

ORDINANCE 08- 003

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA GOVERNING PUBLIC ACCESS TO ENVIRONMENTAL LANDS AND USE OF SAID LANDS FOR GENERAL RECREATIONAL AND ALLIED PURPOSES; PROVIDING A SHORT TITLE, FINDINGS OF FACT AND DEFINITIONS; PROVIDING FOR INTERACTION OF THIS ORDINANCE WITH OTHER LAWS AND FOR THE LIMITED APPLICATION OF THIS ORDINANCE; ESTABLISHING PUBLIC USE; PROVIDING FOR VEHICLE USE ON ENVIRONMENTAL LANDS; ESTABLISHING ACTIVITIES NOT REQUIRING A SPECIAL USE PERMIT; PROVIDING FOR ACTIVITIES REQUIRING SPECIAL USE PERMITS AND FOR SPECIAL USE PERMITS; ESTABLISHING PROHIBITED ACTIVITIES; ESTABLISHING CLASSES OF VIOLATIONS, REPEAT VIOLATIONS, PENALTIES, AND AN ENFORCEMENT PROCEDURE; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA:

**ARTICLE ONE
GENERAL PROVISIONS**

SECTION 1.1: Short title

This Ordinance shall be known and may be cited as the "Polk County Environmental Lands Public Use Ordinance."

SECTION 1.2: Findings of Fact.

- A. The Polk County Comprehensive Plan requires the acquisition of environmentally sensitive lands for the protection of federally and state-listed endangered plants and animals.
- B. On November 8, 1994, the voters of Polk County authorized the levy of a 0.20 mill ad valorem tax for the purchase and perpetual management of these lands.
- C. Polk County Ordinance No. 94-40, as amended (the Polk County Environmental Lands Acquisition Ordinance) allows for properties purchased through said ordinance to be used for passive outdoor recreational purposes (such as, but not limited to, hiking, canoeing or wildlife photography) provided such uses will not disturb or degrade the environmental quality of the properties.
- D. The Polk County Board of County Commissioners recognizes the educational value of these lands with regard to enhancing the public's awareness of our fragile environment.

- E. There is a clear desire by the public to experience and recreate in Polk County's wilderness areas.
- F. The regulations contained in this Ordinance are necessary to facilitate the public's orderly enjoyment of Polk County's Environmental Lands, as well as to protect the natural resources and cultural improvements contained on such lands.

SECTION 1.3 Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage.

- A. "Allied Purposes" means other related outdoor activities including, but not limited to, photography, painting, environmental education and nature study.
- B. "Designated Road" means any road, path, lane, or trail officially designated by name or number for public vehicular travel.
- C. "Entry Point" means a designated location or boundary for public access to an Environmental Lands Management Area.
- D. "Environmental Lands" means real property acquired or managed pursuant to Polk County Environmental Lands Acquisition Ordinance, Ordinance No. 94-40, as amended.
- E. "Facilities" refers to any and all improvements or structures, either natural or artificial, including, but not limited to, buildings, shelters, benches, tables, fences, walkways, toilet facilities and signs located within a Management Area.
- F. "General Public Recreation" means nature-based activities dependent on some particular element or combination of elements in the natural environment, including activities such as fishing, frogging, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, diving, wildlife viewing, sailing and jogging.
- G. "Law Enforcement Officer" (LEO) is a sworn law enforcement officer pursuant to Florida Statutes.
- H. "Management Area" means designated real property, including facilities, acquired through the Polk County Environmental Lands Acquisition Program and all trees, shrubbery, flowers, leaves, grasses, plants, vegetation, fruit, mushrooms, toadstools, fossils, dirt and rocks located on said property.
- I. "Management Plan" means a plan adopted by the Board of County Commissioners governing the use and management of a particular Management Area.
- J. "Natural Resources" means water, soils, flora, and fauna.
- K. "Natural Resources Division" is a branch within the Polk County government responsible for the operation, management, and care of Environmental Lands.

