

MEMORANDUM

Agenda Item No. 4(C)

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

DATE: March 16, 2010

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

SUBJECT: Ordinance establishing
Miami-Dade Police Department
Civil Citation Trust Funds

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 4(C)
County Attorney *[Signature]*

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)
3-16-10

ORDINANCE NO. _____

ORDINANCE ESTABLISHING MIAMI-DADE POLICE DEPARTMENT TRUST FUNDS FOR MONIES COLLECTED FOR CIVIL CODE CITATIONS; DIRECTING MAYOR OR DESIGNEE TO DEPOSIT MONIES COLLECTED FOR SUCH CITATIONS INTO TRUST FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND EFFECTIVE DATE

WHEREAS, the Board of County Commissioners passed Resolution No. R-868-09 directing staff to evaluate the impacts of decriminalizing selected County ordinances; and

WHEREAS, staff conducted such an evaluation and produced a memorandum addressed to the Honorable Chairman Dennis C. Moss and Members of the Board of County Commissioners outlining its findings; and

WHEREAS, the memorandum stated that the County expends substantial sums of money, excluding fixed department costs, to prosecute County ordinances in the criminal justice system; and

WHEREAS, the memorandum also stated that approximately \$751,840.00 in net savings could be realized annually by ceasing the enforcement of certain provisions of the County Code through the criminal justice system and instead treating those violations as civil infractions; and

WHEREAS, many provisions of the Code of Miami-Dade County that have been enforced by the Police Department through the criminal justice system can also be enforced civilly through Section 8CC of the Code; and

WHEREAS, for those County Code violations that can be enforced through Section 8CC of the Code of Miami-Dade County, the Police Department still retains, at its discretion, the option to arrest for such Code violations; and

WHEREAS, many Code violations occur after normal business hours, such as noise violations and commercial vehicle parking violations, and the only County officers on duty to enforce the Code are police officers and public service aides; and

WHEREAS, each community served by a police station may have code violation problems unique to that community; and

WHEREAS, it could be beneficial to create trust funds so that the Police Department and the police stations enforcing the Code through issuance of civil citations can benefit from the funds collected for the citations,

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

Section 1. The Miami-Dade Police Department Civil Citation Trust Funds are created, one fund for each station within the Police Department, and one additional fund for all units within the Department not affiliated with a station, the purpose of which is to receive monies collected by the Clerk of Courts for citations issued by the Police Department pursuant to Section 8CC of the Code of Miami-Dade County. The Mayor or designee shall establish and maintain the Miami-Dade Police Department Civil Citation Trust Funds.

Section 2. Monies collected by the Clerk of Courts pursuant to Section 8CC citations issued by police officers, public service aides, or other qualified agents or employees of the Miami-Dade Police Department assigned to enforce the Code of Miami-Dade County, minus the Clerk of Court's administrative costs, shall be deposited into the appropriate Miami-Dade Police Department Civil Citation Trust Fund. The citations shall identify the issuing officer's

department and, if applicable, police station, to ensure that monies collected in payment of citations are deposited in the appropriate trust fund.

Section 3. The Mayor shall prepare an implementing order establishing rules for the administration and use of the monies deposited in the Miami-Dade Police Department Civil Citation Trust Funds; provided, however, it is the Board's policy that these monies shall only be expended for a public purpose connected with a police service or function benefiting the department.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This Ordinance shall become effective ten days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Andrew B. Boese

Prime Sponsor: Senator Javier D. Souto