

1 **Summary**

2 This Ordinance renumbers the sections created under Ordinance No. 2011-54 from section 14-6  
3 to section 14-7, Lake County Code, to be entitled Restrictions for Persons Convicted of Certain  
4 Sex Offenses. Additionally, the purpose of the ordinance is to impose additional restrictions on  
5 persons convicted of certain enumerated sexual offenses such as prohibiting them from being  
6 within a defined safety zone and requiring them to declare themselves as an offender when  
7 entering a public emergency shelter. This ordinance also restricts offenders from residing within  
8 500 feet of another person convicted of the same or similar offenses. The measurement of such  
9 distances shall be from facilities, or from other offenders, even if such facilities or other  
10 offenders are located within a municipality or adjacent county.

11 **ORDINANCE NO. 2012-11**

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13  
14 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**  
15 **COUNTY, FLORIDA; RENUMBERING SECTION 14-6, LAKE COUNTY CODE, TO**  
16 **SECTION 14-7 AND RENAMING THE SECTION TO RESTRICTIONS FOR PERSONS**  
17 **CONVICTED OF CERTAIN SEX OFFENSES; CREATING CERTAIN DEFINED**  
18 **SAFETY ZONES; REQUIRING OFFENDERS TO DECLARE THEMSELVES AS**  
19 **OFFENDERS WHEN ENTERING A PUBLIC EMERGENCY SHELTER;**  
20 **PROHIBITING OFFENDERS FROM RESIDING WITHIN 500 FEET OF ANOTHER**  
21 **PERSON CONVICTED OF THE SAME OR SIMILAR OFFENSES; PROVIDING THAT**  
22 **THE MEASUREMENT OF SUCH DISTANCE SHALL CROSS MUNICIPAL OR**  
23 **COUNTY BOUNDARIES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR**  
24 **ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR**  
25 **INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT**  
26 **OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

27  
28 **WHEREAS**, Lake County is a family oriented county which highly values its children  
29 and is a place that families with young children find highly desirable; and

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31 **WHEREAS**, the goal of protecting children from sexual offenders and predators is of the  
32 utmost importance to the citizens of Lake County, Florida; and

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34 **WHEREAS**, this goal cannot be accomplished by a single law, but instead depends upon  
35 a cohesive and functional system of federal, state and local laws, which must be adjusted and  
36 adapted from time to time to address new threats and circumstances as they arise; and

37  
38 **WHEREAS**, in 2004, the Legislature did pass Section 775.215, Florida Statutes, which  
39 established a prohibition on persons convicted of certain enumerated sex offenses from residing  
40 within 1,000 feet of any school, child care facility, park or playground; and

41  
42 **WHEREAS**, the Board did pass Ordinance No. 2011-54 for the purposes of imposing a  
43 2,500 foot residency restrictions from any school, child care facility, park or playground and  
44 further prohibited offenders from residing with another unrelated offender; and

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1           **WHEREAS**, the County’s restrictions strike a proper balance between protecting  
2 children around the crucial and vulnerable areas of schools while still leaving available  
3 residential units in which sexual offenders can find housing; and  
4

5           **WHEREAS**, the County desires to ensure that children are protected from sexual  
6 offenders to the maximum extent afforded by controlling law in order to advance the public  
7 health, safety and welfare and to benefit the citizens of the County; and  
8

9           **WHEREAS**, the creation of child safety zones where it is prohibited for a convicted  
10 sexual offender to loiter would be a useful addition to the County’s laws designed to protect  
11 children from sexual offenders; and  
12

13           **WHEREAS**, the Board has determined that it is also necessary to provide greater  
14 protection to children from individuals who pose significant danger to children by preventing  
15 neighborhoods from becoming saturated by individuals convicted of certain offenses; and  
16

17           **WHEREAS**, the purpose of this ordinance is to reduce the potential risk of harm to  
18 children of the community by limiting the opportunity for sexual offenders to be in contact with  
19 unsuspecting children in locations where children may congregate and in places where children  
20 may reside; and  
21

22           **WHEREAS**, the Board of County Commissioners has determined that it is in the best  
23 interests of the citizens of Lake County to impose more stringent restrictions upon those persons  
24 convicted of certain enumerated sexual offenses.  
25

26           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
27 Lake County, Florida as follows:  
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29           **Section 1. Recitals.**           The foregoing recitals are true and correct and incorporated  
30 herein by reference.  
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32           **Section 2. Renumbering.**       Section 14-6, as created by Ordinance No. 2011-54, is  
33 hereby renumbered to Section 14-7, Lake County Code.  
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35           **Section 3. Amendment.**       Section 14-7, Lake County Code, to be entitled “Residency  
36 Restrictions for Persons Convicted of Certain Sex Offenses,” is hereby amended to read as  
37 follows:  
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39  
40 **14-7 Residency Restrictions for Persons Convicted of Certain Sex Offenses.**

