

ORDINANCE NO. 22-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY FLORIDA AMENDING SECTION 6.04.02 OF THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE 91-01, AS AMENDED, CREATING PARKING STANDARDS FOR BOAT LIVERY BUSINESSES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Okaloosa County (the “Board” or “County”) 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, establishes boundaries of Okaloosa County, Florida, which includes the surface waters within the jurisdiction of the State of Florida; and

WHEREAS, in compliance with Chapter 163 of the Florida Statutes, Okaloosa County has adopted a Comprehensive Growth Management Plan, Ordinance 90-01 and an implementing Land Development Code, Ordinance 91-01, that sets forth zoning requirements and development standards for all land development activities in the unincorporated areas of Okaloosa County; and

WHEREAS, Chapters 327 and 328, Florida Statutes, establish the boating laws for the State of Florida; and

WHEREAS, Section 327.60, Florida Statutes, limits local government in regulating boater safety, but does not prevent the adoption of any ordinance or local regulation relating to the operation of vessels, except as it relates to vessel or equipment performance or safety standards associated with equipment, or regulating the carrying or use of marine safety equipment, relating to the design, manufacture or installation of sanitation devices, regulating vessels upon the Florida Intracoastal Waterway, discriminating against personal watercraft or airboats, regulating any anchoring of vessels outside of marked mooring fields, nor regulating engine or exhaust noise; and

WHEREAS, Florida leads the nation in the number of reportable boating accidents in 2019 and 2021; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission reported in its summary of 2020 Uniform Boating Citations that the leading causes of citations for state enforcement included safety equipment and regulations violations, registration/number violations, and boating within restricted areas; and

WHEREAS, Okaloosa County is continually ranked among the top 10 for most boating accidents, according to the Florida Fish and Wildlife Conservation Commission, with only one other panhandle county making the top 10; and

WHEREAS, in 2020 Boating Accident Statistical Report released in May 2021, there were 836 boating accidents in the state of Florida and **Okaloosa was ranked number 6** in leading accidents the majority of reported incidents were collisions with other vessels, and the primary cause was the lack of proper look-out or inattention; and

WHEREAS, among Okaloosa 31 reported boating incidents, 12 involved pontoon boats and 17 involved personal watercrafts. Two incidents involved fatalities and 16 involved accidents with injury; and

WHEREAS, rental or borrowed vessels make up less than 20% of all registered vessels in the County, data since 2016 show that these vessels account for 36% to 66% of the FWC crash data; and,

WHEREAS, in 2020, Okaloosa County ranked number 1 in the State of Florida for Boating Under the Influence "BUI" Issued at 56, and;

WHEREAS, by the end of July, 2021, Okaloosa County had already surpassed the number of BUI arrests for 2020 at 65 and was on track to hit 80+ "BUI" citations, and;

WHEREAS, of the BUI arrests by July, 2021, 72% were from tourist related rentals, and;

WHEREAS, in addition to Boating Under the Influence, speed, and a lack of equipment and waterway operating knowledge may also play a role in crashes and other waterway safety related issues, and;

WHEREAS, by the end of July 2021, there were 191 waterway citations issued (non-BUI) by the Okaloosa Sheriff's Department, of which 74% were from tourism related rentals.

WHEREAS, the Board recognizes the need to ensure proper licensing, maintenance of insurance and to promote safety in the waters of the County; and

WHEREAS, the Board has determined that it is necessary to provide additional standards pertaining to livery vessel rentals to help mitigate safety problems associated with such rentals; and

WHEREAS, the Board has determined that such measures are necessary to promote the health, safety and welfare of the County.

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

SECTION 1. RECITALS. The above recitals are incorporated by reference herein.

SECTION 2. SECTION 6.04.02 OF THE OKALOOSA COUNTY LAND DEVELOPMENT CODE, ORDINANCE 91-01, AS AMENDED. The following parking standards are hereby added under the “Commercial” type category of the parking standards table provided in Section 6.04.02 of the Okaloosa County Land Development Code, Ordinance 91-01, as amended:

<u>Livery vessel rental</u>	<u>1 per 4 passengers of USCG capacity</u> <u>1 per four personal watercraft</u>
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SECTION 3. INCLUSION INTO THE OKALOOSA COUNTY CODE OF ORDINANCES. It is the intention of the Board that the provisions of this Ordinance shall become and be made a part of the Okaloosa County Code of Ordinances, and that the sections of this Ordinance may be renumbered to accomplish such intent.

SECTION 4. 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 5. EFFECTIVE DATE. This Ordinance shall be effective as provided by law.

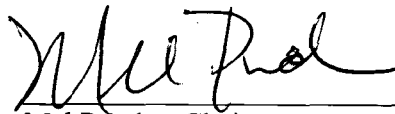
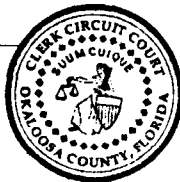
PASSED AND DULY ADOPTED in this 17th day of May, 2022.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

ATTEST:



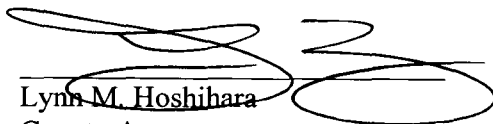
 J.D. Peacock II, Clerk of Court



Mel Ponder, Chairman



APPROVED AS TO FORM:



Lynn M. Hoshihara
County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 19, 2022

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32536-1359

Attention: Mary Carson

Dear Honorable J.D. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Ordinance No. 22-10, which was filed in this office on May 17, 2022.

Sincerely,

Anya Owens
Program Administrator

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