

- **ARTICLE VI. - SEXUAL OFFENDERS AND SEXUAL PREDATORS**
- **Sec. 74-101. - Definitions.**

As used in this article, the following words and terms shall have the meaning ascribed thereto:

Day care center means any family or child care facility licensed by the state pursuant to F.S. ch. 402. For purposes of this article, a day care center includes the parking lot, curtilage, yards, landscaped areas, playgrounds, accessory buildings and all outdoor areas of the facility. It is the intent to include all areas reasonably included in and part of the facility.

Park means 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.

Permanent residence means a place where a person abides, lodges, or resides for 14 or more consecutive days.

Playground means an established or dedicated outdoor area for recreation and play, including, by way of example and not limitation, soccer fields, baseball diamonds, football fields and locations with outdoor equipment, such as, by way of example and not limitation, swing sets, climbing apparatus and slides.

Public shelter means any shelter specifically designated by the county or any municipality to house persons in times prior to, during and after the threat or occurrence of disaster.

School means any public or private school to include charter schools as defined in F.S. § 1000.04(1) and 1002.01 (2005) excluding facilities dedicated exclusively to the education of adults.

Sexual offender. As defined in F.S. § 944.606(1).

Sexual predator. As defined in F.S. § 775.21.

Sexual predator and *sexual offender shelter* means any shelter officially designated by the county or any municipality that is designated to house sexual predators or sexual offenders in times prior to, during and after the threat or occurrence of disaster.

Temporary residence means any place where a person may abide, lodge or reside that is not that person's permanent residence.

(Ord. No. 2006-31, § 2, 5-16-06)

- **Sec. 74-102. - Sexual offenders and sexual predators.**

(a) *Prohibited residences of sexual offenders and sexual predators.* It is prohibited and unlawful for any sexual offender or sexual predator to abide, lodge or reside in a permanent or temporary residence located within the county when such residence is located within 1,000 feet of any school, day care center, park or playground, regardless of whether the school, day care center, park or playground lies within the jurisdictional limits of the county. A sexual offender or sexual predator, having a permanent residence within 1,000 feet of any school, day care center, park or playground, does not commit a violation of this section if any of the following apply:

- (1) The sexual offender or sexual predator established the permanent residence in the specific dwelling in question prior to the effective date of this article.
- (2) The sexual offender or sexual predator was a minor when committing the offense causing the designation as a sexual predator or sexual offender and was not sentenced as an adult for that offense.
- (3) The school, day care center, park or playground was opened or established after the sexual offender or sexual predator established the permanent residence.

(b) Restriction of certain activities of sexual offenders and sexual predators. No sexual offender or sexual predator shall enter into or remain within the 1,000-foot buffer zone surrounding any school, daycare center, park or playground except to:

- (1) Attend a scheduled interview or meeting with a social service provider licensed by the state;
- (2) Comply with a request or court order from the judiciary, a correctional facility or a law enforcement entity;
- (3) Attend a scheduled meeting or interview with criminal justice personnel at a criminal justice facility;
- (4) Attend a bona fide educational institution as a registered student;
- (5) Attend a scheduled or emergency health care visit with a licensed physician;
- (6) As a result of fulfilling legally allowable duties imposed by gainful employment;
- (7) Transport children within their legal custody to and from school or daycare without any undue delay or loitering on premises;
- (8) Seek refuge in a public shelter that has been officially designated by the county or any municipality to house sexual offenders or sexual predators during times of impending natural disasters or acts of terrorism;
- (9) Attend a scheduled legal consultation meeting with an attorney who is recognized as a licensed member of the Bar of the state;
- (10) Attend a church service or function;
- (11) Vote at a designated polling place within his or her district;
- (12) If the sexual offender or sexual predator is the parent or guardian of a person under 18 years of age, provided the sexual offender or sexual predator has declared his or her status as a sexual offender or sexual predator prior to entering the school property and has either scheduled a set time period to enter upon the property with the principal or designee or immediately notifies the principal or designee upon entering the school property:
 - (a) Attend a scheduled conference at school with school personnel to discuss the progress of his or her child academically or socially;
 - (b) Participate in scheduled child review conferences in which evaluation and placement decisions may be made or considered with respect to his or her child regarding special education services; or

(c) Attend scheduled conferences to discuss other student issues concerning his or her child such as retention and promotion.

