as authorized by this article, the number of appointments to be made by any Commissioner shall be determined utilizing the procedure set forth above for contraction of the Study Area.

(The source of population numbers utilized herein are based on the: U.S. Census Bureau, Census 2010 and Miami-Dade County, Regulatory and Economic Resources Department, Planning Research Section, December 2012 and only includes population numbers inside the Urban Development Boundary.)

The district commissioner who previously made appointments to a seat shall fill any vacancy in that seat by filing a written memorandum to the Clerk of the Board of County Commissioners.

The members of the committee shall select officers from the membership as desirable or necessary.

The provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County that prohibit simultaneous board service on more than two County boards and membership on certain listed County boards and service on this Committee are waived; provided, however, no member of the Planning Advisory Board may be a member of this Committee.

The provisions of [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR)(A) of the Code of Miami-Dade County that prohibit the creation of a municipal advisory committee unless at least twenty-five (25) percent of the resident electors in the area to be studied consent in writing to the creation of a municipal advisory committee are hereby waived.

(Ord. No. 1371, §§ 1—3, 7-2-13)

Secs. 2-2137—2-2140. Reserved.

FOOTNOTE(S):

--- (**138**) ---

**Editor's note—** Ord. No. 13-71, §§ 1—3, adopted July 2, 2013, did not specifically amend the Code. Hence, its inclusion herein as article CXLV, § 2-2136, was at the discretion of the editor. [(Back)](#BK_85501034C6EEEB73351EC25AD6107357)

### ARTICLE CXLVI. SOUTH MUNICIPAL ADVISORY COMMITTEE A [[139]](#BK_F42380343F6C4E79164CE4CA92709A0A)

[Sec. 2-2141. Created.](#BK_E5473F896D0867BC7895CD40037411D6)

[Secs. 2-2142—2-2145. Reserved.](#BK_8C6B882ADA1999BCACC85C60386D7ED7)

Sec. 2-2141. Created.

The South Municipal Advisory Committee A (the "Committee") is hereby created as follows:

A. *Purposes.*

(1) To review the possible incorporation of the area known as South A, as shown with particularity on the attached maps incorporated herein by reference, all contained with County Commission District 9 (the "Study Area"). It is provided, however, that the Committee, as established herein, by majority vote of its members present, may expand the Study Area within the boundaries of District 9 and/or any adjacent commission district, provided that the commissioner of the district for the expanded area has filed a written consent with the Clerk of the Board agreeing to the study of the expanded area.

(2) Notwithstanding any provision of the Code or any ordinance to the contrary, the Committee may combine and consolidate with another municipal advisory committee created on the same date as the Committee, as long as the study area of the other municipal advisory committee is contiguous with the study area of this Committee.

B. *Duties and Responsibilities; Sunset.*

(1) The Committee shall prepare an advisory report that shall:

a. Make findings of whether it is feasible or not to incorporate the Study Area; determine whether there is a desire to incorporate the Study Area; and propose a plan for the development of the Study Area as a viable municipality, as required by [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR) of the Code of Miami-Dade County.

b. Address any concerns of members of the Board of County Commissioners regarding incorporation of the area and the manner in which those concerns may be alleviated in the event the area studied by the Committee is incorporated as a new municipality; and

(2) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the Study Area.

(3) Prior to the first public hearing, the committee shall become familiar with written materials concerning incorporation presented by the Office of Management and Budget.

(4) The committee's responsibilities shall terminate upon submitting its report to the Board of County Commissioners or within twenty-four (24) months of the effective date of this article, whichever date is earlier.

C. *Composition and appointment of members.* The Committee shall consist of seven (7) members who are resident electors of the Study Area. The Commissioner for District 9, by filing a written memorandum to the Clerk of the Board of County Commissioners, shall appoint the members of the committee.

Should the Study Area be expanded to include an area of an adjacent commission district which is contiguous to the study area, the commissioner of the expanded area shall be authorized to appoint one additional member to the Committee, so that the Committee shall consist of eight (8) members.

Should the Committee combine and consolidate with another municipal advisory committee as authorized by Paragraph A.(2) above, the membership of the consolidated committee shall be a number which totals the membership of each committee prior to consolidation.

If a vacancy occurs in the membership of the Committee, the commissioner who made the original appointment shall fill the vacancy by filing a written memorandum to the Clerk of the Board of County Commissioners.

The members of the committee shall select officers from the membership as desirable or necessary.

The provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County that prohibit simultaneous board service on more than two County boards and membership on certain listed County boards and service on this Committee are waived; provided, however, no member of the Planning Advisory Board may be a member of this Committee.

The provisions of [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR)(A) of the Code of Miami-Dade County that prohibit the creation of a municipal advisory committee unless at least twenty-five (25) percent of the resident electors in the area to be studied consent in writing to the creation of a municipal advisory committee are hereby waived.

