



HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE REGULAR MEETING AGENDA



Date: Wednesday, December 15, 2021

Time: 7:00 P.M.

Location: Hernando Beach Marine Group Inc. Training Center
4340 Calienta Street, Hernando Beach, FL 34607

Advertised: Friday, December 3, 2021, The Hernando Sun (CLK21-229)

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact Tina Duenninger, Hernando County Department of Public Works, 1525 East Jefferson Street, Brooksville, FL 34601, telephone (352) 754-4060, no later than three (3) days prior to the proceedings. If hearing impaired, please call 1-800-676-3777 for assistance.

The meeting agenda and back-up material are available online at:

<https://www.hernandocounty.us/departments/departments-n-z/public-works/aquatic-services/waterways-advisory-committee/agendas-and-minutes/-folder-1515>

Upcoming Meeting(s):

The next regular meeting of the Waterways Advisory Committee will be held on Wednesday, February 16, 2022, at 7:00 P.M.



**HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE
REGULAR MEETING AGENDA
DECEMBER 15, 2021**



CALL TO ORDER

1. Pledge of Allegiance
2. Approval / Modification of Agenda (Limited to Staff and Committee Only)
3. Approval of Minutes – October 20, 2021

MARINE PATROL REPORT – Corporal Steve Kelly

NEW BUSINESS

1. Red Tide Overview – Brittany Hall-Scharf, IFAS/Florida Sea Grant
2. Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps
3. Member Replacement for Chairman Chuck Morton
4. 2022 Meeting Schedule

OLD BUSINESS

1. Aquatic Preserve Boundary – Pine Island
2. State Road Canal Dredge
3. Lake Townsen Boat Ramp

INFORMATIONAL ITEMS

1. Revisions to Marine Construction Code Ordinance – Marginal Docks
2. Hernando Beach Christmas Boat Parade
3. Volunteer Reef Ball Build Event

CITIZENS' COMMENTS

WATERWAYS ADVISORY COMMITTEE / STAFF COMMENTS

1. Chuck Morton, Chairman
2. Kathryn Birren, Vice Chairman
3. Mike Senker, Member
4. Mike Fulford, Member
5. Sarah Hill, Member
6. Keith Kolasa, Aquatic/Waterways Services Manager
7. Scott Herring, Department of Public Works Director/County Engineer

OTHER – Waterways Advisory Committee Agenda Requests for Future Meetings

ADJOURNMENT



**HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE
MEETING MINUTES – OCTOBER 20, 2021**



Date: Wednesday, October 20, 2021

Time: 7:00 P.M.

Location: Hernando Beach Marine Group Inc. Training Center
4340 Calienta Street, Hernando Beach, FL 34607

Advertised: Friday, October 8, 2021, The Hernando Sun (CLK21-203)

The meeting agenda and back-up material are available online at:
<https://www.hernandocounty.us/departments/departments-n-z/public-works/aquatic-services/waterways-advisory-committee/agendas-and-minutes>

CALL TO ORDER

Chairman Chuck Morton called the meeting to order at 7:02 p.m.

Attendee Name	Title	Attendance
Chuck Morton	Chairman	Present
Kathryn Birren	Vice Chairman	Present
Michael Senker	Member	Absent
Mike Fulford	Member	Present
Sarah Hill	Member	Present
Wayne Dukes	Commissioner / Liaison	Absent
Scott Herring	Department of Public Works Director / County Engineer	Present
Keith Kolasa	Aquatic / Waterways Services Manager	Present
Steve Kelly	Corporal / Marine Patrol Officer	Absent
Tina Duenninger	Co. Administration / DPW Executive Office Manager	Present

PLEDGE OF ALLEGIANCE

APPROVAL / MODIFICATION OF AGENDA (Limited to Staff and Committee Only)

There were no changes made to the agenda.

APPROVAL OF MINUTES – JULY 21, 2021

MOTION: Mr. Mike Fulford motioned to approve the minutes of the July 21, 2021 Waterways Advisory Committee meeting. Ms. Sarah Hill seconded. The motion carried and was approved unanimously.

MARINE PATROL REPORT

Corporal Steve Kelly was not present at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. HB Channel Marker Status – Request to Add Additional Markers

Mr. Keith Kolasa stated that a few Committee members at the last meeting held had requested staff look at the status of channel markers, mainly in Hernando Beach. There were three (3) channel markers identified as indicated in attachment item #1 in the agenda packet. Upon query by Mr. Mike Fulford, Mr. Kolasa responded funding was currently budgeted.

Mr. Dylan Kramer suggested red and green composite glow in the dark markers which require no maintenance. Mr. Kolasa agreed it was worth looking into. He noted the county's cost for one marker was approximately \$1,800. Upon query by Vice Chairman Kathryn Birren, Mr. Kolasa responded the permits needed to specify what type of structure and he would have to determine pole or buoy prior to permitting.

MOTION: Mr. Mike Fulford motioned to move forward with the three (3) channel markers identified. Vice Chairman Kathryn Birren seconded. The motion carried and was approved unanimously.

2. Boundary of Aquatic Preserve and OFW Regulations Related to Docks

Mr. Keith Kolasa provided a brief update on the Aquatic Preserve Boundary. He advised new OFW dock regulations went into effect on July 1st as clarified via email by Ms. Carla Burmann, Environmental Manager with the Florida Department of Environmental Protection (FDEP), a copy of which was available in the agenda packet. Upon query, Mr. Kolasa responded he had not done a boundary map for Pine Island but would follow-up.

Ms. Bea Shafer inquired on how to access the agenda packet on the website. Vice Chairman Kathryn Birren provided information regarding the agenda packet. Ms. Tina Duenninger clarified the link and invited the public to provide her with an email address to be added to the agenda distribution list following the meeting.

3. Update on Artificial Reef Program 14-1

Mr. Keith Kolasa stated the consultant contract was approved by the Hernando County Board of County Commissioners on August 24, 2021, and a kickoff meeting had been held two weeks prior to the Waterways Advisory Committee meeting. The project will consist of site surveys and assessments for 15 new reef sites, rankings, public meetings, design and permitting process, and monitoring aspects leading up to construction. It will be a three-year process leading up to construction. Mr. Kolasa indicated he would keep the Committee apprised on the progress and public meetings held.

Mr. Kolasa shared that 28 pallet reef balls were deployed August 22-26, 2021, at the Bendickson Reef to create a trail between two large areas of culverts from previous deployments. He also shared the economic impact of artificial reefs by the University of Florida/IFAS Extension, pointing out Dr. Michael Allen's example provided via email which indicated the value associated with artificial reefs in Hernando County would not only improve Tourism but take away impact from natural reefs. Mr. Kolasa noted the information referenced was included the agenda packet.

4. Nature Coast Aquatic Preserve Management Plan Meetings

Chairman Chuck Morton stated both he and Mr. Keith Kolasa were representatives on the Nature Coast Aquatic Preserve (NCAP) Management Advisory Committee and brought up the Sunshine Law. He shared that he had inquired on how the NCAP would affect Hernando County's reef program and was advised that if it was already in the planning, it was exempt. Chairman Morton stated some of the preliminary work done by the Waterways Advisory Committee in designating sites gave Hernando County exemption.

Mr. Kolasa noted there was a list of meeting dates and presentations attached in the agenda packet. Upon query, Mr. Kolasa responded the purpose of the NCAP was to develop the details of the Aquatic Preserve Management Plan. It was noted the next public meeting was scheduled to be held on May 19 and May 24, 2022. Mr. Kolasa temporarily left the meeting at this time.

Chairman Morton provided a brief overview of the goals and objectives of the NCAP and the type of discussions to be held at the advisory committee meetings.

Mr. Kolasa returned to the meeting at this time.

5. Proposed Revisions to Marine Construction Code – Dock Size, Marginal Dock Size

Mr. Keith Kolasa stated one of the questions brought up at the last Committee meeting was the definition and clarification of a marginal dock and square footage of marginal docks. It was noted that the Marine Construction Code relative to the marginal dock size section would be emailed to the Committee following the meeting. Mr. Kolasa indicated the marginal docks should not exceed 500 sf. related to the Riverine Protection Ordinance; it did not apply to marginal docks in Hernando Beach, as clarified with the county's Planning and Building departments.

Mr. Alan Green stated he was told he needed a variance and questioned what a marginal dock was. Mr. Dylan Kramer stated he cannot get any permits as a dock builder due to marginal docks exceeding 500 sf. and suggested following the Florida Department of Environmental Protection (FDEP) and Army Corps of Engineers' guidelines. Mr. David Strong also stated he cannot get permits as a dock builder due to marginal docks exceeding 500 sf.

Discussion ensued regarding the Building Department's interpretation of marginal docks relative to location and size as outlined in the Marine Construction Code.

Mr. Mike Fulford suggested Chairman Chuck Morton write a letter to the Hernando County Board of County Commissioners, with a copy to the County Administrator, advising that the residents of Hernando County are not getting their docks built due to bottlenecks in the Building Department and want it fixed.

Further discussion ensued. Mr. Kolasa noted a meeting could be scheduled with Planning and Building staff to discuss the waterbodies and clarify the rule interpretation.

Mr. Paul Thompson stated he thought discussion was to take place regarding increasing the dock inclusion into the canal by 10-15%. Mr. Mike Fulford clarified he understood the question at the last meeting was looking into going to 1,000 sf. total for dock sizes, not changing the percentage out at the canal.

