

CITY OF CORAL GABLES, FLORIDA

RESOLUTION 2017-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES FOR THE ENFORCEMENT OF SECTION 8CC OF THE MIAMI-DADE COUNTY CODE, AS IT RELATES TO SECTION 21-81 OF THE MIAMI-DADE COUNTY CODE, REGARDING THE ESTABLISHMENT OF A CIVIL CITATION PROGRAM

WHEREAS, Section 21-81 of the Miami-Dade County Code applies to all municipalities in the County and is enforced, in part, through civil penalties under Section 8CC of the County Code; and

WHEREAS, in 2015, Miami-Dade County approved the amendment of Section 21-81 of the County Code which provides for civil penalties for certain misdemeanors; and

WHEREAS, the intent of the amendment was to reclassify what was formally considered criminal behavior and allow a police officer the discretion to either apprehend the offender or issue a civil citation; and

WHEREAS, the misdemeanor offenses that are eligible to receive a civil citation in lieu of arrest are violations of: the Florida Litter Law (Sec. 403.413(6)(b), F.S.), Illegal Use of Dairy Cases, Egg Baskets, Poultry Boxes or Bakery Containers (Sec. 506.509, F.S.), Trespass on Property other than a Structure or Conveyance (Sec. 810.09, F.S.), Retail Theft by Removal of a Shopping Cart (Sec. 812.015(1)(d), F.S.), Loitering or Prowling (Sec. 856.021, F.S.), Possession of Cannabis in an amount of 20 grams or less (Sec. 893.13(6)(b), F.S.), and Possession of Drug Paraphernalia (Secs. 893.146 and 893.147(1)(b), F.S.); and

WHEREAS, municipalities in the County may enforce the provisions of Section 21-81 of the County Code, pursuant to Section 8CC-11 upon the adoption by the County and municipality of an interlocal agreement; and

WHEREAS, the City Commission has finds it to be in the best interest of the City and its residents to have the City enforce the provisions of Section 21-81 of the County Code through Section 8CC as provided in the interlocal agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. 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. That an Interlocal Agreement be approved between Miami-Dade County and the City of Coral Gables for the enforcement of Section 8CC of the Miami-Dade County Code as it relates to Section 21-81 of the County Code regarding the establishment of a civil citation program.

SECTION 3. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF MAY, A.D., 2017.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

CRAIG E. LEEN
CITY ATTORNEY