

MEMORANDUM

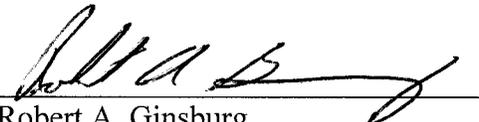
Agenda Item No. 10(A)(1)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners **DATE:** September 9, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Resolution Approving
Allocation to Florida
Association of Counties to
Fund MDC's Share of Juvenile
Justice Cost Shift Litigation

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman and Commissioner Katy Sorenson.



Robert A. Ginsburg
County Attorney

RAG/dc



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: September 9, 2004

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 10(A)(1)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 10(A)(1)
9-9-04

RESOLUTION NO. _____

RESOLUTION APPROVING ALLOCATION OF \$16,490 TO
THE FLORIDA ASSOCIATION OF COUNTIES TO FUND
MIAMI-DADE COUNTY'S SHARE OF JUVENILE JUSTICE
COST SHIFT LITIGATION

WHEREAS, during the 2004 Regular Session, the Florida Legislature enacted Chapter 2004-263, Laws of Florida (CS/SB 2564), that shifted from the state to the counties predisposition juvenile detention costs; and

WHEREAS, Chapter 2004-263 is estimated to cost Miami-Dade County approximately \$11.7 million annually; and

WHEREAS, on June 23, 2004, the Board of Directors of the Florida Association of Counties ("FAC") voted to file suit on behalf of all 67 Florida counties, challenging the constitutionality of Chapter 2004-263 as an unfunded mandate, among other theories; and

WHEREAS, FAC has asked for a total of \$120,000 from counties to support this litigation, with each county being asked to contribute based on a prorated population basis; and

WHEREAS, Miami-Dade County's share of the \$120,000 total is \$16,490,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the allocation of \$16,490 from the Nondepartmental Countywide General Fund to the Florida Association of Counties to fund a legal challenge of the juvenile predisposition cost shift, Chapter 2004-263 (CS/SB 2564).

The foregoing resolution was sponsored by Commissioner Sally A. Heyman and Commissioner Katy Sorenson and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 9th day of September, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess McCarty