

**ORDINANCE NO. 2025 – 021**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA, CREATING SECTION 28-3 IN THE CODE OF ORDINANCES OF PUTNAM COUNTY, TO BE KNOWN AS THE PUTNAM COUNTY SEXUAL OFFENDER AND SEXUAL PREDATOR ACT, PROVIDING FINDINGS, INTENT, DEFINITIONS, AND RESIDENCY REQUIREMENTS; AUTHORIZING COLLECTION OF REGISTRATION FEES; PROHIBITING PRESENCE, LOITERING, OR PROWLING WITHIN CHILD SAFETY ZONES WITH EXCEPTIONS; RESTRICTING PARTICIPATION IN HALLOWEEN ACTIVITIES WITH AN EXCEPTION; PROHIBITING COHABITATION OF OFFENDERS; ESTABLISHING ACCOUNTABILITY FOR PROPERTY OWNERS, LANDLORDS, AND LESSORS; REQUIRING NOTICE FOR TEMPORARY EMERGENCY SHELTERS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Putnam County prioritizes the health, welfare, and safety of its children by reducing opportunities for sexual offenders and predators to interact with them or misuse public spaces for criminal purposes; and

**WHEREAS**, achieving this vital interest requires a cooperation federal, state, and local efforts to address emerging threats; and

**WHEREAS**, Section 775.215, Florida Statutes, currently prohibits certain sexual offenders and predators from residing within 1,000 feet of schools, childcare facilities, school bus stops, parks, and playgrounds; and

**WHEREAS**, due to the significant risk of recidivism, the Board believes extending residency restrictions to 2,500 feet, prohibiting loitering in specific areas, and restricting Halloween activities will better protect children while balancing housing availability and

**WHEREAS**, pursuant to Sections 943.0435 and 775.21, Florida Statutes, sexual offenders and predators must register their addresses with the Sheriff's Office within 48 hours of release from custody or supervision and

**WHEREAS**, this registration process consumes County resources, justifying fees for registrants and

**WHEREAS**, property owners and lessors have a duty to ensure compliance with this ordinance before renting to sexual offenders or predators and

**WHEREAS**, Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, authorize the Board to enact ordinances with penalties under Sections 775.082 and 775.083, Florida Statutes.

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

**SECTION 1. RECITALS.** The Putnam County Board of County Commissioners hereby adopts the above recitals and incorporates them herein as a part of this ordinance.

**SECTION 2. CODE CREATED.** New code shall be enacted in Chapter 28, specifically Article I to be titled, The Putnam County Sexual Offender and Sexual Predator Act, as follows:

**Sec. 28-3 Sexual Offender and Sexual Predator Act.**

- (a) Repeat sexual offenders, those who use physical violence, and those who prey on children are sexual predators posing an extreme threat to public safety. Sexual offenders often use physical violence and are prone to recidivism. Most commit numerous offenses, have more victims than reported, and face prosecution for only a fraction of their crimes, making their societal cost, though incalculable, clearly exorbitant.
- (b) This Section serves the County's compelling interest in promoting, protecting, and improving the health, safety, and welfare of its citizens, especially children, by prohibiting sexual offenders and predators from residing near areas where children regularly congregate, restricting rental of such properties to them, and limiting their access to parks and childcare facilities.
- (c) This Act applies to all unincorporated areas of Putnam County, Florida.
- (d) Definitions. The following terms have the meanings ascribed:
  - (1) "Child" or "children" means any person under eighteen (18) years of age.
  - (2) "Childcare facility" means day nurseries and family day care homes licensed by the Department of Children and Families, per Section 402.302, Florida Statutes.
  - (3) "Child safety zone" means an area five hundred (500) feet extending from schools, childcare facilities, parks, and school bus stops, measured as specified for residency restrictions in this ordinance.
  - (4) "Convicted" or "conviction" means a determination of guilt from a trial or plea of guilty or nolo contendere, regardless of adjudication, including convictions by federal, military, or other jurisdictions, with sanctions such as fines, probation, or incarceration.
  - (5) "Fall Festival" means a family-friendly, often faith-based event organized by a religious entity, typically in late October, as an alternative to Halloween.



