

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, RELATING TO BOATING REGULATORY ZONES FOR THE PROTECTION OF MANATEES; ESTABLISHING MANATEE PROTECTION ZONES IN PLACES WITHIN THE COUNTY KNOWN TO BE INHABITED BY MANATEES ON A REGULAR BASIS; CREATING CHAPTER 64, ARTICLE I ENTITLED, "MANATEE PROTECTION ZONES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Florida Legislature has declared the State of Florida a refuge and sanctuary for the manatee; and

**WHEREAS**, the Citrus County Comprehensive Plan includes a Manatee Protection Plan Element and specifically Objective 20.1 which recognizes that the County implement site-specific protection measures for manatees to prevent manatee harassment, injury or death; and

**WHEREAS**, pursuant to §379.2431(2)(p), Florida Statutes, a local government may regulate, by ordinance, motorboat speed and operation on waters within such local government's jurisdiction where the best available scientific information, as well as other available, relevant, and reliable information, which may include but is not limited to, manatee surveys, observations, available studies of food sources, and water depths, supports the conclusion that manatees inhabit there areas on a regular basis; and

**WHEREAS**, §379.2431(2)(p), Florida Statutes (F.S.), requires that for any such ordinance to take effect, it must first be reviewed and approved by the Florida Fish and Wildlife Conservation Commission ("FWC"); and

**WHEREAS**, following review of the best available scientific information and other relevant data, Citrus County has determined that manatees inhabit several areas within the jurisdiction of the County and desires to protect them in such areas via the regulation of motorboat speed and operation, as authorized by Florida Statutes.

**NOW THEREFORE, BE IT ORDAINED** by the Citrus County Board of County Commissioners:

**Section I. Incorporation of Recitals.** The above recitals are true and correct and are hereby incorporated by reference.

**Section 2. Creation of Chapter 64, Article I, Citrus County Code of Ordinances, Entitled Manatee Protection Zones.** Chapter 64, Article I, Citrus County Code of Ordinances, entitled "Manatee Protection Zones" is hereby created as follows:

Sec. 64-1. Definitions.

39 The following words and phrases, when used in this article, shall have the  
40 meanings ascribed to them in this section, except where the context otherwise  
41 requires:

42 *Enforcement officer* means all duly authorized law enforcement officers  
43 trained in water and maritime law enforcement, to include, but not be limited to:  
44 the county sheriff and his duly appointed representatives, the U.S. Coast Guard,  
45 FWC, and the U.S. Fish and Wildlife Service.

46 *Manatee protection zone* means any area which has been posted with  
47 cautionary and regulatory speed zone markers pursuant to the Florida Manatee  
48 Sanctuary Act, §379.2431(2), F.S..

49 *Operate* means to be in charge of, in command of, or in actual physical  
50 control of a vessel upon the waters of this state, to exercise control over or to have  
51 responsibility for a vessel's navigation or safety while the vessel is underway upon  
52 the waters of this state, or to control or steer a vessel being towed by another  
53 vessel upon the waters of the state.

54 *Regulatory marker* means a device used to alert the mariner to various  
55 regulatory matters such as horsepower, speed, wake, or entry restrictions in  
56 conformity with the Florida Uniform Waterway Marking System and the United  
57 States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal  
58 Regulations.

59 *Slow speed or slow speed minimum wake zone* may be used  
60 interchangeably and mean that a vessel must be fully off plane and completed  
61 settled into the water as set forth in §68C-22.002(4), Florida Administrative Code  
62 (F.A.C.), as amended, or its successor provision. The vessel must then proceed at  
63 a speed which is reasonable and prudent under the prevailing circumstances so  
64 as to avoid the creation of an excessive wake or other hazardous condition which  
65 endangers or is likely to endanger other vessels or other persons using the  
66 waterway.

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

#### 71 Sec. 64-2. Purpose and authority of article

72 The County finds that the primary purpose of vessel speed regulations established  
73 in this Chapter is manatee protection and that manatees are frequently sighted in  
74 and inhabit the manatee protection zones defined herein on a periodic or  
75 continuous basis, and establishing manatee protection zones by regulating vessel  
76 speed and operation will increase the protection of manatees from harmful  
77 collisions with vessels, as hereinafter defined, within the described protection  
78 zones.

