

MEMORANDUM

Agenda Item No. 11(A)(16)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

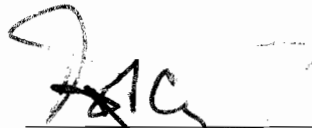
DATE: October 7, 2008

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

SUBJECT: Resolution urging the Florida
Legislature to increase the
statutory fee for service of
process

Resolution No. R-1069-08

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/up



MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(16)

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 Manager'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)(16)
10-7-08

RESOLUTION NO. R-1069-08

RESOLUTION URGING THE FLORIDA LEGISLATURE TO INCREASE THE STATUTORY FEE FOR SERVICE OF PROCESS TO BETTER REFLECT THE ACTUAL COST OF SERVICE OF PROCESS

WHEREAS, section 30.231, Florida Statutes, provides that the fee for enforceable service of process by the Sheriff is \$20; and

WHEREAS, this fee has not been increased since 1994 and does not cover the actual cost of executing enforceable service of process; and

WHEREAS, the \$20 fee only covers approximately two-thirds of the cost of executing an enforceable service of process; and

WHEREAS, more than \$700,000 per year is required to supplement the service of process function within the Miami-Dade Police Department; and

WHEREAS, The Senate Justice Appropriations Committee issued an Interim Project Report recommending that service of process fees be increased to cover their actual costs, see Interim Project Report No. 2006-144; and

WHEREAS, legislation was filed during the last few sessions that would have increased the enforceable service of process fee to better align the statutory fee with the actual cost of issuing enforceable service of process; and

WHEREAS, during the 2008 session, the service of process bill, S.B. 300, passed both the House and Senate, but then died in returning messages,

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 pass legislation that would increase the statutory fee for enforceable service of process from \$20 to an amount that better correlates with the actual cost of enforceable service of process.

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

Section 3. Directs the County's state lobbyists to advocate for the passage of legislation as set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty