

# MEMORANDUM

Agenda Item No. 11(A)(11)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

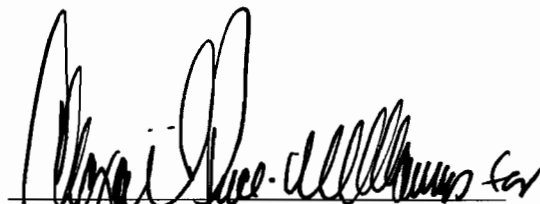
**DATE:** June 30, 2009

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

**SUBJECT:** Resolution directing the Mayor  
or Designee to study whether  
cost savings can be achieved  
through de-criminalizing  
certain county ordinance  
violations

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsors Vice-Chairman Jose "Pepe" Diaz, and Commissioner Rebeca Sosa.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** June 30, 2009

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

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

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 Mayor'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)(11)  
6-30-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE MAYOR OR DESIGNEE TO  
STUDY WHETHER COST SAVINGS CAN BE ACHIEVED  
THROUGH DE-CRIMINALIZING CERTAIN COUNTY  
ORDINANCE VIOLATIONS

**WHEREAS**, Section 125.69, Florida Statutes, provides that county ordinance violations shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment; and

**WHEREAS**, many county ordinance violations currently carry both up to a \$500 fine and up to 60 days in jail; and

**WHEREAS**, the possibility of jail time carries additional costs for not only the Miami-Dade Corrections & Rehabilitation Department and the Miami-Dade Police Department, but also for the Courts, State Attorneys Office and Public Defenders Office; and

**WHEREAS**, during these times of reduced revenues and the need for budget cuts, Miami-Dade County should study whether cost savings can be achieved by eliminating the possibility of jail time from certain county ordinance violation that would not significantly affect public safety,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the Mayor or Designee is directed to study whether cost savings can be achieved through de-criminalizing certain county ordinance violations and provide a report and recommendations to the Board within 90 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman and the Co-Sponsors are Vice-Chairman Jose "Pepe" Diaz, and Commissioner Rebeca Sosa. It was 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2009. 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

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 091630  
**File Number:** 11(A)11  
**Committee(s) of Reference:** Board of County Commissioners  
**Date of Analysis:** June 10, 2009  
**Type of Item:** Study  
**Prime Sponsor:** Commissioner Sally A. Heyman

**Summary**

This resolution directs the Mayor or his designee to conduct a study as to whether cost savings can be achieved through de-criminalizing certain County Ordinance violations.

**Background and Relevant Legislation**

When a violation results in jail time for the offender, the Miami-Dade Corrections and Rehabilitation, Miami-Dade Police Department, the Courts, the State Attorney's Office and the Public Defender's Office may incur additional costs.

A cursory review of the Miami-Dade County Code (Code) found the following sections that currently carry a fine up to \$500 and up to 60 days in jail for violations:

- Sec. 21-21.2. Alcoholic beverages and drugs at open house parties;
- Article III. Uniform Trade Standards;
- Sec. 12-8. Payment or offers of payment to candidates for elective office;
- Sec. 26-5. County employees and officials receiving benefits at county facilities;
- Sec. 32-1. Metropolitan Miami-Dade County Water and Sewer System Regulatory Ordinance;
- Sec. 33-112. Entrance features;
- Sec. 24-1. Miami-Dade County Environmental Protection Ordinance;
- Chapter 17A. Vacant Structures Minimum Standards;
- Sec. 17-15. Remedies for enforcement; consent agreements; hindering or obstructing Minimum Housing Enforcement Officer;
- Chapter 28A. Seaport Security and Operations;
- Sec. 26A-2.1. Mosquito control;
- Sec. 26-38. Background checks required for child event workers, park vendors, and programming partner or community-based organization (CBO) employees and volunteers. Any

person who violates this provision or who knowingly or willingly provide false or erroneous information to his/her employer;

- Sec. 2-8.1. Contracts and purchases. Disclosure required of contractors and entities transacting business with Miami-Dade County;
- Sec. 7-6. Motorboat Restricted Zones;
- Sec. 8AA-1. Cable Television Regulations;
- Sec. 30B-4(2), (5), (6), (7), (9), (10), (11) and (22). Transit Agency Rules and Regulations;
- Sec. 8A-147. Check cashing services;
- Sec. 21-122. False or deceptive advertising or promotion prohibited; information required in advertisement or promotion; responsibility of producer to advise public when tickets unavailable;
- Sec. 21-7.1. Use of B-B guns and rifles by child under 16;
- Sec. 20-43. Community Councils; membership - Any person misrepresenting their residency; and
- Chapter 19. Responsible Property Owner and Merchant Act.

**Prepared by:** Elizabeth N. Owens