



Interoffice Memorandum

AGENDA ITEM

February 15, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: **David D. Jones, P.E., CEP, Manager**
Environmental Protection Division
407-836-1406

SUBJECT: March 22, 2022 – Work Session
Boats and Water Safety Code

The Environmental Protection Division (EPD) is presenting proposed revisions to Chapter 8 ("Boats and Water Safety") of the Orange County Code. Chapter 8 outlines enforceable boating rules and regulations to protect the health, safety and general welfare of users of waterways of the County including minimum boating safety equipment and general vessel operation restrictions. Chapter 8 was updated in 1983, 1985, 1987, and 1995.

On September 1, 2020, a Commissioner's Report detailing safety concerns associated with certain activities near the Egret Island (aka Bird Island) was presented to the Board. EPD was directed to do the necessary research and coordination to bring back proposed changes to the ordinance. EPD has coordinated with the Florida Fish and Wildlife Conservation Commission (FWC), the Orange County Sheriff's Office (OCSO), and other stakeholders to discuss proposed changes to the code.

At this work session, staff will present background and status of a two-phased effort to update the ordinance. In Phase 1, a new section to address immediate safety concerns will be proposed, designating a swim area and vessel-exclusion zone in a portion of Lake Butler adjacent to Egret Island. Staff will identify the process and timeline of the update effort, discuss stakeholder comments received during Phase 1, along with proposed next steps. This work session will allow EPD to obtain Board feedback of the draft ordinance prior to coming back for the Phase 1 adoption hearing in spring 2022.

Later this year, EPD anticipates that more extensive updates to Chapter 8 will be brought to the Board for consideration as Phase 2 of the code update. These changes are needed to bring the code up to date with current FWC requirements, which is required in order to make changes to existing boating safety zones throughout the county. EPD and OCSO have identified the need to modify several existing boating safety zones and establish additional boating safety zones. Additionally, the majority of the existing language in the code has been superseded by state statute and is no longer enforceable, which occasionally leads to confusion for the boating public.

This item is for informational purposes only; no action is required.

DDJ/JVW: jk

Attachment

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, FLORIDA:

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

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.

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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).

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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
72 command of, or in actual physical control of a vessel upon
the waters of the state, to exercise control over or to have
74 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
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.

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(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 on _____.

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ADOPTED THIS ____ DAY OF _____, 2022.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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

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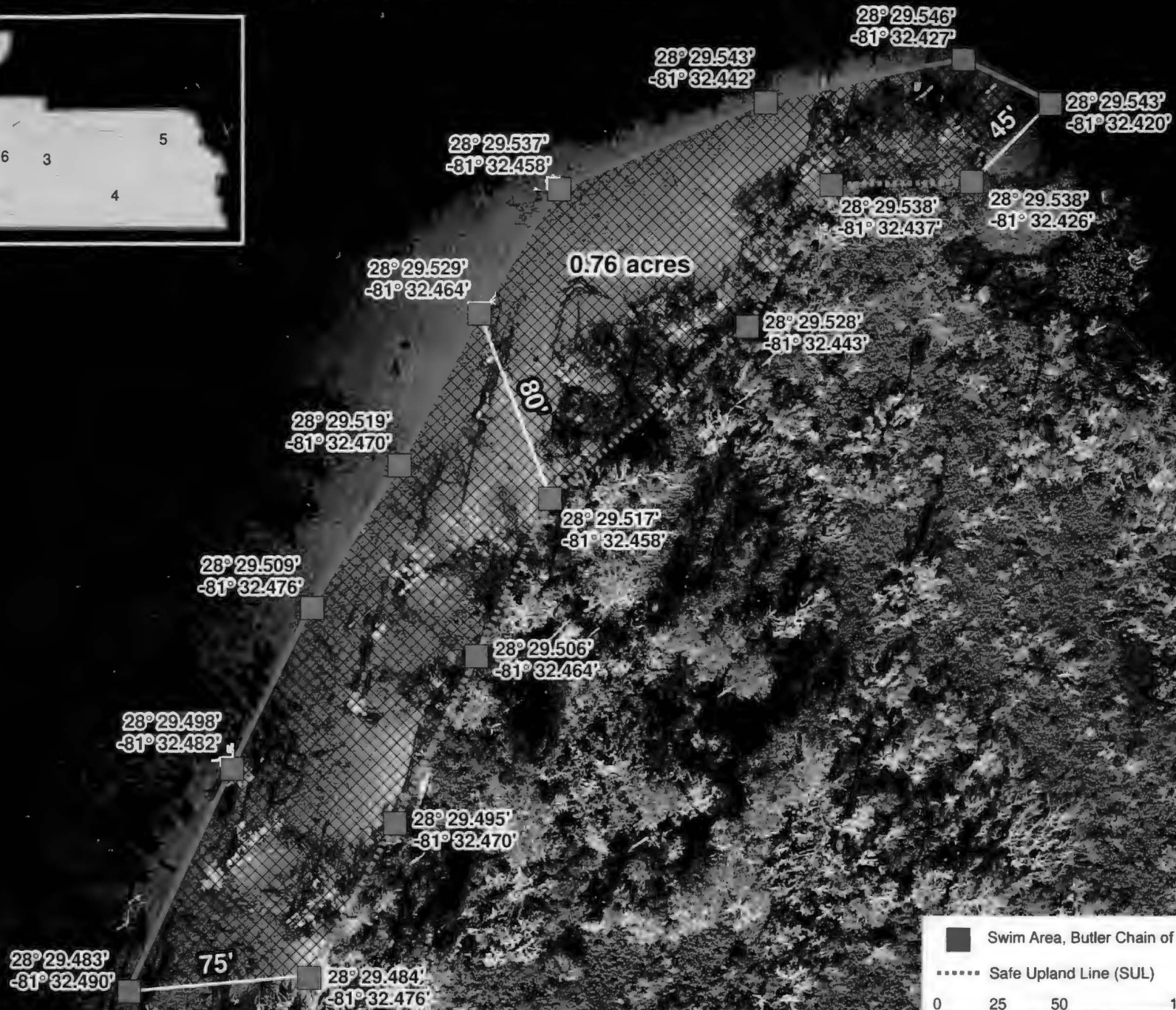
By: _____
Deputy Clerk

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



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

0 25 50 100 Feet