

LEE COUNTY ORDINANCE NO. 07-31

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ESTABLISHING REGISTRATION FEES FOR SEXUAL OFFENDERS/PREDATORS, CAREER OFFENDERS AND CONVICTED FELONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICT; SEVERABILITY; CODIFICATION; SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County, Florida; and

WHEREAS, the Board of County Commissioners of Lee County, Florida is deeply concerned about the increasing number of registering sexual offenders/sexual predators, career offenders and convicted felons pursuant to Sections 775.21, 943.0435(2)(a), 775.261 and 775.13, Florida Statutes; and

WHEREAS, the Board of County Commissioners of Lee County, Florida finds from the continued increase of sexual offenders/predators, career offenders and convicted felon registrations, the expense associated with registrations will increase; and

WHEREAS, the Board of County Commissioners of Lee County, Florida desires to establish a policy to provide for fees for the registration of sexual offenders/sexual predators, career offenders and convicted felons; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, finds that the imposition and collection of registration fees from sexual offenders/sexual predators, career offenders and convicted felons is in the best interest of the County.

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

SECTION ONE: DEFINITIONS

A. For purposes of this Ordinance, a sexual offender/sexual predator is an individual qualifying as a sexual offender/sexual predator under Sections 775.21, 943.0435 and 944.607, the Florida's Sexual Predator's Act.

B. For purposes of this Ordinance, a convicted felon is an individual qualifying as a convicted felon under Section 775.13, Florida Statutes.

C. For purposes of this Ordinance, a career offender is an individual qualifying as a convicted felon under Section 775.261, Florida Statutes.

D. Any person who is required by law to register or re-register with the Lee County Sheriff's Office, as a sexual offender/sexual predator, career offender or convicted felon pursuant to above stated statutes, shall pay to the Lee County Sheriff's Office the following fees:

- i. Sexual offenders/sexual predators first time registration the sum of \$30.00
- ii. Sexual offenders/sexual predators for each re-registration the sum of \$10.00
- iii. Convicted felon first time registration the sum of \$30.00
- iv. Career offender first time registration the sum of \$30.00
- v. Said payments are to be paid at the time of registration and shall be paid in cash or certified funds; no personal checks are accepted.

E. Disposition of the fee: Fees collected pursuant to this Ordinance shall be deposited by the Sheriff's Office into the Sheriff's operating account to be used exclusively for the administration and operations of this Ordinance.

F. The Lee County Sheriff's Office shall provide an annual monitoring report to the Lee County Board of County Commissioners showing performance and collections pursuant to this Ordinance.

SECTION TWO: **PENALTIES**

Any person convicted of any provision of this Ordinance shall be punished to the extent provided in Sections 775.21, 943.0435, 775.261 and 775.13, Florida Statutes.

SECTION THREE: **CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements shall apply.

SECTION FOUR: **SEVERABILITY**

The provisions of this Ordinance are severable and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided for. If any provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION FIVE: **CODIFICATION AND SCRIVENER'S ERRORS**

The Lee County Board of County Commissioners intends that this Ordinance will be made part of the Lee County Code; and that sections of this Ordinance can be renumbered or relettered and the word "Ordinance" can be changed to "Section," "Article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this Ordinance is ever codified, the Ordinance can be

renumbered or relettered and typographical errors and clarification of ambiguous wording that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for public hearing.

SECTION SIX: **EFFECTIVE DATE**

This Ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Hall made a motion to adopt the foregoing ordinance, seconded by Commissioner Mann. The vote was as follows:

BOB JANES	Aye
BRIAN BIGELOW	Aye
RAY JUDAH	Aye
TAMMY HALL	Aye
FRANK MANN	Aye

DULY PASSED AND ADOPTED THIS 4th day of December, 2007.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Chair



APPROVED AS TO FORM:
BY: Scott S. Covert
Scott S. Covert
Assistant County Attorney
Office of the County Attorney