



MIAMIBEACH

OFFICE OF THE CITY MANAGER

NO. 115-2012

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: April 30, 2012

SUBJECT: TRANSMITTAL OF CITY OF NORTH MIAMI BEACH RESOLUTIONS NO. R2012-30 AND R2012-32

This LTC is to inform you that the City of North Miami Beach submitted Resolutions R2012-30 and R2012-32 for your review.

- Resolution No. R2012-30 - Encouraging Governor Rick Scott and the Florida Legislature to revisit and re-evaluate the Stand Your Ground Law in the aftermath of the Trayvon Martin shooting; and
- Resolution No. R2012-32 - Urging and encouraging the Florida State Legislature to enact legislation banning the sale and marketing of flavored tobacco products within the State of Florida.

If you have any questions, please contact the City Clerk's Office at 305.673.7411.

JMG:REG/lh

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2012 MAY -1 PM 2:59
CITY CLERK'S OFFICE

RESOLUTION NO. R2012-30

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
ENCOURAGING GOVERNOR RICK SCOTT AND THE
FLORIDA LEGISLATURE TO REVISIT AND RE-
EVALUATE THE STAND YOUR GROUND LAW IN THE
AFTERMATH OF THE TRAYVON MARTIN SHOOTING.**

WHEREAS, in February, 2012, 17-year-old Trayvon Martin was shot and killed by neighborhood watch volunteer George Zimmerman in Sanford, Florida; and

WHEREAS, George Zimmerman's alleged shooting in self-defense has caused many to revisit and re-evaluate the Stand your Ground Law; and

WHEREAS, in March, 2012, Judge Beth Bloom ruled in the matter of Greyston Gonzalez that the Stand Your Ground Law permitted Gonzalez to chase another individual, Pedro Roteta, for more than one block from his home and his property and, therefore, Gonzalez would not stand trial for the death of Roteta; and

WHEREAS, the Stand your Ground Law allows a person to use force in self-defense when there is reasonable belief of a threat, without an obligation to retreat first; and

WHEREAS, the Stand your Ground Law, as implemented in the State of Florida, states that a person has no duty or other requirement to abandon a place where he/she has a right to be, or to give up ground to an assailant; and

WHEREAS, the legal interpretations of Stand Your Ground Law have permitted individuals to leave their homes and their property to chase others and to inflict harm or death without consequence; and

WHEREAS, stand your ground laws are frequently criticized and called "shoot first" laws by critics and have resulted in self-defense claims tripling within the State of Florida; and

RESOLUTION R2012-30

WHEREAS, the Trayvon Martin case has resulted in heavy criticism and increased scrutiny of the law by the public, thereby demonstrating an urgent need for the Governor and State Legislature to revisit and re-evaluate the Stand your Ground Law in the State of Florida.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

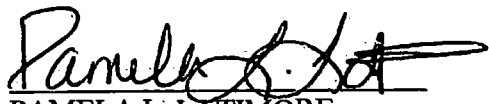
Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby encourage Governor Rick Scott and the Florida Legislature to revisit and re-evaluate the Stand your Ground Law in the State of Florida.

Section 3. The City Clerk is hereby directed and authorized to transmit a copy of this resolution to Governor Rick Scott, to all State Representatives, State Senators, and the presiding Officers and Council members of the municipalities in Miami-Dade County.

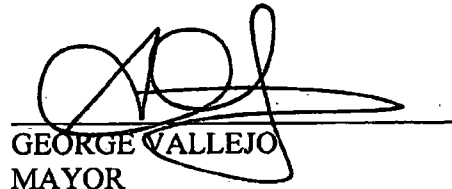
APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this **17th day of April, 2012.**

ATTEST:



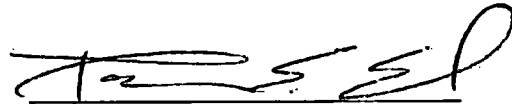
PAMELA L. LATIMORE
CITY CLERK

(CITY SEAL)



GEORGE VALLEJO
MAYOR

APPROVED AS TO FORM:



DARCEE S. SIEGEL
CITY ATTORNEY

Sponsored by: Vice-Mayor Beth E. Spiegel
Mayor and Council

RESOLUTION R2012-30

RESOLUTION NO. R2012-32

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI BEACH, FLORIDA,
URGING AND ENCOURAGING THE FLORIDA STATE
LEGISLATURE TO ENACT LEGISLATION BANNING
THE SALE AND MARKETING OF FLAVORED TOBACCO
PRODUCTS WITHIN THE STATE OF FLORIDA.**

WHEREAS, tobacco use is the number one cause of preventable death in the United States, and almost 90 percent of tobacco users/smokers started before they were 18 years old; and

WHEREAS, each day, more than 4,000 young people try smoking for the first time, and another 2,000 youths become regular daily smokers; and

WHEREAS, the Surgeon General has concluded that tobacco advertising greatly contributes to youth smoking rates; and

WHEREAS, an estimated one third of adolescent experimentation with smoking can be directly attributed to tobacco advertising and promotional activities; and

WHEREAS, the Master Settlement Agreement (MSA) reached in 1998 between Florida's State Attorney General and major tobacco companies forbids cigarette manufacturers from directly or indirectly targeting youths in advertising, marketing and promotion of tobacco products aimed at initiating, maintaining or increasing youth smoking; and

WHEREAS, internal tobacco industry documents strongly suggest that manufacturers intentionally target youths through the use of candy-like flavors in tobacco products; and

WHEREAS, research from the Harvard School of Public Health (published November 2005) found that cigarette makers are targeting young smokers with new candy and liqueur-flavored brands that mask the harsh and toxic properties found in tobacco smoke; and

WHEREAS, a Florida Youth Tobacco Survey shows that most of the tobacco obtained by youths is obtained through social sources and not by direct underage purchases by the minors themselves, therefore indicating that enforcing age restrictions is an inadequate manner in which to keep these flavored products out of the hands of youths; and

WHEREAS, the Mayor and City Council of the City of North Miami Beach believe that legislation banning the sale and marketing of flavored tobacco products within the State of Florida will provide a safe environment in which our youth can grow and prosper free from the influences of the tobacco industry's marketing tactics and free from addiction to tobacco.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The foregoing recitals are true and correct.

Section 2. The Mayor and Council of the City of North Miami Beach, Florida, hereby urge and encourage the State Legislature to enact legislation that bans the sale and marketing of flavored tobacco products within the State of Florida.

Section 3. The City Clerk is hereby directed and authorized to send a copy of this resolution to Governor Rick Scott, and to all State Representatives, State Senators, and the presiding Officers and Council members of the municipalities in Miami-Dade County.

RESOLUTION R2012-32

APPROVED AND ADOPTED by the City of North Miami Beach City Council at the regular meeting assembled this 17th day of April, 2012.

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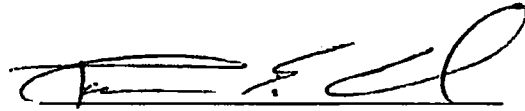
PAMELA L. LATIMORE
CITY CLERK



GEORGE VALLEJO
MAYOR

(CITY SEAL)

APPROVED AS TO FORM:



DARCEE S. SIEGEL
CITY ATTORNEY

SPONSORED BY: Councilwoman Phyllis S. Smith
Mayor and Council

RESOLUTION R2012-32