

**ORDINANCE No. 05-71**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 21 “OFFENSES AND MISCELLANEOUS PROVISIONS”, ARTICLE II “MINORS” OF THE TOWN CODE TO ADD SECTION 21-13A REGARDING “SEXUAL OFFENDER RESIDENCY PROHIBITION”; AND ADD SECTION 21-13B REGARDING “SEXUAL OFFENDER NOTIFICATION”; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AN AMENDMENT TO SECTION 8CC-10 OF THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, Section (b), Florida Constitution and Section 166.021, Florida Statutes, provide the Town of Miami Lakes (the “Town”) the authority to protect the health, safety and welfare of its residents; and

**WHEREAS**, the Town Council is concerned about the numerous recent occurrences of convicted sex offenders who have been released from custody repeating similar unlawful acts for which they have been originally convicted, particularly in the State of Florida; and

**WHEREAS**, the Town Council finds from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who have committed crimes against children; and

**WHEREAS**, the Town Council desires to establish a policy which provides the maximum protection of the lives of individuals living in the Town; and

**WHEREAS**, the Town Council finds that it is in the best interests of the residents of the Town to adopt the following ordinance to the Town Code.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The following section shall be added to Chapter 21 to read as follows:

Section 21-13A

Section 21-13A. Sex Offender Residency Prohibition.

- (1) Any terms used in this section that are defined in Chapters 775, 794, 800, 827 or 847, Florida Statutes, shall carry the meaning attached to it in the Florida Statutes, as applicable to this section
- (2) It is unlawful for any person who has been convicted of a violation of Section 794.01, 800.04, 827.071, or 847.0145, Florida Statutes, at any time, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park, or playground.
- (3) It is unlawful for any person who has been convicted of a sexual offense in any state in the United States, at any time, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, as that term was applied and used by the state in which the person was convicted, to reside within 2,500 feet of any school, designated public school bus stop, day care center, park or playground.
- (4) A person residing within 2,500 feet of any school, designated public school bus stop, day care center, park, playground, does not commit a violation of this section if any of the following apply:
  - (a) The person established the residence prior to the effective date of this ordinance July 12, 2005;
  - (b) The person was a minor when he/she committed the offense and was not convicted as an adult;
  - (c) The person is a minor; or
  - (d) The school, designated public school bus stop, park, playground or day care center within 2,500 feet of the persons residence was opened after the person established the residence.
- (5) Enforcement. A violation of this Ordinance or any resolution adopted pursuant to this Ordinance may be enforced pursuant to Section 8CC-10 of the Town Code and by issuance of a uniform civil violation notice, citation, summons, notice to appear in county court, or by filing an action in civil court for injunctive relief. This Ordinance is supplemental and nothing contained herein shall prohibit the Town from enforcing

this Ordinance by any other lawful means which may include a fine not to exceed \$500 or 60 days in jail.”

\* \* \*

Section 21-13B. Sex Offender Notification.

If any person who has been convicted of a violation of Section 794.01, 800.04, 827.071, or 847.0145, Florida Statutes, regardless of whether adjudication has been withheld, establishes residence within the Town of Miami Lakes, the Town shall notify all residents who reside within a two mile radius of said individual.”

**Section 3. Amendment to Chapter 8CC-10.** Chapter 8CC-10 is hereby amended to include penalties for violations of this Ordinance as follows:

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
21-13A	First Violation of Sex Offender Residency Prohibition	\$ 500.00
21-13A	Subsequent Violation of Sex Offender Residency Prohibition	\$1,000.00

**Section 4. Repeal Of Conflicting Provisions.** Any provision of the Code that conflicts with this Ordinance is hereby repealed.

**Section 5. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Inclusion In The Code.** It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such

intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember Mary Collins, who moved its adoption on first reading. The motion was seconded by Councilmember Nancy Simon and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	yes
Councilmember Robert Meador, II	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes
Councilmember Peter Thomson	yes
Vice Mayor Roberto Alonso	yes
Mayor Wayne Slaton	yes

PASSED AND ADOPTED on first reading this 14th day of June, 2005.

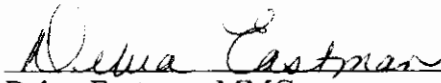
The foregoing Ordinance was offered by Councilmember Mary Collins, who moved its adoption on second reading. The motion was seconded by MAYOR WAYNE SLATON, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador, II	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>
Vice Mayor Roberto Alonso	<u>yes</u>
Mayor Wayne Slaton	<u>yes</u>

PASSED AND ADOPTED on second reading this 12 day of July, 2005.

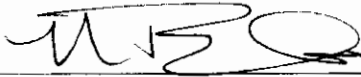
Wayne Slaton  
Wayne Slaton  
MAYOR

ATTEST:



Debra Eastman, MMC  
TOWN CLERK

Approved as to form and legality for the use  
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza,  
Cole & Boniske, P.A.  
TOWN ATTORNEY