- K. "Primitive Camping" or Camping means camping where no amenities are provided by the County.
- L. "Public use" refers to any lawful utilization by members of the general public of Environmental Lands, and their facilities, not prohibited by any applicable regulation, ordinance or law, where such use does not harm native species or natural process, nor does such use interfere with or tend to interfere with the use of such lands.
- M. "Recreational Trail" means trails for horseback riding, hiking, canoeing, bicycling, or jogging by the public.
- N. "Repeat Violation" shall mean any violation of the same provision of this Ordinance by a person previously found to have violated the same provision within the preceding five years.
- O. "Resource Protection Officer" (RPO) means a person designated by the County Manager or Sheriff to assist with the daily operations of Environmental Lands, including, but not limited to, providing for the safety and welfare of persons using Environmental Lands and protecting the wildlife, habitat, natural vegetation and ecology of such lands. Resource protection officers may also perform interpretive and educational activities, as well as general maintenance, within their assigned area. A RPO is authorized to and may carry out and enforce county ordinances as they may apply within the scope of their duties to the same extent and in the same manner as authorized Polk County code enforcement officers. RPO's who are law enforcement officers, as defined herein, shall also provide supplemental law enforcement services on Environmental Lands including enforcing state law.
- P. "Service Animal" means an animal whose function is to assist a person with necessary functions. Examples of service animals are seeing-eye dogs and police dogs.
- Q. "Special Use Permit" means a permit issued by Polk County through the Natural Resources Division to allow certain public use activities as designated on the permit.

SECTION 1.4 Interaction with Other Laws

This Ordinance shall be interpreted to be consistent with all applicable ordinances and resolutions of Polk County as well as federal and state law, regulations, and codes. The provisions of this Ordinance shall be supplemented by current Management Plans that are approved by the Board of County Commissioners.

SECTION 1.5 Limit of Application

This Ordinance shall apply to members of the general public, who may be referred to as Guests, entering or using any Environmental Land but not County-employees and County-authorized vendors, volunteers, and similar persons whose duty it is to manage, operate, oversee, repair, or govern the Environmental Lands, or the use thereof and who are acting in their official capacity. This Ordinance shall not apply to events sponsored by the County.

ARTICLE TWO GENERAL PUBLIC USE AND USE OF ENVIRONMENTAL LANDS NOT REQUIRING A SPECIAL USE PERMIT

SECTION 2.1 Public Use

- A. Public access to and use of an Environmental Land are allowed pursuant to this Ordinance but may be restricted or prohibited at any or all Environmental Lands by the County Manager, or the County Manager's designee, or the Director of Natural Resources upon posting notice.
- B. Consistent with the environmental sensitivity of Environmental Lands and the purposes for which such lands were acquired, all Environmental Lands are open for limited public recreational purposes unless otherwise restricted or prohibited pursuant to this Ordinance or the Management Plan for a specific site. Nothing in this Ordinance shall prevent other federal, state, or local agencies, including, but not limited to, those with management contracts with Polk County, from requiring compliance with their own rules, regulations, and laws to the fullest extent of their lawful authority.
- C. The general public may access Environmental Lands only at designated entry points. Designated entry points for specific Management Areas shall be posted. Failure to enter at the designated entry point may be considered trespassing and punished accordingly.
- D. Management Areas or portions of Management Areas may be closed to public use by the County Manager or the County Manager's designee when necessary to protect the public's health, safety, and welfare or to protect natural, historic or archaeological resources within the Environmental Lands.
- E. Closures of Environmental Lands or portions thereof shall be posted at authorized points of entry to said areas.
- F. Unless otherwise established as provided herein, the hours of operation for Environmental Lands shall be from 6:00 a.m. to 7:30 p.m., unless the Director of Natural Resources has temporarily extended or restricted that time by posting the appropriate notice. Hours of operation shall be posted at the entry points of each area in the system. Entry upon these areas during a posted closure or after posted hours without a valid Special Use Permit shall constitute a prima facie trespass pursuant to section 810.09, Florida Statutes, and shall constitute probable cause for arrest.
- G. Guests may use shelters, benches, tables, and buildings for gatherings and events that will not disturb other guests and the Natural Resources' Division may charge user fees as established by Resolution of the Board of County Commissioners.
- H. Any member of the public who enters upon an Environmental Land and engages in any activity is required to use reasonable care in engaging in any activity and to take necessary precautions to avoid causing harm to another's person or property regardless of whether a particular activity requires a Special Use Permit. Nothing in this Ordinance is intended to relieve persons from a higher standard of care in accordance with Florida law.

SECTION 2.2 Vehicle use on Environmental Lands

- A. With the exception of driveways, roads, and parking areas within an Environmental Land, vehicles are prohibited elsewhere in an Environmental Land. Unless otherwise

posted, vehicular use within Environmental Lands shall be limited to the operation of vehicles licensed for highway use by licensed drivers on roads. Vehicles shall include motorized vehicles and horse-drawn carriages/buggies but not aircraft, trailers, watercraft, or vehicles having more than two axles. Commercial Vehicles, which are vehicles having more than two axles, alone or when combined with trailers, are prohibited within Environmental Lands.

- B. All traffic control laws of Florida shall apply within Environmental Lands. Resource Protection Officers and Law Enforcement Officers are authorized to take appropriate action within the scope of their duties in enforcing these laws.
- C. Operators of motorized vehicles shall comply with posted speed limits on roads within Environmental Lands. If a speed limit is not posted, the speed limit shall be twenty (20) miles per hour.
- E. Horses do not constitute vehicles for the purposes of this section.
- F. Operation of watercraft shall be limited to waters of the state, as that term is defined by Florida law, unless otherwise posted.

SECTION 2.3 Recreational Activities Not Requiring a Special Use Permit

- A. Bicycling: Bicycling on Environmental Lands shall be limited to designated Recreational Trails. Signs shall be posted where bicycling is allowed. Guests bicycling on Environmental Lands are required to use all reasonable caution when bicycling.
- B. Recreational Fishing: Recreational fishing, as authorized by the Fish and Wildlife Conservation Commission, is allowed on Environmental Lands except where specifically restricted by an applicable Management Plan. All applicable regulations approved by the Fish and Wildlife Conservation Commission shall be applicable, including the requirement for obtaining a fishing license and harvest limits. Signs shall be posted where fishing is prohibited. Fish, however, shall not be cleaned anywhere on the Environmental Lands.
- C. Hiking: Hiking is allowed on Environmental Lands but shall be limited to designated Recreational Trails. Signs shall be posted where hiking is allowed. Hiking includes jogging, wildlife viewing, photography, walking, and any other activity where travel is by foot only but does not include climbing or scaling any Facilities, objects or structures (natural or man-made).
- D. Exercising Animals: While most animals are prohibited, leashed dogs and service animals may be allowed in an Environmental Land. These animals, however, must be leashed and under the Guest's control at all times. The Guest must also remove any feces deposited by the animal.
- E. Recreational Painting: Persons who wish to capture the Environmental Land on canvas may paint in the Environmental Land but painting must be conducted in areas where the movement of other Guests will not be restricted. Painters must use take all necessary steps to protect the Environmental Land from spills of paints or associated materials.

- F. Recreational Photography: Recreational Photography is allowed on Environmental Lands. Recreational Photography is considered the taking of photographs or filming for a personal collection or like use but not when the photographer has the intent to use the photographs for profit or gain.
- G. Swimming: Swimming is permitted on Environmental Lands only in areas designated for this activity. Signs shall be posted where swimming is allowed.
- I. Boating: Only kayaks, non-motorized boats, and non-motorized canoes are permitted in areas designated for boating in County-owned water bodies within an Environmental Land. Signs shall be posted where boating is allowed. Airboats and other watercraft are only permitted in State waters.

ARTICLE THREE

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.

- A. Camping: Primitive Camping is allowed at designated campsites, which shall be appropriately identified. A Special Use Permit for Camping may be issued for a total of 15 days per calendar year.
- 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.
- C. Environmental Education: Environmental Education, which may also be referred to as Nature Study, is any type of educational program intended to study or bring about awareness of natural resources to a group of 10 or more persons.
- D. Harvesting Plants: Harvesting, taking, or removing any plant, or any portion thereof, is allowed by Special Use Permit but only for the removal or control of exotic or nuisance species scientific or for the study by an educational, charitable, or professional organization.
- E. Horseback Riding: Horseback Riding is permitted with a Special Use Permit on any Environmental Land where approved in the Management Plan and posted at the authorized entry points for Environmental Land. All horseback riding is limited to the following:
 - a. Horses shall only be allowed on roads and trails designated for horseback riding with the exception of entering and exiting the Environmental Lands
 - b. Horses must always be kept under control and shall not be allowed to stray away from the Guest to the Environmental Lands; and

- c. Only horses in good health and free from known infectious diseases or conditions can be utilized for horseback riding on the Environmental Lands. Persons bringing horses onto an Environmental Land must carry proof of a negative Coggins Test, which was administered within twelve months of the date of entry into the Environmental Land.
- F. Hunting: Hunting, which does not include hunting dogs, may be allowed in areas designated for such activity. Hunting does not include trapping animals.
- G. Large Events: A Special Use Permit is required for any sporting event, competition, gathering, barbeque, picnic or event where 20 or more people are invited to attend or where the event is advertised to the general public. This category includes events held by high schools, colleges, universities, and professional organizations. The applicant may be responsible for the cost of security, cleaning, and any other costs associated with the event.
- H. Trapping Animals: Trapping is permitted by Special Use Permit but only for the purposes of scientific study by an educational, charitable, or professional organization or for the removal or control of exotic or nuisance species.
- I. Prohibited Activities for Good Cause: A Special Use Permit may be issued for any prohibited activity in this Ordinance in the event the Director of Natural Resources, or functional equivalent, deems the activity to be in the best interest of the County in light of the purposes of Environmental Lands, finds the activity must be consistent with the Management Plan for the particular Environmental Land, and finds the activity will not result in any significant harm or damage to the Environmental Land. This provision shall not apply to any activities that are prohibited by state or federal law, code, or regulation.

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(l), by the Management Plan for a Management Area, or by other local, state, or federal law.
- B. The 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 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.

F. The Natural Resources Director, a LEO, or a RPO 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 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 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 determination 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

- G. This provision does not prevent the County from pursuing any other lawful remedy against the permit holder, nor does it prevent a LEO from charging a person with any criminal act under Florida law.

SECTION 3.3 Prohibited Activities

Guests shall be prohibited from engaging in the following activities on all Environmental Lands unless authorized by a Special Use Permit pursuant to Sections 3.1 and 3.2:

- A. Parking a motor vehicle, including a commercial vehicle as defined by the Land Development Code, in an unauthorized location or in a manner blocking roads or gates.
- B. Discharging firecrackers, rockets, sparklers, or any other fireworks.
- C. Pets, other than leashed dogs and service animals, under the control of the owner.
- D. Destroying, injuring, defacing, removing, or harvesting any natural feature or native plant, or any part thereof. This prohibition includes the felling of dead trees.
- E. Destroying, injuring, defacing, removing, or disturbing in any manner any public facility, including buildings, towers, recorders, gauges, signs, gates, fences, equipment, monuments, markers, ramps, docks, boardwalks, or other structures or improvements.
- F. Destroying or damaging scientific study plots, photo points, transect lines, or survey markers.
- G. Destroying, defacing or removing any archaeological or cultural resource, including fossils. Possession of a metal detector on an Environmental Land is prohibited.
- H. Disposing of any garbage, waste, junk, or debris, including paper products, cans, bottles, waste materials and rubbish other than in containers provided for such disposal and disposing of any garbage not generated on-site.
- I. Cleaning fish, game, food, clothing, and household articles at potable watering stations or in rest rooms; however, game may be cleaned at authorized areas where it is caught or harvested as a part of a County-authorized hunting event even if a Special Use Permit was not issued.
- J. Installing, constructing, erecting, or maintaining any unauthorized camp, fort, building, structure or sign.
- K. Playing any radio, tape player, disc player, musical instrument or similar device, or otherwise operating a sound amplifying device, in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons using county Environmental Lands.
- L. Building a fire other than at an authorized campsite or picnic area in grills, fireplaces or fire rings provided by the county or other authorized management agency for such purpose. This prohibition does not apply to fires confined within portable campstoves or grills provided by the user.

