

# **City of West Miami**

901 SW 62<sup>nd</sup> AVE  
West Miami, FL 33144  
[www.cityofwestmiamifl.com](http://www.cityofwestmiamifl.com)



## **AGENDA**

### **REGULAR CITY COMMISSION MEETING**

**WEDNESDAY, MARCH 5, 2025**  
**6:00 PM**

**City Hall, Commission Chambers**  
**901 SW 62 AVE, 2nd Floor**  
**West Miami, FL 33144**

### **CITY COMMISSION**

**Mayor Eric Diaz-Padron**  
**Vice-Mayor Natalie Milian Orbis**  
**Commissioner Juan M Blanes**  
**Commissioner Ivan Chavez Jr.**  
**Commissioner Luciano L Suarez**

**City Manager Edward Silva**  
**City Attorney Dexter W. Lehtinen**  
**City Clerk Annery Gonzalez**

1. INVOCATION
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PRESENTATION OF MINUTES FOR APPROVAL

**A) February 12, 2025 Regular Commission Meeting**

5. PUBLIC COMMENTS
6. REPORT OF THE CITY MANAGER
7. REPORT OF THE CITY ATTORNEY
8. REPORT OF THE CITY ENGINEER
9. COMMITTEE REPORTS
10. UNFINISHED BUSINESS

**A) Deferred at the February 12, 2025 Commission Meeting:**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI PROVIDING FOR MEDICAL BENEFIT REIMBURSEMENT FOR FORMER ELECTED OFFICIALS WHO HAVE SERVED MORE THAN THREE CONSECUTIVE FULL TERMS ON THE COMMISSION AND HAVE REACHED MEDICARE ELIGIBILITY AGE; ESTABLISHING REIMBURSEMENT FOR THE COST OF A MEDICARE SUPPLEMENTAL INSURANCE PLAN BEGINNING AFTER THEIR DEPARTURE FROM SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner Suarez)***

**11. NEW BUSINESS AGENDA ITEMS**

**A) Second Reading; Public Hearing:**

**AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI RELATING TO THE OPERATION OF GOLF CARTS ON CITY STREETS; PROVIDING FOR REGISTRATION; PROVIDING CERTAIN PROHIBITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE. *(Sponsored by Commissioner Blanes)***

**B) Second Reading; Public Hearing:**

**AN ORDINANCE OF THE CITY OF WEST MIAMI RELATING TO THE REGULATION OF DOGS; PROVIDING PROHIBITION OF DOGS ON PRIVATE PROPERTY WITHOUT PERMISSION; PROVIDING FOR DUTY TO REMOVE DEFECATION MATERIALS; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner Blanes)***

**C) Second Reading; Public Hearing:**

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDITION TO CHAPTER 12 "PLANNING AND DEVELOPMENT", A NEW SECTION TO BE TITLED "COST RECOVERY FOR PROFESSIONAL REVIEW SERVICES", ESTABLISHING A COST RECOVERY REQUIREMENT SUCH THAT FOR ANY APPLICATION UNDER THE LAND DEVELOPMENT REGULATIONS OR OTHER CITY CODE PROVISIONS THAT REQUIRE REVIEW BY PROFESSIONAL CONSULTANTS, CONTRACTORS, OR OTHER AGENTS ON BEHALF OF THE CITY, THE ACTUAL FULL COSTS FOR SUCH REVIEW SHALL BE PAID BY THE APPLICANT, PROVIDING FOR PAYMENT SCHEDULES, DEPOSIT ACCOUNTS, EXPIRATION, ENFORCEMENT AND OTHER APPLICABLE REGULATIONS; AND PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.**

*(Sponsored by Administration)*

**D) Second Reading; Public Hearing:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO BACKGROUND CHECKS FOR CITY EMPLOYEES INVOLVED WITH CITY PARKS AND RECREATIONAL PROGRAMS; REQUIRE CRIMINAL BACKGROUND CHECKS FOR ALL PERSONS WORKING OR VOLUNTEERING ON CITY PARK PROPERTY; PROHIBITING SEXUAL OFFENDERS, SEXUAL PREDATORS, CERTAIN VIOLENT FELONS, AND CERTAIN CONTROLLED SUBSTANCE TRAFFICKERS AND NON-LEGAL IMMIGRANTS FROM WORKING OR VOLUNTEERING ON PARK PROPERTY OWNED OR OPERATED BY THE CITY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; SERVING THE SPIRIT OF PROTECTIONS SHOWN AS NEEDED BY THE ABUSE AND MURDER OF SHANNON MELENDI, GRADUATE OF MIAMI SOUTHWEST HIGH SCHOOL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.**

*(Sponsored by Mayor Diaz-Padron)*

**E) First Reading:**

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, CREATING A SENIOR ASSISTANCE PROGRAM; PROVIDING MONETARY ASSISTANCE TO ELIGIBLE SENIOR RESIDENTS; IDENTIFYING FUNDING SOURCES; ESTABLISHING ELIGIBILITY CRITERIA; PROVIDING FOR IMPLEMENTATION, ADMINISTRATION, AND AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)***

**F) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO AUTISM; ESTABLISHING APRIL AS AUTISM ACCEPTANCE MONTH IN THE CITY OF WEST MIAMI; URGING MIAMI-DADE COUNTY AND THE MIAMI-DADE SHERIFF'S OFFICE TO ESTABLISH A UNIFORM AUTISM DECAL; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)***

**G) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI DECLARING THE MONTH OF MARCH AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH IN THE CITY OF WEST MIAMI; RECOGNIZING THE PARTNERSHIP WITH THE WOW CENTER AND THE OUTSTANDING CONTRIBUTIONS OF WOW AMBASSADOR JACQUELINE MARIE ROSE; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)***

- H) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO LANDSCAPING; SUPPORTING FLORIDA-FRIENDLY LANDSCAPING ON CITY-OWNED PROPERTIES, PARKS, AND ENCOURAGING ITS USE IN LARGE-SCALE DEVELOPMENTS TO IMPROVE GOVERNMENT EFFICIENCY AND REDUCE WASTE; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)*
- I) A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, APPROVING THE DISPENSING AND SALE OF ALCOHOLIC BEVERAGES FOR A SPECIAL EVENT PURSUANT TO SECTION 3-7 OF THE CITY CODE; AUTHORIZING THE SALE AND DISPENSING OF ALCOHOLIC BEVERAGES BY THE CUBAN AMERICAN BAR ASSOCIATION DURING "CABA'S INAUGURAL CARNIVAL COOKOUT: BATTLE OF LOS PUERCOS" ON APRIL 4, 2025, AT COOPER PARK; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.
- J) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI REGARDING WOMEN'S HISTORY; RECOGNIZING MARCH AS WOMEN'S HISTORY MONTH; HONORING THE LEGACY OF WEST MIAMI'S FEMALE LEADERS; AND LIGHTING CITY HALL PINK TO COMMEMORATE THE OCCASION; PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)*
- K) Presentation of Proclamation to Yvonne Picado for completing the 39-mile bike ride Dolphins Cancer Challenge. *(Sponsored by Mayor Diaz-Padron)*
- L) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING BABY CHANGING STATIONS; DIRECTING THE MANAGER TO STUDY AND REPORT TO THE COMMISSION ON THE FEASIBILITY OF REQUIRING ALL NEW COMMERCIAL PROPERTIES OBTAINING A BUILDING PERMIT TO INCLUDE A BABY CHANGING STATION IN EACH PUBLIC RESTROOM; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)*
- M) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO PERMITTING; DIRECTING THE CITY MANAGER TO STUDY AND RECOMMEND IMPROVEMENTS TO STREAMLINE THE PERMITTING PROCESS, TO EXPAND ONLINE SERVICES, AND TO ESTABLISH ESTIMATED TIMELINES FOR PERMIT REVIEW; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)*
- N) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO TRANSPARENCY IN POLITICAL POLLING; URGING INCREASING TRANSPARENCY IN POLITICAL POLLING FOR THE RESIDENTS OF WEST MIAMI, OF MIAMI-DADE COUNTY, AND OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)*
- O) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI REGARDING WATER FLOURIDATION; SUPPORTING THE CITY OF MIAMI BEACH'S CALL FOR A REVIEW OF WATER FLUORIDATION PRACTICES IN MIAMI-DADE COUNTY; TRANSMITTING A COPY TO MIAMI BEACH AND MIAMI-DADE COUNTY; PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)*

**P) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, DIRECTING THE CITY MANAGER TO INITIATE THE PROCESS OF ENGAGING A PROFESSIONAL JANITORIAL SERVICE TO MAINTAIN CITY FACILITIES; AUTHORIZING A STUDY TO IDENTIFY SERVICE NEEDS, COSTS, AND CONTRACTING OPTIONS; PROVIDING FOR A REPORT AND RECOMMENDATIONS WITHIN 30 DAYS; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice-Mayor Milian Orbis)***

**Q) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST MIAMI AND THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) UNDER THE 287(G) TASK FORCE MODEL; AFFIRMING THE CITY'S COMPLIANCE WITH CHAPTER 908, FLORIDA STATUTES, RELATING TO FEDERAL IMMIGRATION ENFORCEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)***

## **12. CONSENT AGENDA ITEMS**

## **13. GOOD OF THE ORDER**

## **14. ADJOURNMENT**

### **NOTE:**

- \* ANY PERSON, OR PERSONS, WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, WILL REQUIRE A VERBATIM RECORD OF THE PROCEEDING UPON WHICH THE APPEAL IS BASED. INTERESTED PERSONS SHOULD, THEREFORE, TAKE THE NECESSARY STEPS TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH CONTAINS THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. (F.S.286.0105)
- \* ANY PERSON WISHING TO ADDRESS THE CITY COMMISSION ON ANY ITEM ON THE AGENDA SHALL REGISTER WITH THE CITY CLERK PRIOR TO THE ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.
- \* ANY PERSON REQUIRING SPECIAL ACCOMMODATIONS FOR PARTICIPATION IN THE MEETING SHOULD CONTACT THE CITY CLERK AT 305 266-1122, WITH REQUESTS FOR AUXILIARY AIDS OR SERVICES AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING.

**CITY OF WEST MIAMI  
CITY COMMISSION MEETING MINUTES**



**REGULAR CITY COMMISSION MEETING**

**WEDNESDAY, FEBRUARY 12, 2025**

**6:00 PM**

**CITY HALL, COMMISSION CHAMBERS**

**901 SW 62 AVE, 2ND FLOOR**

**WEST MIAMI, FL 33144**

1. **INVOCATION.** Police Chaplain Evelio Vilches delivered the Invocation.
2. **PLEDGE OF ALLEGIANCE.** The Mayor led the Pledge of Allegiance.
3. **ROLL CALL** The City Commission for the City of West Miami met in regular session on Wednesday, February 12, 2025 beginning at 6:00 PM in the City of West Miami Commission Chambers, 901 SW 62<sup>nd</sup> AVE, West Miami, FL 33144.  
Present at the commission chambers were: Mayor Eric Diaz-Padron, Vice-Mayor Natalie Milian Orbis, Commissioner Juan M. Blanes, Commissioner Ivan Chavez Jr. and Commissioner Luciano L. Suarez.

**NOTE FOR THE RECORD:** Also present were: City Manager Edward Silva, City Attorney Dexter W. Lehtinen and City Clerk Annery Gonzalez.

**4. PRESENTATION OF MINUTES FOR APPROVAL**

**A) January 22, 2025 Regular Commission Meeting.**

Commissioner Chavez Jr. motioned to approve. The motion was seconded by Vice-Mayor Milian Orbis. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

**5. PUBLIC COMMENTS** The following Members of the public spoke:

Adis Perez, 5771 SW 15 ST, West Miami  
Mercedes Medina, 6357 SW 16 ST, West Miami  
Anisleidy Vergel, 6120 SW 12 ST, West Miami  
Hilda Quintana, 3425 SW 73 AVE, Miami

**6. REPORT OF THE CITY MANAGER**

The City Manager provided updates on several key matters, beginning with the improvement of parking conditions around Sylvania Heights School. He expressed gratitude to City staff, the Mayor, and the Commission for their support in addressing the issue. He also highlighted the success of the recent State of the City event, which saw over 410 RSVPs and focused on future investments. Additionally, he shared progress on the City's first public art installation, "West Miami Heartbeat," noting a recent meeting with the artist to finalize details. Also announced the coming Police Town Hall on February 25.

The City Manager also introduced Ralph Estevez, the new Code Compliance Officer, who brings experience from real estate and home inspections. Estevez expressed enthusiasm about joining the team.

7. **REPORT OF THE CITY ATTORNEY.** The City Attorney reported no significant matters but clarified the distinction between Ordinances and Resolutions. Ordinances are laws that regulate public behavior and require compliance, while Resolutions are decisions made by the City Commission, often for administrative matters like contract approvals, which do not impose legal obligations on the public.
8. **REPORT OF THE CITY ENGINEER.** No report submitted.
9. **COMMITTEE REPORTS.** No reports.
10. **UNFINISHED BUSINESS.** No reports.

**NOTE FOR THE RECORD:** The Mayor requested taking out of order Item 11 K).

#### 11. NEW BUSINESS AGENDA ITEMS

##### A) Second Reading; Public Hearing:

**AN ORDINANCE OF THE COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO PARKING ON SWALES; AMENDING ORDINANCE 2024-16 TO ADDITIONALLY PROHIBIT PARKING OF VEHICLES ON SWALES ON SW 16TH STREET AND 16TH TERRACE BETWEEN SW 60TH AVENUE AND SW 62ND AVENUE, OTHER THAN BY RESIDENTS AND GUESTS OF SUCH RESIDENTS DISPLAYING PARKING IDENTIFICATION PERMITS IN THEIR VEHICLES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.**

The Mayor opened the public hearing. There being no comments in favor or against, the public hearing was closed.

Vice-Mayor Milian Orbis motioned to approve. The motion was seconded by Commissioner Blanes. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

##### B) Second Reading; Public Hearing:

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO FENCE REGULATIONS IN THE LAND USE ORDINANCES OF THE CITY; AMENDING ORDINANCE 2022-02, PROVIDING THAT FENCES ON PROPERTY LINES RUNNING PARALLEL AND CONTIGUOUS TO ANY STREET (WHETHER ON THE FRONT, SIDE OR REAR OF THE PROPERTY) SHALL NOT BE MADE OF CHAIN LINK OR WOOD MATERIAL; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

A discussion took place to amend fence regulations to restrict chain link and wood fences in front and street-facing side yards, allowing only masonry walls and wrought iron fences in those areas. Rear and interior side yards can still have chain link and wood fences. The amendment aims to improve aesthetics and prevent deterioration of wood fences.

Concerns about affordability were raised, particularly for elderly residents, leading to a proposal to allow wood fences on side yards. The ordinance passed with this amendment, and further review of chain link fence options was suggested for future consideration of alternatives by the Planning and Zoning Board.

Vice-Mayor Milian Orbis motioned to approve. The motion was seconded by Commissioner Chavez Jr. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

**C) First Reading:**

**AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI RELATING TO THE OPERATION OF GOLF CARTS ON CITY STREETS; PROVIDING FOR REGISTRATION; PROVIDING CERTAIN PROHIBITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE.**

Commissioner Suarez motioned to approve. The motion was seconded by Vice-Mayor Milian Orbis. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

The second reading and public hearing was announced for March 5, 2025 at 6:00 PM.

**D) First Reading:**

**AN ORDINANCE OF THE CITY OF WEST MIAMI RELATING TO THE REGULATION OF DOGS; PROVIDING PROHIBITION OF DOGS ON PRIVATE PROPERTY WITHOUT PERMISSION; PROVIDING FOR DUTY TO REMOVE DEFECATION MATERIALS; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Chavez Jr. motioned to approve. The motion was seconded by Vice-Mayor Milian Orbis. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

The second reading and public hearing was announced for March 5, 2025 at 6:00 PM.

**E) First Reading:**

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDITION TO CHAPTER 12 "PLANNING AND DEVELOPMENT", A NEW SECTION TO BE TITLED "COST RECOVERY FOR PROFESSIONAL REVIEW SERVICES", ESTABLISHING A COST RECOVERY REQUIREMENT SUCH THAT FOR ANY APPLICATION UNDER THE LAND DEVELOPMENT REGULATIONS OR OTHER CITY CODE PROVISIONS THAT REQUIRE REVIEW BY PROFESSIONAL CONSULTANTS, CONTRACTORS, OR OTHER AGENTS ON BEHALF OF THE CITY, THE ACTUAL FULL COSTS FOR SUCH REVIEW SHALL BE PAID BY THE APPLICANT, PROVIDING FOR PAYMENT SCHEDULES, DEPOSIT ACCOUNTS, EXPIRATION, ENFORCEMENT AND OTHER APPLICABLE REGULATIONS; AND PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.**

Commissioner Blanes motioned to approve. The motion was seconded by Commissioner Suarez. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

The second reading and public hearing was announced for March 5, 2025 at 6:00 PM.



