

MEMORANDUM

Agenda Item No. 8(F)(4)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 1, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving
Implementing Order No. 7-39
entitled "Employees Arrested On
Duty or Off Duty," and
rescinding Administrative Order
7-39 entitled "Employees
Arrested On Duty or Off Duty"

Resolution No. R-655-25

The accompanying resolution was prepared by the People and Internal Operations Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: July 1, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution approving Implementing Order No. 7-39: Employees Arrested On-Duty or Off-Duty, and rescinding Administrative Order No. 7-39: Employees Arrested On-Duty or Off-Duty

Recommendation

It is recommended that the Miami Dade-County (County) Board of County Commissioners (Board) rescind Administrative Order 7-39 (AO 7-39) and approve Implementing Order 7-39 (IO 7-39) based on the suggestion from the Office of the Inspector General (OIG) to require notification of employee's arrest to three individuals, namely the Department Director, the employee's immediate supervisor, and the department's Department Personnel Representative. It is also recommended that the Board approve IO 7-39 with the recommended changes to update references from the "County Manager" to "County Mayor."

Scope

The scope of IO 7-39 is countywide.

Delegation of Authority

IO 7-39 does not provide any additional delegated authority.

Fiscal Impact/Funding Source

There will be no fiscal impact to the County associated with the approval of IO 7-39.

Track Record/Monitor

Department Directors and/or designees will be responsible for monitoring compliance with IO 7-39.

Background

AO 7-39 was ordered and made effective in November 2002. Pursuant to AO-7-39, any County employee who is arrested on-duty or off-duty shall notify their Department Director or their designee within a reasonable amount of time, not to exceed three (3) calendar days. Upon notification, the department will then review the circumstances surrounding the arrest and take appropriate action as required. An investigation performed by OIG on April 18, 2024, found an ancillary issue concerning notification requirements outlined in AO 7-39, which currently requires notification of an employee's arrest be provided to their Department Director or designee. The OIG determined that it is better practice to provide a notification of employee's arrest to three individuals, namely the Department Director, the employee's immediate supervisor, and the department's Department Personnel Representative. As such, changes to the policy found in IO 7-39 will consist of the following:

- Expanding notification requirements to three individuals: (1) the Department Director and/or their designee, (2) the employee's immediate supervisor, and (3) the DPR.

Honorable Chairman Anthony Rodriguez
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Page No. 2

- Replacing references to the County Manager with the County Mayor.

Attachment



Carladenise Edwards
Chief Administrative Officer

Administrative Implementing Order



Administrative Implementing Order No.: 7-39

Title: Employees Arrested On Duty or Off Duty

Ordered: ~~11/19/2002~~

Effective: ~~11/29/2002~~

AUTHORITY:

Sections ~~4-02~~ 1.01, and 2.02 of the Miami-Dade County Home Rule Amendment and Charter, and Sections 2-11.3, 2-42 (22), 2-47 of the Code of Miami-Dade County, and Resolution No. R-1410-02, adopted December 3, 2002.

SUPERSEDES:

This Implementing Order supersedes Administrative Order No. 7-39, ordered November 19, 2002 and effective November 29, 2002.

POLICY:

It is the policy of Miami-Dade County that all County employees who are arrested for any reason shall notify their Department Director or his/her designee, the employee's immediate supervisor, and the Department's Personnel Representative (DPR) of the arrest.

APPLICABILITY OF THIS ORDER:

This order shall be applicable to all Miami-Dade County employees.

PROCEDURE:

Any Miami-Dade County employee who is arrested on duty or off duty shall within a reasonable amount of time, not to exceed three (3) calendar days, notify the respective Department Director or his/her designee, the employee's immediate supervisor, and the Department's Personnel Representative (DPR).

Upon notification of the employee's arrest, the department will immediately review the circumstances and take appropriate action, as required. When a classified employee is involved, the Department shall take action in accordance with County Code Sections 2-42 (22) and 2-47, the County's Personnel Rules and Administrative Order 7-3: Disciplinary Action. Exempt employees who are placed under arrest are governed by County Code Section 2-11.3. If necessary, the department should consult with the ~~Employee Relations~~ Human Resources Department, or successor Department, for guidance and assistance.

Failure of any employee to notify his/her department of an arrest shall result in administrative action up to and including dismissal from County service.

Any employee who is charged with a criminal violation (other than for a traffic violation) resulting

from the performance of his/her assigned job duties, will continue to be governed by ~~Administrative~~ Implementing Order 7-13: Employee Arrested On Charges Resulting From Performance On Job. This ~~Administrative~~ Implementing Order provides a mechanism whereby County employees charged with criminal offenses as a direct result of their performance or assigned job duties may obtain legal assistance from the County Attorney's office.

This ~~Administrative~~ Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Daniella Levine Cava
Mayor
~~Steve Shiver~~
~~County Manager~~



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 1, 2025

FROM: 
Glen 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 ____, majority plus one ____, 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) ____, 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)
7-1-25

RESOLUTION NO. _____ R-655-25

RESOLUTION APPROVING IMPLEMENTING ORDER NO. 7-39 ENTITLED "EMPLOYEES ARRESTED ON DUTY OR OFF DUTY," AND RESCINDING ADMINISTRATIVE ORDER 7-39 ENTITLED "EMPLOYEES ARRESTED ON DUTY OR OFF DUTY"

WHEREAS, on December 3, 2002, the Board adopted Resolution No. R-1410-02, approving Administrative Order No. 7-39 requiring all County employees to notify their Department Director or the Department Director's designee when they are arrested on duty or off duty; and

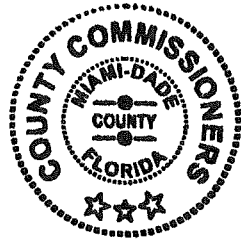
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that that this Board hereby approves Implementing Order No. 7-39 entitled "Employees Arrested On Duty or Off Duty," in substantially the form attached to the accompanying memorandum and incorporated herein, and rescinds Administrative Order No. 7-39.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Natalie Milian Orbis	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of July, 2025. 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.

Marlon D. Moffett