Mr. Steve Barton stated he was involved in the process of drafting the Marine Construction Code and that nobody really considered what would be interpreted, indicating that they were only thinking for those areas currently outlined in the Code and it didn't reflect for Hernando Beach.

Ms. Sheila Barr commented there should be no changes and expressed support for a five-year plan incorporation of Hernando Beach.

MOTION: Mr. Mike Fulford motioned to have staff coordinate a meeting with Building staff to seek education and clarification of the plans reviewer interpretation to stop bottlenecks. The motion did not move forward.

Mr. Scott Herring stated this was not Mr. Kolasa's problem to spearhead and advised he had taken notes to discuss up the level of command with his boss, who also oversees the Building

and Planning departments. He recommended the Committee send a letter to the Board's Chairman or the County Administrator. The Committee concurred with Chairman Chuck Morton writing a letter to the Hernando County Board of County Commissioners, with a copy to the County Administrator.

Ms. Sarah Hill distributed a copy of FDEP's Dock Permitting in Florida. Mr. Kolasa stated FDEP's exemption for residential docks is 1,000 sf. The Committee concurred to move forward with the agenda until clarification is made on the Building Department's clarification.

Mr. Steve Barton distributed a handout expressing opposition to change the county's current existing percentages to FDEP's blanket percentage of 25%. Discussion ensued. The Committee concurred there would be no further discussion on the subject.

6. Pine Island Canal Restoration

Mr. Keith Kolasa stated the legal opinion from the County Attorney's Office was included in the agenda packet, noting Attorney Jon Jouben had determined that the ownership did meet the use as a public waterway. Upon query by Vice Chairman Kathryn Birren, Mr. Kolasa responded the Restore Act applications were lengthy and would be taken on by the Project Manager once hired and onboard.

7. Red Tide

Mr. Keith Kolasa indicated this item would be reserved until the December meeting as Brittany Hall-Scharf with IFAS/Florida Sea Grant will provide a presentation at that time. Mr. Kolasa expressed Ms. Hall-Scharf did an amazing job on red tide monitoring. Latest samples showed low to medium concentrations and hopefully a one-time event.

8. Future Member Replacement for Chairman Chuck Morton

Chairman Chuck Morton advised he was termed out as a member on the Waterways Advisory Committee and encouraged applicants to apply, indicating applications were available online. Upon query, Ms. Tina Duenninger provided information regarding the news release deadline for acceptance of applications and the application process.

9. Proposed 2022 Meeting Schedule

The proposed 2022 meeting schedule of the Waterways Advisory Committee was reviewed. Mr. Fulford noted he would prefer not to have a meeting in July. Vice Chairman Kathryn Birren noted she would not be able to attend the January meeting. Ms. Sarah Hill proposed to table the meeting schedule until the first meeting in 2022.

MOTION: Vice Chairman Kathryn Birren motioned to schedule the first meeting in 2022 to be held on February 16, 2022. Mr. Mike Fulford seconded. The motion carried and was approved unanimously.

CITIZENS' COMMENTS

There were no citizens' comments at this time.

WATERWAYS ADVISORY COMMITTEE / STAFF COMMENTS

1. Chuck Morton, Chairman
2. Kathryn Birren, Vice Chairman
3. Mike Senker, Member
4. Mike Fulford, Member
5. Sarah Hill, Member
6. Keith Kolasa, Aquatic/Waterways Services Manager
7. Scott Herring, Department of Public Works Director/County Engineer

OTHER – Waterways Advisory Committee Agenda Requests for Future Meetings

There was no other business.

ADJOURNMENT

The meeting was adjourned at 8:54 p.m.

Upcoming Meeting(s):

The next regular meeting of the Waterways Advisory Committee will be held on Wednesday, December 15, 2021, at 7:00 P.M., in the Hernando Beach Marine Group Inc. Training Center, 4340 Calienta Street, Hernando Beach, FL 34607.

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

ORDINANCE NO.: 2021- _____

AN ORDINANCE MODIFYING THE LANGUAGE IN CHAPTER 7, ARTICLE II OF THE HERNANDO COUNTY CODE OF ORDINANCES TO PROHIBIT THE MOORING AND DOCKING OF COMMERCIAL VESSELS AT BOAT RAMPS BY ADDING SECTION 7-26; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there have been recent incidents of Commercial sponging vessels blocking boat ramps in Hernando County for extended periods of time when not actively engaged in commercial fishing; and


WHEREAS, Chapter 7, Article II of the Hernando County Code of Ordinances sets forth the boating regulations in Hernando County; and

WHEREAS, Chapter 327 of the Florida Statutes regulates vessel safety in the waters of the State of Florida; and

WHEREAS, Section 327.02(48) of the Florida Statutes defines "waters of this state" as any "navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state"; and

Summary of Comments on mooring ord

Page: 1

 Number: 1 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:15:46 AM -04'00'
and shrimping vessels. These vessels have also been docking at the boat ramp docks for extended periods of time. Should say docking or blocking for extended periods since both is occurring

 Number: 2 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:22:06 AM -04'00'

 Number: 3 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:22:05 AM -04'00'

 Number: 4 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:21:59 AM -04'00'

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE: ~~additions/deletions~~ = language proposed for addition/deletion to existing Code provisions.

