

MEMORANDUM

Agenda Item No. 11(A) (9)

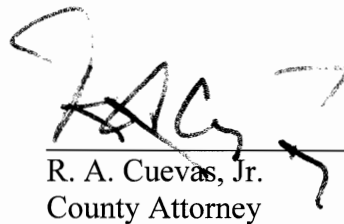
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 4, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass legislation
increasing statutory fee for
service of process

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 4, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
3-4-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS LEGISLATION INCREASING THE STATUTORY FEE
FOR SERVICE OF PROCESS TO BETTER REFLECT THE
ACTUAL COST OF SERVICE OF PROCESS

WHEREAS, section 30.231, Florida Statutes, provides that the fee for enforceable service of process by the Sheriff is \$20; and

WHEREAS, this fee has not been increased since 1994 and does not cover the actual cost of executing enforceable service of process; and

WHEREAS, the \$20 fee only covers approximately two-thirds of the cost of executing an enforceable service of process; and

WHEREAS, more than \$700,000 per year is required to supplement the service of process function within the Miami-Dade Police Department; and

WHEREAS, The Senate Justice Appropriations Committee issued an Interim Project Report recommending that service of process fees be increased to cover their actual costs, see Interim Project Report No. 2006-144; and

WHEREAS, legislation was filed during the 2006 and 2007 regular sessions that would have increased the enforceable service of process fee from \$20 to \$30 to better align the statutory fee with the actual cost of issuing enforceable service of process, but this legislation did not pass,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass legislation that would increase the statutory fee for enforceable service of process from \$20 to an amount that better correlates with the actual cost of enforceable service of process.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of legislation as set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2008 State Legislative Package.

The foregoing resolution was sponsored by Commissioner Sally A. Heyman 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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 4th day of March, 2008. 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.



Jess M. McCarty