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

MEMORANDUM

Agenda Item No. 11(A)(44)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Resolution urging the Florida Legislature to enact HB 147 or similar legislation that would reduce the time period for which criminal history records of minors are retained before being expunged

Resolution No. R-912-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 11(A)(44)

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)(44)
10-6-15

RESOLUTION NO. R-912-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HB 147 OR SIMILAR LEGISLATION THAT WOULD REDUCE THE TIME PERIOD FOR WHICH CRIMINAL HISTORY RECORDS OF MINORS ARE RETAINED BEFORE BEING EXPUNGED

WHEREAS, section 943.0515, Florida Statutes, requires that the criminal history records of minors be retained for five years after the minor reaches 19 years of age, so long as that minor is not classified as a serious or habitual offender, and not committed to a juvenile correctional facility or prison; and

WHEREAS, Florida Statute Section 943.0515 also requires that the criminal history records of minors classified as serious or habitual offenders, or committed to a juvenile correctional facility or prison be retained for five years after the minor reaches 21 years of age; and

WHEREAS, the current state of the law considerably hinders a minor's ability to attend school, join the military, gain employment, or pursue other options that lead to successful adulthood; and

WHEREAS, House Bill (HB) 147 has been filed for consideration during the 2016 session of the Florida Legislature by Representative Chris Latvala (R – Clearwater) and Representative Chris Sprowls (R – Clearwater); and

WHEREAS, HB 147 would:

a) require that the criminal history records of minors who are not classified as serious or habitual offenders, and not committed to a juvenile correctional facility or prison, be expunged five years after the date of the offense; and

b) eliminate a deadline for submission of an application by a minor for prearrest or postarrest diversion expunction; and

WHEREAS, recognizing the great benefit to the youth of Miami-Dade County, this Board would like to urge the Florida Legislature to enact HB 147 or similar legislation that would reduce the time period for which criminal history records of minors are retained before being expunged,

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 147 or similar legislation that would reduce the time period for which criminal history records are retained before being expunged.

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

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. 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: Christopher Agrippa
Deputy Clerk

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

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