



## AGENDA

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1. ***Overview of AACC 2014/15 Season (City Manager)***

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  2. ***Capital Improvement Program 2015-2020 Briefing (City Manager)\****  
Future Action Required: Resolution

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  3. ***Founders Day Update (City Manager)***

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  4. ***Recreational Drones (Mayor Weisman)\****

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  5. ***Resolution Supporting FDOT's Concept 1 Improvements for NE 203 St & Biscayne Blvd (Commissioner Landman)\****  
Future Action Required: Resolution

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  6. ***Good Government Initiative Class V (Commissioner Landman)\****

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  7. ***Site Plans - Medical Office Building***

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  - Adjournment***

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### **\* Back-up Information Exists**

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.



**City of Aventura**  
**Capital Improvement Program**  
**2015/16 – 2019/20**



# CAPITAL IMPROVEMENT PROGRAM

**2015/16 – 2019/20**



## **CITY OF AVENTURA**

### ***CITY COMMISSION***

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**Mayor Enid Weisman  
Commissioner Enbar Cohen  
Commissioner Teri Holzberg  
Commissioner Denise Landman  
Commissioner Marc Narotsky  
Commissioner Robert Shelley  
Commissioner Howard Weinberg**

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### ***CITY MANAGER***

**Eric M. Soroka**

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### ***DEPARTMENT DIRECTORS***

**Weiss Serota Helfman Cole & Bierman, P.A., City Attorney  
Robert M. Sherman, Community Services Director  
Joanne Carr, Community Development Director  
Karen J. Lanke, Information Technology Director  
Steven Steinberg, Police Chief  
Julie Alm, Principal Charter School  
Brian K. Raducci, Finance Director  
Steven Clark, Arts & Cultural Center General Manager  
Ellisa Horvath, City Clerk**



# City of Aventura

Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180

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Office of the City Manager

June 2015

The Honorable Mayor and  
Members of the City Commission  
City of Aventura  
Aventura, Florida 33180

Enclosed herein is the proposed City of Aventura (the "City") Capital Improvement Program (CIP) for the fiscal period October 1, 2015 through September 30, 2020 and the proposed Capital Budget for the Fiscal period October 1, 2015 through September 30, 2016.

The primary goal of the CIP is to develop a long-term plan of proposed capital expenditures, the means and methods of financing, and a schedule of priorities for implementation. It is important to stress that the CIP is a planning tool to evaluate infrastructure needs of the City as well as the financial capabilities of the City. In order to determine the impact of the CIP on the City's future operating budget, the City Commission and residents will be provided with the benefits of a CIP document which serves as a point of reference and includes an estimated long-term budget plan.

At this point in the City's history, the need for major capital improvement funding has decreased substantially due to a very ambitious schedule of completing major community facilities and infrastructure projects during the past nineteen years since the incorporation of the City. This document represents an update of the CIP that was originally prepared for the five-year cycle of 2014 to 2019. The update process is important for the CIP to become a continuing and ongoing planning/implementation process. The last four years of last year's program were reevaluated in light of unanticipated needs, cost revisions, new project priorities and the financial condition of the City. In addition, the CIP was updated to add new projects in the fifth year (2019/20) to complete the cycle. Projects included within the framework of the program were based on input from Commissioners, staff, City consultants and citizens.

The following represents the significant revisions or modifications to the proposed CIP compared to the prior document:

1. Added in 2016/17 resurfacing Founders Park parking lot and exercise trail - \$119,000.
2. Added in 2015/16 replacing and upgrading the path lighting system on the Don Soffer Exercise Trail -\$700,000.
3. Added Stormwater Master Plan Update for 2015/16 - \$225,000.
4. Added 15 stormwater outfall check valves to guard against rising sea levels - \$936,000.
5. Added in 2015/16 NE 34<sup>th</sup> Avenue, NE 28<sup>th</sup> Avenue and Aventura Boulevard resurfacing -\$408,000.
6. Added in 2015/16 Country Club Drive flashing pedestrian crossing signs - \$490,000.

The proposed 2015 – 2020 CIP includes 33 projects in five (5) functional categories with a total value of \$17,883,605. The following represents the percentage of total funding that each functional category has been allocated: Beautification & Parks Facilities (14%), Transportation, Drainage and Infrastructure Improvements (47%), Capital Equipment Purchase and Replacement (20%), Information/Communication Technology (17%) and Public Buildings and Facilities Improvements (2%).

Major emphasis was placed on the following projects:

Stormwater Drainage Improvements	\$2,746,000
Road Resurfacing	2,694,000
Park Improvements	2,594,050
Street Lighting Upgrades	1,628,000
TVMS Upgrades	850,000
Air Conditioning Unit Replacements	312,000

It should be noted that the City and Aventura Mall are working together to design a traffic flow improvement project to address congestion on Country Club Drive from motorists going east on the Lehman Causeway. This was not included in this document, as it is in the early stages of study and requires FDOT approval.

The document contains a detailed funding plan that forecasts revenues necessary to fund both the CIP and the operating budgets over the next five (5) years. The proposed funding plan is based on the assumption that operating expenditures can be maintained at certain percentage increases and revenues grow at specified levels. The plan is based on conservative estimates.

I am proud of the many accomplishments and the support the City Commission and residents have shown in the implementation of the capital projects since the incorporation of the City. Our beautification projects, park and open space additions, Government Center, Community Recreation Center, Charter School, Arts & Cultural Center, transportation improvements and many other community enhancements continue to exhibit our commitment to excellence and professionalism. This document serves many purposes. Importantly it serves as

an aid to the residents in providing a better understanding of the City's long-term capital needs and how the City intends to meet these demands. It also details our continuing effort to address the needs and concerns of our citizens while making prudent financial decisions which contribute to the City's long-term financial health.

The preparation and formulation of this document could not have been accomplished without the dedicated efforts of all Department Directors and their staff. Their professional efforts have assisted in the preparation of this important planning program.

I request and recommend that you take the following actions regarding the proposed 2015 - 2020 Capital Improvement Program:

1. Review the CIP document at the June workshop meeting.
2. Hold a public hearing at the July Commission Meeting to conceptually adopt the final CIP document, by resolution, for implementation.

All questions relating to the CIP should be referred to my attention.

Respectfully submitted,

  
Eric M. Soroka  
City Manager

*CAPITAL IMPROVEMENT PROGRAM*  
2015 – 2020  
HIGHLIGHTS

- Road maintenance projects that total \$2,694,000 to resurface asphalt and enhance safety are included for NE 29<sup>th</sup> Place, NE 213<sup>th</sup> Street, NE 191<sup>st</sup> Street, NE 27<sup>th</sup> Avenue, NE 28<sup>th</sup> Court, NE 30<sup>th</sup> Avenue, NE 209<sup>th</sup> Street, Yacht Club Drive, Mystic Point Drive, NE 187<sup>th</sup> Street, NE 185<sup>th</sup> Street, Aventura Boulevard, NE 34<sup>th</sup> Avenue and NE 28<sup>th</sup> Avenue.
- Installation of Flashing Pedestrian Crossing Signs on Country Club Drive.
- Provides for improvements to Founders Park, Veterans Park, and Waterways Park in the amount of \$521,550 to address maintenance requirements.
- Upgrades and improves the path lighting system on the Don Soffer Exercise Trail in the amount of \$700,000.
- Utilizes a stormwater utility program to improve drainage along NE 191<sup>st</sup> Street, upgrades seawalls along NE 213<sup>th</sup> Street, NE 183<sup>rd</sup> Street, NE 188<sup>th</sup> Street, NE 190<sup>th</sup> Street and adds 15 stormwater outfall check valves to guard against rising sea levels. A total of \$2,746,000 has been earmarked during the five-year period.
- Funds development of a 1.5 acre new park planned on NE 188<sup>th</sup> Street at a cost of \$1,400,000.
- Provides funding in the amount of \$1,200,000 to retrofit street lighting throughout the City with more energy efficient LED fixtures and \$428,000 for new street lights on NE 30<sup>th</sup> Avenue and NE 29<sup>th</sup> Place.
- Includes \$850,000 to expand the City's Traffic Video Monitoring System to the southern portion of the City.
- Provides the necessary equipment to continue to provide high quality and effective police services.
- Continues the implementation of technology improvements and management information systems to enhance the productivity and efficiency of City operations.
- Ensures that the tools of production, vehicles, equipment and technology, are available for City operations.

# CAPITAL IMPROVEMENT PROGRAM

2015 - 2020

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# INTRODUCTION



## INTRODUCTION

This section describes what a Capital Improvement Program (CIP) is and the process for developing the City of Aventura (the "City") Capital Improvement Program and Capital Budget. This introduction also explains how to locate a specific project in this document.

### **PURPOSE OF THE CAPITAL IMPROVEMENT PROGRAM**

The purpose of the CIP is to establish a long term plan of proposed capital expenditures, the means and methods of financing, and a schedule of priorities for implementation. In order to determine the impact on the City's operating budget, debt service and the general trend of future expenditures, the City Commission will be provided with the advantage of a CIP document as a point of reference and estimated long-term budget plan. In accordance with the State's Growth Management Act, the City is required to undergo this process in order to meet the needs of its Comprehensive Plan.

The CIP is an official statement of public policy regarding long-range capital development within the City. A capital improvement is defined as a capital expenditure of \$5,000 or more, resulting in the acquisition, improvement or addition to fixed assets in the form of land, buildings or improvements, more or less permanent in character, and durable equipment with a life expectancy of more than one (1) year. In addition, equipment that has a value of \$5,000 or less is also included in this document for budgetary purposes.

The CIP lists proposed capital projects to be undertaken, the year in which they will be started, the amount expected to be expended in each year and the method of financing these projects. Based on the CIP, a department's capital outlay portion of the annual Operating Budget will be formulated for that particular year. The CIP document also communicates to the citizens, businesses and interested parties the City's capital priorities and plan for implementing projects.

The five-year CIP is updated annually to add new projects in the fifth year, to re-evaluate the program and project priorities in light of unanticipated needs, and to revise recommendations to take account of new requirements and new sources of funding. Capital Improvement programming thus becomes a continuing part of the City's budgeting and management procedures.

The annual capital programming process provides the following benefits:

1. The CIP is a tool for implementing the City's Comprehensive Plan.
2. The CIP process provides a mechanism for coordinating among projects with respect to function, location, and timing.

3. The yearly evaluation of project priorities ensures that the most crucial projects are developed first.
4. The CIP process facilitates long-range financial planning by matching estimated revenue against capital needs, establishing capital expenditures and identifying the need for municipal borrowing and indebtedness within a sound long-range fiscal framework.
5. The impact of capital projects on the City's operating budget can be projected.
6. The CIP serves as a source of information about the City's development and capital expenditures plan for the public, City operating departments and the City Commission.

### **LEGAL AUTHORITY**

A capital programming process to support the comprehensive plan is required by the Local Government Comprehensive Planning and Land Development Regulations, incorporated as Chapter 163, Florida Statutes.

### **DEVELOPMENT OF THE CAPITAL IMPROVEMENT PROGRAM**

The City's capital programming process began in January when operating departments were required to prepare requests for all proposed capital projects anticipated during the period of 2015 - 2020. A CIP Preparation Manual and related forms were distributed to all departments for this purpose.

In February, departmental prioritized project requests were submitted to the City Manager's Office. Department Directors were asked to justify projects in terms of benefits derived, necessity to health, safety and welfare of the City, enhancement to City plans and policies, need of residents and funding. Projects were prioritized on the basis of Urgency, Necessity, Desirability, and Deferability.

The City Manager reviewed departmental requests and conducted individual meetings with Department Directors. The departmental requests were prioritized and the five-year schedule of projects was compiled into document form by the City Manager. The methods of financing and revenue sources were then prepared by the Finance Director and City Manager and were incorporated into the CIP document. At this point, the proposed CIP is submitted to the City Commission and public for review.

In order to facilitate public involvement, public hearings and community meetings will be held to unveil and review the CIP document prior to the adoption of a Resolution approving the CIP in principle.

**CAPITAL IMPROVEMENT PROGRAM POLICIES**

1. Annually, the City will prepare a five-year capital improvement program analyzing all anticipated capital expenditures and identifying associated funding sources. Future capital expenditures necessitated by changes in population, changes in development, growth, redevelopment or changes in economic base will be calculated and included in the Capital update process.
2. The City will perform all capital improvements in accordance with an adopted CIP.
3. The classification of items as capital or operating will be determined by two criteria - cost and frequency. Generally, a capital project has a "useful life" of more than one (1) year and a value of \$5,000 or more. In addition, equipment that has a value of \$5,000 or less is also included in the document for budgetary purposes.
4. The City will coordinate development of the capital improvement budget with the development of the operating budget. Future operating costs associated with new capital improvements will be projected and included in the operating forecasts.
5. The first year of the five-year capital improvement program will be used as the basis for formal fiscal year appropriations during the annual budget process.
6. The City will maintain all of its assets at a level adequate to protect the City's capital investment and to minimize future maintenance and replacement costs.
7. The City will identify the estimated cost of capital projects and prepare a funding projection that considers revenues and operating costs to be included in the Capital Improvement Program document that is submitted to the City Commission for approval.
8. The City will determine the most appropriate financing method for all new projects.
9. If appropriate, the City will attempt to maintain a mixed policy of pay-as-you-go and borrowing against future revenues for financing capital projects.
10. The City will maintain ongoing maintenance schedules relating to road, sidewalk and drainage system improvements.
11. The City will address and prioritize infrastructure needs on the basis of protecting the health, safety and welfare of the community.
12. A CIP preparation calendar shall be established and adhered to.
13. Capital projects will conform to the City's Comprehensive Plan.
14. Long-term borrowing will not be used to fund current operations or normal maintenance.
15. The City will strive to maintain an unreserved General Fund Fund Balance at a level not less than 10% of the annual General Fund revenue.

16. If new project appropriation needs are identified at an interim period during the fiscal year, the funding sources will be identified and mid-year budget amendments will be utilized to provide formal budgetary authority. In addition budget amendments may be utilized to increase appropriations for specific capital projects.

### **PREPARING THE CAPITAL BUDGET**

The most important year of the schedule of projects is the first year. It is called the Capital Budget and is adopted separately from the five-year program as part of the annual budget review process.

Based on the CIP, each department's capital outlay portion will be formulated for that particular year. Each year the CIP will be revised and another year will be added to complete the cycle. Capital Improvement Programming thus becomes a continuing part of the City's budget and management process.

The Capital Budget is distinct from the Operating Budget. The Capital Budget authorizes capital expenditures, while the Operating Budget authorizes the expenditure of funds for employee salaries, supplies and materials.

Through the City's amendment process, changes can be made to the adopted Capital Budget during the fiscal year. A request for amendment is generated by an operating department based on an urgent need for new capital project or for additional funding for a previously approved project. The request is reviewed by the Finance Director and City Manager and, if approved by the City Manager, a budget amendment is presented to the City Commission.

### **LOCATING A SPECIFIC CAPITAL PROJECT**

The Capital Improvement Program is divided into five (5) program areas as follows:

Beautification and Parks (BP)

Transportation, Drainage and Infrastructure Improvements (TDI)

Public Buildings and Facilities (PBF)

Information/Communications Technology (ICT)

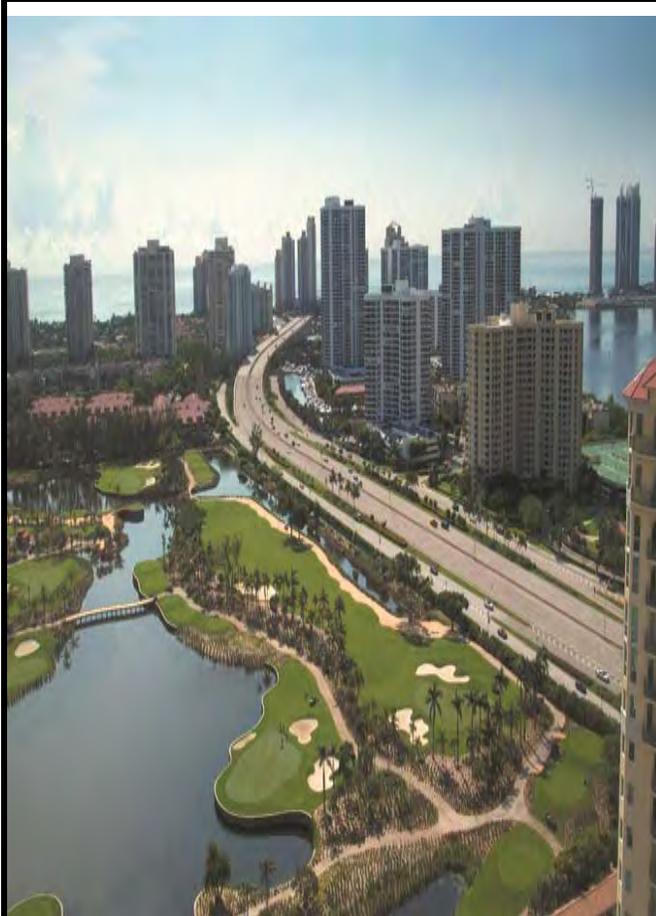
Capital Equipment Purchases & Replacement (CE)

Each project in the Capital Improvement Program has a unique project number. This project number appears at the beginning of the individual project descriptions and the Summary by Year tables. The first digit refers to functional category priority number assigned by the City Manager. The final digits outline the individual department requesting the project. For example, project TDI-1-CS is Transportation, Drainage and Infrastructure Improvements project number one which was requested by the Community Services Department.

**READING THE PROGRAM SCHEDULES**

Detailed information about each capital project is presented in the section titled "Capital Improvement Program Project Descriptions and Funding Schedules." The section is arranged by program area and functional category and includes a description of each project and the funding schedules. Project timetables for each functional category are indicated in the Summary by Year tables.

The funding schedules are based on the funding needed to complete an individual project. A project's funding may continue for several years depending on the development timetable. Each program has a separate Funding Plan Table that outlines the revenue sources proposed to fund project expenditures.



## OVERVIEW



OVERVIEW OF RECOMMENDED PROJECTS

**SUMMARY OF RECOMMENDED PROJECTS**

The proposed 2015 – 2020 CIP includes 33 projects in five (5) functional categories with a total value of \$17,883,605. The following represents the percentage of total funding that each functional category has been allocated: Beautification & Parks Facilities (14%), Transportation, Drainage and Infrastructure Improvements (47%), Capital Equipment Purchase and Replacement (20%), Information/Communication Technology (17%) and Public Buildings and Facilities Improvements (2%).

