

10

AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

9/19/2023

BCC MEETING DATE

TO: Joy Andrews, Interim County Administrator

DATE: August 25, 2023

FROM: Jalisa Ferguson, Assistant County Attorney

PHONE: 904 209-0805

SUBJECT OR TITLE: Second Reading of Proposed Amendments to St. Johns County Ordinance No. 2009-36, the Child Safety Zone Ordinance.

AGENDA TYPE: Business Item, Ordinance

BACKGROUND INFORMATION:

At its August 15, 2023, regular meeting, the Board of County Commissioners heard the first reading of a proposed amendments to the St. Johns County Ordinance No. 2009-36, which prohibits the presence of registered sexual offenders and sexual predators within 1000 feet of the Safety Zone. The proposed amendments to the ordinance (attached to this item) would include clarifying the notice requirement, to update references to Florida Statutes, and changing the Safety Zone to 1,000 feet.

1. IS FUNDING REQUIRED? No

2. IF YES, INDICATE IF BUDGETED. No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to enact Ordinance 2023- _____, amending Ordinance No. 2009-36, the St. Johns County Child Safety Zone Ordinance.

For Administration Use Only:

Legal: Lex Taylor 9/1/2023

OMB: JDD 9/6/2023

Admin: Brad Bradley 9/11/2023

ORDINANCE NO. 2023-_____

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE NO. 2009-36 CHILD SAFETY ZONE ORDINANCE; THIS ORDINANCE SPECIFICALLY AMENDS THE DISTANCE OF THE SAFETY ZONE FROM 300 FEET TO 1,000 AND AMENDS SECTION 3, ENTITLED “DEFINITIONS” TO PROVIDE A DEFINITION OF “AMENITY CENTER,” “CHILD CARE FACILITY,” “PERMANENT FACILITY,” “PLAYGROUND,” “SCHOOL,” AND “SCHOOL BUS STOP” AND TO PROVIDE AN AMENDED DEFINITION OF “PARK” AND “SAFETY ZONE” AND AMENDING SECTION 4 TO CLARIFY THE NOTICE REQUIREMENT AND TO UPDATE THE FLORIDA STATUTE REFERENCED; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about September 1, 2009, the Board of County Commissioners for St. Johns County (“Board”) passed and enacted the St. Johns County Child Safety Zone Ordinance, No. 2009-36, prohibiting the presence of registered sexual offenders and sexual predators from being present, loitering or prowling within specified locations that are primarily designed for, used by, or are primarily used by children in St. Johns County (“County”); and

WHEREAS, the Board is 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; and

WHEREAS, this vital interest cannot be accomplished by a single law, but instead depends upon a cohesive and functional system of federal, state, and local laws, which must be amended and adopted from time to time to address new threats and circumstances as they arise; and

WHEREAS, the Board finds that these revisions to St. Johns County Ordinance No. 2009-36 will preserve, promote, and protect the health, safety, and welfare of its 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. 2009-36 is amended to read as follows:

SECTION THREE: DEFINITIONS

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

- a) *Amenity center* shall mean a recreational facility, including, and not limited to, clubhouse, swimming pool(s), playground, and open space, operated primarily for the use of residents or neighborhood groups and their guests. For the purposes of this Ordinance, amenity center shall only be enforceable when children are present.
- b) *Child, children, or minor* shall mean an individual whose chronological age is less than eighteen (18) years.
- c) *Child care facility* shall mean any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. This includes day nurseries and family daycare homes, licensed by the Department of Children and Families.
- d) *Loitering and prowling* shall have the same meaning as Florida Statute Section 856.021 as it may be amended, renumbered, or replaced.
- e) *Park* shall include all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.
- f) *Playground* shall mean a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.
- g) *Permanent facility* means any public library, youth camp ground, youth sport facility, skate park and rink, public zoo, public water park, amenity center, or amusement park.
- h) *Safety Zone* shall mean on or within one thousand (1,000) feet of a childcare facility, park, playground, permanent facility, school, and a school bus stop.
- i) *School* shall mean a private school, a voluntary prekindergarten education program, a public school, the Florida School for the Deaf and the Blind, and the Florida Virtual Schools, but does not include facilities dedicated exclusively to the education of adults.
- j) *School bus stop* shall mean a site designated and approved by the St. Johns County School District for the purpose of loading and unloading school children. For the purposes of this ordinance, a school bus stop shall only be enforceable while children are present.
- k) *Sex Offender* 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 whose name is published or required to be published on any state or federal registered sexual offender or sexual predators listing, including, but not limited to the sexual offenders and sexual predators' registry in Sections 943.0435, 775.21, and 944.607, Florida Statutes.

