

Memorandum



Date: May 2, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Transition to Constitutional Offices of the Clerk of the Courts, Supervisor of Elections, Tax Collector, and Property Appraiser

This memo is a follow-up to my April 18, 2022 memorandum regarding the transition to an independent office of the Sheriff. Previously, I shared my recommendations as well as the input I received at a listening session with a variety of community stakeholders and subject matter experts. This follow-up memo provides additional recommendations and information related to the transition to the independent constitutional offices of the Clerk of Courts, Supervisor of Elections, Tax Collector, and Property Appraiser.

As you know, on November 6, 2018, voters in the State of Florida adopted Amendment 10 to the State Constitution. As a result, the offices of Supervisor of Elections, Tax Collector, and Property Appraiser will be reestablished as independent elected offices commencing in 2025. In addition, all powers transferred from the Clerk of the Court by the Miami-Dade County Home Rule Charter will be returned to the Clerk at that time.

Because the duties of these offices are well defined in state law, the purview of the County to make decisions regarding the respective functions is very limited (this contrasts with the ability of the Board to make decisions regarding public safety activities that are not statutory functions of an elected sheriff). Notwithstanding, the County is currently engaged in preparations for the transition, informed by an ongoing analysis coordinated by the Office of Management and Budget (OMB).

To obtain informed input about the transition to these independent constitutional offices, I recently held a second listening session with a variety of community stakeholders and subject matter experts. Among several implementation priorities raised during the session, participants highlighted three key issues. First, participants expressed their desire to ensure county employees impacted by the transition maintain their county collective bargaining unit umbrella and preserve their current benefits. Second, participants also emphasized the importance of scrupulous constitutional offices to maintain the integrity of our elections and county records. And third, to ensure continuity of functions, participants advocated for developing a menu of support services that the County could provide to all constitutional offices during the initial transition period and, potentially, on an ongoing basis, should the elected officials so desire.

As a result of this input and my own staff analysis, my recommendations and ongoing activities with respect to the constitutional offices are as follows:

- **All constitutional offices:**
 - Recommendation:
 - Continue funding the Constitutional Officers Reserve created during the adoption of the FY 2021-22 budget to pay for unanticipated expenses incurred with the

establishment of the constitutional officers. Specific recommendations will be presented to the Board through the County's budget process.

- Ongoing Activities:
 - Prepare for amending budget procedures given that the new constitutional offices have budget processes established in state law.
 - Estimate the potential budgetary impacts of what would be required for the new offices.
 - Develop operational options to be negotiated with the future Clerk of Courts, Supervisor of Elections, Tax Collector and Property Appraiser during the transition period, that maintain at least the same level of service and give the constitutional officers an opportunity to acclimate to their new roles. This includes estimating initial resource levels that are needed to provide support services to the new constitutional offices and identifying relevant capital assets and existing systems needed by the constitutional offices.
 - Identify potential impacts on existing employees working in the departments transitioning to independent constitutional offices. The status of existing collective bargaining agreements, employees' classified rights, insurance and benefit programs, and seniority rights are topics requiring focused attention.

- **Supervisor of Elections:**
 - Ongoing Activities:
 - Evaluate the feasibility of transferring to the Human Resources Department the current role the Elections Department has maintaining Outside Employment Statements filed by county employees. Currently, Outside Employment Requests and Approvals are managed and maintained by the Human Resources Department, while Outside Employment Statements completed and signed by county employees are managed and maintained by the Elections Department.
 - Evaluate whether the current responsibility the Elections Department has for managing certain financial disclosure activities via County Code should be transferred to another county department, or whether the incoming Supervisor of Elections should be requested to perform these functions. State law requires that elected officials and certain county administrators file Financial Disclosure Forms with the Supervisor of Elections. In addition, County Code requires other county and municipal personnel, consultants, and non-exempt advisory board members file financial disclosures with the Supervisor of Elections.

- **Tax Collector:**
 - Completed:
 - Convert the Credit and Collections section of the Tax Collector, which performs duties unrelated to tax collection, as a separate division of the Finance Department.
 - Ongoing Activities:
 - Evaluate whether the responsibility for the collection of taxes that are not under the statutory purview of the Tax Collector should remain within the Finance Department, or whether the incoming Tax Collector should be requested to perform these functions.

- Because the Tax Collector is embedded as a division of the Finance Department, continue to analyze organizational changes needed to ensure the new Office of the Tax Collector is ready to operate as an independent office in 2025. This may include establishing the current Tax Collector Division as a stand-alone department.
- **Clerk of Courts:**
 - Ongoing Activities:
 - Continue to evaluate the impact of the transition on the management of the County’s finances, especially given the role of the Clerk of Courts as custodian of County funds.
- **Property Appraiser:**
 - There are no specific recommendations or ongoing activities that are unique to this office.

Conclusion

The recommendations and activities set forth above regarding the transition to an elected Supervisor of Elections, Tax Collector and Property Appraiser and the transfer of additional responsibilities to the Clerk of Courts would allow the County to build on its current successes, ensure continuity of services for our residents and visitors, and maintain the same level of administrative support for the new office. I look forward to working with the Board of County Commissioners on this important initiative.

c: Honorable Harvey Ruvín, Clerk, Circuit and County Courts
Honorable Pedro J. Garcia, Property Appraiser
Lazaro Solis, Deputy Property Appraiser
Peter Cam, Tax Collector
Christina White, Supervisor of Elections
Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Department Directors
Yinka Majekodunmi, Commission Auditor
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Basia Pruna, Director, Clerk of the Board