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

MEMORANDUM

Agenda Item No. 11(A)(16)

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

DATE: December 15, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact HB 475 or similar legislation that would prohibit the public disclosure of personal identifying information of a witness to a felony

Resolution No. R-1172-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime

Abigail Price-Williams
County Attorney

APW/cp

MEMORANDUM
(Revised)

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

DATE: December 15, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(16)

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)(16)
12-15-15

RESOLUTION NO. R-1172-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HB 475 OR SIMILAR LEGISLATION THAT WOULD PROHIBIT THE PUBLIC DISCLOSURE OF PERSONAL IDENTIFYING INFORMATION OF A WITNESS TO A FELONY

WHEREAS, it is vital to protect the identity of witnesses in order to help prevent witness intimidation and the chilling effect that occurs as a result of such intimidation; and

WHEREAS, in a study conducted by the United States Department of Justice, National Institute of Justice, witness intimidation was identified as a tactic that denies critical evidence to police investigators and prosecutors and undermines the confidence of the community in the government's ability to protect and represent the members of the community; and

WHEREAS, witness intimidation is most likely to occur between arrest and trial, according to the National Institute of Justice study; and

WHEREAS, the greater the possible penalty for a crime, the greater the desire a defendant may have to engage in witness intimidation, according to the National Gang Center; and

WHEREAS, House Bill 475 ("HB 475") has been filed for consideration during the 2016 session of the Florida Legislature by Representative Edwin Narain (D – Tampa); and

WHEREAS, HB 475 would exempt from public records requirements personal identifying information of a witness to a felony and would apply the exemption to that witness for a specified period of time; and

WHEREAS, this Board recognizes the importance of protecting witnesses and would like to urge the Florida Legislature to enact HB 475 or similar legislation that would prohibit the public disclosure of personal identifying information of an individual who witnesses a felony,

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 475 or similar legislation that would prohibit the public disclosure of personal identifying information of a witness to a felony.

Section 2. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, Representative Edwin Narain, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the legislative action 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 Chairman Jean Monestime. 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. APP

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