

RESOLUTION NO. 2023-R-59

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PASS SENATE CONCURRENT BILL 1208, HOUSE CONCURRENT BILL 1037, OR SIMILAR LEGISLATION TO EXPAND PROTECTIONS OF HUMAN TRAFFICKING VICTIMS IN COURT PROCEEDINGS; PROVIDING FOR TRANSMITTAL AND AN EFFECTIVE DATE.

WHEREAS, pending before the Florida House of Representatives and the Florida Senate is a proposed legislative measure that would provide greater protections in judicial proceedings for minors or victims of certain crimes, including human trafficking; and

WHEREAS, the measure provides that depositions of such individuals will not be allowed absent a showing of good cause; and

WHEREAS, the proposed legislation will shield victims from unnecessarily reliving traumatic experiences, making it easier for them to come forward and help prosecutors secure convictions for their perpetrators; and

WHEREAS, SB 1208 and HB 1037 provide that in any criminal action where the defendant is charged with certain crimes, depositions are not allowed, without showing a good cause, of certain groups, including human trafficking victims. These victim/witness groups include anyone under the age of 18, anyone with intellectual disabilities, or anyone who is a victim or witness; and

WHEREAS, offenses, where this proposed rule would be applied, include human trafficking, domestic violence, aggravated cyberstalking, custody offenses, human smuggling, lewd or lascivious offenses, child abuse, child neglect, and traveling to meet a minor; and

WHEREAS, the bill requires a written motion that a deposition is necessary to assist at trial to bypass the restrictions; and

WHEREAS, the court may authorize the taking of a deposition if it is proven that the evidence sought is not reasonably available by any other means and the probative value of the testimony outweighs the potential harm to the person being deposed; and

WHEREAS, the court would have to consider several factors when deciding whether to grant the deposition, including whether the victim or witness would suffer moderate psychological harm, and make specific written findings of fact for the basis of its ruling; and

WHEREAS, the Mayor and City Council find that the proposed legislation is meaningful and needed to shield victims from unnecessarily reliving traumatic experiences, making it easier for them to come forward and help prosecutors secure convictions for their perpetrators.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Urging State Legislature. That the Mayor and City Council of the City of North Miami, Miami-Dade County, Florida, urges the Florida Legislature to pass Senate Concurrent Bill 1208, House Concurrent Bill 1037, or similar legislation to expand protections of human trafficking victims in court proceedings.

Section 3. Transmittal. The City Clerk is hereby directed to transmit this Resolution to the Speaker of the Florida House of Representatives, the President of the Florida Senate, and the Governor of the State of Florida.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 11th day of April, 2023.



ALIX DESULME, Ed.D.
MAYOR


ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: MAYOR ALIX DESULME

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)
Councilman Pierre Frantz Charles	<u>X</u>	(Yes)	_____	(No)