

**COUNTY OF GULF  
STATE OF FLORIDA**

**ORDINANCE NO. 2022- 14**

**AN ORDINANCE OF GULF COUNTY, FLORIDA, REPEALING AND REPLACING GULF COUNTY ORDINANCE NO. 2022-03 THAT REGULATES THE SPEED OF VESSELS AND PROVIDING FOR THE SAFE USE OF THE WATERS WITHIN GULF COUNTY, FLORIDA AND THOSE DESIGNATED AREAS OF CRITICAL CONCERN FOR PUBLIC SAFETY AND WELL BEING; PRESCRIBING CERTAIN DUTIES AND RESPONSIBILITIES OF OPERATORS OF VESSELS; PROVIDING PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR THE ENFORCEMENT HEREOF; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; PROVIDING FOR SAID POLICIES AND PROCEDURE TO BE FURTHER AMENDED, BE CODIFIED AND BECOME PART OF GULF COUNTY MUNICODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Residents of Gulf County, Florida have valued for generations the peace and quiet associated with living and recreation along the many historical and treasured waterways within the County; and

**WHEREAS**, the Residents of Gulf County, Florida value the natural environment along the many diverse waterways and desire to protect it as it contributes to tourism, to the overall economic well-being, and to the quality of life enjoyed and appreciated by both residents and visitors; and

**WHEREAS**, the Gulf County Board of County Commissioners, recognizes that speed zones in specified boating areas and ramps that are necessary for safety of the boating public and marine life and to protect Gulf County's fisheries; and

**WHEREAS**, The Gulf County Board of County Commissioners has determined that, in addition to State laws and regulations, the following Ordinance, is necessary to promote and protect the health, safety and general welfare of Gulf County residents, visitors to the area, the general public, marine life, and Gulf County fisheries; and

**WHEREAS**, improper operation of motorboats and vessels can impose a danger to citizens who use the waters or are adjacent to the waters, and can diminish the quality of natural environment including the general peace and quiet of said water, the stability of its shorelines and

its suitability as diverse wildlife habitat in ways that will be mitigated by the terms of this ordinance; and

**WHEREAS**, the Florida Legislature requires all new speed zones to be adopted by ordinance as per Florida Statutes 327.46(1)(a-b); and

**WHEREAS**, the Florida Statutes 327.46(1)(b) authorizes Gulf County to establish Idle Speed No Wake boating safety zones by ordinance without additional agency approval within both 300 feet and 500 feet of public boat ramps; and

**WHEREAS**, Florida Statutes, Section 327.60, provides the authority to local governments to regulate restricted areas, such as speed or wake zones, by local ordinances or laws; and

**WHEREAS**, Florida Statutes, Section 125.01, authorizes the Board of County Commissioners of Gulf County, Florida to provide standards to regulate the operation of motorboats and vessels upon the waterways located in Gulf County, Florida; and

**WHEREAS**, Gulf County acknowledges that the establishment of restricted speed areas and the placement of uniform waterway regulatory markers shall be in compliance with Chapter 327.41, Florida Statutes in the designated areas of boat ramps and boat launches in Gulf County; and

**WHEREAS**, Gulf County has elected to establish Idle Speed No Wake boating safety zones around the White City, Overstreet and Highland View Boat Ramps and launch areas

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA:**

#### **SECTION 1: Findings of Fact**

The above recitals are incorporated by reference into this Ordinance and are adopted as Findings of Fact.

#### **SECTION 2: Title**

This Ordinance shall be known and may be cited and commonly referred to as the “Idle-Speed- No Wake Boating Ordinance”.

#### **SECTION 3: Areas of Enforcement**

Highland View Boat Ramp areas, White City Boat Ramp areas, Overstreet Boat Ramp defined areas of Gulf County. Those areas are specifically defined for each boat ramp and launch areas in the attached Exhibit “A” with exact coordinates and boundaries. Idle Speed No Wake boating safety zone from shoreline to shoreline, on the Gulf County Canal and Intracoastal Waterway within Gulf County in these designated areas as defined in Exhibit “A”.

## **SECTION 4: Purpose**

The general purpose of the Ordinance is to promote and protect the health, safety and general welfare and the quality of life of the public and the quality of the natural environment, and to protect marine life in and near to the Highland View Boat Ramp areas, White City Boat Ramp areas, Overstreet Boat Ramp areas of Gulf County, by establishing regulations for the operation of motorboats and vessels and for other uses on the public waters in and around designated Gulf County recreation boat ramp areas. This Ordinance establishes standards for motorboat and vessel use and operation in order to accomplish the following:

1. To provide for safe waterways for all users;
2. To conserve and enhance the habitat afforded by the waterways for avian, terrestrial and aquatic wildlife;
3. To assure continuance of the community's high quality of life that is closely associated with Gulf County recreation boat ramps and its waterways;
4. To preserve the high quality of life values that are associated with the general peace and quiet of water activities and boating experience in and around Gulf County;
5. To work with all agencies and regulatory bodies functioning in or affecting Gulf County in order to meet the purposes of this Ordinance.