- M. Selling or offering for sale any goods, merchandise or services without prior written consent.
- N. Possessing or using firearms or similar equipment (including, but not limited to, shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, paintball gun, gas guns, blow guns, bows, crossbows, spear guns or other devices capable of mechanically propelling a bullet, arrow, spear or other projectile).
- O. Removing, injuring, killing, or harassing wildlife.
- P. Purchasing, selling, offering for sale, possessing or consuming any alcoholic beverage.
- Q. Playing paintball or possessing a paintball gun.
- R. Releasing, abandoning, or leaving any animal, reptile, or bird in an Environmental Land.
- S. Leaving, placing, or planting any plant or plant material in an Environmental Land.
- T. The take off or landing of privately-owned aircraft, whether motorized or not, conventional or model, including airplanes, helicopters, ultra lights, gliders, and hang gliders, shall be prohibited on Environmental Lands.
- U. Remote- or radio-controlled cars, boats, airplanes and similar objects are not permitted on an Environmental Land.

ARTICLE IV ENFORCEMENT OF VIOLATIONS; PENALTIES; AND APPEALS

SECTION 4.1 Enforcement

- A. Except as provided in subsection (B), violations of this Ordinance shall result in a citation being issued to the offender. The procedures contained in the Polk County Code Enforcement Citation Ordinance (Polk County Ordinance No. 92-32, as amended) shall be utilized for issuing and contesting citations. Citations may be issued either in person or by certified mail. A person issued a citation shall have thirty (30) days from the issuance of the citation to either pay the fine imposed pursuant to the citation or to request a hearing to contest citation. Failure to either pay the applicable fine or request a hearing within this time period shall constitute a waiver of the right to contest the citation and a judgment may be entered against the person for an amount up to five hundred dollars (\$500.00). If a hearing is requested, the hearing will only address the citation but not the revocation of a Special Use Permit or any prohibitions from entrance or use of an Environmental Land, nor the outcome of any proceedings related to those matters.
- B. Nothing contained in this Ordinance shall be construed to prevent the use of any other enforcement method, preclude a person from being criminally charged under any other applicable law, or prevent the imposition of any other form of sanction in lieu of the enforcement methods and penalties imposed herein.

SECTION 4.2**Classifications, Repeat Violations, and Penalties**

- A. Except as provided in Section 4.1(B), a violation of this Ordinance shall be classified as either Class I, Class II, Class III or Class IV violation, as set forth on the schedule of violations, below. The penalty for a Class I violation shall be fifty dollars (\$50.00). The penalty for a Class II violation shall be one hundred dollars (\$100.00). The penalty for a Class III violation shall be two hundred fifty dollars (\$250.00). The penalty for a Class IV violation shall be five hundred dollars (\$500.00).
- B. Each violation of this Ordinance shall be treated as a separate infraction, for which a separate citation may be issued and a separate fine up to five hundred dollars (\$500.00) imposed. Violations of a continuing nature shall constitute a separate violation for each day such violation continues and a separate citation may be issued and a separate fine up to five hundred dollars (\$500.00) imposed for each day such violation continues.
- C. In the event a person violates a provision of this Ordinance once and commits a second violation of the same provision within five years of the first violation, then the penalty for second offense shall be at the rate charged for the next higher Class. If a person is found to have violated any provision of this Ordinance three times and commits a further violation of this Ordinance, then the penalty for subsequent violations shall be the same as the penalty imposed for the next higher Class.
- D. Amounts collected for citations issued pursuant to this Ordinance shall be placed into the County's Environmental Lands Management Fund or its functional equivalent.
- E. Schedule of Violations Table

If a violation is not listed in the table below, then a violation of Article II shall be a Class I violation; a violation of Section 3.3 shall be a Class II violation; and a violation of Section 3.1 shall be a Class III violation. Class IV violations shall be specifically named in the Schedule of Violations.

Description of Violation	Section this Code	Class
Discharging firecrackers, rockets, fireworks, etc.	3.3 (B)	III
Erecting an unauthorized structure/sign	3.3 (J)	II
Excessive noise	3.3 (K)	II
Fire in an unauthorized location	3.3 (L)	III
Harvesting, injuring, destroying, defacing of plants/trees	3.3 (D)	III
Improper cleaning of fish, game, food or household articles	3.3 (I)	I
Improper disposal of garbage	3.3 (H)	III

Intentionally releasing, abandoning, leaving, placing or dumping animals, reptiles, flora, or fauna	3.3 (R)	II
Overnight parking or storing commercial vehicle	2.2	II
Playing paintball	3.3 (Q)	III
Possessing or offering to sell alcoholic beverages	3.3 (P)	II
Prohibited pets, pets not on a leash, or pets not under Guest's control	3.3 (C)	II
Removal, vandalism of cultural or archaeological resources (including possession of a metal detector)	3.3 (G)	III
Removing, injuring, harassing wildlife	3.3 (O)	II
Selling of merchandise, services	3.3 (M)	I
Trapping animals	3.1	III
Unauthorized possession or use of firearms or weapons (including paintball)	3.3(N)	III
Using unauthorized motor vehicle in an Environmental Land or Parking a motor vehicle in an unauthorized place or manner	3.3(A)	II
Unauthorized entry into a closed area or being present in an Environmental Land while it is closed without authorization	2.1(A)	II
Vandalism or destruction of Facilities (including fencing, gates)	3.3 (E)	IV

F. In addition to any other penalty, a person who is found to have been properly cited under this Section shall also be prohibited from accessing, entering, or using any Environmental Land in accordance with the following:

1. If a person was guilty of a Class I violation, then upon written Notice by the Director of the Natural Resources Division, a LEO, or a RPO that person shall be prohibited from entering upon any Environmental Land for 3 months from the effective date of the Notice.
2. If a person was guilty of a Class II violation, then upon written Notice by the Director of the Natural Resources Division, a LEO, or a RPO that person shall be prohibited from entering upon any Environmental Land for 6 months from the effective date of the Notice.
3. If a person was guilty of a Class III or Class IV violation, then upon written Notice by the Director of the Natural Resources Division, a LEO, or a RPO that person shall be prohibited from entering upon any Environment Land for 12 months from the effective date of the Notice.
4. If a person has been found guilty twice of any class of violation within a 24-month period beginning on the date the first violation was found valid, then upon written Notice by the by the Director of the Natural Resources Division, a LEO, or a RPO

that person shall be prohibited from entering upon any Environmental Land in perpetuity.

5. Notice may be given in person or by certified U.S. mail. Notice is effective upon personal delivery or upon receipt of the certified mail. In the event the Notice is mailed, it shall be directed to the address listed in the citation or the address of record given by the Defendant after the citation was issued. This Notice may also be included in the citation and if so, Notice shall be effective upon the waiver of the right to contest the citation or upon the adjudication of guilt if a hearing is requested.
6. If the person who has been prohibited from entering an Environmental Land is found on any Environmental Land after the effective date of the Notice but during the prohibition period, that person's presence shall constitute a prima facie trespass pursuant to Florida Statute Section 810.09 (2007) or its functional equivalent and shall constitute probable cause for arrest.
7. Any prohibitions of access or use pursuant to this Section shall run concurrent to a prohibition pursuant to Section 3.2(F).

ARTICLE V MISCELLANEOUS PROVISIONS

SECTION 5.1 Repeal of Inconsistent Ordinances

Ordinance 00-60, which was known as the Polk County Environmental Lands Public Use Ordinance, and all other Ordinances regulating Environmental Lands in a manner inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 5.2 Severability

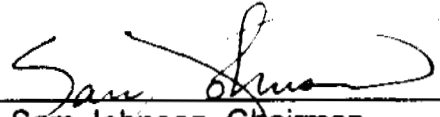
If any provision of this ordinance or if this ordinance as applied is determined to be invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5.3 Effective Date

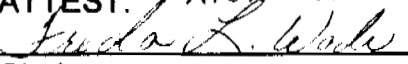
This Ordinance shall become effective on April 1, 2008 or upon the filing of this Ordinance with the Secretary of State, whichever is later.

DULY ADOPTED in regular session, this 19th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

BY: 
Sam Johnson, Chairman

ATTEST: RICHARD M. WEISS, CLERK



Clerk

Deputy

(SEAL)





FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

March 27, 2008

Mr. Richard M. Weiss
Clerk of the Board
Post Office Box 988
Bartow, Florida 33831-0988

Attn: Ms. Kathryn Courtney, Deputy Clerk

Dear Ms. Weiss:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 24, 2008 and certified copies of Polk County Ordinance Nos. 08-003 through 08-005, which were filed in this office on March 26, 2008.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

RECEIVED
04-02-08
Clerk Of The Board

DIRECTOR'S OFFICE

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