



**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