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AGENDA ITEM
ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

Deadline for Submission - Wednesday 9 a.m. – Thirteen Days Prior to BCC Meeting

1/16/2024

BCC MEETING DATE

TO: Joy Andrews, County Administrator

DATE: November 28, 2023

FROM: Ryan Kane, Director

PHONE: 904 209-0324

SUBJECT OR TITLE: Second Reading of Proposed Amendments to St Johns County Ordinance 2007-19, St. Johns County Beach Code.

AGENDA TYPE: Business Item, Ordinance, Report

BACKGROUND INFORMATION:

At its regularly scheduled meeting on November 7, 2023, the Board of County Commissioners heard the first reading of the Parks and Recreation Department’s proposed amendments to St. Johns County Ordinance 2007-19, the St. Johns County Beach Code. The proposed amendments to this ordinance include adding definitions, clarifying provisions in the ordinance, and incorporating an addition regarding use of electric motorized devices.

1. IS FUNDING REQUIRED? No

2. IF YES, INDICATE IF BUDGETED. No

IF FUNDING IS REQUIRED, MANDATORY OMB REVIEW IS REQUIRED:

INDICATE FUNDING SOURCE:

SUGGESTED MOTION/RECOMMENDATION/ACTION:

Motion to enact Ordinance 2024-_____, amending Ordinance No.2007-19, the St. Johns County Beach Code Ordinance.

For Administration Use Only:

Legal: Jalisa Ferguson 12/29/2023

OMB: JDD 1/2/2024

Admin: Brad Bradley 1/2/2024

ORDINANCE NO. 2024-_____

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 2007-19 THE ST. JOHNS COUNTY BEACH CODE; THIS ORDINANCE SPECIFICALLY AMENDS SECTION 1.01 DEFINITIONS BY PROVIDING DEFINITIONS FOR “DRONES,” “ELECTRIC BICYCLE,” “ELECTRIC SCOOTER,” “E BIKE,” “E SCOOTER,” AND “OTHER ELECTRIC MOTORIZED DEVICES”; AMENDS SECTION 3.02(E) TO PROVIDE UPDATED THE ST. JOHNS COUNTY ORDINANCE REFERENCED; AMENDS SECTION 3.14, AIRCRAFT BY ADDING DRONES TO THE PROHIBITION OF AIRCRAFTS; ADDING SECTION 3.15 ELECTRIC MOTORIZED DEVICES WHICH PROHIBITS THE CARELESS OPERATION OF E-BIKES, E-SCOOTERS, AND OTHER ELECTRIC MOTORIZED DEVICES; MAKING FINDINGS OF FACT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the number of electric bicycles, electric scooters, and other electronic motorized devices in use in St. Johns County continue to rise; and

WHEREAS, 6,404 bicycles and e-bikes were involved in reported traffic accidents in the State of Florida in 2021, including 197 fatalities, according to the Florida Highway Safety and Motor Vehicle Traffic Crash Statistics Report; and

WHEREAS, St. Johns County’s beaches are home to several species of nesting sea turtles that are on the Federal Endangered Species list and are protected under the Endangered Species Act, and

WHEREAS, the Incidental Take Permit (ITP) for Beach Driving and Related Activities, Permit Number TE091980-0, issued to St. Johns County by the U.S. Fish and Wildlife Services, regulates the operation of motorized vehicles on St. Johns County beaches, including locations and time of allowable operation; and

WHEREAS, according to a study by Downs & St. Germain Research, an estimate 3,025,500 tourist visited to St. Johns County in the period from July 2021 to June 2022; and

WHEREAS, the use of the beach by a high volume of tourist and citizens of St. Johns County provides a compelling reason to draft sensible safety regulations to preserve and protect property and the life, health, and safety of the public; and

WHEREAS, Section 316.20655, Florida Statutes, has established certain regulations for electric bicycles and electric scooters, subsection (1) of the statute expressly provides that counties with jurisdiction over beaches and dunes are not prevented from restricting or prohibiting the operation of an electric bicycle on such beaches or dunes; and

WHEREAS, St. Johns County wishes to prohibit the careless operation of e-bikes, e-scooters, and other electric motor devices, in areas of the beach within County control and jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, as follows:

Section 1. The above recitals are hereby adopted as legislative findings by the St. Johns County Board of County Commissioners and incorporated and made a part of this Ordinance.

Section 2. Section 1.01, “Definitions” of St. Johns County Ordinance No. 2007-19 is amended to include the following:

Section 1.01. Definitions.

DRONE – A drone is defined as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

ELECTRIC BICYCLE, E-BICYCLE, OR E-BIKE - Means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and electric motor of less than 750 watts, meeting the specifications of any of these three classes enumerated in section 316.003(23), F.S.

ELECTRIC SCOOTER OR E-SCOOTER - Means any vehicle or micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on a level ground. The term does not include an electric bicycle.

OTHER ELECTRIC MOTORIZED DEVICES – Means any vehicle or electric motorized device including micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than four wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include electric bicycle or electric scooter.

Section 3. Section 3 of St. Johns County Ordinance No. 2007-19 is amended to include the following:

SECTION 3. REGULATION OF USE AND CONDUCT ON THE BEACH.

Section 3.02. Restrictions on Animals on Beach.

- (a) No person in control of, who owns, or who is responsible for any hooved animal shall permit such animal to be on any portion of the beach between the southern boundary of the Surfside Beach Access Ramp extending south to the southern boundary of St. Johns County from May 1 to October 31 of each year and during county recognized spring break periods as predetermined from time to time by the Supervisor of Beach Management and the Sheriff.
- (b) The County Administrator shall develop and implement a permit process and/or education program including protected species training that will authorize horseback riding on designated beaches.
- (c) Any person who owns, is responsible for, or in control of any dog or cat on the beach of St. Johns County (1) shall then have in their possession and in the close proximity of such animal an implement or material by which defecation of such animal may be removed from said beach; and (2) shall promptly remove any defecation of such animal from the beach using such implement or material.
- (d) St. Johns County Ordinance 2017-36 as maybe amended, is hereby incorporated by reference.

Section 3.14 Aircraft. No one operating, directing or responsible for any aircraft, seaplane, helicopter, glider, balloon, dirigible, parachute, drone or other aerial apparatus shall take off from or land

within upon the beach.

Section 3.15 Electric Motorized Devices. It shall be unlawful for any person to:

(a) Operate any e-bike, e-scooter, or other electric motorized device in a careless manner. Careless operation of an e-bike, e-scooter, or other electric motorized device shall include but is not limited to:

- (1) Operation of an e-bike, e-scooter, or other electric motorized devices with another person on the handlebars or in any position in front of the operator;
- (2) Operation of an e-bike, e-scooter, or other electric motorized devices at a speed greater than is reasonable and prudent under the conditions, having regarded to the actual and potential hazards then existing, including but not limited to, the safety of the operator or any other person or property;
- (3) Failing to yield to pedestrians;
- (4) Weaving in and out of pedestrians traffic or stationary beachgoers;
- (5) Operation of e-bike with more riders, operators, or passengers than for which it was designed; or
- (6) Any occurrence where inadvertence to the safe and normal operational procedures of the e-bike, e-scooter, or other electric motorized devices causes or is likely to cause damage to any person or property.

(b) All operators shall at all times yield the right-of-way to pedestrians and shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collisions with or injury to any persons or property.

Section 3.16. Violations. Violations of Sections 3.01-3.15 shall be punished as provided for in Section 10.00 of this Code.

Section 4. Section 5 of St. Johns County Ordinance No. 2007-19 is amended to include the following:
SECTION 5. TRAFFIC AND PARKING REGULATIONS.

Section 5.03. Prohibited Acts. It shall be prohibited for any person to:

- (a) Operate a motor vehicle on any portion of the beach other than in the driving area;
- (b) Operate any vehicle on the beach at a speed of more than ten (10) miles per hour;
- (c) Park or operate a motor vehicle on the beach at any time other than the hours established herein;
- (d) Operate any motor vehicle on the beach so as to pass any other motor vehicle, except under circumstances indicating that such other vehicle is in a temporarily disabled condition;
- (e) Park any motor vehicle on any portion of the beach other than in the parking area;
- (f) Cause any motor vehicle to enter the beach other than through an open vehicular approach;
- (g) Cause any motor vehicle to enter the beach without having paid the required vehicular access fee;
- (h) Fail to obey any directive of a beach ranger or law enforcement officer authorized under the provisions of this Code;
- (i) Sit or lie on the beach in the driving or parking area except while in a vehicle;
- (j) Operate any vehicle not customarily used on public streets and highways, including but not limited to, go-carts, all-terrain vehicles (ATV's), and other similar vehicles;
- (k) Operate any motor vehicle so as to intentionally cause sand to be thrown into the air or across any beach area.

(1) Operate a horn except for a bonafide safety purpose.

All operators shall at all times yield the right-of-way to pedestrians, shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collision with or injury to any persons or property.

Section 5. The remaining portions of St. Johns County Ordinance No. 2007-19 shall remain in full force and effect.

Section 6. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this ____ day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Sarah Arnold, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court
& Comptroller

By: _____

Deputy Clerk

Effective Date: _____

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WHEREAS, the Incidental Take Permit (ITP) for Beach Driving and Related Activities, Permit Number TE091980-0, issued to St. Johns County by the U.S. Fish and Wildlife Services, regulates the operation of motorized vehicles on St. Johns County beaches, including locations and time of allowable operation; and

WHEREAS, according to a study by Downs & St. Germain Research, an estimate 3,025,500 tourist visited to St. Johns County in the period from July 2021 to June 2022; and

WHEREAS, the use of the beach by a high volume of tourist and citizens of St. Johns County provides a compelling reason to draft sensible safety regulations to preserve and protect property and the life, health, and safety of the public; and

WHEREAS, Section 316.20655, Florida Statutes, has established certain regulations for electric bicycles and electric scooters, subsection (1) of the statute expressly provides that counties with jurisdiction over beaches and dunes are not prevented from restricting or prohibiting the operation of an electric bicycle on such beaches or dunes; and

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- (d) St. Johns County Ordinance ~~92-4~~, 2017-36 as maybe amended ~~in the future~~, is hereby incorporated by reference.

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helicopter, glider, balloon, dirigible, parachute, drone or other aerial apparatus shall take off from or land within upon the beach.

