



BOARD OF COUNTY COMMISSIONERS AGENDA REQUEST

DATE: March 24, 2026
TO: Honorable Chairman and Distinguished Members of the Board
FROM: Craig Coffey
SUBJECT: Request to hold a public hearing and consider an Amendment to Waterway Safety Ordinance
DEPARTMENT: County Administrator
BCC DISTRICT: All

STATEMENT OF ISSUE: Request Board hold a public hearing and consider an amendment to the “Waterway Safety Ordinance” by modifying a location-siting standard and other minor language clarifications to that section.

BACKGROUND: In 2023, the County formed a Waterway Safety Committee comprised of residents, elected officials, and livery operators to address what seemed like at that time as an epidemic of BUI’s, boating accidents, a patchwork of rules, and overall, a lack of attention to this issue. The Committee worked diligently for almost 6 months with the end result being an ordinance that collaboratively addressed the issues above in comprehensive, realistic and fairly even-handed regulatory approach. Although the ordinances are slightly different, they are largely the same and the vendors have largely standardized their approach across jurisdiction. Since that time, through the efforts of not only the County, but most of the impacted Cities and vendors as well, there has been a dramatic improvement in all areas of water safety.

However, having recognized the success above, typically no regulation is perfect at initial passage or doesn’t otherwise need adjustments over time to keep up with changing conditions. This change involves adjusting location standard for these facilities that requires a 500ft separation between properties with livery facilities on them. The primary rationale of the 500ft separation standard was to avoid a concentration of these facilities, in more narrow or congested areas like the Sound or a bayou, where a lot of inexperienced rental drivers in a confined space may not be ideal for safety. This standard also captured properties that open to Choctawhatchee Bay where there is not the same level of safety concern. This change quantifies the 500ft rule application to the more congested areas and eliminates the requirement for properties fronting on the Choctawhatchee Bay.

FUNDING SOURCE, (If Applicable): N/A

OPTIONS: Approve, Deny, Postpone, or Modify

RECOMMENDATIONS: Approval of the amendment to the “Waterway Safety Ordinance” by modifying the location-siting standard and other minor language clarifications to that section as shown.

Craig M. Coffey
Craig Coffey, Deputy County Administrator - Operations 3/17/2026

RECOMMENDED BY:

[Signature]
John Hofstad, County Administrator 3/17/2026

APPROVED BY:

ORDINANCE 26 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, REVISING AND AMENDING SECTION 12-338, ARTICLE VIII, OF CHAPTER 12 OF THE OKALOOSA COUNTY CODE OF ORDINANCES TITLED “RENTAL VESSEL BUSINESS STANDARDS” RELATING TO WATERWAY SAFETY, PROVIDING FOR GREATER FLEXIBILITY ON THE LOCATION OF WATERWAY RENTAL VENDORS FRONTING CERTAIN AREAS OF THE CHOCTAWHATCHEE BAY, PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Okaloosa County is a political subdivision of the State of Florida to which Chapter 125 of the Florida States grants broad authority and provides for the adoption of ordinances to provide for self-governance; and

WHEREAS, In 2022, the Board of County Commissioners adopted the Waterway Rental Vendors Safety Ordinance codified in Article VIII, Chapter 12, of the Okaloosa County Code of Ordinances; and

WHEREAS, The purpose of the Ordinance is to regulate livery vessel rental vendors and operators in order to promote safety, encourage tourism, support responsible marine businesses and protect the County’s natural resources; and

WHEREAS, The intent behind the siting standard within the ordinance was to separate the location of livery operators in order to prevent concentrations of rental vessels, in confined water areas, with inexperienced drivers, with limited local knowledge of the water; and

WHEREAS, The major safety concerns of concentration of livery operators is greatly diminished in the open waters of the Choctawhatchee Bay; and

WHEREAS, Okaloosa County now finds it is appropriate to amend the code for the general welfare and safety of the citizens and visitors of the County.

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

Section 1. Recitals. The above recitals are incorporated herein.

Section 2. Section 12-338, Article VIII of Chapter 12 of its Code of Ordinances is amended as follows:

(language to be removed is stricken, language to be added is underlined, the rest is unchanged).

Sec. 12-338. Rental vessel business standards.

- (a) *Business land use.* Zoning/use requirements except as otherwise provided in this article, businesses holding a valid license shall be situated together with their vessels upon a site authorized by the land development code and this article to have such business and shall not:
 - (1) Be located within 500 feet of any other business offering livery vessels for rent or lease. This standard shall not apply for properties fronting on the Choctawhatchee Bay, for purpose of this Section, the boundaries of the Choctawhatchee Bay shall be defined as from the bridges (Brooks, Shalimar, Cinco, and Destin Bridges) and the narrowing of the navigable channel for Boggy Bayou and Rocky Bayou in the Bay. This standard does not apply on a single site where multiple businesses may exist or be collocated in the future. ~~, except where said business is owned by the same individuals or entities, or where said business has established an agreement with the existing business which is regulated under the ordinance on the property.~~ All current validly existing businesses as of the date of initial enactment of this ordinance are vested and subsection 12-238(a)(1) is not applicable to their existing business site. Validly existing business is a business that has all necessary permits, approvals, zoning, licenses and certifications at time of adoption of this article that are necessary to legally operate their business at their business site in accordance with the county, state and federal laws.
 - (2) Be located upon or utilize any county or city property for renting, vessel drop off, for passenger debarkation, or similar business-related activity without written permission of the county or city.
- (b) *Business site requirements.*
 - (1) *Vehicular parking.* Livery vessel establishments must have and maintain property vehicular parking in accordance with the county's land development code requirements.
 - (2) *Physical location and structure.* Each livery vessel establishment shall have a physical location meeting the standards herein to include mailing address to receive mail at the location. A structure capable of protecting staff during normal inclement weather (example: a shed) shall be required so that staff are protected and can remain present on the site at all times during all hours of operation open to customers. All structures must be constructed in accordance with the Florida Building code in effect at the time of operation.
 - (3) *Dockage.* Docks must be maintained and kept safe and in good working condition in accordance with all Florida state building standards. All necessary state permitting relating to any dock(s) must be maintained for the duration of the business.
 - (4) *Restrooms.* Livery vessel establishments must have and maintain on-site ADA restroom facilities and business owned trash and recycling receptacles. These may be combined with other restrooms that are legally available to business customers in close proximately and open during all hours of operation.
 - (5) *Safety equipment.* Prior to operation, a livery vessel establishment shall file with the county a refueling plan approved by the appropriate fire department, FDEP and FWC, as appropriate. The plan shall provide sufficient details and specifications to assure

appropriate on-site maintenance and inspection, spill prevention and response training, a spill response plan to mitigate and report any impacts to the beach or the waters of the county, the Gulf of Mexico or East Pass; to provide proper safety precautions regarding the storage of fuels; and provide fire safety equipment. The owner shall in all operations comply with all provisions of the refueling plan.

