

**ORDINANCE NO. 2021-\_\_\_\_**

**SEMINOLE COUNTY, FLORIDA**

2        **AN ORDINANCE AMENDING PART 3 (NATURAL LANDS) OF**  
4        **CHAPTER 190 (PARKS AND RECREATION) OF THE SEMINOLE**  
6        **COUNTY CODE; AMENDING SECTION 190.77 (DEFINITIONS) TO ADD**  
8        **A DEFINITION FOR SUPERMAJORITY; ADDING SECTION 190.85**  
10       **(DISPOSITION OF DESIGNATED NATURAL LANDS BY THE BOARD**  
12       **OF COUNTY COMMISSIONERS); REQUIRING A SUPERMAJORITY**  
14       **VOTE BY THE SEMINOLE COUNTY BOARD OF COUNTY**  
      **COMMISSIONERS TO DISPOSE OF NATURAL LANDS HELD BY THE**  
      **COUNTY; REQUIRING A SUPERMAJORITY VOTE BY THE**  
      **SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS TO**  
      **AMEND OR INVALIDATE THE SUPERMAJORITY REQUIREMENT**  
      **FOR THE DISPOSITION OF NATURAL LANDS; PROVIDING FOR**  
      **CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING**  
      **FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

16        **WHEREAS**, Seminole County is host to a wide range of natural and scenic lands of great  
      ecological, educational, and recreational significance to its citizenry and the greater central Florida  
18        population; and

**WHEREAS**, Seminole County has acquired over six-thousand acres of land deemed to be  
20        of great ecological, educational, and recreational significance pursuant to two separate voter-  
      approved bond referendums establishing the County's Natural Lands Program; and

22        **WHEREAS**, the Board of County Commissioners (the "Board") in recent years has  
      endeavored to maintain the natural character and use of lands designated as Natural Lands through  
24        amendments to Seminole County's Comprehensive Plan, and amendments to the Zoning Code;  
      and

26        **WHEREAS**, several citizens and civic organizations have expressed their desire for a  
      supermajority vote requirement by the Board of County Commissioners prior to the disposition of  
28        any Natural Lands; and

**WHEREAS**, the Board recognizes the need for additional safeguards and considerations  
for future disposition of Natural Lands in the wake of increased development pressure.

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

**Section 1. Incorporation of Recitals.** The above recitals represent the legislative findings  
of the Seminole County Board of County Commissioners supporting the need for this Ordinance.

**Section 2.** Part 3 (Natural Lands) of Chapter 190 (Parks and Recreation) of the Seminole  
County Code is hereby amended to read as follows:

**Chapter 190 - PARKS AND RECREATION**

\* \* \*

**PART 3. - NATURAL LANDS**

**Sec. 190.76. Legislative intent/use of Natural Lands by the public.**

(a) The purpose of this Part is to establish regulatory provisions relating to the  
management and use of properties acquired or managed through the Seminole County Natural  
Lands Program. The purchase of Natural Lands was approved by the voters of Seminole County  
in 1990 and 2000 by means of their affirmative vote for a total of twenty-five million dollars  
(\$25,000,000.00) bond referendum. The Natural Lands Program has also participated in joint  
projects that may have resulted in the County not taking title to parcels, but, instead, accepting  
management or other responsibilities. The County desires to preserve and manage these  
environmentally sensitive areas for their ecological value and the enjoyment of present and  
future citizens.

(b) Seminole County, by providing any of its Natural Lands for outdoor recreational  
purposes, does not extend any assurance that such areas or lands are safe for any purpose. The

County will attempt to post known hazardous conditions. Users of Natural Lands take upon themselves the risks inherent in using undeveloped natural properties and the resulting and proximate events and conditions arising from the use of these wild and scenic lands.

**Sec. 190.77. Definitions.** The following definitions apply to this Part:

~~Exotic~~ *Invasive Species*. This term means either of the following:

(1) A species of noxious plant as defined by the Florida Department of Agriculture and Consumer Services in Florida Administrative Code Rule ~~68-5.001 (2018)~~ 5B-57.007, as this regulation may be amended from time to time.

