

MEMORANDUM

Agenda Item No. 11(A)(7)

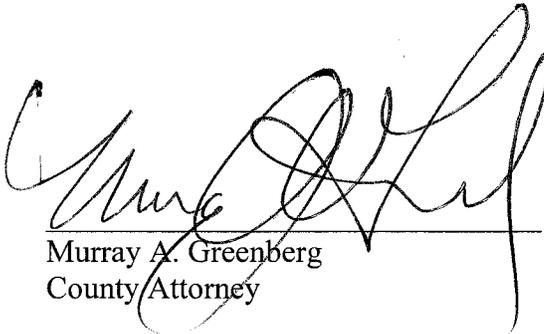
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 20, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution Urging the
Florida Legislature to fund
Local mandates included
In the Adam Walsh Child
Protection and Safety
Act of 2006

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Joe A. Martinez.



Murray A. Greenberg
County Attorney

MAG/dcp

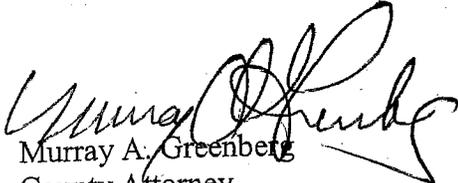


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: March 20, 2007

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(7)

Veto _____

03-20-07

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. CONGRESS TO FULLY FUND THE LOCAL MANDATES INCLUDED IN THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006; AND FURTHER URGING THE FLORIDA LEGISLATURE TO FULLY FUND ANY ADDITIONAL LOCAL MANDATES INCLUDED IN LEGISLATION IMPLEMENTING THE FEDERAL ADAM WALSH ACT AT THE STATE LEVEL

WHEREAS, in July 2006, the federal Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act”) became law; and

WHEREAS, the Adam Walsh Act imposed a number of new requirements on sexual predators and sexual offenders, such as requiring sexual predators and sexual offenders to report every three months in person to the county Sheriff’s Office or Police Department and requiring such offenders to maintain sexual predator or sexual offender registration for life without the possibility of petitioning for removal; and

WHEREAS, these increased reporting requirements will result in greater expense to local law enforcement agencies; and

WHEREAS, the Adam Walsh Act also imposed new requirements on local law enforcement agencies by requiring them to report to state law enforcement agencies the failure of any sexual predator or sexual offender to comply with the monthly registration requirements; and

WHEREAS, the Adam Walsh Act required state law enforcement agencies to create a system through which local government entities involving children, such as public housing agencies, schools, social service agencies and others with oversight over children, will have access to a system with automated notifications of sexual predators and sexual offenders; and

WHEREAS, local governments will incur additional expense if the State of Florida imposes fees on local governmental agencies to access such a system of information on sexual predators and sexual offenders as required by the Adam Walsh Act; and

WHEREAS, bills have been filed for the 2007 session in the Florida Legislature, SB 1604 and HB 665, that would implement the Adam Walsh Act at the state level; and

WHEREAS, the costs associated with carrying out the federal Adam Walsh Act, as well as the cost of implementing any additional requirements included in legislation passed at the state level, should be borne by the U.S. Congress and the Florida Legislature respectively, and should not be passed through to local governments and local law enforcement agencies,

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

Section 1. Urges the U.S. Congress to fully fund the local mandates passed in the federal Adam Walsh Child Protection and Safety Act of 2006.

Section 2. Urges the Florida Legislature to fully fund any additional mandates included in legislation implementing the federal Adam Walsh Act, including SB 1604, HB 665, or similar legislation.

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

Section 4. Directs the County's federal and state lobbyists to advocate for the issues identified in sections 1 and 2 above, and directs the Office of Intergovernmental Affairs to include this item in the 2007 federal and state legislative packages.

The foregoing resolution was sponsored by Commissioner Joe A. Martinez and 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:

- | | |
|------------------------------------|--------------------|
| Bruno A. Barreiro, Chairman | |
| Barbara J. Jordan, Vice-Chairwoman | |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Carlos A. Gimenez | Sally A. Heyman |
| Joe A. Martinez | Dennis C. Moss |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of March, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.

JMM

Jess M. McCarty