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

# MEMORANDUM

Agenda Item No. 11(A)(26)

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

**DATE:** January 20, 2016

**FROM:** Abigail Price-Williams County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to enact SB 1152, HB 67, or similar legislation that would encourage the Florida Department of Management Services to designate a specified number of secure locations throughout the state to serve as state 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 state and local safe haven facilities

Resolution No. R-75-16

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/jls

# MEMORANDUM

(Revised)

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

DATE: January 20, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(26)

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)(26)
1-20-16

RESOLUTION NO. R-75-16

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 1152, HB 67, OR SIMILAR LEGISLATION THAT WOULD ENCOURAGE THE FLORIDA DEPARTMENT OF MANAGEMENT SERVICES TO DESIGNATE A SPECIFIED NUMBER OF SECURE LOCATIONS THROUGHOUT THE STATE TO SERVE AS STATE 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 STATE AND LOCAL SAFE HAVEN FACILITIES

**WHEREAS**, people list items for sale and purchase items on classified advertisement websites, however such sites do not oversee how their users conduct the sale of items posted on the site; 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 people 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 awry during which he was shot and then forced to plug 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**, 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**, on February 3, 2015, 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**, Senator Diaz de la Portilla has filed SB 1152 for consideration during the 2016 session of the Florida Legislature; and

**WHEREAS**, Representative Watson has filed HB 67 for consideration during the 2016 session of the Florida Legislature; and

**WHEREAS**, SB 1152 would, among other things:

(1) encourage the Florida Department of Management Services to designate a specified number of state safe haven facilities;

(2) authorize state governmental buildings to serve as state safe haven facilities;

(3) authorize local governments to approve the use of public local governmental buildings as local safe haven facilities;

(4) provide guidelines for the placement and operation of safe haven facilities;

(5) specify that government officials are not responsible for supervising, intervening in, or facilitating sales transactions; and

(6) limit the liability of the state and local governments as well as their officers, employees, and agents for any injury or damage arising from a sales transaction at a state or local safe haven facility; and

**WHEREAS**, as initially filed, HB 67 would:

(1) require a specified number of safe havens to be designated in each county;

(2) authorize state and 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**, it is anticipated that HB 67 will be amended to conform to the language in SB 1152 during the first committee hearing on HB 67; and

**WHEREAS**, this Board would like to urge the Florida Legislature to enact SB 1152, HB 67, or similar legislation that would encourage the designation of a specified number of state safe haven facilities and limit the liability of state and local governments 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 SB 1152, HB 67, or similar legislation that would encourage the Florida Department of Management Services to designate a specified number of secure locations throughout the state to serve as state 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 state and local 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, Senator Miguel Diaz de la Portilla, 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 2016 State Legislative Package to include this item.

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

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2016. 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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