- (6) *Safety.* A business location shall ensure compliance with boater safety identification pursuant to Section 327.395, Florida Statutes, and with livery safety regulations pursuant to Section 327.54, Florida Statutes, ensure compliance with boater safety identification pursuant to Section 327.395, Florida Statutes, and with livery safety regulations pursuant to Section 327.54, Florida Statutes. Livery vessel vendor shall provide local safety and regulatory instruction, such as no-wake zones, Crab Island safety corridor, etc. (may be combined with requirements of Section 327.54, Florida Statutes).
- (c) *Business contact/communication during operational hours.* A business location shall have and maintain a consistent telephone number and an operable marine radio at its land-based operations office during all hours of operation.
- (d) *Response vessel.* All businesses with one or more rentals shall have a motorized response vessel and person with an operational marine radio in good running condition that meets all United States Coast Guard safety requirements kept at the launching site during all hours of the business operation. The response vessel may be a personal watercraft reserved for this purpose.
- (e) *Insurance.* A business must have and maintain comprehensive third-party liability insurance in accordance with Section 327.54(5), Florida Statutes and as set forth within this article for the business and all vessels in operation.
- (f) *Business tax receipt license.* All businesses must have a business tax receipt license issued from the Okaloosa County Tax Collector. Such license or a copy thereof shall be publicly displayed on site.
- (g) *Vessel registration.* Each livery vessel must be registered in the name of the business and have a State of Florida vessel registration number affixed thereon. Additionally, all vessels must be locally permitted as set forth within this article.
- (h) *Vessel and business identification marking.* Each vessel and business (from the water) shall provide the name and valid, active phone number of the business as well as the vessel name on the outside of the vessel of an adequate size and in a location to be easily readable when the approaching the vessel or business. In addition, the vessel and business (from the water) shall contain the same unique identification markings that are on the customer floatation devices and each rental vessel shall have a unique number inside the marking, as follows:
 - (1) Letters and numbers must be bold block letters at least three inches high in a color contrasting to the portion of the structure to which they are affixed.
 - (2) The information must be displayed on the forward half of the structure on both sides above the waterline.
- (i) *Employee training.* Employees shall be required to complete the following training and upon request provide documentation at the site to any county or its designees. At all times during business hours, an employee that has completed the training must be located at the business

facility. Employees that have not completed the training shall have 30 days from start of employment to complete the training and may temporarily operate under the supervision of someone who has completed the training. Current/existing employees shall have six months from the effective date of this article to comply with these training requirements. Documentation of training must be kept at the business location and be made available for inspection at all times when the business is open. Training shall apply to all employees that supervise, take reservations, handle paperwork with customers, provide pre-ride/pre-rental training, or otherwise operate the rental or response/recovery equipment and shall include the following:

- (1) State of Florida Boating Safety Education Course;
 - (2) Okaloosa Boating and Waterway Safety Video;
 - (3) FWC's online livery course;
 - (4) American Heart Association First Aid Response Course;
 - (5) PWC or pontoon equipment training. In-house training on the safety/operation on the specific apparatus rented by the vendor; and
 - (6) Contingency training. In-house training for the employee on the specific contingency plans required for this business location.
- (j) *Fueling.* Any fuel tanks utilized at the business location shall meet all applicable fire, safety, and environmental regulations to include any permitting by the applicable fire department, the FWC or FDEP. Fueling of livery vessels on or within 50 feet of the water shall require a spill-proof nozzle or other acceptable device designated for prevention of fuel overflow. If vessels are fueled at the rental location the business employees shall undergo additional training on fuel safety and property fuel techniques. The type of fire extinguishers necessary to extinguish fuel fires shall be operational and accessible at the fuel location.
- (k) *Emergency contingency plans.* Each business shall have contingency plans/protocols for the emergencies listed below. At a minimum, these plans/protocols shall include contacts to call, immediate steps, reporting, and similar provisions including, but not limited to:
- (1) Fuel/oil spill;
 - (2) Fuel fire;
 - (3) Rental vessel accident;
 - (4) Medical emergency; and
 - (5) Inclement weather.
- (l) *Mandatory pre-season meeting.* The first week of February annually, all businesses regulated under this article are required to attend a mandatory meeting by the business primary business owner and/or operator before the county's prime tourism season begins in mid-February of each year. The mandatory meeting will include members of county staff, law enforcement and may include other interested participants. For convenience, more than one meeting may be scheduled. Failure of a business to attend a preseason meeting will result in a suspension of its licensure until a meeting is held. Individual makeup meetings shall be by appointment only for an administrative fee as set by resolution of the board of county commissioners.

Section 3. Codification. It is intention of the Board of County Commissioners that the provisions of this Ordinance shall be included in the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 4. Severability. Should any word, phrase, sentence, subsection, section or other part of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional then the part so held shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Section 5. Effective. This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA:**

Robert A. “Trey” Goodwin, III, Chairman,
Board of County Commissioners

ATTEST:

Brad E. Embry
Clerk of Circuit Court

APPROVED AS TO FORM:

Lynn M. Hoshihara
County Attorney

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57 the navigable channel for Boggy Bayou and Rocky Bayou in the Bay. This standard does
58 not apply on a single site where multiple businesses may exist or be collocated in the
59 future. ~~, except where said business is owned by the same individuals or entities, or~~
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91 a spill response plan to mitigate and report any impacts to the beach or the waters of the
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133 employment to complete the training and may temporarily operate under the supervision of
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135 from the effective date of this article to comply with these training requirements.
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137 inspection at all times when the business is open. Training shall apply to all employees that
138 supervise, take reservations, handle paperwork with customers, provide pre-ride/pre-rental
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152 spill-proof nozzle or other acceptable device designated for prevention of fuel overflow. If
153 vessels are fueled at the rental location the business employees shall undergo additional
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155 to extinguish fuel fires shall be operational and accessible at the fuel location.

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157 emergencies listed below. At a minimum, these plans/protocols shall include contacts to call,
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- 159 (1) Fuel/oil spill;
- 160 (2) Fuel fire;
- 161 (3) Rental vessel accident;
- 162 (4) Medical emergency; and
- 163 (5) Inclement weather.

164 (l) *Mandatory pre-season meeting*. The first week of February annually, all businesses regulated
165 under this article are required to attend a mandatory meeting by the business primary business
166 owner and/or operator before the county's prime tourism season begins in mid-February of
167 each year. The mandatory meeting will include members of county staff, law enforcement
168 and may include other interested participants. For convience, more than one meeting may
169 be scheduled. Failure of a business to attend a preseason meeting will result in a suspension
170 of its licensure until a meeting is held. Individual makeup meetings shall be by appointment
171 only for an administrative fee as set by resolution of the board of county commissioners.

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Section 3. Codification. It is intention of the Board of County Commissioners that the provisions of this Ordinance shall be included in the Code of Ordinances of Okaloosa County, Florida, and that any renumbering of the various sections is hereby authorized as necessary to achieve this directive.

Section 4. Severability. Should any word, phrase, sentence, subsection, section or other part of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional then the part so held shall be severed from this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Section 5. Effective. This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED THIS ____ DAY OF _____, 2026.

**BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA:**

Robert A. "Trey" Goodwin, III, Chairman,
Board of County Commissioners

ATTEST:

Brad E. Embry
Clerk of Circuit Court

APPROVED AS TO FORM:

Lynn M. Hoshihara
County Attorney

Business Impact Estimate Directions

The Business Impact Estimate Form, attached to these directions must be filled out at the time of drafting of any proposed ordinance, unless the proposed ordinance is on the exemption list below. The completed Business Impact Estimate must be posted on the County's website at the time the advertisement for the proposed ordinance is published.

The following proposed ordinances are exempt and do not require a Business Impact Estimate:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances relating to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local or private grant, or other financial assistance accepted by a county government;
5. Emergency Ordinances;
6. Ordinances relating to procurements; or
7. Ordinances enacted to implement the following:
 - a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. §§ 190.005 and 190.046, Fla. Stat. Community Development Districts;
 - c. § 553.73, Fla. Stat. relating to the Florida Building Code; or
 - d. § 633.202, Fla. Stat. relating to the Florida Fire Prevention Code.

Legal citation: § 125.66(3) (a) – (c), Fla. Stat. and § 166.041(4)(a)-(c), Fla. Stat.

