

Sec. 74-102. - Sexual offenders and sexual predators.

- (a) *Prohibited residences of sexual offenders and sexual predators.* It is prohibited and unlawful for any sexual offender or sexual predator to abide, lodge or reside in a permanent or temporary residence located within the county when such residence is located within 1,000 feet of any school, day care center, park or playground, regardless of whether the school, day care center, park or playground lies within the jurisdictional limits of the county. A sexual offender or sexual predator, having a permanent residence within 1,000 feet of any school, day care center, park or playground, does not commit a violation of this section if any of the following apply:
- (1) The sexual offender or sexual predator established the permanent residence in the specific dwelling in question prior to the effective date of this article.
 - (2) The sexual offender or sexual predator was a minor when committing the offense causing the designation as a sexual predator or sexual offender and was not sentenced as an adult for that offense.
 - (3) The school, day care center, park or playground was opened or established after the sexual offender or sexual predator established the permanent residence.
- (b) *Restriction of certain activities of sexual offenders and sexual predators.* 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 except to:
- (1) Conduct official government business at a Brevard County government office or a local municipality government office. When a sexual offender or sexual predator enters upon Brevard County government property or local municipality government property pursuant to this subsection, the sexual offender or sexual predator shall promptly depart from the property without any undue delay or loitering on premises after completing official government business. For the purposes of this subsection, the terms "Brevard County government office" and "local municipality government office" do not include school property.
 - (2) Attend a scheduled interview or meeting with a social service provider licensed by the state;
 - (3) Comply with a request or court order from the judiciary, a correctional facility or a law enforcement entity;
 - (4) Attend a scheduled meeting or interview with criminal justice personnel at a criminal justice facility;
 - (5) Attend a bona fide educational institution as a registered student;
 - (6) Attend a scheduled or emergency health care visit with a licensed physician;
 - (7) As a result of fulfilling legally allowable duties imposed by gainful employment;
 - (8) Transport children within their legal custody to and from school or daycare without any undue delay or loitering on premises;

- (9) Seek refuge in a public shelter that has been officially designated by the county or any municipality to house sexual offenders or sexual predators during times of impending natural disasters or acts of terrorism;
- (10) Attend a scheduled legal consultation meeting with an attorney who is recognized as a licensed member of the bar of the state;
- (11) Attend a church service or function;
- (12) Vote at a designated polling place within his or her district, obtain a vote-by-mail ballot from the supervisor of elections, or deliver a vote-by-mail ballot to a secure drop box of the supervisor of elections or office of the supervisor of elections;
- (13) If the sexual offender or sexual predator is the parent or guardian of a person under 18, years of age, provided the sexual offender or sexual predator has declared his or her status as a sexual offender or sexual predator prior to entering the school property, has either scheduled a set time period to enter upon the property with the principal or designee or immediately notifies the principal or designee upon entering the school property, and remains under direct supervision of a school official or designated chaperone when present in the vicinity of children:
 - a. Attend a scheduled conference at school with school personnel to discuss the progress of his or her child academically or socially;
 - b. Participate in scheduled child review conferences in which evaluation and placement decisions may be made or considered with respect to his or her child regarding special education services; or
 - c. Attend scheduled conferences to discuss other student issues concerning his or her child such as retention and promotion.

As used in this section, the term "school official" means a principal, a school resource officer, a teacher or any other employee of the school, the superintendent of schools, a member of the school board, a child care facility owner, or a child care provider.

- (14) If the sexual offender or sexual predator lawfully resides within 1,000 feet of any school, day care center, park or playground, he or she may enter into or remain within 1,000 feet of such school, day care center, park or playground for the purposes of travel to and from his or her residence, and any other bona fide activity arising from the ordinary maintenance and activities associated with such residence.
- (15) Attend a public meeting subject to F.S. ch. 286, provided that no less than 24 hours prior to entering the property for the purpose of being present at a public meeting, the sexual offender or sexual predator has notified the county sheriff's office sex offender registration and tracking (SORT) unit, indicating the sexual offender or sexual predator's intention to be present at the public meeting. The county sheriff's office will forward the notification to the

county manager or the local municipality as deemed appropriate. When a sexual offender or sexual predator enters upon government property pursuant to this subsection the sexual offender or sexual predator shall, upon adjournment of the public meeting, promptly depart from the government property without any undue delay or loitering on premises. For purposes of this subsection, the terms "Brevard County government property" and "local municipality property" do not include school property.

- (16) With respect to subsection (15) above, in the event a governmental agency holds an emergency public meeting and the 24-hour notice provision cannot be met, the sexual offender or sexual predator shall notify the county sheriff's office SORT unit as soon as reasonably possible, but at a minimum, must notify law enforcement present upon entering the governmental building of his or her sexual offender or sexual predator status.

However, this section shall not be construed as prohibiting any person from traveling on those public roads located within the county when traveling through the buffer zone without intentional delay. A law enforcement officer shall, prior to any arrest for an offense under this section afford the person an opportunity to explain his or her presence in the area and the purpose thereof. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have authorized the person to be in the area pursuant to one of the exceptions listed above.

- (c) *Measurement of distance requirement for residence.* For purposes of measuring separation of a residence from a school, day care center, park or playground, all distances shall be measured from the outermost property line of the parcel upon which the residence is located running in a direct line to the outermost property line of the school, day care center, park or playground. For example, if the residence were located in a generally southwesterly direction from a park, then the measurement would be from the northeast corner of the residential parcel to the southwest corner of the park. For all other purposes, measurements shall run from the outermost property line of the school, day care center, park or playground.
- (d) *Measurement of distance requirement for sexual offender or sexual predator.* For purposes of measuring separation of a person designated as a sexual offender or sexual predator from a school, day care center, park or playground, all distances shall be measured from the closest observed location of the sexual offender or sexual predator to the outermost property line of the school, day care center, park or playground using a direct line measurement.
- (e) *Required declaration of status as a sexual offender or sexual predator.*
- (1) During times of impending natural disasters or acts of terrorism, sexual offenders and sexual predators shall immediately identify themselves as a sexual offender or sexual predator, as the case may be, to the official in charge of any public shelter where they seek refuge. Sexual

offenders or sexual predators will not be permitted to remain at general shelters not designated to house them. Sexual offenders and sexual predators will only be permitted housing at shelters specifically approved to house sexual offenders and sexual predators.

- (2) A sexual offender or sexual predator attending any school or transporting children they have legal custody of to a school or day care center must declare his or her status as a sexual offender or sexual predator to the superintendent, principal or child care facility owner prior to entering the school or day care center property, and must also either schedule with the principal a set time period to enter upon the property or immediately notify the principal or designee upon entering school grounds or day care center property. In accordance with the provisions of F.S. § 856.022, the sexual offender or sexual predator must remain under direct supervision of a school official as defined in subsection 74-102(b)(13) or a designated chaperone when present in the vicinity of children, unless the person is only dropping off or picking up his or her own children or grandchildren at the child care facility or school.
- (3) All sexual offenders and sexual predators registered in the county shall carry their state driver's license or state identification card on their person at all times.
- (f) *Prohibition on rentals and leaseholds.* It is unlawful for a property owner to knowingly let or rent any place, structure, or part thereof, to a sexual offender or sexual predator, with the knowledge that it will be used as a permanent or temporary residence, if such place, structure, or part thereof, is located within 1,000 feet of any school, day care center, park or playground. In any prosecution for a violation of this section there shall be the following rebuttable presumptions:
 - (1) That the property owner had knowledge that the person letting or renting the premises was a sexual offender or sexual predator, upon proof that the person was registered as same, either in the statewide or local registry; and
 - (2) That the place, structure or part thereof would be used as a permanent or temporary residence, upon proof that the property is located within a residential zoning classification.
- (g) *Unlawful residency.* It is unlawful for a sexual offender or sexual predator to establish residency, whether through ownership, rental or lease after the effective date of this article, if such place, structure, or part thereof, is located within 1,000 feet of any school, day care center, park or playground.

(Ord. No. 2006-31, § 3, 5-16-06; Ord. No. 2022-11, § 2, 4-19-22; Ord. No. 2022-20, § 4, 8-2-22)