

**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida approving and authorizing the Mayor and City Clerk to execute an agreement between the City and the State of Florida, Office of the State Attorney's Office for the eleventh judicial circuit in and for Miami-Dade County, Florida to reimburse the State for the cost of State Attorney prosecution of certain criminal violations of the City of Miami Beach and Miami Dade-County Codes and Ordinances.

**Key Intended Outcome Supported:**

Maintain crime rates at or below national trends.

**Supporting Data (Surveys, Environmental Scan, etc.):** Safety was ranked No. 1 by residents as one of the changes that will make Miami Beach a better place; safety across the City was one of the most important areas affecting the quality of life; and 78% of residents rated the quality of services provided by City Police as excellent or good.

**Issue:**

Shall the City Commission execute an agreement between the City of Miami Beach and the State Attorney's Office for the 11th Judicial Circuit in and for the Miami-Dade County for criminal prosecution of local code and ordinance violation?

**Item Summary/Recommendation:**


Recent amendments to Chapter 27, Florida Statutes, require municipalities to be financially responsible for the costs of prosecuting local code and ordinance violations when such prosecutions are not ancillary to a State Statute charge. In an effort to meet this requirement, the Miami Beach Police Department (MBPD) is requesting to enter into an Agreement with the State Attorney's Office of the 11th Judicial Circuit, to reimburse their Agency for the prosecution of the above described violations at a rate of \$50 per hour. The adoption of this Resolution authorizing this Agreement with the State Attorney's Office will ensure the continued lawful prosecution of these violations which will facilitate in protecting the health, safety and welfare of the residents and visitors of the City of Miami Beach. Although the rate to prosecute is \$50 per hour, the State Attorney's Office has indicated that they typically handle, on average, three (3) cases per hour, reducing the hourly rate to approximately \$17 per arrest. At a rate of \$17 per arrest for the State Attorney's Office to prosecute, the annual cost is projected to be \$51,000. The MBPD is requesting this amount for fiscal budget year 2008/2009.

The Administration recommends approving the resolution.

**Advisory Board Recommendation:**

NA

**Financial Information:**



Source of Funds:		Amount	Account
<div style="border: 1px solid black; width: 50px; height: 50px; display: flex; align-items: center; justify-content: center;">  </div> OBPI	1		
	2		
	3		
	Total		

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Manager Michael Gruen, Planning and Research Office

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
Carlos Noriega, Chief of Police 		





# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera-Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 10, 2008

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY'S OFFICE FOR THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY CODES AND ORDINANCES.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Recent amendments to Chapter 27, Florida Statutes, require municipalities to be financially responsible for the costs of prosecuting local code and ordinance violations punishable by incarceration when such prosecutions are not ancillary to a State Statute charge.

In an effort to meet this requirement, the Miami Beach Police Department (MBPD) is requesting to enter into an agreement with the State Attorney's Office of the 11th Judicial Circuit to reimburse their Agency for the prosecution of the above described violations at a rate of \$50 per hour. Articles of the agreement are described in detail: Services, Terms, Payment Schedule, Responsibilities, Reporting, Indemnification, Termination, Service Charges, and Non-Discrimination.

Although the rate to prosecute is \$50 per hour, the State Attorney's Office has indicated that they typically handle, on average, three (3) cases per hour, reducing the hourly rate to approximately \$17 per arrest. At a rate of \$17 per arrest for the State Attorney's Office to prosecute, the annual cost is projected to be \$51,000. The MBPD is requesting this amount for fiscal budget year 2008/2009.

The adoption of this Resolution authorizing this agreement with the State Attorney's Office will ensure the continued lawful prosecution of these violations which will facilitate in protecting the health, safety and welfare of the residents and visitors of the City of Miami Beach.

  
JMG/CN/RAM/MG

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE STATE OF FLORIDA, OFFICE OF THE STATE ATTORNEY'S OFFICE FOR THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA TO REIMBURSE THE STATE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY CODES AND ORDINANCES**

**WHEREAS**, Miami-Dade County and the City have enacted various codes and ordinances, providing for criminal penalties upon violation, which assist in protecting the health, safety and welfare of the residents and visitors of the City of Miami Beach; and

**WHEREAS**, the enforcement of these codes and ordinances, and the prosecution of the violators of these codes and ordinances, assists in ensuring a superior quality of life for the residents and visitors of the City of Miami Beach, and to maintain and improve the health, safety, and welfare of this community; and

**WHEREAS**, recent amendments to Chapter 27, Florida Statutes, require municipalities to be financially responsible for the costs of prosecuting local code and ordinance violations when such prosecutions are not ancillary to a State charge; and

**WHEREAS**, Sections 27.02 and 27.34, Florida Statutes, authorize the State Attorney to prosecute municipal ordinance violations punishable by incarceration if ancillary to State prosecution or, if not ancillary to State prosecution, when the State Attorney contracts with the City for reimbursement.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute the attached Agreement between the City and the State of Florida, Office of the State Attorney for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida to reimburse the State for the cost of State Attorney prosecution of certain criminal violations of the City of Miami Beach and Miami-Dade County Codes and Ordinances.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008

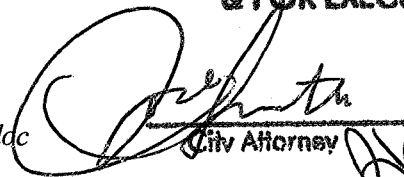
\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

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

12/1/08  
\_\_\_\_\_  
Date