

RESOLUTION NO. 2021- \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE ELEVENTH JUDICIAL CIRCUIT COURT OF FLORIDA, IN CONJUNCTION WITH THE MIAMI-DADE COUNTY CLERK OF THE COURTS, TO ESTABLISH A DEDICATED MIAMI BEACH JUDICIAL POOL, THE CREATION OF WHICH WOULD AUTHORIZE AND ENABLE THE COUNTY CLERK'S OFFICE TO RANDOMLY ASSIGN, TO JUDGES IN THE MIAMI BEACH JUDICIAL POOL, THOSE CRIMINAL MISDEMEANOR AND MUNICIPAL ORDINANCE VIOLATION CASES INITIATED PURSUANT TO AN ARREST BY THE MIAMI BEACH POLICE DEPARTMENT; AND FURTHER, URGING THE MIAMI-DADE STATE ATTORNEY'S OFFICE TO ASSIGN DEDICATED ASSISTANT STATE ATTORNEYS SPECIFICALLY TO PROSECUTE MIAMI BEACH MISDEMEANOR CASES BEFORE THE JUDGES IN THE MIAMI BEACH JUDICIAL POOL.

**WHEREAS**, the City of Miami Beach (the "City"), by and through its City Municipal Prosecution Team, has prosecuted those individuals exclusively charged with violating the City's criminal ordinances since early-January 2018; and

**WHEREAS**, the Miami-Dade State Attorney's Office (the "Miami-Dade SAO") continues to be the prosecuting entity for all State law (felony and misdemeanor) violations; and

**WHEREAS**, the City and the Miami-Dade SAO remain committed to reducing crime and providing the City's residents and visitors (and those throughout Miami-Dade County) a safe and secure environment to live, work and play; and

**WHEREAS**, due in part to its reputation as an internationally-renowned tourist destination and the constant heavy influx of tourists and other visitors, the City continues to contend with many misdemeanor and municipal ordinance offenses being committed within its jurisdictional bounds; and

**WHEREAS**, these misdemeanor and municipal ordinance offenses adversely impact residents' quality of life and tourists' vacation experience, and continue to generate an inordinate number of issues and complaints from the City's residents and visitors; and

**WHEREAS**, there are presently approximately sixteen (16) County Court Criminal Judges who oversee cases in which the defendants are charged with State law misdemeanors and/or the City's municipal ordinance violations; and

**WHEREAS**, the Miami Beach Police Department has determined that misdemeanor offenses and criminal municipal ordinance violations may lead to more serious offenses being committed; and

**WHEREAS**, the County Court Criminal Judges have a considerable amount of discretion in many critical aspects pertaining to the disposition of misdemeanor and municipal ordinance violation cases; and

**WHEREAS**, the County Court Criminal Judges, generally speaking, may not possess a complete understanding and awareness of the impact these quality of life misdemeanor and municipal ordinance violations have upon the City's residents and visitors; and

**WHEREAS**, establishing a specific pool of three (3) or four (4) County Court Criminal Judges to preside over all misdemeanor and municipal ordinance cases committed within the City would enable such Judges to gain a clearer perspective and familiarity with regard to those issues affecting the City, and develop a further understanding as to the impact these quality of life offenses have on the City's residents and visitors; and

**WHEREAS**, in acquiring a more thorough awareness and understanding with regard to the adverse impact these misdemeanor and municipal ordinance offenses have upon the City's residents and visitors, the Miami Beach judicial pool would be more suitably positioned to justly and appropriately preside over such cases than the County Court criminal judiciary at large; and

**WHEREAS**, Assistant State Attorneys assigned to the County Court currently cover and rotate through various courtrooms (and appear before numerous judges), and prosecute cases emanating from all thirty-four (34) municipalities in Miami-Dade County; and

**WHEREAS**, the assignment of dedicated Assistant State Attorneys to exclusively prosecute misdemeanor cases before those judges in the Miami Beach judicial pool would serve to provide such Assistant State Attorneys a better grasp of the crimes being committed, those individuals committing such crimes, and the impact of these offenses upon the City's residents and visitors.

**NOW THEREFORE, BE IT DULY RESOLVED THAT THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, hereby urge the Eleventh Judicial Circuit Court of Florida, in conjunction with the Miami-Dade County Clerk of the Courts, to establish a dedicated Miami Beach judicial pool, the creation of which would authorize and enable the County Clerk's office to randomly assign, to judges in the Miami Beach judicial pool, those criminal misdemeanor and municipal ordinance violation cases initiated pursuant to an arrest by the Miami Beach Police Department; and further, urging the Miami-Dade State Attorney's Office to assign dedicated Assistant State Attorneys specifically to prosecute Miami Beach misdemeanor cases before the judges in the Miami Beach judicial pool.

**PASSED and ADOPTED** this \_\_\_\_\_ day of December, 2021.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner)

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

MAF

11-30-21  
\_\_\_\_\_  
Date