



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1975, **Version:** 1

Subject:

Amendments to Ch. 74, Art. VI of the Brevard County Code entitled Sexual Offenders and Sexual Predators; updating the definition of park in Sec. 74-101 of the Brevard County Code; implementing voluntary registry in new Sec. 74-102.5 of the Brevard County Code for businesses that qualify as a park under the new definition.

Fiscal Impact:

Cost of running online registry

Dept/Office:

County Attorney per District 3 Commission Office agenda item

Requested Action:

It is requested that the Board of County Commissioners approve the proposed ordinance amendments to Ch. 74, Art. VI of the Brevard County Code of Ordinances regarding an update to the definition of “park” and adoption of a voluntary registry for businesses that qualify as a park under the new definition.

Summary Explanation and Background:

Chapter 74, Article VI of the Brevard County Code deals with sexual offenders and sexual predators. Section 74-101 of the Code currently defines “park” as “a publicly owned or operated area used or available for the public's use as a recreational facility, including, by way of example and not limitation, linear parks and the state, county and municipal recreational trails systems.” With this amendment, the County's definition of park will mirror the State's definition found in Section 775.215, F.S., which provides that a park shall mean “all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.”

As a result of this update, the regulations outlined in Chapter 74, Article VI of the Brevard County Code will now make certain private properties eligible to qualify as a “park” if they are used for recreational purposes and a property where children regularly congregate. This change will expand the restrictions on areas where sex offenders and sexual predators are permitted to conduct certain activities. In order to help assist with the identification of these locations, a voluntary registry is being proposed to allow businesses that qualify as a park to register online. By doing so, it will assist law enforcement personnel with determining whether certain individuals may be permitted in certain areas.

Various questions have been received regarding this ordinance. Two questions are answered below:

1. Currently, there is no map or list of prohibited areas, nor is any map or list proposed by this amendment.

2. The current ordinance has a number of exceptions to the restrictions on certain activities conducted by sexual offenders and sexual predators. For example, pursuant to Section 74-102(b)(5), sexual offenders and sexual predators are permitted to go to pharmacies and meet with their doctors. Furthermore, pursuant to Section 74-102(b)(13), an offender that resides within 1,000 feet of a park may enter into or remain within that buffer zone in order to conduct bona fide activity arising from the ordinary maintenance and activities associated with such residence.

Clerk to the Board Instructions: