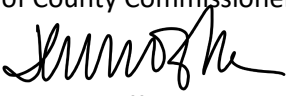




Office of Policy and Budgetary Affairs

MEMORANDUM

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	January 6, 2022
FROM:	Jennifer Moon, Chief  Office of Policy and Budgetary Affairs	SUBJECT:	Implementation of Amendment 10

The following document has been prepared as a follow up to the report titled "*Sheriff Transition and Police Services in the Unincorporated Municipal Service Area*", which was published by the Office of Policy and Budgetary Affairs (OPBA) on June 7, 2021, and in response to your request at the December 8, 2021, meeting of the Chairman's Council of Policy. The information included throughout does not serve as a recommendation nor does it support or oppose a particular legislative or administrative action.

As the Board of County Commissioners continues its preparation for the implementation of Amendment 10, my staff and I look forward to fulfilling any ongoing research requests. Should you have any questions, please contact us at 305-375-5350.

cc: Honorable Daniella Levine Cava, Mayor
Honorable Harvey Ruvin, Clerk of the Courts
Geri Bonzon-Keenan, County Attorney
Gerald Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Yinka Majekodunmi, Commission Auditor
Melissa Adames, Clerk of the Board
Office of Policy and Budgetary Affairs

Introduction

This report will focus on the various issues, both legislative and administrative, that the Board of County Commissioners (BCC) may wish to consider when preparing for the implementation of Amendment 10. While this list is not all encompassing, it may serve as a starting point for BCC discussion, once items related to the implementation of the Constitutional Officers make their way through the County's legislative process.

Consequences of Amendment 10

While Amendment 10 made four tangential changes to the Florida Constitution, the one with the most immediate and direct impact to County governments across the state was the change regarding constitutionally prescribed County officers.

With the implementation of Amendment 10, the offices of sheriffs, property appraisers, supervisors of elections, tax collectors and clerks of court are now required to be chosen by the electors in every county. Additionally, Amendment 10 removes the current ability for counties, by charter, to abolish certain constitutional offices, change the length of their four-year terms, transfer their duties to other offices or eliminate the election of the constitutional officers. Through changes to its Home Rule Charter, Miami-Dade County has abolished the sheriff, tax collector and elections supervisor and limited the powers of the Clerk of Courts by transferring responsibilities to the Finance Director and Auditor, appointed jointly by the Clerk and the Mayor.

The adoption of Amendment 10 does not change the legislative authority or other functions, structure, or decisions of charter counties or their electors, such as establishing term limits or creating nonpartisan offices, or organizing other county offices. Also, Article V, Section 16 of the State Constitution is retained, which specifies that non-court-related duties of the clerk of the circuit court may be assigned to another officer, although county electors must approve the separation of those duties by special law and elect both officers.

While Amendment 10 addressed the "what," it did not address "how." It is now the responsibility of the BCC to implement the will of the voters of Florida and determine how Miami-Dade County's government will establish five constitutional offices and the impacts to the existing structure of government.

Duties of Each Constitutional Office

Florida Statutes are prescriptive in outlining the duties and responsibilities of each constitutional officer. Statutes serve as the floor with each County having the ability to delegate additional duties to each office. Included below is the relevant statute(s) which defines the more significant roles and duties of each constitutional office. As some chapters are lengthy, the information below has been condensed and may not include all the applicable duties and responsibilities for each office.

Sheriff – [Chapter 30](#)

- Execute all process of courts and commissioners and other writs, processes, warrants, and other papers
- Attend all sessions of the circuit court and county court held in their counties, as well as county commission meetings

- Be conservators of the peace in their counties; coordinate with county and circuit for security at court facilities; suppress riots and other unlawful assemblies and arrest people disturbing the peace and take them to court
- Suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary; Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be had against him or her according to law

Tax Collector – [Chapter 197](#)

- Collect all taxes as shown on the tax roll by the date of delinquency or to collect delinquent taxes, interest, and costs, by sale of tax certificates on real property and by seizure and sale of personal property

Supervisor of Elections – [Chapter 98](#)

- Update voter registration information, enter new voter registrations into the statewide voter registration system, and act as the official custodian of documents received by the supervisor related to the registration of electors and changes in voter registration status of electors of the supervisor's county
- Preserve statements and other information required to be filed with the supervisor's office pursuant to Chapter 106 for a period of 10 years from date of receipt
- Ensure that all voter registration and list maintenance procedures conducted by such supervisor are in compliance with any applicable requirements prescribed by rule through the statewide voter registration system or prescribed by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Help America Vote Act of 2002
- Ensure that any voter registration system used by the supervisor for administering his or her duties as a voter registration official complies with the specifications and procedures established by rule of the department and the statewide voter registration system
- Maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor's county

Clerk of Courts – [Chapter 28](#)

- as Recorder of Deeds ([28.222](#)):
 - Record and index deeds, mortgages, and descriptions of all county property
 - Process tax deed applications and conduct sales
 - Record public defender liens and judgments entered by the court, record tax liens and claims against an estate, instruments of conveyance, agreements, contracts, maps and plats of subdivisions and surveys
 - Maintain a public records library
 - Collect and disburse intangible taxes and documentary stamp monies
- as Clerk to the Board of County Commissioners ([28.12](#)):
 - Attend meetings of the Board of County Commissioners and committees of the board
 - Be the clerk and accountant of the Board of County Commissioners
 - Produce, record, index and distribute the official minutes of these meetings

- Maintain legal custody of the Official County Seal
- Maintain custody of all county resolutions, ordinances, and contracts
- as Accountant and Custodian of County Funds ([28.12](#), [28.33](#)):
 - Provide accounting services to all departments under the Board of County Commissioners
 - Provide an accounting system for all fiscal changes implemented by the BCC
 - Handle investments of available county funds
 - Provide financial reporting to the BCC and all federal and state agencies
 - Process accounts payable
 - Process the county payroll
 - Audit funds as necessary
- Other Duties of the Clerk:
 - Issue and record marriage license applications
 - Compile and provide statistical data for state agencies and the judiciary
 - Maintain records storage facilities
 - Process passport applications
 - Issue home solicitation permits

Property Appraiser – [Chapter 193.023](#)

- Complete his or her assessment of the value of all property no later than July 1 of each year; physically inspect the property at least once every 5 years

Considerations for all Constitutional Offices

While each constitutional office is different in duty, structure and operational requirements, there are certain issues that the BCC may consider and make consistent determinations on for all offices prior to their implementation in 2025.

Personnel Considerations

From now until the time that the constitutional offices go into effect, the County and its ten (10) collective bargaining units would have ratified the current contracts (FY 2020 through FY 2023) and would, more likely than not, be in the middle of the subsequent collective bargaining term. Included in collective bargaining agreements are terms and protections for issues such as classified rights, seniority and status, insurance, retirement benefits and pay grades. At a minimum, and based on the positions they cover, all but four of the current bargaining units have employees that will be affected in one way or another by the implementation of the constitutional offices. The security of the employee matters negotiated in these agreements is uncertain as a determination has not been made as to the validity of the existing agreements when the constitutional officers are implemented. Today, the collective bargaining agreements are by and between Miami-Dade County and the respective unit, it is unknown if the agreement would also apply as the constitutional officers are independent governmental entities. Ultimately, this may require a determination by the Public Employees Regulations Commission (PERC).

Facilities and Assets

Another consideration is that of the facilities and assets needed for the five constitutional offices to effectively perform their duties beginning on January 7, 2025. These issues will be office specific as the duties of each constitutional office are currently supported by different funding sources. As an example,

the Countywide General Fund supports the operations and maintenance of the Elections Department's main office and warehouse space on NW 87th Avenue; the operations and maintenance of this facility are performed by the Internal Services Department (ISD). A crucial part of the operations of the Elections Department is the print shop, also operated by ISD, that prints mailers and ballots used in the various elections. The Elections Department pays only the incremental cost of each print job as ISD owns the equipment and has other customer departments using its services. In the future, the BCC and/or the elected Supervisor of Elections may decide that it is in the department's best interest to have the printers and sorters be under the possession of the Supervisor of Elections. This would create a cost for the Supervisor of Elections as the printers and sorters currently operated by ISD would still be required by the County for printing functions on behalf of all other County departments. While this is just one example, the issues associated with how and when constitutional officers will either lease or purchase their physical space and equipment is one that needs to be addressed. Along with the acquisition of space, a determination needs to be made about how the maintenance and management of facilities and equipment will be funded.

