



Anchoring and Mooring Pilot Program

Proposed Report of Findings and Recommendations

December 31, 2016

**Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement
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Executive Summary

The Florida Fish and Wildlife Conservation Commission (FWC), in consultation with the Department of Environmental Protection (DEP), was directed by Florida's Legislature in 2009 to establish a pilot program to explore potential options for regulating the anchoring or mooring of vessels (other than live-aboard vessels) outside the marked boundaries of public mooring fields. This Legislative action was codified in Section 327.4105, Florida Statutes (F.S.), and has since become widely referred to as the "Anchoring and Mooring Pilot Program."

The issue of regulating the anchoring of vessels on state waters has been one of much contention for decades. Local governments face legitimate needs to resolve issues with improperly stored, abandoned, and derelict boats. They must also deal with homeowners who dislike vessels anchored in close proximity to their residences and property damage resulting from vessels breaking loose during weather events. These are complex issues for local governments that want to regulate anchoring but have no legal means to do so outside of properly permitted mooring fields. Boaters want to anchor wherever they choose and where may be convenient and inexpensive for them. They often want to stay for extended periods of time, but governments often need to protect health, safety, and welfare by managing anchoring through regulation.

In an effort to seek resolution of the policy debate over how much authority should appropriately be granted to local governments with respect to vessels anchoring within their jurisdictions, the Legislature created Section 327.4105, Florida Statutes, in 2009. This law established a pilot program to further explore options for local governments to regulate the anchoring of vessels outside public mooring fields. FWC, in consultation with DEP, was tasked with selecting five locations for inclusion in the pilot program to test different anchoring and mooring policies, working with the local governments from those five locations as they developed anchoring ordinances, coordinating the review of the ordinances with the greater boating public and interest groups, monitoring progress as the ordinances were implemented, and reporting findings and recommendations to Florida's Executive and Legislative branches by January 1, 2014. At the request of FWC and following the submission of the 2014 report, the Legislature extended the pilot program an additional three years, to July 1, 2017 in order to collect more data. The Legislature further required FWC to submit additional findings and recommendations by January 1, 2017. This report serves that purpose.

Five locations were selected by FWC for inclusion in the pilot program per the statutory requirements. Those locations are as follows:

- 1) City of St. Augustine
- 2) City of St. Petersburg
- 3) City of Sarasota

- 4) Monroe County in partnership with the cities of Marathon and Key West
- 5) Martin County in partnership with the City of Stuart

Each of the local governments encountered challenges as they worked to develop their ordinance. Public involvement in the ordinance development process was significant, and included individual boaters from all over the nation and boating interest groups from the local, state, and national level. FWC staff provided technical assistance.

As a result of the pilot program, new mooring fields were created in some of the locations approved to participate in the pilot program. The manner in which vessels are used in the selected locations has been evaluated and ordinances targeting the goals of the pilot program have been approved and adopted. In all five locations, the provisions of the ordinances were implemented and enforced through a variety of methods. Public opinion about the effectiveness of the pilot program and the individual ordinances has been solicited and analyzed.

FWC conducted two public opinion surveys, which show that the regulations in some pilot program locations have been received more favorably than others, but there is little means of identifying what makes acceptance vary from site to site. Perception of effectiveness among the public also varies widely.

FWC staff met with boating and local government stakeholders to discuss the program findings to date, the challenges which have affected progress of the pilot program and to solicit input on the appropriate recommendations to make to the Governor and Legislature.

The requested extension provided the time necessary to more fully evaluate each of the pilot program locations and assess effectiveness through continued data collection and public input opportunities as well as additional site visits and interviews. A summary of the recommendations from FWC, which also includes unresolved issues for which there are no recommendations, follows:

Recommendations related to promoting the establishment and use of public mooring fields

- Protect further safety of mooring field users – Provide an allowance for a 300 foot buffer extending beyond mooring field boundaries, within which anchoring is prohibited.
- Authority to regulate the anchoring of vessels on State waters should be retained by the State. If, however, the Legislature chooses to grant such authority to local governments, local governments must make available permitted public mooring fields of adequate capacity within a reasonable distance to any anchoring restricted area, and at a reasonable cost. Furthermore, local governments should not be allowed to restrict all anchoring within the area authorized for them to regulate, and an exemption should be created to provide relief should mooring field capacity be met.

- If the State chooses to grant such authority to local governments, it should be granted to counties only.
- Quantify the economic benefits of moorings fields.
- Document the environmental benefits of mooring fields.

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

- Anchoring Limited Area - Establish a universal, statewide prohibition against allowing an anchored vessel to come within 150 feet of any marina, boat ramp or other vessel launching and loading facility, with some safe harbor exceptions (such as bad weather conditions, government-owned vessels, commercial fishing vessels, and active recreational fishing vessels).

Recommendations related to the prevention of derelict vessels

- Place a “hold” on titles of vessels deemed derelict when requested by an investigating law enforcement agency.
- Limit who may renew a vessel registration to only the owner(s) of record or a person in possession of a power of attorney from the owner.
- Increase penalties for repeat violations of expired vessel registrations – When using or storing a vessel on State waters, and the vessel registration is expired by six months or more, increase the penalty to a 2nd degree misdemeanor for second or subsequent violations (current law is a non-criminal infraction no matter how many times the owner is cited).
- Waive the requirement for the owner of a derelict vessel to be notified via certified mail, but only in the circumstance where the owner has received face-to-face notification by a law enforcement officer. An exception/waiver should be created for a vessel that has become derelict as a result of a declared natural disaster or a state of emergency.
- Add an “inoperability” condition for a vessel to be designated at risk of becoming derelict:
 For sailing vessels – there is no working steering system and the rigging and sail(s) are not present and working, or the vessel is not equipped with a functioning motor.
 For all other vessels – the vessel is not equipped with a functioning motor, controls, and a steering system.

Recommendations related to protecting the marine environment

- Prohibit a vessel or floating structure from being moored to unauthorized moorings. A penalty is recommended – the first violation would result in a non-criminal infraction; the second and subsequent violations would result in a second degree misdemeanor. An exception should apply to private moorings

lawfully owned by an adjacent upland riparian landowner or to private moorings placed on privately owned bottomland.

Unresolved issues for which there are no recommendations

Stored vessels, inoperable vessels that are anchored or unlawfully moored and used as residences, marine sanitation concerns, and setbacks from shorelines or private docks are unresolved issues at this time:

- **Stored Vessels** – there are concerns that long-term storage of vessels at anchor on State waters, which are left unattended for long periods of time, could become derelict in the future. If that happens, it can result in costs to the State, local governments, or other organizations for removal and clean-up. Developing a recommendation for a statewide law to address this issue has not been determined at this time; however, several of the above recommendations would serve as reasonable and effective remedies to many of the problems associated with long-term storage of vessels: 300 foot buffer around mooring fields; creating anchoring limited areas; increase penalties for repeat violations of expired vessel registrations; add an “inoperability” condition for a vessel to be designated at risk of becoming derelict; and prohibit a vessel or floating structure from being moored to unauthorized moorings.
- **Inoperable vessels being used as residences** – many local governments have concerns related to inoperable vessels that are stored on State waters and used as residences. Those concerns include marine sanitation issues, the potential of those vessels becoming derelict, the potential for those vessels causing property damage, etc. Some of those vessels, particularly those that are incapable of navigation, may be better addressed through clarifying statutory authority already granted to local governments in s. 327.60(2)(f), F.S. *Local regulations; limitations*, which provides local governments the authority to regulate live-aboard vessels outside the marked boundaries of permitted mooring fields.
- **Marine sanitation issues** – many marinas on Florida’s waterways offer pump-out services, but there are considerable expanses of State waters where these services are limited. While local efforts to require proof of pump-out have demonstrated varying levels of success throughout the pilot program, attempting to enact such a requirement on a statewide basis would be costly and extremely difficult to implement; however, this topic warrants further consideration in the future, perhaps resulting in enhancements to Florida’s maritime sanitation law and/or further expansion of pump-out services around the State.
- **Setbacks from shorelines and private docks** – the establishment of setbacks, within which anchoring is limited, from private property along the shoreline of waters of the State, has been on ongoing discussion throughout the timeframe of the pilot program. While there has been much discussion about this issue, there is still no consensus to establishing a statewide setback that would be practical in every setting in Florida. There also has been no

consensus to giving local governments the authority to establish such a setback on State waters within their jurisdiction.

Origins of the Anchoring and Mooring Pilot Program

The anchoring and mooring of vessels has created conflicts related to the use and enjoyment of Florida's vast waterways for many years. These issues include, but are not limited to:

- the locations where anchored vessels accumulate,
- unattended vessels,
- anchored vessels which are dragging anchor or not showing proper lighting,
- vessels which are not maintained properly,
- vessels which become derelict,
- interpretation of state laws leading to inconsistent regulation of anchoring on state waters and confusion among the boating community, and
- questions about local government authority to regulate anchoring.

In response to stakeholder concerns about anchoring issues, the FWC Commissioners asked staff to conduct research to better understand these issues and report their findings at a subsequent meeting. At the FWC Commission meeting in December 2006, staff made a presentation and was asked to explore possible solutions.

FWC staff presented this issue to the Florida Boating Advisory Council (BAC) at its meeting in April 2007 in an effort to seek advice from this legislatively-created advisory body. The BAC recommended that FWC request that the Legislature clarify local and state authority to regulate vessels.

In June 2007, staff presented findings and recommendations to the FWC Commission. Previously identified anchoring issues were reported to be exacerbated as a result of increased cost of boat access, demands for access seemed to have exceeded supply, the effects of the storms in 2004–2005, continued growth in the number of registered vessels in Florida, limited funding to remove derelict vessels, challenges with interpreting local government authority, and a lack of comprehensive planning for Florida waters.

The FWC Commission was provided two potential recommendations:

- 1) Request that the Legislature develop a model anchoring/mooring ordinance that local governments could adopt. If the Legislature approved allowing local governments more authority to regulate anchoring by establishing model ordinance language for local governments to adopt, this could be a reasonable means of ensuring uniformity and consistency statewide.
- 2) Request that the Legislature clarify both state and local authority to regulate vessels. The premise would be to address the issues of unregulated anchoring, waterway management, and local government authority.

The FWC Commission instructed staff to move forward with recommendation #2 and pursue legislative approval for statutory changes during the 2009 Legislative Session.

Public Input

Six public workshops were held around the state in an effort to gather input from the boating public, local government officials, and other interested individuals and groups. These meetings provided the opportunity to properly vet the issue with stakeholders and the public, better define related issues and concerns, and to better identify potential solutions relating to anchoring and mooring. Including those participating in the BAC meeting, a total of approximately 273 individuals attended the meetings and were given the opportunity to provide input.

The following is a list of the most common concerns expressed by the stakeholders and other interested persons involved in the meetings:

- Boating access – Fears were expressed that boat storage and access to state waters was diminishing, resulting in availability to only a select few who could afford it.
- Over-regulation – Some boaters felt there was too much regulation by some local governments, causing inconsistencies from one jurisdiction to another. Many of the examples stemmed from local government anchoring restrictions that exceeded authority granted by state law. An example was when local government restricted vessels from anchoring outside established mooring fields in waters under concurrent state and local jurisdiction.
- Inconsistent/confusing statutes and rules – Local government officials and state agencies authorized to establish boating restricted areas were having some difficulty interpreting the extent of their authority. The most prevalent example described related to who had the authority to post regulatory signage and for what purposes.
- Pollution and nuisances from anchored/moored vessels, to include aesthetics, noise, and discharge of waste.
- Derelict vessels – Many thought that unregulated anchoring contributed to the likelihood of some vessels becoming derelict.
- Resource protection – Certain government entities had requested additional statutory authority to allow for the regulation of boats in order to protect corals, sea grasses, and other marine-related natural resources.

During the meetings, both regulatory and non-regulatory ideas for resolving the issues were identified and listed. These ideas obtained from the attendees were used to develop a scope of work for a project to review the statutory basis for vessel management on Florida waters. FWC intended to consult with an outside entity with subject matter expertise to conduct a legal review and provide staff with policy recommendations. Upon realizing that the University of Florida, College of Law, was already engaged in research into anchoring on Florida waters, FWC staff enlisted their assistance for this project.

Legal Review and Policy Recommendations

Because many of the identified issues were either shared by or solely within the statutory purview of FWC or DEP, an interagency work group was formed. This work group met on several occasions to provide guidance and direction to the University of Florida, College of Law, as they finalized the policy recommendations.

A team consisting of DEP and FWC legal staff was created and tasked with helping to draft proposed legislative language which was eventually brought to stakeholders and interested parties for consideration and input.

The University of Florida (UF) review involved an analysis of issues related to regulating anchoring and mooring in state waters, local authority for vessel management and the establishment of boating restricted areas, and the clarification of certain boating statutes (Chapter 327, F.S.). To assist with the analysis, a detailed legislative history was conducted along with a thorough review of boating law administration in other states.

The University of Florida project resulted in the following sixteen policy recommendations:

- 1) The general policy of the state should be the promotion of consistency and uniformity in the regulation of vessels and navigation, while recognizing local circumstances.
- 2) The state should explicitly regulate vessels and navigation and return authority to local governments on a case by case basis based upon statutory guidance that is designed to promote uniformity and consistency.
- 3) The state should impose a statewide limit on the storage of vessels on lands underlying navigable waters of sufficient duration to avoid undue interference with navigation, a protected right under the public trust doctrine.
- 4) Any such statewide storage duration limitation should be based upon data and analysis designed to ensure that mooring and anchoring by cruising vessels is not unduly infringed and should include a “safe harbor” provision.
- 5) The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) should be charged with the establishment and administration of vessel storage limitations on lands underlying navigable waters.
- 6) Local governments should be permitted to further limit vessel storage, including anchoring, for good cause upon review and approval by the Board of Trustees and in consultation with other resource agencies.
- 7) Local governments and state resource agencies should be permitted to seek the establishment of boating restricted areas for good cause upon review and approval by FWC, in consultation with other resource agencies and other local governments, as appropriate.
- 8) In addition to navigation and safety, good cause should include aquatic resource protection and, where warranted by local conditions, upland riparian property and riparian resource protection. Good cause should not include the consideration of compatibility with non-water-dependent riparian land uses.
- 9) Good cause for local regulation of vessel storage on the water stricter than state limitations and the establishment of boating restricted areas should be

determined based on adequate data analysis and only after adequate public participation.

- 10) Local governments seeking authority to further regulate vessel storage and create boating restricted areas should be required to adopt surface water use policies in their comprehensive plan. Boating restricted areas should be consistent with adopted surface water use policies but should not be considered land development regulations for purposes of Chapter 163, F.S.
- 11) All boating restricted areas should be delineated using a spatially explicit, uniform maritime boundary description methodology and made generally available through a geographic information systems database maintained by the state and linked to global positioning systems technology.
- 12) Obsolete, unnecessary and confusing definitions contained in Chapter 327, F.S., should be removed or clarified. Where terms are used only once, or only in the context of a specific section or provision, consideration should be given to defining these terms in their statutory context.
- 13) The statutory recitation of the federal safety equipment preemption should be clarified to avoid confusion and ensure consistency.
- 14) The statutory authorization to create a general permit process for new mooring fields should be either repealed or amended to increase the current size limitation of 50,000 square feet, which is insufficient to safely accommodate the swing radius of more than a few vessels and has resulted in strained interpretations of the extent to which sovereign submerged lands are preempted.
- 15) The current signage exemption provided for inland lakes and canals should be repealed because it lacks an adequate policy justification to distinguish these water bodies from those along the coast and creates additional uncertainty about local regulatory authority.
- 16) The current statutory language providing that vessels “operated” on the waters of the state must be titled, those “using” the waters of the state shall be registered within 30 days of purchase and those that are “used” on the waters of the state must display a registration number should be clarified.

Public Vetting of the Recommendations

Publicly advertised stakeholder meetings were scheduled and held for the purpose of vetting the policy recommendations and seeking guidance on which, if any, recommendations should be considered for the 2009 Legislative Session. The meetings were held and attended as follows:

- Orlando, April 5, 2008, Anchoring and Mooring Public Meeting - 49 attendees
- Tallahassee, April 11, 2008, Florida Boating Advisory Council Meeting - 9 attendees
- Orlando, July 16, 2008, Marine Industries Association of Florida Legislative Summit - 40 attendees

The 98 attendees at these meetings included legislators, representatives of the marine industry, boating groups, homeowners, transient boaters, representatives of federal, state, county and municipal governments, the Inland Navigation Districts, and environmental consultants. Annotated recommendations were received at each meeting and recorded.

Further Staff Action

Because of the broad scope of the recommendations and based on public input, staff initially concentrated on all or part of recommendations 1, 3, 4, 8, 11, 12, 15 and 16. Recommendations 3, 4, and 8 were later modified and recommendation 12 was later dropped from consideration due to likelihood of confusion with all of the other potential changes. In addition, language was also drafted to address a ruling from the Second District Court of Appeals which, in effect, required FWC to review and approve all boating restricted areas created by local governments. *Collier County Bd. of County Comm'rs v. Fish and Wildlife Conservation Comm'n*, 993 So. 2d 69 (Fla. 2d DCA 2008) - overturned a Final Order of the FWC Commission granting a permit to post waterway markers in the Naples Bay area. The Court ruled that the boating restricted area signage requested was inconsistent with criteria established in rule 68D-23.105, F.A.C. The court also affirmed that the FWC has the responsibility to ensure that boating restricted areas promulgated by local governments be approved by FWC. The effect of this ruling caused FWC to review and approve all boating restricted areas created by local governments.

Staff rationale for taking up specific recommendations is as follows:

- Recommendation 1: *The general policy of the state should be the promotion of consistency and uniformity in the regulation of vessels and navigation, while recognizing local circumstances.*

Stakeholder input had revealed a myriad of illegally posted regulatory areas throughout the State. At the time, Chapter 327, F.S., did not explicitly state the intent of consistency and uniformity, and clarifying legislative intent was considered important in this instance. During public meetings, stakeholders and the interested public generally agreed with this principle.

- Recommendation 3: *The state should impose a statewide limit on the storage of vessels on lands underlying navigable waters of sufficient duration to avoid undue interference with navigation, a protected right under the public trust doctrine.*
- Recommendation 4: *Any such statewide storage duration limitation should be based upon data and analysis designed to ensure that mooring and anchoring by cruising vessels is not unduly infringed and should include a "safe harbor" provision.*
- Recommendation 8: *In addition to navigation and safety, good cause should include aquatic resource protection and, where warranted by local conditions, upland riparian property and riparian resource protection. Good cause should not include the consideration of compatibility with non-water-dependent riparian land uses.*

In 2008, DEP explored their capability to provide some flexibility for local governments to further regulate vessel anchoring within their jurisdictions and to establish regulated areas for the protection of seagrass. Regulatory changes which would allow this flexibility were never implemented.

Consideration was given to the possibility of creating a “length of stay” provision into law to allow vessels to anchor for specified maximum time limits. Some stakeholders commented that the suggested term “storage of vessels” should be broken down to distinguish between unattended stored vessels, attended stored vessels, occasionally attended stored vessels, cruising vessels or transient vessels (some preference was offered for the term “transient” instead of “cruising”), and abandoned and derelict vessels. One option might be to establish a “bright line” length of stay limit due to the difficulty in separating these forms of storage and the ability to enforce them should different rules apply to each. One stakeholder suggested that if there was a statewide limit, consideration should be given to a “sojourner’s permit,” which would allow extended term cruising. Another stakeholder suggested that the statewide length of stay, if any, should be six months, which would effectively encompass the entire Florida cruising season. The work group agreed that segregating different vessels based on their uses and/or actions while navigating would add confusion and that it would be better to find a standard consensus. Several boating groups were concerned that the legislative action was premature until staff completed its research and an effort to reach consensus had occurred.

- Recommendation 11: *All boating restricted areas should be delineated using a spatially explicit, uniform maritime boundary description methodology and made generally available through a geographic information systems database maintained by the State and linked to global positioning systems technology.*

This recommendation would serve to standardize the way boating restricted areas are delineated. At the time, local governments were inconsistent in the way they established boating restricted areas, including the way zone boundaries were delineated, and in the data they submitted for waterway marker permits. Law enforcement issues would arise when having to explain established boundaries of a regulatory area to a court. A uniform system of describing the boundaries and regulatory zones would assist local governments with establishing zones as part of their uniform waterway marker permit process. There appeared to be broad support for this recommendation among stakeholders. In 2009, this recommendation was resolved through legislative changes to Section 327.46, F.S. and subsequent rule making by FWC in 68D-21 and 68D-23, Florida Administrative Code (F.A.C.).

- Recommendation 15: *The current signage exemption provided for inland lakes and canals should be repealed because it lacks an adequate policy justification to distinguish these water bodies from those along the coast and creates additional uncertainty about local regulatory authority.*

During the 2005 Legislative Session, an exemption was placed into Section 327.40, F.S., (HB 331; Chapter 2005-217, Laws of Florida) to allow a specific provision for the creation of boating restricted areas within inland lakes and associated canals. This provision led to a different standard for the creation and marking of restricted areas in these locations as compared to coastal water bodies, thus leading to some confusion about local regulatory authority. Most stakeholders supported this recommendation (a change to the 2004 legislation) in order to have all waters of the state regulated in a consistent manner.

- Recommendation 16: *The current statutory language providing that vessels “operated” on the waters of the state must be titled, those “using” the waters of the state shall be registered within 30 days of purchase and those that are “used” on the waters of the state must display a registration number should be clarified.*

This recommendation identified inconsistencies in the use of terms in Chapter 328, F.S. The registration laws at that time required vessels “used” on the waters of the state to be currently registered. In other words, those stored and not being “operated” could not be required to hold a current registration. This contributed to difficulties when attempting to identify owners of vessels left unattended and/or in a derelict condition. The terms “used” and “using” were used repeatedly throughout the vessel registration statutes. Stakeholders generally supported this recommendation. In 2009, this recommendation was resolved through legislative changes to Chapter 328, F.S.

In April 2008, the work group and legal team worked to reach a consensus on draft legislative language to recommend to the FWC Commission as part of the agency’s legislative package, and prepared to take that language to the public through a series of meetings on the following dates and locations:

- September 8, 2008, Clearwater, Anchoring/Mooring/Vessel Management Draft Language Public Meeting—79 Attendees
- October 1, 2008, Miami, Anchoring/Mooring/Vessel Management Draft Language Public Meeting—19 Attendees
- October 28, 2008, Port Canaveral, Anchoring/Mooring/Vessel Management Draft Language Public Meeting –35 Attendees
- November 6, 2008, Tallahassee, Florida Boating Advisory Meeting - 16 Attendees

Based on input received from the 149 attendees of the public meetings and that which resulted from electronic communication with more than 700 additional interested individuals, a draft recommendation was prepared for presentation to the FWC Commission.

The FWC Commission’s Proposal for the 2009 Legislative Session

Staff presented a draft recommendation at the December 2008 FWC Commission meeting. The FWC Commission approved this draft following additional public input but further directed staff to revise the language in a manner which would direct the FWC Commission to establish a number of pilot projects to explore options to regulate anchoring and mooring. This revised draft was submitted to the Legislature in 2009 for consideration.

Overview of the Anchoring and Mooring Pilot Program

In 2009, Section 327.4105, F.S., was enacted by Florida's Legislature, creating the Anchoring and Mooring Pilot Program. Except for those participating in this program, local governments are prohibited from enacting, continuing in effect, or enforcing any regulation of the anchoring of vessels other than live-aboard vessels outside the marked boundaries of permitted mooring fields (Section 327.60(2)(f), F.S.).

Overview of Section 327.4105, F.S.

The law directs FWC, in consultation with DEP, to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields in five locations around the state. The law clearly states that the goals of the pilot program are to encourage the establishment of additional public mooring fields and to develop and test policies and regulatory regimes that:

- 1) Promote the establishment and use of public mooring fields.
- 2) Promote public access to the waters of this state.
- 3) Enhance navigational safety.
- 4) Protect maritime infrastructure.
- 5) Protect the marine environment.
- 6) Deter improperly stored, abandoned, or derelict vessels.

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 (Section 327.4105(5), F.S.). 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 (Section 327.4105(6), F.S.).

Local government interest in participation

Several local governments in various locations initially indicated interest in participating in the program. Those local governments included: Escambia County, City of St. Petersburg, City of Gulfport, City of Bradenton Beach, City of Sarasota, City of Ft. Myers, Monroe County and the cities of Key West and Marathon, City of Miami, City of Miami Beach, City of West Palm Beach, City of Riviera Beach, Martin County/City of Stuart, City of South Daytona, City of Port Orange, and the City of St. Augustine. Each was either associated with a properly permitted mooring field or was at some step in the process of attempting to install one. Each of the potential participant governments were expected to gather monthly vessel counts and other

related data for one year and submit a completed questionnaire in order to be considered.

Site visits were made by FWC staff at each of the potential program participant locations provided they had evidence that a mooring field would be in place during the timeframe of the pilot program and had begun collection of the required vessel data. Those site visits were used to confirm the information provided in the questionnaire and to assess the infrastructure in the area.

Monthly monitoring of vessels

To gauge the relative number of anchored or moored vessels within each pilot program candidate location and to help set baselines for later trend analyses, candidates were asked to monitor vessels anchoring or mooring within approximately one mile of their existing or proposed mooring field(s). Monitoring began in February 2010, and was conducted by local government staff at one-month intervals for a twelve-month period. The data collected was given consideration as the FWC Commission selected the participants from the field of interested candidates.

As part of this monitoring effort, the candidates were required to count and categorize the vessels anchored or moored within their jurisdictions. Vessels were to be categorized as a vessel in long-term storage, a stationary live-aboard vessel, or a transient cruiser in navigation. For purposes of this monitoring and to aid in the consistency of the monthly collections, the following definitions were used to distinguish each category:

- A vessel categorized as one in storage is anchored or moored while not in use. These vessels can be used frequently for day trips or for extended voyages. However, between voyages they are left unattended at anchor or on a mooring to be stored until the next use.
- A vessel categorized as a stationary live-aboard is primarily used as a residence or domicile. While these vessels can be capable of embarking on a voyage, their function at the current time is to serve as housing accommodations for local residents.
- A vessel categorized as a transient cruiser is in the process of navigating from one location to another. These vessels might temporarily stop in a location for an extended visit. The occupants usually stay on board overnight. These vessels are usually kept ready to continue their voyage on to other locations or back to their home port.

Once the participants were selected, each was asked to continue the monthly monitoring throughout the entire duration of the pilot program. The intent of the continued monitoring is to document possible changes in the numbers and types of vessels occurring within each location as changes occur relative to mooring field use and the implementation of the local government ordinances. Detailed information about the results of the monthly monitoring of vessels for each participating area is presented in Appendix D.

Selection of participants by the FWC Commission

Staff presented site information to the BAC on multiple occasions and asked for recommendations on which sites would best serve as candidates for participation in the pilot program. The recommendations of the BAC were presented to the FWC Commission over multiple meetings, and the FWC Commission selected each of the five participant sites prior to the statutory July 1, 2011, deadline. The participants selected were: the City of St. Augustine, the City of St. Petersburg, the City of Sarasota, Monroe County in partnership with the Cities of Marathon and Key West, and Martin County in partnership with the City of Stuart. The county/city partnerships were permitted due to specific jurisdictional issues related to each site.

Ordinance development

In July 2011, FWC's Boating and Waterways Section held an ordinance development workshop in Orlando for the selected participants. The topics covered at this workshop included history of the pilot program, the roles of FWC staff and participants, Sunshine Law considerations, requirements for public participation during meetings and throughout the pilot program, technical issues related to writing the ordinances, and the process required for FWC review and ultimate FWC Commission approval of ordinances. The workshop was attended by at least one representative from each participant area.

Staff members from each local participant area held individual public meetings in order to gather information on local problems, suggestions, and concerns related to the development of their local ordinances. Each participant area was responsible for the scheduling and noticing of their local input meetings. FWC notified the BAC and other interested parties of any upcoming public meetings being held by the participant areas. FWC also posted the information on a website created for keeping the public informed about the pilot program (<http://myfwc.com/boating/anchoring-mooring/>). FWC staff members attended at least one public meeting, sometimes two or three, for each participating area.

As the participating local governments developed their ordinances, FWC staff provided consultation and gathered additional information on the local problems to be targeted. When FWC received draft ordinance language, an internal assessment of the language was conducted. While striving to maintain each participant's intent, FWC provided technical assistance on the language to improve clarity, understanding, or definitions and to facilitate the accomplishment of the pilot program's goals and guidelines.

Ordinance review coordination

FWC then coordinated the review of each proposed ordinance with DEP, the U. S. Coast Guard, either the Florida Inland Navigation District or West Coast Inland Navigation District (depending upon jurisdiction), and associations or other organizations representing vessel owners or operators. These groups reviewed the ordinances, gathered information from members/affiliates, and provided comments to FWC and the specific local government. As part of this process, FWC held public meetings and offered Web-based public comment opportunities for each of the ordinances before they were submitted to the FWC Commission for approval.

FWC Commission approval of local ordinances

As the final step in the FWC ordinance approval process, staff presented a thorough overview of each local government's draft ordinance and staff recommendations based on public input and the required coordinated reviews to the FWC Commission during a public meeting. Commissioners heard comments from each local government and received public input.

Each ordinance was individually approved by the FWC Commission, and approval was sometimes contingent upon the local government making specific changes to their ordinance. Each ordinance was adopted by the participating local government in conformance with the FWC Commission's approval.

After each ordinance was approved by the FWC Commission and subsequently adopted by each area's local government(s), a meeting was held locally to brief the involved law enforcement agencies about the provisions of the ordinance, the need to educate the public about the local changes, and specifics about enforcing the ordinance provisions.

Pilot Program Participants

This section contains an overview of each of the five participants in the pilot program. Each overview will describe the mooring field associated with the location(s), explain the process used by the local government to gather public input and develop their ordinance, the approval process by the FWC Commission, an overview of their ordinance, how the public has been made aware of their ordinance, how it has been enforced, and any specific findings from the area to date. The participants will be listed in order based on when their ordinance was approved by FWC, and the text of each individual ordinance, as adopted, is provided in Appendix C.

City of St. Augustine

Public mooring fields

The City of St. Augustine's public moorings include three separate mooring fields. The San Marcos field is on the northwest side of the Bridge of Lions in the Intracoastal Waterway, and the Menendez field is on the southwest side of the bridge. Both are close to the City's public marina. The third mooring field is located in Salt Run. This mooring field is further away from the downtown area, has fewer nearby amenities, and is primarily used for vessels being stored on the water. The three fields were installed October 2010, and have a combined capacity of 163 vessels.

Ordinance development and adoption

During the development of their ordinance, St. Augustine held two public meetings to gather public input. Their proposed ordinance was then presented at a City Council meeting open to the public.

FWC staff conducted a public meeting and posted the proposed ordinance online to collect public comment. This public meeting was held in Tallahassee and was primarily attended by representatives of various boating interest groups. This meeting was an opportunity for representatives of St. Augustine to answer questions related to their ordinance. A total of 152 written comments were received as a result of the meeting and online posting. All comments were provided to the FWC Commission prior to St. Augustine's ordinance being considered for approval.

Since many of the written comments addressed more than one topic, the following breakdown of responses totals more than 152.

- 35 were not in support of the pilot program in general.
- 20 were not in support of the St. Augustine ordinance as a whole.
- 59 were directed toward not supporting the 10 day time restriction. Of these comments, 10 suggested extending the time to 30 days, and 7 suggested a variety of different time extensions.
- 5 supported the time restriction.

- 6 did not support the Medallion Program; however, 5 were in support of the Medallion Program.
- 6 did not like the setback distances.
- 8 were supportive of the pilot program in general.
- 20 were supportive of the ordinance in general.
- 31 contained comments/questions which were either off the topic of the pilot program, the result of apparent misinformation or misreading of the ordinance language, or were otherwise not able to be categorized as either supportive or opposed to any specific component of the ordinance.

St. Augustine was the first pilot program participant to initiate ordinance development and, therefore, seemed to face considerably higher numbers of negative pilot program-related comments than did the other participants.

In November 2011, the FWC Commission approved the City of St. Augustine's ordinance with a contingency. The time restriction for an occupied vessel originally proposed by St. Augustine was 10 consecutive days within 30 consecutive days. That time restriction was changed to not more than 30 consecutive days in any 45 consecutive day period.

The final St. Augustine ordinance was adopted by the City Council in December 2011.

Overview of the ordinance

The ordinance adopted by the City of St. Augustine can be categorized into 5 general areas.

- Definitions
- Setbacks - Distance Buffers
- Time Restriction
- Medallion Program
- Enforcement/Penalties

Definitions

Since several terms not otherwise defined in law were necessary to allow St. Augustine to address some of their local issues, the city created definitions to support the ordinance language. These terms were developed in order to define and add clarity to the ordinance while helping to avoid unintended consequences. These terms include;

Occupied means boarding and remaining on a vessel for recreational activities consuming twelve (12) or more consecutive hours in any twenty-four (24) consecutive hour period of time; for the preparation, service and consumption of meals or for sleeping; for a period of time in excess of that required for the completion of maintenance or repair activities; or for securing or protecting the vessel in a time of emergency or severe weather.

Stored vessel shall mean any vessel not under the direct supervision and control of a person capable of operating the vessel and promptly moving the vessel from the locations designated in subsections (j)(2)(3)(4) and (5) herein.

Setbacks – Distance Buffers

The city chose to establish setbacks, or distance buffers, within which anchoring was restricted. The setbacks were implemented in order to enhance navigational safety, improve public access to shore-based infrastructure and navigation channels, and to protect both the marine environment and marine infrastructure. Setback distances were established as follows:

San Sebastian River - 50 foot buffer. There are some narrow places in the river where any anchored vessel would be very close to the edge of the navigation channel. This buffer is intended to help prevent collisions in these locations. The distance of 50 feet from the navigation channel was selected so only the very narrow portions would be affected, not the entire river.

City mooring field - 100 foot buffer. The City chose this as a means to protect both marine infrastructure and vessels using the mooring field. Prior to the mooring field being installed, it was common for anchored vessels to drag anchor and collide with other vessels in the area. Keeping anchored vessels at least 100 feet away from the mooring field was suggested as a way to minimize these risks.

Shellfish area - 500 foot buffer. During the ordinance development process, the Department of Agriculture and Consumer Services (DACCS) commented that this distance would be appropriate in the event of a worst case scenario where an anchored vessel had a sewage spill in the area. Such a spill could result in closing of the commercial shellfish harvesting area.

Marine structures - 50 foot buffer. In order to protect marine infrastructure, including private or public docks, ramps, seawalls, etc., and to promote public access to and use of these structures, this buffer was selected.

Time Restriction

Time restrictions on anchoring were established by the ordinance and were only applicable to “occupied” vessels. St. Augustine reported that most recreational and transient vessels using the water in their jurisdiction stayed on area waters no longer than three to seven days. The city’s intent was to promote the use of the public mooring fields while ensuring that vessel owners visiting for short terms would not be affected. The ordinance restricted anchoring of occupied vessels in the area to no more than 30 consecutive days in any 45 consecutive day period. There is a safe harbor provision in the ordinance that allowed a vessel to stay beyond the 30 consecutive days to complete needed repairs (not long-term rebuilds of a vessel) and provide protection from storms.

Medallion Program

To help prevent improperly stored, abandoned, and derelict vessels, the City established the “Medallion Program” to apply only to vessels stored on the water in the City’s jurisdiction. The ordinance requires that a vessel owner must ensure their

vessel gets underway twice a year and navigate it to the city marina. Marina employees then confirm the vessel arrived under its own power, record the vessel owner's contact information, and provide a sticker documenting compliance with this provision. This encourages vessel owners to stay more aware of their vessel's condition and active with its maintenance. It also provides the added benefit that marina staff can maintain current owner contact information in case the vessel becomes an issue.

Enforcement and Penalties

The St. Augustine ordinance was posted online and the public was informed of the new ordinance through press releases and informational pamphlets developed by city staff. The pamphlets were available at the city marina and were also handed out to boaters in the area by staff members and local law enforcement officers. The St. Augustine ordinance is primarily enforced by the city's Police Department. The enforcement policy was to place great emphasis on educating boaters about the new pilot program and the associated ordinance.

The St. Augustine ordinance established a progressive fine schedule for continued/repeated violations, as follows:

- First offense: \$100
- Second offense: \$250
- Third or subsequent offense: \$500

Targeting pilot program goals

The City of St. Augustine targeted the goals of the pilot program as follows:

Promote the establishment and use of public mooring fields

St. Augustine created their mooring fields in an effort to qualify for the anchoring and mooring pilot program.

St. Augustine's prohibition of anchoring occupied vessels outside a designated mooring field for more than 30 consecutive days in any period of 45 consecutive days promotes the use of their public mooring fields. Their ordinance requires that any vessel remaining in the area after 30 consecutive days must either relocate to a mooring field or to a location outside of the municipal boundaries of the city. When a vessel was moved either into the mooring field or outside of the city's jurisdiction for a day or more, the 30 day clock starts over.

Develop and test policies and regulatory regimes that:

- Promote public access to the waters of this state

St. Augustine created a 50 foot setback distance from marine structures to help promote public access to the waters of the state. The marine structures were private or public docks, ramps, seawalls, etc. St. Augustine had some commercial vessels that would use public docks for extended periods of time, limiting their use for the general public. When local regulations prevented this long-term dock use, those vessels would then anchor right next to the

docks/ramps but remain close enough for occupants to step off of the vessels onto the docks. This provision in their ordinance was aimed at ensuring that the general public would be able to use the docks and gain greater access to the water.

- Enhance navigational safety

St. Augustine had two parts of their ordinance listed as being designed to enhance navigational safety. In the San Sebastian River, they established a 50 foot buffer distance outside the navigation channel to prevent collisions or close calls with anchored vessels in the narrow parts of the river. They also established a 100 foot buffer around their mooring fields. The distance is suggested by the U.S. Coast Guard as an appropriate distance to maximize navigation safety around a mooring field.

- Protect maritime infrastructure

St. Augustine chose to establish a 50 foot buffer around maritime infrastructure and a 100 foot buffer around their mooring fields in an attempt to protect marine or maritime infrastructure. These buffers were intended to help minimize the likelihood of situations where an anchored vessel swings into infrastructure or another vessel or drags anchor, resulting in a potential collision with infrastructure or moored vessels.

- Protect the marine environment

St. Augustine established a 500 foot no anchoring buffer around a designated shellfish harvesting area. The Florida Department of Agriculture and Consumer Services suggested this distance would be appropriate to avoid an event where a nearby anchored vessel had a sewage spill and could force the closure of the shellfish harvesting area.

- Deter improperly stored, abandoned, or derelict vessels

St. Augustine established two provisions within their ordinance aimed at accomplishing this goal. The first, their “Medallion Program,” applies only to stored vessels. Any vessel stored on the waters within their jurisdiction is required to get underway twice each year and navigate to the city marina under its own power. A marina staff member then confirms the vessel arrived under its own power, records the vessel owner’s contact information, and provides a sticker used to document compliance with the ordinance. This encourages vessel owners to stay more aware of their vessel’s condition and active with its maintenance. It also provides the additional benefit that marina staff can maintain current owner contact information in case the vessel becomes an issue in the future.

The second way St. Augustine’s ordinance targeted this goal is by creating an anchoring time restriction which only applies to occupied vessels. This provision requires that any occupied vessel anchored on waters within the city’s jurisdiction for more than 30 consecutive days in any 45 consecutive day period must either move out of the jurisdiction for at least one day or move to

one of the mooring fields. St. Augustine reports that the vessels in their jurisdiction receive more regular attention which helps to prevent them from becoming derelict.

Findings

FWC staff conducted a site visit with City officials on August 10, 2016, to ascertain which elements of the Pilot Program worked best in their jurisdiction.

St. Augustine's ordinance has been in place longer than any of the other participating local governments.

The city has reported that most vessels visiting St. Augustine stay in the area from 3 to 7 days, and there is nothing to suggest that the provisions within the ordinance affecting occupied vessels had any impact on cruising or visiting vessels. St. Augustine officials have seen an increase in the length of time transient vessels stay in the area. This increase in length of stay has positively contributed to the local economy. The city believes the mooring field has contributed to a change whereby St. Augustine is becoming more of a destination and not simply a pass-through port. The city also credits the pilot program with allowing more vessels to occupy the waters safely. Increased access in the Salt Run area, particularly around Lighthouse boat ramp, has provided a new opportunity for other user groups such as ecological tours, sailing classes and stand-up paddle boards, to utilize the previously cluttered area.

St. Augustine reported there were 3 to 5 vessels that may have been affected by the limitations placed on occupied vessels in their ordinance, but they found it challenging to prove a vessel was "occupied" for the 30 consecutive days. These vessels were reported to be receiving regular attention by their owners.

St. Augustine installed their mooring fields while going through the participant selection process. Since installing the mooring fields, data shows that the mooring fields are being used more than during the same month in the previous year. There presently is a waiting list during the peak periods of spring and fall.

Mooring fields are regularly located in well protected areas, which are often already being used as anchorages. In St. Augustine, for instance, approximately 60-70% of available waters suitable for anchoring are now mooring fields. This scenario frequently results in displacement of the anchored vessels because the owners would rather anchor in state waters and not incur the costs associated with a mooring field. Displacement occurred in St. Augustine when their mooring fields were installed; soon after implementation 8 to 12 vessels left the area and moved south of the State Road 312 Bridge, out of the city's jurisdiction. City staff reported that many of these vessels were not being maintained very well. Since then, 2 or 3 have moved back into the city's jurisdiction and are in compliance with the ordinance. The number and impact of the other vessels on those neighboring cities and counties, who are not able to regulate the anchoring of vessels, remains difficult to evaluate. In the aftermath of Hurricane Matthew in October 2016, the St. Augustine mooring field had 21 vessels break loose out of approximately 40 vessels that were moored. Of those breaking loose, only 4 were due to mooring failure. The remaining 17 were due to failures of the boats' attachments to the mooring balls. It should be noted that the moorings are only designed to withstand the effects of a category 1 hurricane; Hurricane Matthew was a category 3 hurricane.

The Medallion Program is viewed by city officials as a very effective mechanism to prevent derelict vessels in their jurisdiction. The Medallion Program provides for current owner contact information to be kept up-to-date in case the vessel becomes an issue for any reason. This has had the added benefit, during 3 instances in St. Augustine, when stored vessels broke loose from their anchor and marina staff was able to immediately contact the owners to take control of their property, thereby protecting maritime infrastructure. The city credits the Medallion program with decreasing its costs associated with derelict vessel removal to nothing for several years. The Medallion program requires stored vessels within city limits to prove operability every six months. This was viewed as essential to ensuring vessels do not deteriorate to a condition where they cannot be relocated, if necessary, in the face of an approaching storm.

