

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060638

1. ACTION REQUESTED/PURPOSE: Conduct a Public Hearing and consider the adoption and execution of the proposed Emergency Shelters for Sexual Predators and Offenders Ordinance.

2. WHAT ACTION ACCOMPLISHES: Board to formally adopt Ordinance at a scheduled, advertised, Public Hearing.

3. MANAGEMENT RECOMMENDATION: Adopt Ordinance.

4. Departmental Category: PH #1 5:00		5. Meeting Date: 06-13-2006
6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<input type="checkbox"/> Consent	<input type="checkbox"/> Statute	Commissioner
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	Department County Attorney
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code	Division General Services
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Other	By: Scott S. Covert
<input type="checkbox"/> Walk-On		

9. Background:

On April 4, 2006, before the Management and Planning (M&P), the Lee County Sheriff's Office requested Lee County to provide emergency shelters for sexual predators and offenders.

The purpose of this proposed Ordinance is to provide temporary public shelter for sexual predators and offenders in the event of a hurricane or other natural disaster. The proposed Ordinance will apply to any person who is required by Florida law or the law of that person's place of residence to register as a sexual predator or offender. The proposed Ordinance would only apply to those sexual predators or offenders who utilize or intend to utilize a temporary emergency shelter.

ATTACHMENTS: "Draft" Emergency Shelters for Sexual Predators and Offenders Ordinance
Notice of Intent
Financial & Administrative Impact Statement (FAIS)

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
					5/18/06	5/18/06	5/18/06	5/18/06	

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED TO:
Adm
5/18/06

RECEIVED BY COUNTY ADMIN: PK
5-18-06
COUNTY ADMIN FORWARDED TO: PK
5/18/06
4:30pm

LEE COUNTY ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ESTABLISHING REQUIREMENTS FOR THE PUBLIC SHELTERING OF SEXUAL OFFENDERS AND PREDATORS; REQUIRING SUFFICIENT SEPARATE AND EXCLUSIVE SHELTER SPACE FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS; NOTIFICATION AND REGISTRATION REQUIREMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

WHEREAS, the Board of County Commissioners of Lee County, Florida 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 same unlawful acts for which they had originally been convicted; and

WHEREAS, the Board of County Commissioners of Lee County, Florida finds from the available evidence that the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desire to establish a policy providing for the maximum protection of the lives and persons in Lee County; and

WHEREAS, the Board of County Commissioners of Lee County, Florida finds that sex offenders convicted of crimes under certain Florida Statutes should not be allowed in public shelters where children may be present during hurricanes and other natural disasters.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: **TEMPORARY EMERGENCY SHELTERS; SEXUAL PREDATORS AND OFFENDERS NOTIFICATION AND REGISTRATION REQUIREMENTS**

- A. *Temporary Emergency Shelter* for the purposes of this Section shall mean any public or private building or facility where temporary housing, feeding, or medical care is provided to persons who evacuate their homes or a hotel, motel, or other place of temporary residence in anticipation of or as a result of any storm, flood, hurricane, tornado, explosion, fire or other natural, technological, manmade, or other event or incident requiring evacuation.

- B. Any person who is required by Florida law or the law of that person's place of residence to register as a sexual predator or sexual offender and who utilizes or intends to utilize a temporary emergency shelter shall:
 - 1. Report to a pre-designated, sexual predator or sexual offender, shelter as identified by the Lee County Sheriffs's Office.

