

STORAGE NAME: h1899.lgva.doc

DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 1899

RELATING TO: Lake Weir/Watercraft Speeds

SPONSOR(S): Representative Baxley

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides the prohibition of watercraft within 500 feet of the shoreline of Lake Weir and within 500 feet of the shore of Bird Island from proceeding at greater than “no-wake” speeds. The bill provides this area is a preserve.

The bill requires that the Marion County Board of County Commissioners to erect signs.

The bill provides a violation of this act will constitute a non-criminal violation and is punishable as provided by law.

The bill provides the Sheriff of Marion County is responsible for enforcing this act.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

1. This bill potentially increases government regulations affecting Marion County. This regulates personal sea crafts, houseboats, etc., within 500 feet of the shoreline of Lake Weir and within 500 feet of the shore of Bird Island.
2. This bill may decrease some individuals' freedom as it allows Marion County to place certain restrictions within a certain area of the county on individuals' activities.

B. PRESENT SITUATION:

Marion County has three special acts regarding boats and watercraft – speed regulations. Chapter 26003, Laws of Florida (1949), chapters 61-2461 and 63-1611, Laws of Florida. Chapter 26003, Laws of Florida (1949), provides that it is unlawful for any person to operate a motorboat or speedboat or other water-craft on the waters of Rainbow Springs or Rainbow River, in Marion County, Florida, at a speed greater than five miles an hour, for a distance of 1,000 feet from the head or the source of the springs. The act provides penalties for violations.

Chapter 61-2461, L.O.F., provides that it is unlawful for any person to operate a motor boat or speed boat or other watercraft on the waters of any river, creek or run at a speed greater than five miles per hour, for a distance of 300 yards in Salt Spring and a distance of 200 yards in Silver Glen Springs, and all other rivers, creeks, runs a distance of 1500 yards from any spring or springs constituting a headwaters of any such river, creek, or runs in Marion County, Florida. The act provides penalties for violations, and for the posting of signs of such speed limits.

Chapter 63-1611, L.O.F., provides the board of county commissioners of Marion County, Florida shall have the authority to fix, change and post the speed limit and speed zones for all boat or other water traffic on the waters of Rainbow River, also known as Blue Run, in Marion County, Florida. The act provides penalties for violations, and for the posting of signs of such speed limits.

C. EFFECT OF PROPOSED CHANGES:

The bill provides the prohibition of watercraft within 500 feet of the shoreline of Lake Weir and within 500 feet of the shore of Bird Island from proceeding at greater than “no-wake” speeds.

The bill requires the Marion County Board of County Commissioners to erect signs.

The bill provides for a violation of this act will constitute a non-criminal violation and is punishable as provided by section 775.083, F.S.

The bill provides the Sheriff of Marion County is responsible for enforcing this act.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. The waters of Lake Weir, Marion County, within 500 feet of the shoreline of the lake and within 500 feet of the shore of Bird Island are designated a preserve; provides watercraft must proceed at idle speed; provides Marion County Commissioners erect signs within the preserve area by this act and the signs must state the prohibition "NO WAKE" and the statement "VIOLATORS WILL BE PROSECUTED"; provides violation of this act constitutes a non-criminal violation and is punishable by section 775.083, F.S., provides the Sheriff of Marion County is responsible for enforcing this act.

Section 2. Provides effective date of October 1, 2001.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? March 8, 2001

WHERE? Star-Banner in Ocala, Marion County, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

Mr. Bruce Deterding, with the Department of Environmental Protection, stated the following:

The lake was at one time considered for designation as an Outstanding Florida Water, but never received that designation. Sections 258.35 through 258.46, Florida Statutes, comprise the Aquatic Preserve statutes and within these sections are listed all waters in the state designated as Aquatic Preserves. Lake Weir is no longer on that list. The lake's only present listing is as a Class III surface water, which is the basic classification for all waters not otherwise classified, suitable for swimming, fishing, and other recreation.

The Department of Environmental Protection has no position on the bill.

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According to the 2001 Economic Impact Statement there is an estimated expenditure cost of administration, implementation, and enforcement of \$4,000 for the fiscal year 2001-2002 for buoys and signs.

IV. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment by the sponsor removes any implication that this area is being designated a preserve area.

V. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

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