

NOTICE OF INTENTION TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Okaloosa County, Florida, on October 19, 2021 at 8:30 A.M. or soon thereafter, in the Commission Meeting Room at the Okaloosa County Administrative Building, located at 1250 N. Eglin Parkway, Shalimar, Florida 32579, will hold a public hearing to consider adopting an ordinance, the title and substance of said proposed ordinance being:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; MAKING VARIOUS FINDINGS OF FACT; CREATING CERTAIN SECTIONS UNDER CHAPTER 19, ARTICLE III OF THE CODE OF OKALOOSA COUNTY; ESTABLISHING A BOATING RESTRICTED AREA AS PROVIDED IN SECTION 327.46(1)(B)1.A., FLORIDA STATUTES; PROVIDING FOR CODIFICATION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Offices of the County Commission located at Suite 100, Okaloosa County Administrative Building, 1250 N. Eglin Parkway, Shalimar, Florida 32579 and at Suite 302, 302 N. Wilson Street, Crestview, Florida 32536. Those offices can be contacted by telephone at 850-651-7105.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans With Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the County Commission Offices at the above address and must be made at least 48 hours in advance of the hearings to provide the requested service.

45 **SECTION 2. ESTABLISHMENT OF A NEW BOATING-RESTRICTED AREA.**
46 Article III of Chapter 19 of the Code of Okaloosa County is hereby amended to include the
47 following:

48
49 **Sec. 19-92. Boating-restricted areas established.**

50
51 The following boating-restricted areas are hereby established:

52
53 (3) Water Street Boat Ramp “Idle Speed No Wake” boating-restricted area as provided by
54 Section 327.46(1)(b)1.a., Florida Statutes and as shown by Exhibit A attached hereto. Within the
55 area shown by Exhibit A, all vessels must proceed at a speed no greater than that which will
56 maintain steerageway and must comply with the requirements set forth in 68D-24.002(2), F.A.C,
57 as may be amended.

58
59 (a) This boundary describes a boating safety zone that begins 500 feet southeast of the
60 Water Street Boat Ramp (30°25.808'N, 86°38.123'W) and proceeds approximately
61 700 feet in a northerly direction along the shoreline until intersecting with the
62 restricted area described in Ordinance 96-22.

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64 **SECTION 3. DEFINITIONS; ENFORCEMENT AND PENALTIES;**
65 **EMERGENCY, LAW ENFORCEMENT, FIRE-FIGHTING, OR RESCUE VESSELS.**

66 The provisions of Sections 19-91, 19-93 and 19-94, which address definitions, enforcement and
67 penalties, and exempt vessels shall apply to the boating-restricted area established in Section 2 of
68 this Ordinance.

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70 **SECTION 4. CODIFICATION IN THE CODE OF ORDINANCES.** It is the
71 intention of the Board and it is hereby ordained that the provisions of this Ordinance shall
72 become and be made part of the Okaloosa County Code of Ordinances and that the sections of
73 this Ordinance may be renumbered to accomplish that intent.

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75 **SECTION 5. SEVERABILITY.** Should any section or provision of this Ordinance or
76 any portion thereof, or any paragraph, sentence, or word be declared by a court of competent
77 jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other
78 than the part declared to be invalid.

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80 **SECTION 6. EFFECTIVE DATE.** This Ordinance will become effective upon receipt
81 of the notice of its filing with the Office of the Secretary of State.
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PASSED AND ADOPTED in Regular Session this __ day of October 2021.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY

Carolyn N. Ketchel
Chairman

ATTEST:

J.D. Peacock II, Clerk

APPROVED AS TO FORM:

Lynn M. Hoshihara
County Attorney

ORDINANCE _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; MAKING VARIOUS FINDINGS OF FACT; CREATING CERTAIN SECTIONS UNDER CHAPTER 19, ARTICLE III OF THE CODE OF OKALOOSA COUNTY; ESTABLISHING A BOATING RESTRICTED AREA AS PROVIDED IN SECTION 327.46(1)(B)1.A., FLORIDA STATUTES; PROVIDING FOR CODIFICATION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Okaloosa County (the “Board”) is empowered by section 125.01, Florida Statutes, to establish, coordinate, and enforce such regulations as are necessary for protection of the health, safety and welfare of the public; and

WHEREAS, section 7.46, Florida Statutes, sets forth the boundaries of Okaloosa County, Florida, which includes the surface waters within the jurisdiction of the State of Florida; and

WHEREAS, section 327.46(1)(b)1.a., Florida Statutes, grants counties and municipalities the authority to establish Idle Speed, No Wake boating-restricted areas if the area is within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width; and

WHEREAS, in order to enhance boater safety and the safety of the general public deemed necessary based on visibility, vessel traffic congestion, and other navigational hazards the County has determined that it is in the public interest to establish a “Idle Speed No Wake” boating-restricted area around the Water Street Boat Ramp; and

WHEREAS, the establishment of a boating-restricted area at this location has been the subject of public discussion, and is being coordinated with the Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, United States Army Corps of Engineers, and the United States Coast Guard.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Okaloosa County:

SECTION 1. FINDINGS OF FACT. The above recitals are incorporated by reference into this Ordinance and are adopted as Findings of Fact.

SECTION 2. ESTABLISHMENT OF A NEW BOATING-RESTRICTED AREA.

Article III of Chapter 19 of the Code of Okaloosa County is hereby amended to include the following:

Sec. 19-92. Boating-restricted areas established.

The following boating-restricted areas are hereby established:

(3) Water Street Boat Ramp “Idle Speed No Wake” boating-restricted area as provided by Section 327.46(1)(b)1.a., Florida Statutes and as shown by Exhibit A attached hereto. Within the area shown by Exhibit A, all vessels must proceed at a speed no greater than that which will maintain steerageway and must comply with the requirements set forth in 68D-24.002(2), F.A.C., as may be amended.

- (a) This boundary describes a boating safety zone that begins 500 feet southeast of the Water Street Boat Ramp (30°25.808'N, 86°38.123'W) and proceeds approximately 700 feet in a northerly direction along the shoreline until intersecting with the restricted area described in Ordinance 96-22.

SECTION 3. DEFINITIONS; ENFORCEMENT AND PENALTIES; EMERGENCY, LAW ENFORCEMENT, FIRE-FIGHTING, OR RESCUE VESSELS.

The provisions of Sections 19-91, 19-93 and 19-94, which address definitions, enforcement and penalties, and exempt vessels shall apply to the boating-restricted area established in Section 2 of this Ordinance.

SECTION 4. CODIFICATION IN THE CODE OF ORDINANCES. It is the intention of the Board and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Okaloosa County Code of Ordinances and that the sections of this Ordinance may be renumbered to accomplish that intent.

SECTION 5. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, or any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance will become effective upon receipt of the notice of its filing with the Office of the Secretary of State.

PASSED AND ADOPTED in Regular Session this __ day of October 2021.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY

Carolyn N. Ketchel
Chairman

ATTEST:

J.D. Peacock II, Clerk

APPROVED AS TO FORM:

Lynn M. Hoshihara
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