

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1073.98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; URGING CERTAIN LEGISLATIVE CHANGES TO THE PUBLIC RECORDS-SAFETY INFORMATION ACT, CHAPTER 97-299 F.S., PARTICULARLY FOR EARLIER REGISTRATION AND RELEASE OF NOTIFICATION TO ALL LOCAL GOVERNING BODIES OF CHILD PREDATORS; REQUIRING CHILD PREDATORS TO REGISTER WITH THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT BEFORE COMING INTO THE STATE AND WITH SHERIFFS AND POLICE DEPARTMENTS IMMEDIATELY WHEN PRESENT IN A COUNTY OR MUNICIPALITY; URGING CHANGE OF PENALTY FOR FAILURE TO REGISTER TO A FIRST DEGREE FELONY PUNISHABLE BY IMPRISONMENT OF A MANDATORY FIVE YEARS AND NOT EXCEEDING 30 YEARS; URGING ADOPTION OF FLORIDA'S PUBLIC SAFETY INFORMATION ACT BY ALL STATES AND THE FEDERAL GOVERNMENT AS A UNIFORM ACT, AND PROVIDING FOR TRANSMITTAL AND EFFECTIVE DATE. PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council highly commend the State Legislature for enactment of a Public Safety Information Act, authorizing the release of public records information regarding criminal offenders in particular requirements for public notification of the presence of sexual predators; and

WHEREAS, the Mayor and Council believe that the law would be more effective if amended to require earlier registration and release of notification by the Florida Department of Law Enforcement ("F.D.L.E.") the Florida Department of Corrections, the Florida Department of Highway Safety and Motor Vehicles, and all governmental and private agencies having custody, control, or supervision over sexual predators involving children, herein described as "CHILD PREDATORS", to the Sheriffs, Chiefs of Police and

local governing bodies, of all counties or municipalities in the State of Florida of at least 90 days before child predators are released from any incarceration, custody, control, or supervision of any correctional institution, facility, or state or private agency, in the State of Florida; and

WHEREAS, the Mayor and Council believe the law should be amended to provide that a child predator who fails to register as required by law commits a felony of the first degree, punishable by a term of imprisonment of a mandatory five (5) years and not exceeding 30 years; and

WHEREAS, the Mayor and Council advocate and urge that the Federal government and all of the State governments adopt a Uniform Public Safety Information Act to include a Sexual Predator Act incorporating the Florida law throughout the United States of America to protect the safety of all law abiding persons from the criminal element affecting our nation;

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated in this resolution.

Section 2. The legislators of the State of Florida are urged to amend Chapter 97-299 of the Florida Statutes to include the foregoing provision of the recital of this resolution.

Section 3. The United States government and the various states enact uniform laws patterned after Florida's "Public Safety Information Act", Chapter 97-299 F.S. and all its sections including but not limited to Section 775.21 F.S. entitled the Florida Sexual Predators Act.

Section 4. The clerk shall distribute and transmit a copy to the Dade County legislative delegation, appropriate Federal and State legislative governing bodies, the

national state and local League of Cities, State Attorney, Katherine Fernandez Rundle, U.S. Senators Connie Mack and D. Robert "Bob" Graham, Florida Congressional Delegation Representing Dade County, the media and all interested parties.

Section 5. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

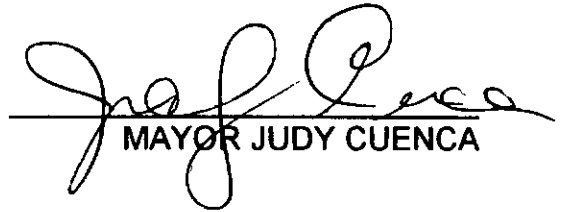
Section 6. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

The Motion to adopt the foregoing Resolution was offered by Vice Mayor Chikovsky, seconded by Councilwoman Addicott and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Chikovsky	<u>Aye</u>
Councilwoman Addicott	<u>Aye</u>
Councilman Fistel	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 20th day of January, 1998.


MAYOR JUDY CUENCA

ATTEST:


ROBERT JOHNSTON
INTERIM TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


JON M. HENNING
TOWN ATTORNEY