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- (1) Operation of an e-bike, e-scooter, or other electric motorized devices with another person on the handlebars or in any position in front of the operator;
- (2) Operation of an e-bike, e-scooter, or other electric motorized devices at a speed greater than is reasonable and prudent under the conditions, having regarded to the actual and potential hazards then existing, including but not limited to, the safety of the operator or any other person or property;
- (3) Failing to yield to pedestrians;
- (4) Weaving in and out of pedestrians traffic or stationary beachgoers;
- (5) Operation of e-bike with more riders, operators, or passengers than for which it was designed; or
- (6) Any occurrence where inadvertence to the safe and normal operational procedures of the e-bike, e-scooter, or other electric motorized devices causes or is likely to cause damage to any person or property.

(b) All operators shall at all times yield the right-of-way to pedestrians and shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collisions with or injury to any persons or property.

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- (c) Park or operate a motor vehicle on the beach at any time other than the hours established herein;
- (d) Operate any motor vehicle on the beach so as to pass any other motor vehicle, except under circumstances indicating that such other vehicle is in a temporarily disabled condition;
- (e) Park any motor vehicle on any portion of the beach other than in the parking area;
- (f) Cause any motor vehicle to enter the beach other than through an open vehicular approach;
- (g) Cause any motor vehicle to enter the beach without having paid the required vehicular access fee;
- (h) Fail to obey any directive of a beach ranger or law enforcement officer authorized under the provisions of this Code;
- (i) Sit or lie on the beach in the driving or parking area except while in a vehicle;
- j) Operate any vehicle not customarily used on public streets and highways, including but not limited to, go-carts, all-terrain vehicles (ATV's), and other similar vehicles;
- (k) ~~Intentionally cause sand to be thrown into the air or across any beach area.~~ Operate any

motor vehicle so as to intentionally cause sand to be thrown into the air or across any beach area.

- (1) Operate a horn except for a bonafide safety purpose.

All operators shall at all times yield the right-of-way to pedestrians, shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collision with or injury to any persons or property.

Section 5. The remaining portions of St. Johns County Ordinance No. 2007-19 shall remain in full force and effect.

Section 6. Severance Clause. It is the intent of the Board of County Commissioners of St. Johns County, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, subsections, sentences, clauses, phrases, or provision of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect upon its being filed with the Department of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this ____ day of _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Sarah Arnold, Chair

ATTEST: Brandon J. Patty, Clerk of the Circuit Court

& Comptroller

By: _____
Deputy Clerk

Effective Date: _____

BEACH CODE

SECTION 1 GENERAL

Section	1.01	.....	Definitions
Section	1.02	.....	Authority Purpose and Intent
Section	1.03	.....	Title
Section	1.04	.....	Policy
Section	1.05	.....	Findings of Public Necessity
Section	1.06	.....	Preemption of Ordinances
Section	1.07	.....	General Rules interpretation

SECTION 2 PUBLIC RIGHTS OF ACCESS

Section	2.01	.....	Public Policy
Section	2.02	.....	Preservation of Access Through Existing Approaches
Section	2.03	.....	Prohibition of Obstructions: Personal Access
Section	2.04	.....	Prohibition of Obstruction: Vehicular Access
Section	2.05	.....	Construction of an Erosion Control Structure
Section	2.06	.....	Prohibition of Posting
Section	2.07	.....	Violations

SECTION 3 CONDUCT

Section	3.01	.....	Possession of Alcoholic Beverages Prohibited
Section	3.02	.....	Restrictions on Animals on Beach
Section	3.03	.....	Open Fires Prohibited; Heated Objects to be Disposed of Properly
Section	3.04	.....	Over-night Camping Prohibited
Section	3.05	.....	Fishing
Section	3.06	.....	Throwing of Balls, Frisbees, or Other Objects
Section	3.07	.....	Possession of Glass Containers Prohibited
Section	3.08	.....	Soliciting, Canvassing and Commercial Activity Prohibited
Section	3.09	.....	Litter
Section	3.10	.....	Surfing, Boating and Swimming
Section	3.11	.....	Sound Amplification
Section	3.12	.....	Removal of Beach Sand
Section	3.13	.....	Fireworks and Explosives
Section	3.14	.....	<u>Aircraft</u>
Section	3.15	.....	<u>Electric Motorized Devices</u>
Section	3.16	.....	Violations

SECTION 4 SPECIAL EVENTS

Section	4.01	.....	Special Events Policy; Objective
Section	4.02	.....	Permit Required
Section	4.03	.....	Permits for Small Events
Section	4.04	.....	Permits for Large Events
Section	4.05	.....	Effect of Permit; Violation of Permit Conditions
Section	4.06	.....	Commercial Events

SECTION 5 TRAFFIC & PARKING REGULATIONS

- Section 5.01Objectives and Policies; Delegation of Authority
- Section 5.02 Vehicles Authorized on the Beach
- Section 5.03Prohibited Acts
- Section 5.04Unauthorized Vehicles
- Section 5.05 Nighttime Driving/Parking
- Section 5.06Authority to Regulate Driving Area and Vehicular Approaches
- Section 5.07 Violations

SECTION 6 VEHICULAR ACCESS FEES

- Section 6.01 Findings
- Section 6.02 Imposition of Fee
- Section 6.03 Annual Pass
- Section 6.04 Use of Fees

SECTION 7 HABITAT CONSERVATION

- Section 7.01Conservation Zone
- Section 7.02 Beach Lighting
- Section 7.03 Turtle Alert Status

SECTION 8 BEACH SERVICES

- Section 8.01Implementation
- Section 8.02Preparation of Budget
- Section 8.03 Provision of Services

SECTION 9 COUNTY DIVISION OF BEACH MANAGEMENT

- Section 9.01County Division of Beach Management
- Section 9.02Delegation of Code Enforcement Authority

SECTION 10 PENALTIES

- Section 10.01Violations to Provisions of the Beach Code
- Section 10.02 Compliance with Citation
- Section 10.03 Penalties
- Section 10.04Conflicts
- Section 10.05 Severability
- Section 10.06 Repealer
- Section 10.07 Effective Date

ORDINANCE 2007-19

ST. JOHNS COUNTY BEACH CODE

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING, REAFFIRMING, AND CONTINUING THE BEACH ORDINANCE FOR ST. JOHNS COUNTY; IT REPEALS ORDINANCES 70-5, 75-12, 78-29, 78-40, 79-38, 80-17, 81-32, 82-42, 83-4, 83-34, 84-14, 84-26, 84-45, 84-46, 85-29, 88-18, 89-39, 89-47, 90-5, 90-6, 92-17, 94-58, 96-48, 97-34, 99-21, 2000-27, 2001-5, 2007-19 AND RESOLUTIONS 85-137, 90-39, 91-44, 91-45, AND 95-11, AND REINSTATES THEIR PROVISIONS HEREIN AS AMENDED AND SUPPLEMENTED IN THE FOLLOWING MANNER: PROVIDES ADDED DEFINITIONS; MODIFIES CONDUCT PERTAINING TO AIRCRAFT AND ELECTRIC MOTORIZED DEVICES; MODIFIES TRAFFIC AND PARKING REGULATIONS PERTAINING TO PROHIBITED ACTS; PROVIDES AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of St. Johns County, Florida, as follows:

SECTION 1. GENERAL.

Section 1.01. Definitions.

ALCOHOLIC BEVERAGE - A beverage containing more than one percent (1%) of alcohol by weight.

ANIMAL - Any animate being other than a human which is endowed with the power of voluntary motion.

APPROACH - Property over which there exists a public right-of-way by title, dedication, prescription, custom, or otherwise for beach ingress and egress between the beach and the easternmost north-south roadway.

BEACH - Lands and water lying seaward of the seawall or line of permanent vegetation and within three miles seaward of the mean Low water mark.

BEACH_RANGER - A public service assistant assigned as a code enforcement officer authorized by the Sheriff to patrol and enforce all beach related non-criminal county and parking ordinances pertaining to the beach code.

BEACH REVENUES - Revenues derived by the County from vehicular access fees after the direct cost of collection thereof has been deducted (i.e., net revenue), and all net revenue derived directly from the operation of the beach.

BEACH SERVICE - For the purposes of this Code, the term "beach service" shall include lifesaving, maintenance of and cleaning of the beach, the public improvements thereon and the approaches thereto, the cost of acquiring and operating off-beach parking, and code enforcement, which shall be construed to include crowd control, the enforcement of this Code and of observed violations of state criminal law, provided that nothing herein shall be construed as a Limitation upon the authority of a beach ranger to perform any act or exercise any part of the authority available to such ranger under state law.

BICYCLE - Every vehicle propelled solely by human power, or any moped propelled by a pedal-activated helper motor with a manufacturer's certified maximum rating of 1 ~ brake horsepower, upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

BLOOD BAITING - The use of blood or bloody fish or animal parts to attract sharks.

BOAT OR VESSEL - Shall be synonymous with "boat" as referenced in Article VII, Section 1 (b), Florida Constitution (1968), and Section 327.02 (27), Florida Statutes, and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. The term "boat" or "vessel" shall not include surfboards, wind surfboards, rafts, floats, belly board, and other similar flotation devices.

BOOGIE BOARD - A device similar to a surfboard constructed of soft rubber or Styrofoam which frequently is of shorter length than a surfboard and which may or may not have a fin or skeg attached.

BUS - Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons, and any motor vehicle, other than a taxi cab, designed and used for the transportation of persons for compensation.

CAMPING - The erection of shelter or similar structures for the purpose of sleeping; sleeping

or lying upon the beach either under or outside of any shelter, vehicle, bedroll, blanket, or other protective garb.

CHUMMING - The throwing of bait or fish parts into the water to attract fish.

COMMERCIAL FISHERMAN -A commercial fisherman licensed under the laws of the State of Florida engaged on a bona fide basis in fishing as a major portion of his livelihood.

CONSERVATION ZONE- Means the area not less than 15 feet seaward from the seaward toe of the most seaward dune, dune scarp, sea wall, or line of permanent vegetation, or one-half the distance to mean high-water level, whichever is the lesser.

COUNTY ADMINISTRATOR- Shall mean the County Administrator of St. Johns County, Florida and/or his designee.

DRIVING AREA - The hard sand portion of the beach designated by signs or other traffic control devices wherein driving on the beach shall be permitted in a single lane of northbound traffic and/or a single lane of southbound traffic, together with that portion of the soft sand in front of open vehicular approaches wherein driving shall be permitted in an east or west direction for the purpose of entry to or exit from the beach. The driving area shall not include traffic-free zones established by this Code or regulations adopted pursuant to this Code.

DRONE – A drone is defined as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

ELECTRIC BICYCLE, E-BICYCLE, OR E-BIKE - Means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and electric motor of less than 750 watts, meeting the specifications of any of these three classes enumerated in section 316.003(23), F.S.

ELECTRIC SCOOTER OR E-SCOOTER - Means any vehicle or micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on a level ground. The term does not include an electric bicycle.

OTHER ELECTRIC MOTORIZED DEVICES – Means any vehicle or electric motorized device including micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than four wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not

include electric bicycle or electric scooter.

JET SKI - Any personal water craft designed exclusively for the riding enjoyment of one or more persons, being propelled by a jet pump with a fully enclosed impeller.

LINE OF PERMANENT VEGETATION - The extreme seaward boundary of natural vegetation which extends continuously inland.

LITTORAL OWNER - The owner or lessor of land adjacent to the shore and includes anyone acting under the littoral owner's authority.

MOTOR VEHICLE - Any vehicle which is self-propelled, but not including any bicycle.

PARKING AREA-

A. That area of the beach west of the driving area near the border of the hard and soft sand but not to encroach into the conservation zone, delineated by signs separating it from the driving area in which vehicles shall be allowed to park in one row perpendicular to the seawall or line of permanent vegetation and the edge of the water;

B. When authorized by this Code, that area east of the driving area on the hard sand delineated by signs separating it from the driving area in which vehicles shall be allowed to park in one row perpendicular to the seawall or line of permanent vegetation and the edge of the water.

PERSON - Any natural person, firm, co-partnership, association, or corporation.

RAFTS, FLOATS, AND FLOTATION DEVICES - Any device, whether of canvas, vinyl, rubber, Styrofoam or other substance, intended or capable of assisting in the flotation of a person on or in the water of the ocean. The term shall not include boats or surfboards, but shall include boogie boards, unless the context shall clearly indicate otherwise.

SHERIFF - Any Law Enforcement Officer and/or Code Enforcement Officer authorized by the Sheriff of St. Johns County to enforce the provisions of the Beach Code.

SOLICIT OR CANVASS - Any act, delivery, or exchange not initiated by the prospective customer which directs attention to any business, mercantile or commercial establishment, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

SPECIAL EVENTS -

A. Any use, activity or event conducted or promoted on the beach that would, if not permitted hereunder, constitute a violation of any provision of the Beach code or any rule

or regulation issued under the authority of the Code; or

B. Any activity or event that is organized and promoted to attract, and is likely to attract, a crowd of more than 50 persons to a certain place on the beach at a certain time under circumstances that are likely to interfere with the public's right of access and use of the beach or create a need for additional services or other resources; or

C. Any activity or event on the beach that is promoted or sponsored by commercial interests and will advertise or promote private commercial interests.

SUPERVISOR OF BEACH MANAGEMENT - The general supervisor of the Division of Beach Management of the County of St. Johns, Florida.

SURFBOARD - A fiberglass, epoxy, closed-cell neoprene or Styrofoam instrument with one or more fiberglass fins or skegs attached or inserted into the belly or bottom of the surfboard. This definition shall include wind surfboards and sailboards. This definition shall not include rubber rafts, floats, belly boards, or boogie boards.

SURFING - Surfing shall be defined as the riding or paddling of a surfboard within the water of the Atlantic Ocean abutting or adjacent to the beach.

SURF LEASH - A neoprene, rubber, or other elastic cord not exceeding twelve (12) feet in length, one end of which shall be securely attached to the surfboard and the other end to the ankle of the surfboard user.

A surf leash is also known as a shock cord, safety cord, or tether line.

TANDEM TRAILER TRUCK - Any combination of a truck tractor, semi-trailer, and trailer coupled together so as to operate as a complete unit.

TOE - Means the lowest part of an embankment.

TRUCK TRACTOR - Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle load so drawn.

VEHICLE - Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway.

WIND SURFBOARD - A surfboard equipped with a sail and designed to be propelled by the wind. The term "WIND SURFBOARD" shall be synonymous with the term "sailboard."

WINDSURFING - A form of surfing where the surfboard is propelled by wind.

Section 1.02. Authority; Purpose and Intent. This Ordinance is adopted pursuant to the Laws of Florida. It is intended to regulate comprehensively public health, safety, and welfare on or pertaining to the unincorporated areas of the county beach.

Section 1.03. Title. This Ordinance shall be known as the "St. Johns County Beach Code," sometimes hereinafter referred to as the "Beach Code."

Section 1.04. Policy. The County Commission finds that the Atlantic Ocean beach is and should be managed as an enormous public park open to all the people. The beach is many different things to many different people. Local government policy toward the beach should be guided by the recognition that proper management of the beach is vital to the economic development of the County and that all reasonable competing uses of the beach must be protected and balanced. The highest value should be given to protecting and enhancing the quality of life on the beach and the public right of access to the beach in order to enjoy the beach as a source of pleasant, safe, clean, and wholesome recreation.

Section 1.05. Findings of Public Necessity. The Recreation Advisory Board and the County Commission have conducted extensive public hearings and workshops, and have solicited and received the input of various interest and user groups. The County Commission finds that the provisions of this Code are the minimum necessary for the protection and conservation of the public health, safety, and welfare, and its provisions shall apply to all persons and to all areas of the beach.

Section 1.06. Preemption of Ordinances. Zoning and building codes are preempted only as they conflict with Section 3 of this Code pertaining to access and obstructions on the beach. Provisions of federal and state park rules and regulations where applicable shall preempt the provisions of this Code where in conflict.

Section 1.07. General Rules interpretation. The following general rules of interpretation shall apply:

- (a) The present tense includes the future.
- (b) The singular number includes the plural, and vice versa.
- (c) The word "shall" is mandatory; the word "may" permissive.
- (d) Reference in one section of this Code to another section of this Code by section number shall include all subsection within that section.
- (e) The masculine includes the feminine and neuter, and vice versa.

(f) Merriam-Webster Collegiate Dictionary (Merriam-Webster Inc. 11th Ed. 2003) shall be used for the definition of any words not defined in this Code.

SECTION 2. PROTECTION OF PUBLIC RIGHTS OF ACCESS AND CUSTOMARY USE OF THE BEACH.

Section 2.01. Public Policy. The intent of this Code is to determine as a legislative fact binding on County government that since time immemorial, the public has enjoyed access to the beach and has made recreational use of the beach; that such use has been ancient, reasonable, without interruption, and free from dispute; and that because of this customary access and use, the public has the right of access to the beach and a right to use the beach for recreation and other customary purposes. The intent is to mandate that county government define, protect, and enforce the public's customary rights of beach access and use. It is not the intent of this Code to affect in any way the title of the owner of land adjacent to the Atlantic Ocean, nor to impair the right of any such owner to contest the existence of the customary right of the public to access and use any particular area of privately-owned beach, nor to reduce or limit any rights of public access or use that may exist or arise other than as customary rights. It is therefore declared and affirmed to be the public Policy of this County, that the public, individually and collectively, subject to the provisions of this Code, shall have the right of personal ingress and egress to and from the beach and the right to make recreational and other customary uses of the beach. The Office of the County Attorney shall be authorized to take all steps legally necessary to protect and defend the public right of access and use declared by this Code.

Section 2.02. Preservation of Access Through Existing Approaches. Neither the County nor any municipality shall vacate any approach to the beach or allow the same to be used for private purposes not otherwise preserved to a property owner as a matter of law.

Section 2.03. Prohibition of Obstruction: Personal Access. Except as provided for in this Code, it shall be prohibited for any person to create, erect, or construct any structure, barrier, or restraint either vegetative or man made that will interfere with or obstruct the right of the public, individually and collectively, to enter or leave the beach by way of any approach or to use lawfully any part of the beach for recreation and other customary purposes.

Section 2.04. Prohibition of Obstruction: Vehicular Access. Except as provided in this Code, it

shall be prohibited for any person to create, erect, or construct any structure, barrier, or restraint that will interfere with or obstruct vehicular access through or over vehicular approaches or vehicular passage upon or over the beach, except that which is provided and erected by the City of St. Augustine Beach and or St. Johns County to regulate traffic flow.

Section 2.05. Construction of an Erosion Control Structure. The provisions of Sections 2.03 and 2.04 shall not be construed to prohibit the construction of an erosion control structure permitted under applicable law and regulation by the Florida Department of Environmental Protection.

Section 2.06. Prohibition of Posting. It shall be prohibited for any person to display or cause to be displayed on any beach or approach, any sign, marker, or warning stating that the public beach is private property or that the public does not have the right of access contrary to the lawful access rights of the public.

Section 2.07. Violations. Violations of the provisions of Sections 2.03, 2.04, and 2.06 shall be punished as provided for in Section 10.00 of this Code.

SECTION 3. REGULATION OF USE AND CONDUCT ON THE BEACH.

Section 3.01. Possession of Alcoholic Beverages Prohibited on Beach. It shall be prohibited for any person on the beach or in the Atlantic Ocean within 600 ft of the County Beach Shoreline to possess or consume any unsealed or open container containing any type of alcoholic beverage.

Section 3.02. Restrictions on Animals on Beach.

- (a) No person in control of, who owns, or who is responsible for any hooved animal shall permit such animal to be on any portion of the beach between the southern boundary of the Surfside Beach Access Ramp extending south to the southern boundary of St. Johns County from May 1 to October 31 of each year and during county recognized spring break periods as predetermined from time to time by the Supervisor of Beach Management and the Sheriff.
- (b) The County Administrator shall develop and implement a permit process and/or education program including protected species training that will authorize horseback riding on designated beaches.
- (c) Any person who owns, is responsible for, or in control of any dog or cat on the beach of St. Johns County (1) shall then have in their possession and in the close proximity of such

animal an implement or material by which defecation of such animal may be removed from said beach; and (2) shall promptly remove any defecation of such animal from the beach using such implement or material.

(d) St. Johns County Ordinance ~~92-1~~ 2017-36, as maybe amended ~~in the future~~, is hereby incorporated by reference.

