

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 51 DISASTER AND EMERGENCY MANAGEMENT, ARTICLE 1. IN GENERAL, SECTION 51.2 DEFINITIONS, AND SECTION 51.4.C.1. VIOLATIONS OF ORDERS AND RULES, AND CREATING SECTION 51.13, EMERGENCY SHELTER DESIGNATION FOR SEXUAL PREDATORS OR SEXUAL OFFENDERS; GENERAL ORDINANCES, MARTIN COUNTY CODE; AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida, is authorized by provisions in Chapter 125, Florida Statutes, to provide for the health, safety, and general welfare of the residents of Martin County; and

WHEREAS, in accordance with Chapter 252, Florida Statute, the Martin County Board of County Commissioners is tasked with operating emergency shelters, including hurricane shelters and also operates cold weather warming shelters when inclement weather exists.

WHEREAS, in accordance with Section 252.33(3), Florida Statutes, the responsibilities and jurisdiction of law enforcement is not to be affected by the County's operations of emergency shelters.

WHEREAS, in accordance with Section 943.0435 and 775.21, Florida Statutes, the Legislature finds that sexual offenders have a reduced expectation of privacy because of the public's interest in public safety, that certain sexual offenders pose an extreme threat to public safety, including recidivism, and that protection of the public from sexual offenders is a paramount government interest. The Sheriff's office is tasked with registering sexual offenders and recording their residences.

WHEREAS, in the year 2024, there were at least 152 sexual offenders and 15 sexual predators who registered with the Sheriff's Office.

WHEREAS, to provide for the safety and welfare of those in the shelters, the County has compelling reason to ensure proper accounting, knowledge, and documentation of individuals who have let their residence to shelter in designated facilities in times of emergencies and devastation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

PART ONE: AMENDMENT OF CHAPTER 51 DISASTER AND EMERGENCY MANAGEMENT, ARTICLE 1 IN GENERAL, SECTION 51.2 DEFINITIONS, SECTION 51.4.C.1. VIOLATIONS OF ORDERS AND RULES, AND CREATION OF SECTION 51.13, EMERGENCY SHELTER DESIGNATION FOR SEXUAL PREDATORS OR SEXUAL OFFENDERS; GENERAL ORDINANCES, MARTIN COUNTY CODE; AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE, AND CODIFICATION;

Chapter 51, Section 51.2, is hereby amended by adding the following language:

Section 51.2 Definitions

The following definitions shall apply in the interpretation of this chapter:

Attack means a direct or indirect assault against Martin County, its government, the municipalities contained therein, or the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, or by radiological, chemical or biological warfare or sabotage.

Board means the Board of County Commissioners of Martin County, a political subdivision of the State of Florida.

County means Martin County, a political subdivision of the State of Florida.

County Administrator means the administrative head of Martin County who has the powers and duties set forth in F.S. § 125.74 and section 1.63 of this Code or the County Administrator's designee.

Director means the Director of the Emergency Management Agency, a division of the Fire Rescue Department or the Director's designee. Appointment and responsibility shall conform with local governmental ordinances, resolutions, policies, and F.S. ch. 252.

Emergency means any occurrence or threat thereof, whether accidental, natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

Emergency management will be synonymous for any references to civil defense or disaster preparedness. Its broad meaning is the planning for, the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to: (a) reduction of vulnerability of people and communities to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action; (b) preparation for prompt and efficient response and recovery to protect lives and property affected by disasters; (c) response to emergencies using all systems,

plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency; (d) recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and properties affected by emergencies. Responsibilities shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

Facility accident is an unexpected happening or fortuitous event associated with a commercial nuclear electrical generating reactor that may threaten public health, life or property.

Fire Rescue Chief means the Martin County Fire Rescue Department Director or designee.

Local emergency means an emergency affecting only one political subdivision.

Regulations includes plans, programs, resolutions, executive orders and other emergency procedures deemed essential to emergency management.

Sexual offender means an individual who, in accordance with F.S. §§ 943.0435 and 944.607, is required to register with the Sheriff because he/she has been convicted or adjudicated delinquent of designated offenses in this state or another state, or has a sexual offender designation from another state.

Sexual predator means an individual who, as prescribed in F.S. § 775.21, is required to register with the Sheriff because he/she is a repeat sexual offender, a sexual offender who uses physical violence, or a sexual offender who preys on children, or has a sexual predator designation from another state.