- (6) **“Halloween”** means a popular, largely secular celebration in the U.S., marked by trick- or-treating, pumpkin carving (jack-o’-lanterns), haunted houses, and spooky themes, traditionally observed on or around October 31.
- (7) **“Legal guardian” or “guardian”** means a child’s biological or adoptive parent or a person responsible for their care under Florida law or similar statutes.
- (8) **“Park”** has the meaning in Section 775.215, Florida Statutes: public or private property designated for recreation where children regularly congregate.
- (9) **“Participate”** means actively engaging in an activity or event.
- (10) **“Permanent residence”** means a place where a person abides, lodges, or resides for three or more consecutive days, excluding the first day in the count.
- (11) **“Playground”** has the meaning in Section 775.215, Florida Statutes: a designated area with play structures for children.
- (12) **“Reside” or “residence”** means having a permanent or temporary place of abode.
- (13) **“School”** means a public or private kindergarten, elementary, middle, or high school.
- (14) **“School bus stop”** means a location designated by the Putnam County School District or a private school under Part IV, Chapter 1002, Florida Statutes, for student pick-up or drop-off.
- (15) **“Sexual offender”** has the meaning in Section 943.0435, Florida Statutes.
- (16) **“Sexual offense”** means a conviction under Sections 794.011, 800.04, 827.071, 847.0135(5), or 847.0145, Florida Statutes, or similar laws elsewhere, where the victim was under sixteen (16) years old, excluding Section 794.011(10).
- (17) **“Sexual predator”** has the meaning in Section 775.21, Florida Statutes.
- (18) **“Temporary residence”** means a place where a person abides, lodges, or resides for three or more days in a calendar year, excluding the first day, and which is not their permanent address, including travel destinations or vocational/educational sites in-state for out-of-state residents.
- (19) **“Transient residence”** means a county where a person stays for three or more days in a calendar year, excluding the first day, without a permanent or temporary address, including shelters or locations without specific addresses.

(e) Residency Requirements

- (1) A sexual offender or predator required to register under Sections 943.0435 or 775.21, Florida Statutes, may not establish a permanent, temporary, or transient residence within 2,500 feet of any school, childcare facility, school bus stop, park, or playground.
- (2) The 2,500-foot distance is measured in a straight line from the outer boundary of the parcel containing the offender's or predator's residential dwelling to the outer boundary of the parcel with the school, childcare facility, park, school bus stop, or playground, not by pedestrian or automobile routes. For units within cooperatives, condominiums, or apartment buildings, the parcel is the property on which the building sits.
- (3) No more than two sexual offenders or predators may reside at the same address unless related by blood, marriage, or adoption.
- (4) No sexual offender or predator may reside within 500 feet of another unless related by blood, marriage, or adoption.
- (5) No sexual offender or predator may reside in a multi-family dwelling, manufactured/mobile home park, or condominium if their total exceeds 10% of occupied single-dwelling units.
- (6) Exceptions: This section does not apply if:
  - a. The residence was established before this Article's effective date, unless a new sexual offense or probation violation occurs thereafter.
  - b. The person was a minor at the time of committing the offense and was not convicted as an adult.
  - c. The person is a minor; or
  - d. A school, childcare facility, park, school bus stop, or playground is established within 2,500 feet after residency begins.

(f) Registration Fees

- (1) Initial Registration—Upon registering with the Putnam County Sheriff's Office as required by Sections 775.21 and 943.0435, Florida Statutes, a sexual offender or predator must pay a \$50.00 fee.
- (2) Current Registrants—This fee does not apply to those registered before this Section's adoption, but other fees in this section apply.

(3) Required Updates—For periodic updates under Sections 775.21, 943.0435, and 944.607, Florida Statutes, a \$25.00 re-registration fee is due each time.

(4) Change of Address—Reporting a change in permanent, temporary, or transient residency (outside quarterly/bi-annual updates) requires a \$10.00 fee.

(g) Failure to Pay Registration Fees

(1) If unable to pay at registration, the Sheriff's Office shall accept the registration, invoice the fees, and provide a copy to the registrant, due within 30 days.

(2) Unpaid fees shall be reported per standard accounting practices, recoverable via civil action.

(3) Fees are waived for unemancipated minors under 18 until they reach 18, when registration is treated as initial.

(4) No fees apply for address changes due to incarceration, though initial and re-registration fees remain.

(5) Collected fees shall fund the Sheriff's Office's administration of this Article, crime prevention, safe neighborhood programs, child protection training, drug abuse education, or other law enforcement purposes.

(h) Prohibited Presence, Loitering, or Prowling at Certain Locations

(1) Sexual offenders and predators may not be present, loiter, or prowl within a child safety zone. Upon registration, the Sheriff's Office shall provide a list of such zones, updated annually, which registrants must acknowledge by signature. Failure to receive or inaccuracies in the list are not defenses.

(2) Exceptions: This prohibition does not apply to:

a. Dropping off or picking up their child or a friend's/relative's child (with parental permission) or attending an activity with such a child or an adult-only function;

b. Voting or registering to vote at designated locations during allotted times;

c. Conducting official business at government buildings;

d. Single trips passing through a zone enroute elsewhere;

e. Attending religious services.



- f. Minors enrolled in Putnam County schools (grades 1–12) while at school or their bus stop.
- g. Distance is measured in a straight line from the outer property line of the child-use area.
- h. For permitted activities, offenders/predators may not linger beyond the time reasonably necessary.

(i) Prohibited Halloween and/or Fall Festival Activities; Exception

- (1) Sexual offenders and predators may not participate in Halloween or Fall Festival events involving children, such as distributing candy or wearing costumes to attract them.
- (2) On or about October 31, they must:
  - a. Avoid all Halloween/Fall Festival contact with children.
  - b. Keep outside residential lighting off after 5:00 p.m. EST, and
  - c. Display no exterior decorations to entice children.
  - d. Exceptions, events with their related children, where no unrelated children are present, are exempt.

(j) Temporary Emergency Shelters; Notice Requirements

- (1) A sexual offender or predator using a temporary shelter established by a public or private entity due to an emergency, incident, or threatened emergency must immediately notify the on-site law enforcement officer of their status and be assigned to a designated shelter for such individuals.
- (2) The Sheriff has sole authority to designate such shelters, including public buildings or correctional facilities.
- (3) Failure to notify is a violation subject to penalties under section (k).

(k) Penalties. Violations of this Article by a sexual offender or predator constitute a second-degree misdemeanor, punishable by a fine, not to exceed \$500, and may be sentenced to a term of imprisonment, not to exceed 60 days in Putnam County Jail, or both, pursuant to Sections 775.082 and 775.083, Florida Statutes.

(l) Property Owners or Lessors Prohibited from Renting to Certain Sexual Offenders or Predators and Penalties

- (1) It is unlawful to knowingly rent any property within 2,500 feet of a prohibited location to a sexual offender or predator for use as a residence, including after notification of their status.
- (2) Before renting such property, and annually thereafter, owners or lessors must confirm via the National Sex Offender Public Website (<https://www.nsopw.gov/>) that the prospective renter or adult resident is not a registered offender or predator. The Sheriff's Office's non-emergency line may assist. Presumptions in prosecution include:
  - a. Knowledge of status if registered on the website and
  - b. Residential use if the property is zoned residential.

(3) Penalties

- a. A knowing and willful violation is a second-degree misdemeanor, punishable by a fine of up to \$500.00 and/or up to 60 days in jail.
- b. Owners may face a \$250.00 daily lien on the property for each day of violation or non-compliance.

**Secs. ~~28-3~~ 28.4 - 28-24. - Reserved.**

**SECTION 3. SEVERENCE.** It is the intent of the Board, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon its being filed with the Department of State of Florida. The Act shall take effect immediately.

**PASSED AND ENACTED** by the Board of County Commissioners of Putnam County, Florida, this 26<sup>th</sup> day of August, 2025.

**PUTNAM COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS**



Leota Wilkinson, Chair



ATTEST:

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Matt Reynolds, Clerk of the Court