Section 3.03. Open Fires Prohibited; Heated Objects to be Disposed of Properly. It shall be prohibited for any person to have an open campfire on the beach. It shall be prohibited for any person to dispose of any coals, briquettes, embers or other heated or previously heated objects from any stove or grill on the beach or in trash receptacles. Any and all fires and associated debris must be self contained and removed from the beach in the same manner in which they arrived.

Section 3.04. Over-night Camping Prohibited.

(a) On beaches. Overnight camping on the beaches adjacent to the Atlantic Ocean, between the vegetation line and the low-water mark, within the boundaries of St. Johns County, and outside the limits of any municipalities, is hereby prohibited unless by permit issued by the Board of County Commissioners to an organization or club, subject to such regulations and fees as may be prescribed by the Board of County Commissioners from time to time.

(b) In recreational areas adjacent to the ocean. Overnight camping in any recreational areas adjacent to the Atlantic Ocean, under the jurisdiction of the Board of County Commissioners of St. Johns County, Florida, is hereby prohibited.

Section 3.05. Fishing.

(a) It shall be prohibited for any person to fish along the shoreline from the beach and/or surf after having been warned by the Sheriff or County Lifeguard that the health and safety of swimmers is being endangered.

(b) While on the beach or within 600 feet from shore to intentionally fish for sharks or to fish by those methods commonly known as "chumming" or "blood baiting."

Nothing herein shall be construed to create a duty of any sort on the part of any county or municipal employee to prevent fishing or to warn of the presence of sharks or other hazards in the ocean.

Section 3.06. Throwing of Balls, Frisbees, or Other Objects. It shall be prohibited for any person to throw or fly any ball, Frisbee, kite or other object through any line of traffic or in any

manner so as to interfere with or endanger the movement of vehicular traffic or public safety.

Section 3.07. Possession of Glass Containers Prohibited. It shall be prohibited for any person while on the beach to possess or utilize any glass bottle or container outside the confines of any vehicle.

Section 3.08. Soliciting, Canvassing and Commercial Activity Prohibited.

(a) No person shall solicit or canvass for the sale or rental of any merchandise, services, goods, or property of any kind or character intended for use or consumption on the beach.

(b) No person shall place any stand, cart, or vehicle for the transportation, sale, trade or display of any material or service for sale, rental, or trade on the beach unless in conjunction with a permitted event or activity.

(c) No person shall solicit or canvass for the sale or rental of any merchandise, services, goods or property of any kind or character to be delivered or performed off the beach.

(d) No person shall distribute, display or affix any printed materials or advertisements to any sign, sign posts, pole, walkover, or structure within the beach area. Exceptions to this rule are printed materials or advertisements permanently affixed on vehicles or clothing, and signs in conjunction with a permitted use.

(e) No person shall use the beach as a part of a commercial activity such as the development of advertising, movie making or similar activity for financial gain without a permit.

Section 3.09. Litter.

(a) It shall be prohibited for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, containers, cans, dead fish or parts thereof, or any other litter, except in designated containers for that purpose. It is further unlawful to dispose of any household garbage on the beach.

(b) Any personal property including but not limited to tents, shelters, chairs, catamarans, trailers, towels, shoes, and other such items that is left on the beach overnight is hereby declared a public nuisance and shall be subject to removal from the beach with other beach trash and debris.

Section 3.10. Surfing, Boating, and Swimming.

(a) Objectives and policies. The recreational use of the Atlantic Ocean is a treasured asset of this County which is afforded to the public at large. By its provision of lifeguards, the County intends to make that recreational use as safe as possible for all. Nevertheless, the natural state of those waters

is of an ever-changing and potentially turbulent nature and renders it impossible for the County to ensure that the ocean is safe at all times for all users and nothing herein shall be construed as the creation or assumption of such a duty. Certain conditions necessary for the public safety have been found to be necessary at all times and are incorporated herein. However, since circumstances on the beach do continually vary, certain authority of necessity has been delegated by the County Commission to administrative officials to be exercised in accordance with the provisions hereof.

(b) Authority to close or restrict use of beach and ocean. The County Administrator, the Director of Emergency Management, the Sheriff, or the Supervisor of Beach Management shall have the authority in case of storms or other like conditions to declare that an emergency exists and temporarily close the entire beach and, except as may be preempted by the federal or state government, the waters of the Atlantic Ocean for use by the public. The County Administrator, the Sheriff, the Director of Emergency Management, the Supervisor of Beach Management, or any lifeguard, shall have the authority because of crowd conditions, the presence of sharks, electrical storms, tidal, current, or wind conditions, or some other like condition endangering the safety of the public, to temporarily close or restrict the use of the beach or use of the ocean for any purpose not preempted for regulation by the federal or state government. It shall be a violation of this Code for any person, having been given actual or constructive notice such as by the posting of signs or the making of public announcements, to violate any restriction of order given under the terms hereof.

(c) Swimming. No person except a lifeguard or authorized emergency personnel, when necessary to the performance of their official duties shall:

- (1) Swim or bathe more than 300 feet perpendicular from the water's edge except as a necessary incident to other activities permitted beyond such distance;
- (2) Swim or bathe within 400 feet measured in any direction from a pier or jetty;
- (3) Swim or bathe in an area designated exclusively for personal watercraft use by subsection (h) hereof when personal watercrafts are present;
- (4) Swim or bathe in violation of an order given pursuant to subsection (b) hereof.

(d) Use rafts, floats, and other flotation devices. No person shall:

- (1) Use any raft, float, boogie board, belly board, or other flotation device of any description, except for a boat, surfboard, wind surfboard, or sailboard, more than 300 feet from the water's edge, or in violation of an order given pursuant to subsection (b) hereof;

(2) Use any raft, float or other flotation device of any description which fails to meet the safety requirements established by subsection G) hereof.

(e) Sailboats. No person shall operate a sailboat closer than 600 feet perpendicular from the water's edge except to go to and from the shore by the most direct means possible in a safe and reasonable manner, or in violation of an order given pursuant to subsection (b) hereof. Sailboats must be pulled west of the staffed lifeguard towers while parked on the beach.

(f) Surfing Regulations. No person shall surf:

- (1) In an area of the beach not permitted for surfing or in violation of an order given pursuant to subsection (b) hereof;
- (2) Without the safety device required under subsection (h) hereof.

(g) Personal Watercraft Regulations. No person except a lifeguard, a law enforcement officer, and authorized emergency personnel, when necessary to the performance of their official duties, shall launch or land a personal watercraft from or on the unincorporated beaches of St. Johns County.

Others operating personal watercraft in the ocean shall not operate:

- (1) In excess of idle speed when otherwise operating within 600 feet from the existing shoreline;
- (2) In violation of an order given pursuant to subsection (b) of this section;

Violations committed by a personal watercraft operator are punishable as provided for in section 10.00 of this code.

(h) Requirement for safety devices. Surfboards and boogie boards shall at all times while in the ocean be attached to the user by a surf leash. All other types of flotation devices, including rafts and floats, but excluding boats, wind surfboards, or sailboards, shall be equipped with safety ropes which shall extend around the perimeter of the flotation device and be securely fastened in such a manner as to be easily grasped by swimmers. Neither of the foregoing requirements shall pertain to wind surfboards or sailboards. Boats shall be equipped as provided by applicable law and regulation.

(i) Motorized boats; water skiing. No person except a lifeguard or authorized emergency personnel, when necessary to the performance of their official duties shall:

- (1) Launch a motorized boat from the Atlantic Ocean Beach or operate such a boat in violation of an order given pursuant to subsection (b) hereof;

- (2) Water ski closer than 600 feet perpendicular from the water's edge, or in violation of an order given pursuant to subsection (b) hereof.

Section 3.11. Sound Amplification. No audio device, such as loudspeakers, television, radio, compact disc, tape, record player, or musical instrument, except equipment used by law enforcement, rescue or beach safety personnel, shall be used on the beach in a manner:

(a) That is plainly audible at a distance of 25 feet or more from the source.

(b) That makes noise which is unreasonable, considering the nature and purpose of the user's conduct, location on the beach, time of day or night, impact on other beach users and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

Section 3.12. Removal of Beach Sand. No beach sand including coquina or crushed shell may be removed from the beach.

Section 3.13. Fireworks and Explosives. No person shall bring into or have in their possession, or set off or otherwise cause to explode or discharge or bum within the unincorporated areas of the beach any firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material, or discharge them or throw them onto the beach from land or water thereto unless part of a professional fireworks display approved by the Board of County Commissioners.

Section 3.14 Aircraft. No one operating, directing or responsible for any aircraft, seaplane, helicopter, glider, balloon, dirigible, parachute, drone or other aerial apparatus shall take off from or land within park property or the beach.

Section 3.15 Electric Motorized Devices. It shall be unlawful for any person to:

(a) Operate any e-bike, e-scooter, or other electric motorized device in a careless manner. Careless operation of an e-bike, e-scooter, or other electric motorized device shall include but is not limited to:

- (1) Operation of an e-bike, e-scooter, or other electric motorized devices with another person on the handlebars or in any position in front of the operator;
- (2) Operation of bike, e-scooter, or other electric motorized devices at a speed greater than is reasonable and prudent under the conditions, having regarded to the actual and potential hazards then existing, including but not limited to, the safety of the operator or any other person or property;
- (3) Failing to yield to pedestrians;
- (4) Weaving in and out of pedestrians traffic or stationary beachgoers;

(5) Operation of e-bike with more riders, operators, or passengers than for which it was designed;
or

(6) Any occurrence where inadvertence to the safe and normal operational procedures of the e-bike, e-scooter, or other electric motorized devices causes or is likely to cause damage to any person or property.

(b) All operators shall at all times yield the right-of-way to pedestrians and shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collisions with or injury to any persons or property.

Section 3.16. Violations. Violations of Sections 3.01-3.13 will be punished as provided for in Section 10.00 of this Code.

SECTION 4. REGULATION OF TEMPORARY USE OF BEACH FOR SPECIAL EVENTS.

Section 4.01. Special Events Policy; Objective. This section is intended to assure broad beach usage by allowing temporary uses of the beach for purposes which otherwise would be prohibited. These special uses would be allowed by a permit that waives certain restrictions under specific conditions which still protect the public health, safety, and welfare. The permitting process is intended to provide a convenient procedure to be followed by beach users and assure that beachfront municipalities have notice.

Section 4.02. Permit Required. No person shall organize, promote, or conduct a special event except as provided in a special event permit issued pursuant to this Code.

Section 4.03 Permits for Small Events A special event that involves not more than 200 persons ("small event") may be permitted by the Supervisor of Beach Management. Such a permit shall according to its terms constitute a temporary waiver of one or more provisions of this Code. No permit shall be issued by the Supervisor of Beach Management for waiver of any provision of this Code and unless he shall be reasonably satisfied that the public health, safety, or welfare will not be endangered thereby; the permit is consistent with and will facilitate the customary recreational uses of the beach; the use of the permit will not create the need for additional county or municipal services; the use of the permit will not constitute an undue intrusion upon established residential neighborhoods adjacent to the beach; and the permit conforms to any plan for zones of use then in effect. No permit shall be issued waiving the provisions of this Code concerning alcoholic beverages. No presumption

shall exist in favor of the grant of a permit. The permit shall be for a designated period of time, but may be renewable for a designated period of time. It may include conditions reasonably necessary to ensure that the intent of this Code is not violated.

An application for a small use or event permit shall be made to the Supervisor of Beach Management on such forms as he may prescribe. Applications for small events must be on file with the Supervisor of Beach Management at least fifteen days prior to the scheduled event. The Supervisor of Beach Management shall forward complete applications to any municipality that is affected by the proposed event for its notification, review, and comments. Such comments as the affected municipality shall desire to make shall be provided within five working days. The Supervisor of Beach Management shall thereafter grant or deny the permit according to the criteria set out herein. The denial of an application shall be appealable to the County Commission.

Section 4.04. Permits for Large Events. A special event not meeting the criteria established above may be permitted by the County Commission if in its judgement the special event facilitates the recreational use of the beach in accordance with the philosophy set forth in Section 1.03 above. An application for such a special event shall be filed with the Supervisor of Beach Management containing pertinent information such as time, date, place, nature of the event, crowd size, commercial sponsorships, and any other information reasonably required by the Supervisor of Beach Management. After the Supervisor of Beach Management is satisfied that the application is complete, he will deliver a copy of the application to any municipality that is affected by the proposed special event for its review and comment, including whether or not it will provide any services that may be needed by the special event. Such comments as the municipality shall desire to make shall be provided within five days. Upon conclusion of the period for comment, the Supervisor of Beach Management shall prepare a recommendation regarding issuance of the requested permit and all conditions which should be included therein. Recommended conditions should include payment of on-beach costs and off-beach costs directly attributable to such event, insurance, and any other reasonable conditions. The Supervisor of Beach Management will then transmit his recommendation to the municipality, applicant, and Recreation Advisory Board. Promptly thereafter, the recommendation shall be considered by the Recreation Advisory Board, before which the applicant, municipality, and any other interested party may appear and be heard. The Recreation Advisory Board shall recommend approval or disapproval of the recommendation as well as additional conditions.

The recommendation of the Recreation Advisory Board will be forwarded to the Board of County Commissioners for final approval. The time period to file an application for large events shall be no less than 60 days prior to the scheduled event date.

Section 4.05. Effect of Permit; Violation of Permit Conditions. A special event permit will preempt or waive otherwise conflicting provisions of the Beach Code as provided in the permit. Violation of the terms of a permit will be cause for immediate revocation of the permit by the Supervisor of Beach Management and a violation of this Code, and shall be punished as provided for in Section 10.00 hereof.

Section 4.06. Commercial Events. Commercial events will not be permitted on the beaches as a standard rule. Any exception to this must demonstrate specific advantage to the citizens of St. Johns County and be explicitly approved by the County Commission. Reasonable franchise fees will be imposed by the County Commission as a condition of the permit.

SECTION 5. TRAFFIC AND PARKING REGULATIONS.

Section 5.01. Objectives and Policies; Delegation of Authority.

(a) The objective of this Section is to provide motor vehicular access to the beach subject to the conditions that will promote separation of cars and people on the beach, conserve as much as possible of the beach for use by pedestrians, promote an even, uncongested flow of traffic along the beach and onto and off approaches, discourage unnecessary beach traffic, and give notice of hazards that remain. No provision hereof shall be deemed to create a duty of care not otherwise existing as matter of law.

The general provision of this Code shall apply to driving on all unincorporated beaches in St. Johns County.

(b) The Sheriff will have the authority for traffic enforcement on the Beach. Beach traffic is restricted to:

- (1) A single lane of southbound traffic and a single lane of northbound traffic between the southwestern tip of Porpoise point to the southern boundary of Guana State Preserve.
- (2) A single lane of southbound traffic from Ocean Trace Road to Crescent Beach Ramp;
- (3) A single lane of southbound traffic and a single lane of northbound traffic between

the Crescent Beach Ramp and the Fort Matanzas Ramp.

The Supervisor of Beach Management and the Sheriff are to provide that the parking area be placed as far to the west as sand conditions permit allowing for a conservation zone, and that drivers shall be directed to park their cars in an orderly fashion to conserve parking spaces. The traffic lanes adjacent to the parking lanes shall be as compactly defined as is reasonable. The Supervisor of Beach Management and the Sheriff shall have the discretion to move these designated areas according to circumstances on the beach.

(c) When the westerly row of parking has been filled, and provided that tidal conditions permit, the Supervisor of Beach Management and the Sheriff may allow parking on the east side of the traffic lanes. If there is to be a high tide during peak hours of beach use, tidal conditions ordinarily would not be deemed to permit a second row of parking until after the tide has turned and receded far enough to allow beach users a pedestrian area east of the easterly row of parked cars. The need for a second row of parking is to be determined by observing the beaches north and south of the inlet, respectively, as a whole, and not the smaller segment of the beach.

(d) The Supervisor of Beach Management and the Sheriff shall have the authority:

- (1) to implement measures necessary to regulate traffic in a manner consistent with the provisions of this Code;
- (2) when necessary to deal with congestion, to close vehicular ramps or to direct motor vehicles entering such ramps to proceed in one direction along the beach;
- (3) when tide, sand, or weather conditions make driving conditions unsafe on the beach or on any area of the beach, to close the beach or the affected area;
- (4) to alter traffic conditions and parking regulations as necessary to conform to conditions of duly permitted special events;
- (5) to take any action necessary to alter the traffic patterns established hereby to clear the beach when storm or other emergency conditions arise on the beach;
- (6) to cause any motor vehicle to be removed from the beach by wrecker when the vehicle is illegally parked, unreasonably blocking traffic, or is in danger because of changing tides or weather and no person can be found in the immediate vicinity to move such vehicle, provided that all towing and storage costs incurred in the enforcement of this power shall be borne by the owner of such vehicle.

Section 5.02. Vehicles Authorized on the Beach.

(a) Subject to the provisions of this Code, vehicular traffic shall be authorized on the beach. Wind-powered land vehicles are not authorized at any time. Notwithstanding any provision hereof, governmental, emergency transport, and properly permitted sea turtle monitoring vehicles of all types necessary for clean-up, repair, public safety, or otherwise permitted activities when in the course of official duty, shall be authorized at all times and at all places on the beach.

(b) Motor vehicular access shall not be authorized to the following areas of the beach which are established as traffic-free zones:

(1) North of the southernmost boundary of the Guana State Preserve.

(2) From the southernmost tip of the Matanzas Inlet south to the Flagler County line.

(c) (1) All St. Johns County beaches north of the Vilano Beach ramp shall be accessed only by properly authorized public vehicles and by private four wheel/all wheel drive vehicles with a permit as authorized by this Ordinance.

(2) Beginning on the effective date of this Ordinance, the St. Johns County Administrator shall cause signage or barricades to be placed at all points of vehicular access to the Atlantic Ocean beach in St. Johns County north of the Vilano Beach ramp. Such signage and/or barricades shall be passed only by properly authorized public owned vehicles or by private vehicles holding a permit as authorized by this Ordinance and such signage or barricades shall notify the public of this restriction.

(3) The County Administrator shall develop and implement a permit process and driver training program to limit vehicular access to the St. Johns County beaches north of the Vilano Beach ramp to properly licensed four wheel/all wheel drive vehicles. Each such permit shall be effective for a maximum of three months and shall be issued at no cost to the applicant. The County Administrator may require that each applicant and such vehicle be reasonably identified on the application for such permit and on the permit itself.

Section 5.03. Prohibited Acts. It shall be prohibited for any person to:

(a) Operate a motor vehicle on any portion of the beach other than in the driving area;

(b) Operate any vehicle on the beach at a speed of more than ten (10) miles per hour;

(c) Park or operate a motor vehicle on the beach at any time other than the hours established

herein;

- (d) Operate any motor vehicle on the beach so as to pass any other motor vehicle, except under circumstances indicating that such other vehicle is in a temporarily disabled condition;
- (e) Park any motor vehicle on any portion of the beach other than in the parking area;
- (f) Cause any motor vehicle to enter the beach other than through an open vehicular approach;
- (g) Cause any motor vehicle to enter the beach without having paid the required vehicular access fee;
- (h) Fail to obey any directive of a beach ranger or law enforcement officer authorized under the provisions of this Code;
- (i) Sit or lie on the beach in the driving or parking area except while in a vehicle;
- (j) Operate any vehicle not customarily used on public streets and highways, including but not limited to, go-carts, all-terrain vehicles (ATV's), and other similar vehicles;
- (k) ~~Intentionally cause sand to be thrown into the air or access any beach area.~~ Operate any motor vehicle so as to intentionally cause sand to be thrown into the air or across any beach area.
- (l) Operate a horn except for a bonafide safety purpose.

All operators shall at all times yield the right-of-way to pedestrians, shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collision with or injury to any persons or property.

Section 5.04. Unauthorized Vehicles. It shall be prohibited for any persons to operate on the beach any of the following classes of vehicles:

- (a) Buses, provided however that the Supervisor of Beach Management may issue a permit for small special events pursuant to Section 5.02 without delay and upon such terms as may be appropriate;
- (b) Truck tractor or tandem trailer trucks (except vehicles actually engaged in construction or repair of premises when authorized under Section 5);
- (c) Any vehicle or vehicle and trailer combination of any description longer than 33 feet (except vehicles actually engage in construction or repair of premises when authorized under Section

5).

