

RESOLUTION NO. R07-069

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA ESTABLISHING CRITERIA AND PROCEDURES FOR DESIGNATION AS A SENIOR SAFETY ZONE PURSUANT TO HILLSBOROUGH COUNTY'S SEXUAL PREDATOR SENIOR SAFETY ZONE ORDINANCE NO. 07-12 AND PROVIDING FOR AN EFFECTIVE DATE.

Upon motion by Commissioner Blair, seconded by Commissioner White, the following Resolution was adopted by a vote of 7 to 0: Commissioner(s) _____ voted "No".

WHEREAS, in accordance with the provisions of Article II, Section 7 of the *Constitution of the State of Florida* and the Home Rule Power of Hillsborough County contained in Chapter 125, Florida Statutes, the Board of County Commissioners of Hillsborough County, Florida ("Board of County Commissioners") has adopted the Sexual Predator Senior Safety Zone Ordinance No. 07-12 (the "Ordinance") to protect the senior citizens of Hillsborough County and thus advance the public health, safety, and welfare of the citizens of the Hillsborough County; and

WHEREAS, the Ordinance prohibits sexual predators or persons convicted of an equivalent offense in another state or jurisdiction to establish a permanent or temporary residence located within Hillsborough County, except as provided in the Ordinance, when such residence is located within one thousand (1000) feet of any Senior Safety Zone, as such term is defined in the Ordinance; and

WHEREAS, the Ordinance provides that Senior Safety Zones may be established upon application to the County and satisfaction of criteria to be established by Resolution of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners desires to establish such criteria to effectuate the intent of the Ordinance to protect its senior citizens.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AT A REGULAR MEETING ASSEMBLED THIS 18TH DAY OF APRIL, 2007:

I. Senior Safety Zone Eligibility Requirements

Multi-dwelling communities which qualify for the "housing for older persons" *exemption* to the provisions barring discrimination on the basis of familial status under the federal Fair Housing Act, 42 U.S.C. 3601-3619, as amended; the Florida Fair Housing Act, Sections 760.20 - 760.37, Florida Statutes, as amended; and the Hillsborough County Human Rights Ordinance No. 00-37, as amended; and the Hillsborough County Human Rights Ordinance No. 00-37, as all of the foregoing may be amended from time to time, (collectively, the "Fair Housing Laws") and the regulations and rules promulgated under the respective Fair Housing Laws are eligible to apply for designation as a Senior Safety Zone.

II The Application Process

1. Applications for designation as a Senior Safety Zone may be obtained from the Department designated by the County Administrator.
2. At a minimum, the Application for Senior Safety Zone designation shall require the following information:
 - A. The name of the applicant community seeking a Senior Safety Zone designation; and
 - B. A written, notarized confirmation from the president, or other authorized officer of the applicant's governing board, which affirms that the applicant is a multi-dwelling community which qualifies for the "housing for older persons" exemption to the provisions barring discrimination on the basis of familial status under the Fair Housing Laws and states the basis for such qualification; and
 - C. A map clearly showing the boundaries of the geographic multi-dwelling area to be included within the Senior Safety Zone; and
 - D. A written confirmation from the president, or other authorized officer of the applicant's governing board, indicating that the governing board has agreed to post, and to keep posted during any period a Senior Safety Zone designation is in effect, a Notice in substantially the following format, at a minimum of two conspicuous entrances to the Senior Safety Zone within ten (10) business days of the date of the Department's notice of approval of the applicant's Senior Safety Zone designation:

NOTICE

**THE COMMUNITY OF _____ HAS BEEN
DESIGNATED A SENIOR SAFETY ZONE PURSUANT TO
HILLSBOROUGH COUNTY ORDINANCE NO. _____.
AN OFFENDER WHO MEETS THE CRITERIA IN SECTION**

775.21(4), FLORIDA STATUTES, OR PERSONS CONVICTED IN ANOTHER STATE OR JURISDICTION OF AN EQUIVALENT OFFENSE TO ONE OF THOSE SET FORTH IN SECTION 775.21(4), FLORIDA STATUTES, IS PROHIBITED FROM TEMPORARILY OR PERMANENTLY RESIDING WITHIN ONE THOUSAND FEET (1000') OF THIS SENIOR SAFETY ZONE, UNLESS AN EXCEPTION PROVIDED IN THE ORDINANCE APPLIES.

- E. Any other additional or clarifying information the Department may request to facilitate or complete its review.
3. To be considered complete, an application for Senior Safety Zone designation shall be signed by the president, or other authorized officer, of the governing board of the applicant.
 4. An umbrella community or homeowner's association which is comprised of members who reside in multiple, multi-dwelling communities, which each meet the criteria for housing for older persons in the Fair Housing Laws, may apply as an umbrella applicant on behalf of all such communities, for a single designation as a Senior Safety Zone. If such an application is made, the applicant must be authorized to, and shall provide, the confirmation required by Subparagraph II.2.B.above, for, and on behalf of, each of the communities to which such single Senior Safety Zone designation shall apply.
 5. The applicant shall submit its completed application, including all attachments, to the Department for its review. The Department may request any other additional or clarifying information it deems appropriate to verify eligibility for a Senior Safety Zone designation. Any other requested information shall become part of the application.
 6. If, after completing its review of the application and all additional or clarifying information that may be requested, the Department determines that the applicant has satisfied all of the criteria and requirements stated in this Resolution, the Department shall approve the designation of the applicant as a Senior Safety Zone. If the Department determines that the applicant has not satisfied all of the criteria and requirements of this Resolution, the Department shall deny the Senior Safety Zone designation.
 7. After the Department has made its determination to approve or deny a Senior Safety Zone designation, it shall notify the applicant in writing of its decision. If the Department denies the designation, it shall state the reason for the denial in its notice. The Department's determination to approve or deny a Senior Safety Zone designation shall be final.

8. An applicant whose application for Senior Safety Zone designation is denied by the Department may submit another application for designation as a Senior Safety Zone at any time it satisfies the criteria and requirements contained in this Resolution.

III. Notification to the Department of Changes in Information or Status as a Qualifying Community

1. An applicant must promptly notify the Department if it no longer satisfies the eligibility or other requirements of this Resolution, or if any of the information it submitted in connection with its application for a Senior Safety Zone designation is no longer accurate or complete.

2. This notification requirement shall apply during the application review process and during any period a Senior Safety Zone designation granted to the applicant is in effect.

IV. Discontinuation of a Senior Safety Zone Designation

1. A designation as a Senior Safety Zone may be discontinued by the County Administrator upon recommendation by the Department, for any of the following reasons:

A. The applicant was not eligible to apply for a designation as a Senior Safety Zone at the time of its application; or

B. The applicant ceases to satisfy the eligibility criteria after the Senior Safety Zone designation is approved; or

C. Any information contained in or attached to the submitted application, or submitted upon request of the Department, was untrue at the time of submittal, or changes after the Senior Safety Zone designation is approved;

D. The applicant fails to post, and keep posted, the Notice required in Subparagraph II.2.D. above; or

E. The Ordinance and/or this Resolution is repealed or modified in such a manner that an applicant who previously satisfied the Senior Safety Zone criteria no longer qualifies.

2. Any Notice posted pursuant to Subparagraph II.2.D. above, shall be removed by a community within one business day from the date of receipt of a notice from the Department that its Senior Safety Zone designation has been discontinued.

