

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 4, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution strongly opposing any reforms to bail and bond schedules or pretrial release programs in the Eleventh Judicial Circuit that would automatically grant arrested persons pretrial release on nonmonetary conditions, or on their own recognizance, without first appearing before a judge

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera and Co-Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

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Gen Bonzon-Keenan
County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(14)
4-4-23

RESOLUTION NO. _____

RESOLUTION STRONGLY OPPOSING ANY REFORMS TO BAIL AND BOND SCHEDULES OR PRETRIAL RELEASE PROGRAMS IN THE ELEVENTH JUDICIAL CIRCUIT THAT WOULD AUTOMATICALLY GRANT ARRESTED PERSONS PRETRIAL RELEASE ON NONMONETARY CONDITIONS, OR ON THEIR OWN RECOGNIZANCE, WITHOUT FIRST APPEARING BEFORE A JUDGE

WHEREAS, the safety of the residents of and visitors to Miami-Dade County has always been a priority of this Board; and

WHEREAS, when an individual is arrested for a criminal offense in Miami-Dade County, those cases are heard in the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida; and

WHEREAS, the Florida Rules of Criminal Procedure provide that except when previously released in a lawful manner, every arrested person shall be taken before a judicial officer, either in person or by electronic audiovisual device, within 24 hours of arrest, in what is known as a first appearance; and

WHEREAS, at the defendant's first appearance, the presiding judge is responsible not only for informing the defendant of the charges and determining whether the defendant can afford counsel or should be appointed counsel, but also for determining the propriety and conditions of pretrial release, including setting the conditions of pretrial release or a reasonable bond; and

WHEREAS, Article V, section 2(d) of the Florida Constitution provides that the chief judge of each judicial circuit in the state shall be responsible for the administrative supervision of the circuit courts and county courts in the circuit; and

WHEREAS, uniform bail and bond schedules for each judicial circuit are generally promulgated by administrative orders issued by the chief judge of each judicial circuit; and

WHEREAS, this Board is concerned by reports that the Chief Judge of the Eleventh Judicial Circuit is considering implementing a pretrial release program, with a revised uniform bail and bond schedule, that would automatically grant arrested persons, under certain conditions and for certain categories of crimes, pretrial release on nonmonetary conditions without first appearing before a judge; and

WHEREAS, this Board's commitment to public safety is paramount, and this Board is concerned that automatically granting arrested persons pretrial release on nonmonetary conditions without first appearing before a judge sacrifices public safety by putting potentially dangerous criminals back in communities before a judge can determine whether continued detention is appropriate; and

WHEREAS, the cities of Doral, Miami Beach, and South Miami have all passed legislation which voices concern regarding and opposition to a revised pretrial program that expands the possibility of individuals arrested for serious crimes being released without a hearing or appearance before a judge; and

WHEREAS, this Board strongly opposes any reforms to bail and bond schedules or pretrial release programs in the Eleventh Judicial Circuit that would automatically grant arrested persons pretrial release on nonmonetary conditions, or on their own recognizance, without first appearing before a judge,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board strongly opposes any reforms to bail and bond schedules or pretrial release programs in the Eleventh Judicial Circuit that would automatically grant arrested persons pretrial release on nonmonetary

conditions, or on their own recognizance, without first appearing before a judge, and further directs the Clerk of the Board to transmit a certified copy of this resolution to the Chief Judge of the Eleventh Judicial Circuit.

The Prime Sponsor of the foregoing resolution is Commissioner Kevin Marino Cabrera and the Co-Sponsor is Senator René García. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of April, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

LUIS G. MONTALDO, CLERK AD INTERIM

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Anita Viciano Zapata