

ORDINANCE 2025-04

AN ORDINANCE RELATING TO SEXUAL PREDATORS OR SEXUAL OFFENDERS; PROVIDING FOR FINDINGS AND INTENT, DEFINITIONS; PREVENTING SEXUAL PREDATORS OR SEXUAL OFFENDERS FROM RESIDING OR TRAVELING WITHIN 2500 FEET OF SCHOOLS, DAYCARE CENTERS, PARKS, PLAYGROUNDS OR SCHOOL BUS STOPS; PROVIDING EXCEPTIONS, REQUIRING LAW ENFORCEMENT OFFICERS TO AFFORD AN OPPORTUNITY TO EXPLAIN PRESENCE IN A PROHIBITED AREA; PROVIDING FOR MEASUREMENT OF CERTAIN CIRCUMSTANCES; REQUIRING DECLARATION BY SEXUAL PREDATORS OR OFFENDERS UNDER CERTAIN CIRCUMSTANCES; REQUIRING PHOTO IDENTIFICATION ; PROVIDING FOR MAPS OF SCHOOLS AND SCHOOL BUS STOPS, DAYCARE CENTERS, PARKS, PLAYGROUNDS ; PROHIBITING PROPERTY OWNERS FROM RENTING TO SEXUAL PREDATORS OR SEXUAL OFFENDERS A PROPERTY THAT LIES WITHIN 2500 FEET OF A SCHOOL, DAYCARE CENTER, PARK, PLAYGROUND OR SCHOOL BUS STOP; CREATING REBUTABLE PRESUMPTION OF KNOWLEDGE FOR COUNTYWIDE APPLICATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Union County desires to establish a policy which provides the maximum protection for the lives and people in Union County, Florida, and affords them a safer place to live and play, especially its small children; and

WHEREAS, the Board of County Commissioners of Union County is concerned about the numerous recent occurrences in our state and elsewhere, when convicted sexual predators and sexual offenders have been released from custody and repeat the unlawful acts or similar acts for which they had originally been convicted; and

WHEREAS, the Board of County Commissioners of Union County finds from available evidence that the recidivism rate for released sexual predators and sexual offenders is alarmingly high, especially for those who commit crimes upon children; and

WHEREAS, the Legislature has found and determined that sexual predators and sexual offenders present an extreme threat to the public safety; are likely to use physical violence and to repeat their offenses; commit may offenses and have many

more victims than are ever actually reported, and are prosecuted for only a fraction of their crimes (See F.S. 775.21 (3)(a)); and

WHEREAS, the Legislature has found and determined the protection of the public from sexual predators and or sexual offenders, particularly those who have committed offenses against minors, is a paramount governmental interest (See F.S. 944.606(2)); and

WHEREAS, Florida law prohibits sexual predators and sexual offenders from residing within 1000 feet of any school, day care center, park, playground, or designated school bus stop (See F.S. Sec. 794.065 and 947.1405); and

WHEREAS, Florida Legislature passed House Bill 1877 which is commonly referred to as the "Jessica Lundsford Act", which was approved by Governor Jeb Bush on May 2, 2006, and has been codified as Chapter 2005-08 Laws of Florida; and

WHEREAS, the "Jessica Lundsford Act" likely increased the number of sex offenders who will be designated sexual predators and will require electric monitoring of certain sex offenders and will otherwise strengthen the State's efforts to control the cancer of child sexual victimization; and

WHEREAS, Section 847.0134, Florida Statutes, provides that certain adult entertainment venues may not be located within 2500 feet of the real property that comprises a public or private elementary school, public or private middle school or a public or private secondary/high school; and

WHEREAS, the United States Court of Appeals for the Eighth Circuit issued an opinion in the case of *Doe v. Miller*, 2005 WL 991635 (8th Circuit 2005) which upheld similar residency restrictions, and found the restrictions to be constitutional; and

WHEREAS, the Florida Department of Law Enforcement provides a data base containing public record information showing as classified sexual predators and or sexual offenders under Florida law because of a conviction for a sex-related crime and/or specific crime against children which information is made available to interested citizens to help them educate themselves about the possible presence of such sexual predators and or sexual offenders in their local communities; and