#### 79 Sec. 64-3. Exemptions.

Pursuant to 68C-22.003(3), F.A.C., any person may engage in water-borne activity otherwise prohibited by 68C-22, F.A.C., if such activity is reasonably necessary to prevent the loss of life or property due to emergency circumstances, or to render emergency assistance.

Sec. 64-4. Forms for administration of article.

The board of county commissioners shall adopt, by resolution, such forms as may be necessary for administration of this article.

Sec. 64-5. Area of enforcement.

Enforcement of the provisions of this article shall be the zones identified in Section 64-7.

Sec. 64-6. Means of enforcement.

The provisions of this article shall be enforced by duly authorized law enforcement officers within the zones identified in Section 64-7.

Sec. 64-7. Manatee Protection Zones

The county hereby establishes the manatee protection zones identified below for the purpose of protecting manatees located therein. To accomplish this purpose, this section establishes manatee protection zones and authorizes all subsequently permitted markers, as hereinafter defined, delineating the zones. A map of the Manatee Protection Zone is set forth in Exhibit A, attached hereto and incorporated herein by reference.

(1) Slow speed zones for manatee protection purposes. Within that area described as that part of the Homosassa River easterly of a line that bears 142 degrees from a point (approximate latitude 28 47' 16" North, approximate longitude 82 36' 58" West) on the northern shoreline of the Homosassa River and westerly of a line that bears 360 degrees running through the northernmost tip of the western shoreline of a canal serving West Canal Drive, approximate latitude 28 47' 38" North, approximate longitude 82 36' 21" West), including those waterways south of the river easterly of a line that bears 180 degrees from a point (approximate latitude 28 47' 8" North, approximate longitude 82 36' 59" West) on the northern shoreline of the waterway that intersects the river southeast of "Monkey Island" (near the western terminus of West Xanadu Path) all vessels shall be operated at or below slow speed at all times.

(2) Any owner, operator, or person in command of a vessel who permits operation of such vessel in excess of slow speed in the above-designated slow speed zones, shall be in violation of navigation rule 6, as adopted pursuant to §327.33, F.S., except for law enforcement vessels deviating from the navigational rules and posted speeds when such deviation is necessary to perform law enforcement duties.

(3) The County Administrator, or the County Administrator's designee, shall coordinate application for permits and purchase of uniform waterway markers for marking of slow speed zones for manatee protection purposes. Implementation and marking of the manatee protection zones described in this

122 section is contingent upon the county's receipt of all applicable state and  
123 federal authorizations required to ensure compliance with Chapter 68D-23,  
124 F.A.C., and the United States Aids to Navigation System; and the posting of  
125 regulatory markers.

126 **Section 3. Severability.** If any section, subsection, sentence, clause, or provision of  
127 this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction,  
128 such invalidity or unconstitutionality shall not be construed so as to render invalid or  
129 unconstitutional the remaining provisions of this Ordinance.

130 **Section 4. Modification.** The provisions of this Ordinance may be modified as a result  
131 of considerations that may arise during public hearings. Such modifications shall be  
132 incorporated into the final version of the ordinance adopted by the Board and filed with  
133 the Clerk.

134 **Section 5. Scrivener's Errors.** Typographical errors which do not affect the intent of  
135 this Ordinance may be authorized by the County without need of a public hearing by its  
136 filing a corrected or re-codified copy of the same with the Clerk.

137 **Section 6. Codification.** The publisher of the County's Code of Ordinances, the  
138 Municipal Code Corporation, is directed to incorporate this article into the Code of  
139 Ordinances where indicated.

140 **Section 7. Effective Date.** This Ordinance shall take effect as provided by law.

141 **PASSED AND DULY ADOPTED**, in open session, with a quorum present and voting,  
142 this \_\_\_\_ day of \_\_\_\_\_, 2022.

143 BOARD OF COUNTY COMMISSIONERS  
144 OF CITRUS COUNTY, FLORIDA

145 ATTEST:

146 \_\_\_\_\_  
147 ANGELA VICK, Clerk Ronald E. Kitchen, Jr., Chairman

148 APPROVED AS TO FORM FOR THE  
149 RELIANCE OF CITRUS COUNTY ONLY:

150 \_\_\_\_\_  
151 DENISE A. DYMOND LYN  
152 County Attorney