



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

December 5, 2019

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 043-2019 amending Chapter 26 of the Monroe County Code of Ordinances to create Section 26-71(b)(8); establishing a boating restricted area ("Slow Speed/Minimum Wake Zone") for all man-made internal canals and basins of Duck Key; providing for severability; providing for repeal of conflicting provisions inconsistent herewith; providing for incorporation into the Code of Ordinances; providing for transmittal to the Secretary of State; and providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on November 20, 2019. Should you have any questions, please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

cc: Municipal Code
Marine Resources
County Attorney
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145



ORDINANCE NO. 043 - 2019

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 26 OF THE MONROE COUNTY CODE OF ORDINANCES TO CREATE SECTION 26-71(b)(8); ESTABLISHING A BOATING RESTRICTED AREA ("SLOW SPEED/MINIMUM WAKE ZONE") FOR ALL MAN-MADE INTERNAL CANALS AND BASINS OF DUCK KEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Monroe County, Florida ("Board" or "BOCC"), is the legislative body of Monroe County, Florida; and

WHEREAS, Section 327.46(1)(c), Florida Statutes, provides authority for local governments to establish, by ordinance, certain boating-restricted areas. Such ordinances must be permitted by the Florida Fish and Wildlife Conservation Commission ("FWC"), and must meet the requirements of Fla. Admin. Code R. 68D-21.001 (Oct. 6, 2010); and

WHEREAS, at the its regular July 18, 2018, public meeting, the BOCC approved directing the Monroe County Marine Resources Office to proceed with processing the creation of a Slow Speed/Minimum Wake boating-restricted area exclusively for Duck Key's internal canals and boat basins; and

WHEREAS, staff has prepared a draft Slow Speed/Minimum Wake ordinance exclusive to Duck Key's internal canals and boat basins and has submitted said draft ordinance (along with additional necessary documentation as required under Fla. Admin. Code R. 68D-21.001 (Oct. 6, 2010)) to the FWC for preliminary review prior to the BOCC holding a public hearing to consider adoption of an ordinance establishing a slow speed/minimum wake zone for Duck Key's man-made internal canals and basin(s); and

WHEREAS, the FWC has determined that the above-referenced submitted draft ordinance meets the criteria of Fla. Admin. Code R. 68D-21.001 (Oct. 6, 2010); and

WHEREAS, pursuant to its constitutional, statutory, and judicially-established police power(s), the Board finds that amending Chapter 26 of the Monroe County Code of Ordinances to establish a slow speed/minimum wake zone exclusively for Duck Key's man-made internal canals and basin(s) is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. - Recitals and Legislative Intent. The foregoing recitals and statements of legislative intent are true and correct and are hereby incorporated as if fully stated herein.

SECTION 2. - Title. This Ordinance shall be titled the "Duck Key Slow Speed/Minimum Wake Zone Boating-Restricted Area Ordinance."

SECTION 3. - Creation. That Article III, entitled "Vessel Restricted Areas," of Chapter 26 of the Monroe County Code of Ordinances, entitled "Waterways," is hereby amended as follows:

CHAPTER 26 - WATERWAYS

ARTICLE III. - VESSEL RESTRICTED AREAS

Sec. 26-71 - Boating restricted zones established.

(b) *Slow speed/minimum wake zones.* No person shall operate a vessel in the following areas spatially defined as "slow speed/minimum wake zones" at a speed in excess of slow speed/minimum wake as defined in this chapter:

- (1) Snake Creek: To include the entire width of Snake Creek, from 100 feet south of the Snake Creek Bridge at U.S. Highway 1, to 100 feet north of the residential shoreline of the Venetian Shores subdivision, Plantation Key.
- (2) Vaca Cut: Extending the length of Vaca Cut, Marathon from the regulatory marker located approximately 1,250 feet south of the Vaca Cut Bridge to the regulatory markers located approximately 800 feet north of the Vaca Cut Bridge.
- (3) Whale Harbor: To include the area just north of the Whale Harbor Bridge and extending south the length of the Whale Harbor navigation channel to ATON number 1.
- (4) Boot Key Harbor and Sister's Creek: To include all waters within Boot Key Harbor including contiguous creeks and manmade canals, and including approaches to the Harbor from the West beginning at Day Beacon No. 7 and from the South, Sister's Creek beginning at Day Beacon No. 4.
- (5) Cow Key Channel: To include Cow Key Channel north of the Cow Key Channel Bridge at U.S. Highway 1 and ending at Day Beacon No. 11, south of the Cow Key Channel Bridge.

- 91 (6) Adams Waterway: To include the entire area known as Adams Waterway,
92 Key Largo, leading from Blackwater Sound on Florida Bay to Largo Sound
93 on the ocean side of the Island of Key Largo.
94 (7) All man-made canals: To include all canals of Monroe County within the
95 Florida Keys, of less than seventy-five feet in width from shoreline to
96 shoreline (as per F.S. § 327.46).
97 (8) Duck Key: To include all manmade canals and boat basins internal to Duck
98 Key.
99

100 **SECTION 4. - Inconsistency, Partial Invalidity, Severability, and Survival of**
101 **Provisions.** If any provision of this Article, or any portion thereof, is held to be invalid or
102 unenforceable in or by any administrative hearing officer or court of competent
103 jurisdiction, the invalidity or unenforceability of such provision, or any portion thereof,
104 shall neither limit nor impair the operation, enforceability, or validity of any other
105 provision of this Article, or any remaining portion(s) thereof. All other provisions of this
106 Article, and remaining portion(s) thereof, shall continue unimpaired in full force and
107 effect.
108

