

City Commission
Susan Gottlieb, Mayor

Zev Auerbach
Bob Diamond
Billy Joel
Teri Holzberg
Michael Stern
Luz Urbáez Weinberg

The City of Aventura



City Manager
Eric M. Soroka, ICMA-CM

City Clerk
Teresa M. Soroka, MMC

City Attorney
Weiss Serota Helfman
Pastoriza Cole & Boniske

AGENDA SEPTEMBER 21, 2011 6 PM

Government Center
19200 West Country Club Drive
Aventura, Florida 33180

1. CALL TO ORDER\ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PUBLIC HEARINGS: ORDINANCES: SECOND READING - 2011/2012 BUDGET
 - A. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 5.92% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2011 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
 - B. AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2011, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2011/2012 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED CAPITAL APPROPRIATIONS; ESTABLISHING THE COMMITTED FUND BALANCE FOR CAPITAL RESERVE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
 - C. AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING THE CITY CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," AND CHAPTER 30 "ENVIRONMENT," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

4. **RESOLUTIONS:**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF AVENTURA AND PEAR PROGRAMS, LLC TO PERFORM RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES AS SET FORTH IN RFP 11-8-8-2; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

5. **ADJOURNMENT**

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W. Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: September 1, 2011

SUBJECT: **Ordinance Adopting Ad Valorem Tax Rate for Fiscal Year 2011/12**

1st Reading September 13 2011 City Commission Meeting Agenda Item 3A
2nd Reading September 21, 2011 City Commission Meeting Agenda Item 3A

Attached for your approval is an Ordinance adopting the ad valorem tax rate for fiscal year 2011/12.

RECOMMENDATION

It is recommended that the City Commission adopt a millage rate of 1.7261 for fiscal year 2011/12. This rate includes no increase and in fact will result in tax savings to some residents whose taxable assessed value decreased. This will generate \$11,955,146 based on an assessed value of \$7,290,634,319. In light of the economic times our residents and businesses are experiencing the decision was made to hold our millage rate to the previous year.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

ORDINANCE NO. 2011-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 5.92% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2011 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami-Dade County Property Appraiser has certified a Tax Assessment Roll for the year 2011 which includes the assessment for the City of Aventura; and

WHEREAS, the City Commission and the City Manager of the City of Aventura have reviewed the 2011/2012 fiscal year budget for the various operating departments of the City and the means of financing said budget; and

WHEREAS, the City Commission has considered an estimate of the necessary expenditures contemplated for the fiscal year ensuing, and has determined that the levy set forth herein below shall provide a portion of the necessary funds for said expenditures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS THAT:

Section 1. The City Commission does hereby establish and adopt the City of Aventura Ad Valorem Tax Operating Millage Levy Rate of 1.7261 mils for the 2011 tax year, or \$1.7261 per thousand dollars of taxable assessed property value. Said rate is greater than the rolled back rate of 1.6296 mills by 5.92%.

Section 2. The Miami-Dade County Tax Collector is hereby directed to proceed with the collection and enforcement of the taxes levied herein as authorized by State and County law.

Section 3. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on first reading. This motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption on second reading. This motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED on first reading this 13th day of September, 2011.

PASSED AND ADOPTED on second reading this 21st day of September, 2011.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

CITY OF AVENTURA
OFFICE OF THE CITY MANAGER

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, ICMA-CM, City Manager 

DATE: September 7, 2011

SUBJECT: **Ordinance Adopting 2011/2012 Operating and Capital Budget**

1st Reading September 13, 2011 City Commission Meeting Agenda Item 3B
2nd Reading September 21, 2011 City Commission Meeting Agenda Item 3B

Attached for your consideration is the adopting Ordinance and documentation for the 2011/12 Operating and Capital Budget.

The Ordinance format is similar to the one utilized to adopt the 2010/11 fiscal year. However, a section was added to establish the Committed Fund Balance to be utilized for the Capital Reserve as required by our new Fund Balance Policy.

If you have any questions, please feel free to contact me.

EMS/act

Attachment

CCO1750-11

ORDINANCE NO. 2011-__

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2011, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2011/2012 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED CAPITAL APPROPRIATIONS; ESTABLISHING THE COMMITTED FUND BALANCE FOR CAPITAL RESERVE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:

Section 1. The tentative 2011/2012 Operating and Capital Improvement Program Budget, reviewed and approved by the City Commission on July 21, 2011, a copy of said budget being attached hereto and made a part hereof as specifically as if set forth at length herein, be and the same is hereby established and adopted as the City of Aventura's final budget for the 2011/2012 fiscal year. The tentative budget adopted hereby may be amended or adjusted by a motion approved by a majority vote of the City Commission at the public hearings in accordance with State Statutes.

Section 2. Expenditure of Funds Appropriated in the Budget Authorized. Funds appropriated in the Budget may be expended by and with the approval of the City Manager in accordance with the provisions of the City Charter and applicable law. Funds of the City shall be expended in accordance with the appropriations provided in the

Budget adopted by this Ordinance and shall constitute an appropriation of the amounts specified therein. Supplemental appropriations or the reduction of appropriations, if any, shall be made in accordance with Section 4.07 of the City Charter.

Section 3. Budgetary Control. The 2011/2012 Operating and Capital Outlay Budget establishes a limitation on expenditures by department total. Said limitation requires that the total sum allocated to each department for operating and capital expenses may not be increased or decreased without specific authorization by a duly-enacted Resolution affecting such amendment or transfer. Therefore, the City Manager may authorize transfers from one individual line item account to another, so long as the line item accounts are within the same department and fund.

Section 4. Personnel Authorization. The "Personnel Allocation Summary" included within each department budget enumerates all authorized budgeted positions for appointment by the City Manager. All personnel filling said authorized positions shall be paid pursuant to the City's Budget, Personnel Policies and/or collective bargaining agreements.

Section 5. Grants and Gifts. When the City of Aventura receives monies from any source, be it private or governmental, by Grant, Gift, or otherwise, to which there is attached as a condition of acceptance any limitation regarding the use or expenditures of the monies received, the funds so received need not be shown in the Operating Budget nor shall said budget be subject to amendment of expenditures as a result of the receipt of said monies, but said monies shall only be disbursed and applied toward the purposes

for which the said funds were received. To ensure the integrity of the Operating Budget, and the integrity of the monies received by the City under Grants or Gifts, all monies received as contemplated above must, upon receipt, be segregated and accounted for based upon generally accepted accounting principles and where appropriate, placed into separate and individual trust and/or escrow accounts from which any money drawn may only be disbursed and applied within the limitations placed upon the Gift or Grant as aforesaid.

Section 6. Amendments. Upon the passage and adoption of the 2011/2012 fiscal year Budget for the City of Aventura, if the City Manager determines that an Operating Department Total or a Capital Outlay Line Item will exceed its original appropriation, the City Manager is hereby authorized and directed to prepare such Resolutions as may be necessary and proper to modify any line item from the Budget hereby.

Section 7. Encumbrances.

1. All outstanding encumbrances for operating expenditures at September 30, 2011 shall lapse at that time; and,
2. All outstanding encumbrances for Capital Expenditures as of September 30, 2011 shall lapse at that time; and, that all unexpended Capital appropriations, including outstanding encumbrances, may be added, at the City Manager's discretion, to the corresponding 2010/2011 available balances and be simultaneously re-appropriated for capital expenditures, as previously approved in the 2010/2011 fiscal year; and,
3. It is contemplated and acknowledged that the possible addition of available Capital balances in the General Fund and other Funds and their simultaneous re-appropriation, at the City Manager's discretion, under this Section shall not be interpreted or construed as an increase in revenues available for appropriation under Section 4.07 of the City Charter or as a variation of the total budget under Section 6 of the City's Original Budget Ordinance.

Section 8. Committed Fund Balance. The Committed Fund Balance to be utilized for the Capital Reserve, as established in the 2011/2012 Budget, is \$15,193,488 (effective September 30, 2011).

Section 9. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 10. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner ____, who moved its adoption on first reading. This motion was seconded by Commissioner ____, and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	___
Commissioner Teri Holzberg	___
Commissioner Billy Joel	___
Commissioner Michael Stern	___
Commissioner Luz Urbáez Weinberg	___
Vice Mayor Zev Auerbach	___
Mayor Susan Gottlieb	___

The foregoing Ordinance was offered by Commissioner ____, who moved its adoption on second reading. This motion was seconded by Commissioner __ and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	___
Commissioner Teri Holzberg	___
Commissioner Billy Joel	___
Commissioner Michael Stern	___
Commissioner Luz Urbáez Weinberg	___
Vice Mayor Zev Auerbach	___
Mayor Susan Gottlieb	___

PASSED AND ADOPTED on first reading this 13th day of September, 2011.

PASSED AND ADOPTED on second reading this 21st day of September, 2011.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

**Weiss Serota Helfman Pastoriza
Cole & Boniske, P.L.**

Memo

To: Mayor and City Commission
City of Aventura

cc: Eric M. Soroka, City Manager

From: David M. Wolpin, City Attorney's Office.

Date: July 19, 2011

Re: Ordinance Revising Code to Address 2011 Legislative Preemption and Penalties for Firearms Regulations

AGENDA ITEM 3-C

RECOMMENDATION: The attached ordinance is proposed to change those portions of the Code which should be revised to eliminate conflict with the State preemption and avoid the potential for sanctions.

BACKGROUND: Chapter 790, Florida Statutes, regulates weapons and firearms throughout the State. Section 790.33, F.S., adopted in 1987 preempts all local regulations related to ammunition and firearms. The Florida Legislature, during its 2011 session, adopted HB 45 which revises Section 790.33, F.S., and provides significant penalties, both personal and corporate, to any person or organization *adopting* or *enforcing* local ammunition or firearm regulations which are preempted by the State.

Specifically, the preemption states (existing preemption, as coupled with the amendment effective October 1, 2011):

Section 790.33. Field of regulation of firearms and ammunition preempted.

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules or regulations are hereby declared null and void.

Portions of the City Code address firearms. Previously, there were no penalties for having firearm regulations and a local government may simply have chosen not to enforce preempted

firearm regulations. However, the new penalties enacted by the legislature are serious enough that we recommend removing the provisions from the City Code to avoid the possibility of some Official or employee overlooking the preemption in the future.

The new penalties for adopting or enforcing firearms regulations in violation of the preemption are extremely onerous and apply not only to the City itself, but also to the individual elected or appointed officials adopting regulations or enforcing regulations. Specifically, from and after October 1, 2011, the repercussions of adopting or enforcing preempted firearm regulations include:

- Court Injunction against enforcement
- Knowing and willful violation – up to a \$5,000 fine against the elected or appointed local government official under whose jurisdiction the violation occurred.
- Public funds may not be used or reimbursed for the defense of a person found to have willfully and knowingly violated the statute.
- Violation is cause for termination of employment or removal from office by the Governor.
- Prevailing Plaintiff's attorney's fees, *including* a contingency fee multiplier.
- Actual damages up to \$100,000.

Attachments 1: Ordinance
2: Memo Summarizing State Laws Governing Firearms and Legislative Alert re House Bill 45 from Florida League of Cities

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING THE CITY CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," AND CHAPTER 30 "ENVIRONMENT," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the requirements of Florida Law; and

WHEREAS, the Florida Statutes were amended in 1987 to address the regulation of ammunition and firearms throughout the state and to attempt to pre-empt the regulation of that field to the State; and

WHEREAS, the City has previously conformed to the firearm preemption by simply not enforcing any City Code provision which was inconsistent with the preemption; and

WHEREAS, the Florida Legislature has, by the adoption of House Bill 45 during the 2011 session, further expanded the preemption of the field of firearms and ammunition , and adopted additional penalties and repercussions for the adoption and enforcement of preempted local regulations of firearms; and

WHEREAS, the City Commission desires to eliminate preempted regulations of ammunition and firearms from the City's Code; and

WHEREAS, ammunition and firearms are addressed in Chapter 2, "Administration," and Chapter 30, "Environment;" of the City Code; and

WHEREAS, the City Commission has reviewed this Ordinance at a duly noticed hearing and determined that it is consistent with State Law; and

WHEREAS, the City Commission hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals are hereby adopted and confirmed.

Section 2. City Code Amended. That Article VIII, "Emergency Management," of Chapter 2, "Administration" of the City Code is amended to read as follows:¹

Chapter 2 – Administration.

* * *

Article VIII. – Emergency Management.

* * *

Sec. 2-404. - Declaration of a state of emergency.

- (a) The City Manager shall have the sole authority to declare a state of emergency.
- (b) Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article shall be confirmed by the City Commission by resolution no later than at the next regular meeting, unless the nature of the emergency renders a meeting of the City Commission impossible. Confirmation of the emergency declaration shall disclose the reasons for actions proposed and taken to manage the emergency, and other pertinent data relating to the emergency requiring the declaration.
- (c) Emergency resolutions or orders authorized by this article may include, but are not limited to, the following subjects:
 - (1) Evacuation;

¹ Proposed additions to existing City Code text are indicated by underline; proposed deletions from existing City Code text are indicated by ~~strikethrough~~.

- (2) Curfews; declaration of areas off limits;
- (3) Suspension or regulation of the sale of, or offer to sell, with or without consideration: alcoholic beverages; ~~ammunition; firearms;~~ explosives; or combustibles;

* * *

Sec. 2-406. - Police emergencies.

(a) An emergency may be declared because of civil unrest or imminent threat to public peace or order when the Chief of Police, or if unavailable, the next highest ranking officer in the Police Department chain of command certifies to the City Manager that an emergency condition arising from hostile actions of others, armed or unarmed or other imminent threat to public peace or order, requires extraordinary measures for control, including, but not limited to curfew; blockade; proscription of the sale of ~~firearms, other~~ weapons or alcohol beverages; explosives and combustibles; evacuation; and other similar actions. The City Manager may issue a declaration of a state of emergency in accordance with section 2-404. This Section shall not apply to firearms as regulated by Chapter 790, Florida Statutes.

Section 3. City Code Amended. That Section 30-33, "Specific noises prohibited," of Article II, "Noise," of Chapter 30, "Environment" of the City Code is amended to read as follows:

Sec. 30-33. - Specific noises prohibited.

The following acts are declared to constitute a violation of this article:

* * *

- (6) ~~Firearms or e~~ Explosives. The use or firing of any explosives, ~~firearms~~ or similar devices, except in an emergency, or using or firing firecrackers, skyrockets or the like without the prior approval of the City Manager. Nothing in this subsection shall prohibit the use of nail guns used in construction.

Section 4. Repeal. That all ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict. Further, that any rule, regulation, ordinance or resolution that purports to regulate firearms in a manner contrary to the preemption provided by Sec. 790.33 F.S., is hereby repealed to the extent preempted and shall be deemed to be stricken from any compilation of rules and regulations for municipal facilities or premises.

Section 5. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Code. That it is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Aventura, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 7. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Joel, who moved its adoption on first reading. This motion was seconded by Commissioner Holzberg, and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	yes
Commissioner Teri Holzberg	yes
Commissioner Billy Joel	yes
Commissioner Michael Stern	yes
Commissioner Luz Urbàez Weinberg	yes
Vice Mayor Zev Auerbach	yes
Mayor Susan Gottlieb	yes

The foregoing Ordinance was offered by Commissioner _____ who moved its adoption on second reading. This motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbàez Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED on first reading this 6th day of September, 2011.

PASSED AND ADOPTED on second reading this ____ day of _____, 2011.

Susan Gottlieb, Mayor

ATTEST:

Teresa M. Soroka, MMC
City Clerk

Approved as to Form and Legal Sufficiency:

City Attorney



To: Municipal Officials and Attorneys

From: Ryan Matthews

Date: July 14, 2011

Re: State Laws on Firearms and Ammunition

During the 2011 Legislative session, the Legislature changed various laws relating to local regulation of firearms and ammunition. Attached is a legislative alert regarding HB 45, and a copy of Enrolled HB 45. This law strengthens the current state preemption with regard to the regulation of firearms, which was passed by the Legislature in 1987. HB 45 provides civil penalties for governments, elected officials and employees who attempt to regulate firearms or ammunition in violation of the preemption. Due to the preemption and new penalty provisions, it is important to consult with your city attorney to identify any local ordinances, rules or regulations that may need to be amended (see attached Alert).

This memo provides a list of state laws regulating firearms and ammunition available for enforcement by local governments. The laws are separated into three sections: (1) laws that apply to all Floridians or universal firearm statutes; (2) laws that apply to those Floridians with a concealed firearms/weapons permit; and (3) other potentially applicable laws.

Section 1 – Universal firearm statutes

Generally, Chapter 790, Florida Statutes, regulates the control, possession, sale, discharge, and manufacture of weapons and firearms in the state. Chapter 790 also lists varying penalties depending on the severity of the violation and the violator's criminal background. Section 790.001, Florida Statutes, defines "firearm" to mean any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an

explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

- Carrying a concealed firearm – A person who does not have concealed weapons permit may not carry a concealed firearm. Section 790.01, Florida Statutes.
- Open carrying of a firearm – A person may not openly carry on or about his person any firearm. Section 790.053, Florida Statutes.
- Discharging firearm in public – A person may not discharge a firearm knowingly in any public place or on the right of way of any paved public road, highway, or street, or occupied premises. This section does not apply to a person who is lawfully defending life or property or performing official duties requiring the discharge of a firearm. Subsection 790.15(1), Florida Statutes.
 - Any person or occupant of any vehicle may not knowingly and willfully discharge a firearm from a vehicle within 1,000 feet of another person. Subsection 790.15(2), Florida Statutes.
 - Any driver or owner of any vehicle, whether or not the owner of the vehicle is occupying the vehicle, may not knowingly direct any other person to discharge a firearm from the vehicle. Subsection 790.15(3), Florida Statutes.
- Using firearms while under the influence of alcoholic beverages, chemical substances, or controlled substances - As used in the law, to “use a firearm” means to discharge a firearm or to have a firearm readily accessible for immediate discharge; and “readily accessible for immediate discharge” means loaded and in a person’s hand. It is unlawful for any person who is under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that his or her normal faculties are impaired, to use a firearm. Section 790.151, Florida Statutes.
- Shooting into dwellings, public or private buildings, occupied or not occupied, vessels, aircraft, buses, railroad cars, streetcars, or other vehicles – A person may not, wantonly or maliciously, shoot at, within, or into any public or private building, occupied or unoccupied, or public or private bus or any train, locomotive, railway car, caboose, cable

railway car, street railway car, monorail car, or vehicle of any kind which is being used or occupied by any person, or any boat, vessel, ship or barge lying in or plying the waters of the state, or aircraft flying in the airspace of the state. Section 790.19, Florida Statutes.

- Improper exhibition of firearms – A person may not, in the presence of one or more persons, display a firearm in a rude, careless, angry, or threatening manner except for necessary self-defense. Section 790.10, Florida Statutes.
- Possessing or discharging firearms at a school-sponsored event on school property – A person may not exhibit a firearm, except as authorized in support of school sanctioned activities, in a rude, careless, angry or threatening manner at a school-sponsored event or on the property of any school, school bus, or school bus stop or within 1000 feet of the real property that comprises a public or private elementary school, middle school, or secondary school, during school hours or during the time of a sanctioned school activity. A person also may not possess or discharge a firearm on the property of any school, school bus or school bus stop. For the purposes of this section a “school” means any preschool, elementary school, middle school, junior high school, secondary school, career center, or post-secondary school, whether public or private. Section 790.115, Florida Statutes.
- Crimes in Pharmacies: possession of weapons – A person may not possess a concealed firearm within the premises of a pharmacy. Section 790.145, Florida Statutes.
- Discharging Machine guns – A person may not shoot or discharge any machine gun upon, across, or along any road, street, or highway in the state; upon or across any public park in the state; or in, upon, or across any public place where people are accustomed to assemble in the state. This section does not apply to the use of such machine guns by any law enforcement officer while in the discharge of his or her lawful duty. Section 790.16, Florida Statutes.
- Furnishing firearms to minors under 18 years of age – A person may not knowingly or willfully sell or transfer a firearm to a minor under 18 years of age, except that a person may transfer ownership of a firearm to a minor with permission of the parent or guardian, and the parent or guardian must maintain possession of the firearm. Section 790.17, Florida Statutes.

