

## **MEMORANDUM**

Amended  
Agenda Item No. 11(A)(14)

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**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

**R-328-23**

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera, and Co-Sponsors Commissioner Juan Carlos Bermudez, Senator René García and Commissioner Roberto J. Gonzalez.

  
Geri Bonzon-Keenan  
County Attorney

GBK/smm



## MEMORANDUM

(Revised)

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

**DATE:** April 4, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Amended  
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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 \_\_\_\_\_

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

**RESOLUTION NO. R-328-23**

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, with the exception of persons arrested for driving with a suspended license who have no criminal record and whose license was suspended solely due to nonpayment of fines and fees, 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-Sponsors are Commissioner Juan Carlos Bermudez, Senator René García and Commissioner Roberto J. Gonzalez. It was offered by Commissioner **Kevin Marino Cabrera** , who moved its adoption. The motion was seconded by Commissioner **Anthony Rodriguez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4<sup>th</sup> 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: Basia Pruna  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Anita Viciano Zapata