1 WHEREAS, anchoring or mooring of a vessel “¹within 150 feet of any public or private
2 marina, boat ramp, boatyard, or other public vessel launching or loading facility” is prohibited by
3 Section 327.4109 (1)(a) of the Florida Statutes; and ²

4 WHEREAS, ~~the prohibition against anchoring or mooring~~ within 150 feet of a boat ramp
5 does not apply to “⁴a commercial fishing vessel actively engaged in commercial fishing”; and

6 WHEREAS, pursuant to Section 327.02(6) of the Florida Statutes, a “commercial fishing
7 vessel” is “a vessel primarily engaged in the taking or landing of saltwater fish or saltwater products
8 or freshwater fish or freshwater products, or a vessel licensed pursuant to s. 379.361 from which
9 commercial quantities of saltwater products are harvested, from within and without the waters of this
10 state for sale to the consumer or to a retail or wholesale dealer”; and ⁵


11 WHEREAS, commercial sponging ~~vessels~~ are commercial fishing vessels because all classes
12 of sponges are “saltwater fish” as defined by Section 379.101(34) of the Florida Statutes and
13 regulated by Rule 68B-28 of the Florida Administrative Code; and

14 WHEREAS, Chapter 327.70 of the Florida Statutes provides that the Division of Law
15 Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the
16 various counties and their deputies, municipal police officers, and any other law enforcement officer
17 enforce the prohibition of anchoring or mooring within 150 feet of a boat ramp; and

 Number: 1 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:22:31 AM -04'00'
150 ft or less

 Number: 2 Author: KKolasa Subject: Pencil Date: 11/5/2021 6:19:27 AM -04'00'

 Number: 3 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:05:55 AM -04'00'

 Number: 4 Author: KKolasa Subject: Highlight Date: 11/5/2021 6:18:03 AM -04'00'
Does this mean offloading products can occur at the public boat ramp?

 Number: 5 Author: KKolasa Subject: Sticky Note Date: 11/5/2021 6:09:54 AM -04'00'
also shrimping vessels

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

1 WHEREAS, Section 327.4109(5) of the Florida Statutes provides that a violation is
2 punishable as a noncriminal infraction pursuant to Section 327.73(1)(bb) of the Florida Statutes; and

3 WHEREAS, Section 327.72 of the Florida Statutes provides that failure to pay the civil
4 penalty for noncriminal infractions is a misdemeanor of the second degree; and

5 WHEREAS, it is intended to amend the Hernando County Code of Ordinances to prohibit
6 commercial vessels, such as commercial sponging vessels, from blocking or interfering with the
7 public use of boat ramps in Hernando County by anchoring or mooring within 150 feet of said boat
8 ramps.

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

11 **Section 1. Modification of Chapter 7, Article II of the Hernando County Code of**
12 **Ordinances.** Chapter 7, Article II of the Hernando County Code of Ordinances is hereby amended
13 to add Section 7-26 as follows:

14 7-26. - Incorporation of state law by general reference.

15 The provisions of state law prohibiting the anchoring or mooring of vessels within 150 feet
16 of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading
17 facility related to Section 327.4109 of the Florida Statutes are hereby incorporated by general

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

1 reference as they may exist and be amended from time to time. To the extent that the provisions of
2 this article are more stringent than those of state law, then this article shall apply.

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

7 **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners
8 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
9 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
10 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
11 the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

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

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

17 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
18 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2021.

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2021-520 Ordinance for Mooring of Commercial Vehicles at Boat Ramps\Draft 2 - Ordinance for mooring of commercial vessels at boat ramps.wpd, October 29, 2021 (10:49am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____
DOUG CHORVAT, JR.
Clerk

By: _____
JOHN ALLOCCO
Chairman

Approved for legal form and sufficiency:



Kyle J. Benda, Assistant County Attorney









NO
COMMERCIAL
VESSELS

Tina R Duenninger

From: Tina R Duenninger
Sent: Tuesday, December 7, 2021 12:15 PM
To: Tina R Duenninger
Subject: FW: LR 2021-615 - Commercial Fishing Vessel Parked at End of Snapper Canal

Categories: Committees

From: Keith Kolasa <KKolasa@co.hernando.fl.us>
Sent: Monday, November 22, 2021 8:53 AM
To: Scott Herring <SHerring@co.hernando.fl.us>
Cc: Jeannie Austin <JeannieA@co.hernando.fl.us>
Subject: FW: LR 2021-615 - Commercial Fishing Vessel Parked at End of Snapper Canal

This will be timely for the upcoming WAC meeting.

