

ORDINANCE NO. 2009 - 36

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TO BE KNOWN AS THE ST. JOHNS COUNTY CHILD SAFETY ZONE ORDINANCE; PROHIBITING THE PRESENCE OF REGISTERED SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM BEING PRESENT LOITERING OR PROWLING WITHIN 300 FEET OF SPECIFIED LOCATIONS THAT ARE PRIMARILY DESIGNED FOR USE BY, OR ARE PRIMARILY USED BY CHILDREN; PROVIDING PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUNSET AND FOR AN EFFECTIVE DATE

WHEREAS, Article VIII, Section 1(f) of the State Constitution states that Counties not operating under county charters shall have such power of self-government as is provided by general or special law; and

WHEREAS, pursuant to Sections 943.0435; 775.21 and 944.607, Florida Statutes, sexual offenders and sexual predators must report in person to the local Sheriff's Office within 48 hours of release from custody, control and/or supervision of Department of Corrections, Department of Children and Family Services or Department of Juvenile Justice to register their temporary or permanent address; and

WHEREAS, studies show 1 in 5 girls and 1 in 10 boys will be sexually victimized before adulthood (D. Finkelhor, "Current Information on the Scope and Nature of Child Sexual Abuse." *The Future of Children: Sexual Abuse of Children*, 1994, volume 4, page 37.); and

WHEREAS, the Supreme Court has found there is a substantial rate of recidivism among sexual offenders and sexual predators (*Smith v. Doe*, 538 U.S. 84, 103(U.S. 2003).); and

WHEREAS, the Supreme Court has found sexual offenders and sexual predators are a dangerous class and that their high recidivism poses a grave concern *Smith v. Doe*, 538 U.S. 84, 103(U.S. 2003)); and

WHEREAS, the Supreme Court has found the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance (*New York v. Ferber*, 458 U.S. 747, 757 (U.S. 1982).); and

WHEREAS, there are 50,393 known registered sexual offenders and/or sexual predators (National Center for Missing and Exploited Children, 2008) in the State of Florida; and

WHEREAS, there are 2,463 known registered sexual offenders and/or sexual predators in St. Johns County and the surrounding Counties of Duval, Clay, Putnam and Flagler, with Duval County having the highest per capita population of registered sexual offenders and sexual predators in Florida (Florida Department of Law Enforcement, July 1st, 2009.); and

WHEREAS, many people from the surrounding Counties travel to St. Johns County to enjoy its amenities, such as its park system, beaches and historic downtown St. Augustine; and

WHEREAS, a study shows that annually 44 % (or 25,608) of the total non family child abductions occurs in a park, wooded area, school, day care or other public area (D. Finkelhor, et. al., “Nonfamily Abducted Children: National Estimates and Characteristics.” National Incidence Studies of Missing, Abducted, Runaway, and Thrown away Children, 2002, page 9.); and

WHEREAS, the Board of County Commissioners of St. Johns County are interested in promoting the general health, welfare and safety of the children of St. Johns County by reducing opportunities for sexual offenders and sexual predators to make use of public spaces for criminal intent.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF ST. JOHNS COUNTY, FLORIDA.

SECTION ONE: TITLE

This Ordinance shall be known and may be cited as the “St. Johns County Child Safety Zone Ordinance.”

SECTION TWO: LEGISLATIVE FINDINGS AND INTENT

(a) The Board of County Commissioners of St. Johns County adopts the findings set forth in the recitals to this Ordinance as the Legislative findings and conclusions to support adoption of this Ordinance. Those recitals are incorporated herein as if fully set forth in this section.

(b) The Board of County Commissioners of St. Johns County, hereby finds and determines that sexual predators and sexual offenders present an extreme threat to the public health, safety, and welfare of the citizens of St. Johns County. Sexual offenders and sexual predators are extremely likely to use physical violence and repeat their offenses, and most 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 predator and sexual offender victimization to society at large, while incalculable, clearly exorbitant and a drain on the resources of society and St. Johns County.

(c) It is the sole intent of this Ordinance to reduce the potential risk of harm to children of the community by limiting the opportunity for sexual offenders and sexual predators to be in contact with unsuspecting children in locations that are primarily designed for use by children, are primarily used by children, or are customary gathering places for children. This Ordinance is not intended to interfere with a sexual predators or sexual offender’s ability to participate in his or her own children’s activities occurring at school and at other recreational type facilities, and is also not intended to interfere with a sexual offender’s or sexual predators ability to attend religious services or conduct business with the government.

