



## MEMORANDUM

Agenda Item No. 11(A)(11)

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

**DATE:** March 1, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging supporting  
SB 494, HB 265 or similar  
legislation that would require a  
court to determine whether a  
defendant is a registered sexual  
predator or offender prior to the  
posting of bail and to hold in  
custody a defendant found to be  
a registered sexual offender or  
predator without bail until the first  
appearance; urging the Florida  
legislature to pass such legislation

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

A handwritten signature in black ink, appearing to read "RAC, Jr.", written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** March 1, 2011

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County Attorney

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

**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**
- Ordinance creating a new board requires detailed County Manager'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

Agenda Item No. 11(A)(11)

Veto \_\_\_\_\_

3-1-11

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION SUPPORTING SB 494, HB 265 OR SIMILAR LEGISLATION THAT WOULD REQUIRE A COURT TO DETERMINE WHETHER A DEFENDANT IS A REGISTERED SEXUAL PREDATOR OR OFFENDER PRIOR TO THE POSTING OF BAIL AND TO HOLD IN CUSTODY A DEFENDANT FOUND TO BE A REGISTERED SEXUAL OFFENDER OR PREDATOR WITHOUT BAIL UNTIL THE FIRST APPEARANCE; URGING THE FLORIDA LEGISLATURE TO PASS SUCH LEGISLATION

**WHEREAS**, on Saturday, July 15, 2006, Scott David Uslan fatally shot 17-year-old Brittany Carleo in a smoothie café in Port St. Lucie, Florida; and

**WHEREAS**, Uslan was a registered sex offender and police had been investigating his relationship with Carleo for several months, but did not have probable cause to arrest him until Wednesday, July 12, 2006 after he started making harassing phone calls to Carleo; and

**WHEREAS**, despite being a registered sexual offender, Uslan was able to immediately post bail and leave jail on Thursday, July 13; and

**WHEREAS**, two days later, Uslan shot and killed Carleo; and

**WHEREAS**, had a court determined that Uslan was a registered sexual offender prior to him posting bail, he likely would not have been released and Carleo’s untimely death could have been avoided; and

**WHEREAS**, bills have been filed for consideration during the 2011 session of the Florida Legislature that would require a court to determine whether a defendant is a registered sexual predator or offender prior to the posting of bail and release from custody, SB 494 by

Senator Mike Fasano (R – New Port Richey) and HB 265 by Representative Gayle Harrell (R – Port St. Lucie); and

**WHEREAS**, these bills also would require a defendant found to be a registered sexual offender or predator to be held without bail until the first appearance; and

**WHEREAS**, this Board supports passage of SB 494, HB 265 or similar legislation,

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

**Section 1.** Supports SB 494, HB 265 or similar legislation that would require a court to determine whether a defendant is a registered sexual predator or offender prior to the posting of bail and release from custody, and to hold a defendant found to be a registered sexual offender or predator without bail until the first appearance.

**Section 2.** Urges the Florida Legislature to pass such legislation.

**Section 3.** Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, Senator Mike Fasano and Representative Gayle Harrell.

**Section 4.** Directs the County's state lobbyists to support the legislation set forth in Sections 1 and 2 above, and authorizes and directs that the 2011 state legislative package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

JMM

Jess M. McCarty

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