

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners

**From:** Colonel Curtis Brown, Director, Division of Law Enforcement

**Date:** June 19, 2018

**Subject:** Proposed Rule - Private Submerged Land Seagrass Protection Boating Restricted Areas

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**Purpose:**

Obtain approval of proposed language for 68D-24.004 Florida Administrative Code (FAC) to establish criteria for Commission approval of boating restricted areas for the protection of privately-owned seagrass or seagrass habitat from scarring due to propeller dredging.

**Summary:**

HB 7043, passed during the 2017 legislative session, established a provision within section 327.46 Florida Statutes (F.S.) to allow private owners of submerged seagrass and seagrass habitat to request a boating restricted area be designated for the purpose of protecting these areas from scarring due to propeller dredging. To be eligible for this type of boating restricted area, the private submerged land must be located adjacent to Outstanding Florida Waters, as defined in s. 403.061(27) F.S. or an aquatic preserve established under ss. 258.38 – 258.399 F.S. The Commission is also required to adopt rules to implement this process. The proposed rule establishes that these areas may only be established in areas where the maximum water depth is six feet or less; requires applicants submit a copy of a deed, documentation of title, professional surveys of the area for mapping the zone; and, environmental documentation of the proposed area being protected. A new term “external propeller limitation zone” is defined in the rule and the types of seagrass that may be protected are specified. All markers and buoys for approved areas will be installed and maintained at the expense of the private land owner.

**Staff Recommendation:**

Approval to publish the new rule, 68D-24.004 FAC, and file for adoption if no further hearing is requested.

**Staff Contact and/or Presenter:**

Major Robert Rowe, Boating and Waterways Section Leader