

MEMORANDUM

Special Item No. 6

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 related to the Miami-Dade County Medical Examiner and the reestablished constitutional office of the Sheriff; directing the County Mayor to exclude all County employees, real property, assets, equipment, contracts, grants and licenses used by the Miami-Dade County Medical Examiner from any transfer agreements with the newly reestablished constitutional office of Sheriff

Resolution No. R-466-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: May 5, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Special Item No. 6

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. 6
5-5-22

RESOLUTION NO. _____ R-466-22

RESOLUTION ESTABLISHING COUNTY POLICY RELATED TO THE MIAMI-DADE COUNTY MEDICAL EXAMINER AND THE REESTABLISHED CONSTITUTIONAL OFFICE OF THE SHERIFF; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXCLUDE ALL COUNTY EMPLOYEES, REAL PROPERTY, ASSETS, EQUIPMENT, CONTRACTS, GRANTS AND LICENSES USED BY THE MIAMI-DADE COUNTY MEDICAL EXAMINER FROM ANY TRANSFER AGREEMENTS WITH THE NEWLY REESTABLISHED CONSTITUTIONAL OFFICE OF SHERIFF

WHEREAS, the Miami-Dade Medical Examiner Department began operating in 1955;
and

WHEREAS, in 1970, the Florida Legislature adopted the Medical Examiner's Act, creating a Medical Examiners Commission within the Department of Law Enforcement and Medical Examiner Districts, each of which are run by an appointed district medical examiner; and

WHEREAS, the Medical Examiner Act preserved the authority of home rule counties with established medical examiners to continue to select medical examiners in accordance with the counties' home rule charter and ordinances; and

WHEREAS, medical examiners appointed pursuant to home rule authority also serve as their district's medical examiner with the responsibilities set forth in Florida law; and

WHEREAS, since 1970, the appointed Miami-Dade County Medical Examiner has served as the director of the County's Medical Examiner's Department as well as the Medical Examiner for District 11; and

WHEREAS, the Miami-Dade County Medical Examiner performs the duties assigned to district medical examiners under state law, including professional death investigative services, pathology, toxicology, records/transcription, morgue, photography, and indigent cremation services; and

WHEREAS, each year the Miami-Dade Medical Examiner investigates and processes approximately 14,000 cases and facilitates organ, bone and tissue donations; and

WHEREAS, pursuant to a 2018 amendment to the Florida Constitution relating to county constitutional officers, the Miami-Dade County Sheriff's Office will be reestablished as a constitutional office on January 7, 2025; and

WHEREAS, the Miami-Dade Medical Examiner and the Medical Examiner's Department are nationally recognized as a premier medical examiner's office and provide excellent services to local, state and national law enforcement as well as the residents and visitors of Miami-Dade County; and

WHEREAS, although district medical examiners throughout Florida assist law enforcement offices, such as county sheriffs, in the investigation of crimes, district medical examiners act independently of and are not subordinate to county sheriff offices; and

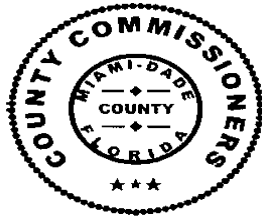
WHEREAS, this Board desires to establish as County policy that all of the duties and functions of the Miami-Dade County Medical Examiner set forth in Florida law and all of the budgeted positions and classifications of employees who work for the Medical Examiner's Department and all real property, assets, contracts, fees, grants and licenses currently used by the Medical Examiner's Department to perform those duties and functions shall be unaffected by the reestablishment of the constitutional Miami-Dade County Sheriff's Office on January 7, 2025,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that it is the policy of Miami-Dade County that the duties and functions of the Miami-Dade Medical Examiner set forth in Florida law and all of the budgeted positions and classifications of employees who work for the Medical Examiner's Department and all real property, assets, contracts, fees, grants and licenses currently used by the Medical Examiner's Department to perform those duties and functions shall be unaffected by the reestablishment of the constitutional Office of Sheriff on January 7, 2025. The County Mayor or County Mayor's designee is hereby directed to exclude all employees, real property, assets, contracts, fees, grants and licenses currently used by the Medical Examiner's Department from any draft transfer agreements prepared by Miami-Dade County for the reestablished Miami-Dade County Sheriff's Office.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** 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 aye
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 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to be "OR", written over a horizontal line.

Oren Rosenthal