



# Boating Advisory Council

Mission Inn Resort and Club  
Howey-In-The-Hills  
November 28, 2017  
Meeting Minutes

\*A digital recording of the entire meeting is available upon request. Please contact the Community Relations Office at (850) 488-4676 for additional information.

## **Call to Order and Pledge of Allegiance**

The meeting was called to order by Chairman Brown at 8:30 am. Pledge of Allegiance led by Captain Klein.

## **Roll Call**

Boating Advisory Council (BAC) Members

### **Present**

Colonel Curtis Brown (Chair) – Florida Fish and Wildlife Conservation Commission (FWC)  
Division of Law Enforcement Director  
Robert “Bob” Atkins – Boating Public  
Rebecca “Becky” Bragg – Canoe/Kayak Enthusiasts  
Mark Crosley – Florida Inland Navigation District (FIND)  
Stephen “Steve” Danzig – Marine Special Events  
William “Bill” Griswold – US Coast Guard (USCG) Auxiliary  
David Hankla – Manatee Protection Interests  
William “Bill” Husted – US Power Squadrons  
Senator Travis Hutson – Senate  
Joseph “Skip” Lyshon – Marine Manufacturers  
William “Brad” Richardson – Department of Environmental Protection (DEP)  
Christopher “Chris” Shaffner – Commercial Vessel Owners/Operators  
Michael “Dean” Shuler – Scuba Diving Industry  
Robert “Bob” Spaeth – Commercial Fishing Industry  
Hans Wilson – Marine Industries

### **Absent**

David Childs – Water-Related Environmental Groups  
Phillip Dur – Boating Public  
House of Representatives

### **Presenters (non-BAC/FWC staff)**

Richard Allsopp, US Sailing; Justin McBride and Jed Schneck, West Coast Inland Navigation District

### **FWC Staff**

Lt. Colonel Brian Smith, Major Rob Rowe, Major Jay Russell, Captain Gary Klein, Lieutenant Seth Wagner, Precious Boatwright, Jessica Crawford, Brandy Elliott, Phil Horning, Charlotte Jerrett, and Brian Rehwinkel

### **Audience**

Brack Barker, Bonnie Basham, Gwen Beatty, Linda Charlton, Robin Delany, Rob Ecke, Erica Johnson, John Lorenz, Vicky Manson, Jean Mayer, Whitey Markle, Cheri McKitrick, Peg Phillips, Carol Schwarz, Gary Sisco, Bruce Wright, Nancy Zaletta, and Robert of SOFA

## **Adoption of Minutes**

Upon a motion by David Childs, seconded by Bill Griswold and carried, the October 2016 minutes were approved as written.

## **Special Recognition**

Brian Rehwinkel presented the BAC with information on Megan Malicoat, Boating Officer of the Year and Andrea Rutherford, Boating Safety Educator of the Year.

## **Legislative Review**

Jessica Crawford provided a timeline of where FWC is regarding the Legislative Session. Session begins on January 9, 2018 and ends on March 9, 2018. There are bills to be filed which will affect FWC; however, FWC has not filed any.

Chris Shaffner spoke on a bill impacting commercial operators, HB469/SB664, related to the salvaging of pleasure vessels. He said the commercial industry is opposed to the bill. He provided a scenario between a customer and salvager which showed how unrealistic the bill (as it stands now) is. It puts the burden and potential cost mostly on the salvager, but will heavily impact the insurance industry and property owners.

Lt. Colonel Smith gave an overview of a FWC career-development staffing plan that is a part of the Governor's budget proposal which seeks to recruit and retain officers long-term.

Chairman Brown stated that a large part of the request for increase in officers came from the commercial fishing industry. FWC is losing officers to other government entities due to low pay.

Bob Spaeth stated that most of the FWC officers he has known built a relationship with over his 30 years as a commercial fisherman have become federal officers.

