

## MEMORANDUM

Agenda Item No. 8(B)(1)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

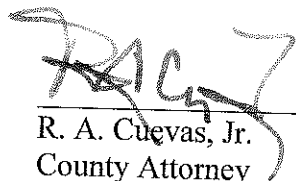
**DATE:** October 2, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution rescinding  
Administrative Order 7-20 and  
authorizing Implementing Order  
7-20; disposal of unclaimed  
personal property

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The accompanying resolution was prepared by the Corrections and Rehabilitation Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

  
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R. A. Cuevas, Jr.  
County Attorney


RAC/jls

# Memorandum



**Date:** October 2, 2012

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Implementing Order No. 7-20: Disposal of Unclaimed Personal Property

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## Recommendation

It is recommended that the Board of County Commissioners approve the attached resolution rescinding Administrative Order No. 7-20 and adopting Implementing Order No. 7-20, Disposal of Unclaimed Personal Property. The previous Administrative Order 7-20 was reviewed during a management analysis study conducted by the Office of Management and Budget at the request of the Miami-Dade Corrections and Rehabilitation Department regarding inmate personal property. This review afforded various recommendations to garner efficiencies, including the need to revise the retention period for unclaimed personal property stored by the Department in order to minimize unnecessary storage costs.

## Scope

Implementing Order 7-20, Disposal of Unclaimed Personal Property impacts countywide services.

## Fiscal Impact/Funding Source

Miami-Dade County will not incur any costs from the proposed revisions to the Implementing Order 7-20, but will benefit from operational efficiencies.

## Track Record/Monitor

The responsibility of inmate personal property is managed by Captain Wendy Mayes of the Corrections Intake and Release Bureau, Miami-Dade Corrections and Rehabilitation Department.

## Background:

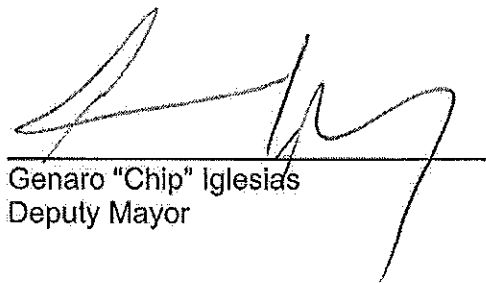
Florida State law establishes policies that local governments must follow in handling and disposing of unclaimed property. The current Administrative Order 7-20 outlines Miami-Dade County's internal procedures for adhering to these laws, but does not specifically address inmate personal tangible property. Therefore, Implementing Order 7-20, which governs several different types of property, including lost/found items, property seized as evidence and abandoned property has been revised to include specific provisions for inmate property. The Implementing Order also distinguishes between intangible property, which is money or monetary equivalents, and tangible property, which are other forms of property.

Miami-Dade Corrections and Rehabilitation Department is responsible for storing inmate property during an inmate's period of incarceration. Due to space limitations at the correctional facilities, a large amount of inmate property is stored off-site in a warehouse. Unfortunately, this means that this property is not immediately available to inmates upon their release. Therefore, many inmates must be released without the return of their personal property, which may take up to 3 days to be retrieved. Inmates are notified telephonically once their property becomes available for pick-up at Pre-Trial Detention Center. However, they frequently do not return to claim their property. Currently, Administrative Order 7-20 mandates that this unclaimed inmate property be retained for a minimum of 180 days, upon an inmate's release. As a result, the Department is required to store voluminous

amounts of property that remain unclaimed. During the management review, it was determined that there were approximately 17,800 packages of former inmates' apparel in storage.

The Department requested that the Office of Management and Budget conduct an analysis of the inmate property function in order to identify opportunities for efficiencies. The analysis suggests that 80 to 90 percent of inmate apparel is never claimed and is ultimately destroyed. Additionally, benchmarking research reveals that other large county jail systems in Florida and nationally typically store unclaimed inmate property for 30 days or less upon an inmate's release, and destroy the property if unclaimed. As such, one of the several recommendations from this analysis is a revision to existing County policies regarding retention requirements of unclaimed inmate property.

