

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Honorable Chairman  
Members of the Board  
of County Commissioners

DATE: 3/16/15

FILE: CAO15-0801

THRU: Jeffrey N. Steinsnyder  
County Attorney

RE: Introduction of Proposed Ordinance  
Creating a New Division 4 in Chapter 66,  
Article II of the Pasco County Code of  
Ordinances Related to Residency  
Restrictions for Sexual Predators and  
Sexual Offenders, Creating Child Safety  
Zones, and Regulating Conduct on  
Halloween.

*Handwritten: JN 3-19-15*

(BOCC 03/24/15 NPR; 10:00 a.m.)

FROM: Kristi Sims  
Senior Assistant County Attorney

REFERENCES: All Commission Districts

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners.

DESCRIPTION AND CONDITIONS

In January 2015, the Board of County Commissioners (BOCC) authorized the County Attorney's Office to draft for introduction a local ordinance that would assist the Pasco Sheriff's Office in its efforts to protect children from victimization by Sexual Predators and Sexual Offenders by expanding the current residency restrictions imposed by state law.

Florida state law prohibits those convicted of certain sex crimes against a child under 16 years of age from living within 1,000 feet of a school, day care center, playground, park or other place frequented by children. The attached proposed ordinance expands the "buffer zone" to 2,500 feet around schools, child care facilities, parks, public libraries, and playgrounds. These restrictions do not apply when a sexual offender or sexual predator: established and registered his or her current residence pursuant to state law prior to the effective date of this ordinance (provided the residence was not an illegal residence use under the county's zoning codes); was convicted of an offense prior to certain dates that coincide with the dates established in Florida's state regulations; has been removed from the legal requirement to register as a sexual offender or sexual predator; was a minor when he or she committed the offense and was not convicted as an adult; or is a minor.

The attached proposed ordinance also creates a "safety zone" of 300 feet when children are present in certain locations. These zones include: schools and school bus stops; playgrounds; YMCA and YWCA facilities; Boys and Girls Club facilities; youth camp grounds; parks; youth sports facilities; skate parks or rinks; amusement parks; indoor recreational facilities; public zoos; water parks; public swimming pools; public beaches; child care facilities, video arcades, fairs, transient carnivals and zoos, and similar locations and facilities

(whether publicly- or privately-owned) primarily designed for use by children, are primarily used by children, or are customary gathering places for children. These restrictions do not apply if the person is: merely passing through a safety zone while en route to another destination; going or coming from a religious service; at a government building for the purpose of conducting official business; otherwise lawfully-residing in a safety zone; voting; picking up his/her own children or grandchildren or other children with the legal guardian's permission; in the safety zone as the parent, grandparent, or legal guardian of a child who is present at the location.

At the request of the PSO, the attached proposed ordinance also regulates conduct by sexual predators and sexual offenders on Halloween. The ordinance prohibits the person from giving or seeking to give treats to children; requires the person to avoid all Halloween related contact with children and leave all outside residential lighting off during the evening hours after 5 p.m.; and prohibits exterior Halloween-type decorations at his or her residence. Halloween events or practices in which the sexual offender or sexual predator is the parent, grandparent, or guardian of the child or children involved, and where no non-familial children are present, are exempt from this section of the ordinance.

It is anticipated that the ordinance will be enforced primarily by the PSO. Enforcement will be through issuance of a citation. The effectiveness and enforceability of this ordinance will be dependent on the mapping of these zones/locations and the ability to provide this information on a timely and accurate basis to law enforcement. The proposed regulations are applicable in the unincorporated areas of Pasco County, as well as within the cities as long as the municipality does not have conflicting regulations. Enforcement within the boundaries of the municipalities will be by the law enforcement and/or code officers with jurisdiction within the municipalities. Absent an interlocal agreement providing for prosecution by the County Attorney's Office, prosecution of violations within the municipalities will be handled by the City Attorney for the municipality.

#### ALTERNATIVES AND ANALYSIS:

1. Introduce the proposed ordinance which will create a new Division 4 in Chapter 66, Article II of the Pasco County Code of Ordinances relating to Sexual Predators and Sexual Offenders.
2. Do not introduce the proposed ordinance.
3. Direct Staff to some other course of action.

#### RECOMMENDATION:

The County Attorney's Office, along with the Pasco Sheriff's Office, recommend that the Board approve alternative number 1, introduce the proposed ordinance which will create a new Division 4 in Chapter 66, Article II of the Pasco County Code of Ordinances relating to Sexual Predators and Sexual Offenders and direct Board Records to advertise the proposed ordinance for public hearing on April 21, 2015, at 1:30 p.m., First Floor Boardroom, West Pasco Government Center, 8731 Citizens Drive, New Port Richey.

KS/

Attachment: Proposed Ordinance Creating a New Division 4 in Chapter 66, Article II of the Pasco County Code of Ordinances Relating to Sexual Predators and Sexual Offenders.

cc: Michele Baker, County Administrator  
Jeffrey N. Steinsnyder, County Attorney  
The Honorable Chris Nocco, Sheriff of Pasco County  
Lindsay Moore, Esq., Legal Counsel for Pasco Sheriff's Office  
Natalie Scruggs, Esq., Legal Counsel for Pasco Sheriff's Office.  
Joseph Poblick, Esq., Legal Counsel for City of New Port Richey,  
Port Richey & City of Zephyrhills  
Karla Owens, Esq., Legal Counsel for City of Dade City  
Hon. Roy Pierce, Mayor, City of San Antonio