- Safe storage of firearms required – A person who stores or leaves, on a premise under his or her control, a loaded firearm, as defined in s. 790.001, and who knows or reasonably should know that a minor is likely to gain access to the firearm without the lawful permission of the minor’s parent or the person having charge of the minor, or without the supervision required by law, shall keep the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or shall secure it with a trigger lock, except when the person is carrying the firearm on his or her body or within such close proximity thereto that he or she can retrieve and use it as easily and quickly as if he or she carried it on his or her body. Section 790.174, Florida Statutes.
- Use of BB guns, air or gas operated guns, or electric weapons by minor under 16; possession of a firearm by minor under 18– The Florida Statutes do not appear to have a specific regulation relating to the firing of a BB gun by an adult who is over the age of 19; also a BB gun may not be considered to be a “firearm” for purposes of the preemption in section 790.33, Florida Statutes.
 - The use for any purpose of a BB gun, or electric weapons or devices, by an unsupervised minor under the age of 16 is prohibited; supervising adults must have the permission of the minor’s parent that the child may participate in the activity.
 - A minor under 18 years of age may not possess a firearm, other than an unloaded firearm at his or her home, unless: the minor is engaged in a lawful hunting activity or the minor is engaged in a lawful marksmanship activity or recreational shooting competition. Section 790.22, Florida Statutes.
- Possession of short-barreled rifle, short-barreled shotgun, or machine gun - A person may not own or have in his or her care, custody, possession, or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable; but this section shall not apply to antique firearms. Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted. Section 790.221, Florida Statutes.
- Felons and delinquents; possession of firearms, ammunition, or electronic weapons - A person may not own or to have in his or her care, custody, possession, or control any firearm, if that person has been:

- Convicted of a felony in the courts of this state;
 - Found, in the courts of this state, to have committed a delinquent act that would be a felony if committed by an adult and such person is under 24 years of age;
 - Convicted of or found to have committed a crime against the United States which is designated as a felony;
 - Found to have committed a delinquent act in another state, territory, or country that would be a felony if committed by an adult and which was punishable by imprisonment for a term exceeding 1 year and such person is under 24 years of age; or
 - Found guilty of an offense that is a felony in another state, territory, or country and which was punishable by imprisonment for a term exceeding 1 year.
 - This section shall not apply to a person convicted of a felony whose civil rights and firearm authority have been restored. Section 790.23, Florida Statutes.
- Possession of firearm or ammunition prohibited when person is subject to an injunction against committing acts of domestic violence - A person may not have in his or her care, custody, possession, or control any firearm or ammunition if the person has been issued a final injunction that is currently in force and effect, restraining that person from committing acts of domestic violence, and that has been issued under s. 741.30. Section 790.233, Florida Statutes.
 - Armor-piercing or exploding ammunition or dragon's breath shotgun shells, bolo shells, or flechette shells prohibited – A person may not manufacture, sell, offer to sell, or deliver and a person is restricted from possessing any armor-piercing bullet or exploding bullet, or dragon's breath shotgun shell, bolo shell, or flechette shell. Subsection 790.31(2), Florida Statutes.
 - Field of Regulation of firearms and ammunition preempted - Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state

government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void. Section 790.33, Florida Statutes.

- This subsection shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited. Subsection 790.33(1), Florida Statutes.

Section 2 – Statutes that pertain to persons with Concealed Firearms/Weapons Permits (CWP)

In Florida, if a person has registered with the Department of Agriculture and Consumer Services and is legally permitted to carry a registered firearm, there are still general laws with which the person must abide. The state imposes restrictions on places a person is allowed to carry a firearm, which are in addition to federal restrictions.

- Concealed Firearms/Weapons Permit; restrictions – The possession of a concealed firearms/weapons permit does not allow a person to bring a firearm in the following areas. Note the existence or non-existence of a concealed firearms/weapons permit does not preclude a person from violating the law if they possess a firearm in one of the below defined areas:
 - 1. Any place of nuisance as defined in s. 823.05;
 - Subsection 823.05(1), Florida Statutes, provides: whoever shall erect, establish, continue, or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community, or become manifestly injurious to the morals or manners of the people as described in s. 823.01, or any house or place of prostitution, assignation, lewdness or place or building where games of chance are engaged in violation of law or any place where any law of the state is violated, shall be deemed guilty of maintaining a nuisance, and the building, erection, place, tent or booth and the furniture, fixtures, and contents are declared a nuisance.
 - 2. Any police, sheriff, or highway patrol station;

- 3. Any detention facility, prison, or jail;
 - 4. Any courthouse;
 - 5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;
 - 6. Any polling place;
 - 7. Any meeting of the governing body of a county, public school district, municipality, or special district;
 - 8. Any meeting of the Legislature or a committee thereof;
 - 9. Any school, college, or professional athletic event not related to firearms;
 - 10. Any elementary or secondary school facility or administration building;
 - 11. Any career center;
 - 12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
 - 13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;
 - 14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or
 - 15. Any place where the carrying of firearms is prohibited by federal law. Subsection 790.06(12), Florida Statutes.
- Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity - Notwithstanding s. 790.01, a resident of the United States who is a nonresident of Florida may carry a concealed firearm while in this state if the nonresident:
 - Is 21 years of age or older; and
 - Has in his or her immediate possession a valid license to carry a concealed weapon or concealed firearm issued to the nonresident in his or her state of residence.

- A nonresident is subject to the same laws and restrictions with respect to carrying a concealed weapon or concealed firearm as a resident of Florida who is so licensed. Section 790.015, Florida Statutes.

Section 3 – Other Potentially Applicable Laws

The following section includes other applicable laws that may be appropriate when dealing with the discharge, possession, transfer, or concealment of a firearm.

- General Nuisances – All nuisances that tend to annoy the community, injure the health of the citizens in general, or corrupt the public morals are misdemeanors of the second degree. Section 823.01, Florida Statutes
- Specific Nuisances – Whoever shall erect, establish, continue, or maintain, own or lease any building, booth, tent or place which tends to annoy the community or injure the health of the community, or become manifestly injurious to the morals or manners of the people as described in s.823.01, or any house or place of prostitution, assignation, lewdness or place or building where games of chance are engaged shall be guilty of maintaining a nuisance, and the building, erection, place, tent, or booth and the furniture, fixtures, and contents shall be declared a nuisance. Section 823.05, Florida Statutes.
- Breach of the Peace – Whoever commits such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engages in brawling or fighting, or engages in such conduct as to constitute a breach of the peace or disorderly conduct shall be guilty of a misdemeanor. Section 877.03, Florida Statutes.
- Lawful ownership, possession, and use of firearms - The provisions of ss. 790.053 (Open carrying of firearms) and 790.06 (License to carry concealed firearm) do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:
 - Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard, organized reserves, and other

- armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;
- Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;
 - Persons carrying out or training for emergency management duties under chapter 252;
 - Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;
 - Officers or employees of the state or United States duly authorized to carry a concealed weapon;
 - Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;
 - Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;
 - A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;
 - A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

- A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;
- A person firing weapons in a safe and secure indoor range for testing and target practice;
- A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;
- A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business.
- A person possessing arms at his or her home or place of business;
- Investigators employed by the several public defenders of the state, while actually carrying out official duties;
 - Construction.—This act shall be liberally construed to carry out the declaration of policy herein and in favor of the constitutional right to keep and bear arms for lawful purposes. This act is supplemental and additional to existing rights to bear arms now guaranteed by law and decisions of the courts of Florida and nothing herein shall impair or diminish any of such rights. This act shall supersede any law, ordinance, or regulation in conflict herewith. Subsections 790.25 (3) and (4), Florida Statutes.
- Possession of a firearm in a Private Conveyance. — It is lawful and is not a violation of s. 790.01 for a person 18 years of age or older to possess a concealed firearm for self-defense or other lawful purpose within the interior of a private conveyance, without a license, if the firearm or other weapon is securely encased or is otherwise not readily accessible for immediate use. Nothing in the statute prohibits the carrying of a legal firearm other than a handgun anywhere in a private conveyance when such firearm is being carried for a lawful use. These laws shall not be construed to authorize the carrying of a concealed firearm or other weapon on the person. This subsection shall be liberally construed in favor of the lawful use, ownership, and possession of firearms and other

weapons, including lawful self-defense as provided in s. 776.012. Subsection 790.25(5), Florida Statutes.

- Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes – The Legislature has determined that individual citizens have a constitutional right to keep and bear arms, that they have a constitutional right to possess and keep legally owned firearms within their motor vehicles for self-defense and other lawful purposes, and that these rights are not abrogated by virtue of a citizen becoming a customer, employee, or invitee of a business entity. The Legislature finds that a citizen's lawful possession, transportation, and secure keeping of firearms and ammunition within his or her motor vehicle is essential to the exercise of the fundamental constitutional right to keep and bear arms and the constitutional right of self-defense. The Legislature finds that protecting and preserving these rights is essential to the exercise of freedom and individual responsibility. The Legislature further finds that no citizen can or should be required to waive or abrogate his or her right to possess and securely keep firearms and ammunition locked within his or her motor vehicle by virtue of becoming a customer, employee, or invitee of any employer or business establishment within the state, unless specifically required by state or federal law.
 - No public or private employer may violate the constitutional rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):
 - (a) No public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.
 - (b) No public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party

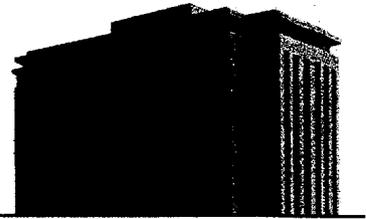
concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law enforcement personnel based upon due process and must comply with constitutional protections.

- (c) No public or private employer shall condition employment upon either:
 - 1. The fact that an employee or prospective employee holds or does not hold a concealed firearms/weapons license issued pursuant to s. 790.06; or
 - 2. Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.
- (d) No public or private employer shall prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the employer's place of business because the customer's, employee's, or invitee's private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer's, employee's, or invitee's private motor vehicle.
- (e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes. Section 790.251, Florida Statutes.

While the Florida Legislature has gone to great lengths to ensure local governments may not regulate the area of firearms and ammunitions, the purpose of this memorandum is to provide local governments with the resources with which it may enforce violations of state laws.



LEGISLATIVE ALERT



IMMEDIATE ACTION REQUESTED

June 28, 2011

LOCAL REGULATION OF FIREARMS AND AMMUNITION: PENALTIES FOR VIOLATING STATE PREEMPTION

CS/CS/CS/HB 45 (Rep. Gaetz) imposes a financial penalty on governments, elected officials, or staff that adopts policies or takes enforcement action violating the existing state law preemption of firearms and ammunition regulation. The bill was approved by the Governor, is designated as Chapter No. 2011-109, and becomes effective on October 1, 2011.

Under current law, section 790.33, Florida Statutes, the state has preempted “the whole field of regulation of firearms and ammunition” to the exclusion of any city or county ordinances, regulations or rules. Under HB 45, city officials or employees who willfully and knowingly violate the preemption would be personally liable for a fine of up to \$5,000. A willful and knowing violation of the preemption is also grounds for termination of employment or contract, or removal from office by the governor. Also, public funds may not be used to defend or reimburse the unlawful conduct of any person found to have knowingly and willfully violated the preemption. An ordinance, regulation or rule that violates the preemption is to be ruled invalid and a permanent injunction is to be issued prohibiting its enforcement. A government could be liable for actual damages up to \$100,000 and for the plaintiff’s attorney’s fees. For example, under HB 45, an elected city official passing or a city employee enforcing an ordinance prohibiting guns in parks, discharging guns within city limits, or otherwise restricting guns could be personally liable and the government could also be liable.

