

MEMORANDUM

Special Item No. 1

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 5, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County policy for the continued provision of police services in unincorporated areas of Miami-Dade County and other County owned facilities and the continued operation of corrections and fire rescue services by the Miami-Dade County government upon the reestablishment of the Miami-Dade Sheriff's Office; directing the County Mayor to take all necessary administrative action and recommend all necessary legislation to prepare for the reestablishment of the Miami-Dade County Sheriff; and requiring periodic reports to the Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney


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(Revised)

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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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 1
5-5-22

RESOLUTION NO. _____

RESOLUTION ESTABLISHING COUNTY POLICY FOR THE CONTINUED PROVISION OF POLICE SERVICES IN UNINCORPORATED AREAS OF MIAMI-DADE COUNTY AND OTHER COUNTY OWNED FACILITIES AND THE CONTINUED OPERATION OF CORRECTIONS AND FIRE RESCUE SERVICES BY THE MIAMI-DADE COUNTY GOVERNMENT UPON THE REESTABLISHMENT OF THE MIAMI-DADE SHERIFF'S OFFICE; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY ADMINISTRATIVE ACTION AND RECOMMEND ALL NECESSARY LEGISLATION TO PREPARE FOR THE REESTABLISHMENT OF THE MIAMI-DADE COUNTY SHERIFF; AND REQUIRING PERIODIC REPORTS TO THE BOARD

WHEREAS, the Miami-Dade County Home Rule Amendment to the Florida Constitution sets forth that Miami-Dade County, through the adoption of the Miami-Dade County Home Rule Charter, may abolish, or provide a method for abolishing, the county constitutional offices in Art. VIII of the Florida Constitution; and

WHEREAS, in 1957, the electors of Miami-Dade County adopted the Miami-Dade County Home Rule Charter and abolished certain constitutional offices including the predecessor offices to the Miami-Dade Office of Tax Collector, Property Appraiser and Supervisor of Elections and delegated the powers and responsibilities of those offices to the Miami-Dade County Manager or such other persons designated by the County Manager; and

WHEREAS, the 1957 Miami-Dade County Home Rule Charter also sets forth that the Board of County Commissioners may abolish county constitutional offices not already abolished in the Home Rule Charter; and

WHEREAS, in 1958, this Board abolished the Miami-Dade Sheriff's Office and created a public safety department headed by a metropolitan sheriff appointed by, and serving at the will of, the County Manager; and

WHEREAS, in 1963, the electors of Miami-Dade County amended the Miami-Dade County Home Rule Charter to establish the metropolitan sheriff as an independent elected position; and

WHEREAS, in 1966, the electors of Miami-Dade County amended the Miami-Dade County Home Rule Charter to abolish the elected office of metropolitan sheriff and provide that the powers and functions of the office are transferred to the County Manager, or such person designated by the County Manager; and

WHEREAS, the powers and responsibilities of the abolished Miami-Dade County Sheriff's Office were exercised by the County Manager or the County Manager's designee from 1966 until the adoption of the "Strong Mayor" amendment to the Miami-Dade County Home Rule Charter in 2007; and

WHEREAS, since 2007, the Home Rule Charter vests the powers and responsibilities of the abolished Miami-Dade County Sheriff's Office in the County Mayor or County Mayor's designee; and

WHEREAS, from 1966 until today, the Miami-Dade Police Department has exercised the powers and performed the duties and functions of the constitutional Sheriff's Office by designation from the County Mayor or County Manager as well as the duties and functions of the municipal police department for unincorporated Miami-Dade County; and

WHEREAS, acting as the successor office to the Sheriff's Office, the Miami-Dade Police Department currently performs the duties assigned by state law to the County Sheriff throughout Miami-Dade County including, processing and serving criminal warrants, executing writs, providing general law enforcement functions, investigative functions, maintenance of the peace, as well as all other such duties assigned to the Sheriff by County ordinance or Florida law; and

WHEREAS, acting as the municipal police force, the Miami-Dade Police Department provides unincorporated areas of Miami-Dade County and contracting municipalities municipal police services including patrol services, target response teams, general law enforcement and investigation; and

WHEREAS, in addition to law enforcement functions, the Miami-Dade Police Department has also been assigned regulatory functions by this Board and the County Mayor; and

WHEREAS, the Miami-Dade Police Department is currently funded in the County's Fiscal Year 2021-22 Adopted Budget through revenues generated by the Countywide and UMSA millage rates as well as revenues from fees, grants, contracts and other sources; and

WHEREAS, the County's Fiscal Year 2021-22 Adopted Budget includes funding for the employees, real property, assets, contracts, and licenses currently used by the Miami-Dade Police Department; and

WHEREAS, under the County's Fiscal Year 2021-2022 Adopted Budget, the Miami-Dade Police Department has 3,168 sworn and 1,282 civilian budgeted positions in the Miami-Dade Police Department; and

WHEREAS, on November 8, 2018, the electors of the State of Florida adopted an amendment to the Florida Constitution removing the constitutional grant of authority of Miami-Dade County and other charter counties to: (1) abolish the county constitutional offices of sheriff;

tax collector, property appraiser, supervisor of elections, or clerk of the circuit court, (2) transfer the duties and functions of those offices to another officer or office; (3) change the length of the four-year term of office; or (4) establish any manner of selection other than by election by the electors of the county; and

WHEREAS, the 2018 amendment to the Florida Constitution provided that the provision relating to constitutional officers shall not take effect in Miami-Dade County until January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for county constitutional officers in 2024; and

WHEREAS, as a result of the 2018 amendment, the constitutional Miami-Dade County Sheriff's Office will be reestablished as an independent elected position in Miami-Dade County; and

WHEREAS, notwithstanding the reestablishment of an independent elected Office of Sheriff in Miami-Dade County, Art. VIII, s. 6(a) of the Florida Constitution provides that “[t]o the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities;” and

WHEREAS, the Florida Constitution, Florida law and the Miami-Dade County Home Rule Charter all authorize Miami-Dade County to exercise all the authority and power of a municipal government for the unincorporated areas of Miami-Dade County; and

WHEREAS, the 2018 amendment to the Florida Constitution did not alter Miami-Dade County's authority to exercise the powers of a municipal government in the unincorporated areas of Miami-Dade County; and

WHEREAS, section 30.15, Florida Statutes, sets forth the general powers, duties and obligations of Florida sheriffs, in their respective counties, in person or by deputies, which includes the authority to: (a) execute all process of the Supreme Court, circuit courts, county courts, and boards of county commissioners of this state, to be executed in their counties; (b) execute such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their counties; (c) attend all sessions of the circuit court and county court held in their counties; (d) execute all orders of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper; (e) be conservators of the peace in their counties; (f) suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary; (g) apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be had against him or her according to law; (h) raise the power of the county and command any person to assist them, when necessary, in the execution of the duties of their office; (i) be, ex officio, timber agents for their counties; and (j) perform such other duties as may be imposed upon them by law; and

WHEREAS, on February 22, 2022, the County Mayor issued a memorandum to the Board of County Commissioners (“Memorandum”) regarding the transition to a Miami-Dade County Sheriff; and

WHEREAS, the Memorandum recommended that the Board of County Commissioners establish County policy regarding the duties and functions of the Miami-Dade County Sheriff, in addition to those set forth in state law, as well as a plan for the transition to the new constitutional office; and

WHEREAS, the Memorandum further recommended that the Miami-Dade Police Department continue to provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, PortMiami, and Miami-Dade County transit facilities; and

WHEREAS, the Memorandum further recommended that the Miami-Dade Police Department continue to deliver specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center; and

WHEREAS, the Memorandum also recommended that the Miami-Dade Corrections and Rehabilitation Department and the Miami-Dade Fire Rescue Department continue to be part of the Miami-Dade County government; and

WHEREAS, the Memorandum recommended budgetary and operational actions that should be taken to prepare for the transition to the Miami-Dade County Sheriff's Office in January of 2025; and

WHEREAS, this Board desires to implement these policy recommendations and establish the County policy that: (1) the Miami-Dade Police Department continue to provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, PortMiami, and Miami-Dade County transit facilities; (2) the Miami-Dade Police Department continue to provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center; (3) the Miami-Dade Corrections and Rehabilitation Department and the Miami-

Dade Fire Rescue Department continue to be part of the Miami-Dade County government; and (4) the County Mayor or County Mayor's designee shall take all necessary administrative actions and recommend to the Board all necessary legislation to prepare for the transition to the Miami-Dade County Sheriff Office in January of 2025,

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

Section 1. It is the policy of Miami-Dade County that the Miami-Dade Police Department shall provide police patrol services in the unincorporated areas of Miami-Dade County as well as at County assets including the airports, PortMiami, and Miami-Dade County transit facilities and continue to provide specialized investigative services including, but not limited to, homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption, bomb disposal, the crime lab, the training bureau, the Fusion Center, and the Real Time Crime Center upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025.

Section 2. It is also the policy of Miami-Dade County that the Miami-Dade Corrections and Rehabilitation Department and the Miami-Dade Fire Rescue Department continue to be part of the Miami-Dade County government upon the reestablishment of the Miami-Dade County Sheriff's Office on January 7, 2025.

Section 3. The County Mayor or County Mayor's designee is directed to take all necessary administrative actions and recommend to the Board all necessary legislation to prepare for the transition to the Miami-Dade County Sheriff's Office on January 7, 2025, including, but not limited to: (1) the preparation of draft transition agreements to be negotiated with the Sheriff-elect addressing the possibility of the County providing, by contract, administrative services to the

Office of Sheriff such as human resources, procurement, property management; (2) the preparation of interlocal agreements with Miami-Dade County municipalities for the joint performance of specialized investigative services; and (3) an analysis of the personnel required by the County to provide municipal police services as well as a proposed process for employees to transfer to the reestablished Miami-Dade County Sheriff's Office either on a voluntary or seniority basis.

Section 4. The County Mayor shall provide reports to the Board every two months commencing on June 1, 2022 detailing any administrative actions taken or recommended legislation regarding the transition to the Miami-Dade County Sheriff's Office. These reports shall be placed on an appropriate agenda of the Board of County Commissioners without the need for committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Chairman Jose "Pepe" Diaz. It 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of May, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Oren Rosenthal