

MEMORANDUM

Agenda Item No. 11(A)(10)

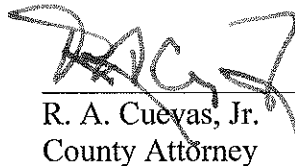
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to require sexual predators and offenders who are transient to (I) provide more site-specific information as to where they are located and to list such information on their driver's licenses and identification cards and (II) register with law enforcement every month; further urging the Legislature to make it a third degree felony for transient sexual predators and offenders to fail to meet these requirements

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 22, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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
- 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 ____, 3/5's ____, unanimous ____) 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)(10)
1-22-14

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE SEXUAL PREDATORS AND OFFENDERS WHO ARE TRANSIENT TO (I) PROVIDE MORE SITE-SPECIFIC INFORMATION AS TO WHERE THEY ARE LOCATED AND TO LIST SUCH INFORMATION ON THEIR DRIVER'S LICENSES AND IDENTIFICATION CARDS AND (II) REGISTER WITH LAW ENFORCEMENT EVERY MONTH; FURTHER URGING THE LEGISLATURE TO MAKE IT A THIRD DEGREE FELONY FOR TRANSIENT SEXUAL PREDATORS AND OFFENDERS TO FAIL TO MEET THESE REQUIREMENTS

WHEREAS, a sexual predator or sexual offender is required to comply with a number of statutory requirements, including the requirement that he or she provide the address of legal residence and address of any temporary residence to the sheriff's department within 48 hours of sentencing or of establishing a residence; and

WHEREAS, a sexual predator or offender must also register at a driver's license office within 48 hours of the initial registration at the local sheriff's department, and must report any change of permanent or temporary residence within the state to the driver's license office within 48 hours; and

WHEREAS, the purpose of these requirements is to ensure that law enforcement is aware of where sexual predators and offenders are living, and to allow local law enforcement to notify child care centers and schools within a one-mile radius of where sexual predators and offenders are living pursuant to state law; and

WHEREAS, in addition, these requirements also allow local law enforcement to notify the community of the presence of the sexual predator or offender in an appropriate manner,

which is often achieved by posting such information on the local law enforcement website including the sexual predator's and offender's address; and

WHEREAS, prior to 2010, some sexual predators and offenders listed their addresses with local law enforcement and on their driver's licenses as "transient", with no location indicated; and

WHEREAS, while some sexual predators and offenders were legitimately homeless, it was believed that others listed their addresses as "transient" so as to avoid law enforcement oversight; and

WHEREAS, during the 2010 session, the Florida Legislature attempted to address this issue by creating a new "transient" address classification for sexual predators and offenders in Chapter 2010-92, Laws of Florida (HB 119); and

WHEREAS, the "transient" address classification was defined in statute as "a place or county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address" including but not limited to "a place where the person sleeps or seeks shelter and a location that has no specific street address"; and

WHEREAS, under this "transient" address classification, offenders claiming a transient address could no longer simply list their addresses as "transient" with local law enforcement and on their driver's licenses, but were instead required to provide an address, the place or county where they are staying; and

WHEREAS, despite the passage of the 2010 law, monitoring transient sexual offenders remains problematic according to a 2012 report by the Florida Legislature's Office of Program Policy Analysis & Governmental Accountability (OPPAGA); and

WHEREAS, the OPPAGA report found that 40 percent of sheriff's offices surveyed reported that they had difficulty in locating "transient" sexual predators and offenders and that this was a major impediment to address verification; and

WHEREAS, the 2010 law, while a step in the right direction, is still too broad to provide the type of site-specific information to provide law enforcement and the public with necessary information about the likely location of sexual predators and offenders; and

WHEREAS, a sexual predator or offender can technically comply with the 2010 law, for example, simply by indicating on his or her driver's license or identification card that he or she is located in Miami-Dade County; and

WHEREAS, merely requiring sexual predators or offenders to indicate that they are located within Miami-Dade County on their driver's licenses or identification card does not provide the type of site-specific information that is necessary, particularly because the county has a population of more than 2.5 million people; and

WHEREAS, this Board urges the Florida Legislature to revisit the statutory changes enacted in 2010 to require sexual predators and offenders who do not have a permanent or temporary address to provide more site-specific information as to where they are located to law enforcement and on their driver's licenses and identification cards; and

WHEREAS, in addition, current state law requires sexual predators and certain sexual offenders to register four times a year, while certain sexual offenders are required to register only two times a year; and

WHEREAS, having "transient" sexual offenders and predators register on a monthly basis would greatly increase the ability to track, monitor, and enforce state laws regulating sexual offenders and predators; and

WHEREAS, this Board further would urge the Legislature to make it a third degree felony for transient sexual predators and offenders to fail to include site-specific location on their driver's licenses or identification card or fail to register every month,

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:

- a. Require sexual predators and offenders who do not have a permanent or temporary address to provide more site-specific information as to where they are located and to list such information on their driver's licenses and identification cards;
- b. Require transient sexual predators and offenders register monthly to increase the ability to track and monitor these individuals, and enforce state laws; and
- c. Make it a third degree felony for transient sexual predators and offenders to fail to include site-specific location on the driver license or identification card or to fail to register every month.

Section 2. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Commissioner of the Florida Department of Law Enforcement and the Executive Director of the Florida Department of Highway Safety and Motor Vehicles.

Section 3. Directs the County's state lobbyists to advocate for the passage of legislation and funding as set forth in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

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Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day January, 2014. 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.



Jess M. McCarty