109 **SECTION 5. - Repeal of Inconsistent Provisions.** All ordinances or parts of ordinances
110 in conflict with this ordinance are hereby repealed to the extent of said conflict. The
111 repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or
112 revive any ordinance which has been repealed thereby.
113

114 **SECTION 6. - Captions and Paragraph Headings.** Captions and paragraph headings,
115 where used herein, are inserted for convenience only and are not intended to descriptively
116 limit the scope and intent of the particular paragraph or text to which they refer.
117

118 **SECTION 7. - Inclusion in the Monroe County Code of Ordinances.** The provisions
119 of this ordinance shall be included and incorporated into the Code of Ordinances of
120 Monroe County, Florida, and shall be numbered to conform with the uniform numbering
121 system of the Code.
122

123 **SECTION 8. - Effective Date.** This ordinance shall be filed in the Office of the
124 Secretary of the State of Florida and shall become effective as provided by law.
125

126 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,
127 Florida, at a regular meeting held on the 20th day of November, 2019.
128



129 Mayor Heather Carruthers
130 Mayor *pro tem* Michelle Coldiron
131 Commissioner Danny L. Kolhage
132 Commissioner David Rice
133 Commissioner Sylvia J. Murphy
134

Yes
Yes
Absent
Yes
Yes

135 **MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**
136

137 Attest: KEVIN MADOK, CLERK
138

139 By: Samuel Starnick
140 Deputy Clerk

By: Heather Carruthers
Mayor Heather Carruthers

10/31/19

FILED FOR RECORD
2019 DEC -5 PM 12:30
CLERK CIR. CT.
MONROE COUNTY, FL



The Florida Keys Only Daily Newspaper, Est. 1876
PO Box 1800, Key West FL 33041
P: (305) 292-7777 ext. 219 F: (305) 295-8025
legals@keysnews.com

RECEIVED

NOV 21 2019

MONROE COUNTY ATTORNEY

MONROE CO PLANNING DEPT
MURRY E NELSON GOVERNMENT CENTER
102050 OVERSEAS HWY
KEY LARGO FL 33037

Account: 138694

Ticket: 318880

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[legal.text]

Before the undersigned authority personally appeared

Misty Graves, who on oath says that he or she is
an employee of the Key West Citizen, a daily
newspaper published in Key West, in Monroe County, Florida; that the attached
copy of advertisement, being a legal notice in the matter of was published in said
newspaper in the issues of:

Sunday, November 3, 2019 ✓

Affiant further says that the Key West Citizen is a newspaper published in Key
West, in said Monroe County, Florida and that the said newspapers has hereto-
fore been continuously published in said Monroe County, Florida every day, and
has been entered as periodicals matter at the post office in Key West, in said
Monroe County, Florida, for a period of 1 year next preceding the first publication
of the attached copy of advertisement; and affiant further says that he or she has
neither paid nor promised any person, firm or corporation any discount, rebate,
commission or refund for the purpose of securing this advertisement for publica-
tion in the said newspaper.

(Signature of Affiant)

Affirmed and subscribed before me this 4th day of November 2019

(Notary Public Signature)

(Notary Public Printed Name)

(Notary Seal)

My commission expires 6/27/22

Personally Known X Produced Identification

Type of Identification Produced



Sue Lynn Stamper
COMMISSION # GG232802
EXPIRES: June 27, 2022
Bonded Thru Aaron Notary

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS NOTICE OF PUBLIC MEETING AND NOTICE OF PUBLIC HEARING NOTICE OF CHANGE TO MONROE COUNTY CODE OF ORDINANCES

November 20, 2019

NOTICE IS HEREBY GIVEN that on Wednesday, November 20, 2019, the Monroe County Board of County Commissioners will hold a Public Meeting at the **Harvey Government Center, 1200 Truman Avenue, Key West, FL 33040** to review and receive public comment for the following items:

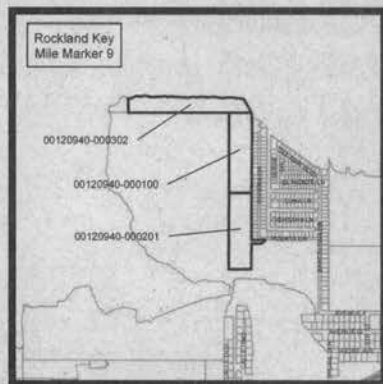
PUBLIC HEARINGS: 1:30 PM (or as soon thereafter as may be heard):

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 26 OF THE MONROE COUNTY CODE OF ORDINANCES; ESTABLISHING A BOATING RESTRICTED AREA (SLOW SPEED/MINIMUM WAKE ZONE) FOR ALL MAN-MADE CANALS AND INTERNAL WATERWAYS OF DUCK KEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR FILING AND AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION.

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS MAKING CERTAIN FINDINGS AND DESIGNATING THE PROPERTY LOCATED AT 10 BETTY ROSE DRIVE, BIG COPPITT KEY, WITH PARCEL ID NO. 00120940-000201, 00120940-000100, AND 00120940-000302, LOCALLY KNOWN AS THE QUARRY, PURSUANT TO SECTION 376.80, FLORIDA STATUTES, FLORIDA'S BROWNFIELD REDEVELOPMENT ACT, FOR THE PURPOSE OF ENVIRONMENTAL REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE COUNTY CLERK TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(FILE 2019-207) See Map 1 below

MAP 1



Copies of the above are available at the Monroe County Planning Department offices in Marathon and Key Largo during normal business hours and online at: www.monroecounty-fl.gov

Pursuant to Section 286.0105 Florida Statutes, if a person decides to appeal any decision of the Board of County Commissioners, with respect to any matter considered at the meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to insure a verbatim record of the proceedings is made, which record includes the testimony & evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding,