

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 111 MISCELLANEOUS PROVISIONS, BY CREATING ARTICLE 8 REGISTRATION OF SEXUAL OFFENDERS, SEXUAL PREDATORS, CONVICTED FELONS AND CAREER OFFENDERS, SECTION 111.160, DEFINITIONS, AND SECTION 111.161 REGISTRATION FEES FOR SEXUAL OFFENDERS, SEXUAL PREDATORS, CONVICTED FELONS AND CAREER 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**, the Martin County Sheriff's Office "Sheriff's Office" is tasked with registering sexual offenders, sexual predators, convicted felons and career offenders.

**WHEREAS**, in the year 2024, there were at least 152 sexual offenders, 15 sexual predators, 262 convicted felons and 20 career offenders, who registered with the Sheriff's Office.

**WHEREAS**, in accordance with Section 943.0435, Florida Statutes, the Legislature finds that sexual offenders have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government and that sexual offenders shall register with the Sheriff. Further, releasing information concerning sexual offenders by a law enforcement agency or public agency, will further the governmental interests of public safety.

**WHEREAS**, in accordance with Section 775.21, Florida Statutes, the Legislature has found that the high level of threat that sexual offenders who are classified as a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes requiring frequent registration of sexual predators, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public.

**WHEREAS**, in accordance with Sections 775.21, 943.0435, and 944.607, Florida Statutes, the Sheriff's Office is responsible for obtaining and/or verifying personal information of the sexual offenders and predators which includes: address, email addresses, phone numbers, vehicle information, school attendance, employment,

photographs, fingerprints, and palm prints. The Sheriff's Office is responsible for community notification and notification to day cares, elementary, middle, and high schools of sexual predators within a certain mile radius.

**WHEREAS**, in accordance with Section 775.26, Florida Statutes, the Legislature finds that notification to the public and communities of the presence of a career offender aids the public and communities in avoiding being victimized by a career offender.

**WHEREAS**, in accordance with Section 775.261, Florida Statutes, certain career offenders must, within two working days, register with either Florida Department of Law Enforcement or the Sheriff's Office when the offender establishes or maintains a permanent or temporary residence in Martin County. The registration requires the Sheriff's Office to photograph, fingerprint, and gather personal identifying information of the offender and send said information to Florida Department of Law Enforcement. The Sheriff's Office may notify the community of the presence of the offender and verify the offenders' address.

**WHEREAS**, in accordance with section 775.13, Florida Statutes, certain persons who have been convicted of a felony shall, within 48 hours after entering Martin County, register with the Sheriff, be fingerprinted and photographed, and provide certain personal identifying information.

**WHEREAS**, such registrations require the Sheriff's Office to expend time, money, and resources to comply with these registration obligations.

**WHEREAS**, to provide for the health, safety, and general welfare of the community, requiring the offenders to pay a registration fee will offset the financial responsibility placed upon the taxpayers to implement these registrations.

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

**PART ONE: AMENDMENT OF CHAPTER 111 MISCELLANEOUS PROVISIONS, BY CREATING ARTICLE 8 REGISTRATION OF SEXUAL OFFENDERS, SEXUAL PREDATORS, CONVICTED FELONS AND CAREER OFFENDERS, SECTION 111.160, DEFINITIONS, AND SECTION 111.161 REGISTRATION FEES FOR SEXUAL OFFENDERS, SEXUAL PREDATORS, CONVICTED FELONS AND CAREER OFFENDERS; GENERAL ORDINANCES, MARTIN COUNTY CODE;**

Chapter 111 is hereby amended by adding the following provisions as follows:

**ARTICLE 8 – REGISTRATION OF SEXUAL OFFENDERS, SEXUAL PREDATORS, CONVICTED FELONS AND CAREER OFFENDERS**

Section 111.160 is hereby created as follows:

**Section 111.160, Definitions**

For the purposes of this section, a *registrant* shall be defined as follows:

- (a) *Sexual offender* means an individual who, in accordance with §§ 943.0435 and 944.607, Fla. Stat., 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.
- (b) *Sexual predator* means an individual who, as prescribed in § 775.21, Fla. Stat., 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.
- (c) *Convicted felon* means an individual, as prescribed in § 775.13, Fla. Stat., who is required to register with the Sheriff as a convicted felon.
- (d) *Career offender* means an individual, as prescribed in § 775.261, Fla. Stat., who is required to register with the Sheriff as a career offender.

