

**From:** [County Ordinances](#)  
**To:** [Ordinances](#); [County Ordinances](#)  
**Cc:** [Heidi Kurppe](#); [Patricia Tapia](#)  
**Subject:** RE: Hernando County Ordinance No. 2023-12 - Adopted on September 26, 2023  
**Date:** Wednesday, October 4, 2023 1:16:57 PM  
**Attachments:** [Hernando20231003\\_Ordinance2023\\_12\\_Ack.pdf](#)

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Good afternoon,

Please find the attached acknowledgment letter for Hernando County Ordinance No. 2023-12, which was filed in this office on October 3, 2023.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

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**From:** Ordinances <ord@hernandoclerk.org>  
**Sent:** Tuesday, October 3, 2023 3:51 PM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Heidi Kurppe <hkurppe@hernandoclerk.org>; Patricia Tapia <ptapia@hernandoclerk.org>  
**Subject:** Hernando County Ordinance No. 2023-12 - Adopted on September 26, 2023

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Kurppe
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2023-12

Thank You,

Heidi Kurppe  
Administrative Services | Administrative Services Supervisor  
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller  
Phone: (352)754-4201 | Email: [hkurppe@hernandoclerk.org](mailto:hkurppe@hernandoclerk.org)  
20 N Main Street, Brooksville, FL 34601

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**NOTICE:**

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FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

October 4, 2023

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Attention: Heidi Kurppe

Dear Honorable Doug Chorvat Jr.,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2023-12, which was filed in this office on October 3, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

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**ORDINANCE NO.: 2023-12**

AN ORDINANCE AMENDING CHAPTER 7 (BOATS AND WATERWAYS), ARTICLE IV (PROTECTION OF AQUATIC MARSHES AND GRASSES), OF THE HERNANDO COUNTY CODE OF ORDINANCES TO INCORPORATE SECTIONS 327.65(2)(a) AND (b), FLORIDA STATUTES (2023), REGARDING NOISE POLLUTION FROM VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law limits local regulation of engine and exhaust noise of vessels to only the parameters of sections 327.65(2)(a) and (b), Florida Statutes (2023), and

WHEREAS, the County desires to update and amend certain provisions of Chapter 7, Article IV, of the Hernando County Code of Ordinances ("Code") to limit noise pollution from vessels operating on the waters of this state within the jurisdictional boundaries of Hernando County, and to enforce sound level limits and the testing of sound levels within the parameters of Florida law.

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

**Section 1. Amending Chapter 7 (Boats and Waterways), Article IV (Protection of Aquatic Marshes and Grasses).** Sections 7-72 (Definitions) and 7-73 (Operation of vessels, watercraft and airboats; prohibited conduct), Chapter 7 (Boats and Waterways), Article IV (Protection of Aquatic Marshes and Grasses), are amended to read as follows, with underlined matter added and

1 struck-through matter deleted:

2 Sec. 7-72. Definitions.

3 The following definitions shall apply to this article:

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

8 *Bayport Seagrass Protection Zones* shall refer to those submerged lands lying westward  
9 of Weeki Wachee/Bayport/Pine Island Drive, as generally delineated on appendix map B-1  
10 [attached to Ordinance No. 2009-07], (incorporated herein by reference and made a part  
11 hereof), designated to protect seagrasses from propeller scarring and to encourage seagrass  
12 regeneration. The actual delineation of these zones shall be by signage at appropriate points  
13 around the perimeter of each zone. The signage shall conform to attachment B incorporated  
14 herein by reference and made a part hereof. Additional signage (in conformance with  
15 attachment C incorporated herein by reference and made a part hereof) shall be installed in  
16 conspicuous locations at the boat ramps, public docks and public launching areas which serve  
17 the Bayport and Jenkins Creek area. Watercraft shall use caution in the Bayport Seagrass  
18 Protection Zones and shall operate in a manner not to destroy or damage seagrasses.

19 *dB A* means the composite abbreviation for the A-weighted sound level and the unit of  
20 sound level, the decibel.

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

4            *Idle speed* means that a watercraft operating within any such area must be throttled  
5            down to the point where the engine is just above a stall. At idle speed, a watercraft or vessel  
6            should cast little or no wake.

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

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

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

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

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

17           *Seagrass regeneration special protection zones* shall refer to those marsh and coastal  
18           areas lying westward of Hernando Beach but excluding the Bayport Seagrass Protection Zones  
19           (as separately defined), as generally delineated on appendix map A [attached to Ordinance No.  
20           2008-22] (incorporated herein by reference and made a part hereof), designated to protect

1 seagrasses and environmentally sensitive zones. The actual delineation of these zones shall be  
2 by signage at appropriate points around the perimeter of each zone.

