

MEMORANDUM

Agenda Item No. 11(A)(3)

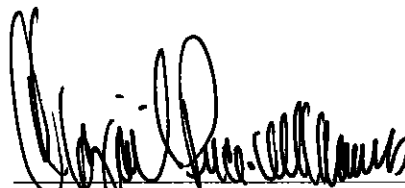
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact HB 201 or similar legislation that would authorize the use of public buildings to serve as safe havens for sales transactions related to items or services on classified advertisement websites and limit the liability of the state, local governments, and the officers, employees, and agents of the state and local governments that provide safe haven facilities

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM
(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: February 22, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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 ____, 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)(3)
2-22-17

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HB 201 OR SIMILAR LEGISLATION THAT WOULD AUTHORIZE THE USE OF PUBLIC BUILDINGS TO SERVE AS SAFE HAVENS FOR SALES TRANSACTIONS RELATED TO ITEMS OR SERVICES ON CLASSIFIED ADVERTISEMENT WEBSITES AND LIMIT THE LIABILITY OF THE STATE, LOCAL GOVERNMENTS, AND THE OFFICERS, EMPLOYEES, AND AGENTS OF THE STATE AND LOCAL GOVERNMENTS THAT PROVIDE SAFE HAVEN FACILITIES

WHEREAS, there are a number of classified advertisement websites that allow individuals to list and purchase items; such sites, however, do not oversee how their users conduct the sale of said items; and

WHEREAS, classified advertisement websites have become a popular place for criminals to prey on innocent individuals; and

WHEREAS, in recent years, there have been a number of cases in South Florida where individuals selling cellphones, computers, or other valuable goods on classified advertisement websites have been targeted by criminals who intend to rob them or commit other criminal acts when they meet to exchange goods for cash; and

WHEREAS, in December 2011, a South Florida U.S. Marine veteran was the victim of an internet sales transaction gone wrong during which he was shot and then plugged his wounds with his fingers, benefiting from a military background that police say possibly saved his life; and

WHEREAS, in March 2014, a South Florida man who intended to sell his iPhone on a classified advertisement website met up with a person he believed desired to purchase the phone, only to find himself in the midst of an armed robbery; and

WHEREAS, in July 2014, a man and woman, posing as interested buyers of an iPhone listed on a classified advertisement website, robbed and briefly kidnapped a father of three after meeting him at a Target parking lot in the City of Sunrise, Florida; and

WHEREAS, on October 21, 2014, a 17-year-old resident of the City of Hialeah was robbed at gunpoint when he went to sell a pair of sneakers to a buyer he met on a classified advertisement website; and

WHEREAS, there have also been recent crimes in other states related to sales transactions from classified advertisement websites; and

WHEREAS, in January 2015, a man and woman were shot and killed in Marietta, Georgia after attempting to purchase a vehicle listed on a classified advertisement website; and

WHEREAS, in March 2015, a pregnant woman in Colorado was stabbed and her fetus was removed from her womb after she attempted to purchase baby clothes listed on a classified advertisement website; and

WHEREAS, on January 8, 2017, a Hialeah resident ended up being dragged across the parking lot of a gas station after attempting to sell he and his wife's jewelry on a phone application; and

WHEREAS, even when the victims of these internet sales crimes choose locations for the transactions that they feel would be safe, such as public and populated shopping centers or parks, they still often fall prey to criminals; and

WHEREAS, in response to robberies in the cities of Sunrise and Weston, the Broward County Sheriff's Office announced in July 2014 that its Weston substation would serve as a safe haven for anyone seeking to complete an internet sales transaction; and

WHEREAS, police in the City of Boca Raton announced the same safe haven policy in early 2014 after there were three armed robberies in a three week period that began as cellphone and computer sales via classified advertisement websites; and

WHEREAS, police in the cities of Sunrise, Fort Lauderdale, Delray Beach, and Boynton Beach have announced that, while they have no formal program, the public is welcome to complete transactions at police stations during regular business hours if it makes them feel safer; and

WHEREAS, on December 14, 2014, this Board passed Resolution No. R-1147-14 urging the Florida Legislature to enact legislation that would deter criminal activity associated with internet sales transactions by designating state safe haven facilities and encouraging local governments to designate local safe haven facilities; and

WHEREAS, thereafter, Senate Bill (SB) 286 and House Bill (HB) 323 were filed by Senator Miguel Diaz de la Portilla (R – Miami) and Representative Barbara Watson (D – Miami Gardens), respectively, for consideration during the 2015 session of the Florida Legislature; and

WHEREAS, SB 286 would have encouraged the designation of a specified number of state safe haven facilities and encouraged local governments to approve the use of public local governmental buildings as local safe haven facilities; and

WHEREAS, HB 323 would have designated a specified number of state safe haven facilities and authorized the use of state or local governmental buildings to serve as safe haven facilities; and

WHEREAS, neither SB 286 nor HB 323 was enacted during the 2015 session; and

WHEREAS, during the 2016 session of the Florida Legislature, SB 1152 and HB 67 were filed by Senator Diaz de la Portilla and Representative Watson, respectively; and

WHEREAS, SB 1152 and HB 67 would have also encouraged the designation of state safe havens and authorized state and local government buildings to serve as safe haven facilities; and

WHEREAS, neither SB 1152 nor HB 67 was enacted during the 2016 session; and

WHEREAS, this Board passed Resolution No. R-126-15 directing the Mayor or Mayor's designee to examine the feasibility and availability of providing safe haven locations in Miami-Dade County; and

WHEREAS, the Mayor's report in response to Resolution No. R-126-15 identified four locations in Miami-Dade County that could serve as local safe haven facilities; and

WHEREAS, additional safe haven facilities have been identified in other areas of Miami-Dade County; and

WHEREAS, Representative Watson has filed HB 201 for consideration during the 2017 session of the Florida Legislature; and

WHEREAS, HB 201 would:

- (1) require a specified number of safe havens to be designated in each county;
- (2) authorize local governmental buildings to serve as safe haven facilities;
- (3) limit the liability of an entity that provides its location as a safe haven facility; and
- (4) limit actions against the state or local governments related to transactions taking place at a safe haven facility; and

WHEREAS, this Board would like to urge the Florida Legislature to enact HB 201 or similar legislation that would authorize the use of public buildings to serve as safe haven facilities and limit the liability of governmental entities that provide safe havens,

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 enact HB 201 or similar legislation that would authorize the use of public buildings to serve as safe havens for sales transactions related to items or services on classified advertisement websites and limit the liability of the state, local governments, and the officers, employees, and agents of the state and local governments that provide safe haven facilities.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, Representative Barbara Watson, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2017 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Esteban L. Bovo, Jr., Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Jose "Pepe" Diaz
Barbara J. Jordan
Jean Monestime
Rebeca Sosa
Xavier L. Suarez
Daniella Levine Cava
Sally A. Heyman
Joe A. Martinez
Dennis C. Moss
Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of February, 2017. 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.

APP

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