

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

**Blue Sheet No. 20060528**

**1. ACTION REQUESTED/PURPOSE:** Request authorization to advertise for and conduct a Public Hearing on Tuesday, June 13, 2006, at 5:00 p.m., in Chambers to consider the adoption and execution of the proposed Emergency Shelters for Sexual Predators and Offenders Ordinance.

**2. WHAT ACTION ACCOMPLISHES:** Sets the Public Hearing Date for Board to formally adopt Ordinance.

**3. MANAGEMENT RECOMMENDATION:** Set Public Hearing date and time for **Tuesday, June 13, 2006, at 5:00 p.m.**, to allow the process to go forward.

<b>4. Departmental Category:</b> <span style="font-size: 1.5em; font-weight: bold;">CIZA</span>		<b>5. Meeting Date:</b> <span style="font-size: 1.2em; font-weight: bold;">05-16-2006</span>
<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b>	
	Statute _____	
	Ordinance _____	
	Admin. Code _____	
	Other _____	
		<b>8. Request Initiated:</b> Commissioner _____ Department <u>County Attorney</u> Division <u>General Services</u> By: <u>Scott S. Covert</u>

**9. Background:**

The Lee County Sheriff's Office brought the request for the need for emergency shelters for sexual predators and offenders before the Management and Planning (M&P) on April 4, 2006.

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.

ATTACHMENT: "Draft" Emergency Shelters for Sexual Predators and Offenders Ordinance

**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.	
				S. [Signature] 5/2/06	[Signature] 5/3/06	[Signature] 5/3/06	[Signature] 5/3/06	[Signature] 5/3/06	[Signature] 5-4-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

CO. ATTY.  
FORWARDED TO:

RECEIVED BY  
COUNTY ADMIN: CK  
5-2-06  
JIC  
 COUNTY ADMIN  
 FORWARDED TO:  
5-4-06  
P.R. 7:15

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