

## THE BOATING ADVISORY COUNCIL

### Meeting Summary

April 11, 2008

Lt. Col. Bruce Buckson called the meeting to order and Captain Richard Moore led the group in the Pledge of Allegiance.

#### **Members Present:**

Ron Baker, Rebecca Bragg, Jeff Gentry, Robert Gill, Bill Griswold, Julie Jones, Richard Jones, Joseph Kennedy, Jessica Koelsch, Mark Leslie, Chuck Listowski, Peggy Mathews, Ralph Poppell

Major Paul Ouellette introduced Mr. Jeff Gentry, the new Department of Environmental Protection representative and Ms. Gail Byrd, the new Florida Inland Navigation District. Ms. Byrd will be present at the next meeting.

#### **Public and Staff Present:**

Tom Ankersen, Brack Barker, Bonnie Basham, Gwen Beatty, Jim Brown, Bruce Buckson, Henry Cabbage, Lee Chamberlain, Ashley Dockery, Bonnie Dunson, David Green, Shelly Gurr, Richard Moore, Paul Ouellette, Brian Rehwinkel, Alan Richard, Thomas Ruppert, Kim Smith, Susanna Stephens, Phil Walters, Tim Woody

#### **Refreshments**

Lt. Col. Buckson thanked Peggy Mathews, American Watercraft Association, for sponsoring the refreshments.

Major Ouellette thanked Mr. Kennedy for buying more coffee for the break.

#### **Meeting Summary**

A correction was noted for the November 6, 2007 meeting summary (page one, under Meeting Schedule) for the change from "Robert" to "Ron."

MOTION: Becky Bragg made a motion to accept the November 6, 2007 meeting summary with the noted change. Ron Baker seconded the motion. Motion approved.

#### **Meeting Schedule Change**

Col. Julie Jones arrived for part of the afternoon session; she was attending legislative meetings.

MOTION: Jessica Koelsch made a motion to amend the agenda moving item II.d (Expectation Briefing) to the afternoon session when Col. Jones was scheduled to arrive. Mark Leslie seconded the motion. Motion approved.

## **2008 National Association of State Boating Law Administrator's Conference**

Captain Richard Moore provided details for the 2008 National Association of State Boating Law Administrator's Conference to be held in Clearwater Beach, Florida from September 6 – 10, 2008.

### **2008 Legislative Update**

Lt. Col. Jim Brown provided an update on legislative items.

**Boater Education** – This recommendation is to increase the age requirement for those having to take the boater education course. The Boating Advisory Council voted for this to go before the Commission. A Mason-Dixon poll indicated a large percentage of Florida boaters support boater education. The Commission submitted the issue to the Legislature, but it is no longer being considered.

**Child Personal Flotation Devices** – This recommendation is to increase the age requirement for mandatory wear of life jackets when a boat is underway. The proposal would require everyone under 13 years of age to wear a life jacket on a boat less than 26 feet in length while it is underway. The Commission submitted the issue to the Legislature, but it is no longer being considered.

**Budget** - Each agency was asked to look at General Revenue to reduce costs by 10%. FWC offered officer positions. There is discussion about other options such as an increase in vessel registration fees.

**Officer Pay** – This will be looked at in the future.

**Seagrass Protection** – Creates a pilot program for the restoration and stabilization of seagrass beds with a non-criminal infraction (\$50 fine) for boaters who scar seagrass in aquatic preserves.

**Parasailing** - This issue was brought up again this year and would require owners of parasailing vessels to carry liability insurance.

**Personal Watercraft** – This would raise the age to operate a personal watercraft from 14 to 16 years of age.

*Peggy Mathews commented on the need to allow a grandfather period for operators who are currently of legal age, so they are not all of sudden in the age not allowed to operate.*

**Florida Forever** – This is a tax incentive bill to keep the taxes on working waterfront (ex. marinas, fish houses) at their current use level. It will allow for working waterfronts to be preserved.

**Inland Navigation** – This would delete the requirement that the Florida Inland Navigation District post waterway signage and requires FWC to take over the responsibility.

## **Boat Racing**

Major Paul Ouellette provided a follow-up on the requirements for organizing a boat race as requested at a previous meeting. Staff checked eight years of boating accident/fatality information. In addition staff discussed the issue with field personnel. The majors were split as to whether or not it is a problem. It is not an issue at this time, but staff will continue to monitor these events. At a future meeting, staff may bring in Lt. David Bingham who prepared a proposal for staff review.

Mr. Baker commented that it costs him \$10,000 but others coordinate races and do not get approval. It is difficult to get through the approval process.