**F) First Reading:**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO BACKGROUND CHECKS FOR CITY EMPLOYEES INVOLVED WITH CITY PARKS AND RECREATIONAL PROGRAMS; REQUIRE CRIMINAL BACKGROUND CHECKS FOR ALL PERSONS WORKING OR VOLUNTEERING ON CITY PARK PROPERTY; PROHIBITING SEXUAL OFFENDERS, SEXUAL PREDATORS, CERTAIN VIOLENT FELONS, AND CERTAIN CONTROLLED SUBSTANCE TRAFFICKERS AND NON-LEGAL IMMIGRANTS FROM WORKING OR VOLUNTEERING ON PARK PROPERTY OWNED OR OPERATED BY THE CITY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; SERVING THE SPIRIT OF PROTECTIONS SHOWN AS NEEDED BY THE ABUSE AND MURDER OF SHANNON MELENDI, GRADUATE OF MIAMI SOUTHWEST HIGH SCHOOL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.**

Vice-Mayor Milian Orbis motioned to approve. The motion was seconded by Commissioner Blanes. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

- G) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI DIRECTING THE MANAGER TO PROVIDE A REPORT WITHIN 120 DAYS REGARDING THE FEASIBILITY AND SUITABILITY OF JOB ORDER CONTRACTING FOR CONSTRUCTION CONTRACTS FOR THE CITY OF WEST MIAMI; PROVIDING FOR EFFECTIVE DATE.** The Vice-Mayor spoke in support of the item highlighting that this method streamlines procurement for small to medium-sized projects under a single long-term contract, potentially saving time and costs. The feasibility study will explore whether this approach could bring efficiencies and cost-saving opportunities for the City. Commissioner Blanes motioned to approve. The motion was seconded by Vice-Mayor Milian Orbis. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, ESTABLISHING THE WEST MIAMI CRIME WATCH UNIT WITHIN THE WEST MIAMI POLICE DEPARTMENT; DIRECTING THE CHIEF OF POLICE, IN COORDINATION WITH CITY ADMINISTRATION, TO LEAD AND IMPLEMENT COMMUNITY-BASED CRIME PREVENTION EFFORTS; PROVIDING FOR EFFECTIVE DATE.** The Vice-Mayor spoke in support of the item highlighting that the unit aims to enhance community-based crime prevention efforts and empower residents to collaborate with the police to improve public safety. The initiative aligns with the Vice Mayor's platform, responding to residents' desire to maintain a small-town feel and strengthen community ties. Commissioner Blanes motioned to approve. The motion was seconded by Vice-Mayor Milian Orbis. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

- I) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI PROVIDING FOR MEDICAL BENEFIT REIMBURSEMENT FOR FORMER ELECTED OFFICIALS WHO HAVE SERVED MORE THAN THREE CONSECUTIVE FULL TERMS ON THE COMMISSION AND HAVE REACHED MEDICARE ELIGIBILITY AGE; ESTABLISHING REIMBURSEMENT FOR THE COST OF A MEDICARE SUPPLEMENTAL INSURANCE PLAN BEGINNING AFTER THEIR DEPARTURE FROM SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE.** Commissioner Suarez spoke in support of providing medical benefits reimbursement for former elected officials who have served more than three consecutive full terms and are Medicare-eligible. The reimbursement would cover the cost of a Medicare supplemental insurance plan after their departure from service. After discussion, the item was approved, with the understanding that it applies going forward and is optional for eligible commissioners. Commissioner Suarez motioned to approve. The motion was seconded by Commissioner Chavez Jr. The vote was as follows: Vice-Mayor Milian Orbis, Commissioner Blanes, Commissioner Chavez Jr. and Commissioner Suarez voted yes. Mayor Diaz-Padron voted no. This item passed by a 4/1 voice vote.

**NOTE FOR THE RECORD:** After Item 11 J) Vice-Mayor Milian Orbis made a motion to reconsider item 11 I). The Vice Mayor expressed a desire to defer the item to the next meeting in order to gather additional details, ensuring all members could feel comfortable with the decision. Commissioner Suarez supported the motion, noting the item would not have immediate effects, so deferring it was reasonable. The Mayor passed the gavel to Commissioner Chavez, Jr. and proceeded to second the motion to reconsider. All voted in favor by a 5/0 voice vote.

Following the approval of the motion to reconsider, Vice-Mayor Milian Orbis motioned to defer the item until the next Commission meeting. Commissioner Chavez, Jr. seconded the motion, and the motion to defer passed unanimously by a 5/0 voice vote.

- J) RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI NAMING THAT PORTION OF 13TH STREET BETWEEN 58TH AND 59TH AVENUE AS CANDIDA "CANDY" BLANCA WAY, IN HONOR OF HER LIFETIME OF DEDICATION TO THE COMMUNITY, HER TENURE AS A CITY COMMISSIONER, AND HER CONTRIBUTIONS ON VARIOUS BOARDS.**

Candida "Candy" Blanca Way was proposed in honor of Candida Blanca's lifelong dedication to the City of West Miami. A resident for over 50 years, was a passionate advocate for the City and served on multiple boards, including the Planning and Zoning Board and the Code Enforcement Board. Commissioner Blanes noted Candida "Candy" was known for her sharp mind, she was instrumental in reviewing City documents and catching errors others missed, as well as being a strong supporter of the local Police Department.

Commissioner Chavez shared a childhood memory of growing up. He recalled accidentally hitting her car with a football, triggering the alarm and prompting her to come outside. He reflected on the lasting impression she made, humorously noting that he never returned to that street after the incident.

Candida's contributions to the community extended far beyond her time as a Commissioner. The street naming was seen as a fitting tribute to her legacy of service.

Vice-Mayor Milian Orbis requested to co-sponsor the Resolution.

Vice-Mayor Milian Orbis motioned to approve. The motion was seconded by Commissioner Blanes. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

- K) A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI RATIFYING THE CONTRACT BETWEEN THE CITY OF WEST MIAMI AND THE SOUTH FLORIDA POLICE BENEVOLENT ASSOCIATION; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE PERIOD COMMENCING OCTOBER 1ST, 2025 THROUGH SEPTEMBER 30TH, 2028; AUTHORIZING THE CITY MANAGER TO ALLOCATE FUNDING TO MEET THE CONDITIONS OF THE AGREEMENT FOR THREE FISCAL YEARS; PROVIDING FOR A SIGNING CEREMONY; PROVIDING FOR EFFECTIVE DATE.** Steadman Stahl, SFPBA President and Executive Vice-President David Greenwell were present. Mr. Stahl expressed his gratitude to the Mayor, Commissioners, City Manager, and the community of West Miami for prioritizing public safety and supporting law enforcement. He also thanked the City Manager for facilitating renegotiations and expressed hope for a favorable resolution. Lastly, he commended the leadership of West Miami for their dedication to ensuring a safe and thriving community.

The Chief of Police stated that the City of West Miami successfully negotiated a new police contract to improve officer retention by raising starting salaries from \$48,000 to \$60,000. The agreement involved concessions, such as reducing sick leave payouts and adjusting merit-based raises, while also adding structured step plans, off-duty rate increases, and differential pay.

Vice-Mayor Milian Orbis motioned to approve. The motion was seconded by Commissioner Chavez Jr. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

## **12. CONSENT AGENDA ITEMS**

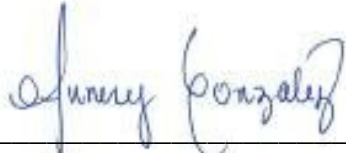
- A) Request for Proclamation declaring the month of March 2025 as " Colorectal Cancer Awareness Month".**

Vice-Mayor Milian Orbis motioned to approve. The motion was seconded by Commissioner Chavez Jr. All voted in favor by a 5/0 voice vote. This item passed by a 5/0 voice vote.

- 13. GOOD OF THE ORDER.** Vice-Mayor Milian Orbis requested reconsideration of Item 11 I). Refer to the item for further details.

- 14. ADJOURNMENT.** There being no further business before the City Commission, the meeting was declared adjourned at 7:22 PM.

**RESPECTFULLY SUBMITTED BY:**

A handwritten signature in blue ink, appearing to read "Annery Gonzalez", is written over a horizontal line.

**ANNERY GONZALEZ, MMC  
CITY CLERK**

**APPROVED:**

**RESOLUTION #2025 -**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI PROVIDING FOR MEDICAL BENEFIT REIMBURSEMENT FOR FORMER ELECTED OFFICIALS WHO HAVE SERVED ~~MORE THAN THREE COMPLETE AND CONSECUTIVE~~ FULL TERMS ON THE COMMISSION AND HAVE REACHED MEDICARE ELIGIBILITY AGE; ESTABLISHING REIMBURSEMENT FOR THE COST OF A MEDICARE SUPPLEMENTAL INSURANCE PLAN BEGINNING AFTER THEIR DEPARTURE FROM SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE.**

*(Sponsored by Commissioner Suarez)*

**WHEREAS**, the City of West Miami appreciates the long-term service of City elected officials, who have dedicated substantial time and effort to the betterment of the City and its residents; and

**WHEREAS**, health insurance premiums for private health insurance can be burdensome;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Commission of the City of West Miami as follows:

**Section 1.** The Forgoing “whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption thereof.

**Section 2.** City elected officials who have served more than three consecutive full terms and have reached Medicare eligibility age shall be entitled to financial reimbursement, limited to five hundred dollars (\$500) per month, for one month for every two months of service on the Commission beyond the three consecutive full terms. This reimbursement shall commence upon their departure from service on the Commission and shall be applied exclusively toward the cost of a Medicare supplemental insurance plan.

**Section 3.** This resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of February, 2025

APPROVED:

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

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**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**

## **Public Hearing-Golf Carts Ordinance**

**West Miami | Publish Date: Feb 20, 2025**

NOTICE IS HEREBY GIVEN that the City of West Miami proposes to adopt the following Ordinance: AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI RELATING TO THE OPERATION OF GOLF CARTS ON CITY STREETS; PROVIDING FOR REGISTRATION; PROVIDING CERTAIN PROHIBITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE.

Ordinance 2025- \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI RELATING TO THE OPERATION OF GOLF CARTS ON CITY STREETS; PROVIDING FOR REGISTRATION; PROVIDING CERTAIN PROHIBITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE. (*Sponsored by* \_\_\_\_\_)

**WHEREAS**, the operation of golf carts and similar vehicles is a matter of significant public interest and a matter of public safety; and

**WHEREAS**, registration of owners and operators of golf carts and similar vehicles will enhance enforcement and safety within the City;

**NOW, THEREFORE BE IT ENACTED** by the City Commission of the City of West Miami as follows:

**Section 1:** The foregoing “whereas” clauses and heading are hereby ratified and confirmed as being true and correct and are hereby made part of the record supporting adoption of this Ordinance amendment.

**Section 2:** The following ordinance is enacted:

**GOLF CART USE ON CERTAIN DESIGNATED STREETS OR ROADS**

**Sec. \_\_\_\_\_ Golf carts, legislative intent.**

It is the intent of this section to permit and regulate the operation of golf carts upon the designated streets of the City, during nonrestricted hours by licensed drivers operating golf carts which have passed a safety inspection. This article is adopted to address the interest of public safety. Golf carts, also known as GCVs, is to be regulated to address safety issued. Adoption of this article is not to be relied upon as a determination that operation of the GCV or golf cart on roads is safe or advisable. All persons who operate or ride in golf carts, GCVs, on roads do so at their risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The City has no liability under any theory of law for permitting golf cars, GCVs to be operated on roads under this chapter. Any person who operates a golf cart, GCV, is responsible for procuring liability insurance as required under this chapter, and Florida law, which requirement is a condition to using a golf cart, GCV, on the roads of the City.

**Sec. \_\_\_\_\_. Definitions**

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The following words and phrases when used in this chapter shall have the definitions respectively ascribed to them in this section. Whenever any words or phrases used in this chapter are not defined but are defined in the F.S. ch. 316 and any amendments thereto, such definitions shall apply.

*Designated streets* means all streets within the City of West Miami, except SW 8<sup>th</sup> Street, SW 16<sup>th</sup> Street, SW 67 Avenue, and SW 57<sup>th</sup> Avenue.

*Golf cart* means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes as defined in F.S. § 316.003(68) and 320.01(22).

*Permit.* An official authorization designating that the golf cart to which the authorization is affixed meets the requirements of state law and the City Code and/or code of adjacent municipalities.

#### **Sec. \_\_\_\_ Operation of golf cart.**

The operation of a golf cart within the City of West Miami is strictly prohibited unless the golf cart is operated and equipped in full compliance with this chapter.

**Sec. \_\_\_\_ Authorized use.**

- (a) Licensed drivers may operate golf carts which have registered and been issued a permits by the City on all designated streets within the City or a neighboring jurisdiction's drivers on all designated streets of the City and must have all required equipment (in working order), as defined in section 28-58.
- (b) A permit to use a golf cart on a designated street does not permit entry onto private property or semi- private property, including retail parking lots, private roads or common areas in condominiums. Access to these areas may be regulated by the property owners and/or property managers.

**Sec. \_\_\_\_ Prohibited use.**

The operation in the City of any golf cart in the following manner or under the following conditions is prohibited:

- (1) Without a valid, current driver's license;
- (2) Without a valid, current permit issued by the City or a neighboring jurisdiction and affixed to the golf cart in a conspicuous location;
- (3) In violation of state or county traffic and insurance regulations;
- (4) Anywhere on the roadway surface of Old Cutler Road, except to cross that thoroughfare at marked intersections or intersections regulated by a traffic signal upon the nondesignated streets solely for the purpose of reaching the immediately next intersection. The operation of golf carts upon nondesignated streets pursuant to this subsection;
- (5) Shall be subject to authorization from Miami-Dade County pursuant to F.S. § 316.212(1);
- (6) On the sidewalks, swales or parks of the City;
- (7) Parking in violation of posted regulations;
- (8) Obstructing or interfering with normal traffic flow;
- (9) Carrying more occupants in a golf cart than the number of persons for whom factory seating is installed and provided on the golf cart;
- (10) Standing and extending body parts outside the perimeter of the golf cart while the golf cart is being operated; and
- (11) The operation of an ATV, as defined in F.S. § 317.0003, upon the public roads or streets is prohibited.

**Sec. \_\_\_\_ Registration.**

- (a) All golf carts, GVCs, operated on City designated streets must first be registered
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through the City or through a neighboring jurisdiction and a registration sticker must be placed on the rear fender of the golf cart, GVC.

- (b) Registration of golf carts, GCVs, must be made by the owner who is at least 18 years of age.

- (c) The owner of the golf cart, GCV, will be charged an initial permit application/registration fee of \$50.00. The renewal permit/registration fee thereafter shall be \$10.00.
- (d) Driving a golf cart without a current City registration will result in a noncriminal, civil citation of \$150.00.
- (e) A list of all golf carts, GCV, registrations will be maintained by the City.
- (g) Funds from registration fees will support costs of City administration of the golf cart, GCV, and registration stickers.
- (h) At registration, and annually thereafter, the applicant shall file a notarized, verified affidavit that the golf cart, GCV, being registered complies with all the conditions contained in this chapter, including all safety requirements required under section 28-58. Failure to execute and provide the notarized, verified affidavit shall result in the City's rejection of the permit request.
- (i) The City shall issue a permit to a golf cart, GCV, which complies with all requirements identified herein. The permit shall be displayed in a conspicuous location on the golf cart, GCV.
- (j) Proof of insurance through a homeowner's policy of liability and property damage coverage shall be provided to the City, annually. Failure to provide proof of coverage shall result in termination of registration of the golf cart or GVC.

**Sec. \_\_\_\_ Required equipment.**

In order to be permitted for use in the City, a golf cart, GCV, is to be equipped with:

- (1) Efficient locking brakes;
- (2) Reliable steering apparatus;
- (3) Safe tires;
- (4) Rear view mirrors;
- (5) Red reflectorized warning devices, both in the front and the rear;
- (6) Front headlights, rear tail lights, and rear brake lights, meeting the minimum standards of F.S. § 316.234(1);
- (7) Turn signals, meeting the minimum standards of F.S. § 316.234(2);
- (8) Safety belts for drivers and passengers;
- (9) Reverse warning device;
- (10) Horn;
- (11) Safety labels;
- (12) Manufacturer's serial number plate; and
- (13) Windshield.

## **Sec. \_\_\_\_ Operators.**

Drivers must hold a current, valid driver's license and insurance in order to operate a golf cart, GCV, upon the streets of the City.

## **Sec. \_\_\_\_ Traffic laws.**

- (a) Operators of golf carts, GCVs, using designated streets within the City are required to observe all applicable state and local traffic laws as if they were operating any other motor vehicle.
- (b) While traveling on designated streets, operators and passengers of golf carts, GCVs, must comply with applicable state law as to the requirements and usage of safety belts and child restraint equipment.
- (c) Owners and operators of golf carts shall comply with applicable state law pertaining to insurance requirements.
- (d) Golf carts, GCVs, may be ticketed for traffic violations in the same manner as motor vehicles

## **Sec. \_\_\_\_ Penalty.**

A violation of any provision of this chapter shall constitute a violation of the Code of Ordinances of the City of West Miami. Upon a finding that an owner, lessee or operator of a golf cart, GCV, has violated any provision of this chapter, such person shall be subject to a noncriminal, civil citation not to exceed \$150.00 for each offense relating to a violation of this chapter, including but not limited to the failure to obtain a permit/registration, and as per Florida Statutes for every other violation of state law.

