

MEMORANDUM

Agenda Item No. 11(A)(6)

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

DATE: October 21, 2014

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

SUBJECT: Resolution urging the Florida
Legislature to authorize
additional funding for new
courthouse construction by
allowing counties to impose an
additional \$75.00 court cost or
surcharge upon any conviction,
plea of nolo contendere or
finding of guilt for each felony,
misdemeanor, or criminal traffic
offense

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



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
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)(6)

10-21-14

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO AUTHORIZE ADDITIONAL FUNDING FOR NEW COURTHOUSE CONSTRUCTION BY ALLOWING COUNTIES TO IMPOSE AN ADDITIONAL \$75.00 COURT COST OR SURCHARGE UPON ANY CONVICTION, PLEA OF NOLO CONTENDERE OR FINDING OF GUILT FOR EACH FELONY, MISDEMEANOR, OR CRIMINAL TRAFFIC OFFENSE

WHEREAS, in 1998, the voters of Florida approved Revision 7 to Article V of the State Constitution, transferring funding responsibility for much of the state courts system from the counties to the state; and

WHEREAS, counties retained the obligation to fund, among other things, court facilities and communications services; and

WHEREAS, legislation implementing this revision, approved during the 2003 State legislative session, redirected all filing fee revenues and other surcharges that had previously been paid to counties to the clerks and the state to fund court-related activities; and

WHEREAS, during the 2004 legislative session, Chapter 2004-265, Laws of Florida (Senate Bill 2962), was enacted to provide for several new revenue streams to fund information technology needs, facility needs, legal aid programs, law libraries, teen courts, juvenile assessment centers, juvenile diversion programs, court innovations, local requirements and law enforcement training; and

WHEREAS, Chapter 2004-265 created section 939.185, Florida Statutes, which authorizes counties to impose by ordinance a \$65.00 court cost upon every person who pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense; and

WHEREAS, Chapter 2004–265 also created section 318.18(13), Florida Statutes, which authorizes counties to impose by ordinance a \$15.00 surcharge for every civil traffic infraction and criminal traffic violation, with the proceeds to fund state court facilities; and

WHEREAS, on June 8, 2004, this Board adopted Ordinance No. 04-116, which created Sections 11-11 and 11-12 of the Miami-Dade County Code, imposing the \$65.00 court cost authorized by section 939.185, Florida Statutes, as well as the \$15.00 surcharge authorized by section 318.18(13), Florida Statutes; and

WHEREAS, during the 2005 legislative session, Chapter 2005–236, Laws of Florida (House Bill 1935), was enacted which, among other things, amended section 939.185, Florida Statutes, to authorize counties to impose by ordinance an additional \$85.00 surcharge upon every person who pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense; and

WHEREAS, Chapter 2005–236 also created section 318.18(14), Florida Statutes, which authorizes counties to impose by ordinance an additional \$15.00 surcharge for every civil traffic infraction and criminal traffic violation; and

WHEREAS, on June 23, 2005, this Board adopted Ordinance No. 05-123, which created Sections 11-13 and 11-14 of the Miami-Dade County Code, imposing the additional \$85.00 surcharge authorized by section 939.185, Florida Statutes, as well as the additional \$15.00 surcharge authorized by section 318.18(14), Florida Statutes; and

WHEREAS, despite these revenue streams, many courthouses throughout the state of Florida, including in Miami-Dade, Pasco, and Santa Rosa counties, are aging and in dire need of repair, restoration, and even replacement; and

WHEREAS, for instance, the Miami-Dade County Courthouse at 73 W. Flagler Street (“1928 Courthouse”) was built in 1928, and this aging and deteriorated facility is no longer able to meet the needs of Miami-Dade County residents, businesses and litigants; and

WHEREAS, the availability of judicial review for both public and private matters is one of the bedrock principles of American democracy; and

WHEREAS, adequate court facilities are necessary to properly hear and resolve cases in a timely manner; and

WHEREAS, on September 3, 2014, this Board adopted Resolution No. R-697-14, which called a countywide special election in Miami-Dade County to be held on November 4, 2014, in conjunction with the General Election, for the purpose of submitting to the qualified electors of Miami-Dade County the bond referendum question whether to approve the issuance of general obligation bonds for the purpose of funding emergency repairs to the 1928 Courthouse and acquiring and constructing new court facilities; and

WHEREAS, additional or alternative funding can be generated for much-needed courthouse construction by authorizing counties to impose an additional \$75.00 court cost or surcharge upon any conviction, plea of nolo contendere or finding of guilt for each felony, misdemeanor, or criminal traffic offense; and

WHEREAS, this Board would like to urge the Florida Legislature to authorize counties to impose this additional \$75.00 court cost or surcharge for the express purpose of providing additional funding for new courthouse construction,

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 provide additional funding for new courthouse construction by authorizing counties to impose an additional \$75.00 court cost or

surcharge upon any conviction, plea of nolo contendere or finding of guilt for each felony, misdemeanor, or criminal traffic offense, for the express purpose of funding new courthouse construction.

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

Section 3. Directs the County's state lobbyists to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2015 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Senator Javier D. Souto. 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

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of October 21, 2014. 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.

MJM

Michael J. Mastrucci