

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to working public waterfronts; amending s.
8 163.3164, F.S.; providing a definition; amending s.
9 163.3177, F.S.; providing additional requirements for
10 comprehensive plans regarding public access boat ramps and
11 working public waterfronts; providing a definition;
12 requiring public access boat ramps to provide a minimum
13 number of parking spaces for certain purposes by a
14 specified date; providing for replacement of working
15 public waterfronts and facilities; creating s. 342.07,
16 F.S.; providing a definition; providing requirements of
17 political subdivisions and water management districts with
18 respect to working public waterfronts; requiring a study
19 and report to the Governor and Legislature; providing an
20 effective date.

21
22 WHEREAS, the Legislature recognizes that there is a
23 significant interest in the availability and economic impact of

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24 public marinas and public boat ramps along the navigable
25 waterways in the state, and

26 WHEREAS, the Legislature recognizes that there is a
27 significant interest in the public access to the state's
28 abundant water resources, which access is vital to both industry
29 and recreational users, and

30 WHEREAS, the Legislature recognizes the importance of
31 maintaining viable working public waterfronts, particularly
32 those used by commercial fishing operations and boat yards, in
33 order to preserve the economic vitality of the state, and

34 WHEREAS, the Legislature intends that there be no loss of
35 working public waterfronts caused by government action, whether
36 such action is the sale of a publicly owned working public
37 waterfront or the condemnation of a private land that is being
38 used as a working public waterfront, and

39 WHEREAS, the Legislature intends that local governments
40 encourage the availability of working public waterfronts by
41 including restrictions or incentives in their comprehensive
42 plans, NOW, THEREFORE,

43

44 Be It Enacted by the Legislature of the State of Florida:

45

46 Section 1. Subsection (32) is added to section 163.3164,
47 Florida Statutes, to read:

48 163.3164 Local Government Comprehensive Planning and Land
49 Development Regulation Act; definitions.--

50 (32) "Working public waterfront" means a parcel or parcels
51 of real property used for water-dependent activities that

52 require direct access to or location on or adjacent to a
 53 navigable waterway and therefore cannot be located inland. The
 54 term "working public waterfront" includes wet and dry marinas
 55 open to the public, public boat ramps, boat hauling and repair
 56 facilities, commercial fishing facilities, and boat construction
 57 facilities.

58 Section 2. Paragraphs (l) and (m) are added to subsection
 59 (6) of section 163.3177, Florida Statutes, to read:

60 163.3177 Required and optional elements of comprehensive
 61 plan; studies and surveys.--

62 (6) In addition to the requirements of subsections (1)-
 63 (5), the comprehensive plan shall include the following
 64 elements:

65 (1) An element that provides for a sufficient number of
 66 public access boat ramps with adjoining boat trailer parking
 67 capacity. In determining a sufficient number of boat ramps for
 68 construction and operation by the local government, the local
 69 government shall examine the availability of privately owned
 70 boat ramps, the demand for boating facilities, points of origin
 71 and destinations of boats, volumes and types of boats, seasonal
 72 variations in boating patterns, types and distribution of
 73 boating activities, and ability of the local government to fund
 74 boat ramp facilities. Unless the local government determines
 75 that a different ratio is appropriate, the plan must have a goal
 76 of providing, by July 1, 2014, a minimum number of boat trailer
 77 parking spaces adjoining public access boat ramps equal to 5
 78 percent of the jurisdiction's registered vessels under 40 feet

79 | in length. The term "vessel" shall have the same meaning as
 80 | provided in s. 327.02(37).

81 | (m) An element that provides for working public
 82 | waterfronts. The element must identify or provide a means of
 83 | identifying working public waterfronts. The element must also
 84 | provide a means by which working public waterfronts, as defined
 85 | in s. 163.3164(32), and working public waterfront facilities
 86 | that are removed by governmental action are replaced by the
 87 | political subdivision whose actions led to the removal, in
 88 | compliance with s. 342.07.

89 | Section 3. Section 342.07, Florida Statutes, is created to
 90 | read:

91 | 342.07 Working public waterfronts.--

92 | (1) As used in this section, the term "working public
 93 | waterfront" shall have the same meaning as provided in s.
 94 | 163.3164(32).

95 | (2) The Legislature recognizes that there is a significant
 96 | interest in the availability and economic impact of public
 97 | marinas, public boat yards, and public boat ramps along the
 98 | navigable waterways in the state. The Legislature further
 99 | recognizes that an important use of the beautiful waterways of
 100 | the state is for engaging in commerce and the transportation of
 101 | goods and people upon such waterways, and that such commerce and
 102 | transportation is not feasible unless there is access from the
 103 | water to the land by and through working public waterfronts.

104 | (3) Political subdivisions and water management districts
 105 | shall identify working public waterfronts within their
 106 | jurisdictions. A political subdivision or water management

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107 district that takes any action to close a publicly owned working
 108 public waterfront facility to the public, or restrict public
 109 access thereto, or that uses the power of eminent domain to take
 110 a privately owned working public waterfront, or any part
 111 thereof, must account for the loss of public access to the
 112 working public waterfront by replacing the working public
 113 waterfront to restore public access to waterways. The
 114 replacement working public waterfront must be substantially the
 115 same, must provide similar access to the same navigable
 116 waterways, and must be available for use when the existing
 117 working public waterfront, or a portion thereof, is removed or
 118 closed. In determining whether a replacement is substantially
 119 the same and provides similar access for working public
 120 waterfronts other than those serving only inland freshwater
 121 bodies of water, the political subdivision or water management
 122 district must take into account distance, speed zones, water
 123 depth, and manmade obstructions to travel between the
 124 replacement and the Atlantic Ocean or the Gulf of Mexico, as
 125 applicable. A replacement is not substantially the same and does
 126 not provide similar access if bridges, shoals, or shallow water
 127 would restrict access to vessels that can traverse the
 128 watercourse to the existing working public waterfront, nor does
 129 it provide similar access if travel time to the Atlantic Ocean
 130 or the Gulf of Mexico, as applicable, is substantially
 131 increased.

132 Section 4. Working public waterfront study.--

133 (1) The Fish and Wildlife Conservation Commission shall
 134 conduct a study on working public waterfronts. The Department of

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135 Agriculture and Consumer Services, the Department of Community
136 Affairs, the Department of Environmental Protection, and the
137 Office of Tourism, Trade, and Economic Development are each
138 directed to assist the commission in this study. The study
139 shall:

140 (a) Examine the economic trends of the working public
141 waterfronts of the state and the impact the loss of critical
142 working public waterfronts would have on the state's economy as
143 well as the inability of the public to access those waters held
144 in trust for their use.

145 (b) Examine coastal and waterway development trends and
146 their impact on the working public waterfronts.

147 (c) Include recommendations for statutory changes
148 regarding the preservation of existing working public
149 waterfronts.

150 (2) The findings of the study shall be provided to the
151 Governor, the President of the Senate, and the Speaker of the
152 House of Representatives no later than January 4, 2005.

153 Section 5. This act shall take effect upon becoming a law.