

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
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
118 procedures set forth in Sections 327.73 and 327.74, Florida Statutes.

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

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

126 ADOPTED THIS ____ DAY OF _____, 2022.

128 ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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134 By: _____
Jerry L. Demings
Orange County Mayor

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

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144 By: _____
Deputy Clerk

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