Fortunately, the vessel has moved but we don't know where it has moved to.

Keith

From: Kyle Benda <KBenda@co.hernando.fl.us>
Sent: Friday, November 19, 2021 3:44 PM
To: Keith Kolasa <KKolasa@co.hernando.fl.us>
Cc: Pamela Hare <PHare@hernandocounty.us>
Subject: LR 2021-615 - Commercial Fishing Vessel Parked at End of Snapper Canal

Hey Keith,

You submitted a legal request asking the following questions:

1. What are the options for the County to enforce a commercial fishing vessel parked at the end of the Snapper Canal?
2. Can the County post a no trespassing sign in County ROW at the end of the canal?

I will try to answer your questions sequentially below:

1. Section 7-21(a) of the Code requires that all vessels operating in any waterways or water body be operated in a safe manner. The parking of the commercial vessel in the manner it is parked is not being operated in a safe manner in that the owner is using it in a dangerous, reckless, or careless manner that endangers the safety and welfare of people and property in the canal. The owner seems to be in violation of this Code provision. Further, it is a violation of 7-21(i) for a person to violate any provision of Chapters 327 or 328 of the Florida Statutes. There are specific requirements for where boats can be moored pursuant to Section 327.4109 of the Florida Statutes. Normally this is enforced through the Law Enforcement Division of FFWCC (so this should be reported to them for enforcement), but our Code also allows us to enforce those violations in any way that we could enforce provisions of the Code. Section 7-24 of the Code provides the different methods of enforcement that can be used. The County can do one of the following: (a) report this violation to be prosecuted as a misdemeanor where the punishment for the violation can be a fine of up to \$500 and imprisonment for up to sixty days; (b) we can pursue this a violation of the Code before the Special Master, which carries a maximum penalty of \$1,000 fine per day the violation continues to exist; or (c) we

can file a lawsuit asking the court for an injunction to enforce these Code provisions (and ask the Court to allow the County to remove the boat from the water and recover whatever costs are incurred from the boat owner).

2. Section 24-4 of the Code allows the County to place signs in County ROW because they are directly related to authorized uses of the public ROW. Moreover, Section 7-20 of the Code allows the County to place signage within or along any waterway or waterbody as needed to effectuate any of the provisions of Chapter 7 of the Code. Also, Section 7-22 allows the County to establish and post areas to “prohibit or restrict entry, limit speed, or otherwise regulate vessels operating in any waters within the boundaries of the county”

In sum, you are free to post the no trespassing signs to deter other boats from doing what this boat is doing. You also have multiple options for enforcement, whether by the County enforcement or by referring it to the Sheriff’s Office or FFWCC. Please let me know if you have any questions.

Best,



KYLE J. BENDA

Assistant County Attorney

County Attorney’s Office

kbenda@hernandocounty.us

A 20 N Main St, Suite 462, Brooksville, FL 34601-2850

P 352-754-4122 | **F** 352-754-4001 | www.hernandocounty.us/

NOTE: Florida has a very broad public records law.

Your email communications may be subject to public disclosure.

RECEIVED
OCT 18 2021

Hernando County
Board of County Commissioners

**HERNANDO COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD/COMMITTEE APPLICATION**

Please type or print clearly

Name of Board/Committee Waterways Advisory Committee

Check one: Full Member Position
 Alternate Member Position

Name Christopher Licata III

(Your name must be listed as it appears on your voter registration card)

THE FOLLOWING INFORMATION IS REQUIRED FOR COUNTY RECORDS AND BECOMES PUBLIC RECORD UPON SUBMITTING THIS APPLICATION. IF YOU BELIEVE THAT YOU QUALIFY FOR AN EXEMPTION TO THE RELEASE OF THIS INFORMATION, PURSUANT TO F.S. 119.07, PLEASE STATE THE BASIS OF YOUR EXEMPTION. YOUR FAILURE TO ANSWER FULLY AND TRUTHFULLY ALL QUESTIONS COULD RESULT IN YOUR APPLICATION BEING DENIED OR YOUR SUBSEQUENT REMOVAL FROM ANY BOARD/COMMITTEE IF APPOINTED.

