



Legislation Text

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SEXUAL OFFENDERS AND SEXUAL PREDATORS (B)

ORDINANCE NO.: 0-05-96

An ordinance of the City of Gainesville relating to sexual offenders and sexual predators; creating and adding a new Article III to Chapter 17 to be titled Sexual Offenders and Sexual Predators; providing definitions; establishing residency requirements, restrictions and penalties; prohibiting certain sexual offenders and sexual predators from residing within a specified distance of schools, daycare centers or parks, as more specifically defined in this ordinance; establishing requirements, responsibility and penalties for property owners and agents that let or rent to certain sexual offenders and sexual predators; providing for sexual offenders and sexual predators to acknowledge responsibilities; amending section 2-339, of the Gainesville Code of ordinances relating to applicable codes and ordinances subject to civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause and providing an immediate effective date.

The City Commission adopt the proposed ordinance as amended.

The Public Safety Committee discussed this June 13, 2005 City Commission referral to review the laws related to sexual offenders and predators. The proposed ordinance would restrict the areas where convicted sexual offenders and predators could live within the City of Gainesville. The ordinance, based in part on a constitutionally upheld Iowa State model, proposes restricting their residences within 2500 feet of any public school, private school, day care or city park. The ordinance would also restrict a landlord from renting to offenders meeting certain criteria if the rental property is within that restricted zone. Additionally, the ordinance requires the offender to sign the Florida Department of Law Enforcement "Offender Notice of Responsibilities" form, acknowledging receipt and understanding of the responsibilities of a sexual offender or sexual predator.

At first reading of the ordinance, the Police Department distributed a map showing the application of the ordinance. The map showed distances from active parks and not from passive parks or recreation areas. For this reason the definition of parks is revised to reflect the inclusion of active parks only. (A copy of the map is attached for information only).

The Gainesville Police Department supports this initiative as an enhanced tool in better tracking of sexual offenders, by limiting their options and discouraging them from frequently moving. There are currently 207 registered Sexual Offenders and/or Predators living within the City.

Numerous municipalities in the State of Florida have already enacted similar restrictions. The Public Safety Committee believes that the proposed ordinance will establish a policy that provides for the best possible protection of the lives and safety of Gainesville residents, and especially children.

On September 26, 2005, the City Commission authorized the City Attorney to draft, and the Clerk of the Commission to advertise an ordinance that would restrict the areas where convicted sexual offenders and predators could live within the City of Gainesville.

This office would note that a bill (HB) has been filed in the Florida legislature affecting this subject. If enacted into law as written, the bill would require that any local ordinance provisions be consistent with the requirements of the state law. There are differences that would require an amendment of the ordinance. However, the house bill, if

passed, would not become effective until October 1, 2006.