ORDINANCE 2025-20

AN ORDINANCE AMENDING WALTON COUNTY CODE OF ORDINANCES CHAPTER 22, THE "WALTON COUNTY WATERWAYS AND BEACH ACTIVITY ORDINANCE" AND CHAPTER 24, "BOATING ON WATERWAYS WITHIN WALTON COUNTY"; PROVIDING FOR THE AMENDMENT OF CHAPTER 22 TO STRIKE SECTIONS; PROVIDING FOR THE AMENDMENT OF CHAPTER 24 TO CREATE NEW SECTIONS AND RENUMBER EXISTING SECTIONS FOR CONFORMITY; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Board of County Commissioners of Walton County (the "Board") has determined it necessary to amend the Walton County Code of Ordinances (the "Code") to

WHEREAS, the Board determines that it is in the best interests of the public to amend the Walton County Waterways and Beach Activity Ordinance.

NOW, THEREFORE, the Board adopts the above recitals as true and correct and does hereby amend the Walton County Code of Ordinances as follows:

Section 1. Striking of Sections from Chapter 22. Due to the creation of similar sections within Chapter 24, Sec. 22-3.- No wake zones, Sec. 22-12.- Vessel speed to not exceed reasonable speed under existing conditions, and Sec. 22-56.- Personal watercraft are struck from Chapter 22. Sec. 22-3, Sec. 22-12, and Sec. 22-56 shall henceforth be reserved.

Section 2. Creation of New Sections, Renumbering of Existing Sections, and Amendment of Chapter 24. The new sections of Sec. 24-5. - Vessel speed to not exceed reasonable speed under existing conditions and Sec. 24-6. - No wake zone are created. Sec. 24-5. Penalties; fines and fees; and enforcement is renumbered to Sec. 24-7. Chapter 24- Boating on Waterways Within Walton County shall be amended and read as follows:

Chapter 24 – BOATING ON WATERWAYS WITHIN WALTON COUNTY

(a) Title. This Section shall be known as the Boating on Waterways within Walton County Ordinance.

(b) Findings. Regulation of the use of public boat ramps is necessary for the protection of the health, safety, and welfare of the public.

(c) Purpose and intent. The purpose and intent of this Section is to improve the access and use of public boat ramps located in the County.

Sec. 24-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Airboat" means a vessel that is primarily designed for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.

(b) "Bareboat charter" means a lease of a vessel for a period of time, during which the charterer assumes full control and responsibility for the boat, including selecting whether a person is hired to operate the vessel and who that person is.

(c) "Board" shall mean the Board of County Commissioners of Walton County.

(d) "Commercial activity" means operating a vessel for use by the public at or from a public boat ramp for monetary gain.

(e) "Charter Vessel with Crew" means the hiring or leasing of a vessel from a shipowner where the shipowner provides a captain to operate the vessel for the charterer. This includes the delivery of a Vessel or picking up of an individual or individuals.

(f) "Gulf" means the Gulf of America.

(g) "Hired Vessel Operator" means a Person hired by the charterer of a bareboat charter to operate a vessel on their behalf. A Hired Vessel Operator may not own or lease the vessel in which they are hired by the charterer to operate.

(h) "Idle speed no wake zone" and "idle speed" may be used interchangeably and mean that a vessel must proceed at a speed no greater than that which will maintain steerageway 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.

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

(j) "Person(s)" means an individual, partnership, firm, corporation, association, or other entity.

(k) "Personal watercraft" means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be

operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(l) "Sailcraft" means a wind-propelled vessel used or capable of being used as a means of transportation on or in the water, including sail boats, sailboards and wind surfboards.

(m) "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.

Sec. 24-2. – Use of public boat ramps for Commercial Activity.

(a) No person shall conduct any commercial activity or utilize a public boat ramp and associated park in a manner that will result in commercial activity, whether land-based or from the water, without a permit authorizing that activity.

(b) Commercial activity permits shall be issued annually beginning on June 1st, but all such permits will expire on May 31st regardless of when the permit was issued in the preceding year. Applications may be filed at any time during the permit year by submission through the means and manner set forth by the County department responsible for issuance and regulation of the permits. The cost of the permit shall be set by Resolution of the Board of County Commissioners.

