

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact
legislation to expedite, to the
extent possible, capital
postconviction proceedings
for individuals who have
committed a mass shooting

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.


Geri Bonzon-Keenan
County Attorney

GBK/ks




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

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)(9)
7-19-22

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT LEGISLATION TO EXPEDITE, TO THE EXTENT
POSSIBLE, CAPITAL POSTCONVICTION PROCEEDINGS
FOR INDIVIDUALS WHO HAVE COMMITTED A MASS
SHOOTING

WHEREAS, individuals who commit mass shootings are responsible for an atrocious and
unconscionable evil; and

WHEREAS, Florida has had its share of heartbreak from these abominable mass
shootings, including the mass shooting at Pulse nightclub in Orlando, Florida and the mass
shooting at Marjory Stoneman Douglas High School in Parkland, Florida; and

WHEREAS, mass shooters, once they are convicted or adjudicated guilty, have appellate
rights; and

WHEREAS, for individuals that been sentenced to the death penalty for their crimes, that
penalty is typically postponed while such individuals pursue appeals and postconviction
proceedings; and

WHEREAS, for individuals who have been adjudicated guilty and accordingly found
responsible for committing a mass shooting, however, there are almost never questions of identity
or guilt; and

WHEREAS, nevertheless, these individuals who have committed unspeakable atrocities
impose on taxpayers the continued costs of their incarceration as they pursue capital postconviction
proceedings and exhaust the judicial process available to them; and

WHEREAS, this Board wishes to minimize the costs borne by taxpayers to incarcerate individuals who have committed a mass shooting and have received a sentence of death; and

WHEREAS, chapter 924, Florida Statutes, provides for criminal appeals and collateral review; and

WHEREAS, section 924.055, Florida Statutes, declares the Florida Legislature's intent "to reduce delays in capital cases and to ensure that all appeals and postconviction actions in capital cases are resolved as soon as possible after the date a sentence of death is imposed in the circuit court"; and

WHEREAS, this Board wishes to minimize, to the extent possible, the costs borne by taxpayers in connection with the continued costs of incarcerating individuals who have committed mass shootings and have already received a sentence of death; and

WHEREAS, to that end, this Board wishes to urge the Florida Legislature to enact legislation to expedite, to the extent possible, capital postconviction proceedings for individuals who have committed a mass shooting,

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

Section 1. Urges the Florida Legislature to enact legislation that would expedite, to the extent possible, capital postconviction proceedings for individuals who have committed a mass shooting.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2023 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. 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:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

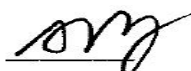
The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of July, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Anita Viciano Zapata