


**Date:** August 4, 2023

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

**From:** Daniella Levine Cava   
Mayor

**Subject:** Report Regarding Transition to Constitutional Offices – A Combined Response to Directives 221383, 221086, 221017, 221018, and 221381

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## **Executive Summary**

This report is an update to the March 3, 2023 and the February 2, 2023 combined responses to Board of County Commissioners (Board) legislation which aims to ensure that new and reestablished constitutional offices in Miami-Dade County, made necessary by the passage of Amendment 10 to the Florida Constitution during the 2018 General Election, are ready to operate fully by the effective date of January 7, 2025. The resolutions passed by the Board during its Special Meeting held on May 5<sup>th</sup> and carried forward on June 6<sup>th</sup>, 2022 are Resolutions R-558-22, R-463-22, R-464-22, R-465-22, all sponsored by former Commissioner Jose “Pepe” Diaz and Commissioner Raquel A. Regalado, and Resolution R-559-22 sponsored by Commissioner Regalado.

Specifically, this report provides an update on the impact of legislation, inclusive of required organizational changes, recently signed into law by the Governor regarding constitutional officers as well as the reestablishment of the Sheriff in Miami-Dade County. This report also contains an update to the inventory required by the Board’s legislation and a summary of steps being taken to gather from all departments information that needs to be incorporated in draft transition agreements with the incoming Property Appraiser, Supervisor of Elections, Tax Collector and Sheriff, and to effectuate the transfer of functions from the County Finance Department to the Miami-Dade County Clerk of Courts (the Clerk).

## **Background**

Beginning on May 5, 2022 and carried forward until June 6, 2022, the Board held a Special Meeting to set County policy and to consider implementation planning to address the impact of Amendment 10 to the Florida Constitution approved during the 2018 General Election in Florida on the operations of the Miami-Dade County Tax Collector, the Supervisor of Elections, the Property Appraiser, Miami-Dade County Police, and the Clerk of Courts. Amendment 10 requires the creation of the constitutional offices of the Tax Collector, the Supervisor of Elections and the Property Appraiser, and the reestablishment of the Office of the Sheriff in Miami-Dade County. With respect to the Clerk of the Court, Amendment 10 removes the County’s ability to transfer by Charter any statutory duties of the Clerk of Court to the County.

## **Report**

### **Adoption of State Legislation**

Two bills were signed into law during the latest state legislative session that directly impact the implementation of Amendment 10 in Miami-Dade County. The legislation prohibits counties from creating or budgeting for any function that is under the statutory purview of a sheriff, tax collector, property appraiser, supervisor of elections, or clerk of the court, and clarifies sheriff responsibilities within state counties. As the administration continues preparations for the implementation of the constitutional offices in Miami-Dade County, it will do so in conformance with state law.

HB 1373 restricts counties from duplicating activities that are the statutory responsibility of a constitutional officer. In particular, the legislation prohibits counties from creating or budgeting for a separate office or entity that would exercise any power or authority allocated exclusively to a sheriff, tax collector, property appraiser, supervisor of elections, or clerk of the court by the State Constitution or general law. The legislation provides that if a county takes such action, the state may withhold all or part of any distribution under local government revenue sharing. Additionally, the bill includes consequences that could be imposed directly on county commissioners that vote for such local legislation. The effective date of this legislation is July 1, 2023.

HB 1595, signed into law on May 25<sup>th</sup>, 2023, prohibits the transfer of sheriff duties to another office, provides that a sheriff has exclusive policing jurisdiction in unincorporated areas, and provides that the sheriff's jurisdiction and powers run through the entire county regardless of incorporated cities or other independent districts or governmental entities. In addition, the legislation requires that before the election of a sheriff, Miami-Dade County adopt a budget for the incoming sheriff as part of the FY 2024-25 budget process and post on a county website 60 days before the budget's adoption an inventory and audit of assets and liabilities that would be transferred to the incoming Office of the Sheriff. The Miami-Dade Police Department (MDPD) is already collecting the needed information for this required inventory and audit, which will be shared with the Board before the deadline.

The legislation further requires that the incoming sheriff assume existing contracts for comprehensive police services provided to the cities of Cutler Bay, Palmetto Bay, and Miami Lakes. Although the agreements for comprehensive police services with these three municipalities are set to expire on September 30, 2024, it is expected that they will be renewed before an incoming Sheriff takes office.

Finally, the legislation provides for a transition period wherein the County shall provide support services to the Sheriff through September 30<sup>th</sup>, 2028. Support services include property management, communications, risk management, information technology, procurement, health insurance, human resources, legal services, workers' compensation, and fleet management. This is particularly significant as it provides statutory authorization for a transition period of sufficient time to ensure a seamless transition to the reestablished Office of the Sheriff.

