

**ORDINANCE NO.: 25-\_\_**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE II (BOATING REGULATIONS) OF THE HERNANDO COUNTY CODE OF ORDINANCES, SPECIFICALLY SECTION 7-17 (DEFINITIONS); AND ADDING SECTIONS 7-27 (TITLE), 7-28 (FINDINGS), 7-29 (HERNANDO COUNTY MANATEE PROTECTION ZONES ESTABLISHED, AND 7-30 (MANATEE PROTECTION ZONE REGULATORY MARKERS), AND 7-31 (ENFORCEMENT AND PENALTIES); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) is the governing body in and for Hernando County, a political subdivision of the State of Florida; and,

WHEREAS, the Florida Legislature has declared the State of Florida a refuge and sanctuary for the manatee; and

WHEREAS, pursuant to section 379.2431(2)(p), Florida Statutes, a local government may regulate, by ordinance, motorboat speed and operation on waters within such local government's jurisdiction where the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees inhabit these areas on a regular basis; and

WHEREAS, section 379.3431(2)(p), Florida Statutes, requires that for any such ordinance to take effect, it must first be reviewed and approved by the Florida Fish and Wildlife Conservation Commission (“FWC”); and

WHEREAS, following review of the best available scientific information and other relevant data, Hernando County (“County”) has determined that manatees inhabit several areas within the jurisdiction of the County and wishes to protect them via the regulation of motorboat speed and operation in such areas.

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

**Section 1.** Amending Chapter 7 (Boats and Waterways), Article II (Boating Regulations). Section 7-17 (Definitions), and adding Sections 7-27 (Title), 7-28 (Findings), 7-29 (Hernando County Manatee Protection Zones Established), 7-30 (Manatee Protection Zone Regulatory Markers), and 7-31 (Enforcement and Penalties), to read as follows, with underlined matter added and struck-through matter deleted:

**Sec. 7-17. Definitions.**

The following definitions shall apply to this article:

*Airboat* means a watercraft which has a principal propulsion system which utilizes a pusher-type or tractor-type propeller, fan or blade which is not normally submerged below the water surface upon which the watercraft operates; the fact an airboat can be propelled by a small auxiliary motor or by some other force does not change its characterization as an airboat.

*Bayport Seagrass Protection Zones* shall refer to those submerged lands lying westward of Weeki Wachee/Bayport/Pine Island Drive, as generally delineated on appendix map B-1 [attached to Ordinance No. 2009-07], (incorporated herein by reference and made a part hereof), designated

to protect seagrasses from propeller scarring and to encourage seagrass regeneration. The actual delineation of these zones shall be by signage at appropriate points around the perimeter of each zone. Watercraft shall use caution in the Bayport Seagrass Protection Zones and shall operate in a manner not to destroy or damage seagrasses.

*Dredge boat* means any boat or barge which contains, holds, carries or floats equipment or machinery of any size or type for the purpose of dredging or removing rock or sand from any channel, tributary, canal, waterway or water body within the boundary or under the jurisdiction or control of the county and which includes, without limitation, the Hernando Beach Channel and the Bayport Channel.

*Existing natural waterway* shall mean an area of navigable water that is naturally created and unaltered. This definition specifically excludes any and all manmade trails, without regard to the length of their existence or reason for their creation.

*Flood stage* (as to the Withlacoochee River) means that period of time commencing when the waters of the Withlacoochee River reach flood stage, as set from time to time by either the federal government or the State of Florida, and ending when the Withlacoochee River crests, as determined by the same governmental body.

*Idle speed*, and *no wake* ~~and idle speed~~ means that a vessel must proceed at a speed no greater than that which will maintain steerageway and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

*Jumping of roadways* shall mean the propulsion of a watercraft onto or over any roadway.

Motorboat shall mean a vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.

*No entry zone* means an area where no vessel of any kind shall be permitted within the designated area.

*Operation* means to have actual control and/or the ability to have control of the vessel, whether moving or not, whether the engines are powered or running, or not.

*Person* means any person, firm, corporation, public agency or legal entity.

Regulatory marker shall mean a device used to alert the mariner to various regulatory matters such as horsepower, speed, wake, or entry restrictions in conformity with the Florida Uniform Waterway Marking System and the United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations.

*Seagrasses* shall refer to all underwater and aquatic grasses, grass beds and grass bed communities and shall have the same meaning as the terms "seagrasses" and "seagrass beds" ~~are used~~ within chapter 62 of the Florida Administrative Code.

*Seagrass regeneration special protection zones* shall refer to those marsh and coastal areas lying westward of Hernando Beach but excluding the Bayport Seagrass Protection Zones (as separately defined), as generally delineated on appendix map A [attached to Ordinance No. 2008-22] (incorporated herein by reference and made a part hereof), designated to protect seagrasses and environmentally sensitive zones. The actual delineation of these zones shall be by signage at appropriate points around the perimeter of each zone.

