

MEMORANDUM

Amended
Agenda Item No. 11(A)(13)

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

DATE: July 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County
policy regarding the form, style,
and signature requirements for
County checks; directing the
County Mayor and Clerk of the
Board to take all steps necessary
to implement such policy

Resolution No. R-632-24

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Chairman Oliver G. Gilbert, III and Vice Chairman Anthony Rodríguez.


Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 11(A)(13)

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 _____

Amended
Agenda Item No. 11(A)(13)

RESOLUTION NO. R-632-24

RESOLUTION ESTABLISHING COUNTY POLICY
REGARDING THE FORM, STYLE, AND SIGNATURE
REQUIREMENTS FOR COUNTY CHECKS; DIRECTING THE
COUNTY MAYOR AND CLERK OF THE BOARD TO TAKE
ALL STEPS NECESSARY TO IMPLEMENT SUCH POLICY

WHEREAS, section 136.06, Florida Statutes, provides that all money drawn from any County depository shall be upon a check or warrant issued by the Board of County Commissioners signed by the Chair of the Board and attested to by the clerk or secretary of the Board with the County seal affixed; and

WHEREAS, article V, section 16 of the Florida Constitution provides that the Clerk of the Circuit Court shall be the ex officio clerk of the board, auditor, recorder, and custodian of all County funds; and

WHEREAS, in Miami-Dade County, interaction between the County and the Clerk of Courts, in his or her role as County auditor and custodian of County funds, has been facilitated by a Finance Director jointly selected by the County Mayor and Clerk of Courts in accordance with section 5.03 of the Home Rule Charter of Miami-Dade County; 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 that prohibits a County charter from abolishing or transferring the duties of a constitutional County officer to another officer or office; and

WHEREAS, implementation of the changes brought on by the 2018 amendment may require adjustments to the interaction between the County and the Clerk of Courts, in his or her role as County auditor, custodian of County funds, and clerk of the board; and

WHEREAS, section 125.17, Florida Statutes, provides that the Clerk of Courts, in his or her capacity as clerk of the board, shall perform such duties as this Board may direct and shall affix the County seal to any paper or instrument to which it shall be proper or necessary that the same shall be affixed; and

WHEREAS, this Board believes that it is in the best interest of Miami-Dade County to establish a written policy concerning the form, style, and signature requirements for County checks and the respective responsibilities of each officer involved in the process of issuing County checks,

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

Section 1. The County Mayor or County Mayor's designee shall develop a standard form and style, in consultation with the Chairperson of the Board of County Commissioners, for all checks issued by Miami-Dade County. Following the establishment of an initial standard form and style for County checks, any adjustments and alterations to the form and style of County checks, except those necessary to conform to changes in law, shall not be implemented until approved by the Chairperson of the Board.

Section 2. The County Mayor or County Mayor's designee is further directed to work with any newly elected Chairperson of the Board of County Commissioners to obtain a template of that Chairperson's signature for use on County checks and to determine if any adjustments and alterations to the form and style of County checks are needed immediately following the election of the Chairperson.

Section 3. The Clerk of the Court, in his or her capacity as Clerk of the Board, is hereby directed to do the following: (1) verify that all County checks conform to the standard form and style requirements developed in accordance with section 1 above; (2) comply with any additional procedures developed and provided to him or her by the current Chairperson of the Board prior to including the Chairperson's signature on any County checks; and (3) provide the attestation required by section 136.06, Florida Statutes, by affixing the County seal onto each County check prior to issuance.

Section 4. The County Mayor, or County Mayor's designee, and Clerk of the Court are directed to take all necessary steps to ensure compliance with and implement the policies described in sections 1 through 3 above.

The Co-Prime Sponsors of the foregoing resolution are Chairman Oliver G. Gilbert, III and Vice Chairman Anthony Rodríguez. It was offered by Commissioner **Oliver G. Gilbert, III** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
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	absent
Kionne L. McGhee	absent	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of July, 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.

MBV

Michael B. Valdes