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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(22)

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

DATE: November 5, 2014

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

SUBJECT: Resolution urging the Florida Legislature to require sexual predators and transient sexual offenders to wear electronic monitoring devices for the remainder of their natural lives
Resolution No. R-1012-14

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: November 5, 2014

FROM: R. A. Cuevas, Jr.
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SUBJECT: Amended Agenda Item No. 11(A)(22)

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 _____

Amended
Agenda Item No. 11(A)(22)
11-5-14

RESOLUTION NO. R-1012-14

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE SEXUAL PREDATORS AND TRANSIENT SEXUAL OFFENDERS TO WEAR ELECTRONIC MONITORING DEVICES FOR THE REMAINDER OF THEIR NATURAL LIVES

WHEREAS, the Board of County Commissioners is concerned about convicted sexual predators and sexual offenders who are released from custody and repeat the unlawful acts for which they had originally been convicted; and

WHEREAS, the Board finds that the recidivism rate for released sexual predators and sexual offenders is high, especially for those who commit crimes against children; and

WHEREAS, Miami-Dade County has a compelling interest in protecting children from predatory sexual activity; and

WHEREAS, Miami-Dade County has already taken efforts to address this issue by prohibiting sexual predators and sexual offenders from establishing temporary or permanent residence in certain areas where children are known to regularly congregate, by prohibiting the renting or leasing of certain property to sexual predators or sexual offenders if such property is located where children are known to regularly congregate, and by restricting sexual offenders' and sexual predators' access to parks and child care facilities; and

WHEREAS, Florida law also requires sexual predators and sexual offenders 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 local sheriff's department within 48 hours of sentencing or of establishing a residence; and

WHEREAS, sexual offenders and predators are also required by Florida law to register at a state 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, despite these requirements, local law enforcement has still encountered difficulties in locating many sexual predators and sexual offenders; and

WHEREAS, a 2012 report by the Florida Legislature's Office of Program Policy Analysis & Governmental Accountability found that 40 percent of sheriff's offices surveyed reported that they had difficulty locating sexual predators and sexual offenders who were listed at transient residences; and

WHEREAS, it is believed that some sexual predators and sexual offenders list their addresses as "transient" for the express purpose of avoiding law enforcement oversight; and

WHEREAS, requiring sexual predators and transient sexual offenders to wear electronic monitoring devices would eliminate many of these problems by providing law enforcement with the capability of determining the sexual predator or sexual offender's precise location; and

WHEREAS, an electronic monitoring system for sexual predators and transient sexual offenders would also enable law enforcement to be immediately informed if a sexual predator or transient sexual offender was near a park, child care facility, school, or other location where children regularly congregate; and

WHEREAS, the implementation of this technology can only help law enforcement marshal their resources and more effectively protect children from predatory sexual activity; and

WHEREAS, similar legislation has already been passed in California, Georgia, Kansas, Louisiana, Maryland, Michigan, Missouri, Montana, North Carolina, Rhode Island, and Wisconsin; and

WHEREAS, none of these state statutes have been struck down despite various legal challenges,

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 require sexual predators and transient sexual offenders to wear electronic monitoring devices for the remainder of their natural lives.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Attorney General, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the issues identified in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2015 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 **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Jean Monestime** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**nay**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of November, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MBV

Michael B. Valdes