Your city attorney should likely review your city’s codes for any existing firearms or ammunition related ordinances, regulations or rules. Such an ordinance, regulation or rule should be carefully considered to determine if it violates the state preemption. (Attached is a news article on recent actions taken by Leon County addressing existing ordinances determined by the county attorney to be subject to the state preemption.) The new law is effective October 1, 2011, and your city should have taken any corrective actions prior to this date.

- If you have any questions on this matter, please contact Kraig Conn (kconn@flcities.com) or Rebecca O’Hara (rohara@flcities.com), at 850-222-9684.

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2011 Legislature

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Section 1. Section 790.33, Florida Statutes, is amended to read:

790.33 Field of regulation of firearms and ammunition preempted.—

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void. This subsection shall not affect zoning ordinances which encompass firearms businesses along with other businesses. Zoning ordinances which are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this subsection and are prohibited.

~~(2) LIMITED EXCEPTION; COUNTY WAITING PERIOD ORDINANCES.—~~

~~(a) Any county may have the option to adopt a waiting period ordinance requiring a waiting period of up to, but not to exceed, 3 working days between the purchase and delivery of a handgun. For purposes of this subsection, "purchase" means payment of deposit, payment in full, or notification of intent~~

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57 ~~to purchase. Adoption of a waiting period ordinance, by any~~
 58 ~~county, shall require a majority vote of the county commission~~
 59 ~~on votes on waiting period ordinances. This exception is limited~~
 60 ~~solely to individual counties and is limited to the provisions~~
 61 ~~and restrictions contained in this subsection.~~

62 ~~(b) Ordinances authorized by this subsection shall apply~~
 63 ~~to all sales of handguns to individuals by a retail~~
 64 ~~establishment except those sales to individuals exempted in this~~
 65 ~~subsection. For purposes of this subsection, "retail~~
 66 ~~establishment" means a gun shop, sporting goods store, pawn~~
 67 ~~shop, hardware store, department store, discount store, bait or~~
 68 ~~tackle shop, or any other store or shop that offers handguns for~~
 69 ~~walk-in retail sale but does not include gun collectors shows or~~
 70 ~~exhibits, or gun shows.~~

71 ~~(c) Ordinances authorized by this subsection shall not~~
 72 ~~require any reporting or notification to any source outside the~~
 73 ~~retail establishment, but records of handgun sales must be~~
 74 ~~available for inspection, during normal business hours, by any~~
 75 ~~law enforcement agency as defined in s. 934.02.~~

76 ~~(d) The following shall be exempt from any waiting period:~~

77 ~~1. Individuals who are licensed to carry concealed~~
 78 ~~firearms under the provisions of s. 790.06 or who are licensed~~
 79 ~~to carry concealed firearms under any other provision of state~~
 80 ~~law and who show a valid license;~~

81 ~~2. Individuals who already lawfully own another firearm~~
 82 ~~and who show a sales receipt for another firearm; who are known~~
 83 ~~to own another firearm through a prior purchase from the retail~~
 84 ~~establishment; or who have another firearm for trade-in;~~

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- 85 ~~3. A law enforcement or correctional officer as defined in~~
 86 ~~s. 943.10;~~
 87 ~~4. A law enforcement agency as defined in s. 934.02;~~
 88 ~~5. Sales or transactions between dealers or between~~
 89 ~~distributors or between dealers and distributors who have~~
 90 ~~current federal firearms licenses; or~~
 91 ~~6. Any individual who has been threatened or whose family~~
 92 ~~has been threatened with death or bodily injury, provided the~~
 93 ~~individual may lawfully possess a firearm and provided such~~
 94 ~~threat has been duly reported to local law enforcement.~~

95 (2)(3) POLICY AND INTENT.-

96 (a) It is the intent of this section to provide uniform
 97 firearms laws in the state; to declare all ordinances and
 98 regulations null and void which have been enacted by any
 99 jurisdictions other than state and federal, which regulate
 100 firearms, ammunition, or components thereof; to prohibit the
 101 enactment of any future ordinances or regulations relating to
 102 firearms, ammunition, or components thereof unless specifically
 103 authorized by this section or general law; and to require local
 104 jurisdictions to enforce state firearms laws.

105 (b) It is further the intent of this section to deter and
 106 prevent the violation of this section and the violation of
 107 rights protected under the constitution and laws of this state
 108 related to firearms, ammunition, or components thereof, by the
 109 abuse of official authority that occurs when enactments are
 110 passed in violation of state law or under color of local or
 111 state authority.

112 (3) PROHIBITIONS; PENALTIES.-

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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113 (a) Any person, county, agency, municipality, district, or
 114 other entity that violates the Legislature's occupation of the
 115 whole field of regulation of firearms and ammunition, as
 116 declared in subsection (1), by enacting or causing to be
 117 enforced any local ordinance or administrative rule or
 118 regulation impinging upon such exclusive occupation of the field
 119 shall be liable as set forth herein.

120 (b) If any county, city, town, or other local government
 121 violates this section, the court shall declare the improper
 122 ordinance, regulation, or rule invalid and issue a permanent
 123 injunction against the local government prohibiting it from
 124 enforcing such ordinance, regulation, or rule. It is no defense
 125 that in enacting the ordinance, regulation, or rule the local
 126 government was acting in good faith or upon advice of counsel.

127 (c) If the court determines that a violation was knowing
 128 and willful, the court shall assess a civil fine of up to \$5,000
 129 against the elected or appointed local government official or
 130 officials or administrative agency head under whose jurisdiction
 131 the violation occurred.

132 (d) Except as required by applicable law, public funds may
 133 not be used to defend or reimburse the unlawful conduct of any
 134 person found to have knowingly and willfully violated this
 135 section.

136 (e) A knowing and willful violation of any provision of
 137 this section by a person acting in an official capacity for any
 138 entity enacting or causing to be enforced a local ordinance or
 139 administrative rule or regulation prohibited under paragraph (a)
 140 or otherwise under color of law shall be cause for termination

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141 of employment or contract or removal from office by the
 142 Governor.

143 (f) A person or an organization whose membership is
 144 adversely affected by any ordinance, regulation, measure,
 145 directive, rule, enactment, order, or policy promulgated or
 146 caused to be enforced in violation of this section may file suit
 147 against any county, agency, municipality, district, or other
 148 entity in any court of this state having jurisdiction over any
 149 defendant to the suit for declaratory and injunctive relief and
 150 for actual damages, as limited herein, caused by the violation.

151 A court shall award the prevailing plaintiff in any such suit:

152 1. Reasonable attorney's fees and costs in accordance with
 153 the laws of this state, including a contingency fee multiplier,
 154 as authorized by law; and

155 2. The actual damages incurred, but not more than
 156 \$100,000.

157
 158 Interest on the sums awarded pursuant to this subsection shall
 159 accrue at the legal rate from the date on which suit was filed.

160 (4) EXCEPTIONS.—This section does not prohibit:

161 (a) Zoning ordinances that encompass firearms businesses
 162 along with other businesses, except that zoning ordinances that
 163 are designed for the purpose of restricting or prohibiting the
 164 sale, purchase, transfer, or manufacture of firearms or
 165 ammunition as a method of regulating firearms or ammunition are
 166 in conflict with this subsection and are prohibited;

167 (b) A duly organized law enforcement agency from enacting
 168 and enforcing regulations pertaining to firearms, ammunition, or

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169 firearm accessories issued to or used by peace officers in the
170 course of their official duties;

171 (c) Except as provided in s. 790.251, any entity subject
172 to the prohibitions of this section from regulating or
173 prohibiting the carrying of firearms and ammunition by an
174 employee of the entity during and in the course of the
175 employee's official duties;

176 (d) A court or administrative law judge from hearing and
177 resolving any case or controversy or issuing any opinion or
178 order on a matter within the jurisdiction of that court or
179 judge; or

180 (e) The Florida Fish and Wildlife Conservation Commission
181 from regulating the use of firearms or ammunition as a method of
182 taking wildlife and regulating the shooting ranges managed by
183 the commission.

184 (5) ~~(b)~~ SHORT TITLE.—As created by chapter 87-23, Laws of
185 Florida, this section shall be known and may be cited as the
186 "Joe Carlucci Uniform Firearms Act."

187 Section 2. This act shall take effect October 1, 2011.

CITY OF AVENTURA

COMMUNITY SERVICES DEPARTMENT

MEMORANDUM

TO: City Commission

FROM: Eric M. Soroka, City Manager

BY: Robert M. Sherman, Director of Community Services

DATE: September 9, 2011

SUBJECT: **Resolution Authorizing the City Manager to Execute the Attached Agreement with PEAR Programs, LLC to Perform Recreation Programs, Activities, Events, Classes and Athletic League Management Services as Set Forth in RFP #11-8-8-2**

September 21, 2011 City Commission Meeting Agenda Item 4

Recommendation:

It is recommended that the City Commission adopt the attached Resolution authorizing the City Manager to execute the attached Agreement between the City and PEAR Programs, LLC to perform recreation programs, activities, events, classes, and athletic league management services as set forth in Request for Proposals (RFP) # 04-4-5-2.

Background:

The attached Agreement provides for PEAR Programs LLC to perform recreation management services at the Community Recreation Center and City parks and facilities as set forth in the RFP. PEAR Programs, LLC will receive 70% of the revenues derived from registration fees collected by the City, with the City retaining 30%. The Agreement has been reviewed by the City Attorney and is similar to the Agreement that the City now has with Miami Fitness Connection, Inc.

In the event that additional personnel service are requested by the City for programs or events, the City will pay PEAR programs for those personnel on an hourly basis at a multiplier of 1.5 of the hourly rate. All of PEAR's volunteers and paid personnel shall complete the City's background screening process prior to having contact with children. PEAR Programs LLC will closely and actively supervise all children with a minimum of a 1/10 counselor/children ratio at all times.

The Agreement also calls for PEAR Programs, LLC to conduct and supervise recreation programs and services to the City, including but not limited to:

- All recreation programs, classes, activities at the Community Recreation Center and City parks.
- All camps:
 - Winter, Spring, and Summer Camps, including Travel and Sports Camp
- All athletic leagues:
 - Flag Football
 - Cheerleading
 - Boys and Girls Soccer
 - Basketball
 - Little League Baseball, Softball, and T-Ball
 - Sports clinics
- Special Event Support Services
 - Halloween
 - Founders Day
 - Senior Prom
- Concession and Snack Services upon request
- Other services as required.

The Agreement is for an initial five (5) year term, subject to renewals and extensions by mutual written agreement. If you have any further questions, please contact the City Manager directly.

