

MEMORANDUM

Agenda Item No. 11(A)(13)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: April 3, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to convene hearings
related to the "Stand Your
Ground" Law and to repeal the
law; supporting Governor Scott's
Task Force on Citizen Safety and
Protection

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) 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)(13)
4-3-12

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
CONVENE HEARINGS RELATED TO THE "STAND YOUR
GROUND" LAW AND TO REPEAL THE LAW; SUPPORTING
GOVERNOR SCOTT'S TASK FORCE ON CITIZEN SAFETY
AND PROTECTION

WHEREAS, Trayvon Martin, a 17 year old African-American resident of Miami-Dade County, was needlessly shot and killed by George Zimmerman on February 26, 2012; and

WHEREAS, reports indicate that George Zimmerman ignored instructions by a police dispatcher to stop following Trayvon Martin, who was unarmed and holding a bag of Skittles candy at the time of the incident; and

WHEREAS, these events have already prompted Governor Scott to appoint Lt. Governor Jennifer Carroll to lead the Task Force on Citizen Safety and Protection, which is tasked with investigating the Trayvon Martin shooting and recommending action to ensure that a tragedy such as this does not occur in the future; and

WHEREAS, the United States Department of Justice's Civil Rights Division has also launched an investigation into this incident as a potential hate crime; and

WHEREAS, Seminole County has announced that a grand jury will be impaneled to investigate this case as well; and

WHEREAS, George Zimmerman has not yet been charged with any crime upon his assertion of self-defense under Florida's "Stand Your Ground" law; and

WHEREAS, the "Stand Your Ground" Law, Section 776.013(3), Florida Statutes, was enacted by the Florida Legislature in 2005; and

WHEREAS, the “Stand Your Ground” law states that a person has “no duty to retreat and has the right to stand his or her ground and meet force with force, *including deadly force* if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony;” and

WHEREAS, there have been 130 incidents in Florida since the “Stand Your Ground” law was passed in 2005 and such incidents are on the rise as 37 of those incidents have occurred just over the last 18 months; and

WHEREAS, more than 70 percent of those cases resulted in a fatality; and

WHEREAS, a majority of the cases involving a fatality did not result in any criminal charges being filed; and

WHEREAS, the Trayvon Martin shooting has tragically brought national attention to the issues inherent with Florida’s “Stand Your Ground” law; and

WHEREAS, the language of the statute is overly broad and inconsistently applied thereby creating difficulties for law enforcement officers and state attorneys to investigate and prosecute incidents when the law is raised as a defense; and

WHEREAS, this incident highlights the fundamental concerns regarding racial profiling that can arise when individuals assert the “Stand Your Ground” law as a defense; and

WHEREAS, the National District Attorneys Association, the Florida Prosecuting Attorneys Association, and various state attorneys and police chiefs openly criticized the law and warned of many of these very dangers at the time of the law’s enactment; and

WHEREAS, there is an urgent need for the Florida Legislature to review the “Stand Your Ground” law; and

WHEREAS, repeal of this law is required to effectively ensure that all citizens are entitled to feel safe and protected and that similar tragedies do not occur,

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 convene hearings related to the "Stand Your Ground" Law and repeal the law.

Section 2. Supports Governor Scott's Task Force on Citizen Safety and Protection.

Section 3. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the issue identified in Section 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 state legislative package to include this item and to include this item in the 2013 state legislative package.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|----------------------|-------------------------------------|
| | Joe A. Martinez, Chairman |
| | Audrey M. Edmonson, Vice Chairwoman |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of April, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MBV

Michael B. Valdes

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