

From: [County Ordinances](#)
To: [Ordinances](#); [County Ordinances](#)
Cc: [Heidi Kurppe](#)
Subject: RE: Hernando County Ordinance No. 2022-16 - Adopted on June 29, 2022
Date: Wednesday, June 29, 2022 4:40:03 PM
Attachments: [Hernando20220629_Ordinance2022_16_Ack.pdf](#)

Good afternoon,

Please find attached the acknowledgment letter for receipt of Hernando County Ordinance No. 2022-16, which was filed in this office on June 29, 2022.

Best,

County Ordinances
Florida Administrative Code and Register
Room 701 The Capitol | Tallahassee, Florida
(850)245-6208

From: Ordinances <ord@hernandoclerk.org>
Sent: Wednesday, June 29, 2022 1:38 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Heidi Kurppe <hkurppe@hernandoclerk.org>
Subject: Hernando County Ordinance No. 2022-16 - Adopted on June 29, 2022

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:	2022-16

Please note submitting Deputy Clerk's name of Heidi Kurppe.

Thank You,

Heidi Kurppe
Administrative Services | Deputy Clerk
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller
Phone: (352)754-4970 | Email: ord@hernandoclerk.org
20 N Main Street, Brooksville, FL 34601

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 29, 2022

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. 2022-16, which was filed in this office on June 29, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/wlh

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 (11:14am) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

ORDINANCE NO.: 2022- 116

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 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

WHEREAS, anchoring or mooring of a vessel “within 150 feet of any public or private

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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

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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.

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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 relettered 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 28th day of JUNE 2022.

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

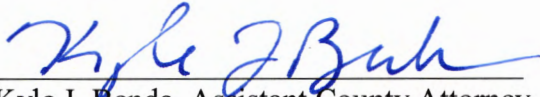
Attest: Heidi Kuppe, D.C.
DOUG CHORVAT, JR.
Clerk

By: [Signature]
STEVE CHAMPION
Chairman



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1 Approved for legal form and sufficiency:
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Kyle J. Benda, Assistant County Attorney