(d) Any All-terrain Vehicle (ATV).

Section 5.05. Nighttime Driving/Parking. No vehicle shall travel or drive on the Atlantic Ocean Beach between the hours of 8:00 p.m. and 8:00 a.m. from May 1, of each year, through October 31, of each year, except that said prohibition shall not be enforced on such beach from the north side of the Vilano Road beach access ramp south to the St. Augustine Inlet from 8:00 a.m. on July 4, of each year, until 1:00 a.m. on July 5, of each year.

The County Administrator shall develop and implement a permit process and driver training program that may authorize commercial fisherman who have purchased an annual beach pass vehicle access outside of the Conservation Zone from May 1 to October 31 between 5:00 a.m. and 10:00 p.m. Each such permit shall be effective from May 1 to October 31 and shall be issued in accordance with the fee schedule approved each year by the Board of County Commissioners. The County Administrator may require that each applicant and such vehicle be reasonably identified on the application for such permit and on the permit itself.

Section 5.06. Authority to Regulate Driving Area and Vehicular Approaches. The County Administrator, the Director of Emergency Management, the Sheriff, or the Supervisor of Beach Management shall have the authority, based upon special conditions, including such factors as weather, tidal conditions, or for special events licensed under this Code, to modify, close, or restrict for a limited duration the use of the otherwise authorized vehicular approaches and driving and parking areas of the beach.

Section 5.07. Violations. A violation of the provisions of Sections 5.02, 5.03, and 5.05 above shall be punished as provided in Section 10.00 of this Code.

SECTION 6. VEHICULAR ACCESS FEES.

Section 6.01. Findings. The County Commission has authority to levy a uniform, reasonable motor vehicular beach access fee for services permitted by law with a direct beach purpose; that such services are to a large extent necessitated by the use of motor vehicles on the beach; that it is necessary to exercise such authority in order to provide beach services; that the beach is also used by others who do not enter by means of a vehicle and that a motor vehicular access fee may not cover all the expense of beach services; that even after other beach revenues are considered, it remains

necessary to use taxes for beach services; and that because of the use of tax revenues it is appropriate to distinguish between users of the beach who by their taxes have already borne part of the costs of beach services and those who bear the costs only through the payment of fees imposed by virtue of this Code.

Section 6.02. Imposition of Fee. There is hereby imposed a motor vehicular access fee. Such fee shall be collected daily up to 366 days a year in accordance with the fee schedule approved from time to time by the Board of County Commissioners.

Section 6.03. Annual Passes. An annual pass may be used for motor vehicular access to the beach. The charge for such annual pass to the owner of the vehicle shall be in accordance with the fee schedule approved from time to time by the Board of County Commissioners.

(a) The annual pass provided for hereunder must be permanently affixed to the lower inner front right hand corner of passenger side windshield of all motor vehicles in such a manner as to be conspicuously visible to passersby during all times in which the owners or drivers of such motor vehicles are required to have paid said fee and to possess a receipt or ticket.

(b) In the event the motor vehicle has no front window, the current receipt of the required fee shall be affixed to the vehicle in such a place as to be conspicuously visible to passersby during all times in which the owner or driver of such motor vehicle is required to have paid said fee and to possess a receipt for said fee. The current receipt for the annual fee shall be permanently affixed to such place.

(c) As used in subsection (a) & (b) above, the words permanently affixed shall mean the affixing of the receipt by removing the protective covering from the adhesive material and placing receipt on windshield or other conspicuous place if no windshield.

Section 6.04. Use of Fees. The proceeds from the fee imposed hereby and from the sale of annual passes shall be considered a beach revenue and shall be extended solely for direct beach purposes provided by law. The amount of the fee and annual pass shall be reviewed annually during the budget process to ensure that the net revenue derived therefrom does not exceed the cost of providing services to users of the beach entering by motor vehicles.

SECTION 7. HABITAT CONSERVATION.

Section 7.01. Conservation Zone.

(a) A Conservation Zone shall be established along the entire Atlantic Ocean beach in the unincorporated areas of St. Johns County. The purpose of this zone is to encourage the natural growth of both dune and beach, to protect the beach from destructive influences and to provide for the protection of species existing in the area. This Conservation Zone shall be established 15 feet seaward from the seaward toe of the most seaward dune, dune scarp, sea wall, or line of permanent vegetation, or half the distance to the mean high-water level, whichever is the lesser. A Conservation Zone of 30 feet shall be maintained from the northern jetty of St. Augustine Inlet extending south along Porpoise Point to the Tolomato River.

(b) All vehicle and pedestrian activities within the Conservation Zone is prohibited, except at vehicle approaches and pedestrian walkways and walkovers.

(c) The disturbing or removing of existing natural vegetation is prohibited. Additional natural vegetation may be planted and maintained for these areas when necessary and or beneficial and as approved by a State or County agency.

(d) It shall be prohibited to place, store, or discard personal belongings such as boats, tents, cabanas, tables, chairs, and other such items or effects on the beach, within the conservations zone, or on the natural vegetation.

Section 7.02. Beach Lighting. Direct, indirect and cumulative beach illumination emanating from an artificial source must adhere to the requirements mandated by St. Johns County ordinances regulating such illuminating which shall be incorporated herein by reference as such may be amended from time to time.

Section 7.03. Turtle Alert Status. The months of May through October, of each year, are hereby declared "Turtle Alert Status" months for the purpose of educating the citizens of St. Johns County about sea turtle conservation.

SECTION 8. BEACH SERVICES.

Section 8.01. Implementation. The objective of this section is to provide for orderly implementation of the provisions pertaining to delivery of services on the beach. The County Commission finds that those services constituting beach services are as defined in this Code and that such definition shall be utilized.

Section 8.02. Preparation of Budget. The County shall each year prepare a budget representing

the estimated costs of providing beach services as well as the direct cost of beach administration and contingency reserves. Such budget shall conform to expend beach revenues to maintain a uniform level of services responsive to use and demand, and shall identify the service levels planned to be achieved. Such budget shall be presented to the County Commission regarding the service levels and the allocation of funds to municipalities for services which municipalities elect to retain. The County Commission shall approve or modify the budget and service levels associated therewith.

Section 8.03. Provision of Services. Annually prior to May 1, each municipality shall formally advise the County as to whether it elects for the next succeeding year to provide or transfer the responsibility for providing a beach service to the County. Such date may be extended at the option of the County. Following such date including extensions thereof, if a municipality has failed to advise the County as to its election, it shall be deemed to have retained or transferred each respective beach service as it may have elected in the previous year. A municipality may transfer to the County only those services which have been defined as beach services and shall retain the responsibility to perform other municipal services it may deem fit.

SECTION 9. COUNTY DIVISION OF BEACH MANAGEMENT.

Section 9.01. County Division of Beach Management. There is hereby established a County Division of Beach Management, under the direction of the County Administrator, whose supervisor shall be approved by the County Administrator. The Division shall be governed by the St. Johns County Administrative Code and the St. Johns County Personnel Rules and Regulations. The Supervisor of Beach Management shall be responsible for the general supervision of County beach management. There shall be within the department five divisions: administrative services; beach safety; beach protection; beach services; and beach operations. The Administrative Services Division shall be responsible for the overall administration and coordination. The Marine Rescue Division shall be responsible for providing lifeguard services, rescue, first-aid, and other duties as assigned. The Beach Protection Division shall have the responsibility for code enforcement on the beach and other duties as assigned. The Beach Services Division shall have the responsibility of beach maintenance and cleaning and other duties as assigned. The Beach Operations Division shall have the responsibility of on-site collection of the vehicular access fees and other duties as assigned.

Section 9.02. Delegation of Code Enforcement Authority. The authority and primary responsibility of the County of St. Johns for enforcement of this code is hereby delegated to the

Sheriff of St. Johns County.

SECTION 10 PENALTIES; SEVERABILITY; REPEAL OF PRIOR ORDINANCES; EFFECTIVE DATE

Section 10.01 Violations to Provisions of Beach Code. Any violation of any provision of this Code shall be by the issuance of a citation, see Exhibit A, in accordance with St. Johns County Ordinance No. 94-36, as amended.

Section 10.02. Compliance with Citation.

(a) Any person issued a citation for violation of any provision of this Code shall be deemed to be charged with a non-criminal violation and shall comply with the directions on the citation.

Section 10.03. Penalties. Notwithstanding St. Johns County Ordinance No. 94-36, as amended, any person violating a provision of this code shall be subject to a fine in accordance with the County Fee Schedule approved from time to time by the Board of County Commissioners.

Section 10.04. Conflicts. In the event this Code conflicts with any other applicable regulations on any given provision, the more restrictive shall apply.

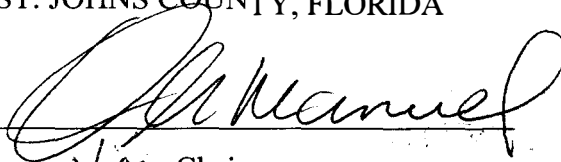
Section 10.05. Severability. The invalidity of any part of this Code shall not affect the validity of any other part.

Section 10.06. Repealer. St. Johns County Ordinances 70-5, 75-12, 78-29, 78-40, 79-38, 80-17, 81-32, 82-42, 83-4, 83-34, 84-14, 84-26, 84-45, 84-46, 85-29, 88-18, 89-39, 89-47, 90-5, 90-6, 92-17, 94-58, 96-48, 97-34, 99-21, 2000-27, 2001-5, and Resolutions 85-137, 90-39, 91-44, 91-45, and 95-11 are hereby repealed. Additionally, all other ordinances or parts of ordinances inconsistent herewith, are hereby repealed.

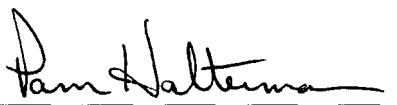
Section 10.07. Effective Date. This ordinance shall take effect upon the filing of a certified copy with the Florida Department of State.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 27th day of March, 2007.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Vice Chairman

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

RENDITION DATE 03/27/07

Effective Date: March 29, 2007

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **SARAH SELFRIDGE**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **DISPLAY ADVERTISEMENT**
in the matter **SJC BCC LAND USE**
was published in said newspaper in the issues of
JANUARY 27, 2007.