## **Sec. \_\_\_\_ Enforcement.**

The City police department with the assistance of code compliance shall be responsible for enforcement of this ordinance.

**Section 3:** .If any clause, section, or other part of the ordinance adopted herein shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, and such remaining parts shall remain in full force and effect.

**Section 4:** The ordinance adopted herein shall be incorporated as part of the City Code of West Miami, and the sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to the words "article," or "section," or otherwise as necessary to accomplish such incorporation, by the City Clerk with the cooperation of the City Attorney.

**Section 5:** The ordinance adopted herein shall take effect immediately upon passage on

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second reading.

**PASSED** and **ADOPTED** on Second Reading this \_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED:

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**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

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**ANNERY GONZALEZ, MMC**  
**CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER LEHTINEN, CITY ATTORNEY**

ROLL CALL:

This Ordinance was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_. The vote was as follows on Second Reading:

<b>MAYOR ERIC DIAZ-PADRON</b>	—
<b>COMMISSIONER JUAN M. BLANES</b>	—
<b>VICE-MAYOR NATALIE MILIAN ORBIS</b>	—
<b>COMMISSIONER IVAN CHAVEZ, JR.</b>	—
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	—

## **Public Hearing-Dogs Regulations Ordinance**

**West Miami | Publish Date: Feb 20, 2025**

NOTICE IS HEREBY GIVEN that the City of West Miami proposes to adopt the following Ordinance: AN ORDINANCE OF THE CITY OF WEST MIAMI RELATING TO THE REGULATION OF DOGS; PROVIDING PROHIBITION OF DOGS ON PRIVATE PROPERTY WITHOUT PERMISSION; PROVIDING FOR DUTY TO REMOVE DEFECATION MATERIALS; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

## **ORDINANCE 2025 - \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF WEST MIAMI RELATING TO THE REGULATION OF DOGS; PROVIDING PROHIBITION OF DOGS ON PRIVATE PROPERTY WITHOUT PERMISSION; PROVIDING FOR DUTY TO REMOVE DEFECATION MATERIALS; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, dogs as pets are welcome in the City of West Miami; and

**WHEREAS**, the City of West Miami seeks to require proper responsibility by dog owners when allowing dogs in public spaces within the City; and

**WHEREAS**, dog owners should honor private property and ensure that their dogs do not enter private property without permission; and

**WHEREAS**, the failure to properly dispose of dog fecal materials creates both a nuisance and a public health threat;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF WSET MIAMI, FLORIDA:

**SECTION 1.** The “whereas” clauses are incorporated herein to reflect the intent and purpose of the ordinance.

**SECTION 2.** The following Ordinance is enacted:

### **Sec. \_\_\_\_ Responsibilities of Dog Owners**

(A) Dog owners and persons responsible for the control and behavior of a dog at any time shall not permit the dog to enter private property without permission of the property owner or resident.

(B) Dog owners and persons responsible for the control and behavior of a dog at any time shall immediately recover, remove, and dispose of any fecal matter deposited in public areas or any area where other persons may ordinarily walk. For the purpose of compliance with this section, fecal matter shall be immediately removed by placing the matter in a closed or sealed container and thereafter disposing of it by depositing the matter in a trash receptacle, sanitary disposal unit, or other closed or sealed container. This section shall not apply to blind or handicapped persons accompanied by a dog used for assistance in accordance with law.



[C] Enforcement: Citations, Penalties and Appeal

(i) City police or code enforcement officers shall issue either a warning citation or a violation citation to any individual violating this section.

(ii) There shall be no penalty for a warning citation.

(iii) The penalty for a violation citation shall be as follows: twenty dollars (\$20) for the first violation; thirty dollars (\$30) for the second violation; and forty dollars (\$40) for each violation thereafter. Violations occurring more than three years earlier shall not be considered for these penalties.

(iv) Any person receiving a violation citation may appeal the citation as otherwise provided in the City Code.

**SECTION 3.** If any clause, section, or other part of the ordinance adopted herein shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, and such remaining parts shall remain in full force and effect.

**SECTION 4.** The ordinance adopted herein shall be incorporated as part of the City Code of West Miami, and the sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to the words "article," or "section," or otherwise as necessary to accomplish such incorporation, by the City Clerk with the cooperation of the City Attorney

**SECTION 5.** This ordinance shall become effective on the date of its adoption herein.

**PASSED** and **ADOPTED** on Second Reading this \_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED:

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC**  
**CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER LEHTINEN, CITY ATTORNEY**

ROLL CALL:

This Ordinance was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_. The vote was as follows on Second Reading:

<b>MAYOR ERIC DIAZ-PADRON</b>	—
<b>COMMISSIONER JUAN M. BLANES</b>	—
<b>VICE-MAYOR NATALIE MILIAN ORBIS</b>	—
<b>COMMISSIONER IVAN CHAVEZ, JR.</b>	—
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	—

## Public Hearing- Cost Recovery Ordinance

West Miami | Publish Date: Feb 20, 2025

NOTICE IS HEREBY GIVEN that the City of West Miami proposes to adopt the following Ordinance: AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDITION TO CHAPTER 12 "PLANNING AND DEVELOPMENT", A NEW SECTION TO BE TITLED "COST RECOVERY FOR PROFESSIONAL REVIEW SERVICES", ESTABLISHING A COST RECOVERY REQUIREMENT SUCH THAT FOR ANY APPLICATION UNDER THE LAND DEVELOPMENT REGULATIONS OR OTHER CITY CODE PROVISIONS THAT REQUIRE REVIEW BY PROFESSIONAL CONSULTANTS, CONTRACTORS, OR OTHER AGENTS ON BEHALF OF THE CITY, THE ACTUAL FULL COSTS FOR SUCH REVIEW SHALL BE PAID BY THE APPLICANT, PROVIDING FOR PAYMENT SCHEDULES, DEPOSIT ACCOUNTS, EXPIRATION, ENFORCEMENT AND OTHER APPLICABLE REGULATIONS; AND PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.



## **ORDINANCE # 2025-**

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDITION TO CHAPTER 12 "PLANNING AND DEVELOPMENT", A NEW SECTION TO BE TITLED "COST RECOVERY FOR PROFESSIONAL REVIEW SERVICES", ESTABLISHING A COST RECOVERY REQUIREMENT SUCH THAT FOR ANY APPLICATION UNDER THE LAND DEVELOPMENT REGULATIONS OR OTHER CITY CODE PROVISIONS THAT REQUIRE REVIEW BY PROFESSIONAL CONSULTANTS, CONTRACTORS, OR OTHER AGENTS ON BEHALF OF THE CITY, THE ACTUAL FULL COSTS FOR SUCH REVIEW SHALL BE PAID BY THE APPLICANT, PROVIDING FOR PAYMENT SCHEDULES, DEPOSIT ACCOUNTS, EXPIRATION, ENFORCEMENT AND OTHER APPLICABLE REGULATIONS; AND PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS; IMPLEMENTATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of West Miami ("City") has conducted a review of costs incurred by the City for the review of development and zoning applications: and

**WHEREAS**, the Commission finds that the existing fee schedules do not fully cover the City's cost in administration and review of land and zoning applications; and

**WHEREAS**, the City finds that it is in the best interests of the City to recover the costs for services relating to the review of applications for development from those entities deriving the benefit of the review as provided herein; and;

**WHEREAS**, the City finds the adoption of these regulations is in the best interest and welfare of the residents of West Miami; and

**WHEREAS**, the City is committed to ensuring that the Program is designed and implemented in a manner that protects the privacy of West Miami residents; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and City Commission of the City of West Miami as follows:

**Section 1:** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made specific part of this Resolution upon adoption thereof.

**Section 2. Established.** The City Manager or designee in evaluating any application submitted for review under the City's land development regulations, may refer it for professional review to independent engineering, planning, legal, survey, technical, or environmental consultant or professional(s) retained by the City, as the Manager shall deem reasonably necessary to enable review of such application. The cost for such professional review shall be paid by the applicant to the City to be used by the City to pay the retained professional for effort specific to the application review. This requirement and process shall be defined as "Cost Recovery."

**Section 3. Applicability.**

- (a) **Applicability.** Review under the City's land development regulations shall include site plan applications, amendments to approved site plans, variances, special uses, rezoning, small-scale amendments to the City's Future Land Use Map, policy text amendments to the City's Comprehensive Plan, and plats.
- (b) **Real estate transactional documents.** Unless prohibited by law, in circumstances in which the City prepares closing papers, deeds or other documents in conjunction with development applications that include land dedication public land vacation, or other matters in which the City holds a lien and is requested to subordinate its position, the City shall charge the applicant a reasonable fee as determined by the City Manager in an amount equal to the actual costs to the City for the preparation of such documents.
- (c) **Excluded processes.** Cost recovery shall not apply to City permit fees to process building permits and other development application fees.
- (d) **Applicants.** Cost recovery shall apply to any private or corporate applicant, not-for-profit applicant, institutional / civic applicant, public-private-partnership, or governmental applicant other than the City of West Miami. Cost recovery shall not apply to applications that are sponsored by the City of West Miami. In the case of public-private partnerships that include the City of West Miami, the City Manager or designee shall determine the percent share of cost recovery by other partners.

**Section 4. Timeliness.** During pre-application meetings, the City Manager or designee shall advise the applicant of the need for cost recovery funds by the applicant and shall provide a non-binding estimate of the projected funding amount for cost recovery. The applicant shall deposit funds for cost recovery upon submittal of a complete permit application. Such application shall not be complete without the required initial deposit for cost recovery

**Section 5. Independent Professional.** For this ordinance, "independent professional" shall mean a person or company that is legally, professionally and currently qualified to perform the pertinent review, and are retained by the City with documentation of retainer relation, qualifications, and hourly cost schedules. Independent professionals shall include but not be limited to independent engineering, planning, legal, survey, technical, or environmental consultant or professional(s) retained by the City. It shall not include persons that are full-time employees of the City.

**Section 6. Charges.** Charges made by the independent professional shall be in accord with those customarily made for similar services in Miami-Dade County, and pursuant to an existing agreement between the City and the independent professional. Charges to the applicant for consulting services shall be similar to the hourly rates charged by the consultants, and shall accrue in any circumstances in which their services for the pertinent application exceeds a period of one (1) hour. These costs are in addition to all other fees required by law, rule, or regulation.

**Section 7. Administrative fee:** An administrative fee of three (3) percent of the recoverable costs shall be added as a surcharge to cover the city's cost in administering and billing cost recovery hereunder.

**Section 8. Funds Deposit.** Applicants that file any application for which cost recovery is applicable, and initial

- (a) **Initial deposit.** Persons who file any applications or who file review requests for which cost recovery is applicable, shall deposit funds at the time that the application, is filed and the review request is made. The amount of the initial deposit shall be made in the full amount of the projected costs provided by the City Manager or designee for each review discipline, and shall be credited to the application review.
- (b) **Initial deposit amount.** The amount of the initial deposit for different disciplines of review requests shall be commensurate with the anticipated cost recovery, shall be established in writing, and may be amended as and when required, by the City Manager or designee.
- (c) **Unused funds.** Unused amounts shall be credited back to the applicant at the time of application review closure.
- (d) **Supplemental costs.** Additional costs that exceed the initial projection due to design changes or unforeseen circumstances, shall be identified, established in writing, and provided to the applicant by the City Manager or designee. Additional cost funds shall be deposited by the applicant at the time that the additional cost is identified. If the additional amount for review that is deemed necessary is not deposited by the applicant in a timely manner, the project review shall be held in abeyance until the additional funds are deposited or until the application expires.
- (e) **Escrow account.** Upon submittal of any application or thereafter, the City Manager or designee shall establish an escrow account for the specific application only. The applicant shall provide funds for deposit into the escrow account in the amount of the initial deposit. Withdrawals from that account shall reimburse the City for the cost of professional review services. The applicant shall be provided a voucher for such services when submitted to the City. Costs associated with the escrow company shall be added to the initial deposit amount as part of cost recovery. The escrow account shall remain open and funded until closure of the review process. The account will be monitored on a periodic basis, and whenever the account balance is zero or negative, a supplemental deposit will be required before any further review or processing continues. No project shall be scheduled for review at the City of

West Maimi Planning & Zoning Board or West Miami City Commission unless there are funds in the account.

- (f) Closure. The review process will close when the applicant receives a certificate of occupancy, the Planning Director determines that no further action is necessary for the review and processing of the review request, or the applicant voluntarily withdraws. At any of these times, the escrow account will be closed and any remaining funds therein shall be refunded to the applicant no later than two months after the project account's closing date.

**Section 9. Records of administrative work performed.** The staff of pertinent City departments, and the independent professional(s) that are involved in the review and processing of review requests shall maintain records of time and materials expended and tasks conducted regarding each such request. A debit based upon the time expended and the applicable hourly rate shall be charged against the project account. The applicable hourly rate for review and processing shall equal their actual hourly charge for such review and processing. A debit against the project account shall also be made which shall reflect the costs of administering this program.

**Section 10. Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2025

APPROVED:

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**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

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**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER W. LEHTINEN, CITY ATTORNEY**

<b>MAYOR ERIC DIAZ-PADRON</b>	—
<b>VICE-MAYOR NATALIE MILIAN ORBIS</b>	—
<b>COMMISSIONER JUAN M. BLANES</b>	—
<b>COMMISSIONER IVAN CHAVEZ, JR.</b>	—
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	—



## Public Hearing-Shannon Melendi Ordinance

West Miami | Publish Date: Feb 20, 2025

NOTICE IS HEREBY GIVEN that the City of West Miami proposes to adopt the following Ordinance: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO BACKGROUND CHECKS FOR CITY EMPLOYEES INVOLVED WITH CITY PARKS AND RECREATIONAL PROGRAMS; Close REQUIRE CRIMINAL BACKGROUND CHECKS FOR ALL PERSONS WORKING OR VOLUNTEERING ON CITY PARK PROPERTY; PROHIBITING SEXUAL OFFENDERS, SEXUAL PREDATORS, CERTAIN VIOLENT FELONS, AND CERTAIN CONTROLLED SUBSTANCE TRAFFICKERS AND NON-LEGAL IMMIGRANTS FROM WORKING OR VOLUNTEERING ON PARK PROPERTY OWNED OR OPERATED BY THE CITY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; SERVING THE SPIRIT OF PROTECTIONS SHOWN AS NEEDED BY THE ABUSE AND MURDER OF SHANNON MELENDI, GRADUATE OF MIAMI SOUTHWEST HIGH SCHOOL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

ORDINANCE 2025 - \_\_\_\_\_

[draft 4]

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO BACKGROUND CHECKS FOR CITY EMPLOYEES INVOLVED WITH CITY PARKS AND RECREATIONAL PROGRAMS; REQUIRE CRIMINAL BACKGROUND CHECKS FOR ALL PERSONS WORKING OR VOLUNTEERING ON CITY PARK PROPERTY; PROHIBITING SEXUAL OFFENDERS, SEXUAL PREDATORS, CERTAIN VIOLENT FELONS, AND CERTAIN CONTROLLED SUBSTANCE TRAFFICKERS AND NON-LEGAL IMMIGRANTS FROM WORKING OR VOLUNTEERING ON PARK PROPERTY OWNED OR OPERATED BY THE CITY; PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; SERVING THE SPIRIT OF PROTECTIONS SHOWN AS NEEDED BY THE ABUSE AND MURDER OF SHANNON MELENDI, GRADUATE OF MIAMI SOUTHWEST HIGH SCHOOL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.**  
*(Sponsored by Mayor Diaz-Padron)*

**WHEREAS**, the Mayor and City Commission of the City of West Miami are concerned about the security and safety of children visiting City's parks; and

**WHEREAS**, this ordinance is in the spirit of protections shown as needed by the abuse and murder of Shannon Melendi, a graduate of Miami Southwest High School; and

**WHEREAS**, there is a strong likelihood that children visiting City-owned or operated parks will come into direct contact with persons working or volunteering on County-owned or operated parks; and

**WHEREAS**, the City currently conducts only limited background checks on certain employees; and

**WHEREAS**, requiring criminal background checks of most persons working or volunteering on City-owned or operated park property would reduce the incidence of direct contact between children and sexual predators or violent felons;

**NOW, THEREFORE, BE IT ORDAINED** BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AS FOLLOWS:

**Section 1.** The foregoing “whereas” clauses and heading are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption thereof.

**Section 2:** The following ordinance is enacted to add provisions to the City of West Miami Code, Chapter 11, Parks and Recreation, as follows:

#### **Chapter 11, Parks and Recreation, Article IV**

....

