

RESOLUTION NO. 2023- 2978

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, STRONGLY OPPOSING CASHLESS BAIL REFORM ALLOWING ARRESTEES TO BE RELEASED ON THEIR OWN RECOGNIZANCE (ROR); PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, any cashless bail proposal providing individuals charged with low-level, non-violent crimes to be released without a monetary bond (cashless bail) prior to a first appearance before a judge, unless the accused has a history of missed court appearances or a significant prior criminal record, results in suspects being release on their own recognizance (ROR); and

WHEREAS, if such a proposal went into effect, a defendant charged with non-domestic assault and battery would be eligible for ROR, without posting a bond and before appearing in front of a judge, endangering public safety in our communities; and

WHEREAS, judges should determine issues of release, and its conditions, on a case by case basis based on the circumstances of the crime, the accused, and the victim; and

WHEREAS, cashless bail will facilitate the flight of those arrested resulting in more bench warrants and alias capias (for the suspect's failure to appear in court post-release), leading to more criminal activity, victims, and recidivism; and

WHEREAS, pursuant to Florida law, persons arrested for certain crimes, appear before a judge within 24 hours of arrest where the judge reviews the charges, probable cause for the arrest, whether the suspect can afford an attorney, and sets the bond or conditions of release; and

WHEREAS, states such as New York, California, and Illinois have adopted comparable measures and witnessed numerous crimes committed by assailants who were released on ROR the same day they were arrested; and

WHEREAS, it is crucial that the State of Florida avoid adopting similar bail reforms that have proven to be ineffective; and

WHEREAS, in 2010, the Florida Constitution was amended to include "Marsy's Law", where each victim of a crime and the victim's family has the right to be considered when setting bail or conditions for a pre-trial release to ensure the safety and welfare of the victim and the victim's family; and

WHEREAS, cashless bail would allow criminal defendants to be released on their own recognizance for first and second-degree misdemeanors, and third-degree felonies, such as disorderly conduct and petit theft, and thwart victim's rights; and

WHEREAS, the Town Commission strongly opposes cashless bail reform, to the extent it eliminates bail or a first appearance of an arrestee before a judge to determine bail, or the conditions of any release, and most certainly opposes cashless bail and automatic release of an arrestee on the arrestee's own recognizance

WHEREAS, the Town Commission finds this Resolution to be in the best interest of the Town and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AS FOLLOWS:

Section 1. Recitals. That the above and foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. Opposition. The Town Commission hereby opposes cashless bail reform, to the extent it eliminates bail or a first appearance of an arrestee before a judge to

determine bail, or the conditions of any release, and opposes cashless bail and automatic release of an arrestee on the arrestee's own recognizance.

Section 3. Transmittal. The Town Clerk is hereby authorized to transmit this Resolution to the Miami-Dade County Legislative Delegation, the Florida League of Cities, the Miami-Dade County League of Cities, Mayors in Miami-Dade County, and Governor Ron DeSantis, and all such other persons as is necessary and proper.

Section 4. Implementation. The Town Manager and/or designee are authorized to take any and all action necessary to implement the purposes of this Resolution.

Section 5. Effective Date. This Resolution will become effective upon adoption.

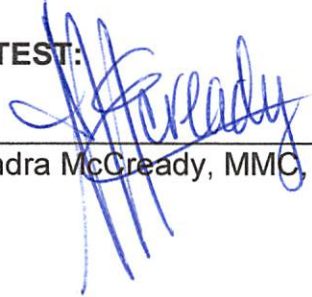
PASSED AND ADOPTED on this 14th day of March, 2023.

Motion By: Mayor Danzinger
Second By: Commissioner Meisheid

Commissioner Fred Landsman	<u>YES</u>
Commissioner Marianne Meisheid	<u>YES</u>
Commissioner Nelly Velasquez	<u>YES</u>
Vice Mayor Jeffrey Rose	<u>YES</u>
Mayor Shlomo Danzinger	<u>YES</u>



Shlomo Danzinger, Mayor

ATTEST:


Sandra McCreedy, MMC, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney