

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact Senate Bill
1082, House Bill 241, or similar
legislation that would provide
that courts issuing either
temporary or permanent
injunctions in domestic violence
cases can give abuse victims
exclusive custody of family pets

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman and Co-Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/smm



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(Revised)

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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
- 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)(20)
2-4-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SENATE BILL 1082, HOUSE BILL 241, OR SIMILAR LEGISLATION THAT WOULD PROVIDE THAT COURTS ISSUING EITHER TEMPORARY OR PERMANENT INJUNCTIONS IN DOMESTIC VIOLENCE CASES CAN GIVE ABUSE VICTIMS EXCLUSIVE CUSTODY OF FAMILY PETS

WHEREAS, domestic violence is a serious threat to the safety, health, and welfare of the people of Miami-Dade County and the State of Florida; and

WHEREAS, for example, in a one-year period in Florida, domestic violence was the cause of 187 deaths, which represented almost 20 percent of all homicides in the state; and

WHEREAS, domestic abusers, in addition to abusing their partners and other people living in the household, abuse pets or threaten to abuse pets, particularly when the people they abuse have an emotional attachment to those pets; and

WHEREAS, according to the American Humane Association, 71 percent of women who enter emergency shelters report that their abusers threatened, injured, or killed family pets to get revenge or to otherwise psychologically manipulate their victims; and

WHEREAS, moreover, between 25 and 40 percent of abused women delay leaving an abusive situation because they fear that their flight may endanger the safety of their pets; and

WHEREAS, courts in Florida can issue injunctions in domestic violence cases, often referred to as “restraining orders,” to protect victims from their abusers; and

WHEREAS, courts consider numerous factors in deciding whether injunctions should be issued and what the terms of injunctions should be; one of those factors is whether the alleged abuser has intentionally injured or killed a family pet; and

WHEREAS, under Florida law, a domestic-violence injunction can give an abuse victim exclusive custody of the home and exclusive custody of children; and

WHEREAS, Florida law, however, does not explicitly provide that a domestic-violence injunction can give the abuse victim exclusive custody of family pets; and

WHEREAS, Senate Bill (SB) 1082 and House Bill (HB) 241 were filed for consideration during the 2020 session of the Florida Legislature by Senator Ben Albritton (R – Bartow) and Representatives Sam Killebrew (R – Winter Haven) and David Silvers (D – West Palm Beach), respectively; and

WHEREAS, SB 1082 and HB 241 would provide that courts issuing either temporary or permanent injunctions in domestic violence cases can give abuse victims exclusive custody of family pets, with exceptions provided for animals owned primarily for bona fide agricultural purposes or service animals whose handlers are the abusers; and

WHEREAS, to promote the safety, health, and welfare of the people and pets of Miami-Dade County, this Board desires to urge the Florida Legislature to enact SB 1082, HB 241, or similar legislation that would provide that courts issuing either temporary or permanent injunctions in domestic violence cases can give abuse victims exclusive custody of family pets,

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 SB 1082, HB 241, or similar legislation that would provide that courts issuing either temporary or permanent injunctions in domestic violence cases can give abuse victims exclusive custody of family pets.

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, Senator Ben Albritton, Representatives Sam Killebrew and David Silvers, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of legislation in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman and the Co-Sponsor is Commissioner Daniella Levine Cava. 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:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of February, 2020. 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.

CJW

Christopher J. Wahl