

MEMORANDUM

PC
Agenda Item No. 2(E)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: June 8, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor, through the Miami-Dade Corrections and Rehabilitation Department ("MDCR"), to take all necessary steps to make competency restoration treatment available to certain incarcerated individuals and provide a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodriguez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 21, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

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**
- _____ **Requires more than a majority vote (i.e., 2/3’s present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) to approve**
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, THROUGH THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT ("MDCR"), TO TAKE ALL NECESSARY STEPS TO MAKE COMPETENCY RESTORATION TREATMENT AVAILABLE TO CERTAIN INCARCERATED INDIVIDUALS AND PROVIDE A REPORT

WHEREAS, the Miami-Dade County Corrections and Rehabilitation Department ("MDCR") maintains custody of some individuals before and after conviction; and

WHEREAS, some of those individuals suffer from severe and persistent mental illnesses and have been deemed incompetent to proceed in their pending criminal cases; and

WHEREAS, such status limits a defendant's ability to participate in their defense and, thus, requires the prosecution to be suspended while the defendant receives treatment to restore competency; and

WHEREAS, competency restoration treatment ("CRT") typically addresses the following factors of competency: (1) appreciation of the charges or allegations; (2) appreciation of the range and nature of possible penalties; (3) understanding the adversarial nature of the legal process; (4) capacity to disclose pertinent facts to counsel; (5) ability to demonstrate appropriate courtroom behavior; and (6) capacity to testify relevantly; and

WHEREAS, CRT is provided in state mental health facilities and through community services, which may be provided at the Pre-trial Detention Center, Turner Guilford Knight Correctional Center, or Metro West Detention Center; and

WHEREAS, jail-based CRT is usually provided through individualized treatment sessions, within the sight of, but outside the hearing of an officer, and has been found to be as effective as community-based CRT, which is often conducted in group settings; and

WHEREAS, section 916.107, Florida Statutes, authorizes, under certain conditions, a jail to be used as an emergency facility for up to 15 days for individuals adjudicated incompetent to proceed or not guilty by reason of sanity; and

WHEREAS, this statutory 15-day timeframe is frequently exceeded due to limited capacity in state facilities; and

WHEREAS, as a result, inmates requiring CRT often remain in MDCR's custody for four to six months while awaiting placement in a state facility because the demand for treatment significantly exceeds the number of available beds; and

WHEREAS, expanding the availability of CRT in MDCR facilities may better address the mental health needs of individuals in County jails, reduce delays in competency restoration services, and shorten the periods of detention of individuals awaiting treatment; and

WHEREAS, such services may be provided within County facilities pursuant to applicable statutory or contractual authority; and

WHEREAS, this Board desires to ensure that individuals in County custody receive appropriate mental health treatment, including CRT, and directs the County Mayor or County Mayor's designee to explore all available options for providing CRT, where appropriate, in suitable County facilities; and

WHEREAS, providing CRT in MDCR facilities may improve access to timely treatment, reduce prolonged detention of individuals awaiting placement in state facilities, and better serve the mental health needs of individuals in County custody,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Approves the foregoing recitals, which are incorporated herein by reference.

Section 2. Directs the County Mayor or County Mayor’s designee, through the Miami-Dade Corrections and Rehabilitation Department (“MDCR”), to take all necessary steps to make competency restoration treatment (“CRT”) available to certain individuals incarcerated in MDCR facilities.

Section 3. Directs the County Mayor or County Mayor’s designee to provide a written report to the Board within 60 days of the effective date of this resolution. At a minimum, the report shall: (a) assess the feasibility of implementing CRT in MDCR facilities (i) in accordance with section 916.185, Florida Statutes; (ii) through Thriving Mind South Florida or one of its contracted providers; or (iii) through any other available means; (b) identify estimated costs associated with implementing CRT, if any; (c) compare the different approaches considered for providing CRT in MDCR facilities including, but not limited to, the advantages, disadvantages, and operational considerations associated with each approach; (d) provide a recommendation regarding the most effective and feasible means of implementing CRT in MDCR facilities; and (e) include other relevant information. The completed report shall be placed on an agenda of the full Board without committee review pursuant to Rule 5.06(j) of the Board’s Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Chairman Anthony Rodriguez. 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:

Anthony Rodriguez, Chairman
Kionne L. McGhee, Vice Chairman
Marleine Bastien
Sen. René García
Roberto J. Gonzalez
Danielle Cohen Higgins
Natalie Milian Orbis
Micky Steinberg
Juan Carlos Bermudez
Oliver G. Gilbert, III
Keon Hardemon
Vicki L. Lopez
Raquel A. Regalado

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of July, 2026. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shanika A. Graves