

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
Net Fiscal Impact	**	_____	_____	_____	_____

ADDITIONAL FTE

POSITIONS (Cumulative) 0 0 0 0 0

Is Item Included In Current Budget? Yes _____ No X

Budget Account Exp No: Fund _____ Department _____ Unit _____ Object _____
 Rev No: Fund _____ Department _____ Unit _____ Object _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

**NO FISCAL IMPACT

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Handwritten: SN 6/26/14
OFMB
Handwritten: 6/26/2014

Contract Dev. and Control
Handwritten: 6/26/14

B. Legal Sufficiency:

Assistant County Attorney
Handwritten: 6/26/14

C. Other Department Review:

Department Director

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, ARTICLE II OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 2006-012, AMENDED BY ORDINANCE NO. 2011-033); RELATING TO SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION, TO BE KNOWN AS "THE SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION ORDINANCE OF PALM BEACH COUNTY, FLORIDA"; AMENDING SECTION 18-34 (SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; EXCEPTIONS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted Chapter 18, Article II of the Palm Beach County Code (Ordinance No. 2006-012, amended by Ordinance No. 2011-033), known as the "Sexual Offender and Sexual Predator Residence Prohibition Ordinance of Palm Beach County, Florida"; and

WHEREAS, the State of Florida sexual offender and sexual predator residence prohibition laws provide for one thousand (1000) foot residence prohibitions from specified locations for certain sexual offenders and sexual predators; and

WHEREAS, the Board of County Commissioners of Palm Beach County has determined that it is in the best interests of the citizens of Palm Beach County that the County Ordinance be consistent with the evolving laws of the State of Florida; and

WHEREAS, it is now necessary to amend Chapter 18, Article II, of the Palm Beach County Code to conform to the residence prohibitions imposed by the State of Florida concerning sexual offender and sexual predator residence prohibition laws.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Sexual Offender and Sexual Predator Residence Prohibition;

Exceptions.

Section 18-34 of Chapter 18, Article II of the Palm Beach County Code is amended to read as follows:

1 (a) It is unlawful for any person who has been convicted of a violation of F.S.
2 §§ 794.011, 800.04, 827.071, or 847.0145, as may be amended from time to time,
3 regardless of whether adjudication has been withheld, in which the victim of the
4 offense was less than sixteen (16) years of age, to establish a permanent residence
5 or temporary residence within one thousand (1000) feet of any school, day care
6 center, park, playground, or other place where children regularly congregate. This
7 Ordinance shall also apply to any person who has been convicted of a similar
8 provision of law in any state or jurisdiction of the United States and where an
9 offense is committed in another state or jurisdiction of the United States where the
10 person convicted would be considered a sexual predator if that offense had been
11 committed in the State of Florida.

12 (b) For purposes of determining the minimum distance separation, the
13 requirement shall be measured by following a straight line from the outermost
14 property line of the permanent residence or temporary residence to the nearest
15 outermost property line of a school, day care center, park, or playground.

16 (c) Exceptions: A person residing within 1000 feet of any school, day care
17 center, park, or playground, does not commit a violation of this Ordinance if any of
18 the following apply:

19 (1) The person established the permanent residence or temporary residence
20 and reported and registered the residence pursuant to F.S. §§ 775.21,
21 943.0435 or 944.607 prior to the effective date of this Ordinance.

22 (2) The sexual offender or sexual predator established the permanent
23 residence prior to the effective date of the Ordinance, provided however, that at
24 the end of the then current rental term, in the case of a lease, the sexual
25 offender or sexual predator shall be required to abandon that permanent
26 residence and establish a new permanent residence at a location that is not
27 within one thousand (1000) feet of any school, day care center, park or
28 playground.

29 (3) The person was a minor when he/she committed the offense and was not
30 convicted as an adult.

31

1 (4) The person is a minor.

2 (5) The school, park, day care center or playground within one thousand
3 (1000) feet of the person's permanent residence or temporary residence was
4 opened after the person established the permanent residence or temporary
5 residence and reported and registered the residence pursuant to F.S. §§
6 775.21, 943.0435 or 944.607.

7 **Section 2. Repeal of Laws in Conflict.**

8 All local laws and Ordinances applying to the unincorporated area of Palm Beach
9 County in conflict with any provision of this Ordinance are hereby repealed to the extent
10 of any conflict.

11 **Section 3. Savings Clause.**

12 Notwithstanding the section of this Ordinance regarding repeal of laws in conflict,
13 all administrative and court orders, fines, and pending enforcement issued pursuant to
14 this authority and procedures established by Chapter 18, Article II, Section 18-36 and
15 Section 18-37, of the Palm Beach County Code, shall remain in full force and effect.

16 **Section 4. Severability.**

17 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
18 for any reason held by the Court to be unconstitutional, inoperative or void, it is the
19 intent of the Board of County Commissioners that such holding shall not affect the
20 remainder of this Ordinance.

21 **Section 5. Inclusion in the Code of Laws and Ordinances.**

22 The provisions of this Ordinance shall become and be made a part of the Code
23 of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance
24 may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be
25 changed to "section," "article," or any other appropriate word.

26 **Section 6. Captions.**

27 The captions, section headings, and section designations used in this Ordinance
28 are for convenience only and shall have no effect on the interpretation of the provisions
29 of this Ordinance.

1 **Section 7. Effective Date.**

2 The provisions of this Ordinance shall become effective upon filing with the
3 Department of State.

4 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
5 Beach County, Florida, on this the _____ day of July, 2014.

6
7 **SHARON R. BOCK**
8 **CLERK & COMPTROLLER**

PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

9
10
11
12 By _____
13 Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

14
15
16
17 APPROVED AS TO FORM AND
18 LEGAL SUFFICIENCY

19
20
21
22 By: _____
23 County Attorney

24
25
26
27 EFFECTIVE DATE: Filed with the Department of State on the _____ day of
28 _____, 2014.

ORDINANCE NO. 2014-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, ARTICLE II OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 2006-012, AMENDED BY ORDINANCE NO. 2011-033); RELATING TO SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION, TO BE KNOWN AS "THE SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION ORDINANCE OF PALM BEACH COUNTY, FLORIDA"; AMENDING SECTION 18-34 (SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; EXCEPTIONS); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted Chapter 18, Article II of the Palm Beach County Code (Ordinance No. 2006-012, amended by Ordinance No. 2011-033), known as the "Sexual Offender and Sexual Predator Residence Prohibition Ordinance of Palm Beach County, Florida"; and

WHEREAS, the State of Florida sexual offender and sexual predator residence prohibition laws provide for one thousand (1000) foot residence prohibitions from specified locations for certain sexual offenders and sexual predators; and

WHEREAS, the Board of County Commissioners of Palm Beach County has determined that it is in the best interests of the citizens of Palm Beach County that the County Ordinance be consistent with the evolving laws of the State of Florida; and

WHEREAS, it is now necessary to amend Chapter 18, Article II, of the Palm Beach County Code to conform to the residence prohibitions imposed by the State of Florida concerning sexual offender and sexual predator residence prohibition laws.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Sexual Offender and Sexual Predator Residence Prohibition;

Exceptions.

Section 18-34 of Chapter 18, Article II of the Palm Beach County Code is amended to read as follows:

1 (a) It is unlawful for any person who has been convicted of a violation of F.S.
2 §§ 794.011, 800.04, 827.071, or 847.0145, as may be amended from time to time,
3 regardless of whether adjudication has been withheld, in which the victim of the
4 offense was less than sixteen (16) years of age, to establish a permanent residence
5 or temporary residence within ~~two~~one thousand ~~five hundred~~(2,500~~1000)~~ feet of
6 any school, ~~designated public school bus stop~~, day care center, park, playground, or
7 other place where children regularly congregate. This Ordinance shall also apply to
8 any person who has been convicted of a similar provision of law in any state or
9 jurisdiction of the United States and where an offense is committed in another state
10 or jurisdiction of the United States where the person convicted would be considered
11 a sexual predator if that offense had been committed in the State of Florida.

12 (b) For purposes of determining the minimum distance separation, the
13 requirement shall be measured by following a straight line from the outermost
14 property line of the permanent residence or temporary residence to the nearest
15 outermost property line of a school, ~~designated public school bus stop~~, day care
16 center, park, or playground.

17 (c) Exceptions: A person residing within ~~2500~~1000 feet of any school,
18 ~~designated public school bus stop~~, day care center, park, or playground, does not
19 commit a violation of this Ordinance if any of the following apply:

20 (1) The person established the permanent residence or temporary residence
21 and reported and registered the residence pursuant to F.S. §§ 775.21,
22 943.0435 or 944.607 prior to the effective date of this Ordinance.

23 (2) The sexual offender or sexual predator established the permanent
24 residence prior to the effective date of the Ordinance, provided however, that at
25 the end of the then current rental term, in the case of a lease, the sexual
26 offender or sexual predator shall be required to abandon that permanent
27 residence and establish a new permanent residence at a location that is not
28 within ~~two~~one thousand ~~five hundred~~(2,500~~1000)~~ feet of any school,
29 ~~designated public school bus stop~~, day care center, park or playground.

30 (3) The person was a minor when he/she committed the offense and was not
31 convicted as an adult.

- 1 (4) The person is a minor.
- 2 (5) The school, ~~designated public school bus stop,~~ park, day care center or
3 playground within ~~two~~one thousand ~~five~~hundred (~~2,500~~1000) feet of the
4 person's permanent residence or temporary residence was opened after the
5 person established the permanent residence or temporary residence and
6 reported and registered the residence pursuant to F.S. §§ 775.21, 943.0435 or
7 944.607.

8 **Section 2. Repeal of Laws in Conflict.**

9 All local laws and Ordinances applying to the unincorporated area of Palm Beach
10 County in conflict with any provision of this Ordinance are hereby repealed to the extent
11 of any conflict.

12 **Section 3. Savings Clause.**

13 Notwithstanding the section of this Ordinance regarding repeal of laws in conflict,
14 all administrative and court orders, fines, and pending enforcement issued pursuant to
15 this authority and procedures established by Chapter 18, Article II, Section 18-36 and
16 Section 18-37, of the Palm Beach County Code, shall remain in full force and effect.

17 **Section 4. Severability.**

18 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is
19 for any reason held by the Court to be unconstitutional, inoperative or void, it is the
20 intent of the Board of County Commissioners that such holding shall not affect the
21 remainder of this Ordinance.

22 **Section 5. Inclusion in the Code of Laws and Ordinances.**

23 The provisions of this Ordinance shall become and be made a part of the Code
24 of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance
25 may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be
26 changed to "section," "article," or any other appropriate word.

27 **Section 6. Captions.**

28 The captions, section headings, and section designations used in this Ordinance
29 are for convenience only and shall have no effect on the interpretation of the provisions
30 of this Ordinance.

31

1 **Section 7. Effective Date.**

2 The provisions of this Ordinance shall become effective upon filing with the
3 Department of State.

4 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm
5 Beach County, Florida, on this the _____ day of July, 2014.

6
7 **SHARON R. BOCK** **PALM BEACH COUNTY, FLORIDA BY ITS**
8 **CLERK & COMPTROLLER** **BOARD OF COUNTY COMMISSIONERS**

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

By _____
Deputy Clerk

By: _____
Priscilla A. Taylor, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the _____ day of
_____, 2014.