

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2014-552

AN ORDINANCE AMENDING SECTION 656.401(e) (CARE CENTERS/DAY CARE CENTERS), SUBPART A (PERFORMANCE STANDARDS AND DEVELOPMENT CRITERIA), PART 4 (SUPPLEMENTARY REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE TO PROHIBIT CHILD CARE FACILITIES ESTABLISHED AFTER OCTOBER 1, 2014 FROM LOCATING WITHIN 2,500 FEET OF A REGISTERED SEXUAL PREDATOR RESIDENCE; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends the Zoning Code to prevent new day care centers from locating within 2,500 feet of a registered sexual predator based on the Florida Department of Law Enforcement Sexual Offender and Predator Database. The Planning and Development Department will check the Database when reviewing any zoning application for a new child care center or child day care center.

II. EVALUATION

- A. The need and justification for the change There are over 2,700 sexual offenders and predators living in Duval County. Florida Statutes stipulate that sexual predators are required to register their place of residence with the Florida Department of Law Enforcement. Florida law prohibits a sexual predator from residing within 1,000 feet of a school, day care center, park, playground, library or other location where children regularly congregate. This legislation stipulates that after October 1, 2014, new day care centers shall not be located within 2,500 feet of a sexual predator residence.
- B. Summary of Bill The bill amends the Zoning Code to prevent new day care centers from locating within 2,500 feet of a registered sexual predator based on the Florida Department of Law Enforcement Sexual Offender and Predator Database. The Planning and Development Department will check the Database when reviewing any zoning application for a new child care center or child day care center.
- C. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by instituting and enforcing rules

which reduce and minimize the unwanted creation of a transient population of sexual predators.

D. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this topic.

E. Additional Information.

The legislation calls for the Planning and Development Department to produce a special purpose survey using the Florida Department of Law Enforcement database. Special purpose surveys are typically produced by land surveyors registered with the State of Florida, and the Planning and Development Department does not employ any surveyors. Therefore, we recommend that the term "special purpose survey" be replaced with "neighborhood search map" which copies the language used by FDLE to describe the map.

The FDLE database does not provide an option to search at a range of 2,500 feet. However, it does provide the option to search at a range of ½ mile (2,640 feet). Therefore, we recommend that references to "2,500 feet" be replaced with "one-half mile".

III. RECOMMENDATIONS

The Planning and Development Department recommends that Ordinance 2014-552 be **APPROVED with the above listed modifications.**

1 Introduced by Council Member Crescimbeni & Co-sponsored by Council
2 President Yarborough:

3
4 **ORDINANCE 2014-552**

5 AN ORDINANCE AMENDING SECTION 656.401(e) (CARE
6 CENTERS/DAY CARE CENTERS), SUBPART A
7 (PERFORMANCE STANDARDS AND DEVELOPMENT
8 CRITERIA), PART 4 (SUPPLEMENTARY REGULATIONS),
9 CHAPTER 656 (ZONING CODE), *ORDINANCE CODE* TO
10 PROHIBIT CHILD CARE FACILITIES ESTABLISHED
11 AFTER OCTOBER 1, 2014 FROM LOCATING WITHIN
12 2,500 FEET OF A REGISTERED SEXUAL PREDATOR
13 RESIDENCE; PROVIDING AN EFFECTIVE DATE.

14
15 **WHEREAS**, the City of Jacksonville supports doing anything
16 within its power to protect its citizenry, particularly children,
17 from becoming victimized by sexual predators; and

18 **WHEREAS**, there are over 2700 sexual offenders and predators
19 living in Duval County, and sexual predators are defined as
20 individuals who have used physical violence in committing their
21 crime, or have preyed on very young children; and

22 **WHEREAS**, pursuant to Section 775.21, Florida Statutes, (the
23 Florida Sexual Predators Act) sexual predators are required to
24 register certain information, including their place of residence
25 with the Florida Department of Law Enforcement (FDLE) ; and

26 **WHEREAS**, Florida law prohibits a sexual predator from
27 residing within 1,000 feet of a school, day care center, park,
28 playground, library, or other location where children regularly
29 congregate; and

30 **WHEREAS**, pursuant to Section 685.102, *Ordinance Code*,
31 Jacksonville currently has an expanded zone of protection and

1 prohibits a sexual predator from residing within 2,500 feet of a
2 school, public library, day care center, park, playground, or
3 other place where children regularly congregate;

4 **WHEREAS**, creating a situation where there are no places for
5 sexual predators to lawfully reside in Jacksonville does not
6 protect the community but rather results in a transient population
7 that poses a significant danger and menace to public health and to
8 children if the predators go unregistered and become less
9 traceable through the FDLE registration process; and

10 **WHEREAS**, ensuring that registered sexual predators remain
11 traceable, and to discourage this dangerous population from
12 becoming transient, a requirement is established that all new day
13 care centers must be at least 2,500 feet from the established
14 residence of a lawfully registered sexual predator; now therefore,

15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

16 **Section 1.** Section 656.401(E) (Care centers/day care
17 centers), Subpart A (Performance Standards and Development
18 Criteria), Part 4 (Supplementary Regulations), Chapter 656 (Zoning
19 Code), *Ordinance Code* is hereby amended as follows:

20 **CHAPTER 656**

21 **ZONING CODE**

22 * * *

23 **PART 4. SUPPLEMENTARY REGULATIONS**

24 * * *

25 **Sec. 656.401 -Performance standards and development criteria.**

26 * * *

27 (e) Care centers/day care centers:

28 * * *

29 (10) After October 1, 2014, new day care centers shall not be
30 located within 2,500 feet of a sexual predator residence. The
31 Planning and Development Department shall produce a special purpose

1 survey using the Florida Department of Law Enforcement database of
2 registered sexual predators to determine if such residence exists
3 within a radius of 2,500 feet of the proposed day care center.

4 * * *

5 **Section 2. Effective Date.** This ordinance shall become
6 effective upon signature by the Mayor or upon becoming effective
7 without the Mayor's signature.

8
9 Form Approved:

10
11 /s/ Susan C. Grandin

12 Office of General Counsel

13 Legislation prepared by: Susan C. Grandin

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**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2014-552

Sponsor: Council Member Crescimbeni:

Date of Introduction: August 12, 2014

Committee(s) of Reference: LUZ

Date of Analysis: August 15, 2013

Type of Action: Ordinance Amendment

Bill Summary: The ordinance amends Section 656.401(e) (Care Centers/Day Care Centers)

Background Information: There are over 2700 sexual offenders and predators living in Duval County. Florida Statutes stipulate that sexual predators are required to register their place of residence with the Florida Department of Law Enforcement. Florida law prohibits a sexual predator from residing within 1,000 feet of a school, day care center, park, playground, library or other location where children regularly congregate. This legislation (ordinance code amendment) stipulates that after October 1, 2014, new day care centers shall not be located within 2,500 feet of a sexual predator residence. The Planning and Development Department shall produce a special purpose survey using the FDLE database of registered sexual predators to determine if such residence exists within a radius of 2,500 feet of a proposed day care center.

Policy Impact: Day Care Centers/Ordinance Code

Fiscal Impact: Minimal

Analyst: Jackson

NEIGHBORHOOD SEARCH MAP

Your Search Location: 214 NORTH HOGAN STREET
JACKSONVILLE, FL 32202

Radius: 1/2 Mile

- Your Search Location
- Multiple Offenders
- Sexual Predator
- Sexual Offender
- Your Search





