

## **MEMORANDUM**

Agenda Item No. 11(A)(35)

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

**DATE:** April 6, 2010

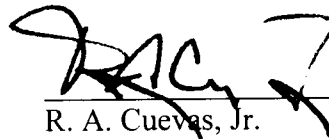
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature and Governor  
Charlie Crist's Administration  
to reduce the state's prison  
spending by implementing less  
costly and more effective  
alternatives to incarceration for  
non-violent offenders

**Resolution No. R-411-10**

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

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/up



# MEMORANDUM

(Revised)

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County Attorney

SUBJECT: Agenda Item No. 11(A) (35)

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. 11(A)(35)

4-6-10

RESOLUTION NO. R-411-10

RESOLUTION URGING THE FLORIDA LEGISLATURE AND GOVERNOR CHARLIE CRIST'S ADMINISTRATION TO REDUCE THE STATE'S PRISON SPENDING BY IMPLEMENTING LESS COSTLY AND MORE EFFECTIVE ALTERNATIVES TO INCARCERATION FOR NON-VIOLENT OFFENDERS

**WHEREAS**, Florida's state prison population continues to increase at a rapid rate, with 1,527 inmates added last year pushing the total prison population to more than 101,000; and

**WHEREAS**, the Florida Department of Corrections currently runs 56 state prisons with another six prisons run by private contractors, and accounts for 8.5 percent of the state budget; and

**WHEREAS**, each inmate housed in a Florida prison costs Florida taxpayers \$17,500 for the first year and \$16,000 each year thereafter, according to Florida TaxWatch; and

**WHEREAS**, Florida spends approximately \$100 million to build each new prison and each new prison costs Florida taxpayers \$20 million per year to operate; and

**WHEREAS**, each new prison holds approximately 1,300 inmates, less than the number of prisoners added to the state prison system last year; and

**WHEREAS**, more than half of Florida's current inmates committed nonviolent crimes; and

**WHEREAS**, many inmates in Florida's state prison system are currently serving long and/or mandatory minimum sentences for relatively low level nonviolent crimes; and

**WHEREAS**, two dissimilar groups, the Pew Center on the States, a Washington think tank, and Florida TaxWatch, a Tallahassee taxpayer watchdog group, both recommended similar

changes to Florida's tough sentencing policies in order to reduce the number of inmates housed in Florida prisons and the corresponding cost to taxpayers; and

**WHEREAS**, the Pew study found that, while Florida's prison population continued to increase, the prison population nationally actually declined last year for the first time in 40 years as states looked for ways to contain prison costs while providing more effective rehabilitation for non-violent offenders; and

**WHEREAS**, the Pew study documented how 27 states have managed to lower their prison population by

- Diverting low-level offenders and probation and parole violators from prison;
- Strengthening community supervision and re-entry programs;
- Accelerating the release of low-risk inmates who complete risk reduction programs; and

**WHEREAS**, Florida TaxWatch identified 11 recommendations related to reducing Florida's state inmate population that could save as much as \$481 million annually:

- Requiring written justification for prison sentences given to individuals with sentencing scores of 44 or less;
- Expanding electronic monitoring as alternative to prison sentences;
- Expanding adult post-adjudicatory drug courts;
- Instituting adult post-incarceration drug courts;
- Increasing the maximum gain time accrual allowed;
- Authorizing the possibility of parole for certain offenders who were juveniles when sentenced;
- Authorizing the possibility of parole for certain elderly offenders;
- Reclassifying low level drug possession as a misdemeanor;
- Expanding work release programs;

- Expanding the Redirection program;
- Expanding programs that reduce recidivism to slow new prison construction; and

**WHEREAS**, several states with reputations for being tough on crime, such as Texas and Kansas, have reformed their criminal justice systems in recent years and realized substantial savings while improving outcomes and without risking public safety; and

**WHEREAS**, through the expansion of its prison diversion programs, Texas saved \$512 million in fiscal year 2008-09 and simultaneously saw a drop in probation and parole revocations by 26 percent and 4 percent, respectively; and

**WHEREAS**, by restoring earned time and other reforms, Kansas saved \$80 million in corrections costs over a five year period while seeing a 46 percent reduction in parole revocations and a 28 percent drop in probation revocations; and

**WHEREAS**, , rather than continue to build new prisons to house non-violent offenders and especially in these challenging economic and budgetary times, Florida should follow the lead of states such as Texas and Kansas, and explore alternatives to incarceration that not only are substantially less costly to taxpayers but also promise better outcomes,

**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 and Governor Charlie Crist's administration to reduce the state's prison spending by implementing less costly and more effective alternatives to incarceration for non-violent offenders.

**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 issue identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 and 2011 state legislative packages.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Jose “Pepe” Diaz**, who moved its adoption. The motion was seconded by Commissioner **Dorrin D. Rolle** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of April, 2010. 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: **DIANE COLLINS**  
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

Jess M. McCarty