(2) A species of animal not native to the area it is found in, as delineated in Florida Administrative Rule 68-5.006.

*Motor Vehicle*. Any self-propelled vehicle as defined in Section 316.003(42), Florida Statutes ~~(2018)~~ (2021), as this statute may be amended from time to time, not operated upon roads or a guideway, but not including a bicycle, motorized scooter, or personal assistive mobility device for disabled individuals.

*Natural Lands*. Properties purchased or otherwise acquired or managed under Seminole County's Natural Lands Program. Such properties are described in a resolution adopted by the Board of County Commissioners, which may be amended from time-to-time as the Natural Lands inventory changes.

*Passive Recreation*. Non-consumptive recreation that focuses upon and is exclusively based on the natural resources present on a parcel of property that is accomplished with little or no impact to the resources. Authorized Passive Recreation uses are determined by the County in accordance with Section 190.79 of this Part.

74       ~~*Preservation Lands.* Properties purchased or otherwise acquired or managed under  
Seminole County Leisure Services and are not accessible or available for public use.~~

76       *Public Nuisance.* Any condition or act that tends to injure or unreasonably annoy the  
community or injures the health, safety, or welfare of the citizens in general as listed in Chapter  
78   823, Florida Statutes ~~(2018)~~ (2021), as this statute may be amended from time to time, or any  
other applicable statutory provision.

80       *Restoration.* To return back to a natural or preexisting condition.

*Special Authorization Permit.* Written permission, which may include a partnership  
82   agreement, granted by the County to an individual or any group of individuals associated with  
an organization such as a church, school, club, or scout troop to partake in an activity on Natural  
84   Lands.

*Structure.* Anything constructed or installed, regardless of whether it is fixed or portable,  
86   the use of which requires a location on a parcel of land. It includes a movable Structure while it  
is located on land which can be used for housing, business, commercial, agricultural, or office  
88   purposes either temporarily or permanently. Structure also includes fences, billboards,  
swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

90       *Supermajority.* The requirement that, for the Board of County Commissioners to take  
action on a matter pending before them, at least four (4) of the five (5) Commissioners must vote  
92   in the affirmative to take such action.

**Sec. 190.78. Hours of operation; access to and closure of Natural Lands.**

94       (a)   Natural Lands areas will be open daily between sunrise and sunset unless posted  
otherwise. It is unlawful to access Natural Lands at an unauthorized time, unless granted a

Special Authorization Permit or written permission, by the Leisure Services Department Director or designee.

(b) Natural Lands may be accessed only at County designated access points at permitted times. It is unlawful to access Natural Lands at any place other than an access point posted for access.

(c) It is unlawful to operate any type of all-terrain vehicle or golf cart in any County Park, County Trail, and Natural Lands without the express written consent of the Leisure Services Department Director or designee, or as provided in accordance with the Americans with Disabilities Act.

(d) Natural Lands may be closed for specific uses or all public use by the Leisure Services Department Director during any emergency conditions such as floods, severe weather, wildfire, prescribed burning, and during any land management or maintenance activity that may pose a threat to the public well-being or when necessary to protect the natural economic functions of said lands.

(e) Natural Lands may be closed to the general public by the ~~County Manager~~ Leisure Services Director or designee during research, study, surveying, tourist development, or data collection events or activities.

(f) The County shall provide notice, whenever practicable, of closings by posting signs at affected Natural Lands access points.

**Sec. 190.79. Permitted uses on Natural Lands.**

(a) The County, by resolution, shall establish a list of acceptable uses on each Natural Lands parcel. The established list of uses will be based on the ~~master~~ management plan relating to the particular Natural Lands parcel, which will address resource inventory, management

philosophy, and human use potential. Consideration of the following issues will be integrated

into the ~~Management and Use Plan~~ management plan:

- (1) Physical and biological components of the Natural Lands area.
- (2) Historical/archeological/geographical and recent land use.
- (3) Local and regional significance of the land.
- (4) Protection of natural resources.
- (5) Need for habitat Restoration.
- (6) Use of prescribed burning.
- (7) Security requirements.
- (8) Relationship to adjacent land uses.
- (9) Access.
- (10) Environmentally acceptable opportunities to generate revenue to offset management expenses.
- (11) Management and control of Exotic Species.
- (12) Permanent concessions.
- (13) Potential and demand for Passive Recreation uses.
- (14) Ability to lease lands to generate management revenues without disrupting natural systems or impacting recreational values.
- (15) Potential use of caretakers for the beneficial and convenient management of lands.
- (16) Availability of the land for nonstructural stormwater management functions.
- (17) Use by persons with disabilities.

