

Secs. 20-351—20-375. - Reserved.

ARTICLE VIII. - SEXUAL OFFENDERS AND SEXUAL PREDATORS

Footnotes:

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Editor's note— Ord. No. 05-24, § 2, adopted Nov. 7, 2005, set out provisions intended for use as ch. 31, art. I, §§ 31-1—31-8. At the editor's discretion, these provisions have been included as art. VIII, §§ 20-376—20-384.

Sec. 20-376. - Definitions.

[The following words, terms, or phrases, when used in this article, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:]

Daycare center means any family or child-care facility licensed by the State of Florida pursuant to Chapter 402, Florida Statutes. For purposes of this article, a daycare 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 fourteen (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.

School means any public or private school as defined in §§ 1000.04(1) and 1002.01, Florida Statutes, excluding facilities dedicated exclusively to the education of adults.

Sexual offender as defined in § 944.606(1), Florida Statutes. For purposes of this article, a sexual offender is a person whose victim was, at the time of the offense, less than sixteen (16) years old.

Sexual predator as defined in § 775.21, Florida Statutes.

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

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-377. - 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 Flagler County when such residence is located within one thousand (1,000) feet of any school, daycare center, park or playground, regardless of whether the school, daycare center, park or playground lies within the unincorporated areas of Flagler County.

A sexual offender or sexual predator, having a permanent residence within one thousand (1,000) feet of any school, daycare 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 prior to the effective date of this article, provided however, that at the end of the then current rental term (in the case of a lease), the sexual offender or sexual predator shall be required to abandon that permanent residence and establish a new permanent residence at a location that is not within one thousand (1,000) feet of any school, daycare center, park or playground.
- (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 sexual offender or sexual predator is under the age of eighteen (18).
- (4) The school, daycare center, park or playground was opened or established after the sexual offender or sexual predator established the permanent residence.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-378. - Restriction of certain activities of sexual offenders and sexual predators.

No sexual offender or sexual predator shall travel through or remain within the one thousand (1,000)

foot buffer zone surrounding any school, daycare center, park or playground except to:

- (1) Attend a scheduled meeting with an attorney who is recognized as a licensed member of the Bar of the State of Florida.
- (2) Attend a scheduled interview with a social service provider licensed by the State of Florida;
- (3) Comply with a request or court order from the judiciary, a correctional facility or a law enforcement entity;
- (4) Contact criminal justice personnel at a criminal justice facility;
- (5) Attend a church service or function;
- (6) Attend a bona fide educational institution as a registered student;
- (7) Attend to medical or health care needs with a licensed physician;
- (8) Be gainfully employed or as part of duties imposed by gainful employment;
- (9) Seek refuge during times of impending natural disasters or acts of terrorism, if such schools have been designated by Flagler County or the State of Florida as a place of refuge.

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.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-379. - Measurement of distance.

For purposes of measuring separation of a residence from a school, daycare 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, daycare center, park or playground. For example, if the residence is 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, daycare center, park or playground.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-380. - Required declaration of status as a sexual offender or sexual predator.

- (a) 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.
- (b) A sexual offender or sexual predator attending any school or daycare function, must declare his or her status as a sexual offender or sexual predator with the school principal or designee immediately upon entering the school property.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-381. - Photo identification card.

By no later than October 1, 2006, the Flagler County Sheriff's Office shall provide a photo identification card to all sexual offenders and sexual predators currently registered with the Flagler County Sheriff's Office. All new registrants shall receive such a card upon registration. Such card shall include limited biographical information and a registration number. All sexual offenders and sexual predators registered in Flagler County shall carry this card on their person at all times.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-382. - Maps showing schools, daycare centers, parks and playgrounds.

At the time of registration, the sheriff's office shall provide all sexual offenders and sexual predators a map showing the location of all schools, daycare centers, parks and playgrounds. Failure to receive such a map and failure of the map to identify a particular school, daycare center, park or playground shall not be defenses to a claimed violation of this article, such map being provided only as a convenience.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-383. - 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 one thousand (1,000) feet of any school, daycare 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.

(Ord. No. 05-24, § 2, 11-7-05)

Sec. 20-384. - Travel on highways and tolls roads.

Nothing herein shall prohibit any person from traveling on those roads currently included within the Florida Intrastate Highway System located within the county.

(Ord. No. 05-24, § 2, 11-7-05)