BUSINESS IMPACT ESTIMATE FORM

Posted To Webpage **INSERT DATE**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, REVISING AND AMENDING SECTION 12-338, ARTICLE VIII, OF CHAPTER 12 OF THE OKALOOSA COUNTY CODE OF ORDINANCES TITLED “RENTAL VESSEL BUSINESS STANDARDS” RELATING TO WATERWAY SAFETY, PROVIDING FOR GREATER FLEXIBILITY ON THE LOCATION OF WATERWAY RENTAL VENDORS FRONTING CERTAIN AREAS OF THE CHOCTAWHATCHEE BAY, PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Part I.

Summary of the proposed ordinance and statement of public purpose¹:

This ordinance change only addresses one specific issue: It removes the 500ft livery business location separation standard for those properties fronting on the Choctawhatchee Bay. It can generally be considered less regulatory and pro-livery business. However, its benefits will be limited to small geographic, non-residential properties in unincorporated Okaloosa County.

The public purpose is to promote economic growth, minimize government regulation, and maximum private property rights while still ensuring public safety.

Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County: *(fill out subsections a-c as applicable, if not applicable write “N/A”)*

- a. Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

¹ Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the County.

This does not affect any direct compliance costs of someone seeking to open a livery business. It only creates the ability of a livery businesses to locate at a site where they were previously prohibited.

- b. Identification of any new charges or fees on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

This does not have any effect on fees or charges of someone seeking to open a livery business. It only creates the ability of a livery businesses to locate at a site where they were previously prohibited.

- c. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

There are not an anticipated impacts to the County's regulatory costs and there are not any new charges or fees that would be imposed to cover such costs.

Part III.

Good Faith Estimate of the number of businesses likely to be impacted by the ordinance:

There may 1-2 new business that may benefit from this change by being able to locate a livery business on a property where previously new livery businesses were prohibited.

USA TODAY CO.



PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Jerry Ann Chancellor
Executive Assistant to the BOCC
Bd Of Co Commissioners-Fw
1250 N Eglin PKWY
SUITE 100
Shalimar FL 32579-2307

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Northwest Florida Daily News, published in Okaloosa County, Florida; with circulation in Okaloosa and Walton Counties; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Okaloosa and Walton Counties, Florida, or in a newspaper by print in the issues of, on:

FTW NW Florida Daily News 03/11/2026
FTW nwfdailynews.com 03/11/2026

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/11/2026

D. Robert
Legal Clerk

Kongmeng Yang
Notary, State of WI, County of Brown
9.3.26

My commission expires

Publication Cost: \$163.70
Tax Amount: \$0.00
Payment Cost: \$163.70
Order No: 12149095 # of Copies:
Customer No: 537260 1
PO #: Notice of Intent

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

KONGMENG YANG
Notary Public
State of Wisconsin

NOTICE OF INTENTION TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Okaloosa County, Florida, on March 24, 2026, at 8:30 A.M. or soon thereafter, at the Board of County Commission Chambers in the Okaloosa County Administration Building, 1250 N. Eglin Parkway, Shalimar, Florida 32579, will hold a public hearing to consider adopting an ordinance, the title and substance of said proposed ordinance being:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, REVISING AND AMENDING SECTION 12-338, ARTICLE VIII, OF CHAPTER 12 OF THE OKALOOSA COUNTY CODE OF ORDINANCES TITLED "RENTAL VESSEL BUSINESS STANDARDS" RELATING TO WATERWAY SAFETY, PROVIDING FOR GREATER FLEXIBILITY ON THE LOCATION OF WATERWAY RENTAL VENDORS FRONTING CERTAIN AREAS OF THE CHOCTAWHATCHEE BAY, PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Offices of the County Commission located at Suite 100, Okaloosa County Administrative Building, 1250 N. Eglin Parkway, Shalimar, Florida 32579 and at Suite 302, 302 N. Wilson Street, Crestview, Florida 32536. Those offices can be contacted by telephone at 850-651-7105.

If any person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the Americans With Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may be made to the County Commission Offices at the above address and must be made at least 48 hours in advance of the hearings to provide the requested service.
#12149095 03/11/26