SECTION THREE: DEFINITIONS

The following terms are defined as follows for the purposes of this Ordinance:

(a) *Child, children, or minor* shall mean individuals whose chronological age is less than eighteen (18) years.

(b) *Daycare center* shall mean any childcare arrangement which is either required to be licensed by, or which exempt from licensure in accordance with state or local law, including but not limited to, any family childcare home, large family childcare home, childcare facility, school age childcare center, specialized childcare facility for the care of mildly-ill children, and after school programs and childcare facilities of a church or parochial school.

(c) *Loitering and prowling* shall have the same meaning as Florida Statutes Section 856.021 as it may be amended, renumbered, or replaced.

(d) *Park* shall mean and includes all public and private property specifically designated as being utilized for park and recreational purposes, regardless of ownership this includes but is not limited to, youth sports facilities, skate parks, public zoos, public swimming pools, and other similar places where children regularly congregate.

(e) *Safety zone* shall mean on or within three hundred (300) feet of the specified location.

(f) *School* shall mean any public or private school as defined in Florida Statutes Sections 1000.04(1) and 1002.01, excluding facilities dedicated to the education of adults.

(g) *Sex offender*, for the purpose of this Ordinance, shall mean an individual who is registered by any state or federal agency as either a sexual offender or sexual predator and whose name is published on any state or federal registered sexual offender or sexual predator listing, including, but not limited to the sexual offenders and sexual predators registry established in Sections 943.0435; 775.21; and 944.607, Florida Statutes.

SECTION FOUR: PROHIBITED PRESENCE, LOITERING OR PROWLING AT CERTAIN LOCATIONS; EXCEPTIONS

(a) It is prohibited for a Sex Offender to be on or within a Safety zone of a St. Johns County park and recreation center, school, daycare center, arcade, school bus stop when children are present, YMCA / YWCA, designated Public Library Areas, public or private playground, Boys and Girls Club's facilities, youth camp grounds, and any other similar location or facility that is designed for or primarily used by children. Upon registration at the local Sheriff's office, the Sex Offender shall receive a list of public and private areas that are considered to be within a Safety zone of St. Johns County. The St. Johns County Parks and Recreation department shall provide a list of locations to the St. Johns County Sheriff's Office. This list shall be updated yearly by the St. Johns County Parks and Recreation Department. At time of registration, the Sexual Offender shall sign

and certify that the Sexual Offender has received the list of St. Johns County Child Safety zone areas from the St. Johns County Sheriff's Office, and such list shall serve as Notice to the Sexual Offender.

- (1) This prohibition does not apply to a sex offender who is in the process of dropping off or picking up his or her own child or a friend or relative's child (with the permission of the child's parent or legal guardian) from one of these facilities or locations or while attending an activity with his or her own child or relative's child (with the permission of the child's parent or legal guardian) or when attending an adults only function.
- (2) This prohibition does not apply to the sex offender who is on a prohibited location if it is a voting or voter registration location and the sex offender is present for the purposes of voting or registering during the hours designated for the voting or registration process, but only for the time required to complete the voting or registration process.
- (3) This prohibition does not apply to the sex offender's place of residence when regulated by state law such as Florida Statutes Section 794.065, as it may be amended or replaced
- (4) This prohibition does not apply to traveling to or from or being at a government building for the purpose of conducting official business.
- (5) This prohibition does not apply to single trips while traveling past a location specified in this section while enroute to another destination.
- (6) This prohibition does not apply to traveling to or from or attendance at religious services.
- (7) For the purposes of determining the minimum distance separation requirement, distance shall be measured by following a straight line from the outer property line of the area primarily designed for use by, or that is primarily used by children.
- (8) This prohibition does not apply to a minor sexual offender enrolled in a St. Johns County public or private school in grades one (1) through twelve (12), while attending school or when present at his or her designated bus stop for transport to the school where he or she is enrolled.

(b) For all activities involving the dropping off or picking up of a child or children, or attending an activity involving a child or children or traveling, attending services, or conducting official business as authorized above, the sex offender may not remain or loiter any longer than is reasonably necessary to accomplish the task.