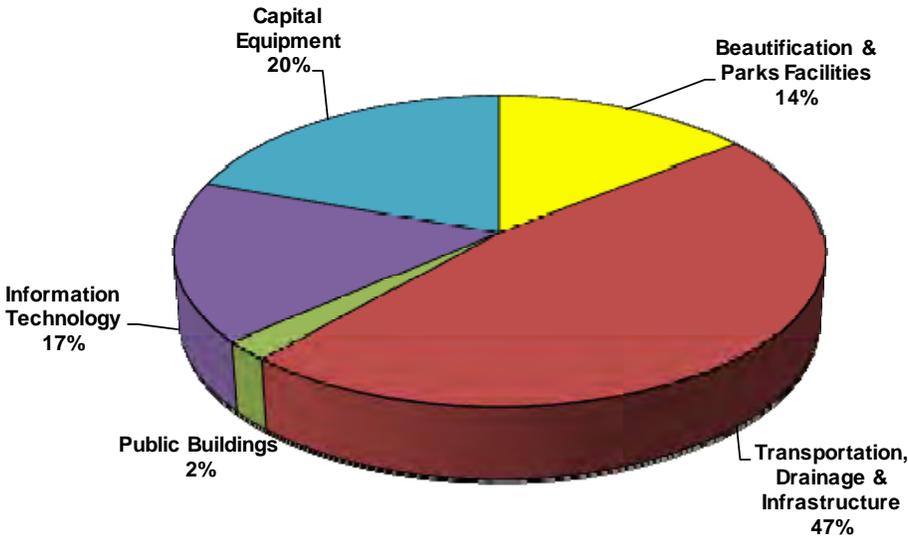
**SUMMARY OF MAJOR PROGRAMS**

The following table presents a summarized breakdown of the costs of the various projects recommended for funding categorized by major function for each of the five (5) years covered by the CIP.

Table 1

Program	2014/15	2015/16	2016/17	2017/18	2018/19	TOTAL
Beautification & Parks Facilities	\$ 2,135,200	\$ 163,400	\$ 200,000	\$ 59,850	\$ 35,600	\$ 2,594,050
Transportation, Drainage & Infrastructure	4,693,000	979,000	1,067,000	1,011,000	658,000	8,408,000
Public Buildings & Facilities	30,000	30,000	42,000	96,000	181,500	379,500
Information/Communication Technology	505,975	532,175	604,775	676,925	658,875	2,978,725
Capital Equipment	666,250	563,900	808,050	676,730	808,400	3,523,330
<b>Totals</b>	<b>\$ 8,030,425</b>	<b>\$ 2,268,475</b>	<b>\$ 2,721,825</b>	<b>\$ 2,520,505</b>	<b>\$ 2,342,375</b>	<b>\$ 17,883,605</b>

Capital Improvement Program  
2015/16 - 2019/20  
Summary By Function



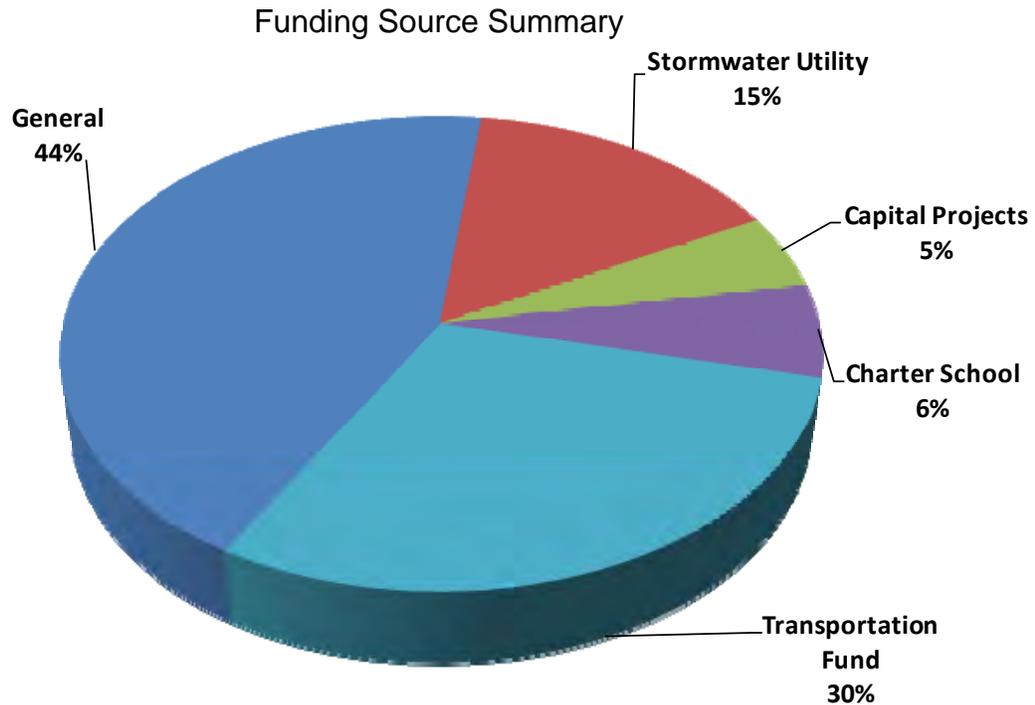
**SUMMARY OF PROPOSED APPROPRIATIONS BY FUNDING SOURCE**

The following table reflects the distribution of all proposed projects to the funding source or mechanism, which is appropriate for funding the projects for each of the five (5) years of the program.

Table 2  
Capital Improvement Program  
2015/16 - 2019/20  
Summary By funding Source

Funding Source	2015/16	2016/17	2017/18	2018/19	2019/20	TOTAL
General	\$ 2,630,925	\$ 1,095,475	\$ 1,446,325	\$ 1,240,005	\$ 1,395,375	\$ 7,808,105
Stormwater Utility	1,655,000	246,000	250,000	345,000	250,000	2,746,000
Capital Projects Fund	900,000	0	0	0	0	900,000
Charter School	156,500	194,000	208,500	269,500	289,000	1,117,500
Transportation Fund	2,688,000	733,000	817,000	666,000	408,000	5,312,000
	\$ 8,030,425	\$ 2,268,475	\$ 2,721,825	\$ 2,520,505	\$ 2,342,375	\$ 17,883,605

The proposed funding plan involves a commitment to “pay-as-you-go” annual appropriations established in yearly budgets and does not include additional long term debt.



**SUMMARY OF PROJECTS BY LOCATION AND YEAR**

The following outlines the major projects by location and the year they are proposed to be funded:

Table 3  
 Capital Improvement Program  
 2015/16- 2019/20  
 Summary By Location

<b>Location</b>	<b>Resurfacing Street Lighting Drainage Improvements</b>	<b>Park Improvements</b>
Founders Park		2015 to 2019
Waterways Park		2015 to 2017
Veterans Park		2017 to 2019
NE 29 <sup>th</sup> Place	2015/16	
NE 30 <sup>th</sup> Avenue	2015/16	
NE 188 <sup>th</sup> Street Park		2015/16
NE 213 <sup>th</sup> Street	2015/16	
Yacht Club Drive	2015/16	
NE 191 <sup>st</sup> Street	2015/16	
NE 27 <sup>th</sup> Avenue	2016/17	
NE 28 <sup>th</sup> Court	2016/17	
NE 209 <sup>th</sup> Street	2016/17	
Yacht Club Drive	2017/18	
Mystic Point Drive	2017/18	
NE 187 <sup>th</sup> Street	2018/19	
NE 185 <sup>th</sup> Street	2018/19	
Aventura Boulevard	2019/20	
NE 34 <sup>th</sup> Avenue	2019/20	
NE28th Avenue	2019/20	



# FUNDING PLAN



## FUNDING PLAN

### **INTRODUCTION**

In order for a CIP to be an effective management planning tool, the program must include not only a compilation of major capital needs and their costs but also a financing plan for the entire life of the program. This financing plan must include an analysis of the available resources which will be used to fund not only the CIP itself but the required operating expenses and debt service requirements of the City.

In order to ensure that the financing plan is complete in every respect, the plan formulation process must include:

1. A projection of revenues and resources which will be available to fund operating and capital expenditures during the life of the CIP.
2. A projection of future years' operating expenditure levels which will be required to provide ongoing services to City residents.
3. Once the CIP projects have been evaluated, a determination is made of the projects to be funded and the timing of the cash outflow for each project. The information is then tabulated to determine the amounts required to fund the CIP for each year.
4. From the information obtained in 1 through 3 above, the additional resources required to fund the CIP will be determined and a decision will be made on whether the program is to be financed by the issuance of debt, on a pay-as-you-go basis or some combination of the two (2).

The financing plan prepared in such a manner will be as accurate as possible and should be an informative document to all City residents. However, due to the uncertainty involved in projecting operating cost increases, the community's desire for service increases and the inflow of resources over a five-year period, the financing plan presented should be viewed as a theoretical framework to be adjusted each year based on the most recent information available at that time. This will be accomplished by updating the financing plan each year, adopting operating and capital budgets, and ordinances to implement fee structures which will be required to fund the program each year.

### **DEBT VS PAY-AS-YOU-GO FINANCING**

Debt financing through the issuance of long term bonds is most appropriate when:

1. There are a small number of relatively large dollar value projects.
2. Larger projects cannot be broken into segments and the costs distributed over a longer time frame without impairing the usefulness of the project.

3. The projects are non-recurring.
4. Assets acquired have a relatively long useful life which equals or exceeds the life of the debt.

Through long-term bond financing, the costs of a project having a long useful life can be shared by future residents who will benefit from the projects.

In contrast, pay-as-you-go financing is most appropriate for a CIP which includes:

1. A large number of projects having a relatively small dollar value.
2. Projects which can be broken into phases with a portion completed each year without impairing the overall effectiveness of the project.
3. Projects which are of a recurring nature.
4. Projects where the assets acquired will have relatively short useful lives.

The primary advantage of pay-as-you-go financing is that the interest costs and costs of bringing a bond issue to market can be avoided. However, if inappropriately used, this financing plan may cause tax rates and fee structures to increase suddenly and may result in current residents paying a greater portion of projects which benefit future residents.

In summary, the choice of the appropriate financing plan will be contingent upon an analysis of the projects to be included in a CIP.

#### **REQUIRED SEPARATION OF FUNDING SOURCES**

In order to comply with accepted governmental accounting practices and to ensure compliance with City Codes and any related Bond Indentures, the analysis and financing plan contained herein will be presented within their respective funds. Projects funded on a pay-as-you-go basis will directly relate to the Capital Fund Budget from where the source of funding is derived. Each of these Budgets will appear in the Annual Operating and Capital Improvement Budget, which is adopted each year. Those funds are currently represented as follows:

1. General Fund
2. Transportation and Street Maintenance Fund
3. Charter School Fund
4. Capital Projects Fund
5. Stormwater Utility Fund

In accordance with accounting, legal and internal revenue requirements, all projects to be completed with the proceeds received from the sale of Bonds or loans will be accounted for in a Capital Construction Fund or Stormwater Utility Fund. In addition, capital outlay for the Charter School is included in a separate Budget adopted by the City Commission.

**SUMMARY OF FINANCING PLAN MODEL**

Detailed funding plans for individual funds of the City are enclosed herein in the following sections. The following represents an overview of the major points of the recommended funding plan:

1. Utilize “pay-as-you-go” financing through annual appropriations to fund the total five year amount of \$17,883,605. No additional debt is recommended.
2. Adjusts property tax revenues based on projected conservative growth in assessments.

**PROPOSED FINANCING PLAN**  
**GENERAL FUND**

After evaluating the nature of the various projects that are included in the City's General CIP, it was decided that pay-as-you-go would be most appropriate for funding the program.

**FINANCING PLAN TABLES**

Based on this decision, the analysis which follows is aimed at developing a financing plan which will allow the City to fund General Government Services operating expenditures and all projects recommended for funding in the General CIP for each year of the program.

*Table 1* presents a five-year projection of resources which will be available for General Government Services. Unless shown by an asterisk (\*), the amount projected for each revenue is based on the tax rate or fee structure in effect during the 2014/15 fiscal year. Revenue descriptions followed by an asterisk (\*) were computed based on a projected increase in the rate structure as discussed in the assumption of projections.

*Table 2* presents a five-year projection of required operating expenses for General Government Services which utilize the cost data as outlined in the assumption of projections.

*Table 3* is a recap of resources available to fund the General CIP based on projected revenues and expenditures and the proposed Capital Improvement Program appropriations for the five (5) years of the program. Please note that this analysis assumes that all available resources not needed to fund current operating expenditures will be transferred to the CIP Fund and that any balance in the CIP Fund will remain in the CIP. Through this process, the City will be able to accumulate a reserve which would be used to fund unexpected capital outlays or to fund future years' programs.

TABLE 1

PROJECTION OF RESOURCES AVAILABLE FOR GENERAL GOVERNMENT SERVICES

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>CURRENT YEAR REVENUES AVAILABLE FOR GENERAL GOVERNMENT SERVICES</b>						
AD VALOREM TAXES	\$13,811,000	\$14,896,543	\$15,641,370	\$16,423,439	\$ 17,244,611	\$18,106,841 (a)
FPL FRANCHISE FEES	1,782,000	1,898,000	1,935,960	1,974,679	2,014,173	2,054,456 (b)
FRANCHISE FEES	508,000	519,000	534,570	550,607	567,125	584,139 (c)
UTILITY TAXES	7,652,000	7,886,000	8,122,580	8,366,257	8,617,245	8,875,762 (d)
SECTION 185 PREMIUM TAX	318,000	318,000	318,000	318,000	318,000	318,000
CITY BUSINESS LICENSES TAX	880,000	910,000	919,100	928,291	937,574	946,950 (e)
BUILDING RELATED REVENUE	1,653,000	2,068,000	1,600,000	1,300,000	1,300,000	1,000,000 (f)
STATE SHARED REVENUES-UNRESTRICTED	552,329	642,329	661,599	681,447	701,890	722,947 (g)
HALF CENT SALES TAX	2,630,000	2,725,000	2,820,375	2,919,088	3,021,256	3,127,000 (h)
CHARGES FOR SERVICES	2,120,000	2,153,000	2,228,355	2,306,347	2,387,070	2,470,617 (i)
FINES AND FORFEITURES	1,632,000	1,642,000	1,691,260	1,741,998	1,794,258	1,848,085 (j)
MISC. REVENUES	165,000	205,000	178,000	178,000	178,000	178,000
COUNTY BUSINESS TAX	49,000	49,000	49,000	49,000	49,000	49,000
<b>TOTAL CURRENT YEAR REVENUES</b>	<b>\$33,752,329</b>	<b>\$35,911,872</b>	<b>\$36,700,169</b>	<b>\$37,737,154</b>	<b>\$39,130,201</b>	<b>\$40,281,798</b>
TRANSFERS FROM E911 FUND	30,000	30,000	31,050	32,137	33,262	34,426
<b>TOTAL AVAILABLE</b>	<b>\$ 33,782,329</b>	<b>\$ 35,941,872</b>	<b>\$ 36,731,219</b>	<b>\$ 37,769,290</b>	<b>\$ 39,163,463</b>	<b>\$ 40,316,224</b>

NOTES TO ASSUMPTION OF PROJECTIONS

- (a) Ad Valorem Tax revenues are estimated to increase at 8% in 2015/16 and grow at the rate of 5% each year thereafter.
- (b) FPL Franchise Fees from the County will grow at the rate of 2% per year.
- (c) Franchise fees will grow at the rate of 3% per year.
- (d) Utility taxes will grow at the rate of 3% per year.
- (e) Business License Tax will grow at the rate of 1.0% per year.
- (f) Building related revenues will decrease over the 5 year period.
- (g) State shared revenues will grow at the rate of 3% per year.
- (h) Half-cent sales tax will grow at the rate 3.5% per year.
- (i) Charges for services will grow at the rate of 3.5% per year.
- (j) Fines & forfeitures will grow at the rate of 3% per year.

**TABLE 2**  
**PROJECTION OF OPERATING EXPENDITURES FOR GENERAL GOVERNMENT SERVICES**

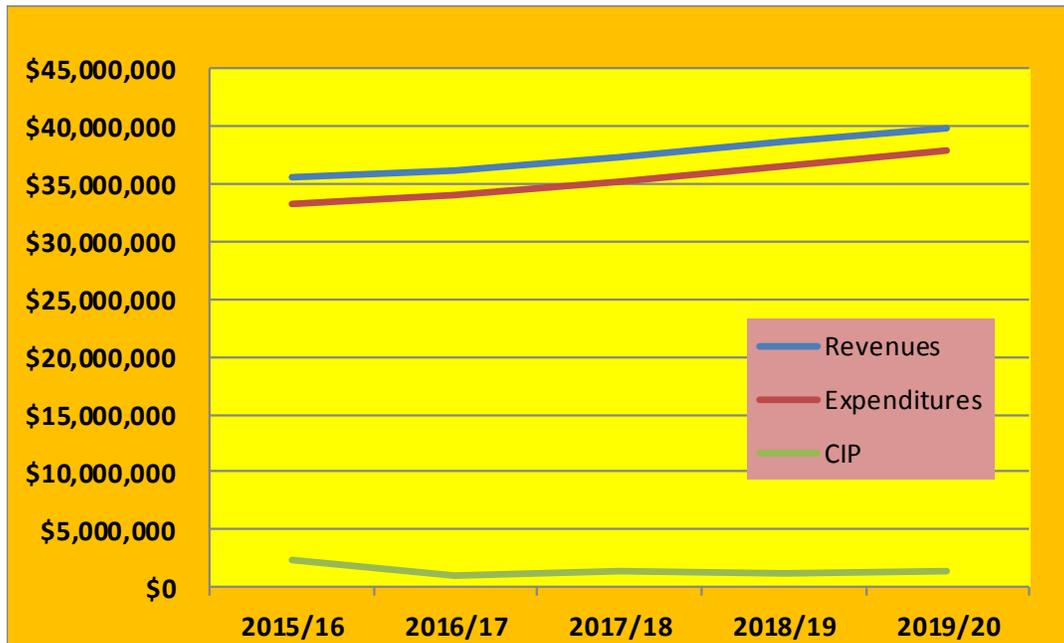
<b>DEPARTMENT</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
City Commission	\$ 125,339	\$ 128,563	\$ 131,134	\$ 135,068	\$ 139,120	\$ 143,294
Office of the City Manager	807,931	821,742	854,612	888,796	924,348	961,322
Legal	270,000	280,000	290,000	290,000	290,000	290,000
City Clerk	313,021	287,685	322,069	338,173	371,845	397,874
Finance	986,975	1,003,892	1,054,087	1,106,791	1,162,130	1,220,237
Information Technology	968,588	1,013,438	1,059,043	1,111,995	1,167,595	1,225,974
Public Safety	17,403,680	18,068,337	18,881,412	19,636,669	20,422,135	21,341,131
Arts & Cultural Center	726,900	798,183	809,101	845,511	883,559	923,319
Community Development	2,104,435	2,401,633	2,123,682	2,112,392	2,125,764	2,114,537
Community Services	4,476,210	4,760,648	4,951,074	5,149,117	5,355,082	5,569,285
Non - Departmental	1,469,000	1,481,000	1,510,620	1,540,832	1,571,649	1,603,082
TOTAL PROJECTED OPERATING EXPENDITURES GENERAL GOVERNMENTAL SERVICES	<u>\$ 29,652,079</u>	<u>\$ 31,045,121</u>	<u>\$ 31,986,834</u>	<u>\$ 33,155,344</u>	<u>\$ 34,413,227</u>	<u>\$ 35,790,056</u>
TOTAL PROJECTED DEBT SERVICE REQUIREMENTS Transfers	2,221,190	2,208,590	2,220,979	2,220,979	2,220,979	2,220,979
TOTAL PROJECTED EXPENDITURES	<u>\$ 31,873,269</u>	<u>\$ 33,253,711</u>	<u>\$ 34,207,813</u>	<u>\$ 35,376,323</u>	<u>\$ 36,634,206</u>	<u>\$ 38,011,035</u>

**NOTES TO ASSUMPTION OF PROJECTIONS**

Operating expenditures are projected to increase on average of 4% each year.

**TABLE 3  
 RECAP OF AVAILABLE RESOURCES vs PROPOSED APPROPRIATIONS  
 GENERAL FUND CAPITAL IMPROVEMENT PROGRAM**

	2015/16	2016/17	2017/18	2018/19	2019/20
TOTAL PROJECTED AVAILABLE RESOURCES	\$35,941,872	\$36,731,219	\$37,769,290	\$39,163,463	\$40,316,224
PROJECTED OPERATING EXPENDITURES	31,045,121	31,986,834	33,155,344	34,413,227	35,790,056
DEBT SERVICE REQUIREMENTS	2,208,590	2,220,979	2,220,979	2,220,979	2,220,979
SUBTOTAL - EXPENDITURES	33,253,711	34,207,813	35,376,323	36,634,206	38,011,035
BALANCE AFTER OPERATING COSTS	2,688,161	2,523,406	2,392,967	2,529,257	2,305,189
LESS CIP APPROPRIATIONS	2,660,925	1,095,475	1,446,325	1,240,005	1,395,375
BALANCE	\$ 27,236	\$ 1,427,931	\$ 946,642	\$ 1,289,252	\$ 909,814
AMOUNT NEEDED FROM CIP RESERVE OR NEW REVENUES	\$ -	\$ -	\$ -	\$ -	\$ -



**PROPOSED FINANCING PLAN**  
**TRANSPORTATION FUND**

This fund was established to account for restricted revenues and expenditures which by State Statute and County Transit System Surtax Ordinance are designated for transportation enhancements, street maintenance and construction costs. This table reflects the anticipated revenues available and the proposed appropriations.

TABLE 4  
TRANSPORTATION AND STREET MAINTENANCE FUND  
RECAP OF AVAILABLE RESOURCES AND PROPOSED APPROPRIATIONS  
SUMMARY BY YEAR

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>REVENUES</b>						
LOCAL OPTION GAS TAX	\$ 505,000	\$ 516,000	\$ 528,900	\$ 542,123	\$ 555,676	\$ 544,000
INTEREST EARNINGS	2,000	2,000	2,000	2,000	2,000	1,000
STATE SHARED REVENUES-RESTRICTED	170,000	240,000	246,000	252,150	258,454	184,000
FDOT	-	490,000	-	-	-	-
CARRYOVER	2,213,480	1,182,855	106,450	347,850	499,365	794,339
COUNTY TRANSIT SYSTEM SURTAX	1,050,000	1,371,000	1,405,275	1,440,407	1,476,417	1,131,000
<b>TOTAL REVENUES</b>	<b>\$3,940,480</b>	<b>\$3,801,855</b>	<b>\$2,288,625</b>	<b>\$ 2,584,529</b>	<b>\$2,791,911</b>	<b>\$ 2,654,339</b>
<b>EXPENDITURES</b>						
Maintenance Operating Expenditures	\$ 463,500	\$ 537,405	\$ 564,275	\$ 592,489	\$ 622,113	\$ 653,219
Transit Services	399,000	470,000	643,500	675,675	709,459	894,932
<b>TOTAL EXPENDITURES</b>	<b>\$ 862,500</b>	<b>\$ 1,007,405</b>	<b>\$ 1,207,775</b>	<b>\$ 1,268,164</b>	<b>\$ 1,331,572</b>	<b>\$ 1,548,151</b>
Total For Capital	3,077,980	2,794,450	1,080,850	1,316,365	1,460,339	1,106,188
<b>CAPITAL EXPENDITURES</b>						
Project Title	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Street Lighting	\$ 231,411	\$ 428,000	\$ 400,000	\$ 400,000	\$ 400,000	\$ -
TVMS	300,000	500,000	-	-	-	-
Transportation Improvements	353,714	490,000	-	-	-	-
Road Resurfacing Program	1,010,000	1,270,000	333,000	417,000	266,000	408,000
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>\$ 1,895,125</b>	<b>\$ 2,688,000</b>	<b>\$ 733,000</b>	<b>\$ 817,000</b>	<b>\$ 666,000</b>	<b>\$ 408,000</b>
Reserves	\$ 1,182,855	\$ 106,450	\$ 347,850	\$ 499,365	\$ 794,339	\$ 698,188

**PROPOSED FINANCING PLAN  
STORMWATER UTILITY FUND**

The City is responsible for stormwater management activities within its corporate boundaries.

In order to address deficiencies and develop an ongoing maintenance program, a Stormwater Utility Fund was created. The Fund generates revenues for stormwater management costs, permitting, maintenance and capital improvements from a source other than the General Fund, gas taxes or ad valorem taxes. The Utility relies on user fees charged to residents and businesses for generating revenues.

Table 5 reflects the anticipated revenues available and the proposed appropriations for the Stormwater Utility Fund for the five-year period.

A total of \$2,746,000 worth of stormwater drainage projects will be completed during the five-year period. The monthly rate charged to users per unit was \$2.50 for 2014/15. It is not recommended that the fee be increased during the next five (5) years.

TABLE 5  
RECAP OF AVAILABLE RESOURCES vs PROPOSED APPROPRIATIONS  
STORMWATER UTILITY FUND

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>Revenues:</b>						
Stormwater Utility Billings (1)	\$867,000	\$875,670	\$884,427	\$893,271	\$902,204	\$911,226
State Grant	425,000	195,000	-	-	-	-
Interest	4,000	1,000	1,000	1,000	1,000	1,000
Carry Over of Surplus	880,000	1,569,600	407,614	445,238	463,635	370,929
	<b>\$ 2,176,000</b>	<b>\$ 2,641,270</b>	<b>\$ 1,293,041</b>	<b>\$ 1,339,509</b>	<b>\$ 1,366,839</b>	<b>\$ 1,283,155</b>
<b>Operating Expenses: (2)</b>	<b>556,400</b>	<b>578,656</b>	<b>601,802</b>	<b>625,874</b>	<b>650,909</b>	<b>676,946</b>
<b>Available for CIP &amp; Debt Service</b>	<b>\$ 1,619,600</b>	<b>\$ 2,062,614</b>	<b>\$ 691,238</b>	<b>\$ 713,635</b>	<b>\$ 715,929</b>	<b>\$ 606,210</b>
<b>Annual CIP Expenditures:</b>	<b>850,000</b>	<b>1,655,000</b>	<b>246,000</b>	<b>250,000</b>	<b>345,000</b>	<b>250,000</b>
<b>Annual Surplus/(Deficit):</b>	<b>\$ 769,600</b>	<b>\$ 407,614</b>	<b>\$ 445,238</b>	<b>\$ 463,635</b>	<b>\$ 370,929</b>	<b>\$ 356,210</b>

NOTES TO ASSUMPTION OF PROJECTIONS

- (1) Projected to increase by 1% annually.
- (2) Includes Operation and Maintenance, Engineering and Administration .  
Projected to continue to grow at an annual rate of 4%.

**PROPOSED FINANCING PLAN  
CAPITAL PROJECTS FUND**

This fund was established to account for restricted impact fees or other revenues and which by Ordinance or Commission Policy are designated for police and parks capital improvements. This table reflects the anticipated revenues available and the proposed appropriations.

**TABLE 6  
CAPITAL PROJECTS FUND  
RECAP OF AVAILABLE RESOURCES AND PROPOSED APPROPRIATIONS  
SUMMARY BY YEAR**

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b><u>REVENUES</u></b>						
Police Impact Fees	\$ 7,500	\$ 5,000	\$ -	\$ -	\$ -	\$ -
Park Impact Fees	7,500	-	-	-	-	-
Developer Contributions	750,000	-	-	-	-	-
Carryover - Parks Impact Fees	1,033,741	900,000	-	-	-	-
Carryover - Police Impact Fees	25,898	0	5,000	5,000	-	-
<b>TOTAL REVENUES</b>	<b>\$1,824,639</b>	<b>\$ 905,000</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>\$ -</b>	<b>\$ -</b>
<b><u>POLICE CAPITAL EXPENDITURES</u></b>						
Police Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TVMS	757,500	-	-	-	-	-
Police Reserves	25,898	5,000	5,000	5,000	-	-
<b>TOTAL EXPENDITURES</b>	<b>\$ 783,398</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>-</b>	<b>-</b>
<b><u>PARKS CAPITAL EXPENDITURES</u></b>						
Park Reserves	911,241	-	-	-	-	-
NE 188th Street Park Improvements	130,000	900,000	-	-	-	-
<b>TOTAL EXPENDITURES</b>	<b>1,041,241</b>	<b>900,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTAL CAPITAL EXPENDITURES</b>	<b>\$1,824,639</b>	<b>\$ 905,000</b>	<b>\$ 5,000</b>	<b>\$ 5,000</b>	<b>\$ -</b>	<b>\$ -</b>



## PROJECT DESCRIPTIONS

## BEAUTIFICATION AND PARK FACILITIES IMPROVEMENTS

This section includes beautification projects and improvements to the City's park system and recreational facilities. There are six (6) projects in the CIP, which total \$2,594,050. Special emphasis was given to upgrading existing park facilities.

### Policies

The City's investment in improvements to the City park system is based on the following policies:

**Goal:** Provide adequate and accessible parks and facilities to meet the recreational needs of all current and future residents.

- Provide a variety of quality recreation facilities that will meet the needs of all age groups within the City and enhance the overall environmental characteristics of the area.
- Maximize the utilization of all public facilities through the provision of variety in the type of facility offered.
- Provide exercise/walking paths and designated areas for bike riders to enhance the physical well being of residents.
- Provide recreational facilities on the basis of 2.75 acres per 1,000 population.
- Encourage the integration of recreational facilities into the development of residential, commercial, industrial, and open space land uses.

**Goal:** Update the five-year CIP on an annual basis.

- Provide parks whereby residents have access to neighborhood parks within a 2 mile radius and community parks which serve the entire City.

**Goal:** Increase Safety Standards

- Provide for adequate security measure including limited access facilities.
- Replace dangerous equipment and eliminate visual barriers to reduce criminal opportunities.
- Employ vandal-resistant equipment and facilities.
- Maintain a Parks Usage Plan to protect the City's investment in the park system and insure the residents' safety.

**Goal:** Protect and preserve environmentally sensitive land and water areas.

- Preserve and enhance open space with environmental impact.

### **Existing Facilities**

There is 32 acres of open space and public park land in the City.

**Aventura Founders Park** was opened in November 1998. This 11 acre site located on West Country Club Drive and NE 190th Street includes both active and passive recreational opportunities. The park encompasses the following components: Splash pad, Jogging Path, tennis courts, gated entries, One ball field w/ dugouts and backstops, Restroom Buildings, Decorative Fencing, Playground, picnic area, passive play areas, baywalk, landscaping, two parking lots, multi-purpose plaza areas, signage, benches, and security lighting.

**Don Soffer Exercise/Walking Path** contains 5.5 acres that is classified as open space recreation area. This facility is used by residents for both recreational and exercise purposes.

**Waterways Dog Park** was acquired by the City in 1998 from a private developer. This 1.5 acre site was previously constructed by a private developer. The City converted this site to a dog park in 2008.

**Waterways Park** was purchased in 2006. The 7 acre site that includes a multipurpose sports field, playground, basketball court, fitness trail, parking and restroom facilities was opened in 2008.

**Arthur I Snyder Memorial Park** was purchased in 1998. This 3.5 acre site was one of the last remaining waterfront undeveloped parcels in the City. This site contains the Community/Recreation Center. Open passive and sitting areas are available at this location.

**Veterans Park** was acquired by the City from a private developer in 2001. This 2 acre site is located on NE 31<sup>st</sup> Avenue. Facilities and amenities include: parking lot; 1.5 acre open playfield area; playground facilities; restroom facilities and landscaping with shade trees. This park was modified in 2008 by removing the dog play area and expanding the children's play area and adding a restroom facility.

**NE 188<sup>th</sup> Street Park** contains 1.5 acres and was dedicated to the City in 2013. Development of this site is scheduled to begin in 2015.

### **Prior Accomplishments**

The following projects have been completed or are scheduled for completion as of the 2014/15 fiscal year:

<b>Project Title</b>	<b>Year</b>
Conceptual Design of Aventura Founders Park	1996/97
Design of Country Club Drive Exercise Safety Improvements	1996/97
Purchase of 5.5 acres for Aventura Founders Park	1996/97
Bus Shelter & Bench Replacements	1996/97, 1997/98, 1998/99 1999/00, 2000/01, 2001/02 2005/06
Aventura Blvd Beautification Improvements	1997/98
Northern Entrance Beautification Improvements	1997/98
Aventura Founders Park Development	1997/98
Country Club Drive Exercise/Walking Path Improvements	1997/98
NE 183 <sup>rd</sup> Street Beautification Improvements	1997/98
NE 34 <sup>th</sup> Avenue Beautification Improvements	1997/98
Library Landscaping Project	1997/98
Huber Tract Open Space Land Purchase	1998/99
NE 207 <sup>th</sup> Street Beautification Improvements	1998/99
Country Club Dr. Exercise Path Safety Improvements	1998/99, 2004/05, 2009/10
NE 190 <sup>th</sup> Street Beautification Improvements	1998/99
Biscayne Boulevard Phase I Beautification Improvements	1998/99
FEC Landscape Buffer	1998/99
NE 191 <sup>st</sup> Street Beautification Improvements	1998/99
Waterways Park Improvements	1999/00
Founders Park Improvements	1999/00, 2001/02, 2002/03 2003/04, 2005/06, 2010/11 2013/14, 2014/15
Biscayne Boulevard Phase II Beautification Improvements	1999/00
NE 185 <sup>th</sup> Street & NE 28 <sup>th</sup> Ave Beautification Improvements	1999/00
NE 213 <sup>th</sup> Street Beautification Improvements	2001/02
Aventura Blvd. Entrance Features	2001/02
Community/Recreation Center Conceptual Design	2000/01
Community Recreation Center Development	2001/02
Expanded Waterways Park Purchase	2003/04
Biscayne Boulevard Phase II Beautification Improvements	2001/02
Country Club Drive Beautification Improvements	2002/03
Newspaper Racks	2002/03, 2003/04
NE 188 <sup>th</sup> Street Beautification Improvements	2002/03
Yacht Club Way Beautification Improvements	2003/04
William Lehman Causeway Beautification Improvements	2003/04, 2004/05
Veterans Park Development	2003/04
Waterways Park Design	2005/06
Founders Park Parking Lot Expansion	2005/06
NE 207 <sup>th</sup> Street Swale Beautification Improvements	2005/06
Waterways Park Development	2006/07, 2007/08
Splashpad Addition to Founders Park	2006/07
Miami Gardens Drive Beautification Improvements	2006/07
Waterways Dog Park Development	2007/08

Veterans Park Modifications & Improvements	2007/08, 2013/14
Entrance Features Upgrades	2010/11
Waterways Park Improvements	2013/14, 2014/15
NE 188 <sup>th</sup> Street Park Design	2014/15

**Park Facilities/Open Space Recreation**

The City’s estimated current population is 37,239. The City’s Comprehensive Plan recommended standard is 2.75 acres of park and recreation land for every 1,000 potential residents. The amount of park and recreation land required by the park standards for this population is 102 acres. In calculating the number of recreation acres the City has available for use by residents, public private, golf courses and marinas are accounted for at a different degree depending on accessibility to citizens of the City. Assuming that public facilities can be accounted for at 100%, private recreation facilities at 50%, and marinas and the golf course at 25%, the City existing and proposed recreation areas total 117. Therefore, no deficiency exists under the City’s standards. Table PFOS1 contains an inventory of existing and proposed recreation and open space areas. The City owns 32 park/open space acres.

Table PFOS 1  
CITY OF AVENTURA  
Recreation/Open Space Inventory

<u>TYPE</u>	<u>FACILITY</u>	<u>ACRES</u>	<u>APPLICABLE ACRES</u>
<i>Public Recreation Areas</i>			
C	Don Soffer Exercise/Walking path	5.5	5.5
C	Arthur I Snyder Memorial Park	3.5	3.5
N	Veterans Park	2.0	2.0
N	Waterways Park	7.0	7.0
N	Waterways Dog Park	1.5	1.5
N	NE 188 <sup>th</sup> Street Park	1.5	1.5
N	Aventura Founders Park	<u>11.0</u>	<u>11.0</u>
	Public Recreation Subtotal	<u>32.0</u>	<u>32.0</u>
<i>Private Recreation Areas</i>			
	Private Recreation Sites	63.61	31.81
	Marina Complexes	9.40	2.35
	Golf Courses	<u>203.17</u>	<u>50.79</u>
	Private Recreation Subtotal	276.18	84.95
	<b>Total Recreation Areas</b>	<b><u>306.68</u></b>	<b><u>116.95</u></b>

C = Community Park  
N = Neighborhood Park

**Funding Plan**

Funding for the proposed beautification and park facilities will be provided by the proceeds from the following revenue sources:

Total Category Budget	\$2,594,050
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Funding:

General Fund	\$1,694,050
Capital Projects Fund	900,000

TABLE 1  
 PROPOSED BEAUTIFICATION AND PARK FACILITIES IMPROVEMENTS  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 SUMMARY BY YEAR

CIP #	Project Title	Dept. #	2015/16	2016/17	2017/18	2018/19	2019/20	Total
BP1	Founders Park Improvements	CS	\$ 18,000	\$ 149,000	\$ 30,000	\$ 35,000	\$ 15,000	\$ 247,000
BP2	Waterways Park Improvements	CS	8,000	5,000	-	-	-	13,000
BP3	Veterans Park Improvements	CS	-	-	150,000	4,500	-	154,500
BP4	NE 188th Street Park Improvements	CS	1,400,000	-	-	-	-	1,400,000
BP5	Exercise Trail Improvements	CS	700,000	-	10,400	10,600	10,800	731,800
BP6	City-wide Beautification Improvements	CS	9,200	9,400	9,600	9,750	9,800	47,750
Totals			\$ 2,135,200	\$ 163,400	\$ 200,000	\$ 59,850	\$ 35,600	\$ 2,594,050

TABLE 2  
 PROPOSED BEAUTIFICATION AND PARK FACILITIES IMPROVEMENTS  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 FUNDING PLAN

CIP #	Project Title	Dept. #	Total	Capital Projects	General Fund
BP1	Founders Park Improvements	CS	\$ 247,000	\$ -	\$ 247,000
BP2	Waterways Park Improvements	CS	13,000	-	13,000
BP3	Veterans Park Improvements	CS	154,500	-	154,500
BP4	NE 188th Street Park Improvements	CS	1,400,000	900,000	500,000
BP5	Exercise Trail Improvements	CS	731,800	-	731,800
BP6	City-wide Beautification Improvements	CS	47,750	-	47,750
Totals			2,594,050	\$ 900,000	\$ 1,694,050

**PROPOSED PROJECTS**

1 – CS

Founders Park Improvements

2015/16 \$18,000    2016/17 \$149,000    2017/18 \$30,000  
 2018/19 \$35,000    2019/20 \$15,000

This project consists of maintenance projects which replace and update equipment as well as enhancements to the existing features.

2015/16	Replace Office and Welcome Center Furniture	12,000
	Preplace Two Chilled Water Fountains	6,000
2016/17	Replace SplashPad Water Features	30,000
	Resurface Parking Lot and Exercise Trail	119,000
2017/18	Replace SplashPad Water Features	30,000
2018/19	Replace Sunpad Furniture	23,000
	Replace SpalshPad Pumps	12,000
2019/20	Replace Benches and Trash Cans	15,000

2-CS

Waterways Park Improvements

2015/16 \$8,000    2016/17 \$5,000

This project consists of the following maintenance projects.

2015/16	Replace Water Fountain	3,000
	Replace Soccer Nets	5,000
2016/17	Replace Soccer Nets	5,000

3-CS

Veterans Park Improvements

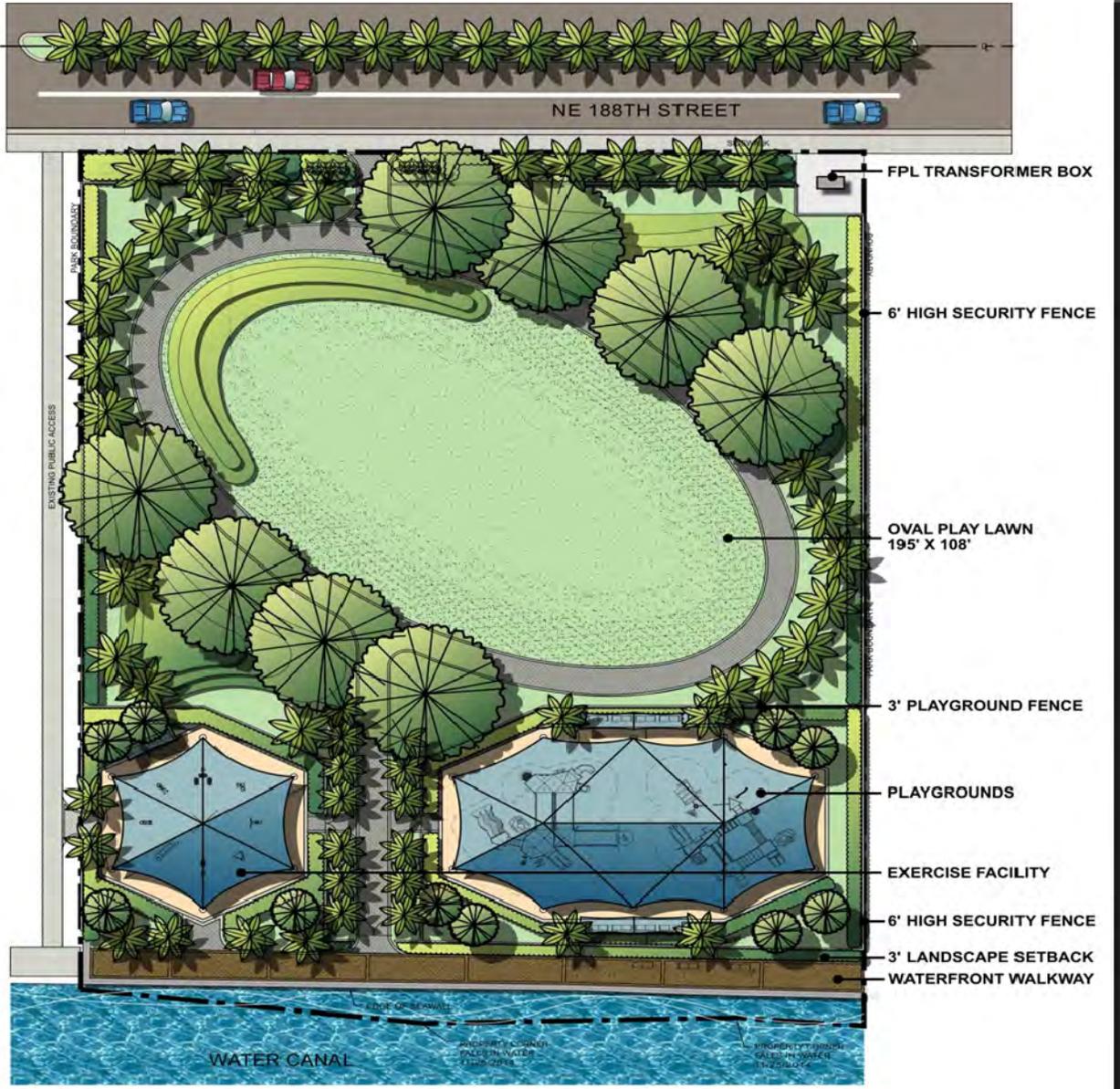
2017/18 \$150,000    2018/19 \$4,500

This project consists of maintenance projects which replace and update equipment as well as enhancements to the existing features.

2017/18	Replace Playground Equipment	150,000
2018/19	Replace Playground Equipment	4,500

4-CS  
 NE 188<sup>th</sup> Street Park Improvements  
 2015/16 \$1,400,000

This project consists of developing the 1.5 acre parcel on NE 188<sup>th</sup> Street into a large oval play area, 2 playground areas and an adult exercise area connecting to the promenade along the water.



5-CS

Exercise Trail Improvements

2015/16 \$700,000    2017/18 \$10,400    2018/19 \$10,600  
 2019/20 \$10,800

This project consists of maintenance requirements for the Don Soffer Exercise Path:

2015/16	Replace Path Lighting System	700,000
2017/18	Replace 2 Water Fountains	10,400
2018/19	Replace 2 Water Fountains	10,600
2019/20	Replace 2 Water Fountains	10,800

6 - CS

City-Wide Beautification Improvements

2015/16 \$9,200    2016/17 \$9,400    2017/18 \$9,600  
 2018/19 \$9,750    2019/20 \$9,800

This project consists of replacing aging street furniture that is no longer useful.

2015/16	Purchase Trash Cans and Benches	9,200
2016/17	Purchase Trash Cans and Benches	9,400
2017/18	Purchase Trash Cans and Benches	9,600
2018/19	Purchase Trash Cans and Benches	9,750
2019/20	Purchase Trash Cans and Benches	9,800

## TRANSPORTATION, DRAINAGE AND INFRASTRUCTURE IMPROVEMENTS

This section includes improvements to the City's transportation system, roadways, drainage system, sidewalks, pedestrian pathways, street lighting, transit and other infrastructure improvements. There are five (5) improvement projects in the Capital Improvement Program, which total \$8,408,000. Special emphasis was given to improving traffic flow, street lighting, correcting drainage deficiencies and road resurfacing and addressing maintenance considerations. The projects outlined in this section have been developed based on a survey of all areas of the City, with respect to the improvement items, by the Community Services Department; City's consulting engineer and staff. The projects were prioritized according to the urgency of the improvements needed and age of the areas to be improved.

### Policies

The City's investment in improvements to its transportation system, roads, sidewalks, street lighting and drainage system is based on the following policies:

**Goal:** Utilize the Stormwater Utility Fund to provide revenue sources to fund drainage improvements contained in the CIP.

- Coordinate area-wide storm water developments with major street improvements.
- Provide adequate storm drainage as defined by present standards for different types of areas of the City.
- Upgrade areas of the City to conform to present drainage standards to eliminate flood prone areas.
- Implement projects that address the long-term problems of the rising sea levels.

**Goal:** Improve local roads to meet road safety requirements and serve the transportation needs of the City.

- Systematically provide local street improvements throughout the City based upon the existing condition and age of the street and the cost of maintenance of the street.
- Implement improvements to meet safety standards.
- Improve safety by installing street lighting on all appropriate public roadways.
- Provide walkways and sidewalks to improve the safety of residents traveling throughout the City.

- Accept the dedication of private roads throughout the City in accordance with the Policy governing the conversion of private roads to public roads as outlined in Resolution No. 97-05.

**Goal:** Address traffic flow along the major roadways and intersections by implementing projects that create improvements to the system.

**Existing Facilities**

The following is a list of current public roads under the jurisdiction of the City:

NE 185 <sup>th</sup> Street	NE 27 <sup>th</sup> Court
NE 28 <sup>th</sup> Place	NE 28 <sup>th</sup> Avenue
NE 29 <sup>th</sup> Avenue	NE 29 <sup>th</sup> Court
NE 29 <sup>th</sup> Place	NE 30 <sup>th</sup> Avenue
NE 34 <sup>th</sup> Avenue	NE 187 <sup>th</sup> Street
NE 188 <sup>th</sup> Street	NE 190 <sup>th</sup> Street
NE 191 <sup>st</sup> Street	NE 192 <sup>nd</sup> Street
NE 193 <sup>rd</sup> Street	Aventura Boulevard
West Country Club Drive	North Country Club Drive
East Country Club Drive	NE 201 Terrace
NE 203 <sup>rd</sup> Street	NE 205 <sup>th</sup> Street
NE 206 <sup>th</sup> Street	NE 207 <sup>th</sup> Street
NE 208 <sup>th</sup> Street	NE 208 <sup>th</sup> Terrace
NE 209 <sup>th</sup> Street	NE 211 <sup>th</sup> Street
NE 213 <sup>th</sup> Street	NE 214 <sup>th</sup> Terrace
NE 214 <sup>th</sup> Street	NE 183 <sup>rd</sup> Street
Yacht Club Drive	Turnberry Way
NE 27 <sup>th</sup> Court	

**Prior Accomplishments**

Since the inception of the CIP, the following projects have been completed or are scheduled for completion as of the 2014/15 fiscal year:

<b><u>Project Title</u></b>	<b><u>Year</u></b>
Country Club Drive Drainage Improvements	1996/97
Sidewalk Installation – Southside of Lehman Causeway	1996/97
Pedestrian Safety Study	1996/97
Aventura Boulevard Street Lighting Improvements	1997/98
NE 183 <sup>rd</sup> Street & Drainage Improvements	1997/98
NE 183 <sup>rd</sup> Street Lighting Improvements	1997/98
NE 207 <sup>th</sup> Street Lighting Improvements	1997/98
North Aventura Stormwater Collector (213 <sup>th</sup> Street)	1997/98
Pedestrian Transportation Circulation Safety Improvements	1997/98
NE 190 <sup>th</sup> Street Lighting Improvements	1998/99
South Aventura Stormwater Collector	1998/99
Sidewalk Improvements & Replacements	1998/99, 1999/00, 2000/01

NE 34 <sup>th</sup> avenue Street Lighting Improvements	1999/00
NE 185 <sup>th</sup> Street & NE 28 <sup>th</sup> Avenue Improvements	1999/00
Safety Improvements – Country Club Drive	1999/00
NE 30 <sup>th</sup> Avenue Drainage Improvements	2000/01
NE 213 <sup>th</sup> Street Lighting Improvements	2000/01
NE 34 <sup>th</sup> Avenue Safety/Road Improvements	2000/01
Biscayne Lake Gardens Area Drainage Improvements	2001/02
NE 188 <sup>th</sup> Street, Lighting & Drainage Improvements	2002/03
Country Club Drive Improvements	2002/03, 2012/13, 2013/14
NE 190 <sup>TH</sup> Street Drainage Improvements	2002/03
Yacht Club way Drainage and Lighting Improvements	2003/04
NE 31 <sup>st</sup> Avenue Decorative Street Lighting	2003/04
Extension of Lehman Causeway Westbound Service Road	2003/04
Illuminated Street Signs	2003/04
Hospital District NE 213 <sup>TH</sup> Street Drainage Connector	2003/04
Hospital District North Collector	2004/05
NE 207 <sup>th</sup> Street Resurfacing	2004/05
Traffic Video Monitoring Program	2004/05, 2005/06
Directional Signs	2004/05
Yacht Club Drive Seawall Improvements	2005/06
Miami Gardens Drive	2005/06
Aventura Boulevard Resurfacing	2005/06
NE 213 <sup>th</sup> Street Outfall Drainage Improvement	2006/07
Miami Gardens Drive Extension and Street Lighting	2006/07
Ne 29 <sup>th</sup> Avenue Street Lighting Improvements	2006/07
Yacht Club Drive Resurfacing	2006/07
Countdown Pedestrian Walkway Signals	2006/07
Traffic Video Monitoring Program – Phase I	2006/07
Traffic Video Monitoring Program – Phase II	2007/08
NE 29 <sup>th</sup> Pace and Yacht Club Way Resurfacing	2007/08
NE 190 <sup>th</sup> Street Drainage Improvements	2007/08
NE 209 <sup>th</sup> Street/Biscayne Boulevard Traffic Improvements	2007/08
NE 187 <sup>th</sup> Street Traffic Improvements	2007/08
NE 180 <sup>th</sup> & NE 182 <sup>nd</sup> Street /Biscay Boulevard Signage	2007/08
NE 199 <sup>th</sup> Street/West Country Club Drive Turning Lane	2008/09
NE 190 <sup>th</sup> Street Resurfacing	2008/09
NE 191 <sup>st</sup> Street/Biscayne Boulevard Traffic Improvements	2008/09
NE 191 <sup>st</sup> /29 <sup>th</sup> Avenue Drainage Improvements	2008/09
Hospital District Resurfacing	2009/10
NE 183 <sup>rd</sup> Street Resurfacing & Road Improvements	2009/10
Yacht Club Way Bridge Improvements	2009/10
Country Club Drive Bus Shelters	2010/11
NE 29 <sup>th</sup> Avenue and NE 187 <sup>th</sup> Street Resurfacing	2010/11
NE 34 <sup>th</sup> Avenue Street Resurfacing	2010/11
Biscayne Boulevard Street Light Upgrades Phase 1	2010/11
Biscayne Boulevard Street Light Upgrades Phase 2	2011/12

NE 185 <sup>th</sup> /NE 31 <sup>th</sup> Avenue, NE 188 <sup>th</sup> Street and NE 191 Street	
Resurfacing	2011/12
Biscayne Boulevard Street Light Upgrades Phase 3	2012/13
Traffic Signal @ NE 185 <sup>th</sup> Street & NE 28 <sup>th</sup> Court	2012/13
Turning Lane at N. Country Club Drive and NE 34 <sup>th</sup> Avenue	2012/13
Biscayne Boulevard Street Light Upgrades Phase 4	2013/14
Traffic Flow Improvements NE 185 <sup>th</sup> Street	2013/14
NE 29 <sup>th</sup> Place Drainage Improvements & Resurfacing	2014/15
Biscayne Lake Gardens Resurfacing	2014/15
NE 207 <sup>th</sup> Street Resurfacing	2014/15
Traffic Video Monitoring System Upgrades	2014/15
NE 185 <sup>th</sup> Street Turning Lane Improvements	2014/15

**Road, Drainage and Infrastructure Improvements**

The majority of the projects outlined herein can be also be classified as drainage improvements and road resurfacing in accordance with established maintenance schedules.

**Funding Plan**

Funding for the proposed roadway, drainage and infrastructure improvement projects will be provided by the following sources:

Total Category Budget	\$8,408,000
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**Funding:**

Transportation Fund	\$5,312,000
Stormwater Utility Fund	2,746,000
General Fund	350,000

Tables 1 and 2 showing these improvement projects and funding schedules are followed by detailed project descriptions.