WHEREAS, schools, daycare centers, public parks, playgrounds (such as mini parks and recreational open spaces), school bus stops, libraries and churches are places within Union County where children are frequently and regularly located and/or involved in activities and to which children walk thereby passing the residences of persons who may target the children for criminal purposes/activities; and

WHEREAS, it is in the public interest to exclude sexual predators and sexual offenders from the areas surrounding schools, daycare centers, parks, playgrounds, school bus stops and other places where children regularly congregate; and

WHEREAS, the Board of County Commissioners of Union County finds and concludes that the county is not prohibited from acting on the subject matter of this ordinance, that the Legislature of the State of Florida may act upon the subject matter of this ordinance, and that the provisions of this ordinance are not preempted by and are consistent with the State's law; and

WHEREAS, this ordinance is enacted under the general home rule and police powers of the County and not a zoning matter or a land development regulation; and

WHEREAS, the Board of County Commissioners finds that creating this ordinance entitled "Sexual Predators and or Sexual Offenders", is in the best interests of the citizens of Union County, Florida, and this article shall be referred to as the "Union County Sexual Predator and or Sexual Offender Ordinance" along with its subsections;

Section 1. **LEGISLATIVE FINDINGS**

The above recitals represent the legislative findings of the Board supporting the need for this ordinance.

Sub- Section A. **DEFINITIONS**

"Daycare center" -Any family or child care facility licensed by the State of Florida pursuant to Chapter 402 F.S. For purposes of this code, 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 around or part of the facility.

"Park"- 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.

"Playground"- An established or dedicated outdoor area for recreation and play, including by way of example and not limitation, soccer fields, baseball and softball fields, football

fields, and locations with outdoor equipment, such as by way of example and not limitation, swing sets, climbing apparatus and slides. It is the intent to include all areas reasonably included in and around or part of the facility.

"School"- Any public or private as defined in F.S. 1000.04(1) and 1002.01(2004), excluding facilities dedicated exclusively to the education of adults.

"School Bus Stop"- Any public school bus stop as defined by the Union County School Bus garage and its map (see attached). This map is subject to change at any time.

"Sexual predator"-As defined in F.S. 775.21

"Sexual offender"-As defined in F.S. 944.606(1). For the purposes of this ordinance, a sexual offender is a person whose victim was, at the time of the offense, less than 16 (sixteen) years of age.

Section 2. FINDINGS AND INTENT

- (a) Repeat sexual offenders, and sexual offenders who are sexual predators who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public's safety. Sexual predators or sexual offenders are likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims that are ever reported, and prosecuted for a fraction of their crimes. This makes the cost of sexual predator or sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of the ordinance to serve Union 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 residence.

Sub-Section A. DEFINITIONS

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

"Permanent residence" means any place/address where the person abides, lodges or resides for a period of 14 (fourteen) or more days.

"Temporary residence" means any place where the person abides, lodges or resides for a period of 14 (fourteen) days in the aggregate during any calendar year and which is not the person's permanent address, or any place where the person

routinely abides, lodges or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

"Property owner", means the registered owner of the property, and for purposes of this ordinance, shall include and person, business or corporation with authority to sublet, lease or rent the premises.

**Section 3. SEXUAL PREDATOR AND SEXUAL OFFENDER RESIDENCE PROHIBITIONS;
PENALTIES; EXCEPTIONS**

- (a) It is unlawful for any person who has been convicted of a violation of Sections 794.011, 800.04, 827.071, or 847.0145, Florida Statutes, regardless of whether adjudication has been withheld, or any equivalent violation in the United States or any foreign nation, in which the victim of the offense was less than 16 years of age, to establish a permanent or temporary residence within 2500 feet of any school, daycare center, park, playground, school bus stop or other place where children regularly congregate.
- (b) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence/address or temporary residence/address to the nearest outer property line of a school, daycare center, park, playground, school bus stop or other place where children regularly congregate.
- (c) Penalties, a person who violates this section shall be punished by a fine not exceeding \$500.00 (five hundred dollars) or by imprisonment for a term not exceeding 60 days or by both such fine and imprisonment.
- (d) Exceptions, an offender residing within 2500 feet of any school, daycare center, park, playground, school bus stop, or any other place where children congregate regularly does not commit a violation of this section if any of the following apply:
 - 1. The person established the permanent residence prior to effective date of this ordinance.
 - 2. The school or daycare center within 2500 feet of the person's permanent residence was opened after the person established the permanent residence.
 - 3. The person was a minor when the requisite offense was committed and was not convicted as an adult.
 - 4. The person is a minor.