RMS/gf

Attachments

RMS11024

RESOLUTION NO. 2011-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF AVENTURA AND PEAR PROGRAMS, LLC TO PERFORM RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES AS SET FORTH IN RFP 11-8-8-2; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, THAT:

Section 1. The City Manager is hereby authorized to execute the attached Agreement (the "Agreement") in substantially the form attached hereto, between the City of Aventura and PEAR Programs, LLC to perform recreation programs, activities, events, classes and athletic league management services as set forth in RFP 11-8-8-2.

Section 2. The City Manager is hereby authorized to do all things necessary to carry out the aims of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Bob Diamond	_____
Commissioner Teri Holzberg	_____
Commissioner Billy Joel	_____
Commissioner Michael Stern	_____
Commissioner Luz Urbáez-Weinberg	_____
Vice Mayor Zev Auerbach	_____
Mayor Susan Gottlieb	_____

PASSED AND ADOPTED this 21st day of September, 2011.

SUSAN GOTTLIEB , MAYOR

ATTEST:

TERESA M. SOROKA, MMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

CITY ATTORNEY

**AGREEMENT
BETWEEN THE CITY OF AVENTURA AND PEAR PROGRAMS, LLC
TO PROVIDE RECREATION PROGRAMS, ACTIVITIES, EVENTS,
CLASSES AND ATHLETIC LEAGUE MANAGEMENT SERVICES**

THIS AGREEMENT is entered into this 21st day of September, 2011 between the City of Aventura, a Florida municipal corporation, (CITY), and PEAR Programs, LLC (CONTRACTOR).

WHEREAS, the CITY desires to retain the professional services of CONTRACTOR to provide recreation programs, activities, events, classes and athletic league management services; and

WHEREAS, the CONTRACTOR desires to provide professional recreation programs, activities, events, classes and athletic league management services to the CITY and its residents.

**ARTICLE I
SCOPE OF SERVICES**

The CONTRACTOR agrees to:

- 1.1 Provide professional recreation programs, activities, events, classes and athletic league management services for CITY residents at the Aventura Community Recreation Center, CITY parks and facilities in accordance with the conditions and specifications as set forth in RFP # 11-8-8-2 (attached hereto as Exhibit "A") and all existing and future rules, regulations, and procedures relating to the usage of the CITY's facilities.
- 1.2 Conduct all recreation programs, activities, classes, events, leagues, and services as assigned by the City Manager, or his designee, in a professional, careful and responsible manner with due regard for the safety of the participants and others, during normal operating hours. CONTRACTOR shall also advise the Community Services Director, in writing, of all schedules, to which the Community Services Director may recommend changes.
- 1.3 Be solely responsible, at CONTRACTOR's sole expense, for securing, providing and compensating all assistants, instructors, counselors, officials, and other personnel costs associated with providing recreation programs, classes, activities, events, athletic leagues, or as required by the CITY, at its sole discretion. The CITY shall provide the necessary sports equipment, classrooms, athletic fields, and facilities for all recreation programs, and shall register participants for all programs as described in Section 1.2 at no cost to the CONTRACTOR. The CITY will provide office space where available.

- 1.4 Be solely responsible for procuring, providing and paying for player and staff uniforms, transportation, supplies, admissions, and all other costs associated with providing recreation programs, classes, activities, events and athletic leagues as may be required, and to perform these professional recreation management services safely and adequately.
- 1.5 Actively recruit and train volunteers to fulfill the roles of coaches, officials, scorekeepers, team parents, and other capacities for youth athletics and other programs.
- 1.6 Provide all recreation programs, activities, events, classes, and athletic leagues as directed by the Community Services Director, at his sole discretion. The Community Services Director shall authorize each activity, class, league, or program prior to planning registration and approve all schedules prior to conducting registration.
- 1.7 Provide proof or documentation that all officials used by CONTRACTOR are certified, as approved by the Community Services Director, prior to the start of each league.
- 1.8 Provide the CITY with a copy of rules for each league for CITY approval prior to the start of each season.
- 1.9 Provide that all coaches involved in youth sports or leagues shall be certified by the NYSCA (National Youth Sports Coaches Alliance), NAYS (National Association of Youth Sports), or other approved sanctioning organization.
- 1.10 Advise the CITY, at no charge, of specific purchasing needs including all other related costs.
- 1.11 Provide the CITY with any special maintenance requirements with at least seven (7) days prior notice. CITY shall approve all uniforms prior to issuance.
- 1.12 Actively supervise all recreation programs, classes, activities, events, athletic leagues, and other services, providing a minimum of one employee for each site during all activities. A 1/10 supervision ratio shall be maintained at all times for all programs and other activities.
- 1.13 Provide active supervision of all youth sports teams during all practices, clinics, and games. All children shall be constantly and appropriately supervised at all times.
- 1.14 Recognize that all City facilities shall be available for general public use at anytime, except for league games, or as otherwise authorized by the Community Services Director.

- 1.15 Be responsible for enforcing compliance with the approved rules for all leagues and programs. The CITY reserves the right to enact other rules, if necessary, at its sole discretion.
- 1.16 Have all of the CONTRACTOR's volunteers and employees complete Florida Department of Law Enforcement (FDLE) Volunteer and Employee Criminal History Screening (VECHS) or Florida Department of Children and Families (DCF) background screening in accordance with the Community Services Department Policy 1.7.1 prior to having contact with children. All background screening shall be completed using the CITY's LIVESCAN device during the times and dates as determined by the CITY. Furthermore, the CITY reserves the right to enforce trespass laws upon and/or suspend, bar, ban, or expel any CONTRACTOR employee, coach, volunteer, counselor, or instructor from any CITY facility, park or center for any reason, at its sole discretion, without recourse from the subject person or the CONTRACTOR.
- 1.17 Provide, upon request from the CITY, concession and snack services for leagues, events or other programs at various locations. CONTRACTOR shall arrange for such services at no expense to CITY. CITY shall approve menu items and pricing prior to the sale of any item.

ARTICLE 2

FEES AND COMPENSATION

- 2.1 The CONTRACTOR shall be compensated for services rendered pursuant to the Agreement from fees collected by the CITY from participants or teams participating in recreational programs, classes, and leagues. All fees shall be approved by the City Manager, and CONTRACTOR shall not alter existing fees, or introduce any new fees without the written approval of the City Manager. CONTRACTOR shall be paid 70% of all revenues derived from all recreational programs managed by CONTRACTOR hereunder after CITY's background screening costs have been deducted. Said payments shall be due and payable by the fifteenth of each month for revenues derived from the previous month.
- 2.2 CONTRACTOR shall collect revenues from concession and snack services as described in 1.17 herein, and shall pay the CITY 10% of the gross revenues by the fifteenth of each month from concession and snack revenues derived from the previous month.
- 2.3 CONTRACTOR shall not charge any participant for any other services not contained in the Agreement.
- 2.4 All items sold by CONTRACTOR shall be approved by the Community Services Director prior to offering any item for sale.

- 2.5 Upon special request from the CITY, CONTRACTOR shall provide hourly employees. Those persons shall remain employees of CONTRACTOR, not CITY. CONTRACTOR shall charge an amount equal to 1.5 of the employee's hourly salary. CONTRACTOR shall provide CITY with a list of hourly rates annually for all personnel classifications.
- 2.6 CONTRACTOR may solicit sponsors for recreational sports leagues, subject to CITY approval, at its sole discretion. Sponsors shall not be solicited without the express written consent of the Community Services Director.

ARTICLE 3

TERMINATION OF AGREEMENT

This Agreement may be terminated upon ten (10) days written notice from the CITY at CITY's sole discretion. In the event of termination by the CITY, the CONTRACTOR shall not be entitled to any compensation other than that earned prior to and during the notice period. CONTRACTOR may terminate this Agreement, at its sole discretion, by giving thirty (30) days written notice to the CITY.

ARTICLE 4

INDEPENDENT CONTRACTOR

CONTRACTOR has control over the means and methods by which it performs the services. CONTRACTOR, its employees and agents shall be deemed independent contractors and not agents or employees of the CITY, and shall not attain any rights or benefits generally afforded City employees; further, CONTRACTOR, its employees and agents shall not be deemed entitled to the CITY'S worker's compensation, insurance benefits or similar laws.

ARTICLE 5

INDEMNIFICATION CLAUSE

CONTRACTOR agrees to defend, indemnify and hold harmless the CITY from and against any and all claims, suits, damages, liabilities or causes of action arising during the term of this Agreement, arising out of, related to, or in any way connected with the performance or non-performance of any provision of this Agreement required of the CONTRACTOR, including personal injury, loss of life or damage to property and from and against any orders, judgment or decrees which may be entered, and from and against all costs, attorney's fees, and expenses incurred in and about the defense of any such claim and the investigation thereof. However, nothing shall be deemed to indemnify CITY for any liability or claim arising solely out of the negligent performance or failure of performance of CITY.

ARTICLE 6
INSURANCE

- 6.1 CONTRACTOR shall provide, pay for, and maintain in full force at all times during the period of this Agreement, each of those forms and amounts of insurance as is set forth in the "Insurance Requirements" section of the RFP, and shall name CITY as additional insured as required therein. The CONTRACTOR'S insurance coverage shall be considered the primary coverage.

ARTICLE 7
MISCELLANEOUS

- 7.1 CONTRACTOR shall, without additional expenses to CITY, be responsible for obtaining any necessary licenses and for complying with any applicable federal, state, county, and municipal laws, ordinances, and regulations in connection with the performance of the services specified herein. CONTRACTOR shall take proper safety and health precautions, including the employment of needed assistance, to protect participants, the CITY, the public and property of others. CONTRACTOR shall be responsible for all services performed during the term of this Agreement.
- 7.2 The CONTRACTOR shall not hold unauthorized classes or programs; promote any privately owned business; or solicit any participant in a CITY park or facility for any privately owned business. It is further understood that such action(s) may result in immediate termination of the Agreement and the forfeiture of all compensation due to the CONTRACTOR.
- 7.3 CONTRACTOR shall meet with the Community Services Director or designee, and shall attend all meetings as required.
- 7.4 No modification, amendment, or alteration of the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and equal dignity herewith.
- 7.5 This Agreement is non-transferable or assignable, and CONTRACTOR agrees not to transfer or assign the performance of services called for in the Agreement.
- 7.6 This Agreement sets forth the full and complete understanding of the Parties as of the effective date, and supersedes any and all negotiations, agreements, and representations made or dated prior to this Agreement.
- 7.7 This Agreement shall commence effective as of September 22, 2011 for an initial five (5) year term, subject to renewals and extensions by mutual written agreement. The City Manager shall act for CITY hereunder.

