

THE BOATING ADVISORY COUNCIL
Video Conference - Meeting Summary
November 6, 2008

Council Members:

Present:

Ron Baker (St. Petersburg), Gail Byrd (West Palm Beach), Jeff Gentry, Robert Gill (St. Petersburg), Bill Griswold (Lakeland), Julie Jones, Richard Jones (Marathon), Senator Jim King, Jessica Koelsch (St. Petersburg), Mark Leslie (Kissimmee), Charles Listowski (St. Petersburg), Peggy Mathews, and E.J. Seguna (Kissimmee).

Quorum present? Yes

Others Present:

Bill Allbright (St. Petersburg), Bonnie Basham (by telephone), Bruce Buckson, Lee Chamberlain, Shaun Davis, Ashley Dockery, Bonnie Dunson, Mark DuPont, Jackie Fauls, Shelly Gurr, Pat Harrell, Phil Horning, Jeff Littlejohn, Ryan Moreau, Paul Ouellette, Brian Rehwinkel, Bill Sargent (St. Petersburg), Susanna Stephens, Tim Woody.

Members and others not otherwise indicated were at the Tallahassee location.

New Boating Advisory Council Members

Major Paul Ouellette introduced new members Ms. Gail Byrd, Florida Inland Navigation District, beginning at this meeting and Mr. Spencer Anderson, U.S. Power Squadrons, beginning in 2009.

New Boating and Waterways Staff

Major Ouellette introduced new Boating and Waterways Section employees. Phil Horning, Ryan Moreau, and Bill Sargent will work to meet the needs of the boating public regarding numerous boating issues. Colonel Jones welcomed the new Boating and Waterways Section members.

Proceedings:

Colonel Julie Jones called the meeting to order at 10 a.m. from the Tallahassee video conference site. Council members participated from the following video conference sites --- Kissimmee, Lakeland, Marathon, St. Petersburg, Tallahassee (main site), and West Palm Beach.

Major Paul Ouellette led the group in the Pledge of Allegiance.

Meeting summary

MOTION by Senator King and seconded by Peggy Mathews to accept the April 11, 2008 meeting summary. All approved.

Boating Access Program Excellence Award

Major Ouellette recognized the Boating and Waterways Section's Pat Harrell and her staff for receiving the 2008 State Boating Access Program Excellence Award presented by the States Organization for Boating Access (SOBA). SOBA recognized the group "for excellence in maintaining boating access in a highly urbanized and ecologically sensitive environment."

Update on Gubernatorial Appointments

Shelly Gurr provided an update on the status of appointments for the following positions.

- ⇒ Canoe or Kayak Enthusiasts
- ⇒ Commercial Fishing Industry or Commercial Shellfishing Industry
- ⇒ Commercial Vessel Owners or Operators
- ⇒ Manatee Protection Interests
- ⇒ Marine Manufacturers
- ⇒ Marine Special Events

All applications were sent to the Governor's office for appointments/ reappointments to be selected.

Sunset Review

Colonel Jones briefed everyone regarding the Sunset Review Group and the Legislature's decision to not sunset the Boating Advisory Council, but the need for the Council to be refreshed. The charge of this group by statute is to advise the Commission on boating-related matters. Colonel Jones reviewed the Areas of Emphasis previously provided by Council members.

Comments from members included the following areas.

- ⇒ Establish a strategic plan with timelines for completion
- ⇒ Council includes some positions representing very specific areas and need to reevaluate; continue to address topics such as anchoring and mooring and working waterfront preservation
- ⇒ Specific issues such as marine special events and anchoring and mooring are important; look at the issues overall and categorize topics;
- ⇒ Consider selecting usage areas
- ⇒ Do not need to add additional people; Council is not as effective as is possible
- ⇒ Considering the economic challenges, look at the cost effectiveness
- ⇒ Should be more generalized; consider people representing certain areas of the state instead of specific interests
- ⇒ Suggest one meeting to be in conjunction with the Commission meeting; Federal issues (PWC still banned in federal areas) have not been resolved; workshops would be a wonderful idea

Colonel Jones explained that the Commission can easily have a similar group and have flexibility for operating, however, without Governor appointments. If in statute, actions go through the Governor's office.

Additional comments from members:

- ⇒ The group would not be doing justice for the groups represented if the Council were dissolved; there is an advantage to a Gubernatorial appointment; need to address attendance; meetings to be productive
- ⇒ All three groups (FWC, DEP, DCA) need to be represented
- ⇒ Attendance by a legislative staff person when Senator or Representative not available

Senator King volunteered to send a letter to DCA requesting a representative to attend Council meetings.

