

## ORDINANCE 2024-05

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 16, ARTICLE II, SECTIONS 16-43, "REGULATION OF USE AND CONDUCT AT THE BEACH, COUNTY PARKS, WATER BODIES AND ALL RECREATION AREAS IN UNINCORPORATED AREAS OF OKALOOSA COUNTY" OF THE OKALOOSA COUNTY CODE OF ORDINANCES, BY ESTABLISHING ADDITIONAL REGULATIONS AT COUNTY BEACHES RELATED TO DIGGING HOLES, SETTING A MAXIMUM TENT SIZE WITHOUT A PERMIT, AND ADJUSTING THE 7:30AM TIME LISTED IN SUBSECTION (H) TO 7:00AM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

### RECITALS

**WHEREAS**, there are public safety issues created by the digging of oversize holes in beach sand, related to sand collapse, resulting in deaths and injury annually throughout the state; and

**WHEREAS**, large beach holes present a real danger to public safety, first responders, turtle patrol, and beach maintenance personnel driving in low light conditions; and

**WHEREAS**, these large beach holes cannot be filled in by the County's beach rake equipment and present real and unnecessary obstacles to nesting turtles as well as their hatchlings; and

**WHEREAS**, oversized tents and other beach equipment may disproportionately take up large sections of public beach for the most heavily-used County park property; and

**WHEREAS**, oversized tents and other beach equipment may block views, negatively impact other beach users by compacting their areas, and disrupt the peace and harmony of public beach users; and

**WHEREAS**, oversize tents may be permitted, if necessary, to serve for special events and larger groups, especially in the off season when the beach is less crowded; and

**WHEREAS**, it is the goal to change the time for the vendor and public beach chair/umbrella or other setup to be 7am or earlier through County staff notification; and

**WHEREAS**, these regulations are in furtherance of the County Beach Parks and public's health, safety, and welfare.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Okaloosa County as follows:

**Section 1. - Findings.**

The above Recitals are true and correct and are hereby incorporated herein as if they had been set forth in their entirety. They shall be deemed to be essential provisions of this Ordinance.

**Section 2. – Amendments to Chapter 16, Article II, Section 16-43 of the Okaloosa County Code of Ordinances.**

Only the subsections shown below are added or modified as follows:

**Sec. 16-43. Regulation of use and conduct at the beach, county parks, water bodies, and all recreational areas in unincorporated areas of Okaloosa County.**

(h) *Obstructions on the beach.* It shall be prohibited for all types of personal property as defined in subsection 16-41, and other personal articles to be left on the beach overnight or in such a manner that they interfere with beach maintenance, or cleaning, nesting turtles, emergency vehicles, or lifeguards' view of the water. It shall be prohibited for all types of personal property to be placed or remain on the beach between 12:00 a.m. and 7:00 ~~7:30~~ a.m. Central Time (standard or daylight savings time, whichever is in effect), except as otherwise permitted in this article.

(s) Holes. All holes dug on the County beach property are required to be attended, shall be filled prior to leaving the beach/property and shall not be larger than three-feet by three-feet and no deeper than two-feet.

(t) Tents. Tents and beach equipment set up on the beach shall be limited to a maximum size of 10ft by 10ft to include any flaps, extensions, tie-downs/sandbags, and other sections extending from the main tent/equipment. Similarly, the joining of multiple tents/equipment or other methods to circumvent this maximum size shall be prohibited. Tents/equipment in excess of this standard may be permitted by obtaining a beach permit through the County Parks Division.

~~(u)~~ *Enforcement.*

All other portions Sections 16-43 not shown and modified herein shall remain in full force and effect as currently adopted.

**Section 3. - Codification.** It is the intention of the Board that the provisions of this Ordinance shall become a part of the County's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

**Section 4. - Severability.** If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

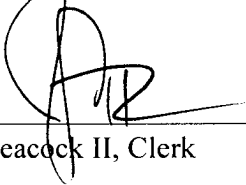
**Section 5. - Effective date.** The provisions of this Ordinance shall take effect upon filing of a certified copy of this Ordinance with the Department of State within ten (10) days after enactment.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Okaloosa County, Florida this 16<sup>th</sup> day of April, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
OKALOOSA COUNTY, FLORIDA

  
\_\_\_\_\_  
Paul Mixon, Chairman

ATTEST

  
\_\_\_\_\_  
JD Peacock II, Clerk





FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

April 19, 2024

Honorable J. D. Peacock II  
Clerk of the Circuit Court  
Okaloosa County  
101 East James Lee Boulevard  
Crestview, Florida 32536-1359

Dear Honorable J.D. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 2024-05, which was filed in this office on April 17, 2024.

Sincerely,

Matthew Hargreaves  
Administrative Code and Register Director

MJH/wlh