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **5TH** day of **FEBRUARY, 2007.**

by *Sarah Selfridge* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DG275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE

OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at regular meetings on Tuesday, February 20, 2007 at 9:00 a.m. and Tuesday, March 6, 2007 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold public hearings to consider adoption of the following proposed ordinance:

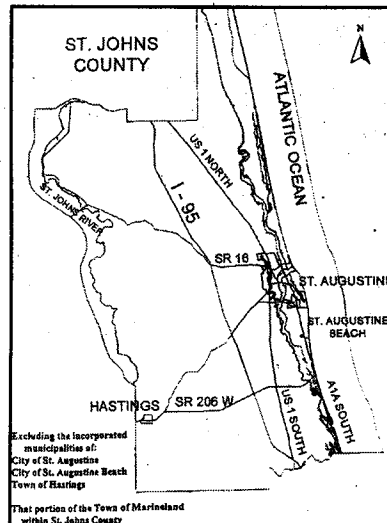
ST. JOHNS COUNTY BEACH CODE

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING A BEACH ORDINANCE FOR ST. JOHNS COUNTY; IT REPEALS ORDINANCES 70-5, 75-12, 78-29, 78-40 41, 79-38, 80-17, 81-32, 82-42, 83-4, 83-34, 84-14, 84-26, 84-45, 84-46, 85-29, 88-18, 89-39, 89-47, 90-5, 90-6, 92-17, 94-58, 96-48, 97-34, 99-21, 2000-27, 2001-5, AND RESOLUTIONS 85-137, 90-39, 91-44, 91-45, AND 95-11, AND REINSTATES THEIR PROVISIONS HEREIN AS AMENDED AND SUPPLEMENTED IN THE FOLLOWING MANNER: MODIFIES THE ADMINISTRATION OF BEACH MANAGEMENT; ESTABLISHES A DIVISION OF BEACH MANAGEMENT; PROVIDES FOR AN ANNUAL BEACH SEASON; PROVIDES ADDED DEFINITIONS; DECRIMINALIZES SPECIFIC RULES AND REGULATIONS PERTAINING TO BEACH USAGE; ESTABLISHES PENALTIES FOR DECRIMINALIZED PROVISIONS OF THE BEACH CODE; PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk

PUBLISHER AFFIDAVIT
PONTE VEDRA RECORDER
Published Weekly
Orange Park, Florida

**STATE OF FLORIDA
COUNTY OF ST. JOHNS:**

Before the undersigned authority personally appeared Olivia Bush, who on oath says that she is the publisher of the "Ponte Vedra Recorder" a newspaper published weekly at Ponte Vedra Beach in St. Johns County, Florida; that the attached copy of advertisement being

a _____
in the matter of _____
LEGAL NOTICE

**ST. JOHNSCOUNTY BOARD OF
COUNTY COMMISSIONERS ON
ORDINANCE/REGULATIONS**

LEGAL NO. 9314


was published in said newspaper in the issues

FEBRUARY 9, 2007

Affiant further says that said "Ponte Vedra Recorder" is a newspaper published at Ponte Vedra Beach, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said Ponte Vedra Beach, Florida, weekly, and has been entered as Periodical material matter at the post office in Ponte Vedra Beach, in said St. Johns County, Florida, for period of one year next proceeding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Olivia Bush

Sworn to me and subscribed
before me this 9TH day of FEB A.D. 2007

NOTARY PUBLIC-STATE OF FLORIDA
 **EILEEN SUE CHISHOLM**
Commission #DD587314
Expires: AUG. 21, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

Eileen Sue Chisholm
NOTARY PUBLIC, STATE OF FLORIDA

100 Executive Way, Suite 105, Ponte Vedra Beach, FL. 32082
telephone (904) 285-8831 or fax (904) 285-7232

**NOTICE OF PUBLIC HEARINGS OF THE
ST. JOHNS COUNTY BOARD OF COUNTY
COMMISSIONERS ON ESTABLISHMENT
OF ORDINANCE/REGULATIONS
AFFECTING THE USE OF LAND**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at regular meetings on Tuesday, February 20, 2007 at 9:00 a.m. and Tuesday, March 6, 2007 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold public hearings to consider adoption of the following proposed ordinance:

ST. JOHNS COUNTY BEACH CODE

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING A BEACH ORDINANCE FOR ST. JOHNS COUNTY; IT REPEALS ORDINANCES 70-5, 75-12, 78-29, 78-40 41, 79-38, 80-17, 81-32, 82-42, 83-4, 83-34, 84-14, 84-26, 84-45, 84-46, 85-29, 88-18, 89-39, 89-47, 90-5, 90-6, 92-17, 94-58, 96-48, 97-34, 99-21, 2000-27, 2001-5, AND RESOLUTIONS 85-137, 90-39, 91-44, 91-45, AND 95-11; AND REINSTATES THEIR PROVISIONS HEREIN AS AMENDED AND SUPPLEMENTED IN THE FOLLOWING MANNER: MODIFIES THE ADMINISTRATION OF BEACH MANAGEMENT; ESTABLISHES A DIVISION OF BEACH MANAGEMENT; PROVIDES FOR AN ANNUAL BEACH SEASON; PROVIDES ADDED DEFINITIONS; DECRIMINALIZES SPECIFIC RULES AND REGULATIONS PERTAINING TO BEACH USAGE; ESTABLISHES PENALTIES FOR DECRIMINALIZED PROVISIONS OF THE BEACH CODE; PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the meeting.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK**

By: Patricia DeGrande, Deputy Clerk

**Legal no. 9314 published February 9, 2007 in St. John's County's
Ponte Vedra Recorder Newspaper.**

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **DISPLAY ADVERTISEMENT**
in the matter of **SJC BCC USE OF LAND**
was published in said newspaper in the issues of
FEBRUARY 26, 2007.

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **25TH** day of **FEBRUARY, 2007.**

by *Charles Barrett* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE

OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS ON ESTABLISHMENT OF ORDINANCE/ REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at regular meetings on Tuesday, February 20, 2007 at 9:00 a.m. and Tuesday, March 6, 2007 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, will hold public hearings to consider adoption of the following proposed ordinance:

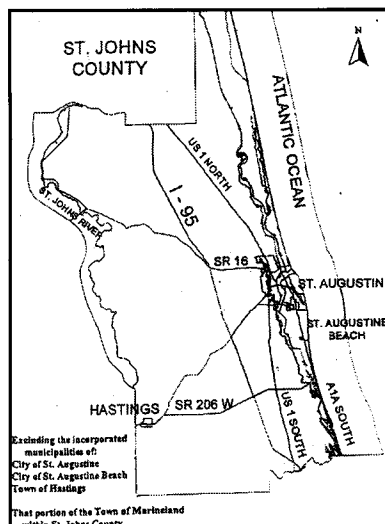
ST. JOHNS COUNTY BEACH CODE

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The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**
who on oath says that he is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a **DISPLAY ADVERTISEMENT**
in the matter of **NOTICE SJC BCC SJC BEACH CODE WITH MAP**
was published in said newspaper in the issues of
MARCH 14, 2007.

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore been continuously published in said St. Johns County, Florida, each
day and has been entered as second class mail matter at the post office in the
City of St. Augustine, in said St. Johns County, for a period of one year preceding
the first publication of the copy of advertisement; and affiant further says that
he has neither paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing the advertisement for
publication in the said newspaper.

Sworn to and subscribed before me this **14TH** day of **MARCH, 2007.**

by *Charles Barrett* who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE
OF CONTINUED PUBLIC HEARING OF
THE ST. JOHNS COUNTY BOARD OF COUNTY COM-
MISSIONERS ON ESTABLISHMENT OF ORDINANCE/
REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, has continued a public hearing until Tuesday, March 20, 2007 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, to consider adoption of the following proposed ordinance:

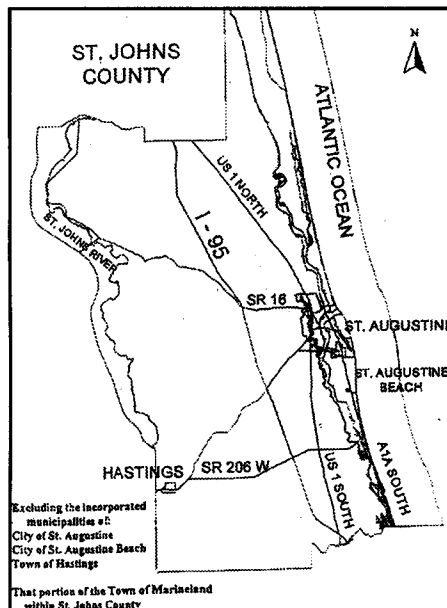
ST. JOHNS COUNTY BEACH CODE

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING A BEACH ORDINANCE FOR ST. JOHNS COUNTY; IT REPEALS ORDINANCES 70-5, 75-12, 78-29, 78-40 41, 79-38, 80-17, 81-32, 82-42, 83-4, 83-34, 84-14, 84-26, 84-45, 84-46, 85-29, 88-18, 89-39, 89-47, 90-5, 90-6, 92-17, 94-58, 96-48, 97-34, 99-21, 2000-27, 2001-5, AND RESOLUTIONS 85-137, 90-39, 91-44, 91-45, AND 95-11, AND REINSTATES THEIR PROVISIONS HEREIN AS AMENDED AND SUPPLEMENTED IN THE FOLLOWING MANNER: MODIFIES THE ADMINISTRATION OF BEACH MANAGEMENT; ESTABLISHES A DIVISION OF BEACH MANAGEMENT; PROVIDES FOR AN ANNUAL BEACH SEASON; PROVIDES ADDED DEFINITIONS; DECRIMINALIZES SPECIFIC RULES AND REGULATIONS PERTAINING TO BEACH USAGE; ESTABLISHES PENALTIES FOR DECRIMINALIZED PROVISIONS OF THE BEACH CODE; PROVIDES AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the said public hearings. Please take note that the proposed ordinance is subject to revision prior to the hearing or adoption. All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at the hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 3 days prior to the date of the meeting.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk

The St. Augustine Record

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT**

who on oath says that he is an Accounting Clerk of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a **DISPLAY ADVERTISEMENT**

in the matter of **LAND USE**

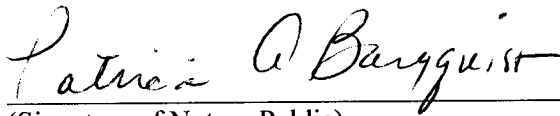
was published in said newspaper in the issues of

MARCH 23, 2007

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 23rd of **MARCH, 2007**.

by  who is personally known to me
or who has produced **PERSONALLY KNOWN** as identification.



