

**COUNTY OF GULF  
STATE OF FLORIDA**

**ORDINANCE NO. 2021-03  
(Repealing and Replacing Gulf County Ordinance 2020-04)**

**AN ORDINANCE OF GULF COUNTY, FLORIDA WHEREBY AMENDING THROUGH A REPEAL AND REPLACEMENT OF THE GULF COUNTY ORDINANCE NO. 2020-04 COMMONLY REFERRED TO AS “GULF COUNTY BUSINESS/OCCUPATIONAL LICENSE ORDINANCE” WHEREBY REQUIRING ANY PERSON OR ENTITY THAT ENDEAVORS TO CARRY ON, CONDUCT OR ENGAGE IN ANY BUSINESS TRADE, OCCUPATION OR PROFESSION WITHIN GULF COUNTY IS REQUIRED TO OBTAIN AN ANNUALLY RENEWED BUSINESS LICENSE AND TIMELY FILED AND RENEWED THEREAFTER; REQUIRING BEACH VENDORS TO SECURE PROPER PERMITTING AND LICENSE; PROVIDING FOR ADMINISTRATIVE OVERSIGHT AND REGULATORY AUTHORITY; PROVIDING FOR FEES AND COSTS OF ADMINISTRATION; PROVIDING FOR SAID POLICIES AND PROCEDURE TO BE FURTHER AMENDED, BE CODIFIED AND BECOME PART OF GULF COUNTY MUNICODE; PROVIDING FOR REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**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 Florida Statutory guidelines and through public hearings on the issue of registry and basic regulation of occupational and business licenses for those entities or persons that endeavor to conduct, carry on or engage in any business activity within the Gulf County; and

**WHEREAS**, The Commission and their staff after several years of careful review and consideration in public meetings have deemed it timely and appropriate for Gulf County to implement a business registration and licensing program to preserve and protect the interests of

health, quality of life and public safety within Gulf County and further define the inclusion of all businesses and penalties for violation of said ordinance; and

**WHEREAS**, the Gulf County Board of County Commissioners has been granted the authority to levy a local business tax pursuant to Chapter 205, Florida Statutes; and

**WHEREAS**, Gulf County Board of County Commissioners seeks to implement a standard business registration and in lieu of the adoption of an occupational license practice and procedure, the County Commission has introduced this ordinance to improve public compliance, establish a rate structure and preserve public health and safety; and

**WHEREAS**, the Board of County Commissioners of Gulf County Florida (hereinafter Commission and/or County) find and determine that Gulf County in its continued efforts to maintain, preserve and enhance the Gulf County quality of life to adopt through action of the Commissioners, the following “Gulf County Business License Ordinance”; and

**WHEREAS**, on February 8, 2021 a Public Notice was advertised in The News Herald offering the public an opportunity to participate at a public reading and hearing before the Board of County Commissioners on February 22, 2021 at 9:00 a.m. for the adoption of the Gulf County Business License Ordinance; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Gulf County, in the State of Florida as follows:

**Section 1 – Short Title.**

This Ordinance shall be hereafter known and referred to as the “Gulf County Business License Ordinance” and incorporates the provisions for mandatory business registration within Gulf County.

**Section 2 – Authority.**

This ordinance and amendments are adopted by the Gulf County Commission in accordance with and under the authoritative powers permitted by home rule, the County’s police powers to protect the public health, safety and welfare and under the powers pursuant to the authority granted under Florida Statute 125 for the implementation and enforcement of standards, rules and regulations set forth herein.

**Section 3 – Purpose.**

The purpose of this Ordinance is to effectuate a county – wide system to grant the privilege of engaging in or managing a business, profession, or occupation within the jurisdiction of Gulf County by means of a local business tax. Gulf County Business Tax receipts are non-regulatory and do not regulate or guarantee the workmanship or scope of work performed.

#### **Section 4 – Classification of Taxes.**

Gulf County hereby adopts for its local business tax for all professionals, occupations or businesses an annual flat tax rate of twenty five (\$25.00). Additional inspection and administrative oversight expenses shall require all vacation rentals (as defined by Florida Statute) have a flat tax rate of one hundred (\$100.00) per year (and further defined herein under Section 6).

Any and all businesses are required to register annually in Gulf County, however those business that register annually with the Florida Division of Business and Professional Regulation shall receive an exemption from the fee requirements of this ordinance.

#### **Section 5 – Temporary or Transitory Businesses**

Non- resident persons regulated by the Department of Business and Professional Regulation (“DBPR”) performing work or services on a temporary or transitory basis are exempt from the Local Business Tax pursuant to Section 205.065, Florida Statutes, as may be amended from time to time.

Temporary or transitory is defined as a period of less than one (1) calendar year, beginning from date of registration or from the date work began, whichever is less. Registration with the Gulf County Building Department (Contractor Licensing Department) or Gulf County Tax Collector is required.

#### **Section 6 – Vacation Rental Business**

Gulf County requires the registration of all vacation rental homes (“rentals”) as defined by Florida Statute on or before September 1<sup>st</sup> of each year. Chapter 509 of Florida Statute establishes framework for lodging including vacation rentals and transient public lodging establishments. Business owners shall comply and submit their annual application (\$100 annual business license fee for the vacation rental and receive the appropriate license number and registration. Each vacation rental unit shall be inspected annually by the Gulf County Building Department, for compliance with both local and state guidelines and laws in the interest of public health and safety.

#### **Section 7 - Professionals at Multiple Locations**

- A. Any professional, regulated and licensed as an individual by the Department of Business and Professional Regulation or Florida Department of Health, working in or maintaining multiple county locations shall be issued one (1) Gulf County Local Business Tax Receipt as an individual professional at a specified principle location.
- B. Professionals maintaining multiple county locations are required to comply with all zoning requirements at each office location, and are required to obtain a Gulf County Local Business Tax Receipt for an Administrative Business Office at each location.

## **Section 8 – Commercial Beach Vendor Permit**

Gulf County finds that the use and enjoyment of the beach by the public is enhanced by the provision of certain goods and services so long as individual peace and quiet is not unreasonably disturbed as determined by the Gulf County Commission and Administration. Gulf County Administration shall oversee, administer and regulate the issuance of beach vendor permits through its Tourism Development Council department. Gulf County shall have the power to regulate the provision of goods and services by private vendors making use of the public interest on the beach. No beach vendor activities that require permanent installation of electricity or running water will be permitted as a vending operation by the unless properly permitted with the Florida Department of Environmental Protection and Gulf County Commission.

A vendor permit shall be required for sale, rental, or solicitation of any merchandise, services, goods, or property of any kind or character on the beach. A specific place permit may be granted to the vendor the right to sell or rent specified goods or services on the specific beach areas as defined and regulated by the Gulf County Commission and its Administration. Such permit shall provide the exclusive authority to sell or rent goods or services within defined area or zone of operation on the specific beach. Delivery vendors must either remove their goods from the beaches each day and strict compliance with Gulf County's Leave No Trace Ordinance and regulations and guidelines.

A permit will be issued upon completion of required application and submission of required documents and payments. Applications shall be made to the Gulf County Administration or as directed to the appropriate designated department.

The fee, direct policies for administration, access for vendors and issuance of its permits shall be established by resolution of the Board of County Commissioners and changed as necessary. Each type of activity shall require a separate permit.

## **Section 9 – Multiple Occupations**

- A. Local Business Tax Receipts will be limited to one (1) occupation, business or profession per Local Business Tax Receipt.
- B. Existing Local Business Tax Receipts containing multiple occupations must obtain individual Local Business Tax Receipts for each occupation desired prior to December 31, 2020.
- C. Effective January 1, 2021, any Local Business Tax Receipt with multiple occupations remaining, will be modified to comply with one (1) occupation, business or profession per Business Tax Receipt.

## **Section 10 – Evidence of Engaging in Business**

Any person identified as engaging in business at a given location by public notice, such as but not limited to, signs, printed matter, advertising in the classified section of any newspaper, city directory or any telephone directory shall be required to obtain a Gulf County Local Business Tax Receipt for the occupation or profession in which they are engaged, regardless of whether such person actually transacts any business or practices a profession.

All businesses defined herein shall be required to comply annually with these requirements, however those businesses registered with the Florida Division of Business and Professional regulation shall receive an exemption to the fee requirements of this ordinance per Section 4 above.

## **Section 11 - Service Fees and Administrative Authority**

Gulf County shall work in cooperation with its departments or alternatively enter into an agreement in cooperation with its Constitutional officer(s) or an entity authorized to collect the Gulf County Local Business Tax. This agreement shall authorize the entity to receive a service fee based upon the amount of all Local Business Taxes collected, as specified in the agreement. Any service fee for obtaining a Local Business Tax Receipt is included in the annual application and permit fee.

## **Section 12 – Codification**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Code of Ordinance; and that sections of this Ordinance may be renumbered or re-lettered and that the word “Ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intention; sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator’s designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk of Circuit Court.

## **Section 13 – Penalties**

Any person or entity who violates any provision of this ordinance, or who fails to comply therewith, shall be subject to the following penalties as prescribed by the Gulf County Board of County Commissioners:

Violation of this Ordinance shall be enforced by the Gulf County Sheriff’s Department, proper law enforcement and/or Gulf County code enforcement (F.S. 125.69) and shall result in a fine up to \$500.00 each day for each incident or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. (F.S. 125.69).

Violation of this Ordinance shall also render the business license inactive and effective immediately require the closing of the business until compliance is met.

**Section 14 – 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 15 – Repealer**

Any and all ordinances including but not limited to Gulf County Ordinance 2020-04 in conflict herewith are hereby repealed and replaced by this Ordinance and to the extent of any conflict.

**Section 16 – Effective Date**

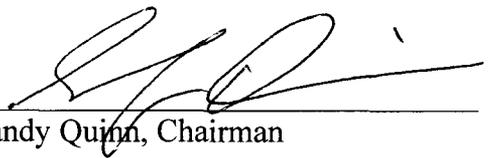
This Ordinance, if adopted by the Board, shall take effect immediately and thereafter filed with the Office of the Secretary of the Florida Department of State; and enforcement of said Ordinance following public notice and education shall commence on February 22, 2021.

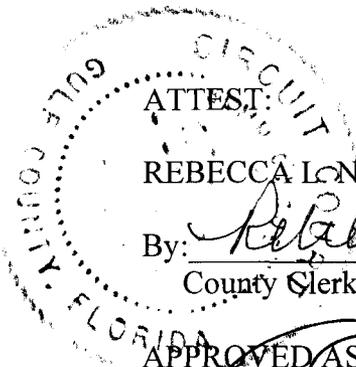
The foregoing Ordinance was offered by Commissioner McDANIEL, Who moved its adoption. The motion was seconded by commissioner FARRELL and , being put to vote, the cote follows:

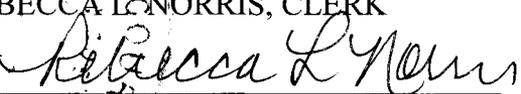
- Commissioner Chairman Quinn YES
- Commissioner McDaniel YES
- Commissioner McCroan YES
- Commissioner Farrell YES
- Commissioner Rich YES

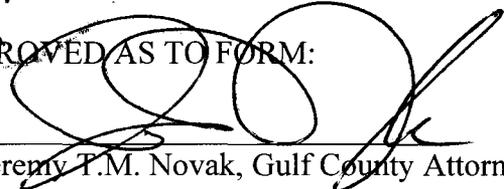
**PASSED and ADOPTED** in regular session by the Board of County Commissioners of Gulf County, Florida, on this 22ND day of FEBRUARY, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF GULF COUNTY, FLORIDA

By:   
Sandy Quinn, Chairman



ATTEST:  
REBECCA L. NORRIS, CLERK  
By:   
County Clerk / ~~Deputy Clerk~~

APPROVED AS TO FORM:  
By:   
Jeremy T.M. Novak, Gulf County Attorney