(13) If the sexual offender or sexual predator lawfully resides within 1,000 feet of any school, day care center, park or playground, he or she may enter into or remain within 1,000 feet of such school, day care center, park or playground for the purposes of travel to and from his or her residence, and any other bona fide activity arising from the ordinary maintenance and activities associated with such residence.

However, this section shall not be construed as prohibiting any person from traveling on those public roads located within the county when traveling through the buffer zone without intentional delay. A law enforcement officer shall, prior to any arrest for an offense under this section afford the person an opportunity to explain his or her presence in the area and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above.

(c) *Measurement of distance requirement for residence.* For purposes of measuring separation of a residence from a school, day care center, park or playground, all distances shall be measured from the outermost property line of the parcel upon which the residence is located running in a direct line to the outermost property line of the school, day care center, park or playground. For example, if the residence were located in a generally southwesterly direction from a park, then the measurement would be from the northeast corner of the residential parcel to the southwest corner of the park. For all other purposes, measurements shall run from the outermost property line of the school, day care center, park or playground.

(d) *Measurement of distance requirement for sexual offender or sexual predator.* For purposes of measuring separation of a person designated as a sexual offender or sexual predator from a school, day care center, park or playground, all distances shall be measured from the closest observed location of the sexual offender or sexual predator to the outermost property line of the school, day care center, park or playground using a direct line measurement.

(e) *Required declaration of status as a sexual offender or sexual predator.*

(1) During times of impending natural disasters or acts of terrorism, sexual offenders and sexual predators shall immediately identify themselves as a sexual offender or sexual predator, as the case may be, to the official in charge of any public shelter where they seek refuge. Sexual offenders or sexual predators will not be permitted to remain at general shelters not designated to house them. Sexual offenders and sexual predators will only be permitted housing at shelters specifically approved to house sexual offenders and sexual predators.

(2) A sexual offender or sexual predator attending any school or transporting children they have legal custody of to a school or day care center must declare his or her status as a sexual offender or sexual predator to the school or day care center principal or designee prior to entering the school or day care center property, and must also either schedule with the principal a set time period to enter upon the property or immediately notify the principal or designee upon entering school grounds or day care center property.

(3) All sexual offenders and sexual predators registered in the county shall carry their state driver's license or state identification card on their person at all times.

(f) *Prohibition on rentals and leaseholds.* It is unlawful for a property owner to knowingly let or rent any place, structure, or part thereof, to a sexual offender or sexual predator, with the knowledge that it will be used as a permanent or temporary residence, if such place, structure, or part thereof,

is located within 1,000 feet of any school, day care center, park or playground. In any prosecution for a violation of this section there shall be the following rebuttable presumptions:

(1) That the property owner had knowledge that the person letting or renting the premises was a sexual offender or sexual predator, upon proof that the person was registered as same, either in the statewide or local registry; and

(2) That the place, structure or part thereof would be used as a permanent or temporary residence, upon proof that the property is located within a residential zoning classification.

(g) *Unlawful residency.* It is unlawful for a sexual offender or sexual predator to establish residency, whether through ownership, rental or lease after the effective date of this article, if such place, structure, or part thereof, is located within 1,000 feet of any school, day care center, park or playground.

(Ord. No. 2006-31, § 3, 5-16-06)

- **Sec. 74-103. - Penalties.**

Any person or entity that violates any provision of this article shall be subject to any and all remedies available at law, including but not limited to, the code enforcement provisions of F.S. ch. 162.

Any person violating any of the provisions of [section 74-102](#) shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail, not to exceed 60 days or by both such fine and imprisonment, or if the offender is supervised by the department of corrections under conditional release, the offender may be charged with a violation of his or her supervision and be returned to state custody.

(Ord. No. 2006-31, § 4, 5-16-06)

- **Sec. 74-104. - Countywide application.**

This article shall apply in both the incorporated and unincorporated areas of the county; provided that any provision of this article in conflict with a municipal ordinance shall not be effective within that municipality to the extent of such conflict.

(Ord. No. 2006-31, § 5, 5-16-06)

- **Sec. 74-105. - Enforcement.**

The county sheriffs office and all municipal police departments within may enforce the provisions of this article within their respective jurisdictions.

(Ord. No. 2006-31, § 6, 5-16-06)