


Date: September 2, 2022

To: Honorable Chairman Jose “Pepe” Diaz
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

Executive Summary

This report is a combined response to Board of County Commissioners (Board) legislation regarding preparations 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 the May 5, 2022 and June 6, 2022 Special Meetings are Resolutions R-558-22, R-463-22, R-464-22, R-465-22, all sponsored by Chairman Jose “Pepe” Diaz and Commissioner Raquel A. Regalado, and Resolution R-559-22 sponsored by Commissioner Regalado.

Beginning on May 5th and carried forward until June 6th, 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 or reestablishment of the constitutional offices of the Tax Collector, the Supervisor of Elections, the Property Appraiser, and 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

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 (including the Division of the Tax Collector) 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. Finally, the Board has also requested updates to these inventories every two months until January 7, 2025.

The gathering of the raw material needed for this initial inventory, which is voluminous in nature, has been completed. This information has been retrieved from a variety of sources, including the following:

- Integrated Financial Resources Management System (INFORMS) contains information regarding capital and non-capital assets, as well as active contracts
- The Human Resources Department is generating employee personnel reports

- The Internal Services Department is providing relevant real estate information
- The Office of Management and Budget has information on County grants

Given the amount of information that needs to be analyzed carefully by the departments for completeness and accuracy, the preparation of an initial inventory for the Board’s review is still in process. The table below provides a sample of the information that is planned to be included in the inventory. This list may change 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	<ul style="list-style-type: none"> • Employee Name • Department • Date of Hire • Protected Status • Position Title • Full Time/Part Time Status 	<ul style="list-style-type: none"> • Adjusted Annual Salary • Dollar Value Retirement Benefits • Estimated Percentage of Time Employee is Involved in Constitutional Functions • Vacancies
Real Property	<ul style="list-style-type: none"> • Department Occupant • Facility Name • Address • Date of Acquisition • Estimated Square Feet 	<ul style="list-style-type: none"> • Asset Owner (ISD or Dept.) • Current Value • Estimated Percentage of Square Feet Used for Constitutional Functions • Restrictions on Transfer to Successor
Equipment/Assets	<ul style="list-style-type: none"> • Department • Asset ID Number • Asset Description • Tag Number • Serial ID Number • Date of Acquisition • Asset Status 	<ul style="list-style-type: none"> • Total Purchase Cost • Net Book Value • Estimated Remaining Life • Estimated Percentage of Time Asset is Used for Constitutional Functions • Restrictions on Transfer to Successor
Active Contracts	<ul style="list-style-type: none"> • Department • Contract ID Number • Contract Description • Start Date • Expiration Date 	<ul style="list-style-type: none"> • Total Contract Value • Remaining Allocation for Department • Estimated Percentage of Contract Used for Constitutional Functions • Restrictions on Transfer to Successor
Grants	<ul style="list-style-type: none"> • Department • Funding Type • Granting Organization • Grant Title • Amount Awarded 	<ul style="list-style-type: none"> • Description for use of Funds • Estimated Percentage of Grant Used for Constitutional Functions • Restrictions on Transfer to Successor
Licenses	<ul style="list-style-type: none"> • Department • License Identifier(s) • Issuer of License • License Description 	<ul style="list-style-type: none"> • Estimated Percentage of Grant Used for Constitutional Functions • Restrictions on Transfer to Successor

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 will be included in the inventory.

Tax Collector

Currently, the Tax Collector's Office functions as a Division within the Finance Department. The FY 2022-23 Proposed Budget released last month creates a separate Department of the Tax Collector which is the appropriate starting point in the transition to a constitutional office. Creating the department sets the Tax Collector's Office at same level of the other transitioning constitutional offices. This allows for a more seamless transfer of functions, materials, and personnel. Furthermore, the County's Credit and Collection activities have been removed from the Tax Collector's Office and are now being performed within a new and separate division of the Finance Department.

In addition, the Tax Collector's Office collects both Local Business Taxes and Convention and Tourism Taxes. Although most of the constitutional offices of Tax Collectors in Florida collect Local Business Taxes and Convention and Tourist Taxes, Florida statutes do not require they be collected by the constitutional office. Staff from the Tax Collector's Office and the Office of Management and Budget are reviewing the benefits and costs of having the new constitutional office of the Tax Collector continue to perform these functions or to transfer them to another office within Miami-Dade County before January 2025.

