

MEMORANDUM

Agenda Item No. 11(A)(17)

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

DATE: March 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution supporting Senate
Bill 1912, House Bill 1581, or
similar legislation which would
create a criminal penalty for
individuals who, after a warning,
approach law enforcement
officers with the intent to
impede, provoke, or harass

Resolution No. R-230-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez and Co-Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM
(Revised)

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

DATE: March 16, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(17)

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)(17)
3-16-21

RESOLUTION NO. R-230-21

RESOLUTION SUPPORTING SENATE BILL 1912, HOUSE BILL 1581, OR SIMILAR LEGISLATION WHICH WOULD CREATE A CRIMINAL PENALTY FOR INDIVIDUALS WHO, AFTER A WARNING, APPROACH LAW ENFORCEMENT OFFICERS WITH THE INTENT TO IMPEDE, PROVOKE, OR HARASS

WHEREAS, Senate Bill (“SB”) 1912 and House Bill (“HB”) 1581 have been filed for consideration during the Florida Legislature’s 2021 session by Senator Danny Burgess (R – Zephyrhills) and Representatives Alex Rizo (R – Hialeah) and Sam Garrison (R – Orange Park), respectively; and

WHEREAS, SB 1912 and HB 1581 make it a misdemeanor of the second degree for an individual who, after receiving a warning from a law enforcement officer not to approach, violates such warning and approaches or remains within 30 feet of a law enforcement officer who is engaged in the lawful performance of any legal duty with the intent to interrupt, disrupt, hinder, impede, or interfere with the law enforcement officer’s ability to perform such duty; and

WHEREAS, in addition, the bills also provide the same criminal penalty for an individual who fails to heed such a warning with the intent to provoke a physical response from the law enforcement officer or directly or indirectly harass the law enforcement officer; and

WHEREAS, law enforcement officers serve critical roles in keeping our community safe and must be allowed to do their jobs effectively; and

WHEREAS, accordingly, this Board desires to support SB 1912, HB 1581, or similar legislation,

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

Section 1. Supports SB 1912, HB 1581, or similar legislation which would create a criminal penalty for individuals who, after a warning, approach law enforcement officers with the intent to impede, provoke, or harass.

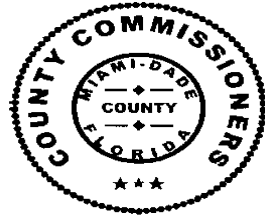
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Danny Burgess, Representatives Alex Rizo and Sam Garrison, and the Chair and remaining Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County’s state lobbyists to advocate in support of the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez and the Co-Sponsor is Chairman Jose "Pepe" Diaz. It was offered by Commissioner **Rebeca Sosa** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of March, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "JZ", written over a horizontal line.

Javier Zapata