

From: [County Ordinances](#)
To: [Ordinances](#); [County Ordinances](#)
Cc: [Heidi Kurppe](#)
Subject: RE: Hernando County Ordinance No. 2022-24 - Adopted on December 13, 2022
Date: Friday, December 16, 2022 1:56:26 PM
Attachments: [Hernando20221216_Ordinance2022_24_Ack.pdf](#)

Good afternoon,

Please find attached the acknowledgment letter for Hernando County Ordinance No. 2022-24, which was filed in this office on December 16, 2022.

Best,

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

From: Ordinances <ord@hernandoclerk.org>
Sent: Friday, December 16, 2022 1:28 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Heidi Kurppe <hkurppe@hernandoclerk.org>
Subject: Hernando County Ordinance No. 2022-24 - Adopted on December 13, 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:	2022-24

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
20 N Main Street, Brooksville, FL 34601

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NOTICE:

Please note: Florida has a very broad Public Records Law. Most written communications to or from the Clerk's Office are public records available to anyone upon request. Your e-mail, including your e-mail address, may therefore, be subject to public disclosure.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

December 16, 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. 2022-24, which was filed in this office on December 16, 2022.

Sincerely,

Anya Owens
Program Administrator

ACO/rra

1
ORDINANCE NO.: 2022-24

2 AN ORDINANCE OF HERNANDO COUNTY, FLORIDA,
3 AMENDING CHAPTER 22, ARTICLE I OF THE HERNANDO
4 COUNTY CODE OF ORDINANCES BY ADDING
5 DEFINITIONS TO SECTION 22-2; ADDING A SECTION TO
6 22-10 PROHIBITING SMOKING IN COUNTY PARKS AND
7 RECREATION AREAS AS AUTHORIZED BY LAW;
8 PROVIDING FOR THE REPEAL OF CONFLICTING
9 PROVISIONS; PROVIDING FOR SEVERABILITY;
10 PROVIDING FOR INCLUSION IN THE CODE; AND
11 PROVIDING FOR AN EFFECTIVE DATE.

12 WHEREAS, the Board of County Commissioners of Hernando County, Florida, is
13 authorized by provisions in Chapter 125, Florida Statutes, to provide for the health,
14 safety, and general welfare of the residents of Hernando County; and

15 WHEREAS, a report by the Surgeon General of the United States Department of
16 Health and Human Services states tobacco smoke contains over seven thousand (7,000)
17 chemicals, including hundreds that are toxic and up to sixty-nine (69) that are known to
18 cause cancer; and

19 WHEREAS, exposure to secondhand smoke, including smoke in crowded outdoor
20 areas, has been linked to cancer and other fatal diseases, can also cause numerous health
21 problems, and can cause concentrations of air contaminants comparable to those caused

1 by indoor smoking; and

2 WHEREAS, the community at-large uses County owned parks, beaches,
3 playgrounds, athletic fields, skate parks, aquatics, and other recreational facilities, and
4 some members of the public smoke cigarettes and vape in close proximity to others, and
5 improperly discard cigarette butts; and

6 WHEREAS, smoking, cigarette butts, smokeless tobacco, and electronic smoking
7 devices pose health risks and the threat of poisoning to young children, adults, and
8 animals; and

9 WHEREAS, as of July 1, 2022, HB 105 became law, which narrows the existing
10 preemption of smoking regulation to the state and authorizes counties and municipalities
11 to restrict smoking within the boundary of any public beaches and public parks they
12 own; and

13 WHEREAS, this ordinance is intended to protect the health, safety, and welfare
14 of county residents and visitors by prohibiting smoking in County parks and recreation
15 areas; and

16 WHEREAS, this ordinance is intended to protect the environment from litter that
17 can be toxic to humans and animals.

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

20 **Section 1.** Section 22-2 of Article I of Chapter 22 Parks and Recreation is
21 amended by adding definitions to read as follows:

1 Sec. 22-2. - Definitions.

2 The following words, terms and phrases, when used in this chapter, shall have the
3 meanings ascribed to them in this section, except where the context clearly indicates a
4 different meaning:

5 *Board* means the Board of County Commissioners of Hernando County.

6 *County* means Hernando County.

7 *Department* means the Hernando County Parks and Recreation Department.

8 *Director* means the Hernando County Parks and Recreation Director or his or her
9 designee.

10 *Loud and raucous* means any sound which because of its volume level, duration,
11 and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety
12 of reasonable persons of ordinary sensibilities within the limits of a county park. This
13 term shall be limited to such sounds which are plainly audible within any county park
14 from a location not less than fifty (50) feet from the source of the noise, provided that
15 the term shall not apply to amplified sound produced by equipment owned or controlled
16 by the department or a park employee and being used for official park purposes.

17 *Park employee* means those individuals employed by the parks department who
18 perform official duties within the parks.

19 *Park roads* means all surfaced areas ten (10) feet wide or wider designated for
20 vehicular traffic and passing through any legally defined park or any part thereof. All
21 other traffic ways, either unpaved or paved are classified as trails or paths.