St. Augustine's ordinance prohibits the anchoring of a vessel closer than 50 feet from the defined boundaries of the San Sebastian River channel. The city issued a non-criminal citation to an individual who was anchored in violation of this prohibition. The violator challenged his citation in county court, the Seventh Judicial Circuit for St. Johns County, Florida, and on June 7, 2012, was ordered by the Court to comply with the city's ordinance. On July 12, 2012, the violator filed an appeal with the Circuit Court, which was dismissed for being filed untimely. Following that effort, the violator filed pro se an "Action for Declaratory [sic] Judgment and Summons" with the United States District Court for the Middle District of Florida related to the City of St. Augustine's ordinance and the pilot program generally. The city prevailed on the merits in the state case and also prevailed in the federal case based on a procedural denial that the state court had already decided the issue in question on the merits.

City of St. Petersburg

Public mooring field

The City of St. Petersburg mooring field is located in the North Yacht Basin, locally known as the Vinoy Yacht Basin, near the downtown area. The mooring field is part of the city's Municipal Marina. The mooring field was installed in January 2012, and has a current capacity of 13 vessels. The city's permit allows for an additional 13 moorings at some time in the future.

Ordinance development and adoption

During the development of their ordinance, St. Petersburg held two public input meetings, gave presentations at the City Council's Public Services and Infrastructure Committee meetings, and presented the proposed ordinance at a City Council meeting. Each meeting was open to the public.

FWC staff also held a public meeting and posted the proposed ordinance online in order to collect additional public comment. This public meeting was held in Tallahassee and was primarily attended by representatives of various boating interest groups. Representatives of St. Petersburg were in attendance and answered questions related to their proposed ordinance. A total of 39 written comments were received as a result of the meeting and online posting. All comments were provided to the FWC Commission prior to St. Petersburg's ordinance being considered for approval.

Since many of the written comments addressed more than one topic, the following breakdown of responses totals more than 39.

- 3 were not in support of the pilot program in general.
- 12 were not in support of the St. Petersburg ordinance as a whole.
- 2 were directed toward not supporting the 72 hour time restriction in Bayboro Harbor, 3 suggested moving the time to 7 days, 1 suggested 30 days.
- 6 were against specific anchoring restrictions or prohibitions in the ordinance, 1 suggested limiting the setback distance to 75 feet.
- 3 were supportive of specific anchoring restrictions or prohibitions in the ordinance.
- 1 was negative towards the mooring field itself.
- 7 were supportive of the pilot program and the ordinances developed in general.
- 1 wanted free moorings.
- 1 was not in favor of the portion of the ordinance that addressed live-aboard vessels and floating structures, which is not a component of the pilot program.
- 7 contained comments/questions which were either off the topic of the pilot program, the result of apparent misinformation or misreading of the ordinance language, or were otherwise not able to be categorized as either supportive or opposed to any specific component of the ordinance.

In May 2012, the FWC Commission approved the City of St. Petersburg's ordinance with a contingency. The anchoring restriction originally proposed in Bayboro Harbor,

which prohibited anchoring in excess of 72 hours within a 30 day period, was changed to 10 days within a 30 day period.

The final ordinance was adopted by the City of St. Petersburg in June 2012, and it was the second ordinance adopted as part of the pilot program.

Overview of the ordinance

The ordinance adopted by the City of St. Petersburg can be categorized into 3 general segments.

- Definitions
- Anchoring Restrictions and Prohibitions
- Steps for Enforcement and Penalties

Definitions

Since several terms not otherwise defined in law were necessary to allow St. Petersburg to address some of their local issues, the city created definitions to support the ordinance language. These terms were developed in order to define and add clarity to the ordinance while helping to avoid unintended consequences. “Person Officially Designated” is used in the definitions below and means any person lawfully appointed by the city to assist in enforcement of the ordinance. These terms include;

Anchoring means the use of a heavy device fastened to a line or chain to hold a vessel in a particular place for a limited period of time.

Hazardous vessel means a vessel in danger of becoming derelict because the vessel displays one or more of the following indicators:

- 1) is unable to operate or navigate without the assistance of another vessel;
- 2) displays excessive marine growth (e.g., prevents proper use of vessel, visible barnacles);
- 3) has its interior exposed to the weather;
- 4) is taking on water without the ability to dewater;
- 5) is leaking contaminants into the water;
- 6) is in violation of Section 327.53, F.S.; or
- 7) is in danger of breaking loose from its anchor due to an inadequate anchor or due to rotted or chaffing anchor lines (e.g., anchor too small for boat size, wrong type of anchor for boat).

Special event means a designation by the Person Officially Designated to allow temporary anchoring of a vessel in a designated location due to a city special event.

Anchoring Restrictions and Prohibitions

The St. Petersburg ordinance had a variety of anchoring restrictions or prohibitions. The ordinance primarily protected limited areas within the city’s jurisdiction. The only parts which were applicable throughout the city’s jurisdiction were a prohibition of anchoring which constituted a navigational hazard or interfered with another vessel and a prohibition of hazardous vessels. The first prohibition is a simple reiteration of Section 327.44, F.S., interference with navigation. The prohibition of hazardous

vessels would only apply after a notice of violation, which is a warning that provides a reasonable time to correct the problem.

Like the Medallion Program in St. Augustine, the definition and prohibition of a “hazardous vessel” was an attempt to achieve the pilot program goal to prevent improperly stored, abandoned, or derelict vessels. This definition tried to identify indicators that show a vessel was not being used or properly maintained. Using the listed indicators, law enforcement officers or the Person Officially Designated could intervene and contact a vessel owner to prevent the vessel’s continued decline.

The other anchoring restrictions or prohibitions were limited in their application. There were three ways the limitations were used: location, time, and distance of setbacks. Setbacks are buffers within which anchoring is limited in order to promote, enhance, or protect navigational safety, public access, the marine environment and marine infrastructure in accordance with the goals of the pilot program. Under the St. Petersburg ordinance, no anchoring is allowed within 200 feet of public or private marinas and public boat ramps. This allows easier access and safer navigation for vessels entering or leaving these areas. No anchoring is allowed in the working Port of St. Petersburg or within the South and Central Yacht Basins. Each of these areas represents limited navigation space and considerable marine infrastructure.

Anchoring in Bayboro Harbor is limited to 10 days within a 30 day period. This harbor is a small anchorage cove in downtown St. Petersburg which is traditionally used by vessel owners to anchor their vessels in storage for long periods of time. This part of the ordinance was an attempt to allow more vessels to access the area by rotating through for a short time rather than only allowing a few vessels to monopolize the very limited space.

Except for the hazardous vessel prohibition, there is language that allows exemptions from some or all of the other restrictions for vessels claiming safe harbor or during a special event.

Steps for Enforcement and Penalties

The St. Petersburg ordinance was posted online and the public was informed of the new ordinance through press releases and informational pamphlets developed by city staff. The pamphlets were available at the city marina and were also handed out to boaters in the area by staff members and local law enforcement officers.

The St. Petersburg ordinance is primarily enforced by the city police department. The enforcement policy is primarily focused on educating boaters about the pilot program and the local ordinance.

The St. Petersburg ordinance was the first to require warnings be used as part of their enforcement philosophy. Their “Notice of Violation” is a written warning which provides a reasonable time to correct a violation. “Reasonable time” is described as not less than three days or more than thirty days. If a vessel owner does not correct the violation within the specified timeframe, a “Notice to Appear” can be issued, which includes a financial penalty from \$150 up to \$500. The financial penalties increase if the violation is not corrected and the vessel owner receives notices to appear for

continued non-compliance. There is also a provision for a vessel to be impounded, which can occur if any of the following conditions are present:

- A vessel unreasonably/unnecessarily constitutes a navigation hazard or interferes with another vessel.
- The owner of a vessel deemed to be a hazardous vessel (see definition) does not correct the problem within the timeframe as specified in the Notice of Violation.
- A vessel owner continues to be in violation after being issued multiple Notices to Appear.

Targeting pilot program goals

The City of St. Petersburg targeted the goals of the pilot program as follows:

Promote the establishment and use of public mooring fields

St. Petersburg created their mooring field in an effort to qualify for the anchoring and mooring pilot program.

The St. Petersburg ordinance was not directly designed to promote the establishment or use of their mooring field; however, there was a variety of anchoring prohibitions or restrictions which may have inadvertently limited anchoring options in the downtown area and, by extension, promoted the use of their mooring field.

Develop and test policies and regulatory regimes that:

- Promote public access to the waters of this state

St. Petersburg prohibited anchoring within 200 feet of public or private marinas and public boat ramps. This measure was intended to improve access for vessels entering or leaving these areas. The ordinance also contains an anchoring restriction in Bayboro Harbor designed to promote access to the water. Bayboro Harbor is a small anchorage cove in downtown St. Petersburg traditionally used by vessel owners to store their vessels at anchor for long periods of time. The time limitation for anchoring in Bayboro Harbor of 10 days within a 30 day period is an attempt to prevent long term storage, which limits access and use of the area for others. This provision allows more vessels to access the area by rotating them through for a relatively short time rather than only allowing a few vessels to monopolize the limited space.

- Enhance navigational safety

St. Petersburg enhanced navigational safety through the use of setback distances and anchoring prohibitions. No anchoring is allowed within 200 feet of public/private marinas or public boat ramps. This measure is intended to increase navigation safety for vessels entering or leaving these areas. No anchoring is allowed in the working Port of St. Petersburg or within the South and Central Yacht Basins due to limitations on adequate space to safely navigate in the vicinity of considerable marine infrastructure.

- Protect maritime infrastructure
The prohibition against anchoring in the working Port of St. Petersburg or within the South and Central Yacht Basins is partially intended to protect the marine infrastructure in those areas.

Defining the term “hazardous vessel” to include “in danger of breaking loose from its anchor due to an inadequate anchor or due to rotted or chaffing anchor lines (e.g., anchor too small for boat size, wrong type of anchor for boat)” was an attempt by the city to protect maritime infrastructure in the area from vessels which may break loose and cause damage.

- Protect the marine environment

By defining the term “hazardous vessel” to also include “leaking contaminants into the water,” the city also took steps to protect the local marine environment.

- Deter improperly stored, abandoned, or derelict vessels

The St. Petersburg ordinance has a city-wide prohibition of hazardous vessels. This prohibition is an attempt to achieve the pilot program goal of deterring improperly stored, abandoned, or derelict vessels. The hazardous vessel indicators were created to help identify vessels not being used or maintained, to inform owners of the problems, and to encourage that the problems be corrected. The indicators and process created as a result of the ordinance allow law enforcement officers to intervene and minimize the likelihood a problem vessel will become derelict.

Findings

FWC staff conducted a site visit with city officials on August 18, 2016, to ascertain which elements of the Pilot Program worked best in their jurisdiction.

St. Petersburg installed their mooring field during the ordinance development process.

In the city’s progress report, dated August 2013, the city reported, “In 2012, the North Yacht Basin Mooring Field provided safe and secure mooring to 234 users. This was an average of 19.5 users per month during 2012. So far in 2013, the mooring field has been utilized 210 times for an average of 30 users per month.” In 2016, the city reported that before the establishment of the mooring field, the basin contained 19 boats, 17 of which were in a marked state of disrepair. Now all 13 mooring buoys are occupied by higher quality transient vessels. St. Petersburg officials were convinced that their participation in the pilot program has created a large economic benefit to the community at large. In addition, the area is more aesthetic with well-maintained vessels arranged in an orderly fashion. Thefts have decreased in the basin as well.

Mooring fields are regularly located in well-protected areas, which are often already being used as anchorages. This scenario frequently results in displacement of those vessels because the owners would rather anchor in state waters and not incur the

costs associated with a mooring field. Displacement occurred in St. Petersburg when their mooring field was installed and as their ordinance was nearing adoption or soon after implementation. The city described they have seen a dramatic reduction in the number of stored vessels, many of which met the description of a hazardous vessel. Some of the vessel owners repaired their vessels, other vessels were removed from the water by their owners and were disposed of, while other vessels were moved out of the city's jurisdiction. City staff reported that many of these vessels were not being maintained very well. The number and impact of the other vessels on those neighboring cities and counties, who are not able to regulate the anchoring of vessels, remains difficult to evaluate.

Several long-term stored vessels have moved to Big Bayou, a protected anchorage within the City of St. Petersburg's jurisdiction. Some transient or visiting vessels are anchoring outside the Vinoy Basin, just off the city pier. Many others relocated to Gulfport, on the north end of Boca Ciega Bay. In 2016, city officials noted that prior to the pilot program, the city typically averaged 80-90 stored vessels whereas presently the average has been reduced to 15-20 at any given time. Occasionally, vessels new to the area are found anchored in the marina yacht basins where anchoring is restricted. Once the vessel owners were advised of the anchoring restrictions, they have all come into compliance. The city reports that this has allowed for the continued protection of maritime infrastructure and enhanced navigational safety in these limited operating spaces. It has also continued to allow the local area youth groups and sailing organizations to utilize these areas. In 2016, the usage of the basins and Bayboro for youth sailing programs has continued to increase.

The city also reports that although there have been a variety of ordinance violations, they have yet to issue a notice to appear to any vessel owner. St. Petersburg enforcement personnel advised that the difficulties they encountered enforcing local ordinances would not be comparable if the violations were of state statutes. This was primarily due to the local State Attorney's Office being unwilling to issue a *capias* or warrant for failure to pay a local ordinance. Another legal issue that the City of St. Petersburg believes is problematic is the definition of "liveaboard vessels" and "stored vessels." The City of St. Petersburg officer also requested that the state marine sanitation law be amended to prohibit the ability to use portable toilets on vessels. City officials also believed any statewide law dealing with anchoring and mooring issues should incorporate some aspect of an operability standard within the concept of at-risk vessels.

City of Sarasota

Public mooring fields

The City of Sarasota has two mooring fields in their jurisdiction. The primary field, known as the Bayfront mooring field, is located near downtown Sarasota and is managed by the Marina Jack marina. In 2013, the city had the capacity for 35 vessels but was in the process of completing the second of three phases of their build-out plan. At that time, the city anticipated capacity would be 70 vessels by the end of 2013. At the conclusion of the third phase, their plan called for a total capacity of 109 vessels at the Bayfront mooring field. As of August 2016, the City of Sarasota had 110 potential moorings with 60 completed moorings and associated anchoring hardware in place for additional moorings when demand calls for it.

Unrelated to the pilot program is the Sailing Squadron mooring field located north of the John Ringling Causeway near the Mote Marine Laboratory. This mooring field was an active field before the pilot program was initiated. In the past, there have been as many as 120 vessels moored in this area, primarily using unpermitted (illegal) mooring systems. This mooring field's capacity was reduced to 38 in accordance with their permit.

Ordinance development and adoption

During the development of their ordinance, Sarasota held a public input meeting and also presented the ordinance at a public meeting before their City Commission.

FWC staff also conducted a public meeting and posted the proposed ordinance online in order to collect additional public comment. This public meeting was held in Tallahassee and was primarily attended by representatives of various boating interest groups. Representatives from Sarasota were in attendance and answered questions related to their ordinance. A total of 12 written comments were received as a result of the meeting and online posting. All comments were provided to the FWC Commission prior to Sarasota's ordinance being considered for approval.

Since many of the written comments addressed more than one topic, the following breakdown of responses totals more than 12.

- 1 was not in support and 1 was in support of the pilot program in general
- 3 were not in support of the buffers or distance proposed, 1 of which suggested limiting the setback distance to 50-75 feet.
- 4 were supportive of the ordinance, particularly the 150 foot buffer and required movement of vessels in order to prevent derelicts.
- 1 did not support the 90 day time restriction.
- 4 were against the enforcement process, 2 of which were directed toward the 90 day time restriction in the ordinance.
- 1 was negative towards the mooring field itself.
- 1 was a suggestion to include a pump out requirement.
- 1 comment could not be categorized. It appeared to be a misreading of the ordinance language.

In June 2012, the FWC Commission approved the City of Sarasota's ordinance with the contingency that the ordinance would not be enforced until the first phase of their mooring field construction was complete and available for use by the public. Sarasota's ordinance was the third ordinance approved by the FWC Commission as part of the pilot program.

Sarasota adopted the final ordinance in July 2012; however, enforcement did not begin until September 2012, when mooring field construction was completed and moorings were available for use.

Overview of the ordinance

The ordinance adopted by the City of Sarasota can be categorized into 4 general segments.

- Time Restriction
- Setback
- Exceptions to Anchoring and Mooring Prohibitions
- Enforcement and Penalties

Time Restriction

The primary time restriction is applicable to all vessels anchoring within the city's jurisdiction and allows a vessel to anchor for 90 days in the same location. After 90 days, the vessel is required to be moved to a properly permitted mooring field or to a location outside of the city's jurisdiction. If during the 90 days the vessel is moved to another site or location for at least 72 hours, it can return to its original anchoring location and the 90 day clock begins again. Basically, this means that as long as at least once every three months a vessel navigated to another location and is gone for at least three days before returning, it can repeat this process indefinitely. There is also a time restriction preventing the dinghy of an anchored or moored vessel from anchoring, mooring, or tying off to city property, including beaches, for longer than 12 continuous hours.

Setback

The setback distance provision is applicable to all vessels anchoring for longer than 12 hours anywhere within the city's jurisdiction. This 12 hour time period is intended to avoid unintended consequences for vessels anchoring for short time periods in the pursuit of other waterborne activities, such as fishing. The setback distance chosen was 150 feet from any waterfront property or properly permitted mooring field, as measured from the natural shoreline, sea wall, or the mooring field boundary, and was intended to protect maritime infrastructure.

Exceptions to Anchoring and Mooring Prohibitions

There were also some exemptions contained in Sarasota's anchoring ordinance. If the mooring field is full, the 90 day time restriction is suspended until space is available in the mooring field. The time and setback distance provisions can be suspended by the City Commission for participants in boat shows, races, parades, or other public events. There is also a safe harbor clause making provisions for temporary mechanical breakdowns and subsequent repairs to be made within 5 days or for

instances of imminent or existing extreme weather conditions until weather conditions improve.

Enforcement and Penalties

Sarasota's ordinance was posted online and the public was informed of the new ordinance through press releases and informational pamphlets developed by city staff. The pamphlets were available at the city marina and were also handed out to boaters in the area by staff members and local law enforcement officers.

The Sarasota ordinance is primarily enforced by the City's Police Department. The enforcement policy places great emphasis on educating boaters about the pilot program and the city's ordinance.

The enforcement and penalties of the ordinance allow non-criminal violation citations, with a fine not to exceed \$500, to be given or mailed to the owner or occupant of a vessel in violation. There is also a provision which specifies that enforcement of the 90 day time restriction and the setback distance requires multiple visual observations during each applicable time restriction. The ordinance allows these visual observations to be made by law enforcement officers, employees or agents of the city, or private citizens. If the observations were made and reported by private citizens, they must make an affidavit to substantiate the observations.

Targeting pilot program goals

The City of Sarasota targeted the goals of the pilot program as follows:

Promote the establishment and use of public mooring fields

Sarasota created their Bayfront mooring field in an effort to qualify for the anchoring and mooring pilot program.

The city completed the second phase build-out of their Bayfront mooring field. At that time, the city anticipated capacity would be 70 vessels by the end of 2013. The third phase increased the size of the field to 110 potential moorings and 60 fully completed moorings.

Sarasota's provision to allow a vessel to only anchor for 90 days in the same location, after which the vessel is required to be moved to a properly permitted mooring field or to a location outside of the city's jurisdiction also encourages vessels to use the mooring fields.

Develop and test policies and regulatory regimes that:

- Promote public access to the waters of this state

The City of Sarasota did not report any portion of their ordinance as supporting this portion of the program goals.

- Enhance navigational safety

The City of Sarasota did not report any portion of their ordinance as supporting this portion of the program goals.

- Protect maritime infrastructure

Sarasota chose the setback distance of 150 feet from any waterfront property or properly permitted mooring field, as measured from the natural shoreline, sea wall, or the mooring field boundary, as an attempt to protect maritime infrastructure.

- Protect the marine environment

The City of Sarasota did not report any portion of their ordinance as supporting this portion of the program goals.

- Deter improperly stored, abandoned, or derelict vessels

Sarasota uses a time restriction applicable to all vessels within their jurisdiction to encourage the maintenance of a vessel's ability to navigate. The ordinance allows a vessel to anchor for 90 days in the same location. If during the 90 days the vessel is navigated to another site or location for at least 72 hours, it can return to its original anchoring location. This provision requires that anchored vessels (particularly those stored on local waters) get underway at least once every three months or move to a mooring field.

Findings

FWC staff conducted a site visit with city officials on August 17, 2016, to ascertain which elements of the Pilot Program worked best in their jurisdiction.

The City of Sarasota installed the Bayfront mooring field during the ordinance development process. As of the date of the site visit in 2016, the Bayfront mooring field contained 60 completed moorings with an additional 50 structural pilings (110 total) installed and ready for mooring hardware, when the need arises.

As a result of only 38 permitted moorings being available at the Sailing Squadron, which historically held over twice that number of unpermitted moorings, several of the vessels have been reported to have moved to docks in Bradenton or to be anchoring in Selby Gardens, a shallow area south of the Bayfront mooring field. Some of the vessels displaced by the installation of the Bayfront mooring field have also started anchoring in this area. The city reports they are concerned about adverse environmental impacts in this area resulting from anchor drag, keel damage to water bottom, and vessels grounding at low tide. The city was able to clean out all the illegal moorings, lines and engine blocks that were causing vessel entanglements and environmental issues. The city would like to see a buffer greater than the 150 feet setback that presently exists. In addition, city officials described how vessels traveling within the nearby local entry channel create wakes for the transient boaters located in the northern portion of the mooring field. The wakes have not impacted boating safety in a measurable way, such as citations, warnings, reportable boating accidents or injury reports, which meets the substantial competent evidence threshold for a boating restricted area anticipated by Section 327.46 (1)(c), F.S. At this juncture, however, quality of life has been impacted resulting in dissatisfied customers, broken

glasses and spilled dinners. The City of Sarasota would like an ability to obtain boating speed restricted areas around mooring fields to alleviate these concerns.

A local law enforcement officer has reported that he continually needs to educate vessel owners who are new to the area about the ordinance and its provisions. He describes gaining voluntary compliance and not needing to warn or cite someone after explaining the ordinance. Furthermore, in the 2016 site visit, he described the mooring field as much more family friendly with less associated crime than it was previously as an unregulated anchorage.

Poorly maintained vessels have decreased in Sarasota since implementation of their ordinance, and the local officer said he has not worked a derelict vessel case since the fields were installed and their ordinance took effect. For example, he reported keeping track of a specific vessel of concern and found that it was moved on day 89. While this may be a successful example of deterring improperly stored, abandoned, or derelict vessels, it represents a significant time investment on the part of the officer to ensure compliance.

The city has reported that the build-out of the Bayfront mooring field and the resulting displacement of vessels resulted in a decrease of vessels within the city's jurisdiction that show indicators commonly seen by those on the pathway to becoming derelict. The city also describes a reduction in the number of vessels breaking anchor and coming to rest on the shoreline near their Bayfront mooring field (as shown in the photo below).



The city also believes vessels in the area are receiving greater attention to maintenance issues by their owners as a result of the requirement to get underway at least once every 90 days.

Monroe County and the cities of Marathon and Key West

Public mooring fields

There are two mooring fields in Monroe County associated with the pilot program. In Marathon, the Boot Key Harbor mooring field has a capacity for 226 vessels. This mooring field only allows use by full-time, live-aboard vessels and does not allow vessels to be stored on the water in the mooring field. The Key West mooring field is located between Fleming Key and Sigsbee Park. This mooring field does allow storage of vessels, and it has a total capacity of 149 vessels.

Ordinance development and adoption

During the development of their ordinance, Monroe County held three public meetings in early June 2011, specifically for discussion of the pilot program. The meetings were held in Key Largo, Marathon and Key West on consecutive days. Many other public meetings involving the Board of County Commissioners and city officials were also held in the area over the next several months as the complimentary county and city ordinances were developed and vetted with the public.

The ordinance development in Monroe County was longer than in some of the other areas due to the extended input by the public and County Commissioners in the long series of public meetings. This ordinance went through a variety of revisions, each of which was discussed with FWC staff.

FWC staff also held a public meeting and posted the proposed ordinance online in order to gather additional public comment. This public meeting was held in Tallahassee and was primarily attended by representatives of various boating interest groups. This was an opportunity for representatives of Monroe County to answer questions related to their ordinance. A total of 43 written comments were received as a result of the meeting and online posting. All comments were provided to the FWC Commission prior to Monroe County's ordinance being considered for approval.

Since many of the written comments addressed more than one topic, the following breakdown of responses totals more than 43.

- 8 were in support of the pilot program and 5 were not.
- 6 were in support of the ordinance in general and 4 were not.
- 5 were directed at not supporting the proposed Sunset Cove managed anchoring zone.
- 7 were not supportive of the no anchoring zones, there was 1 suggestion to allow vessels currently in those areas to be allowed to stay.
- 4 did not like the size of the Seaplane Basin no anchoring zone. The size of this zone was decreased by Monroe County as a result of public input.
- 3 were in support of the pump out requirements and 5 were not.
- 1 response was for and 1 against the Key West managed anchoring zone.

- 1 response supported the pre-derelict conditions.
- 12 could not be categorized. These comments were either off the topic of the pilot program, the result of apparent misinformation or misreading of the ordinance language, or were otherwise not able to be classified.

In September 2012, the FWC Commission approved Monroe County’s ordinance with the contingency that the Sunset Cove Managed Anchorage Zone provision be removed from the ordinance due to its great distance from the nearest associated mooring field (approximately 45 to 50 miles away).

The final Monroe County ordinance was adopted by the county in October 2012, and enforcement began the following year in the Key West area after informational signs were installed. The same ordinance was adopted by the City of Marathon in July 2013, and enforcement began in August 2013 in the Marathon area after informational signs were installed.

Overview of the ordinance

The Monroe County ordinance can be categorized into five general segments.

- Definition
- Managed Anchoring Zones
- Exemptions from Proof of Pump out Requirement
- No-Anchoring Buffer Zones
- Enforcement and Penalties

Definition

The term “proof of pump out” was created to support the Monroe County ordinance language. It was particularly developed to define and add clarity to the ordinance while avoiding unintended consequences.

Proof of pump out means an acceptable form of proof that a vessel has had its vessel sewage legally pumped out, or disposed of (in the case of a portable toilet). Acceptable forms of proof include a pump out registration sticker or tag issued by the City of Key West, City of Marathon, or Monroe County pump out programs indicating that the vessel receives routine pump outs, or a pump out receipt from a pump out facility (including portable toilet dump stations) or pump out vessel within the past ten (10) days.

Managed Anchoring Zones

Rather than enact their ordinance countywide, Monroe County limited the affected areas. They designated the areas impacted by specific location and only regulated within those areas. They developed the terms “Managed Anchoring Zones” and “No-Anchoring Buffer Zones” to distinguish what regulations would apply in specified locations.

Managed anchoring zones were established in Boca Chica Basin, Key West Harbor, Cow Key Channel, and Boot Key Harbor. They were established as a tool to regulate anchoring activity in unmanaged anchorages and to protect the marine environment,

enhance navigational safety, and deter improperly stored, abandoned or derelict vessels.

The two primary areas of regulation Monroe County explored through the pilot program were preventing vessels from becoming derelict by identifying pre-derelict conditions and requiring the pump out of toilets on vessels within the managed anchoring zones. The pre-derelict vessel conditions include when a vessel:

- 1) Is not able to be used for navigation.
- 2) Is listing.
- 3) Is aground.
- 4) Is in danger of breaking its mooring.
- 5) Is sinking.
- 6) Is dragging anchor.
- 7) Has broken its mooring and has been secured for the protection of the health, safety, and welfare of the citizens.

The ordinance prohibits vessels exhibiting these conditions from being in the managed anchoring zones. Like the Medallion Program in St. Augustine and the definition and prohibition of “hazardous vessel” in St. Petersburg, the use of pre-derelict vessel conditions is an attempt to prevent improperly stored, abandoned, or derelict vessels.

The proof of pump out requirement is applicable to vessels that are required to have a marine sanitation device and that are anchored or moored for more than 10 consecutive days within one of the managed anchoring zones. The pump out services are free to recreational vessels within these zones, and vessel owners can sign up for regular service based on individual needs. Part of this process allows for a registration tag or sticker to be provided to the vessel owner for display on their vessel as proof of pump out. At a minimum, it is required that a vessel be pumped out at least once each month. The county pump out provider maintains registration and pump out logs available for review by any law enforcement officer. If a vessel owner chooses to use a different pump out provider, they are required to maintain documentation and pump out logs to demonstrate compliance.

Exemptions from Proof of Pump out Requirement

There are exemptions provided for the proof of pump out requirement and the provisions allowing for safe harbor. Stored vessels or vessels equipped with only incinerating or composting toilets, which are not designed to be pumped out, are not required to provide proof of pump out. There is also allowance given to vessels in need of safe harbor due to severe weather or temporary mechanical issues preventing safe departure from a managed anchoring zone.

The other area of regulation applicable within the managed anchoring zones is a prohibition against derelict vessels. This is a reiteration of Section 823.11, F.S., *Abandoned and derelict vessels; removal; penalty.*

No-Anchoring Buffer Zones

No-anchoring buffer zones were established in Boot Key Harbor (50 feet around the mooring field and leased anchoring area), the Seaplane Basin, and Boca Chica Basin.

Their purpose is to protect maritime infrastructure, enhance navigational safety, promote public access to the waters of the State, and promote the use of public mooring fields. The no-anchoring zones were primarily created outside of, and adjacent to, permitted public mooring fields. In these zones, anchoring or mooring is prohibited. There is exclusion language in the ordinance to limit unintended consequences. These exclusions allow for emergency situations, fishing and other recreational activities, commercial vessels involved in marine related work, etc.

Enforcement and Penalties

The Monroe County ordinance was posted online and the public was informed of the new ordinance through press releases and informational pamphlets developed by county staff. The pamphlets were available at the city marinas and were also handed out to boaters in the area by staff members and FWC or local enforcement officers. The county also developed and placed informational signs in and around the regulated areas. Due to jurisdictional issues and limited capability of the local governments to provide on-water enforcement, the ordinance is primarily enforced by FWC. The Monroe County Sheriff's Office has begun helping with enforcement of the ordinance. The enforcement policy involves significant emphasis on educating boaters about the pilot program and the local ordinance.

Like the City of St. Petersburg, Monroe County's ordinance requires a written warning to be issued and allows a vessel owner time for corrective action or removal of the vessel. If the violation is not corrected within 30 days, a Uniform Boating Citation may be issued. This is a non-criminal infraction with a fine ranging from \$50 for a first offense up to \$250 for a third offense. If a vessel owner is not in compliance a fourth time, the fine is \$250 and the owner will be requested to remove the vessel from the managed anchoring zone or no-anchoring buffer zone.

The Monroe County ordinance has a staggered enforcement timeline between the affected areas in Key West and Marathon. Enforcement in Marathon was delayed while the city went through the process of adopting the county's ordinance.

Targeting pilot program goals

The Monroe County ordinance targeted the goals of the pilot program as follows:

Promote the establishment and use of public mooring fields

Monroe County reports that the "No-Anchoring Buffer Zones" are intended to promote the use of public mooring fields.

Develop and test policies and regulatory regimes that:

- Promote public access to the waters of this state

Monroe County reports that the "No-Anchoring Buffer Zones" are intended to promote public access.

- Enhance navigational safety

Monroe County created managed anchoring zones and no-anchoring buffer zones in an attempt to enhance navigational safety. The no-anchoring buffer zones are primarily around the mooring fields themselves in an attempt to help with navigational safety, as well as protecting the vessels in those mooring fields.

- Protect maritime infrastructure

Monroe County established a no-anchoring buffer zone in Boot Key Harbor (50 feet around the mooring field and leased anchoring area), within the Seaplane Basin, and in designated areas around the mooring field in Key West to protect maritime infrastructure.

- Protect the marine environment

Monroe County requires proof of pump out within their managed anchoring zones. This is applicable to vessels that are required to have a marine sanitation device and that are either anchored or moored for more than 10 consecutive days within one of the managed anchoring zones. The pump out services are available within these zones and provided at no charge through a registration process so vessel owners can get regular service based on their individual needs. Part of this process allows for a registration tag or sticker to be provided to the vessel owner for display on their vessel as proof of pump out. At a minimum, it is required that the vessel be pumped out at least once a month. The County pump out provider also maintains registration and pump out logs available for review by any law enforcement officer. If a vessel owner chooses to use a different pump out provider, they are required to maintain documentation and pump out logs to demonstrate compliance.

- Deter improperly stored, abandoned, or derelict vessels

Monroe County is exploring the deterrence of improperly stored, abandoned, or derelict vessels by identifying and prohibiting vessels displaying pre-derelict conditions within the managed anchoring zones. Like the Medallion Program in St. Augustine and the definition and prohibition of “hazardous vessel” in St. Petersburg, Monroe County’s adoption of the pre-derelict vessel provisions is an attempt to encourage the maintenance of vessels to prevent future degradation.

Findings

FWC staff conducted a site visit with county officials on August 30-31, 2016, to ascertain which elements of the pilot program worked best in their jurisdiction.

Enforcement began in March 2013 in the Key West area and began August 2013 in the Marathon area. Due to the volume of vessels and owners affected by the ordinance, informing the public about the ordinance and its requirements was given high priority over actual enforcement of violations. The County had concerns at the

beginning of the program over enforcement effectiveness; however, once jurisdictional issues were sorted out, the enforcement was considered satisfactory.

Compliance with the pump out requirement has been aided by the establishment of a Keys-wide pump out program established by the county. Since 2013, this program has been jointly funded by the county (\$1.471 million), grants from the Dept. of Environmental Protection (\$1.776 million), and by appropriations from the Florida Legislature (\$600,000) totaling almost \$3.85 million. As a result, recreational vessels in Monroe County may sign up for free pump outs. This program provides stickers for vessels that are registered in the program, allowing for easier enforcement as envisioned in the county ordinance.

One of the indicators of the effectiveness of the ordinance is evidenced by a lack of vessels anchored in the “no anchoring zones.” Once the “At-Risk” state law was enacted, enforcement of the county’s “Pre-Derelict Condition” ordinance diminished greatly. While the county ordinance contained a much desired operability component, it did not allow for the issuance of citations by mail to owners who were not present on the vessel, a frequent occurrence. Monroe County officials would like any state regulation that replaces the pilot program for anchored vessels to have a proof of sewage pump out, no anchorage zones and time limits enacted on stored vessels. As much as possible, Monroe County believes that regulations on anchoring should be uniform throughout the state.

The Boot Key Harbor mooring field is typically at capacity every year during the busy winter season and does not meet the entire demand for cruising boaters. The Key West mooring field is rarely at capacity. This is primarily due to the relative convenience of upland facilities at Boot Key Harbor, which are conveniently located, plentiful and in excellent condition. At the Key West site, however, the upland facilities are quite distant from the mooring field, requiring a lengthy dinghy trip across open water to access the facilities. The Key West mooring field is also relatively unprotected and exposed to wind and waves from several directions while Boot Key Harbor is well protected from adverse weather.

The Key West no-anchoring buffer zone has created an open waterbody which has allowed for access by the Key West Sailing Club that can now hold sailing events in the Sea Plane Basin where they previously could not do so.

The County expressed frustration with the perceived difficulty in obtaining permits for mooring fields over areas with seagrasses. The county questioned whether possible issue of shading by moored boats was counterbalanced or even outweighed by not having anchors and their chains scouring large circles in the same seagrasses.

Martin County/City of Stuart

Public mooring fields

The mooring field in the City of Stuart is located on the St. Lucie River, just west of the U.S. 1 NW/Federal Highway Bridge. It has been in operation well prior to the pilot program and is operated by the Sunset Bay Marina and Anchorage. This mooring field has a capacity of 69 vessels.

Ordinance development and adoption

During the development of their ordinance, Martin County/City of Stuart held 2 public meetings specifically for discussion of the pilot program in October 2011. Their ordinance had the longest ordinance development time of all ordinances created through the pilot program.

FWC staff conducted a public meeting and posted the proposed ordinance online in order to collect public comment. This public meeting was held in Tallahassee and was primarily attended by representatives of various boating interest groups. This was an opportunity for representatives of the participating local governments to respond to questions related to their ordinance. At the meeting, through written comments provided by boating organizations, and as a result of public responses from the online posting, problems with their draft ordinance were identified. As a result, FWC staff notified the local governments that their ordinance was being removed from the agenda for the FWC Commission meeting at which it was originally intended to be presented.

FWC staff attended a Martin County Commission meeting to clarify changes to their ordinance before its consideration for approval by the FWC Commission.

An updated ordinance was posted online to collect additional public comment. As a result of the online posting of the Martin County/City of Stuart ordinance, FWC staff received a total of 38 comments. The comments were almost exclusively negative toward the proposed ordinance in general, specific parts of the ordinance, and the pilot program. There was 1 response that was generally supportive of the ordinance. All comments were provided to the FWC Commission prior to Martin County's ordinance being considered for approval.

In December 2012, the FWC Commission approved Martin County's ordinance with specific contingencies. Originally, the ordinance contained provisions for restricting anchoring around a mooring field in Jensen Beach that had yet to be constructed (Indian River program area) and 300 foot setback buffers in the St. Lucie River. Approval of the Martin County/City of Stuart ordinance was contingent upon removing the Indian River program area from consideration until the associated mooring field was constructed, decreasing the buffer distances in the St. Lucie River

program areas to 150 feet, and altering proposed restrictions of anchoring between the mooring field and shoreline.

The final ordinance, which regulates anchoring within both the city and county, was adopted by the Board of County Commissioners in January 2013.

In January 2013, the county requested an amendment to their ordinance be approved by the FWC Commission. The proposed amendment intended to alter the safe harbor allowances and the enforcement of the operability demonstration requirement in all three of their program areas. The changes were technical details clarifying how and when these provisions would apply. In February 2013, the FWC Commission approved the proposed amendment. Martin County adopted the amended language in March 2013.

Overview of the ordinance

The ordinance adopted by Martin County and the City of Stuart can be categorized into six general segments.

- Definitions
- Pilot Program Areas
- Setbacks
- Operability Demonstration
- Proof of Pump Out Requirement
- Enforcement and Penalties

Definitions

The Martin/Stuart ordinance created two definitions, “maritime infrastructure” and “properly permitted mooring field,” to support their ordinance language. They also copied two definitions, “occupied” and “stored vessel,” from the St. Augustine language to support the terminology used in their ordinance. These definitions were used to define and add clarity to the ordinance while avoiding unintended consequences. The definitions are listed below.

Maritime infrastructure means seawalls, docks, and piers.

Properly permitted mooring field means that certain area designated for the mooring of vessels that has been approved as such and permitted by all applicable state and federal agencies.

Occupied means boarding and remaining on a vessel for recreational activities consuming twelve (12) or more consecutive hours in any twenty-four (24) consecutive hour period of time; for the preparation, service and consumption of meals or for sleeping; for a period of time in excess of that required for the completion of maintenance or repair activities; or for securing or protecting the vessel in a time of emergency or severe weather.

Stored vessel shall mean any vessel not under the direct supervision and control of person capable of operating the vessel and promptly moving the vessel.

Pilot Program Areas

Since Martin County was included as a pilot community in partnership with the City of Stuart due to jurisdictional issues near the mooring field in the St. Lucie River, their ordinance was written to limit the areas affected by designating the specific areas to be regulated. They used the term “Pilot Program Area” to distinguish where regulations would apply. The Pilot Program Areas were established in two general areas. The first was within the jurisdiction of the city and county, to include the North and South Fork of the St. Lucie River near the mooring field. The second was established in the Manatee Pocket area within the jurisdiction of Martin County.

The Pilot Program Areas were established as a tool to regulate anchoring activity and to promote the establishment and use of properly permitted mooring fields, protect maritime infrastructure, protect the marine environment, enhance navigational safety, and deter improperly stored, abandoned, or derelict vessels.

Setbacks

Both the city and county established a 150 foot setback from the marked boundary of any properly permitted mooring field or any maritime infrastructure in the St. Lucie River, restricting the anchoring of both occupied and stored vessels in those areas.

They also chose to prohibit anchoring of vessels between their mooring field and the adjacent eastern shoreline in order to improve navigational safety in a relatively limited space. Because trying to establish the 150 foot setback within the Manatee Pocket could have created unintended consequences due to space limitations, the ordinance prohibits anchoring of occupied or stored vessels within the Manatee Pocket except in two designated “anchor areas” described in the ordinance.

Operability Demonstration

The provision which requires demonstration of vessel operability expects that any vessel remaining in one of the program areas for more than 10 consecutive days must document, once every 6 months, that it navigated under its own power to a designated location. There are two locations designated by the county to document compliance with this requirement. One location is Sailfish Marina in Manatee Pocket and the other is Sunset Bay Marina and Anchorage.

Proof of Pump out Requirement

In order to meet the marine sanitation requirement established in the ordinance, all occupied vessels that are equipped with a Type III marine sanitation device and that have remained within a program area for more than 10 consecutive days must

demonstrate compliance by providing a receipt or proof of pump out within the previous 10 days. Service can be documented by the Martin County pump out boat or another authorized pump out facility. This means that, within any 10 day timeframe, an occupied vessel must be able to show documentation that it has been pumped out sometime within the previous 10 days.

Enforcement and Penalties

The Martin/Stuart ordinance was posted online, and the public was informed of the new ordinance through press releases and informational brochures developed by county staff. The brochures were available at the city marina and were also handed out to boaters in the area by staff members and local enforcement officers. The city installed informational signs at local boat ramps and docks to inform the public about the new ordinance.

The city's ordinance is primarily enforced by the City of Stuart's Police Department and the Martin County Sheriff's Office. The enforcement and penalties section of the ordinance involves a plan for an outreach and education program to inform boaters of the regulations and the benefits of compliance. The plan involves giving the owner of a non-compliant vessel a reasonable amount of time to come into compliance. The city and county both agreed, in the ordinance, to not enforce the section dealing with demonstration of operability until the locations to which vessels had to be navigated had been identified and publically advertised. These locations were subsequently designated. There is also a section allowing for "safe harbor" due to temporary mechanical breakdowns or imminent or existing extreme weather conditions.

If the efforts described in their ordinance are not successful in gaining voluntary compliance, the ordinance provides for enforcement in accordance with Chapter 162, F.S., and Chapter 1, Article 4, of the Martin County Code of Ordinances or Chapter 26, Article 2, of the Stuart Code of Ordinances. If compliance is not achieved, violations may be enforced by actions at law or in equity for damages and injunctive relief. If the city or county prevails in any such action, they may be entitled to an award of costs and attorney's fees. There is also a provision to allow violations to be prosecuted and punished as misdemeanors pursuant to sections 125.69 and 166.021, F.S.

