

**MEMORANDUM**

Agenda Item No. 11(A)(33)

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

**DATE:** September 10, 2010

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

**SUBJECT:** Resolution opposing  
legislation that would place  
arbitrary statutory restrictions  
on pretrial supervision  
programs; identifying defeat  
of the bailbond bills as a  
critical priority for the 2011  
Session

Resolution No. R-919-10

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners **DATE:** September 10, 2010

**FROM:** R. A. Cuevas, Jr.  **SUBJECT:** Agenda Item No. 11 (A) (33)  
County Attorney

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)(33)  
9-10-10

RESOLUTION NO. \_\_\_\_\_ R-919-10

RESOLUTION OPPOSING LEGISLATION THAT WOULD PLACE ARBITRARY STATUTORY RESTRICTIONS ON PRETRIAL SUPERVISION PROGRAMS; IDENTIFYING DEFEAT OF THE BAILBOND BILLS AS A CRITICAL PRIORITY FOR THE 2011 SESSION

**WHEREAS**, during the 2010 session, the Florida Legislature considered a pair of bills, SB 782 by Senator John Thrasher (R – Jacksonville) & HB 445 by Representative Chris Dorworth (R – Heathrow), that would have favored the bailbond industry over pretrial supervision programs by placing arbitrary statutory restrictions on pretrial supervision programs; and

**WHEREAS**, these bills would have prohibited pretrial supervision programs from charging defendants the cost of pretrial supervision including ankle bracelets, leaving these costs with law-abiding taxpayers rather than charging them to defendants as “user fees”; and

**WHEREAS**, as initially filed, SB 782 & HB 445 would have substantially limited defendants who qualified for pretrial supervision to only defendants who meet all of the following criteria:

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

**WHEREAS**, SB 782 & HB 445 were amended over the course of the 2010 session, and a coalition of sheriffs, judges, prosecutors and counties eventually were successful at defeating SB 782 & HB 445; and

**WHEREAS**, the bailbond industry likely will be back with similar bills for the 2011 session; 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 at specified times; and

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

**WHEREAS**, bills that would arbitrarily restrict pretrial supervision programs 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, all for the purpose of favoring the bailbond industry,

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

**Section 1.** Opposes bailbond legislation that would place arbitrary, statutory restrictions on pretrial supervision programs.

**Section 2.** Identifies the defeat of such legislation as a County critical priority for the 2011 state legislative session.

**Section 3.** 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 4.** Directs the County's state lobbyists to advocate against the passage of the legislation as set forth in Section 1 above, and authorizes and directs the Office of

Intergovernmental Affairs to include this item in the 2011 State Legislative Package as a critical priority.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Dorrin D. Rolle**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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>aye</b>	Audrey M. Edmonson	<b>aye</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 10<sup>th</sup> day of September, 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