

ORDINANCE NO. 76-3

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROHIBITING THE PUMPING, TRANSPORTING OR MOVING IN ANY MANNER WHATSOEVER, WATER IN BULK QUANTITIES FROM HERNANDO COUNTY, FLORIDA; PROVIDING PENALTIES AND PROVIDING FOR DAMAGES, INJUNCTIVE RELIEF, TOGETHER WITH THE ASSESSMENT OF COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY FEES; PROVIDING EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Hernando County, Florida, is the governing body of Hernando County, Florida, and will hereafter be referred to as the "Board," and having "home rule powers"; and

WHEREAS, a number of Counties in Central Florida presently involved in controversies over the sinking and drilling of huge wells in Central Florida, to furnish water and water supplies for urban Central Florida Counties, and it is the desire of the Board to protect the water, water supply and aquifer of Hernando County, Florida, so far as possible, and avoid controversies such as mentioned above, or controversies between Hernando County and private enterprise;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, as follows

SECTION 1. This Ordinance is enacted under the Home Rule Power of the County, and pursuant to Florida Statutes 125.66-125.69.

SECTION 2. Whenever the word "Board" is used in this Ordinance, or the preamble to this Ordinance, it shall mean the Board of County Commissioners of Hernando County, Florida.

SECTION 3. No person, firm, corporation, county, municipality, or any other Governmental agency shall pump,

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BRUCE A. SMITH
SECRETARY OF STATE

transport or move, in any manner whatsoever, including but not limited to piping or pipelines, water in bulk quantities from the territorial limits of Hernando County, Florida, to any other place within or without the State of Florida for domestic, commercial and/or Governmental use.

In order to further implement this section, the sinking or drilling of deep wells or large wells is hereby prohibited, notwithstanding any permits which might be issued by the Southwest Florida Water Management District, or any other Governmental agency, unless and until a special permit is obtained from the Hernando County Board of County Commissioners, and the Board shall have the right to establish reasonable rules, regulations and fees in connection with such special permits.

SECTION 4. Water, water resources and the aquifer, on, around and under the territorial limits of Hernando County, Florida, are hereby declared to be "property rights" of Hernando County, Florida, and in the event any State or Federal Government or agency thereof shall attempt to take such "property rights" through condemnation or otherwise, then in that event, Hernando County, Florida, shall be entitled to reasonable compensation for such "property rights."

SECTION 5. This Ordinance shall not apply to the State of Florida or to the United States of America, except for the payment through condemnation, or otherwise, to Hernando County, Florida, for the "property rights" described in Section 4 above.

This Ordinance shall specifically apply to any municipality and/or County within the State of Florida, and to any other Governmental agency outside of the State of Florida, with the exception of the United States of America.

SECTION 6. Any person, firm, corporation, partnership or Governmental agency violating the provisions of this Ordinance shall upon conviction thereof, be fined not more than \$500 or

imprisoned in the Hernando County Jail for not more than 60 days, or by both such fine and imprisonment. Each violation of this Ordinance shall be considered a separate offense, and each day such violation continues shall also be considered a separate offense.

In addition to the criminal penalties set forth above, the Board, or any other person, firm, corporation, partnership or Governmental agency, may bring suit to collect compensatory and/or punitive damages, or to restrain, enjoin and otherwise prevent the violation of this Ordinance in the Circuit Court for Hernando County, Florida, or any other Court of competent jurisdiction, and in the event that it is deemed by the Board, and the Board only, necessary to bring suit to prevent the violation of this Ordinance, the Board shall be entitled to the assessment of all costs and expenses, including a reasonable attorney's fee, against any person, firm, corporation, partnership or Governmental agency violating this Ordinance.

SECTION 7. The provisions of this Ordinance shall be liberally construed in order to effectively carry out the purposes of this Ordinance in protecting the water supply and aquifer, in, under, on and around the territorial limits of Hernando County, Florida.

SECTION 8. It is declared to be this Board's intent that, should any section, subsection, sentence, clause or provision of this Ordinance be held invalid for any reason, the remainder of the Ordinance shall not be affected.

SECTION 9. All Ordinances in conflict herewith are hereby repealed.

SECTION 10. This Ordinance shall become effective as provided by law.

ADOPTED in Regular Session this 23rd day of March,

1976.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By *Adrian P. Kelly*
Chairman

Attest *Shirley Williams*
Clerk