The educational part of their enforcement plan began in August 2013.

Targeting pilot program goals

The Martin County ordinance targeted the goals of the pilot program as follows:

Promote the establishment and use of public mooring fields

Martin County/City of Stuart report that their setback distances in the vicinity of permitted mooring fields is intended to promote the use of public mooring fields.

Develop and test policies and regulatory regimes that:

- Promote public access to the waters of this state

Martin County/City of Stuart did not report any portion of their ordinance as supporting this portion of the program goals.

- Enhance navigational safety

Their ordinance has two provisions designed to enhance navigational safety. The first is within the city's jurisdiction where there is a specific prohibition of anchoring between the mooring field and the adjacent eastern shoreline. This is a narrow area that can be difficult to navigate when vessels anchor between the mooring field and the shoreline. The second is also due to space limitations within the Manatee Pocket area where there is a specific regulation to prohibit anchoring of vessels except in two designated anchoring areas.

- Protect maritime infrastructure

This ordinance has two provisions designed to protect maritime infrastructure. The first is the anchoring restriction in Manatee Pocket, described above. The second is the setback distance of 150 feet from the marked boundary of any properly permitted mooring field or maritime infrastructure.

- Protect the marine environment

This ordinance has a requirement aimed at protecting the marine environment. It requires that all occupied vessels, which remain within their enforcement area for more than 10 consecutive days and which are equipped with a Type III marine sanitation device, must demonstrate compliance with marine sanitation requirements. Demonstration of compliance is achieved by providing a receipt documenting service within the previous 10 days from the Martin County mobile pump out boat or by providing proof of pump out within the previous 10 days from another authorized pump out facility.

- Deter improperly stored, abandoned, or derelict vessels

This ordinance contains a provision similar to that in St. Augustine, which requires any vessel remaining in the "Pilot Program Area" for more than 10 consecutive days to demonstrate compliance with operability and safety requirements by documenting that once every 6 months the vessel has navigated, under its own power, to 1 of 32 designated locations.

Findings

FWC staff conducted a site visit with county and city officials on August 29, 2016, to ascertain which elements of the Pilot Program worked best in their jurisdiction.

The perceptions by the city and county at the time of the 2016 site visit were that the mooring field improved the quality of the boats in the area. The belief was that while

the moorings themselves were not profitable, the overall economic benefit to the community was a positive one. The mooring field is typically fully occupied from November through March.

There were no penalties attached to violating the pilot program ordinances in Martin County or the City of Stuart that were imposed by their respective enforcement officers.

The operability requirement was not enforced and no vessels were inspected or given an operability sticker. The city and county felt that since there were relatively few complaints, the program was a success.

The city and county believe that they have become more of a destination and not simply a pass-through port as a result of the Pilot Program.

According to city and county officials, it would be beneficial if state statutes limited the ability for persons to transfer at-risk vessels and cleared up the definition of “operable” and “liveaboard.”

Stakeholder Surveys

FWC conducted two public opinion surveys to gauge stakeholder perception about the effectiveness of the pilot program in general and each individual ordinance implemented through the pilot program. Efforts were made to engage a broad range of potential stakeholder communities. The surveys were conducted online through a link hosted on the FWC website, in an effort to provide easy access to as wide a participant group as possible.

The first survey was conducted from September 18 through October 7, 2013. This timing was intentionally selected late in the originally designated life of the pilot program in order to provide as much time as possible for people to become aware of and gain experience with the pilot program, however, as some of the local ordinances were implemented late in the pilot program, there was limited time for stakeholders to gain experience with those local ordinances.

The second survey was conducted from September 30 through October 9, 2016. The extension of the Pilot Program through June 30, 2017 provided 3 additional years for stakeholders to become familiar with the local ordinances and any potential affects.

Informing the public

Press releases from FWC were used to encourage local newspapers, web-based, radio, and television media to inform local residents and visiting boaters about the surveys and invite participation. National boating and cruising organizations were asked to post the invitations on their websites and distribute them to their constituents via email. Flyers were posted and distributed at each of the mooring fields and associated marinas in the participating areas. For each survey, more than 1,000 waterfront residential properties within the participating pilot program areas were selected using property appraiser records, and letters were mailed directly to residents, homeowner associations, and property management services along the waterfront within each participating area. Since the issue of anchoring and mooring is complex and involves stakeholders from a wide range of perspectives, significant effort was made to extend the reach of the survey appropriately.

Survey design

The two surveys were designed to gather demographic data about the respondents, identify their boating habits and preferences, and to gauge their perception of both the pilot program in general and the effectiveness of individual ordinances. The first survey was conducted during 2013 and consisted of 35 questions that required an average of 10 minutes to complete. Based upon information gathered during the first survey and the associated public workshops, the second survey was expanded to ask more questions about anchoring concepts and more detail about possible impacts of the individual pilot program ordinances. The second survey was conducted during

2016 and consisted of 55 questions that required an average of 15 minutes to complete. Minimizing the time required to complete the survey was accomplished through the use of filter questions so only those respondents who indicated familiarity with specific topics or locations were asked in-depth questions. Open ended questions were used to encourage participants to describe, in detail, how they were affected and what specific problems they felt should have been addressed by the ordinances but were not.

Participants who indicated they were familiar with all topics and any or all of the local government ordinances were encouraged to spend as much time as needed to provide detailed input. The topic of anchoring regulations is contentious, and each of the local participating areas have unique circumstances and needs. The survey design intended to strike a balance between maintaining a reasonable time period for completion and providing ample opportunity for detailed public input.

Survey responses

Response to the survey conducted during the fall of 2016 (9,272 complete responses) was significantly greater than response to the initial survey conducted during the fall of 2013 (2,363 complete responses). During both surveys, most response came from within Florida; however, the relative level of response from outside Florida increased significantly during the 2016 survey. During the 2013 survey, 78% of the response came from within Florida, 18% from other states and 4% from other countries, mostly from Canada. During the 2016 survey 65% of the response came from within Florida, 34% from other states and 2% from other countries, again mostly from Canada. Residents from most states across the nation participated in the surveys. During both surveys, responses from outside Florida were concentrated along the Atlantic coastal states and the Great Lakes states.

During both surveys, responses from within Florida were received from all coastal counties and most inland counties. These responses were concentrated along southeast Florida, southwest Florida and the Atlantic coastal counties. Between 25% (2016) to 33% (2013) of the Florida residents responding to the surveys reported residency in one of the five counties where a local government participating in the pilot program is located. Of the more than 1,000 residential property owners with property within jurisdiction of one of the local ordinances who received direct mail notice during both surveys, 307 responded to the 2013 survey and 205 responded to the 2016 survey.

Further analysis of the data suggests that a representative cross section of the overall stakeholder community participated in the survey.

Respondents indicating their primary residence in Florida well represented those who are likely to be affected by anchoring ordinances:

- Waterfront dwelling - 34 percent (2013), 43 percent (2016)
- Boat kept at a marina - 13 percent (2013), 10 percent (2016)
- Boat kept at anchor - 9 percent (2013), 2 percent (2016)
- Boat kept in a mooring field - 3 percent (2013), 1 percent (2016)

Most respondents during both surveys indicated they own at least 1 boat (93 percent in 2013 and 96 percent in 2016), and most of those boat owners indicated they own a boat that is likely to be affected by anchoring ordinances (87 percent in 2013 and 80 percent in 2016).

Respondents identified how they use their boat, the typical duration of trips in their boat and their preferred method of securing their boat while traveling overnight. The preferred location to secure their boat was identified as anchoring in convenient locations other than marinas, docking facilities, mooring fields, or designated anchorages. Respondents then specified the traditional distance they anchor from private property, provided information about how often and for what lengths of time they typically get their boat underway, and the general locations they have boated since January 2011.

The surveys asked about the individual pilot program areas and ordinances. During 2013, 45 percent (1,063) of the respondents indicated they were familiar with one or more pilot program areas. During 2016, 12 percent (850 people) of the respondents indicated they were familiar with one or more pilot program areas. These respondents were directed to specific questions about if and how they were affected by the pilot program, their perception of the pilot program's degree of success at reaching the statutory goals, and the effectiveness of each pilot program ordinance with which they were familiar.

Those respondents who were identified as waterfront property owners were also asked about any changes to the distances and duration vessels anchor from their property.

The script of the 2016 survey, as well as detailed charts of the results can be found in Appendix E – 2016 Public Opinion Survey and Results. The script of the 2013 survey, as well as detailed charts of the results can be found in Appendix F – 2013 Public Opinion Survey and Results.

FWC Recommendations

December 31, 2013, FWC submitted a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the findings to-date from the Anchoring/Mooring Pilot Program (pilot program), along with FWC's recommendations. FWC recommended continuation of the pilot program for three additional years to allow a more thorough and complete assessment of what works, and what does not work, relative to the local anchoring regulations being tested. This was based on the fact that delays in ordinance implementation and the lack of ability at that time to establish, with some degree of certainty, which components of the various ordinances accomplished the intended goals established in Section 327.4105(1), Florida Statutes (F.S.), and which did not.¹ In essence, the testing was not complete.

During the 2014 Legislative Session, Section 327.4105, F.S., *Pilot program for regulation of mooring vessels outside of public mooring fields*, was amended to extend the pilot program to July 1, 2017, and to require FWC to submit a report on program findings and recommendations by January 1, 2017. Furthermore, the law requires that all local ordinances adopted per the pilot program will sunset concurrently with the pilot program (July 1, 2017), and shall be inoperative and unenforceable thereafter.

FWC has engaged key stakeholders to explore and discuss possible legislative solutions and identify points of consensus. The following recommendations, categorized by pilot program goals in Section 327.4105(1), F.S., reflect the lessons learned from the individual pilot program participating governments, public responses to surveys directly related to this topic, and additional input from key stakeholders.

Recommendations related to promoting the establishment and use of public mooring fields

- ***Further protect safety of mooring field users*** – To further enhance the value of mooring fields to boaters, there is a need to provide additional safety precautions in the immediate vicinity of public mooring fields. This recommendation would provide an allowance for a 300 foot buffer extending beyond mooring field boundaries, within which anchoring is prohibited. The no-anchoring buffer would enhance the safety of vessels using the mooring field by reducing the likelihood that nearby anchored vessels, which may break loose and drag anchor, will impact and cause damage to moored vessels. This protection could be accomplished either through a universal, statewide prohibition – a concept that is preferred by some pilot program participants and many stakeholders – or by revising Section 327.60,

¹ Two of the pilot program participants, Martin County/City of Stuart and Monroe County/cities of Marathon and Key West, only had their ordinances in effect for three to six months when the initial report was due. The others had been in effect from 13 to 21 months.

F.S., *Local regulations; limitations*, to allow local governments to prohibit anchoring within a 300 foot buffer around public mooring fields.

- ***Authority to regulate the anchoring of vessels should be retained by the State. Should the State choose to grant such authority to local governments, public mooring fields and/or suitable anchorages must be available*** – Should authority be granted for local governments to lawfully restrict anchoring of vessels on waters of the State, permitted public mooring fields of adequate capacity and at a reasonable cost must be available within a reasonable distance to any anchoring restricted areas. Local governments may also meet the needs of the boating public by ensuring that suitable, preferred anchorages remain available to them and, should not be allowed to restrict all anchoring within the area authorized for them to regulate. An exemption to anchoring restrictions should be created to provide relief should mooring field and anchorage area(s) capacities be met. Based on discussions with pilot program participants and stakeholders, a distance of ten miles may be considered a “reasonable distance,” and costs for using mooring fields should be consistent with comparable market rates.
- ***Authority to regulate the anchoring of vessels should be retained by the State. Should the State choose to grant such authority to local governments, it should be granted to counties only*** – In order to minimize confusion among boaters and to avoid the likelihood of a patchwork of anchoring restrictions and regulated areas, any authority granted for the creation of local anchoring restrictions encompassing all or specific waterways areas within any county or municipal jurisdictions should be granted to county governments only. There should be a requirement for consultation and cooperation with any and all affected municipalities, FWC, Florida Department of Environmental Protection, U.S. Coast Guard, the applicable Inland Navigation District, and associations or other organizations representing vessel owners or operators.
- ***Quantify the economic benefits of mooring fields*** – Pilot program participants consistently agreed that their communities have experienced economic benefits as a result of their mooring field(s). In order to further encourage other local governments to establish mooring fields, it would be beneficial to quantitatively demonstrate the economic benefits to Florida communities, such as benefits to local businesses, reductions in derelict vessels, etc. Research should be conducted so local governments can be better prepared with economic benefit information as they explore whether mooring fields are appropriate solutions for local needs.
- ***Document the environmental benefits of mooring fields*** – The effects of mooring fields on seagrasses and other portions of the marine environment are inadequately substantiated in the various waterway types in Florida. Mooring field proponents claim that seagrass areas are substantially better off when boats occupy the water on an engineered mooring system as compared to boats being secured to the bottom by anchoring (due to anchor dragging, scouring, etc.). Opponents contend that shading from moored boats is detrimental to seagrasses. Proponents further argue that water quality is likely to improve because moored boats typically have easy access to sewage pump-outs. Opponents contend that more boats on the water equates to diminished water quality. Research should be

conducted to adequately identify the environmental pros and cons associated with mooring fields in Florida's various marine environments.

Recommendations related to promoting public access to the waters of this State, enhancing navigational safety, and protecting maritime infrastructure

The ability of persons to gain access to and enjoy the benefits of Florida's waterways should be protected. When anchored boats are within close proximity to locations where boats are being loaded, unloaded or navigated in close quarters, the anchored boats may serve as impediments to safe and enjoyable access to the water. Anchored boats, particularly those being stored unattended on the water, when left in close proximity to maritime infrastructure, may serve as a threat to the integrity of that infrastructure in the event they drag anchor or break free. The following recommendation is intended to improve safe access to, and use of, State waters:

- ***Create anchoring limited areas*** – Establish universal, statewide prohibition against allowing an anchored vessel to come within 150 feet of any marina, boat ramp or other vessel launching and loading facility.

Exceptions should be created that mirror some of those listed in Section 327.4107, F.S., *Vessels at risk of becoming derelict on waters of this state*. These include when there is unreasonable risk of harm due to weather conditions, vessels owned by government entities, construction or dredging vessels on an active job site, vessels engaged in commercial fishing, and vessels engaged in recreational fishing when persons onboard are actively tending hook and line fishing gear or nets. These exceptions must not be construed to allow for violation of the provisions of Section 327.44, F.S., *Interference with navigation*.

Recommendations related to the prevention of derelict vessels

In August 2015, FWC hosted a series of public meetings and participant surveys related to identifying potential ways to improve Florida laws aimed at preventing or removing derelict vessels on State waters. This effort resulted in a series of recommendations which garnered broad public support.

One of those recommendations directly supported the creation of Section 327.4107, F.S., *Vessels at risk of becoming derelict on waters of this state*, during the 2016 Legislative Session. Adoption of several of the remaining recommendations would serve as valuable tools in future efforts to rid Florida waters of derelict vessels. Those recommendations follow:

- ***Place a "hold" on titles of vessels deemed derelict*** – To ensure that innocent parties are not placed in a compromising position when the owner of a derelict vessel attempts to sell the vessel to avoid prosecution or vessel removal obligations, this recommendation proposes statutory authorization for the Florida Department of Highway Safety and Motor Vehicles to place a "hold" on the title of a vessel deemed derelict when requested by an investigating law enforcement agency. A provision would be made for the title "hold" to be released upon

direction from a court or when a responsible party comes forward to take possession of the vessel and remove it from the waters of the State.

- ***Limit who may renew a vessel registration*** – To protect the previous owner of a vessel who has sold the vessel to a person who subsequently fails to transfer title, this recommendation limits who may renew a vessel registration to only the owner(s) of record or a person in possession of a power of attorney from the owner.
- ***Increased penalties for repeat violations of expired vessel registration*** – To ensure that vessels that are neglected by their owners receive necessary attention, this recommendation creates enhanced penalties for using or storing a vessel on State waters when the vessel registration is expired by six months or more. Under this recommendation, the second and any subsequent time an owner is cited for having a registration expired more than six months, the penalty would be a second degree misdemeanor, which would require mandatory appearance in court or at a formal hearing. The current penalty is a non-criminal infraction, no matter how many times the owner is cited. This recommendation mirrors current motor vehicle law.
- ***Alternate means of derelict vessel owner notification*** – To reduce redundant administrative processes, this recommendation waives the statutory requirement in Section 705.103, F.S., *Procedures for abandoned or lost property*, for the owner of a derelict vessel to be notified via certified mail, but only in the circumstance where the owner has received face-to-face notification by a law enforcement officer. This notification must be documented in writing and would be in the form of a citation/notice to appear for violating Florida’s derelict vessel laws.

An exception/waiver should be created for a vessel that has become derelict as a result of a declared natural disaster or a state of emergency. The exception/waiver should last for a time period of 60 days following the declaration. This is intended to allow sufficient time for vessel owners and insurance companies to take action to deal with damaged boats. It would also minimize the likelihood that citations would be issued while reasonable efforts to correct problems are being made by responsible parties.

- ***Additional condition for a vessel at risk of becoming derelict*** – To further deter the number of vessels stored on State waters that are neglected and are incapable of effective navigation, this recommendation adds a condition to Section 327.4107, F.S., *Vessels at risk of becoming derelict on waters of this state*. This law currently prohibits the anchoring or mooring of vessels on State waters that are at risk of becoming derelict and specifies four conditions that indicate the vessel is neglected or poorly maintained. This recommendation adds another condition that would indicate that a vessel is incapable of effective navigation when the owner or operator cannot demonstrate an effective means of propulsion for the purpose of safe navigation. The recommendation would require a vessel owner or operator to demonstrate, within 72 hours of notification by a law enforcement officer, that:
 - For sailing vessels – there is a working steering system and the rigging and sail(s) are present and in working order, or the vessel is equipped with a

functioning motor. These conditions demonstrate that the vessel is capable of safe and effective navigation.

- For all other vessels – the vessel is equipped with a functioning motor, controls, and a steering system. These conditions demonstrate that the vessel is capable of safe and effective navigation.

Recommendations related to protecting the marine environment

- ***Prohibit a vessel or floating structure from being moored to unauthorized moorings*** – This recommendation would establish a prohibition for any vessel or floating structure to tie off, anchor or moor to any unpermitted or unlawful objects on or affixed to the water body bottom. This would further deter proliferation of unlawful moorings (such as those affixed to the water body bottom by use of cast iron engine blocks, concrete weights, debris piles, or debris fields). It would also support efforts to remove this litter from State waters. A penalty is also recommended – the first violation would result in a non-criminal infraction; second and subsequent violations would result in a second degree misdemeanor.

An exception should apply to private moorings lawfully owned by an adjacent upland riparian landowner or to private moorings placed on privately owned bottomland.

- ***Require certain vessels within specified portions of Monroe County waters to demonstrate proof of marine sanitation device pump-out*** – This recommendation would identify four managed anchorage zones and require proof of pump-out to be consistent with requirements established by Monroe County ordinance for the pilot program. Vessels within designated sections of Boca Chica Basin, Key West Harbor, Cow Key Channel and Boot Key Harbor that are required to have a marine sanitation device in accordance with s. 327.53, F.S., *Marine Sanitation*, would be required to demonstrate proof of pump-out if remaining anchored or moored in a designated area for more than ten (10) consecutive days. This recommendation could be accomplished by modification to s. 327.53, F.S. *Marine Sanitation*.

Unresolved issues for which there are no recommendations

The participating local governments in the pilot program actively attempted to address problems associated with stored vessels, inoperable vessels that are anchored or unlawfully moored and used as residences, marine sanitation concerns, and setbacks from shorelines or private docks. The following are intended to serve as discussion on those unresolved issues:

- ***Stored vessels*** – Many local governments would argue that the long-term storage of vessels at anchor on State waters has not been sufficiently addressed through statewide public policy. While many of the vessels stored on the water at anchor receive some level of regular attention by their owner(s) or a responsible party, there are particular concerns over those that are left unattended for long periods. Those concerns typically revolve around the likelihood that these vessels will become derelict in the future, which usually results in costs to the State, local

governments, and other organizations for removal and clean-up. In some cases, these vessels are not adequately secured, which results in them dragging anchor or breaking free and increasing risk to other vessels and/or maritime property and infrastructure in the area.

Several of the participating local governments attempted to create tools within their pilot ordinances aimed at resolving issues related to stored boats. Two – Monroe County (cities of Marathon and Key West) and the City of St. Petersburg – enacted prohibitions against allowing a vessel to remain on the water in their jurisdiction if there were conditions that indicate an inability to effectively be navigated. This is of particular importance in the event of an impending storm. The City of St. Augustine required vessels stored on their jurisdictional waters to demonstrate operability twice annually by navigating to the city marina to receive a decal, which served to verify operability. Martin County/City of Stuart also required demonstration of operability for vessels remaining in the program area for more than ten consecutive days.

Although a requirement to navigate to a designated point to receive a decal worked well for the City of St. Augustine, a similar requirement established by statewide law would be very challenging to implement. Therefore, the FWC is not recommending a statewide policy requiring such. Instead, several of the recommendations above, if implemented together and used collectively, would serve as a basis for what FWC believes to be reasonable and effective remedies to many of the problems associated with long-term storage of vessels on State waters. Those specific recommendations include:

- ***Further protect safety of mooring field users***
- ***Create an anchoring limited area***
- ***Increased penalty for repeat violations of expired vessel registration***
- ***Additional condition for vessel at risk of becoming derelict***
- ***Prohibit a vessel or floating structure from being moored to unauthorized moorings***

In the event that some or all of these statewide recommendations are implemented, the issues associated with the long-term storage of vessels on waters of the State should continue to be monitored and assessed to determine if the policies are sufficient.