IN WITNESS THEREOF, the parties hereto have made and executed this Agreement on the date above:

CITY OF AVENTURA

By: _____

Eric M. Soroka, ICMA-CM
City Manager

ATTEST:

Teresa M. Soroka, MMC
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney

CONTRACTOR

BY: _____
PEAR Programs, LLC

**CITY OF AVENTURA
REQUEST FOR PROPOSALS
11-8-8-2**



**Recreation Programs, Activities, Events, Classes and
Athletic League Management Services
SUBMITTAL DATE: August 8, 2011 2:00 P.M.**

REQUEST FOR PROPOSALS
RFP # 11-8-8-2
CITY OF AVENTURA
RECREATION PROGRAMS, ACTIVITIES, EVENTS, CLASSES AND
ATHLETIC LEAGUE MANAGEMENT SERVICES

The City of Aventura is requesting proposals from qualified firms to provide recreation programs, activities, events, and athletic league management services for the City of Aventura. Interested firms may obtain the Request for Proposals package at www.cityofaventura.com/finance/bids.shtml, or at the following:

Finance Department
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Submittals must be received no later than 2:00 p.m. on August 8, 2011 and clearly marked on the outside" RFP # 11-8-8-2 Recreation Programs, Activities, Events, Classes and Athletic League Management Services". Late submittals will not be accepted.

Pursuant to City Code Sec. 2-260 (Ordinance 2002-12), public notice is hereby given that a "Cone of Silence" is imposed concerning this City's' competitive purchasing process, which generally prohibits communications concerning the RFP from the time of advertisement of the RFP until the beginning of the City Commission meeting at which the City Manager makes a written recommendation to the City Commission concerning the competitive purchase transaction. Please see the detailed specifications for the public solicitation for services for a statement fully disclosing the requirements of the "Cone of Silence".

CAMPAIGN FINANCE RESTRICTIONS ON VENDORS

- A. Pursuant to Ordinance 2005-14; City Code Section 2-420, vendors of the City are prohibited from in any way providing campaign contributions to City commission candidates.

- B. City Code Sec. 2-420. Prohibited campaign contributions by vendors.
 - (a) *General, prohibition, disqualification, definitions.*
 - (1) a. No vendor shall give, solicit for, deliver or provide a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the Offices of Mayor or Commissioner. Commencing on the effective date of this article, all proposed City contracts, as well as requests for proposals (RFP), requests for qualifications (RFQ), requests for letters of interest (RFLI), or solicitations of bids issued by the City, shall incorporated

notice of this section so as to notify potential vendors of the proscription embodied herein.

b. No candidate or campaign committee of a candidate for the Offices of Mayor or Commissioner, shall deposit into such candidate's campaign account any campaign contribution which is received directly or indirectly from a vendor or which such candidate or campaign committee knows or should know was solicited by or for a vendor or delivered or provided for a vendor. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming through examination of the official vendor list which is posted on the City's website to verify the vendor status of any potential contributor. A candidate or the campaign committee of a candidate shall not be in violation of this subsection if the vendor was not listed as a vendor on the City's website at the time that the contribution was received or deposited so long as the candidate or the campaign committee of a candidate did not know that the person or entity was a vendor of the City.

(2) Each prohibited act of giving, soliciting for, delivering or providing a campaign contribution or depositing a campaign contribution in violation of this section shall constitute a separate violation. All contributions deposited into a candidate's campaign account in violation of this section shall be forfeited to the City's General Fund.

(3) a. A person or entity, other than a then existing vendor, who directly or indirectly makes a campaign contribution to a candidate who is elected to the office of Mayor or Commissioner shall be disqualified for a period of 12 months following the swearing in of the subject elected official from serving as a vendor with the City. A then existing vendor who directly or indirectly makes a contribution to a candidate who is elected to the Office of Mayor or Commissioner, shall be disqualified from serving as a vendor with the City for a period of 12 months from a final finding of a violation of this section, or from the time of action on a waiver request by the City Commission pursuant to subsection (b) below, in the event that a waiver is sought by the vendor. In the event that such waiver request for a particular transaction is granted, the affected vendor shall nonetheless be disqualified from serving as a vendor with the City as to any other goods, equipment or services to be provided by the vendor to the City, beyond the vendor goods, equipment or services which are the subject matter of any waiver which is granted. In the event such waiver request is denied for a particular transaction the 12-month disqualification period shall continue to apply to both the particular transaction for which the waiver was sought, as well as all other vendor activities for the provision of goods, equipment or services to the City during that 12-month period.

b. For purposes of this section, the term "disqualified" shall be defined to include:

1. Termination of a contributor/vendor's existing contracts with the City, subject to the applicable waiver provisions of subsection (b) herein; and

2. Disqualification of a contributor's response to solicitation requests for prospective vendor contracts with the city, subject to the applicable waiver of subsection (b) herein.

(4) As used in this section:

a. *Vendor.*

1. A "vendor" is a person and/or entity who has been selected by the City as the successful bidder on a present or pending bid to provide to the City goods, equipment or services, or has been approved by the City of a present or pending award to provide to the City goods, equipment or services, prior to, upon or following execution of a contract, or purchase order.

2. "Vendor" shall include natural persons and/or entities who hold a controlling financial interest in a vendor entity. The term "controlling financial interest" shall mean the ownership, directly or indirectly, of ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm. The term "firm" shall mean a corporation, partnership, business trust or any legal entity other than a natural person.

3. "Vendor" shall not include City officers or employees.

4. For purposes of this section, "vendor" status shall terminate upon completion of performance of the agreement for the provision of goods, equipment or service.

b. *Services.* For purposes of this section, the term "services" shall mean the rendering by a vendor through competitive bidding or otherwise, of labor, professional and/or consulting services to the City, including, but not limited to, the provision of lobbying services to the City.

c. *Campaign contributions.* The term "campaign contribution" shall have the meaning which is ascribed to the term "contributions" pursuant to F.S. § 106.011, as amended.

(b) *Waiver of prohibition.*

(1) *Criteria for waiver.* The requirements of this section may be waived by the affirmative vote of five members of the City Commission for a particular transaction after a public hearing, upon finding that:

a. The goods, equipment or services to be involved in the proposed transaction are unique and the City cannot avail itself of such goods, equipment or services without entering into a transaction which would violate this section but for waiver of its requirements; or

b. The business entity involved in the proposed transaction is the sole source of supply as determined by the City Manager in accordance with procedures established by the City Manager; or

c. An emergency contract (as authorized by subsection 2-253(5) of this Code) must be made in order to protect the health, safety or welfare of the citizens of the City; or

d. A contract for the provision of goods, equipment or services exists which, if terminated by the City would be substantially adverse to the best economic interests of the City.

(2) *Limited waiver.* Notwithstanding the denial of the City Commission of a waiver request regarding the provision of goods, equipment or services under an existing contract pursuant to subsection (b)a. above, the City Commission, may by the affirmative vote of five members of the City Commission after a public hearing, grant a limited waiver concerning an existing contract for the provision of goods, equipment or services between a vendor and the City upon finding that in order to protect the health, safety and welfare of the citizens of the City, it is necessary that the affected contract be continued for a limited duration (not to exceed a period of six months) in order for the City to obtain a replacement vendor.

(3) *Full disclosure.* Any grant of a waiver or limited waiver by the City Commission must first be supported with a full disclosure of the subject campaign contribution.

(c) *Implementation.* The City Manager is authorized to adopt additional procurement procedures for goods, equipment or services to implement this section. These procedures shall provide for the assembly, maintenance and posting of an official City vendor list as referenced above.

(d) *Penalty.* The Ethics Commission created pursuant to Miami-Dade County Ordinance 97-105, shall have primary jurisdiction for enforcement of this section. A finding by the Ethics Commission that a person violated this section, shall subject such person to an admonition or public reprimand and/or a fine of \$250.00 for the first violation, and \$500.00 for each subsequent violation.

(e) *Applicability.* This section shall be applied only prospectively to campaign contributions which are made after the date of this section.

(Ord. No. 2005-14, § 3, 10-11-05)

The City of Aventura reserves the right to accept or reject any and/or all proposals or parts of proposals, to workshop or negotiate any and all proposals, to waive irregularities, and to request re-proposals on the required materials or services.

Eric M. Soroka
City Manager

REQUEST FOR PROPOSALS

SUBJECT: Recreation Programs, Activities, Events, Classes and Athletic League Management Services

OPENING DATE & TIME: August 8, 2011 @ 2:00 P.M.

SUBMIT TO: Office of the City Manager
City of Aventura
19200 West Country Club Drive
Aventura, Florida 33180

RFP NUMBER: 11-8-8-2

INTENT

The City of Aventura, Florida is inviting the submission of proposals from qualified firms to provide recreational programs, activities, events, classes, athletic leagues, and other recreational services for the City of Aventura.

BACKGROUND

The City of Aventura has a diverse population of over 36,000, and desires to engage the services of a qualified firm to provide comprehensive recreational programs, events, leagues, services, classes, tournaments, and camps; including but not limited to youth and adult sports, special events, city festivals, senior activities, fitness classes and activities, after school programming and other services as needed. The City of Aventura is located in the northeast corner of Miami-Dade County and is approximately 3.5 square miles in size. The City delivers a majority of its public and community services by utilizing firms employing sound business practices with an emphasis on excellence and effective customer service principles.

The City operates the following parks and community facilities:

1. Founders Park: 11 acre multi-use facility that contains an athletic field, two clay tennis courts, fitness course, park building with restrooms, SplashPad interactive water feature playground, 10,000 square foot playground, shelters, and parking for 85 cars.
2. Waterways Park: 7 acre multi-use facility that contains a lighted athletic field, 6,500 square foot playground, covered pavilion, outdoor basketball court, exercise path with fitness course, park office building, and parking for 85 cars.

3. Veterans Park: 2 acre facility with playground and open field play areas and parking for 23 cars.
4. Waterways Dog Park: 1.5 acre leash free park for dogs and parking for 20 cars.
5. Don Soffer Exercise Fitness Trail: 3.1 mile paved exercise trail with benches, chilled water fountains, trash cans, and ground lighting.
6. Aventura Community/Recreation Center: This membership based 25,000 square foot facility has two multi-purpose classrooms, computer center, arts and crafts room, NCAA gymnasium, aerobics room, and fitness center in a park setting on the Intracoastal Waterway.
7. Aventura City of Excellence School: This K-8 School is located adjacent to the Community Recreation Center, and is where summer camp and after school programming takes place.

SERVICES SOUGHT

The purpose of this request for proposal is to establish the most effective and efficient methods of providing recreational programs, classes, activities, special events, athletic leagues, and other recreational services for the City residents of all ages.