(c) Only the commercial activities listed below will be permitted. To be eligible for issuance of a permit, the following are mandatory requirements:

(1) Charter Vessel with Crew Permit

a. The vessel, as well as the trailer being permitted, shall be owned by and registered to the permit holder.

b. All registrations for the vessel as well as the trailer must be current and valid.

c. Proof of current U.S. Coast Guard captain's license (if required).

d. Proof of current Florida charter fishing license (if required).

e. Proof of Florida Fish and Wildlife Conservation Commission (FWC) vessel livery permit (if required).

f. Applicant must be a Walton County resident or must be a business owner in Walton County. Proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the Board's designee at the time of application.

g. For Walton County business entities: registration records with Florida Department of Corporations such as Articles of Incorporation, Articles of Organization, or Fictious Name Registrations must be presented to the Board's designee at the time of application.

h. Proof of liability insurance of not less than $500,000.00 for general public liability per occurrence.

(2) Hired Vessel Operator Permit

a. Applicant must be a Walton County resident or must be a business entity in Walton County. Proof of residency (such as voter's registration card, homestead exemption card, or driver's license) must be presented to the Board's designee at the time of application.

b. Proof of liability insurance of not less than $500,000.00 for general public liability per occurrence.

c. For Walton County business entities: registration records with Florida Department of Corporations such as Articles of Incorporation, Article of Organization, or Fictious Name Registrations must be presented to the Board's designee at the time of application.

In addition to the requirements above, proof of any and all licensures and registrations required by any state or federal agency shall be required for any activity that requires such licensure and registration.

(d) Permits for Charter Vessel with Crew must be attached to the port side of the vessel, adjacent to the vessel registration, and to the tongue of the trailer. Hired Vessel Operator Permits must be carried by the applicant with them when engaging in commercial activity and applicant must present the permit when requested by an employee of the Board.

(e) No person engaged in commercial activity may store unrented vessels by beaching them along the shoreline of the associated park. Each individual vessel found in violation will constitute a separate offense.

Sec. 24-3. – Docking and parking at public boat ramps.

(a) The docking of vessels at public boat ramps may deny other persons the use of public boat ramps. The docking may also present a hazard to other boaters and the public wishing to use the public boat ramps. Therefore, no vessel shall be docked or anchored at a public boat ramp for more than ten (10) minutes. If any person wishing to use a public boat ramp in the County comes upon a vessel docked or anchored which is hampering access or causing a hazard, she or he should call Code Compliance or the Sheriff's Office. After a complaint is received, the appropriate agency will be notified.

(b) To ensure parking is available to persons actively using the public boat ramp, unhitched trailers, with or without vessels, shall not be left unattended in the parking lots or associated park.

Sec. 24-4. - Airboat curfew.

(a) Geographical boundaries. The provisions of this chapter shall apply to the operation of airboats on all water bodies located within the unincorporated boundaries of Walton County.

(b) Hours of operation. No person shall operate an airboat on any water body within unincorporated Walton County on Sundays or between the hours of 6:00 p.m. and 8:00 a.m., Monday through Saturday, except as provided in subsection (c) of this section.

(c) Exemptions. Nothing in this section shall prohibit the use of a federal, state, or county airboat properly operated in the line of duty, by duly authorized personnel. Nothing in this section shall prohibit the use of a public or privately owned or operated airboat, in coordination with federal, state, or county emergency services personnel, in the course of rescuing an individual in immediate peril.

Sec. 24-5. - Vessel speed not to exceed reasonable speed under existing conditions.

(a) Nothing contained in this chapter shall be construed to authorize or approve the speed of any vessel or sailcraft in excess of that which is reasonable and proper under the existing conditions or circumstances including, but not limited to, the presence of water skiers, bathers, fishermen, natural hazards or other water traffic.

(b) However, the provisions of this chapter shall not be construed to restrict law enforcement or rescue vessels, or vessels when conducting official duties or operating under emergency conditions or to prohibit racing or exhibition of vessels or sailcraft during a publicly announced, properly authorized, supervised and adequately patrolled regatta, speed trial, or exhibition.

Sec. 22-6. - No wake zones.

(a) The Board reserves the right to declare restricted waterways within its boundaries.

(b) The areas of enforcement shall be all waters, creeks and canals located within the boundaries described in this section for the purpose necessary to protect the safety of the public as such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards in compliance with F.S. § 327.46.

(c) Implementation of the boating restricted areas is contingent upon receiving all applicable state and/or federal authorizations to insure compliance with Chapter 68D-23, Florida Administrative Code and to assist in navigation consistent with the United States Aids to Navigation System.

(d) No person except a law enforcement officer, authorized emergency personnel, or other person actually engaged in a rescue attempt, shall operate any vessel or sailcraft in excess of idle speed, defined herein, in the following list of restricted waterways:

(1) Within 500 feet of the following public boat ramps: Cessna Landing Boat Ramp (-86° 13' 43.95"W, 30° 23' 55.06"N); Piltcher Park Boat Ramp (086° 10' 09.799014"W, 30° 23' 51.866645"N) Point Washington Boat Ramp (-86 6' 53.53"W, 30° 22' 22.21"N); and Grady Brown Park Boat Ramp (-86° 9' 17.86"W, 30° 25' 58.14N").

(2) Within 300 feet of the following public boat ramps: Black Creek Boat Ramp at County Road 3280 (-86° 4' 5.37"W, 30° 27' 3.09"N), Black Creek Boat Ramp at Black Creek Lodge (-86° 6' 33.91"W, 30° 26' 13.53"N), Portland Park Boat Ramp (-86° 11' 36.78"W, 30° 30' 26.0"N), Alaqua Creek Boat Ramp at Highway 20 (-86° 11' 11.52'W, 30° 30' 44.85"N).

Sec. 24-7. - Penalties; fines and fees; and enforcement.

(a) A violation of any provision of this Chapter shall constitute a civil infraction punishable by a fine not to exceed $500.00. Each occurrence of a violation, or, in the case of continuing violations, each day a violation occurs or continues, constitutes a separate offense. The Board of County Commissioners is authorized to set the amount of any fee or fine that is designated in this Chapter by a resolution of the Board and may amend such resolution as the Board determines is necessary. In addition to issuance of fines, the County shall use any other lawful methods of enforcement and remedy to gain compliance with the provisions of this chapter.

(b) Deputies of the Sheriff's Office and Code Compliance officers shall be responsible for the issuance of citations for any violation of the provisions of this Chapter. Any fees and/or fines collected pursuant to this Chapter are to be remitted through the Clerk of Court and placed in the general fund of the Board of County Commissioners. A person cited for a violation may elect to either:

(1) Pay the scheduled fine plus administrative costs to the Clerk of Court within 30 calendar days of the date of the citation, or

(2) Waive the scheduled fine and request a hearing before the County's Code Compliance Special Magistrate by notifying the Clerk of the Court in writing, by phone, or in person within 30 calendar days of the date of the citation. The violator must appear in person at the hearing. At such hearing the Code Compliance Special Magistrate shall, upon finding that the violator committed the infraction charged, impose a fine plus administrative costs.

(c) Specifically, as it relates to commercial activity permits issued pursuant to Sec. 24-2, violations of any provision of this Chapter may additionally be enforced through permit suspension and revocation as set forth by the Board of County Commissioners, and as may be amended from time to time. Accordingly, the Board of County Commissioners is authorized to, by resolution or ordinance, adopt a violation schedule setting forth a system

under which a Person is subject to suspension or revocation of any or all permits issued, and may base that system upon the number of violations of provisions of this Chapter, a point-based calculation whereby points are assessed per violation and suspension or revocation is based on cumulative points received within defined time periods, or any other suspension and revocation methodology determined by the Board of County Commissioner and duly adopted. Upon adoption of such system(s), County Code Enforcement officials are hereby empowered to issue such suspensions or revocations in accordance therewith. An appeal of any such suspension or revocation shall be to the magistrate assigned to hear code matters. A person must submit in writing to Code Compliance their request for appeal and reason within 48 hrs. of being notified that their permit will be suspended.

(d) In addition to any suspension or revocation system adopted and implemented above, the failure to pay or timely challenge any citation shall result in the immediate and automatic revocation of all permits issued to the offending person, and reinstatement of said permits and issuance of any new permits to said person shall not occur until said person has paid all fines due related to said citation(s), together with a non-payment penalty equal to the amount of the original citation multiplied by the total number of days the citation(s) have remain unpaid, and the amount of any permit application costs which must be remitted for reinstatement. Payment of the issued citations shall be made to the Clerk of Court and a receipt showing payment in full produced to the County, and all other payments for penalties and application costs shall be made directly to the County. If additional citations have been issued or are outstanding, the person subject to revocation under this subsection must either pay those citations in full at the time of applying for reinstatement or show proof where the person has filed a timely notice to contest those citations.

Section 3. Conflicts and Severability. If any provision of this Ordinance is determined by any Court to be invalid or otherwise found to be in conflict with any other provision of law, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), or circumstance(s), such determination shall not affect the applicability hereof to any individual, group, entity, property, or circumstance.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption.

Passed and duly adopted in regular session by the Board of County Commissioners of Walton County, Florida, this 28th day of October, 2025.

BOARD OF COUNTY COMMISSIONERS

OF WALTON COUNTY, FLORIDA

Attest:

Crystal Sconiers

Crystal Sconiers, Clerk of the Circuit Court And County Comptroller

Donna Johns

Donna Johns, Chair

COUNTY COMMISSIONERS
SEAL
WALTON COUNTY, FLORIDA