41  
42 (a) *Definitions.* The following terms apply to this Section:  
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44       (1) *Child care facility* has the same meaning as provided in Section 402.302, Florida  
45 Statutes.  
46

1 (2) *Park* means all public and private property specifically designated as being used  
2 for recreational purposes and where children regularly congregate.  
3

4 (3) *Playground* means a designated independent area in the community or  
5 neighborhood that is designated solely for children and has one or more play structures.  
6

7 (4) *Related To* shall mean a spouse, parent, sibling, child or stepchild, uncle, aunt,  
8 nephew, niece, grandparent, grandchild or half- sibling.  
9

10 (5) *School* has the same meaning as provided in Section 1003.01, Florida Statutes,  
11 and includes a private school as defined in Section 1002.01, Florida Statutes, a voluntary  
12 prekindergarten education program as described in Section 1002.53(3), Florida Statutes, a  
13 public school as described in Section 402.3025(1), Florida Statutes, the Florida School  
14 for the Deaf and the Blind, the Florida Virtual School as established under Section  
15 1002.37, Florida Statutes, and a K-8 Virtual School as established under Section  
16 1002.415, Florida Statutes, but does not include facilities dedicated exclusively to the  
17 education of adults.  
18

19 (b) *Residency Restrictions*. The following residency restrictions are hereby imposed as of  
20 the effective date of this Section:  
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22 (1) A person who has been convicted of a violation of s. 794.011, s. 800.04, s.  
23 827.071, s. 847.0135(5), or s. 847.0145, Florida Statutes, regardless of whether  
24 adjudication has been withheld, in which the victim of the offense was less than 16 years  
25 of age, may not reside within 2,500 feet of any school, child care facility, park, or  
26 playground. However, a person does not violate this subsection and may not be forced to  
27 relocate if he or she is living in a residence that meets the requirements of this subsection  
28 and a school, child care facility, park, or playground is subsequently established within  
29 2,500 feet of his or her residence.  
30

31 (2) A person who has been convicted of an offense in another jurisdiction that is  
32 similar to a violation of s. 794.011, s. 800.04, s. 827. 071, s. 847.0135(5), or s. 847.0145,  
33 Florida Statutes, regardless of whether adjudication has been withheld, in which the  
34 victim of the offense was less than 16 years of age, may not reside within 2,500 feet of  
35 any school, child care facility, park, or playground. However, a person does not violate  
36 this subsection and may not be forced to relocate if he or she is living in a residence that  
37 meets the requirements of this subsection and a school, child care facility, park, or  
38 playground is subsequently established within 2,500 feet of his or her residence.  
39

40 (3) A person who has been convicted of a violation of s. 794.011, s. 800.04, s.  
41 827.071, s. 847.0135(5), or s. 847.0145, Florida Statutes, or who has been convicted of  
42 an offense in another jurisdiction that is similar to the offenses listed herein, regardless of  
43 whether adjudication has been withheld, in which the victim of the offense was less than  
44 16 years of age, may not reside in the same dwelling unit with an unrelated person who  
45 has also has been convicted of the same or similar offenses.  
46

1           (4) A person who has been convicted of a violation of s. 794.011, s. 800.04, s.  
2           827.071, s. 847.0135(5), or s. 847.0145, Florida Statutes, or who has been convicted of  
3           an offense in another jurisdiction that is similar to the offenses listed herein, regardless of  
4           whether adjudication has been withheld, in which the victim of the offense was less than  
5           16 years of age, may not reside within 500 feet of another person who has been convicted  
6           of the same or similar offenses.

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8  
9           (c) *Safety Zones.* A person who has been convicted of a violation of s. 794.011, s. 800.04, s.  
10           827.071, s. 847.0135(5), or s. 847.0145, Florida Statutes, or who has been convicted of  
11           an offense in another jurisdiction that is similar to the offenses listed herein, regardless of  
12           whether adjudication has been withheld, in which the victim of the offense was less than  
13           16 years of age, may not travel through or remain within a three hundred (300) foot  
14           safety zone surrounding any school, child care facility, park or playground, except to:

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16           (1) Attend a scheduled meeting with an attorney who is recognized as a licensed  
17           member of The Florida Bar;

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19           (2) Attend a scheduled interview with a social service provider licensed by the State  
20           of Florida;

21  
22           (3) Comply with a request or court order from the judiciary, a correctional facility or  
23           a law enforcement entity;

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25           (4) Contact criminal justice personnel at a criminal justice facility;

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27           (5) Attend a church service or function;

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29           (6) Attend a bona fide educational institution as a registered student;

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31           (7) Attend to medical or health care needs with a licensed physician;

32  
33           (8) Attend to familial or parental obligations;

34  
35           (9) Be gainfully employed or as part of duties imposed by gainful employment;

36  
37           (10) Seek refuge during times of impending natural disasters or acts of terrorism, if  
38           such facilities have been designated by Lake County or the State of Florida as a  
39           refuge;

40  
41           A law enforcement officer shall, prior to any arrest for an offense under this subsection,  
42           afford the person an opportunity to explain their presence in the area and the purpose  
43           thereof. No person shall be convicted of an offense under this subsection if the law  
44           enforcement officer did not comply with this procedure or if it appears at trial that the  
45           explanation given by the person is true and, if believed by the officer at the time, would

1 have authorized the person to be in the area pursuant to one of the exceptions listed  
2 above.

3  
4 (d) Required Declaration of Status. During times of impending natural disasters or acts of  
5 terrorism, persons convicted of the offenses enumerated herein shall immediately identify  
6 themselves as a sexual offender to the official in charge of any public shelter where they  
7 seek refuge.

8  
9 (e) Jurisdictional Boundaries. Any distance requirement contained herein shall be measured  
10 from the facility, or from another offender as set forth in subsection (b)(4) above, even if  
11 the facility or other offender is located within a municipality or adjacent county.

12  
13 (ef) Enforcement. A person who violates this subsection commits a misdemeanor of the  
14 second degree, punishable as provided for by law. The County shall additionally have  
15 the right to enforce the provisions of this section in the same manner as any other  
16 violation of the Lake County Code.

17  
18 (dg) Exceptions. The following exceptions shall apply:

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20 (1) Nothing herein shall apply to persons lawfully residing at a prohibited location, or  
21 who have entered into a valid and binding contract to purchase or lease a residence at a  
22 prohibited location, prior to the effective date of this Section, and this Section shall not be  
23 interpreted so as to impair valid, existing and bona fide contract rights; however, the  
24 provisions of this Section shall apply upon expiration or termination of any leasehold  
25 arising from a landlord/tenant relationship. When a person who is subject of this Section  
26 changes residence or commences a new or renewed lease term, this Section shall fully  
27 apply to such persons.

28  
29 (2) Subsection (b)(3) shall not prohibit persons related to each other, as that term is  
30 defined in Subsection (a), from residing in the same dwelling unit even if more than one  
31 have been convicted of an offense enumerated herein.

32  
33 **Section 4. Severability.** If any section, sentence, clause, or phrase of the Ordinance  
34 is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding  
35 shall in no way affect the validity of the remaining portion of this Ordinance.

36  
37 **Section 5. Inclusion in the Code.** It is the intent of the Board of County  
38 Commissioners that the provisions of this Ordinance shall become and be made a part of the  
39 Lake County Code and that the sections of this Ordinance may be renumbered or relettered and  
40 the word "ordinance" may be changed to "section," "article," or such other appropriate word or  
41 phrase in order to accomplish such intentions.

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43 **Section 6. Filing with the Department of State.** The Clerk shall be and is  
44 hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for  
45 the State of Florida.

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1        **Section 7.**    **Effective.**    This Ordinance shall become effective as provided for by  
2 law.

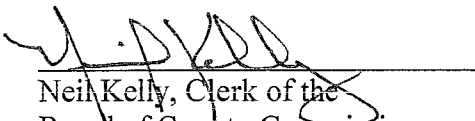
3  
4        Enacted this 7<sup>th</sup> day of February, 2012.

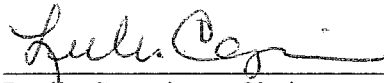
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6        Filed with the Secretary of State February 16, 2012.

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8        Effective February 16, 2012.  
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14 ATTEST:

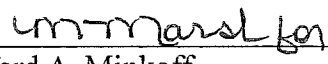
BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

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18 Neil Kelly, Clerk of the  
19 Board of County Commissioners  
20 of Lake County, Florida

  
\_\_\_\_\_  
Leslie Campione, Chair

21        This 13<sup>th</sup> day of Feb, 2012.  
22  
23

24 Approved as to form and legality:

25  
26   
27 \_\_\_\_\_  
28 Sanford A. Minkoff  
County Attorney