The City utilizes an automated registration system where residents register for programs in person or via the City's website.

The proposal shall include the following information at a minimum.

1. Qualifications of firm and principals, including but not limited to: firm's history; number of years in business; quantity of programs, events, activities, and leagues coordinated; experience of principals in similar settings; safety record; local availability of key personnel; and has demonstrated the ability to cooperate with local leisure services agencies.
2. Evidence of all licenses and permits required for the creation of general recreation programming, athletic leagues, and special events
3. A plan to coordinate, implement and evaluate leagues, programs, and events in conformance with all applicable laws and regulations. Proposers shall provide a complete plan detailing general recreation programming for all ages including fitness programs, senior, cultural, and lifelong classes and activities, youth and adult athletic leagues, and special events.

PERFORMANCE, OPERATIONS, AND PERSONNEL STANDARDS

- ✓ The successful firm shall provide proof that all volunteers, instructors and employees (full time, part time, and temporary/seasonal) assigned to the City have undergone both criminal background screening and drug screening at the time of hire and during the term of the Agreement, at the Contractor's sole expense.
- ✓ The successful firm will be required to meet with any involved City Department upon by the City Manager or his designee. The successful firm's account representative will be available to resolve any related issues that arise during the normal course of providing the requested services. The successful firm will be expected to coordinate and communicate effectively with designated City personnel. The frequency, nature, scope, and definition of the services desired by the City may change from time to time, at the City's sole discretion.
- ✓ Tobacco use of any kind is not permitted while on duty at all City programs.
- ✓ All financial transactions will be subject to City procedures and audit.
- ✓ All staff shall be fluent in English or be bi-lingual with English as one of the spoken languages.
- ✓ All staff shall have current CPR and Basic First Aid Training certification.
- ✓ All staff shall be groomed to present a professional image for the City and wear approved uniforms.
- ✓ The successful proposer shall have at least one management level employee at each site while recreation activities, events, leagues, classes and programs are being held, and supply enough personnel at all times to provide sufficient supervision, at the City's sole discretion.
- ✓ The successful proposer shall provide services solely as an independent contractor.
- ✓ All staff shall be prompt and dressed in proper uniforms when reporting to duty. Uniforms for participants, coaches, and staff shall be provided by the successful firm at their sole expense with City approval, at its sole discretion.
- ✓ All programs shall be managed, led and operated in a safe, competent and courteous manner.
- ✓ The successful firm will be responsible for providing food and snack concessions to selected programs and events, subject to the City's approval.

CONTENT OF PROPOSAL

Please submit the following information, with responses numbered accordingly, on 8.5" x 11" sheets:

1. Name, address, telephone, fax number and email address of your firm.
2. Type of organization (i.e., individual, partnership, corporation, joint venture, etc.), year established, and address of home office if different than above.
3. Principals of the firm.
4. Name and title of person who will be responsible for City account.
5. Name, function, and qualifications of personnel in the organization who will be involved in this project. Please note, to receive further consideration, the contact person assigned to this project must, within the past five years, have conducted or been solely responsible for providing recreation program management services.
6. Compensation: Provide the following information:
 - a) Requested percentage of the revenues derived from registration fees for all programs and activities. For example: 50/50 split of revenue between contractor and City.
 - b) The cost basis for providing qualified personnel on an hourly basis. For example: a multiplier of 1.10% times the employee's hourly salary for computing salary costs.
 - c) Any other innovative examples of compensation methods.
7. General, workers compensation, automobile and professional liability insurance company name, and extent of coverage.
8. Dress and/or Grooming Code for employees.
9. A complete list of present clients and at least three letters of recommendation.
10. Any other information you feel is appropriate to assist in the selection process.
11. Respondents must submit five (5) copies of the proposal.

Submittals shall be received no later than 2:00 P.M. on August 8, 2011 and clearly marked on the outside "**RFP # 11-8-8-2 Recreation Programs, Activities, Events, Classes and Athletic League Management Services Proposal**".

EVALUATION OF PROPOSALS

1. A Review Committee consisting of the Community Services Director, Parks and Recreation Managers and an ACES representative will evaluate the written proposals. Evaluation will include the following criteria:
 - ✓ Qualification and experience of personnel who will be directly involved in all elements of the work.
 - ✓ Firm size, age, and organizational structure.
 - ✓ Financial stability of firm.
 - ✓ Firm's experience with recreation management services that is similar to the requests of this RFP.
 - ✓ Safety record.
 - ✓ Innovative and creative approaches, ideas and concepts to providing recreational services as evidenced by the submittal.
 - ✓ Proven ability of firm to effectively manage recreation program management services to ensure successful programs as directed by the City.
2. The highest ranked proposals will be identified and those firms will be requested to make a formal presentation before the selection committee. The selected firms will then be ranked according to the content of their presentations. The City Manager will then recommend that the City Commission adopt a resolution authorizing the City Manager to negotiate an agreement with the highest ranking firm to provide recreation management services for the City; and if an agreement cannot be reached with the top ranked firm, to negotiate with the next highest ranking firm.

QUESTIONS

Questions concerning this Request for Proposals should be directed in writing to:

Eric M. Soroka, City Manager
City of Aventura
19200 West Country Club Drive
Aventura, FL 33180

Issues of substance that are brought to the attention of the City will be responded to in writing, and copies provided to all firms of record who have received copies of the RFP.

CITY'S RIGHTS

The City reserves the right to accept or reject any and/or all proposals or parts of proposals, to workshop or negotiate any and all proposals, to waive irregularities, and to request re-proposals on the required materials or services. The City Commission shall make a final determination and award of proposal(s).

All materials submitted in response to the Request for Proposals become the property of the City and will be returned only at the option of the City. The City has the right to use any or all ideas presented in any response to the RFP, whether amended or not, and selection or rejection of the Proposal does not affect this right, provided however, that any submittal that has been submitted to the City Manager's Office may be withdrawn prior to submittal opening time stated herein, upon proper identification and signature releasing submittal documents back to the proposing firm.

CONE OF SILENCE PROVISION

- A. Notwithstanding any other provision of these specifications, the provisions of City Code Sec. 2-260 "Cone of Silence" are applicable to this transaction. The "Cone of Silence," as used herein, means a prohibition on any communication regarding a particular Request For Proposal ("RFP"), Request for Qualification ("RFQ") or bid, between:
- A potential vendor, service provider, proposer, bidder, lobbyist, or consultant, and:

the City Commission, City's professional staff including, but not limited to, the City Manager and his or her staff, any member of the City's selection or evaluation committee.
- B. The Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ, or bid.
- C. The Cone of Silence shall terminate at the beginning of the City Commission meeting at which the City Manager makes his or her written recommendation to the City Commission. However, if the City Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be re-imposed until such time as the Manager makes a subsequent written recommendation.
- D. The Cone of Silence shall not apply to:
- (1) Oral communications at pre-bid conferences;
 - (2) Oral presentations before selection or evaluation committees;

- (3) Public presentations made to the City Commissioners during any duly noticed public meeting;
- (4) Communications in writing at any time with any City employee, 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 City Clerk. The City Clerk shall make copies available to any person upon request;
- (5) Communications regarding a particular RFP, RFQ or bid between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the City's Purchasing Agent or City employee designated 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;
- (6) Communications with the City Attorney and his or her staff;
- (7) 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 City Manager makes his or her written recommendation;
- (8) Any emergency procurement of goods or services pursuant to City Code;
- (9) Responses to the City's request for clarification or additional information;
- (10) Contract negotiations during any duly noticed public meeting;
- (11) Communications to enable City staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the City's professional staff including, but not limited to, the City Manager and his or her staff are in writing or are made at a duly noticed public meeting.

E. Please contact the City Attorney for any questions concerning Cone of Silence compliance.

- F. Violation of the Cone of Silence by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable by the City Commission and/or City Manager.

INSURANCE REQUIREMENTS

Such policy or policies shall be without any deductible amount unless otherwise noted in this Agreement and shall be issued by approved companies authorized to do business in the State of Florida, and having agents upon whom service of process may be made in Miami-Dade County, Florida. The vendor shall pay all deductible amounts, if any. The vendor shall specifically protect the City and by naming the "City of Aventura" as additional insureds under the Commercial Liability Policy as well as on any Excess Liability Policy coverage. The official title of the certificate holder is the "City of Aventura." This official title shall be used in all insurance documentation.

The Contractor shall purchase and maintain, in full force and effect for the life of the contract, at contractor's sole expense, the following insurance policies:

1. A business automobile policy (including automobile liability, garage keepers, and garage liability) which covers any vehicles used in connection with this agreement, regardless of whether the vehicle is owned, rented, hired or borrowed by the contractor. Minimum limits for bodily/property damage liability shall be One Million Dollars (\$1,000,000) per occurrence. Coverage must be afforded on a form no more restrictive than the latest edition of the Business Automobile Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office, and must include:

Owned Vehicles, if applicable.

Hired and Non-Owned Vehicles, if applicable.

Employers' Non-Ownership, if applicable.

2. A Comprehensive general liability policy shall be provided which shall contain minimum limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) combined single limit for bodily injury liability and property damage liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Commercial General Liability Policy, without restrictive endorsements, as filed by the Insurance Services Office and must include:

Premises and/or operations.

Independent contractors.

Products and/or Completed Operations for contracts. Broad Form Contractual Coverage applicable to this specific Agreement, including any hold harmless *and/or* indemnification agreement.

Personal Injury Coverage with Employee and Contractual Exclusions removed, with minimum limits of coverage equal to those required for Bodily Injury Liability and Property Damage Liability.

3. A workers' compensation and employer's liability policy which covers all of the contractor's employees to be engaged in work on this contract as specified by and in accordance with Chapter 440, Florida Statutes, as may be amended from time to time, the "Workers' Compensation Law" of the State of Florida, and all applicable federal laws. In addition, the policy(ies) must include:

Employers' Liability with a limit of One Hundred Thousand Dollars (\$100,000) each accident.

The contractor acknowledges that the City will not be held responsible for Workers' Compensation or medical care for any/all of the contractor's employees.

The City of Aventura shall be named as additional insured on policies listed as 1–3 of the contractor's above required policies of insurance except for the Workers' Compensation insurance. The form and types of coverage and sufficiency of insurer shall be subject to approval of the City Manager.

The contractor agrees to indemnify, defend and hold harmless the City of Aventura from and against any and all claims, suits, judgments, executions, and/or liabilities as to bodily injuries and/or property damages which arise or grow out of this contract or contractors performance or operations hereunder.

