

**ORDINANCE NO.: 2023 - \_\_**

AN ORDINANCE CREATING A NEW ARTICLE XIV OF CHAPTER 21 OF THE HERNANDO COUNTY CODE, TO BE ENTITLED “PROTECTION FROM SEXUAL OFFENDERS AND SEXUAL PREDATORS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, sexual offenders and sexual predators, especially those who have committed offenses against minors, often pose a high risk of engaging in sexual offenses even after being released from incarceration or commitment and that protection of the public from sexual offenders and sexual predators is a paramount governmental interest. Sexual offenders and sexual predators have reduced expectations of privacy because of the public's interest in public safety and in the effective operation of government. The designation of a person as a sexual offender or a sexual predator is not a sentence or punishment, but is simply the status of the offender which is the result of a conviction for having committed certain crimes; and,

WHEREAS, it is the intent of this ordinance to serve the county's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the county by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residences; and,

1           WHEREAS, it is the further intent of this ordinance to serve a public purpose by promoting,  
2 protecting, and improving the health, safety, and welfare of the citizens of Hernando County by  
3 creating areas around locations where senior citizens reside or regularly congregate wherein sexual  
4 offenders and sexual predators are prohibited from establishing temporary or permanent residences.

5           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
6 COMMISSIONERS OF HERNANDO COUNTY:

7           **Section 1. Incorporation of Legislative Findings.**

8           The findings set forth in the forgoing recitals (whereas clauses) to this article are hereby  
9 adopted as additional legislative findings.

10           **Section 2. Protection from Sexual Offenders and Sexual Predators.** A new Article XIV  
11 of Chapter 21 of the Hernando County Code, to be entitled “Protection from Sexual Offenders and  
12 Sexual Predators,” is hereby created to read as follows:

13           **ARTICLE XIV. PROTECTION FROM SEXUAL OFFENDERS AND**  
14 **SEXUAL PREDATORS**

15           **Sec. 21-221. Definitions.**

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

18           Child, children, or minor shall mean individuals whose chronological age is  
19 less than 18 years.

1           Child care facility shall have the same meaning as provided for in Fla. Stat.  
2           § 402.302(2), as it may be amended. For purposes of this article, a child care facility  
3           includes the parking lot, curtilage, yards, landscaped areas, playgrounds, accessory  
4           buildings and all outdoor areas of the facility. It is the intent to include all areas  
5           reasonably included in and part of the facility.

6           Display means any decoration including, but not be limited to, lighting,  
7           figurines, posters, artwork, crystals, bales of hay, scarecrows, etc., which is visible  
8           to the public in plain view and is primarily targeted toward children.

9           Long Term Care Facility shall have the same meaning as is provided for  
10          “Facility” in Fla. Stat. § 400.021(7), as it may be amended.

11          Non-Familial Children means those children who are not related to the  
12          Sexual Offender or Sexual Predator through biological means, marriage, or adoption.

13          Nursing Home Facility shall have the same meaning as provided for in Fla.  
14          Stat. § 400.021(12), as it may be amended.

15          Park shall have the same meaning as is provided for in Fla. Stat. §  
16          775.215(1)(b), as it may be amended.

17          Participate means to attend, take part in, or cooperate with the organization  
18          of an event.

19          Permanent Residence shall have the same meaning as provided for in Fla.  
20          Stat. § 775.21(2)(k), as it may be amended.

1           Playground shall have the same meaning as is provided for in Fla. Stat. §  
2           775.215(1)(c), as it may be amended.

3           Practices means to carry out or perform any particular activity or method that  
4           may celebrate or recognize a particular season, customs or beliefs.

5           Public Shelter means any shelter specifically designated by Hernando County  
6           or any municipality to house persons in times prior to, during and after the threat or  
7           occurrence of disaster.

8           Religious Institution shall have the same meaning as is provided for in Fla.  
9           Stat. § 205.022(1)(a), as it may be amended.

10          School shall have the same meaning as is provided for in Fla. Stat. §  
11          775.215(1)(d), as it may be amended.

12          School Official means a principal, a school resource officer, a teacher or any  
13          other employee of the school, the superintendent of schools, a member of the school  
14          board, a child care facility owner, or a child care provider.

15          Sexual Offender shall have the same meaning as is provided for in Fla. Stat.  
16          § 944.606(1)(f), as it may be amended.

17          Sexual Predator means a person who a court of competent jurisdiction has  
18          designated as a sexual predator pursuant to Fla. Stat. § 775.21(5), as it may be  
19          amended.

1           Sexual Predator and Sexual Offender Shelter means any shelter officially  
2           designated by Hernando County or any municipality that is designated to house  
3           sexual predators or sexual offenders in times prior to, during and after the threat or  
4           occurrence of disaster.

5           Temporary Residence shall have the same meaning as provided for in Fla.  
6           Stat. § 775.21(2)(n), as it may be amended.

7           Transient Residence shall have the same meaning as provided for in Fla. Stat.  
8           § 775.21(2)(o), as it may be amended.

9           **Sec. 21-222. Prohibited Residences of Sexual Offenders and Sexual Predators.**

10           It is prohibited and unlawful for any sexual offender, sexual predator, or a  
11           person who has been convicted of a violation of Fla. Stat. §§ 794.011, 800.04,  
12           827.071, or 847.0145, as they may be amended, regardless of whether adjudication  
13           has been withheld, in which the victim of the offense for which conviction resulted  
14           was 16 years of age or less at the time the offense was committed, to establish a  
15           permanent residence, temporary residence, or a transitory residence within 1,000 feet  
16           of any school, child care facility, park, playground, public library, long term care  
17           facility, nursing home facility, or religious institution, regardless of whether the  
18           school, child care facility, park, playground, public library, long term care facility,  
19           nursing home facility, or religious institution lies within unincorporated Hernando  
20           County.

1           Sec. 21-223. Measurement of Distance.

2                   For purposes of measuring separation of a residence from a school, child care  
3                   facility, park, playground, public library, long term care facility, nursing home  
4                   facility, or religious institution, all distances shall be measured from the outermost  
5                   property line of the parcel upon which the residence is located running in a direct line  
6                   to the outermost property line of the school, child care facility, park or playground,  
7                   public library, long term care facility, nursing home facility, or religious institution.  
8                   For example, if the residence is located in a generally southwesterly direction from  
9                   a park, then the measurement would be from the northeast corner of the residential  
10                   parcel to the southwest corner of the park. For all other purposes, measurements shall  
11                   run from the outermost property line of the school, child care facility, park or  
12                   playground, public library, long term care facility, nursing home facility, or religious  
13                   institution.

14           Sec. 21-224. Exceptions.

15                   A sexual offender or sexual predator residing within 1,000 feet of any school,  
16                   public library, child care facility, park, playground, public library, long term care  
17                   facility, nursing home facility, or religious institution does not commit a violation of  
18                   this Article if any of the following apply:

19                   (a)     The person established the permanent residence prior to the  
20                   effective date of the ordinance from which this article derives.

1                   **(b)     The person was a minor when he/she committed the offense**  
2                   **and was not convicted as an adult.**

3                   **(c)     The person is a minor.**

4                   **(d)     The school, child care facility, park, playground, public library,**  
5                   **long term care facility, nursing home facility, or religious institution situated within**  
6                   **1,000 feet of the person's permanent residence was opened after the person**  
7                   **established the permanent residence and reported and registered the residence**  
8                   **pursuant to Fla. Stat. §§ 775.21, 943.0435, or 944.607, as they may be amended.**

9                   **Sec. 21-225. Application of Article; Existing Contracts.**

10                   **The provisions of this article shall operate prospectively and shall not apply**  
11                   **to persons residing at a prohibited location on the effective date of the ordinance**  
12                   **from which this article derives, such that it is not the intent of this article to impair**  
13                   **valid, existing and bona fide contract rights; provided, the provisions of this article**  
14                   **shall apply upon termination of any leasehold relationship arising from a landlord-**  
15                   **tenant relationship upon the expiration of a lease. When a person who is the subject**  
16                   **of this article changes residences, this article shall fully apply to such persons.**

17                   **Sec. 21-226. Travel on Highways and Toll Roads.**

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

1           **Sec. 21-227. Temporary Emergency Shelters.**

2           (a)     Any person who is required by Florida law to register as a sexual  
3           predator or sexual offender and who utilizes or intends to utilize a temporary shelter  
4           provided by any public or private entity and established as a result of any emergency  
5           or incident or threatened emergency or incident shall, immediately upon entering the  
6           shelter, notify the individual or individuals operating the shelter that he or she is a  
7           registered sexual predator or sexual offender. The sexual predator or sexual offender  
8           shall be assigned to a temporary shelter specifically designated for use by sexual  
9           predators and sexual offenders.

10          (b)     The county may designate a public building or a jail or other  
11          correctional facility as a temporary shelter to be utilized by sexual predators and  
12          sexual offenders.

13          (c)     Failure of a sexual predator or sexual offender to make notification  
14          as required in this section shall constitute a violation of this article punishable as  
15          provided herein.

16           **Sec. 21-228. Registration Fee.**

17           A person who is required by Florida law to register as a sexual offender or  
18           predator shall pay to the Sheriff's Office upon registration an amount as set by the  
19           Hernando County Sheriff, per registration, for the purpose of covering the costs  
20           associated with the identification and regulation of sexual offenders or predators.



1 Persons required to register with local law enforcement shall register and remit the  
2 registration fee twice per year.

3 **Sec. 21-229. Prohibited Holiday and Seasonal Event Activities for Sexual**  
4 **Offenders and Sexual Predators; Exceptions.**

5 (a) It is unlawful for any Sexual Offender or Sexual Predator to  
6 participate in any practice or event, including, but not limited to, any event related  
7 to a nationally or locally recognized holiday or seasonal event, if such practice or  
8 event is primarily targeted toward non-familial children.

9 (b) It is unlawful for any Sexual Offender or Sexual Predator to wear  
10 costumes, clothing, make-up, mask or anything that would alter a person's appearance  
11 in the presence of any non-familial child if such altered appearance could or would  
12 entice, attract or lure a child to congregate around, or move closer to, that person.

13 (c) Any person designated a Sexual Offender or Sexual Predator shall:

14 (1) Avoid all Halloween related contact with children;

15 (2) From 6:00 a.m. to 11:59 p.m., on October 31 (or any other day  
16 on which Halloween is celebrated) post a sign at his or her residence, including a  
17 vessel, or vehicle, stating, "No candy or treats here." Such signs shall be in letters at  
18 least two inches high and shall be legible on the property leased, rented, owned or  
19 occupied by the Sexual Offender or Sexual Predator, and clearly visible from the  
20 street, waterway, or any property that is open to public access. The signs may be

1       removed after 11:59 p.m. on October 31, or the day on which Halloween is  
2       celebrated.

3               (3)     Except for lighting provided on a year-round basis by the  
4       owner or manager of a multi-family residential unit for the purpose of security or  
5       walkway or hallway illumination, leave all outside residential lighting off during the  
6       evening hours after 5:00 p.m. on October 31 (or any other day on which Halloween  
7       is celebrated).

8               (4)     Not place or allow any display, including but not limited to  
9       displays for any nationally or locally recognized holiday or seasonal event or practice,  
10       to be visible from the exterior of any Sexual Offender's or Sexual Predator's  
11       residence, including a vehicle or vessel, or on any property which is leased, rented,  
12       owned or occupied by such person, if such display is primarily targeted to entice,  
13       attract, or lure a child onto any residence or property, or onto or nearer to any vehicle  
14       or vessel rented, owned or occupied by such person. Enforcement of this section shall  
15       not be limited to the actual calendar date of any given nationally or locally recognized  
16       holiday or seasonal event or practice.

17               (d)     The following is a list of exemptions for Sexual Offenders or Sexual  
18       Predators from this section. During any nationally or locally recognized holiday or  
19       seasonal event or practice:

1                   (1) The Sexual Offender or Sexual Predator may attend if such  
2                   person is the parent or guardian of the child or children involved and only those  
3                   familial children are present;

4                   (2) The Sexual Offender or Sexual Predator may attend if the  
5                   event is held in a location such as a personal residence which would not be attracting  
6                   or enticing to non-familial children to attend (prohibited locations include, but are not  
7                   limited to family gatherings in parks, pools, or other locations or places where  
8                   children could be lured); or,

9                   (3) The Sexual Offender or Sexual Predator is not present at the  
10                  event location although such location may be owned, leased, rented or occupied by  
11                  such person.

12                  **Section 21-230. Restriction of Certain Activities of Sexual Offenders and Sexual**  
13                  **Predators.**

14                  No sexual offender or sexual predator shall enter into or remain within the  
15                  1,000-foot buffer zone surrounding any school, child care facility, park, playground,  
16                  public library, long term care facility, nursing home facility, or religious institution  
17                  except to:

18                  (a) Conduct official government business at a Hernando County  
19                  government office or a local municipality government office. When a sexual offender  
20                  or sexual predator enters upon Hernando County government property or local

1           municipality government property pursuant to this subsection, the sexual offender or  
2           sexual predator shall promptly depart from the property without any undue delay or  
3           loitering on premises after completing official government business. For the purposes  
4           of this subsection, the terms “Hernando County government office” and “local  
5           municipality government office” do not include school property.

