



## BOARD OF COUNTY COMMISSIONERS AGENDA REQUEST

**DATE:** April 16, 2024  
**TO:** Honorable Chairman and Distinguished Members of the Board  
**FROM:** Craig Coffey  
**SUBJECT:** Public Hearing to consider an ordinance amending Section 16-43  
**DEPARTMENT:** County Administrator  
**BCC DISTRICT:** 2, 5

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**STATEMENT OF ISSUE:** Hold a public hearing and consider the ordinance to amend Section 6-43 "Regulation of use and conduct at the beach, county parks, water bodies and all recreation areas in unincorporated areas of Okaloosa County" by adding beach provisions related to digging holes and maximum tent sizes.

**BACKGROUND AND ANALYSIS:** The County last amended this section in 2022 to prohibit smoking on our beaches and in our parks. As our beach and park usage continues to grow and new issues present themselves, it may require tweaks to our current park/beach rules from time to time to ensure usage by all and protection of the park beach. Two items are presented for consideration.

The first item deals with both a public safety, beach management, and environmental issues and that is digging holes on the beach. About once a year we read about child deaths from sand collapses that occur from digging large holes on the beach (see latest article). Walton and other counties near us limit hole size, types of shovels permitted and/or adopt other measure to prevent these tragedies, we currently do not address this in our park/beach rules. Besides the public safety aspect, at first light it presents a hazard for our beach rakes tractor and trash trucks and creates unacceptable obstacles for our nesting sea turtles. Our beach is fairly closely related to Walton County in various aspects and staff is recommending a complimentary standard that would require holes to be attended, filled up leaving, and limit them in size to 3ft by 3ft and no deeper than two feet.

The second item deals with tents and sun shades. Like chair and umbrella vending, tents/sun shades can create a blocking situation of views and large beach areas. Today according to staff and feedback from vendors and owners they are growing trend, with growing sizes. The plan would not be to prohibit them but limit them a reasonable size of 10' by 10'. We would propose a safety valve to allow a larger tent if needed for a group through a beach activity permit. The goal would be to balance users on the beach. At this time, staff is not proposing to address the view corridor issue which is sometimes created by the newer types of sunshades and tents w/sides that often go to the ground and may completely block any views to the water for beach users behind them. Currently this latter viewshed issue is more the exception and not the rule, but may change over time.

The other change proposed is minor and that is to modify paragraph (g) of this section from 7:30am to 7:00am.

Staff has meet with staff, beach and chair vendors and various owners from Okaloosa Island to go and make adjustments to the draft ordinance language. If approved the changes would begin May 1st.

**FUNDING SOURCE, (If Applicable):** N/A

**OPTIONS:** Approve/Deny/Postpone/Modify

**RECOMMENDATION:** Hold the public hearing and receive comments and approve the adoption the attached Ordinance Amending Section 16-43, as is or with amendments.

*Craig M. Coffey*  
Craig Coffey, Deputy County Administrator - Operations 4/17/2024

**RECOMMENDED BY:**

*Craig M. Coffey*  
Craig Coffey, Deputy County Administrator - Operations 4/17/2024

**APPROVED BY:**

**ORDINANCE 2024-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 16, ARTICLE II, SECTIONS 16-43, "REGULATION OF USE AND CONDUCT AT THE BEACH, COUNTY PARKS, WATER BODIES AND ALL RECREATION AREAS IN UNINCORPORATED AREAS OF OKALOOSA COUNTY" OF THE OKALOOSA COUNTY CODE OF ORDINANCES, BY ESTABLISHING ADDITIONAL REGULATIONS AT COUNTY BEACHES RELATED TO DIGGING HOLES, SETTING A MAXIMUM TENT SIZE WITHOUT A PERMIT, AND ADJUSTING THE 7:30AM TIME LISTED IN SUBSECTION (G) TO 7:00AM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, there are public safety issues created by the digging of oversize holes in beach sand, related to sand collapse, resulting in deaths and injury annually throughout the state; and

**WHEREAS**, large beach holes present a real danger to public safety, first responders, turtle patrol, and beach maintenance personnel driving in low light conditions; and

**WHEREAS**, these large beach holes cannot be filled in by the County's beach rake equipment and present real and unnecessary obstacles to nesting turtles as well as their hatchlings; and

