



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

New Business - Miscellaneous

J.3.

7/21/2020

Subject:

Legislative Intent and Permission to Advertise an Amendment to Section 74-102, Brevard County Code of Ordinances

Fiscal Impact:

Cost of enforcement as well as staff time necessary to create and maintain registry (minimal)

Dept/Office:

District 3

Requested Action:

Approval of legislative intent and permission to advertise amendments to County Code regarding sexual offenders and sexual predators, in order to close the private park and playground loophole.

Summary Explanation and Background:

Currently, Sec. 74-102 of Brevard County Code of Ordinances states, in part, that "no sexual offender or sexual predator shall enter into or remain within the 1,000-foot buffer zone surrounding any school, daycare center, park or playground. . ." Meanwhile, Sec. 74-101 defines park as "a *publicly* owned or operated area used or available for the public's use as a recreational facility. . ."

This definition is substantially different from the definition of parks used in this context in Florida Statute. Fla. Stat. Sec. 775.215 defines park as "all public *and private* property specifically designated as being used for recreational purposes and where children regularly congregate."

The limitation in County Code to publicly owned or operated areas is increasingly critical. A growing number of private entities are operating in the market-space of child recreation. As such, it is suggested that the Board consider options to close this loophole.

As such, it is suggested that the Board create a registry for businesses to opt-in. As part of the process to be included on this registry, a private business would certify that the business is a place where children regularly congregate and a primary aspect of its business involves recreation.

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It could accomplish this by creating a new subsection of code in Sec. 74-102(b) establishing a registry of businesses who choose to restrict sexual offenders and sexual predators from coming within 1,000 feet of the premises. To be included on the registry, an agent of said business would be required to certify that it is a place where children regularly congregate and a primary aspect of the business involves recreation. It is contemplated that such certification would be valid for one year, with the option to renew as needed.

The following language is suggested for advertisement:

AN ORDINANCE AMENDING SECTION 74-102 OF THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA IN ORDER TO ESTABLISH A VOLUNTARY REGISTRY OF BUSINESSES WHICH HAVE AS A PRIMARY PURPOSE RECREATION AND WHERE CHILDREN REGULARLY CONGREGATE, TO WHICH A 1,000 FOOT BUFFER ZONE RESTRICTION WILL BE APPLIED TO CONVICTED SEXUAL OFFENDERS AND PREDATORS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Clerk to the Board Instructions:



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

July 29, 2020

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.3., Legislative Intent and Permission to Advertise an Amendment to Section 74-102, Brevard County Code of Ordinances

This is to correct the memo dated July 22, 2020. The Board of County Commissioners, in regular session on July 21, 2020, approved legislative intent and granted permission to advertise amendments to County Code regarding sexual offenders and sexual predators, in order to close the private park and playground loophole.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for: Donna Scott
Kimberly Powell, Deputy Clerk

/sm

cc: County Attorney
Parks and Recreation Director



July 22, 2020

M E M O R A N D U M

TO: Commissioner John Tobia, District 3

RE: Item J.3., Legislative Intent and Permission to Advertise an Amendment to Section 74-102, Brevard County Code of Ordinances

The Board of County Commissioners, in regular session on July 22, 2020, approved legislative intent and granted permission to advertise amendments to County Code regarding sexual offenders and sexual predators, in order to close the private park and playground loophole.

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**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

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cc: County Attorney
Parks and Recreation Director