## **Section 5: Definitions**

Pursuant to the Florida Administrative Code Chapter 68D-23.103:

*Idle Speed No Wake* and *Idle Speed* may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerage and headway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow.

*Motorboat* means any boat or vessel propelled or powered by machinery.

*Operate* or *operation* means to navigate or otherwise use such a boat or vessel.

*Vessel* means a motor or artificially propelled vehicle and every other description of a watercraft, whether motor propelled or not, including but not limited to boats, barges, airboats, jet skis used or capable of being used as a means of transportation on water.

*Wake* means the visible track of turbulence created by watercraft moving through the water.

## **SECTION 6: Operation Rules**

6.1 Basic Standard: It shall be unlawful and considered as negligent behavior for any person to operate any type of vessel on the public waters as described in Section 3 in such a manner as to not pay proper attention to the actual and potential hazards then existing; to operate at a rate of speed greater than stated herein as permissible; or to operate in a manner that, given the exercise

of reasonable care, will prevent being able to stop said watercraft within the assured clear distance ahead. Specifically prohibited and deemed negligent behavior is engaging any vessel in wake jumping or having it become fully airborne; weaving at a speed greater than no wake through restricted and high traffic areas; or using a vessel to willfully harass another vessel, a swimmer, a diver or any wildlife.

6.2 Speed Limits: Specific speed limits for all the public waterways described in Section 3 are established, and are to be shown on the Gulf County Speed Map, a copy of which shall be posted and publicly noticed by this Commission and made a part hereof following consultation with both local and state officials for those appropriate speeds within the designated waterway areas defined under Section 3. This map, or series of maps, may be supplemented and amended, after notice, by the Gulf County Board of County Commissioners.

6.3 Emergencies: This section shall not apply in case of emergency nor to any law enforcement or emergency services patrol or rescue boat.

## **SECTION 7: Enforcement, Violations, & Penalties**

7.1 Enforcement: This Ordinance may be enforced by any law enforcement officer possessing the power to arrest. Those proper and appropriate local, county and state enforcement agencies including but not limited to (the Gulf County Sheriff's Office and the Florida Fish and Wildlife Service) shall enforce this section pursuant to Section 30.15, Florida Statutes and as otherwise provided by law. The law enforcement agencies, or such other entities designated by the County, shall have the authority to issue a civil citation for a violation of these provisions.

### **7.2 Violation & Penalties:**

(a) The violation of any provision of this Ordinance shall constitute a civil infraction and shall be punishable by a civil fine of up to five hundred dollars (\$500.00).

(b) A second violation of any provision of this section within a twelve (12) consecutive month period shall be punishable as a misdemeanor of the second degree pursuant to Florida Statute Chapter 775.

## **SECTION 8: Severability**

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

## **SECTION 9: Repealer**

All ordinances or parts of ordinances governing, controlling, or relating to the subjects addressed herein are repealed upon the effective date of this Ordinance.

**SECTION 10: Codification**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Code of Ordinance; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intention; sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk of Circuit Court.

**SECTION 11: Effective Date**

This Ordinance, if adopted by the Board, shall take effect immediately and thereafter filed with the Office of the Secretary of the Florida Department of State; and enforcement of said Ordinance following public notice and approval by the Florida Fish and Wildlife Conservation Commission pursuant to Section 327.46, Florida Statutes and thereafter upon posting of the regulatory markers.

The foregoing Ordinance was offered by Commissioner MCDANIEL, who moved its adoption. The motion was seconded by commissioner FERRELL and , being put to vote, the vote follows:

Commissioner Chairman Quinn	<u>YES</u>
Commissioner McDaniel	<u>YES</u>
Commissioner McCroan	<u>YES</u>
Commissioner Farrell	<u>YES</u>
Commissioner Rich	<u>YES</u>

**PASSED and ADOPTED** in regular session by the Board of County Commissioners of Gulf County, Florida, on this 25<sup>th</sup> day of October, 2022.

ATTEST:  
REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris  
County Clerk / ~~Deputy Clerk~~

BOARD OF COUNTY COMMISSIONERS  
OF GULF COUNTY, FLORIDA

By: [Signature]  
Sandy Quinn, Chairman

APPROVED AS TO FORM:

By: [Signature]  
Jeremy T.M. Novak, Gulf County Attorney