This is a presentation about the Commission’s Rule 68D-24.018, St. Johns River Boating Restricted Areas. This rule delineates boating safety zones on the Florida Intracoastal Waterway through its extent in the St. Johns River in Lake, Seminole and Volusia Counties. The need for this rule revision originated from a staff review of legal zone boundaries and regulatory waterway marker (sign) locations on the St. Johns River.
The proposed rule would extend three boating safety zones to match the legal zone boundary to the historical location of the regulatory waterway markers. Additionally, the proposed rule would modify the geographic descriptions for five existing zones to more clearly describe the zone boundaries. The proposed rule would increase the speed in the year-round boating safety zones from “Idle Speed No Wake” to “Slow Speed Minimum Wake.” The proposed rule would remove the authority for Lake, Seminole and Volusia counties to mark the year-round boating safety zones. Lastly, the proposed rule would update all the rule maps and make minor changes to the geographic descriptions. Rule language would change in order to exclude canals, creeks, boat basins, etc. that fall outside the main body of the river and that local governments can already regulate according to Florida Statute.
Staff have identified two tributaries, South Moon and Jungle Den Canals, that are currently regulated by this rule for boating safety and also for manatee protection by Rule 68C-22.012, Florida Administrative Code. The manatee protection rule currently regulates the canals at “Slow Speed Minimum Wake.” The proposed rule amendments would remove language that specifically included both canals for regulation for boating safety. Additionally, local governments have the authority to regulate outside of the main body of the river for both boating safety and manatee protection.
The staff proposal is to extend some regulatory zones in order to match the boundaries as currently marked.

Staff considerations include the following:

1. Reducing the length of the specific zones may lead to boating safety concerns. The zones as posted have provided appropriate locations for speed transitions. Additionally, boat operators in the area have become accustomed to the current zone boundaries as posted for nine years or more, and moving the regulatory markers to different locations may contribute to boater confusion. The speed transitions which occur at zone boundaries require vigilance on the part of all boat operators involved, and maintaining zone boundaries in locations which have become familiar over many years lessens safety concerns.

2. Public input received to date has been in support of modifying the rule to reflect the zone boundaries as they are currently marked. Staff repeatedly heard public comment that such rule changes reflect a “common sense” solution to the current situation and minimizes boating safety concerns.

The proposed extensions are shown on the following slides.
The zone, as currently marked, is 350’ beyond the boundary established by the rule. The markers have been at their current location since at least 1995. The proposed extension would match the boundary established by the rule to the historical location of the regulatory markers. The distance cited in the slide is the geographic distance that the zone boundary. Distances cited in the rule language may be different due to changes in the geographic starting point for measurement or changes in the method used to measure the zone (straightline vs. run of the river).
The zone, as currently marked, is 100’ beyond the boundary established by the rule. The markers have been at their current location since at least 2004.

The proposed extension would match the boundary established by the rule to the historical location of the regulatory markers. Distances cited in the rule language may be different due to changes in the geographic starting point for measurement or changes in the method used to measure the zone (straightline vs. run of the river).
The zone, as currently marked, is 125’ beyond the boundary established by the rule. The markers have been at their current location since at least 2007.

The proposed extension would match the boundary established by the rule to the historical location of the regulatory markers. Distances cited in the rule language may be different due to changes in the geographic starting point for measurement or changes in the method used to measure the zone (straightline vs. run of the river).
The rule amendment would change the regulated speed from “Idle Speed No Wake” to “Slow Speed Minimum Wake” in the year-round boating safety zones. “Idle Speed No Wake” is defined as the slowest speed that a boat can operate at and still maintain the ability to steer and maintain forward progress. “Slow Speed Minimum Wake” is a little faster than “Idle Speed No Wake” and is defined as the boat being fully settled in the water and creating little or no wake. The proposed change would allow slightly faster operation in the year-round zones when flood zones are not in effect.
As a result of the staff review of the current rule language, several changes were identified to improve the clarity and consistency of the rule. Staff has identified inconsistencies in the method used to measure zone boundaries within the rule text. Some zones were measured from their point of beginning following the run of the river, while other zones were measured using a straight line distance. To ensure consistency within this rule and with other boating safety zone rules, staff have changed the distances for some zones to match the current zone boundary location using “run of the river” measurements instead of a “straight line” measurement. All zones in the proposed rule language are measured using “run of the river.” Additionally, staff has changed the geographic features used as the reference point to ensure consistency with other boating safety zones rules. An example of this is changing the beginning point from the centerline of a bridge to the west end of a bridge fender system. This change provides a more consistent and clear way to measure the zone boundaries. Lastly, staff has modified the structure of the rule text to group all flood zones into a new subsection of the rule.
Staff held a public meeting at the City of Deland Commission Chambers on October 15, 2013. FWC staff and 18 members of the public attended the meeting. The email announcing the meeting, which provided additional details about the proposed rule amendments, was viewed by 451 stakeholders. Comments received at the public meeting supported all of the proposed rule amendments.
Staff recommends that the Commission approve publishing the Notice of Proposed Rule, provided in the background materials, in the Florida Administrative Register. Staff requests, as a result of the public support for the rule amendments, that another public meeting be held prior to the April Commission meeting only if requested by a member of the public, in accordance with 120.54(3), Florida Statutes. If a meeting is not requested, staff requests approval to file the Final Rule for adoption with the Florida Department of State.