Any person who qualifies for an exception pursuant to sections (d)(1) or (d)(2) above becomes fully subject to this ordinance upon any changes of address.

Section 4. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO SEXUAL PREDATORS OR CERTAIN SEXUAL OFFENDERS; PENALTIES

- (a) It is unlawful to sublet, rent any place, structure, or part thereof, trailer, apartment, house or other conveyance (i.e., travel trailer, shed, tiny home), with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this ordinance, if such place, structure, or part thereof, trailer, apartment, house or other conveyance (i.e., travel trailer, shed, tiny home), is located within 2500 feet of any school, daycare center, park, playground, school bus stop, or other place where children regularly congregate.
- (b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section and shall subject the property owner to the code enforcement provisions and procedures of the Union County Ordinances that allow the county seek relief as otherwise provided by law.

Section 5. SEXUAL OFFENDER NOTICE OF RESPONSIBILITIES; FAILURE TO EXECUTE; PENALTIES

- (a) A sexual offender or sexual predator who resides in Union County, Florida shall, upon presentment by a law enforcement officer, sign an acknowledgement that he or she has received and understands the responsibilities of a sexual offender and sexual predator as those responsibilities are stated on the form. Refusal to sign the acknowledgement shall be a violation of this section and shall subject the violator to a fine not exceeding \$500.00 (five hundred dollars) or by imprisonment for a term not exceeding 60 days or by such fine and imprisonment.
- (b) During times of 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.
- (c) A current/valid photo identification card, a Florida Statute requirement, will be required and presented at the shelter to the official in charge.

Section 6. RESTRICTIONS ON CERTAIN ACTIVITIES OF SEXUAL PREDATORS AND SEXUAL OFFENDERS; EXCEPTIONS

- (a) No sexual predator nor sexual offender shall travel through nor remain within the 2500-foot buffer zone surrounding any school, daycare center, park, playground, or school bus stop 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. Attend a bona fide educational institution as a registered student.
4. Attend to medical or healthcare needs with a licensed physician.
5. Attend to familial or parental obligations.
6. Be gainfully employed or as part of duties imposed by gainful employment.
7. Seek refuge during times of impending natural disasters or acts of terrorism, if such schools have been designated by Union County or the State of Florida as a place of refuge.

A law enforcement officer shall, prior to an arrest for an offense under this section, afford the offender an opportunity to explain his or her presence in that area and the purpose thereof.

Section 7. DIRECTIONS TO CODIFIER

It is the intention of the Board of County Commissioners of Union County, Florida that this ordinance shall become and be made part of the Union County Code of Ordinances, and that the sections/sub-sections and paragraphs of this ordinance may be renumbered or re-lettered in order to accomplish such intentions.

Section 8. SEVERVABILITY

If any subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unconstitutional, invalid or void, such holding or invalidity shall not affect the remaining portions of this ordinance, and the unconstitutional, invalid or void provisions shall be deemed to have been here from, and the remainder of this ordinance, after the execution of such part or parts, shall be deemed to be valid, as is such part or parts has not been included herein. If this ordinance or any provisions hereof shall be held inapplicable to any person, group of persons, property, or kind of property, circumstances, or set of circumstances, such holdings shall not affect the application hereof to any person, property, or circumstances.

Section 8. CONFLICT

Wherever the requirements or provisions of this ordinance are in conflict with the requirements or provision of any lawful adopted ordinance or statute, the most restrictive requirements will apply.

Section 9. REPEALER

All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 10. SCRIVENERS' ERRORS

This ordinance can be numbers or re-lettered and typographical errors that do not affect the intent of this ordinance can be corrected with the authorization of the Chairman, or his designee, without the need for a public hearing.

Section 10. EFFECTIVE DATE

This ordinance shall become effective immediately upon its filing with the Secretary of State of the State of Florida.

PASSED AND ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Union County, Florida in regular session, this 15th day of September, 2025.

**BOARD OF COUNTY COMMISSIONERS'
UNION COUNTY, FLORIDA**

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BY: 

CHAIRMAN

ATTEST:


CLERK AND COMPTROLLER