

# MEMORANDUM

Agenda Item No. 11(A)(20)

---

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

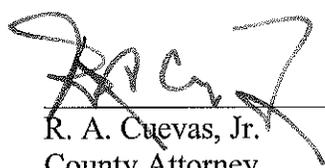
**DATE:** September 4, 2013

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

**SUBJECT:** Resolution urging the Florida  
Legislature to repeal Florida's  
"Stand Your Ground" law;  
urging Governor Rick Scott to  
call or alternatively the Senate  
President and the House Speaker  
to convene a special session to  
immediately repeal Florida's  
"Stand Your Ground" law

---

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/Imp



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** September 4, 2013

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

**SUBJECT:** Agenda Item No. 11(A)(20)

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 Mayor'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)(20)  
9-4-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REPEAL FLORIDA'S "STAND YOUR GROUND" LAW; URGING GOVERNOR RICK SCOTT TO CALL OR ALTERNATIVELY THE SENATE PRESIDENT AND THE HOUSE SPEAKER TO CONVENE A SPECIAL SESSION TO IMMEDIATELY REPEAL FLORIDA'S "STAND YOUR GROUND" LAW

**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 in Sanford, Florida; and

**WHEREAS**, George Zimmerman disregarded 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**, following the shooting, police questioned Zimmerman but did not arrest him based in part on Florida's "Stand Your Ground" law; and

**WHEREAS**, six weeks later Zimmerman was arrested and charged with murder; and

**WHEREAS**, on July 13, 2013, a jury found Zimmerman not guilty of second-degree murder and manslaughter charges; and

**WHEREAS**, currently federal officials are reviewing whether to charge Zimmerman with violating Martin's civil rights; and

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

**WHEREAS**, Florida's "Stand Your Ground" law provides 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**, a media analysis last year showed that Florida's "Stand Your Ground" law had been invoked at least 130 times since its passage in 2005; and

**WHEREAS**, more than 70 percent of those cases resulted in a fatality and a majority of the cases involving a fatality did not result in criminal charges being filed; and

**WHEREAS**, while George Zimmerman did not assert the "Stand Your Ground" law as a defense in the trial, 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 Florida's "Stand Your Ground" law is overly broad and inconsistently applied thereby creating difficulties for law enforcement officers and state attorneys to investigate and prosecute incidents when the "Stand Your Ground" law is raised as a defense; and

**WHEREAS**, at the time of the enactment of Florida's "Stand Your Ground" law in 2005, the National District Attorneys Association, the Florida Prosecuting Attorneys Association and various state attorneys and police chiefs warned of the dangers associated with the law; and

**WHEREAS**, there is an urgent need for the Florida Legislature to review the "Stand Your Ground" law before further lives are lost; 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; and

**WHEREAS**, a special session of the Florida Legislature may be called by the Governor or alternatively, a special session may be convened by a joint proclamation of the Senate President and the House Speaker; and

**WHEREAS**, dozens of people have been demonstrating at Governor Rick Scott's office in Tallahassee, demanding that he call a special session to repeal or modify Florida's "Stand Your Ground" law; and

**WHEREAS**, this Board would like to urge Governor Rick Scott to call or alternatively the Senate President and House Speaker to convene, a special session to immediately repeal the "Stand Your Ground" Law,

**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 repeal the "Stand Your Ground" Law.

**Section 2.** Urges Governor Rick Scott to call or alternatively the Senate President and House Speaker to convene a special session to immediately repeal the "Stand Your Ground" Law.

**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 issues identified in Section 1 and 2 above, and authorizes and directs the Officer of Intergovernmental Affairs to amend the 2013 state legislative package to include this item and to include this item in the 2014 state legislative package when it is presented to the Board.

5

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of September, 2013. 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.



Jess M. McCarty