

1 Introduced by Council Member Cumber and Co-Sponsored by Council  
2 Members Ferraro, Salem and Boylan:

3  
4  
5 **ORDINANCE 2023-247-E**

6 AN ORDINANCE AMENDING SECTION 685.104  
7 (PROHIBITED ACTIVITIES FOR SEXUAL OFFENDERS AND  
8 SEXUAL PREDATORS; EXCEPTIONS), CHAPTER 685  
9 (SEXUAL OFFENDER AND SEXUAL PREDATOR  
10 REGULATION), *ORDINANCE CODE*, TO PROHIBIT DISPLAY  
11 OF HALLOWEEN DECORATIONS OR OTHER DISPLAYS OR  
12 DECORATIONS AS DESCRIBED IN THIS ORDINANCE ON  
13 THE EXTERIOR OF ANY SEXUAL OFFENDER OR SEXUAL  
14 PREDATOR RESIDENCE, VEHICLE OR VESSEL, OR ON ANY  
15 PROPERTY LEASED, RENTED, OWNED, OR OCCUPIED BY  
16 A SEXUAL OFFENDER OR SEXUAL PREDATOR; PROVIDING  
17 CODIFICATION INSTRUCTIONS; PROVIDING AN  
18 EFFECTIVE DATE.

19  
20 **WHEREAS**, the City of Jacksonville supports doing anything  
21 within its power to protect its citizenry, particularly children,  
22 from becoming victimized by sexual offenders or sexual predators; and

23 **WHEREAS**, sexual offenders and predators have been known to use  
24 certain holiday or seasonal events, decorations, and costumes to  
25 attract, entice, or lure children to areas in which those children  
26 are susceptible to attack by sexual offenders and predators; and

27 **WHEREAS**, the Council is concerned with the secondary effects  
28 of any speech or expressive conduct that entices, attracts, or lures  
29 children to vulnerable areas or circumstances as noted by, among  
30 other courts, the court in Hobbs v. County of Westchester, 397 F.3d  
31 133 (2d Cir. 2005); and

1           **WHEREAS**, the following amendments to Chapter 685, *Ordinance*  
2 *Code*, are suggested in order to provide clarity as to what displays  
3 and decorations are prohibited so as to minimize or prevent attacks  
4 on children premised on decorations or costumes that attract, entice  
5 or lure children into vulnerable areas or circumstances, while also  
6 conforming to First Amendment rights; recognizing, however, that the  
7 amendments herein are intended to be inclusive as of the date of this  
8 enactment, but are not intended to include any and all displays and  
9 decorations which were not contemplated at the time of enactment (*i.e.*,  
10 due to the advent of new technologies); now therefore

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

12           **Section 1.           Amending Section 685.104 (Prohibited Activities**  
13 **for Sexual Offenders and Sexual Predators; Exceptions), Chapter 685**  
14 **(Sexual Offender and Sexual Predator Regulation), Ordinance Code.**

15 Section 685.104 (Prohibited Activities for Sexual Offenders and  
16 Sexual Predators; Exceptions), Chapter 685 (Sexual Offender and  
17 Sexual Predator Regulation), *Ordinance Code*, is hereby amended to  
18 read as follows:

19           **CHAPTER 685 - SEXUAL OFFENDER AND SEXUAL PREDATOR REGULATION**

20                                   \* \* \*

21 **Sec. 685.104. - Prohibited Activities for Sexual Offenders and Sexual**  
22 **Predators; Exceptions.**

23           (a) Prohibitions and requirements for Sexual Offenders and Sexual  
24           Predators; Exemption.

25                                   \* \* \*

26           (3) Any person designated a Sexual Offender or Sexual Predator  
27           shall:

28                   (i) Avoid all Halloween related contact with children;

29                   (ii) Not display or allow any display of Halloween  
30                   decorations to be visible from the exterior of any  
31                   Sexual Offender's or Sexual Predator's residence,

1 including a vehicle or vessel, or on any property  
2 which is leased, rented, owned, or occupied by such  
3 person from 6:00 a.m. to 11:59 p.m. on October 31 (or  
4 any other day on which Halloween is celebrated).~~From~~  
5 ~~6:00 a.m. to 11:59 p.m., on October 31 (or any other~~  
6 ~~day on which Halloween is celebrated) post a sign at~~  
7 ~~his or her residence, including a vessel, or vehicle,~~  
8 ~~stating, "No candy or treats here." Such signs shall~~  
9 ~~be in letters at least two inches high and shall be~~  
10 ~~legible on the property leased, rented, owned or~~  
11 ~~occupied by the Sexual Offender or Sexual Predator,~~  
12 ~~and clearly visible from the street, waterway, or any~~  
13 ~~property that is open to public access. The signs may~~  
14 ~~be removed after 11:59 p.m. on October 31, or the day~~  
15 ~~on which Halloween is celebrated.~~

16 (iii) Except for lighting provided on a year-round basis by  
17 the owner or manager of a multi-family residential  
18 unit for the purpose of security or walkway or hallway  
19 illumination, leave all outside residential lighting  
20 off during the evening hours after 5:00 p.m. on  
21 October 31 (or any other day on which Halloween is  
22 celebrated).

23 (iv) Not place or allow the following displays or  
24 decorations on the exterior of any Sexual Offender's  
25 or Sexual Predator's residence, including a vehicle  
26 or vessel, or on any property which is leased, rented,  
27 owned, or occupied by such person: inflatables,  
28 holograms, projections, displays over six feet in  
29 height, interactive displays, decorations or displays  
30 that include a fictitious character, decorations or  
31 displays that line a walkway or path to a door of the

1 residence, or lights that are not affixed to the  
2 residence, except there may be one lighted display  
3 not affixed to the residence if it meets the  
4 requirements listed here. Enforcement of this section  
5 shall not be limited to the actual calendar date of  
6 any given nationally or locally recognized holiday or  
7 seasonal event or practice.~~Not place or allow any~~  
8 ~~display, including but not limited to displays for~~  
9 ~~any nationally or locally recognized holiday or~~  
10 ~~seasonal event or practice, to be visible from the~~  
11 ~~exterior of any Sexual Offender's or Sexual~~  
12 ~~Predator's residence, including a vehicle or vessel,~~  
13 ~~or on any property which is leased, rented, owned or~~  
14 ~~occupied by such person, if such display is primarily~~  
15 ~~targeted to entice, attract, or lure a child onto any~~  
16 ~~residence or property, or onto or nearer to any~~  
17 ~~vehicle or vessel rented, owned or occupied by such~~  
18 ~~person. Enforcement of this section shall not be~~  
19 ~~limited to the actual calendar date of any given~~  
20 ~~nationally or locally recognized holiday or seasonal~~  
21 ~~event or practice.~~

22 \* \* \*

23 (b) *Definitions.* The following terms are defined as follows for  
24 the purposes of this section:

25 \* \* \*

26 ~~(4) Display is defined as any decoration including, but~~  
27 ~~not be limited to, lighting, figurines, posters,~~  
28 ~~artwork, crystals, bales of hay, scarecrows, etc.~~  
29 ~~which is visible to the public in plain view and is~~  
30 ~~primarily targeted toward children.~~

31 ~~(45) Practices means to carry out or perform any particular~~

1 activity or method that may celebrate or recognize a  
2 particular season, customs or beliefs.

3 (56) *Non-familial children* ~~are~~<sup>is</sup> defined as those children  
4 who are not related to the Sexual Offender or Sexual  
5 Predator through biological means, marriage, or  
6 adoption.

7 \* \* \*

8 **Section 2. Codification Instructions.** The Codifier and the  
9 Office of General Counsel are authorized to make all chapter and  
10 division "table of contents" consistent with the changes set forth  
11 herein. Such editorial changes and any other necessary changes to  
12 make the *Ordinance Code* consistent with the intent of this legislation  
13 are approved and directed herein, and the changes to the *Ordinance*  
14 *Code* shall be made forthwith and when inconsistencies are discovered.

15 **Section 3. Effective Date.** This Ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's signature.

18  
19 Form Approved:

20  
21           /s/ Mary E. Staffopoulos          

22 Office of General Counsel

23 Legislation Prepared By: Mary E. Staffopoulos

24 GC-#1565026-v1-2023-247-E\_Scriv\_Corr.docx