Address 3781 Bramblewood Loop

City Spring Hill Zip 34609

Telephone 727-507-1152 (home) _____ (business)

E-mail address ChrisLicata3@gmail.com

Are you a resident of Hernando County? Yes

Voter Registration Number 118548840

Education Eight Years of Military Service / FL 2-15 insurance license (inactive)
(Please include any certificates, awards, diplomas, degrees, professional license numbers, etc.)

Employment History See Attached
(Attach a resume if available)

Licenses or Certificates Held Recently Expired DOD Secret Clearance

Have you ever previously applied for a position on any County Board/Committee? NO

If yes, please state the Board(s)/Committee(s) you applied for, when you applied, and whether you were appointed.

Have you ever been convicted, plead guilty or no contest, or entered into PTI for a felony or 1st/ 2nd degree misdemeanor? NO

Answering yes does not automatically disqualify you for consideration.

If yes, what charges? NA

Are you currently involved as a defendant in a criminal case? NO

If yes, what charges? NA

Have you ever been named as a defendant in a civil action suit? NO

If yes, when and describe action. NA

Please state your reasons for applying to this Board/Committee During my Naval Service I was a Navigator
thus my level of knowledge of rules of the road, buoys, and marine life conservation would add insight.

Please list three character references of persons NOT related to, NOT an employer, NOT an employee of you or your company, and whom you have known at least one (1) year. Please include addresses and phone numbers.

1. State Senator Danny Burgess
2. John Mitten
3. State House Representative Nick DiCeglie

I hereby request consideration as a committee/board appointee. It is my intention to familiarize myself to the duties and responsibilities of the office to which I may be appointed, and to fulfill the appointment to the best of my ability, exercising good judgement, fairness, impartiality, and faithful attendance. By my signature below, I hereby authorize Hernando County to check my references and my background, including, without limitation, obtaining a criminal history check. I also agree to file a Financial Disclosure form as required by State law, if applicable, and abide by provisions of the State Sunshine Law.

I hereby swear and affirm, under Penalty of Perjury, that the above information is true and correct.

Applicant s signature 

(Please direct all inquiries to the County Administrator s Office at 754-4002.)

Completed applications may be submitted to the County Administrator's office, 20 North Main Street, Room 263, Brooksville, Florida 34601, or faxed to 352-754-4477.



Hernando County Background Consent / Release Form

As a volunteer applicant, I understand and acknowledge that an investigative report may be compiled on me. This report may include information regarding any criminal records, and from various public and private sources including law enforcement agencies at the Federal, State or County level, courts record repositories, sexual offender registries and any other source required to verify information that I have voluntarily provided.

PERSONAL INFORMATION

Legal Name: Christopher Licata III
Date of Birth: 03/20/1991
Other Names Used: _____
(Legal Name) First M.I. Last
Dates Used (from/to): _____
Home Phone #: _____
Cell Phone #: 727-507-1152
E-mail Address: ChrisLicata3@gmail.com
Are you 18 years of age or older? Yes No

GEOGRAPHIC INFORMATION

Current Address: 3781 Bramblewood Loop
City, State, Zip : Spring Hill, FL, 33776
Time at this address: 3 Years 3 Month
Previous Address: _____
City, State, Zip : _____
Time at this address _____ Years _____ Month

By signing below, you hereby authorize, empower and release from all liability, without reservation, any agency contacted by Hernando County to furnish the above-mentioned information. You further authorize ongoing procurement of the above-mentioned information at any time during your relationship with Hernando County. You agree that a fax or photocopy of this authorization is to be considered and accepted with the same authority as the original.

Applicant's Signature

OCT 18 2021
Date

Christopher Louis Licata III

727-507-1152

ChrisLicata3@Gmail.com

Prior Secret Clearance

Brooksville, Florida

A Motivated Navy Veteran and Certified Lean Six Sigma Green Belt

Experience:

Pasco County Government Project Coordinator II & III

Aug 2020 to Current

- Designing schedules, assessing risks, monitoring staff, budgeting, tracking progress, coordinating with other departments.

Greater Hernando County Chamber of Commerce — Business Development Analyst

Jan 2020 to Aug 2020

- Membership Director, Events Coordinator and COVID-19 Task Force Chair.

Licata Consulting Solutions – Owner and Operator

2019 to Current

- Licata Consulting Solutions is a boutique Risk Analysis, Parliamentary Services, Public and Government Relations Agency.

Northwestern Mutual - Financial Advisor

2017 to 2019

- Complete various complex financial analysis on an individualized level based on client's needs.