Therefore, it is recommended that Administrative Order 7-20 be rescinded and Implementing Order 7-20 be adopted to allow the Department to dispose of unclaimed inmate personal property 30 days following notification to the inmate of the property's availability for pick-up. Unclaimed inmate personal property shall not be held beyond 45 days after an inmate's release. The proposed changes do not impact procedures for the disposition of unclaimed money or monetary equivalents, which is subject to State law. The proposed changes also explicitly permit the Department to either dispose of, or release to a designated third party, the inmate's personal property upon written, notarized authorization by the inmate. This will facilitate the ability of the inmate to have their property retrieved quickly. Instructions regarding inmate personal property, including its retrieval and disposal, will be included in the property receipt form as well as in the Inmate Orientation Handbook, available in English, Spanish and Creole. It is estimated that this change will result in a decrease in property storage requirements of up to 65 percent, which will result in operational efficiencies. Additionally, the Implementing Order includes minor updates to departmental names.



Genaro "Chip" Iglesias  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** October 2, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(B)(1)

**Please note any items checked.**

- "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**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(B)(1)  
10-2-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 7-20 AND AUTHORIZING IMPLEMENTING ORDER 7-20: DISPOSAL OF UNCLAIMED PERSONAL PROPERTY

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board rescind Administrative Order 7-20 and authorize Implementing Order 7-20, Disposal of Unclaimed Personal Property.

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

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Robert A. Duvall

A.O. No.: 7-20

IO No.: 7-20

Ordered:

Effective:

MIAMI-DADE COUNTY  
ADMINISTRATIVE ORDER  
IMPLEMENTING ORDER

DISPOSAL OF UNCLAIMED PERSONAL PROPERTY

AUTHORITY:

Section 5.02 of the Miami-Dade County Home Rule Amendment and Charter and Florida Statutes cited herein.

~~Chapters of the Florida Statutes cited herein Section 4.02 of the Metropolitan Dade county Charter.~~

SUPERSEDES:

This Implementing Order supersedes previous Administrative Order 7-20, ordered and effective 11/5/1985.

~~This administrative order supersedes previous Administrative Order 7-20, effective date 5-1-79.~~

POLICY:

County departments or County employees become involved in the handling of the personal property of residents or visitors of the County in a number of different ways. It is the policy of the County that such property is to be handled and disposed of in a secure manner and in keeping with applicable State statutes. Wherever possible and practical, property is to be returned to the owner(s) of the property; otherwise, it is to be retained for use by the County or by other governmental or not-for-profit agencies designated by the County, sold or auctioned, or disposed of in a safe and sanitary manner.

PURPOSE: The purposes of this Implementing Order ~~administrative order~~ are is to:

1. Clearly differentiate between classes or types of personal property and the disposal policies and procedures associated with each;
2. Identify the specific State statutes controlling the handling and disposition of particular kinds of property; and

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3. Clarify and assign responsibilities in connection with the handling and disposal of unclaimed personal property.

TYPES OF PROPERTY:

DEFINITIONS:

For the purposes of this ~~administrative order~~ Implementing Order, the following classifications and definitions apply:

Abandoned Property - Abandoned property is that personal property over which the owner, by outward signs (if the property has been "left to the elements", for example), has knowingly or deliberately relinquished controlled possession. Such property usually has little or no value. Personal property left behind by tenants, other paying guests or sub-tenants, whether in private or publicly-owned accommodations (including public housing), and meeting this criterion is also considered as having been abandoned.

Contraband - "Contraband" not only includes drugs ("controlled substances"), drug and gambling paraphernalia, and materials used in violation of State beverage or tobacco laws, but also includes personal property used or aiding in the commission of a felony.

Custody Property - "Custody" property is that personal property held for safekeeping for or on behalf of its owner(s), held for court proceedings, or seized as evidence, whether actually used as evidence or not, excluding inmate personal property.

Inmate personal property - "Inmate personal property" means tangible property that is held for safekeeping by Miami-Dade Corrections and Rehabilitation Department on behalf of inmates.

Lost/Found Property - "Lost" property is that personal property found in public places (places "open to the public", including business premises) and over which, by all outward signs or appearances, its owner has involuntarily or inadvertently lost controlled possession, and would wish to have returned. (See S.S. 715.01(1).)

Tangible/Intangible Property - "Intangible" property is cash money or any paper which is the equivalent of money, represents a claim for money, or is convertible into money. "Tangible" property is all other personal property.

Weapons and Firearms - (Self-explanatory)

AUTHORIZED DISPOSITION AGENTS:

INTERNAL SERVICES DEPARTMENT~~GENERAL SERVICES ADMINISTRATION~~: For those classes of personal property the proceeds of which, if sold, go to the General Fund, the Internal Services Department ~~General Services Administration (GSA)~~ is the County's authorized disposition agent. The following types of property are included:

- all "lost/found" tangible property;



- all tangible personal property used as evidence in court or seized with the prospect of being used as evidence, whether actually used as evidence or not; and
- all tangible property of any cash or utilitarian value held in custody or safekeeping for the owner(s) by a County agency.

