



**Anchoring and Mooring Pilot Program
Proposed Report of
Findings and Recommendations
November 17, 2016**



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

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Anchoring and Mooring Pilot Program

- Created in 2009; sunsets July 2017
- 5 communities chosen by Commission
 - St. Petersburg
 - Sarasota
 - Monroe County/cities of Marathon and Key West
 - Martin County/City of Stuart
 - St. Augustine



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The Anchoring and Mooring Pilot Program was created by law during the 2009 Session of the Legislature. It was initially prescribed to conclude in 2014, but circumstances required FWC to request an extension through the Legislature. A three-year extension was granted in law during the 2014 session.

The law required five participating local governments: two on the east coast, two on the west coast, and Monroe County.

The Commission was required to select the five local governments to participate in the pilot program, approve their ordinances, and monitor their findings. Those five communities are: St. Petersburg, Sarasota (city), Monroe County/cities of Marathon and Key West, Martin County/City of Stuart, and St. Augustine.

The Pilot Program will sunset, July 1, 2017.

Anchoring and Mooring Pilot Program

- Directed FWC to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside of public mooring fields
 - 6 specific areas to be explored
- Report of findings and recommendations due to the Governor and Legislature, January 1, 2017
- No legislation to be submitted with Report



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There are six specific areas of concern expected to be explored through the pilot program:

1. Promote the establishment and use of public mooring fields
2. Promote public access to waters of the state
3. Enhance navigational safety
4. Protect maritime infrastructure
5. Prevent derelict vessels
6. Protect the marine environment

The proposed recommendations are identified with each specific area of concern.

A final report on the findings and recommendations is required of the Commission, to be submitted to the Governor and the Legislature, January 1, 2017. No legislation will be submitted with the report.

Recommendations for promoting the establishment and use of public mooring fields

Further protect safety of mooring field users –

- Establish a 300 foot buffer around mooring fields, within which no anchoring is allowed



The first area of concern relates to promoting the establishment and use of public mooring fields. Several of the pilot program communities tested various setbacks from public mooring fields. Based on their experiences and public comments, it is suggested that a 300 foot no-anchoring buffer around permitted public mooring fields is appropriate in order to improve the safety of vessels using the mooring fields.

Recommendations for promoting the establishment and use of public mooring fields

- State should retain authority for anchoring outside of mooring fields on State waters
- If authority is granted to local governments to regulate such anchoring within their jurisdiction –
 - Require availability of public mooring fields
 - No blanket restriction of all anchoring
 - Grant to counties only



The next three recommendations relate to the issue of where authority lies for regulating anchoring of vessels outside of established and permitted mooring fields on waters of the State. It is recommended that the State retain the authority to regulate anchoring outside of mooring fields on waters held in public trust by the State.

In the event the Legislature decides to grant some authority to local governments for regulating such anchoring, these recommendations suggest that any participating local government would have to ensure the public has access to public mooring fields, and that there can be no blanket restriction of all anchoring within their jurisdiction. Furthermore, such authority should be granted to counties only.

Recommendations for promoting the establishment and use of public mooring fields

To promote the establishment and use of mooring fields –

- Quantify the economic benefits
- Document the environmental benefits



During the pilot program, the participating local governments reported various benefits that came from public mooring fields. With an expectation that public mooring fields will continue to enhance the use of Florida's waters, having reliable documentation of both the economic and environmental benefits of public mooring fields will be necessary as local governments consider whether or not to invest in public moorings. These recommendations – to quantify the economic benefits and to document the environmental benefits - suggest further effort to document those benefits.

Recommendation for promoting public access to the waters of this state, enhancing navigational safety, and protecting maritime infrastructure

Create statewide anchoring limited areas for maritime infrastructure –

- No anchoring within 150 feet of:
 - marinas
 - boat ramps
 - other vessel launching and loading facilities
- Some exceptions



This recommendation supports three of the areas of concern:

1. Promoting public access to the waters of the state
2. Enhancing navigational safety
3. Protecting maritime infrastructure

Supported by the findings from the participating local governments and comments from the public, this recommendation would establish, statewide, a 150-foot no-anchoring area around maritime infrastructure including marinas, boat ramps and other facilities where boats are launched or loaded. This limitation would make it easier for boats to enter and exit public waters, would improve one's ability to maneuver a vessel in close quarters, and would protect the integrity of maritime infrastructure by keeping boats back a reasonable distance.

Exceptions are suggested that include when there is an unreasonable risk of harm due to weather conditions, vessels owned by governmental entities, active construction or dredging vessels, commercial fishing vessels, and active recreational fishing vessels.

