

ORDINANCE 363

AN ORDINANCE ENACTED PURSUANT TO THE PROVISIONS OF FLORIDA STATUTES, SECTION 877.20-877.25 PROVIDING FOR THE LOCAL JUVENILE CURFEW ORDINANCE PROVIDING FOR PUBLICATION OF THE ORDINANCE IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY, PROVIDING FOR THE FILING OF A CERTIFIED COPY OF THE ORDINANCE AS ADOPTED WITH THE CLERK OF THE CIRCUIT COURT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, It is the intent of the City Council of Bonifay, Florida to protect minors in this city from harm and victimization, to promote the safety and well-being of minors in this city, to reduce the crime and violence committed by minors in this city, and to adopt a local juvenile curfew ordinance by incorporating by reference the provisions of Florida Statutes ss. 877.20-877.25. (Attached as Exhibit A)

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BONIFAY, FLORIDA, THAT:

Section 1. This Ordinance is enacted pursuant to the Charter of the City of Bonifay, Florida.

Section 2. This ordinance shall become effective immediately upon its adoption in the manner and form prescribed by law.

PRESENTED, read by title, and tabled pending publication and public hearing as required by law on the 13 day of July, 2009.

PRESENTED, read by title, after publication and public hearing duly enacted by the City Council of the City of Bonifay, Florida, on this ___ day of _____, 2009

CITY OF BONIFAY, FLORIDA

ATTEST:

BY: _____
Eddie Sims, Mayor

BY: _____
Jerri Gibson
City Clerk

EXHIBIT A

877.20 Local juvenile curfew ordinances; legislative intent.--It is the intent of the Legislature to protect minors in this state from harm and victimization, to promote the safety and well-being of minors in this state, to reduce the crime and violence committed by minors in this state, and to provide counties and municipalities with the option of adopting a local juvenile curfew ordinance by incorporating by reference the provisions of ss. 877.20-877.25.

877.21 Definitions; ss. 877.20-877.25.--As used in ss. 877.20-877.25, the term:

(1) "Emergency" means an unforeseen combination of circumstances which results in a situation that requires immediate attention to care for or prevent serious bodily injury, loss of life, or significant property loss. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident.

(2) "Establishment" means a privately owned place of business to which the public is invited, including, but not limited to, a place of amusement or a place of entertainment.

(3) "Minor" means any person under 16 years of age.

(4) "Parent" means a person who has legal custody of a minor as a:

(a) Natural or adoptive parent.

(b) Legal guardian.

(c) Person who stands in loco parentis to the minor.

(d) Person who has legal custody of the minor by order of the court.

(5) "Public place" means a place to which the public has access, including, but not limited to, streets, highways, public parks, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

(6) "Remain" means to stay unnecessarily in a particular place.

877.22 Minors prohibited in public places and establishments during certain hours; penalty; procedure.--

(1)(a) A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. of the following day, Sunday through Thursday, except in the case of a legal holiday.

(b) A minor may not be or remain in a public place or establishment between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays.

(2) A minor who has been suspended or expelled from school may not be or remain in a public place, in an establishment, or within 1,000 feet of a school during the hours of 9:00 a.m. to 2:00 p.m. during any school day.

(3) A minor who violates this section shall receive a written warning for her or his first violation. A minor who violates this section after having received a prior written warning is guilty of a civil infraction and shall pay a fine of \$50 for each violation.

(4) If a minor violates a curfew and is taken into custody, the minor shall be transported immediately to a police station or to a facility operated by a religious, charitable, or civic organization that conducts a curfew program in cooperation with a local law enforcement agency. After recording pertinent information about the minor, the law enforcement agency shall attempt to contact the parent of the minor and, if successful, shall request that the parent take custody of the minor

and shall release the minor to the parent. If the law enforcement agency is not able to contact the minor's parent within 2 hours after the minor is taken into custody, or if the parent refuses to take custody of the minor, the law enforcement agency may transport the minor to her or his residence or proceed as authorized under 1 part II of chapter 39.

877.23 Legal duty of parent; penalty.--

- (1) The parent of a minor has a legal duty and responsibility to ensure that the minor does not violate s. 877.22(1).
- (2) The parent of a minor has a legal duty and responsibility to personally supervise, or arrange for a responsible adult to supervise, the minor so that the minor does not violate s. 877.22(2).
- (3) The parent of a minor who knowingly permits the minor to violate s. 877.22(1) or (2) shall receive a written warning for a first violation. A parent who knowingly permits the minor to violate s. 877.22(1) or (2) after having received a prior written warning is guilty of a civil infraction and shall pay a fine of \$50 for each violation.

877.24 Nonapplication of s. 877.22.--Section 877.22 does not apply to a minor who is:

- (1) Accompanied by his or her parent or by another adult authorized by the minor's parent to have custody of the minor.
- (2) Involved in an emergency or engaged, with his or her parent's permission, in an emergency errand.
- (3) Attending or traveling directly to or from an activity that involves the exercise of rights protected under the First Amendment of the United States Constitution.

(4) Going directly to or returning directly from lawful employment, or who is in a public place or establishment in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged.

(5) Returning directly home from a school-sponsored function, a religious function, or a function sponsored by a civic organization.

(6) On the property of, or on the sidewalk of, the place where the minor resides, or who is on the property or sidewalk of an adult next-door neighbor with that neighbor's permission.

(7) Engaged in interstate travel or bona fide intrastate travel with the consent of the minor's parent.

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013(9).

877.25 Local ordinance required; effect.--Sections 877.20-877.24 do not apply in a county or municipality unless the governing body of the county or municipality adopts an ordinance that incorporates by reference the provisions of ss. 877.20-877.24. Sections 877.20-877.24 do not preclude county or municipal ordinances regulating the presence of minors in public places and establishments which provide restrictions more stringent or less stringent than the curfew imposed under s. 877.22.