

**ORDINANCE 2011- 05**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ESTABLISHING THE REQUIREMENT FOR THE COLLECTION OF REGISTRATION FEES FROM INDIVIDUALS IDENTIFIED BY FLORIDA STATUTE AS A CONVICTED FELON, CAREER OFFENDER, SEXUAL OFFENDER OR SEXUAL PREDATOR, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Nassau County is concerned for the welfare and safety of our children and adult citizens of Nassau County and;

**WHEREAS**, the Board is aware of the ever increasing national, state and local mandates, which require the County Sheriff to register, monitor and track individuals classified as Career Offenders, Convicted Felons, registered Sexual Offenders and Sexual Predators and;

**WHEREAS**, that neither the Sheriff or the County receives funds from the State or federal government to defray the costs of administering registration programs required by law; and

**WHEREAS**, the Board recognizes that it is costly and time consuming for the Sheriff to register, track and monitor Career Offenders, Convicted Felons, Sexual Offenders and Sexual Predators, who have been released from custody, and who are required by Florida law to register with the Sheriff and have their addresses physically verified; and

**WHEREAS**, it is the intent of this ordinance to serve the County's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the entire County by supporting practices that enhance the tracking, monitoring and registration of these high risk offenders, and;

**WHEREAS**, the Board desires to establish an ordinance requiring the collection of a Registration Fee from individuals designated by Florida Statutes as a "Convicted Felon", "Career Offender", "Sexual Offender" or "Sexual Predator".

**WHEREAS**, each individual designated by the State of Florida, or by any other Statue of any other State of the United States, or by the Government of the United States or any agency thereof as a "Convicted Felon", "Career Offender", "Sexual Offender" or "Sexual Predator" and who is required by any such law to register in the State of Florida, as a "Convicted Felon", "Career Offender", "Sexual Offender" or "Sexual Predator" represents an increased risk of harm to the citizens of Nassau County; and

**WHEREAS**, protecting the citizens of Nassau County from harm is enhanced by recognizing the risks that said individuals represent while residing in Nassau County, and

providing the necessary resources to ensure the proper registering, and tracking of their presence; and

**WHEREAS**, it is the intention of this Ordinance to be regulatory in nature and non-punitive, relating to the purpose of promoting, protecting and improving the health, safety and welfare of all the citizens of Nassau County and to protect the children of Nassau County and other potential victim(s) from potential victimization by registered Convicted Felons, Career Offenders, Sexual Offenders and Sexual Predators.

**NOW, THEREFORE, BE IT ORDAINED** this 13th day of June, 2011, by the Board of County Commissioners of Nassau County, Florida, as follows:

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

(a) **Registered Sexual Offender or Registered Sexual Predator** means an individual who is required to register with the Sheriff as a "Sexual Offender" or "Sexual Predator", as prescribed under Section 775.21, 943.0435 and 944.607, Florida Statutes (also known as the Florida Sexual Predator Act).

(b) **Convicted Felon** means an individual who is required to register with the Sheriff as a Convicted Felon as prescribed under Section 775.13, Florida Statutes.

(c) **Career Offender** means an individual who is required to register with the Sheriff as a Career Offender as prescribed under Section 775.261, Florida Statutes.

2. **REQUIREMENTS FOR THE COLLECTION OF REGISTRATION FEES; PENALTIES; EXCEPTIONS**

(a) **Initial registration.** When a registrant is required to register with the Nassau County Sheriff upon release from incarceration or upon their arrival in Nassau County as a temporary or permanent resident pursuant to Section 775.13, 775.261, 775.21, 943.0435 and 944.607, Florida Statutes, the registrant shall pay an initial registration fee that shall be set by resolution of the Board.

(b) **Fee for current registrants.** For each Career Offender, Convicted Felon, Sexual Offender and Sexual Predator, that is currently registered, the initial registration fee shall apply during their first initial registration or re-registration, following passage of this ordinance.

(c) **Required updates.** Any registrant that is required by state law to periodically update or otherwise validate a registrant's information based on the requirements of Section 775.21, 943.0435 and 944.607, shall pay a re-registration fee to be set by resolution of the Board.

(d) **Change of Address.** A registrant that reports to the Sheriff a change, modification or addition in either a temporary or permanent address (excluding changes made during required quarterly/bi-annual re-registrations) whereby the individual's

change of address requires personal verification shall pay a fee to be set by resolution of the Board.

(e) **Exemptions and Failure to Pay Registration Fees.** The Sheriff shall not refuse to register, re-register or modify an address, or required information of a registrant who does not pay the fee, at the time of registering, as required by this ordinance.

i. The Sheriff shall immediately invoice all unpaid fees, and provide a copy to the Convicted Felon, Career Offender, Sexual Offender or Sexual Predator; for payment. All invoiced fees shall be paid within (30) days of invoicing.

ii. Any portion of invoiced fees which remain unpaid after thirty (30) days may result in civil enforcement in accordance with Fla. Stat. Ch. 125.01(1)(t) and Ch. 125.69(1).

iii. 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.

iv. 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 years of age; until said individual reaches eighteen 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.

v. 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 and re-registration fees (quarterly or bi-annual) still apply, and shall be collected.

(f) **Disposition of Collected Registration Fees.** Fees collected pursuant to this ordinance shall be remitted to the County and shall be used for reimbursement of expenses incurred by the Nassau County Sheriff's Office in the administration of this section and/or for crime prevention, school resource officer programs, safe neighborhoods programs, training and programs in protecting children from harm by Sexual Offenders and Sexual Predators, drug abuse education and prevention programs or for other law enforcement purposes.

(g) **Penalties.** A person who fails to pay all applicable registration fees in accordance with this ordinance, or who violates any part of this section shall be subject to a fine not exceeding \$500.00 in accordance with Section 125.01(1)(t) and Section 125.69(1), Florida Statutes.

(h) **Applicability.** This Ordinance shall apply to incorporated as well as unincorporated areas of Nassau County.

**3: CONFLICT AND SEVERABILITY:** In the event this Ordinance conflicts with any other ordinance of Nassau County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

**4: EFFECTIVE DATE:** This Ordinance shall become effective upon its being filed with the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



WALTER J. BOATRIGHT  
Its: Chairman

Attest as to Chairman's signature:



JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

*By [initials] 6/13/11*

APPROVED AS TO FORM BY THE  
NASSAU COUNTY ATTORNEY:



DAVID A. HALLMAN