 - 2. In the event a pre-designated, sexual predator or sexual offender, shelter is unavailable, a sexual predator or sexual offender shall,

immediately upon entering the temporary emergency shelter:

- a. Notify the law enforcement officers on duty at the temporary emergency shelter and the individual or individuals operating the temporary emergency shelter that he or she is a registered sexual predator or sexual offender; and
 - b. Complete and sign the temporary emergency shelter log-in sheet; and
 - c. Complete, sign, and deliver to an individual operating the temporary emergency shelter the registration form provided at the temporary emergency shelter.
- C. Law enforcement officers on duty at the temporary emergency shelter or the individual or individuals operating the temporary emergency shelter may, at any time, assign the sexual predator or sexual offender to a separate temporary emergency shelter designated by the Lee County Sheriff for use by sexual predators and sexual offenders or to a specific location within the temporary emergency shelter.
- D. A sexual predator or sexual offender assigned to a specific location within a temporary emergency shelter pursuant to Subsection C. of this Section shall not enter any other area of the temporary emergency shelter.
- E. A sexual predator or sexual offender shall leave the temporary emergency shelter when instructed to leave by a law enforcement officer on duty at the

temporary emergency shelter.

- F. The Lee County Sheriff may designate all or part of one or more public buildings, jails or other correctional facilities as temporary emergency shelters to be used by sexual predators and sexual offenders.
- G. Law enforcement officers on duty at a temporary emergency shelter and the individual or individuals operating the temporary emergency shelter shall place signs at the entrance(s) and exist(s) in use at the temporary emergency shelter and at conspicuous locations within the temporary emergency shelter to give notice to sexual predators and offenders of the requirements of Subsection B.2. of this Section.
- H. Law enforcement officers performing duties under the provisions of this Section are acting within the scope of the officer's discretionary authority as a law enforcement officer.

SECTION TWO: PENALTIES

Any person convicted of any provision of this Ordinance shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the County jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment for each offense.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most

restrictive requirements shall apply.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION SIX: EFFECTIVE DATE

This Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to vote, the vote was as follows:

BOB JANES _____
DOUGLAS R. ST. CERNY _____
RAY JUDAH _____
TAMMARA HALL _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2006.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY ORDINANCE

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the **13th day of June 2006, at 5:00 o'clock p.m.**, in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Ordinance pursuant to Article VIII, Section 1, of the Florida Constitution and Chapter 125, Florida Statutes. The title of the proposed County Ordinance is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ESTABLISHING REQUIREMENTS FOR THE PUBLIC SHELTERING OF SEXUAL OFFENDERS AND PREDATORS; REQUIRING SUFFICIENT SEPARATE AND EXCLUSIVE SHELTER SPACE FOR SEXUAL OFFENDERS AND SEXUAL PREDATORS; NOTIFICATION AND REGISTRATION REQUIREMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

1. Copies of this Notice and the proposed Ordinance are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the proposed Ordinance during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.
2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Ordinance.

3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State, or as may be otherwise prescribed in the Ordinance.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.


PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2005), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: May 30, 2006 & June 6, 2006

LEE COUNTY, FLORIDA

FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT

PROPOSED COUNTY ORDINANCE: Emergency Shelters for Sexual Predators & Offenders

NAME OF ORDINANCE: Emergency Shelters for Sexual Predators and Offenders

A. Statement of Purpose:

Establishes temporary public shelter for sexual predators and offenders in the event of a hurricane or other natural disaster.

B. Narrative Summary of Ordinance (Several Sentence Summary):

Any person who is required by Florida law or the law of that person's place of residence to register as a sexual predator or offender, and who utilizes or intends to utilize a temporary emergency shelter shall report to a pre-designated shelter as identified by the Lee County Sheriff's Office.

C. Principal Division(s) or Department(s) Affected (List):

Lee County Sheriff's Office
Lee County Public Safety

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:
Shelters for Sexual Predators and Offenders**

I. FISCAL IMPACT ON COUNTY AGENCIES/COUNTY FUNDS.

A. What is estimated Demand? (Develop Indicators)
N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs?

	1st Year \$'s		2nd Year \$'s	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A		N/A	
Fringe				
Operating				
Capital Outlay				
Total				

D. List the anticipated revenues to cover costs identified in II., C., above. If a fee is to be charged, answer the following:

1. What is the basis (rationale) for the fee?
2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered?

E. Give a brief narrative analysis of the information contained in II., A. through D., above.

No financial impact. Requires offenders to report to pre-designated shelter in event of hurricane or disaster.