

## **ORDINANCE NO. O-35-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, ADDING ARTICLE III TO CHAPTER 54 OF THE CITY OF GREEN COVE SPRINGS CODE TO BE KNOWN AS THE CITY OF GREEN COVE SPRINGS SEXUAL OFFENDER AND SEXUAL PREDATOR ACT; PROVIDING FINDINGS AND INTENT, DEFINITIONS, AND RESIDENCY REQUIREMENTS; PROHIBITING PRESENCE, LOITERING OR PROWLING WITHIN CHILD SAFETY ZONES WITH EXCEPTIONS; PROHIBITING PARTICIPATION IN HALLOWEEN ACTIVITIES, WITH AN EXCEPTION; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the City has the utmost interest in promoting the general health, welfare, and safety of the children of Green Cove Springs by reducing opportunities for sexual offenders and sexual predators to interact with children or to make use of public spaces for criminal intent; and

**WHEREAS**, this vital interest cannot be accomplished by a single law, but instead depends upon a cohesive and functional system of federal, state, and local laws, which must be adjusted and adapted from time to time to address new threats and circumstances as they arise; and

**WHEREAS**, currently the residency of sexual offenders and sexual predators in Green Cove Springs is governed by Section 775.215 and Section 943.0435, Florida Statutes (2024), which prohibits certain sexual offenders and sexual predators from living within 1,000 feet of schools, child care facilities, parks and playgrounds; and

**WHEREAS**, due to the substantial risk to children that recidivism poses, the City Council believes that the residency restriction of 1,000 feet, prohibited loitering at certain locations, and Halloween restrictions would provide greater protection for the children of Green Cove Springs and strike a balance between protecting children around crucial and vulnerable areas and times while still leaving available residential housing for those restricted; and

**WHEREAS**, pursuant to Section 943.0435 and Section 775.215, Florida Statutes, sexual offenders and sexual predators must report in person to the Clay County sheriff's office to register their temporary or permanent address within 48 hours of release from custody, control and/or supervision of Department of Corrections, Department of Children and Family Services or Department of Juvenile Justice; and

**WHEREAS**, the sexual offender and sexual predator mandatory registration process requires resources, warranting fees being charged to the registrants.

**NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA AS FOLLOWS:**

**Section 1.** Chapter 54 of the City of Green Cove Springs Code is hereby amended to create Article III entitled "Sexual Offenders and Sexual Predators," to be inserted immediately following Sec. 54-61 thereof, and to read in its entirety as follows:

**ARTICLE III. – SEXUAL OFFENDERS AND SEXUAL PREDATORS**

Sec. 54-62. – Title.

This Article shall be known and may be cited as the "Green Cove Springs Sexual Offender and Sexual Predator Act."

Sec. 54-63. – Findings and Intent.

(a) The City Council hereby finds and determines that convicted sexual offenders and sexual predators present a threat to the public safety and welfare of children and are likely to repeat their sexual offenses.

(b) It is the intent of this Article to reduce the potential risk of harm to children by limiting the opportunity for sexual offenders and sexual predators to be in contact with unsuspecting children at vulnerable times and locations in Green Cove Springs.

Sec. 54-64. – Definitions.

(a) *Child* or *children* means individuals whose chronological age is less than eighteen (18).

(b) *Child care facility* has the same meaning as provided in Section 402.302, Florida Statutes, and includes day nurseries and family day care homes, licensed by the Department of Children and Families.

(c) *Child Safety Zone* means an area three hundred (300) feet extending from schools, child care facilities, parks, playgrounds and school bus stops.

(d) *Park* has the same meaning as provided in Section 775.215, Florida Statutes, specifically all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

(e) *Participate* means actively taking part in an activity or event.

(f) *Permanent residence* has the same meaning as provided in Section 775.21, Florida Statutes, specifically a place where the person abides, lodges, or resides for 3 or more consecutive days.

(g) *Playground* has the same meaning as provided in Section 775.215, Florida Statutes, specifically a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

(h) *School* means a public or private kindergarten, elementary, middle or secondary(high) school.

(i) *Sexual offender* has the same meaning ascribed to such term in Section 943.0435, Florida Statutes.

(j) *Sexual Predator* means a person designated as such pursuant to the criteria established in Section 775.21, Florida Statutes.

(k) *Temporary residence* has the same meaning as provided in Section 775.21, Florida Statutes, specifically a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations, 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 City, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this City.

Sec. 54.65. – Residency Requirements.

(a) A sexual offender or sexual predator required to register under Section 943.0435, Florida Statutes, or a sexual predator required to register under Section 775.21, Florida Statutes, may not establish a permanent or temporary residence within 1,000 feet of any school, child care facility, park, or playground.

