



**HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE  
MEETING MINUTES – JUNE 15, 2022**



Date: Wednesday, June 15, 2022

Time: 7:00 P.M.

Location: Hernando County Building Division Training Facility  
789 Providence Boulevard, Brooksville, FL 34601

Advertised: Friday, June 3, 2022, The Hernando Sun (CLK22-103)

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 Kathryn Birren called the meeting to order at 7:00 p.m.

Attendee Name	Title	Attendance
Kathryn Birren	Chairman	Present
Sarah Hill	Vice Chairman	Present
Mike Fulford	Member	Present
Mike Senker	Member	Present
Chris Licata	Member	Present
Wayne Dukes	Commissioner / Liaison	Absent
Scott Herring	Department of Public Works Director / County Engineer	Present
Keith Kolasa	Aquatic / Waterways Services Manager	Present
Eric Davis	Waterway Project Manager	Present
Steve Snell	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 – February 16, 2022**

**MOTION:** Mr. Mike Fulford motioned to approve the minutes of the February 16, 2022 Waterways Advisory Committee meeting. Mr. Chris Licata seconded. The motion carried and was approved unanimously.

**MARINE PATROL REPORT – Steve Snell**

Mr. Keith Kolasa indicated Mr. Steve Snell had informed him he was not able to attend the meeting.

## NEW BUSINESS

### 1. Update on State Road Canal Dredging (County) and Weeki Wachee River Dredging (SWFWMD) <https://www.swfwmd.state.fl.us/projects/springs/weeki-wachee-channel-restoration-project>

Mr. Keith Kolasa advised Rogers Park would be closed for one month as dredging was to start next week on the State Road Canal. The Weeki Wachee River dredging would start afterwards, with both projects anticipated to be completed in November 2022. Mr. Eric Davis, new Waterways Project Manager, was in attendance at the meeting and would be overseeing both dredging projects.

Vice Chairman Sarah Hill queried why dredging was being started up the river instead of at the bottom. Mr. Kolasa responded they originally had plans to start up the river; based on changes in plans, they were starting on the west. Upon query by Mr. Mike Fulford, Mr. Kolasa responded Rogers Park was a dewatering site. Upon further query by Mr. Fulford, Mr. Kolasa responded the Southwest Florida Water Management District (SWFWMD) was fully funding the Weeki Wachee River Dredging project.

Discussion ensued. It was noted that sediment material was clean.

Chairman Kathryn Birren stated she had attended the Board of County Commissioners' (BOCC) meeting on June 14 and had voiced her concerns regarding persons floating in inner tubes and bumping and climbing onto the dredging equipment. She advised the BOCC's consensus was to speak to the dredging contractor and require them to hire security to keep people back and off the equipment. Upon query by Chairman Birren, Mr. Kolasa responded an inquiry could be made to find out if SWFWMD was requiring the contractor to have security. He referenced the SWFWMD link indicated on the agenda for project information while dredging was ongoing.

### 2. Lake Lindsey Tussock Control

Mr. Keith Kolasa noted many complaints had been received regarding Lake Lindsey being blocked with tussock. He displayed photos of Lake Lindsey boat ramp included in the agenda packet, which had been recently tussock maintained by Aquatics/Waterways. Mr. Kolasa indicated funding has been requested in next year's budget for tussock maintenance.

Chairman Kathryn Birren advised she spoke with local residents at Mountain Lake, and they indicated seeing dead fish and unable to catch any fish. They had suggested if restocking could be done at the lake. Mr. Kolasa responded they should reach out to the Florida Fish and Wildlife Conservation Commission (FWC) and request restocking.

### 3. Overview of East Side Boat Ramps – Lakes and Withlacoochee River

Mr. Keith Kolasa continued with the display of photos included in the agenda packet, including Lake Townsen, Nobleton, Mountain Lake, and Bystre Lake ramps. Mr. Kolasa noted the ramps were paid for by Waterways through a boating improvement grant and the parking lots were paid for by Parks & Recreation, along with the docks and fishing piers.