This Article is passed to protect residents of the City of West Miami and users of the City/s parks and recreation facilities, in the spirit of [protections shown as needed by the abuse and murder of Shannon Melendi, a graduate of Miami Southwest High School while attending Emery University in 1994;](#)

#### **Sec. 11-88 - Definitions.**

As used in this article the following terms shall have the following meanings:

- A. *Community-based Organization (CBO)* shall refer to any not-for-profit agency, group, organization, society, association, partnership, or individual whose primary purpose is to provide a community service to improve or enhance the well-being of the community of the City of West Miami at large or to improve or enhance the wellbeing of certain individuals within this community who have special needs.
- B. *Child Event Worker* shall refer to any full- or part-time employee, agent, volunteer, independent contractor, or employee or volunteer of an independent contractor of a carnival or fair that hosts amusement rides in a park owned or operated by the City of West Miami. The following persons shall be exempted from this definition:

  - (1) Law enforcement personnel;
  - (2) Emergency or fire rescue personnel:

- (3) Persons conducting deliveries: and
  - (4) Military recruitment personnel.
- C. *Conviction* shall refer to a determination of guilt of a criminal charge which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.
- D. *Park vendor* shall refer to any full- or part-time employee, agent, volunteer, independent contractor, or employee or volunteer of an independent contractor that has a contract with, or permit from, the City of West Miami to rent or sell food, beverages, sporting equipment, or any other goods or services in a park owned or operated by the City. The following persons and events shall be exempted from this definition:
  - (1) Law enforcement personnel;
  - (2) Emergency or fire rescue personnel;
  - (3) Persons conducting deliveries;
  - (4) International or national sporting events;
  - (5) One-day events: and
  - (6) Carnivals, festivals, trade shows, and fairs that do not host amusement rides.
- E. *Professional Background Screener* shall refer to any person, company, organization or agency which, for monetary fees, dues, or on a not-for-profit basis, regularly engages in whole or in part in the practice of researching and assembling criminal history information on specific persons for the purpose of furnishing criminal history reports to third parties.
- F. *Programming Partner* shall refer to any Not-For-Profit Program Service Provider that is selected by the Department to provide programs in City's park and recreation facilities.
- G. *Sexual Offender* shall include any individual who meets the criteria of a "sexual predator" as defined in Section 775.21(4) of the Florida Statutes, or a "sexual offender" as defined in Section 943.0435 of the Florida Statutes, or who is listed on the National Sex Offender Public Website owned or operated by the United States Department of Justice.

- H. *Violent felon* shall refer to the following felonies: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; or aggravated assault.
- I. *Volunteer* shall refer to any individual performing volunteer duties for a CBO, for a Programming Partner, for the City's Parks and Recreation Department, as a child event worker, or as a park vendor for more than three (3) days in any six (6) month period. Students volunteering in order to fulfill high school graduation requirements shall be exempted from this definition.

**Sec. 11-89 - Background Checks Required for Child Event Workers, Park Vendors, and Programming Partner or Community Based Organization (CBO) Employees and Volunteers.**

- A. Upon adoption of this ordinance, employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all existing child event workers, park vendors, employees, and volunteers whose duties require physical presence on park property owned or operated by the City. In addition, prior to employing, or allowing to volunteer, a person whose duties would require physical presence on park property owned or operated by the City, employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall secure a nationwide criminal background check of all such prospective child event workers, park vendors, employees or volunteers.

The nationwide criminal background checks shall be conducted by a Professional Background Screener and shall include a report as to whether each child event worker, park vendor, staff member or volunteer is listed on the National Sex Offender Public Registry, and a comprehensive report and analysis, obtained from no less than two (2) independent databases/sources, on the nationwide criminal

history of such child event worker, park vendor, staff member or volunteer.

- B. Every three (3) years thereafter. employers of park vendors. and Programming Partners and CBOs shall secure nationwide criminal background checks for existing park vendors, staff members, and volunteers whose duties require physical presence on park property owned or operated by the City. However, employers of child event workers shall secure nationwide criminal background checks for existing child event workers whose duties require physical presence on park property owned or operated by the City every year thereafter.
- C. Any child event worker, park vendor, or staff member or volunteer of a Programming Partner or CBO who:
  - (1) has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or
  - (2) has been convicted of a felony involving the trafficking of a controlled substance within the past (5) years; or
  - (3) has two (2) or more convictions for a violent felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance; or
  - (4) is a sexual offender or a sexual predator; or
  - (5) has failed to provide the employer, Programming Partner or CBO with proof of United States citizenship or legal immigration status in the United States,

shall be prohibited from working or volunteering on park property owned or operated by the City. All child event workers, park vendors, and staff members and volunteers of a Programming Partner or CBO shall submit to their employer, to the Programming Partner, or to the CBO an affidavit affirming that no work or volunteer duties will be performed on park property owned or operated by the City in violation of this sub-section and that any arrest will be reported to his/her employer within forty-eight (48) hours of such arrest.

- D. Employers of child event workers shall maintain copies of the results of the criminal background checks requires by this section

for a period of two (2) years from the date they were secured, and employers of park vendors, Programming Partners, and CBOs shall maintain such copies for a period of three (3) years from the date they were secured. Employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall maintain the affidavits required by sec. 11-89C and the copies of the proof of United States citizenship or legal immigration status until the person is no longer a child event worker, park vendor, staff member, or volunteer. Employers of child event workers, employers of park vendors, and Programming Partners and CBOs shall, upon request, provide copies of these documents to the City or to any law enforcement personnel with jurisdiction.

- E. Every child event worker, park vendor, and staff member and volunteer of a Programming Partner or CBO shall wear, in a conspicuous and visible manner, an identification badge that contains his/her photograph and full name while working or volunteering on park property owned or operated by the City, except when in costume and during a performance. The identification badge shall be of a size, design, and format approved by the City Parks and Recreation Department.
- F. Penalties and Enforcement.
  - (1) It shall be unlawful for an employer of child event workers, an employer of park vendors, or a Programming Partner or CBO to knowingly permit or allow any child event worker, park vendor, staff member, or volunteer to work or volunteer on park property owned or operated by the City in violation of sec. 11.89.
  - (2) It shall be unlawful for any child event worker, park vendor, or park staff member or volunteer of a Programming Partner or CBO to work or volunteer on park property owned or operated by the City in violation sec. 11.89.
  - (3) Any person who shall violate a provision of sec. 11.89, or who shall knowingly or willingly provide false or erroneous information to his/her employer, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the County Jail for not more than sixty (60) days, or by both such fine and imprisonment.
  - (4) Any person who violates or fails to comply with sec. 11.89 may be subject to civil penalties in accordance with sec. 11 -

91 of this code. Each day of violation or noncompliance shall constitute a separate offense.

**Sec. 11-90 - The City Parks and Recreation Department Employees and Volunteers.**

- A. Upon adoption of this ordinance, the City Parks and Recreation Department shall secure a nationwide criminal background check of all existing employees and volunteers whose primary duties require physical presence on park property owned or operated by the City, and such individuals and relevant organizations shall cooperate and provide truthful information in this regard. In addition, the City's Parks and Recreation Department shall secure a nationwide criminal background fingerprint check prior to employing, or allowing to volunteer, a person whose primary duties would require physical presence on park property owned or operated by the City. This nationwide criminal background fingerprint check shall be conducted through the Florida Department of Law Enforcement.
- B. Every three (3) years thereafter, the City Parks and Recreation Department shall secure nationwide criminal background checks for existing employees and volunteers whose primary duties require physical presence on park property: owned or operated by the City. These nationwide criminal background check shall be conducted by a Professional Background Screener and shall include a report as to whether each employee or volunteer is located on the National Sex Offender Public Registry, and a comprehensive report and analysis, obtained from two independent databases/sources, on the nationwide criminal history of such employee or volunteer.
- C. Any employee or volunteer of the City Parks and Recreation Department who:
  - (1) Has been convicted of a violent felony or conspiracy to commit a violent felony within the past five (5) years; or
  - (2) Has been convicted of a felony involving the trafficking of a controlled substance within the past five (5) years; or
  - (3) Has two (2) or more convictions for a violent felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance; or
  - (4) Is sexual offender or a sexual predator; or
  - (5) Has failed to provide the City Parks and Recreation Department with proof of United States citizenship or legal immigration status in the United States.

shall be prohibited from working or volunteering on park



property owned or operated by the City. All employees and volunteers of the City Parks and Recreation Department shall submit to the City Parks and Recreation Department an affidavit affirming that no work or volunteer duties will be performed on park property owned or operated by the City in violation of this subsection and that any arrest will be reported to his/her employer within forty-eight (48) hours of such arrest.

- D. The City Parks and Recreation Department shall maintain copies of the results of the criminal background checks required by this section for a period of three (3) years from the date they were secured, and such individuals and relevant organizations shall cooperate and update any information necessary to maintain truthful information in this regard. The City Parks and Recreation Department shall maintain the affidavits required by Sec. 11.90C and shall maintain copies of the proof of United States citizenship or legal immigration status until the person is no longer an employee or volunteer.
- E. Every employee and volunteer of the City Parks and Recreation Department shall wear, in a conspicuous and visible manner, an identification badge that contains his /her photograph and full name while working or volunteering on park property owned or operated by the City, except when in costume and during a performance. The identification badge shall be of a size, design, and format approved by the City Parks and Recreation Department.
- F. Penalties and Enforcement
  - (1) It shall be unlawful for any volunteer of the City Parks and Recreation Department to volunteer on park property owned or operated by the City in violation of sec. 11-90.
  - (2) Any volunteer who shall violated a provision of sec. 11.90, or who shall knowingly or willingly provide false or erroneous information to the City Parks and Recreation Department, or fail to comply therewith, or with any of the requirements thereof, shall upon conviction thereof in the County Court, be punished by a fine not to exceed five thousand dollars (\$5000.00) or by imprisonment in the County Jail for not more than sixty (60) days, by both such fine and imprisonment.
  - (3) Any volunteer who violates or fails to comply with sec. 11.90 may be subject to civil penalties in accordance with Chapter SCC of this code. Each day of violation or noncompliance shall constitute a separate offense.

**Sec. 11-91 - Schedule of civil penalties.**

The following table shows the sections of this Code. as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

The "descriptions of violations" below are for informational purposes only and are not meant to limit or define the nature of the violations or the subject matter of the listed Code sections, except to the extent that different types of violations of the same Code section may carry different civil penalties. For each Code section listed in the schedule of civil penalties, the entirety of that section may be enforced by the mechanism provided in this code, and as elsewhere provided by the City's code of ordinances, regardless of whether all activities proscribed or required within that particular section are described in the "Description of Violation" column. To determine the exact nature of any activity proscribed or required by this Code, the relevant Code section must be examined.

<b><u>Code Section</u></b>	<b><u>Description of Violation</u></b>	<b><u>Civil Penalty</u></b>
s. 11-89A	Failure to cooperate or provide truthful information in securing nationwide criminal background check of an existing park vendor, child event worker, staff member or volunteer of a programming partner or CBO whose duties require physical presence within the city or city operated park property	\$500.00
s. 11-89C	Permitting or performing work or volunteerism on the city-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a programming partner or CBO who has been convicted of a violent felony or conspiracy to commit a violent felony within the past five years	\$500.00
s.11-89C	Permitting or performing work or volunteerism on the city-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a programming partner or CBO who has been convicted of a felony involving the trafficking of a controlled substance within the past five years	\$500.00
s. 11-89C	Permitting or performing work or volunteerism on the city-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a programming partner or CBO who is a sexual offender or a sexual predator	\$500.00
s. 11-89C	Permitting or performing work or volunteerism on the city-owned or operated park property by child event worker, park vendor, or staff member or volunteer of a programming partner or CBO who has two or more convictions for a violent	\$500.00

	felony, for conspiracy to commit a violent felony, or involving the trafficking of a controlled substance	
s. 11-89D	Failure to cooperate in collecting or maintaining or updating copies of criminal background checks, affidavits, or United States citizenship or legal immigration status proof of a child event worker, park vendor, or staff member or volunteer of a programming partner or CBO	\$500.00
s. 11-89E	Failure of child event worker, park vendor, or staff member or volunteer of a programming partner or CBO to wear in a conspicuous and visible manner the required identification badge while working or volunteering on The city-owned or operated park property	\$100.00
s. 11-89E	Failure of Parks and Recreation Department volunteer to wear in a conspicuous and visible manner the required identification badge while working or volunteering on the city-owned or operated park property	\$100.00

**Section 3:** If any clause, section, or other part of the ordinance adopted herein shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, and such remaining parts shall remain in full force and effect.

**Section 4:** The ordinance adopted herein shall be incorporated as part of the City Code of West Miami, and the sections of this ordinance may be re-numbered or re-lettered and the word “ordinance” may be changed to the words “article,” or “section,” or otherwise as necessary to accomplish such incorporation, by the City Clerk with the cooperation of the City Attorney.

**Section 5:** The ordinance adopted herein shall take effect immediately upon passage on second reading.

**PASSED** and **ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED:

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**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

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**ANNERY GONZALEZ, MMC**  
**CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER LEHTINEN, CITY ATTORNEY**

ROLL CALL:

This Ordinance was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_. The vote was as follows on Second Reading:

<b>MAYOR ERIC DIAZ-PADRON</b>	<b>—</b>
<b>COMMISSIONER JUAN M. BLANES</b>	<b>—</b>
<b>VICE-MAYOR NATALIE MILIAN ORBIS</b>	<b>—</b>
<b>COMMISSIONER IVAN CHAVEZ, JR.</b>	<b>—</b>
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	<b>—</b>



## **BUSINESS IMPACT ESTIMATE INSTRUCTIONS**

The Business Impact Estimate Form, attached to these Instructions must be filled out at the time of drafting of any proposed ordinance, unless that proposed ordinance is on the exemption list below. The filled-out Business Impact Estimate must be posted at the time the advertisement for the proposed ordinance is published.

The following proposed ordinances are exempt and do not require a Business Impact Estimate:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances relating to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local or private grant, or other financial assistance accepted by a county government;
5. Emergency Ordinances;
6. Ordinances relating to procurements; or
7. Ordinances enacted to implement the following:
  - a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
  - b. §§ 190.005 and 190.046, Fla. Stat. Community Development Districts;
  - c. § 553.73, Fla. Stat. relating to the Florida Building Code; or
  - d. § 633.202, Fla. Stat. relating to the Florida Fire Prevention Code.

Legal citation: § 125.66(3) (a) – (c), Fla. Stat. and § 166.041(4)(a)-(c), Fla. Stat.

# BUSINESS IMPACT ESTIMATE FORM

Posted To Webpage:

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, CREATING A SENIOR ASSISTANCE PROGRAM; PROVIDING MONETARY ASSISTANCE TO ELIGIBLE SENIOR RESIDENTS; IDENTIFYING FUNDING SOURCES; ESTABLISHING ELIGIBILITY CRITERIA; PROVIDING FOR IMPLEMENTATION, ADMINISTRATION, AND AN EFFECTIVE DATE**

## Part I.

Summary of the proposed ordinance and statement of public purpose<sup>1</sup>:

The proposed ordinance establishes a Senior Assistance Program in the City of West Miami to provide one-time monetary aid to eligible senior residents. Funded through midyear budget savings and other identified revenue sources, the program aims to support seniors aged 70 and older who own and reside in a homestead property within the city and receive federal assistance through SNAP or SSI. The City Manager will oversee implementation, ensuring funds are available before disbursement, and no essential services will be impacted. The ordinance also outlines eligibility verification, fund allocation procedures, and public notification methods.

## Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of West Miami: *(fill out subsections a-c as applicable, if not applicable write "not applicable")*

- a. Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

The proposed ordinance establishes a Senior Assistance Program funded through city budget savings and does not impose any regulatory requirements on businesses. Therefore, businesses are not expected to incur any direct compliance costs as a result of its enactment.

- b. Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

The proposed ordinance does not impose any new charges or fees on businesses, nor does it create any financial obligations for businesses. The funding for the Senior Assistance Program is derived from city budget savings and other identified revenue sources, ensuring that businesses are not financially responsible for its implementation.

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<sup>1</sup> Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of West Miami.

- c. An estimate of the City of West Miami's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The City of West Miami's regulatory costs for implementing the Senior Assistance Program will primarily include administrative expenses related to verifying eligibility, processing payments, and public outreach. These costs will be covered through the city's existing budget savings and identified revenue sources. No new charges or fees will be imposed on businesses to fund the program, so there will be no additional revenue generated from businesses for this purpose.

**Part III.**

Good faith estimate of the number of businesses likely to be impacted by the ordinance:

To be determined.

**Part IV. Additional Information (if any):**

None.

