

Received on March 4, 2022

Publish: March 20, 2022

Deadline: March 15, 2022




**Interoffice Memorandum**

March 4, 2022

To: Katie Smith, Manager  
Comptroller Clerk's Office

Through: Cheryl Gillespie, Agenda Development Supervisor  
Agenda Development

From: David D. Jones, P.E., CEP, Manager   
Environmental Protection Division  
(407) 836-1406

**Staff Person: Elizabeth R. Johnson, CEP, Assistant Manager  
Environmental Protection Division  
(407) 836-1511**

Subject: Request for Public Hearing on April 5, 2022, at 2:00 p.m., to Consider Adoption of an Ordinance Amending Chapter 8 ("Boats and Water Safety") of the Orange County Code

=====  
Type of Hearing: Amending Chapter 8 ("Boats and Water Safety") of the Orange County Code

Hearing required by Florida Statute # or Code: Section 125.66, Florida Statutes

Advertising requirements: Publish once in a newspaper of general circulation in Orange County at least ten days prior to public hearing.

Advertising timeframes: At least ten days prior to public hearing.

Estimated time required For public hearing: 2 minutes.

Hearing Controversial: No.

District #: All Districts.

March 3, 2022

Request for Public Hearing - to Consider Adoption of an Ordinance Amending Chapter 8 ("Boats and Water Safety") of the Orange County Code

Spanish contact person: Para más información en español acerca de estas reuniones públicas, favor de llamar a la División de Protección Ambiental, 407-836-1400.

Special Instructions to Clerk:

Once the Board of County Commissioners makes a decision on the proposed revisions to Chapter 8, Boats and Water Safety Ordinance, please submit the decision letter to Liz Johnson with EPD.

Materials being submitted as backup for public hearing request:

1. A copy of the draft proposed ordinance.

ERJ/DJ: jk

Attachment

c: Chris Testerman, AICP, Deputy County Administrator  
Jon V. Weiss, P.E., Director, Planning, Environmental, and Development Services Department  
Joel D. Prinsell, Deputy County Attorney

**ORANGE COUNTY  
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners will conduct a public hearing on **March 22, 2022 at 2 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida. You are invited to attend and be heard regarding the following proposed ordinance:

**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.**

You may examine the notice and the proposed ordinance at the Office of the Comptroller Clerk of the Board of County Commissioners, 201 South Rosalind Avenue, Fourth Floor, Orlando, Florida; between 8 a.m. and 5 p.m., Monday through Friday.

**IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION, 407-836-1400, Email: MELISSA.LAVIGNE@OCFL.NET**

**PARA MÁS INFORMACION EN ESPANOL ACERCA DE ESTAS REUNIONES PUBLICAS O DE CAMBIOS POR SER EFECTUADOS, FAVOR DE LLAMAR A LA DIVISION DE ENVIRONMENTAL PROTECTION, 407-836-1400.**

**If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.**

Phil Diamond, County Comptroller  
As Clerk of the Board of County Commissioners  
Orange County, Florida

**Publish: March 10, 2022; the Orlando Sentinel Public Record**  
Certify: Boats and Water Safety Ordinance

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38

**ORDINANCE NO. 2022 - \_\_\_\_**

**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

40 32.464W; 28 29.537N, 81 32.458W; 28 29.543N, 81  
42 32.442W; 28 29.546N, 81 32.427W; and 28 29.543N, 81  
44 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.

46  
48 (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).

50  
52 (c) The following vessels are exempt from the  
prohibitions contained in this section:

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

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

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

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

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

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

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

84 vessel upon the waters of the state.

86 (3) "Owner" means a person, other than a  
88 lienholder, having the property in or title to a vessel. The  
90 term includes a person entitled to the use or possession of a  
92 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.

94 (4) "Person" means an individual, partnership,  
96 firm, corporation, association, or other entity.

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

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

106 (7) "Waters of the state" means any navigable  
108 waters of the United States within the territorial limits of the  
state of Florida, the marginal sea adjacent to the state of  
110 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,  
112 and all the inland lakes, rivers, and canals under the  
jurisdiction of the state of Florida.

114 (e) The provisions of this section may be enforced by  
116 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.

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

122 **Section 2. Effective Date.** This ordinance shall take effect on June 1, 2022.  
124

126 ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

128 ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

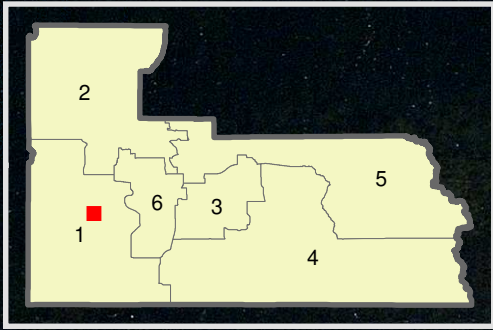
130  
132 By: \_\_\_\_\_  
134 Jerry L. Demings  
136 Orange County Mayor

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

142  
144 By: \_\_\_\_\_  
146 Deputy Clerk

148 s:\akoos\epd\lakes management\boats and water safety code revisions\revisions to chapter 8 - work session draft - 3-4-22 - clean.docx

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



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

0    25    50    100  
 Feet