



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-0613

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Alain E. Boileau, City Attorney

DATE: June 18, 2019

TITLE: Ordinance Amending Chapter 16 - Miscellaneous Provisions and Offenses, Article VI. - Sexual Offenders and Sexual Predators, Sections 16-126 and 16-127, of the Code of Ordinances of the City of Fort Lauderdale, Providing for a Prohibition for Sexual Offenders Convicted of Crimes Under Certain Florida Statutes from Living Within a Certain Distance of Specified Locations Within the City of Fort Lauderdale (**Commission Districts 1, 2, 3, and 4**)

Recommendation

It is recommended that the City Commission approve an amendment to Chapter 16, Miscellaneous Provisions and Offenses, Sections 16-126 and 16-127 of the Code of Ordinances of the City of Fort Lauderdale, Florida to conform the residency restrictions contained therein with applicable United States and Florida Constitutional provisions and State law.

Background

Pursuant to Florida Statute Section 775.215, persons who have been convicted of certain sexual offenses after October 1, 2004 may not reside within 1,000 feet of schools, child care facilities, parks, or playgrounds. Comparatively, Section 16-127 of the City's Code of Ordinances restricts the residency for such offenders, regardless of conviction date, to 1,400 feet of schools, public school bus stops, child care facilities, parks, or playgrounds. The residency restrictions of Section 16-127 substantially limits the amount of affordable housing available in the City for offenders, and prevents these individuals from obtaining housing. As a result of the foregoing, the present restrictions raise certain constitutional issues under the Eighth and Fourteenth Amendments and Article I, Sec. 9 and 10 of the United States Constitution, as well as Article I, Section 17, of the Florida Constitution.

Resource Impact

There is no fiscal impact associated with this proposed ordinance revision.

Attachment

Exhibit 1 – Ordinance

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