## ORDINANCE 2025 - \_\_\_\_\_

[draft #1]

**AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, CREATING A SENIOR ASSISTANCE PROGRAM; PROVIDING MONETARY ASSISTANCE TO ELIGIBLE SENIOR RESIDENTS; IDENTIFYING FUNDING SOURCES; ESTABLISHING ELIGIBILITY CRITERIA; PROVIDING FOR IMPLEMENTATION, ADMINISTRATION, AND AN EFFECTIVE DATE** *(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, the City of West Miami values its senior residents and recognizes the financial burdens they may face, particularly those on fixed incomes; and

**WHEREAS**, the City seeks to utilize funds identified during the midyear budget process, including savings from government efficiencies, and other revenue sources; and

**WHEREAS**, a Senior Assistance Program providing monetary assistance to eligible senior households will enhance financial security and demonstrate the City's commitment to its elderly residents;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AS FOLLOWS:

**Section 1.** The foregoing "whereas" clauses and heading are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Ordinance upon adoption thereof.

**Section 2:** The following ordinance is enacted to add provisions to the City of West Miami Code, Chapter \_\_\_\_\_, Senior Assistance Program, as follows:

### **Chapter \_\_\_\_\_ Senior Assistance Program**

#### **Sec. 1: Creation of the Senior Assistance Program**

1. The City of West Miami shall establish a Senior Assistance Program to provide a one-time direct monetary assistance to eligible senior residents, contingent upon the availability of funds as determined herein.
2. The program shall be funded exclusively through savings identified in the midyear budget process, revenue from government efficiency measures, and other revenue sources, as determined through the budget process.

#### **Sec. 2: Eligibility Criteria**



To qualify for the Senior Assistance Program, applicants must meet the following requirements:

1. The applicant must be 70 years of age or older as of January 1 of the disbursement year.
2. The applicant must own and reside in a homestead property within the City of West Miami for one or more years prior to January 1 of the disbursement year.
3. The applicant must demonstrate enrollment in the federal Supplemental Nutrition Assistance Program (SNAP) or the federal Supplemental Security Income Program (SSI).
4. The homestead property must be owned singly or jointly in the applicant's name with the Miami-Dade County Property Appraiser.

### **Sec. 3: Implementation and Administration**

1. The City Manager or designee shall oversee the implementation and administration of the program, including determining and recommending available funds during the midyear budget review. Payments shall be disbursed to eligible residents between the sixth and twelfth month of a budget year, as determined by the City Manager, so as to ensure that sufficient revenue has been received during the budget year to fund the payments. No payments shall be disbursed under this program if the Manager determines that sufficient revenue has not been received in the budget year to fund such payments and the Manager has so reported to the Commission.
2. Residents shall be notified through public announcements, City communications, and direct mailers.
3. The City shall establish a simple process to verify eligibility and disburse funds in an efficient manner.

### **Sec. 4: Appropriations and Funding Allocation**

1. Funds shall be allocated only after the final budget hearing and based on identified savings and revenue sources.
2. The City shall not divert funds from essential services to finance the program.
3. The amount distributed per eligible person shall be established by the City Commission annually based on available funds.

**Section 3:** If any clause, section, or other part of the ordinance adopted herein shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, and such remaining parts shall remain in full force and effect.

**Section 4:** The ordinance adopted herein shall be incorporated as part of the City Code of West Miami, and the sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to the words "article," or "section," or otherwise as necessary to accomplish such incorporation, by the City Clerk with the cooperation of the City Attorney.

**Section 5:** The ordinance adopted herein shall take effect immediately upon passage on second reading.

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**PASSED** and **ADOPTED** on Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED:

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**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

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**ANNERY GONZALEZ, MMC**  
**CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER LEHTINEN, CITY ATTORNEY**

ROLL CALL:

This Ordinance was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_. The vote was as follows on Second Reading:

**MAYOR ERIC DIAZ-PADRON**  
**COMMISSIONER JUAN M. BLANES**  
**VICE-MAYOR NATALIE MILIAN ORBIS**  
**COMMISSIONER IVAN CHAVEZ, JR.**  
**COMMISSIONER LUCIANO L. SUAREZ**

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## RESOLUTION 2025 - \_\_\_\_\_

### **RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO AUTISM; ESTABLISHING APRIL AS AUTISM ACCEPTANCE MONTH IN THE CITY OF WEST MIAMI; URGING MIAMI-DADE COUNTY AND THE MIAMI-DADE SHERIFF'S OFFICE TO ESTABLISH A UNIFORM AUTISM DECAL; PROVIDING FOR AN EFFECTIVE DATE** *(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, Autism Spectrum Disorder (ASD) is a developmental condition that affects communication, behavior, and sensory processing, often requiring specialized responses from First Responders, including fire-rescue and law enforcement officers; and

**WHEREAS**, the City of West Miami has taken proactive steps to establish an "Occupants with Autism" decal program to enhance awareness and facilitate improved communication between First Responders and neurodivergent individuals; the City has also undertaken efforts to train its officers and staff; and

**WHEREAS**, similar autism decal programs have been implemented in various municipalities, including Miami-Dade County, North Miami Beach, and Hialeah, but a lack of uniformity across jurisdictions may cause confusion for First Responders operating in multiple areas; and

**WHEREAS**, creating a single, countywide autism decal with a designated space to identify the issuing municipality/jurisdiction would ensure consistency, **reduce confusion**, and allow for better coordination among police departments and First Responders across Miami-Dade County; and

**WHEREAS**, Miami-Dade County, in conjunction with the Miami-Dade Sheriff's Office, may be best positioned to take the lead in establishing a standardized regional autism decal program that can be adopted by all municipalities within the County; and

**WHEREAS**, establishing April as Autism Acceptance Month and designating the Autism Infinity symbol as a recognized emblem of support and inclusion will promote awareness, understanding, and acceptance of individuals with autism within the City of West Miami; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Commission of the city of West Miami, as follows:

#### **Section 1: Call for a Countywide Uniform Autism Decal Program**

The City of West Miami urges Miami-Dade County and the Miami-Dade Sheriff's Office to take the lead in creating a countywide uniform autism decal to replace or unify the various municipal decals currently in use.

## **Section 2: Standardization to Prevent Confusion**

1. The countywide decal should have a consistent design to avoid confusion when First Responders operate across multiple jurisdictions.
2. A designated space on the decal should allow for optional city identification, ensuring that each municipality can participate while maintaining a uniform appearance across the county.

## **Section 3: Acknowledgment of Local Efforts**

The City of West Miami affirms its commitment to autism awareness and notes that it has already implemented an autism decal program in alignment with best practices. However, the City urges Miami-Dade County to streamline and unify this effort for the benefit of all residents.

## **Section 4: Implementation & Next Steps**

1. The City Clerk shall transmit this Resolution to the Miami-Dade County Commission and the Miami-Dade Sheriff's Office for consideration.
2. The City encourages the County to engage with municipalities, First Responders, and autism advocacy groups to ensure a seamless transition to a countywide decal program.

## **Section 5: Effective Date**

This Resolution shall take effect immediately upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC**  
**CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**

**RESOLUTION 2025 - \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI DECLARING THE MONTH OF MARCH AS DEVELOPMENTAL DISABILITIES AWARENESS MONTH IN THE CITY OF WEST MIAMI; RECOGNIZING THE PARTNERSHIP WITH THE WOW CENTER AND THE OUTSTANDING CONTRIBUTIONS OF WOW AMBASSADOR JACQUELINE MARIE ROSE; PROVIDING FOR AN EFFECTIVE DATE** *(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, the City of West Miami is committed to fostering an inclusive community that values and supports individuals with disabilities; and

**WHEREAS**, the recognition of Disability Awareness Month in March will serve to promote understanding, acceptance, and opportunities for individuals with disabilities within the City of West Miami; and

**WHEREAS**, the WOW Center has been a vital organization in providing education, support, and resources to individuals with disabilities, empowering them to lead fulfilling and independent lives; and

**WHEREAS**, the City of West Miami has a longstanding partnership with the WOW Center, working together to advocate for greater awareness and accessibility for individuals with disabilities; and

**WHEREAS**, Jacqueline Marie Rose, as an esteemed WOW Ambassador, has demonstrated exemplary leadership, advocacy, and dedication to enhancing the quality of life for individuals with disabilities in West Miami; and

**WHEREAS**, the City Commission wishes to acknowledge and honor the efforts of Jacqueline Marie Rose and the WOW Center for their unwavering commitment to fostering a more inclusive and supportive community.

**NOW, THEREFORE, BE IT resolved** by the Mayor and City Commission of the city of West Miami, Florida, as follows:

**Section 1.** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2.** The City of West Miami hereby declares the month of March as Developmental Disabilities Awareness Month in the City of West Miami.

**Section 3.** The City Commission recognizes and commends the WOW Center for its invaluable contributions to the community and its dedication to individuals with disabilities.

**Section 4.** The City Commission further recognizes and honors WOW Ambassador Jacqueline Marie Rose for her outstanding advocacy, leadership, and commitment to disability awareness and inclusion in the City of West Miami.

**Section 5.** The City encourages residents, businesses, and organizations to participate in activities and initiatives that promote disability awareness, inclusion, and accessibility throughout the month of March and beyond.

**Section 6.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**



## RESOLUTION 2025 - \_\_\_\_\_

### **RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO LANDSCAPING; SUPPORTING FLORIDA-FRIENDLY LANDSCAPING ON CITY-OWNED PROPERTIES, PARKS, AND ENCOURAGING ITS USE IN LARGE-SCALE DEVELOPMENTS TO IMPROVE GOVERNMENT EFFICIENCY AND REDUCE WASTE; PROVIDING FOR AN EFFECTIVE DATE** *(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, Florida-Friendly Landscaping (FFL) promotes sustainable, low-maintenance landscapes that conserve water, protect the environment, and are adaptable to local conditions; and

**WHEREAS**, municipalities such as **Miami-Dade County, North Miami Beach, Hialeah, and Alachua County** are successfully incorporating Florida-Friendly Landscaping into public spaces, rights-of-way, and parks, leading to **reduced maintenance costs, lower water consumption, and improved environmental resilience**; and

**WHEREAS**, implementing FFL on **city-owned properties, including parks and public spaces**, will enhance **government efficiency by reducing the need for frequent irrigation, minimizing reliance on chemical fertilizers and pesticides, and lowering overall maintenance costs**, benefiting both the City and its residents; and

**WHEREAS**, transitioning to Florida-Friendly Landscaping will help **reduce unnecessary government spending** on water usage, landscaping upkeep, and chemical treatments, allowing those savings to be redirected toward other essential services; and

### **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, AS FOLLOWS:**

#### **Section 1: Implementation on City-Owned Properties and Parks**

The City of West Miami shall incorporate Florida-Friendly Landscaping principles in the design, renovation, and maintenance of all city-owned properties, including parks, green spaces, and public rights-of-way, where and whenever feasible, to reduce government waste and improve efficiency.

#### **Section 2: Funding and Feasibility**

The City Manager shall identify funding sources, including grants and partnerships, to support the implementation of Florida-Friendly Landscaping on city properties, parks, and public education efforts while ensuring that cost savings from reduced water use and maintenance are tracked and reinvested into city services after implementation.

#### **Section 3: Implementation**

The implementation of Florida-Friendly Landscaping by the City should be done strategically and cost-effectively, ensuring that it is incorporated when new planting is already planned, such as for

the recreation center, new city developments, or routine landscaping replacements. This initiative should not incur additional costs to the City, nor should it result in the removal of viable existing landscaping. Instead, Florida-Friendly principles should be prioritized in future plant selection and maintenance, ensuring a gradual, fiscally responsible transition that enhances sustainability without disrupting current city resources or budgets.

#### **Section 4: Effective Date**

This Resolution shall take effect immediately upon passage.

**PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**



## RESOLUTION # 2025-

**A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, APPROVING THE DISPENSING AND SALE OF ALCOHOLIC BEVERAGES FOR A SPECIAL EVENT PURSUANT TO SECTION 3-7 OF THE CITY CODE; AUTHORIZING THE SALE AND DISPENSING OF ALCOHOLIC BEVERAGES BY THE CUBAN AMERICAN BAR ASSOCIATION DURING "CABA'S INAUGURAL CARNIVAL COOKOUT: BATTLE OF LOS PUERCOS" ON APRIL 4, 2025, AT COOPER PARK; PROVIDING FOR CONDITIONS; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, the Cuban American Bar Association ("CABA"), in collaboration with the City of West Miami, will be hosting a fundraising event titled "CABA's Inaugural Carnival Cookout: Battle of Los Puercos" on April 4, 2025, at Cooper Park, located within the City of West Miami; and

**WHEREAS**, the event will serve as a fundraiser for CABA Pro Bono Legal Services, which provides free legal assistance for civil legal matters to low-income Florida residents, ensuring access to justice for children, individuals, and families in need; and

**WHEREAS**, the event will include a Pig Roast Competition along with family-friendly activities such as face painting, bounce houses, and musical entertainment to foster engagement and support for CABA's mission; and

**WHEREAS**, the City of West Miami recognizes the importance of supporting events that benefit the community and promote charitable causes; and

**WHEREAS**, pursuant to Section 3-7 of the City Code, the sale of alcoholic beverages within the City is restricted to designated areas, except when special permits are approved by the City Commission upon recommendation of the City Manager for specific dates and celebrations; and

**WHEREAS**, the City Commission finds that permitting the sale and dispensing of alcoholic beverages during the event will enhance the fundraising efforts and contribute

to the success of the event, while maintaining appropriate regulations to ensure compliance with City policies and public safety standards.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of West Miami as follows:

**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 thereof.

**Section 2:** The City Commission of the City of West Miami hereby approves the sale and dispensing of alcoholic beverages at "CABA's Inaugural Carnival Cookout: Battle of Los Puercos", to be held on April 4, 2025, at Cooper Park.

**Section 3:** CABA will coordinate with the City Manager and the Police Department, to ensure public safety and order during the event.

**Section 4:** This Resolution shall become effective upon its adoption.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2025

APPROVED:

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**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

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**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER W. LEHTINEN, CITY ATTORNEY**

**MAYOR ERIC DIAZ-PADRON**  
**VICE-MAYOR NATALIE MILIAN ORBIS**  
**COMMISSIONER JUAN M. BLANES**  
**COMMISSIONER IVAN CHAVEZ, JR.**

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**COMMISSIONER LUCIANO L. SUAREZ**

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## RESOLUTION 2025 - \_\_\_\_\_

### **RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI REGARDING WOMEN'S HISTORY; RECOGNIZING MARCH AS WOMEN'S HISTORY MONTH; HONORING THE LEGACY OF WEST MIAMI'S FEMALE LEADERS; AND LIGHTING CITY HALL PINK TO COMMEMORATE THE OCCASION; PROVIDING AN EFFECTIVE DATE** *(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, Women's History Month, celebrated annually in March, is a time to recognize and honor the contributions of women in history, culture, and society; and

**WHEREAS**, the City of West Miami acknowledges the profound impact of women in public service and their role in shaping our community through leadership, advocacy, and governance; and

**WHEREAS**, West Miami has been privileged to have trailblazing women serve as mayors and commissioners, leaving a legacy of dedication, progress, and community development; and

**WHEREAS**, in recognition of Women's History Month and the contributions of these and many other women leaders, the City of West Miami will illuminate City Hall in pink throughout March as a visible tribute to their achievements; and

**WHEREAS**, the City will promote public engagement, educational initiatives, and social media campaigns to highlight the impact of women leaders in West Miami and beyond;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Commission of the City of West Miami, as follows:

#### **Section 1: Recognition of Women's History Month**

The City of West Miami formally recognizes March as Women's History Month and encourages the community to celebrate the contributions of women past and present.

#### **Section 2: Honoring West Miami's Female Leaders**

The City of West Miami honors the legacy of its past female mayors and commissioners, acknowledging their leadership and lasting impact on the community.

#### **Section 3: Lighting City Hall Pink**

The City shall illuminate City Hall in pink throughout March as a tribute to Women's History Month and the women who have served and continue to serve West Miami.

#### **Section 4: Public Awareness and Community Engagement**

The City shall promote Women's History Month through official communications, educational materials, and social media campaigns, encouraging public participation and awareness.

**Section 5: Effective Date**

This Resolution shall become effective immediately upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**



## RESOLUTION 2025 - \_\_\_\_\_

**RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING BABY CHANGING STATIONS; DIRECTING THE MANAGER TO STUDY AND REPORT TO THE COMMISSION ON THE FEASIBILITY OF REQUIRING ALL NEW COMMERCIAL PROPERTIES OBTAINING A BUILDING PERMIT TO INCLUDE A BABY CHANGING STATION IN EACH PUBLIC RESTROOM; PROVIDING FOR AN EFFECTIVE DATE**  
*(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, parents, guardians, and caregivers of young children frequently face challenges in maintaining proper child care and hygiene while in public spaces; and

**WHEREAS**, baby changing stations in public restrooms provide a necessary and practical solution, ensuring accessibility, convenience, and dignity for caregivers tending to infants and toddlers; and

**WHEREAS**, enhancing public infrastructure to accommodate families aligns with the City's commitment to quality of life, accessibility, and economic growth, benefiting both residents and businesses; and

**WHEREAS**, requiring baby changing stations in new commercial developments and installing them in city-owned facilities will improve public health, encourage family-friendly commerce, and create a more inclusive community; and

**WHEREAS**, the City of West Miami aims to encourage existing commercial properties to voluntarily install baby changing stations through incentives, recognition programs, and assistance where feasible, while also establishing a process to require their installation when an existing commercial property applies for a building permit for restroom renovations or upgrades; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Commission of the City of West Miami as follows:

### **Section 1: Incorporation of Recitals**

The foregoing recitals are hereby ratified and incorporated into this Resolution as the legislative intent of the City Commission.



## **Section 2: Study and Recommendation on Baby Changing Stations**

The City Manager is hereby directed to conduct a study and present a report within thirty (30) days to the City Commission on the feasibility, costs, and regulatory considerations of:

- a) Requiring all new commercial developments seeking a building permit to install baby changing stations in each publicly accessible restroom; and
- b) Installing baby changing stations in city-owned restrooms, including municipal buildings, parks, and public facilities.
- c) Incentivizing existing commercial properties to add baby changing stations and regulations requiring them when pulling permits for bathrooms.

## **Section 3: Effective Date**

This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

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**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

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**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**

## RESOLUTION 2025 - \_\_\_\_\_

**RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO PERMITTING; DIRECTING THE CITY MANAGER TO STUDY AND RECOMMEND IMPROVEMENTS TO STREAMLINE THE PERMITTING PROCESS, TO EXPAND ONLINE SERVICES, AND TO ESTABLISH ESTIMATED TIMELINES FOR PERMIT REVIEW; PROVIDING FOR AN EFFECTIVE DATE.** *(Sponsored by Vice Mayor Milian Orbis)*

**WHEREAS**, an efficient and transparent permitting process is essential for residents and businesses seeking to make improvements to their properties, where possible the city needs to move at the speed of business; and

**WHEREAS**, streamlining the permitting process will reduce wait times, improve customer service, and enhance government efficiency; and

**WHEREAS**, implementing online permitting services where feasible will increase accessibility and convenience for residents while reducing administrative burdens; and

**WHEREAS**, AI (Artificial Intelligence) may provide timely assistance in evaluating permit applications; and

**WHEREAS**, providing clear estimated timelines for permit review will ensure transparency and set reasonable expectations for applicants.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI THAT:**

### **Section 1: Study and Recommendations for Permitting Efficiency**

The City Manager is directed to conduct a study on the current permitting process and provide recommendations for streamlining procedures, eliminating unnecessary delays, and improving efficiency. The study shall include an evaluation of best practices from other municipalities and the possible utilization of AI (Artificial Intelligence).

### **Section 2: Expansion of Online Services**

The City Manager shall assess the feasibility of expanding online permitting services, including electronic application submission, fee payments, document uploads, and real-time tracking of permit status.

### **Section 3: Establishing Estimated Permit Review Timelines**

The City shall develop and publish estimated permit review timelines for different types of permits, ensuring applicants have clear expectations regarding processing times.

### **Section 4: Reporting and Implementation**

The City Manager shall report findings and recommendations to the City Commission within **90 days** of the adoption of this resolution, including a proposed implementation plan for streamlining permitting and enhancing online services.

### **Section 5: Effective Date**

This Resolution shall take effect immediately upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.**

**COMMISSIONER JUAN M. BLANES**  
**COMMISSIONER LUCIANO L. SUAREZ**

**RESOLUTION 2025 - \_\_\_\_\_**

**RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, RELATING TO TRANSPARENCY IN POLITICAL POLLING; URGING INCREASING TRANSPARENCY IN POLITICAL POLLING FOR THE RESIDENTS OF WEST MIAMI, OF MIAMI-DADE COUNTY, AND OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Milian Orbis)***

**WHEREAS**, ensuring transparency in political polling is critical to safeguarding the privacy and security of residents, particularly seniors, who are often targeted by unsolicited calls, emails, and text messages; and

**WHEREAS**, legislation such as proposed Florida Senate Bill 528, regarding political polls, seeks to enhance transparency by defining the term “political poll,” requiring clear disclosure statements, and establishing penalties for noncompliance; and

**WHEREAS**, increased accountability in political polling will help residents make informed decisions, prevent misleading or deceptive practices, and promote trust in the electoral process;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Commission of the City of West Miami as follows:

**Section 1:** The Mayor and City Commission urge Florida State Legislators to support proposed Florida Senate Bill 528 or similar state legislation that strengthens transparency requirements for political polling by clearly identifying, when contacting residents via phone, email, or text, who is conducting the poll and for what purpose.

**Section 5: Effective Date**

This Resolution shall take effect immediately upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

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**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**

## RESOLUTION 2025 - \_\_\_\_\_

### **RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI REGARDING WATER FLOURIDATION; SUPPORTING THE CITY OF MIAMI BEACH'S CALL FOR A REVIEW OF WATER FLUORIDATION PRACTICES IN MIAMI-DADE COUNTY; TRANSMITTING A COPY TO MIAMI BEACH AND MIAMI-DADE COUNTY; PROVIDING AN EFFECTIVE DATE** (Sponsored by Vice Mayor Milian Orbis)

**WHEREAS**, the practice of fluoridating public water supplies has been widely used as a method of preventing dental cavities, with approximately 72% of the U.S. population receiving fluoridated water as of 2022, according to the Centers for Disease Control and Prevention (CDC); and

**WHEREAS**, while the CDC has historically endorsed water fluoridation as a major public health achievement, an evolving body of scientific research has raised concerns regarding the potential long-term health risks associated with fluoride exposure at levels commonly found in public water systems; and

**WHEREAS**, recent studies, including those published in The Lancet Neurology (2014), Environmental Health Perspectives (2019), and PubMed Central (2021), have suggested possible links between fluoride exposure and neurodevelopmental effects, thyroid dysfunction, and bone health concerns, warranting further investigation; and

**WHEREAS**, on November 22, 2024, Florida State Surgeon General Dr. Joseph A. Ladapo issued guidance recommending against community water fluoridation due to potential neuropsychiatric risks associated with fluoride exposure; and

**WHEREAS**, as Chairman of the Miami-Dade County Safety and Health Committee, Miami-Dade County Commissioner Roberto Gonzalez has formally invited Florida Surgeon General Dr. Joseph Ladapo to testify before the committee on the potential health effects of fluoridation in the public water supply, emphasizing that protecting public health must come first; and

**WHEREAS**, the City of Miami Beach recently adopted a resolution urging Miami-Dade County to review the practice of fluoridating the public water supply, in light of growing scientific debate regarding both its efficacy and potential health impacts; and

**WHEREAS**, the City of West Miami shares Miami Beach's commitment to safeguarding public health and ensuring that municipal policies are based on the best available scientific evidence;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Commission of the City of West Miami, as follows:

### **Section 1: Support for a Review of Water Fluoridation Practices**

The City of West Miami supports the City of Miami Beach's request for Miami-Dade County to conduct a comprehensive review of the fluoridation of the public water supply, considering both the purported benefits and potential risks identified in recent scientific literature.

### **Section 2: Transmittal to Miami Beach and Miami-Dade County**

The City Clerk is directed to transmit a copy of this Resolution to the Miami-Dade County Board of Commissioners, the Miami-Dade County Mayor, the Miami-Dade Water and Sewer Department, and the City of Miami Beach for their consideration.

### **Section 3: Effective Date**

This Resolution shall become effective immediately upon passage.

This Resolution shall take effect immediately upon passage.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**



**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**



## RESOLUTION 2025 - \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, DIRECTING THE CITY MANAGER TO INITIATE THE PROCESS OF ENGAGING A PROFESSIONAL JANITORIAL SERVICE TO MAINTAIN CITY FACILITIES; AUTHORIZING A STUDY TO IDENTIFY SERVICE NEEDS, COSTS, AND CONTRACTING OPTIONS; PROVIDING FOR A REPORT AND RECOMMENDATIONS WITHIN 30 DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.** *(Sponsored by Vice Mayor Milian Orbis)*

WHEREAS, the cleanliness, maintenance, and overall appearance of City buildings and facilities are essential to providing a safe, welcoming, and professional environment for residents, visitors, and employees; and

WHEREAS, the City of West Miami currently lacks a dedicated professional janitorial service, relying instead on in-house or ad-hoc cleaning arrangements that may not adequately meet the growing needs of city facilities; and

WHEREAS, the recently upgraded Recreation Center is expected to experience a significant increase in events and daily usage, necessitating enhanced janitorial services to uphold cleanliness and facility standards; and

WHEREAS, the expansion of Passport Service hours at City Hall will result in increased foot traffic, further emphasizing the need for a professional cleaning service to ensure sanitary conditions and efficient facility maintenance; and

WHEREAS, engaging a professional janitorial service would provide consistent, high-quality maintenance, improve operational efficiency, and ensure a cleaner and healthier environment for all city-owned facilities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of West Miami as follows:

### **Section 1: Incorporation of Recitals**

The foregoing recitals are hereby ratified and incorporated into this Resolution as the legislative intent of the City Commission.

### **Section 2: Initiation of Professional Janitorial Services**

The City Manager is hereby directed to initiate the process of engaging a professional

janitorial service to provide dedicated cleaning and maintenance services for all city-owned facilities.

The City Manager shall conduct a formal assessment and provide a status update within thirty (30) days that includes:

- a) An inventory of all city facilities requiring janitorial services and their specific cleaning needs.
- b) Potential service providers and contracting options.
- d) Recommended next steps, including an anticipated timeline for securing services.

Section 3: Effective Date This Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**APPROVED:**

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

**ROLL CALL VOTE:**

**MAYOR ERIC DIAZ-PADRON  
VICE-MAYOR NATALIE MILIAN ORBIS  
COMMISSIONER IVAN CHAVEZ, JR.  
COMMISSIONER JUAN M. BLANES  
COMMISSIONER LUCIANO L. SUAREZ**



## RESOLUTION # 2025-

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF WEST MIAMI AND THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE) UNDER THE 287(G) TASK FORCE MODEL; AFFIRMING THE CITY'S COMPLIANCE WITH CHAPTER 908, FLORIDA STATUTES, RELATING TO FEDERAL IMMIGRATION ENFORCEMENT; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of West Miami recognizes the importance of supporting federal immigration enforcement efforts as provided under the Immigration and Nationality Act and the **287(g) Task Force Model**; and

**WHEREAS**, Florida law, specifically **Chapter 908, Florida Statutes**, mandates cooperation between local law enforcement agencies and federal immigration authorities, prohibiting sanctuary policies and requiring local governmental entities to comply with immigration enforcement efforts; and

**WHEREAS**, the City of West Miami seeks to enter into a **Memorandum of Agreement (MOA)** with the United States Immigration and Customs Enforcement (ICE) to allow for the delegation of immigration enforcement functions to nominated, trained, and certified law enforcement officers under ICE supervision; and

**WHEREAS**, the City Commission finds that entering into this MOA is in the best interest of the City and its residents by promoting public safety and ensuring compliance with **Florida Statutes Chapter 908** regarding immigration enforcement cooperation;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by reference.

**Section 2.** The City Manager is hereby authorized to execute the **Memorandum of Agreement between the City of West Miami and ICE**, in substantially the form attached hereto as Exhibit "A," subject to approval by the City Attorney.

**Section 3.** The City of West Miami affirms its commitment to compliance with **Florida Statutes Chapter 908**, including the provisions requiring cooperation with federal

immigration authorities, prohibition of sanctuary policies, and enforcement of immigration detainers.

**Section 4.** The City Manager and City officials are authorized to take all necessary actions to implement this Resolution.

**Section 5.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this 5<sup>th</sup> day of March 2025.

APPROVED:

\_\_\_\_\_  
**ERIC DIAZ-PADRON, MAYOR**

ATTEST:

\_\_\_\_\_  
**ANNERY GONZALEZ, MMC  
CITY CLERK**

APPROVED AS TO FORM AND SUFFICIENCY:

\_\_\_\_\_  
**DEXTER W. LEHTINEN, CITY ATTORNEY**

ROLL CALL VOTE:

This Resolution was offered by \_\_\_\_\_, who moved its adoption. The motion was seconded by \_\_\_\_\_. The vote was as follows:

<b>MAYOR ERIC DIAZ-PADRON</b>	<b>—</b>
<b>VICE-MAYOR NATALIE MILIAN ORBIS</b>	<b>—</b>
<b>COMMISSIONER IVAN CHAVEZ, JR.</b>	<b>—</b>
<b>COMMISSIONER JUAN M. BLANES</b>	<b>—</b>
<b>COMMISSIONER LUCIANO L. SUAREZ</b>	<b>—</b>

## **MEMORANDUM OF AGREEMENT**

### **287(g) Task Force Model**

This Memorandum of Agreement (MOA) constitutes an agreement between United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), and the \_\_\_\_\_, pursuant to which ICE delegates to nominated, trained, and certified officers or employees of the \_\_\_\_\_ (hereinafter interchangeably referred to as “Law Enforcement Agency” (LEA)), the authority to perform certain immigration enforcement functions as specified herein. The LEA represents \_\_\_\_\_ in the implementation and administration of this MOA. The LEA and ICE enter into this MOA in good faith and agree to abide by the terms and conditions contained herein. The ICE and LEA points of contact for purposes of this MOA are identified in Appendix A.

#### **I. PURPOSE**

The purpose of this MOA is to set forth the terms and conditions pursuant to which selected LEA personnel (participating LEA personnel) will be nominated, trained, and thereafter be approved by ICE to perform certain functions of an immigration officer under the direction and supervision of ICE within the LEA’s jurisdiction. This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. Nothing contained herein shall otherwise limit the jurisdiction and powers normally possessed by participating LEA personnel as members of the LEA. However, the exercise of the immigration enforcement authority granted under this MOA to participating LEA personnel shall occur only as provided in this MOA. This MOA also describes the complaint procedures available to members of the public regarding immigration enforcement actions taken pursuant to this agreement by participating LEA personnel.

#### **II. AUTHORITY**

Section 287(g) of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1357(g), as amended by the Homeland Security Act of 2002, Public Law 107-276, authorizes the Secretary of Homeland Security, or her designee, to enter into written agreements with a State or any political subdivision of a State so that qualified officers and employees can perform certain functions of an immigration officer. This MOA constitutes such a written agreement.

#### **III. POLICY**

This MOA sets forth the scope of the immigration officer functions that DHS is authorizing the participating LEA personnel to perform. It sets forth with specificity the duration of the authority conveyed and the specific lines of authority, including the requirement that participating LEA personnel be subject to ICE direction and supervision while performing delegated immigration officer functions pursuant to this MOA. For the purposes of this MOA, ICE officers will provide direction and supervision for participating LEA personnel only as to immigration enforcement functions as authorized in this MOA. The LEA retains supervision of all other aspects of the employment and performance of duties of participating LEA personnel.

#### **IV. TRAINING AND ASSIGNMENTS**

Before participating LEA personnel receive authorization to perform immigration officer functions granted under this MOA, they must successfully complete mandatory training on relevant administrative, legal, and operational issues tailored to the immigration enforcement functions to be performed as provided by ICE instructors and thereafter pass examinations equivalent to those given to ICE officers. The mandatory training may be made available to the LEA in both in-person and online, recorded or virtual-meeting formats, as determined by ICE. Only participating LEA personnel who are nominated, trained, certified, and authorized, as set out herein, have authority pursuant to this MOA to conduct the delegated immigration officer functions, under ICE direction and supervision, enumerated in this MOA.

Upon the LEA's agreement, participating LEA personnel performing immigration-related duties pursuant to this MOA will be assigned to various units, teams, or task forces designated by ICE.

#### **V. DESIGNATION OF AUTHORIZED FUNCTIONS**

For the purposes of this MOA, participating LEA personnel are authorized to perform the following functions pursuant to the stated authorities, subject to the limitations contained in this MOA:

- The power and authority to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations those individuals who have been arrested for State or Federal criminal offenses.
- The power and authority to arrest without a warrant any alien entering or attempting to unlawfully enter the United States in the officer's presence or view, or any alien in the United States, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(2) and 8 C.F.R. § 287.5(c)(1). Subsequent to such arrest, the arresting officer must take the alien without unnecessary delay for examination before an immigration officer having authority to examine aliens as to their right to enter or remain in the United States.
- The power to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2).
- The power to serve and execute warrants of arrest for immigration violations under INA § 287(a) and 8 C.F.R. § 287.5(e)(3).
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)) to complete required alien processing to include fingerprinting,

photographing, and interviewing, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review.

- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3) including the preparation of the Notice to Appear (NTA) or other charging document, as appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors.
- The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for aliens in categories established by ICE supervisors.
- The power and authority to take and maintain custody of aliens arrested by ICE, or another State or local law enforcement agency on behalf of ICE. (8 C.F.R. § 287.5(c)(6))
- The power and authority to take and maintain custody of aliens arrested pursuant to the immigration laws and transport (8 C.F.R. § 287.5(c)(6)) such aliens to ICE-approved detention facilities.

