

MEMORANDUM

Agenda Item No. 11(A)(23)

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
legislation to broaden the
class of surviving family
members eligible for Special
Risk Class pension benefits
under the Florida Retirement
System

Resolution No. R-231-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Roberto J. Gonzalez.



Geri Bonzon-Keenan
County Attorney

GBK/ks



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)(23)

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)(23)
3-7-23

RESOLUTION NO. _____ R-231-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT LEGISLATION TO BROADEN THE CLASS OF
SURVIVING FAMILY MEMBERS ELIGIBLE FOR SPECIAL
RISK CLASS PENSION BENEFITS UNDER THE FLORIDA
RETIREMENT SYSTEM

WHEREAS, on August 15, 2022, Miami-Dade Police Department (MDPD) Detective Cesar Echaverry (“Echaverry”), a five-year veteran of the MDPD’s Robbery Intervention Detail, was critically injured in the line of duty, ultimately succumbing to his injuries on August 17, 2022; and

WHEREAS, Echaverry sacrificed his life stopping a violent criminal in Miami-Dade County after the criminal had committed an armed robbery in Broward County and made his way across South Florida in an attempt to flee; and

WHEREAS, the community has struggled to process the death of Echaverry, who prevented further bloodshed as the criminal moved into a residential block armed and willing to exert violence to escape justice; and

WHEREAS, Echaverry was a member of the Florida Retirement System (FRS) Pension Plan; and

WHEREAS, more specifically, Echaverry was part of the Special Risk Class, which includes members employed as law enforcement officers, firefighters, correctional officers, emergency medical technicians, or paramedics who meet criteria as set forth in section 121.0515, Florida Statutes; and

WHEREAS, under sections 121.091(7)(d) and (i), Florida Statutes, if an FRS Pension Plan Special Risk Class member's death arises out of and in actual performance of the member's duties pursuant to the member's job, the member's surviving spouse is eligible to receive all benefits due, regardless of who the member named as their beneficiary; and

WHEREAS, the member's surviving spouse is entitled to a lifetime monthly benefit equal to 100 percent of the member's last base monthly salary, regardless of the member's length of service; and

WHEREAS, further, if the member has a child or children at the time of the member's death, but is not married, or the member's spouse dies later, this benefit will be paid on behalf of the unmarried children until the youngest child reaches age 18 or until age 25 if the child is unmarried and enrolled as a full-time student; and

WHEREAS, because Echaverry was engaged, but not yet married, and had no children, no one in Echaverry's family qualified for this benefit; and

WHEREAS, this Board believes that the lack of this benefit for the family of a hero like Echaverry is unjust and must be changed; and

WHEREAS, this Board wishes to urge the Florida Legislature to enact legislation to broaden the class of surviving family members eligible for Special Risk Class pension benefits under the FRS,

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 legislation to broaden the class of surviving family members eligible for Special Risk Class pension benefits under the Florida Retirement System.

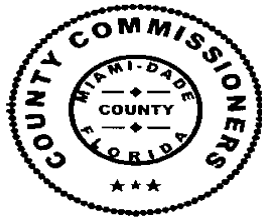
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the action described 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. It was offered by Commissioner **Anthony Rodriguez**, 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	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.

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

Jose I. Ortega