### *Proposed Organizational Changes*

The FY 2023-24 Proposed Budget includes certain organizational changes to ensure the proper alignment of functions under the County and the respective future constitutional offices. These include the following:

**Bond Administration:** The authority to issue debt rests with the Board of County Commissioners. Therefore, it is imperative that the management of debt financing and the coordination of all debt issuances, including swap transactions, remain with the County. Currently, the Finance Department's Bond Administration Division is responsible for these functions. This division will be transferred to the Office of Management and Budget (OMB) as part of the FY 2023-24 Proposed Budget. The transfer of this division will ensure that the County maintains the necessary resources required to properly manage critical transactions for which the Board is responsible, and will further facilitate a more seamless transition of the Finance Department to the Clerk of Courts.

**Payroll:** The employee payroll process is a statutory duty of Florida clerks of court, as part of their role as custodian of county funds. Currently, the Human Resources Department's Payroll & Garnishments Unit is responsible for completion of the payroll process, issuance of payments related to payroll transactions, wire transfers, reconciliation of payroll transactions, maintenance of employee direct deposit information and garnishments. This unit will be transferred to the Finance Department in preparation for the future transition to the Clerk.

In addition to these proposed organizational changes, it is important to note that on June 9th, 2023, the Governor appointed Juan Fernandez-Barquin as the Clerk of the Court and Comptroller of Miami-Dade County. The administration looks forward to working with Mr. Fernandez-Barquin to assure a seamless transition of custodianship of county funds currently performed by the Finance Department, made necessary by Amendment 10.

If other organizational changes are required due to the implementation of Amendment 10, these will be presented to the Board in future reports.

### Status of Requested Inventory

The Board has requested an inventory of all real property, assets, equipment, contracts, grants, and licenses, as well as personnel, that are used in the Elections Department, the Finance Department, the Tax Collector Department (previously the Tax Collector Division of the Finance Department) and the Property Appraiser to perform the functions that would be assigned to a respective constitutional office. The Board has further requested that this inventory include items' date of acquisition, remaining useful life, current fair market value, the remaining term of active contracts, and limitations, if any, on transferring any of the items to successor departments. Information regarding employees' position titles, dates of hire, current salaries, and the value of all benefits is also required.

The following attachments include the required information:

- Attachment A includes a summary and the detailed inventory for the Elections Department.
- Attachment B includes a summary and the detailed inventory for the Finance Department (with respect to the statutory duties of the Clerk of Courts).
- Attachment C includes a summary and the detailed inventory for the Tax Collector Department.
- Attachment D includes a summary and the detailed inventory for the Office of the Property Appraiser.

This information has been retrieved from a variety of sources, including the following:

- The Integrated Financial Resources Management System (INFORMS) contains information regarding capital and non-capital assets, employees, personnel vacancies, and active contracts.
- The Internal Services Department provided relevant real estate and office space information.
- The Finance Department provided initial information regarding capital and non-capital assets of the Finance and Tax Collector Departments. Subsequent updates were provided by the respective department.
- The Elections Department provided supplemental information regarding non-capital asset inventory in the Elections warehouse.
- The Office of Management and Budget provided information on County grants.

The table below provides a list of the type of information that is included in the inventory. This list may change for future reports as departments and staff fine tune the inventory information that is necessary to effectuate a seamless transfer of functions, materials, and personnel.

