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**Chapter 603 - CHILDREN'S CURFEW** [250]

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**Sec. 603.101. - Findings.**

Those findings set forth in Ordinance 2006-889-E, the enabling ordinance for this Chapter are adopted in support of this Chapter.

(Ord. 2006-889-E, § 2)

**Sec. 603.102. - Purpose.**

- (a) This Chapter is enacted in recognition of the peculiar vulnerability of children, their inability to make critical decisions in an informed, mature manner, and the importance of the parental role in child-rearing.
- (b) The purpose of this Chapter is to protect the children from the dangers of violent crimes which occur on and in the sidewalks, streets, public places and other places accessible to the public during late night hours throughout the city.
- (c) The purpose of this Chapter is also to protect the persons of this City from the dangers of violent crime committed by children on the sidewalks, streets, public places, and other places accessible to the public during late night hours.
- (d) The purpose of this Chapter is also to create a reduction in the amount of general criminal activity committed by children throughout the City.
- (e) The purpose of this Chapter is also to assist parents in enforcing their control over and responsibility for children, which are the duties of the parents or legal guardians of children.
- (f) The purpose of this Chapter is also to accomplish the objectives set forth in the above paragraphs and otherwise address the problems cited in the findings in a manner that is narrowly tailored to result in no more intrusion into the rights and liberties of children than is necessary.

(Ord. 2006-889-E, § 2)

**Sec. 603.103. - Title.**

This Chapter shall be known as the "Children's Curfew Ordinance."

(Ord. 2006-889-E, § 2)

**Sec. 603.104. - Definitions.**

For the purposes of this chapter, the following words and their derivations shall have the meanings given below:

- (a) *Child* means any unemancipated or unmarried person under the age of eighteen (18).
- (b) *Legal guardian* means a person to whom lawful custody has been given by a court order.
- (c) *Parent* means the natural or adoptive parent of a child.
- (d) *Private place* means any property or place, whether privately or publicly owned, to which the general

- public does not have access and a right to resort for business, recreation, entertainment or otherwise.
- (e) *Public place* means any property owned or controlled by the city, the School Board, the State or other governmental entity to which the general public has access and a right to resort for business, recreation, entertainment, or other lawful purpose.
  - (f) *Semi-public place* means any privately-owned or privately-operated real property (including any structure thereon) to which the general public has access and a right to resort for business, recreation, entertainment, or other lawful purpose and includes any common area of any apartment or housing complex and any vacant lot and any vacant or abandoned building, and includes but is not limited to any store, shop, restaurant, tavern, theatre, parking lot, alley, road, shopping center, bowling alley and pool room.
  - (g) *Sheriff* means and includes the Sheriff and any sworn law-enforcement officer under the direction of the Sheriff.
  - (h) *Curfew hours* means:
    - Sunday 11 p.m. until Monday 5:00 a.m.
    - Monday 11 p.m. until Tuesday 5:00 a.m.
    - Tuesday 11 p.m. until Wednesday 5:00 a.m.
    - Wednesday 11 p.m. until Thursday 5:00 a.m.
    - Thursday 11 p.m. until Friday 5:00 a.m.
    - Saturday 12:01 a.m. until 6:00 a.m.
    - Sunday 12:01 a.m. until 6:00 a.m.
    - Legal Holidays 12:01 a.m. until 6:00 a.m.

(Ord. 2006-889-E, § 2)

### **Sec. 603.201. - Children's Curfew.**

It shall be a violation of this section for any child to be or remain in or upon any public or semi-public place during curfew hours; provided however, that this prohibition shall not apply with respect to presence in any public or semi-public place if the child is:

- a. Accompanied by a parent or legal guardian or another person 18 years of age or older authorized and approved by the parent or guardian to have care and control of the child; provide, that the Sheriff may verify this authorization or approval through contact with the parent or legal guardian or otherwise;
- b. Engaged in lawful employment or traveling directly to such place of employment from home, or to home from such place of employment; provided, that the Sheriff may verify such employment through contact with the employer, parent, or legal guardian or otherwise;
- c. Engaged in bona fide interstate movement through the city or interstate travel beginning or ending in the city; provided, that the Sheriff may verify such travel through contact with the parent or legal guardian or otherwise;
- d. Engaged in an errand in a case of reasonable necessity with permission from his or her parent or legal guardian; provided, that the Sheriff may verify such necessity through contact with the parent or legal guardian or otherwise;
- e. Attending or traveling directly to or from a function sponsored by a religious organization, school, club, civic or other lawful organization, which special function is supervised by adults; provided, the Sheriff may verify such function through contact with the parent, legal guardian, religious organization, school, club or other lawful organization or otherwise;
- f. On a sidewalk in the area immediately within or on the border of his or her residence, or the residence of the child's next-door neighbor, provided the next-door neighbor agrees to the child's presence; and provided further, the Sheriff may verify such fact through contact with the parent or legal guardian or otherwise;
- g. Exercising First Amendment rights protected by the United States Constitution (or those equivalent rights protected by Article 1, Sections 3 and 4 of the Florida Constitution), such as free exercise of religion, freedom of speech, and the right of assembly; provided, that the child has permission from his or her parent or legal guardian; provided further, that the Sheriff may verify such permission through contact with the parent or legal guardian or otherwise. This exception, however, does not include association in the nature of social gatherings.
- h. Attending or returning home directly from a specific activity at a public or semi-public place which is open to the general public and supervised by adults; provided further, that the child has permission from his or her parent or legal guardian authorizing the child to attend or engage in that specific activity; and provided further that the Sheriff may verify such authorization through contact with the parent or legal guardian or otherwise.
- i. Attending or returning home directly from a private residence while visiting a friend or relative while

supervised by adults; provided further, that the child has permission from his or her parent or legal guardian authorizing the child to attend or engage in that activity; and provided further that the Sheriff may verify such authorization through contact with the parent or legal guardian or otherwise.

