



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: February 3, 2023
SUBJECT: Residency Restrictions for Registered Sex Offenders – Permission to Advertise

BACKGROUND.

On September 20, 2022, the Indian River County Board of County Commissioners directed the County Attorney and staff to work with the Sheriff's Office regarding the False Alarm Ordinance, the expansion of adult arcades, regulation of sober homes, and residency restrictions for sexual offenders. As a follow-up to that effort, the County Attorney's Office in conjunction with the Sheriff's Office has drafted the attached language modifying the current requirements set forth in section 306.06 of the Indian River County Code of Ordinances (the "Code").

The proposed draft includes definitions for various terms. Currently, section 306.06 of the Code does not contain any definitions. The current residency restrictions are set forth in the attached current version of section 306.06 of the Code. These restrictions include distance limitations of 2,500 feet from a public or nonpublic elementary or secondary school, public park or licensed child care facility. There are several exceptions set forth in section 306.06 of the Code, including for persons who 1) are required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility; 2) are subject to an order of commitment under Chapter 394, Florida Statutes (Mental Health); 3) have established a residence prior to the February 7, 2006, or a school or child care facility is newly located on or after February 7, 2006; 4) are a minor or a ward under a guardianship. Additionally, there is an exception pertaining to instances when a state of emergency has been declared and the public or nonpublic elementary or secondary school, public park or registered child care facility has been designated as an emergency shelter. In these situations, there are notification requirements for such persons.

The draft language maintains a 2,500 foot distance requirement for "any public or non-public elementary, middle, secondary or high school, public park, or licensed child care facility." The draft language also contains similar exceptions as the current language set forth in section 306.06 of the Code. The critical aspect of the draft language is clarifying through definitions some of the terms used in the Code.

FUNDING.

The only cost associated with this item is the advertising cost for the public hearing which is estimated to be approximately \$150.00 and is available from General Fund/County Attorney/Legal Ads; Account No. 00110214-034910.

RECOMMENDATION.

The County Attorney's Office recommends that the Indian River County Board of County Commissioners authorize staff to advertise for a public hearing on March 28, 2023 to consider an ordinance amending Indian River County Code of Ordinances pertaining to residency restrictions for registered sex offenders.

ATTACHMENT.

Section 306.06 of the Indian River County Code of Ordinances
Draft Ordinance Language