Furthermore, Tax Collectors in Florida are responsible for administering driver's license services on behalf of the Florida Department of Highway and Motor Vehicle Safety. In Miami-Dade County, there are nine state offices with approximately 240 state employees. Incorporating these activities will be a significant challenge, and as a result staff from the Tax Collector's Office are starting to analyze the issue and incorporate necessary changes ahead of the transition in 2025.

Elections

Today, the Miami-Dade County Elections Department relies on County employees to help serve as poll workers during elections held throughout the year. County employee support during large general elections where voter turnout is high is especially important. For example, payroll records show that more than 1,400 County employees supported the 2020 general election. County employees represented 24% of all poll workers during that election. County employees who have supported elections activities in the past are trained and, when performing elections duties as assigned, are accountable for their performance. To ensure election services are not disrupted for any local elections scheduled in the early stages of 2025, it is critical that planning take place regarding the possible use of County employees as poll workers. This includes updating Implementing Order 4-76 regarding compensation for poll workers as required by BCC Resolution R-463-22.

Staff is also analyzing current activities the Elections Department performs today that are not technically required functions of Florida Supervisors of Elections. For example, the Elections Department is responsible for the annual filing of a variety of financial disclosure forms and Outside

Employment Statements for elected officials and County employees. Some of these activities, such as the filing of County employees' Outside Employment Statements and the portion of financial disclosure filings solely required by County Code, are not statutory duties of a Florida Supervisor of Elections. The placement of these activities must be determined prior to 2025.

Police Services

Resolution R-558-22 adopted by the Board on June 6th requires the Administration to report to the Board every two months regarding progress being made to prepare for the reestablishment of the Office of the Sheriff, as well as for the continued provision of police patrol services by the Miami-Dade County Police Department in the Unincorporated Municipal Services Area (UMSA) and specialized police services in UMSA and, potentially, in County municipalities by interlocal agreement after January 7, 2025.

Specifically, the Board has requested information regarding the nature of needed interlocal agreements for specialized police services and an analysis of the personnel required to provide police patrol in UMSA. Currently, MDPD staff is studying the specific direct service and administrative support personnel needs to meet the Board's policy set in Resolution R-558-22. This includes calculating the nature and extent to which services are provided to residents in Miami-Dade County's municipalities as opposed to UMSA residents. MDPD staff is also reviewing a methodology for developing interlocal agreements with municipalities offering the option of a continued provision of specialized services by the Miami-Dade Police Department after the reestablishment of the Office of the Sheriff. Currently, most of these costs are covered by the Countywide General Fund. This will no longer be possible. Therefore, a significant implementation challenge could be a municipality's ability to pay for such services out of its own budget. Finally, different options for determining policies regarding employee transfers are being evaluated by Administration staff with the goal of ensuring the new Office of the Sheriff has the personnel to perform needed functions while mitigating negative impacts on affected employees.

Clerk of Court

With Amendment 10's removal of the County's ability to transfer by Charter duties of the Clerk of Court, including its duty as custodian of public funds, County planning for financial support for the Office of the Sheriff and the other new offices will require close coordination with the Clerk's office. Currently, these duties are being performed by county departments. These duties include acting as the accountant for the County, pre-auditing and payment of public expenditures, treasury and investment management, and financial audit reporting.

The Board has urged the Florida State Legislature through Resolution R-559-22 to pass legislation that would divide the Clerk's duties so that there is one official to serve as the Clerk of Courts and a second official to serve as ex officio Clerk of the Board of County Commissioners, auditor, recorder and custodian of all County funds. The effect of this potential legislation would allow custodian of public funds duties to remain within Miami-Dade County, in addition to transferring the Clerk's current role as Clerk of the Board and County Recorder to the County. However, given the complexity of the related financial activities that would need to be transferred, as well as the uncertainty that such legislation will ultimately pass the State legislature, it is prudent to plan now for the potential transfer of these functions.

Property Appraiser

The Miami-Dade County Office of Property Appraiser has been led by an elected official since January 2009. Although the Office has the authority to implement its own complement of support services while complying with County Code, it has continued to work with Miami-Dade County departments for needed administrative support such as information technology, personnel, procurement, and facilities and fleet. The Office continues to plan for the transition to a constitutional office by reviewing its current administrative and operational needs, including information technology and staffing, and identifying needed improvements to ensure it meets its statutory requirements without disruption after January 7, 2025.

Information Regarding Transition Agreements

All the resolutions adopted by the Board on May 5th and June 6th require the Administration to provide reports to the Board regarding transition agreements for the new or reestablished constitutional offices. While Resolution R-558-2 regarding police services does not provide a specific date to present a draft transition agreement, the resolutions related to the other constitutional offices require the Administration to present draft transition agreements to the Board by January 15, 2023, with revised drafts provided every three months thereafter until January 2025. Since there are only 63 calendar days from the November 5th, 2024, General Election until Amendment 10's effective date of January 7, 2025, it is unlikely that an incoming constitutional officer will be able to provide service at the start of their term without substantial County support. As a result, the transition agreements will need to address details regarding the transfer of all the items identified on the inventories prepared by the County as well as proposals for offering County support services including but not limited to personnel, financial management, information technology, procurement, and fleet and facility management support. Teams composed of County staff have been identified to help implement the directives the Board has provided. A table is attached to this report with identified staff.

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.

Attachment

C: Honorable Harvey Ruvlin, Clerk of the Courts
Honorable Pedro J. Garcia, Property Appraiser
Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess M. McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
David Clodfelter, Director, Office of Management Budget
Christina White, Director, Elections Department
Barbara Gomez, Deputy Finance Director, Finance Department
Peter Cam, Tax Collector, Finance Department
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Yinka Majekodunmi, Commission Auditor
Basia Pruna, Director, Clerk of the Board
Eugene Love, Agenda Coordinator

ATTACHMENT 1

Miami Dade County
 Constitutional Officer Implementation Teams
 By Constitutional Office and By County Support

Constitutional Office Implementation Specific to Constitutional Office	Department Subject Matter Experts	Sheriff	Tax Collector	Finance/Clerk	Property Appraiser	Elections
		Alfredo Ramirez Stephanie Daniels Gus Knoepffler Gina Beato-Dominguez Rahel Weldeyesus	Peter Cam Gerry Gomez Andrew Lopez Maritza McClaskey Catherine Forte	Harvey Ruvin Luis Montaldo Liza Saboya-Fernandez Jacqueline Williams Barbara Gomez Cathy Jackson Madeline Rizzo Vivian Delgado	Pedro Garcia Lazaro Solis Ivette Barbeite-Locay	Christina White Roberto Rodriguez Erika Sierra Trujillo Jose Ponce
	Mayoral Chiefs	Alfredo Ramirez	Ed Marquez	Ed Marquez	Ed Marquez	Jimmy Morales
	County Attorney	Oren Rosenthal Anita Viciano	Jorge Martinez-Esteve Daija Lifshitz	Monica Rizo Juliette Antoine	Jorge Martinez-Esteve Daija Lifshitz	Oren Rosenthal Michael Valdes
	OMB MPPA Liaison(s)	Carlos Maxwell Juan Armas Roy Ferreira	Amy Horton-Tavera Mayra Morales Francisca Montes de Oca	Carlos Maxwell Amy Horton-Tavera Mayra Morales	Juan Armas Gigi Bolt	Carlos Maxwell Roy Ferreira Gigi Bolt
	OMB Budget Liaison	Kelly Castellar	Annette Alonso	Annette Alonso Mario Santana	John Sarduy	Ryan Elliott
County Support Expertise Cross Cutting through all Constitutional Offices	IT-related topics	←		Margaret Brisbane (ITD) Mayra Morales/Annette Alonso (OMB) Oren Rosenthal/Michael Valdes (CAO)	→	
	HR-related topics	←		Arleene Cuellar (HR) Juan Armas/Annette Alonso (OMB) Eric Rodriguez / Bill Candela/Marlon Moffett (CAO)	→	
	Facilities/Fleet-related topics	←		Alex Munoz (ISD) Roy Ferreira/Ryan Elliott (OMB) Debra Herman/Eddie Gonzalez/Oren Rosenthal (CAO)	→	
	Budget/Financial-related topics	←		David Clodfelter (OMB) Barbara Gomez (Finance) Liza Saboya-Fernandez (Clerk) Monica Rizo/Juliette Antoine/Michael Valdes (CAO)	→	
	Procurement-related topics	←		Namita Uppal (ISD) Amy Horton-Tavera/Ryan Elliott (OMB) Eddie Gonzalez/Oren Rosenthal (CAO)	→	
	Grants-related topics	←		Dan Wall/Alan Tiano (OMB) Francisca Montes De Oca (OMB) Leigh Kobrinski/Michael Valdes (CAO)	→	