Section 3. Section 4 of St. Johns County Ordinance No. 2009-36 is amended to read as follows:

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 or to loiter or prowl within a Safety Zone.
- (b) Upon registration at the local Sheriff's Office, the Sex Offender shall receive a list and map of public and private areas that are considered to be within a Safety Zone of St. Johns County. The St. Johns County Sheriff's Office shall develop a list and map of the Safety Zones and shall update the list and map annually. At the time of registration, the Sheriff's Office shall provide a list and map of the Safety Zones. Failure to receive such list and map and failure for the list and map to identify a particular Safety Zone shall not be a defense to a claimed violation of this Ordinance, such list and map being provided only as a convenience.
- (c) Exceptions. The prohibition established above does not apply under the following circumstances.
 - 1) A Sexual 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 permission of the child's parent or legal guardian) from a Safety Zone or while attending an activity with his or her own child or relative's child (with permission of the child's parent or legal guardian) or when attending an "adults only" function may not remain or loiter any longer than is reasonably necessary to accomplish the task.
 - 2) The Sexual Offender who is within the Safety Zone for the purposes of voting or registering to vote during the hours designated for the voting or registration process, but only for the time required to complete the voting or registration process.
 - 3) Residing at, or traveling to and from, the Sexual Offender's place of residence, if the residency complies with Florida Statutes 775.21 and 775.215 as they may be amended, renumbered, or replaced.

- 4) Traveling to or from, or being at a government building for the purpose of conducting official business.
 - 5) A single trip while traveling past a Safety Zone in this section while en route to another destination.
 - 6) Traveling to or from, or attending a religious service.
 - 7) A minor Sexual Offender enrolled in a St. Johns County public or private school in grade one (1) through twelve (12), while attending or when present at his or her designated bus stop for transport to the school where he or she is enrolled.
- (d) 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 Sexual Offender may not remain or loiter any longer than is reasonably necessary to accomplish the task.
- (e) Distance Measurement
- a. For the purpose of determining the minimum distance separation requirement, distance shall be measured by following a straight line from the outer property line of the Safety Zone.

Section 4. The remaining portions of St. Johns County Ordinance No. 2009-36 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 ____ day of September, 2023.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of Court & Comptroller

By: _____
Deputy Clerk

Effective Date: _____

ORDINANCE NO. 2023-_____

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WHEREAS, the Board is 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; and

WHEREAS, this vital interest cannot be accomplished by a single law, but instead depends upon a cohesive and functional system of federal, state, and local laws, which must be amended and adopted from time to time to address new threats and circumstances as they arise; and

WHEREAS, the Board finds that these revisions to St. Johns County Ordinance No. 2009-36 will preserve, promote, and protect the health, safety, and welfare of its 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.

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- a) Amenity center shall mean a recreational facility, including, and not limited to, clubhouse, swimming pool(s), playground, and open space, operated for the exclusive use of residents or neighborhood groups and their guest. For the purposes of this Ordinance, amenity center shall only be enforceable when children are present.
- b) *Child, children, or minor* shall mean an individual whose chronological age is less than eighteen (18) years.
- c) *Child care facility* shall mean any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. This includes day nurseries and family daycare homes, licensed by the Department of Children and Families.
- d) *Loitering* and *prowling* shall have the same meaning as Florida Statute Section 856.021 as it may be amended, renumbered, or replaced.
- e) *Park* shall include all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.
- f) *Playground* shall mean a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.
- g) Permanent facility means any public library, youth camp ground, youth sport facility, skate park and rink, public zoo, public water park, amenity center, or amusement park.
- h) Safety Zone shall mean on or within one thousand (1,000) feet of a childcare facility, park, playground, permanent facility, school, and a school bus stop.
- i) *School* shall mean a private school, a voluntary prekindergarten education program, a public school, the Florida School for the Deaf and the Blind, and the Florida Virtual Schools, but does not include facilities dedicated exclusively to the education of adults.
- j) *School bus stop* shall mean a site designated and approved by the St. Johns County School District for the purpose of loading and unloading school children. For the purposes of this ordinance, a school bus stop shall only be enforceable while children are present.
- k) *Sex Offender* 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 whose name is published or required to be published on any state or federal registered sexual offender or sexual predators listing, including, but not limited to the sexual offenders and sexual predators' registry in Sections 943.0435, 775.21, and 944.607, Florida Statutes.

Section 3. Section 4 of St. Johns County Ordinance No. 2009-36 is amended to read as follows:

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, ~~designated Public Library Area, youth camp grounds, and any other similar location or facility that is designed primarily for children~~ or to loiter or prowl within a Safety Zone.
- (b) 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 Sheriff's Office shall develop a list of the Safety Zones and shall update the list annually. At the time of registration, the Sheriff's Office shall provide a map of the Safety Zones. Failure to receive such a map and failure for the map to identify a particular Safety Zone shall not be a defense to a claimed violation of this Ordinance, such map being provided only as a convenience.
- (c) Exceptions. The prohibition established above does not apply under the following circumstances.
 - 1) A Sexual 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 permission of the child's parent or legal guardian) from a Safety Zone or while attending an activity with his or her own child or relative's child (with permission of the child's parent or legal guardian) or when attending an "adults only" function may not remain or loiter any longer than is reasonably necessary to accomplish the task.
 - 2) The Sexual Offender who is within the Safety Zone for the purposes of voting or registering to vote during the hours designated for the voting or registration process, but only for the time required to complete the voting or registration process.
 - 3) Residing at, or traveling to and from, the Sexual Offender's place of residence, if the residency complies with Florida Statutes 775.21 and 775.215 as they may be amended, renumbered, or replaced.

- 4) Traveling to or from, or being at a government building for the purpose of conducting official business.
 - 5) A single trip while traveling past a Safety Zone in this section while en route to another destination.
 - 6) Traveling to or from, or attending a religious service.
 - 7) A minor Sexual Offender enrolled in a St. Johns County public or private school in grade one (1) through twelve (12), while attending or when present at his or her designated bus stop for transport to the school where he or she is enrolled.
- (d) 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 Sexual Offender may not remain or loiter any longer than is reasonably necessary to accomplish the task.
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- a. For the purpose of determining the minimum distance separation requirement, distance shall be measured by following a straight line from the outer property line of the Safety Zone.

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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 ____ day of September, 2023.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Christian Whitehurst, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court & Comptroller

Comptroller By: _____
Deputy Clerk

Effective Date: _____

Public Notices

Originally published at staugustine.com on 09/08/2023

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 at a regular meeting on Tuesday, September 19, 2023, at 9:00 a.m. in the County Auditorium at 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. 2009-36 CHILD SAFETY ZONE ORDINANCE; THIS ORDINANCE SPECIFICALLY AMENDS THE DISTANCE OF THE SAFETY ZONE FROM 300 FEET TO 1,000 AND AMENDS SECTION 3, ENTITLED "DEFINITIONS" TO PROVIDE A DEFINITION OF "AMENITY CENTER," "CHILD CARE FACILITY," "PERMANENT FACILITY," "PLAYGROUND," "SCHOOL," AND "SCHOOL BUS STOP" AND TO PROVIDE AN AMENDED DEFINITION OF "PARK" AND "SAFETY ZONE" AND AMENDING SECTION 4 TO CLARIFY THE NOTICE REQUIREMENT AND TO UPDATE THE FLORIDA STATUTE REFERENCED; MAKING FINDINGS OF FACT; 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 at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, and may be examined by interested parties prior to the said public hearing. Please take note that the proposed ordinance is subject to revision prior to 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 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 (904-209-0400 or at the Facilities Management Department, 2416 Dobbs Road, St. Augustine, FL 32086. For hearing impaired individuals: Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of this hearing.

BOARD OF COUNTY

OF ST. JOHNS COUNTY, FLORIDA

BRANDON J. PATTY, ITS CLERK

By: Yvonne King, Deputy Clerk

Pub: Sept 8, 2023; #9253402