SECTION FIVE: ASSISTANCE TO LAW ENFORCEMENT OFFICERS IN PROTECTING CHILDREN

School officials, park workers, library staff, YMCA and YWCA staff, Boys and Girls Club staff, daycare operators, video arcade staff or staff of other similar locations primarily used by children are encouraged to collaborate with and facilitate law enforcement in its efforts of protecting children.

For the purposes of administrating and enforcing this Ordinance the Sherriff or Sherriff's designee, is authorized to adopt policies and guidelines not inconsistent with this Ordinance.

SECTION SIX: CONFLICTS OF LAW

Unless there has been a municipal Ordinance duly enacted to the contrary, the provisions of this County Ordinance shall be uniformly enforced throughout St. Johns County by all state and local enforcement agencies. If the requirements of this Ordinance conflict with the requirement or provisions of any other Ordinance, the more restrictive requirement shall apply.

SECTION SEVEN: PENALTIES

The County and the Sherriff's Office may pursue any enforcement action or legal remedy available under the controlling state law and any legal remedy available to the County to include, but not limited to, arrest, a fine not exceeding \$500.00 or by imprisonment for a term not exceeding sixty (60) days or by both a fine and imprisonment, unless authorized by law.

SECTION EIGHT: SEPARATE VIOLATIONS

Each separate occurrence of any conduct prohibited by this Ordinance shall be a separate violation.

SECTION NINE: OTHER REMEDIES; PREEMPTION AND SUNSET

In the event any state or federal law is enacted which is more restrictive in nature as to where a sex offender may physically be located, those portions of this Ordinance where in conflict with the state or federal law will cease to be in effect.

SECTION TEN SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall become a separate provision and will not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners further declares its intent that this Ordinance would have been adopted if such unconstitutional provision was not included.

SECTION ELEVEN: CODIFICATION

The provisions of this Ordinance shall be codified and become and be made a part of the Code of Ordinances of St. Johns County. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

SECTION TWELVE: EFFECTIVE DATE

This Ordinance shall be effective upon filing with the Florida Department of State.

Passed and Enacted by the board of County Commissioners of St. Johns County, Florida
This 1st DAY OF September, 2009.

Board of County Commissioners of
St. Johns County, Florida

By: Cyndi Stevenson
Cyndi Stevenson, Chair

Attest: CHERYL STRICKLAND, CLERK

By: Cherene King
Deputy Clerk

Effective Date 09-04-09

REVISION DATE 09-02-09



The St. Augustine Record

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In/the matter of **SJC CHILD SAFETY ZONE ORDINANCE**

L2750-9 published in said newspaper **AUG 21, 2009**

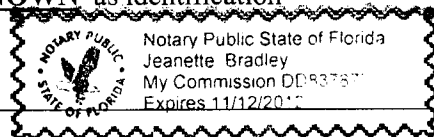
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this **21ST day of AUG 2009**

by Ulinda E Verstraate who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification

Jeanette Bradley

(Signature of Notary Public)
JEANETTE BRADLEY



(Seal)

1-800-955-8770, no later than 5 days prior to the date of the meeting.
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Yvonne King, Deputy Clerk
L2750-9 Aug 21, 2009

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at a regular meeting on Tuesday, September 1, 2009, at 9:00 a.m. in the County Auditorium at the County Administration Complex, 500 San Sebastian View, St. Augustine, Florida, will hold a public hearing to consider adoption of the following proposed ordinance:

COPY OF A

ORDINANCE NO. 2009- AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, TO BE KNOWN AS THE ST. JOHNS COUNTY CHILD SAFETY ZONE ORDINANCE; PROHIBITING THE PRESENCE OF REGISTERED SEXUAL OFFENDERS AND SEXUAL PREDATORS FROM BEING PRESENT LOITERING OR PROWLING WITHIN 300 FEET OF SPECIFIED LOCATIONS THAT ARE PRIMARILY DESIGNED FOR USE BY, OR ARE PRIMARILY USED BY CHILDREN; PROVIDING PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUNSET AND FOR AN EFFECTIVE DATE

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the hearing, such person will need to appear for the proceedings, and for such purposes, the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD) Florida Relay Service:



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

September 8, 2009

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Ms. Yvonne King, Minutes & Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 3, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-36 through 2009-39, which were filed in this office on September 4, 2009.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd

FILED
2009 SEP 14 PM 4:53
CLERK OF CIRCUIT COURT AND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

DIRECTOR'S OFFICE

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