



## Florida Fish and Wildlife Conservation Commission

### PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that on March 22, 2016, the Florida Fish and Wildlife Conservation Commission (Commission) received a complete application from Charlotte County requesting approval of a draft ordinance to establish a Slow Speed Minimum Wake boating-restricted area within Gasparilla Pass pursuant to Section 327.46(1)(c), Florida Statutes (F.S.) and Rule 68D-21.004, Florida Administrative Code (F.A.C.).

The Slow Speed Minimum Wake boating-restricted area would be within Gasparilla Sound between the Boca Grande Causeway and the railroad trestle to the west (see attached map for details). Charlotte County contends that the boating safety zone is needed for controlled and safer boating conditions within the existing narrow and traffic congested channel and the areas around the bridges and railroad trestles. Charlotte County is required to provide competent substantial evidence that the ordinance establishing the boating-restricted area is necessary to protect the safety of the public.

The ordinance shall not take effect until it has been approved by the Commission. Charlotte County is required to establish a prima facie showing that the ordinance is necessary to protect public safety. In addition, following a review of all testimony, evidence and exhibits presented at a public hearing, if one is requested, and public comments received, the Commission will determine whether or not substantial competent evidence has been provided to demonstrate that the ordinance is necessary to protect public safety.

As required by Rule 68D-21.001(3), F.A.C., Charlotte County will publish as provided by Sections 50.011-.031, F.S., once a week for two consecutive weeks, notice of the public hearing on their ordinance in a newspaper of general circulation in the area affected by the ordinance. Approval, if granted by the Commission, will be conditioned upon the draft ordinance being adopted by Charlotte County without amendment.

**PUBLIC PARTICIPATION:** Pursuant to Rules 68D-21.002, and 68D-21.003, F.A.C., comments regarding this request will be accepted no more than 21 calendar days from the date of publication/distribution of this public notice. Public may provide written comments, recommendations, requests, inquiries, or other correspondence to the Boating and Waterways

Section at 620 South Meridian Street, Tallahassee, FL 32399-1600; or by email at [waterway.management@myfwc.com](mailto:waterway.management@myfwc.com). The Commission will conduct a public hearing within Charlotte County if a written request for such a hearing is received within 21 days following this notice.

**DUE DATE: Friday, April 26, 2016 (5:00 PM EST)**

**A COPY OF THE APPLICATION CAN BE OBTAINED BY EMAIL (IN PDF FORMAT) OR BY US MAIL.** Please submit your request directly to [waterway.management@myfwc.com](mailto:waterway.management@myfwc.com) or contact Boating and Waterways Section at (850) 488-5600.

**ATTACHMENT: Gasparilla Pass Proposed Zone Map**

- [Gasparilla Pass Proposed Zone Map.pdf](#)



Florida Fish and Wildlife  
Conservation Commission

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