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

MEMORANDUM

Agenda Item No. 11(A)(11)

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

DATE: December 15, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution supporting SB 510 or similar legislation that would provide criminal penalties for convicted sexual predators who use or operate a drone to view or record an image of a minor under certain circumstances

Resolution No. R-1167-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

Abigail Price-Williams for
County Attorney

APW/smm

MEMORANDUM

(Revised)

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

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FROM: Abigail Price-Williams
County Attorney

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

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)(11)
12-15-15

RESOLUTION NO. R-1167-15

RESOLUTION SUPPORTING SB 510 OR SIMILAR LEGISLATION THAT WOULD PROVIDE CRIMINAL PENALTIES FOR CONVICTED SEXUAL PREDATORS WHO USE OR OPERATE A DRONE TO VIEW OR RECORD AN IMAGE OF A MINOR UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Senate Bill (SB) 510 has been filed for consideration during the Florida Legislature's 2016 session by Senator Dorothy Hukill (R – Port Orange); and

WHEREAS, SB 510 would provide criminal penalties for convicted sexual predators who use or operate a drone to view or record an image of a minor under certain circumstances; and

WHEREAS, specifically, it would be a third degree felony for a convicted sexual predator to use a drone to view or record an image of a minor at the minor's home, or at a business, school, child care facility, park, playground, or other place where children regularly congregate; and

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

WHEREAS, the County has already taken efforts to address this issue by prohibiting sexual predators and sexual offenders from establishing temporary or permanent residency 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 access of sexual predators and sexual offenders to parks and child care facilities; and

WHEREAS, Florida law also prohibits sexual predators from being in areas where minors generally assemble; and

WHEREAS, a drone is a powered, aerial vehicle that does not carry a human operator and can fly autonomously or be piloted remotely; and

WHEREAS, some drones have the ability to capture and transmit images from one location to a person remotely piloting the aerial vehicle in another location; and

WHEREAS, technological advances in the field of drones, coupled with their increased availability, have led to new privacy concerns; and

WHEREAS, one such concern is that by using drones, sexual predators could attempt to circumvent current laws that restrict where they may be present; and

WHEREAS, the State Legislature has already restricted the use of drones in a number of ways to protect individuals' privacy, including limiting law enforcement agencies' use of the technology; and

WHEREAS, this Board would like to express its strong support for SB 510,

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

Section 1. Supports SB 510 or similar legislation that would provide criminal penalties for convicted sexual predators who use or operate a drone to view or record an image of a minor under certain circumstances.

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

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

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** 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	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**absent**	Rebeca Sosa	**absent**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 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. MP

Matthew Papkin