

BCC Mtg. Date: May 24, 2022

Effective Date: May 31, 2022

**ORDINANCE NO. 2022-20**

**AN ORDINANCE OF ORANGE COUNTY, FLORIDA,  
AMENDING CHAPTER 8 (“BOATS AND WATER  
SAFETY”) OF THE ORANGE COUNTY CODE BY  
CREATING SECTION 8-38; DESIGNATING A SWIM AREA  
AND VESSEL-EXCLUSION ZONE IN A PORTION OF  
LAKE BUTLER, AS FURTHER DESCRIBED ON APPENDIX  
“A”; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 327.46, Florida Statutes, Orange County has the authority to establish a vessel-exclusion zone if the area is designated as a swim area; and

WHEREAS, the Board of County Commissioners finds it to be in the interest of public health, safety, and welfare to designate a portion of Lake Butler as a swim area and establish a vessel-exclusion zone prohibiting the operation of vessels within such designated swim area.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE  
COUNTY:

**Section 1. Creation of Section 8-38.** Section 8-38 under Article II of Chapter 8 is created to read as follows:

**Sec. 8-38. Location of designated swim area and vessel-  
exclusion zone; actions regulated.**

(a) The following described portion of Lake Butler is hereby designated as a swim area:

- (1) An area in Lake Butler, on the east side of the lake, located on the north side of the island known as Egret Island/Bird Island, extending between points 28 29.483N, 81 32.490W; 28 29.499N, 81 32.482W; 28 29.509N, 81 32.476W; 28 29.519N, 81 32.470W; 28 29.529N, 81 32.464W; 28 29.537N, 81 32.458W; 28 29.543N, 81 32.442W; 28 29.546N, 81 32.427W; and 28 29.543N, 81

32.420W extending to the north and northwest following the natural contours of the shoreline, as shown on the attached map labeled Appendix “A”: Swim Area, Butler Chain of Lakes.

(b) No owner, operator, or person in command of any vessel shall permit the operation of or operate a vessel within the swim area designated by subsection (a).

(c) The following vessels are exempt from the prohibitions contained in this section:

(1) Vessels owned or operated by the owner of the island known as Egret Island/Bird Island;

(2) Vessels operating under emergency conditions during an emergency;

(3) Vessels used solely for law enforcement, firefighting, or rescue; or

(4) Vessels used by an employee, officer, or authorized agent of local, state, or federal government for ensuring compliance with local, state, or federal law or for performing other official duties.

(d) As used in this section, the term:

(1) “Operate” means to be in charge of, in command of, or in actual physical control of a vessel upon the waters of the state, to exercise control over or to have responsibility for a vessel’s navigation or safety while the vessel is underway upon the waters of the state, or to control or steer a vessel being towed by another vessel upon the waters of the state.

(2) “Operator” means any person in charge of, in command of, or in actual physical control of a vessel upon the waters of the state, exercising control over or having responsibility for a vessel’s navigation or safety while the vessel is underway upon the waters of the state, or controlling or steering a vessel being towed by another vessel upon the waters of the state.

(3) “Owner” means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.

(4) “Person” means an individual, partnership, firm, corporation, association, or other entity.

(5) “Swim area” means an area where all vessels of any type are prohibited from entering.

(6) “Vessel” is synonymous with boat as referenced in s. 1(b), Art. VII of the State Constitution and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

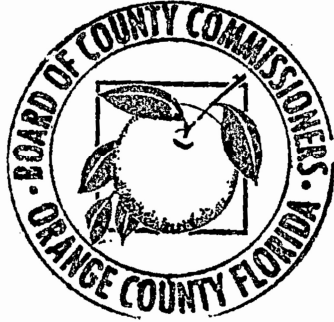
(7) “Waters of the state” means any navigable waters of the United States within the territorial limits of the state of Florida, the marginal sea adjacent to the state of Florida and the high seas when navigated as a part of a journey or ride to or from the shore of the state of Florida, and all the inland lakes, rivers, and canals under the jurisdiction of the state of Florida.

(e) The provisions of this section may be enforced by issuance of a uniform boating citation by any law enforcement officer as defined in Section 943.10, Florida Statutes, pursuant to the procedures set forth in Sections 327.73 and 327.74, Florida Statutes.

(f) Where a statute is referenced in this section, the reference shall be interpreted to mean the most recently adopted version of such statute.

**Section 2. Effective Date.** This ordinance shall take effect pursuant to general law.

ADOPTED THIS 24<sup>th</sup> DAY OF MAY, 2022.



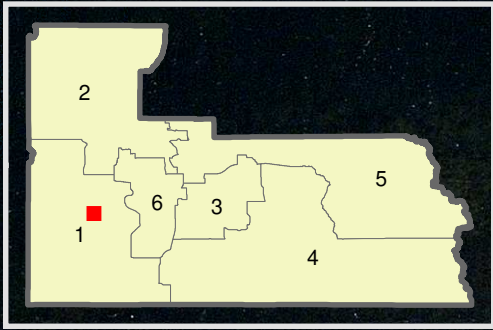
ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings  
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

By: *Katie Smith*  
Deputy Clerk

# Appendix "A": Swim Area, Butler Chain of Lakes



Swim Area, Butler Chain of Lakes  
 Safe Upland Line (SUL)

0 25 50 100 Feet