

**RESOLUTION NO. 2025-\_\_\_\_\_**

**A RESOLUTION OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS (THE “BOARD”), REPEALING AND RESTATING RESOLUTION NO. 2016-009, ADOPTING POLICY GUIDELINES TO BE APPLIED TO DOCKS AND OTHER IMPROVEMENTS PLACED ON OR ABOUT PLATTED PARKS OR PLACED OVER OR IN THE WATER BODY ADJACENT TO PLATTED PARKS.**

**WHEREAS**, there are platted and properly recorded subdivisions within Polk County, Florida, wherein the developer dedicated parks areas adjacent to water bodies for the use and enjoyment of the public; and

**WHEREAS**, when the dedicator fails to reserve the riparian rights, the riparian rights attach to, or remain with, the dedicated public parks; and

**WHEREAS**, the placement of a private dock or other improvement over or in the water body adjacent to a dedicated public park by nearby property owners violates the public’s riparian rights which attach to the park; and

**WHEREAS**, Polk County did not begin issuing permits for residential docks until April 13, 2007; and

**WHEREAS**, a residential dock constructed prior to March 27, 1982 is considered an “unregistered grandfathered structure” under Rule 18-21.003 of the Florida Administrative Code; and

**WHEREAS**, after considering the impact to Polk County’s resources to have the docks or other improvements removed and the harm to the public to allow the docks or other improvements to remain for a limited period if the owner agrees to enter into a license agreement, the Board finds that it is generally in the best interest of Polk County to allow the docks or other structures which have been placed on a platted park or placed over or in the body water adjacent thereto prior to April 13, 2007, to remain under a license agreement; and

**WHEREAS**, the Board finds that it is in the best interest of Polk County to have the docks or other improvements removed which have been placed on a platted park or placed over or in the water body adjacent thereto on or after April 13, 2007, or if the owner fails to enter into a license agreement; and

**WHEREAS**, the Board adopted Resolution No. 2016-009 which allowed owners of docks placed prior to April 13, 2007, to enter into a license agreement with the County which provided, inter alia, that the license will expire upon conveyance of the property associated with the dock; and

**WHEREAS**, the Board wishes to remove the provision from Resolution No. 2016-009 providing that the license expires upon conveyance of the property associated with the dock.

**NOW THEREFORE, BE IT RESOLVED BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

**Section I.** It shall be the general policy of the Board to address docks and other improvements placed on a platted park or placed over or in the water body adjacent thereto in the following manner:

1. Docks or improvements shall be addressed when such is brought to the County's attention either through a citizen's complaint or during staff's normal course of business.
2. Docks or improvements that were placed on or after April 13, 2007, without obtaining a permit, shall be addressed through a code enforcement action by Polk County.
3. Owners of docks or improvements that were placed prior to April 13, 2007, shall be given an opportunity to enter into a license agreement with the County which license will expire no later than December 31, 2041, the dock becomes disrepair by more than 50% of its square footage in its original condition, or revocation of the license by the County, whichever occurs first. The use of the dock or structure shall be exclusive to the owner and their invitees. If the dock or structure is damaged because of an accident or disaster, the dock may be replaced or repaired by the owner within one (1) year of such accident or disaster. Failure of the dock not being replaced or repaired within one (1) year of an accident or disaster shall result in the license expiring one (1) year of the accident or disaster.
4. If the owner fails to enter into a license agreement and the dock or structure was placed over or in a body water adjacent to a public park between April 12, 2007 and March 27, 1982, the County Manager or the County Manager's designee shall contact the Florida Department of Environmental Protection and request enforcement action to have the dock removed.
5. The County Attorney will request the Board to authorize legal action to have the dock removed if the owner fails to enter into a license agreement and (a) the dock or structure was placed over or in a body water adjacent to a public park prior to March 27, 1982; (b) the Florida Department of Environmental Protection cannot or does not take enforcement action in accordance with subsection 4 of this section; (c) a code enforcement action cannot be prosecuted in accordance subsection 2 of this section; or (d) the structure was placed on a public park prior to April 13, 2007, and does not extend over or into a water body.

**Section II.** It is the intent of the Board that this resolution is to provide a general policy to the County Manager and County Attorney and nothing herein shall create a right for any person or entity to place a dock or structure on a public park or over or in the water body adjacent thereto. No precedent shall be implied or inferred by the granting or denial of a license agreement or authorization of legal action in accordance with this resolution. Each license agreement and authorization of legal action shall be considered by the Board in its legislative capacity on a case by case basis, after considering what is in the best interest of the public.

**Section III.** This resolution shall not apply to habitable improvements, improvements that are in violation of the Polk County Land Development Code, improvements that have become dilapidated, improvements in which the County Manager or County Manager’s designee determines, in their sole discretion, are a threat to the life, safety, or general welfare of the public, or improvements placed on a public park maintained by Polk County or placed over or in a water body adjacent thereto.

**Section IV.** Resolution No. 2016-009 is hereby repealed.

**Section V.** This resolution shall take effect immediately upon adoption.

**PASSED AND DULY ADOPTED BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 17th DAY OF JUNE, 2025.**

ATTEST: Stacy M. Butterfield, Clerk

POLK COUNTY, FLORIDA  
Board of County Commissioners

By: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
T.R. Wilson, Chairman