FINANCE DEPARTMENT: The Finance Department is the County's disposition agent for all "lost/found" intangible property, and all such unclaimed property is to be turned over to that department after the requisite holding period.

MIAMI-METRO-DADE POLICE DEPARTMENT: The Miami Metro-Dade Police Department (MDPD) is the County's authorized disposition agent for the following types of property:

- all "contraband" property, and
- all weapons and firearms.

The two categories are pre-emptive of other categories, so that if contraband, weapons or firearms are "found" or used or seized as evidence, MDPD - Miami-Dade Police Department will be the disposition agent, and not Internal Services Department, GSA.

PUBLIC WORKS DEPARTMENT: The Public Works Department is the County's disposition agent for all "abandoned" tangible personal property, other than property covered under the Disposition of Personal Property Landlord and Tenant ACT (Section 715.10, State Statutes).

STATE DEPARTMENT OF BANKING AND FINANCE: The Florida State Department of Banking and finance is the disposition agent for all unclaimed intangible property held in custody for another person by an officer, court or agency of the County.

OTHER COUNTY DEPARTMENTS: Any County department or agency serving as a repository for personal property found by employees of the department or as a custodian of property for tenants, clients (except residents of nursing homes and related health care facilities) or inmates, is authorized to dispose of any such property deemed to have neither any appreciable cash value redeemable by auction nor any appreciable use value to any County department, provided that the requisite claim period has elapsed, and that the procedures outlined below have been followed.

PROCEDURES:

LOST/FOUND PROPERTY:

By State law, unclaimed personal property, whether tangible or intangible, that is found in public places by county employees in the course of their County duties becomes County property, and not the property of the employee finding the property (Sec. 715.01(2), State Statutes). Employees finding such personal property during the course of their jobs are to turn the property into the department's Property Custodian (as defined by A.O. 8-2). Departments only infrequently experiencing such situations may turn such tangible property over to GSA/ISD Internal Services Department, and such intangible property over to the Finance Department, for safekeeping and eventual disposition if there is no immediate knowledge of the

possible identity or whereabouts of the owner(s) of the property. Intangible property found in places that do not fall under the definition of "public" places, but which it is determined should be secured for safekeeping purposes, is to be treated as custody property.

County Departments as Repositories - Departments in which employees relatively frequently find lost property (MDTA and Parks and Recreation, for example) and other departments electing to do so are to ascertain that Internal Services Department GSAs are aware that they are acting as custodians of found property and to maintain any such property in a secure manner until a valid claim is made for the property, or for six months, whichever is shorter. Internal Services Department GSA will be responsible for evaluating departments' facilities and procedures for securing the property and to recommend such changes or modifications as may be deemed necessary to ensure that the property is held in a secure manner. Departments are to keep records of the found property turned in by employees and the disposition of the property.

Tenant Property - Property deemed to have been "lost" by former tenants or other paying guests is to be handled in accordance with the Disposition of Personal Property Landlord and Tenant Act (Sec. 715.10, State Statutes), and disposed of as outlined below. Notification to Owner - During the required holding period, departments are expected to make reasonable attempts to identify the owner(s) of the property, particularly where the property has any appreciable value, and to inform the owner(s) as to how to go about (re)claiming the property and the consequences of not doing so within the allotted time period. Such notification may be by any practical direct means, up to and including first-class mail.

Claim Period - Owners of "lost/found" property are to have six months in which to claim their property.

DISPOSITION OF FOUND PROPERTY: Found property which has gone unclaimed for at least six months may be disposed of as follows:

- Unclaimed property deemed to be of no cash or use value to the County or other governmental or charitable agency may be summarily disposed of or destroyed in any manner that is safe, sanitary and legal and which leaves no hazardous or contaminating residue not in accord with applicable environmental regulations. (Departments may instead choose to accumulate a quantity of such property and call the Internal Services Department GSA Property Control Officer to make the determinations.)
- Unclaimed property with no appreciable cash value and no appreciable use value to any County department may be retained by the finding department for use by its clients or donated to other governmental or charitable organizations for use by their clients, at the discretion of the department director. Where there is question as to the potential use value to another County department, or as to the potential cash value, inquiry should be made to the Internal Services Department GSA Property Control Officer.
- Unclaimed property having a use value to the finding department, or to another County department, exceeding its probable sale value may be retained by the finding department or recommended for assignment to another department, upon notification by memorandum to Internal Services Department GSA. Except in the case of police custody

property, this disposition is subject to their being a greater need for the property elsewhere in the County, as determined by Internal Services Department ~~GSA~~

- Unclaimed but active credit cards, identification cards, and the like, which are not returned to their owners are to be returned to the bank or agency controlling the card(s) in question. Any such expired cards are to be destroyed, as are all driver's licenses and license plates which are not returned to their owners.
- Unclaimed property not covered by any of the above and of any appreciable cash value is to be disposed of by Internal Services Department ~~ISD~~, whether by destruction, assignment, donation, auction, or sale. Transfer of found or custody property from MDPD ~~Miami-Dade Police Department~~ to Internal Services Department ~~GSA~~ ~~ISD~~ for disposition or sale will be by memorandum, at such times and/or frequencies as are mutually convenient to them.

**PROCEDURES: CUSTODY PROPERTY** Custody property is to be handled as indicated above for "lost/found" property, with the following modifications or differences:

Nursing Homes - Property of residents of nursing homes and related health care facilities is covered separately, under Section 400.162, State Statutes.

Receipt in Writing - The department taking custody of the property is to acknowledge in writing the receipt of the property. Where feasible, the owner or his or her agent is to be notified of the location and circumstances or conditions under which the property is being held and can be (re)claimed, the consequences if the property is not claimed as provided for, and the owner or agent's signature obtained in acknowledgment of the foregoing.

Intangible Custody Property - All intangible personal property in the custody of a court or held for the owner(s) by a County agency and remaining unclaimed must be held for a period of seven years, with regular reports forwarded to the State Department of Banking and Finance, as per Section 717.12 of the State Statutes. Departments only infrequently experiencing this obligation may request the Finance Department to take custody of the intangible property. The department or agency actually holding the property secure is responsible for making the necessary reports to the State Department of Banking and Finance. Intangible property encountered by a County employee in a non-public place, but brought in for safekeeping purposes, is included here.

Claim Period - (Tangible Custody Property) Owners of their agents are to have 60 days from the date on which the property becomes claimable, or on which services to the owner are terminated, to claim their property. This applies to tangible custody property only. (See above for procedures applying to intangible custody property, and immediately below for exceptions to 60-day claim period for tangible custody property).

Exceptions to 60-day Claim Period: Personal tangible or intangible property taken into custody by the Metro Miami-Dade Police Department or any other department for "safe-keeping" purposes, and not as evidence, and found in a "public" place.

~~These two~~ This classes of "custody" property ~~are~~ is to be treated as if they ~~it~~ were lost or found property, with a six-month claim period. ~~Inmate property of no apparent value, however, may be disposed of as provided for above if unclaimed within 60 days of the inmate's release from custody.~~

Intangible property found in a non-public place but brought in for safekeeping purposes falls under S.S. 717.12.

PROCEDURES: INMATE PERSONAL PROPERTY: Inmate personal property shall be stored by the Miami-Dade Corrections and Rehabilitation Department during the period of incarceration, unless the inmate provides written, notarized authorization for its disposal or release to a designated party. Unclaimed property shall be retained by the Department for a minimum of 30 days following notification to the inmate of the availability of the property for pick-up. Under no circumstances will unclaimed inmate personal property be held beyond 45 days after an inmate's release. Following the claim period or disposal authorization, property shall be disposed of in accordance with the disposition procedures described under Lost/Found Property.

PROCEDURES: CONTRABAND, FIREARMS AND WEAPONS: Sections 893.12, 932.703-4 and 790.08 of the State Statutes apply to the disposition of contraband drugs, articles and weapons and firearms, respectively. Proceeds from the sale of property forfeited to the County under S.S. 932.703-4 and other statues go to the law Enforcement Trust Fund; however, property retained for use ~~by MDPD~~ or recommended by ~~MDPD~~ for use by other County departments by Miami-Dade Police Department falls under the purview of Administrative Order O. 8-2, and GSA Internal Services Department is to be advised of all retentions and transfers of Forfeited property.

SALE OF PROPERTY: Internal Services Department GSA and MDPD are authorized to advertise and to carry out auctions or sales of unclaimed property for which they are the authorized disposition agent and ownership of which has devolved to the County. The auctions or sales may be carried out at such times and such frequency as GSA Internal Services Department or MDPD Miami-Dade Police Department in their discretion deem it economical and functional to do, or as otherwise authorized or directed by the County Manager, the County Commission, or the Courts.

~~This administrative order~~ Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by County Attorney as to form and legal sufficiency.

Approval by:

\_\_\_\_\_  
County Attorney