



MEMORANDUM

Agenda Item 15(B)5

TO: Honorable Chairman Joe A. Martinez and
Members, Board of County Commissioners

DATE: February 21, 2006

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Resolution No. R2006-11
City of North Miami

Kay Sullivan, Director
Clerk of the Board Division

Attached for your information is a copy of Resolution No. R-2006-11 of the Mayor and City Council of the City of North Miami, Florida, electing to opt-out of the application of Miami-Dade County's Sexual Offender and Sexual Predator Ordinance, which creates Article XVII of Chapter 21 of the Code of Miami-Dade County, and became effective on November 25, 2005; providing for an effective date, and for all other purposes.

KS:fed
Attachment

City of North Miami
776 N.E. 125 Street
North Miami, FL 33161

Phone#: (305) 893-6511
Fax #: (305) 899-0497



February 1, 2006

Mr. Harvey Ruvin
Clerk of the Board of County Commissioners
Stephen P. Clark Center
111 NW First Street, Suite #17-202
Miami, Florida 33130

CLERK OF THE BOARD
2006 FEB -6 PM 4:12
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

CERTIFIED

Dear Mr. Ruvin:

Enclosed you will find Resolution Number R-2006-11, adopted by the City of North Miami, Florida on January 24, 2006. The Resolution is electing to opt-out of the application, of Miami-Dade County's Sexual Offender and Sexual Predator Ordinance No. 05-206.

Sincerely,

Frank Wolland
City Clerk

Enclosure

c: Lynn Whitfield, Deputy City Attorney
Kay Sullivan, Director, Miami-Dade County Clerk of the Board Division
Linda Cave, Supervisor, Miami-Dade County Clerk of the Board Division

CITY CLERK'S
OFFICE

RESOLUTION NO. R-2006-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ELECTING TO OPT-OUT OF THE APPLICATION, OF MIAMI-DADE COUNTY'S SEXUAL OFFENDER AND SEXUAL PREDATOR ORDINANCE, WHICH CREATES ARTICLE XVII OF CHAPTER 21 OF THE CODE OF MIAMI-DADE COUNTY, AND BECAME EFFECTIVE ON NOVEMBER 25, 2005; PROVIDING FOR AN EFFECTIVE DATE, AND FOR ALL OTHER PURPOSES.

WHEREAS, the City of North Miami, Florida has determined that the county-wide sexual offender and sexual predator ordinance would impose too great a burden on local North Miami landlords that could unfairly subject North Miami landlords to criminal prosecution or a fine of up to \$500 or both such fine and imprisonment in the County jail for not more than 60 days under Sec. 21-283 (a) (b) and (c) of the newly passed county's sexual offender and sexual predator ordinance; and

WHEREAS, the Miami-Dade County Ordinance No. 05-206 provides that any and all affected municipalities may elect to opt-out of the application of the ordinance if the election is taken within ninety days of the effective date of the ordinance; and

WHEREAS, less than ninety days has elapsed since the effective date of the ordinance and the City of North Miami, Florida desires to exercise the option to opt-out of the application of Miami-Dade County Ordinance No. 05-206 titled Miami-Dade County Sexual Offender and Sexual Predator Ordinance.

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

Section 1. The Mayor and City Council of the City of North Miami, Florida hereby opt-out of all provisions and applicability of Miami-Dade Ordinance No. 05-206 titled Miami-Dade County Sexual Offender and Sexual Predator Ordinance.

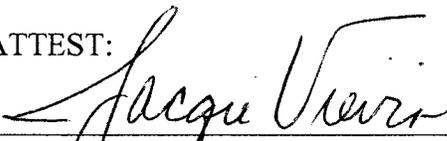
Section 2. Direction to City Clerk. The City Clerk is directed to forward a certified copy of this opt out Resolution to THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS, for Miami-Dade County.

Section 3. Effective Date. This Resolution will become effective upon adoption.

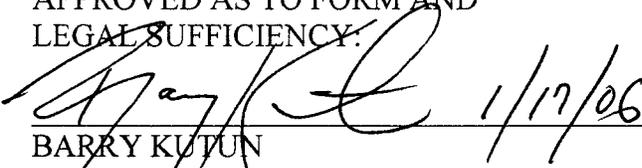
PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 24 day of January, 2006.



KEVIN A. BURNS
MAYOR

ATTEST: 

Deputy for FRANK WOLLAND
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
 1/17/06

BARRY KUTUN
CITY ATTORNEY

SPONSORED BY: CITY ATTORNEY

Moved by: Councilman Galvin

Seconded by: Councilman Despinosse

Vote:

Mayor Kevin A. Burns	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Jacques A. Despinosse	<u>X</u>	(Yes)	_____	(No)
Councilperson Scott Galvin	<u>X</u>	(Yes)	_____	(No)

Councilperson Michael R. Blynn
Councilperson Marie Erlande Steril

 X (Yes) (No)
 X (Yes) (No)

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSETH my hand and official seal of the City of North Miami

Florida, this the 1 day of February 2006

Jacqueline V. ... Deputy City Clerk

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