

# MEMORANDUM

Agenda Item No. 5(H)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** (Public Hearing: 10-18-22)  
September 1, 2022

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to the Miami-Dade County Domestic Violence Oversight Board; amending section 2-893 of the Code; creating section 2-897 of the Code; establishing the Domestic Violence Oversight Board Trust Fund

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



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Geri Bonzon-Keenan  
County Attorney


GBK/smm

# Memorandum



**Date:** October 18, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Fiscal Impact Statement for Ordinance Relating to Domestic Violence Oversight  
Board Trust Fund- 221824

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The proposed ordinance outlines additional expenditure categories and reporting requirements for the Domestic Violence Oversight Board Trust Fund. It is not anticipated that this ordinance will have an impact on the County.

A handwritten signature in blue ink, appearing to read "Morris Copeland".

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Morris Copeland  
Chief Community Services Officer

# Memorandum



**Date:** October 18, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Statement for Ordinance relating to the Miami-Dade County Domestic Violence Oversight Board: amending Section 2-893 of the Code; creating Section 2-897 of the Code; establishing the Domestic Violence Oversight Board Trust Fund, File #221824

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The proposed ordinance amending Section 2-893 and creating Section 2-897 of the Code of Miami-Dade County provides for the creation of the Domestic Violence Oversight Board (DVOB) Trust fund.

The proposed ordinance will benefit the community by enabling the Miami-Dade County Domestic Violence Oversight Board members to further the work of the board as well as expand its scope. The creation of a trust fund would allow the DVOB, and the County to raise private dollars, which allows the board to supplement and support the board’s future endeavors to meet its goals. The fund would also allow for board members to attend and host conferences and events for victims of domestic violence using the trust fund monies. These events will help board members expand their profile, aid in their understanding of challenges facing domestic violence victims in Miami-Dade County, identify best practices, and further the mission of the DVOB.



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Morris Copeland  
Chief Community Services Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** October 18, 2022

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(H)

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. 5(H)  
10-18-22

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO THE MIAMI-DADE COUNTY DOMESTIC VIOLENCE OVERSIGHT BOARD; AMENDING SECTION 2-893 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 2-897 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING THE DOMESTIC VIOLENCE OVERSIGHT BOARD TRUST FUND; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, certain Florida counties are permitted by section 212.0306, Florida Statutes, to levy a local option food and beverage tax (“food and beverage tax”); and

**WHEREAS**, Miami-Dade County (“County”) authorized the levy of the food and beverage tax by ordinance, now codified in section 29-51 of the Code of Miami-Dade County (“Code”); and

**WHEREAS**, the Miami-Dade County Domestic Violence Oversight Board (“DVOB”) is the County advisory board charged with, among other things, advising the Board of County Commissioners (“Board”) as to all issues that affect or relate to domestic violence; and

**WHEREAS**, the responsibilities of the DVOB, which is made up of 15 members, include submitting to this Board a comprehensive plan, budget and specific recommendations for use of the portion of food and beverage tax proceeds collected in accordance with section 212.0306, Florida Statutes, and dedicated to the construction and operation of domestic violence centers within the County; and

**WHEREAS**, the DVOB is also charged with submitting annual reports to this Board; and

**WHEREAS**, one of the DVOB’s recommendations to this Board, which was included in its 2020 Annual Report, was to create a DVOB trust fund to accept corporate, private sector, foundation and other donations and to use such funds to launch a Domestic Violence Public Awareness and Education Campaign that would create a pathway to safety for victims of domestic violence and help prevent domestic violence; and

**WHEREAS**, establishing a trust fund will also enable the DVOB to attend, plan, and host special projects, events, and conferences in furtherance of the DVOB’s other duties; and

**WHEREAS**, said projects, events, and conferences can help members of the DVOB: (1) expand their networks and the profile of the board; (2) deepen their understanding of issues facing victims of domestic violence in Miami-Dade County; and (3) identify best practices to implement their charge under article LXVI of the Code; and

**WHEREAS**, this Board desires to amend the Code to create the Domestic Violence Oversight Board Trust Fund,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Article LXVI of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**ARTICLE LXVI. MIAMI-DADE COUNTY DOMESTIC VIOLENCE OVERSIGHT BOARD**

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Sec. 2-893. Powers and duties.**

The board shall have the following powers, duties, functions and responsibilities:

- (1) To serve in an advisory capacity to the Board of County Commissioners with respect to all issues affecting or relating to domestic violence;
- (2) To submit to the Board of County Commissioners a comprehensive plan, budget and specific recommendations for use of the portion of the food and beverage tax proceeds dedicated to the provision of domestic violence shelters (hereinafter referred to as “the plan”) which shall address the following issues:
  - a. The construction and operation of domestic violence shelters, and the expansion of existing domestic violence shelters;
  - b. The maximization of funds by matching available Federal and State funds;
  - c. The relationship between domestic violence centers, the courts, police, other criminal justice agencies and social services; and
  - d. Other issues that the board finds relevant and necessary. This plan shall be specific and shall, to the extent practical, detail intended programs, the nature of facilities to be assisted, identify potential complimentary or leveraged funding sources and the amount of funds which could be generated from such sources.
- (3) To review the plan annually to assure that the plan continues to serve the needs of the total community and victims of domestic violence and to recommend any needed amendments, deletions or modifications to the Board of County Commissioners. The Board of County Commissioners shall only have the power to amend the plan by an affirmative vote of a two-thirds ~~[[ $\frac{2}{3}$ ]]~~ majority.
- >>(4) To attend, plan, and host special projects, events, and conferences in furtherance of the board’s duties as set forth in this section, including, but not limited to, symposia on domestic violence, stakeholder meetings, and public education and awareness campaigns, using the funds in the Domestic Violence Oversight Board Trust Fund.
- (5) To oversee the Domestic Violence Oversight Board Trust Fund.<<

~~[(4)]~~>>(6)<< To submit annually to the Board of County Commissioners a report summarizing and evaluating all programs and activities undertaken by the board >>as well as all expenditures of the food and beverage tax proceeds and funds from the Domestic Violence Oversight Board Trust Fund<< during the previous fiscal year. The report shall include a budget and an audit and accounting, in accordance with generally accepted accounting principles, of all funds received and expended.

~~[(5)]~~ >>(7)<< To submit every six months to the Board of County Commissioners a report detailing the use of the food and beverage tax proceeds overseen by the board, including, but not limited to, the use of funds for the development of new domestic violence centers. The completed report shall be placed on an agenda of the Board of County Commissioners in accordance with Ordinance No. 14-65.

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**Section 2.** Section 2-897 of the Code of Miami-Dade County, Florida, is hereby

created to read as follows:

**Sec. 2-897. Financial Support for the board.**

There is hereby created the Miami-Dade County Domestic Violence Oversight Board Trust Fund for the public purposes provided for in this article. The Finance Director is hereby authorized and directed to establish the Miami-Dade County Domestic Violence Oversight Board Trust Fund and disburse monies in accordance with the provisions of this article. Funds deposited into the Trust Fund may be used to support special projects, events, conferences, and activities which further the purposes of the board.

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is

held invalid, the remainder of this ordinance shall not be affected by such invalidity.



**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

GBK  
LCK

Prepared by:

Leigh C. Kobrinski

Prime Sponsor: Commissioner Rebeca Sosa