1 *Park supervisor* means the person in charge of any park area and its activities and
2 to whom all subordinate park personnel of that park are responsible.

3 *Park waters* means all water located within park boundaries or managed by the
4 department.

5 *Parking area* means any designated part of any park road, drive or special area
6 contiguous thereto that may be set apart for the stationing of vehicles.

7 *Parks* means areas operated and maintained by the department including parks,
8 trails, bridges, piers, boat ramps, beach accesses, playgrounds, fields, buildings, lakes,
9 streams, canals, channels, waterways, water areas, submerged lands, shorelines and
10 beaches therein and all public service facilities located on or in grounds, submerged
11 lands, waters, buildings and structures which are under the control of or assigned for
12 upkeep, maintenance or operation by the parks department.

13 *Person* shall be understood, as employed herein, to mean any individual regardless
14 of age or sex, or any corporation, company, association, firm, partnership, club, society,
15 or any association of persons, or any agent or employee thereof.

16 *Pet* means any living dumb creature, excluding feral and wild animals.

17 *Smoking* means inhaling, exhaling, burning, carrying, or possessing any lighted
18 tobacco product, including cigarettes, cigars, pipe tobacco, vaping from an electronic
19 smoking device, and any other lighted tobacco product.

20 *Special event* means any public assembly, parade, picnic, or other similar event
21 in which one or more of the following applies:

- (1) One hundred (100) or more participants;
- (2) Use of amplified sound;
- (3) Any advertising or sponsorship activities; or
- (4) Selling/distributing any food, goods, or merchandise.

Vape or vaping means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

Vapor-generating electronic device means any product that employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

Vehicle means any wheeled conveyance, except as a baby carriage or wheelchair, for the transportation of persons or materials whether motorized, such as an automobile, truck, motorcycle, or scooter; animal-drawn, such as a carriage, wagon or cart; self-propelled, such as a bicycle or tricycle; or any trailer in tow of any size, kind or description. Exception is made as to any transportation service authorized by the director

1 or an emergency vehicle while performing an emergency service.

2 *Vessel* is synonymous with boat as referenced in s. 1(b), Art VII of the State
3 Constitution and includes every description of watercraft, barge, and air boat, other than
4 a seaplane on the water, used or capable of being used as a means of transportation on
5 water.

6 **Section 2.** Section 22-10 of Article I of Chapter 22 Parks and Recreation is
7 amended thereto with the respective Section as follows:

8 Sec. 22-10. - Proper Use and Prohibited Activities.

9 (a) No person over the age of six (6) shall occupy or enter any restroom, dressing
10 room, bathhouse, or other park structures which are reserved or designated by
11 the department for the exclusive use of the opposite sex without adult
12 supervision.

13 (b) No person shall loiter in or around any restroom, dressing room, bathhouse,
14 or parking lot; or engage in any lewd and lascivious behavior; or use any kind
15 of photographic, audio or image recording, or video transmission equipment
16 in or unreasonably near any such facility.

17 (c) No person shall dress or undress in a park except in such structures as may be
18 provided and maintained by the department for that purpose; and dressing or
19 undressing in any vehicle (except for recreational vehicles), toilet, on the
20 beach, in any park area, or restrooms is prohibited. This prohibition shall not
21 apply to single occupancy restrooms with locks and individual restroom stalls

1 with doors.

2 (d) No person shall engage in any activity within park property which is
3 dangerous to the health, safety, and welfare of any person or which could
4 cause damage to the property of other patrons or park property.

5 (e) No person shall engage in any activity or game within park property when
6 such activity or game interferes with the use and enjoyment of the park and
7 its facilities by others.

8 (f) No person shall use roller skates, roller blades, in-line skates, bicycles or
9 skateboards, except in areas specially designated for such activities by the
10 director or pursuant to state law.

11 (g) Unless otherwise provided in Section 386.209, Florida Statutes, smoking is
12 strictly prohibited in any form within the boundaries of County owned parks
13 and beaches, with the exception of unfiltered cigars. Vaping is also included
14 within the definition of smoking and is likewise prohibited.

15 **Section 3. Conflicting Provisions.** All ordinances or resolutions or parts thereof
16 that may be determined to be in conflict herewith are hereby repealed.

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

21 **Section 5. Inclusion in the Code.** It is the intention of the Board of County

DRAFT DOCUMENT. NOTE: additions/deletions=language proposed for addition/deletion to existing Code provisions.

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 6. 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.

ADOPTED AND ENACTED by the Board of County Commissioners of Hernando County, Florida, in Regular Session, this 13th day of December, 2022.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest:

Heidi Kuppe, Deputy Clerk
Douglas A. Chorvat, Jr.
Clerk of the Circuit Court & Comptroller

[Signature]
John Aiello
Chairman



Approved for legal form
and sufficiency:

Victoria Anderson
County Attorney's Office