Chairman Kathryn Birren advised there was no signage leading up to Bystre Lake. Mr. Kolasa responded he would follow up with the Florida Department of Transportation (FDOT) and the Department of Public Works for signage to be placed.

Chairman Birren informed she took a trip out to Lake Townsen and displayed a video of the conditions of the ramp and fishing pier. There was a family at the site which Chairman Birren interviewed and they shared their concerns. Concerns noted on the dock were saggy, rotted wood, planks of wood missing, and that it was very dark out by the water. Mr. Kolasa advised funding for design and permitting was scheduled in the FY 25 Capital Improvement Program (CIP) with construction anticipated in FY 26 CIP.

Vice Chairman Sarah Hill indicated Lake Townsen boat ramp was not listed on the Hernando County Waterways website. Mr. Kolasa responded he would follow up and have it added.

**4. Personal Flotation Device Zone Signage at Boat Ramps**

Mr. Keith Kolasa announced stencil was purchased and all life jacket zones at boat ramps would be updated.

**5. Signage at Boat Ramps**

Mr. Keith Kolasa noted signage at the various boat ramps displayed restrictions and regulations on the use of vessels, and as Chairman Kathryn Birren had previously indicated, Hernando Beach was the only one displaying signage specifying the Ordinance and penalties for docking. Chairman Birren expressed concern over the Ordinance's validity and whether it should be countywide. Mr. Kolasa advised further research on the Ordinance would be needed and that it was separate from the mooring of vessels Ordinance to be presented to the BOCC.

Mrs. Diane Greenwell requested signage indicating the noise level be displayed as she is still concerned with the airboat at night. Mr. Kolasa noted the sign was displayed at Hernando Beach.

Mr. Mike Fulford suggested to invite Marine Captain Jeff Kraft to attend the next Waterways Advisory Committee meeting to discuss noise concerns and the Ordinance in place regarding marine patrolling. Chairman Birren agreed.

**OLD BUSINESS**

**1. Draft Letter in Support of Additional Law Enforcement for Springs Protection and Waterways**

Chairman Kathryn Birren inquired on the status of the draft letter in support of additional law enforcement for springs protection and waterways. Mr. Scott Herring informed of the current process for the establishment of the Springs Protection Zones, and a response to Hernando County's presentation was anticipated at the July 13-14 FWC meeting in Jacksonville. Mr. Herring further informed the meeting agenda was not available as of the Committee meeting date. He advised the Hernando County Sheriff's Office had allocated one additional marine patrol officer in next year's budget and if that was the intent of the draft support letter, then it was already accomplished. The Committee concurred to hold off on forwarding the letter through to the BOCC at this time.

**2. Florida Fish and Wildlife Conservation Commission Final Meeting to Review Establishment of Springs Protection Zones – July 13-14, 2022, Jacksonville, Florida**

Discussion continued regarding Springs Protection Zones, the FWC meeting scheduled on July 13-14 in Jacksonville, and access by residents to the Weeki Wachee River. Mr. Scott Herring provided a brief overview of the intent of the Springs Protection Zones and noted it was not guaranteed to be on the July 13-14 agenda. He advised a public workshop was scheduled in the future and he would get the FWC information to the Committee.

**3. Hunters Lake Aquatic Plant Maintenance**

Mr. Keith Kolasa noted spraying and aquatic plant maintenance was ongoing at Hunters Lake.

**4. Hunters Lake Access Canal Dredging**

Mr. Keith Kolasa advised the bid packet for the Hunters Lake canal dredging project was being compiled and would be out to bid in the next few months.

**5. Coastal Conservation Association Donation for 2022 Artificial Reef Project**

Mr. Keith Kolasa stated the donation from the Coastal Conservation Association (CCA) for the artificial reef project was approved by the BOCC on June 14, 2022.

- 6. Coastal Conservation Association Donation for Living Shoreline Project at Jenkins Creek**  
Mr. Keith Kolasa indicated he had recommended the donation from CCA for the living shoreline project be handled through UF/IFAS, which was approved by the BOCC on June 14, 2022. Chairman Kathryn Birren shared she had attended the BOCC meeting and thanked CCA for their donations. She noted CCA had encouraged Waterways to submit projects for consideration.

**INFORMATIONAL ITEM – Revisions to Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps – BOCC Public Hearing June 28, 2022**

Mr. Keith Kolasa stated the requested revisions to the proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps had been made and was scheduled for public hearing before the BOCC on June 28, 2022. A copy of the proposed Ordinance was included in the agenda packet for the Committee's information. Chairman Kathryn Birren advised she would be present at the BOCC meeting to express her concerns regarding temporarily tying a vessel to a dock to get vehicle and being cited for mooring.

**CITIZENS' COMMENTS**

Mr. Steve Barton inquired on the status of the Engineering reef contracts. Mr. Keith Kolasa responded GIS data collection was complete and 15 sites had been identified from 30. He informed request for quotes were out and should be back in next week.

There were no other citizens' comments.

**WATERWAYS ADVISORY COMMITTEE / STAFF COMMENTS**

1. Kathryn Birren, Chairman
2. Sarah Hill, Vice Chairman
3. Mike Fulford, Member
4. Mike Senker, Member
5. Chris Licata, 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**

Mr. Keith Kolasa reiterated the Springs Protection Zone information would be added to the next meeting agenda, and an invitation would be extended to Captain Jeff Kraft to attend the next meeting. Chairman Kathryn Birren reminded to add airboats to the next meeting agenda.

Mr. Mike Fulford queried on the status of the Calienta Street/Petit Lane project. Mr. Scott Herring responded 60% Plans were reviewed and submitted back to the Contractor. It was anticipated nine months for receipt of Restore Act funds and therefore, the project would not be out for bid until sometime next Spring. Mr. Fulford inquired whether the entire parcel of land adjacent to Zig Zags would be used and the balance excess. Mr. Herring responded he would have to review the Plans and get back to Mr. Fulford with a response.

Mrs. Diane Greenwell inquired on the previously issued funds by the Legislature for Calienta Street. Mr. Herring replied those funds by the Legislature were for the design of the project and construction was funded through the Restore Act.

Mr. Charles Greenwell queried how much money was used for the design of Calienta Street. Mr. Herring responded he did not have those numbers, but they were most likely published in the CIP available on the County Budget's webpage.

Upon query by Chairman Birren, Mr. Herring responded construction on the project could potentially not commence until next Fall due to materials and contractor shortages.

Mr. Chris Licata expressed concern with improvements to the public access ramp on Bystre Lake as it impeded onto private lake and suggested taking possession of the lake. Mr. Kolasa responded these issues have been brought up in the past and he would need to review.

There was no other business.

## **ADJOURNMENT**

The Committee concurred to have the next meeting back in Hernando Beach.

The meeting was adjourned at 8:40 p.m.

### **Upcoming Meeting(s):**

The next regular meeting of the Waterways Advisory Committee will be held on Wednesday, August 17, 2022, at 7:00 P.M., in the Hernando Beach Marine Group Inc. Training Center, 4340 Calienta Street, Hernando Beach, FL 34607.



**HERNANDO COUNTY WATERWAYS ADVISORY COMMITTEE  
MEETING MINUTES – FEBRUARY 16, 2022**



Date: Wednesday, February 16, 2022

Time: 7:00 P.M.

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

Advertised: Friday, February 11, 2022, The Hernando Sun (CLK22-024)

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**

Vice Chairman Kathryn Birren called the meeting to order at 7:00 p.m.

Attendee Name	Title	Attendance
Kathryn Birren	Vice Chairman	Present
Mike Fulford	Member	Present
Sarah Hill	Member	Present
Mike Senker	Member	Present
Chris Licata	Member	Present
Wayne Dukes	Commissioner / Liaison	Absent
Scott Herring	Department of Public Works Director / County Engineer	Absent
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**

Vice Chairman Kathryn Birren requested at this time to present Mr. Chuck Morton with a letter and certificate of appreciation scheduled under Old Business Item 5, Chuck Morton Farewell.

