

ORDINANCE NO. 2023-45

**AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 2009-43, PROHIBITED HOLIDAY ACTIVITY ORDINANCE FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS; THIS ORDINANCE AMENDS SPECIFICALLY SECTION TWO, ENTITLED “DEFINITIONS,” TO REVISE CERTAIN DEFINITIONS AND PROVIDE DEFINITIONS OF “NON-FAMILIAL CHILDREN” AND “PRACTICE,” AND SECTION FOUR, ENTITLED “PROHIBITED HOLIDAY ACTIVITY FOR SEXUAL OFFENDERS; EXCEPTIONS,” TO CHANGE SECTION TITLE, TO PROHIBIT PARTICIPATION BY SEX OFFENDERS IN ANY PRACTICE OR EVENT PRIMARILY TARGETED TOWARD NON-FAMILIAL CHILDREN, TO PROHIBIT SEX OFFENDERS TO ALTER APPEARANCE IN CERTAIN CIRCUMSTANCES, TO PROHIBIT HALLOWEEN-RELATED CONTACT WITH CHILDREN BY SEX OFFENDER, TO PROHIBIT CERTAIN EXTERIOR DISPLAYS, DECORATIONS, AND LIGHTING ON RESIDENCE AND PROPERTY OF SEX OFFENDER, AND TO PROVIDE FOR CERTAIN EXCEPTIONS; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on or about October 6, 2009, the Board of County Commissioners for St. Johns County (“Board”) passed and enacted the St. Johns County Prohibited Holiday Activity Ordinance for Sexual Offenders and Sexual Predators, Ordinance No. 2009-48, which prohibits sexual offenders and sexual predators from participating in certain holiday activities that would present increased opportunities for sexual offenders and sexual predators to gain and violate the trust of the children of St. Johns County, Florida (“County”); and

WHEREAS, the Board supports doing anything within its power to protect its citizenry, particularly children, from becoming victimized by sexual offenders or sexual predators; and

WHEREAS, sexual offenders and sexual predators have been known to use certain holiday or seasonal events, decorations, and costumes to attract, entice, or lure children to areas in which those children are susceptible to harm by sexual offenders and sexual predators; and

WHEREAS, the Board is concerned with the secondary effects of any speech or expressive conduct that entices, attracts, or lures children to vulnerable areas or circumstances as noted by, among other courts, the court in *Hobbs v. County of Westchester*, 397 F.3d 133 (2d Cir. 2005); and

WHEREAS, the following amendments to St. Johns County Ordinance No. 2009-43 are intended to provide clarity as to what displays and decorations are prohibited so as to minimize or prevent attacks on children premised on decorations or costumes that attract, entice, or lure children into vulnerable areas or circumstances, while also conforming to First Amendment rights; recognizing, however, that the amendments herein are intended to be inclusive as of the date of

this enactment, but are not intended to include any and all displays and decorations which were not contemplated at the time of enactment (i.e., due to the advent of new technologies); and

WHEREAS, the Board finds that these amendments to St. Johns County Ordinance No. 2009-48 will preserve, promote, and protect the health, safety, and welfare of the citizens of the County, including the safety and well-being of the children of the County by limiting their contact with sexual offenders and sexual predators.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA,** as follows:

**Section 1.** The above recitals are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

**Section 2.** Section Three, "Definitions," of St. Johns County Ordinance No. 2009-43 is amended to read as follows:

**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) *Non-familial children* shall mean those children who are not related to the sexual offender or sexual predator through biological means, marriage, or adoption.

(c) *Participation* shall mean to attend, take part in, or cooperate with the organization of an event.

(d) *Practice* shall mean to carry out or perform any particular activity or method that may be celebrated or recognize a particular season, customs, or beliefs.

(e) *Sexual offender or sexual predator* shall mean an individual who is registered or obligated to be registered by any state or federal agency as either a sexual offender or sexual predator and whose name is published or required to be 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 Section 943.0435; 775.21; and 944.607, Florida Statutes.

**Section 3.** Section Four, "Prohibited Holiday Activity for Sexual Offenders; Exceptions," of St. Johns County Ordinance No. 2009-43 is amended to read as follows:

**SECTION FOUR: PROHIBITED ACTIVITY FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS; EXCEPTIONS**

(a) It is unlawful for any sexual offender or sexual predator to participate in any practice or event, including but not limited to, any event related to a nationally or locally recognized holiday or seasonal event, if such practice or event is primarily targeted toward non-familial children.

(b) It is unlawful for any sexual offender or sexual predator to wear costumes, clothing, make-up, masks, or anything that would alter a person's appearance in the presence of any non-familial child, if such altered appearance could or would entice, attract, or lure a child to congregate around, or move closer to, that person.

(c) Any person designated a sexual offender or sexual predator shall:

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

(2) Not display or allow any display of Halloween decorations to be visible from the exterior of the sexual offender's or sexual predator's residence, including a vehicle or vessel, or on any property which is leased, rented, owned, or occupied by the sexual offender or sexual predator, from 6:00 a.m. to 11:59 p.m. on October 31 (or any other day on which Halloween is celebrated);

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

(4) Not place or allow the following displays or decorations on the exterior of the sexual offender's or sexual predator's residence, including a vehicle or vessel, or on any property which is leased, rented, owned or occupied by the sexual offender or sexual predator: inflatables, holograms, projections, displays over six feet in height, interactive displays, decorations or displays that include a fictitious character, decorations or displays that line a walkway or path to a door of the residence, or lights that are not affixed to the residence. Enforcement of this subsection (4) shall not be limited to the actual calendar date of any given nationally or locally recognized holiday or seasonal event or practice.

(d) Exceptions. The prohibitions established above shall not apply under the following circumstances:

(1) The sexual offender or sexual predator may attend a nationally or locally recognized holiday or seasonal event or practice if the sexual offender or sexual predator is the parent or guardian of the child or children involved and no non-familial children are present.

(2) The sexual offender or sexual predator is not present at the event location although such location may be owned, leased, rented, or occupied by the sexual offender or sexual predator.

**Section 4.** The remaining portions of St. Johns County Ordinance No. 2009-43 shall remain in full force and effect.

**Section 5.** Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

**Section 6.** Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 19th day of September, 2023.


BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

Rendition Date SEP 21 2023

By:   
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit

Court & Comptroller

By:   
Deputy Clerk

Effective Date: SEP 26 2023



# LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

## PROOF OF PUBLICATION

Brandon Patty, Clerk of Circuit Attn: Natasha McGee, Deputy Cler  
CLERK OF THE COURTS  
Minutes And Records  
500 San Sebastian View

Saint Augustine FL 32084

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Govt Bids & Proposals, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

09/07/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 09/07/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$141.44  
Order No: 9250807 # of Copies:  
Customer No: 764114 1  
PO #:

**THIS IS NOT AN INVOICE!**

Please do not use this form for payment remittance.

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, will hold a public hearing to consider adoption of the following ordinance of a regular meeting on Tuesday, September 19, 2023, at 9:30 a.m. in the County Auditorium of the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:  
AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 2009-15, PROHIBITED HOLIDAY ACTIVITY ORDINANCE FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS; THIS ORDINANCE AMENDS SPECIFICALLY SECTION TWO, ENTITLED "DEFINITIONS," TO REVISE CERTAIN DEFINITIONS AND PROVIDE DEFINITIONS OF "NON-FAMILIAL CHILDREN" AND "PRACTICE," AND SECTION FOUR, ENTITLED "PROHIBITED HOLIDAY ACTIVITY FOR SEXUAL OFFENDERS; EXCEPTIONS," TO CHANGE SECTION TITLE, TO PROHIBIT PARTICIPATION BY SEX OFFENDERS IN ANY PRACTICE OR EVENT PRIMARILY TARGETED TOWARD NON-FAMILIAL CHILDREN, TO PROHIBIT SEX OFFENDERS IN CERTAIN CIRCUMSTANCES, TO PROHIBIT HALLOWEEN-RELATED CONTACT WITH CHILDREN BY SEX OFFENDERS, TO PROHIBIT CERTAIN EXTERIOR DISPLAYS, DECORATIONS, AND LIGHTING ON RESIDENCE AND PROPERTY OF SEX OFFENDERS, AND TO PROVIDE FOR CERTAIN EXCEPTIONS; MAKING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.  
The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners of the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be reviewed by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision after a hearing or session. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearing.  
If a person desires to appear any decision made with respect to any matter considered at the hearing, such person will need a record of the proceedings, and for such purposes he/she 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 this proceeding should contact ADA Coordinator, at (904) 309-4608 or the Facilities Management Department, 2416 Dobbs Road, St. Augustine, FL 32086. For hearing impaired individuals: Florida Relay Service: 1-800-955-8776, no later than 5 days prior to the date of this hearing.  
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
BRANDON J. PATTY, ITS CLERK  
By: Yvonne King, Deputy Clerk  
September 7, 2023 (9250807)

RYAN SPELLER  
Notary Public  
State of Wisconsin

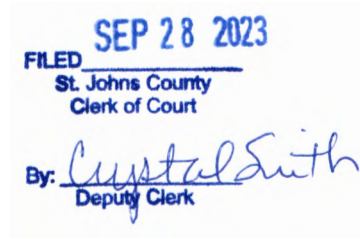


## FLORIDA DEPARTMENT of STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

September 28, 2023



Honorable Brandon Patty  
Clerk of Courts  
St. Johns County  
500 San Sebastian View  
St. Augustine, FL 32084

Attention: Crystal Smith

Dear Honorable Brandon Patty,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of revised St. Johns County Ordinance No. 2023-45, which was filed in this office on September 28, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh