

**RESOLUTION No. 23-10**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, 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 DORAL, 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 Doral (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**, 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 MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

**Section 2. Approval.** The Mayor and City Council 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 Doral, such as City and County ordinance offenses, first and second degree misdemeanor offenses, and certain felony offenses.

**Section 3. Authorization.** 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. Effective Date.** This Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Pineyro who moved its adoption.


The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes


PASSED AND ADOPTED this 11 day of January, 2023.

  
CHRISTI FRAGA, MAYOR

ATTEST:

  
CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY