



RESOLUTION # 2023-07

A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, STRONGLY OPPOSING THE PROPOSED CRIMINAL COURT ADMINISTRATIVE ORDER RELATING TO BAIL AND BOND REFORM, TO THE EXTENT THAT THE ORDER WOULD RESULT GRANTING MANY CRIMINAL OFFENDERS A RELEASE ON THEIR OWN RECOGNIZANCE, WITHOUT ATTENDING A FIRST APPEARANCE HEARING BEFORE A JUDGE AND WITHOUT ANY MONETARY BOND BEING POSTED, INCLUDING OFFENDERS ARRESTED FOR A WIDE RANGE OF CRIMES IN THE CITY OF WEST MIAMI, SUCH AS CITY AND COUNTY ORDINANCE OFFENSES, FIRST AND SECOND DEGREE MISDEMEANOR OFFENSES, AND CERTAIN FELONY OFFENSES; AND FURTHER, DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO ALL MUNICIPALITIES IN MIAMI-DADE COUNTY, THE FRATERNAL ORDER OF POLICE, THE POLICE BENEVOLENT ASSOCIATION, AND THE MIAMI-DADE COUNTY LEAGUE OF CITIES, AND URGING ALL SUCH ENTITIES TO JOIN THE CITY'S OPPOSITION TO THIS MEASURE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of West Miami (the "City"), along with various other municipalities in Miami-Dade County, continues to experience a fairly significant amount of quality-of-life offenses (both of the municipal/county ordinance and misdemeanor variety), along with other misdemeanor offenses being committed within its jurisdiction; and

WHEREAS, when an individual is arrested for a misdemeanor(s) and/or criminal municipal ordinance violation(s), the case is heard in the County Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida; and

WHEREAS, every person arrested for a criminal offense in the State of Florida must be taken before a judge within 24 hours of arrest for a First Appearance/ Bond Hearing, unless such person has been previously released in a lawful manner; and

WHEREAS, the purpose of the First Appearance/Bond Hearing is for the presiding judge to advise the defendant of the charges against him or her; to determine if the police had probable cause to effectuate the arrest; to determine whether the defendant can pay for an attorney and, if the defendant cannot, to appoint the public defender; and to set appropriate conditions of pre-trial release or a reasonable bond; and

WHEREAS, bail for alleged criminal defendants are governed by Section 903, Florida Statutes in more than 70+ pages detailing specific circumstances where bail should or should not be imposed; and

WHEREAS, at time of the preliminary hearing, the court looks at the following:

- a. the circumstances of the accused's family, employment, financial resources, character, mental condition and residencies in the community; and
- b. the accused's records of conviction, number of appearances at court proceedings, of flight to avoid prosecution, and failure to appear at court proceedings; and
- c. other factors that may be needed to assist the court in determining the indigency of the accused and whether he or she should be released on his or her own recognizance.

WHEREAS, the judiciary has a considerable amount of discretion in all aspects of criminal cases involving quality of life, misdemeanor, and municipal ordinance offenses (including, but not limited to, setting appropriate conditions of pre-trial release or a reasonable bond); and

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and Section 43.26 of the Florida Statutes, the Chief Judge of each Judicial Circuit is charged with the authority and power to promote the prompt and efficient administration of justice; and

WHEREAS, the City has become aware that the Eleventh Judicial Circuit, in and for Miami-Dade County is considering promulgating an Administrative Order that would establish a revised Uniform Bail Bond Schedule; and

WHEREAS, the City has also become aware that the proposed Administrative Order may automatically grant criminal offenders a release on their own recognizance ("ROR") for City and County ordinance violations, first and second degree misdemeanors, and third degree felonies (subject to certain exceptions) without attending First Appearance/ Bond Hearing before a judge, and without posting any monetary bond amount; and

WHEREAS, the City is concerned that the proposed Administrative Order may create potential issues and have adverse, unintended consequences on the law-abiding residents, visitors and businesses in the City and throughout Miami-Dade County.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of West Miami as follows:

Section 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Mayor and City Commission hereby approves this Resolution strongly opposing the proposed Criminal Court Administrative Order relating to bail and bond reform, to the extent that the Order would result in granting many criminal offenders a release on their own recognizance, without attending a first appearance hearing before a judge and without any monetary bond being posted, including offenders arrested for a wide range of crimes in West Miami, such as City and County ordinance offenses, first and second degree misdemeanor offenses, and certain felony offenses.

Section 3. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution. The City Clerk is authorized to transmit a copy of this Resolution to all municipalities in Miami-Dade County, the Fraternal Order of Police, the Police Benevolent Association, and the Miami-Dade League of Cities, and urge all such entities to join the City's opposition to this measure.

Section 4. All Resolutions and parts of Resolutions in conflict herewith are repealed.

Section 5. This Resolution shall become effective immediately upon its passage.

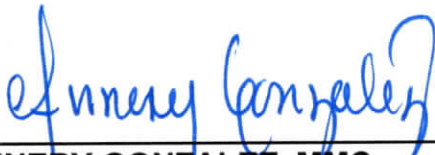
PASSED AND ADOPTED this 18th day of January, 2023.

APPROVED:



ERIC DIAZ-PADRON, MAYOR

ATTEST:



ANNERY GONZALEZ, MMC
CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:



JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL VOTE:

This Resolution was offered by Commissioner Blanca who moved its adoption. The motion was seconded by Vice-Mayor Blanes. The vote was as follows:

MAYOR ERIC DIAZ-PADRON	<u>Y</u>
VICE-MAYOR JUAN M. BLANES	<u>Y</u>
COMMISSIONER CANDIDA BLANCA	<u>Y</u>
COMMISSIONER IVAN CHAVEZ, JR.	<u>Y</u>
COMMISSIONER LUCIANO SUAREZ	<u>Y</u>