

By Senator Artiles

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1 A bill to be entitled
2 An act relating to seagrass; amending s. 327.46, F.S.;
3 permitting private owners of submerged lands to
4 establish, upon application and approval of the Fish
5 and Wildlife Conservation Commission, boating-
6 restricted areas in certain seagrass areas to protect
7 seagrasses; requiring the commission to adopt rules;
8 providing an effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsection (1) of section 327.46, Florida
13 Statutes, is amended to read:

14 327.46 Boating-restricted areas.—

15 (1) Boating-restricted areas, including, but not limited
16 to, restrictions of vessel speeds and vessel traffic, may be
17 established on the waters of this state for any purpose
18 necessary to protect the safety of the public if such
19 restrictions are necessary based on boating accidents,
20 visibility, hazardous currents or water levels, vessel traffic
21 congestion, or other navigational hazards or to protect
22 seagrasses on privately owned submerged lands.

23 (a) The commission may establish boating-restricted areas
24 by rule pursuant to chapter 120.

25 (b) Municipalities and counties have the authority to
26 establish the following boating-restricted areas by ordinance:

27 1. An ordinance establishing an idle speed, no wake
28 boating-restricted area, if the area is:

29 a. Within 500 feet of any boat ramp, hoist, marine railway,

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30 or other launching or landing facility available for use by the
31 general boating public on waterways more than 300 feet in width
32 or within 300 feet of any boat ramp, hoist, marine railway, or
33 other launching or landing facility available for use by the
34 general boating public on waterways not exceeding 300 feet in
35 width.

36 b. Within 500 feet of fuel pumps or dispensers at any
37 marine fueling facility that sells motor fuel to the general
38 boating public on waterways more than 300 feet in width or
39 within 300 feet of the fuel pumps or dispensers at any licensed
40 terminal facility that sells motor fuel to the general boating
41 public on waterways not exceeding 300 feet in width.

42 c. Inside or within 300 feet of any lock structure.

43 2. An ordinance establishing a slow speed, minimum wake
44 boating-restricted area if the area is:

45 a. Within 300 feet of any bridge fender system.

46 b. Within 300 feet of any bridge span presenting a vertical
47 clearance of less than 25 feet or a horizontal clearance of less
48 than 100 feet.

49 c. On a creek, stream, canal, or similar linear waterway if
50 the waterway is less than 75 feet in width from shoreline to
51 shoreline.

52 d. On a lake or pond of less than 10 acres in total surface
53 area.

54 3. An ordinance establishing a vessel-exclusion zone if the
55 area is:

56 a. Designated as a public bathing beach or swim area.

57 b. Within 300 feet of a dam, spillway, or flood control
58 structure.

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59 (c) Municipalities and counties have the authority to
60 establish by ordinance the following other boating-restricted
61 areas:

62 1. An ordinance establishing an idle speed, no wake
63 boating-restricted area, if the area is within 300 feet of a
64 confluence of water bodies presenting a blind corner, a bend in
65 a narrow channel or fairway, or such other area if an
66 intervening obstruction to visibility may obscure other vessels
67 or other users of the waterway.

68 2. An ordinance establishing a slow speed, minimum wake, or
69 numerical speed limit boating-restricted area if the area is:

70 a. Within 300 feet of a confluence of water bodies
71 presenting a blind corner, a bend in a narrow channel or
72 fairway, or such other area if an intervening obstruction to
73 visibility may obscure other vessels or other users of the
74 waterway.

75 b. Subject to unsafe levels of vessel traffic congestion.

76 c. Subject to hazardous water levels or currents, or
77 containing other navigational hazards.

78 d. An area that accident reports, uniform boating
79 citations, vessel traffic studies, or other creditable data
80 demonstrate to present a significant risk of collision or a
81 significant threat to boating safety.

82 3. An ordinance establishing a vessel-exclusion zone if the
83 area is reserved exclusively:

84 a. As a canoe trail or otherwise limited to vessels under
85 oars or under sail.

86 b. For a particular activity and user group separation must
87 be imposed to protect the safety of those participating in such

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88 activity.

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90 Any of the ordinances adopted pursuant to this paragraph shall
91 not take effect until the commission has reviewed the ordinance
92 and determined by substantial competent evidence that the
93 ordinance is necessary to protect public safety pursuant to this
94 paragraph. Any application for approval of an ordinance shall be
95 reviewed and acted upon within 90 days after receipt of a
96 completed application. Within 30 days after a municipality or
97 county submits an application for approval to the commission,
98 the commission shall advise the municipality or county as to
99 what information, if any, is needed to deem the application
100 complete. An application shall be considered complete upon
101 receipt of all requested information and correction of any error
102 or omission for which the applicant was timely notified or when
103 the time for such notification has expired. The commission's
104 action on the application shall be subject to review under
105 chapter 120. The commission shall initiate rulemaking no later
106 than January 1, 2010, to provide criteria and procedures for
107 reviewing applications and procedures for providing for public
108 notice and participation pursuant to this paragraph.

109 (d) Upon application and approval of the commission,
110 private owners of submerged lands have the authority to
111 establish boating-restricted areas to protect any seagrass
112 protection zones or other seagrass habitat within their property
113 boundaries. The private owner must demonstrate to the commission
114 clear ownership of the submerged land and that the land is
115 adjacent to an Outstanding Florida Water, as provided in s.
116 403.061(27) or an aquatic preserve established under ss. 258.39-

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117 258.399. As used in this paragraph, the term "seagrass" has the
118 same meaning as in s. 253.04. The commission shall adopt rules
119 to implement this section, including, but not limited to,
120 establishing an application process and requirements for
121 approval.

122 Section 2. This act shall take effect July 1, 2017.