Volunteer means any person who contributes a service, equipment or facilities to the disaster preparedness organization without remuneration.

Chapter 51, section 51.4.C.1. is hereby amended as adding the following language:

51.4.C.1. Violations of orders and rules.

1. In addition to the remedies provided in F.S. § 252.50, and unless otherwise stated in this Article, violations of any order or rule promulgated pursuant to this section shall be a noncriminal infraction and shall be enforced with a citation by County law enforcement agencies.

2. The penalty for a violation of an order issued pursuant to this section is:

a. First offense: A fine of \$50.00.

b. Second offense: A fine of \$100.00.

c. Third offense and each subsequent offense: A fine of \$250.00.

3. Nothing herein shall limit the County's right to seek injunctive or other equitable relief to ensure compliance with any order made pursuant to this part.

4. The County Administrator shall determine the scope and duration of any measures pursuant to this section, but in no event shall the scope and duration of any measure exceed the duration of the applicable emergency declaration or the duration permitted under Florida law. In exercising the powers under this section, the County Administrator should, to the fullest extent practicable under the circumstances, coordinate and consult with the Director of Emergency Management, the board, federal, state and other local government entities, and no power under this section shall be exercised if it would frustrate the emergency response of any federal or state entity.

Chapter 51, Section 51.13 is hereby created as follows:

Section 51.13, Emergency Shelter designation for sexual predators and sexual offenders

- A. Any person who is required by Florida law, or the law of that person's place of residence, to register as a sexual predator or sexual offender and who utilizes or intends to utilize a temporary emergency shelter provided by any public or private entity and established as a result of any manmade or natural emergency or incident, including a threatened emergency or incident shall, immediately upon entering the temporary emergency shelter:
 - 1. Notify the law enforcement officer(s) on duty or the individual(s) operating the temporary emergency shelter that he or she is a registered sexual predator or sexual offender;
 - 2. Provide his or her name and date of birth, along with proof of identification if on the person, to the law enforcement officer(s) on duty or the individual(s) operating the temporary emergency shelter; and
 - 3. Complete and sign emergency shelter registration documentation.
- B. Law enforcement officer(s) on duty at the temporary emergency shelter, or the individual(s) operating the temporary emergency shelter may, at any time, assign the sexual predator or sexual offender to a separate temporary emergency shelter designated by the sheriff for use by sexual predators and sexual offenders or to a specific location within the temporary emergency shelter.
- C. A sexual predator or sexual offender assigned to a specific location within a temporary emergency shelter pursuant to subsection (B) shall not enter any other area of the temporary emergency shelter.
- D. A sexual predator or sexual offender shall leave the temporary emergency shelter when instructed to leave by the law enforcement officer(s) on duty at the temporary emergency shelter, or when instructed to leave by the individual(s) operating the temporary emergency shelter.

- E. The sheriff may designate all or part of one or more public buildings, jails, or other correctional facilities as temporary emergency shelters to be utilized by sexual predators and sexual offenders.
- F. The law enforcement officer(s) on duty at a temporary emergency shelter, or the individual(s) operating the temporary emergency shelter, shall place signs at the entries and exits in use at the temporary emergency shelter and at conspicuous locations within the temporary emergency shelter to give notice to sexual predators and sexual offenders of the requirements of subsection (A) of this section.
- G. Applicability: The provisions of this article shall apply to the incorporated and unincorporated areas of Martin County.
- H. Penalties: A sexual offender or sexual predator who violates this section, shall be prosecuted in the same manner as misdemeanors are prosecuted, pursuant to Section 125.69, Florida Statutes, as may from time to time be amended. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney, and upon conviction shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

PART TWO – CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

PART THREE – SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART FOUR – APPLICABILITY OF ORDINANCE

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

PART FIVE – FILING WITH DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART SIX – EFFECTIVE DATE

This ordinance shall take effect immediately upon filing with the Department of State.

PART SEVEN – CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code, except parts Two to Seven shall not be codified. The word “ordinance” may be changed to “section,” “article” or other word, and the sections of this ordinance may be renumbered or re-lettered.

ADOPTED this _____ day of August, 2027

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

ELYSSE A. ELDER, ACTING COUNTY
ATTORNEY

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