

ORDINANCE No. 2005-19-57

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO "SEX OFFENDERS"; PROHIBITING SEX OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2,500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council of the City of Miami Gardens value the health, safety, and welfare of all of its residents, especially its children, and

WHEREAS, recently there have been a number of incidents involving the kidnapping, threat of kidnapping, sexual abuse and death of children by sexual offenders, in the State of Florida, and

WHEREAS, the fact that many sexual offenders are repeat offenders has contributed to the recent incidents, and

WHEREAS, the Mayor and City Council of the City of Miami Gardens, would like to adopt an ordinance to provide protection to the children who live, attend school, and play in Miami Gardens, and

WHEREAS, Article VII, Section 2(b) of the Florida Constitution, and Section 166.021, Florida Statutes, give the City the authority to protect the health, safety and welfare of its citizens,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made

a specific part of this Ordinance.

SECTION 2. CREATION OF ORDINANCE: An Ordinance relating to "Sexual Offenders" is hereby created in the City of Miami Gardens, as follows:

- (A) It is unlawful for any person who has been convicted of a violation of Sections 794.011, 800.04, 827.071, or 847.0145, Florida Statutes, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 2,500 feet of any school, designated public school bus stop, day care, park, playground, or other place where children regularly congregate.
- (B) A person who violates this section and whose conviction under Section 794.011, 800.04, 827.071, or 847.0145 Florida Statutes, was classified as a felony of the third degree, second degree, first degree, or higher, shall be punished by a fine not exceeding \$500.00 or by imprisonment for a term not exceeding 60 days, or by both such fine and imprisonment; for a second or subsequent conviction for a violation for this section, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the county jail for not more than 12 months, or by both such fine and imprisonment.
- (C) This section applies to any person convicted of a violation of Section 794.011, 800.04, 827.071, or 847.0145, Florida Statutes, for offenses that occur on or after October 1, 2004.

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the

City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 11th DAY OF MAY 2005.

PASSED ON SECOND READING ON THE 25th DAY OF May, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25th DAY OF MAY, 2005.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: Mayor, Shirley Gibson

MOVED BY: Mayor Gibson

SECONDED BY: Councilwoman Watson

VOTE: 7-0

Mayor Gibson	<u>x</u> (Yes)	___ (No)
Vice Mayor Campbell	<u>x</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>x</u> (Yes)	___ (No)
Councilman Oscar Braynon, II	<u>x</u> (Yes)	___ (No)

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Councilwoman Audrey J. King
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson
skk

(Yes) (No)
 (Yes) (No)
 (Yes) (No)

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