Section 111.161 is hereby created as follows:

**Section 111.161, Registration fees for sexual offenders, sexual predators, convicted felons and career offenders.**

- A. *Initial registration.* When a registrant is required by state law to register with the Martin County Sheriff upon release from incarceration or upon their arrival in Martin County as a temporary, permanent, or transient resident, the registrant shall pay an initial registration fee that shall be set by resolution of the Board.
- B. *Yearly registration.* When a registrant is required to register yearly with the Martin County Sheriff, including registrations required during the registrant's birthday month, the registrant shall pay a yearly registration fee that shall be set by resolution of the Board.
- C. *Periodic re-registration.* At a time other than a registrant's yearly registration, when a registrant is required by law to periodically update or validate his/her information with the Martin County Sheriff, the registrant shall pay a re-registration fee that shall be set by resolution of the Board.
- D. *Change of address.* A registrant who reports to the Martin County Sheriff a change, modification, or addition to a permanent, temporary, or transient address, excluding changes made during required yearly registration and periodic re-registrations, that requires personal verification by or on behalf of

the Sheriff, such registrant shall pay a change of address fee to be set by resolution of the Board.

E. Exemptions and failure to pay registration fees. The Sheriff shall not refuse to engage in and process an initial registration, a yearly registration, a periodic re-registration, or a change of address registration, for a registrant who does not pay the required fee, at the time of registering.

1. The Sheriff shall immediately invoice all unpaid fees and provide a copy to the sexual offender, sexual predator, convicted felon or career offender, for payment. All invoiced fees shall be paid within thirty (30) days of invoicing.
2. Any portion of invoiced fees which remain unpaid after thirty (30) days may result in civil enforcement in accordance with Sections 125.01(1)(t) and 125.69(1), Fla. Stat., as amended.
3. The Sheriff shall report unpaid fees in accordance with standard accounting practices and the County may seek to recover said fees in a civil action in the same manner as other money due the County.
4. The Sheriff shall not require the payment of any fee from an unemancipated minor, juvenile sexual offender or juvenile sexual predator who is less than eighteen (18) years of age; until said individual reaches eighteen (18) years of age; at which time the applicable fees shall apply. Registrations with the Sheriff, upon reaching age of majority or emancipation, shall constitute an initial registration.
5. The Sheriff shall not require the payment of any fee from an individual whose change of address is the result of their incarceration. An incarcerated individual's initial registration, yearly registration, and periodic re-registration fees still apply, and shall be collected.

F. Disposition of collected registration fees. Fees collected pursuant to this section shall be remitted to the County and shall be used for reimbursement of expenses incurred by the Martin County Sheriff in the administration of this section or for crime prevention, school resource officer programs, safe neighborhood programs, programs and training in protecting children from harm by sexual offenders and sexual predators, drug abuse and prevention programs, or for other law enforcement purposes. Any surplus funds remaining in the revenue account established for this program at the end of each fiscal year shall be transferred to the county's general fund.

G. Penalties. A person who fails to pay all applicable registration fees in accordance with this section, or who violates any part of this section shall be subject to a fine not exceeding five hundred dollars (\$500.00) in accordance with Sections 125.01 and 125.69, Fla. Stat.

H. Applicability. This section shall apply to incorporated as well as unincorporated areas of Martin County.

## **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 14th day of January, 2025

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

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SARAH HEARD, CHAIR

APPROVED AS TO FORM & LEGAL  
SUFFICIENCY:

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SARAH W. WOODS, COUNTY ATTORNEY

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