(Ord. 2006-889-E, § 2)

### **Sec. 603.202. - Posted Curfew.**

If the owner or operator of a private or semi-public place posts a conspicuous sign imposing a children's curfew upon the private or semi-public place, it shall be a violation of this section for any child other than an employee of the place to be or remain in or upon any private or semi-public place during curfew hours.

(Ord. 2006-889-E, § 2)

### **Sec. 603.203. - Duties of Parents and Legal Guardians.**

A parent or legal guardian of a child has a duty and responsibility to ensure that a child does not violate [section 603.201](#) or [603.202](#), of the Children's Curfew. It shall be a violation of this section for a parent or legal guardian to knowingly allow or permit a child to violate the curfew provisions of [section 603.201](#) or [603.202](#).

(Ord. 2006-889-E, § 2)

### **Sec. 603.301. - Procedures.**

- (a) The Sheriff is authorized to stop persons whom he or she reasonably suspects is in violation of the curfew provisions of this chapter and may detain such persons as long as is reasonably necessary to determine whether they are in violation of this chapter.
- (b) The Sheriff, upon finding a child suspected to be in violation of this chapter shall allow the child opportunity to explain why he or she is not in violation of the ordinance. If a child is in violation of the ordinance, the Sheriff shall ascertain the name and address of the child, warn the child that he or she is in violation of the city curfew, and if there is any doubt about the will or capacity of the child to return safely to the child's home or usual place of abode, the Sheriff may take the child immediately to the child's home or usual place of abode, or the Sheriff may contact the child's parent or legal guardian and allow the child's parent or legal guardian to take physical custody of the child. If there is no parent, legal guardian, or other person having lawful custody and control over the child at the child's home or usual place of abode, or if the Sheriff is unable to make contact with the parent or legal custodian of the child within a reasonable time in order to deliver said child to his or her parent or legal guardian, or if the parent or legal guardian refuses to take custody of the child, the Sheriff may take the child into protective custody and to a facility capable of housing curfew violators. The Sheriff shall notify the parent, legal guardian, or other person having lawful custody and control over the child; and shall maintain a record of all such violations. When the Sheriff reasonably believes that any state law concerning child care has been violated the Sheriff shall notify the State Department of Children and Family Services.
- (c) In the event the Sheriff takes the child to a facility capable of housing curfew violators, the Sheriff, or such other person as is appropriate, shall, as soon as practical, attempt to notify the parents or guardians of the child.

(Ord. 2006-889-E, § 2)

### **Sec. 603.302. - Penalty.**

- (a) Any person who violates [section 603.201](#), [section 603.202](#) or [section 603.203](#) shall receive a written warning for his or her first violation. Any person who violates [section 603.201](#), [section 603.202](#) or [section 603.203](#), after having received a prior written warning, is guilty of a civil infraction and shall be assessed a civil fine of \$100.00 for each violation and court costs of \$15.00. The Clerk of the Court shall have the authority to collect said fines and costs.
- (b) The County Court in and for the Fourth Judicial Circuit shall have jurisdiction to hear charges of violations herein.
- (c) A person fined for a violation of [section 603.201](#), [section 603.202](#) or [section 603.203](#) may choose to perform community service in lieu of paying a fine. The Sheriff is authorized to create a program to supervise the performance of community service performed hereunder. Community service shall be performed at a rate of each hour equaling the federal minimum wage in effect at the time of the violation. The Sheriff shall notify the Clerk of Court when a person performs community service hereunder so the Clerk may reduce the amount of civil fine owed.
- (d) A person fined for a violation of [section 603.203](#) may choose to attend a parenting skills class in lieu of paying a fine. The Sheriff is authorized to create a program to supervise the attendance of a parenting skills class hereunder. The Sheriff shall notify the Clerk of Court when a person attends a parenting skills class hereunder so the Clerk may eliminate the civil fine owed.

(Ord. 2006-889-E, § 2)

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FOOTNOTE(S):

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<sup>(250)</sup> **Editor's note**— Ord. 2006-889-E, § 2, amended the Code by repealing former Ch. 603, 603.101—603.104, 603.201, 603.202, and 603.301, and adding a new Ch. 603. Former Ch. 603 pertained to similar subject matter, and derived from Ord. 91-1032-441 and Ord. 95-124-156. [\(Back\)](#)

<sup>(250)</sup> **State Law reference**— Curfew, F.S. § 877.20 et seq. [\(Back\)](#)