

**PARKS & NATURAL RESOURCES
DIVISION**



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Board of County Commissioners

October 31, 2013

PHOTOGRAPHERS AT CIRCLE B BAR RESERVE

Some of you may have noticed the Commercial /Professional Photographers Code of Ethics on the Environmental Lands website (www.polknature.com). The Code of Ethics was established for commercial (professional) photographers who visit Polk County Environmental Lands' properties. We love that these properties have become a great attraction for many professionals, but this sometimes results in conflicts. The County is requiring commercial (professional) photographers to obtain a permit to prior to working on County Environmental Lands. The permit doesn't cost anything, but it does require the individual to read and agree to follow the Code of Ethics.

The County's Environmental Lands Ordinance (#08-003) has always allowed for this requirement, but due to the greatly increased use and demands on Environmental Lands, it important that we now put this into place. We believe that the requirements and restrictions are not extreme. They can be summarized briefly as respect the land; respect the wildlife; respect the other members of the public that are out enjoying these wonderful sites. The Code of Ethics are very good guidelines for everyone to follow.

Sincerely,

Polk County Environmental Lands Program

Polk County Parks and Natural Resources Division
4177 Ben Durrance Road
Bartow, FL 33830
(863) 534-7377

Polk's Nature Discovery Center
4399 Winter Lake Road
Lakeland, FL 33803
863-668-4673

Polk County Environmental Lands Program

Commercial Photographer Code of Ethics

Polk County Recreation Ordinance #08-003 & County Ordinance #94-40

(Ethics and Ordinances are available online at www.polknature.com under Policies)

For all Polk County Environmental Lands' visitors there are guidelines and rules to follow. This Code of Ethics reiterates the visitation guidelines for all visitors and is also a part of the special use permit packet for commercial photographers who visit Polk County Environmental Lands' properties, one of which is Circle B Bar Reserve. The "Code of Ethics" must be reviewed and signed by the Permittee demonstrating their understanding of the Code. The contents become "terms and conditions" of the special use permit as authorized under Polk County Ordinance #08-003. Definition of professional/commercial photographer is a photographer that either sells their photos for money, or charges a photo shoot fee or session fee.

Violating the Code of Ethics may result in suspension or revocation of the permit or the issuance of a violation notice, or both. Photographers are required to become familiar with and abide by the Environmental Lands Program regulations and policies. Permittees are responsible for the conduct of their guests' behavior while on Environmental Land's sites.

ALL commercial photographers must obtain a special use permit before taking photos on Environmental Land's sites. The free special use permit will be good for one calendar year, starting on July 1st and expiring on June 30th.

All photographers must follow Environmental Land's program reserve rules and guidelines. Below is an abbreviated list of these guidelines. All photographers are responsible to read the guidelines and ordinance completely.

- Must have an approved special use permit on hand when conducting commercial photography or photo shoots. No permit = no photo shoot.
- Appropriate clothing must be worn at all times – no nude or topless photos
- All props must stay within the designated areas. See map for locations where photography props are allowed. Photography props cannot be setup in a manner that: impedes traffic, takes away from the ambience of the nature reserve or presents a safety hazard. Photography props cannot be left unattended. Unattended props will be disposed of promptly.
- Must remain on the marked and maintained trails (as shown on the Site Trail Map) or stay within the designated photo prop area, see map provided.
- For your safety and the long term protection of the wildlife that lives here, do not pursue, chase, or follow wildlife. Animals must not be blocked or pursued by foot or bicycle.
- No feeding wildlife or baiting wildlife.

By signing below you are stating that you have read and understood the rules and guidelines. You agree that if you do not follow these that your special use permit will be revoked.

SIGNATURE _____ DATE _____

- Decorations, adhesive tape, streamers, banners, confetti, are not appropriate at this site and are not allowed.
- Balloons are a hazard to the native wildlife and are not allowed on the property.
- Animals may not be brought onto or released on the property (this includes and is not limited to the following: wildlife, dogs, cats, bunnies, chickens, etc.)
- Parking allowed in designated parking areas - only. Questions about designated parking areas should be submitted to the Environmental Lands Program by calling 863-668-4673 x201
 - *Circle B Bar Reserve Designated Parking Areas*
 - *Paved parking lots next to Polk's Nature Discovery Center*
 - *Otter Parking grassy area within the concrete border*
 - *Front picnic pavilions on the crushed stone area*
- Music should be kept to a minimum and not disturb the wildlife or other visitors. The following are examples of music devices that are prohibited: transportable musical instruments, radio, organs, drums, electric or battery operated keyboards.
- Please help us conserve water. All water games are prohibited this includes and is not limited to sprinklers, slip-n-slides and water balloon toss.
- Grills are provided at each picnic shelter for your use. All other grills and fryers are prohibited.
- Throwing a football, frisbee or baseball next to pavilions or in Otter Parking are allowed. However, more organized play such as flag football, softball games, volleyball games etc. are prohibited. Any games that require assembling or pieces stuck in or on ground are also prohibited.
- Picnic shelters are provided for your use, additional furniture and tents are not allowed, (folding lawn chairs are acceptable).
- Fishing is allowed with a pole or rod and reel on Lake Hancock (from the observation dock), but not in the marsh. Cast netting is prohibited on the property.
- The boardwalks around Polk's Nature Discovery Center are designed for foot traffic only.
- Photography props and portrait photographs are not allowed in Polk's Nature Discovery Center. These types of activities interfere with other visitors' experience.
- Bicyclists are welcome to use the trails, but please yield to foot passengers. In narrow parts of the trails it is proper etiquette for a bicyclist to slow down and at times even walk bike past other visitors. Bicyclist should give warning when passing and groups of bicyclist should stay together and pass on same side of trail. Speed limit for the trails is 7 MPH.
- Take only photographs and leave only footprints. Please help keep the Reserve looking great, by disposing of your trash in the receptacles near the picnic shelters or nature center. No trash cans are on the trails, so please keep the place clean and dispose of trash properly.
- For the long term protection of the wildlife that lives at Circle B and for your long term enjoyment of the Reserve and its wildlife, please respect the wildlife and their homes. Groups of visitors should be on high alert that their actions do not cause any harm or change in wildlife's

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behavior. This could include, but is not limited to: standing in one place focused on one animal for an excess amount of time. Observe or take your photo and move on.

- Animals must not be blocked or pursued by foot or bicycle.
- Attracting animals with food, calls, scents, using personal blinds, or altering vegetation around wildlife is strictly prohibited in order to protect the water, wildlife and wilderness. In addition, this behavior may be considered a form of harassment and may violate state and federal laws.
- Allowing a wild animal to approach you or investigate your property (i.e. your gear, tripods, cameras, backpack, food containers or water bottles) increases the risk of these animals developing unnatural behavior. Do NOT encourage this behavior it puts the wild animals life in danger in future situations. Attempt to dissuade the animal from approaching by backing up and moving away.
- We hope that everyone enjoys their visit to Polk’s Nature Discovery Center both indoors and outdoors. To make this possible children are not allowed in the Exhibit Hall without adult supervision. Groups of no more than 15 kids at the same time are allowed in the exhibit hall. Contact Polk’s Nature Discovery Center at 863-668-4673 x 204 to make arrangements for your group.

Intentional harassing, disturbing or feeding of wildlife is prohibited by Federal Regulation. For the purpose of this Code of Ethics, harassment is defined as "any human action that causes unusual behavior or significant change of behavior by an animal." Disturbance is defined as "to intrude upon, inconvenience or interfere with." A professional wildlife photographer is responsible for knowing the point at which human presence becomes harassment. To protect the wildlife on the Environmental Lands sites, if you are disturbing or harassing a bird or animal, you **must leave** the area immediately. While each individual encounter may seem inconsequential, the cumulative effects caused by repeated encounters may result in critical behavior change. Examples: missed feedings, habituation, increased risk of predation, etc. Remember, the welfare of the wildlife is more important than the photograph.