MOTION by Peggy Mathews and second by Bill Griswold that Council members do not believe it is appropriate for sunset and want to continue to operate in statute with Gubernatorial appointments and will go forward to develop a strategic plan and internal guidance (attendance, expectations) document. All approved.

2009 Legislation

Ms. Jackie Fauls, Legislative Affairs Director, discussed the following 2009 legislative issues.

- ⇒ Seagrass protection – allows for a non-criminal penalty to be assessed by law enforcement with subsequent violations resulting in stiffer penalties. It would include an educational effort for the public. There will be the capability to be expanded at a later date. There is a seagrass working group.

MOTION by Jessica Koelsch and second by Bob Gill to support the seagrass protection legislation. All approved.

- ⇒ Confiscation and disposal of illegal fish and game – Officers have had to seize product and get it to a freezer as evidence. This will allow photographs of the evidence for court.

MOTION by Senator King and second by Peggy Mathews to support the evidence legislation. All approved.

- ⇒ Boating safety education – This item has been presented previously and has been an issue for many years. The education requirement would apply to all boaters and begin in 2010. The statistics show more accidents occur in the 36-50 age range with 100 hours or more experience. Several surveys have been done. Boaters support this issue.

MOTION to support boating safety education with amendments to exempt race boats, set a minimum age for boat operators on boats with over 10 horsepower engines, and include all vessels. The motion passed with amendments. Senator King, Mr. Seguna, and Mr. Gill were opposed.

- ⇒ Personal flotation device wear by children – This legislation would increase the age to 13 years old and under to wear a personal flotation device on vessels

under 26 feet while underway. FWC provided information of seven deaths over the last 10 years in this age group that might have survived had they been wearing a personal flotation device.

MOTION by Bob Gill and second by Jessica Koelsch to support the personal flotation device language. Gail Byrd, Senator King, E.J. Seguna, Mark Leslie, Peggy Mathews, and Jeff Gentry were opposed.

⇒ Excessive fuel transport – Limit the amount of fuel that can be carried on a boat and addresses unapproved containers.

MOTION by Bill Griswold and second by Rich Jones to support the excessive fuel transport legislation. Gail Byrd was opposed.

⇒ Boating Under the Influence – This legislation is to be the same as highway DUI for increased penalties for excessive blood alcohol content. The current BUI excessive amount is .20. Recently, DUI excessive blood alcohol content was dropped to .15, and the BUI should be the same.

MOTION by Bob Gill and second by Ron Baker to support the boating under the influence legislation. Gail Byrd, Mark Leslie, Peggy Mathews, and E.J. Seguna were opposed.

Anchoring and Mooring

Major Paul Ouellette, Boating and Waterways Section, presented background information and draft language regarding anchoring and mooring.

At a 2006 Commission meeting, Commissioners expressed concerns regarding unregulated anchoring and mooring of vessels on the waters of the state. Staff was asked to research and follow-up at a 2007 meeting to provide them information. FWC asked staff from the University of Florida Levin School of Law to perform a legal review on the subject including a legislative history. FWC formed a team with representatives from DEP, DCA, local governments, BAC member, legislative staff, Inland Navigation Districts, Coast Guard, Army Corps of Engineers, as well as the public.

Thirteen public meetings have been held with hundreds of people in attendance.

Comments from the public included issues such as:

- ⇒ Less boat access
- ⇒ More vessels stored
- ⇒ Congestion
- ⇒ Funding to remove derelict vessels
- ⇒ Rising property taxes
- ⇒ Pollution
- ⇒ Esthetics
- ⇒ Noise
- ⇒ Crime
- ⇒ Boating as the last bastion of freedom.

Some consistent themes included having FWC oversee boating regulations, protect freedoms to navigate, consistent look for uniform waterway markers, limited regulations on the water, local governments want more authority, confusion, local governments want time limits on anchoring and mooring, distance for a buffer, and how much regulation should be allowed.

MOTION by Rich Jones and second by Mark Leslie to pass this action. All approved.

The group complimented FWC staff for their work on this issue.

Public Comments

The following members of the public spoke to various issues.

Lee Chamberlain discussed uniform boating rules and bans of certain vessels.

Jeff Littlejohn spoke regarding exclusion for riparian owners and the right to anchor behind your house.

MOTION by Peggy Mathews to adjourn and second by Jeff Gentry. All approved.

Meeting adjourned at 3 p.m.

Meeting summary submitted by Shelly Gurr.