Recommendations for prevention of derelict vessels

- Place a “hold” on titles of vessels deemed derelict
- Limit who may renew a vessel registration - to owner or person with power of attorney
- Increase penalties for repeat violations of vessel registrations expired for more than 6 months –
 - 2nd and subsequent violations – 2nd degree misdemeanor



The prevention of derelict vessels is another area of concern. It is an important topic for the State and local governments, and much work has been done in this area. In August 2015, FWC hosted a series of public meetings and participant surveys to identify potential ways to improve Florida laws aimed at preventing or removing derelict vessels on State waters. The following recommendations are from that effort and would serve as valuable tools in future efforts to rid Florida waters of derelict vessels:

Create a provision to place a “hold” on a vessel’s title when that vessel has been declared derelict by a law enforcement officer. This would have the effect of stopping the sale of a derelict boat to others until the vessel has been removed from the water as required by law.

In order to ensure that vessel titles are transferred as required by law, it is recommended that no one may register a vessel except the owner of record or a person with power of attorney for that purpose.

To mirror current law related to expired vehicle registrations, it is recommended that penalties be increased for an expired vessel registration when the owner has already been cited once for allowing the registration to be expired for more than six months. This would apply to vessels operated, used, or stored on State waters. The penalty would increase from a non-criminal infraction to a 2nd degree misdemeanor for second and subsequent violations.

Recommendations for prevention of derelict vessels

- Allow alternate means of derelict vessel owner notification –
 - If done in person, certified mail is not required
- Add a condition defining a vessel at risk of becoming derelict –
 - Vessel is inoperable/incapable of navigation



The next recommendation would eliminate redundant notification requirements in law. In the event that an investigating officer notifies the owner of a derelict vessel of the violation and issues a citation in person, this recommendation would remove the current obligation of the enforcement agency to send notification of violation by certified mail.

The final recommendation related to preventing derelict vessels adds another condition to the definition of a vessel “at risk” of becoming derelict to law. When a vessel is inoperable and incapable of navigation, that vessel would no longer be allowed to remain on State waters.

Note: during the 2016 Session, the Legislature created a new law that defines vessels that are “at risk” of becoming derelict, and prohibits them from anchoring, mooring, or occupying State waters. This law was based on one of the recommendations from the 2015 derelict vessel meetings/survey efforts.

Recommendation for protecting the marine environment

- Prohibit vessels or floating structures from being moored to unauthorized moorings
 - 1st violation – non-criminal infraction
 - 2nd and subsequent violations – 2nd degree misdemeanor



The final recommendation relates to restricting vessels from tying off, anchoring or mooring to any unlawful or unpermitted objects used to attach a vessel to the water bottom. This would help deter the proliferation of various forms of litter placed for this purpose, and would allow local governments and the State to clean up such debris.

Penalties are suggested for this new offense – the first violation would result in a non-criminal infraction; second and subsequent violations would result in a 2nd degree misdemeanor.

Unresolved Issues of the Pilot Program

- Stored vessels (unattended vessels on State waters)
- Inoperable vessels used as residences
- Marine sanitation
- Setbacks from shorelines and private docks



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There are some issues that remain unresolved from the Pilot Program and for which there are no recommendations:

Stored vessels – unattended vessels that are stored for extended periods of time on waters of the State – are at increased risk of becoming derelict. The pilot program participants attempted to solve issues related to these boats in a variety of ways. Although the recommendations do not address all concerns related to stored boats, several of the recommendations, if implemented together and used collectively, are likely to resolve many issues related to stored boats. Those recommendations include the following: Further protect safety of mooring fields users/300 foot buffer around mooring fields, create statewide anchoring limited areas/150 foot setback from maritime infrastructure, increase penalties for repeat violations of vessel registrations; additional condition for vessels at risk of becoming derelict; and prohibiting vessels or floating structures from being moored to unauthorized moorings.

Inoperable vessels used as residences - some local governments are very concerned about boats being used as long-term residences. When these boats are incapable of effective navigation, and are considered “live-aboard” vessels, local governments are already authorized to regulate their use on waters of the State. It may be unclear, however, if some of these vessels fall within the statutory definition of “live-aboard”. There is no consensus on a potential solution to this issue.

Marine sanitation - two participating local governments tested regulations aimed at protecting the marine environment by requiring mandatory holding tank pump-outs. There are numerous challenges to effectively mandating pump-outs on a statewide basis. There is no consensus on a potential solution to this issue.

Setbacks from shorelines and private docks - providing relief to private waterfront landowners from vessels anchoring adjacent to their property has been a concern in some portions of the State. Limiting the public use of waters kept in trust for the public for this purpose on a statewide basis remains a challenge. The State has maintained sole authority for any such anchoring limitations, although there has been pressure to authorize local governments some authority to regulate such anchoring within their jurisdiction. There is no consensus on a potential solution to this issue.

Staff Recommendation

- Approve 2016 Anchoring and Mooring Pilot Program Proposed Report of Findings and Recommendations, to be submitted to the Governor and Legislature, January 1, 2017
- If the Commission directs staff to make changes to the Report, authorize the Executive Director in consultation with the Chairman to make adjustments before the Report is submitted, January 1, 2017