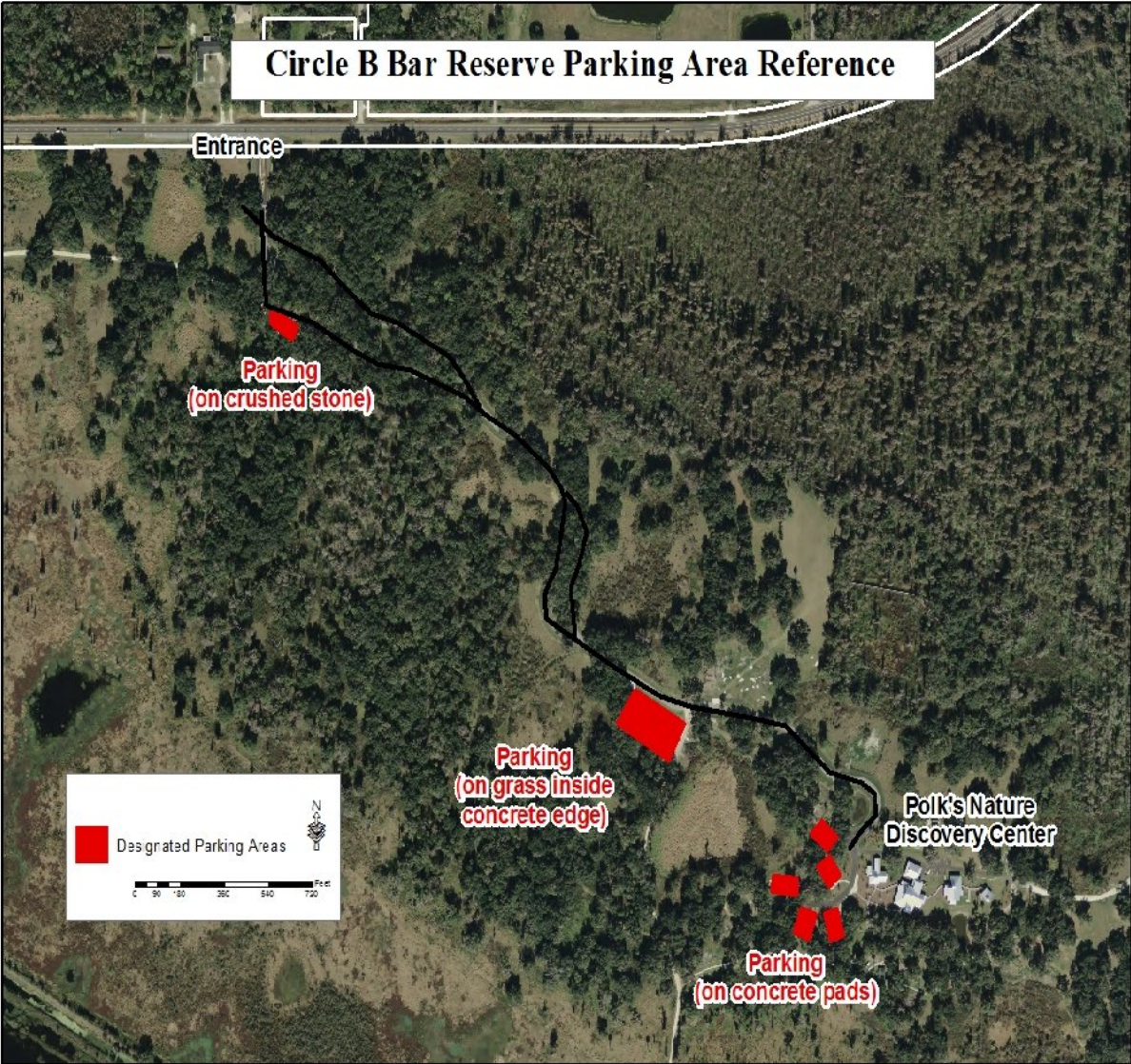
In addition, if Polk County staff or a volunteer informs you that you are too close or that you are violating the Environmental Lands Rules – you must follow their recommendations; failure to do so may result in the termination of your Special Use Permit.

Do not interfere with other visitors’ enjoyment of the wildlife by monopolizing the viewing area. When school groups or tram tours are in the area, please step aside and allow their passage. Be respectful and considerate of other visitors.