3 *Slow speed/minimum wake zone* means that a vessel operating within any such area  
4 must be fully off plane and completely settled into the water. It may not proceed at a speed  
5 greater than that speed which is reasonable and prudent to avoid the creation of an excessive  
6 wake or other hazardous condition under the existing circumstances.

7 Sound level means the A-weighted sound pressure level measured with fast response  
8 using an instrument complying with the specification for sound level meters of the American  
9 National Standard Institute, Inc., or its successor bodies, except that only a weighting and fast  
10 dynamic response be needed.

11 *Trail* means any defined area where continuous previous usage is evident.

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

13 *Watercraft* means any type of boat or floating craft which is propelled or powered by  
14 an engine or motor. Examples of watercraft include, without limitation, ships, yachts,  
15 motorboats, tugboats, jet boats, jet skis, airboats, hovercrafts, hydrofoils, seaplanes, and  
16 sailboats containing any motorized drive or propeller.

17 Waters of this state means any navigable waters of the United States within the  
18 territorial limits of Florida, the marginal sea adjacent to this state and the high seas when  
19 navigated as a part of a journey or ride to or from the shore of this state, and all the inland  
20 lakes, rivers, and canals under the jurisdiction of this state.

1           Sec. 7-73. Operation of vessels, watercraft and airboats; prohibited conduct.

2           (a)   ~~The noise level attained by any watercraft shall not be of sufficient volume as~~  
3           ~~to unreasonably disturb or inconvenience the general public or residents of adjacent areas and~~  
4           ~~which would otherwise exceed the sound level limits (in decibels) set forth in the Hernando~~  
5           ~~County Noise Control Ordinance as contained in chapter 21, article VIII of this Code. No~~  
6           ~~person shall operate or give permission for the operation of any vessel on the waters of the~~  
7           ~~state within the jurisdictional boundaries of Hernando County, or on a specified portion of the~~  
8           ~~waters thereof, in such a manner as to exceed the following sound level at a distance of 50 feet~~  
9           ~~from the vessel: for all vessels, a maximum sound level of 90 dB A.~~

10          (b)   Any person operating a vessel on the waters of the state within the jurisdictional  
11          boundaries of Hernando County who refuses to submit to a sound level test when requested  
12          to do so by a law enforcement officer is guilty of a misdemeanor of the second degree,  
13          punishable as provided in sections 775.082 or 775.083, Florida Statutes (2023), or by Chapter  
14          2, Article III, of the Hernando County Code.

15          ~~(b)~~(c) Airboats are to remain at least one thousand (1,000) feet from any dwelling  
16          while in operation. This shall not include airboats leaving or returning to a port, ramp or  
17          residence, or airboats operating within a marked channel or seaward of a marked channel.

18          ~~(c)~~(d) Operation of vessels shall be limited to existing natural waterways and marked  
19          or designated channels. Vessels shall not operate in a no entry zone. This subsection shall not  
20          apply to residents or owners of property whose sole access to said property is via any

1 watercraft; however, all other provisions of this section ~~, such as slow speed~~ shall still apply  
2 ~~to the maximum extent necessary~~ to such residents or owners of property.

3 (d)(e) Idle speed shall be maintained within any area posted as slow speed/minimum  
4 wake zone pursuant to this article or article II of this chapter.

5 (e)(f) The jumping of any roadway by any watercraft shall be prohibited on any  
6 property owned and/or maintained by Hernando County. No watercraft shall, under its own  
7 power, travel on or across any roadway, parking lot, other public area, or over land.

8 (f)(g) Vessels shall not operate in any manner that shall damage or destroy existing  
9 marshes or seagrasses.

10 (g)(h) Watercraft and barges shall be prohibited from entering into, crossing over, or  
11 operating within any designated seagrass regeneration special protection zone.

12 (h)(i) Except for violations of subsection (b) of this section, Each each act of violating  
13 any of the foregoing provisions shall constitute a separate ~~offense~~ infraction enforceable  
14 according to section 327.73(1), Florida Statutes (2023). ~~, which may be cited or enforced by~~  
15 ~~any means authorized by this Code or applicable law.~~ A citation issued pursuant to this section  
16 shall not preclude any other fine or remedy available under any other provision of this Code  
17 or applicable state or federal law.

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



