

ARTICLE II. - SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION

Sec. 18-31. - Title.

This article shall be entitled "the Sexual Offender and Sexual Predator Residence Prohibition Ordinance of Palm Beach County, Florida."

(Ord. No. 06-012, § 1, 4-20-06)

Sec. 18-32. - 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 temporary or permanent residence.

(Ord. No. 06-012, § 3, 4-20-06)

Sec. 18-33. - 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:

Daycare center. Any building or shelter in which custodial care is rendered to children, and for which compensation is received in the form of a payment, fee, grant, goods or services in kind for any of the children receiving care, whether or not operating for profit or which is held out to the public to be an establishment which regularly provides child custodial care. The term also refers to the child care operation associated with the building or shelter, and also includes specialized child care facilities for the mildly ill. A daycare center includes the parking lot, curtilage, yards, landscaped areas, playgrounds, accessory buildings and all outdoor areas of the facility.

Park. A publicly owned or operated area used or available for the public's use as a recreational facility, including, by way of example and not limitation, water parks, linear parks and County recreational trail systems.

Permanent residence. A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

Playground. An established or dedicated outdoor area for recreation and play, including, by way of example and not limitation, soccer fields, baseball diamonds, football fields and locations with outdoor equipment, such as, by way of example and not limitation, swing sets, climbing apparatus and slides.

Sexual offender. For purposes of this article, a sexual offender is a person whose victim was, at the time of the offense, less than sixteen (16) years old.

Sexual predator. (1) As defined in F.S. § 775.21, or (2) as defined by the state or jurisdiction of the United States where said sexual predator was convicted, or (3) an offense committed in another state or jurisdiction of the United States where the person would be considered a sexual predator if that offense had been committed in the State of Florida.

Temporary residence. A place where the person abides, lodges, or resides for a period of fourteen (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 (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(Ord. No. 06-012, § 4, 4-20-06; Ord. No. 2011-033, § 1, 11-15-11)

Sec. 18-34. - Sexual offender and sexual predator residence prohibition; exceptions.

- (a) It is unlawful for any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, as may be amended from time to time, regardless of whether adjudication has been withheld, in which the victim of the offense was less than sixteen (16) years of age, to establish a permanent residence or temporary residence within one thousand (1,000) feet of any school, day care center, park, playground, or other place where children regularly congregate. This article shall also apply to any person who has been convicted of a similar provision of law in any state or jurisdiction of the United States and where an offense is committed in another state or jurisdiction of the United States where the person convicted would be considered a sexual predator if that offense had been committed in the State of Florida.
- (b) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outermost property line of the permanent residence or temporary residence to the nearest outermost property line of a school, day care center, park, or playground.
- (c) Exceptions. A person residing within one thousand (1,000) feet of any school, day care center, park, or playground, does not commit a violation of this article if any of the following apply:
 - (1) The person established the permanent residence or temporary residence and reported

and registered the residence pursuant to F.S. §§ 775.21, 943.0435 or 944.607 prior to the effective date of the ordinance from which this article is derived.

- (2) The sexual offender or sexual predator established the permanent residence prior to the effective date of the ordinance, provided however, that at the end of the then current rental term, in the case of a lease, the sexual offender or sexual predator shall be required to abandon that permanent residence and establish a new permanent residence at a location that is not within one thousand (1,000) feet of any school, day care center, park or playground.
- (3) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (4) The person is a minor.
- (5) The school, park, day care center or playground within one thousand (1,000) feet of the person's permanent residence or temporary residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to F.S. §§ 775.21, 943.0435 or 944.607.

(Ord. No. 06-012, § 5, 4-20-06; Ord. No. 2011-033, § 2, 11-15-11; Ord. No. 2014-020, § 1, 7-22-14)

Sec. 18-35. - Applicability.

This article shall apply in the unincorporated areas of the County only.

(Ord. No. 06-012, § 6, 4-20-06)

Sec. 18-36. - Enforcement.

This article is enforceable by all means provided by law. The provisions of this article shall be enforced by the County Sheriff's Office. Additionally, the County may choose to enforce this article by seeking injunctive relief in the Circuit Court of the County.

(Ord. No. 06-012, § 7, 4-20-06)

Sec. 18-37. - Penalty.

Any violation of any portion of this article shall be punishable as provided by law. A person who violates this article shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Any person violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Additionally, if the offender is supervised by the department of corrections under conditional release, the offender may be charged with a violation of his or her supervision and be returned to state custody.

(Ord. No. 06-012, § 8, 4-20-06)

Secs. 18-38—18-60. - Reserved.