



## COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. The first meeting of every month is at 9:30AM while the second meeting of every month takes place at 5:30PM. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 9/13/2022 Meeting Date: 9/20/2022

Name: Joel Foreman Department: County Attorney

Approved By:

A handwritten signature in blue ink, appearing to read "J. Foreman", is written over a light blue horizontal line.

### 1. Nature and purpose of agenda item:

Adoption Hearing: Ordinance 2022-11, Amendments to Sexual Offender and Sexual Predator Code

### 2. Recommended Motion/Action:

To adopt Ordinance 2022-11

### 3. Fiscal impact on current budget.

This item has no effect on the current budget.

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**MEMORANDUM**

To: Board Agenda, September 20, 2022

From: Joel F. Foreman

**Re: Adoption Hearing: Ordinance 2022-11, Amendments to Sexual Offender and Sexual Predator Code**

Date: September 13, 2022

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This office has been approached by the Columbia County Sheriff's Office concerning conflicts between the County's existing code regulating sexual offenders and sexual predators and existing state law. The conflicts are complicating enforcement of sexual offender and sexual predator registration and supervision, because the Sheriff must comply with state law and therefore sometimes cannot comply with the County's code.

Attached is an ordinance that will, if adopted, harmonize the County's code with state law and make enforcement more effective for the Sheriff's Office.

Recommended motion: To adopt Ordinance 2022-11, amending the County's sexual offender and sexual predator codes

## **ORDINANCE NO. 2022-11**

### **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, AMENDING CHAPTER 74, ARTICLE IV OF THE COUNTY CODE OF ORDINANCES RELATING TO SEXUAL OFFENDERS AND SEXUAL PREDATORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County has previously adopted Ordinances for the regulation of Sexual Offenders and Sexual Predators permanently or temporarily residing within the County at section 74-81, et seq, of the Columbia County Code of Ordinances;

**WHEREAS**, certain conflicts exist between the laws of the State of Florida and the County's Code of Ordinances, and in the event of conflict between the laws of the State of Florida and the County's code regulating Sexual Offenders and Sexual Predators within the County, the laws of the State of Florida should prevail; and

**WHEREAS**, to ensure proper and efficient enforcement of the County's code through local law enforcement, it is necessary that the County's code be in harmony with the laws of the State of Florida.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:**

#### **Section 1. FINDINGS**

The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Ordinance.

#### **Section 2. AUTHORITY**

This ordinance is enacted pursuant to the statutory authority vested in the Board of County Commissioners by Florida Statutes Chapters 125 and the Home Rule Charter for Columbia County, Florida.

#### **Section 3. CODE RELATING TO THE SEXUAL OFFENDERS AND SEXUAL PREDATORS AMENDED AND RESTATED**

Chapter 74, Article IV of the Columbia County Code of Ordinances is hereby amended as reflected in this section. Words that are stricken through shall be removed from the Code of Ordinances while those words that are underlined shall be added. Ellipses (...) indicate portions of the code have been omitted for brevity; the ellipses should not be included in the Code nor

should they indicate any addition or deletion. Unless an addition or deletion is indicated, the Code of Ordinances shall not be altered by this Ordinance.

#### **ARTICLE IV. SEXUAL OFFENDERS AND SEXUAL PREDATORS**

##### **Sec. 74-81. Definitions.**

. . .

Park has the same meaning as provided in F.S.s. 775.215 as amended from time to time. That statute currently defines parks as all public and private property specifically designated as being used for recreational purposes and where children regularly congregate. ~~means 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, linear parks and the state, county and municipal recreational trails system.~~

Permanent residence has the same meaning as provided in F.S. § 775.21 as amended from time to time. That statute currently defines a permanent residence as a place where the person abides, lodges, or resides for 3 or more consecutive days. ~~means a place where a person abides, lodges, or resides for 14 or more consecutive days.~~

. . .

Sexual offender means, as defined in ~~has the same meaning as provided in F.S. § 944.606(1) as may be amended from time to time. and for purposes of this article, a person whose victim was, at the time of the offense, less than 13 years of age.~~

Sexual predator has the same meaning as provided in ~~is defined in F.S. § 775.21, as may be amended from time to time in the future.~~

Temporary residence has the same meaning as provided in F.S. § 775.21 as may be amended from time to time. That statute presently defines temporary residence as a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. ~~means any place where a person may abide, lodge or reside for a~~

~~period of 14 or more days in the aggregate during any calendar year and that is not that person's permanent residence; or a place where the person routinely abides, lodges or resided for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.~~

. . .

**Sec. 74-82. Prohibited residences of sexual offenders and sexual predators.**

It is prohibited and unlawful for any sexual offender or sexual predator to abide, lodge or reside in a permanent or temporary residence located within unincorporated Columbia County or the Town of Fort White when such residence is located within 2,500 feet of any school, day care center, park, playground, or public library regardless of whether the school, day care center, park, playground, or public library lies within the jurisdictional limits of the county. At no time shall any sexual predator or sexual offender maintain transient status within the County.

. . .

**Sec. 74-84. Measurement of distance.**

For purposes of measuring separation of a residence from a school, day care center, park, playground, or public school bus stop, all distances shall be measured from the outermost property line of the parcel upon which the residence is located running in a direct line to the outermost of the school, day care center, park, playground, or public school bus stop. For example, if the residence is located in a generally southwesterly direction from a park, then the measurement would be from the northeast corner of the residential parcel to the southwest corner of the park. For all other purposes, measurements shall run from the outermost property line of the school, day care center, park, playground, or public school bus stop. No sexual offender or sexual predator shall maintain transient status in this County and therefore measurement shall be unnecessary when determining separation under this part.

. . .

**Sec. 74-86. Repealed. ~~Photo identification card.~~**

~~The sheriff's office shall provide a photo identification card to all sexual offenders and sexual predators currently registered with the sheriff's office. All new persons required by Florida law to be registered as a sexual offender or sexual predator shall receive such a card upon registration. Such card shall include limited biographical information and a registration number. All sexual offenders and sexual predators registered in Columbia County shall carry this card on their person at all times. The board of county commissioners may by resolution establish a reasonable fee to be paid by the sexual offender or sexual predator to offset the cost of this section or section 74-87. All sexual offenders or sexual predators shall notify the sheriff's department within 48 hours of any change of residence address.~~

**Sec. 74-87. Repealed. ~~Maps showing schools, daycare centers, parks, playgrounds, public libraries, and public school bus stops.~~**

~~At the time of registration, the sheriff's office shall provide all sexual offenders and sexual predators a map showing the location of all schools, day care centers, parks, playgrounds, public libraries, and a listing of public school bus stops. Failure to receive such a map and failure of the map to identify a particular school, day care center, park, playground, public library or public school bus stop shall not be defenses to a claimed violation of this article, such map being provided only as a convenience.~~

. . .

**Sec. 74-89. Community and public notification.**

Law enforcement agencies within the county shall inform members of the community and the public of a sexual predator's ~~or sexual offender's~~ presence in accordance with F.S. § 775.21(7). Upon notification of the presence of a sexual predator ~~or sexual offender~~, the Sheriff of the county where the sexual predator ~~or sexual offender~~ establishes or maintains a permanent or temporary residence shall notify members of the community and the public of the presence of the sexual predator or ~~sexual offender~~ in a manner deemed appropriate by the Sheriff, including but not

limited to reverse 9-1-1 procedures. Within 48 hours after receiving notification of the presence of a sexual predator ~~or sexual offender~~, the Sheriff of the county where the sexual predator ~~or sexual offender~~ temporarily or permanently resides shall notify each licensed daycare center, elementary school, middle school and high school within a one-mile radius of the temporary or permanent residence of the sexual predator. Information provided to members of the community and public regarding a sexual predator must include:

- (1) The ~~name~~ of the sexual predator;
- (2) A ~~description of the sexual predator, including a photograph;~~
- (3) The sexual predator's current address, ~~including the name of the county or municipality, if known;~~
- (4) The ~~circumstances of the~~ sexual predator's offense or offenses; and
- (5) Whether the victim of the sexual predator's offense or offenses was, at the time of the offense, a minor or an adult.

This does not authorize the release of the name of any victim of the sexual predator.

. . .

#### **Section 4. SEVERABILITY**

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

#### **Section 5. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon a certified copy hereof being filed with the Florida Department of State.

**DULY ADOPTED** by the Board of County Commissioners of Columbia County, Florida, this  
\_\_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COUNTY COMMISSIONERS  
COLUMBIA COUNTY, FLORIDA**

By: \_\_\_\_\_  
**ROBBY HOLLINGSWORTH, Chair**

Approved as to form and legality:

\_\_\_\_\_  
Joel F. Foreman, County Attorney

ATTEST: JAMES M. SWISHER, Jr., Clerk of Court

\_\_\_\_\_  
Deputy Clerk

Effective Date: \_\_\_\_\_