**OLD BUSINESS**

**5. Chuck Morton Farewell**

Vice Chairman Kathryn Birren presented Mr. Chuck Morton with a letter and certificate of appreciation from the Board of County Commissioners in recognition of his years of service as a member on the former Port Authority and now Waterways Advisory Committee. Mr. Keith Kolasa presented Mr. Morton with a reef ball.

**ELECTION OF OFFICERS – Election of Chairman and Vice Chairman**

**MOTION:** Mr. Mike Fulford motioned to nominate Ms. Kathryn Birren as Chairman of the Waterways Advisory Committee for the 2022 calendar year. Mr. Mike Senker seconded. The motion carried and was approved unanimously.

**MOTION:** Mr. Mike Fulford motioned to nominate Ms. Sarah Hill as Vice Chairman of the Waterways Advisory Committee for the 2022 calendar year. Ms. Kathryn Birren seconded. The motion carried and was approved unanimously.

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

Old Business Item 5, Chuck Morton Farewell, was moved up on the agenda following the Pledge of Allegiance. There were no other changes made to the agenda.

### **SUNSHINE LAW AND CODE OF ETHICS OVERVIEW – Presentation by Assistant County Attorney Maureen Sikora**

Ms. Maureen Sikora, Assistant County Attorney, provided an overview of the Sunshine Law and Code of Ethics. Ms. Sikora reviewed Government in the Sunshine Law open meetings with the Committee. Certain requirements of Sunshine Law meetings include notice requirements, public input, recording of members' votes, instances when members can abstain from voting, and meeting minutes which must be taken and made available to the public. Ms. Sikora referenced the Sunshine Law news articles distributed to the Committee members prior to the meeting.

The Guide to the Sunshine Amendment and Code of Ethics was reviewed. Ms. Sikora noted Form 8B Memorandum of Voting Conflict form, which should be made available at each meeting and is to be filled out by members when abstaining from voting.

### **APPROVAL OF MINUTES – December 15, 2021**

**MOTION:** Mr. Mike Fulford motioned to approve the minutes of the December 15, 2021 Waterways Advisory Committee meeting. Mr. Chris Licata seconded. The motion carried and was approved unanimously.

### **MARINE PATROL REPORT – Corporal Steve Kelly**

Mr. Steve Snell advised Corporal Steve Kelly was on vacation and had requested he attend the meeting on his behalf. Upon query by Mr. Mike Fulford, Mr. Snell responded there were two full time marine deputies on vessels for the county at this time. He advised he was retired and presently served as a volunteer. The Committee thanked him for his service.

In response to Mr. Steve Barton, Mr. Steve Snell indicated the marine deputies try to work different shifts in their approach to be proactive and noted there were no speeding violations on a recent shrimp boat observed at 3:00 a.m. recently.

Mr. Chris Licata queried the county's Code Enforcement and Sheriff's Office coordination regarding waterways. Mr. Steve Snell responded the deputies rely on Code Enforcement for rules and anything the deputies need to tackle a case, Code Enforcement is onboard to assist. Mr. Mike Fulford clarified there were five Code Enforcement officers and one supervisor for the whole county. He noted the county Ordinances were enforced by Code Enforcement, and the Sheriff's Office, along with the Florida Fish and Wildlife Conservation Commission (FWC), was responsible for enforcing the criminal code.

Ms. Maureen Sikora left the meeting at this time.

### **NEW BUSINESS – Withlacoochee River Hazards**

Mr. Keith Kolasa displayed pictures provided in the agenda packet and gave kudos to the Sheriff's Office

marine deputies for inspecting and finding debris hazards along the Withlacoochee River. It was noted most of the floating hazards in the river was from within Hernando County.

## **OLD BUSINESS**

### **1. Revisions to Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps**

Mr. Keith Kolasa advised a meeting was held with the County Attorney's Office and changes were made to the Proposed Ordinance on Mooring of Commercial Vessels at Boat Ramps based on discussion held at the last Committee meeting. Mr. Kolasa noted he would provide the Committee with a copy of the revised Proposed Ordinance when available and would keep the Committee apprised as to when a public hearing would be scheduled before the Board of County Commissioners.

