

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Jackie Fauls/Jessica Crawford, Legislative Affairs Director
Date: November 17, 2016
Subject: 2017 Session Legislative Issues

Purpose:

This item will seek the Commission's approval for staff to submit two issues for consideration by the Legislature during the 2017 Session:

- 1) A proposed statutory change to correct a technical deficiency for a sea turtle penalty, which would require proposed legislation to be filed;
- 2) The anchoring and mooring pilot program proposed final report that is due to the Governor and Legislature, Jan. 1, 2017; no proposed legislation is required from the Commission.

Summary:

1) Correct Technical Deficiency for Sea Turtle Penalty

This proposal will correct a technical deficiency created during the 2016 Session, when legislation was passed to clarify that possession of sea turtles is prohibited unless authorized by the Commission. The proposal adds a statutory reference to the Offense Severity Ranking Chart in the Criminal Punishment Code that was inadvertently not codified during the 2016 Session.

2) Anchoring and Mooring Pilot Program Proposed Final Report

This report is required to be submitted to the Governor and Legislature, Jan. 1, 2017, to provide recommendations on how problems associated with boats that anchor and moor outside of mooring fields might be resolved. The anchoring and mooring pilot program was created during the 2009 Session. The Legislature required the Commission, in consultation with the Department of Environmental Protection, to establish a pilot program with five communities to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields. The pilot program was originally established to sunset July 2014, with a report from the Commission due to the Governor and Legislature, Jan. 1, 2014. Because the choosing of the five communities – St. Augustine, Martin County/City of Stuart, Monroe County/cities of Marathon and Key West, Sarasota, and St. Petersburg – and the creation, approval, and implementation of their local ordinances took longer than expected, at the request of the Commission, the Legislature and Governor approved a three-year extension to the pilot program until July 2017. A final report is required to be submitted, Jan. 1, 2017.

The proposed report contains recommendations that are based on the experiences of the five communities and the statutory goals of the pilot program. Those goals are:

- a. Promote the establishment and use of public mooring fields
- b. Promote public access to the waters of the State
- c. Enhance navigational safety
- d. Protect maritime infrastructure
- e. Protect the marine environment, and
- f. Deter improperly stored, abandoned, or derelict vessels.

To review the proposed report including recommendations, please see the “Anchoring and Mooring Pilot Program, Proposed Report of Findings and Recommendations” that is posted on the November 2016 FWC Commission meeting website under Item 17 -

<http://www.myfwc.com/about/commission/commission-meetings/2016/november/16/agenda/>

Staff Recommendation:

Staff requests that the Commission approve the following legislative items:

- Correct a technical deficiency for a sea turtle penalty, and give authorization to the Executive Director, in consultation with the Chairman, to make adjustments to the proposal and advise on other legislation, as needed, through the 2017 Session.
- Approve the proposed final report of the Anchoring and Mooring Pilot Program, and give authorization to the Executive Director, in consultation with the Chairman, to make adjustments to the report, as needed, before submitting it to the Governor and Legislature, Jan. 1, 2017.

Staff Contact and/or Presenter:

Jessica Crawford, Legislative Affairs Director – sea turtle penalty

Major Richard Moore, Boating and Waterways Section Leader – anchoring and mooring pilot program proposed report