(18) Other functions that can be served by the parcel.

(b) Prior to the establishing and adopting of a list of permissible uses by the County,

Natural Lands may be made available for limited public access by the County's Leisure Services Department Director for the following purposes:

(1) Public assistance in assessing the lands for Passive Recreational use.

(2) Resource inventory or Restoration.

(3) A Special Authorization Permit issued in accordance with Section 190.82 of this Part.

(4) Program or event deemed appropriate for education or Passive Recreational purposes.

**Sec. 190.80. General provisions relating to use of Natural Lands.**

(a) The following provisions relate to all Natural Lands parcels:

(1) Fishing. Recreational fishing is allowed on Natural Lands unless restricted by signs and provided the appropriate license from the Florida Fish and Wildlife Conservation Commission is in possession of the user. It is unlawful to fish on Natural Lands for commercial purposes or to fish in an area at which a sign indicates that fishing is prohibited or to fish in a manner inconsistent with fishing restrictions set forth on a sign.

(2) Hiking. Hiking is allowed only on designated trails in Natural Lands and where not restricted by signs. It is unlawful to hike on Natural Lands in an area at which a sign indicates that hiking is prohibited.

(3) Camping. It is unlawful to sleep, camp, lodge, or park a vehicle overnight in Natural Lands without a permit issued by the Leisure Services Department Director or designee. Prohibited areas are designated by signage and postings displayed at the ~~County Park~~

Natural Lands. No permit or series of permits may be issued for a period exceeding twenty-eight  
166 (28) consecutive nights.

(i) During periods of high demand, the maximum length of camping  
168 stay is fourteen (14) nights. After fourteen (14) nights, camper must leave the ~~Park~~ Natural Lands  
site for at least three (3) nights before returning for a new stay. Based on availability, and once  
170 the camper is registered and on-site, the Leisure Services Department Director or designee may,  
at their discretion, extend a camper's stay up to an additional fourteen (14) nights. Maximum  
172 continuous length of stay is twenty-eight (28) nights.

(ii) Campers are permitted up to fifty-six (56) nights' total occupancy  
174 in any one (1) ~~Park~~ Natural Lands site in each six (6) month period, defined as October 1st—  
March 31st and April 1st—September 30th.

(4) Horseback Riding. Horseback riding is allowed on Natural Lands on  
176 designated horse or multi-use trails only. It is unlawful to ride horses on Natural Lands unless a  
178 sign indicates that horseback riding is permitted in the area or a Special Authorization Permit  
has been issued to do so.

(5) Bicycling. Bicycle riding is allowed on Natural Lands on designated bike  
180 and multi-use trails only. It is unlawful to ride bicycles on Natural Lands unless a sign indicates  
182 that bicycling is permitted in the area.

(6) Hunting and Trapping. It is unlawful to hunt for game or nongame  
184 animals, as defined in Section 379.101, Florida Statutes-~~(2018)~~ (2021), as this statute may be  
amended from time to time, or trap game or nongame animals on Natural Lands except when  
186 authorized by a Special Authorization Permit for County initiated wildlife management  
purposes.



188                   (7)     Pets. Domestic animals, as defined in Sections 585.01 and 823.041,  
Florida Statutes ~~(2018)~~ (2021), as these statutes may be amended from time to time, are allowed  
190 on Natural Lands provided they are leashed at all times. It is unlawful to possess a domestic  
animal on Natural Lands without a leash being affixed to the animal and for the animal to be  
192 under the control of the Natural Lands user. It is unlawful for the person who has control over a  
pet to fail to immediately remove and dispose of animal wastes deposited by the pet on Natural  
194 Lands. Disposal of waste must occur by placing the waste in designated waste containers.