Senator Hutson spoke on the revision to CS/HB 703 Vessels, which allowed issuance of a safety sticker with no expiration date. He is seeking to change this law to allow FWC to come up with a time/date that will allow FWC to inspect to ensure continued boater safety.

Steve Danzig asked had any consideration been given to deputizing civilian inspectors to do the inspections. Chairman Brown responded that the statute requires law enforcement to do the inspections.

Bill Griswold felt it adversely affected the US Coast Guard Auxiliary and US Power Squadron, and their positive impact on boating safety should have been taken into consideration.

Bob Atkins inquired how this safety inspection could incorporate the non-motorized watercraft. Chairman Brown responded that the non-motorized watercraft were included in safety inspections.

## **Public Comment:**

Bonnie Basham welcomed and thanked Senator Hutson for his presence. She expressed happiness regarding the change to CS/HB 703 Vessels. She felt the bow-riding aspect of the bill needed to be reviewed and worked-on. Ms. Basham, speaking on behalf of Boat US, stood in agreement with Chris Shaffner opposing HB469/SB664.

## **National Standards for On-Water Training**

Richard Allsopp presented the National On-Water Standards (NOWS). The U.S. Coast Guard's intention is for this national, comprehensive system of standards to serve as a central framework for organizing information about the fundamental building blocks people can freely access and voluntarily use within their design and delivery of instruction for recreational boat operation. The system is designed to help ensure there is a coordinated and consistent platform of skills and knowledge that people throughout the country have because of

receiving entry-level instruction in recreational boat operation. US Sailing lead the development of NOWS in conjunction with the American Boat and Yacht Council. The standards are approved by the American National Standards Institute. The National Association of State Boating Law Administrators is working with them on implementation.

Shaffner stated, through his service which connects boaters with experienced captains, that he receives several requests for on-water training and feels this is vastly important.

### **West Coast Inland Navigation District's Legislative Proposal**

Justin McBride and Jed Schneck presented information on vessel storage and abandoned/derelect vessels. McBride and Schneck sought BAC's input on vessel storage time limits and wished to pursue a mutually agreeable statutory/policy change. They hoped to begin stakeholder dialogue and build upon the positive results from FWC's Anchoring and Mooring Pilot Program.

Mark Crosley thanked McBride and Schneck for attending and presenting the information. He appreciated their thoroughness and asked if they had researched what other states are doing. McBride responded that California and Washington had similar programs and they were considering those.

Shaffner asked if they considered the effect of successful mooring fields. McBride responded they did not have mooring fields in their area.

Hans Wilson stated they are fundamentally challenged with trying to find a federal law of in-navigation to maybe to 60 days. McBride responded that they would hope Florida would provide a better definition of navigation.

Wilson asked what prevents someone with a vessel about to become derelect or abandoned from removing their vessel from a mooring field on day 59, taking it down the waterway for a day, then bringing it back and re-mooring the vessel or letting the vessel sink. McBride responded that they would identify the owner and charge them with dumping or abandoning the vessel, which is a felony.

Wilson asked if McBride would fight for this to be a state law or something delegated to local governments to enforce. McBride responded by saying it would be easier to enforce and manage at a statewide level, but that local governments need to be empowered to enforce these laws as well.

Wilson recommended some form of licensing process to ensure vessels being moored are "up to snuff" which would be required to be renewed regularly.

Shaffner asked who is determining the status of vessels being derelect or abandoned in these cases. McBride responded that these definitions are determined on a case-by-case basis by the law enforcement officers handling the case.

Crosley thanked McBride and Schneck, noted the complexity of the issue, and voiced support for Wilson's comments on both a personal level and on behalf of boater interests, stating that boaters would like consistency in state regulation.

### **Hurricane Irma Impact**

Major Rob Rowe presented information relating to FWC's Hurricane Irma Derelect Vessel response. He stated that FWC's responsibilities during this recovery were to facilitate the recovery and removal of the vessels, temporarily store them at storage facilities, and either return them to their owners or properly dispose of them. The state was divided into four sectors corresponding with those established by the US Coast Guard to keep track of the vessels being removed: Sector St. Petersburg, Sector Key West, Sector Miami, and Sector Jacksonville. Sector St. Petersburg completed their recovery efforts on November 16, 2017, when the last

vessel was removed from waters of the state within that sector. Displaced vessels recovered by contractors were temporarily stored in one of the twenty storage facilities. The average cost of removal of contaminants and pollutants averaged between \$25,000 and \$40,000 per removal; price was heavily dependent on the size of the vessel. The total cost of FWC's response to recovering displaced vessels from Hurricane Irma was \$9 million. This number is increasing as more vessels are being discovered.

Skip Lyshon asked what happens when people claimed their displaced vessels from a storage facility and if there were any costs associated with that process. Major Rowe responded that the owner is responsible for picking up their vessel and transporting it from the storage lot and have thirty days to secure arrangements to complete this task.

Atkins asked if boats deposited on land from Irma would be considered part of FWC's displaced vessel response. Major Rowe responded that these upland vessels would not be the responsibility of FWC and would be handled by local administrations, the Department of Transportation (DOT), or Department of Environmental Protection (DEP).

Spaeth asked who is responsible for a sinking vessel that is tied to a dock and abandoned when the owner cannot be identified. Major Rowe responded that any vessels tied to private docks are an extension of the private property, so it is the responsibility of the property owner to remove it from their property if the owner of the abandoned vessel cannot be identified.

### **Derelict Vessel Grants Update**

Phil Horning, FWC's Derelict Vessel Program Administrator, presented FWC's Derelict Vessel Grant program from the previous year, as well as FWC's plans for the grant in the coming year. Horning stated that there is a difference between storm-related derelict vessels and derelict vessels. Derelict vessels not attributed to a storm are considered a crime and dealt with as a criminal case. After Hurricane Irma, several contracts were signed with Florida counties to assist in the removal of derelict vessels. Out of all vessels requested to be removed by citizens and local governments, 79% were removed by the Derelict Vessel Grant Program. Budget limitations in some counties led to limitations to assist in vessel removals. He described challenges faced by the Derelict Vessel Grant Program over the past year, such as legal and contractual issues in certain counties. Successes of the program over the past year included approval of rewritten program rules and guidelines, and closing out contracts with grantees satisfactorily. In the coming year, a 45-day application period will open for new grantees to apply for assistance.

Crosley commended the Derelict Vessel Grant Program and expressed support for its future endeavors. He recommended the program encourage more coordination between itself and local governments to minimize inconsistencies across the state.

Shaffner asked for an update on the At-Risk Vessel Program. Horning responded that four of the five standards of the program are currently implementable. Shaffner asked if FWC still considers the program productive. Horning responded that FWC absolutely considers it productive.

Wilson asked for FWC staff's comment regarding the price difference for vessel removals between the Derelict Vessel Grant Program and the Displaced Vessel Program. Horning responded that the Displaced Vessel Program dealt with federal contractors while the Derelict Vessel Program dealt with local contractors, and the federal contractors are more expensive. Major Rowe added that the Displaced Vessel Program takes in costs for transportation and destruction of vessels and the Derelict Vessel Program does not.

## **Non-Motorized Boat Working Group Recommendations Review**

Bill Griswold presented issues brought forward by the 15-member Non-Motorized Boats Working Group (NMBWG) committee. Four major topics were examined by the committee: access, safety, education, and user-pay/user-benefit. The committee stated that more needs to be done to involve communities in the planning stages of implementing more access for non-motorized paddlecraft. The group requested more law enforcement presence in their waterways due to user conflicts. The group emphasized the necessity for more inclusive education resources related to paddler safety and that more education could be offered at the point-of-sale. The group felt paddlers pay for use now through taxes and fees. The group felt the working group should be an on-going committee.

