

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: (Second Reading: 6-1-22)
April 5, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance regarding designation
of the chief correctional officer
for Miami-Dade County; creating
article CLXV of chapter 2 of the
Code; providing that the Director
of the Miami-Dade Corrections
and Rehabilitation Department
shall be the chief correctional
officer for Miami-Dade County

Ordinance No. 22-54

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Vice-Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: June 1, 2022

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Designation of the Chief Correctional Officer

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County

A handwritten signature in blue ink, reading "JD Patterson".

JD Patterson,
Chief Public Safety Officer

Memorandum



Date: June 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Amending the County Charter
and Creating the Chief Correctional Officer

The proposed ordinance creates Section 2-2424 and amends Section 2-Administration of the Code of Miami-Dade County, Florida. The proposed code section establishes that the Director of the Miami-Dade County Corrections and Rehabilitation Department, or the director of any successor department, shall be the chief correctional officer for Miami-Dade County and shall comply with and enforce all state and County laws concerning the operation and maintenance of jails in Miami-Dade County.

The correctional environment is unique and requires a knowledgeable correctional professional to direct its daily work of ensuring the safe, secure, and humane detention of incarcerated persons. The proposed ordinance shall ensure that a professional correctional administrator continues to direct and oversee the detention facilities within Miami-Dade County. The proposed ordinance shall also ensure a continuity of command necessary to manage a large metropolitan correctional agency. There are no foreseen non-monetary benefits or burdens generated by this policy.



JD Patterson
Chief Public Safety Officer



MEMORANDUM

(Revised)

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

DATE: June 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
6-1-22

ORDINANCE NO. 22-54

ORDINANCE REGARDING DESIGNATION OF THE CHIEF CORRECTIONAL OFFICER FOR MIAMI-DADE COUNTY; CREATING ARTICLE CLXV OF CHAPTER 2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE DIRECTOR OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT SHALL BE THE CHIEF CORRECTIONAL OFFICER FOR MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Director of the Miami-Dade Corrections and Rehabilitation Department serves as the County’s chief correctional officer and is tasked with operating one of the largest correctional systems in the United States; and

WHEREAS, Miami-Dade County’s Home Rule Charter provides that the Director of the Miami-Dade Corrections and Rehabilitation Department is appointed by the County Mayor subject to disapproval at the next regularly scheduled meeting of the Board of County Commissioners; and

WHEREAS, Florida law provides that the county commission of each county may designate either the county sheriff or another individual to serve as the county’s chief correctional officer; and

WHEREAS, the county’s chief correctional officer shall comply with and enforce all state and county laws concerning the operation and maintenance of county jails; and

WHEREAS, on November 6, 2018, the electors of the State of Florida approved an amendment to Article VIII, Sections 1 and 6(e) of the Florida Constitution reestablishing the office of sheriff as an elected office in Miami-Dade County; and

WHEREAS, this new provision of the Florida Constitution takes effect in Miami-Dade County on January 7, 2025, and governs the qualifying for and the holding of the primary and general elections for the offices of sheriff in 2024; and

WHEREAS, notwithstanding the election of the Miami-Dade County Sheriff in 2024, the Board of County Commissioners desires to continue to designate the Director of the Miami-Dade County Department of Corrections and Rehabilitation, or any successor department, as the County's chief correctional officer,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Article CLXIV of chapter 2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**CHAPTER 2
ADMINISTRATION**

* * *

**ARTICLE CLXV
DESIGNATION OF CHIEF CORRECTIONAL OFFICER**

Section 2-2424 Designation of Chief Correctional Officer

The Director of the Miami-Dade County Corrections and Rehabilitation Department, or the director of any successor department, shall be the chief correctional officer for Miami-Dade County and shall comply with and enforce all state and County laws concerning the operation and maintenance of jails in Miami-Dade County.

Section 2. 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 3. 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 a 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 4. 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:

June 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

GBK

Prepared by:

OR

Oren Rosenthal

Prime Sponsor: Commissioner Sally A. Heyman
Co-Sponsor: Vice-Chairman Oliver G. Gilbert, III