

STORAGE NAME: h1899z.lgva.doc

DATE: May 31, 2001

****AS PASSED BY THE LEGISLATURE****

CHAPTER #: 2001-347, Laws of Florida

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

BILL #: HB 1899/1ST ENG

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) YEAS 9 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides that within 500 feet of the shoreline of Grass Island (state identification 606121) watercraft must proceed at idle speed.

The bill requires that the Marion County Commissioners erect signs.

The bill states a violation of this act will constitute a noncriminal 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 watercraft, such as personal sea crafts, houseboats, etc., within 500 feet of the shoreline of Grass 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 that within 500 feet of the shoreline of Grass Island (state identification 606121) watercraft must proceed at idle speed.

The bill requires that the Marion County Commissioners erect signs.

The bill states a violation of this act will constitute a noncriminal 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. Within 500 feet of the shoreline of Grass Island (state identification 606121) watercraft must proceed at idle speed; provides Marion County Commissioners must erect signs within the area designated, and the signs must state the prohibition "NO WAKE" and the statement "VIOLATORS WILL BE PROSECUTED"; provides violation of this act constitutes a noncriminal 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:

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:

On April 19, 2001, the House Committee on Local Government & Veterans Affairs considered HB 1899, adopted one substitute amendment to the amendment by Representative Gardiner. The amendment provided "language removing any implication that this area is being designated a preserve area". The substitute amendment to the amendment provides that within 500 feet of the shoreline of Grass Island watercraft must proceed at idle speed. It also requires the Marion County Commissioners to erect certain signs within the area designated by this act and retains the removal language relating to this area being designated a preserve area. On April 24, 2001, the bill was

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read a third time and passed as amended by the House of Representatives. On May 2, 2001, the Senate passed HB 1899.

V. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith