

MEMORANDUM

HPSC

Agenda Item No.

2 (E)

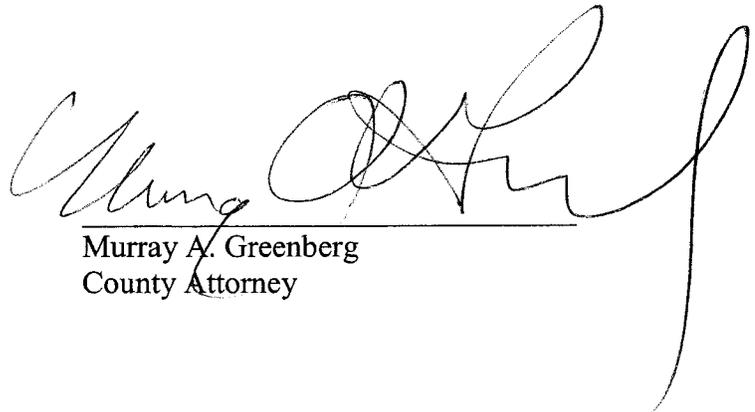
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 15, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending
Sec. 2-94 of the Code and
establishing Sec. 2-95 to
require County Manager to
enter into a Mutual Aid
Agreement with the FDLE

The accompanying ordinance was prepared and placed on the agenda at the request of
Commissioner Carlos A. Gimenez.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum

MIAMI-DADE
COUNTY

Date:

To:

Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

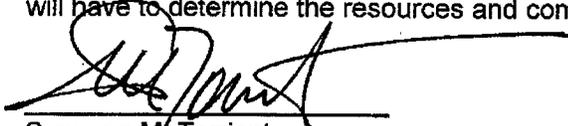
From:

George M. Burgess
County Manager

Subject:

Ordinance amending Sec. 2-94 of the Code establishing Sec. 2-95 to require County Manager to enter into a Mutual Aid Agreement with the FDLE

The fiscal impact of the Ordinance amending Sec. 2-94 of the Code requiring the County Manager to enter into a Mutual Aid Agreement with the Florida Department of Law Enforcement (FDLE) cannot be determined at this time. Upon approval of the ordinance, the Miami-Dade Police Department and FDLE will have to determine the resources and commensurate cost of the services provided by the FDLE.


Susanne M. Torriente
Chief of Staff/Assistant County Manager

fiscal00307

2



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Substitute
Agenda Item No. 4 (H)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 4(H)
1-25-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-94 OF THE CODE OF MIAMI-DADE COUNTY AND ESTABLISHING SECTION 2-95 OF THE CODE OF MIAMI-DADE COUNTY TO REQUIRE THE COUNTY MANAGER TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) OR OTHER APPROPRIATE LAW ENFORCEMENT AGENCY PURSUANT TO THE AUTHORITY CONFERRED BY THE FLORIDA MUTUAL AID ACT FOR THE PURPOSE OF HAVING THE FDLE OR OTHER APPROPRIATE LAW ENFORCEMENT AGENCY ASSUME RESPONSIBILITY FOR THE INVESTIGATION OF PUBLIC CORRUPTION MATTERS INVOLVING MIAMI-DADE COUNTY OFFICERS AND EMPLOYEES; PROVIDING FOR THE MIAMI-DADE POLICE DEPARTMENT TO MAKE ITS PERSONNEL AND FINANCIAL RESOURCES AVAILABLE TO THE FDLE OR OTHER APPROPRIATE LAW ENFORCEMENT AGENCY TO ASSIST IN SUCH INVESTIGATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the County has the authority to enter into mutual aid agreements for law enforcement services with other law enforcement agencies in the State of Florida pursuant to the Florida Mutual Aid Act, which is codified at Florida Statutes, Chapter 23, Part, 1; and

WHEREAS, public corruption strikes at the heart of our democratic form of government and undermines the integrity of public agencies; and

WHEREAS, the seriousness of law enforcement services involving public corruption issues requires that such services be performed with the highest integrity and transparency both in fact and appearance; and

WHEREAS, this Board concludes that assigning responsibility over the investigation of public corruption matters involving County employees and officials to the FDLE or other appropriate law enforcement agency other than the Miami-Dade Police Department can best ensure the integrity, in fact and appearance, of such investigations,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Section 2-94 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 2-94. Consolidation of County departments.

The Miami-Dade Police Department shall be vested with sole and exclusive responsibility for performance of the powers, duties and functions hereinabove enumerated >>except as otherwise provided by Section 2-95 of the Code of Miami-Dade County<<.

Section 2. The Code of Miami Dade County is hereby amended to create Section 2-95 as follows:

>>Sec. 2-95. Law Enforcement Services in Public Corruption Cases

- (a) Upon the execution of a mutual aid agreement with the Florida Department of Law Enforcement ("FDLE") or other appropriate Florida law enforcement agency, the Miami-Dade Police Department ("MDPD") shall make its personnel and financial resources available to the FDLE or other appropriate Florida law enforcement agency to conduct investigations of public corruption;
- (b) "Public corruption" as used herein shall be defined to include (1) a "breach of the public trust" as defined in §112.312(3), Florida Statutes by a County officer or employee and (2) all of the crimes within the definition of "specified offense" set forth in §112.3173, Florida Statutes by a County officer and employee;

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

5

(c) The term “County officer or employee” as used herein shall be defined as:

i any of the following persons as defined in Section 2-11.1 of the Code of Miami-Dade County: (1) “commissioners”, (2) “autonomous personnel”, (3) “quasi-judicial personnel”, (4) “advisory personnel”, (5) “departmental personnel”, and (5) “employees” and

ii the President, Board of Trustees and employees of the Public Health Trust of Miami-Dade County, Florida.

(d) The County Manager is hereby authorized and directed to negotiate and execute a mutual aid agreement with the FDLE or other appropriate law enforcement agency in Florida to assume responsibility for investigating public corruption matters involving County officers or employees.

(e) Upon the execution of a mutual aid agreement with the FDLE or other appropriate law enforcement agency in Florida as authorized herein, if MDPD is requested to investigate public corruption matters involving a County officer or employee or otherwise becomes aware of a possible public corruption matter involving a County officer or employee, MDPD shall refer such matter to the FDLE or other appropriate law enforcement agency in Florida pursuant to such mutual aid agreement. MDPD shall make its personnel and financial resources available to the FDLE or other appropriate law enforcement agency in Florida pursuant to such mutual aid agreement, but the FDLE or other appropriate law enforcement agency shall assume responsibility for the manner in which the investigation is conducted and concluded. <<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

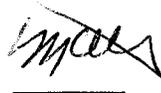
Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

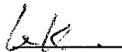
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
To form and legal sufficiency:



Prepared by:



Lee Kraftchick

Sponsored by Commissioner Carlos A. Gimenez