

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, “PUBLIC PEACE AND SAFETY,” BY AMENDING SECTION 132.36, “SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION,” TO EXPAND THE SCOPE OF PROHIBITIONS BY PROVIDING FOR VIOLATIONS OF ADDITIONAL STATE STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pompano Beach is deeply concerned about the numerous recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and

WHEREAS, the City is an attractive place of residence for younger families with small children; and

WHEREAS, the City Commission of the City of Pompano Beach desires to establish additional policies, which provide the maximum protection of the lives and persons in the City of Pompano Beach; and

WHEREAS, Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes, provide the City authority to protect the health, safety and welfare of its residents; and

WHEREAS, the City Commission of the City of Pompano Beach has the responsibility to make judgments about the best means to protect the health and welfare of its citizens, including promoting the safety of children; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 132.36, "Sexual Offender and Sexual Predator Residence Prohibition," of Chapter 132, "Public Peace and Safety," of the Code of Ordinances of the City of Pompano Beach is hereby amended to read as follows:

§ 132.36 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION.

(A) Findings and intent.

...

(C) Sexual offender and sexual predator residence prohibition; penalties; exceptions:

(1) It is unlawful for any person who has been convicted of a violation of ~~F.S.~~ § 794.011, § 800.04, § 827.071, ~~or~~ § 847.0145, § 775.0847, or § 847.0137, Florida Statutes, or convicted of a similar felony sexual offense in any other state, Federal Court, or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to establish a permanent or temporary residence within 2,500 feet of any school, designated public school bus stop, day care center, park or playground. Each day a person is in violation of any of the provisions herein shall constitute a separate offense.

(2) 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 or temporary residence to nearest outer property line of any school, designated public school bus stop, day care center, park, or playground.

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SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2023.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

TAL:jrm
11/17/22
l:ord/ch132/2023-52