**WHEREAS**, oversized tents and other beach equipment may disproportionately take up large sections of public beach for the most heavily-used County park property; and

**WHEREAS**, oversized tents and other beach equipment may block views, negatively impact other beach users by compacting their areas, and disrupt the peace and harmony of public beach users; and

**WHEREAS**, oversize tents may be permitted, if necessary, to serve for special events and larger groups, especially in the off season when the beach is less crowded; and

**WHEREAS**, it is the goal to change the time for the vendor and public beach chair/umbrella or other setup to be 7am or earlier through County staff notification; and

**WHEREAS**, these regulations are in furtherance of the County Beach Parks and public's health, safety, and welfare.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Okaloosa County as follows:

**Section 1. - Findings.**

The above Recitals are true and correct and are hereby incorporated herein as if they had been set forth in their entirety. They shall be deemed to be essential provisions of this Ordinance.

**Section 2. – Amendments to Chapter 16, Article II, Section 16-43 of the Okaloosa County Code of Ordinances.**

Only the subsections shown below are added or modified as follows:

**Sec. 16-43. Regulation of use and conduct at the beach, county parks, water bodies, and all recreational areas in unincorporated areas of Okaloosa County.**

(g) *Obstructions on the beach.* It shall be prohibited for all types of personal property as defined in subsection 16-41, and other personal articles to be left on the beach overnight or in such a manner that they interfere with beach maintenance, or cleaning, nesting turtles, emergency vehicles, or lifeguards' view of the water. It shall be prohibited for all types of personal property to be placed or remain on the beach between 12:00 a.m. and 7:00 ~~7:30~~ a.m. Central Time (standard or daylight savings time, whichever is in effect), except as otherwise permitted in this article.

(r) Holes. All holes dug on the County beach property are required to be attended, shall be filled prior to leaving the beach/property and shall not be larger than three-feet by three-feet and no deeper than two-feet.

(s) Tents. Tents and beach equipment set up on the beach shall be limited to a maximum size of 10ft by 10ft to include any flaps, extensions, tie-downs/sandbags, and other sections extending from the main tent/equipment. Similarly, the joining of multiple tents/equipment or other methods to circumvent this maximum size shall be prohibited. Tents/equipment in excess of this standard may be permitted by obtaining a beach permit through the County Parks Division.

~~(t)~~ *Enforcement.*

All other portions Sections 16-43 not shown and modified herein shall remain in full force and effect as currently adopted.

**Section 3. - Codification.** It is the intention of the Board that the provisions of this Ordinance shall become a part of the County's Code of Ordinances, as amended. The provisions of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article" or other appropriate word to accomplish such intention.

**Section 4. - Severability.** 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 portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**Section 5. - Effective date.** The provisions of this Ordinance shall take effect upon filing of a certified copy of this Ordinance with the Department of State within ten (10) days after enactment.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Okaloosa County, Florida this \_\_\_\_ day of April, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
OKALOOSA COUNTY, FLORIDA

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Paul Mixon, Chairman

ATTEST

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JD Peacock II, Clerk



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83 **PASSED AND DULY ADOPTED** by the Board of County Commissioners of Okaloosa  
84 County, Florida this \_\_\_\_ day of April, 2024.

85 BOARD OF COUNTY COMMISSIONERS OF  
86 OKALOOSA COUNTY, FLORIDA

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90 Paul Mixon, Chairman

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92 ATTEST

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96 JD Peacock II, Clerk

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FLORIDA

# Family of 7-year-old girl killed in sand accident on Florida beach details moment hole collapsed

Sloan Mattingly, 7, was vacationing with family in Lauderdale-by-the-Sea, Florida

By **Stephen Sorace** · Fox News

Published February 26, 2024 10:10am EST



## Fox News Flash top headlines for February 26

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The family of 7-year-old Sloan Mattingly, an Indiana girl who died on a [South Florida beach](#) last week when a deep sand hole collapsed on her and her brother, has revealed new details about the tragic accident.

## Family of 7-year-old girl killed in sand accident on Florida beach details moment hole collapsed

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The family of 7-year-old Sloan Mattingly, an Indiana girl who died on a [South Florida beach](#) last week when a deep sand hole collapsed on her and her brother, has revealed new details about the tragic accident.