*Slow speed* ~~and slow speed~~ minimum wake ~~zone means~~ may be used interchangeably and shall mean that a vessel ~~operating within any such area~~ must be fully off plane and completely settled into the water as set forth in section 68C-22.002(4), Florida Administrative Code (F.A.C.),

as amended, or its successor provision. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, there is no specific numerical speed assigned to slow speed. A vessel that is:

- (a) operating on plane is not proceeding at this speed.
- (b) in the process of coming off plane and settling into the water or coming up onto plane is not proceeding at this speed.
- (c) operating at a speed that creates an excessive wake or other hazardous condition which unreasonably or unnecessarily endangers other vessels or other persons using the waterway, or is likely to do so, is not proceeding at this speed.
- (d) completely off plane and which has fully settled into the water and is proceeding at a reasonable and prudent speed with little or no wake is proceeding at this speed.

*Trail* means any defined area where continuous previous usage by vessels is evident by propeller-created trenches or bottom scarring.

*Vessel* means any type of boat or floating craft and includes all watercraft.

*Watercraft* means any type of boat or floating craft which is propelled or powered by an engine or motor. Examples of watercraft include, without limitation, ships, yachts, motorboats, tugboats, jet boats, jet skis, airboats, hovercrafts, hydrofoils, seaplanes, and sailboats containing any motorized drive or propeller. Watercraft does not include any type of boat or floating craft powered solely by sail, wind or human paddle or stroking.

*Withlacoochee River* means all portions of the Withlacoochee River, its tributaries and their overflow within Hernando County, except those portions of the Withlacoochee River between the point where the Withlacoochee River first enters the Withlacoochee State Forest and Alligator Point.

**Sec. 7-27. Title.**

This Ordinance (sections 7-27 through 7-31) shall be known and cited as the “Hernando County Manatee Protection Zones Ordinance”.

**Sec. 7-28. Findings.**

Manatee Inhabitation. The Board finds that the primary purpose of vessel speed regulations established in this ordinance is for manatee protection, and based upon the best scientific information, manatees are frequently sighted in and inhabit the manatee protection zones defined herein on a regular basis, and there is a need to post these areas as year-round slow speed zones. The Board further finds that the adoption of this ordinance regulating motorboat speed and operation will increase the protection of manatees from harmful collisions with motorboats within said protection zones.

**Sec. 7-29. Hernando County Manatee Protection Zones Established.**

**(a) Establishment of Year-Round Manatee Protection Zones**

The Board hereby establishes year-round manatee protection zones identified below for the purpose of protecting manatees located therein. To accomplish this purpose, this ordinance establishes manatee protection zones, and authorizes all subsequently permitted regulatory markers, as hereinafter defined, delineating said zones. Composite sketches of the manatee protection zones are set forth in Exhibit A, attached to this ordinance and incorporated herein by reference.

(b) Slow Speed, Minimum Wake Zones

It shall be unlawful to operate any motorboat at any speed greater than slow speed minimum wake where slow speed minimum wake regulatory markers designate a zone, unless exempt pursuant to Section 7-31(c) below. Designated Slow Speed Minimum Wake Zones are as follows:

- (1) Mud River and Weeki Wachee Gardens Area: All waters and tributaries of the Mud River east of a line that bears 197° from the southern tip (approximate latitude 28° 32' 07", approximate longitude 82° 39'07") of the peninsula to the west of the Bayport Park Pier, at the southernmost extent of Cortez Boulevard, and northeast of a line which bears 120° from the southeastern tip of a spoil island southwest of the Bayport Park Pier to the westernmost tip of the peninsula that borders the northern extent of Jenkins Creek, and all waters of Weeki Wachee Gardens to the northwest of the northern boundary of the County Road 597 bridge, otherwise referred to as Shoal Line Boulevard .

Composite sketches of the manatee protection zones are set forth in Exhibit A, attached to this ordinance and incorporated herein by reference.

**Sec. 7-30. Manatee Protection Zone Regulatory Markers.**

Implementation of the manatee protection zones described in this ordinance is contingent upon receipt of all applicable state and federal authorizations required to ensure compliance with Chapter 68D-23, F.A.C. and the United States Aids to Navigation System, and the posting of regulatory markers.

**Sec. 7-31. Enforcement and Penalties.**

(a) **Enforcement.**

The provisions of this ordinance may be enforced by any law enforcement officer as defined in section 943.10, Florida Statutes, as may be amended from time to time.

(b) **Penalties.**

Any owner, operator, or person in control of a vessel found to have violated any provision of this ordinance shall be in violation of section 379.2431(2)(r), Florida Statutes, and as such may be amended from time to time. Nothing contained herein shall prohibit the County from enforcing any provision of this Ordinance by any other lawful means.

(c) **Exemptions.**

(1) The operators of motorboats owned or leased by the federal government, the state of Florida, the Hernando County Sheriff's Office, and Hernando County government shall be exempt from the provisions of this section while performing their official duties.

(2) A person engaging in an activity reasonably necessary to prevent the loss of life or property due to emergency circumstances, or to render emergency assistance, shall be exempt from the provisions of this section while engaging in such activity.

**Section 2. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall



become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

**Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
HERNANDO COUNTY in Regular Session this \_\_\_\_\_ day of \_\_\_\_\_ 2025.**

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

Attest: \_\_\_\_\_  
DOUGLAS CHORVAT, JR.  
Clerk and Comptroller

By: \_\_\_\_\_  
BRIAN HAWKINS  
Chair

Approved for Form and Legal Sufficiency

*Melissa Tartaglia*  
\_\_\_\_\_  
County Attorney's Office