

MEMORANDUM

Substitute
Agenda Item No. 11(A)(2)

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

DATE: February 21, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact Senate
Bill 446 or similar legislation
that would provide enhanced
criminal penalties for certain
assault or battery offenses
committed on assistant state
attorneys

Resolution No. R-137-23

This substitute differs from the original in that it deletes references to HB 369 to reflect that HB 369 has been withdrawn by the sponsor, and makes conforming changes to the title.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez and Co-Sponsor Chairman Oliver G. Gilbert, III.


Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM

(Revised)

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

DATE: February 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Substitute
Agenda Item No. 11(A)(2)

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)(2)
2-21-23

RESOLUTION NO. R-137-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SENATE BILL 446 OR SIMILAR
LEGISLATION THAT WOULD PROVIDE ENHANCED
CRIMINAL PENALTIES FOR CERTAIN ASSAULT OR
BATTERY OFFENSES COMMITTED ON ASSISTANT STATE
ATTORNEYS

WHEREAS, section 784.07, Florida Statutes, currently provides for enhanced criminal penalties for certain assault and battery offenses when they are committed against law enforcement officers, firefighters, emergency medical care providers, or public transit employees; and

WHEREAS, these enhanced criminal penalties recognize that assault and battery offenses against individuals working in public service are particularly offensive; and

WHEREAS, assistant state attorneys work closely with law enforcement officers as they prosecute criminal offenses on behalf of the State of Florida, often against dangerous individuals and at personal risk to themselves; and

~~[[**WHEREAS**, on January 23, 2023, Representative Tom Fabricio (R – Hialeah)~~
~~introduced House Bill (“HB”) 369 for consideration during the 2023 legislative session; and]]~~¹

WHEREAS, on January 30, 2023, Senator Ana Maria Rodriguez (R – Doral) filed Senate Bill (“SB”) 446~~[[, the Senate companion bill to HB 369,]]~~ for consideration during the 2023 legislative session; and

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.

WHEREAS, ~~[[HB 369 and]]~~ SB 446 would amend section 784.07, Florida Statutes to include assistant state attorneys as law enforcement officers for the purposes of the section, thereby providing for enhanced criminal penalties for assault and battery offenses committed against assistant state attorneys; and

WHEREAS, this Board supports legislation that would enhance criminal penalties for assault and battery crimes committed against assistant state attorneys,

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 369,]]~~ Senate Bill 446, or similar legislation that would provide enhanced criminal penalties for certain assault or battery offenses committed on assistant state attorneys.

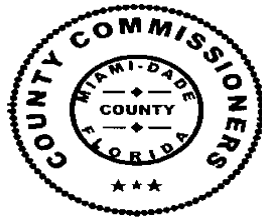
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, Senate President, House Speaker, ~~[[Representative Tom Fabricio,]]~~ Senator Ana Maria Rodriguez, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

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 Roberto J. Gonzalez and the Co-Sponsor is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Danielle Cohen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
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 21st 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.

Anita Viciano Zapata