Do not enter closed areas. It is the photographer's responsibility to stay off closed trails and stay out of closed areas. Vehicles must remain on paved roads or in designated parking areas. Closures will vary from year to year, or in the case of emergency closures, from day to day. Updates on closures can be obtained from Polk’s Nature Discovery Center or by calling (863)668-4673 x201.

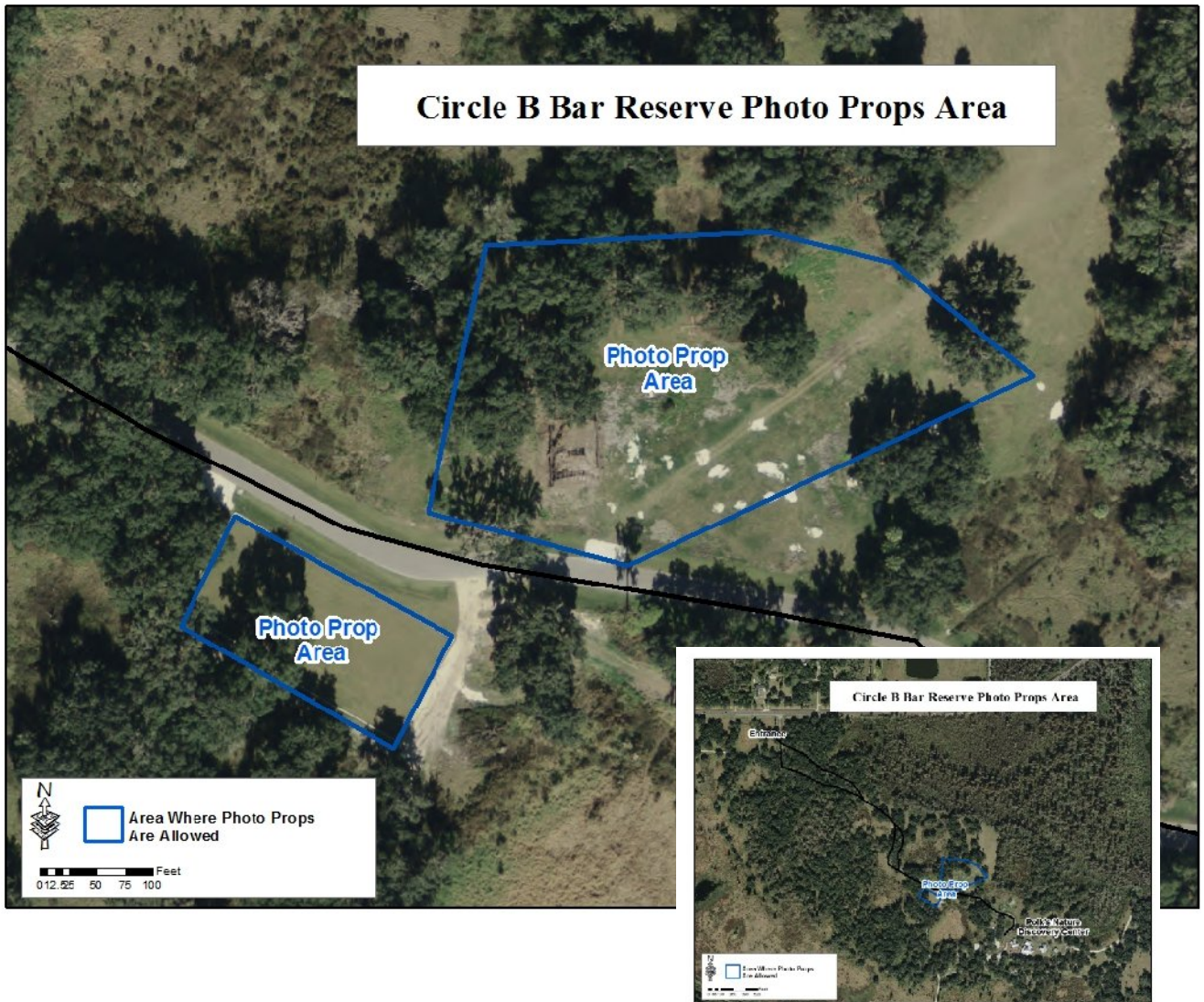
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Both photo prop areas are designated on site with fence posts marked with blue tops. All props must remain inside the designated area.

