

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(13)

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

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact House Bill
569, Senate Bill 482, or similar
legislation that would amend
Florida law to reclassify
extortion, written threats to kill,
and attempted human trafficking
as dangerous crimes for pretrial
detention purposes

Resolution No. R-222-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM

(Revised)

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

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

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)(13)
3-7-23

RESOLUTION NO. _____ R-222-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT HOUSE BILL 569, SENATE BILL 482, OR SIMILAR
LEGISLATION THAT WOULD AMEND FLORIDA LAW TO
RECLASSIFY EXTORTION, WRITTEN THREATS TO KILL,
AND ATTEMPTED HUMAN TRAFFICKING AS DANGEROUS
CRIMES FOR PRETRIAL DETENTION PURPOSES

WHEREAS, pursuant to section 907.041, Florida Statutes, the Florida Legislature has created a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release unless such person is charged with a “dangerous crime”; and

WHEREAS, section 907.041 defines “dangerous crime” for the purpose of pretrial detention; and

WHEREAS, pursuant to section 907.041, no person charged with a dangerous crime shall be granted nonmonetary pretrial release at a first appearance hearing; and

WHEREAS, section 907.041 further provides that a court may order continued pretrial detention of a defendant charged with a dangerous crime where the court finds that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons; and

WHEREAS, the Florida Legislature has found that this policy of pretrial detention and release will assure the detention of those persons posing a threat to society while reducing the costs for incarceration by releasing, until trial, those persons not considered a danger to the community who meet certain criteria; and

WHEREAS, House Bill 569 (“HB 569”) by Representative Peggy Gossett-Seidman (R – Boca Raton) has been filed for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, Senate Bill 482 (“SB 482”) by Senator Bobby Powell (D – West Palm Beach) has also been filed for consideration during the 2023 session of the Florida Legislature; and

WHEREAS, HB 569 would amend the definition of “dangerous crime” in section 907.041, Florida Statutes, to include criminal extortion and written threats to kill; and

WHEREAS, SB 482 would similarly amend the definition of “dangerous crime” in section 907.041 to include criminal extortion and written threats to kill, and would also add attempted or conspiracy to commit human trafficking; and

WHEREAS, the provisions of HB 569 and SB 482 will help ensure the safety of our community by keeping individuals charged with dangerous crimes in pretrial detention until such matters are adjudicated; and

WHEREAS, this Board supports legislation which would consider extortion, written threats to kill, and attempted human trafficking “dangerous crimes” for pretrial detention purposes,

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 House Bill 569, Senate Bill 482, or similar legislation that would amend Florida law to reclassify extortion, written threats to kill, and attempted human trafficking as dangerous crimes for pretrial detention purposes.

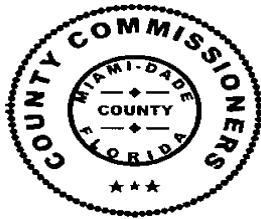
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, Representative Peggy Gossett-Seidman, Senator Bobby Powell, and the Chair and the Members of the Miami-Dade County State Legislative Delegation.

Section 3. Further directs the County’s state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan Carlos Bermudez. It was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of March, 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

VNS

Veronica Sanchez