(Signature of Notary Public)



Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Seal)

PATRICIA A. BERGQUIST

NOTICE
OF CONTINUED PUBLIC HEARING OF
THE ST. JOHNS COUNTY BOARD OF COUNTY COM-
MISSIONERS ON ESTABLISHMENT OF ORDINANCE/
REGULATIONS AFFECTING THE USE OF LAND

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, has continued a public hearing until Tuesday, March 27, 2007 at 5:30 p.m. in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. 1 North), St. Augustine, Florida, to consider adoption of the following proposed ordinance:

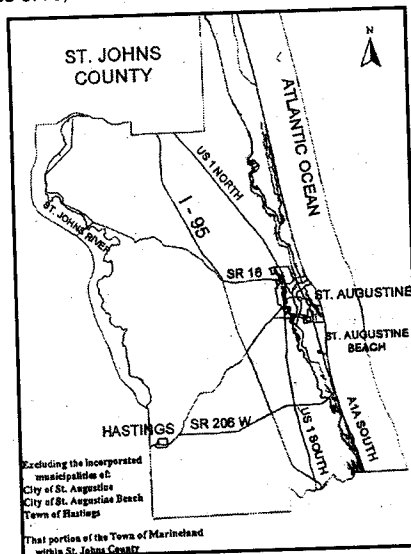
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BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS CLERK
By: Patricia DeGrande, Deputy Clerk



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

March 29, 2007

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Minutes and Records Division

FILED
07 APR - 3 AM 8:55
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 28, 2007 and certified copy of St. Johns County Ordinance No. 2007-19, which was filed in this office on March 29, 2007.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dhis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the St. Johns County website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **St. Johns County Beach Code 2007.19**

This Business Impact Estimate is provided in accordance with section 125.66(3)(a), Florida Statutes. If one or more boxes are checked below, this means the St. Johns County is of the view that a business impact estimate is not required by state law for the proposed ordinance, but St. Johns County is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 125.66(3)(a), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, St. Johns County hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This ordinance is intended to regulate comprehensively public health, safety, and welfare on or pertaining to the unincorporated areas of the county beach.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the St. Johns County, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;

The proposed changes prohibit the undesirable and/or unsafe behaviors which are sometimes exhibited by individual operators of the subject equipment. These undesirable behaviors (such as sitting on the handlebars of bike) can all be avoided at no cost to the individual or businesses and thus the proposed changes will not have a direct or indirect compliance cost to for-profit businesses.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The proposed changes establish undesirable and/or unsafe personal behaviors and thus do not result in any new charges or fees for for-profit businesses.

- (c) An estimate of the St. Johns County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

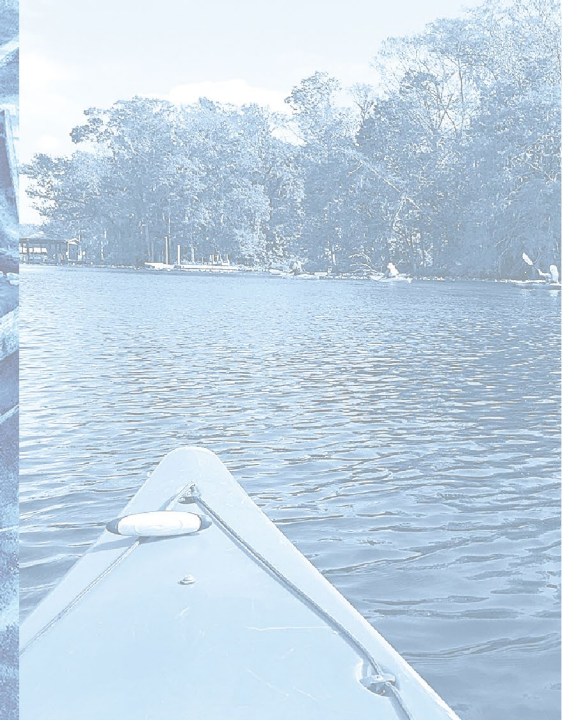
The proposed changes prohibit undesirable and/or unsafe behavior of an individual operator (such as sitting on the handlebars of bike) and thus does not result in any new regulatory costs or new revenues for St. Johns County.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The proposed changes prohibit the undesirable and/or unsafe behaviors which are sometimes exhibited by individual operators of the subject equipment. These undesirable behaviors (such as sitting on the handlebars of bike) can all be avoided at no cost to the individual or businesses and thus the proposed changes are not expected to have an impact on businesses.

4. Additional information the governing body deems useful (if any):

Changes to the existing beach code ordinance are intended to establish undesirable and unsafe behaviors which are sometimes exhibited by individual operators of the subject equipment. These behaviors can be avoided at no additional cost or expense. These amendments are being proposed at the request of the Sheriff's office and will allow for better safety and health measures to visitors of St. Johns County Beaches. Therefore, the proposed changes to the ordinance will not have a financial impact on business.



Beach Code Ordinance

Ryan Kane, Director of Parks and Recreation
RKane@sjcfl.us



Beach Code Ordinance Amendments

Background Information

Definitions

Conduct

**Traffic & Parking
Regulations**



Background Information

- St Johns County Parks and Recreation is seeking to amend the beach code ordinance related to the use and/or possession of electric bikes, drones, and motor vehicles on SJC beaches.
- In conjunction with directives and communications from the Sheriff's Office, it has been determined that these amendments will provide better safety and health measures to the visitors who recreate on SJC beaches.

Definitions

Drone: A drone is defined as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Electric bicycle, E-bicycle, or E-bike: means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and electric motor of less than 750 watts, meeting the specifications of any of these three classes enumerated in section 316.003(23), F.S.

Electric scooter or E-scooter: means any vehicle or micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on a level ground. The term does not include an electric bicycle.

Definitions Continued

Other Electric Motorized Devices: means any vehicle or electric motorized device including micro mobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than four wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include electric bicycle or electric scooter.

Section 3 Conduct

Section 3.02 Restrictions to Animals on the Beach

(d) St. Johns County Ordinance ~~92-1~~, 2017-36, as maybe amended ~~in the future~~, is hereby incorporated by reference

Section 3.14 Aircraft

No one operating, directing or responsible for any aircraft, seaplane, helicopter, glider, balloon, dirigible, parachute, drone or other aerial apparatus shall take off from or land within park property or the beach.

Section 3.15 Electric Motorized Devices

It shall be unlawful for any person to:

(a) Operate any e-bike, e-scooter, or other electric motorized device in a careless manner. Careless operation of an e-bike, e-scooter, or other electric motorized device shall include but is not limited to:

1. Operation of an e-bike, e-scooter, or other electric motorized devices with another person on the handlebars or in any position in front of the operator;
2. Operation of e-bike, e-scooter, or other electric motorized devices at a speed greater than is reasonable and prudent under the conditions, having regarded to the actual and potential hazards then existing, including but not limited to, the safety of the operator or any other person or property;

Section 3.15 Electric Motorized Devices Continued

3. Failing to yield to pedestrians;
4. Weaving in and out of pedestrians traffic or stationary beachgoers;
5. Operation of e-bike with more riders, operators, or passengers than for which it was designed; or
6. Any occurrence where inadvertence to the safe and normal operational procedures of the e-bike, e-scooter, or other electric motorized devices causes or is likely to cause damage to any person or property.

All operators shall at all times yield the right-of-way to pedestrians and shall take such precautions as may be necessary before parking, or before moving a vehicle previously parked, to avoid accident or collisions with or injury to any persons or property.

Section 3.15 Electric Motorized Devices Registration

The Parks and Recreation Department explored the option of e-bike registration on St. Johns County Beaches.

Staff determined that it would not be feasible to register and manage e-bike usage on the beach. E-bikes can utilize all 42 miles of St. Johns County beaches and there are an unlimited number of access points for e-bikes to get on the beach. Identification of e-bikes versus traditional bicycles also poses a challenge.

Section 5 Traffic and Parking Regulations

Section 5.03 Prohibited Acts

(k) ~~Intentionally cause sand to be thrown into the air or across any beach area.~~ Operate any motor vehicle so as to intentionally cause sand to be thrown into the air or across any beach area.

Motion for Consideration

Motion to enact Ordinance 2024-_____, amending Ordinance No.2007-19, the St. Johns County Beach Code Ordinance.





LOCALiQ FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

PROOF OF PUBLICATION

Brandon Patty, Clerk of Circuit Attn: Artricia Allen Deputy Cler
CLERK OF THE COURTS
Minutes And Records
500 San Sebastian View

Saint Augustine FL 32084

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

01/03/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.
Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 01/03/2024

Keegan Moran
[Signature]

Legal Clerk

Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost: \$126.48

Order No: 9664495

of Copies:

Customer No: 764114

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF PUBLIC HEARING OF THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing to consider adoption of the following ordinance at a regular meeting on Tuesday, January 16, 2024, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida:
AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING ST. JOHNS COUNTY ORDINANCE 2007-19 THE ST. JOHNS COUNTY BEACH CODE; THIS ORDINANCE SPECIFICALLY AMENDS SECTION 1.01 DEFINITIONS BY PROVIDING DEFINITIONS FOR "DRONES," "ELECTRIC BICYCLES," "ELECTRIC SCOOTER," AND "OTHER ELECTRIC MOTORIZED DEVICES"; AMENDS SECTION 3.02(E) TO PROVIDE UPDATED THE ST. JOHNS COUNTY ORDINANCE REFERENCED; AMENDS SECTION 3.14, AIRCRAFT BY ADDING DRONES TO THE PROHIBITION OF AIRCRAFTS; ADDING SECTION 3.15 ELECTRIC MOTORIZED DEVICES WHICH PROHIBITS THE CARELESS OPERATION OF E-BIKES, E-SCOOTERS, AND OTHER ELECTRIC MOTORIZED DEVICES; MAKING FINDINGS OF FACT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
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BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
BRANDON J. PATTY, ITS CLERK
By: Yvonne Kins, Deputy Clerk