

# MEMORANDUM

Agenda Item No. 11(A)(8)

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



**DATE:** February 19, 2020

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the United States Congress and Florida Legislature to increase fines, pass sentence enhancement penalties, and impose mandatory sentencing guidelines for offenders convicted of domestic violence crimes

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa.

  
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Abigail Price-Williams  
County Attorney 

APW/uw



**MEMORANDUM**  
(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

Agenda Item No. 11(A)(8)

Veto \_\_\_\_\_

2-19-20

Override \_\_\_\_\_

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

RESOLUTION URGING THE UNITED STATES CONGRESS  
AND FLORIDA LEGISLATURE TO INCREASE FINES, PASS  
SENTENCE ENHANCEMENT PENALTIES, AND IMPOSE  
MANDATORY SENTENCING GUIDELINES FOR OFFENDERS  
CONVICTED OF DOMESTIC VIOLENCE CRIMES

**WHEREAS**, domestic violence is a pattern of controlling behaviors – violence or threats of violence – that one person uses to establish power over a current or former spouse, intimate partner, or family or household member in order to control that person’s actions and activities; and

**WHEREAS**, domestic violence may include threats, physical violence, sexual assault, stalking, kidnapping, and many other types of unwanted behavior or any criminal offense resulting in physical injury or death; and

**WHEREAS**, domestic violence can happen to anyone, regardless of age, religion, or social, economic, ethnic, or educational background – it happens to men, women, senior citizens, and children; and

**WHEREAS**, according to the National Coalition Against Domestic Violence:

1. domestic violence is most prevalent against women between the ages of 18-24;
2. one-third of women and one-fourth of men will encounter some form of physical violence from an intimate partner within their lifetimes;
3. one in 15 children are exposed to domestic violence each year;
4. only 34 percent of victims hurt by their intimate partners receive medical care for their injuries;
5. domestic violence accounts for at least 15 percent of all violent crime; and
6. the risk of homicide increases by at least 500 percent if a firearm is present when domestic violence occurs; and

**WHEREAS**, many victims of domestic violence include persons who are disabled, elderly, living in poverty or in rural areas, experiencing language barriers or greater levels of acculturation, concerned with immigration status, or involved in same sex relationships; and

**WHEREAS**, victims often encounter significant barriers in their efforts to obtain assistance; and

**WHEREAS**, thus, greater efforts and resources are needed to reach and provide protection and services to victims; and

**WHEREAS**, domestic violence is a vicious and pervasive social problem, that destabilizes families and threatens every sector of the community; and

**WHEREAS**, the long-lasting effects of domestic violence include physical disabilities, scars, depression, post-traumatic stress disorder, family displacement, homelessness, severe financial distress, and suicide, among a host of others; and

**WHEREAS**, in recognition of the severity of crimes related to domestic violence, the United States Congress enacted the Violence Against Women Act to fight domestic violence, sexual assault and other types of violence against women and amended the Gun Control Act to include domestic violence related crimes; and

**WHEREAS**, the Florida Legislature acknowledged the disturbingly high level of domestic violence in the state by enacting section 741.32, Florida Statutes; and

**WHEREAS**, in section 741.2901, the Florida Legislature indicated its intent to treat domestic violence as “a criminal act” and declared that the “length and severity of sentence for those found to have committed the crime of domestic violence can be greater,” suggesting the Legislature’s support for harsher consequences for individuals convicted of domestic violence crimes, which can be accomplished through increasing fines, enhancing sentencing penalties and imposing minimum mandatory sentencing guidelines; and

**WHEREAS**, the Florida Legislature has imposed minimal sentence enhancements for perpetrators convicted of domestic violence crimes, including, a mandatory jail sentence of five days for all convictions resulting from domestic violence crimes that involve intentional bodily harm and requiring offenders convicted of domestic violence crimes to attend a batterers' intervention program for at least 26 weeks; and

**WHEREAS**, the United States Congress and the Florida Legislature have enacted laws prohibiting individuals convicted of domestic violence crimes from owning and possessing firearms; and

**WHEREAS**, in light of the severe physical, emotional and financial impact domestic violence may have on women, children and families, the United States Congress and the Florida Legislature should reassess and augment the current statutorily mandated fines, sentencing penalties, and minimum mandatory sentencing guidelines for persons convicted of domestic violence crimes; and

**WHEREAS**, in an effort to further deter domestic violence, reduce the number of domestic violence offenses, and punish offenders, the United States Congress and the Florida Legislature should exercise their authority to increase fines, enhance sentencing penalties, and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes,

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

**Section 1.** Urges the United States Congress to pass legislation to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes.

**Section 2.** Urges the Florida Legislature to pass legislation to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes.

**Section 3.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation, the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

**Section 4.** Directs the County's federal and state lobbyists to advocate for the legislative action set forth in sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State and Federal Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa. 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 19<sup>th</sup> 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.

LCK for SG

Shanika A. Graves