

MEMORANDUM

Agenda Item No. 14(A)(3)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Resolution authorizing execution
of a Work Site Agreement
between the Florida Department
of Corrections and Miami-Dade
County through the Miami-Dade
Police Department

The accompanying resolution was prepared by the Miami-Dade Police Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp

Memorandum



DATE: April 2, 2013

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

FROM: Carlos A. Gimenez
Mayor 

SUBJECT: Resolution Authorizing A Work Site Agreement Between the Florida Department of Corrections And Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners approve the attached Work Site Agreement between the Florida Department of Corrections and Miami-Dade County through the Miami-Dade Police Department.

Scope

The Work Site Agreement is countywide.

Fiscal Impact/Funding Source

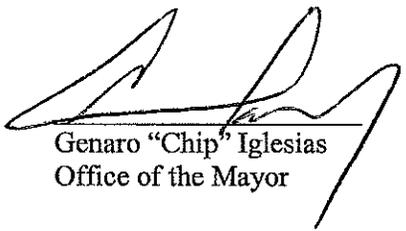
There is no fiscal impact with this Work Site Agreement.

Track Record/Monitor

The Miami-Dade Police Department's Senior Bureau Commander of the Police Legal Bureau, Janet Lewis, will monitor this Work Site Agreement.

Background

The Work Site Agreement documents that Miami-Dade County, through the Miami-Dade Police Department, agrees to utilize offenders who are serving probation which requires the completion of community service hours. The Florida Department of Corrections and the Miami-Dade Police Department work together to ensure that each probationer is assigned appropriately to various County locations and to coordinate monitoring probationers at these assignments. The Miami-Dade Police Department has developed, implemented, and adheres to a set of standard operating procedures to administer this Agreement. Some of the work site assignments have included Miami-Dade County departments/agencies such as: Animal Services; Parks, Recreation and Open Spaces; Public Works and Waste Management; and Zoo Miami. This work site agreement allows probationers to fulfill community service requirements and provides Miami-Dade County with a no cost work force for some of these entry level duties.


Genaro "Chip" Iglesias
Office of the Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Agenda Item No. 14(A)(3)

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 Mayor'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. 14(A)(3)

4-2-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A WORK SITE AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF CORRECTIONS AND MIAMI-DADE COUNTY THROUGH THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE ACTION TO EXECUTE AMENDMENTS, RENEWALS, AND EXTENSIONS AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

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 finds it is in the best interest of Miami-Dade County to approve the execution of a Work Site Agreement between the Florida Department of Corrections and Miami-Dade County, through the Miami-Dade Police Department, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor's designee to execute the Agreement for and on behalf of Miami-Dade County, and to execute any amendments, renewals and extensions of same, and to exercise the cancellation provisions contained in the Agreement.

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:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. 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.



Ben Simon

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

Department of Corrections and Public Service Agency
Work Site Agreement

The undersigned agency certifies, attests, and affirms that the agency is a designated tax-supported or tax exempt entity as certified by the Internal Revenue Service and if required, licensed by appropriate governmental entities and/or registered with the Office of the Secretary of State. The undersigned agency certifies that the following terms have been agreed upon in order to utilize offenders under the supervision of the Florida Department of Corrections to perform public service work imposed by the sentencing or releasing authority.

A work schedule will be arranged for the offender that is agreeable with him/her and the agency. The schedule can only be altered with permission of the Department of Corrections or the public service agency supervisor. The public service agency agrees to report offenders who fail to comply (excessive tardiness and/or failure to show for work) with the established schedule or work assignment(s).

The offender will be supervised in the performance of his/her duties. Periodic reports will be provided for the Department of Corrections and the court as to the number of hours completed and the overall work performance of the offender. (See attachment)

It is understood that the Circuit Administrator will investigate any complaints regarding this agreement and may revoke or terminate the agreement unilaterally at any time for cause.

It is understood that pursuant to section 948.036 Florida Statutes, offenders who are under the supervision of the Department of Corrections pursuant to section 948.01, Florida Statutes and who are injured during the performance of court ordered public service work are covered by workers' compensation as state employees to the extent of medical treatment for personal injury, with the exception of offenders performing public service hours as the result of a sentence for a DUI offense, as provided in s. 316.193, F.S.

The undersigned representatives accept the provisions of this agreement.

DEPARTMENT OF CORRECTIONS:

PUBLIC SERVICE AGENCY:

Approved by: _____, Correctional Probation Supervisor <i>Maria L. DiBernardo</i> _____ (Correctional Probation Supervisor Signature)	_____ (Name of Agency) _____ (Representative Signature)
Maria L. DiBernardo, Circuit Administrator _____ (Title/Name Printed or Typed)	_____ (Title/Name Printed or Typed)
Date: _____	Date: _____
Address: <u>401 N.W. 2nd Avenue, Suite #S607</u> <u>Miami, Florida 33143</u>	Address: _____
Phone: <u>(305) 377-7040</u>	Phone: _____

*F.S. 948.036 provides that an offender who participates in any work program under the provisions of this chapter shall be considered an employee of the state for purposes of Chapter 440 F.S.

cc: Work Site Agency
Circuit Administrator
DC3-204 (Revised 7/12/11)

