

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Colonel Curtis Brown, Director, Division of Law Enforcement
Date: February 20, 2020
Subject: Staff Report – Anchoring and Mooring Pilot Program/Derelict Vessel Report

Purpose:

Provide a report on the results of the 2009 Anchoring and Mooring Pilot Program and the status of the Derelict Vessel removal efforts.

Why:

How vessels are stowed, parked, and moored in Florida waters is a topic of great public interest across Florida and staff want to ensure Commissioners are kept apprised of current activities in this area and the most recent information on Derelict Vessel removal efforts.

Top Points:

1. The 2009 Anchoring and Mooring Pilot program resulted in the capture of best practices in order to recommend statewide changes to address issues legislatively.
2. Legislation was passed in 2017 as a direct result of a 242-page report sent to the Florida Legislature and the Governor in January of 2017.
3. The status of FWC Derelict Vessel removal efforts is good, with the Grant Program receiving a marked increase in participation after FWC grant rule changes went into effect on November 29, 2019.

Affected Parties:

The general boating public, local residents and waterfront property owners and many county and municipal government partners responsible for derelict vessel removals within their jurisdiction

Summary:

The Anchoring and Mooring Pilot Program began as an effort to address growing conflicts between the enjoyment of Florida's waterways and the activities of anchoring and mooring upon state waters. This effort began in 2006 when stakeholder concerns were brought to the Commission. Staff sought the advice of the Florida Boating Advisory Council (BAC) in April 2007. The BAC suggested that the Commission seek clarification from the Florida Legislature on the appropriate roles of local and state authority to regulate vessels.

At the June 2007 Commission meeting, staff was directed move forward with requesting clarification from the Florida Legislature as recommended by the BAC. Public input on anchoring and mooring issues was collected through 6 public meetings throughout the state attended by 273 stakeholders and a number of common concerns were identified. Further stakeholder engagement with over 700 additional stakeholders, resulted in a final recommendation which was approved by the Commission at their December 2008 meeting. This recommendation was submitted to the Legislature during the 2009 Legislative session and as a result s.327.4105, Florida Statutes (F.S.) was enacted establishing authority to conduct an Anchoring and Mooring Pilot Program.

FWC was required to submit a report on the pilot program findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2014. The pilot program and all ordinances adopted under the program would have expired on July 1, 2014; however, it was reenacted and extended by the Legislature with a new expiration date of July 1, 2017, and a requirement for

an updated report to be submitted by January 1, 2017. The 2017 legislative session produced s. 327.4109 F.S., which regulated anchoring or mooring by:

- Establishing a 150-foot setback for anchoring around marinas, boat ramps, boat yards and other vessel launching or loading facilities;
- Establishing a 300-foot setback from anchoring around any superyacht repair facility;
- Establishing a 100-foot setback from anchoring around the outward boundary of a marked public mooring field. Anchoring within a public mooring field was prohibited outside of the established exemptions within the statute.
- Prohibited tying to an unpermitted object attached to the water bottom (to prevent the proliferation of unpermitted moorings statewide).
- Making all of these new violations noncriminal infractions punishable for a first offense, up to a maximum of \$50, for a second offense, up to a maximum of \$100, and for a third or subsequent offense, up to a maximum of \$250, and included them in the list of mailable citations.

In addition, other legislative changes included the addition of the effective means of propulsion for safe navigation test as a way to reduce the change of a vessel becoming derelict and increasing the penalty section for expiration of vessel registration to require a mandatory court appearance and a \$500 fine for second and subsequent violations after 6 months. Local governments were also given authority to implement a proof of pumpout ordinance for vessels at anchor in a public mooring field for a period of 10 consecutive days or more. This provision was contingent upon the availability of pumpout facilities within the jurisdiction establishing the program. Finally, changes were made to the derelict vessel statute to allow for actual notification of a derelict vessel in person as opposed to notification by certified mail and the ability to freeze the title of a derelict vessel to prevent the sale of the vessel while in a derelict condition

The update on Derelict Vessels will include an overview of the Grant program including the number of Grant applications received, executed contracts, vessels scheduled to be removed and the amount of funding obligated for removal.

Staff Recommendation:

No action is requested at this time, but input from Commissioners is welcomed.

Staff Contact and/or Presenter:

Major Robert Rowe, Section Leader, Division of Law Enforcement, Boating and Waterways Section