

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Friday, June 26, 2015 9:36 AM
To: Marguerite Linke
Cc: County Ordinances
Attachments: Hernando20150625_Ordinance2015_11_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 26, 2015

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2015-11, which was filed in this office on June 25, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO.: 2015-11

AN ORDINANCE REPEALING HERNANDO COUNTY CODE § 24-1, “DIVING FROM BRIDGES PROHIBITED”; AS PREEMPTED BY STATE STATUTE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1975, the Board of County Commissioners enacted Hernando County Code § 24-1, “Diving from Bridges Prohibited,” which, as its name suggests, prohibits “diving, jumping, or leaping from any bridge into any body of water spanned by a bridge or onto any ground or beneath any bridge within the county which are upon county rights-of-way”; and,

WHEREAS, the Florida Legislature subsequently enacted Fla. Stat. § 316.130(17), which states, “No pedestrian may jump or dive from a publicly owned bridge.”; and,

WHEREAS, Fla. Stat. § 316.130(17) preempts Hernando County Code § 24-1;

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

Section 1. Repeal of Hernando County Code § 24-1. Hernando County Code Section 24-1 (Diving from Bridges Prohibited) is hereby repealed.

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.

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

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 Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict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

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

11 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO**
12 **COUNTY** in Regular Session this 23rd day of JUNE 2015.



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

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18 Attest: Donald C. Barbree, Jr.
19 DONALD C. BARBEE, JR.
20 Clerk

21
22 By: Nicholas W. Nicholson
23 NICHOLAS W. NICHOLSON
24 Chairman

25 Approved for Form and Legal Sufficiency

26 [Signature]
 Deputy County Attorney