

MEMORANDUM

Agenda Item No. 11(A)(11)

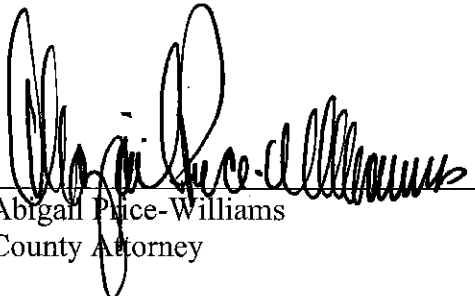
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting SB 416,
HB 151 or similar legislation
that would allow the use of
service animals, therapy
animals, or facility dogs in court
proceedings involving abuse,
abandonment, or neglect, and
when taking testimony of
intellectually disabled persons

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 7, 2017

FROM: Abigail Price-Williams
County Attorney

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

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 ____, 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)(11)
3-7-17

RESOLUTION NO. _____

RESOLUTION SUPPORTING SB 416, HB 151 OR SIMILAR LEGISLATION THAT WOULD ALLOW THE USE OF SERVICE ANIMALS, THERAPY ANIMALS, OR FACILITY DOGS IN COURT PROCEEDINGS INVOLVING ABUSE, ABANDONMENT, OR NEGLECT, AND WHEN TAKING TESTIMONY OF INTELLECTUALLY DISABLED PERSONS

WHEREAS, Senate Bill 416 and House Bill 151 have been filed for consideration during the Florida Legislature's 2017 session by Senator Bill Montford (D – Quincy) and Representative Jason T. Brodeur (R – Sanford), respectively; and

WHEREAS, SB 416 and HB 151 would authorize courts to allow the use of a trained service animal, therapy animal, or facility dog when taking the testimony of a child victim or witness, a sexual offense victim or witness, or a person with an intellectual disability in any proceeding involving a sexual offense or child abuse, abandonment, or neglect; and

WHEREAS, when deciding whether to permit a child victim or witness, a sexual offense victim or witness, or a person with an intellectual disability to testify with the assistance of a trained animal, SB 416 and HB 151 would require courts to consider the age of the child victim or witness, the age of the sexual offense victim or witness at the time the sexual offense occurred, the interests of the child victim or witness or sexual offense victim or witness, the rights of the parties to the litigation, and any other relevant factor that would facilitate the testimony by the child victim or witness or sexual offense victim or witness; and

WHEREAS, according to CourthouseDogs.org, an organization that provides technical assistance and training for agencies that want to establish a best practices program for utilizing dogs for emotional support in legal proceedings, it is important to allow the use of trained animals in court proceedings because of the emotional toll a courtroom trial or hearing can have on victims or witnesses; and

WHEREAS, as Ellen O’Neil-Stephens of CourthouseDogs.org explains, “[l]egal proceedings can be emotionally traumatic,” because “[a] person on a witness stand can start to experience a physiological reaction they had at the time of the event,” and “[a] facility dog can give that person a positive association with the process rather than re-traumatizing them”; and

WHEREAS, according to an American Bar Association article entitled *Canines in the Courtroom*, “prosecutors and judges are finding that the presence of a well-trained dog [in a court proceeding] aids witness testimony by providing the victim with emotional support and comfort both in the witness room and in the courtroom,” and “[s]uccess stories are beginning to emerge demonstrating that the use of canines in the courtroom not only provides the victim with a more positive outcome but also offers the victim a positive, life-changing experience”; and

WHEREAS, the article concludes that “[t]he use of courthouse dogs can help bring about a major change in how we meet the emotional needs of all involved in the criminal justice system,” as “[t]he dog’s calming presence creates a more humane and efficient system that enables judges, lawyers, and staff to accomplish their work in a more positive and constructive manner”; and

WHEREAS, accordingly, this Board wishes to support SB 416, HB 151 or similar legislation that would allow for trained animals to be used in certain court proceedings to help victims, witnesses, and persons with intellectual disabilities provide testimony,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Supports SB 416, and HB 151 or similar legislation that would allow the use of service animals, therapy animals, or facility dogs in court proceedings involving abuse, abandonment, or neglect, and when taking testimony of intellectually disabled persons.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Bill Montford, Representative Jason T Brodeur, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislature Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
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 7th day of March, 2017. 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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley

