COUNTY OF GULF
STATE OF FLORIDA

ORDINANCE NO. 2026-____

AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY REPEALING AND REPLACING PRIOR GULF COUNTY SEXUAL PREDATOR ORDINANCE AND ESTABLISHING SEX OFFENDER AND SEXUAL PREDATOR RESIDENCY RESTRICTIONS WITHIN GULF COUNTY AND SHALL BE COMMONLY REFERRED TO AS THE GULF COUNTY SEXUAL PREDATOR ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the Gulf County Board of County Commissioner has had an established and enforced sexual predator ordinance for many years, and now finds that updated laws and restrictions are necessary to continue to vigilantly protect and inform the public of repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety of Gulf County's residents; and

WHEREAS, pursuant to Florida Statute 125.01 the Gulf County Board of County commissioners ("Commission" and/or "County") shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

WHEREAS, pursuant the Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform acts which are in the common interest of the people of Gulf County and exercise all powers and privileges not specifically prohibited by law; and

WHEREAS, the Commission has received the recommendations of the County staff, consulted with staff regarding updated Florida Statutory guidelines, community concerns and public health and safety needs and through public hearings on the issue of sexual predator restrictions and guidelines to consider and review the proper implementation, guidelines and procedures to establish new notice and protections and process within Gulf County for registered sex offenders; and

WHEREAS, the County Commission finds that a restriction distance of 2,500 feet from locations where children regularly congregate is warranted given the elevated risk posed by sexual offenders and sexual predators, and that such restriction exceeds the minimum 1,000-foot residency restriction established by the State of Florida under F.S. 775.215.

WHEREAS, the County Commission finds that the restrictions imposed by this Ordinance are narrowly tailored and reasonably necessary to further the County's compelling interest in protecting children and the community from the risks posed by sexual offenders and sexual predators.

NOW, THEREFORE, BE IT ORDAINED BY THE GULF COUNTY BOARD OF COUNTY COMMISSION FOR GULF COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Findings and Purpose.

(a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators and present an extreme threat to the public safety of the Gulf County. Sexual offenders are prone to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The cost of sexual offender victimization to the community at large is substantial and severe.

(b) This Gulf County Board of County Commissioners find that residency restrictions of at least 2,500 feet from locations where children regularly congregate are necessary to provide a heightened level of protection to the County's children and to the community, exceeding the minimum protections established by Gulf County and the State of Florida.

(c) It is the intent of this Ordinance to promote, protect, and improve the health, safety, and welfare of the County's citizens by creating buffer areas around locations where children regularly congregate, within which certain sexual offenders and sexual predators are prohibited from establishing a temporary or permanent residence.

Section 2. Definitions.

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bus stop means any location designated by the Gulf County School District, or any public or private school, for the pickup or drop off of any minor child.

Permanent residence means a place where the person abides, lodges, or resides for 3 or more consecutive days that is the person's home or other place where the person primarily lives. For purposes of calculating a permanent residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

Temporary residence means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for 3 or more days in the aggregate during any calendar year that is not the person's permanent or transient residence. For a person whose permanent residence is not in this state, the term also includes a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. The term includes an "in-state travel residence," which means a temporary residence in this state established by a person who already has an existing permanent, temporary, or transient residence in this state. For purposes of calculating a temporary residence, the first day that a person abides, lodges, or resides at a place is excluded and each subsequent day is counted. A day includes any part of a calendar day.

Transient residence means a place within Gulf County where the person lives, remains, or is located for the purpose of abiding, lodging, or residing for 3 or more days in the aggregate during a calendar year that is not the person's permanent or temporary residence. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address. For purposes of calculating a transient residence, the first day that a person lives, remains, or is located in a county for the purpose of abiding, lodging, or residing is excluded and each subsequent day is counted. A day includes any part of a calendar day.

Sexual offender means any person who has been convicted of, or who has had adjudication withheld for, a violation of any of the following Florida Statutes, or any similar offense committed in another jurisdiction, regardless of whether adjudication was withheld: F.S. 393.135(2); 394.4593(2); 787.01 (where the victim is a minor); 787.02 (where the victim is a minor); 787.025(2)(c) (where the victim is a minor); 787.06(3)(b), (d), (f), (g), or (5); 794.011 (excluding s. 794.011(10)); 794.05; 800.04; 810.145(8); 825.1025; 827.071; 847.0133; 847.0135 (excluding s. 847.0135(6)); 847.0137; 847.0138; 847.0145; 895.03 (where the court makes a written finding that the racketeering activity involved at least one sexual offense listed herein or at least one offense listed herein with sexual intent or motive); 916.1075(2); 985.701(1); or any attempt or conspiracy to commit any of the foregoing offenses. *Sexual offender* shall also include any person who is required to register as a sexual offender in the State of Florida pursuant to F.S. 943.0435, 944.606, 944.607, or 985.4815, regardless of the nature of the underlying conviction or the jurisdiction in which such conviction occurred, including but not limited to convictions entered by courts of another state, the federal government, or a military tribunal. Notwithstanding the forego-

ing, the term "sexual offender" shall not include any person who has been removed from the requirement to register as a sexual offender or sexual predator pursuant to a court order entered under F.S. 943.04354.

Sexual predator means any person designated as a sexual predator pursuant to F.S. 775.21.

Protected location means any school, daycare center, park, playground, public library, public ballfield, bus stop, swimming pool open to the public, community center, place of worship, or arcade located within Gulf County. The term also includes any other place where children regularly congregate that has been formally designated as a protected location by resolution of Gulf County and published on the County's official website or otherwise made publicly available. Gulf County shall maintain and publish on its official website a current list of all protected locations.

Section 3. Prohibited Residency.

