

MEMORANDUM

Substitute
Agenda Item No. 11(A)(12)

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

DATE: February 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to (1) provide a pay supplement for attorneys employed by the offices of the State Attorney and Public Defender for the 11th Judicial Circuit of Florida to help offset the higher cost of living in Miami-Dade County; (2) modify Florida Retirement System's Deferred Retirement Option Program to allow assistant state attorneys and public defenders to participate for an additional 36 calendar months beyond the current 60-month period; and (3) continue to include assistant state attorneys and public defenders among the professions eligible to participate in the Florida Hometown Heroes Housing Program

Resolution No. R-109-23

The substitute differs from the original version in that it urges the Florida Legislature to continue to include assistant state attorneys and public defenders among the professions eligible to participate in the Florida Hometown Heroes Housing Program.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez and Co-Sponsors Commissioner Marleine Bastien, Commissioner Kevin Marino Cabrera, Commissioner Eileen Higgins and Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/jp

MDC001



MEMORANDUM

(Revised)

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

DATE: February 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

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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 _____

Substitute
Agenda Item No. 11(A)(12)
2-7-23

RESOLUTION NO. R-109-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO (1) PROVIDE A PAY SUPPLEMENT FOR ATTORNEYS EMPLOYED BY THE OFFICES OF THE STATE ATTORNEY AND PUBLIC DEFENDER FOR THE 11TH JUDICIAL CIRCUIT OF FLORIDA TO HELP OFFSET THE HIGHER COST OF LIVING IN MIAMI-DADE COUNTY; (2) MODIFY FLORIDA RETIREMENT SYSTEM'S DEFERRED RETIREMENT OPTION PROGRAM TO ALLOW ASSISTANT STATE ATTORNEYS AND PUBLIC DEFENDERS TO PARTICIPATE FOR AN ADDITIONAL 36 CALENDAR MONTHS BEYOND THE CURRENT 60-MONTH PERIOD; AND (3) CONTINUE TO INCLUDE ASSISTANT STATE ATTORNEYS AND PUBLIC DEFENDERS AMONG THE PROFESSIONS ELIGIBLE TO PARTICIPATE IN THE FLORIDA HOMETOWN HEROES HOUSING PROGRAM

WHEREAS, state attorneys are tasked with protecting, defending, upholding, and enforcing the criminal laws of the State of Florida; and

WHEREAS, public defenders carry out an important constitutional duty to provide legal representation to people in danger of losing certain liberties and who cannot afford to hire a private attorney; and

WHEREAS, hundreds of assistant state attorneys and public defenders work in Miami-Dade County; and

WHEREAS, despite the critical roles these attorneys play in our community, both state attorneys and public defenders traditionally earn less than many other professions, and in some cases, substantially less; and

WHEREAS, because state attorneys and public defenders are employees of the State of Florida, the Florida Legislature is responsible for appropriating funds to offices in each judicial circuit within the state to pay for the salaries of employees working therein; and

WHEREAS, during the 2022 legislative session, the Florida Legislature approved pay increases for all assistant state attorneys and public defenders of up to \$10,000.00 in addition to a base rate of pay adjustment of 5.38 percent to address rising inflation; and

WHEREAS, while this statewide salary increase was much needed, it did not include a pay supplement to offset the higher cost of living in Miami-Dade County; and

WHEREAS, Miami-Dade County is consistently ranked among the most expensive places to live in the United States; and

WHEREAS, a pay supplement or cost-of-living adjustment for state attorneys and public defenders working in Miami-Dade County would greatly increase the quality of life for these individuals that our community relies on daily; and

WHEREAS, in addition, during the 2022 legislative session, the Florida Legislature amended the Florida Retirement System's Deferred Retirement Option Program ("DROP"); and

WHEREAS, DROP allows eligible members of the Florida Retirement System to defer receipt of retirement benefits while continuing employment with a Florida Retirement System employer; and

WHEREAS, during DROP, deferred monthly benefits continue to accrue and when the employee terminates employment, he or she receives the total DROP benefits along with the previously determined normal retirement amounts; and

WHEREAS, currently, most eligible Florida Retirement System members may participate in DROP for a period not to exceed a maximum of 60 calendar months; and

WHEREAS, however, during the 2022 legislative session, DROP was modified to permit law enforcement officers who are DROP participants on or after July 1, 2022 to participate in DROP for up to 36 calendar months beyond the 60-month period if the law enforcement officer enters DROP on or before June 30, 2028; and

WHEREAS, this change allows law enforcement agencies to retain veteran officers for an additional three years before they would otherwise terminate employment; and

WHEREAS, like law enforcement agencies, state attorney and public defender offices would greatly benefit from a modification to DROP which would allow veteran attorneys to stay with their offices for an additional three years before terminating employment; and

WHEREAS, finally, in addition to the modification to DROP, the 2022 session of the Florida Legislature concluded with an appropriation of \$100,000,000.00 to fund the Hometown Heroes Housing Program, a program designed to help residents of the State of Florida in over 50 critical professions purchase their first home; and

WHEREAS, the Hometown Heroes Housing Program is available to law enforcement officers, correctional officers, firefighters, educators, healthcare professionals, childcare employees, and active military or veterans; and

WHEREAS, the program is designed to assist eligible professionals who meet certain requirements with down payment and closing cost assistance of as much as five percent—up to \$25,000.00—of their mortgage loan amount; and

WHEREAS, assistant state attorneys and public defenders are just as critical to our community as the 50 professions which currently qualify for the Hometown Heroes Housing Program; and

WHEREAS, this Board is cognizant of the need for the Office of the State Attorney for the 11th Judicial Circuit of Florida and the Miami-Dade Public Defender's Office to attract and retain qualified attorneys, of the roles salary and other benefits play in such retention efforts, and of the importance of these individuals to our community, and therefore would like to urge the Florida Legislature to take action to address the issues described above,

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: (1) provide a pay supplement for attorneys employed by the offices of the State Attorney and Public Defender for the 11th Judicial Circuit of Florida to help offset the higher cost of living in Miami-Dade County; (2) modify Florida Retirement System's Deferred Retirement Option Program to allow assistant state attorneys and public defenders to participate for an additional 36 calendar months beyond the current 60-month period; and (3) >>continue to<<¹ include assistant state attorneys and public defenders among the professions eligible to participate in the Florida Hometown Heroes Housing Program.

Section 2. Directs the Clerk of the Board to send a certified copy of this resolution to Governor Ron DeSantis, Senate President Kathleen C. Passidomo, House Speaker Paul Renner, and the Chair and Members of the Miami-Dade State Legislative Delegation.

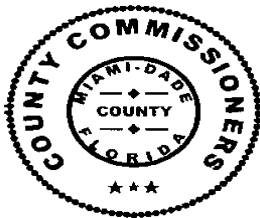
Section 3. Directs the County's state lobbyists to advocate for the actions set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2023 State Legislative Package to include this item.

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

The Prime Sponsor of the foregoing resolution is Commissioner Roberto J. Gonzalez and the Co-Sponsors are Commissioner Marleine Bastien, Commissioner Kevin Marino Cabrera, Commissioner Eileen Higgins and Commissioner Raquel A. Regalado. It was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** 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	aye
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 February, 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.

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

Javier Zapata