

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to identify legally available funds from within the fiscal year 2021-2022 County Budget to fund the elimination of the \$2.00 daily inmate subsistence fee currently set forth in Implementing Order 4-113; amending Implementing Order 4-113 to eliminate the \$2.00 daily inmate subsistence fee; approving the elimination of negative balances and outstanding debts; directing the County Mayor to include elimination of \$2.00 daily inmate subsistence fee in the County Mayor's proposed budget for fiscal year 2022-2023; and requiring a report

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



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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Gen Bonzon-Keenan
County Attorney

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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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)
5-3-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO IDENTIFY LEGALLY AVAILABLE FUNDS FROM WITHIN THE FISCAL YEAR 2021-2022 COUNTY BUDGET TO FUND THE ELIMINATION OF THE \$2.00 DAILY INMATE SUBSISTENCE FEE CURRENTLY SET FORTH IN IMPLEMENTING ORDER 4-113; AMENDING IMPLEMENTING ORDER 4-113 TO ELIMINATE THE \$2.00 DAILY INMATE SUBSISTENCE FEE; APPROVING THE ELIMINATION OF NEGATIVE BALANCES AND OUTSTANDING DEBTS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO INCLUDE ELIMINATION OF \$2.00 DAILY INMATE SUBSISTENCE FEE IN THE COUNTY MAYOR’S PROPOSED BUDGET FOR FISCAL YEAR 2022-2023; AND REQUIRING A REPORT

WHEREAS, the Miami-Dade Corrections and Rehabilitation Department (“MDCR”) imposes both a one-time \$25.00 processing fee chargeable at the time of booking and a \$2.00 daily subsistence fee on inmates in its care, custody, and control; and

WHEREAS, these subsistence fees are set forth in Implementing Order 4-133, which was established after this Board passed Resolution No. R-955-97, directing the then-County Manager to prepare an administrative order to set forth and charge incarcerated inmates a fee to cover a fair portion of their incarceration costs; and

WHEREAS, these subsistence fees are imposed pursuant to section 951.033, Florida Statutes, which authorizes counties to charge inmates all or a fair portion of the costs incurred by the counties to jail inmates, otherwise referred to as the inmate’s “subsistence costs;” and

WHEREAS, the \$2.00 daily subsistence fee is to be debited on a daily basis from the inmate’s financial account at the MDCR facility; and

WHEREAS, recent figures provided by MDCR show that 87 percent of current inmates have a negative balance on their financial accounts and their daily subsistence fees are not being paid; and

WHEREAS, MDCR, in consultation with the Finance Department, has deemed unpaid inmate fees that are several years old as uncollectable, and has accordingly authorized its banking and commissary vendor to purge over \$72,000,000.00 of unpaid inmate fees that were outstanding for more than seven years; and

WHEREAS, the personnel costs and administrative burdens imposed upon MDCR and its vendors as a result of having to charge, deduct, and account for the \$2.00 daily inmate subsistence fee far outweigh the benefits and revenues derived from the amounts actually paid and received from a small minority of MDCR's inmates; and

WHEREAS, accordingly, this Board wishes to amend Implementing Order 4-113 to retain the one-time \$25.00 inmate processing fee charged at booking, but eliminate the \$2.00 daily inmate subsistence fee as well as negative balances from unpaid daily subsistence fees for both current and previously incarcerated inmates,

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

Section 1. Directs the County Mayor or County Mayor's designee to identify legally available funds in the fiscal year 2021-2022 County Budget to fund the elimination of the \$2.00 daily inmate subsistence fee set forth in Implementing Order 4-113.

Section 2. Approves an amendment to Implementing Order 4-113, in substantially the form attached hereto, to retain the one-time \$25.00 inmate processing fee, eliminate the \$2.00 daily inmate subsistence fee, and make other conforming changes, which amendment shall be effective:

(a) upon the County Mayor's or County Mayor's designee's identification of legally available funds in the fiscal year 2021-2022 County Budget to fund this reduction in revenues; or (b) if no such funds are available or no expenditures can be eliminated within the fiscal year 2021-2022 County Budget, on October 1, 2022.

Section 3. Upon the amendment to Implementing Order 4-113 becoming effective, approves the elimination of existing negative balances from unpaid daily subsistence fees for current inmates as well as outstanding debts of previously incarcerated inmates due to unpaid daily subsistence fees, including the termination of associated collection efforts.

Section 4. Further directs the County Mayor to include the elimination of the \$2.00 daily inmate subsistence fee in the County Mayor's Proposed Budget for fiscal year 2022-2023.

Section 5. Directs the County Mayor or County Mayor's designee to: (a) prepare a written report relating to the matters set forth in this resolution, including whether sufficient funds have been identified and allocated from within the fiscal year 2021-2022 County Budget to fund the elimination of the \$2.00 daily inmate subsistence fee as set forth in section 2 of this resolution; and (b) to present the report to this Board for its consideration no later than 30 days from the effective date of this resolution, and to place the report directly on an agenda of this Board without committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Jose "Pepe" Diaz, Chairman
Oliver G. Gilbert, III, Vice-Chairman

Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of May, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Monica Rizo Perez
Anita Viciano Zapata