

MEMORANDUM

Agenda Item No. 11(A)(36)

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

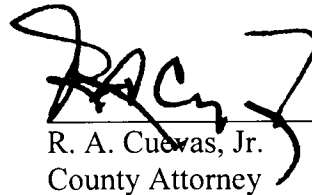
DATE: April 6, 2010

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

SUBJECT: Resolution opposing SB 782,
HB 445 or similar legislation
that would place statutory
restrictions on pretrial
supervision programs

Resolution No. R-412-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(36)

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)(36)
4-6-10

RESOLUTION NO. R-412-10

RESOLUTION OPPOSING SB 782, HB 445 OR SIMILAR
LEGISLATION THAT WOULD PLACE STATUTORY
RESTRICTIONS ON PRETRIAL SUPERVISION PROGRAMS

WHEREAS, bills are currently moving through Senate and House committees, SB 782 by Senator John Thrasher (R – Jacksonville) & HB 445 by Representative Chris Dorworth (R – Heathrow), that would favor the bailbond industry over pretrial supervision programs by placing statutory restrictions on pretrial supervision programs; and

WHEREAS, SB 782 & HB 445 would prohibit pretrial supervision programs from charging defendants the cost of the pretrial supervision unless authorized by state law, leaving these costs with taxpayers rather than charging them to defendants as a user fee; and

WHEREAS, SB 782 & HB 445 substantially would limit defendants who qualify for pretrial supervision to only a defendant who meets all of the following criteria:

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

WHEREAS, SB 782 & HB 445 have been amended as they have been heard in committees, but the bills still curtail pretrial supervision programs to the benefit of the bailbond industry; and

WHEREAS, pretrial supervision 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; and

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

WHEREAS, by restricting pretrial supervision programs, SB 782 & HB 445 would result in wasteful government spending by holding defendants in jails that could be placed on pretrial supervision more safely, more cost effectively and with better outcomes,

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

Section 1. Opposes SB 782, HB 445 or similar legislation that would that would place statutory restrictions on pretrial supervision programs.

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 against the passage of the legislation set forth 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 Rebeca Sosa. 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	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	absent	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th 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