## **VI. RESOLUTION OF LOCAL CHARGES**

The LEA is expected to pursue to completion prosecution of any state or local charges that caused the alien to be taken into custody. ICE may assume custody of aliens who have been convicted of a state or local offense only after such aliens have concluded service of any sentence of incarceration. The ICE Enforcement and Removal Operations Field Office Director or designee shall assess on a case-by-case basis the appropriate actions for aliens who do not meet the above criteria based on special interests or other circumstances after processing by the LEA.

After notification to and coordination with the ICE supervisor, the alien whom participating LEA personnel have determined to be removable will be arrested on behalf of ICE by participating LEA personnel and be transported by the LEA on the same day to the relevant ICE detention office or facility.

## **VII. NOMINATION OF PERSONNEL**

The chief officer of the LEA will nominate candidates for initial training and certification under this MOA. For each candidate, ICE may request any information necessary for a background check and to evaluate a candidate's suitability to participate in the enforcement of immigration authorities under this MOA. All candidates must be United States citizens. All candidates must have at least two years of LEA work experience. All candidates must be approved by ICE and must be able to qualify for appropriate federal security clearances and access to appropriate DHS and ICE databases/systems and associated applications.

Should a candidate not be approved, a substitute candidate may be submitted if time permits such substitution to occur without delaying the start of training. Any subsequent expansion in the number of participating LEA personnel or scheduling of additional training classes may be based

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on an oral agreement of the parties but will be subject to all the requirements of this MOA.

## **VIII. TRAINING OF PERSONNEL**

ICE will provide participating LEA personnel with the mandatory training tailored to the immigration functions to be performed. The mandatory training may be made available to the LEA in both in-person and online, recorded or virtual-meeting formats, as determined by ICE.

Training will include, among other things: (i) discussion of the terms and limitations of this MOA; (ii) the scope of immigration officer authority; (iii) relevant immigration law; (iv) the ICE Use of Force Policy; (v) civil rights laws; (vi) the detention of aliens; (vii) public outreach and complaint procedures; (viii) liability issues; (ix) cross-cultural issues; and (x) the obligations under federal law, including applicable treaties or international agreements, to make proper notification upon the arrest or detention of a foreign national.

Approximately one year after the participating LEA personnel are trained and certified, ICE may provide additional updated training on relevant administrative, legal, and operational issues related to the performance of immigration officer functions, unless either party terminates this MOA pursuant to Section XVIII below. Local training on relevant issues will be provided on an ongoing basis by ICE supervisors or a designated team leader.

## **IX. CERTIFICATION AND AUTHORIZATION**

ICE will certify in writing the names of those LEA personnel who successfully complete training and pass all required testing. Upon certification, ICE will provide the participating LEA personnel with a signed authorization to perform specified functions of an immigration officer for an initial period of two years from the date of the authorization. ICE will also provide a copy of the authorization to the LEA. The ICE supervisory officer, or designated team leader, will evaluate the activities of all personnel certified under this MOA.

Authorization of participating LEA personnel to act pursuant to this MOA may be revoked at any time and for any reason by ICE or the LEA. Such revocation will require notification to the other party to this MOA within 48 hours. The chief officer of the LEA and ICE will be responsible for notification of the appropriate personnel in their respective agencies. The termination of this MOA, pursuant to Section XVIII below, shall constitute revocation of all immigration enforcement authorizations delegated herein.

## **X. COSTS AND EXPENDITURES**

Participating LEA personnel will carry out designated functions at the LEA's expense, including salaries and benefits, local transportation, and official issue material. Whether or not the LEA receives financial reimbursement for such costs through a federal grant or other funding mechanism is not material to this MOA.

ICE is responsible for the installation and maintenance of the Information Technology (IT) infrastructure. The use of the IT infrastructure and the DHS/ICE IT security policies are

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defined in the Interconnection Security Agreement (ISA). The ISA is the agreement between ICE's Chief Information Security Officer and the LEA's Designated Accreditation Authority. The LEA agrees that each of its sites using an ICE-provided network access or equipment will sign the ISA, which defines the DHS ICE 4300A Sensitive System Policy and Rules of Behavior for each user granted access to the DHS network and software applications. Failure to adhere to the terms of the ISA could result in the loss of all user privileges.

The LEA is responsible for personnel expenses, including, but not limited to, salaries and benefits, local transportation, and official issue material used in the execution of the LEA's mission. ICE will provide instructors and training materials. The LEA is responsible for the salaries and benefits, including any overtime, of all its personnel being trained or performing duties under this MOA and of those personnel performing the regular functions of the participating LEA personnel while they are receiving training. ICE is responsible for the costs of the LEA personnel's travel expenses while in a training status, as authorized by the Federal Travel Regulation and the ICE Travel Handbook. These expenses include housing, per diem and all transportation costs associated with getting to and from training. ICE is responsible for the salaries and benefits of all ICE personnel, including instructors and supervisors.

The LEA is responsible for providing all administrative supplies (e.g. paper, printer toner) necessary for normal office operations. The LEA is also responsible for providing the necessary security equipment, such as handcuffs, leg restraints, etc.

## **XI. ICE SUPERVISION**

Immigration enforcement activities conducted by participating LEA personnel will be supervised and directed by ICE. Participating LEA personnel are not authorized to perform immigration officer functions except when working under the supervision or direction of ICE.

When operating in the field, participating LEA personnel shall contact an ICE supervisor at the time of exercising the authority in this MOA, or as soon as is practicable thereafter, for guidance. The actions of participating LEA personnel will be reviewed by the ICE supervisory officers on an ongoing basis to ensure compliance with the requirements of the immigration laws and procedures and to assess the need for additional training or guidance for that specific individual.

For the purposes of this MOA, ICE officers will provide supervision of participating LEA personnel only as to immigration enforcement functions. The LEA retains supervision of all other aspects of the employment of and performance of duties by participating LEA personnel.

In the absence of a written agreement to the contrary, the policies and procedures to be utilized by the participating LEA personnel in exercising these authorities shall be DHS and ICE policies and procedures, including the ICE Use of Force Policy. However, when engaged in immigration enforcement activities, no participating LEA personnel will be expected or required to violate or otherwise fail to maintain the LEA's rules, standards, or policies, or be required to fail to abide by restrictions or limitations as may otherwise be imposed by law unless doing so would violate

federal law.

If a conflict arises between an order or direction of an ICE supervisory officer and LEA rules, standards, or policies, the conflict shall be promptly reported to ICE, and the chief officer of the LEA, or designee, when circumstances safely allow the concern to be raised. ICE and the chief officer of the LEA shall attempt to resolve the conflict.

Whenever possible, the LEA will deconflict all addresses, telephone numbers, and known or suspected identities of violators of the INA with ICE's Homeland Security Investigations or ICE's Enforcement and Removal Operations prior to taking any enforcement action. This deconfliction will, at a minimum include wants/warrants, criminal history, and a person's address, and vehicle check through TECS II or any successor system.

LEA participating personnel authorized pursuant to this MOA may be assigned and/or co-located with ICE as task force officers to assist ICE with criminal investigations.

## **XII. REPORTING REQUIREMENTS**

The LEA will be responsible for tracking and maintaining accurate data and statistical information for their 287(g) program, including any specific tracking data requested by ICE. Upon ICE's request, such data and information shall be provided to ICE for comparison and verification with ICE's own data and statistical information, as well as for ICE's statistical reporting requirements and to assess the progress and success of the LEA's 287(g) program.

## **XIII. RELEASE OF INFORMATION TO THIRD PARTIES**

The LEA may, at its discretion, communicate the substance of this agreement to the media and other parties expressing an interest in the law enforcement activities to be engaged in under this MOA. It is the practice of ICE to provide a copy of this MOA, only after it has been signed, to requesting media outlets; the LEA is authorized to do the same.

The LEA hereby agrees to coordinate with ICE prior to releasing any information relating to, or exchanged under, this MOA. For releases of information to the media, the LEA must coordinate in advance of release with the ICE Office of Public Affairs, which will consult with ICE Privacy Office for approval prior to any release. The points of contact for ICE and the LEA for this purpose are identified in Appendix C. For releases of information to all other parties, the LEA must coordinate in advance of release with the FOD or the FOD's representative.

Information obtained or developed as a result of this MOA, including any documents created by the LEA that contain information developed or obtained as a result of this MOA, is under the control of ICE and shall not be disclosed unless: 1) permitted by applicable laws, regulations, or executive orders; and 2) the LEA has coordinated in advance of release with (a) the ICE Office of Public Affairs, which will consult the ICE Privacy Office for approval, prior to any release to the media, or (b) an ICE officer prior to releases to all other parties. LEA questions regarding the

applicability of this section to requests for release of information shall be directed to an ICE officer.

Nothing herein limits LEA's compliance with state public records laws regarding those records that are solely state records and not ICE records.

The points of contact for ICE and the LEA for the above purposes are identified in Appendix C.

#### **XIV. LIABILITY AND RESPONSIBILITY**

Except as otherwise noted in this MOA or allowed by federal law, and to the extent required by 8 U.S.C. § 1357(g)(7) and (8), the LEA will be responsible and bear the costs of participating LEA personnel regarding their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.

Participating LEA personnel will be treated as Federal employees for purposes of the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), 2671-2680, and worker's compensation claims, 5 U.S.C. § 8101 et seq., when performing a function on behalf of ICE as authorized by this MOA. *See* 8 U.S.C. § 1357(g)(7); 28 U.S.C. § 2671. In addition, it is the understanding of the parties to this MOA that participating LEA personnel performing a function on behalf of ICE authorized by this MOA will be considered acting under color of federal authority for purposes of determining liability and immunity from suit under federal or state law. *See* 8 U.S.C. § 1357(g)(8).

Participating LEA personnel named as personal-capacity defendants in litigation arising from activities carried out under this MOA may request representation by the U.S. Department of Justice. *See* 28 C.F.R. § 50.15. Absent exceptional circumstances, such requests must be made in writing. LEA personnel who wish to submit a request for representation shall notify the local ICE Office of the Principal Legal Advisor (OPLA) field location at \_\_\_\_\_. OPLA, through its headquarters, will assist LEA personnel with the request for representation, including the appropriate forms and instructions. Unless OPLA concludes that representation clearly is unwarranted, it will forward the request for representation, any supporting documentation, and an advisory statement opining whether: 1) the requesting individual was acting within the scope of his/her authority under 8 U.S.C. § 1357(g) and this MOA; and, 2) such representation would be in the interest of the United States, to the Director of the Constitutional and Specialized Tort Litigation Section, Civil Division, Department of Justice (DOJ). Representation is granted at the discretion of DOJ; it is not an entitlement. *See* 28 C.F.R. § 50.15.

The LEA agrees to cooperate with any federal investigation related to this MOA to the full extent of its available powers, including providing access to appropriate databases, personnel, individuals in custody and documents. Failure to do so may result in the termination of this MOA. Failure of any participating LEA employee to cooperate in any federal investigation related to this MOA may result in revocation of such individual's authority provided under this MOA. The LEA agrees to cooperate with federal personnel conducting reviews to ensure compliance with the terms of this MOA and to provide access to appropriate databases, personnel, and documents necessary to complete such compliance review. It is understood that information provided by any LEA personnel under threat of disciplinary action in an administrative investigation cannot be

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used against that individual in subsequent criminal proceedings, consistent with *Garrity v. New Jersey*, 385 U.S. 493 (1967), and its progeny.

As the activities of participating LEA personnel under this MOA derive from federal authority, the participating LEA personnel will comply with federal standards relating to the Supreme Court's decision in *Giglio v. United States*, 405 U.S. 150 (1972), and its progeny, which govern the disclosure of potential impeachment information about possible witnesses or affiants in a criminal case or investigation.

The LEA and ICE are each responsible for compliance with the Privacy Act of 1974, 5 U.S.C. § 552a, DHS Privacy Act regulations, 6 C.F.R. §§ 5.20-5.36, as applicable, and related system of records notices regarding data collection and use of information under this MOA.

## **XV. COMPLAINT PROCEDURES**

The complaint reporting and resolution procedure for allegations of misconduct by participating LEA personnel, regarding activities undertaken under the authority of this MOA, is included at Appendix B.

## **XVI. CIVIL RIGHTS STANDARDS**

Participating LEA personnel who perform certain federal immigration enforcement functions are bound by all applicable federal civil rights statutes and regulations.

Participating LEA personnel will provide an opportunity for subjects with limited English language proficiency to request an interpreter. Qualified foreign language interpreters will be provided by the LEA as needed.

## **XVII. MODIFICATION OF THIS MOA**

Modifications of this MOA must be proposed in writing and approved by the signatories.

## **XVIII. EFFECTIVE DATE, SUSPENSION, AND TERMINATION OF THIS MOA**

This MOA becomes effective upon signature of both parties and will remain in effect until either party terminates or suspends the MOA. Termination by the LEA shall be provided, in writing, to the local Field Office.

In instances where serious misconduct or violations of the terms of the MOA come to the attention of ICE, the ICE Director may, upon recommendation of the Executive Associate Director for Enforcement and Removal Operations, elect to immediately suspend the MOA pending investigation of the misconduct and/or violations.

Notice of the suspension will be provided to the LEA, and the notice will include, at a minimum, (1) an overview of the reason(s) that ICE is suspending the 287(g) agreement, (2) the length of the temporary suspension, and (3) how the LEA can provide ICE with information regarding the alleged

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misconduct and/or violations, as well as any corrective measures it has undertaken.

ICE shall provide the LEA with a reasonable opportunity to respond to the alleged misconduct and/or violations and to take actions to implement corrective measures (e.g., replace the officer(s) who are the focus of the allegations). ICE will provide the LEA timely notice of a suspension being extended or vacated.

If the LEA is working to take corrective measures, ICE will generally not terminate an agreement. The termination of an agreement is generally reserved for instances involving problems that are unresolvable and detrimental to the 287(g) Program.

If ICE decides to move from suspension to termination, ICE will provide the LEA a 90-day notice in advance of the partnership being terminated. The notice will include, at a minimum: (1) An overview of the reason(s) that ICE seeks to terminate the 287(g) agreement; (2) All available data on the total number of aliens identified under the 287(g) agreement; and (3) Examples of egregious criminal aliens identified under the 287(g) agreement. ICE's decision to terminate a MOA will be published on ICE's website 90 days in advance of the MOA's termination.

This MOA does not, is not intended to, shall not be construed to, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any person in any matter, civil or criminal.

By signing this MOA, each party represents it is fully authorized to enter into this MOA, accepts the terms, responsibilities, obligations, and limitations of this MOA, and agrees to be bound thereto to the fullest extent allowed by law.

**For the LEA:**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

**For ICE:**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

## **APPENDIX A**

### **POINTS OF CONTACT**

The ICE and LEA points of contact for purposes of implementation of this MOA are:

For ICE:                Department of Homeland Security  
                             Immigration and Customs Enforcement  
                             Enforcement and Removal Operations  
                             Assistant Director for Enforcement  
                             Washington DC

For the LEA:

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## **APPENDIX B**

### **COMPLAINT PROCEDURE**

This MOA is an agreement between ICE and the \_\_\_\_\_, hereinafter referred to as the “Law Enforcement Agency” (LEA), in which selected LEA personnel are authorized to perform immigration enforcement duties in specific situations under federal authority. As such, the training, supervision, and performance of participating LEA personnel pursuant to the MOA, as well as the protections for individuals’ civil and constitutional rights, are to be monitored. Part of that monitoring will be accomplished through these complaint reporting and resolution procedures, which the parties to the MOA have agreed to follow.

If any participating LEA personnel are the subject of a complaint or allegation involving the violation of the terms of this MOA the LEA shall, to the extent allowed by state law, make timely notification to ICE.

Further, if the LEA is aware of a complaint or allegation of any sort that may result in that individual receiving professional discipline or becoming the subject of a criminal investigation or civil lawsuit, the LEA shall remove the designated LEA personnel from the program, until such time that the LEA has adjudicated the allegation.

The LEA will handle complaints filed against LEA personnel who are not designated and certified pursuant to this MOA but are acting in immigration functions in violation of this MOA. Any such complaints regarding non-designated LEA personnel acting in immigration functions must be forwarded to the ICE Office of Professional Responsibility (OPR) at [ICEOPRIntake@ice.dhs.gov](mailto:ICEOPRIntake@ice.dhs.gov).

#### **1. Complaint Reporting Procedures**

Complaint reporting procedures shall be disseminated as appropriate by the LEA within facilities under its jurisdiction (in English and other languages as appropriate) in order to ensure that individuals are aware of the availability of such procedures. Complaints will be accepted from any source (e.g., ICE, LEA, participating LEA personnel, inmates, and the public).

Complaints may be reported to federal authorities as follows:

- A. Telephonically to the ICE OPR at the toll-free number 1-833-4ICE-OPR; or
- B. Via email at [ICEOPRIntake@ice.dhs.gov](mailto:ICEOPRIntake@ice.dhs.gov).

Complaints may also be referred to and accepted by any of the following LEA entities:

- A. The LEA Internal Affairs Division; or
- B. The supervisor of any participating LEA personnel.



## **2. Review of Complaints**

All complaints (written or oral) reported to the LEA directly, which involve activities connected to immigration enforcement activities authorized under this MOA, will be reported to the ICE OPR. The ICE OPR will verify participating personnel status under the MOA with the assistance of ICE. Complaints received by any ICE entity will be reported directly to the ICE OPR as per existing ICE policies and procedures.

In all instances, the ICE OPR, as appropriate, will make an initial determination regarding DHS investigative jurisdiction and refer the complaint to the appropriate office for action as soon as possible, given the nature of the complaint.

Complaints reported directly to the ICE OPR will be shared with the LEA's Internal Affairs Division when the complaint involves LEA personnel. Both offices will then coordinate appropriate investigative jurisdiction, which may include initiation of a joint investigation to resolve the issue(s).

## **3. Complaint Resolution Procedures**

Upon receipt of any complaint the ICE OPR will undertake a complete review of each complaint in accordance with existing ICE allegation criteria and reporting requirements. As stated above the ICE OPR will adhere to existing ICE reporting requirements as they relate to the DHS OIG and/or another legally required entity. Complaints will be resolved using the existing procedures, supplemented as follows:

### **A. Referral of Complaints to LEA Internal Affairs Division.**

The ICE OPR will refer complaints, as appropriate, involving LEA personnel to the LEA's Internal Affairs Division for resolution. The Internal Affairs Division Commander will inform ICE OPR of the disposition and resolution of any complaints referred by ICE OPR.

### **B. Interim Action Pending Complaint Resolution**

Whenever any participating LEA personnel are under investigation and subject to interrogation by the LEA for any reason that could lead to disciplinary action, demotion, or dismissal, the policy requirements of the LEA shall be honored. If appropriate, an individual may be removed from participation in the activities covered under the MOA pending resolution of an inquiry.

### **C. Time Parameters for Resolution of Complaints**

It is expected that any complaint received will be resolved within 90 days. However, this will depend upon the nature and complexity of the substance of the complaint itself.

### **D. Notification of Resolution of a Complaint**

ICE OPR will coordinate with the LEA's Internal Affairs Division to ensure notification as appropriate to the subject(s) of a complaint regarding the resolution of the complaint.

## **APPENDIX C**

### **PUBLIC INFORMATION POINTS OF CONTACT**

Pursuant to Section XIII of this MOA, the signatories agree to coordinate any release of information to the media regarding actions taken under this MOA. The points of contact for coordinating such activities are:

**For the LEA:**

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**For ICE:**

Department of Homeland Security  
Immigration and Customs Enforcement  
Office of Public Affairs

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908.101 Legislative findings and intent.

The Legislature finds that it is an important state interest to cooperate and assist the federal government in the enforcement of federal immigration laws within this state.

History.—s. 1, ch. 2019-102.

908.102 Definitions.

As used in this chapter, the term:

(1) “Federal immigration agency” means the United States Department of Justice and the United States Department of Homeland Security, a division within such an agency, including United States Immigration and Customs Enforcement and United States Customs and Border Protection, any successor agency, and any other federal agency charged with the enforcement of immigration law.

(2) “Immigration detainer” means a facially sufficient written or electronic request issued by a federal immigration agency using that agency’s official form to request that another law enforcement agency detain a person based on probable cause to believe that the person to be detained is a removable alien under federal immigration law, including detainers issued pursuant to 8 U.S.C. ss. 1226 and 1357 along with a warrant described in paragraph (c). For purposes of this subsection, an immigration detainer is deemed facially sufficient if:

(a) The federal immigration agency’s official form is complete and indicates on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law; or

(b) The federal immigration agency’s official form is incomplete and fails to indicate on its face that the federal immigration official has probable cause to believe that the person to be detained is a removable alien under federal immigration law, but is supported by an affidavit, order, or other official documentation that indicates that the federal immigration agency has probable cause to believe that the person to be detained is a removable alien under federal immigration law; and

(c) The federal immigration agency supplies with its detention request a Form I-200 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal/Deportation or a successor warrant or other warrant authorized by federal law.

(3) “Inmate” means a person in the custody of a law enforcement agency.

(4) “Law enforcement agency” means an agency in this state charged with enforcement of state, county, municipal, or federal laws or with managing custody of detained persons in this state and includes municipal police departments, sheriffs’ offices, state police departments, state university and college police departments, county correctional agencies, and the Department of Corrections.

(5) “Local governmental entity” means any county, municipality, or other political subdivision of this state.

(6) “Sanctuary policy” means a law, policy, practice, procedure, or custom adopted or allowed by a state entity or local governmental entity which prohibits or impedes a law enforcement agency from complying with 8 U.S.C. s. 1373 or which prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency so as to limit such law enforcement agency in, or prohibit the agency from:

(a) Complying with an immigration detainer;

(b) Complying with a request from a federal immigration agency to notify the agency before the release of an inmate or detainee in the custody of the law enforcement agency;

(c) Providing a federal immigration agency access to an inmate for interview;

(d) Participating in any program or agreement authorized under s. 287 of the Immigration and Nationality Act, 8 U.S.C. s. 1357 as required by s. 908.11;

(e) Providing a federal immigration agency with an inmate’s incarceration status or release date; or

(f) Providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.

(7) “State entity” means the state or any office, board, bureau, commission, department, branch, division, or institution thereof, including institutions within the State University System and the Florida College System.

History.—s. 1, ch. 2019-102; s. 2, ch. 2022-193.

908.103        Sanctuary policies prohibited.

A state entity, law enforcement agency, or local governmental entity may not adopt or have in effect a sanctuary policy.

History.—s. 1, ch. 2019-102.

908.104        Cooperation with federal immigration authorities.

(1) A law enforcement agency shall use best efforts to support the enforcement of federal immigration law. This subsection applies to an official, representative, agent, or employee of the entity or agency only when he or she is acting within the scope of his or her official duties or within the scope of his or her employment.

(2) Except as otherwise expressly prohibited by federal law, a state entity, local governmental entity, or law enforcement agency, or an employee, an agent, or a representative of the entity or agency, may not prohibit or in any way restrict a law enforcement agency from taking any of the following actions with respect to information regarding a person’s immigration status:

(a) Sending the information to or requesting, receiving, or reviewing the information from a federal immigration agency for purposes of this chapter.

(b) Recording and maintaining the information for purposes of this chapter.

(c) Exchanging the information with a federal immigration agency or another state entity, local governmental entity, or law enforcement agency for purposes of this chapter.

(d) Using the information to comply with an immigration detainer.

(e) Using the information to confirm the identity of a person who is detained by a law enforcement agency.

(f) Sending the applicable information obtained pursuant to enforcement of s. 448.095 to a federal immigration agency.

(3)(a) For purposes of this subsection, the term “applicable criminal case” means a criminal case in which:

1. The judgment requires the defendant to be confined in a secure correctional facility; and

2. The judge:

a. Indicates in the record under s. 908.105 that the defendant is subject to an immigration detainer; or

b. Otherwise indicates in the record that the defendant is subject to a transfer into federal custody.

(b) In an applicable criminal case, when the judge sentences a defendant who is the subject of an immigration detainer to confinement, the judge shall issue an order requiring the secure correctional facility in which the defendant is to be confined to reduce the defendant’s sentence by a period of not more than 12 days on the facility’s determination that the reduction in sentence will facilitate the seamless transfer of the defendant into federal custody. For purposes of this paragraph, the term “secure correctional facility” means a state correctional institution as defined in s. 944.02 or a county detention facility or a municipal detention facility as defined in s. 951.23.

(c) If the information specified in sub-subparagraph (a)2.a. or sub-subparagraph (a)2.b. is not available at the time the sentence is pronounced in the case, but is received by a law enforcement agency afterwards, the law enforcement agency shall notify the judge who shall issue the order described by paragraph (b) as soon as the information becomes available.

(4) When a county correctional facility or the Department of Corrections receives verification from a federal immigration agency that a person subject to an immigration detainer is in the law enforcement agency’s custody, the agency may securely transport the person to a federal facility in this state or to another point of transfer to federal custody outside the jurisdiction of the law enforcement agency. The law enforcement agency may transfer a person who is subject to an immigration detainer and is confined in a secure correctional facility to the custody of a federal immigration agency not earlier than 12 days before his or her release date. A law enforcement agency shall obtain judicial authorization before securely transporting an alien to a point of transfer outside of this state.

(5) This section does not require a state entity, local governmental entity, or law enforcement agency to provide a federal immigration agency with information related to a victim of or a witness to a criminal offense if the victim or witness timely and in good faith responds to the

entity's or agency's request for information and cooperation in the investigation or prosecution of the offense.

(6) A state entity, local governmental entity, or law enforcement agency that, pursuant to subsection (5), withholds information regarding the immigration information of a victim of or witness to a criminal offense shall document the victim's or witness's cooperation in the entity's or agency's investigative records related to the offense and shall retain the records for at least 10 years for the purpose of audit, verification, or inspection by the Auditor General.

(7) This section does not authorize a law enforcement agency to detain an alien unlawfully present in the United States pursuant to an immigration detainer solely because the alien witnessed or reported a crime or was a victim of a criminal offense.

(8) This section does not apply to any alien unlawfully present in the United States if he or she is or has been a necessary witness or victim of a crime of domestic violence, rape, sexual exploitation, sexual assault, murder, manslaughter, assault, battery, human trafficking, kidnapping, false imprisonment, involuntary servitude, fraud in foreign labor contracting, blackmail, extortion, or witness tampering.

History.—s. 1, ch. 2019-102; s. 12, ch. 2023-40.

908.105        Duties related to immigration detainees.

(1) A law enforcement agency that has custody of a person subject to an immigration detainer issued by a federal immigration agency shall:

(a) Provide to the judge authorized to grant or deny the person's release on bail under chapter 903 notice that the person is subject to an immigration detainer.

(b) Record in the person's case file that the person is subject to an immigration detainer.

(c) Upon determining that the immigration detainer is in accordance with s. 908.102(2), comply with the requests made in the immigration detainer.

(2) A law enforcement agency is not required to perform a duty imposed by paragraph (1)(a) or paragraph (1)(b) with respect to a person who is transferred to the custody of the agency by another law enforcement agency if the transferring agency performed that duty before the transfer.

(3) A judge who receives notice that a person is subject to an immigration detainer shall cause the fact to be recorded in the court record, regardless of whether the notice is received before or after a judgment in the case.

History.—s. 1, ch. 2019-102.

908.106        Reimbursement of costs.

Each county correctional facility shall enter into an agreement or agreements with a federal immigration agency for temporarily housing persons who are the subject of immigration detainees and for the payment of the costs of housing and detaining those persons. A compliant agreement may include any contract between a correctional facility and a federal immigration agency for housing or detaining persons subject to immigration detainees, such as basic ordering agreements in effect on or after July 1, 2019, agreements authorized by s. 287 of the

Immigration and Nationality Act, 8 U.S.C. s. 1357, or successor agreements and other similar agreements authorized by federal law.

History.—s. 1, ch. 2019-102.

#### 908.107 Enforcement.

(1) Any executive or administrative state, county, or municipal officer who violates his or her duties under this chapter may be subject to action by the Governor in the exercise of his or her authority under the State Constitution and state law. Pursuant to s. 1(b), Art. IV of the State Constitution, the Governor may initiate judicial proceedings in the name of the state against such officers to enforce compliance with any duty under this chapter or restrain any unauthorized act contrary to this chapter.

(2) In addition, the Attorney General may file suit against a local governmental entity or local law enforcement agency in a court of competent jurisdiction for declaratory or injunctive relief for a violation of this chapter.

(3) If a local governmental entity or local law enforcement agency violates this chapter, the court must enjoin the unlawful sanctuary policy. The court has continuing jurisdiction over the parties and subject matter and may enforce its orders with the initiation of contempt proceedings as provided by law.

(4) An order approving a consent decree or granting an injunction must include written findings of fact that describe with specificity the existence and nature of the sanctuary policy that violates this chapter.

History.—s. 1, ch. 2019-102.

#### 908.108 Education records.

This chapter does not apply to the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. s. 1232g.

History.—s. 1, ch. 2019-102.

#### 908.109 Discrimination prohibited.

A state entity, a local governmental entity, or a law enforcement agency, or a person employed by or otherwise under the direction or control of the entity or agency, may not base its actions under this chapter on the gender, race, religion, national origin, or physical disability of a person except to the extent authorized by the United States Constitution or the State Constitution.

History.—s. 1, ch. 2019-102.

#### 908.11 Immigration enforcement assistance agreements; reporting requirement.

(1) By January 1, 2023, each law enforcement agency operating a county detention facility must enter into a written agreement with the United States Immigration and Customs Enforcement to participate in the immigration program established under s. 287(g) of the Immigration and Nationality Act, 8 U.S.C. s. 1357. This subsection does not require a law enforcement agency to participate in a particular program model.



(2) Beginning no later than October 1, 2022, and until the law enforcement agency enters into the written agreement required under subsection (1), each law enforcement agency operating a county detention facility must notify the Department of Law Enforcement quarterly of the status of such written agreement and any reason for noncompliance with this section, if applicable.

History.—s. 3, ch. 2022-193.

908.111 Prohibition against governmental entity contracts with common carriers; required termination provisions.

(1) As used in this section, the term:

(a) “Common carrier” means a person, firm, or corporation that undertakes for hire, as a regular business, to transport persons or commodities from place to place, offering his or her services to all such as may choose to employ the common carrier and pay his or her charges.

(b) “Contract” means a contract that is subject to the competitive procurement requirements of the contracting governmental entity or a contract for an amount or duration requiring it to include written provisions under the procurement requirements of the governmental entity.

(c) “Governmental entity” means an agency of the state, a regional or local government created by the State Constitution or by a general or special act, a county or municipality, or any other entity that independently exercises governmental authority.

(d) “Unauthorized alien” means a person who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The term shall be interpreted consistently with any applicable federal statutes, rules, or regulations.

(2) A governmental entity may not execute, amend, or renew a contract with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into the State of Florida knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from this state or the United States.

(3) A contract between a governmental entity and a common carrier or contracted carrier which is executed, amended, or renewed on or after October 1, 2022, including a grant agreement or economic incentive program payment agreement, must include:

(a) An attestation by the common carrier or contracted carrier, in conformity with s. 92.525, that the common carrier or contracted carrier is not willfully providing and will not willfully provide any service during the contract term in furtherance of transporting a person into this state knowing that the person is an unauthorized alien, except to facilitate the detention, removal, or departure of the person from this state or the United States. A governmental entity is deemed to be in compliance with subsection (2) upon receipt of the common carrier’s or contracted carrier’s attestation; and

(b) A provision for termination for cause of the contract, grant agreement, or economic incentive program payment agreement if a common carrier or contracted carrier is found in violation of its attestation.

(4) The Department of Management Services shall develop by rule a common carrier and contracted carrier attestation form no later than August 30, 2022.

History.—s. 4, ch. 2022-193.

1Note.—Section 1, ch. 2023-3, provides:

“(1) As used in this section, the term “inspected unauthorized alien” means an individual who has documentation from the United States Government indicating that the United States Government processed and released him or her into the United States without admitting the individual in accordance with the federal Immigration and Nationality Act, 8 U.S.C. ss. 1101 et seq. The term must be interpreted consistently with any applicable federal statutes, rules, or regulations.

“(2) The Legislature finds that the Federal Government has failed to secure the nation’s borders and has allowed a surge of inspected unauthorized aliens to enter the United States. In January 2023, the Governor issued Executive Order 23-03, directing state law enforcement agencies and other state agencies to take necessary actions to protect Floridians from the impacts of the border crisis. Without such action, detrimental effects may be experienced in Florida, including increased crime, diminished economic opportunities and wages for American workers, and burdens on the education and health care systems. The Legislature finds that the Federal Government has proven itself unwilling to address this crisis.

“(3) To mitigate the effects of this crisis on the State of Florida, the Unauthorized Alien Transport Program is created within the Division of Emergency Management within the Executive Office of the Governor for the purpose of facilitating the transport of inspected unauthorized aliens within the United States, consistent with federal law. Notwithstanding s. 287.057, Florida Statutes, the division is authorized to contract for services to implement the program.

“(4) The division may adopt rules to implement the program.

“(5) This section expires June 30, 2025.”

908.12 Transnational crime organizations; reclassification.

(1) As used in this section, the term “transnational crime organization” means an organization that routinely facilitates the international trafficking of drugs, humans, or weapons or the international smuggling of humans.

(2) The penalty for any misdemeanor or felony may be reclassified if the commission of such misdemeanor or felony was for the purpose of benefiting, promoting, or furthering the interests of a transnational crime organization. The reclassification is as follows:

(a) A misdemeanor of the second degree is reclassified to a misdemeanor of the first degree.

(b) A misdemeanor of the first degree is reclassified to a felony of the third degree.

- (c) A felony of the third degree is reclassified to a felony of the second degree.
- (d) A felony of the second degree is reclassified to a felony of the first degree.
- (e) A felony of the first degree is reclassified to a life felony.

History.—s. 2, ch. 2024-8