

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County
policy pursuant to section
129.03(2), Florida Statutes, to
require certain constitutional
offices to submit the tentative
budgets of their respective office
to the Board by May 1 of each
year

Resolution No. R-334-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor
Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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. 11(A)(2)
4-16-24

RESOLUTION NO. _____ R-334-24

RESOLUTION ESTABLISHING COUNTY POLICY
PURSUANT TO SECTION 129.03(2), FLORIDA STATUTES,
TO REQUIRE CERTAIN CONSTITUTIONAL OFFICES TO
SUBMIT THE TENTATIVE BUDGETS OF THEIR
RESPECTIVE OFFICE TO THE BOARD OF COUNTY
COMMISSIONERS BY MAY 1 OF EACH YEAR

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 offices of Miami-Dade County Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections will be reestablished as independent elected positions in Miami-Dade County; and

WHEREAS, notwithstanding the reestablishment of independent constitutional officers in Miami-Dade County, section 129.03, Florida Statutes, requires (a) the sheriff, (b) the clerk of the circuit court and county comptroller, (c) the tax collector, if subject to a resolution entered into

pursuant to section 145.022(1), Florida Statutes, and (d) the supervisor of elections to submit to the Board of County Commissioners a tentative budget for their respective offices for the ensuing fiscal year by June 1 of each year; and

WHEREAS, section 129.03, Florida Statutes, also authorizes the Board of County Commissioners to, by resolution, require the tentative budgets of the respective offices to be submitted by May 1 of each year; and

WHEREAS, section 5.03 of the Miami-Dade Home Rule Charter requires the County Mayor to prepare a proposed budget containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year between June 1 and July 15 of each year and to present that proposed budget before this Board adopts tentative millage rates for the ensuing fiscal year; and

WHEREAS, this Board finds that it is in the best interest of the County to receive the tentative budgets from the respective constitutional officers by May 1 of each year in order to provide adequate time for the County to include such tentative budgets in the County Mayor's proposed budget and in the tentative millage rates presented to this Board,

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

Section 1. This Board establishes as county policy, pursuant to section 129.03, Florida Statutes, that the tentative budgets for the offices of sheriff, clerk of the circuit court and county comptroller, tax collector, if subject to a resolution entered into pursuant to section 145.022(1), Florida Statutes, and supervisor of elections for the ensuing fiscal year shall be submitted to the Board of County Commissioners by May 1 of each year.

Section 2. This policy shall apply beginning with the tentative budget for Fiscal Year 2025-26 and each fiscal year thereafter.

Section 3. The Clerk of the Board is hereby directed to provide a copy of this resolution to the Office of the Sheriff, Clerk of the Court and Comptroller, Tax Collector, and Supervisor of Elections upon the establishment of their office on January 7, 2025 and each year thereafter.

The Prime Sponsor of the foregoing resolution is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent	
Anthony Rodríguez, Vice Chairman	aye	
Marleine Bastien	aye	Juan Carlos Bermudez aye
Kevin Marino Cabrera	aye	Sen. René García aye
Roberto J. Gonzalez	aye	Keon Hardemon aye
Danielle Cohen Higgins	aye	Eileen Higgins aye
Kionne L. McGhee	aye	Raquel A. Regalado aye
Micky Steinberg	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of April, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in dark ink, consisting of the letters "MBV" in a stylized, cursive-like font, positioned above a horizontal line.

Michael B. Valdes