

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Steven Meiner
DATE: December 8, 2021

SUBJECT: REFERRAL TO THE NEIGHBORHOOD AND QUALITY OF LIFE COMMITTEE OF A DISCUSSION ITEM SURROUNDING THE CITY'S POTENTIAL ENACTMENT OF AN ORDINANCE REQUIRING MIAMI-DADE COUNTY COURT JUDGES TO IMPOSE SPECIFIED MINIMUM MANDATORY PENALTIES UPON THOSE CRIMINAL OFFENDERS CONVICTED OF REPEAT VIOLATIONS, WITHIN A DEFINED PERIOD OF TIME, OF CERTAIN MUNICIPAL ORDINANCE VIOLATIONS.

ANALYSIS

Commissioner Steven Meiner requests that a discussion item regarding the City's potential enactment of an Ordinance, which would require County Court Judges to impose certain minimum mandatory penalties upon repeat offenders convicted of violating specific City ordinances, be referred to the Neighborhood and Quality of Life Committee ("NQLC") for consideration at its January 2022 meeting.

By way of brief background pertaining to this issue, the City continues to experience an increasingly large number of visitors, tourists and other individuals entering the City throughout the year and, unfortunately, an unacceptably large number of those individuals entering the City (and some persons residing in the City) repeatedly commit quality of life, criminal municipal ordinance violations within the City.

Presently, the Judges of the County Court of the Eleventh Judicial Circuit, in and for Miami-Dade County, have nearly unfettered discretion pertaining to the sentencing of persons convicted of violating the City's criminal ordinances. However, under State law, as set forth in Florida Statute §775.0837, there are only a few legally permissible sentencing options that the Court can impose (absent a finding that an alternative disposition is in the best interests of the community and defendant) upon habitual misdemeanor offenders convicted of specified misdemeanor offenses.

The City's enactment of an Ordinance establishing minimum mandatory penalties, based upon repeat violations of certain criminal municipal ordinance violations, within a specified period of time, may serve as an effective deterrent to such repeat offenders; and further serve to address the ongoing issues and concerns of the City's residents, businesses and visitors surrounding repeat criminal conduct occurring in the City.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact Chief Deputy City Attorney, Rob Rosenwald or First Assistant City Attorney, Mark Fishman.

SUPPORTING SURVEY DATA

N/A.

Applicable Area

Citywide

**Is this a "Residents Right
to Know" item, pursuant to
City Code Section 2-14?**

No

**Does this item utilize G.O.
Bond Funds?**

No

Legislative Tracking

Commissioner Steven Meiner