



Indian River County Sheriff's Office

Eric Flowers, Sheriff

Notification and Acknowledgement Indian River County Ordinance 2023-005

Section 306.06 - Residency restrictions for registered sex offenders.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section and section 306.065, except where the context clearly indicates a different meaning:

1. *Conviction* means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of where adjudication is withheld.
2. *Licensed childcare facility* means any child care facility licensed by the state pursuant to F.S. Ch. 402.
3. *Park* means a public owned or operated area used or available for the public's use as a recreational facility, including, by way of example and not limitation, ball fields, outdoor play equipment (playground), pools, linear parks, nature preserves and beaches.
4. *Permanent residence* means a place where a person abides, lodges, or resides for five or more consecutive days, and which includes motor vehicles, trailers, mobile homes, manufactured homes, vessels, live-aboard vessels and houseboats.
5. *School* means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public-school level authorized under rules of the State Board of Education pursuant to F.S. 1003.01.
6. *Sexual offender* shall have the meaning ascribed to such term in F.S. § 943.0435.
7. *Sexual predator* shall have the meaning ascribed to such term in F.S. § 775.21.
8. *Temporary residence* means a place where a person abides, lodges, or resides for a period of five days or more in the aggregate, during any calendar year, and which is not the person's permanent residence, or place where a person routinely abides, lodges, or resides for a period of five or more consecutive or non-consecutive days in any month, which is not the person's permanent residence, and which includes, motor vehicles, trailers, mobile homes, manufactured homes, vessels, live-aboard vessels, and houseboats.
9. *Transient residence* means a county where a person lives, remains, or is located for a period of 3 or more days in the aggregate during a calendar year and which is not the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.



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Section 306.065 - Prohibitions, exceptions, and penalties.

1. A sexual offender or sexual predator shall not reside or establish a permanent, temporary, or transient residence within 2,500 feet of the real property comprising of any public or non-public elementary, middle, secondary or high school, public park, or licensed child care facility.
2. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the public or private elementary, middle, or secondary or High school, park or licensed child care facility.
3. A sexual offender or sexual predator residing within 2,500 feet of the real property comprising of a public or non-public residing within 2,500 feet of the real property comprising of a public or non-public elementary, middle, secondary school or high school, public park or licensed child care facility does not commit a violation of this section if any of the following apply:
 - a. The public or private elementary, middle, secondary or high school, public park or licensed day care facility within 2,500 feet of the sexual offender's or sexual predator's permanent or temporary residence was opened and/or established after the sexual offender or sexual predator established the permanent or temporary residence.
 - b. The sexual offender or sexual predator is subject to an order of commitment under F.S. Ch. 394.
 - c. The sexual offender or sexual predator is a minor or a ward under a guardianship.
 - d. A state of emergency has been declared and the public or nonpublic elementary or secondary school, public park or registered child care facility has been designated as an emergency center.
 - i. If a sexual offender or sexual predator seeks shelter in a facility that has been designated as an emergency shelter, the person shall notify the official in charge of the shelter that he or she is a person required to register their residence under Florida Law. If sufficient space permits, the persons may be kept in a separate room at the shelter. Failure to notify the official in charge of the shelter of a person's requirement to register their residence shall be a violation of this section.
4. This ordinance does not apply to a sexual offender or sexual predator who registered a permanent residence prior to February 7, 2006, and has continuously resided at that address.
5. A sexual offender or sexual predator who violates this section shall be guilty of a second-degree misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed 60 days, or by both fine and imprisonment.