

Memorandum



Date: May 4, 2021

Agenda Item No. 8(F)(4)

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

Resolution No. R-414-21

From: Daniella Levine Cava
Mayor

A handwritten signature in cursive script that reads "Daniella Levine Cava".

Subject: Approval of Implementing Order Regarding Reporting Damage to County Property and
Collection of Damage Claims – Directive No. 201006

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution adopting Implementing Order 8-10: Reporting Damage to County Property and Collection of Damage Claims.

Scope

This Implementing Order will have a countywide impact.

Fiscal Impact/Funding Source

It is anticipated that approval of this Implementing Order may have a positive fiscal impact to the County as a result of increased restitution or damages relating to damaged County property.

Track Record/Monitor

The Internal Services Department's Risk Management Division will be responsible for administering this Implementing Order.

Background

As directed by Resolution R-670-20, adopted by the Board on July 8, 2020, this Implementing Order was created to set forth the standardized procedures for the filing of damage claims and the collection of claims or restitution from persons and companies responsible for damaging County property.

This Implementing Order establishes a policy to pursue all County property damage claims, including damages to property in County rights-of-way. To promote this policy, County departments are required to notify the Internal Services Department immediately upon their knowledge of damage to County property. Mandatory reporting of damage, as the first step in the claims process, is an effective way to increase the County's ability to file damage claims and collect restitution.

Pursuant to Resolution R-670-20, a written report will be provided to the Board on a semi-annual basis to provide a) a description of the efforts taken to increase the imposition of restitution and collections of damages and restitution consistent with the measures put in place to implement same, b) the amount of damages and restitution collected within the last six-month period preceding the semi-annual report, and c) suggestions on how to continue to increase collections and limit the County's financial liability and responsibility for repair and replacement of property damaged in County rights-of-way. Each report will be placed on a Board agenda, pursuant to Ordinance No. 14-65.

A handwritten signature in cursive script that reads "Edward Marquez".
Edward Marquez
Chief Financial Officer



MEMORANDUM

(Revised)

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

DATE: May 4, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(4)

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 _____

Agenda Item No. 8(F)(4)
5-4-21

RESOLUTION NO. _____ R-414-21

RESOLUTION CREATING AND APPROVING
IMPLEMENTING ORDER NO. 8-10 RELATING TO
REPORTING DAMAGE TO COUNTY PROPERTY AND
COLLECTION OF DAMAGE CLAIMS

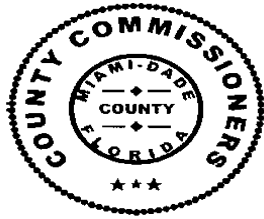
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and implementing order, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the attached Implementing Order (“IO”) No. 8-10 created for the purpose of establishing standardized procedures and setting forth the County’s process for the collection of County property damage claims, including damages to County property in County rights-of-way, in substantially the form attached to the accompanying memorandum.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of May, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez

MIAMI-DADE COUNTY IMPLEMENTING ORDER



Implementing Order No.: 8-10

Title: REPORTING DAMAGE TO COUNTY PROPERTY AND COLLECTION OF
DAMAGE CLAIMS

Ordered:

Effective:

AUTHORITY:

The Miami-Dade County Home Rule Charter, including among others, Sections 1.01 and 2.02 A, Sections 316.560 and 775.089, Florida Statutes, Section 21-30 of the Code of Miami-Dade County, Florida, and Section 2-96.1 of the Code of Miami-Dade County, Florida.

POLICY:

It is the policy of Miami-Dade County to pursue all County property damage claims, including damages to County property in County rights-of-way. To promote this policy and maximize the County's ability to identify property damage and collect damage claims and restitution, County departments shall notify the Internal Services Department ("ISD") of damages to County property. The filing and collection of claims shall be handled by County staff in a professional manner and in consideration of the best interests of the County.

PURPOSE:

The purpose of this Implementing Order ("IO") is to set forth the standardized procedures for the reporting of damage to County property, the claims process to collect damages, and the process to seek restitution from persons or companies responsible for damaging County property. The intent of the claims process and the criminal restitution process is for the County to recover the optimal amount based on the circumstances.

DEFINITIONS:

The word "claim" refers to a formal request by a person or company for coverage or compensation for a covered loss or policy event.

The word "restitution" means the process by which a defendant is ordered by the court to pay monetary sums for damage or loss to the County caused directly or indirectly by the defendant's criminal offense or related to the defendant's criminal episode.

The word "subrogation" means the right by which the County may pursue the collection of monies from an at-fault party or their insurance company, in order to recover funds related to damaged property.

REPORTING PROCEDURES:

1. Each County department, upon knowledge of County property damage, shall report the damage to ISD, Risk Management Division, Liability Unit, Subrogation Section. The Subrogation Section can be contacted at (305) 375-4280 or (305) 375-4612, and is located at 111 NW 1st Street, Suite 2340, Miami, Florida.
2. After reporting the damage, the County department will provide ISD, Risk Management Division all supporting documents, including, but not limited to, police reports filed by the affected department, department incident reports, photos of damaged property and any other supporting documents related to the damaged property.

CLAIMS PROCESS:

It is the responsibility of ISD, Risk Management Division to investigate, evaluate and, if appropriate, settle adjust or compromise tort claims filed on behalf of the County arising out of damaged County property. The steps in the claims process are outlined below:

1. The claims process begins when an incident and/or police report related to damaged County property is received by ISD, Risk Management Division from the affected department and evaluated for potential subrogation.
2. A claim arises when the County receives notification of damages to County property. The formal request for recovery of damages shall be evidenced by sending a letter of intent to subrogate to the appropriate insurance carrier or at-fault party by ISD, Risk Management Division.
3. Once a claim arises, ISD, Risk Management Division will request the affected County department to prepare and send to ISD, Risk Management Division a written cost estimate related to the damages along with any additional supporting documentation for the claim.
4. ISD, Risk Management Division shall provide the supporting documentation and an estimate confirming the County's losses to the at-fault party or insurance carrier.
5. ISD, Risk Management Division will request full payment for the damaged County property from the at-fault party. Monthly payment plans may be established based on an agreed amount by the at-fault party and the County on cases estimated to be valued under \$5,000 of damage to County property.

If payment is not received within a reasonable time period or according to the mutually established monthly payment terms on cases estimated to be valued under \$5,000 of damage to County property, ISD, Risk Management Division will file an action in Small Claims Court against the at-fault party. If payment is not received within a reasonable time period on cases estimated to be valued at \$5,000 or more of damage to County property, ISD, Risk Management Division will refer the case to the County Attorney's Office to file suit against the at-fault party for damages.

6. Should a final judgment be obtained from Small Claims Court, ISD, Risk Management Division will forward the final judgement to the Florida Department of Highway Safety and Motor Vehicles to suspend the at-fault party's driver's license until payment is made in full or a mutually agreed upon monthly payment plan is established by the County, as applicable.

CRIMINAL RESTITUTION PROCESS:

At times, the Miami-Dade State Attorney's Office ("SAO") may notify ISD's Risk Management Division of potential restitution claims and may apprise the Division as to when a restitution claim is viable. Upon such notification from the SAO, ISD, Risk Management Division will work in conjunction with the SAO to secure the optimal amount of restitution for the damaged County property.

DEPARTMENTAL COMMUNICATIONS:

In order to enhance the County's ability to maximum recovery of damages, ISD, Risk Management Division will offer quarterly meetings to each County department designated risk liaison regarding the process to report damaged County property, the necessary documentation to support a claim, and the process to file claims.

This 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 _____