



115 West Ventura Avenue, Clewiston, FL 33440

**Agenda Item # 10**

**TO:** City Commission of the City of Clewiston

**FROM:** Thomas Lewis, Chief of Police

**VIA:** Danny Williams, City Manager

**DATE:** April 21, 2025

**SUBJECT:** Consideration of *Ordinance No. 2025-03* on first reading amending the Clewiston Code of Ordinance, amending Chapter 54 Offenses; Creating Article 1 Sexual Offender Residency Requirements.

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**Background:**

Currently in the City of Clewiston, restrictions on sexual offenders are governed by state law and typically mandate an offender to reside at least 1,000 feet from a school, childcare facility, park, and playground with exceptions noted. The Hendry County Sheriff's Office is required by state law to register sex offenders that take up permanent or temporary residency anywhere in the county to include the city limits of Clewiston.

Over the past months, the City of Clewiston has seen an uptick in the number of sexual offenders taking residency within the city limits. Through discussion with the Sheriff's Office, it was learned that the City of LaBelle and Hendry County (unincorporated areas) have stricter local ordinances (over and above the state law) that create a 2,500-foot minimum distance from each of the locations, making Clewiston a more desirable place to seek residence as it is easier to find a complaint location.

A top priority of the Clewiston Police Department is to protect our most vulnerable population (our children) from sexual offenders and sexual predators. The adoption of the proposed ordinance will remove Clewiston as a more desirable place to reside, send a message to sexual offenders that they are not welcomed here, and provide the police department with additional tools to keep predators out of our community.

The ordinance passed on first reading on March 17, 2025, hearing with a motion of 5-0.

**Recommendation:**

Motion to approve *Ordinance No. 2025-03* on first reading amending the Clewiston Code of Ordinance, amending Chapter 54 Offenses; Creating Article 1 Sexual Offender Residency Requirements.

**CITY OF CLEWISTON**  
**ORDINANCE NO. 2025-03**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, AMENDING CHAPTER 54 OFFENSES; CREATING ARTICLE 1. SEXUAL OFFENDER RESIDENCY REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; CONFLICT; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, sexual predators and sexual offenders present an extreme threat to the public safety and such persons are extremely likely to use physical violence and to repeat their offenses; and

**WHEREAS**, the regulation of such offenders is rationally related to the governmental interest in preventing future sexual offenses and alerting local law enforcement to the presence of offenders; and

**WHEREAS**, it is the intent of City Commission of the City of Clewiston, Florida to serve and protect the city's compelling governmental interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating areas around locations where children regularly congregate in concentrated numbers wherein sexual predators and sexual offenders are prohibited from establishing permanent, temporary or transient residence and certain other activities.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The Clewiston Code of Ordinances, Chapter 54 – OFFENSES is hereby amended to create Article 1. Sexual Offender Residency which shall hereafter read as follows:

**ARTICLE 1. – SEXUAL OFFENDER RESIDENCY REQUIREMENTS**

**Sec. 54-2 Definitions.**

- (a) *“Sexual offender.”* For purposes of this chapter “sexual offender” shall mean an individual who is registered or obligated to be registered by any state or federal agency as wither a sexual offender or sexual predator and whose name is published or required to be published on any state or federal registered sexual offender or sexual predator listing, including, but not limited to the sexual offenders and sexual predators registry established under Fla. Stat.

943.0435, 777.21, and 944.607.

- (b) “*Measurement of Distance.*” For purposes of determining distance requirements under this article all distances shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence, or activity location to the nearest outer property line of the regulated location.
- (c) “*Regulated location.*” For purposes of this chapter “regulated location” shall mean a school, day care center, park, playground, school bus stop, or public library. Any private school which enrolls children within the city may register the location of its bus stops with the police department.

**Sec. 54-3 Restrictions.**

**(a) Sexual offender residency restrictions.**

- (1) It shall be prohibited and unlawful for any sexual offender to abide, lodge, or reside in any permanent, temporary, or transient residence located within the city where such residence is located within 2,500 feet of any regulated location.
- (2) A sexual offender does not commit a violation of this section if any of the following apply:
  - a. The individual is registered as a sexual offender and maintains residence within the distance requirements of this section on the effective date of the ordinance amendment from which this article is derived. However, this ordinance shall apply if the individual changes or moves residence.
  - b. The sexual offender is under 18 years of age.
  - c. The regulated location was opened or established after the sexual offender established the residence; and the residence was reported and registered as required pursuant to Fla. Stat. 775.21, 943.0435, 944.607, 985.3815 or other applicable state sexual offender reporting laws may change from time to time.

**(b) Sexual offender activity restrictions.**

- (1) No sexual offender shall be present, loiter or prowl on the premises of any regulated location except to:
  - a. Attend as a registered student school having previously notified the Hendry County Sheriff’s Office of his/her school registration.
  - b. Engage in duties required by employment except as otherwise prohibited by state law.

**Sec. 54-4 Restrictions on property owners renting real property to certain sexual offenders;**

**penalties.**

- (a) It shall be a violation of this chapter for a landlord or owner of residential property in the city to let or rent a residence to any person prohibited from establishing such residence pursuant to this chapter if such residence is located within 2,500 feet of any regulated location.
- (b) A property owner's failure to comply with provisions of this section shall constitute a violation of this chapter and shall subject the property owner to code enforcement proceedings under chapter 26 of this code.
- (c) The provisions of this article shall not be applied to persons residing at a prohibited location on the effective date of this article such that it is not the intent of this article to impair valid, existing and bona fide contract rights; provide, however, that the provisions of this article shall apply upon termination of any leasehold relationship arising from a landlord tenant relationship or the expiration of a lease. When a person who is the subject of this article changes residence, this article shall fully apply to such persons.

**Sec. 54-5 Penalties; enforcement.**

- (a) A person who violates this chapter 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 of a violation of this section, such person shall be punished by a fine not to exceed \$1000.00 or imprisonment in the county jail not more than 12 months, or by both such fine and imprisonment. Any person violating any of the provisions of this chapter may be prosecuted in the same manner as misdemeanors are prosecuted. Additionally, if the offender is supervised by the department of corrections under conditional release, the offender may be charged with violation of his or her supervision.

**Sec. 54-6 Temporary shelter restrictions.**

- (a) In the event of a natural or manmade disaster, no sexual predator or sexual offender may use the facilities of any temporary public shelter established for such natural or manmade disaster but shall be allowed temporary shelter in the county jail, including any public areas of such jail, or such other temporary shelter specifically designated for use by the City police chief for sexual offenders. A violation of this section of this article shall constitute a misdemeanor of the first degree and be punishable as provided for by law.

**SECTION 3.** Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

**SECTION 4.** Severability. If any phrase, sentence, or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent authority, such portion

shall be deemed a separate, distinct, and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6.** Effective Date. This Ordinance shall take effect immediately upon its passage and is consistent with all requirements of general law.

Commissioner Hyslope offered the foregoing ordinance. Commissioner Gardner seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES PITTMAN, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HILLARY HYSLOPE, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBARA EDMONDS, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILA GARDNER, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASON WILLIAMS, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON FIRST READING, THIS 17<sup>th</sup> DAY OF March, 2025.**

Commissioner Gardner offered the foregoing ordinance. Commissioner Hyslope seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES PITTMAN, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HILLARY HYSLOPE, VICE MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBARA EDMONDS, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILA GARDNER, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASON WILLIAMS, COMMISSIONER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON SECOND READING, THIS 21<sup>st</sup> DAY OF April, 2025.**

ATTEST:

CITY OF CLEWISTON, FLORIDA

Lakisha Burch  
Lakisha Burch, City Clerk

James Pittman  
James Pittman, Mayor

(MUNICIPAL SEAL)

Ordinance No. 2025-03

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By:   
**Dylan J. Brandenburg, City Attorney**