MOTION: Mr. Listowski made a motion to encourage the FWC to explore the possibility of developing marine enforcement task forces (such as the Lee County Task Force) so each regional FWC office can coordinate for that geographic region. Mr. Griswold seconded the motion. There was some discussion about adding another burden on FWC. Motion approved.

## **Florida Boating Improvement Program**

Ms. Susanna Stephens presented information regarding the Florida Boating Improvement Program which included the following information –

- ⇒ What it is
- ⇒ Where the money comes from
- ⇒ Who can apply for grants
- ⇒ What can you do with grants
  - Tier 1
  - Tier 2
- ⇒ FY 2007-08 update

Additional information is located at [MyFWC.com/boating/grants/fbip.htm](http://MyFWC.com/boating/grants/fbip.htm).

MOTION: Mr. Listowski made a motion to encourage FWC to develop a statewide amnesty program for derelict vessel removal that takes into account the chronic areas of concern. Becky Bragg seconded the motion. Motion approved.

## **Meeting Schedule Change**

MOTION: Jessica Koelsch made a motion to amend the agenda to move item IV.b (Anchoring and Mooring) ahead of 2007 Boating Accidents. Peggy Mathews seconded the motion. Motion approved.

## **Vessel Anchoring and Mooring Issue Update**

Major Paul Ouellette provided an update on the anchoring and mooring issue. Staff presented its recommendations during the June 2007 Commission Meeting and identified that the issue was somewhat broader than unregulated anchoring and mooring. Confusion also exists in several areas within the subject of waterway

management, interpretation of current Florida boating laws and local government authority.

Boating and Waterways Section staff held workshops around the state with a total of 273 people in attendance. The recommendations are to 1) remain within narrow scope of anchoring/mooring model ordinance and 2) expand the scope to clarify and consolidate sections of Chapter 327 dealing with local government authority and permitting. These recommendations are for discussion and to allow for input.

Commissioners requested that staff research the issue and report back to them at a subsequent meeting.

### University of Florida Levin College of Law

Tom Ankersen, J.D. and Thomas Ruppert, J.D. discussed their charge to review Chapter 327 and then look at key issues as far as anchoring and boating restrictions (boating restricted areas). Chapter 327 passed in 1959, but it was not written in that year to deal with issues that are happening now.

The project involves taking local boating regulations and putting them in a spatially defined map that is linked to legal information for both public and law enforcement. Staff developed a database then linked that information and created a map. There were problems with boundaries, regulations, and explanations. The problem with the database is that it is a snapshot in time and how to keep it up-to-date.

The next part was how to go forward – the suggestion would be one central place for all regulations. One way to do that is preemption of local government authority. In addition, local government should be required to have better drafting and boundary descriptions.

Mr. Ruppert presented the summary policy recommendations as listed in the document, Chapter 327, Florida's Boating Law: A Legal and Policy Analysis with Recommendations for Reform.

Lt. Col. Buckson stated the document is a draft and staff will keep you updated as the process continues.

### **Expectations Briefing**

Col. Jones arrived and discussed the "Expectations Briefing" topic. Staff provided a copy of the Member Guidelines to members for reference. There is discussion to sunset this group which is why the expectations are so important. Legislative staff reviewed councils, boards, etc. as part of the Sunset Review process. Their staff asked for information such as costs, recommendations made, and action taken on the recommendations.

The original charge for the Council had to do with integrating boaters on the manatee issue. Over the years, the Council has grown to 18 members and reports to the Commission regarding proposed legislation. Colonel Jones challenged members to look at the need to refresh if they continue as a group.

Council comments:

- ⇒ Peggy Mathews – need to have more involvement in what is going on
- ⇒ Ron Baker – want to get more involved; the people have good ideas
- ⇒ Bill Griswold – federal groups prepare strategic plans and maybe that is an option
- ⇒ Rich Jones - agreed they need to be more involved; each member has expertise
- ⇒ Jessica Koelsch - need to be engaged in making a difference

Colonel Jones thanked the members for their participation.

**Wear It Florida**

Mr. Brian Rehwinkel provided a Wear It Florida campaign update and showed two public service announcements - “Last Thing” and “Never Forget” - associated with the campaign. Mr. Rehwinkel also showed pictures of a vehicle and vessel to be used in conjunction with the campaign; Bombardier is providing the vessel. The two focus areas, at this time, are Tampa Bay and Southeast Florida (Miami-Dade County and Monroe County). FWC is looking for partners. Call Mr. Rehwinkel at (850) 488-5600 with any questions.

**Agenda Items Not Covered**

2007 Boating Accidents – The accident report will be sent to members, so staff can answer any questions.

USCG – States to Track Dive Accidents – This item can be discussed at a future meeting.

*Meeting adjourned at 3:50 p.m.*