

ORDINANCE NO. 20-XXX

AN ORDINANCE AMENDING CHAPTER 32 “PUBLIC PROPERTY”, ARTICLE IV, “PUBLIC CONDUCT” OF THE ST. LUCIE COUNTY CODE OF ORDINANCES AND COMPILED LAWS BY ADDING SECTION 32-102 TO PROVIDE FOR DESIGNATION OF CLOTHING OPTIONAL BEACHES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; ADOPTION; AND CODIFICATION.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish regulations providing for the health, safety and general welfare of the residents of St. Lucie County; and,

WHEREAS, the public has a right to the beaches and a right to use the beaches for recreation and other customary purposes; and,

WHEREAS, the right of access and use is a public trust, which the Commission shall by ordinance define, protect and enforce; and,

WHEREAS, it is appropriate to amend Chapter 32 to allow a portion of Blind Creek Park to be designated as clothing optional as depicted in Exhibit A; and,

WHEREAS, the designation of a clothing optional beach will create a niche tourism market helping our overall efforts to expand tourism outreach.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

Part A. Chapter 32 “Public Property”, Article IV. “Public Conduct” of the Code of Ordinance is amended to add Section 32-102 “Clothing Optional Activities at Designated Leased Beaches” as follows:

Section 32-102. Clothing Optional Activities at Designated Leased Beaches

- a. For the purposes of this section, the term “clothing optional activities” is defined as allowing nudity in a non-sexual, family-oriented context, in addition to the wearing of clothing.
- b. Beaches designated as clothing optional shall be specified in the management plan.
- c. Where authorized on leased beaches, clothing optional activities shall be permitted only within designated areas.

d. Use of any leased beaches for clothing optional activities that are not authorized for clothing optional is prohibited.

e. County staff shall post informative signs at appropriate locations notifying the general public of the clothing optional designation.

PART B. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portion of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART C. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administration Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART D. FILING WITH THE DEPARTMENT OF REVENUE.

The County Attorney is hereby directed forthwith to send a certified copy of this ordinance to the Florida Department of Revenue, 201 Carlton Building, Tallahassee, Florida, 32301.

PART E. EFFECTIVE DATE.

This ordinance shall take effect upon receipt of official acknowledgment from the Office of the Secretary of State that this ordinance has been filed in that office.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Commissioner Cathy Townsend, Chair	XXX
Commissioner Chris Dzadoovsky, Vice Chair	XXX
Commissioner Sean Mitchell	XXX
Commissioner Linda Bartz	XXX
Commissioner Frannie Hutchinson	XXX

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intentions; provided, however, that parts B through F shall not be codified.

PASSED AND DULY ADOPTED this _____ day of _____, 2020.

ATTEST:

DEPUTY CLERK

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
CHAIR

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
COUNTY ATTORNEY