Inventory Category	Information	
Personnel and Vacancies	<ul style="list-style-type: none"> <li>• Employee Name and ID</li> <li>• Department</li> <li>• Division</li> <li>• Date of Hire</li> <li>• Protected Status</li> <li>• Position Title</li> <li>• Position Number</li> <li>• Full Time/Part Time Status</li> </ul>	<ul style="list-style-type: none"> <li>• Base Annual Salary</li> <li>• Adjusted Annual Salary (or minimum / maximum of salary range for vacant positions)</li> <li>• Dollar Value of Employer Provided Benefits</li> <li>• Dollar Value of Employee Benefits Cost</li> <li>• Position Budgeted</li> <li>• Estimated Percentage of Time Employee is Involved in Constitutional Functions</li> </ul>
Real Property	<ul style="list-style-type: none"> <li>• Department Occupant</li> <li>• Facility Name</li> <li>• Address</li> <li>• Estimated Square Feet</li> </ul>	<ul style="list-style-type: none"> <li>• Asset Owner (ISD or Dept.)</li> <li>• Estimated Percentage of Square Feet Used for Constitutional Functions</li> <li>• Restrictions on Transfer to Successor</li> </ul>
Equipment/Assets	<ul style="list-style-type: none"> <li>• Department</li> <li>• Asset ID Number</li> <li>• Asset Description</li> <li>• Tag Number</li> <li>• Serial ID Number</li> <li>• Date of Acquisition</li> <li>• Asset Status</li> </ul>	<ul style="list-style-type: none"> <li>• Asset Type</li> <li>• Total Purchase Cost</li> <li>• Net Book Value</li> <li>• Estimated Remaining Life</li> <li>• Estimated Percentage of Time Asset is Used for Constitutional Functions</li> <li>• Restrictions on Transfer to Successor</li> </ul>
Active Contracts	<ul style="list-style-type: none"> <li>• Department</li> <li>• Contract ID Number</li> <li>• Contract Status</li> <li>• Contract Description</li> <li>• Start Date</li> <li>• Expiration Date</li> <li>• Total Contract Value</li> </ul>	<ul style="list-style-type: none"> <li>• Total Amount of Contract for Department Allocation</li> <li>• Remaining Allocation for Department</li> <li>• Released Amount</li> <li>• Estimated Percentage of Contract Used for Constitutional Functions</li> <li>• Restrictions on Transfer to Successor</li> </ul>
Grants	<ul style="list-style-type: none"> <li>• Department</li> <li>• Funding Type</li> <li>• Granting Organization</li> <li>• Grant Title</li> <li>• Amount Awarded</li> <li>• Grant Status</li> </ul>	<ul style="list-style-type: none"> <li>• Grant Start Date</li> <li>• Grant End Date</li> <li>• Description for use of Funds</li> <li>• Estimated Percentage of Grant Used for Constitutional Functions</li> <li>• Restrictions on Transfer to Successor</li> </ul>
Licenses	<ul style="list-style-type: none"> <li>• Department</li> <li>• Department Work Unit</li> <li>• License Identifier(s)</li> <li>• Issuer of License</li> </ul>	<ul style="list-style-type: none"> <li>• Date Issued</li> <li>• Date of Expiration</li> <li>• Restrictions on Transfer to Successor</li> <li>• License Description</li> </ul>

With respect to County assets, it is important to note that useful remaining life and fair market value information requested by the Board is not kept in INFORMS. As an alternative, INFORMS provides the number of years it takes for an asset to be fully depreciated as well as the current Net Book Value. Net Book Value is the value of an asset reported in the County’s accounting system that is reduced annually by scheduled depreciation until it reaches \$0. Additionally, under state law and County procedures, only capital assets with a purchase price of \$5,000 or more are required to be recorded in the Countywide asset inventory. County departments may report non-capital asset inventory voluntarily; where available, that information is included in the inventory. Information regarding current market value and useful life of County real property is not currently tracked by the Internal Services Department.

As previously mentioned, a similar inventory will be compiled for the Office of the Sheriff in accordance with state legislative requirements.

### Status of Transition Plans

The Board has also requested that the administration prepare draft transfer and transition agreements, in consultation with the County Attorney's Office, to be offered to the respective constitutional offices to effectuate the necessary transfer of any real property (by lease agreement or otherwise), budgets, assets, equipment, contracts, grants and licenses currently used by the departments to perform those functions assigned to the future constitutional offices, as well as for the transfer of positions and job classifications and all employees who agree to transfer to the offices. The draft agreements will include a transition period of sufficient time where County support services will be provided to ensure there is no disruption of service to the community after January 7, 2025. This includes administrative, financial, and other support services for the operation of the constitutional offices. As noted above, the transition period for the incoming Office of the Sheriff will last through September 30, 2028.

The new constitutional offices will likely require considerable support from the County during the initial transition period. Since the report distributed to the Board on February 2, 2023, staff has continued to meet on the draft transition agreements which outline the business needs for the future constitutional offices. Below are some of the efforts made since our last report.

**Collaborative Services Survey:** In order to gather necessary information for the transition agreements, the County initiated a *collaborative services survey* to all County departments. The purpose of this survey is to generate a comprehensive list of services and assistance that County departments currently provide to the future constitutional offices, and vice versa. While many of these services are generally known, especially services provided by internal support departments, there are other formal or informal inter-departmental arrangements that are less obvious. Work and resources are often shared across County departments for greater efficiency, effectiveness, and useful synergies created between teams.