US NAVY - Port Operation Controller and Navigation Specialist

October 2009 to May 2017

- Ensure safety and security of 15 home ported US Navy warships, various guest ships, and the installation.
- Coordinate all port sea traffic including work boats, tugs, ships, and security forces via radio communication and schedule ship movement in an ever-changing mission environment.
- Navigated ship through the 120 nautical-mile Suez Canal making course correction recommendations directly to the captain every two minutes for 18 hours.
- Updated secret topographic data daily, resulting in 92,000 nautical miles traveled without incident.
- Advised Captain on navigation hazards and strategic contingencies via 40+ navigational presentations.
- Awarded twice by the Secretary of the Navy for meticulous attention to detail in the exceptional performance in leadership of junior sailors.
- Performed maritime security to the Red Sea during the Spring of 2015 protecting global trade routes and to the southern Mediterranean during the Fall of 2012, while providing surveillance of North African coastal areas.
- Humanitarian Aid Mission to eight West African Countries.

Education:

Admiral Farragut Academy, Graduated, High School Diploma

Saint Leo University, 3+3 BA Political Sci & Law School, Unified Program, Incomplete



HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE 2022 MEETING SCHEDULE

Meetings are held the third (3rd) Wednesday of the specified month at 7:00 P.M.

Location: Hernando Beach Marine Group Inc. Training Center
4340 Calienta Street, Hernando Beach, FL 34607

Original Proposed

~~January 19, 2022~~

March 16, 2022

May 18, 2022

July 20, 2022

September 21, 2022

November 16, 2022

New Dates Proposed

February 16, 2022

April 20, 2022

June 15, 2022

August 17, 2022

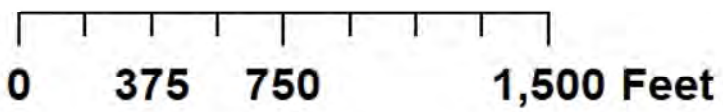
October 19, 2022

December 21, 2022

DRAFT



Aquatic Preserve



1 **ORDINANCE NO.: 2022- _____**

2 AN ORDINANCE AMENDING CHAPTER 8 (BUILDING AND BUILDING
3 REGULATIONS) ARTICLE V (MARINE CONSTRUCTION CODE), SECTION
4 8-247 (STANDARDS) OF THE HERNANDO COUNTY CODE OF
5 ORDINANCES REGARDING THE REGULATION OF MARGINAL DOCKS;
6 PROVIDING FOR SEVERABILITY; PROVIDING FOR SEVERABILITY;
7 PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE
8 REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN
9 EFFECTIVE DATE.

10
11 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
12 COMMISSIONERS OF HERNANDO COUNTY:

13 **Section 1. Modification of Chapter 8, Article V, Section 8-247 of the Hernando County Code**
14 **of Ordinances.** Chapter 8 (Building and Building Regulations), Article V (Marine Construction
15 Code), Section 8-247 (Standards) of the Hernando County Code, is hereby amended as follows
16 with underlined verbiage added and stricken language deleted:

17 **Sec. 8-247. - Standards**

18 The following standards shall be applicable in this article:

- 19 (1) Waterbody measurements shall be made from mean low water line.
- 20 (2) Docks shall not extend more than thirty (30) feet into a waterbody for a dock with
21 a boat lift, or no more than twenty-five (25) feet for a floating or fixed dock.

- 1 (3) No dock structure with a boat lift shall extend more than twenty (20) percent of
2 the width of the waterway into a waterbody, or no more than seventeen (17)
3 percent for a floating or fixed dock.
- 4 (4) Marginal docks may be allowed. A marginal dock is a platform that runs parallel
5 to the shoreline and does not contain an accessway. A marginal dock shall not
6 exceed six (6) feet in width and must be less than five hundred (500) square feet
7 in area within one (1) mile of either side of the edge of the Weeki Wachee, Mud,
8 Withlacoochee, and Little Withlacoochee Rivers. ~~No marginal dock shall exceed~~
9 ~~more than five hundred (500) square feet in area.~~
- 10 (5) A residential dock shall not accommodate more than two (2) boats for permanent
11 mooring.
- 12 (6) Main access ramps shall be limited to a maximum width of six (6) feet.
- 13 (7) For a waterbody measuring sixty (60) feet or less in width, docks shall be
14 alternated from one (1) side of waterbody to the dock on opposite side.
- 15 (8) Side yard setbacks shall be a minimum of five (5) feet to the nearest point of the
16 structure.
- 17 (9) In waterbodies where property lines exceed mean low water line, the mean low
18 water line will govern seawalls and docks. Where mean low water lines exceed
19 property lines, the property lines shall govern seawalls and docks.
20 Notwithstanding the foregoing, any permit to construct a seawall may require that

1 the seawall be constructed in such a manner as to be consistent with the location
2 of any adjacent or nearby seawall or seawalls on the same side of the affected
3 waterbody, unless the applicant demonstrates the existence of hardship, including,
4 but not limited to, water depths in the relevant portion of the waterbody, the
5 location of property lines, or clearly excessive construction costs; provided,
6 however, that consistency may be required where hardship approval would result
7 in a hazard to navigation or would be likely to cause water quality degradation.

8 (10) No docks or moored vessel shall hinder navigation upon the waterways or be
9 constructed to block a neighbor's waterway access to their property.

10 (11) Single pilings (mooring) shall not extend beyond the side setback or beyond the
11 maximum distance into a waterbody twenty (20) percent, or thirty (30) feet,
12 whichever is less. Single pilings (mooring) shall be installed and maintained with
13 reflective material visible from all directions.

14 (12) Terminal platforms, floating or fixed, shall be no more than one hundred thirty
15 (130) square feet and the maximum dimension shall not exceed sixteen (16) feet
16 for marine construction within one (1) mile either side of the edge of the Weeki
17 Wachee, Mud, Withlacoochee, and Little Withlacoochee Rivers.

18 (13) Stakes at mean low water line may be installed to assist permitting authorities in
19 verifying setbacks. If a precise determination of either the mean low or mean high
20 water line becomes necessary in measuring or verifying setbacks for purposes of
21 this article or any other provision of the Code, it shall be the responsibility of the

1 applicant to provide a current survey meeting all statutory and rule standards for
2 such determination.

3 (14) Common ownership docks may be permitted, and may be centered along a
4 common property line without meeting the side yard setback provided appropriate
5 reciprocal easements, restrictions and covenants are filed in the public records of
6 the county.

7 (15) Seawalls can only be located along non-vegetated shorelines unless permitted by
8 all state and federal agencies with jurisdiction. Where permitted, the footer of all
9 seawalls shall be faced with riprap as defined by FDEP.

10 (16) The administrative official may vary these standards provided that a navigational
11 hazard is not created, and a sworn affidavit of no objection is obtained from the
12 adjacent property owners. If the required sworn affidavit of no objection from
13 adjacent property owners is not obtained, or the administrative official chooses
14 not to vary these standards, the applicant may request a public hearing before the
15 board of county commissioners in accordance with the procedures and public
16 notice requirements of article V, section 3 of appendix A of the Hernando County
17 Code of Ordinances.

18 **Section 2. Severability.** It is declared to be the intent of the Board of County Commissioners that
19 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
21 portions of this ordinance.

1 **Section 3. Inclusion in the Code.** It is the intention of the Board of County
 2 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
 3 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County,
 4 Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish
 5 such intention, and that the word "ordinance" may be changed to "section," "article," or any other
 6 appropriate designation.

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

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

12 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
 13 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2022.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

14
 15
 16
 17
 18 Attest: _____
 19 DOUG CHORVAT, JR.
 20 Clerk

By: _____
 STEVE CHAMPION
 Chairman

21
 22
 23
 24 Approved for Form and Legal Sufficiency

25
 26 
 27 _____
 28 Assistant County Attorney

29
 30
 31

Tina R Duenninger

From: Tina R Duenninger
Sent: Thursday, December 9, 2021 10:29 AM
To: Tina R Duenninger
Subject: FW: Dock size issue

From: Chuck Morton <swampdad@outlook.com>
Sent: Wednesday, October 20, 2021 11:30 PM
To: Jeffrey Rogers <JRogers@co.hernando.fl.us>; Scott Herring <SHerring@co.hernando.fl.us>
Cc: Keith Kolasa <KKolasa@co.hernando.fl.us>; Chris Linsbeck <CLinsbeck@co.hernando.fl.us>
Subject: Dock size issue

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I don't know what happened but part of this was sent before I finished.

The Building dept is mis interpreting the Marine Construction code.

There is a 500 sq ft maximum on marginal docks on the rivers, Weeki Wachee and Chassahowitzka

It does NOT pertain to Hernando Beach where the lots are bigger and the canals wider and it is not a part of an OFW (Outstanding Florida Waterway).

I know the Building Dept is swamped, but it is in part of tier own doing. They are in need of reorganization.

I had an application in for a shed permit for 9 weeks before they responded (with John Alloco's assistance). I finally gave up when I received an offer on my property and purchased a place in Floral City.

Mr. Herring or Mr. Kolassa can fill you in on the details, but something needs to be done. I do understand that a new Director has been hired, but he probably is not aware of the facts. Mr. Linsbeck can also shed some light on the issue as he was instrumental in the Marine Construction Code revision a couple of years ago.

I will be glad to meet with you or other to get things straightened out. The citizens and builders are upset and it is costing Hernando County money by not getting improvements on the tax rolls.

Charles 'Chuck' Morton
Chairman, Waterways Advisory Committee

