

MEMORANDUM

Agenda Item No. 11(A)(2)

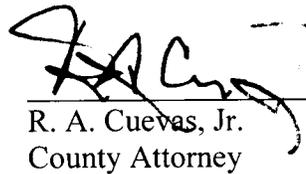
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 20, 2011

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

SUBJECT: Resolution opposing state
bailbond legislation that
would place arbitrary statutory
restrictions on pretrial services
programs; identifying defeat
of such bailbond bills as a
critical priority for the 2012
Session

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



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
(Revised)

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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

Agenda Item No. 11(A)(2)

Veto _____

9-20-2011

Override _____

RESOLUTION NO. _____

RESOLUTION OPPOSING STATE BAILBOND LEGISLATION
THAT WOULD PLACE ARBITRARY STATUTORY
RESTRICTIONS ON PRETRIAL SERVICES PROGRAMS;
IDENTIFYING DEFEAT OF SUCH BAILBOND BILLS AS A
CRITICAL PRIORITY FOR THE 2012 SESSION

WHEREAS, during the 2010 session, the Florida Legislature considered a pair of bills, SB 782 by Senator John Thrasher (R – Jacksonville) & HB 445 by Representative Chris Dorworth (R – Heathrow), that would have favored the bailbond industry over pretrial supervision and pretrial services programs by placing arbitrary statutory restrictions on pretrial programs; and

WHEREAS, these bills would have prohibited pretrial programs from charging defendants the cost of pretrial services including ankle bracelets, leaving these costs with law-abiding taxpayers rather than charging them to defendants as “user fees”; and

WHEREAS, as initially filed, SB 782 & HB 445 would have substantially limited defendants who qualified for pretrial services to only defendants who meet all of the following criteria:

- a. Are indigent,
- b. Have not failed to appear at any court within the preceding 12 months,
- c. Have no prior convictions involving violence,
- d. Have not been charged with a capital, life or first degree felony,
- e. Are not on probation for another charge, and
- f. Are not facing charges for another crime anywhere in the state; and

WHEREAS, SB 782 & HB 445 were amended over the course of the 2010 session, and a coalition of sheriffs, judges, prosecutors and counties eventually were successful at defeating SB 782 & HB 445; and

WHEREAS, the bailbond industry returned with similar bills for the 2011 session, SB 372 and SB 1398 by Senator Ellyn Bogdanoff (R – Fort Lauderdale) and HB 1379 by Representative Dorworth; and

WHEREAS, a coalition of sheriffs, judges, prosecutors and counties again were successful at defeating bailbond legislation during the 2011 session; and

WHEREAS, the bailbond industry will likely return again for the 2012 session pursuing bailbond bills at the expense of pretrial services programs; and

WHEREAS, pretrial services programs have a proven track record of treating the root problems of crime by treating drug addiction and mental health issues, while bailbonds are simply financial contracts to appear in court at specified times; and

WHEREAS, study after study has shown that pretrial services programs are far more effective than bailbonds at ensuring public safety and decreasing the likelihood of defendants reoffending; and

WHEREAS, bills that would arbitrarily restrict pretrial supervision and pretrial services programs would result in wasteful government spending by holding defendants in jails that could be placed on pretrial services more safely, more cost effectively and with better outcomes, all for the purpose of favoring the bailbond industry,

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

Section 1. Opposes bailbond legislation that would place arbitrary, statutory restrictions on pretrial services programs.

Section 2. Identifies the defeat of such legislation as a County critical priority for the 2012 state legislative session.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the

Miami-Dade County State Legislative Delegation and the Chair and Members of the Senate Criminal Justice Committee and the House Criminal Justice Subcommittee.

Section 4. Directs the County's state lobbyists to advocate against the passage of the legislation as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2012 State Legislative Package as a critical priority.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of September, 2011. 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 M. McCarty

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