The contractor shall, in its contract with the City, be required to indemnify and hold harmless the City and its officers, agents, employees and instrumentalities from any and all liability, claims, liabilities, losses, and causes of action, including attorneys' fees and costs of defense which the City or its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind of nature arising out of, or relating to or resulting from the provision of professional recreation management services by the contractor and/or its officers, employees, agents or independent contractors. The contractor shall be required to pay all claims and losses in connections therewith, and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including appellate proceedings, and shall pay all costs, judgments and attorneys' fees which may issue thereon. The City shall require that the contractor expressly

understands and agrees that any insurance protection required by this agreement or otherwise provided by the contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the City and its officers, employees, agents or instrumentalities as herein provided.

Copies of all policies or certificates of such insurance shall be delivered to the city, and said documentation shall provide for the City to be notified a minimum of thirty (30) days prior to any cancellation, termination, reduction or non-renewal of any required insurance policy.

The Contractor shall also, upon request by the City, provide copies of all official receipts and endorsements as verification of contractor's timely payment of each insurance policy premium as required by this contract.

Coverage is not to cease and is to remain in force (subject to cancellation notice) until all performance required of the vendor is completed. All policies must be endorsed to provide the City with at least thirty (30) days' notice of expiration, cancellation, and/or restriction. If any of the insurance coverages will expire prior to the completion of the work, copies of renewal policies shall be furnished at least thirty (30) days prior to the date of their expiration.

The City reserves the right to review and revise any insurance requirements at the time of renewal or amendment of this Agreement, including, but not limited to, deductibles, limits, coverage, and endorsements based on insurance market conditions affecting the availability or affordability of coverage, or changes in the scope of work or specifications that affect the applicability of coverage. If the vendor uses a subcontractor, then the vendor shall ensure that subcontractor names the City as an additional insured.

PUBLISHED DAILY

MIAMI, FLORIDA

**STATE OF FLORIDA
COUNTY OF DADE**

Before the undersigned authority personally appeared:

Meredith Hood

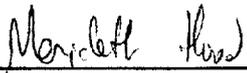
Who on oath says that she is an

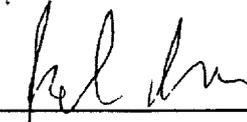
Account Executive

Of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the advertisements for **City of Aventura** appeared in said newspaper in the issues of:

September 18, 2011

Affidavit further says that the said Miami Herald is a newspaper published at Miami, in the said Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida, each day and has been entered as second class mail-matter at the post office in Miami, in said Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement.





NOTARY PUBLIC-STATE OF FLORIDA
Rafael Arana
Commission # DD761255
Expires: FEB. 21, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

Sworn to and subscribed before me

This 28th Day of September, 2011

NOTICE OF PROPOSED TAX INCREASE

The City of Aventura has tentatively adopted a measure to increase its property tax levy.

Last year's property tax levy:

- A. Initially proposed tax levy \$ 12,504,915
- B. Less tax reductions due to Value Adjustment Board and other assessment changes ...\$ 678,775
- C. Actual property tax levy..... \$ 11,826,140

This year's proposed tax levy\$ 12,584,364

All concerned citizens are invited to attend a public hearing on the tax increase to be held on:

**WEDNESDAY
SEPTEMBER 21, 2011
6:00 P.M.**

at

**19200 W. COUNTRY CLUB DRIVE
AVENTURA, FLORIDA 33180**

**A FINAL DECISION on the
proposed tax increase and
the budget will be made
at this hearing.**

BUDGET SUMMARY City of Aventura - Fiscal Year 2011-2012

ESTIMATED REVENUES	General Fund	Special Revenue Funds	Debt Service Funds	Enterprise Funds	Total All Funds
General Fund 1.7261					
Taxes:	Millage per \$1,000				
Ad Valorem Taxes	1.7261	\$ 12,005,146	\$ -	\$ -	\$ 12,005,146
Section 185 Premium Tax		284,000	-	-	284,000
Utility Taxes		4,809,625	-	-	4,809,625
Unified Communications Tax		2,600,000	-	-	2,600,000
City Business Tax		725,000	-	-	725,000
Licenses & Permits		4,825,000	-	-	4,825,000
Intergovernmental Revenues		2,170,219	1,723,300	-	3,893,519
Charges for Services		1,820,200	240,000	841,458	2,901,658
Fines & Forfeitures		1,457,000	7,000	-	1,464,000
Miscellaneous Revenues		191,000	500	-	191,500
TOTAL SOURCES		30,887,190	1,970,800	841,458	33,699,448
Transfers In/Debt Proceeds		82,250	-	2,567,910	2,650,160
Fund Balances/Reserves/Net Assets		15,697,608	152,803	-	15,850,411
TOTAL REVENUES, TRANSFERS & BALANCES		\$ 46,667,048	\$ 2,123,603	\$ 2,567,910	\$ 52,200,019
EXPENDITURES					
City Commission		\$ 119,938	\$ -	\$ -	\$ 119,938
City Manager		892,673	-	-	892,673
Legal		280,000	-	-	280,000
City Clerk		270,082	-	-	270,082
Finance		877,064	-	-	877,064
Information Technology		1,080,176	-	-	1,080,176
Public Safety		17,280,219	380,400	-	17,660,619
Community Development		1,510,372	-	-	1,510,372
Community Services		4,489,804	1,583,000	700,000	6,772,804
Arts & Cultural Center		673,253	-	-	673,253
Non-Departmental		1,779,000	-	-	1,779,000
Debt Service		-	-	2,567,910	2,567,910
TOTAL EXPENDITURES		\$ 29,252,581	\$ 1,963,400	\$ 2,567,910	\$ 34,483,891
Transfers Out		2,220,979	82,250	-	2,303,229
Fund Balances/Reserves/Net Assets		15,193,488	77,953	141,458	15,412,899
TOTAL APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES & BALANCES		\$ 46,667,048	\$ 2,123,603	\$ 2,567,910	\$ 52,200,019

THE TENTATIVE, ADOPTED, AND/OR FINAL BUDGETS ARE ON FILE IN THE OFFICE OF THE ABOVE REFERENCED TAXING AUTHORITY AS A PUBLIC RECORD.

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA COUNTY OF MIAMI-DADE:

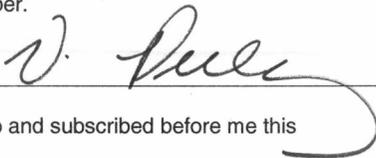
Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF AVENTURA NOTICE OF PROPOSED ORDINANCE

in the XXXX Court,
was published in said newspaper in the issues of

09/08/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



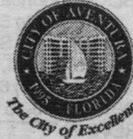
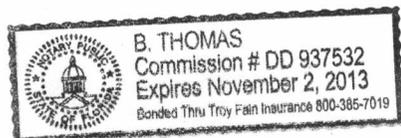
Sworn to and subscribed before me this

08 day of SEPTEMBER, A.D. 2011



(SEAL)

V. PEREZ personally known to me



CITY OF AVENTURA

PUBLIC NOTICE OF PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that on Wednesday, the 21st day of September, 2011, at a meeting of the City Commission of the City of Aventura to be held at 6 p.m. in the City Commission Chamber at the Aventura Government Center, 19200 West Country Club Drive, Aventura, Florida, the City Commission will consider the adoption of the following Ordinance on second reading, entitled:

AN ORDINANCE OF THE CITY OF AVENTURA FLORIDA AMENDING THE CITY CODE BY AMENDING CHAPTER 2 "ADMINISTRATION," AND CHAPTER 30 "ENVIRONMENT," TO ADDRESS FIREARM REGULATIONS PREEMPTED BY STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinances may be inspected by the public at the Office of the City Clerk, 19200 West Country Club Drive, Aventura, Florida. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the City Commission on any item at this Public Hearing may do so after the Mayor opens the public hearing.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Teresa M. Soroka, MMC City Clerk
11-4-109/1748957M

9/8

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

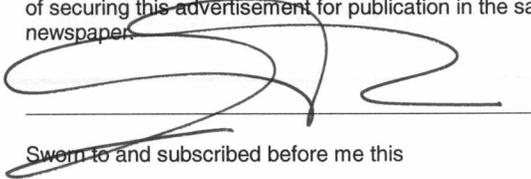
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF AVENTURA
PROPOSED ORDINANCES - SEPT. 21, 2011

in the XXXX Court,
was published in said newspaper in the issues of

08/09/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



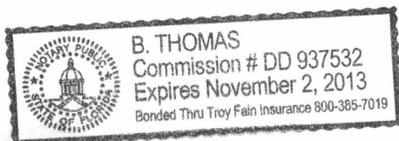
Sworn to and subscribed before me this

09 day of AUGUST, A.D. 2011



(SEAL)

MARIA MESA personally known to me



CITY OF AVENTURA

PUBLIC NOTICE OF PROPOSED ORDINANCES

NOTICE IS HEREBY GIVEN that on Wednesday, the 21st day of September, 2011, at a meeting of the City Commission of the City of Aventura to be held at 6 p.m. in the City Commission Chamber at the Aventura Government Center, 19200 West Country Club Drive, Aventura, Florida, the City Commission will consider the adoption of the following Ordinances on second reading, entitled:

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ESTABLISHING AND ADOPTING THE CITY OF AVENTURA AD VALOREM TAX OPERATING MILLAGE LEVY RATE AT 1.7261 MILS PER THOUSAND DOLLARS OF TAXABLE ASSESSED PROPERTY VALUE, WHICH IS 5.92% ABOVE THE ROLLED BACK RATE COMPUTED PURSUANT TO STATE LAW, FOR THE 2011 TAX YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, ADOPTING THE ATTACHED TENTATIVE OPERATING AND CAPITAL BUDGET, AS REVIEWED AND APPROVED BY CITY COMMISSION AT THE REVIEW MEETING HELD ON JULY 21, 2011, AS THE CITY OF AVENTURA FINAL BUDGET FOR THE 2011/2012 FISCAL YEAR, PURSUANT TO SECTION 4.05 OF THE CITY CHARTER; AUTHORIZING EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; PROVIDING FOR BUDGETARY CONTROL; PROVIDING FOR PERSONNEL AUTHORIZATION; PROVIDING FOR GIFTS AND GRANTS; PROVIDING FOR AMENDMENTS; PROVIDING FOR PROCEDURES REGARDING ENCUMBRANCES AND THE RE-APPROPRIATION OF UNEXPENDED CAPITAL APPROPRIATIONS; ESTABLISHING THE COMMITTED FUND BALANCE FOR CAPITAL RESERVE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinances may be inspected by the public at the Office of the City Clerk, 19200 West Country Club Drive, Aventura, Florida. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the City Commission on any item at this Public Hearing may do so after the Mayor opens the public hearing.

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two business days prior to such proceedings.

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Teresa M. Soroka, MMC City Clerk