

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: March 17, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to enact the DEFIANCE Act of 2025, S. 1837, H.R. 3562, or similar legislation that provides legal recourse to victims of non-consensual intimate digital forgeries against individuals who produce, possess with intent to disclose, disclose, or solicit and receive such content without consent

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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Gen Bonzon-Keenan
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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 present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____) 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)(2)
3-17-26

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS TO ENACT THE DEFIANCE ACT OF 2025, S. 1837, H.R. 3562, OR SIMILAR LEGISLATION THAT PROVIDES LEGAL RECOURSE TO VICTIMS OF NON-CONSENSUAL INTIMATE DIGITAL FORGERIES AGAINST INDIVIDUALS WHO PRODUCE, POSSESS WITH INTENT TO DISCLOSE, DISCLOSE, OR SOLICIT AND RECEIVE SUCH CONTENT WITHOUT CONSENT

WHEREAS, digital forgery—commonly called a deepfake—refers to the unauthorized creation, alteration, or manipulation of digital content, such as documents, images, or videos with the intent to deceive or mislead; and

WHEREAS, digital forgeries pose significant risks to privacy, security, and public trust by enabling the fabrication of realistic but false information; and

WHEREAS, intimate digital forgeries or non-consensual sexually intimate digital depictions (“non-consensual intimate digital forgeries”) are digitally created or manipulated visual depictions of a person that are made to appear realistic and portray the individual in nude, sexually explicit, or other intimate contexts without their consent; and

WHEREAS, such images are created using various digital means and are often used to harass victims by interfering with their employment, education, reputation, or sense of safety or to commit extortion, sexual assault, domestic violence, and other crimes; and

WHEREAS, non-consensual intimate digital forgeries, are recognized as a form of image-based or technology-facilitated sexual abuse; and

WHEREAS, such abuse violates privacy, damages reputation, and causes significant emotional and psychological distress; and

WHEREAS, the existence of such images can be stigmatizing and destabilizing to those depicted, and often torment victims and lead to deteriorating mental health, withdrawal from loved ones and public discourse, depression, anxiety, or suicidal ideations; and

WHEREAS, even if said images are revealed to be fake, victims often continue to experience shame and psychological challenges; and

WHEREAS, in light of the significant harm that non-consensual intimate digital forgeries typically cause victims, members of the United States Congress (“Congress”) are attempting to strengthen federal laws to better protect individuals and improve their rights to relief; and

WHEREAS, specifically, the Disrupt Explicit Forged Images and Non-Consensual Edits Act (“DEFIANCE Act of 2025”), was filed in 119th Congress in identical bills, Senate Bill (“S.”) 1837 and House Resolution (H.R.) 3562, by Senator Richard J. Durbin (D-IL) and Representative Alexandria Ocasio-Cortez (D-NY), respectively, on May 21, 2025; and

WHEREAS, the DEFIANCE Act of 2025, in part:

- (1) authorizes a person whose body, in whole or part, is portrayed and recognizable by virtue of their face, likeness, or other distinguishing characteristic or feature displayed in connection with a non-consensual intimate digital forgery (“identifiable individual”) to bring a civil lawsuit against individuals who produce, possess with intent to disclose, disclose, or solicit and receive such content without consent;
- (2) authorizes identifiable individuals to seek up to \$250,000.00 in monetary damages, and equitable and injunctive relief, as well as seek attorneys’ fees and litigation costs;

- (3) authorizes identifiable individuals to request court orders to delete or cease distribution of non-consensual intimate digital forgeries;
- (4) provides privacy protections to identifiable individuals, such as allowing them to use pseudonyms, redact personal information in public filings, and limit disclosure of evidence; and
- (5) authorizes identifiable individuals to file claims within 10 years from the later of when the individual discovers the violation that forms the basis of the claim or reaches the age of 18; and

WHEREAS, the United States Senate approved S. 1837 by unanimous consent on January 13, 2026; and

WHEREAS, the production, possession with intent to disclose, disclosure, or solicitation and receipt of non-consensual intimate digital forgeries, can lead to significant emotional, social, and psychological harm to identifiable individuals; and

WHEREAS, the DEFIANCE Act of 2025, is a significant step towards addressing the growing problem of deepfake technology and providing legal recourse to identifiable individuals of non-consensual intimate digital forgeries; and

WHEREAS, this Board supports efforts to curtail the creation and distribution of non-consensual intimate digital forgeries and penalize individuals who produce, possess with the intent to disclose, disclose, or solicit and receive non-consensual intimate digital forgeries, and urges Congress to adopt the DEFIANCE Act of 2025,

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

Section 1. Urges the United States Congress to enact the DEFIANCE Act of 2025, S. 1837, H.R. 3562, or similar legislation that provides legal recourse to individuals depicted in intimate digital forgeries or non-consensual sexually intimate digital depictions against individuals who produce, possess with intent to disclose, disclose, or solicit and receive such content without consent.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to Senator Richard J. Durbin, Representative Alexandria Ocasio-Cortez, and the Members of the Florida Congressional Delegation.

Section 3. Directs the County's federal 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 2026 Federal Legislative Package to include this item and include this item in the 2027 Federal Legislative Package when it's presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	
Kionne L. McGhee, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Sen. René García	Oliver G. Gilbert, III
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Vicki L. Lopez
Natalie Milian Orbis	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of March, 2026. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shanika A. Graves