

ORDINANCE NO. 1685

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATING TO LIFEGUARD PERMITS AND SEXUAL OFFENDER AND SEXUAL PREDATOR REGISTRY SCREENING; AMENDING CHAPTER 16 OF THE CITY CODE RELATING TO SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCY RESTRICTIONS, PUBLIC SWIMMING POOLS, PROPERTY-OWNER RENTAL RESTRICTIONS; CREATING SECTION 16-64 TO INCLUDE STATE-LAW CHILD-PROTECTION RESTRICTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, during its 2026 Regular Session, the Florida Legislature enacted Chapter 2026-17, Laws of Florida (CS/SB 212), relating to sexual offenders and sexual predators; and

WHEREAS, Chapter 2026-17, Laws of Florida, adds public swimming pools to certain residency, employment, supervision, and child-protection restrictions and revises certain restrictions relating to parks, playgrounds, schools, child care facilities, and other places where children regularly congregate; and

WHEREAS, the City Council finds it necessary and appropriate to conform the City Code to Florida law, eliminate conflicting local provisions, protect children and other members of the public at child-congregating locations, and provide clear procedures for City staff, applicants, permittees, property owners, law enforcement officers, and the public.

NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. From and after the effective date of this ordinance, Chapter 7, Article III, sections 7-17 through 7-20 of the City's Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

ARTICLE II. LIFEGUARDS

...

Sec. 7-17. Issuance of lifeguard permits by Beach Safety Department; fee; appeals.

- (a) Registrations shall be maintained and Lifeguard Permits issued by the Beach Safety Department which shall, before issuance, determine that the applicant for any such permit is identified and qualified as required by Section 7-18.
- (b) A registration fee of fifteen dollars (\$15.00) shall be charged and paid by each applicant for such determination, registration and permit issuance.

- (c) Appeal from an adverse determination by the Beach Safety Department may be made to the Hearing Officer by written notice delivered to the City Clerk within three (3) business days after such determination and specifying the grounds for appeal.
- (d) No application for a new permit shall be accepted within one (1) year after a final, adverse determination.

Sec. 7-18. Application and qualifications.

- (a) Applications for a Lifeguard Permit shall include such information identifying the applicant and the business, if any, employing the applicant as shall be specified by the Beach Safety Department.
- (b) Applicants for a permit required by this article for Pool Service (a Pool Service Lifeguard Permit) must be sixteen (16) years of age and hold a valid and current lifesaver's or lifeguard certificate issued to the applicant by the American Red Cross, the YMCA or equivalent training program approved or operated by the City Beach Safety department.
- (c) Applicants for a permit required by this article for Gulf Service (a Gulf Service Lifeguard Permit) must hold a valid and current open water lifesavers or lifeguard certificate issued to the applicant by a program approved or operated by the City Beach Safety department meeting the following, minimum open water standards:
 - (1) The program must require each applicant to meet the following, minimum prerequisites:
 - (i) Hold American Red Cross cardiopulmonary resuscitation for professional rescuer/automated external defibrillator training certification or American Heart Association Health Care Provider Certification; and
 - (ii) Hold First Aid and Safety certification from American Red Cross or a materially equivalent program approved by the City Beach Safety department; and
 - (iii) Pass a swim test of five hundred fifty (550) yards open water in less than ten (10) minutes.
 - (iv) Be eighteen (18) years of age.
 - (2) The program curriculum shall include, at a minimum, training approved by the City Beach Safety department in:
 - (i) Aquatic risk management (water observation and pre-event planning); and
 - (ii) Code enforcement; and
 - (iii) Documentation of public contacts; and
 - (iv) Hydrology and weather conditions; and
 - (v) Victim identification; and
 - (vi) Rescue techniques, including skill and endurance building drills, in small, moderate and large surf; and
 - (vii) Missing swimmer operations (search and rescue); and
 - (viii) Aquatic medical emergency management.
- (d) Notwithstanding the foregoing, applicants for a Lifeguard Permit who have previously held a Lifeguard Permit and a certificate described in subparagraph (b) or (c) above, both of which have expired by the passage of time not more than twelve (12) months prior to the application, and who are otherwise qualified for a Lifeguard Permit and have registered and are diligently pursuing renewal of such certificate, may be issued a temporary Lifeguard Permit by the Beach Safety Department which Permit shall expire upon the earlier of ninety (90) days after issuance or the failure of such person to continue to be qualified, registered and diligently pursuing renewal of such certificate.
- (e) Each application for a Lifeguard Permit shall include the applicant's full legal name, date of birth, current address, any prior names or aliases, and any other identifying information reasonably required by the Beach Safety Department to conduct any sexual offender or sexual predator registry search required or authorized by state law or this article. Each applicant shall disclose whether the applicant is required to register as a sexual offender or sexual predator under Florida law or the law of another jurisdiction.**
- (f) No Lifeguard Permit, including a temporary Lifeguard Permit, shall be issued to any person who is prohibited by Florida law, court order, probation, community control, conditional release, or any other lawful**

supervision condition from working for pay or as a volunteer at a public swimming pool, or from serving in the lifeguard position for which the permit is sought.