With today's structure, Miami-Dade County purchases, pays for and owns/leases the assets used by all County departments. The County is also self-insured, funding its own insurance policies. The need for assets by the constitutional officers will be immediate in order for them to be able to perform their statutory duties. One example are the vehicles currently used by the Miami-Dade Police Department (MDPD). At some point, regardless of the functions granted to the elected Sheriff, his or her staff will need vehicles to perform their Countywide functions. A decision will need to be made on whether or not a certain number of assets will be transferred to the Sheriff or if the Sheriff will be required to procure their own vehicles. Related, determinations will need to be made on the processes for purchasing, paying for, maintaining and insuring such assets. While vehicles are just one example, the same considerations would apply to assets ranging from office supplies to more expensive assets such as police helicopters.

In tandem with facilities, equipment and assets, are the technological needs of each constitutional office. A determination to centralize the support of information technology (IT) assets throughout the County was made several years ago in order to best utilize available resources and achieve savings through economies of scale. If a decision to decentralize these efforts is made in the future, the provision of licensing for enterprise applications, distribution of assets and delegation of authority will have to be addressed. The existing structure of centralized information technology means that all County departments use the same payroll system, the same department for helpdesk and IT support functions and a similar suite of operating systems and applications. While departments like MDPD and Aviation have their own network domains, their operations are still supported by the County's IT Department. Like physical assets, the IT needs of constitutional offices would need to be determined prior to their implementation in order to be prepared to support their operations once the offices are implemented.

Administrative Functions

The IT support for constitutional offices highlights decisions that need to be made regarding other administrative functions that are performed today by the County on behalf of the County. With some exceptions, the County's administrative functions such as human resources, procurement and financial management are centralized and supported by specific County departments. Moving forward, there is no requirement that the constitutional offices honor the current structure. Any decisions made regarding these centralized functions may ultimately impact the staffing that is currently in place. While the role of

each constitutional office and the development of their budgets are relatively clear in statutes, the same cannot be said about procurement rules, human resources and financial management. Today, County departments follow a procurement process delineated in the County Code and in certain Implementing Orders. Financial and human resources management is performed through central systems (currently being upgraded to the new INFORMS Enterprise Resource Planning system). Whether or not the constitutional offices will be required to utilize the same procurement rules and the INFORMS system is another issue that must be considered by the BCC.

Considerations Specific to Each Constitutional Office

As noted above, there are decisions that may be made to address global issues that would affect all five constitutional offices in one way or another. However, based on their needs and functions, there are still office specific issues that must be considered by the BCC.

Sheriff

As discussed in the June 7, 2021, report published by this office regarding the Sheriff transition, there are various options and plenty of issues to be considered before the elected Sheriff takes office in 2025. The largest looming issue is what the Sheriff's duties will include beyond those outlined in State Statutes. As noted in the June report, 15 of the 20 most populous Counties in Florida have their jails/corrections operations under the elected Sheriff. Joined by Orange, Volusia, Osceola and Escambia, Miami-Dade is one of the 5 Counties that operates jails/corrections as a county department. Conversely, of the 20 most populous counties, only Broward County operates the County's fire department. While neither of these functions are statutorily required functions of the County sheriff, the BCC may choose to transfer such services to the sheriff.

Another topic addressed in the June report is how much police responsibility will be retained by the County through MDPD. The decisions made regarding police services will affect the residents of UMSA as MDPD is their local police provider, the three municipalities that contract with MDPD for their local patrol and the entities such as Jackson Health Systems that rely on MDPD for police services. In the event that personnel were to shift from MDPD to the sheriff, the County, through MDPD, may no longer be able to provide the police services it currently provides at the airport, the seaport and throughout the County's transit system. In addition to local patrol services, UMSA and various municipalities across the County rely on MDPD for specialized police services such as homicide investigations, homeland security, air patrol, special response, economic crimes, public corruption and bomb disposal. These specialized police services are provided countywide but are not necessarily functions required of a sheriff. The BCC must decide whether these Countywide functions will remain with MDPD or will be transferred to the elected sheriff.

There are other functions that are either provided or in one way controlled by MDPD that must also be evaluated as the County transitions to an elected sheriff. These include the County's crime lab, police communications, MDPD's training bureau and the fusion center (real time crime center). Unique to the functions just mentioned are the extensive capital and personnel needs associated with their performance. Police communications, as an example, is currently based in a facility that was acquired by the County in 2006 for \$23.1 million¹. Included in the FY 2022 budget are approximately \$167 million worth of construction and renovation expenses associated with the facility. While the facility is not

¹ Purchase was authorized under Resolution No. R-361-06

exclusively used by MDPD, its role as the primary police call and dispatch center for UMSA and 29 municipalities highlights the importance of determining which assets will be retained by the County and which will be transferred to the elected Sheriff.

Noteworthy to the implementation of the office of the sheriff is [Section 30.53](#) relating to the independence of constitutional officials. Sec. 30.53 states, among other things, that “(t)he independence of the sheriffs shall be preserved concerning the purchase of supplies and equipment.” While this ties back to the discussion regarding the purchase and use of existing centralized functions, it should also tie into existing procurements that affect functions that may be performed by the Sheriff. As an example, the County is currently procuring the purchase or lease of four police helicopters (budgeted at \$24 million). This expense, while deemed necessary under our structure, may be reevaluated in the future by the Sheriff.

Finally, should there remain a separate MDPD, certain administrative staff will have to be hired to support the Sheriff’s function. While some resources can be transferred based on the size of the remaining department, other positions, such as the Director, Deputy/Assistant Directors, and supervisors of Administrative Units will have to remain and new positions created in the Sheriff’s Office.

Tax Collector

Under the County’s existing structure, the functions of the Tax Collector and their approximately 250 employees are entirely contained within the County’s Finance Department. However, the Finance Director, which serves as the Director of the Finance Department, is jointly appointed by the Mayor and the Clerk of Courts, while the Tax Collector is selected by the County Mayor. The transition to an elected Tax Collector will raise issues similar to the other elected offices regarding personnel and assets, but the structure of the office will also impact the County’s General Fund. The Tax Collector is entirely funded by the revenues collected and the surplus (\$18.223 million for FY 2022) is utilized to support the administrative functions of the Finance Department and transferred to the General Government Infrastructure Fund to support the capital requirements of the departments supported by the General Fund. Depending on the structure and policy decisions made by the BCC prior to the implementation of the elected Tax Collector, the County may no longer be able to receive those funds and would have to make up the lost revenue with a General Fund subsidy to the Finance Department.

In its current role as a division of the Finance Department, the Tax Collector uses administrative staff from the Finance Department for its administrative duties such as human resources, procurement and budget. Once the elected Tax Collector is implemented, the office may, at a minimum, need additional personnel for those functions.

Supervisor of Elections

While the duties performed today by the Supervisor of Elections are under the purview of the County Mayor, the laws and regulations governing such duties abide by the applicable state and federal election laws. Considerations specific to the Supervisor of Elections would be those related to additional duties that the BCC has delegated to the Elections Department. One of those duties is the receipt and filing of financial disclosure forms for members of County boards and other applicable personnel. While the BCC is authorized to request the filing of financial disclosures through the Home Rule Charter, the method by which those are submitted is set by Ordinance. The administrative processes associated with financial

disclosures and other applicable annual reports may either remain the same or be amended by Ordinance should the BCC wish that that a County department and not a constitutional office be responsible for such reports.

While this is not a legislative decision, another factor that should be considered as the County prepares for an elected Supervisor of Elections is the ability for County employees to be accessed as Elections poll workers. Today, the administration is able to incentivize County employees to participate as poll workers which decreases the Elections Departments dependence on contracted temporary workers. The ability to use County employees for these critical roles is only available because the Mayor is able to provide stipends and/or administrative leave for any hours worked. Once the elected Supervisor of Elections is in place, the administration and/or the BCC may decide to discontinue that practice as County employees would no longer be supporting the activities of another County department.

Clerk of Courts

As the accountant and custodian of County funds, an immediate determination will need to be made as to how that statutory duty will be balanced with the County's financial oversight system that is in place today. As state statutes require the Clerk to process things such as accounts payable and payroll, clear processes would need to be identified to ensure that the County and the elected Clerk are working hand in hand to ensure that the financial obligations of the County are paid in a timely manner, which may be set by interlocal agreement.

Conclusion

As stated in the beginning, the considerations outlined above are not recommendations nor are they all of the considerations facing this Board as it prepares for the implementation of five new constitutional offices. The funding sources and budgetary impacts of the implementation of Amendment 10 will have to be determined as policy determinations are made. As the discussion regarding constitutional offices in Miami-Dade County evolves, additional information will be provided by the Office of Policy and Budgetary Affairs.

Attachment 1

Sheriff Transition and Police Services in the Unincorporated Municipal Service Area

June 7, 2021



**Board of County Commissioners
Office of Policy and Budgetary Affairs**

Memorandum

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

From: Office of Policy and Budgetary Affairs

Date: June 7, 2021

Subject: Sheriff Transition and Police Services in the Unincorporated Municipal Service Area

The following document has been prepared by the Office of Policy and Budgetary Affairs (OPBA). The research included below does not explicitly serve as a recommendation to the Board of County Commissioners nor does it support or oppose a particular legislative action.

Should you have any questions, please contact us at 305-375-5350.

c: Melissa Adames, Director, Clerk of the Board
Office of Policy and Budgetary Affairs

Introduction

On November 6, 2018, electors across the State of Florida had the following state constitutional amendment on their ballots:

No. 10

CONSTITUTIONAL REVISION

Article III, Section 3

Article IV, Sections 4 and 11

Article VIII, Sections 1 and 6

State and Local Government Structure and Operation

Requires legislature to retain department of veterans' affairs. Ensures election of sheriffs, property appraisers, supervisors of elections, tax collectors, and clerks of court in all counties; removes county charters' ability to abolish, change term, transfer duties, or eliminate election of these offices. Changes annual legislative session commencement date in even-numbered years from March to January; removes legislature's authorization to fix another date. Creates office of domestic security and counterterrorism within department of law enforcement.

The measure was approved by 63.15 percent of voters across the state, above the required threshold for approval of 60 percent. In Miami-Dade County, voters also approved the measure but below the 60 percent threshold with 58.04 voting favorably for Constitutional Revision No. 10. Given that the Constitutional Revision was a statewide referendum, the changes were approved and are scheduled to be implemented in 2024.

This report will focus on the second sentence of the Constitutional Revision and the impact of the imposition of elections for sheriff in Miami-Dade County. The analysis assumes that any actions taken to implement Constitutional Revision No. 10, particularly the election of the sheriff, occur with no change(s) to existing municipal boundaries throughout Miami-Dade County.

History of the Sheriff in Miami-Dade County

At its inception in 1836, the Dade County Sheriff was appointed by the Governor of Florida. This practice continued until 1899 when the Office of the Sheriff became an elected position. In 1966, the voters of Miami-Dade County amended the Home Rule Charter to abolish the Office of the Sheriff and transfer the powers and functions of the Sheriff to the Mayor. The Charter assigns the Mayor with the duties and functions of the Office of the Sheriff and grants the Mayor the authority to delegate a suitable person or persons the powers and functions of such office. In practice, the elected Mayor of Miami-Dade County serves as the sheriff but generally delegates such duties to the appointed Director of the Miami-Dade Police Department (MDPD). Today, Miami-Dade County is the only County in the State of Florida without an elected sheriff.

Miami-Dade Police Department

The Miami-Dade Police Department serves an interesting, almost hybrid role as the County's sheriff office but also as the provider of municipal, local police services to the Unincorporated Municipal Service Area (UMSA) throughout Miami-Dade County. The Fiscal Year 2020-21 Adopted Budget supports 3,122 sworn and

1,269 civilian positions in the Miami-Dade Police Department. In total, these 4,391 positions support three interconnected functions.

*Police Services to the Unincorporated Municipal Service Area
and Contracted Municipalities and Entities*

MDPD serves as the municipal police department for the residents of UMSA and the three contracted municipalities (Town of Miami Lakes, Village of Palmetto Bay and Town of Cutler Bay). In this role, MDPD provides district level police patrol and general investigative functions. MDPD also contracts with PortMiami, the Aviation Department and Jackson Health System to provide law enforcement services.

Specialized Support Services to UMSA and Various Municipalities

MDPD also provides specialized services throughout UMSA and various municipalities. These police services are those above and beyond routine patrol and general investigations such as special response, specialized traffic enforcement, marine patrol and targeted response provided through the Priority Response Teams. MDPD also provides specialized investigative services such as homicide and bomb disposal in certain municipalities that do not provide such services through their municipal police departments.

Sheriff Services to all Miami-Dade County Residents

MDPD provides sheriff services across all Miami-Dade County. These services include processing and serving criminal warrants, executing writs of possession, crime laboratory, court services and performing all other duties assigned to county sheriffs in the State Constitution and in State Statutes.

All three of MDPD's operations are primarily funded by the Countywide millage rate paid by homeowners across the County and by the UMSA millage collected from homeowners in UMSA. All costs are allocated between Countywide and UMSA budgets based on relative workloads during the previous fiscal year. Expenditures of overall functions, such as the director's office, the legal and professional compliance bureaus and other support functions are allocated in accordance with the overall department-wide allocation between the Countywide and UMSA budgets.

Unincorporated Municipal Service Area

With a population of 1,220,446, UMSA would be the largest city in Florida if it were considered a city. Similar to residents living in one of the 34 municipalities in the County, UMSA property owners pay a specific municipal millage which funds the municipal services provided by the County to UMSA. Approximately 77 percent of the revenues generated by the UMSA millage rate support the services MDPD provides in the unincorporated areas of the County.

Implementation of Constitutional Revision No. 10

As the implementation of Constitutional Revision No. 10 approaches in 2024, Miami-Dade County and the Board of County Commissioners (Board) must prepare to implement the changes mandated in the approved ballot language. Prior to the election of the sheriff, the Board must decide which services and functions will be transferred to the elected sheriff and which will remain functions performed by Miami-Dade County. While this change from an appointed to an elected sheriff is not new to Miami-Dade County, it is the first time this change has occurred since the inception of Miami-Dade County in its current form of government. Whatever decision is made could have significant budgetary implications.

There are various options available to the Board as they prepare to implement this change. Changes to the structure and service delivery of MDPD have historically only been looked at through the lens of incorporations and annexations. These studies have ultimately concluded that as service areas are either annexed to existing municipalities with their own police departments or incorporated and later create their own police department, the economies of scales enjoyed by MDPD rapidly diminish. As UMSA decreases in both geographic size and population, police services become more expensive to provide on a per capita basis. However, the decisions on which MDPD functions will be transferred to the sheriff and which will remain with the County are not just financial ones. Consideration must be given to the wishes of those affected the most by the change – the residents and businesses of Miami-Dade County.

Option 1: Status Quo

In order to continue benefitting from UMSA's economies of scale, the first option would be for the Board to decide that all of the services provided today by MDPD will be transferred to the elected sheriff. This turn-key approach may have the least direct impact on the day-to-day operations and delivery of police services. Local police patrol in UMSA and the contracted municipalities and the state requirements of the sheriff would be performed by the elected sheriff. The sheriff would negotiate a contract for the provision of local patrol services and those services would be funded by the appropriate municipality, including UMSA.

Option 2: Sheriff Solely Performing Sheriff Duties

Chapter 30 of Florida Statutes outlines the duties of a County sheriff, any additional duties granted to the sheriff are up to the discretion of the Board of each specific County and the County electorate should the changes require a referendum. Another option available to the Board would be to retain all the services provided by MDPD except for those specifically outlined as sheriff duties in Chapter 30. As described in Chapter 30, sheriffs shall:

- Execute all process of the Supreme Court, circuit courts, county courts, and boards of county commissioners of this state, to be executed in their counties.
- Execute such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their counties.
- Attend all sessions of the circuit court and county court held in their counties.
- Execute all orders of the boards of county commissioners of their counties, for which services they shall receive such compensation, out of the county treasury, as said boards may deem proper.
- Be conservators of the peace in their counties.
- Suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary.
- Apprehend, without warrant, any person disturbing the peace, and carry that person before the proper judicial officer, that further proceedings may be had against him or her according to law.
- Have authority to raise the power of the county and command any person to assist them, when necessary, in the execution of the duties of their office; and, whoever, not being physically incompetent, refuses or neglects to render such assistance, shall be punished by imprisonment in jail not exceeding 1 year, or by fine not exceeding \$500.
- Be, ex officio, timber agents for their counties.
- Perform such other duties as may be imposed upon them by law.

- Assist district school boards and charter school governing boards in complying with s. 1006.12. A sheriff must, at a minimum, provide access to a Coach Aaron Feis Guardian Program to aid in the prevention or abatement of active assailant incidents on school premises

Duties beyond those outlined above would be up to the discretion of the Board. The elected sheriff would need to be staffed with the appropriate personnel to perform the duties prescribed above. To that end, one approach may be to transfer the personnel assigned to the units that directly carry out sheriff functions to the elected sheriff (i.e., Court Services Bureau and Warrants). As part of this option, the County may choose to continue performing local patrol services in UMSA as the area's municipal government.

In practice, this option would entail a large decision on how existing MDPD resources would be split between sheriff functions and UMSA local patrol. The continuation of the provision of specialized police services to municipalities would also have to be determined.

Other Considerations

Regardless of the specific implementation chosen by the Board, there are various considerations that must be accounted for. The first of which is funding. Depending on the service delivery chosen, the Board may choose to continue funding police and sheriff functions with a share of the Countywide and UMSA millage rates. Another approach would be to create a special district similar to the Fire and Library districts to fund either regional police services, local police services in UMSA, sheriff services or a combination thereof. A variation of this approach has been previously recommended, once by the Dade County Metropolitan Study Commission in 1971 and again by the Planning Advisory Board in 1995 when studying the impact of incorporations and annexations on MDPD service delivery.

In addition to police services, preparation for the transition to an elected sheriff should consider the potential impact to Corrections and Fire Rescue. Currently, Miami-Dade's jail operations are under the purview of the County Mayor. Although these services are not required to be under the elected County sheriff, of the 20 most populous counties in Florida, 15 have their corrections/jails under the County sheriff. Conversely, of the 20 most populous County's in the state, only the Broward County Sheriff's Office performs fire rescue functions. While neither of these functions are statutorily required functions of the County sheriff, a Board of County Commissioners may choose to transfer such services to the sheriff. Another function that should be considered is that of the County bailiffs. The FY 2020-21 Adopted Budget includes \$33.6 million to support County Court operations, included in this amount are the services provided by bailiffs under the purview of the Chief Judge of the Eleventh Judicial Circuit. These services may be performed by the elected sheriff should the County decide to transfer these responsibilities to the elected sheriff.

There are also various administrative topics that need to be considered including the validity of collective bargaining agreements if or when employees are transferred to the sheriff's office and how the elected sheriff will purchase or perform centralized County functions such as information technology, human resources, procurement and fleet management.

Additional Information & Sources

'1995 Planning Advisory Board Resolution', page 13, 1995, [Miami-Dade County](#)

'FY 2020 - 21 Adopted Budget and Multi-Year Capital Plan, Police', [Miami-Dade County](#)

'Home Rule Amendment and Charter', [Miami-Dade County](#)

'Official Sample Ballot General Election Tuesday, November 6, 2018', page 7, [Miami-Dade Elections](#)

'Population and Demographic Data - Florida Products', [Office of Economic & Demographic Research](#)

'Report on A Review of Two-Tier Government in Miami-Dade County', handwritten page 28, 1976, [Touche Ross & Co.](#)

Top 20 Florida Counties (by Population)

Services Performed by Sheriff				
	County	Population	Corrections	Fire
	Florida	21,596,068	-	-
1	Miami-Dade County	2,832,794	No	No
2	Broward County	1,932,212	Yes	Yes
3	Hillsborough County	1,478,759	Yes	No
4	Palm Beach County	1,466,494	Yes	No
5	Orange County	1,415,260	No	No
6	Pinellas County	984,054	Yes	No
7	Duval County	982,080	Yes	No
8	Lee County	750,493	Yes	No
9	Polk County	715,090	Yes	No
10	Brevard County	606,671	Yes	No
11	Volusia County	551,588	No	No
12	Pasco County	542,638	Yes	No
13	Seminole County	476,727	Yes	No
14	Sarasota County	438,816	Yes	No
15	Manatee County	398,503	Yes	No
16	Collier County	387,450	Yes	No
17	Osceola County	387,055	No*	No
18	Marion County	368,135	Yes	No
19	Lake County	366,742	Yes	No
20	Escambia County	323,714	No	No

Notes:

* Corrections was operated by the Sheriff's Office until March 1, 1997, when operations were transferred to the BCC