### **2. Updates to Weeki Wachee River Dredge and State Road Canal Dredge Projects**

Mr. Keith Kolasa announced the Southwest Florida Water Management District (SWFWMD) was scheduled to hold a public meeting on March 1 to discuss the Weeki Wachee River Dredge plans. Mr. Kolasa noted the contractor had begun mobilizing equipment. He further noted the Board of County Commissioners had approved the contract for the State Road Canal Dredge project and Notice to Proceed was being coordinated as the project must be completed by November 15, 2022.

It was noted that the March 1 meeting was to be held at the Hernando Beach Marine Group Inc. Training Center beginning at 5:30 p.m. Mr. Keith Kolasa advised there were no plans to shut down Rogers Park nor the river.

### **3. Hunters Lake Aquatic Plant Maintenance**

Mr. Keith Kolasa advised quotes were received earlier in the day for the Hunters Lake Aquatic Plant Maintenance project and it was anticipated to get maintenance done by the time dry season began.

### **4. Coastal Conservation Association Partnership for 2022 Artificial Reef Projects**

Mr. Keith Kolasa announced the Coastal Conservation Association (CCA) held a fundraiser last year raising approximately \$110,000. The CCA chose to donate \$11,000 to Hernando County for reef deployments, which would need to go before the Board of County Commissioners for approval. An additional \$15,000 will be donated for a living shoreline project at Jenkins Creek for a collaborative project with Florida Sea Grant and IFAS.

**MOTION:** Mr. Mike Senker motioned to recommend the Board of County Commissioners accept the donation from the Coastal Conservation Association in the amount of \$11,000 for reef deployments. Mr. Chris Licata seconded. The motion carried and was approved unanimously.

**MOTION:** Mr. Mike Senker motioned to recommend the Board of County Commissioners accept the donation from the Coastal Conservation Association in the amount of \$15,000 for living shoreline project at Jenkins Creek. Mr. Chris Licata seconded. The motion carried and was approved unanimously.

## **INFORMATIONAL ITEMS**

### **1. Hunters Lake Canal Dredging**

Mr. Keith Kolasa advised the permit for the Hunters Lake Canal dredging was in the process of being renewed as the project would not be completed by the Summer and he would keep the Committee apprised.



## **2. Weeki Wachee Springs Protection Zone**

Mr. Keith Kolasa advised there was a section of the Weeki Wachee River from the early take out to Rogers Park being proposed to be approved as a protection zone. The item was scheduled to be presented to the Board of County Commissioners (BOCC) on February 22 and would then be forwarded to the Florida Fish and Wildlife Conservation Commission (FWC) for consideration. Mr. Mike Fulford clarified the intent of the statewide Springs Protection Zone and noted enforcement would be the responsibility of FWC.

Discussion ensued regarding enforcement on the river.

Ms. Bea Shafer inquired whether additional personnel could be requested for enforcement through the BOCC at the time the item was to be discussed. Mr. Mike Fulford proposed Chairman Kathryn Birren write a letter through the Department Director to the BOCC Chairman to consider coordinating enforcement with the Sheriff's Office when FWC grants the proposed protection zone. The Committee concurred.

## **3. 2022 Meeting Schedule Reminder**

Mr. Keith Kolasa displayed and reviewed the approved 2022 meeting schedule with the Committee. Chairman Kathryn Birren suggested having different meeting locations throughout the year. Mr. Kolasa noted he would look into it.

## **CITIZENS' COMMENTS**

Ms. Bea Shafer asked for a status update on the Pine Island project and whether a project manager had been hired. Mr. Keith Kolasa responded interviews were scheduled the first week in March and anticipated having a project manager onboard. He stated the Pine Island project would be delegated to the project manager. In the interim, signage and channel markers were being replaced on Pine Island. Chairman Kathryn Birren requested a status update on the project manager be scheduled on the next agenda.

Mrs. Diane Greenwell commented there is an airboat charter in Bayport beginning operations at 7:00 a.m. and ending late at night, sometimes 2:30 a.m., which was incompatible with this area. She indicated there was a need for curfews to be implemented from 9:00 a.m. to 9:00 p.m. and would be speaking before the Board of County Commissioners and Planning & Zoning Commission regarding the matter. Mr. Greenwell commented that the airboats come through the Tarpon canal.

Discussion ensued regarding the Airboat and Noise Ordinances currently in place.

Mrs. Greenwell indicated she wanted to bring the issue up to start looking into it as she believed it would become a bigger issue as more people moved to the area and want to start businesses. Mr. Steve Snell advised he had recently stopped the yellow airboat and they were in compliance.

There were no other citizens' comments.

## **WATERWAYS ADVISORY COMMITTEE / STAFF COMMENTS**

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

Mr. Mike Fulford thanked Mr. Steve Snell for being present at the meeting on his own time and articulating on the enforcement aspects.

**OTHER – Waterways Advisory Committee Agenda Requests for Future Meetings**

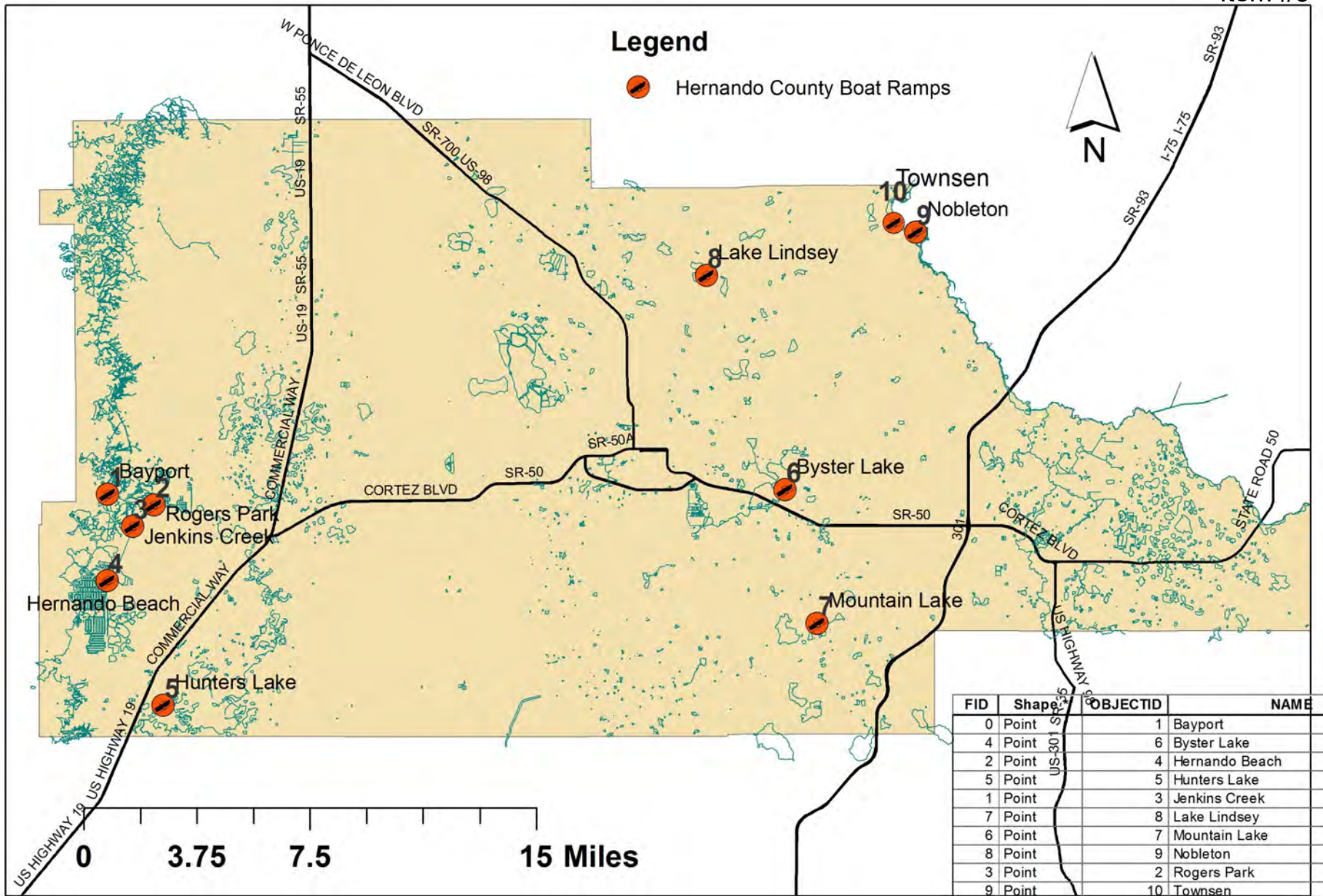
There was no other business.

**ADJOURNMENT**

The meeting was adjourned at 9:01 p.m.

**Upcoming Meeting(s):**

The next regular meeting of the Waterways Advisory Committee will be held on Wednesday, April 20, 2022, at 7:00 P.M., in the Hernando Beach Marine Group Inc. Training Center, 4340 Calienta Street, Hernando Beach, FL 34607.





# Lake Townsend





**Nobleton**





Lindsey – July 2021





Lindsey – August 2021





**Lindsey – October 2021**





Lindsey – May 2022





Lindsey – May 2022



Due to Bacteria  
No Fish  
Cleaning  
Allowed

RAMP  
SLIPPERY  
WHEN  
WET.

FL3214LD



Lindsey – June 2022







**Mountain Lake**





**Bystre Lake**



# Lake Townsend







## WATERWAYS ADVISORY COMMITTEE

1525 EAST JEFFERSON STREET • BROOKSVILLE, FLORIDA 34601  
P 352.754.4060 • F 352.754.4423 • W [www.HernandoCounty.us](http://www.HernandoCounty.us)

Old Business  
Item #1

March 18, 2022

J. Scott Herring P.E.  
Director of Public Works/County Engineer  
1525 E Jefferson St  
Brooksville, FL 34601

Subject: Recommendation for additional waterways officers

Dear J. Scott Herring:

I am coming to you on behalf of Hernando County Waterways Advisory Committee. At our last meeting we received a request from the concerned citizens of Hernando County. They requested for us to speak to the public works director and ask that county consider hiring more law enforcement for the waterways of Hernando County. Due to the newly proposed Springs Protection Zone Ordinance, there will be a need for additional law enforcement staff. Additionally there is concern over increased population moving into Florida and Hernando County and the extra pressure this is putting on Weeki Wachee River and our other tourist populated water areas of Hernando County. The people feel that this area is already experiencing issues, like damage to the shores, the breaking of regulations, speeding etc. and typically there is little enforcement due to understaffing issues. There was mention at the meeting of possibly using funds from FWC Grants or factoring in an increase in the upcoming budget.

Thank you for your time and consideration,

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Birren".

Kathryn Birren  
Chairman  
Waterways Advisory Committee





04/13/2017

























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, February 16, 2022 (11:12am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

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1 marina, boat ramp, boatyard, or other public vessel launching or loading facility” is prohibited by  
2 Section 327.4109 (1)(a) of the Florida Statutes; and

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

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

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

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

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

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, February 16, 2022 (11:12am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

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1           WHEREAS, it is intended to amend the Hernando County Code of Ordinances to prohibit  
2 vessels from blocking or interfering with the public use of boat ramps in Hernando County by  
3 anchoring or mooring within 150 feet of said boat ramps.

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

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

9           **7-26. - Incorporation of state law by general reference.**

10           The provisions of state law prohibiting the anchoring or mooring of vessels within 150 feet  
11 of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading  
12 facility related to Section 327.4109 of the Florida Statutes are hereby incorporated by general  
13 reference as they may exist and be amended from time to time. To the extent that the provisions of  
14 this article are more stringent than those of state law, then this article shall apply.

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






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, February 16, 2022 (11:12am) NOTE:

additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

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1 Approved for legal form and sufficiency:  
2

3   
4  
5 Kyle J. Benda, Assistant County Attorney