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AGENDA ITEM SUMMARY

MEETING DATE: March 3, 2025

AGENDA ITEM NO.: 7

FOR:

City of Weston Indian Trace Development District Bonaventure Development District

TITLE:

An Ordinance of the City of Weston, Florida, amending the Code of Ordinances of the City, creating Section 52.48, "Sexual Violator Prohibition In Public Parks;" and providing for an effective date.

Public Hearing and First Reading

SUMMARY EXPLANATION & BACKGROUND:

The City Commission desires to afford the residents of the City protection from sexual violators, to the maximum extent allowed by controlling law, in order to advance public health, safety, welfare and to benefit the residents of the City.

REQUESTED ACTION: Approval

EXHIBITS (LIST): (i) Ordinance, and (ii) Business Impact Estimate

PREPARED BY:

Jamie Alan Cole, City Attorney

PETITIONER/REPRESENTATIVE:

Not Applicable

RECOMMENDED FOR CONSIDERATION BY:

Donald P. Decker, City Manager
 Jamie Alan Cole, City Attorney

FUNDING SOURCE:

Not Applicable

VOTING REQUIRED FOR PASSAGE:

Majority Majority Plus One Unanimous

COMMISSION ACTION:

	M	2	Y	N		
					Approved as presented	
Commissioner Andrade					Approved as amended	
Vice Mayor Mead					Approved with conditions	
Commissioner Molina-Macfie					Continued to	
Commissioner Jaffe					Deferred to	
Mayor Brown					To deny	

**CITY OF WESTON, FLORIDA
ORDINANCE NO. 2025-__**

AN ORDINANCE OF THE CITY OF WESTON, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY, CREATING SECTION 52.48, "SEXUAL VIOLATOR PROHIBITION IN PUBLIC PARKS;" AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, First, the City Commission is concerned about the numerous occurrences in the State of Florida and in the United States, where sexual violators have been released from custody and repeat the unlawful acts for which they had originally been sentenced; and

WHEREAS, Second, the State of Florida has recognized the importance of regulating sexual violators and has enacted laws governing the conduct of such individuals including Section 775.215, Florida Statutes, "Residency restriction for persons convicted of certain sex offenses," to control the threat of child victimization; and

WHEREAS, Third, the Florida Department of Law Enforcement maintains and provides access to a database containing public record information on offenders classified as sexual offenders, and sexual predators under Florida law because of a conviction for a sex-related crime and/or a specified crime against children, which information is made available to interested citizens to help them educate themselves about the possible presence of such offenders and predators in their local communities; and

WHEREAS, Fourth, experts in the field of child sex crimes widely recognize that child sexual abuse is significantly underreported; and

WHEREAS, Fifth, the article, "No Easy Answers- Sex Offender Laws in the US," cites a 2000 study that looked at data from 12 states, persons under the age of 18 at the time of the crime accounted for two-thirds of all victims of sexual assault reported to law enforcement agencies; and recidivism rates of sexual offenders/predators within four to six years of release from prison was 13% for child molesters and 24% for rapists; and

WHEREAS, Sixth, the article, "Sex Offender Risk and Recidivism in Florida," reported of 499 offenders studied, 14% of their victims were under age 6; 40% of their victims were between the ages of 7-12; 40% of victims were aged 13-15; and 16% of their victims were aged 16 or older; and

WHEREAS, Seventh, the study showed that in Florida after five years, 5.2% of the sample of sexual violators had been re-arrested for a new sexual crime. After 10 years, 13.7% of the sample had been re-arrested for a new sexual crime; and

WHEREAS, Eighth, the Colorado Bureau of Investigation has assembled the following relevant statistics; and

- Research indicates that, nationally, approximately 5% to 20% of adult sex offenders reoffend sexually over time; and

Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

- 1 • This re-offending rate is based on known information and is likely an underestimate due to
2 underreporting; and
3
- 4 • Nationally, approximately 12% reoffend by committing violent, but non-sexual offenses; and
5
- 6 • The way sex offenders select victims is often more influenced by opportunity and access than
7 by preference in victim type; and
8
- 9 • Existing research estimates that approximately 55% of reported online offenders (i.e., child
10 sexual exploitation material offenders, also known as pornography offenders) have also
11 committed unreported contact/hands-on offenses (based on offender self-report); and
12

13 WHEREAS, Ninth, the City of Weston is a family oriented City which highly values its
14 children, and is a place that families with young children find highly desirable; and
15