(a) It is unlawful for any sexual offender or sexual predator, as defined in Section 2 of this Ordinance, to establish a permanent residence, temporary residence, or transient residence within 2,500 feet of any protected location within Gulf County. For purposes of a transient residence, it is unlawful for such person to live, remain, or be located, for the purpose of abiding, lodging, or residing, at any specific place or location within 2,500 feet of any protected location Gulf County.

(b) For purposes of this Section, the 2,500-foot distance requirement shall be measured in accordance with Section 4 of this Ordinance.

(c) A sexual offender or sexual predator who establishes or maintains a permanent residence, temporary residence, or transient residence in violation of this Ordinance shall be in violation of this Ordinance for each day that such residence is maintained.

Section 4. Measurement of Distance.

For purposes of determining the minimum distance separation required under this Ordinance, the distance shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer boundary line of any protected location, as defined herein, consistent with the measurement methodology set forth in F.S. 775.215. For a transient residence, the distance shall be measured by following a straight line from the specific place or location where the person lives, remains, or is located for the purpose of abiding, lodging, or residing to the nearest outer boundary line of any protected location. The Gulf County Sheriff's Office shall have the authority to make such measurements in furtherance of enforcement of this Ordinance.

Section 5. Exemptions.

A person residing within 2,500 feet of any protected location does not commit a violation of this Ordinance if any of the following apply:

(1) The person established the permanent residence, temporary residence, or transient residence and reported and registered the residence pursuant to F.S. 775.21, 943.0435, or 944.607 prior to the effective date of this Ordinance, and such residence has been continuously maintained since that time without interruption.

(2) The person was a minor when he or she committed the offense, was not convicted as an adult, and is not required to register as a sexual offender or sexual predator under F.S. 943.0435, 944.606, 944.607, 985.4815, or any other applicable provision of Florida law.

(3) The person is a minor and is not required to register as a sexual offender or sexual predator under applicable state or federal law.

(4) The protected location within 2,500 feet of the person's permanent residence, temporary residence, or transient residence was established, opened, or designated after the person established the permanent residence, temporary residence, or transient residence and reported and registered the residence pursuant to applicable state law, provided that such residence has been continuously maintained since that time without interruption.

(5) The person has been removed from the requirement to register as a sexual offender or sexual predator pursuant to a court order entered under F.S. 943.04354, and such order has not been rescinded or otherwise invalidated.

(6) The person had established and was lawfully maintaining a specific permanent residence, temporary residence, or transient residence within Gulf County prior to the date of the conviction or adjudication that caused the person to become a sexual offender or sexual predator, where such conviction or adjudication occurred on or after the effective date of this Ordinance, provided that the residence was established before the person was subject to the residency restrictions of this Ordinance and has been continuously maintained since that time without interruption. This exemption applies only to the specific residence established prior to the date of the conviction or adjudication and does not authorize the person to establish or maintain any other residence within Gulf County. If the person vacates or otherwise ceases to continuously maintain that specific residence, the exemption is permanently lost, and the person may only return to and reside at that same specific residence.

Section 6. Prohibition on Letting or Renting to Restricted Persons.

(a) It is unlawful for any person to let or rent any place, structure, or part thereof, trailer, or any other conveyance, with knowledge or reason to know that it will be used as a permanent residence, temporary residence, or transient residence by any sexual offender or sexual predator prohibited from establishing such a residence pursuant to this Ordinance, if such place, structure, or part thereof, trailer, or other conveyance is located within 2,500 feet of any protected location.

(b) A property owner's knowing failure to comply with the provisions of subsection (a) of this Section shall constitute a violation hereof, subject to the penalties set forth in Section 7. The Gulf County Sheriff's Office is authorized to take enforcement action against property owners in violation of this section.

Section 7. Enforcement and Penalties.

(a) Enforcement Authority. The Gulf County Sheriff's Office is designated as the primary law enforcement authority responsible for enforcing the provisions of this Ordinance within Gulf County.

(b) Criminal Penalty. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. 775.082 or 775.083. Each day a violation continues shall constitute a separate offense. The penalties imposed under this Ordinance are independent of and in addition to any penalties that may be imposed under applicable state law, including but not limited to the graduated penalty provisions of F.S. 775.215.

(c) Civil Enforcement. Gulf County may also seek civil enforcement of this Ordinance, including injunctive relief, through a court of competent jurisdiction. In any such action, Gulf County shall be entitled to recover its reasonable attorney's fees and costs from a person found to be in violation of this Ordinance.

Section 8. Severability.

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section,, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 9. Conflicts.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. To the extent that any provision of this Ordinance establishes requirements more restrictive than those set forth in the Gulf County Code of Ordinances or under applicable state law, including F.S. 775.215, the more restrictive provisions of this Ordinance shall control within Gulf County. Nothing in this Ordinance shall be construed to limit or restrict the authority of the

Gulf County Sheriff's Office to enforce applicable state law, including F.S. 775.21, 775.215, 943.0435, 944.607, and 985.4815.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Gulf County Board of County Commissioners following compliance with all applicable notice and publication requirements as set forth in Florida Statutes and thereafter filed with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner _____, Who moved its adoption. The motion was seconded by commissioner _____ and , being put to vote, the cote follows:

Commissioner Chairman Quinn _____
Commissioner Husband _____
Commissioner McCroan _____
Commissioner Pridgeon _____
Commissioner McLemore _____

ADOPTED this ____th day of December, 2026.

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

ATTEST:

MATTHEW TERRY, CLERK

By:_____
SANDY QUINN, Chairman

By:_____
County Clerk / Deputy Clerk

APPROVED AS TO FORM AND CONTENT:

By_____
Jeremy T.M. Novak, Gulf County Attorney