Sec. 7-19. Term and revocation of permit and appeals.

- (a) Each Lifeguard Permit shall expire on the December 31 next following issuance, regardless of when issued.
- (b) The permit of a Lifeguard who consumes any alcoholic beverage or drug while on duty or who is on duty while under the influence of any alcoholic beverage or drug shall be immediately revoked by the Beach Safety Director.
- (c) The Beach Safety Director may deny, suspend, or revoke a Lifeguard Permit if the applicant or permittee made a false statement or material omission regarding sexual offender or sexual predator status, becomes prohibited by Florida law, court order, probation, community control, conditional release, or other lawful supervision condition from working for pay or as a volunteer at a public swimming pool, or otherwise becomes legally ineligible to serve in the lifeguard position for which the permit was issued.
- (~~e~~ d) Appeal from a revocation, denial, or suspension by the Beach Safety Director may be made to the Hearing Officer by written notice delivered to the City Clerk within three (3) business days after such determination and specifying the grounds for appeal.
- (~~e~~ e) No application for a new permit shall be accepted within one (1) year after a final revocation or final adverse determination under this section.

(Code 1973, § 5-38; Ord. No. 409, § 1, 3-11-93; Ord. No. 568, § 1, 7-23-98; Ord. No. 1616, § 2, 3-9-2023)

Sec. 7-20. Unpermitted lifeguarding prohibited; insurance.

- (a) It is unlawful to employ or use any person as a Lifeguard who (i) does not hold a valid, current and appropriate (Pool Service or Gulf Service, as required) Lifeguard Permit and, (ii) is prohibited by Florida law, court order, probation, community control, conditional release, or other lawful supervision condition from serving in that position, and (iii) does not comply with the provisions and limitations contained in this article.
- (b) It is unlawful for any person to provide Lifeguard services unless that person (i) holds a valid, current and appropriate (Pool Service or Gulf Service, as required) Lifeguard Permit and, (ii) is not prohibited by Florida law, court order, probation, community control, conditional release, or other lawful supervision condition from serving in that position, and (iii) complies with the provisions and limitations contained in this article.
- (c) No person shall employ a Lifeguard and offer his or her services as such to the public who is not insured against general public liability including, without limitation, lifeguard and water safety activities, in an amount not less than one million dollars (\$1,000,000.00) single limit.
- (d) Violation of this section shall be punishable as a Class 1 Violation as provided in Section 7-502.

SECTION 2. From and after the effective date of this ordinance, Chapter 16, Article V, sections 16-60 through 16-63 of the City's Code of Ordinances is amended and section 16-64 is created to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

ARTICLE V. SEXUAL OFFENDERS AND SEXUAL PREDATORS:

Sec. 16-60 Findings and intent.

- (a) Repeat sexual offenders, sexual offenders who use physical violence, sexual offenders who prey on children and sexual predators present an extreme threat to the public safety. A majority of the victims of sexual crimes are minors, for whom these physical assaults can cause long term psychological impacts to the young victims and their families. More often than not, victimization of children goes unreported, making the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this Article to promote, protect and improve the health, safety and welfare of the City's citizens by creating areas around locations where children regularly congregate in concentrated numbers, where certain sexual offenders and sexual predators are prohibited from establishing a temporary or a permanent residence, in order to reduce opportunities for the sexual victimization of children

Sec. 16-61 Definitions.

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

"Child care facility" means any child care center or child care arrangement which provides child care for more than five children unrelated to the operator, and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are not included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in section 402.3025, Florida Statutes;**
- (b) Summer camps having children in full-time residence;**
- (c) Summer day camps;**
- (d) Bible schools normally conducted during vacation periods; and**
- (e) Operators of transient establishments, as defined in chapter 509, Florida Statutes.**

"Park" means all public and private property specifically designated as being used for recreational purposes and where children regularly congregate.

"Permanent residence" means a place where the person abides, lodges or resides for 14 or more consecutive days

"Playground" means a designated independent area in the community or neighborhood that is designated solely for children and has one or more play structures.

"Public swimming pool" means a pool, spa, wading pool, splash pad, spray pool, or similar water-recreation attraction treated as a public swimming pool under state law. For residency restrictions, the definition in Section 775.215, Florida Statutes, controls. For the restrictions summarized in Section 16-64, the definition in Section 856.022, Florida Statutes, controls. State law excludes certain pools, including private single-family residence pools and adult-only pools, and for residency restrictions also excludes hotel, motel, and recreational vehicle park pools.