(b) The 1,000 feet shall be measured in a straight line from the outer boundary line of the parcel of real property upon which the residential dwelling unit of the sexual offender or sexual predator is located, to the outer boundary line of the parcel of real property upon which the school, child care facility, park, or playground is located. The distance may not be measured by a pedestrian route or automobile route, but instead shall be measured as the shortest straight line between the two (2) points without regard to any intervening structures or objects. Without otherwise limiting the foregoing measurement instructions, under those circumstances in which the residential dwelling unit of the restricted sexual offender or sexual predator is within a cooperative, condominium or apartment building, the parcel of real property described in this paragraph shall consist of the parcel or parcels of real property upon which the cooperative, condominium, or apartment building that contains the residential dwelling unit of the restricted sexual offender or sexual predator is located.

(c) Exceptions. The provisions of this section shall not prohibit a sexual offender or sexual predator from continuing to reside at his or her residence:

(1) If the residence was established prior to the effective date of this Article, unless the sexual offense or a violation of probation for said offense was committed subsequent thereto.

- (2) If the person was a minor when he or she committed the sexual offense and was not convicted as an adult.
- (3) If the person is a minor.
- (4) If a school, child care facility, park, or playground is subsequently built or established within 1,000 feet of his or her established residence.

Sec. 54.66. – Prohibited Presence, Loitering or Prowling at Certain Locations; Exceptions.

(a) It is prohibited for a sexual offender or sexual predator to be on or within a Child Safety Zone. Upon registration at the Clay County Sheriff's office, the sexual offender or sexual predator shall receive a list of public and private areas that are considered to be within a Child Safety Zone of Clay County. The City of Green Cove Springs Police Department has developed a list of locations within the Child Safety Zone and updates the list annually. At time of registration, the sexual offender or sexual predator shall sign and certify that he or she has received the list of the Child Safety Zone areas from the Clay County Sheriff's office, and such list shall serve as notice to the sexual offender or sexual predator. The Green Cove Springs Police Department will have a Child Safety Zone list specific to the City of Green Cove Springs posted on the City website and a copy will be given to the Clay County Sheriff's office.

(b) Exceptions. This prohibition does not apply to:

- (1) A sexual offender or sexual predator who is in the process of dropping off or picking up his or her own child or a friend or relative's child (with the permission of the child's parent or legal guardian) from locations within a Child Safety Zone or while attending an activity with his or her own child or a friend or relative's child (with the permission of the child's parent or legal guardian) or when attending an adults only function.
- (2) A sexual offender or sexual predator who is on a prohibited location if it is a voting or voter registration location and he or she is present for the purposes of voting or registering during the hours designated for the voting or registration process, but only for the time required to complete the voting or registration process.
- (3) Traveling to or from or being at a government building for the purpose of conducting official business.
- (4) Single trips while traveling past a location specified in this section while enroute to another destination.
- (5) Traveling to or from or attendance at religious services.
- (6) A minor sexual offender or sexual predator enrolled in a Green Cove Springs public or private school in grades one (1) through twelve (12), while attending school or when present at his or her designated bus stop for transport to the school where he or she is enrolled.

(c) For the purposes of determining the minimum distance separation requirement, distance shall be measured by following a straight line from the outer property line of the area primarily designed for use by, or that is primarily used by children.

(d) For all activities involving the dropping off or picking up of a child or children, or attending an activity involving a child or children or traveling, attending services, or conducting official business as authorized above, the sexual offender or sexual predator may not remain or loiter any longer than is reasonably necessary to accomplish the task.

Sec. 54.67. – Prohibited Halloween Activity: Exception.

(a) It is unlawful for any sexual offender or sexual predator to participate in a Halloween event involving children, such as: distributing candy to children or other items to children on Halloween; or wearing costumes for the primary purpose of entertaining or attracting children.

(b) Any person designated a sexual offender, or sexual predator shall be required on October 31st of each year to:

- (1) Avoid all Halloween-related contact with children; and
- (2) Leave all outside residential lighting off during the evening hours after 5 p.m.; and
- (3) Exhibit no exterior decorations on his or her residence to attract or entice children to the residence.

(c) Exception. Halloween events in which the sexual offender or sexual predator is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this section.

Sec. 54.68. – Penalties.

The failure of a sexual offender or sexual predator to comply with the terms of this Article shall constitute a misdemeanor of the second degree, punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed 60 days, or by both such fine and imprisonment.

Sec. 54.69. – Applicability.

This Article shall be effective in the City of Green Cove Springs, Florida.

**Section 2. Repealer.** Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 3. Severability.** The various parts, sections and clauses of this Ordinance are hereby declared severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 4. Effective Date.** This Ordinance shall become effective upon passage.

**INTRODUCED AND APPROVED AS TO FORM ONLY ON THE FIRST READING BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, ON THIS 10TH DAY OF DECEMBER 2024.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Steven R. Kelley, Mayor

**ATTEST:**

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Erin West, City Clerk

**PASSED ON SECOND AND FINAL READING BY THE CITY COUNCIL OF GREEN COVE SPRINGS, FLORIDA, THIS 7TH DAY OF JANUARY 2025.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Steven R. Kelley, Mayor

**ATTEST:**

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Erin West, City Clerk

**APPROVED AS TO FORM ONLY:**

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L. J. Arnold, III, City Attorney