

# MEMORANDUM

Agenda Item No. 11(A)(14)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** January 23, 2013

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

**SUBJECT:** Resolution opposing a State Budget proposal by The Florida Department of Corrections to shift Corrections costs from the state to counties by providing that only those persons with one year or more remaining on their sentences at the time of sentencing would be incarcerated by the Florida Department of Corrections; alternatively urging the Florida Legislature to reimburse counties for the additional cost county taxpayers will incur to house such inmates in county jails

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

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

RAC/lmp



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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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 Mayor'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. 11(A)(14)

1-23-13

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

RESOLUTION OPPOSING A STATE BUDGET PROPOSAL BY THE FLORIDA DEPARTMENT OF CORRECTIONS TO SHIFT CORRECTIONS COSTS FROM THE STATE TO COUNTIES BY PROVIDING THAT ONLY THOSE PERSONS WITH ONE YEAR OR MORE REMAINING ON THEIR SENTENCES AT THE TIME OF SENTENCING WOULD BE INCARCERATED BY THE FLORIDA DEPARTMENT OF CORRECTIONS; ALTERNATIVELY URGING THE FLORIDA LEGISLATURE TO REIMBURSE COUNTIES FOR THE ADDITIONAL COST COUNTY TAXPAYERS WILL INCUR TO HOUSE SUCH INMATES IN COUNTY JAILS

**WHEREAS**, each year, state agencies are required to file a Legislative Budget Request pursuant to Section 216.023, Florida Statutes, for the amount of funding state agencies believe will be needed to perform the functions that they are authorized or requesting authorization by law to perform; and

**WHEREAS**, as part of each state agency's annual Legislative Budget Request and in preparation for his proposed state fiscal year 2013-14 budget, Governor Rick Scott directed each state agency to prepare five percent (5%) budget reductions; and

**WHEREAS**, as part of its budget reduction exercise, the Florida Department of Corrections proposed amending section 944.17(3)(a), Florida Statutes, to provide that only those persons with one year or more *remaining* to serve on their sentences at the time of sentencing would be incarcerated by the Florida Department of Corrections; and

**WHEREAS**, section 944.17(3)(a) currently provides that persons sentenced to a period of one year or more are to be incarcerated in the state prison system, with inmates sentenced to

less than a year incarcerated in county jails, without regard for how long the inmate has previously served in county jail awaiting sentencing; and

**WHEREAS**, if implemented, this proposal is likely to have a significant negative fiscal impact on the Miami-Dade County Department of Corrections & Rehabilitation because those defendants who have less than one year remaining on their sentences at the time of sentencing would remain at County jail facilities, rather than moving to state prison facilities; and

**WHEREAS**, this proposal would divert a significant number of inmates currently sentenced to one year or more of incarceration from state prisons to county jails because these inmates would have less than one year remaining on their sentences at the time of sentencing because of time served in county jail prior to sentencing; and

**WHEREAS**, the Miami-Dade County Department of Corrections & Rehabilitation operates the eighth largest jail system in the United States, with approximately 6,000 people incarcerated in six (6) detention facilities; and

**WHEREAS**, the Miami-Dade County Department of Corrections & Rehabilitation did a preliminary analysis of the fiscal impact from this Florida Department of Corrections proposal, and as a conservative estimate, determined that it would increase the cost to Miami-Dade County by at least \$12 million annually; and

**WHEREAS**, the Florida Department of Corrections estimated that its proposal would save the State of Florida an estimated \$47.8 million annually; and

**WHEREAS**, this estimated savings, however, would not be a true cost savings to taxpayers, instead, it would simply shift this cost from the state to counties; and

**WHEREAS**, budget reduction proposals included in a state agency's annual legislative budget request are not always included in the Governor's proposed state budget or the state budgets proposed and adopted by the House and Senate; and

**WHEREAS**, nonetheless, this Board desires to go on record as opposing the budget reduction proposal by the Florida Department of Corrections to amend section 944.17(3)(a) to provide that only those persons with one year or more *remaining* to serve on their sentences at the time of sentencing would be incarcerated by the Florida Department of Corrections; and

**WHEREAS**, alternatively, this Board would urge the Florida Legislature to reimburse counties for the additional costs associated with housing such inmates in county jails,

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

**Section 1.** Opposes a budget reduction proposal by the Florida Department of Corrections to shift corrections costs from the state to counties by providing that only those persons with one year or more remaining on their sentences at the time of sentencing would be incarcerated by the Florida Department of Corrections.

**Section 2.** Alternatively, urges the Florida Legislature to reimburse counties for the additional costs associated with housing such inmates in county jails.

**Section 3.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Chair and Members of the Miami-Dade State Legislative Delegation, the Secretary of the Florida Department of Corrections and the Executive Director of the Florida Association of Counties.

**Section 4.** Directs the County's state lobbyists to oppose the budget proposal set forth in section 1 above and/or pursue the funding set forth in section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 23<sup>rd</sup> day of January, 2013. 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