The services identified to date encompass a wide spectrum ranging from simple informal arrangements to Memoranda of Understanding (MOU) or long-standing collaborations for vital programs. Services flow in both directions – both *from* and *to* the future constitutional offices. Although the survey is still ongoing, representative examples of such services include:

- The Elections Department provides table and chair rentals for various County department events, including for Miami-Dade Fire Rescue (MDFR)
- MDPD uses the MDFR training facility for certain training and events
- The Human Resources Department administers and scores courtesy exams for Branch Auto Tag Agency Owners and Branch Auto Tag Agency Clerks on behalf of the Tax Collector
- The Library Department provides the Property Appraiser with library sites to provide residents with informational and educational resources concerning their annual property taxes and homestead exemption qualifications
- The Property Appraiser provides the Department of Transportation and Public Works with tax assessment information for properties related to road closings
- The Communications and Customer Experience Department provides the Elections Department with dedicated translation services throughout the year and especially during election periods for ballot language review
- MDPD shares vital and specific arrest data with the Juvenile Services Department; this data is used to analyze the Group Violence Intervention component of the County's Anti Violence Initiatives

- MDPD and MDFR have entered into an MOU regarding the Tactical Paramedic Program, under which four MDFR tactical paramedics assigned to the Special Response Team provide mission pre-planning, preventive care, and medical treatment during mission driven, high-risk, large-scale, and extended law enforcement operations
- MDPD provides the Water and Sewer Department with Annual Site Risk and Resilience Assessments and random Security Access Integrity checks at restricted facilities
- MDPD's new Crisis Response Team receives support from specially trained MDFR professionals when responding to incidents involving mental health concerns

The services and assistance identified through the survey will be incorporated into proposed transition agreements with the future constitutional offices where appropriate.

**General Government Services Workshops:** In-depth workshops are being conducted between our internal support departments, such as the Information Technology Department and Internal Services Department, and departmental staff of the future constitutional offices. These workshops are being conducted in coordination with OMB and the County Attorney's Office and are proving to be a key forum to discuss future anticipated business needs and key services to be included in the future proposed transition agreements in order to ensure continuity of services come January 2025.

**Enterprise Resource Planning:** OMB's Strategic Business Management Division has spearheaded multiple meetings with staff that would be part of the future constitutional offices and the Clerk of Courts to assemble high-level requirements for necessary changes to Miami-Dade County's INFORMS system. The reconfigured INFORMS system will play a pivotal role in enabling each constitutional office to function independently as a distinct legal entity and manage its day-to-day operations. These operations encompass financial services, supply chain, budgetary/commitment control, and human resource management. The reconfigured INFORMS system will connect with financial entities such as Wells Fargo and third-party software, including the Tax Collector's TaxSys system. Additionally, the system will facilitate future required financial reporting by the Clerk of Courts.

**Establishment of Federal Employment Identification Numbers (FEIN) and Bank Accounts:** The Administration, in collaboration with the County Attorney's Office and the respective departments, is developing a methodology to establish FEINs and bank accounts which will be transitioned to the constitutional offices in January 2025. This proactive approach is particularly crucial for the Tax Collector to allow ample time for thorough system testing and effective flow of an estimated \$8.5 billion annually in tax collections and distributions managed by the Tax Collector.

**Communication to the Public and County Employees:** To properly serve the residents of Miami-Dade County, the County must inform them of the upcoming changes to government structure, continue to inform them during the changes, and work with the newly elected officials to provide communication services that foster understanding of and trust in all the local government offices. This same level of transparency and consideration must be afforded to County employees whose jobs will be impacted by the establishment of the constitutional offices, as most employees in the Police, Elections, Tax Collector, Property Appraiser and Finance departments will become employees of these new entities. Employees are the County's most important resource and critical to the continuation of the excellent services we provide to the community each and every day. We are committed to minimizing the impact on employees and continue to keep their best interests in mind as the administration prepares for the transition.

As an initial step, the County has developed a dedicated website for the constitutional officer implementation, with information for our residents and employees. Additional public communication activities will include providing information to the community at large, developing mechanisms for responding to residents seeking information, and developing a transitional signage and branding strategy

for the new constitutional offices. With respect to employees, the administration will hold meetings with the affected employees, communicating the actions being taken by the administration to make the transfer as seamless as possible, and to answer any questions they may have.

**Transition Agreement Framework:** A framework including the goals of the transition and transfer agreements along with the type of content that would be included is provided as Attachment E. It is important to note that draft agreements for each constitutional office will differ to account for specific issues, and it is also possible that multiple agreements will be required for each constitutional office. After the 2024 General Election, these proposed agreements will be subject to negotiation with the newly elected constitutional officers during the period of time between the election and January 7, 2025, when the constitutional offices are established.

Pursuant to Ordinance No. 14-65, this report will be placed on the next available Board agenda. Should you require additional information, please contact David Clodfelter, Director, Office of Management and Budget at 305-375-5143.

[Attachments referenced in this memorandum are available through this link.](#)

C: Honorable Juan Fernandez-Barquin, Clerk of Courts and Comptroller  
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