6                   (b)    Attend a scheduled interview or meeting with a social service provider  
7                   licensed by the state;

8                   (c)    Comply with a request or court order from the judiciary, a correctional  
9                   facility or a law enforcement entity;

10                  (d)    Attend a scheduled meeting or interview with criminal justice  
11                  personnel at a criminal justice facility;

12                   (e)    Attend a bona fide educational institution as a registered student;

13                   (f)    Attend a scheduled or emergency health care visit with a licensed  
14                  physician;

15                   (g)    As a result of fulfilling legally allowable duties imposed by gainful  
16                  employment;

17                   (h)    Transport children within their legal custody to and from school or  
18                  daycare without any undue delay or loitering on premises;

1           (i) Seek refuge in a public shelter that has been officially designated by  
2           the county or any municipality to house sexual offenders or sexual predators during  
3           times of impending natural disasters or acts of terrorism;

4           (j) Attend a scheduled legal consultation meeting with an attorney who  
5           is recognized as a licensed member of the bar of the state;

6           (k) Attend a church service or function;

7           (l) Vote at a designated polling place within his or her district, obtain a  
8           vote-by-mail ballot from the supervisor of elections, or deliver a vote-by-mail ballot  
9           to a secure drop box of the supervisor of elections or office of the supervisor of  
10           elections;

11           (m) If the sexual offender or sexual predator is the parent or guardian of  
12           a person under 18, years of age, provided the sexual offender or sexual predator has  
13           declared his or her status as a sexual offender or sexual predator prior to entering the  
14           school property, has either scheduled a set time period to enter upon the property  
15           with the principal or designee or immediately notifies the principal or designee upon  
16           entering the school property, and remains under direct supervision of a school official  
17           or designated chaperone when present in the vicinity of children:

18           (1) Attend a scheduled conference at school with school personnel  
19           to discuss the progress of his or her child academically or socially;

1                   (2) Participate in scheduled child review conferences in which  
2                   evaluation and placement decisions may be made or considered with respect to his  
3                   or her child regarding special education services; or,

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

6                   (n) If the sexual offender or sexual predator lawfully resides within 1,000  
7                   feet of any school, child care facility, park, playground, public library, long term care  
8                   facility, nursing home facility, or religious institution, he or she may enter into or  
9                   remain within 1,000 feet of such school, child care facility, park, playground, public  
10                  library, long term care facility, nursing home facility, or religious institution for the  
11                  purposes of travel to and from his or her residence, and any other bona fide activity  
12                  arising from the ordinary maintenance and activities associated with such residence.

13                  (o) Attend a public meeting subject to Fla. Stat. ch. 286, as it may be  
14                  amended; provided, that no less than 24 hours prior to entering the property for the  
15                  purpose of being present at a public meeting, the sexual offender or sexual predator  
16                  has notified the county sheriff's office, indicating the sexual offender or sexual  
17                  predator's intention to be present at the public meeting. The county sheriff's office  
18                  will forward the notification to the county administrator or the local municipality as  
19                  deemed appropriate. When a sexual offender or sexual predator enters upon  
20                  government property pursuant to this subsection the sexual offender or sexual

1 predator shall, upon adjournment of the public meeting, promptly depart from the  
2 government property without any undue delay or loitering on premises. For purposes  
3 of this subsection, the terms “Hernando County government property” and “local  
4 municipality property” do not include school property.

5 (p) With respect to subsection (o) above, in the event a governmental  
6 agency holds an emergency public meeting and the 24-hour notice provision cannot  
7 be met, the sexual offender or sexual predator shall notify the county sheriff's office  
8 as soon as reasonably possible, but at a minimum, must notify law enforcement  
9 present upon entering the governmental building of his or her sexual offender or  
10 sexual predator status.

11 **Section 21-231. Enforcement and Remedies.**

12 (a) Administrative Enforcement. Any violation of this Article may be  
13 prosecuted as described in Chapter 2, Article III, of the Hernando County Code of  
14 Ordinances, as it may be amended or renumbered from time to time.

15 (b) Injunctive Relief. The county may institute a civil action in a court of  
16 competent jurisdiction to seek injunctive relief to enforce compliance with this  
17 Article.

18 (c) Enumeration Non-Exclusive. Enumeration of penalties, enforcement  
19 and remedies herein are non-exclusive and shall not preclude any other enforcement  
20 means or remedy now or hereafter available under applicable law. The county may

1           take any, all, or any combination of these actions when the circumstances warrant,  
2           including more than one enforcement action.

3           **Section 3. Severability.** It is declared to be the intent of the Board of County  
4 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
5 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the  
6 validity of the remaining portions of this ordinance.

7           **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
8 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
9 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the  
10 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that  
11 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

12           **Section 5. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
13 conflict with the provisions of this ordinance are hereby repealed.

14           **Section 6. Effective Date.** This ordinance shall take effect immediately upon receipt of  
15 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has  
16 been filed with said office.

17           **(The Remainder of this Page Has Been Intentionally Left Blank)**



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**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

**HERNANDO COUNTY** in Regular Session this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest: \_\_\_\_\_  
**DOUGLAS CHORVAT, JR.**  
Clerk and Comptroller

By: \_\_\_\_\_  
**JOHN ALLOCCO**  
Chairman

Approved for Form and Legal Sufficiency

  
\_\_\_\_\_  
County Attorney