(Ord. No. 13-77, §§ 1—3, 9-4-13)

Secs. 2-2142—2-2145. Reserved.

FOOTNOTE(S):

--- (**139**) ---

**Editor's note—** Ord. No. 13-77, §§ 1—3, adopted September 4, 2013, did not specifically amend the Code. Hence, its inclusion herein as article CXLVI, § 2-2141, was at the discretion of the editor. [(Back)](#BK_0DDD5155B578FC321F28CA5532A15426)

### ARTICLE CXLVII. SOUTH MUNICIPAL ADVISORY COMMITTEE B [[140]](#BK_B44B240906B8E7FCCA9AFC7FE7FBAF72)

[Sec. 2-2146. Created.](#BK_5054DE79F275776F67CBDDF3BE25DBB6)

[Secs. 2-2147—2-2150. Reserved.](#BK_E0D452FF4DC8FC463DBB6CEF4B611C35)

Sec. 2-2146. Created.

The South Municipal Advisory Committee B (the "Committee") is hereby created as follows:

A. *Purposes.*

(1) To review the possible incorporation of the area known as South B, as shown with particularity on the attached maps incorporated herein by reference, all contained with County Commission District 9 (the "Study Area"). It is provided, however, that the Committee, as established herein, by majority vote of its members present, may expand the Study Area within the boundaries of District 9 and/or any adjacent commission district, provided that the commissioner of the district for the expanded area has filed a written consent with the Clerk of the Board agreeing to the study of the expanded area.

(2) Notwithstanding any provision of the Code or any ordinance to the contrary, the Committee may combine and consolidate with another municipal advisory committee created on the same date as the Committee, as long as the study area of the other municipal advisory committee is contiguous with the study area of this Committee.

B. *Duties and Responsibilities; Sunset.*

(1) The Committee shall prepare an advisory report that shall:

a. Make findings of whether it is feasible or not to incorporate the Study Area; determine whether there is a desire to incorporate the Study Area; and propose a plan for the development of the Study Area as a viable municipality, as required by [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR) of the Code of Miami-Dade County.

b. Address any concerns of members of the Board of County Commissioners regarding incorporation of the area and the manner in which those concerns may be alleviated in the event the area studied by the Committee is incorporated as a new municipality; and

(2) The committee shall conduct no less than two duly advertised public hearings at which the residents of the area shall have the opportunity to express their views and concerns regarding the proposed incorporation of the Study Area.

(3) Prior to the first public hearing, the committee shall become familiar with written materials concerning incorporation presented by the Office of Management and Budget.

(4) The committee's responsibilities shall terminate upon submitting its report to the Board of County Commissioners or within twenty-four (24) months of the effective date of this article, whichever date is earlier.

C. *Composition and appointment of members.* The Committee shall consist of five (5) members who are resident electors of the Study Area. The Commissioner for District 9, by filing a written memorandum to the Clerk of the Board of County Commissioners, shall appoint the members of the committee.

Should the Study Area be expanded to include an area of an adjacent commission district which is contiguous to the study area, the commissioner of the expanded area shall be authorized to appoint one additional member to the Committee, so that the Committee shall consist of six (6) members.

Should the Committee combine and consolidate with another municipal advisory committee as authorized by Paragraph A.(2) above, the total membership of the consolidated committee shall be a number which totals the membership of each committee prior to consolidation.

If a vacancy occurs in the membership of the Committee, the commissioner who made the original appointment shall fill the vacancy by filing a written memorandum to the Clerk of the Board of County Commissioners.

The members of the committee shall select officers from the membership as desirable or necessary.

The provisions of [Section 2-11.38](../level3/PTIIICOOR_CH2AD_ARTIBSTCRREBOGE.docx#PTIIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO) of the Code of Miami-Dade County that prohibit simultaneous board service on more than two County boards and membership on certain listed County boards and service on this Committee are waived; provided, however, no member of the Planning Advisory Board may be a member of this Committee.

The provisions of [Section 20-29](../level3/PTIIICOOR_CH20MU_ARTIIINPR.docx#PTIIICOOR_CH20MU_ARTIIINPR_S20-29MUADCORELISTAR)(A) of the Code of Miami-Dade County that prohibit the creation of a municipal advisory committee unless at least twenty-five (25) percent of the resident electors in the area to be studied consent in writing to the creation of a municipal advisory committee are hereby waived.

(Ord. No. 13-78, §§ 1—3, 9-4-13)

Secs. 2-2147—2-2150. Reserved.

FOOTNOTE(S):

--- (**140**) ---

**Editor's note—** Ord. No. 13-78, §§ 1—3, adopted September 4, 2013, did not specifically amend the Code. Hence, its inclusion herein as article CXLVII, § 2-2146, was at the discretion of the editor. [(Back)](#BK_30C3DDBC23C1296B076B08119DE55514)

### ARTICLE CXLVIII. OPA-LOCKA COMMUNITY REDEVELOPMENT AND REVITALIZATION TRUST FUND [[141]](#BK_6F9D706655C86C7C1A98797435ECB4AE)

[Sec. 2-2151. Established.](#BK_FB6A5999FCCDB4C0C047AC424F161B80)

[Sec. 2-2152. Appropriations to fund](#BK_654174927B8A19817410A00A0B20F722)

[Sec. 2-2153. Obligation to fund.](#BK_0DAD2A8BD643244C6E692420E0E59D22)

[Sec. 2-2154. Expenditures.](#BK_0657D2F9D316281C8DA225DDDBF5B8B4)

[Sec. 2-2155. Money remaining in fund after payment of expenses.](#BK_1F5907F5641E9240F2D1B418E87CFC0A)

[Sec. 2-2156. Financial audit of fund.](#BK_4F71086A1CB38708CEB31A8043F16001)

[Sec. 2-2157. Construction.](#BK_16885E8AE79A689797C48F5442714CB0)

Sec. 2-2151. Established.

The Opa-Locka Community Redevelopment and Revitalization Trust Fund (the "Fund") is hereby established. Each taxing authority (as defined in the Act) shall annually pay into the Fund, an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment in accordance with the Act. The increment shall be determined annually and shall be that amount equal to 95 percent of the difference between: (a) the amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Redevelopment Area; and (b) the amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the Redevelopment Area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of this article.

(Ord. No. 13-94, § 2, 10-1-13)

Sec. 2-2152. Appropriations to fund

Except for the purpose of funding the Fund pursuant to [Section 2-2153](../level3/PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU_S2-2153OBFU) herein, upon the enactment of this article, each taxing authority shall, by January 1st of each year, appropriate to the Fund for a period not to exceed twenty (20) years, or for a period not to exceed thirty (30) years if there is outstanding indebtedness pledging increment revenues which has been approved by this Board or if extended by the Board at a sunset review to be conducted twenty (20) years after creation of the Agency, a sum that is no less than the increment as defined and determined by [Section 2-2151](../level3/PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU_S2-2151ES) of this article accruing to such taxing authority. In no year shall the County's obligation to the Fund exceed the amount of that year's tax increment as determined pursuant to [Section 2-2151](../level3/PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU_S2-2151ES) of this article. The County's increment contribution is to be accounted for as a separate revenue within the Fund but may be combined within other revenues for the purpose of paying debt service. The County must approve the amount, duration of the obligation and the purpose of any bond, note or other form of indebtedness, including advances, pledging or otherwise obligating tax increment funds.

(Ord. No. 13-94, § 3, 10-1-13)

Sec. 2-2153. Obligation to fund.

Notwithstanding the provisions of [Section 2-2152](../level3/PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU_S2-2152APFU) herein, the County's obligation to fund the Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the Agency incurred as a result of redevelopment in the Redevelopment Area have been paid.

(Ord. No. 13-94, § 4, 10-1-13)

Sec. 2-2154. Expenditures.

Monies in the Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the Redevelopment Area pursuant to the Plan: (a) administrative and overhead expenses necessary or incidental to the implementation of the Plan; (b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement to the Board or the Agency for such expenses incurred before the Plan was approved and adopted; (c) the acquisition of real property in the Redevelopment Area; (d) the clearance and preparation of any Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 163.370, Florida Statutes; (e) the repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness; (f) all expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes or other form of indebtedness, including funding of any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness; (g) the development of affordable housing within the Redevelopment Area; or (h) the development of community policing innovations.

(Ord. No. 13-94, § 5, 10-1-13)

Sec. 2-2155. Money remaining in fund after payment of expenses.

On the last day of the Agency's fiscal year, any money which remains in the Fund after the payment of the expenses listed in [Section 2-2154](../level3/PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU.docx#PTIIICOOR_CH2AD_ARTCXLVIIIOCKCORERETRFU_S2-2154EX) herein for such year shall be: (a) returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Fund by all taxing authorities within the Redevelopment Area for that year; (b) used to reduce the amount of any indebtedness to which increment revenues are pledged; (c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or (d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

(Ord. No. 13-94, § 6, 10-1-13)

Sec. 2-2156. Financial audit of fund.

The Agency shall provide for an independent financial audit of the Fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The Agency shall provide a copy of the report to each taxing authority. All Fund records shall be available for County inspection. The County reserves the right to audit the Fund.

(Ord. No. 13-94, § 7, 10-1-13)

Sec. 2-2157. Construction.

This article is hereby declared to be for a public purpose and for the welfare of the citizens of Miami-Dade County, Florida and shall be literally construed to effectuate the purpose thereof.

(Ord. No. 13-94, § 8, 10-1-13)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 13-94, §§ 1—8, adopted October 1, 2013, did not specifically amend the Code. Hence, its inclusion herein as article CXLVIII, § 2-2151—2-2157, was at the discretion of the editor. [(Back)](#BK_99AF9C9855C180196364D078F334BB52)