"School" means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education, both public and private, voluntary prekindergarten education programs, the Florida School for the Deaf and the Blind, and the Florida Virtual School, but does not include facilities dedicated exclusively to the education of adults.

"Temporary residence" means a place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges or resides for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 16-62 Sexual offender and sexual predator residence prohibition; penalties; exceptions.

- (a) It is unlawful for any person who is required to register as a sexual offender or sexual predator in accordance with Sections 775.21, 943.0435 or 944.607, Florida Statutes, to establish a permanent residence or temporary residence within 2,500 feet of any school, ~~day care center~~ **child care facility**, park, or playground.
- (b) **It is unlawful for any person convicted with a violation of Section 775.215(4), Florida Statutes, to establish a permanent residence or temporary residence within 1,000 feet of any school, child care facility, park, playground, or public swimming pool.**
- (bc) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, ~~day care center~~ **child care facility**, park, or playground.
- (ed) *Penalties.* A person who violates this section shall be cited with a municipal offense as provided in Section 1-12, City of Panama City Beach Code of Ordinances.
- (ee) *Exceptions.* A person residing within 2,500 feet of any school, ~~day care center~~ **child care facility**, park or playground does not commit a violation of ~~this section~~ **subsection (a)** if any of the following apply:
- (1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Sections 775.21, 943.0435 or 944.607 Florida Statutes, prior to [the effective date of this ordinance].
 - (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
 - (3) The person is a minor.
 - (4) The school, ~~day care center~~ **child care facility**, park or playground within 2,500 feet of the person's permanent residence, was opened or designated after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Sections 775.21, 943.0435 or 944.607, Florida Statutes.
 - (5) The person has been removed from the state sexual offender registry by court order.

To the extent a person is subject to the state-law residency restriction recognized in subsection (b), any exception, grandfathering provision, removal provision, or limitation provided by Section 775.215, Florida Statutes, shall apply.

Sec. 16-63 Property owners prohibited from renting real property to certain sexual offenders and sexual predators; penalties

- (a) ~~It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to section 16-62 of this Code, if such place, structure, or part thereof, trailer or other conveyance, is located within 2,500 feet of any school, day care center, park or playground.~~
- It is unlawful to let or rent any place, structure, trailer, conveyance, or part thereof, with knowledge that it will be used:**
- (1) as a permanent residence or temporary residence by a person prohibited by Section 16-62(a) of this Article, if the property is within 2,500 feet of any school, child care facility, park, or playground; or**
 - (2) as a permanent residence or temporary residence by a person prohibited by Section 16-62(b) of this Article, if the property is within 1,000 feet of any school, child care facility, park, playground, or public swimming pool.**
- (b) A property owner's failure to comply with provisions of this Section shall constitute a violation of this Section, and shall subject the property owner to the code enforcement provisions and procedures as provided in this Code, including the provisions that allow the City to seek relief as otherwise provided by law.

Sec. 16-64 State-law restrictions at certain child-congregating locations

- (a) A person described in Section 856.022(1), Florida Statutes, is referred to in this section as a "covered person" and shall comply with all state-law restrictions, including the following:**
- (1) Loitering or prowling. A covered person commits a state offense if, while committing loitering or prowling, he or she is within 500 feet of a place where children are congregating.**
 - (2) Contact with minors. A covered person may not knowingly contact or communicate with, or approach with the intent to contact or communicate with, a person younger than 18 years of age in any park building or on real property comprising any park, playground, or public swimming pool, except as allowed by state law for family or household members.**
 - (3) Schools and child care facilities. A covered person may not knowingly be present in any child care facility or school containing students in prekindergarten through grade 12, or on the real property of such facility or school when it is in operation, unless the person complies with the written notice, arrival and departure notice, and direct-supervision requirements of Section 856.022, Florida Statutes.**
- (b) For the school and child care facility presence restriction, state law provides exceptions for voting, for a parent, grandparent, or legal guardian only dropping off or picking up his or her child or grandchild, and for attendance at a religious service as defined by state law.**
- (c) Violations of Section 856.022, Florida Statutes, are state criminal offenses. Nothing in this section reclassifies a state criminal offense as a municipal ordinance violation or limits any state-law penalty, exception, defense, or law-enforcement authority, including warrantless arrest authority under Section 901.15, Florida Statutes.**

SECTION 3. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 5. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 6. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified because of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

SECTION 8. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final

and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, and ADOPTED in regular session this _____ day of July 2026.

CITY OF PANAMA CITY BEACH, FL

By: _____
Stuart Tettemer, Mayor

ATTEST:

Lynne Fasone, MMC, City Clerk

Posted on pcbfl.gov on the 1st day of July, 2026.

Posted on publicnoticesbaycountyfl.gov on the 26 day of June, 2026.

EXAMINED AND APPROVED by me this _____ day of July, 2026.

Stuart Tettemer, Mayor