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ORDINANCE NO. 07-05

AN ORDINANCE OF LIBERTY COUNTY, FLORIDA, RELATING TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROHIBITING INDIVIDUALS REQUIRED TO REGISTER AS SEXUAL OFFENDERS AND SEXUAL PREDATORS UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2,500 FEET OF SPECIFIED LOCATIONS WITHIN LIBERTY COUNTY; PROHIBITING OWNERS OF REAL PROPERTY FROM RENTING OR LEASING ANY PLACE, STRUCTURE, OR PART THEREOF, TRAILER OR OTHER CONVEYANCE LOCATED WITHIN 2,500 FEET OF SPECIFIED LOCATIONS WITHIN LIBERTY COUNTY TO SEXUAL OFFENDERS AND SEXUAL PREDATORS UNDER CERTAIN FLORIDA STATUTES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Liberty County, Florida, is concerned about the numerous recent occurrences in the State of Florida and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and

WHEREAS, the Board of County Commissioners finds from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and,

WHEREAS, the County is becoming an increasingly attractive place of residence for younger families with small children; and,

WHEREAS, the Liberty County Board of County Commissioners desires to establish policy which provides the maximum protection of the lives and persons in Liberty County; and,

WHEREAS, Sections 794.065 and 947.1405, Florida Statutes, provide for one thousand (1000) foot residence prohibitions from specified location for certain sexual offenders and sexual predators; and,

WHEREAS, Article VIII, Section 2(b), Florida Constitution and Section 125.01, Florida Statutes, provide the County the authority to protect the health, safety and welfare of its residents;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LIBERTY COUNTY, FLORIDA, AS FOLLOWS:

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SECTION 1. Authority.

The authority for enactment of this Ordinance is Section 125.01, Florida Statutes and Article VIII, Section 2(b), Florida Constitution.

SECTION 2. Findings and intent.

(a) Repeat sexual offenders, sexual offenders who use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) It is the intent of this article 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 permanent residence.

SECTION 3. Definitions

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

Day Care Center is considered the same as a child care, child care facility, family daycare home, drop-in child care, and weekend or evening child care, as those are defined in Florida Statutes 402.302.

Park is considered any county or school park.

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

Property Owner means the owner of record of the property and, for purposes of this article, shall include any person, business, or corporation with authority to let or rent the premises.

School means a public or private elementary school, middle school, or secondary school.

Temporary Residence means a place where the person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

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SECTION 4. Sexual offender and sexual predator residence prohibition; penalties; exceptions.

- (a) *Prohibited location of residence.* It is unlawful for any person who meets the definition of "sexual offender" in F.S. § 943.0435 or is required to register as a "sexual predator" under F.S. § 775.21, or an equivalent Florida Statute, or any equivalent violation from another jurisdiction or state, regardless of whether adjudication has been withheld, to establish a permanent residence within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate.
- (b) *Measurement of distance.* 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 to nearest outer property line of a school, designated public school bus stop, day care center, park, playground, 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 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction of a violation of this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment.
- (d) *Exceptions.* A person residing within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, or other place where children regularly congregate does not commit a violation of this section if any of the following apply:
- (i) The person established the permanent residence and reported and registered the residence prior to July 4, 2007.
 - (ii) The person was a minor when he/she committed the offense and was not convicted as an adult for that offense.
 - (iii) The person is a minor.
 - (iv) The school, designated public school bus stop, or day care center located within 2,500 feet of the persons permanent residence was opened after the person established the permanent residence and reported and registered the residence pursuant to Florida Statutes.

SECTION 5. Property owners prohibited from renting real property to certain sexual offenders and sexual predators; penalties.

- (a) It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence by any person prohibited from establishing such permanent residence pursuant to section of this Ordinance, if such

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place, structure, or part thereof, trailer or other conveyance, is located within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, 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 code enforcement provisions and procedures, including provisions that allow the County to seek relief as otherwise provided by law.

SECTION 6. Conflicting Provisions.

Any County Ordinances and County Resolutions, or parts, thereof, in conflict with the provisions of this Ordinance are hereby superseded by this Ordinance to the extent of such conflict.

SECTION 7. Severability.

Each separate provision of this Ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 8. Effective Date.

This Ordinance shall become effective upon its adoption.

ADOPTED ON THIS 5th DAY OF JULY, 2007.

**LIBERTY COUNTY BOARD OF COUNTY
COMMISSIONERS**



DEXTER BARBER, CHAIRMAN

ATTEST:



ROBERT HILL, CLERK OF COURT