Becky Bragg noted that a plan implemented by Ohio involving state boater fees was flawed for its exclusion of paddlecraft. She noted the Oregon model was presented to the BAC.

Shaffner asked what was the paddlecraft community's response to search and rescue efforts related to adrift paddlecraft and how to contribute to that effort. Griswold responded that more data would need to be collected from rescuers such as FWC and the US Coast Guard regarding the resources and amount of time expended during their rescue efforts so that improvements can be made. He also provided information on orange vessel identification stickers which could be used to identify lost vessels.

Shaffner asked how willing paddlers were to put the orange stickers on their craft. Griswold responded that he does not know the attitudes of paddlers regarding this matter.

Shaffner asked is the paddlecraft community willing to support a numbering system or stickers. Bragg stated most people are not adverse to using the stickers or a permanent marker to write the information inside the boat.

Lyshon recommended the creation of a registration system similar to the Hull Identification Number (HIN) system used to register motorized vessels.

Wilson expressed that education seemed to be the most important topic addressed during Griswold's presentation. He argued that all points related to safety and access fall under the umbrella of education and that starting there could solve several problems brought to light by the working group.

Griswold expressed a need for a required safety course for paddlers as opposed to an optional one.

Atkins referred everyone to the information he provided for Member Items highlighting Kelly Park as a successful example of making access work for all vessel types.

### **Public Comment:**

John Lorenz felt the major concern is how any funds derived from registration would be used.

Gwen Beatty (member of the NMBWG) felt the education literature available was not relevant to paddlesport. She felt the education needed should be derived from their associations and organizations. She supports the orange stickers.

Erica Johnson believes the best start to addressing concerns are the no-cost recommendations put forth in the report.

Whitey Markle stated there was no need for mandatory registration or the state supplying stickers. He would like to see increased enforcement on the waterways.

Brack Barker (member of the NMBWG) listed several governmental entities paddlers could use as resources for access. He stated no one pays currently for search and rescue efforts. He felt the education components could be met by the existing livery law.

Carol Schwarz strongly expressed that any actions that BAC comes up with need to be to the benefit and support of the paddling community. She is against registration.

Chairman Brown read two comments left by the public in opposition to registration.

Chairman Brown reiterated to those in attendance that BAC is an advisory board.

A motion was made by Wilson and seconded by Bragg.

**MOTION:** I move that we accept the report as presented and that the BAC recommends advancing that educational component of the report back to the non-motorized group for them to prioritize their education focus and come forward with an implementation plan.

**VOTE:** Unanimous

### **MEMBER ITEMS**

Spaeth would like BAC to consider the working waterfront and what is occurring with it to come up with possible solutions. Madeira Beach and downtown Miami Beach are typical examples of what is going on. Chairman Brown suggested Spaeth and Major Rowe meet on this topic to review and discuss. Atkins reminded everyone that common folk are losing access to the beach/waterfront, and we need to preserve a way for everyone to have access. Crosley agreed there is a need to protect the working waterfront. He stated FIND does a commercial industrial access study each year that could possibly be used to help. Shaffner felt the working waterfront should be treated like the Mangrove program.

Husted informed BAC that US Power Squadron is transitioning to America's Boating Club to include and open to all types of boats and boating. He also expressed interest in working with FWC, as they do with US Coast Guard Auxiliary, to conduct vessel checks.

Crosley encourages paddleboard to come to consensus and focus on implementation. FIND has grants which help with access and do not differentiate between motorized and non-motorized.

Wilson requested an anchoring and mooring update, specifically vessel assessments for officers to use and mooring restrictions.

Danzig discussed the Kidde fire extinguishers recall.

### **COUNCIL ROUNDTABLE**

See Member Items.

### **PUBLIC COMMENT**

Basham felt it was a tremendously productive meeting. She is impressed with the caliber of topics presented at the meetings and the Mission Inn.

Chairman Brown closed the meeting by thanking FWC staff for coordinating a great meeting.

Next meeting will be held May 17, 2018, in St. Augustine.