16 WHEREAS, Tenth, the City Commission desires to afford the residents of the City protection
17 from sexual violators, to the maximum extent allowed by controlling law, in order to advance public
18 health, safety, welfare and to benefit the residents of the City; and
19

20 WHEREAS, Eleventh, the City Commission desires to ensure that children in the City are
21 protected from sexual violators, to the maximum extent afforded by controlling law, in order to
22 advance the public health, safety, and welfare and to benefit the residents of the City of Weston; and
23

24 WHEREAS, Twelfth, the purpose of this ordinance is to reduce the potential risk of harm to
25 children in the City by limiting the opportunity for sexual violators to be in contact with children in
26 locations where children may congregate; and
27

28 WHEREAS, Thirteenth, the City Commission may act in accordance with the provisions of
29 Article II, Section 7 of the Constitution of the State of Florida, and the Home Rule Power of the City,
30 which is contained in F.S. Ch. 125, which enables them to conduct City government, perform City
31 functions, render City services, and may exercise any power for City purposes except as otherwise
32 provided by law; and
33

34 WHEREAS, Fourteenth, because of the foregoing, the City enacted the sexual violator
35 residency limitation on July 5, 2005 by Ordinance No. 2005-08, and the City Commission desires to
36 further protect children by prohibiting sexual violators in City public parks, since parks are locations
37 where children congregate; and
38

39 WHEREAS, Fifteenth, the City Commission desires to amend the City Code to create Section
40 52.48 to be entitled, "Sexual Violators Prohibited in Public Parks;" and
41

42 WHEREAS, Sixteenth, the City Commission finds that it is in the best interest of the City to
43 adopt this Ordinance.
44

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1 NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Weston, Florida:

2
3 **Section 1.** The foregoing Whereas clauses are ratified and incorporated as the legislative intent
4 and factual findings underlying this Ordinance.

5
6 **Section 2. Amendment to Chapter 52.**

7
8 Chapter 52, "Prohibited Acts," of the Code of Ordinances of the City of Weston is amended
9 to read as follows:

10
11 **§ 52.48 SEXUAL VIOLATOR PROHIBITION IN PUBLIC PARKS.**

12
13 No Sexual Violator shall knowingly be upon or remain on the premises of any Public Park. Any
14 Person violating this provision is subject to the penalties prescribed under §2.99 of the Code.

15
16 **Section 3. Codification.**

17
18 It is the intention of the City Commission that the provisions of this Ordinance become and
19 be made part of the City Code, and that the Sections of this Ordinance and Code may be renumbered
20 or relettered and the word "ordinance" may be changed to "section" or such other appropriate word
21 or phrase to accomplish such intentions.

22
23 **Section 4. Severability.**

24
25 Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be
26 declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity
27 of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

28
29 **Section 5. Conflict.**

30
31 That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of
32 Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed
33 to the extent of such conflict.
34

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1 **Section 6. Effective Date.**

2 This Ordinance shall become effective upon passage and adoption.

3 PASSED ON FIRST READING _____.

4 PASSED AND ADOPTED ON SECOND READING _____.

5 CITY COMMISSION
6 CITY OF WESTON, FLORIDA

7 By _____
8 Margaret Brown, Mayor

9 ATTEST:

10 _____
11 Patricia A. Bates, MMC, City Clerk

12 Approved as to form and legality
13 for the use of and reliance by the
14 City of Weston only:

15 _____
16 Jamie Alan Cole, City Attorney

17 Roll Call:
18 Commissioner Andrade _____
19 Vice Mayor Mead _____
20 Commissioner Molina-Macfie _____
21 Commissioner Jaffe _____
22 Mayor Brown _____

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24 made from First Reading.



BUSINESS IMPACT ESTIMATE¹

Meeting Date: 03/03/2025

Agenda Item No. 7

Summary of Proposed Ordinance and Statement of Public Purpose to be Served

An Ordinance of the City of Weston, Florida, amending the Code of Ordinances of the City, creating Section 52.48, "Sexual Violator Prohibition in Public Parks;" and providing for an effective date.

Public Hearing and First Reading

Estimate of Direct Economic Impact on Private/For Profit Businesses

a. Estimate of Direct Business Compliance Costs:

None

b. New Charges/Fees on Businesses Impacted:

None

c. Estimate of Regulatory Costs:

None

Good Faith Estimate of Number of Businesses Likely Impacted:

None

Any Additional Information:

N/A

¹ Business Impact Estimate does not apply to the following:
1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
a. Part II of Chapter 163, F.S.;
b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
c. Sec. 553.73, F.S. (Fla. Building Code);
d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).