                  (8)     Swimming. It is unlawful to swim on Natural Lands except when an area  
196 is designated by signs to be a swimming area.

                  (9)     Plants and Animals Removal or Disturbance. All plants and animals on  
198 Natural Lands are protected. It is unlawful to remove or destroy plants or to remove, destroy, or  
harass animals except when authorized by a Special Authorization Permit or for County initiated  
200 programs such as ~~Exotic~~ Invasive Species control, habitat Restoration, and other land  
management activities.

202                   (10)   Archeological and Cultural Resources. All cultural and archeological  
resources on Natural Lands are protected. It is unlawful to remove, alter, or destroy such  
204 resources except when authorized by a Special Authorization Permit.

                  (11)   Waste Disposal. It is unlawful to dump or dispose of litter, as defined by  
206 Section 403.413(2)(f), Florida Statutes ~~(2018)~~ (2021), as this statute may be amended from time  
to time, or discharge waste or any hazardous substance on Natural Lands except in designated  
208 waste disposal containers.

                  (12)   Destruction of Facilities and Equipment. It is unlawful to damage,  
210 destroy, remove, or disturb any County facilities or equipment on Natural Lands.

(13) Fireworks and Explosives. Unless authorized by a Special Authorization Permit or for County initiated land management activities, it is unlawful to possess or use on Natural Lands: an explosive, as defined by Section 790.001(5), Florida Statutes ~~(2018)~~ (2021), as this statute may be amended from time to time, or fireworks, as defined by Section 791.01, Florida Statutes ~~(2018)~~ (2021), as this statute may be amended from time to time.

(14) Posting or Distributing Handbills or Advertising Material. It is unlawful to circulate, distribute, post, place, or erect any handbills, circulars, notices, papers, advertisements, or signs on Natural Lands except when authorized by a Special Authorization Permit or when County initiated notices are placed or posted.

(15) Fires. It is unlawful to ignite or maintain any fire on Natural Lands except for County initiated controlled burns, camp fires in permitted and designated camp areas, or when authorized by a Special Authorization Permit.

(16) Boating and Canoeing. Launching of boats or canoes into waters contained within or through Natural Lands or from Natural Lands is permitted only at designated boat ramps or launch sites or by Special Authorization Permit. It is unlawful to launch or operate boats on or from Natural Lands where not permitted.

(17) Introduction of Plants and Animals. It is unlawful to plant or deposit any plant, seed, or animal upon Natural Lands unless permitted by the County or when accomplished as part of land management activities.

(18) Use of Vehicles. It is unlawful to possess or operate a Motor Vehicle or any other vehicle on Natural Lands outside of designated parking areas unless authorized by Special Authorization Permit or while engaged in County initiated land management activities.

(19) Public Nuisance/Disturbances. It is unlawful to engage in or create a  
234 Public Nuisance or disturbance on Natural Lands.

(20) Alcoholic Beverages. It is unlawful to possess or consume alcoholic  
236 beverages, as defined in Section 561.01(4), Florida Statutes ~~(2018)~~ (2021), as this statute may  
be amended from time to time, on Natural Lands except when allowed by a Special Authorization  
238 Permit.

(21) Concessions and Sales. It is unlawful to sell anything of value or operate  
240 concessions on Natural Lands without written approval from the County in accordance with the  
provisions of this Ordinance.

(22) Unauthorized Facilities or Structures. It is unlawful to construct or erect  
242 any facility or Structure on Natural Lands unless authorized by a Special Authorization Permit  
or as part of a County initiated land management activity.  
244

(b) Other Uses. All uses of Natural Lands not specifically addressed in this  
246 Ordinance are prohibited unless permission is granted through a Special Authorization Permit  
or consistent with the authorized uses established by the County Manager or designee after  
248 development of a management plan for the particular Natural Lands parcel.

(c) Fees. The County, by resolution, shall establish a fee schedule relating to the  
250 various permitted uses of Natural Lands.

**Sec. 190.81. Concessions on Natural Lands.**

(a) Citizens and groups may propose to locate concessions on Natural Lands, and  
252 such proposals will be considered under the following guidelines:

(1) The concession must assist the County in providing public uses of Natural  
254 Lands.

(2) The concession must be open to the public.

(3) The concession must be economically feasible.

(4) The concession must not result in unfair advantage over existing local businesses that provide similar goods or services.

(5) The concession must be in the public interest and have no adverse impact to natural resources.

(6) The concession must be in compliance with all laws, rules, and regulations.

(b) The Board of County Commissioners shall determine whether or not to permit particular concessions on Natural Lands.

**Sec. 190.82. Special authorization permits.** Any person may apply for a Special Authorization Permit issued by the Leisure Services Department Director or designee to conduct activities not specifically permitted by this Part or set forth in the list of approved uses established by the County. In issuing a Special Authorization Permit, the Leisure Services Department Director or designee shall require that the activity is consistent with and furthers the adopted management plan and legislative intent of this Part.

**Sec. 190.83. Easements.**

(a) Any request for an easement over Natural Lands will be considered by the Leisure Services Department Director in view of the following principles:

(1) The use of Natural Lands for utility or similar easements of a structural nature is discouraged except in cases of overriding public interest.

(2) An analysis must be provided to the County by the person or agency requesting the easement demonstrating why the easement cannot be located in such a manner as to avoid Natural Lands.

(3) To the maximum extent possible, the easement must be placed within an existing right-of-way, easement, roadway, fire line, or along the Natural Lands boundary.

(4) The proposed easement must not fragment wetland or other functional habitat.

(5) The County must be fully compensated for the loss of intended use of the land within the proposed easement.

(6) The easement of use must further the public interest.

(b) All proposed grants of easements over Natural Lands must be submitted to and considered for approval by the Board of County Commissioners.

**Sec. 190.84. Revenues generated from Natural Lands; reports.**

(a) All revenues generated from the use of Natural Lands must be used to offset land management expenses relating to the Natural Lands program to the maximum extent practicable.

(b) The Leisure Services Department Director shall issue an annual report relating to all elements set forth in this Part with regard to the operations of the Natural Lands Program.

**190.85. Disposition of Designated Natural Lands by the Board of County Commissioners.**

(a) The real property held in fee or otherwise acquired or managed as Natural Lands, as defined in Section 190.77 of this Code, shall be managed for the benefit of the citizens of Seminole County and may be disposed of only if the members of the Board of County Commissioners determine that the property is no longer needed for natural resource conservation,

300 scenic, or recreational purposes and only upon a supermajority vote of the Board of County  
Commissioners.

302 (b) The supermajority vote requirement contained in this Ordinance for the disposition  
of Natural Lands shall only be invalidated or amended upon a supermajority vote of the Board of  
304 County Commissioners.

**Sec. ~~190.85~~, 190.86. Penalties.** Any person who violates any provision of this Part may  
306 be punished in accordance with Section 125.69, Florida Statutes ~~(2018)~~ (2021), as this statute  
may be amended from time to time. The County may seek additional remedies authorized by  
308 state law, such as, by way of example only, community service, injunctive relief, or debarment  
from the use of County Parks, Trails, and Natural Lands.

310 **Secs. ~~190.86~~ 190.87—190.95. - Reserved.**

**Section 3. Codification.** It is the intention of the Board of County Commissioners that  
312 the provisions of this Ordinance will become and be made a part of the Seminole County Code,  
and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word  
314 or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such  
intention, except that Sections 1, 3, 4 and 5 of this Ordinance are not to be codified.

316 **Section 4. Severability.** If any provision or application of this Ordinance to any person  
or circumstance is held invalid, then it is the intent of the Board of County Commissioners that  
318 such invalidity will not affect other provisions or applications of this Ordinance that can be given  
effect without the invalid provision or application and, to this end, the provisions of this Ordinance  
320 are declared severable.

**Section 5. Effective date.** This Ordinance will take effect upon filing a copy of this  
322 Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

**BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this

324 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

\_\_\_\_\_  
LEE CONSTANTINE, Chairman

RM/sjs  
9/21/21  
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