Sloan was digging a 5- to 6-foot deep hole with her 9-year-old brother Maddox in Lauderdale-by-the-Sea while on [vacation with their family](#), when the sand hole suddenly caved in. Sloan was buried alive in the sand while Maddox was covered nearly up to his neck.

Sloan's uncle, Chris Sloan, detailed to KFOR-TV how the first-grader tried to grab up at her brother's leg during her final frantic moments after the collapse.

"Later we found out that after the sand had caved, she kept trying to grab up Maddox's leg to get up out of the sand, and eventually he couldn't feel her moving anymore," he said. "The sand had been up to his chest, and he was screaming for help, and a lot of people did come and help."



### TRAGIC FLORIDA SAND HOLE DEATH COULD HAVE BEEN PREVENTED: EXPERT

Sloan Mattingly, 7, died when a sand hole collapsed on her and her brother. (Facebook/Jason Mattingly)

Dramatic video posted online showed several beachgoers frantically trying to [dig through the sand](#) and reach Sloan. They were trying to hold on to the walls of the hole, so it would not collapse further. The fire department said it used support boards to keep more sand from collapsing in as they used shovels to dig the children out.

The victim, identified as 7-year-old Sloan Mattingly by the Broward Sheriff's Office, was digging a 5- to 6-foot deep hole with her 9-year-old brother Maddox at Lauderdale-by-the-Sea, Florida, when the sand suddenly caved in on them. (WSVN)

Chris Sloan said that as far as the family knows, Sloan was found unresponsive at the scene.

Investigators on the beach in Lauderdale-by-the-Sea, Florida, take photos of the scene of a sand collapse on Tuesday. (Mike Stocker/South Florida Sun-Sentinel via AP)

Sloan was pronounced dead on arrival at a [nearby hospital](#), while Maddox was in stable condition.

### GIRL BURIED ALIVE WHILE DIGGING SAND HOLE IN FLORIDA, BROTHER INJURED

The children's mother, Therese, addressed what she called a "freak accident" in a statement on a GoFundMe campaign set up for the family.

"We experienced the purest human being and we are forever changed by her," the mother's statement said. "We love you beyond any stretch of the imagination. Our sweet Sloan. What we would give."

A picture of a Polaroid image of Sloan Mattingly, 7. She died when a sand hole collapsed on her in Florida on Tuesday. (Facebook/Jason Mattingly)

Chris Sloan told the news outlet that the family hopes that sharing Sloan's story will prevent other families from experiencing this type of tragedy.

"This is real. It's tragic. It's happened," he said. "We're working through it, and hopefully nothing like this ever happens to anyone else ever again."

## Govt Public Notices

Originally published at nwfdailynews.com on 04/07/2024

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### NOTICE OF INTENTION TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Okaloosa County, Florida, on April 16, 2024, at 8:30 a.m. CST, or soon thereafter, at the County Commissioners Chambers, in the Okaloosa County Administration Building located at 1250 N. Eglin Parkway, Shalimar, FL 32579, first floor, will consider adopting an ordinance, the title and substance of said proposed ordinance being: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 16, ARTICLE II, SECTIONS 16-43, REGULATION OF USE AND CONDUCT AT THE BEACH, COUNTY PARKS, WATER BODIES AND ALL RECREATION AREAS IN UNINCORPORATED AREAS OF OKALOOSA COUNTY OF THE OKALOOSA COUNTY CODE OF ORDINANCES, BY ESTABLISHING ADDITIONAL REGULATIONS AT COUNTY BEACHES RELATED TO DIGGING HOLES, SETTING A MAXIMUM TENT SIZE WITHOUT A PERMIT, AND ADJUSTING THE 7:30AM TIME LISTED IN SUBSECTION (G) TO 7:00AM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD.

The proposed ordinance may be inspected by the public at the County Commissioners' Offices located at 302 N. Wilson St., Crestview, FL 32536, 850-689-5025 or 1250 N. Eglin Pkwy, Suite 100, Shalimar, FL, 850-651-7105.

If any person decides to appeal any decision made with respect to any matter considered at this hearing, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the American Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the County Commissioner's office described above and must be made at least 48 hours in advance of the hearing in order to provide the requested service.

Pub: 4/7/24; #10046352