

POLK COUNTY ORDINANCE NO. 2025-

AN ORDINANCE OF BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, PROHIBITING PUBLIC CAMPING; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, INCLUSION IN THE CODE, AND EFFECTIVE DATE

WHEREAS, POLK COUNTY (the “County”) is aware of residents who use public parks and public spaces for unauthorized camping and the storage of personal property; and

WHEREAS, the County has a legitimate interest in protecting the public health, safety and welfare of the individuals residing within its jurisdiction, and unauthorized public camping poses such a risk; and

WHEREAS, unauthorized use of public property might adversely and materially affect the security or value of nearby residential or commercial properties, as well as adversely and materially affect the security or value of the public property itself; and

WHEREAS, it is the intent of the Polk County Board of County Commissioners (the “Board”) in enacting this Ordinance to prohibit unauthorized public camping, thereby affirming and promoting a safe and healthy environment; and

WHEREAS, the Board finds that setting forth certain regulations and standards regarding public camping is prudent to ensure consistent application and understanding of the regulations and standards; and

WHEREAS, the Board finds that this Ordinance is in the public interest.

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

SECTION 1. INCORPORATION OF RECITALS:

The foregoing recitals are true and correct and are incorporated by reference into this Ordinance.

SECTION 2. APPLICABILITY:

This Ordinance shall apply to unincorporated Polk County, Florida and the municipalities (hereinafter “municipality” or “municipalities”) within Polk County Florida, unless a municipality adopts or has adopted an ordinance that conflicts with the subject matter contained herein.

SECTION 3: DEFINITIONS

The following definitions shall apply to the interpretation and enforcement of this Ordinance. Any words not explicitly defined shall have the common meaning.

(a) *Camp or camping* means

1. Sleeping or otherwise being in a temporary shelter out-of-doors outside of daylight hours; or
2. Sleeping out-of-doors outside daylight hours; or
3. Cooking over an open flame or fire out-of-doors outside daylight hours.

(b) *Camp facilities* include, without limitation, tents, huts, cars, trucks recreational vehicles, or any other temporary shelters. However, "camp facilities" does not include tents or temporary shelters when they are temporarily used in a park for recreation or play during daylight hours when the park is open to the public.

(c) *Camp paraphernalia* includes, without limitation, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, cooking facilities, or any other living equipment. However, "camp paraphernalia" does not include blankets, hammocks, or cooking facilities when they are temporarily used in a park for recreation or relaxation during daylight hours when the park is open to the public.

(d) *Public property* means any real property, park, right-of-way, building, structure, equipment, sign, shelter, vegetation, trail, and public open space, including all associated areas such as parking lots, controlled or owned by the state, the County, municipalities or other public entity.

SECTION 4. PROHIBITION OF PUBLIC CAMPING:

(a) Camping is prohibited on all public property in the County, except as may be specifically authorized by the appropriate governmental authority or by the exceptions outlined in Section 5 of this Ordinance.

- (b) Camping is prohibited on all property within the County used for residential purposes without the consent of the property owner.
- (c) The use of camp facilities or camp paraphernalia on public property is prohibited outside of daylight hours, except as may be specifically authorized by the appropriate governmental authority or by the exceptions outlined in Section 5 of this Ordinance.
- (d) It shall be unlawful for any, person, entity, group, representative, or corporation to camp or to store personal property, such as camp facilities or camp paraphernalia, in the following areas:
 - 1. Any park; or
 - 2. Any street or right-of-way; or
 - 3. Any public property, improved or unimproved.
- (e) Any person, entity, group, representative, or corporation violating any provision of this section shall be subject to the following penalties:
 - 1. First Offense: A warning shall be issued by a law enforcement officer. The warning must include a clear explanation of the violation, the corrective action required, and the potential consequences of noncompliance or subsequent violations. If the individual or entity fails to comply after receiving the warning and continues the prohibited conduct, the law enforcement officer is authorized to take the individual into custody for noncompliance. Such noncompliance constitutes a subsequent violation under this ordinance and shall be prosecuted in the same manner as misdemeanors in accordance with Section 125.69, Florida Statutes resulting in the violation being charged as a misdemeanor of the second degree (M2) in accordance with Section 775.082 or Section 775.083, Florida Statutes. Upon conviction in a judicial proceeding before the county court in and for Polk County, Florida, the offender may be subject to imprisonment in the county jail for a period not exceeding 30 days and/or a fine not exceeding \$500.00, as determined by the court.
 - 2. Second or Subsequent Offenses: Any person, entity, group, representative, or corporation found to have committed a second or subsequent violation of this section shall be prosecuted in the same manner as misdemeanors in accordance with

Section 125.69, Florida Statutes resulting in the violation being charged as a misdemeanor of the second degree (M2) in accordance with Section 775.082 or Section 775.083, Florida Statutes. Upon conviction in a judicial proceeding before the county court in and for Polk County, Florida, the offender may be subject to imprisonment in the county jail for a period not exceeding 30 days and/or a fine not exceeding \$500.00, as determined by the court.

3. Repeated Violations in Different Locations: If a person, after being warned or arrested, leaves the initial location and re-establishes the prohibited activity at a new location in violation of this section, such action constitutes a new and separate offense subject to penalties for a second or subsequent violation, as outlined above.

SECTION 5. EXCEPTIONS TO PUBLIC CAMPING PROHIBITIONS:

Regardless, the provisions of this Ordinance shall not apply if:

- (a) Camping is in a recreational vehicle, travel trailer, tent, camper or like unit located at a public facility specifically designated for temporary lodging and in accordance with the rules and ordinances established by Polk County, or the applicable municipality, or state agency; or
- (b) Temporary shelters are located on single-family dwelling property for disaster housing in compliance with F.S. 125.023 state laws and County ordinances.

SECTION 6. CONFLICTING PROVISIONS:

In the case of direct conflict between any provision of this Ordinance and a portion or provisions of any other appropriate federal or state law, the more restrictive shall apply.

SECTION 7. SEVERABILITY:

If any provision of this Ordinance, or if this Ordinance as appealed, is determined to be invalid or unconstitutional by a court of competent jurisdiction, then such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this ordinance. The Board of County Commissioners hereby declares that it would have adopted each section, subsection, or provision hereof independently, irrespective of

the fact that any one or more other sections, subsections or provisions hereof be declared invalid or unenforceable.

SECTION 8. INCLUSION IN THE CODE:

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the POLK County Code of Ordinances; and that the 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 intentions.

SECTION 9. FILING OF ORDINANCE AND EFFECTIVE DATE:

A certified copy of this Ordinance shall be filed with the Florida Department of State. This Ordinance shall take effect upon filing with that office.