TABLE 1  
 PROPOSED TRANSPORTATION, DRAINAGE AND INFRASTRUCTURE IMPROVEMENTS  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 SUMMARY BY YEAR

CIP #	Project Title	Dept. #	2015/16	2016/17	2017/18	2018/19	2019/20	Total
TDI1	Stormwater Drainage Improvements	CS	\$ 1,655,000	\$ 246,000	\$ 250,000	\$ 345,000	\$ 250,000	\$ 2,746,000
TDI2	Road Resurfacing Program	CS	1,270,000	333,000	417,000	266,000	408,000	2,694,000
TDI3	Country Club Drive Pedestrian Signs	CS	490,000	-	-	-	-	490,000
TDI4	TVMS Upgrade	CS	850,000	-	-	-	-	850,000
TDI5	Street Lighting Improvements	CS	428,000	400,000	400,000	400,000	-	1,628,000
Totals			\$ 4,693,000	\$ 979,000	\$ 1,067,000	\$ 1,011,000	\$ 658,000	\$ 8,408,000

TABLE 2  
 PROPOSED TRANSPORTATION, DRAINAGE AND INFRASTRUCTURE IMPROVEMENTS  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 FUNDING PLAN

CIP #	Project Title	Dept. #	Total	Stormwater Utility Fund	General Transportation Fund	General Transportation Fund
TDI1	Stormwater Drainage Improvements	CS	\$ 2,746,000	\$ 2,746,000	\$ -	\$ -
TDI2	Road Resurfacing Program	CS	2,694,000	-	-	2,694,000
TDI3	Country Club Drive Pedestrian Signs	CS	490,000	-	-	490,000
TDI4	TVMS Upgrade	CS	850,000	-	350,000	500,000
TDI5	Street Lighting Improvements	CS	1,628,000	-	-	1,628,000
Totals			\$ 8,408,000	\$ 2,746,000	\$ 350,000	\$ 5,312,000

**PROPOSED PROJECTS**

1-CS

Stormwater Drainage Improvements

2015/16 \$1,655,000	2016/17 \$246,000	2017/18 \$250,000
2018/19 \$345,000	2019/20 \$250,000	

Projects included provide for drainage improvements in areas prone to flooding and addressing the long term impacts of the rising sea levels by installing check valves in the various drainage outflows throughout the City.

2015/16	NE 213 <sup>th</sup> Street and NE 183 <sup>rd</sup> Street Seawall	390,000
	NE 191 <sup>st</sup> Improvements	650,000
	NE 29 <sup>th</sup> Place Phase II (South) Improvements	390,000
	Stormwater Master Plan/Environmental Assessment	225,000
2016/17	3 Stormwater Outflow Check Valves	186,000
	NE 188 <sup>th</sup> Street and NE 190 <sup>th</sup> Street Seawall Improvements	60,000
2017/18	4 Stormwater Outflow Check Valves	250,000
2018/19	Replace Country Club Drive Pump Station	95,000
	4 Stormwater Outflow Check Valves	250,000
2019/20	4 Stormwater Outflow Check Valves	250,000

2-CS

Road Resurfacing Program

2015/16 \$1,270,000	2016/17 \$333,000	2017/18 \$417,000
2018/19 \$266,000	2019/20 \$408,000	

This project consists of resurfacing roadways as determined by the City's maintenance standards and the Community Services Department.

2015/16	NE 213 <sup>th</sup> Street	335,000
	NE 29 Place Phase II (South)	482,000
	Yacht Club Way Bridge Repairs	215,000
	NE 191 <sup>st</sup> Street	238,000
2016/17	NE 27 <sup>th</sup> Avenue	58,000
	NE 28 <sup>th</sup> Court between 185 and 187 Streets	53,000
	NE 30 <sup>th</sup> Avenue	168,000
	NE 209 <sup>th</sup> Street	54,000

2017/18	Yacht Club Drive	290,000
	Mystic Point Drive	127,000
2018/19	NE 187 <sup>th</sup> Street	145,000
	NE 185 <sup>th</sup> Street	121,000
2019/20	Aventura Boulevard	285,000
	NE 34 <sup>th</sup> Avenue	45,000
	NE 28 <sup>th</sup> Avenue	78,000
<hr/>		
3-CS		
Country Club Drive Flashing Pedestrian Crossing Signs		
2015/16 \$490,000		
<p>This project consists of replacing the “On Pavement Pedestrian Warning Signs” installed in 2014 with Reflective Rectangular Flashing Beacons. The Reflective Rectangular Flashing Beacons are solar powered and would require a pedestrian to push a button for the interstation signs to flash, thus requiring traffic to stop.</p>		
<hr/>		
4-CS		
Traffic Video Monitoring System		
2015/16 \$850,000		
<p>This project consists of upgrading the 10 year old TVMS equipment to state of art technology and expanding service by adding cameras at two locations in the southern portion of the City. The TVMS program utilizes cameras at key intersections to allow for the Police Department to monitor and respond to traffic conditions.</p>		
<hr/>		
5-CS		
Streetlight Improvements		
2015/16 \$428,000 2016/17 \$400,000 2017/18 \$400,000		
2018/19 \$400,000		
2015/16	Street Lights - NE 30 <sup>th</sup> Ave between NE 203 <sup>th</sup> Street and NE 207 Street	250,000
	Street Lights - NE 29 <sup>th</sup> Place Phase II (South)	178,000
2016/17	Retrofit Street Lighting with LED fixtures	400,000
2017/18	Retrofit Street Lighting with LED fixtures	400,000
2018/19	Retrofit Street Lighting with LED fixtures	400,000



Funding:

General Fund	\$242,500
Charter School Fund	137,000

TABLE 1  
 PROPOSED PUBLIC BUILDING AND FACILITIES IMPROVEMENTS  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 SUMMARY BY YEAR

CIP #	Project Title	Dept.	2015/16	2016/17	2017/18	2018/19	2019/20	Total
PBF1	HVAC Replacements	CS	\$ 30,000	\$ 30,000	\$ 42,000	\$ 65,000	\$ 145,000	\$ 312,000
PBF2	Community Recreation Center Improvements	CS	-	-	-	31,000	13,500	44,500
PBF3	AACC Improvements	AACC	-	-	-	-	23,000	23,000
Totals			\$ 30,000	\$ 30,000	\$ 42,000	\$ 96,000	\$ 181,500	\$ 379,500

TABLE 2  
 PROPOSED PUBLIC BUILDING AND FACILITIES IMPROVEMENTS  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 FUNDING PLAN

CIP #	Project Title	Dept.	Total	Charter Fund	General Fund
PBF1	HVAC Replacements	CS	\$ 312,000	\$ 137,000	\$ 175,000
PBF2	Community Recreation Center Improvements	CS	44,500	-	44,500
PBF3	AACC Improvements	AACC	23,000	-	23,000
Totals			\$ 379,500	\$ 137,000	\$ 242,500

**PROPOSED PROJECTS**

1 – CS

HVAC Replacements

2015/16 \$30,000    2016/17 \$30,000    2017/18 \$42,000  
 2018/19 \$65,000    2019/20 \$145,000

This project consists of replacing the air conditioning units at various City facilities.

2015/16	Replace 20 ton HVAC at Community Recreation Center	\$30,000
2016/17	Replace 20 ton HVAC at ACES	\$30,000
2017/18	Replace 30 ton HVAC at ACES	\$42,000
2018/19	Replace 12 ton HVAC at Community Recreation Center Replace 3 8-ton HVAC at ACES	\$30,000 35,000
2019/20	Replace 20 ton HVAC at ACES Replace 20 ton HVAC at Community Recreation Center Replace Chiller at AACC	\$30,000 30,000 85,000

2 – CS

Community Recreation Center Improvements

2018/19 \$31,000    2019/20 \$13,500

2018/19	Replace Gym Bleachers, Wall Padding and Curtain.
2019/20	Replace Gym Lighting with LED Lights

3 – AACC Improvements

2019/20 \$23,000

This project consists of replacing the carpet at the Aventura & Arts and Cultural Center.

**INFORMATION/COMMUNICATIONS TECHNOLOGY**

This functional category includes improvements to the City’s information/communication systems, data processing and the automation of certain operations by utilizing the latest technology to enhance productivity and efficiency. There are 12 projects totaling \$2,978,725.

**Policies**

The City’s investment in information/technology projects is based on the following policies:

- Continue the implementation upgrade of the Management Information System for all key City operations to automate functions and improve efficiency and productivity.
- Maintain state of the art City-wide radio communications capabilities for Police operations.
- Develop and maintain computerized capabilities of the various City departments and information systems.
- Utilize the latest state-of-the-art technology including the use of the Internet and social media for the delivery of services.
- Maintain the E911 system to enhance police response times to emergencies.
- Utilize the latest technology for education and teaching at the Charter School.

**Funding Plan**

Funding for the proposed Information Technology Projects will be provided by the following sources: Total Category Budget \$2,978,725

<u>Funding:</u>	
General Fund	\$1,998,225
Charter School Fund	980,500

TABLE 1  
 PROPOSED COMMUNICATIONS AND COMPUTERS EQUIPMENT  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 SUMMARY BY YEAR

CIP #	Project Title	Dept. #	2015/16	2016/17	2017/18	2018/19	2019/20	Total
ICT1	Police Computers Systems<\$5000	PD	\$ 120,975	\$ 150,375	\$ 154,375	\$ 198,375	\$ 113,875	\$ 737,975
ICT2	Central Computer System>\$5000	IT	160,000	170,000	235,000	195,000	215,000	975,000
ICT3	Radios	PD	40,000	20,000	-	10,000	35,000	105,000
ICT4	Computer Equipment<\$5000	ACES	111,500	114,000	116,500	129,500	134,000	605,500
ICT5	Computer Equipment>\$5000	ACES	45,000	50,000	50,000	105,000	125,000	375,000
ICT6	Computer Equipment<\$5000	IT	6,000	6,000	6,000	6,000	6,000	30,000
ICT7	Computer Equipment<\$5000	F	6,000	2,000	3,000	3,000	5,000	19,000
ICT8	Computer Equipment<\$5000	CM	-	4,000	-	-	-	4,000
ICT9	Computer Equipment<\$5000	CS	10,000	6,300	26,900	20,550	15,000	78,750
ICT10	Computer Equipment<\$5000	CD	4,500	3,500	4,000	4,500	3,500	20,000
ICT11	Computer Equipment<\$5000	AACC	2,000	6,000	6,000	5,000	6,500	25,500
ICT12	Computer Equipment<\$5000	CC	-	-	3,000	-	-	3,000
Totals			\$ 505,975	\$ 532,175	\$ 604,775	\$ 676,925	\$ 658,875	\$ 2,978,725

TABLE 2  
 PROPOSED COMMUNICATIONS AND COMPUTERS EQUIPMENT  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 FUNDING PLAN

CIP #	Project Title	Dept. #	Total	General Fund	Charter School Fund
ICT1	Police Computers Systems<\$5000	PD	\$ 737,975	\$ 737,975	-
ICT2	Central Computer System>\$5000	IT	975,000	975,000	-
ICT3	Radios and E911 System	PD	105,000	105,000	-
ICT4	Computer Equipment<\$5000	ACES	605,500	-	605,500
ICT5	Computer Equipment>\$5000	ACES	375,000	-	375,000
ICT6	Computer Equipment<\$5000	IT	30,000	30,000	-
ICT7	Computer Equipment<\$5000	F	19,000	19,000	-
ICT8	Computer Equipment<\$5000	CM	4,000	4,000	-
ICT9	Computer Equipment<\$5000	CS	78,750	78,750	-
ICT10	Computer Equipment<\$5000	CD	20,000	20,000	-
ICT11	Computer Equipment<\$5000	AACC	25,500	25,500	-
ICT12	Computer Equipment<\$5000	CC	3,000	3,000	-
Totals			\$ 2,978,725	\$ 1,998,225	\$ 980,500

**PROPOSED PROJECTS**

1 - PD

Police Computers Systems < \$5000

2015/16 \$120,975 2016/17 \$150,375 2017/18 \$154,375

2018/19 \$198,375 2019/20 \$113,875

This project consists of purchasing computer equipment and software that utilizes the latest technology for the Police Department.

2015/16	Upgrades	\$ 5,000
	Replace 25 Mobile Laptops	50,000
	20 Desktop Computers	24,000
	Vehicle Modems	5,600
	Replace 1 Server	5,000
	15 Vehicle Printers	7,875
	5 Desktop Scanners	5,000
	Color Printer	1,500
	Replace Smart Board	7,000
	FTO Module OSSI	10,000
2016/17	Upgrades	\$ 5,000
	Replace 25 Mobile Laptops	50,000
	20 Desktop Computers	24,000
	Vehicle Modems	14,000
	Replace 1 Server	5,000
	Vehicle Printers	7,875
	10 EOC PCS	12,000
	Laptop-Ruggized	4,000
	Replace Smart Board	8,000
	Key Track System	14,000
	5 Desktop Scanners	5,000
	Laser Printer	1,500
2017/18	Upgrades	\$ 5,000
	Replace 25 Mobile Laptops	50,000
	20 Desktop Computers	24,000
	40 Vehicle Modems	56,000
	Replace Server	5,000
	10 Vehicle Printers	7,875
	Desktop Scanners	5,000
	Laser Printer	1,500
2018/19	Upgrades	\$ 5,000
	Replace 25 Mobile Laptops	50,000

	20 Desktop Computers	24,000
	Vehicle Modems	56,000
	Replace Server	5,000
	10 Vehicle Printers	7,875
	Desktop Scanners	5,000
	Replace 2 Smart Board	20,000
	Key Track System	14,000
	Laptop-Ruggized	10,000
	Laser Printer	1,500
2019/20	Upgrades	\$ 5,000
	Replace 25 Mobile Laptops	50,000
	20 Desktop Computers	24,000
	10 Vehicle Modems	14,000
	Replace Server	5,000
	10 Vehicle Printers	7,875
	Desktop Scanners	5,000
	2 Laser Printer	3,000
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2 - IT		
Central Management Information System > \$5000		
2015/16	\$160,000	2016/17 \$170,000
		2017/18 \$235,000
2018/19	\$195,000	2019/20 \$215,000
<p>This project consists of purchasing new and replacement computer hardware and software that utilize the latest technology for the City's general information management system, which is used by all City Departments.</p>		
2015/16	Software/Licenses/Upgrades	\$20,000
	Servers/ Security/UPS/Switches	60,000
	AS 400 Upgrades	5,000
	Upgrade Phone System	5,000
	Upgrade Video System Solution	10,000
	TVMS Equipment Upgrades	60,000
2016/17	Software/Licenses/Upgrades	\$20,000
	Servers/ Security/UPS/Switches	80,000
	AS 400 Upgrades	5,000
	Upgrade Phone System	10,000
	TVMS Equipment Upgrades	50,000
	Security Cameras/Recorders	5,000
2017/18	Software/Licenses/Upgrades	\$20,000
	Servers/ Security/UPS/Switches	85,000
	AS 400 Upgrades	50,000

	Upgrade Phone System	10,000
	TVMS Equipment Upgrades	50,000
	Equipment for Redundant Site	15,000
	Security Cameras/Recorders	5,000
2018/19	Software/Licenses/Upgrades	\$20,000
	Servers/ Security/UPS/Switches	70,000
	AS 400 Upgrades	5,000
	Upgrade Phone System	15,000
	TVMS Equipment Upgrades	65,000
	Security Cameras/Recorders	20,000
2019/20	Software/Licenses/Upgrades	\$15,000
	Servers/ Security/UPS/Switches	70,000
	AS 400 Upgrades	5,000
	Upgrade Phone System	25,000
	TVMS Equipment Upgrades	50,000
	Security Cameras/Recorders	50,000
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3 - PD Radios		
2015/16	\$40,000	2016/17 \$20,000
2018/19	\$10,000	
2019/20	\$35,000	
<p>This project consists of upgrading the equipment for the 800 Mhz police radio system to ensure a state-of-the-art system and maintain the E911 system.</p>		
2015/16	8 Mobile Radios	40,000
2016/17	4 Mobile Radios	20,000
2018/19	2 Mobile Radios	10,000
2019/20	5 Handheld and 2 Mobile Radios	35,000
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4 - ACES		
Computer Equipment < \$5,000		
2015/16	\$111,500	2016/17 \$114,000
2017/18	\$116,500	
2018/19	\$129,500	2019/20 \$134,000
<p>This project consists of the regular replacement of the computers, laptops, servers and network infrastructure at the Aventura City of Excellence School.</p>		
2015/16	Replace 80 Laptops/Computers	96,000

	21 Tablet Computers	10,500
	Mobile Learning Computer Lab	4,000
	Replace Desktop Scanner	1,000
2016/17	Replace 80 Laptops/Computers	96,000
	21 Tablet Computers	10,500
	Mobile Learning Computer Lab	4,000
	Replace Color Laser Printer	3,500
2017/18	Replace 85 Laptops/Computers	102,000
	21 Tablet Computers	10,500
	Mobile Learning Computer Lab	4,000
2018/19	Replace 95 Laptops/Computers	114,000
	21 Tablet Computers	10,500
	Mobile Learning Computer Lab	4,000
	Replace Desktop Scanner	1,000
2019/20	Replace 95 Laptops/Computers	114,000
	25 Tablet Computers	12,500
	Mobile Learning Computer Lab	4,000
	Replace Color Laser Printer	3,500
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5 - ACES		
Computer Equipment > \$5000		
2015/16	\$45,000	2016/17 \$50,000
		2017/18 \$50,000
2018/19	\$105,000	2019/20 \$125,000
<p>This project consists of the regular replacement of the computers and network infrastructure at the Aventura City of Excellence School that exceeds \$5,000.</p>		
2015/16	Replace Network Switches and Routers	15,000
	Replace AV equipment and/or Smart boards	30,000
2016/17	Replace Network Switches and Routers	10,000
	Replace 2 Servers	10,000
	Replace AV equipment and/or Smart boards	30,000
2017/18	Replace Network Switches and Routers	15,000
	Phone System Upgrade	5,000
	Replace AV equipment and/or Smart boards	30,000
2018/19	Replace Network Switches and Routers	45,000
	Replace AV equipment and/or Smart boards	60,000

2019/20	Replace Network Switches and Routers	20,000
	Phone System Upgrade	15,000
	Replace AV equipment and/or Smart boards	90,000

6 - IT

Computer Equipment < \$5000

2015/16 \$6,000	2016/17 \$6,000	2017/18 \$6,000
2018/19 \$6,000	2019/20 \$6,000	

This project includes the replacement of existing equipment for the various employees of the department.

7 - F

Computer Equipment < \$5000

2015/16 \$6,000	2016/17 \$2,000	2017/18 \$3,000
2018/19 \$3,000	2019/20 \$5,000	

This project includes the replacement of existing equipment for the various employees of the department.

8 - CM

Computer Equipment < \$5000

2016/17 \$4,000
-----------------

This project consists of upgrading computer equipment in the Office of the City Manager.

9 - CS

Computer Equipment < \$5000

2015/16 \$10,000	2016/17 \$6,300	2017/18 \$26,900
2018/19 \$20,550	2019/20 \$15,000	

This project consists of purchasing and upgrading computer equipment in the Community Services Department and Community Recreation Center.

2015/16	Replace 5 Computers	\$5,000
	Replace 1 ID Printer	4,000
	Upgrade GIS Software	1,000
2016/17	Replace 4 Computers	\$4,000
	Replace Laptop	1,300
	Upgrade GIS Software	1,000

2017/18	Replace 5 Computers	\$5,000
	Replace 1 ID Printer	4,000
	Replace HVAC Computer	4,000
	Upgrade GIS Software	1,000
	Replace 6 CRC Computers	9,900
	Replace CRC Server	3,000
2018/19	4 Computers	\$4,000
	Replace 6 CRC Computers	8,250
	Replace 1 Laptop	1,300
	Replace 1 Plotter	6,000
	Upgrade GIS Software	1,000
2019/20	4 Computers	\$4,000
	Replace 1 ID Printer	4,000
	Replace 1 Scanner	1,000
	Replace 1 Visitor ID System	5,000
	Upgrade GIS Software	1,000
-----		
10 - CD		
Computer Equipment < \$5000		
2015/16	\$4,500	2016/17 \$3,500
2017/18	\$4,000	
2018/19	\$4,500	2019/20 \$3,500
<p>This project consists of computer upgrades, replacement printers and the implementation of field computers for code compliance and building inspections for the Community Development Department.</p>		
2015/16	Replace 3 Computers	\$3,000
	Replace Laserjet Printers	500
	Replace Desktop Scanner	1,000
2016/17	Replace 3 Computers	\$3,000
	Replace 1 Laserjet Printers	500
2017/18	Replace 3 Computers	\$3,000
	Replace 2 Laserjet Printers	1,000
2018/19	Replace 3 Computers	\$3,000
	Replace 1 Laserjet Printers	500
	Replace Desktop Scanner	1,000
2019/20	Replace 3 Computers	\$3,000
	Replace 1 Laserjet Printers	500

11 - AACC

Computer Equipment < \$5000

2015/16 \$2,000      2016/17 \$6,000      2017/18 \$6,000

2018/19 \$5,000      2019/20 \$6,500

This project consists of purchasing and upgrading computer equipment in the Arts & Cultural Center.

2015/16	Replace Laptop/tablets	2,000
2016/17	Replace 4 Computers	4,000
	Replace Network Switches	2,000
2017/18	Replace 2 Laptop/tablets	4,000
	Replace Color Laser Printer	2,000
2018/19	Replace 4 Computers/laptops	5,000
2019/20	Upgrade Point of Sale System	6,500

12 - CC

Computer Equipment < \$5000

2017/18 \$3,000

This project consists of upgrading and replacing computer equipment in the City Clerk's Office.

## CAPITAL EQUIPMENT PURCHASES AND REPLACEMENTS

This section includes projects relating to Capital Equipment Purchases and Replacements for all operating departments. There are a total of 7 projects totaling \$3,523,330.

### **Policies**

The City's investment in capital equipment purchases and replacements is based on the following policies:

Goal: Provide capital equipment that will meet the needs of all departments in order to maintain the efficiency and productivity of providing municipal services to the City's residents.

- Replace all present equipment that is required when they become unusable, unsafe or when maintenance costs outweigh the total cost of replacement.
- Develop and maintain an "Equipment Evaluation and Replacement Guide" to determine replacement schedules and costs.
- Purchase more economical, fuel efficient and multi-functional vehicles.
- Purchase "green" or electric vehicles where practical.
- Purchase new equipment that will increase productivity and reduce personnel and maintenance costs.
- Maintain all City assets at a level adequate to protect the City's capital investment and to minimize future maintenance and replacement costs.

### **Proposed Capital Equipment Purchase And Replacement**

Most projects outlined in the 2015/16 to 2019/20 Capital Improvement Program are either pertaining to vehicles or operational equipment. Detailed project descriptions and a funding schedule follow. The CIP guidelines provide that capital equipment shall be defined as having a useful life of more than one year and a value of \$5,000 or more. Equipment that has a value of \$5,000 or less is also included in this document for budgetary purpose.

### **Funding Plan**

Funding for the proposed Capital Equipment Purchase and Replacement Projects will be provided by annual appropriations from the General Fund:

TABLE 1  
 PROPOSED CAPITAL EQUIPMENT PURCHASE AND REPLACEMENT  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 SUMMARY BY YEAR

CIP #	Project Title	Dept. #	2015/16	2016/17	2017/18	2018/19	2019/20	Total
CE1	Vehicle Purchase & Replacements	PD	\$ 341,000	\$ 323,000	\$ 546,000	\$ 420,000	\$ 498,000	\$ 2,128,000
CE2	Equipment Purchase and Replacement>5000	PD	162,700	65,000	142,000	129,000	151,000	649,700
CE3	Equipment Purchase and Replacement<5000	PD	73,700	57,200	48,600	54,600	29,600	263,700
CE4	Equipment Purchase and Replacement>5000	CS	50,000	42,000	14,000	28,000	62,000	196,000
CE5	Equipment Purchase and Replacement<5000	CS	11,800	7,300	1,750	9,750	7,800	38,400
CE6	Equipment Purchase and Replacement>5000	AACC	27,050	49,400	55,700	35,380	60,000	227,530
CE7	Equipment Purchase and Replacement>5000	CD	-	20,000	-	-	-	20,000
Totals			\$ 666,250	\$ 563,900	\$ 808,050	\$ 676,730	\$ 808,400	\$ 3,523,330

TABLE 2  
 PROPOSED CAPITAL EQUIPMENT PURCHASE AND REPLACEMENT  
 PROJECTS SCHEDULED FOR 2015/16 - 2019/20  
 FUNDING PLAN

CIP #	Project Title	Dept. #	Total	General Fund
CE1	Vehicle Purchase & Replacements	PD	\$ 2,128,000	\$ 2,128,000
CE2	Equipment Purchase and Replacement>5000	PD	649,700	649,700
CE3	Equipment Purchase and Replacement<5000	PD	263,700	263,700
CE4	Equipment Purchase and Replacement>5000	CS	196,000	196,000
CE5	Equipment Purchase and Replacement<5000	CS	38,400	38,400
CE6	Equipment Purchase and Replacement>5000	AACC	227,530	227,530
CE7	Equipment Purchase and Replacement>5000	CD	20,000	20,000
Totals			\$ 3,523,330	\$ 3,523,330

**PROPOSED PROJECTS**

1 - PD

Vehicle Purchase & Replacements

2015/16 \$341,000    2016/17 \$323,000    2017/18 \$546,000  
 2018/19 \$420,000    2019/20 \$498,000

This project consists of purchasing police vehicles to accommodate new employee additions and establish a vehicle replacement program in the Police Department.

2015/16	Replace 10 Patrol Vehicles	\$310,000
	Replace K-9 Vehicles	31,000
2016/17	Replace 9 Patrol Vehicles	\$288,000
	Replace Crime Prevention Van	35,000
2017/18	Replace 14 Patrol Vehicles	\$476,000
	Replace Crime Scene Van	35,000
	Replace K-9 Vehicles	35,000
2018/19	Replace 10 Patrol Vehicles	\$350,000
	Replace 2 Traffic Vehicles	70,000
2019/20	Replace 10 Patrol Vehicles	\$350,000
	Replace Crime Scene Van	38,000
	Replace Prisoner Van	40,000
	Replace Traffic Truck	35,000
	Replace K-9 Vehicles	35,000

2 - PD

Equipment Purchase and Replacement > \$5000

2015/16 \$162,700    2016/17 \$65,000    2017/18 \$142,000  
 2018/19 \$129,000    2019/20 \$151,000

This project consists of purchasing equipment for the Police Department. The following is a breakdown of the items to be replaced:

2015/16	10 Vehicle Equipment	\$70,000
	K-9 Vehicle Equipment	10,000
	Message Board	12,000
	Replace K-9	12,000
	Replace 2 Marine Engines	30,000
	Safe Fuming Chamber	8,700

	Replace 2 Pole Cam	20,000
2016/17	7 Vehicle Equipment	\$48,000
	Replace K-9	12,000
	Crime Prevention Van Equipment	5,000
2017/18	13 Vehicle Equipment	\$90,000
	Replace Segway	10,000
	Crime Scene Equipment	8,000
	K-9 Vehicle Equipment	10,000
	Replace K-9	12,000
	Message Board	12,000
2018/19	10 Vehicle Equipment	\$68,000
	Replace Segway	11,000
	Replace In-Car Video	35,000
	2 Traffic Vehicle Equipment	15,000
2019/20	10 Vehicle Equipment	\$70,500
	Traffic Vehicle Equipment	7,500
	Crime Scene Equipment	8,000
	K-9 Vehicle Equipment	10,000
	Replace 2 Marine Engines	30,000
	Prisoner Van Equipment	25,000
-----		
3 - PD		
Equipment Purchase and Replacement < \$5000		
2015/16	\$73,700	2016/17 \$57,200
2017/18	\$48,600	2019/20 \$29,600
2015/16	Replace 29 Ballistic Vests	\$37,700
	Tasers & Accessories	3,000
	Replace 2 Digital Cameras	4,000
	Replace Refrigerator	1,000
	Replace Monitoring TVS	10,000
	AR Rifles & Accessories	8,800
	3 Glocks	1,900
	Replace 3 Bikes	3,500
	Ice Machine	3,800
2016/17	Replace 21 Ballistic Vests	\$27,300
	6 Night Vision	25,000
	Replace 2 Bikes	2,500
	Replace Dive Team Equipment	2,400

2017/18	Replace 11 Ballistic Vests	\$14,300
	AR Rifles & Accessories	13,200
	Repelling Gear	7,600
	10 Tasers	13,500
2018/19	Replace 14 Ballistic Vests	\$18,200
	2 Laser Units	4,000
	Replace Dive Team Equipment	2,400
	10 Swat Vests	30,000
2018/20	Replace 12 Ballistic Vests	\$15,600
	3 Glocks	2,000
	6 Tasers	8,000
	2 digital Cameras	4,000
-----		
4 - CS		
Equipment Purchase and Replacement > \$5,000		
2015/16	\$50,000	2016/17 \$42,000
2017/18	\$14,000	
2018/19	\$28,000	2019/20 \$62,000
<p>This project consists of the replacement of equipment that has become inefficient, defective, or unusable and to add new equipment to provide improved services in the Community Services Department. The following is a breakdown of the items to be purchased:</p>		
2015/16	Replace Hybrid Utility Vehicle	\$30,000
	Replace Pickup Truck	20,000
2016/17	Replace 2 Treadmill	\$12,000
	Replace Hybrid Utility Vehicle	30,000
2017/18	1 Electric Low Speed Vehicles	14,000
2018/19	2 Electric Low Speed Vehicles	28,000
2019/20	Replace Hybrid Utility Vehicle	\$62,000
-----		
5 - CS		
Equipment Purchase and Replacement < \$5,000		
2015/16	\$11,800	2016/17 \$7,300
2017/18	\$1,750	
2018/19	\$9,750	2019/20 \$7,800

This project consists of the replacement of equipment that has become inefficient, defective, or unusable in the Community Recreation Center. The following is a breakdown of the items to be replaced:

2015/16	Replace 12 Tables	\$2,500
	Replace Crossover Machine	4,500
	Replace Sports Fencing Panels	3,000
	Replace 2 Tents	1,800
2016/17	Replace 1 Recumbent Bicycle	\$2,500
	Replace Sports Fencing Panels	3,000
	Replace 2 Tents	1,800
2017/18	Replace Stair Climber	\$1,750
2018/19	Replace 10 Tables	\$1,750
	Replace 40 Chairs	3,000
	Replace 2 Soccer Goals	5,000
2019/20	Replace Leg Press	\$4,500
	Replace Dip Machine	3,300

6 - AACC

Equipment Purchase and Replacement > \$5,000

2015/16 \$27,050    2016/17 \$49,400    2017/18 \$55,700

2018/19 \$35,380    2019/20 \$60,000

This project consists of purchasing equipment for the Arts & Cultural Center:

2015/16	Additional Lighting Equipment	\$5,000
	Headset Replacement	6,850
	Lobby Chair Replacement	3,200
	Additional Wireless Lavalier Mics	12,000
2016/17	ADA Listening Devices	\$2,200
	Seachangers for Stage Lighting	35,200
	Additional Wireless Lavalier Mics	12,000
2017/18	Replacement of Lobby Furniture	20,700
	Replacement of Projector	35,000
2018/19	Replacement of Music Stands	2,880
	Replacement of Stage Monitors	6,000
	Refinish Grand Piano	6,500
	Additional Outdoor Lighting	20,000

2019/20	Replace Cyclorama	\$5,000
	Replace Audio/Lighting Consoles	40,000
	Replace of Dance Floor	15,000

7 - CD

Equipment Purchase and Replacement > \$5,000  
2016/17 \$20,800

This project consists of the addition of equipment or the replacement of equipment that has become inefficient, defective, or unusable in the Community Development Department. The following is a breakdown of the items to be replaced:

2016/17	Pickup Truck	\$20,800
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**CITY OF AVENTURA**

**OFFICE OF THE CITY COMMISSION**

**MEMORANDUM**

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

FROM: Enid Weisman, Mayor 

DATE: June 2, 2015

SUBJECT: **Recreational Drones**

---

Please place on the June Workshop Meeting Agenda a request to discuss Recreational Drones and what can be done to protect our residents' privacy.



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Bill Number:

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# Bill Text: FL S0766 | 2015 | Regular Session | Enrolled



## Florida Senate Bill 766 (*Adjourned Sine Die*)

[FL State Legislature page for S0766](#)

**Bill Title:** Surveillance by a Drone

**Spectrum:** Slight Partisan Bill (? 2-1)

**Status:** (*Engrossed*) 2015-04-28 - Ordered enrolled [\[S0766 Detail\]](#)

**Download:** [Florida-2015-S0766-Enrolled.html](#)

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NY A02085 Relates to public auto insurance claims.

HI SB524 County of Hawaii; Prosecuting Attorney; Appropriation; Grant-in-Aid (\$...

CO SCR002 Ballot Procedure Citizen-initiated Amendments

MN HF1582 Body piercing technician license requirements modified.

MO HB436 Establishes the "Campus Free Expression Act"

TX HB1263 Relating to the regulation of the practice of physical therapy.

OR HB3291 Relating to educational partnerships; declaring an emergency.

CA AB129 Budget Act of 2015.

WV HCR28 The USMC Cpl Marple W. Landes and US Army PV2 Margel S. Landes Memorial...

ND 2031 The determination of state aid payable to school districts, school district...

ENROLLED  
 2015 Legislature CS for CS for SB 766, 1st Engrossed

2015766er

1

2 An act relating to surveillance by a drone; amending

3 s. 934.50, F.S.; defining terms; prohibiting a person,

4 a state agency, or a political subdivision from using

5 a drone to capture an image of privately owned real

6 property or of the owner, tenant, occupant, invitee,

7 or licensee of such property with the intent to

8 conduct surveillance without his or her written

9 consent if a reasonable expectation of privacy exists;

10 specifying when a reasonable expectation of privacy

11 may be presumed; authorizing the use of a drone by a

12 person or entity engaged in a business or profession

13 licensed by the state in certain circumstances;

14 authorizing the use of a drone by an employee or

15 contractor of a property appraiser for the purpose of

16 assessing property for ad valorem taxation;

17 authorizing the use of a drone by or on behalf of

18 certain utilities for specified purposes; authorizing

19 the use of a drone for aerial mapping under certain

20 circumstances; authorizing the use of a drone for

21 delivering cargo under certain circumstances;

22 authorizing the use of a drone to capture certain

23 images under certain circumstances; providing that an

24 owner, tenant, occupant, invitee, or licensee may

25 initiate a civil action for compensatory damages and

feedback

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26 may seek injunctive relief against a person, a state  
 27 agency, or a political subdivision that violates the  
 28 act; providing for construction; providing for the  
 29 recovery of attorney fees and punitive damages;  
 30 specifying that remedies provided by the act are  
 31 cumulative to other remedies; providing an effective  
 32 date.

33  
 34 Be It Enacted by the Legislature of the State of Florida:

35  
 36 Section 1. Section 934.50, Florida Statutes, is amended to  
 37 read:

38 934.50 Searches and seizure using a drone.—

39 (1) SHORT TITLE.—This act may be cited as the "Freedom from  
 40 Unwarranted Surveillance Act."

41 (2) DEFINITIONS.—As used in this act, the term:

42 (a) "Drone" means a powered, aerial vehicle that:

- 43 1. Does not carry a human operator;
- 44 2. Uses aerodynamic forces to provide vehicle lift;
- 45 3. Can fly autonomously or be piloted remotely;
- 46 4. Can be expendable or recoverable; and
- 47 5. Can carry a lethal or nonlethal payload.

48 (b) "Image" means a record of thermal, infrared,  
 49 ultraviolet, visible light, or other electromagnetic waves;  
 50 sound waves; odors; or other physical phenomena which captures  
 51 conditions existing on or about real property or an individual  
 52 located on that property.

53 (c) "Imaging device" means a mechanical, digital, or  
 54 electronic viewing device; still camera; camcorder; motion  
 55 picture camera; or any other instrument, equipment, or format  
 56 capable of recording, storing, or transmitting an image.

57 (d) ~~(b)~~ "Law enforcement agency" means a lawfully  
 58 established state or local public agency that is responsible for  
 59 the prevention and detection of crime, local government code  
 60 enforcement, and the enforcement of penal, traffic, regulatory,  
 61 game, or controlled substance laws.

62 (e) "Surveillance" means:

- 63 1. With respect to an owner, tenant, occupant, invitee, or  
 64 licensee of privately owned real property, the observation of  
 65 such persons with sufficient visual clarity to be able to obtain  
 66 information about their identity, habits, conduct, movements, or  
 67 whereabouts; or
- 68 2. With respect to privately owned real property, the  
 69 observation of such property's physical improvements with  
 70 sufficient visual clarity to be able to determine unique  
 71 identifying features or its occupancy by one or more persons.

72 (3) PROHIBITED USE OF DRONES.—

73 (a) A law enforcement agency may not use a drone to gather  
 74 evidence or other information.

75 (b) A person, a state agency, or a political subdivision as  
 76 defined in s. 11.45 may not use a drone equipped with an imaging  
 77 device to record an image of privately owned real property or of  
 78 the owner, tenant, occupant, invitee, or licensee of such  
 79 property with the intent to conduct surveillance on the  
 80 individual or property captured in the image in violation of  
 81 such person's reasonable expectation of privacy without his or  
 82 her written consent. For purposes of this section, a person is  
 83 presumed to have a reasonable expectation of privacy on his or  
 84 her privately owned real property if he or she is not observable  
 85 by persons located at ground level in a place where they have a  
 86 legal right to be, regardless of whether he or she is observable  
 87 from the air with the use of a drone.

88 (4) EXCEPTIONS.—This ~~section~~ ~~act~~ does not prohibit the use  
 89 of a drone:

90 (a) To counter a high risk of a terrorist attack by a  
 91 specific individual or organization if the United States

92 Secretary of Homeland Security determines that credible  
 93 intelligence indicates that there is such a risk.

94 (b) If the law enforcement agency first obtains a search  
 95 warrant signed by a judge authorizing the use of a drone.

96 (c) If the law enforcement agency possesses reasonable  
 97 suspicion that, under particular circumstances, swift action is  
 98 needed to prevent imminent danger to life or serious damage to  
 99 property, to forestall the imminent escape of a suspect or the  
 100 destruction of evidence, or to achieve purposes including, but  
 101 not limited to, facilitating the search for a missing person.

102 (d) By a person or an entity engaged in a business or  
 103 profession licensed by the state, or by an agent, employee, or  
 104 contractor thereof, if the drone is used only to perform  
 105 reasonable tasks within the scope of practice or activities  
 106 permitted under such person's or entity's license. However, this  
 107 exception does not apply to a profession in which the licensee's  
 108 authorized scope of practice includes obtaining information  
 109 about the identity, habits, conduct, movements, whereabouts,  
 110 affiliations, associations, transactions, reputation, or  
 111 character of any society, person, or group of persons.

112 (e) By an employee or a contractor of a property appraiser  
 113 who uses a drone solely for the purpose of assessing property  
 114 for ad valorem taxation.

115 (f) To capture images by or for an electric, water, or  
 116 natural gas utility:

117 1. For operations and maintenance of utility facilities,  
 118 including facilities used in the generation, transmission, or  
 119 distribution of electricity, gas, or water, for the purpose of  
 120 maintaining utility system reliability and integrity;

121 2. For inspecting utility facilities, including pipelines,  
 122 to determine construction, repair, maintenance, or replacement  
 123 needs before, during, and after construction of such facilities;

124 3. For assessing vegetation growth for the purpose of  
 125 maintaining clearances on utility rights-of-way;

126 4. For utility routing, siting, and permitting for the  
 127 purpose of constructing utility facilities or providing utility  
 128 service; or

129 5. For conducting environmental monitoring, as provided by  
 130 federal, state, or local law, rule, or permit.

131 (g) For aerial mapping, if the person or entity using a  
 132 drone for this purpose is operating in compliance with Federal  
 133 Aviation Administration regulations.

134 (h) To deliver cargo, if the person or entity using a drone  
 135 for this purpose is operating in compliance with Federal  
 136 Aviation Administration regulations.

137 (i) To capture images necessary for the safe operation or  
 138 navigation of a drone that is being used for a purpose allowed  
 139 under federal or Florida law.

140 (5) REMEDIES FOR VIOLATION.—

141 (a) An aggrieved party may initiate a civil action against  
 142 a law enforcement agency to obtain all appropriate relief in  
 143 order to prevent or remedy a violation of this section ~~and~~.

144 (b) The owner, tenant, occupant, invitee, or licensee of  
 145 privately owned real property may initiate a civil action for  
 146 compensatory damages for violations of this section and may seek  
 147 injunctive relief to prevent future violations of this section  
 148 against a person, state agency, or political subdivision that  
 149 violates paragraph (3)(b). In such action, the prevailing party  
 150 is entitled to recover reasonable attorney fees from the  
 151 nonprevailing party based on the actual and reasonable time  
 152 expended by his or her attorney billed at an appropriate hourly  
 153 rate and, in cases in which the payment of such a fee is  
 154 contingent on the outcome, without a multiplier, unless the  
 155 action is tried to verdict, in which case a multiplier of up to  
 156 twice the actual value of the time expended may be awarded in

157 the discretion of the trial court.

158 (c) Punitive damages for a violation of paragraph (3)(b)  
159 may be sought against a person subject to other requirements and  
160 limitations of law, including, but not limited to, part II of  
161 chapter 768 and case law.

162 (d) The remedies provided for a violation of paragraph  
163 (3)(b) are cumulative to other existing remedies.

164 (6) PROHIBITION ON USE OF EVIDENCE.—Evidence obtained or  
165 collected in violation of this act is not admissible as evidence  
166 in a criminal prosecution in any court of law in this state.

167 Section 2. This act shall take effect July 1, 2015.

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# Memo

To: Eric M. Soroka, City Manager

From: James White, Esq., and  
David M. Wolpin, Esq., City Attorney's Office

Date: June 16, 2015

Re: Regulation of unmanned aircraft systems ("UAS" or "Drones")

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## **QUESTION:**

Can the City regulate the use and operation of UAS/Drones?

## **SHORT ANSWER:**

The City is likely preempted from regulating UAS/Drones, and regulation is likely to draw a challenge.

This memorandum provides relevant background information related to unmanned aircraft systems ("UAS" or "Drones") and addresses issues concerning the scope and legal authority of municipal regulations under federal and state law.

### **I. Background**

Drones are unmanned aircraft, capable of being operated remotely or autonomously on a preprogrammed path. A drone can be the size of a mosquito or as large as a commercial airplane.<sup>1</sup> Additional Drone features and functions include thermal scanners, license plate readers, tracking, crop dusting, and an array of continuously developing technologies.<sup>2</sup> The Federal Aviation Administration (the "FAA") authorized Drones as far back as 1990 for a broad array of domestic uses by governmental entities including firefighting, disaster relief, search and rescue, law enforcement, border patrol, and scientific research.<sup>3</sup> In recent years, the use of Drones by members of the public (in addition to governmental agencies) has increased, for both commercial and recreational purposes.

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<sup>1</sup> Taly Matiteyahu, 48 COLUM. J.L. & SOC. PROBS. 265, 1 (Winter, 2015).

<sup>2</sup> *Id.*

<sup>3</sup> FAA, *Fact Sheet – Unmanned Aircraft Systems (UAS)* (Feb. 15, 2015).

Presently, the use of a Drone for commercial operation is prohibited unless the Drone operator has received prior approval from the FAA through one of three certificate programs.<sup>4</sup> All public (governmental) Drone operators must go through the Public Certificate of Authorization (COA) process.<sup>5</sup> However, recreational users (model aircraft operators) do not need permission from the FAA to fly.<sup>6</sup>

While the number of authorized commercial operators is still relatively small, the FAA continues to grant more regulatory exemptions.<sup>7</sup> It is anticipated that the number of exemptions will greatly increase as the FAA is nearing completion of an initial rule related to the use of small (under 55 pounds) Drones, pursuant to the FAA Modernization and Reform Act of 2012.<sup>8</sup> The rule would allow “routine use of certain small unmanned aircraft systems,” clearing the way for much wider commercial use of Drones by the private sector.<sup>9</sup> The draft rule for small Drones was released on February 15, 2015, opening a 60-day period for public comment prior to finalization of the rule.<sup>10</sup>

## **II. Federal Law**

The federal government, through the FAA, has authority over the regulation of “aircraft.”<sup>11</sup> The FAA has taken the position that Drones are aircraft under the broad definition of “aircraft” under federal law, which is defined as “*a device that is used or intended to be used for flight in the air.*” As the Supreme Court explained more than 40 years ago in an opinion invalidating a locally imposed curfew on aircraft noise, “*a uniform and exclusive system of federal regulation*” is required “*if the congressional objectives underlying the Federal Aviation Act are to be fulfilled.*”<sup>12</sup>

Pursuant to federal law, the FAA is authorized to issue “air traffic regulations” for:

- (A) navigating, protecting, and identifying aircraft;
- (B) protecting individuals and property on the ground;
- (C) using the navigable airspace efficiently; and
- (D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects<sup>13</sup>

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<sup>4</sup> FAA, *Civil Operations (Non-Governmental)*, [http://www.faa.gov/uas/civil\\_operations/](http://www.faa.gov/uas/civil_operations/) (Page last modified Mar. 4, 2015).

<sup>5</sup> FAA, *Unmanned Aircraft Systems – Frequently Asked Questions*, <http://www.faa.gov/uas/faq/> (Page last modified Mar. 4, 2015).

<sup>6</sup> FAA, *Model Aircraft Operations*, [http://www.faa.gov/uas/model\\_aircraft/](http://www.faa.gov/uas/model_aircraft/) (Page last modified Mar. 4, 2015).

<sup>7</sup> FAA, *FAA Grants Eight More UAS Exemptions*, <http://www.faa.gov/news/updates/?newsId=81565> (Page last modified Feb. 3, 2015).

<sup>8</sup> Office of the Press Secretary, The White House, Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems (Feb. 15, 2015).

<sup>9</sup> FAA, *Press Release – DOT and FAA Propose New Rules for Small Unmanned Aircraft Systems* (Feb. 15, 2015).

<sup>10</sup> *Id.*

<sup>11</sup> See Federal Aviation Act of 1958, P.L. 85-726; 126 Stat. 737 (1958)

<sup>12</sup> See *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624, 639 (1973) (emphasis added).

<sup>13</sup> See 49 U.S.C. § 40103(b)(2).

The FAA has a statutory mandate to regulate the navigable airspace of the United States. In 2012, when Congress passed the FAA Modernization and Reform Act (the “FMRA”), it extended this statutory mandate to UAS/Drone operations, specifying that the FAA must develop a plan for integrating UAS/Drones into the existing regulatory framework.<sup>14</sup> These regulations must provide for this integration “*as soon as practicable, but not later than September 30, 2015.*”<sup>15</sup>

### **III. Current FAA Regulations of Navigable Airspace**

#### **A. Fixed-Wing Aircraft**

FAA regulations define the minimum safe operating altitudes for different kinds of aircraft. Generally, outside of takeoff and landing, fixed-wing aircraft must be operated at an altitude that allows the aircraft to conduct an emergency landing “*without undue hazard to persons or property on the surface.*”<sup>16</sup> In a congested area, the aircraft must operate at least “*1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.*”<sup>17</sup> The minimum safe operating altitude over non-congested areas is “*500 feet above the surface.*”<sup>18</sup> Over open water or sparsely populated areas, aircraft “*may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.*”<sup>19</sup> Navigable airspace is defined by statute as the airspace above the minimum safe operating altitudes, including airspace needed for safe takeoff and landing.<sup>20</sup>

#### **B. Helicopters**

While a fixed-wing aircraft is subject to specific minimum safe operating altitudes based on where it is flying, regulation of helicopter minimum altitudes is less rigid. According to FAA regulations, a helicopter may fly below the minimum safe altitudes prescribed for fixed-wing aircraft if it is operated “*without hazard to person or property on the surface.*”<sup>21</sup> As such, arguably a helicopter may be lawfully operated outside the zone defined by statute as navigable airspace.<sup>22</sup>

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<sup>14</sup> FAA Modernization and Reform Act of 2012, P.L. 112-95, § 332(a)(1), 126 Stat. 73 (2012).

<sup>15</sup> *Id.* at §332(a)(3). It is important to note the FAA is behind schedule and this deadline is unlikely to be met, as the proposed rule “*Operation and Certification of Small Unmanned Aircraft Systems*” was released on Feb. 15, 2015.

<sup>16</sup> 14 C.F.R. § 91.119(a).

<sup>17</sup> *Id.* at § 91.119(b).

<sup>18</sup> *Id.* at § 91.119(c).

<sup>19</sup> *Id.*

<sup>20</sup> 49 U.S.C. § 40102(32).

<sup>21</sup> 14 C.F.R. § 91.119(d) (providing that there is no minimum elevation for operations by helicopters and certain other categories of manned aircraft so long as the “operation is conducted without hazard to persons or property on the surface”).

<sup>22</sup> See *People v. Sabo*, 185 Cal. App. 3d 845, 852 (1986) (“While helicopters may be operated at less than minimum altitudes so long as no hazard results, it does not follow that such operation is conducted within navigable airspace. The plain meaning of the statutes defining navigable airspace as that airspace above specified altitudes compels the conclusion that helicopters operated below the minimum are not in navigable airspace. The helicopter hovering above the surface of the land in such fashion as not to constitute a hazard to persons or property is, however, lawfully operated.”).

## C. UAS/Drones

In 2007, the FAA issued a policy notice, stating “*no person may operate a UAS in the National Airspace without specific authority.*”<sup>23</sup> Therefore, currently all UAS/Drone operators who do not fall within the “*recreational use*” exemption discussed below must apply directly to the FAA for permission to fly.<sup>24</sup>

### 1. Public and Civil Operators

Drones operated by federal, state, or local agencies must obtain COA from the FAA.<sup>25</sup> After receiving COA applications, the FAA conducts a comprehensive operational and technical review of the drone and can place limits on its operation in order to ensure its safe use in airspace.<sup>26</sup>

### 2. Recreational Users/Operators

#### a. Model Aircraft Operations

Historically, the FAA has considered model aircraft to be aircraft that fall within the statutory and regulatory definitions of an aircraft.<sup>27</sup> As aircraft, these devices generally are subject to FAA’s oversight and enforcement. However, consistent with FAA’s enforcement philosophy, FAA’s oversight of model aircraft has been guided by the risk that these operations present. The FAA first recognized in 1981 that “*model aircraft can at times pose a hazard to full-scale aircraft in flight and to persons and property on the surface,*” and recommended a set of voluntary operating standards for model aircraft operators to follow in order to mitigate these safety risks.<sup>28</sup>

The current statutory parameters for model aircraft operations are outlined within section 336 of the FMRA.<sup>29</sup> Model aircraft operations are for hobby or recreational purposes only. Individuals who fly within the scope of these parameters do not require FAA permission to operate their UAS/Drone. However, any flight outside these parameters (including any non-hobby, non-recreational operation) requires FAA authorization. For example, using a UAS/Drone to take photos for your personal use is recreational; using the same device to take photographs or videos for compensation or sale to another individual would be considered a non-recreational operation.

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<sup>23</sup> FAA, “*Unmanned Aircraft Operations in the National Airspace System,*” 72 Fed. Reg. 6689 (Feb. 13, 2007).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> See generally FAA “*Unmanned Aircraft Systems,*” available at <http://www.faa.gov/about/initiatives/uas/cert/>.

<sup>27</sup> See 49 USC § 4012

<sup>28</sup> See FAA, *Model Aircraft Operating Standards*, Advisory Circular 91-57 (June 9, 1981).

<sup>29</sup> FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, § 336, 126 Stat. 73 (2012).

Individuals flying for hobby or recreational purposes are strongly encouraged to follow safety guidelines:

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Do not fly within 5 miles of an airport unless you contact the airport and control tower before flying
- Do not fly near people or stadiums
- Do not fly an aircraft that weighs more than 55 pounds
- Do not be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft.<sup>30</sup>

On June 18, 2014, the FAA issued a notice of interpretation of the special rule for model aircraft established by Congress pursuant to FMRA. In this interpretation, the FAA clarifies that: model aircraft must satisfy the criteria in FMRA to qualify as model aircraft and to be exempt from future FAA rulemaking action; and consistent with FMRA, if a model aircraft operator endangers the safety of the National Airspace System (the “NAS”), the FAA has authority to take enforcement action against those operators for safety violations.<sup>31</sup>

Under this interpretation, the FAA provides specific references to their regulation of low-altitude operations and states: “*Reading the broad reference to the NAS, along with Congress’ clear interest in ensuring that model aircraft are safely operated, we conclude that Congress intended for the FAA to be able to rely on a range of our existing regulations to protect users of the airspace and people and property on the ground. Therefore, regardless of whether a model aircraft satisfies the statutory definition and operational requirements described above, if the model aircraft is operated in such a manner that endangers the safety of the NAS, the FAA may take enforcement action consistent with Congress’ mandate.*”<sup>32</sup>

### **3. Commercial Users/Operators**

All public operators, or private commercial operators, must receive prior approval from the FAA through one of three certificate programs.<sup>33</sup> These certificates have been issued on a limited basis for flight tests, demonstrations, and training. Currently, there is no other method of

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<sup>30</sup> See *Federal Aviation Administration Model Aircraft Operations*, [http://www.faa.gov/uas/model\\_aircraft/](http://www.faa.gov/uas/model_aircraft/) (Page last modified Mar. 4, 2015). ***The FAA advises that model aircraft should operate at elevations below 400 feet, which indicates that the agency’s jurisdiction extends to manned and unmanned aircraft no matter what height they operate.*** See also Pub. L. 112-95, § 334(c)(2)(C)(ii) (directing the FAA to establish standards for the operation of public UAVs at elevations below 400 feet); 14 C.F.R. § 91.119(d) (providing that there is no minimum elevation for operations by helicopters and certain other categories of manned aircraft so long as the “operation is conducted without hazard to persons or property on the surface”).

<sup>31</sup> See *FAA Notice of Interpretation of Special Rule for Model Aircraft*, June 18, 2014.

<sup>32</sup> *Id.* at pages 15-16.

<sup>33</sup> See FAA, *Civil Operations (Non-Governmental)*, available at [http://www.faa.gov/uas/civil\\_operations/](http://www.faa.gov/uas/civil_operations/) (Page last modified Mar. 4, 2015)

obtaining FAA approval to fly UAS/Drones for commercial purposes. As evidenced by the recent issuance of the proposed rule for small UAS/Drones, it appears these restrictions may be relaxed in future years, since the FAA has been instructed to issue rulemaking necessary to implement the integration of civilian UAS/Drones into the national airspace.<sup>34</sup>

A legal question of first impression concerning FAA jurisdiction over commercial use of UAS/Drones, or whether such use fell within the model aircraft exemption, has now been settled. On November 18, 2014, the National Transportation Safety Board (“NTSB”), reversed a lower jurisdictional administrative decision, and held that a UAS/Drone was an “*aircraft*” subject to FAA regulation even though a UAS/Drone might also be a “*model aircraft*” under FMRA.<sup>35</sup> In addition, the NTSB held that Title 14 of the Code of Federal Regulations, section 91.13(a), which prohibits careless or reckless operation of aircraft, applies to remote operation of a UAS/Drone.<sup>36</sup>

On February 15, 2015, the FAA issued their proposed regulation, titled “*Operation and Certification of Small Unmanned Aircraft Systems*” (the “Proposed Rule”).<sup>37</sup> The Proposed Rule provides for a number of operational limitations, which include the following:

- UAS/Drones must be under 55 pounds;
- Flights must take place during daylight hours;
- Flights must take place within a visual line of sight of the operator;
- Operators may work with a visual observer, but the operator still must be able to maintain a visual line of sight;
- UAS/Drones may not be flown over individuals who are not involved in the flight;
- The UAS/Drone must be registered and aircraft markings are required;
- Operators must be at least 17 years old, pass an aeronautical knowledge test, hold an FAA UAS operator certificate, and pass a TSA background check;
- Aeronautical knowledge testing must be renewed every 24 months (no private pilot license or medical rating would be required);
- Operators must ensure their aircraft is safe for flight (a preflight inspection conducted by the operator, checking communications links and equipment will be sufficient);
- Operators must report an accident to the FAA within 10 days of any operation that results in injury or property damage;
- UAS/Drones may not be used in a “*careless or reckless*” manner; and
- Operators may not drop any object from a UAS/Drone.<sup>38</sup>

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<sup>34</sup> P.L. 112-95, § 332(2).

<sup>35</sup> See *Administrator v. Pirker*, NTSB Order No. EA-5730 (2014) at 7.

<sup>36</sup> *Id.*

<sup>37</sup> See *Operation and Certification of Small Unmanned Aircraft Systems*, (proposed Feb. 15, 2015) available at [http://www.faa.gov/regulations\\_policies/rulemaking/recently\\_published/media/2120-AJ60\\_NPRM\\_2-15-2015\\_joint\\_signature.pdf](http://www.faa.gov/regulations_policies/rulemaking/recently_published/media/2120-AJ60_NPRM_2-15-2015_joint_signature.pdf) (last visited March 3, 2015).

<sup>38</sup> *Id.*; See also FAA, “*Overview of Small UAS Notice of Proposed Rulemaking*,” available at [http://www.faa.gov/regulations\\_policies/rulemaking/media/021515\\_sUAS\\_Summary.pdf](http://www.faa.gov/regulations_policies/rulemaking/media/021515_sUAS_Summary.pdf) (last visited March 27, 2015).

#### IV. Preemption of State and Local Government Regulations

The increased presence of UAS/Drones in domestic airspace presents issues of potential federal preemption of state and local efforts to regulate various aspects of UAS/Drone operations. The doctrine of preemption derives from the Supremacy Clause of the Constitution, which states that federal law, treaties, and the Constitution are the “*supreme Law of the Land.*”<sup>39</sup>

A federal law may preempt state or local action in one of three ways: if the statute expressly states its intent to preempt state or local action (express preemption); if a court concludes that Congress intended to occupy the regulatory field, implicitly preventing state or local action in that area (field preemption); or if the state or local action directly conflicts with or frustrates the purpose of the federal provisions (conflict preemption).<sup>40</sup>

Congress vested sole responsibility for the aviation industry and domestic airspace with the federal government in the Federal Aviation Act of 1958.<sup>41</sup> In general, state and local regulation concerning aviation safety, airspace management, and aviation noise are preempted by federal laws and regulations.<sup>42</sup>

Case law interpreting the Federal Aviation Act of 1958 typically emphasizes that local regulation of safety matters is preempted. However, in *City of Burbank v. Lockheed Air Terminal, Inc.*, the Supreme Court made clear that local requirements affecting not only safety, but also aircraft operations, are generally preempted if those matters are the subject of specific FAA regulations.<sup>43</sup>

In *City of Burbank*, the Supreme Court struck down the city’s regulation which prohibited planes from taking off during certain hours of the day as preempted by federal law.<sup>44</sup> Expressing its concern regarding local control of airspace, the Court stated, “*If we were to uphold the Burbank ordinance and a significant number of municipalities followed suit, it is obvious that fractionalized control of the timing of takeoffs and landings would severely limit the flexibility of the FAA in controlling air traffic flow.*”<sup>45</sup>

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<sup>39</sup> See U.S. CONST. art. VI, cl 2.

<sup>40</sup> See, e.g., *Crosby v. Nat’l Foreign Trade Council*, 530 U.S. 363, 373 (2000); *English v. Gen. Elec. Co.*, 496 U.S. 72, 78-79 (1990); *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 300 (1988).

<sup>41</sup> P.L. 85-726; 72 Stat. 737 (1958).

<sup>42</sup> See, e.g., *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624 (1973); *Abdullah v. American Airlines, Inc.*, 181 F.3d 363 (3<sup>rd</sup> Cir. 1999); *San Diego Unified Port Dist. v. Gianturco*, 651 F.2d 1306 (9 Cir. 1981); *Price v. Charter Township*, 909 F. Supp. 498 (E.D. Mich. 1995).

<sup>43</sup> See *City of Burbank v. Lockheed Air Terminal, Inc.*, 411 U.S. 624, 633–34 (1973) (quoting *Nw. Airlines, Inc. v. Minnesota*, 322 U.S. 292, 303 (1944) (Jackson, J., concurring) (“Federal control is intensive and exclusive. Planes do not wander about the sky like vagrant clouds. They move only by federal permission, subject to federal inspection, in the hands of federally certified personnel, and under an intricate system of federal commands. The moment a ship taxis onto a runway, it is caught up in an elaborate and detailed system of controls”). See also *Airport Compliance Manual*, FAA Order 5190.6B, § 13.2(a)(1) (“[t]he federal government has preempted the areas of airspace use and management, air traffic control, safety, and the regulation of aircraft noise at its source”).

<sup>44</sup> *City of Burbank*, 411 U.S. at 639.

<sup>45</sup> *Id.* (emphasis added)

A subsequent case of interest is *Banner Advertising, Inc. v. City of Boulder*,<sup>46</sup> in which the Colorado Supreme Court held a municipal regulation prohibiting banner towing was preempted, noting the FAA not only had “control over the general activities of aircraft in flight,” but also “exercises pervasive control over the specific act of banner towing.”<sup>47</sup>

Similarly, other courts have recognized the federal government’s broad preemption powers pursuant to the Federal Aviation Act of 1958. For example, in *Blue Sky Entertainment, Inc. v. Town of Gardiner*, a local government’s efforts to regulate parachute jump sites, insurance, and other related elements of skydiving operations were invalidated by a federal district court based upon the implied preemption doctrine, which noted “that the FAA views its authority as pervasive in the realm of parachute jumping.”<sup>48</sup>

Likewise, in *Price v. Charter Township of Fenton*, another federal district court held regulations that limited the frequency of commercial operations at the local airport was also preempted.<sup>49</sup> More recently, in the case of *US Airways v. Donnell*, the U.S. Court of Appeals for the Tenth Circuit held, based upon the Federal Aviation Act of 1958, that New Mexico could not require airline company compliance with the state’s alcoholic beverage regulations in order to serve alcohol in-flight.<sup>50</sup>

## V. Local Government Regulation

Although a number of states and a handful of local governments have passed or are considering regulations of UAS/Drones operations, the extent to which state and local governments may regulate UAS/Drone operations without being preempted by federal law will ultimately depend upon the final adopted federal rule, the nature and scope of the state and local government regulations, and a reviewing court’s analysis of whether Congress intended to “occupy the field” of regulation on that issue. The Court has determined that field preemption can be inferred when “the pervasiveness of the federal regulation precludes supplementation by the States, where the federal interest in the field is sufficiently dominant, or where the object

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<sup>46</sup> 868 P.2d 1077 (Colo. 1994).

<sup>47</sup> *Id.* at 1082 (emphasis added; citing 14 C.F.R. § 91.311). See also Letter to Don Marcostica from Rebecca B. MacPherson, FAA Assistant Chief Counsel (July 9, 2010), reprinted at 8 Fed. Av. Decisions I-725 (opining that a locality could not deny a permit to conduct filming operations using manned helicopters, citing the FAA’s “pervasive and exclusively federal regime over management and use of the navigable airspace, safety, noise, and aircraft operations. . . . Local jurisdictions do not have authority to regulate the use of navigable air-space or the safety of flight operations and local actions to do so would raise preemption questions”).

<sup>48</sup> See *Blue Sky Entertainment, Inc. v. Town of Gardiner*, 711 F. Supp. 678, 693 (N.D.N.Y. 1989) (citing 14 C.F.R. pt. 105) (emphasis added).

<sup>49</sup> See *Price v. Charter Township of Fenton*, 909 F. Supp. 498 (E.D. Mich. 1995).

<sup>50</sup> See *US Airways v. Donnell*, 627 F.3d 1318, 1327 (10th Cir. 2010) (citing 14 C.F.R. § 121.575). The court did frame the issue as being one of safety; the regulation cited safety concerns in its legislative history, although not in its body. But the court also interpreted the concept expansively, joining other courts in finding that “the comprehensive regulatory scheme promulgated pursuant to the FAA evidences the intent for federal law to occupy the field of aviation safety exclusively.”

*sought to be obtained by the federal law and the character of obligations imposed by it reveal the same purpose.*"<sup>51</sup>

It is important to note that neither the FAA nor the courts have addressed the issue of whether state or local government regulations regarding UAS/Drone operations are preempted under the Federal Aviation Act of 1958 or FMRA. However, as previously referenced in this memorandum, the FAA's notice of interpretation of the special rule for model aircraft pursuant to FMRA, does provide some insight and guidance as to the FAA's broadly asserted regulation of low-altitude operations.<sup>52</sup>

Pursuant to federal law, the FAA is charged with ensuring the safe and efficient use of the NAS. This authority generally preempts any state or local government from enacting a statute or regulation concerning matters regarding airspace regulation reserved exclusively to the U.S. Government.

For example, a state law or regulation that prohibits or limits the operation of an aircraft, sets standards for airworthiness, or establishes pilot requirements generally would be preempted. But state and local governments do retain authority to limit the aeronautical activities of their own departments and institutions. Under most circumstances, it would be within state or local government power to restrict the use of certain aircraft, including a UAS/Drone, by the state or local police or by a state department or university.<sup>53</sup>

## **VI. 2015 Florida Legislation**

### **A. The Freedom from Unwarranted Surveillance Act**

In 2013, the Legislature enacted the Freedom from Unwarranted Surveillance Act (the "Act").<sup>54</sup> The Act regulates the use of Drones by law enforcement agencies and provides a civil remedy for an aggrieved party to obtain relief in the event the Act is violated. While the Act prohibits a law enforcement agency from using a Drone to gather evidence or other information, subject to certain exceptions, it does not restrict the use of Drones to engage in surveillance by private actors.

On April 23, 2015, the Florida Senate passed CS/CS/SB 766. Subsequently, the companion CS/CS/CS/HB 649 passed the House on April 28, 2015, as CS/CS/SB 766. The new bill was presented to the Governor on May 7, 2015, and was subsequently signed on May 14, 2015. The effective date of the new law is July 1, 2015.

The new law amends the Act to prohibit a person, state agency, or political subdivision from using a Drone equipped with an imaging device to:

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<sup>51</sup> *Schneidewind*, 485 U.S. at 300 (emphasis added).

<sup>52</sup> See *FAA Notice of Interpretation of Special Rule for Model Aircraft*, June 18, 2014.

<sup>53</sup> See FAA, *Fact Sheet-Unmanned Aircraft Systems (UAS)*, January 6, 2014.

<sup>54</sup> See 934.50, Fla. Stat.

Record an image of privately owned real property or the owner, tenant, occupant, invitee, or licensee of such property;  
With the intent to conduct surveillance on the individual or property in violation of such person's reasonable expectation of privacy; and  
Without that individual's written consent.

The bill defines the terms "*image*," "*imaging device*," and "*surveillance*" and creates a presumption that a person has a reasonable expectation of privacy on his or her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a Drone.

However, the new bill creates limited exceptions to the above-described prohibition for the following:

A person or entity engaged in a business or profession licensed by the state, or by an agent, employee, or contractor of such person or entity only if the Drone is used to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license;  
An employee or contractor of a property appraiser;  
An electric, water, or natural gas utility;  
Aerial mapping;  
Cargo delivery purposes; and  
Capturing images necessary for the safe operation or navigation of a Drone that is being used for a purpose allowed under federal or Florida law.

Additionally, the bill creates a civil remedy authorizing an aggrieved party to seek compensatory damages and injunctive relief against a person, state agency, or political subdivision that violates the above described prohibition. The prevailing party in such civil actions is entitled to recover reasonable attorney fees from the non-prevailing party and may recover punitive damages against a person (but not a state agency or political subdivision) who violates the above-described prohibition.

## **VII. Other Existing State Law May Be Used To Address Privacy Issues Concerning UAS/Drone Use And Operations**

### **A. Voyeurism**

Pursuant to Section 810.14, F.S., voyeurism is prohibited. The statute provides:

- (1) A person commits the offense of voyeurism when he or she, with lewd, lascivious, or indecent intent, secretly observes another person when the other person is located in a dwelling, structure, or conveyance and such location provides a reasonable expectation of privacy.
- (2) A person who violates this section commits a misdemeanor of the first degree for the first violation, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who violates this section and who has been previously convicted or adjudicated delinquent two or more times of any violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For purposes of this section, a person has been previously convicted or adjudicated delinquent of a violation of this section if the violation resulted in a conviction sentenced separately, or an adjudication of delinquency entered separately, prior to the current offense.

The proof issues associated with a voyeurism charge admittedly may be difficult but, if there is enough evidence for a viable case, the perpetrator could receive jail time under the state law.

#### **B. Wiretapping**

Section 934.03, F.S., restricts people from intentionally intercepting wire, oral, or electronic communications. This statute in its current form appears applicable to Drones. However, the protection from the statute is qualified by the requirement that a victim has a reasonable expectation of privacy.<sup>55</sup>

### **VIII. Conclusion**

The extent to which the FAA final rule will preempt state and local government regulations is unclear. The Proposed Rule is premised upon safety and security, but is silent on issues relative to privacy.

The FMRA, coupled with the FAA's statutory mandate suggests that the FAA may have the authority to regulate UAS/Drones at any altitude, even in airspace below 400 feet. Although, FMRA does not contain an express preemption clause, it logically appears the FAA will assert the broad position that regulation of the NAS is reserved exclusively to the federal government.

Under existing case law, it seems reasonable that a reviewing court may likely find state or local regulations of UAS/Drone operations to be impermissible, based upon current federal law, the general scope of FAA authority, and its current and mandated future oversight of the NAS.

Also, it is important to note that Florida is positioning itself to be a leader in Drone innovation. It is one of six states used as a test site by the FAA and there is likely already a sizable industry lobby ready to attack state or local regulations that may infringe on what is seen by some as a technology and business expansion opportunity for Florida. The public universities, including UF and FIU, have their own Drone programs and are also invested in the success of the industry within the state. In short, there is significant interest in both the commercial and recreational applications of this technology, and the adoption of such local regulations would be of concern to the emerging industry and might lead to a legal challenge.

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<sup>55</sup> Jatar v. Lamaletto, 758 So. 2d 1167, (Fla. 3d DCA 2000).

Existing state law, including the recently enacted 2015 Legislation<sup>56</sup> restricting the use of Drones to engage in surveillance by private actors, may be utilized to regulate privacy concerns and issues that the City and its residents are currently experiencing as a result of the private recreational use and operation of UAS/Drones.

Additionally, the City Commission may consider directing further review and analysis by the City Attorney, including authorizing a request by the City Attorney to the Florida Attorney General for an opinion, as to the City's authority to adopt an ordinance which provides a civil fine sanction pursuant to code enforcement for any conduct that would trigger a cause of action under the 2015 Legislation.

Please advise us if there on any questions on this matter.

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<sup>56</sup> See 934.50, Fla .Stat. Also, recent press indicates new drone privacy law may create a wave of litigation for insurance and construction companies that use drones for aerial surveying and also trigger First Amendment challenges from news organizations.

**CITY OF AVENTURA**

**OFFICE OF THE CITY COMMISSION**

**MEMORANDUM**

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

FROM: Commissioner Denise Landman

DATE: June 2, 2015

SUBJECT: **Request to have Resolution Prepared Supporting FDOT's Concept 1 Design for the NE 203 St/ Biscayne Boulevard Intersection Improvements**

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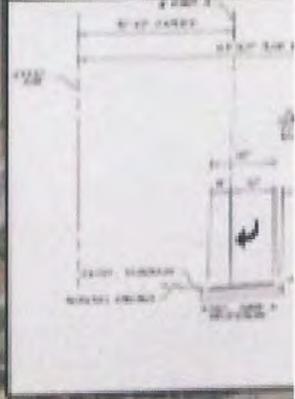
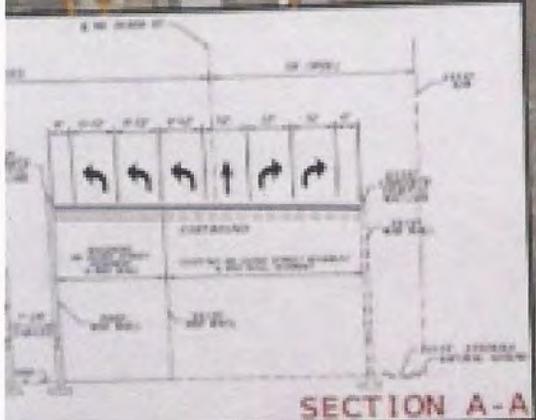
Please place on the June Workshop Meeting Agenda a request to have staff prepare a Resolution supporting FDOT's Concept 1 Design for the NE 203 St/ Biscayne Boulevard intersection improvements and requesting the State to expedite funding, design and construction.

Thank you.

SECTION D-D



RELOCATE EXISTING SIDEWALK TO NEW ALIGNMENT



**CITY OF AVENTURA**  
**OFFICE OF THE CITY COMMISSION**  
**MEMORANDUM**

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

FROM: Commissioner Denise Landman

DATE: June 11, 2015

SUBJECT: **Good Government Initiative Class V**

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I have been accepted into the Good Government Initiative's Class V. This program requires an application and interview process, and I was selected as part of a small group of elected officials from all over South Florida to participate.

The main focus of the Good Government Initiative at the University of Miami is to provide leadership development and education for elected officials – a 60-hour certificate program that takes place from late August to November each year.

I have received a partial scholarship of \$875, which covers half of the cost of the program, and I would like to request approval from the Commission for the City to cover the other 50%, or remaining \$875.

Please place this request on the June Workshop Meeting Agenda.

Thank you.