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Pertinent Excerpts from the Polk County Ordinance #08-003 regarding Commercial Photography and Special Use Permits

(The full ordinance can be view at <http://polknature.com/policies.aspx>)

ARTICLE THREE of Ordinance #08-003

ACTIVITIES REQUIRING SPECIAL USE PERMIT AND PROHIBITED ACTIVITIES

SECTION 3.1 Activities Requiring a Special Use Permit

A Special Use Permit shall be obtained before any person may engage in an activity listed in this Section. Additional restrictions may be listed in the Special Use Permit.

B. Commercial Photography: Commercial Photography, which is any type of photography (still, filming, videography, etc) that is intended to be used for profit or gain, will only be allowed through permit. Additional fees and a vendor contract may be required to engage in this activity.

SECTION 3.2 Special Use Permits.

- A. Special use permits shall not be issued for activities prohibited by this Ordinance except in accordance with Section 3.1 (I), by the Management Plan for a Management Area, or by other local, state, or federal law.
- B. The Parks & Natural Resources Division, or its functional equivalent, shall be responsible for the issuance of Special Use Permits in accordance with this Ordinance. The Director of the Parks & Natural Resources Division shall determine the appropriate age for a Special Use Permit applicant and may establish any other necessary items that must be furnished to obtain a Special Use Permit.
- C. A fee, as determined by resolution of the Board of County Commissioners, the County Manager, or the County Manager's designee will be charged for the issuance of the Special Use Permit.
- D. Valid state-issued identification must be provided in order to obtain a Special Use Permit.
- E. Special Use Permits shall be valid only for the dates shown on the permit and must be in the possession of the applicant while on Environmental Lands. If the applicant is a group, then the license must be in the possession of the person who signed the application on behalf of the group and that person must be present with the group at all times.

The Parks & Natural Resources Director, a law enforcement officer, or a resource protection officer may revoke a Special Use Permit if the permit holder violates any provision of this Ordinance or any condition of the Special Use Permit.

- 1. In the event a Special Use Permit is revoked once, the person may not be granted another Special Use Permit for 12 months from the date of revocation or the date a final decision is made in an appeal in the event an appeal is filed.

Furthermore, the person shall not be allowed upon any Environmental Land for 12 months from the date of revocation and may be prosecuted for Trespass under Florida law in the event the person is found on an Environmental Land during the succeeding 12 months. Any

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person whom the Permit Holder has allowed to use the Special Use Permit, including those who are present at the time of the violation, shall be prohibited from entering on Environmental Lands for 12 months from the date of the violation without regard to the person's knowledge of the violations.

2. In the event the Permit Holder believes the Special Use Permit was wrongfully revoked, then the Permit Holder has 10 business days (excluding Saturdays, Sundays, and County-recognized holidays) from the date of revocation to file a written appeal with the Parks & Natural Resources Division. That Division shall forward the appeal to the County Manager's office and the County Manager, or an approved County Manager's designee, must meet with the permit holder, staff, and any other witnesses and issue a written determine whether the Special Use Permit was wrongfully revoked within 30 business days of the application for appeal. Failure to meet with the permit holder or to make a decision within 30 business days shall not act as a reversal of the revocation. The decision rendered by the County Manager, or an approved County Manager's designee, shall be final. Traditional rules regarding hearsay and evidence shall not apply during the meeting but only relevant information and evidence shall be permitted.
3. The Appellant shall not enter upon any Environmental Land while an appeal is pending. Doing so shall be grounds for trespassing regardless of the outcome of the appeal.
4. Failure to challenge a revocation within the prescribed time period shall render the revocation and any prohibition from access or use of Environmental Lands final.
5. In the event a Special Use Permit is revoked from the same person twice and both revocations are valid, that person shall forevermore be prohibited from entering onto any Environmental Land from the date a final decision is rendered as to the revocation.
6. The prohibitions from access and use of an Environmental Land issued pursuant to this Section shall run concurrent with any prohibitions and penalties issued pursuant to Section 4.2
7. This provision does not prevent the County from pursuing any other lawful remedy against the permit holder, nor does it prevent a law enforcement officer from charging a person with any criminal act under Florida law.

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