

Chapter 136 - SEXUAL OFFENDERS AND SEXUAL PREDATORS

[HISTORY: Adopted by the City Commission of the City of Ocoee 9-5-2006 as Ord. No. 2006-015. Amendments noted where applicable.]

§ 136-1. - Findings and intent.

- A. The City has appointed the Child Protection Recommendation Committee (the "Committee") to research and make recommendations with respect to the issues set forth in this Chapter. Based on the Committee's research, the Committee has found that repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses and most sexual offenders commit many offenses, have more victims than ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual victimization to society at large, while incalculable, clearly exorbitant. Based upon these findings, the Committee recommended that the City adopt this Chapter.
- B. It is the intent of this Chapter to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where minors regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

§ 136-2. - Definitions. [Amended 10-1-2013 by Ord. No. 2013-028]

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

PERMANENT RESIDENCE — A place where the person abides, lodges or resides for five or more consecutive days.

TEMPORARY RESIDENCE — A place where the person abides, lodges or resides for a period of five or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more days in any month and which is not the person's permanent residence.

TRANSIENT RESIDENCE — A place or county where a person lives, remains, or is located for a period of five or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

§ 136-3. - Sexual offender and sexual predator residence prohibition and exceptions.

- A. It is unlawful for any person who is convicted of committing, or attempting, soliciting, or conspiring to commit any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: § 787.01, 787.02, or 787.025(2)(c), where the victim is a minor and the defendant is not the victim's parent; § 787.06(3)(b),(d),(f),(g), or (h); chapter 794.011, excluding § 794.011(10); § 794.05; § 796.03, § 794.035; § 800.04; § 810.0145(8); § 825.1025; § 827.071; § 847.0133; § 847.0135 excluding § 847.0135(6); § 847.0137; § 847.0138; § 847.0145; § 985.701(1) or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or who has otherwise been designated as a sexual predator, as a violent sexual predator, or by another sexual offender designation in any state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, to establish

a permanent residence or temporary residence within 2,500 feet of any school, designated school bus stop, day care center, park, playground, place of worship, or other place designed or intended for minors to regularly congregate. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to nearest outer property line of a school, designated school bus stop, day care center, park, playground, place of worship or other place designed or intended for minors to regularly congregate. **[Amended 2-20-2007 by Ord. No. 2007-003; Amended 10-1-2013 by Ord. No. 2013-028]**

B. Exceptions. A person residing within 2,500 feet of any school, designated school bus stop, day care center, park, playground, place of worship or other place designed or intended for minors to regularly congregate does not commit a violation of this Section if any of the following apply:

- (1) The person established the permanent, temporary or transient residence and reported and registered the residence pursuant § 775.21, 943.0435 or 944.607, Florida Statutes, as may be amended from time to time, prior to September 5, 2006. If the person fails to maintain the permanent, temporary or transient residence reported and registered as provided herein for a period of five days, the exception granted by this subsection shall be lost. **[Amended 2-20-2007 by Ord. No. 2007-003; Amended 10-1-2013 by Ord. No. 2013-028]**
- (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (3) The person is a minor.
- (4) The school, designated school bus stop, day care center, park, playground, place of worship or other place designed or intended for minors to regularly congregate within 2,500 feet of the person's permanent residence was opened after the person established the permanent residence, temporary or transient residence and reported and registered the residence pursuant to § 775.21, 943.0435 or 944.607, Florida Statutes. **[Amended 2-20-2007 by Ord. No. 2007-003; Amended 10-1-2013 by Ord. No. 2013-028]**
- (5) The person established the permanent, temporary or transient residence prior to September 5, 2006, and subsequently reported and registered the residence pursuant § 775.21, 943.0435 or 944.607, Florida Statutes, as may be amended from time to time. If the person fails to maintain the permanent, temporary or transient residence reported and registered as provided herein for a period of five [days], the exception granted by this subsection shall be lost. **[Added 10-1-2013 by Ord. No. 2013-028]**

§ 136-4. - Prohibition against renting or allowing the use of property by sexual offenders and sexual predators.

It is unlawful for any person to enter into or renew any existing lease, rental agreement or other contract for, or otherwise let, rent or allow the use of any real property, place, structure, trailer or other conveyance, or part thereof, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to § 136-3 of this Chapter if such real property, place, structure, trailer or other conveyance, or part thereof, is located within 2,500 feet of any school, designated school bus stop, day care center, park, playground, place of worship, or other place designed or intended for minors to regularly congregate.

§ 136-5. - Penalties for offenses.

Any person violating any provision of this Section shall, upon conviction, be punished as provided in § 1-12 of Chapter 1, General Provisions, Article II, of the Code of Ordinances of the City of Ocoee. Each day such violation is committed or permitted to continue shall constitute a separate offense. In addition to the forgoing, the City may enforce the provisions of this Chapter as provided in Chapter 7, Enforcement of Code, of the Code of Ordinances of the City of Ocoee or pursue any other remedy permitted by law.