- ***Inoperable vessels being used as residences*** – Vessels being used as residences and anchored or unlawfully moored on waters of the State were identified as areas of concern for several of the participating local governments. This is of particular concern when those vessels are inoperable, and when it is unclear if those vessels fall within the statutory definition for “live-aboard vessel,” as defined in Section 327.02, F.S., *Definitions*. That definition states in part:

“Live-aboard vessel” means:

- (a) A vessel used solely as a residence and not for navigation;
- (b) A vessel represented as a place of business of a professional or other commercial enterprise; or

- (c) A vessel for which a declaration of domicile has been filed pursuant to Section 222.17.

A commercial fishing boat is expressly excluded from the term “live-aboard vessel.”

There is no recommendation to specifically address solutions to the issues related to vessels that are stored on State waters and used as residences. Some of those vessels, particularly those that are inoperable and incapable of navigation, may be better addressed through the statutory authority already granted to local governments in Section 327.60(2)(f), F.S. *Local regulations; limitations*, which provides local governments the authority to regulate live-aboard vessels outside the marked boundaries of permitted mooring fields.

It is clear there are also vessels stored on State waters that are used as residences and are used for and/or are capable of navigation. Such vessels are regulated at the State level, and there is no recommendation to alter this policy.

- **Marine sanitation issues** – Two of the participating local governments – Martin County/City of Stuart and Monroe County/cities of Marathon and Key West – attempted to enact further protections of the marine environment by regulating marine sanitation. This most frequently came in the form of requirements to show proof of pump-out for vessels with sleeping quarters onboard. Although a recommendation to require proof of pump-out consistent with Monroe County’s ordinance is being suggested in this report, marine sanitation issues will continue to be of statewide importance into the future.

Florida’s requirements related to marine sanitation are found in Section 327.53, F.S., *Marine sanitation*. This law requires marine sanitation devices on vessels 26-feet or longer with berthing facilities, requires holding tanks on certain vessels and floating structures, prohibits discharge of raw sewage, and establishes penalties.

Many marinas on Florida’s waterways offer pump-out services, but there are considerable expanses of State waters where these services are limited. While local efforts to require proof of pump-out have demonstrated varying levels of success throughout the pilot program, attempting to enact such a requirement on a statewide basis would be costly and extremely difficult to implement.

Section 327.60, F.S., *Local regulations; limitations*, currently prohibits local governments from enacting or enforcing regulations, “Relating to the design, manufacture, installation or use of any marine sanitation device on any vessel.” Later in this section, it is stated that “Nothing in this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions...”

This language contributes to the confusion as to whether or not local governments are authorized to regulate the use of pump-out of marine sanitation devices on live-aboard vessels within their jurisdictions. Because many of the vessels being stored on waters of the State and used as residences are incapable of being used

for navigation and are, in fact, “live-aboard vessels” per Section 327.02, F.S. *Definitions*, there would be a benefit to clarifying that local governments are authorized to require these vessels to have their sewage regularly pumped-out. Even though these recommendations may not present comprehensive solutions to issues related to marine sanitation, this topic warrants further consideration in the future, perhaps resulting in enhancements to Florida’s marine sanitation law and/or further expansion of pump-out services around the State.

- ***Setbacks from shorelines and private docks*** – Much discussion has occurred throughout the timeframe of the pilot program regarding the establishment of setbacks, within which anchoring is limited, from private property along the shoreline of waters of the State. Current law has no such restrictions on State waters. Local governments get complaints from homeowners who dislike vessels anchored in close proximity to their residences, along with the potential property damage resulting from vessels breaking loose during weather events. These are complex issues for local governments that want to regulate anchoring within their jurisdiction, but have no legal means to do so outside of properly permitted mooring fields. Boaters, on the other hand, want to continue to enjoy State waters, which are kept in the public trust, and not be confused and potentially not in compliance, with a plethora of different regulations if local governments are given the authority to regulate anchoring. They want to continue to anchor where it may be convenient and inexpensive for them with no restrictions on the length of time to anchor. With Florida having the most registered boats in the nation and millions of boating visitors, these differing views have grown through the years.

Two of the pilot communities – the cities of Sarasota and St. Augustine – authorized a setback from either the shoreline or private docks, but these efforts yielded no clear resolution.

While there has been much discussion about this issue, there is still no consensus to establishing a statewide setback that would be practical in every setting in Florida. There also has been no consensus to giving local governments the authority to establish such a setback on State waters within their jurisdiction.

Appendix A – Section 327.4105,
Florida Statutes

Florida Statute 327.4105
Anchoring and Mooring Pilot Program

327.4105 Pilot program for regulation of mooring vessels outside of public mooring fields.—The Fish and Wildlife Conservation Commission, in consultation with the Department of Environmental Protection, is directed to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields.

- (1) The goals of the pilot program are to encourage the establishment of additional public mooring fields and to develop and test policies and regulatory regimes that:
 - (a) Promote the establishment and use of public mooring fields.
 - (b) Promote public access to the waters of this state.
 - (c) Enhance navigational safety.
 - (d) Protect maritime infrastructure.
 - (e) Protect the marine environment.
 - (f) Deter improperly stored, abandoned, or derelict vessels.
- (2) Each location selected for inclusion in the pilot program must be associated with a properly permitted mooring field. The commission, in consultation with the department, shall select all locations for the pilot program prior to July 1, 2011. Two locations shall be off the east coast of the state, two locations shall be off the west coast of the state, and one location shall be within Monroe County. The locations selected must be geographically diverse and take into consideration the various users and means of using the waters of this state.
- (3) Notwithstanding the provisions of s. 327.60, a county or municipality selected for participation in the pilot program may regulate by ordinance the anchoring of vessels, other than live-aboard vessels as defined in s. 327.02, outside of a mooring field. Any ordinance enacted under the pilot program shall take effect and become enforceable only after approval by the commission. The commission shall not approve any ordinance not consistent with the goals of the pilot program.
- (4) The commission shall:
 - (a) Provide consultation and technical assistance to each municipality or county selected for participation in the pilot program to facilitate accomplishment of the pilot program's goals.
 - (b) Coordinate the review of any proposed ordinance with the department; the United States Coast Guard; the Florida Inland Navigation District or the West Coast Inland Navigation District, as appropriate; and associations or other organizations representing vessel owners or operators.
 - (c) Monitor and evaluate at least annually each location selected for participation in the pilot program and make such modifications as may be necessary to accomplish the pilot program's goals.
- (5) The commission shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2014, and shall submit an updated report by January 1, 2017.
- (6) The pilot program shall expire on July 1, 2017, unless reenacted by the Legislature. All ordinances enacted under this section shall expire concurrently with

the expiration of the pilot program and shall be inoperative and unenforceable thereafter.

(7) Nothing in this section shall be construed to affect any mooring field authorized pursuant to s. 253.77, s. 327.40, or part IV of chapter 373, as applicable, or any lawful ordinance regulating the anchoring of any vessels within the marked boundaries of such mooring fields.

History.—s. 48, ch. 2009-86; s. 2, ch. 2014-136.

Appendix B - Section 327.60,
Florida Statutes

Florida Statute 327.60
Limitations on County or Municipality Regulations Related to Operation of Vessels

327.60 Local regulations; limitations.—

- (1) The provisions of this chapter and chapter 328 shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the waters of this state or when any activity regulated hereby shall take place thereon.
- (2) Nothing in this chapter or chapter 328 shall be construed to prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality shall not enact, continue in effect, or enforce any ordinance or local regulation:
 - (a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;
 - (b) Relating to the design, manufacture, installation, or use of any marine sanitation device on any vessel;
 - (c) Regulating any vessel upon the Florida Intracoastal Waterway;
 - (d) Discriminating against personal watercraft;
 - (e) Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance;
 - (f) Regulating the anchoring of vessels other than live-aboard vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40;
 - (g) Regulating engine or exhaust noise, except as provided in s. 327.65; or
 - (h) That conflicts with any provisions of this chapter or any amendments thereto or rules adopted thereunder.
- (3) Nothing in this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields of vessels other than live-aboard vessels as defined in s. 327.02.

History.—s. 10, ch. 59-400; s. 16, ch. 63-105; s. 1, ch. 65-361; s. 3, ch. 72-55; s. 2, ch. 83-20; s. 38, ch. 95-143; s. 30, ch. 99-289; s. 20, ch. 2000-362; s. 3, ch. 2006-172; s. 3, ch. 2006-309; s. 14, ch. 2009-86.

Note.—Former s. 371.59.

Appendix C - Local Government Ordinances

City of St. Augustine

Ordinance No.: 2011-10

ARTICLE V. - REGULATION OF ANCHORAGE

Secs. 7-90—7-92. - Reserved.

Editor's note— Ord. No. 2010-38, § 1, adopted November 8, 2010, repealed §§ 7-90—7-92, which pertained to intent; definitions; prohibition of live-aboard vessels in Hospital Creek and derived from Ord. No. 05-35, § 1, 11-14-05.

Sec. 7-93. - Regulation of mooring fields for anchorage of vessels.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Anchorage means a place located outside a designated mooring field and used for attaching vessels to submerged lands by means of cables, ground tackle and other devices designed to attach to or enter the submerged lands.

Derelict vessel means any vessel as defined by F.S. § 327.02, and any amendments thereto, which is left, stored or abandoned in a wrecked, junked or substantially dismantled condition on the waters within the municipal boundaries of the City of St. Augustine or which is located in a mooring field or at the City of St. Augustine Municipal Marina without the consent of the City of St. Augustine or which is docked or grounded at or beached upon the private property of another without the consent of the owner of the property or which is grounded at or beached on public property without the consent of the public owner of the property.

Dinghy means a vessel of a maximum length not exceeding twelve (12) feet and which serves as a tender vessel to a larger moored or anchored vessel.

Floating structure means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term "floating structure" includes, but is not limited to, each entity used as a residence, place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse, meeting facility, storage or parking facility, mining platform, dredge, dragline or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom shall not, in and of itself, preclude an entity from classification as a floating structure.

Harbormaster means the harbormaster of the city. The harbormaster shall have all rights, powers and duties as provided under the laws of the state and ordinances of the city.

Live-aboard vessel means:

- (a) Any vessel used solely as a residence and not for navigation;
- (b) Any vessel represented as a place of business or a professional or other commercial enterprise;
- (c) Any vessel for which a declaration of domicile has been filed pursuant to F.S. § 222.17;

(d) A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

Mooring field means a lawfully permitted location defined and described in the survey map and any amendments thereto, contained in the City of St.

Augustine Harbor Management Plan dated December 14, 2009 for the mooring of vessels.

Occupied means boarding and remaining on a vessel for recreational activities consuming twelve (12) or more consecutive hours in any twenty-four (24) consecutive hour period of time; for the preparation, service and consumption of meals or for sleeping; for a period of time in excess of that required for the completion of maintenance or repair activities; or for securing or protecting the vessel in a time of emergency or severe weather.

Operate means to be in charge of or in command of or in actual physical control of a vessel upon the waters of this state or to exercise control over or to have responsibility for a vessel's navigation or safety while the vessel is underway upon the waters of this state or to control or steer a vessel being towed by another vessel upon the waters of the state.

Person means an individual, partnership, firm, corporation, association or other legal entity.

Safe harbor means the allowance of reasonable temporary emergency anchorage due to mechanical events or severe weather prohibiting a vessel from departing after the thirtieth (30 th) consecutive day as otherwise required by subsection (j)(6), herein.

Stored vessel shall mean any vessel not under the direct supervision and control of a person capable of operating the vessel and promptly moving the vessel from the locations designated in subsections (j)(2), (3), (4) and (5) herein.

Vessel is synonymous with boat as referenced in Section 1(b), Article VII of the Florida State Constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(b) Establishment of mooring fields. The city hereby establishes mooring fields for the mooring of vessels within the municipal boundaries of the city. The dimensions and locations for said mooring fields are hereby established and are described by the survey map contained in the City of St. Augustine Harbor Management Plan dated December 14, 2009 and incorporated herein by reference and any amendments to that survey map subsequently authorized by resolution of the city commission.

(c) Designation of authority for management of mooring fields. The city manager shall undertake development, construction, maintenance, repair, operation and enforcement of rules and regulations regarding the mooring fields established hereby. The city manager shall appoint a harbormaster to undertake under the supervision of the city manager or his or her designated appointee all duties related to the management of the mooring fields and enforcement of the rules and regulations hereby adopted.

(d) Powers and duties of the harbormaster. In addition to any duties that may be assigned from time to time, the harbormaster shall have the following powers and duties:

(1) To enforce the provisions of this article.

(2) To coordinate removal from city owned, operated, maintained or regulated lands, anchorage areas, marinas, ramps, docks and mooring fields all

vessels and floating structures not properly anchored, docked or moored, as determined by the harbormaster.

(3) To control and regulate the use of city boat ramps.

(4) To represent the city as its agent in the execution of all city docking and mooring field agreements or licenses.

(5) To coordinate removal of wrecks, derelict vessels, abandoned vessels, vessels which are not seaworthy and floating structures or navigational hazards with applicable federal, state and local government agencies.

(6) To inspect the y-valves and marine sanitation devices and seal the y-valves as soon as possible after entry of a vessel to a mooring field and as soon as possible after entry of a vessel to an anchorage area located outside a mooring field and to inspect the sealed y-valves at noticed and scheduled intervals not fewer than three (3) months apart.

(e) Rules and regulations. The city manager shall cause to be prepared and distributed rules and regulations governing the development, construction, maintenance, repair and operation of the mooring fields created hereby and shall direct enforcement of the rules and regulations. The city commission shall approve, and hereby does approve by enactment of this section, the rules and regulations as contained in the City of St. Augustine Harbor Management Plan dated December 14, 2009 and incorporated herein by reference and any amendments to the City of St. Augustine Harbor Management Plan authorized by resolution of the city commission.

(f) Amendment to rules and regulations. Any amendment to the rules and regulations hereby adopted shall be effected by the city manager subject to review by the city commission.

(g) Private moorings and anchorages and obstructions prohibited. No person may place private moorings or anchorage facilities or any obstruction to navigation or other obstruction of any kind in the Matanzas River, the San Sebastian River, Salt Run or any channels or harbors of the Matanzas River, the San Sebastian River, Salt Run or any submerged lands owned by the city within the municipal boundaries of the city.

(h) Anchorage of live-aboard vessels at locations outside designated mooring fields. No person shall anchor or leave at anchor in the waters located within the municipal boundaries of the city and outside a designated mooring field a live-aboard vessel.

(i) Mooring fields.

(1) All vessels within a designated mooring field must connect to mooring facilities located within that mooring field.

(2) The city manager or his or her designee has the authority to coordinate the removal of all vessels, floating structures, ground tackle or any other equipment or materials located within a designated mooring field prior to the installation of a mooring field. The owners of such vessels, floating structures, ground tackle or any other equipment or materials shall be responsible for their removal. The city shall attempt to give reasonable notice to owners of those vessels, floating structures, ground tackle or any other equipment or materials to allow for voluntary removal. If the city is unable to contact the owner of those vessels, floating structures, ground tackle or any other equipment or materials, the city may remove and impound those vessels, floating structures, ground tackle or any other equipment or materials and dispose of them as nuisances in accordance with state and federal law.

- (3) No one may operate a business from a vessel occupying a mooring located in a city mooring field without the prior express written permission of the city manager or his or her designee. This prohibition includes but is not limited to vessel chartering, vessel sales brokerage, commercial fishing operations, boat rentals, rental accommodations and other similar uses.
- (4) All vessels desiring to use a city mooring field shall first register with the harbor master or designee. Only seaworthy and registered or documented vessels shall be allowed use of the anchorage areas and city mooring fields.
- (j) Anchorage areas. Persons may anchor vessels in anchorage areas located outside designated mooring fields subject to the following regulations:
- (1) The vessel operator must make a reasonable effort to remove all ground tackle upon leaving the anchorage.
- (2) No person shall allow a stored or occupied vessel to anchor at any location which allows the vessel or any portion of the vessel to be closer than fifty (50) feet from the defined boundaries of the channel located in the San Sebastian River.
- (3) No person shall allow a stored or occupied vessel to anchor at any location which allows the vessel or any portion of the vessel to be closer than one hundred (100) feet from the marked boundaries of an established mooring field.
- (4) No person shall allow a stored or occupied vessel to anchor at any location which allows the vessel or any portion of the vessel to be closer than five hundred (500) feet from the marked boundaries of the shell fish harvesting area located in the southern end of Salt Run between dusk and dawn. Dusk and dawn are defined respectively to include the times beginning thirty (30) minutes after the official time of sunset and ending thirty (30) minutes prior to the official time of sunrise.
- (5) No person shall allow a stored or occupied vessel to anchor at any location which allows the vessel or any portion of the vessel to be closer than fifty (50) feet from any marine structure such as public docks, private docks, public seawalls, private seawalls, boat ramps and dolphins. This prohibition does not include mooring balls and crab traps.
- (6) No person shall allow a vessel occupied by persons to anchor at any location within the municipal boundaries of the City but outside of a designated mooring field for more than thirty (30) consecutive days in any forty-five (45) consecutive day period. After midnight of the thirtieth consecutive day, the person shall relocate the vessel to a mooring field or to a location outside the municipal boundaries of the city, unless the safe harbor condition is invoked by the city manager or his or her designee. The city manager or his or her designee may consult with the captain, operator or other authorized representative of a vessel with regard to determining the need for a safe harbor designation. The city manager or his or her designee shall exercise final authority for making a safe harbor designation.
- (7) No person shall allow a vessel unoccupied by persons to anchor at any location within the municipal boundaries of the city but outside of a designated mooring field unless the vessel gets underway on at least two (2) occasions during each calendar year, once during the month of February and once during the month of August, using its own propulsion system and travels to the city marina.

a. At the marina, marina staff will verify the ability of the vessel to get underway and may collect and verify contact information for the owner and/or authorized representative of the owner of the vessel for use in emergency and storm events. This information may include the name, current address and phone number of the owner and/or operator of the vessel, and the vessel's registered name and state identification number. This information may be subject to disclosure as a public record pursuant to F.S. ch. 119, unless otherwise legally exempt.

b. Upon satisfactory completion of the biannual demonstration of the ability to get underway and of the collection of the required contact information, the marina staff shall issue and apply to the vessel at no cost a medallion certifying completion.

c. The issuance of a medallion shall not be considered proof that between the biannual dates of issuance the vessel remains able to get underway.

(k) Health and sanitation regulations.

(1) Health and safety statutes, ordinances and regulations. All vessels moored, anchored, docked or tied to lands, docks, piers or wharves in or abutting the public waterways located in the city or anchored or moored in the submerged lands located within the city shall observe and satisfy all federal, state and local statutes, ordinances and regulations related to health and safety.

(2) Prohibition on disposal. No person shall drop, throw, flush or otherwise cause to be deposited into the public waterways located within the city any human waste, sewage, garbage, paper, bottles, cans, refuse, debris, fuel, oil or oily bilge water.

(3) Provision for disposal required.

a. Any person operating, anchoring or mooring a boat within the boundaries of the public waterways located within the city shall make provision for the lawful disposal of all human waste, sewage, garbage, paper, bottles, cans, refuse, debris, fuel, oil or oily bilge water in order to prevent the discharge of said material and debris into the public waterways.

b. Disposal in mooring fields regulated. Any vessel moored in a city mooring field shall comply with the disposal requirements as specified in the city's harbor management plan and, specifically, shall comply with the Federal Clean Vessel Act of 1994 and F.S. § 327.53, and any amendment to those statutes.

(l) Removal and impoundment of dangerous or hazardous vessels. Any vessel, due to fire, explosion, accident, or negligence, which in the determination of the city manager or his or her designee creates an immediate danger to life or property, hazard to navigation or imminent environmental hazard shall be subject to immediate removal and impoundment of the vessel, and costs incident thereto shall be borne by the vessel owner.

(m) Abandoned, derelict and wrecked vessels and illegal floating structures.

(1) No abandoned, derelict or wrecked vessel or illegal floating structure shall be allowed in or upon the city waters or the shores of the city. No vessel which is likely to damage private or public property or become a hazard to navigation shall be permitted to anchor, dock or moor in city waters. The city manager or his or her designee shall determine whether any vessel is abandoned, derelict or wrecked, whether a vessel is not seaworthy or whether a floating structure is illegal, and, if so determined and as may be authorized by

interlocal agreement or state law, the city manager or his or her designee shall take steps for its removal as follows:

a. To the extent possible and as soon as possible, notify the owner or other responsible party of the determination; and

b. If the owner or responsible party fails to remedy the condition, in the manner and time directed, the city manager or his or her designee shall then notify the registered owner and any other party known by the city to have an interest in the vessel or floating structure in writing specifying the remedy required and the time frame for completion of said remedy.

In addition to the penalties herein, the city may choose to remove, or cause to be removed, the vessel or floating structure. The responsible party shall be required to reimburse the city for the costs incurred in the removal. If the responsible party fails to reimburse the city for the costs of removal, the city may place a lien on the responsible party's real and personal property for the costs incurred by the city. The city may foreclose on the lien, or seek a money judgment, as provided for by state law.

(2) Notwithstanding the above, if the city manager or his or her designee determines that a vessel or floating structure is an imminent risk to the health, safety and welfare of the residents of the city, or is likely to immediately damage private or public property or is an immediate hazard to navigation, the city may take all steps necessary to immediately remove, or cause to be removed, the vessel or floating structure without written communication.

(n) Fees. All fees for use of designated mooring fields shall be set by the city manager subject to review by the city commission.

(o) Trespassing vessels and dinghies.

(1) Use of mooring fields without permission prohibited. A person shall commit a trespass on city property by placing, tying, attaching or securing a vessel or dinghy to a mooring ball located in a city mooring field without the permission of the harbormaster.

(2) Unregistered vessels and dinghies. A person shall commit a trespass on city property by placing, tying, attaching or securing a vessel or dinghy not displaying a current vessel registration decal to any mooring ball located in a city mooring field or any municipal dock space designated for use by vessels or dinghies.

(3) Use of city property prohibited. A person shall commit a trespass on city property by placing, tying, attaching or securing a vessel or dinghy to any city property, either real or personal, not specifically designated for that purpose.

(4) Use of publicly owned seawall prohibited. A person shall commit a trespass by placing, tying, attaching, securing or mooring an unattended vessel or dinghy to any publicly owned seawall located within the municipal boundaries of the city. A person shall commit a trespass by climbing on or over a publicly owned seawall located within the municipal boundaries of the city in order to access land from the waterward side of the seawall.

(p) Repairs prohibited. No person shall repair or renovate any vessel or dinghy while moored or tied to the municipal docks or in the city mooring fields or while located on any public lands within the municipal boundaries of the city without the written permission of the harbormaster.

(q) Hanging washing on vessels prohibited. No person shall hang or cause to be hung clothes or other wearing apparel on the outside of any vessel or dinghy docked, moored or operated within the municipal boundaries of the city.

(r) Enforcement. The provisions of this section 7-93 shall be enforced by the division of law enforcement of the fish and wildlife conservation commission and its officers, the Sheriff of St. Johns County and his or her deputies and the Chief of Police of the City of St. Augustine and his or her officers.

(s) Procedures for prosecution of violations.

(1) The law enforcement agency issuing a citation for violation of this article shall present the completed violation to the owner or occupant of the subject vessel or, in the alternative shall mail the citation to the owner of the vessel at the mailing address included on the title or registration of the vessel by U.S. Mail, certified, return receipt requested.

(2) The city may prosecute the violation in any manner allowed by law, including but not limited to, municipal code enforcement procedures.

(t) Penalties. Offenses under this section shall be punishable by the imposition of fines as established below:

(1) First offense: \$100.00.

(2) Second offense: \$250.00.

(3) Third or subsequent offense: \$500.00.

(Ord. No. 09-38, § 1, 12-14-09; Ord. No. 11-10, § 1, 12-12-11)

City of St. Petersburg

Ordinance No.: 23-H

ARTICLE VI. - ANCHORING IN WATERWAYS OF ST. PETERSBURG²

[DIVISION 1. - GENERALLY]

Sec. 7-214. - Purpose.

The purpose of this article is to regulate the anchoring of vessels within the waterways of St. Petersburg.

(Ord. No. 23-H, § 1, 6-7-2012)

Sec. 7-215. - Intent.

The intent of this article is to:

- (1) Encourage the use of the mooring field;
- (2) Promote public access to the waters;
- (3) Enhance navigational safety;
- (4) Protect maritime infrastructure;
- (5) Protect the marine environment; and
- (6) To deter improperly stored, abandoned, hazardous and derelict vessels.

(Ord. No. 23-H, § 1, 6-7-2012)

Sec. 7-216. - Definitions.

The definitions in F.S. ch. 327, including the definitions of live-aboard vessel and floating structure, shall apply to this article. As used in this article the following terms shall have the meaning ascribed to them:

Anchoring means the use of a heavy device fastened to a line or chain to hold a vessel in a particular place for a limited period of time.

Hazardous vessel means a vessel in danger of becoming derelict because the vessel displays one or more of the following indicators:

- (1) Is unable to operate or navigate without the assistance of another vessel;
- (2) Displays excessive marine growth (e.g., prevents proper use of vessel, visible barnacles);
- (3) Has its interior exposed to the weather;
- (4) Is taking on water without the ability to dewater;
- (5) Is leaking contaminants into the water;
- (6) Is in violation of F.S. § 327.53; or
- (7) Is in danger of breaking loose from its anchor due to an inadequate anchor or due to rotted or chaffing anchor lines (e.g., anchor too small for boat size, wrong type of anchor for boat).

² Editor's note— Ord. No. 23-H, adopted June 7, 2012, repealed Art. VI and enacted a new article as set out herein. The former Art. VI, §§ 7-214 and 7-215, pertained to Bayboro Harbor and derived from §§ 7-206 and 7-207 of the 1992 Code; and Ord. No. 2025-F, § 1(10-100) and (10-101), adopted Dec. 20, 1990.

Mooring field means the properly permitted area in the North Yacht Basin where the City has placed permanently mooring buoy systems in accordance with a mooring field management plan.

Safe harbor means a designation by the POD, after consultation with the captain, operator, or other authorized representative of a vessel, to allow temporary anchoring of a vessel in a designated location due to a mechanical issue or severe weather.

Special event means a designation by the POD to allow temporary anchoring of a vessel in a designated location due to a City special event.

(Ord. No. 23-H, § 2, 6-7-2012)

Secs. 7-217, 7-218. - Reserved.

DIVISION [2.] - ANCHORING OF VESSELS OUTSIDE MOORING FIELD³

Sec. 7-219. - Applicability.

This division shall apply to all vessels, except live-aboard vessels and floating structures, anchoring in the waterways of St. Petersburg outside the mooring field.

(Ord. No. 23-H, § 3, 6-7-2012)

Sec. 7-220. - Hazardous vessels.

Hazardous vessels are prohibited from anchoring in the waterways of St. Petersburg.

(Ord. No. 23-H, § 3, 6-7-2012)

Sec. 7-221. - Anchoring restricted.

Except for safe harbor or a special event, anchoring a vessel outside the mooring field is subject to the following prohibitions:

- (1) No vessel shall anchor within 200 feet of any publicly owned or privately owned marina.
- (2) No vessel shall anchor within 200 feet of any publicly owned boat ramp. This subsection shall not apply to any governmentally owned vessel or to any construction vessel holding a current, unexpired permit.
- (3) No vessel shall anchor in Bayboro Harbor for more than ten days during any 30-day time period.

(Ord. No. 23-H, § 3, 6-7-2012)

Sec. 7-222. - Anchoring prohibited.

Except for safe harbor or a special event, anchoring a vessel outside the mooring field is prohibited in the following areas:

- (1) No vessel shall anchor in any area which shall unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel.
- (2) No vessel shall anchor in the Port of St. Petersburg.
- (3) No vessel shall anchor in the South Yacht Basin.
- (4) No vessel shall anchor in the Central Yacht Basin.

(Ord. No. 23-H, § 3, 6-7-2012)

³ Editor's note— Section 6 of Ord. No. 23-H, adopted June 7, 2012, states that this division shall sunset on July 1, 2014, unless F.S. § 327.4105 is reenacted by the Florida Legislature in which case this division shall continue in effect so long as F.S. § 327.4105 is in effect unless this division is amended (and approved by the Florida Fish and Wildlife Conservation Commission) or repealed by the City Council.

Secs. 7-223—7-225. - Reserved.

DIVISION [3.] - LIVE-ABOARD VESSEL AND FLOATING STRUCTURES

Sec. 7-226. - Restrictions on live-aboard vessels and floating structures.

No live-aboard vessel or floating structure shall dock, berth, moor or anchor in any of the waters or waterways within the limits of the City unless such live-aboard vessel or floating structure is docked, berthed, moored or anchored in a public or private marina within a berth or slip or moored in the mooring field.

(Ord. No. 23-H, § 4, 6-7-2012)

Secs. 7-227, 7-228. - Reserved.

DIVISION [4.] - ENFORCEMENT

Sec. 7-229. - Enforcement procedure.

Except where the POD has reason to believe that a vessel presents a serious threat to the public health, safety or welfare, the enforcement procedure under this article shall be as follows:

- (1) It shall be the duty of the POD to initiate enforcement proceedings.
- (2) Where the POD finds or is made aware of a vessel in violation of any section of this article, the POD shall notify the owner of the vessel and such notice of violation shall provide a reasonable time within which to correct the violation. The term "reasonable time" shall be set forth in the notice and shall not be less than three days and not more than 30 days. Notice of violation shall be provided by certified mail, return receipt requested, and first class mail or hand delivery to the owner of the vessel. Notice of violation shall also be posted on the vessel. Should the violation continue beyond the correction time specified in the notice of violation, the POD shall have the authority to pursue legal action in accordance with this division.

(Ord. No. 23-H, § 5, 6-7-2012)

Sec. 7-230. - Violations and fines.

(a) Whoever violates any provision of this article shall be subject to the penalties and procedures set forth in F.S. ch. 327, section 1-7 of this Code (e.g., notice to appear to county court) and this article.

(b) The amount of the fine for violation of this article is as follows:

- (1) For a first violation of this article \$150.00
- (2) For a second violation of this article 250.00
- (3) For a third and all subsequent violations of this article 500.00

(Ord. No. 23-H, § 5, 6-7-2012)

Sec. 7-231. - Authority to impound vessels.

(a) The POD is authorized to immediately remove and impound, without warning and at the owner's expense, a vessel to an area designated or maintained by the City, for the following reasons:

- (1) When a vessel is anchored in any area which shall unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel.
- (2) When a hazardous vessel remains in the waterways of St. Petersburg after a notice of violation was sent to the owner and the owner has not corrected the violation within the time frame set forth in the notice of violation.

- (3) When a vessel continues to be in violation of section 7-221 after the owner has been issued at least three notices to appear to county court.
- (4) When a vessel continues to be in violation of section 7-222 after the owner has been issued at least two notices to appear to county court.
- (5) When a vessel continue to be in violation of section 7-226 after the owner has been issued at least three notices to appear to county court.
- (b) No impounded vessel shall be released until the charges for towing the vessel and storage charges have been paid.
(Ord. No. 23-H, § 5, 6-7-2012)

Sec. 7-232. - Procedure for appeal and recovery of vessel.

Procedures for the appeal and recovery of a vessel shall follow those procedures for vehicles for vehicle impoundment in chapter 26 (currently section 26-49). The term "vehicle" used therein, shall for the purposes of this division, mean "vessel." Vessels shall include live-aboard vessels and floating structures.
(Ord. No. 23-H, § 5, 6-7-2012)

Sec. 7-233. - Compliance with state law.

The provisions of this article shall be read in pari materia with F.S. ch. 327.
(Ord. No. 23-H, § 5, 6-7-2012)

Secs. 7-234—7-236. - Reserved.

City of Sarasota

Ordinance No.: 12-5003

DIVISION 3. - MOORING AND ANCHORING

Sec. 10-50. - Anchorage and mooring outside mooring fields.

No person shall allow a vessel (as defined in section 10-20(o) of this Code) to anchor or moor at any location outside of a properly permitted mooring field for more than ninety (90) consecutive days. After midnight of the 90th consecutive day, the owner, operator, occupants or person in custody of the vessel shall relocate the vessel to a properly permitted mooring field or to a location outside the municipal boundaries of the city.

For purposes of this division 3, the term "properly permitted mooring field" shall mean an area designated for the mooring of vessels that has been approved and permitted for such purpose by all state and federal agencies with jurisdictional authority.

It shall not be relevant to a determination of a violation of this section that the vessel was temporarily moved from a site or location and then later returned to that same site or location or in close proximity thereto, unless the vessel shall have been absent from the site or location for a period of seventy-two (72) hours between each anchoring or mooring. Nothing in this section shall be construed to limit or restrict a vessel from being tied up to a properly permitted dock or restrict a vessel from being moored pursuant to a mooring permit issued by the Florida Department of Environmental Protection anywhere in the jurisdictional waters of the city.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-51. - Anchoring and mooring on city property.

It shall be unlawful for any person to anchor, moor or tie off a vessel at, to or on any dock, seawall, piers or any real property or beaches owned by the city, except for active loading or unloading and except for tenders (such as dinghies, row boats and similar vessels) in active service to their properly anchored or moored mother vessel. The foregoing exception for tenders in active service is limited to twelve (12) continuous hours within any twenty-four (24) hour period.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-52. - Anchoring and mooring within one hundred fifty feet of shoreline or sea wall.

In order to protect marine infrastructure, such as but not necessarily limited to docks, wharves, sea walls, marine railways and boat ramps, it shall be unlawful for any person to anchor or moor a vessel for a period of time in excess of twelve (12) hours in a manner which allows the vessel or any part of the vessel to be within one hundred fifty (150) feet of waterfront real property as measured from the natural shoreline or sea wall. However, the owner of privately owned submerged lands may anchor or moor a single vessel on his or her property in excess of twelve (12) hours, subject to the limitation in section 10-50. The preceding sentence shall not be construed to limit or restrict a vessel from being tied up to a properly permitted dock or restrict a vessel from being moored pursuant to a mooring permit issued by the Florida Department of Environmental Protection anywhere in the jurisdictional waters of the city.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-53. - Anchoring and mooring in close proximity to properly permitted mooring fields.

It shall be unlawful for any person to anchor or moor a vessel for a period of time in excess of twelve (12) hours in a manner which allows the vessel or any part of the vessel to be within one hundred fifty (150) feet from the marked boundaries of a properly permitted mooring field.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-54. - Exceptions to anchoring and mooring prohibitions.

Notwithstanding sections 10-50 through 10-53 above, vessels may remain anchored or moored for longer periods of time than provided therein in the event of a temporary mechanical breakdown or when imminent or existing extreme weather conditions would impose an unreasonable risk of harm to persons or property, in which case vessels may remain anchored or moored until the vessel is repaired, which shall occur within five (5) days, or in the event of extreme weather, until weather conditions improve.

Notwithstanding sections 10-50 and 10-53 above, vessels may remain anchored or moored for longer periods of time than provided therein when all properly permitted mooring fields in the city are full and have no space for new occupants. However, the preceding sentence shall only be construed to allow a vessel that remains anchored or moored for a longer period of time than provided in section 10-50 to do so until space becomes available in a properly permitted mooring field. It shall not be construed to allow a vessel to anchor or moor at any location outside of a properly permitted mooring field for a second consecutive ninety (90) day period.

Notwithstanding sections 10-50 through 10-53 above, the city commission may allow or permit vessels that are participants in a boat show, race, parade or other public event to anchor or moor in a location that would otherwise be prohibited by those sections, so long as the vessel owner complies with resolutions or agreements governing the public event.

Sections 10-50 through 10-53 shall not apply within the Florida Intracoastal Waterway, as that term is defined by state statutes.

(Ord. No. 12-5003, § 1, 7-16-12)

Sec. 10-55. - Determination of a violation and enforcement.

For the purpose of determining whether or not the time limitation of Section 10-50 has been violated, the initial physical observation of a vessel at a particular location outside a properly permitted mooring field shall be documented in writing and a final observation of the vessel at the same location or approximate location more than ninety (90) days later shall also be documented in writing. The initial and the final observation as described in the preceding sentence plus the physical observation of the vessel at the same location or approximate location, a minimum of two (2) times, with a minimum of thirty (30) days between each observation, during the allowed ninety (90) day time period shall be deemed prima facie evidence of a violation of Section 10-50. The required observations may be made by officers, employees, agents of the city, private citizens or both. In the case of observation by private citizens, such citizen shall be required to make affidavit as to the observation.

For the purpose of determining whether or not the time limitations of sections 10-52 or 10-53 have been violated, the physical observation of a vessel at the same location or approximate location, a minimum of two (2) times during an

allowed time period and one (1) time beyond the maximum authorized time period shall be deemed prima facie evidence of a violation of the aforementioned sections. The required observations may be made by officers, employees or agents of the city, private citizens or both. In the case of observation by private citizens, such citizen shall be required to make affidavit as to the observation.

The provisions of this chapter 10, article II, division 3 of the City Code shall be enforced by the city police department. However, Sarasota County Sheriff's Department and the Division of Law Enforcement of the Florida Fish and Wildlife Conservation Commission shall have concurrent jurisdiction to enforce said provisions. The law enforcement agency issuing a citation for violation of this division shall present the completed citation to the owner or occupant of the subject vessel or, in the alternative, shall mail the citation to the owner of the vessel at the mailing address shown on the title or registration of the vessel, by U.S. mail, certified, return receipt requested.

The city may prosecute a violation of this division in any manner allowed by law, specifically including but not limited to prosecution for a municipal ordinance violation in county court and an action for mandatory injunctive relief ordering that a vessel be moved from a particular location. A violation of this ordinance shall be considered a noncriminal violation and shall be punished by a fine not exceeding five hundred dollars (\$500.00), except for a first time violation which shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00).

(Ord. No. 12-5003, § 1, 7-16-12)

Monroe County/cities of Marathon and Key West

Ordinance No.: 036-2012

ARTICLE V. - ANCHORING AND MOORING RESTRICTED AREAS⁴

Sec. 26-100. - Purpose.

It is the purpose of this section of this Code to provide for anchoring and mooring restricted areas where unmanaged anchoring and/or mooring and associated environmental and navigational impacts exist. These areas and restrictions are created in accordance with F.S. § 327.4105, and by approval of the Florida Fish and Wildlife Conservation Commission which has been directed by the Florida State Legislature to establish a Pilot Program to explore potential options for regulating the anchoring or mooring of non-liveaboard vessels outside the marked boundaries of public mooring fields. These restrictions are deemed to be necessary to protect the public health, safety and welfare. These restrictions also include the regulation of liveaboard vessels and floating structures, as provided for in F.S. § 327.60(3).
(Ord. No. 036-2012, § 1 ; Ord. No. 009-2013, § 1)

Sec. 26-101. - Definitions.

Derelict vessel means any vessel, as defined in F.S. § 327.02, that is left, stored, or abandoned:

- (a) In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.
- (b) At any port in this state without the consent of the agency having jurisdiction thereof.
- (c) Docked or grounded at or beached upon the property of another without the consent of the owner of the property.

Proof of pumpout means an acceptable form of proof that a vessel has had its vessel sewage legally pumped out, or disposed of (in the case of a Porta-Potti or other portable toilet). Acceptable forms of proof include a pumpout registration sticker or tag issued by the City of Key West, City of Marathon or Monroe County pumpout programs indicating that the vessel receives routine pumpouts, or a pumpout receipt from a pumpout facility (including portable toilet dump stations) or pumpout vessel within the past ten days.

(Ord. No. 036-2012, § 1 ; Ord. No. 009-2013, § 1)

Sec. 26-102. - Anchoring and mooring restricted areas.

- (a) Managed anchoring zones. Managed anchoring zones are established for the purpose of protecting the marine environment, enhancing navigational safety, and deterring improperly stored, abandoned, or derelict vessels. Managed anchoring zones are created as a tool to regulate anchoring activity in currently unmanaged anchorages.

⁴ Editor's note— Section 6 of Ord. No. 036-2012 states that the FWC Pilot Program is scheduled to expire on July 1, 2014, unless extended by the Florida State Legislature. This article shall expire or be extended concurrently with the FWC Pilot Program.

(1) Managed anchoring zones shall be established in the following described geographic areas. Maps delineating the managed anchoring zones are attached hereto as Attachment A, and are incorporated herein by reference and will be made available in the Marine Resources Office.

a. Boca Chica Basin: To include the body of water occurring between Stock Island and Boca Chica Key (excluding the Navy Accident Potential Zone (APZ), restricted areas, and bay bottom) south of U.S. Highway 1, west of the western edge of the arc of the NAS Key West Accident Potential Zone (APZ), west of a line intersecting the APZ at 24°34.10'N 81°43.35'W and running south to 24°33.63'N 81°43.35'W, south of a line running east-west from 24°33.63'N 81°43.35'W to 24°33.63'N 81°43.15'W, west of the western edge of Boca Chica Channel running southwest from 24°33.63'N 81°43.15'W to 24°33.45'N 81°43.24'W, north of latitude 24°33.45'N (approximately at the location of Boca Chica Channel marker 7), east of a line running north-northwest from 24°33.45'N 81°43.38'W to 24°33.82'N 81°43.46'W and continuing along the Stock Island shoreline.

b. Key West Harbor: To include the body of water occurring west of Fleming Key and Key West (excluding Navy restricted areas), south of a line running east-west at latitude 24°35.19'N, east of a line running from the northwest tip of Pearl Bank to the north side of Tank Island (Sunset Key), and north of a line running east-west at latitude 24°33.84'N.

c. Cow Key Channel: To include the body of water occurring between Key West and Stock Island, south of U.S. Highway 1, and north of a line running east-west at latitude 24°33.44'N (approximately at the location of Cow Key Channel marker 5).

d. Boot Key Harbor: To include the area of Boot Key Harbor (excluding the permitted public mooring field and no-anchoring buffer zone) occurring south of the Vaca Key shoreline, east of Boot Key Harbor main channel entrance marker 7 located at position 24°42.13'N 81°06.84'W, north of the Boot Key shoreline, and west of the far eastern side of Boot Key Harbor at position 24°42.54'N 81°04.99'W, and including the entirety of Sisters Creek south to marker 4 at the entrance of Sisters Creek, and including the area occurring from Sisters Creek marker 4 at position 24°41.35'N 81°05.26'W running east to the shoreline of Vaca Key at position 24°41.43'N 81°04.93'W and running north along the shoreline of Vaca Key and continuing to the west along the shoreline of Sombrero Beach.

(2) The following regulations shall apply within managed anchoring zones:

a. Prohibition of vessels exhibiting pre-derelict vessel conditions. Vessels determined to exhibit conditions known to precede a derelict vessel condition are prohibited, including:

- 1) Vessel is not able to be used for navigation.
- 2) Vessel is listing.
- 3) Vessel is aground.
- 4) Vessel is in danger of breaking its mooring.
- 5) Vessel is sinking.
- 6) Vessel is dragging anchor.
- 7) Vessel has broken its mooring and has been secured for the protection of the health, safety and welfare of the citizens.

b. Prohibition of derelict vessels. Vessels determined to be derelict in accordance with F.S. § 823.11 are prohibited.

c. Proof of pumpout required. Vessels anchored or moored for more than ten consecutive days, and which are required to have a marine sanitation device in accordance with F.S. § 327.53, must provide proof of pumpout. Vessel owners may utilize a pumpout service which may be provided by the City of Key West, City of Marathon, Monroe County pumpout programs, or other authorized vessel pumpout facility or vendor. The municipal and county pumpout services are structured to provide ongoing pumpouts for vessels located within managed anchoring zones, and may provide a registration process by which vessel owners sign up for regular pumpouts at a frequency based on anticipated need, with a minimum of one pumpout per month. A monthly, color coded, registration sticker or tag may be provided which vessel owners may display on their vessel, indicating participation in the municipal or county pumpout program, and which will be considered proof of pumpout. The municipal and/or county pumpout programs shall maintain registration documentation and pumpout logs throughout the duration of the Pilot Program, which shall be available for review by any law enforcement officer. If a vessel owner utilizes another vessel pumpout provider the vessel owner is required to maintain documentation and pumpout logs to demonstrate use of pumpout to FWC, MCSO or other law enforcement officers.

(b) No-anchoring buffer zones. No-anchoring buffer zones are established outside of, and immediately adjacent to, permitted public mooring fields for the purpose of protecting maritime infrastructure, enhancing navigational safety and promoting public access and the use of public mooring fields.

(1) No-anchoring buffer zones shall be established in the following described geographic areas. Maps delineating the no anchoring zones are attached hereto as Attachment B, and are incorporated herein by reference and will be made available in the Marine Resources Office.

a. Boot Key Harbor: To include a 50 foot wide area immediately adjacent to, and outside of, the perimeter of the east and west mooring fields and the leased anchoring area.

b. Seaplane Basin: To include the area of Garrison Bight known as the Seaplane Basin occurring north of the Key West shoreline, east of the Fleming Key shoreline, south of a line running east-west 50' north of the Garrison Bight mooring field boundary markers C and D, and west of Sigsbee Park.

c. Boca Chica Basin: To include the body of water occurring between Stock Island and Boca Chica Key (excluding Navy restricted areas) south of U.S. Highway 1, east of the western edge of the arc of the NAS Key West APZ, east of a line intersecting the Navy APZ at 24°34.10'N 81°43.35'W and running south to 24°33.63'N 81°43.35'W, north of a line running east-west from 24°33.63'N 81°43.35'W to 24°33.63'N 81°43.15'W, and west of the western edge of Boca Chica Channel and the Navy restricted area (which includes Boca Chica Channel and the Navy mooring field basin).

(2) The following regulations shall apply within no-anchoring buffer zones: No anchoring or mooring of any kind (vessels or floating structures) except for vessels mooring within established permitted public mooring fields by permission of the mooring field owner or manager, vessels within a leased anchoring area associated with a mooring field, commercial vessels (e.g. barges) engaged in marine related work, military operations, vessels anchored for the purpose of fishing or other recreational activities (but not overnight), or

in the case of an emergency (e.g. weather, mechanical, medical) causing the need for a vessel to temporarily anchor.

(Ord. No. 036-2012, § 1 ; Ord. No. 009-2013, § 1)

Sec. 26-103. - Enforcement.

Regulations described in this article may be enforced by Law Enforcement Officers of the City of Marathon or City of Key West (within their areas of jurisdiction), Monroe County, or FWC or any other law enforcement officer.

(Ord. No. 36-2012, § 1 ; Ord. No. 009-2013, § 1)

Sec. 26-104. - Penalties.

(a) Any person cited for a violation of this article shall be charged with a noncriminal infraction. A written warning shall be issued to provide the vessel owner 30 days for corrective action or removal of the vessel. If corrective action or removal is not accomplished, a Uniform Boating Citation may be issued for violations of this ordinance pursuant to F.S. § 327.74 by any law enforcement agency authorized to issue such citations. Vessel owners will be provided 30 days between issuance of citations. Fines associated with citations are established as follows:

(1) First offense: \$50.00.

(2) Second offense: \$100.00.

(3) Third offense: \$250.00.

(4) Fourth or subsequent offenses: \$250.00 and FWC will request that the owner remove the vessel from the managed anchoring zone or no-anchoring buffer zone.

(b) Any person who fails to properly respond to a Uniform Boating Citation issued for a violation of this article shall, in addition to the charge relating to the violation of the boating laws of this county, be charged with the offense of failing to respond to such citation and upon conviction be guilty of a misdemeanor of the second degree punishable as provided in F.S. § 775.082 and F.S. § 775.083.

(c) If a law enforcement officer determines that a vessel is derelict, the violation shall be processed in accordance with F.S. § 823.11.

(d) Allowance shall be provided for vessels in need of safe harbor due to severe weather conditions or temporary mechanical issues which may otherwise prohibit a vessel from safely departing a managed anchoring zone.

(Ord. No. 036-2012, § 1 ; Ord. No. 009-2013, § 1)

Sec. 26-105. - Exemptions.

The following exemptions are provided:

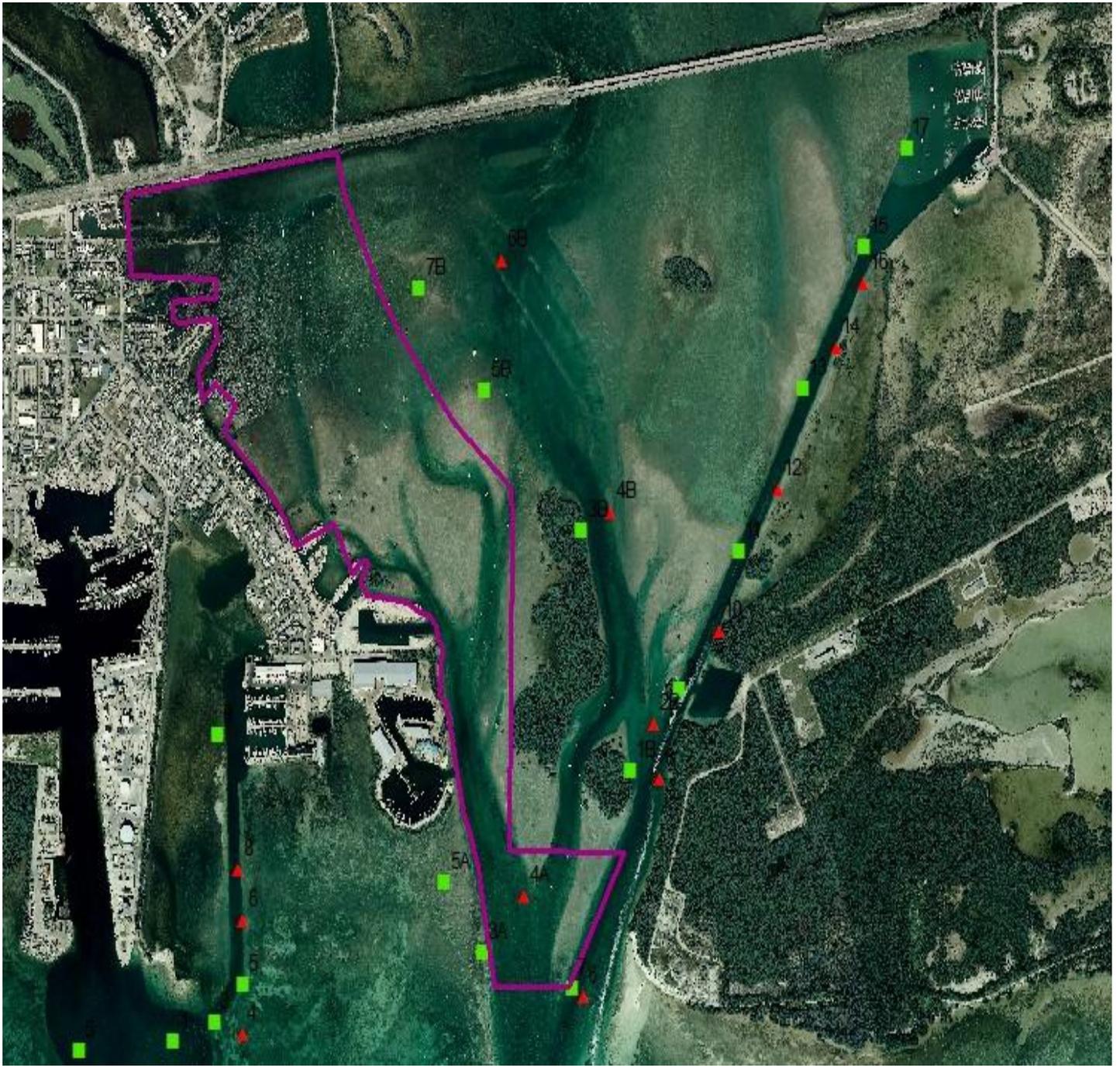
(a) Vessels equipped with only incinerating or composting toilets are not required to provide proof of pumpout, as those types of toilets are not designed to be pumped out. However, effluent from those toilets is not allowed to be disposed of in the waters of the no discharge zone within the Florida Keys.

(b) Stored vessels are not required to provide proof of pumpout.

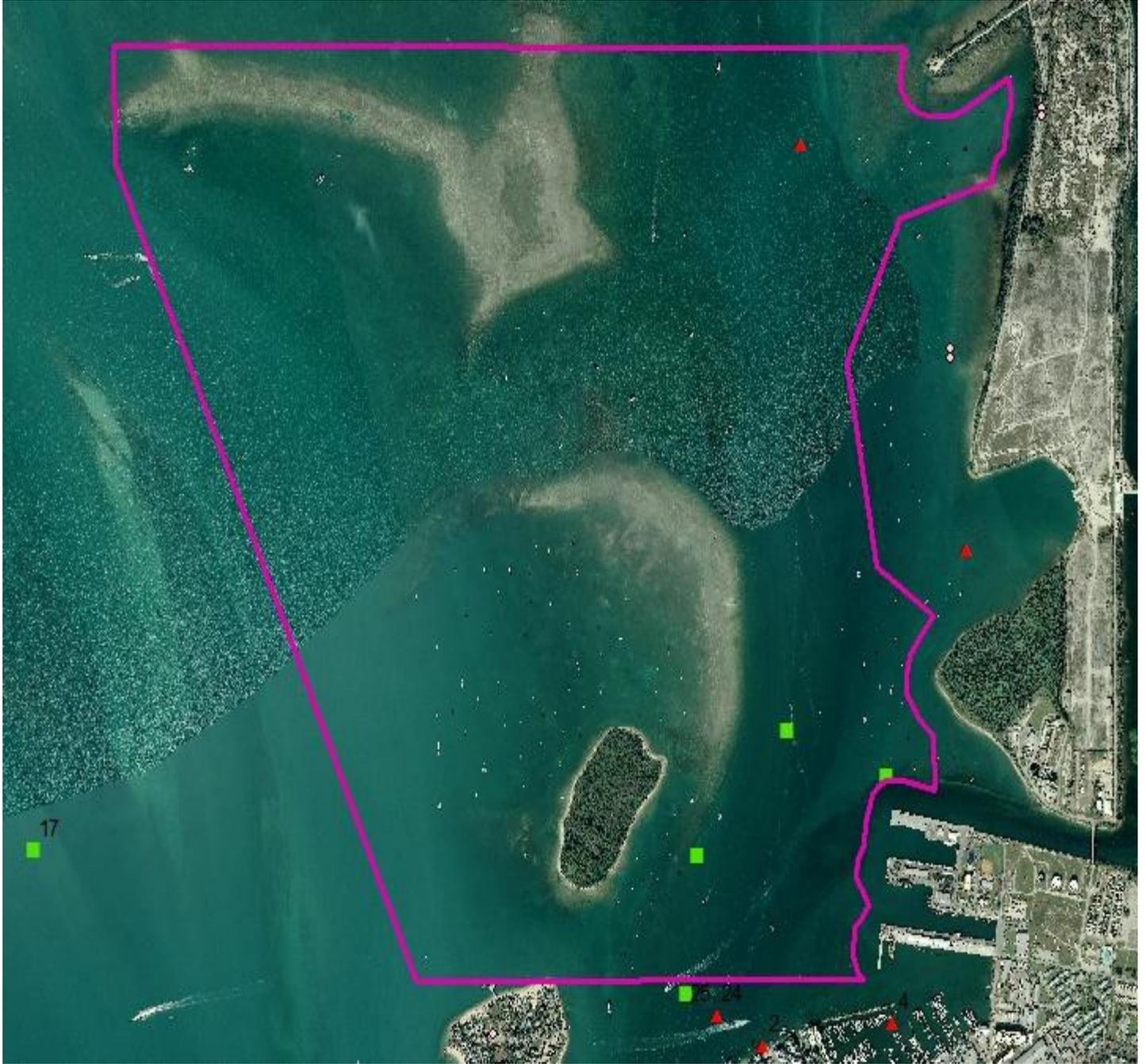
(Ord. No. 036-2012, § 1 ; Ord. No. 009-2013, § 1)

Attachment A- Maps of Managed Anchoring Zones

Boca Chica Harbor



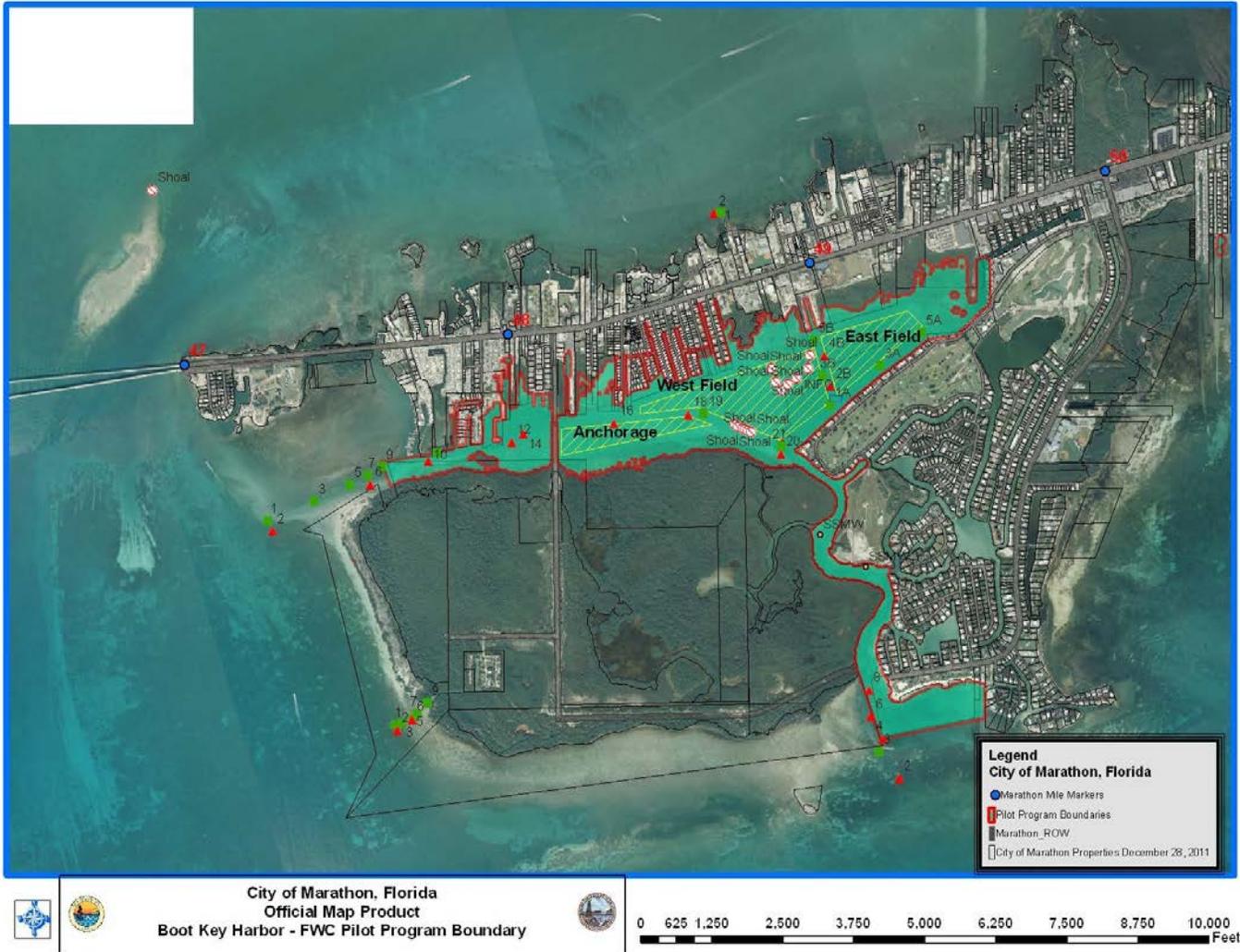
Key West Harbor



Cow Key Channel

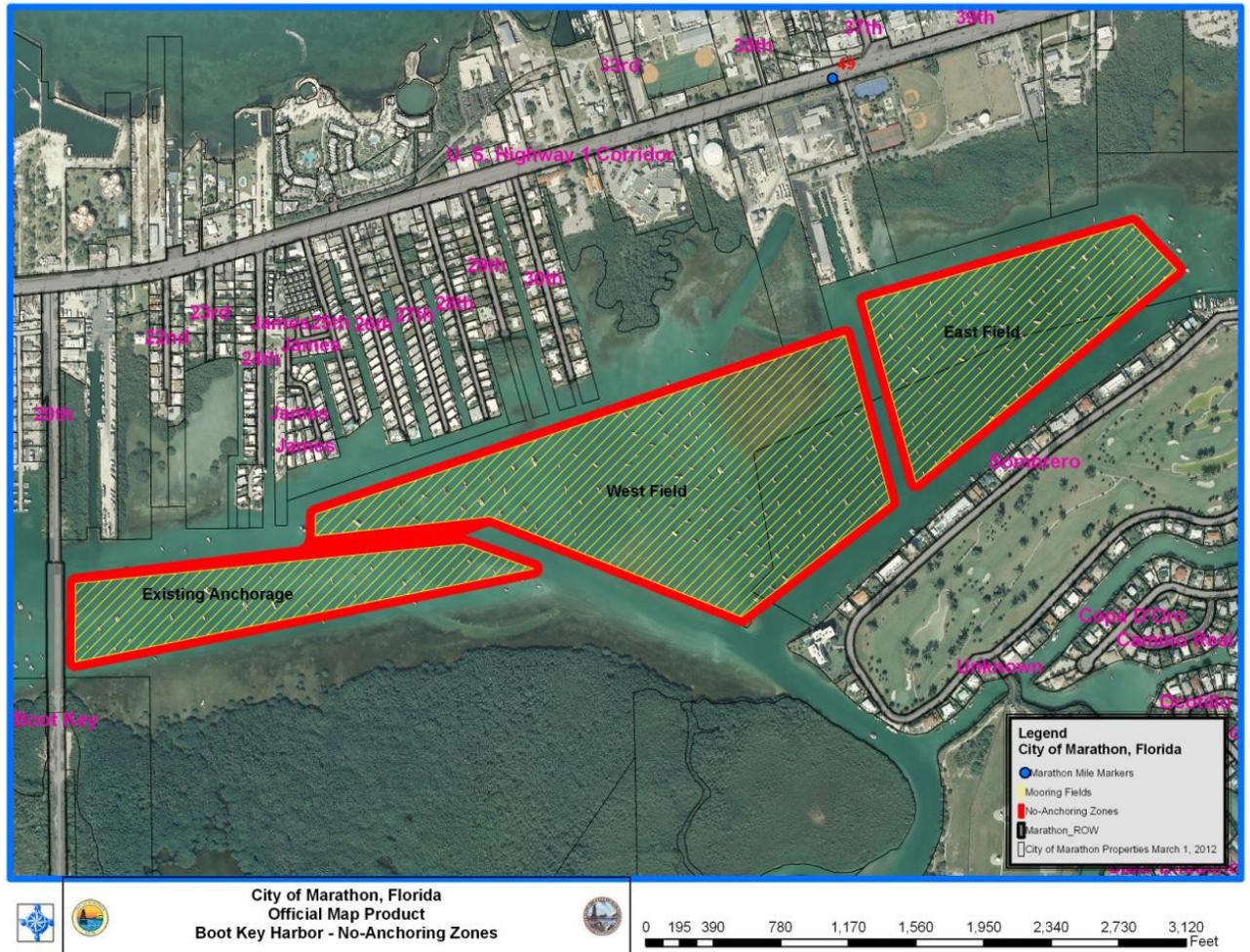


Boot Key Harbor



Attachment B- Maps of No Anchoring Buffer Zones

Boot Key Harbor



Key West Mooring Field/Seaplane Basin



Boca Chica Basin



Martin County/City of Stuart

Ordinance No.: 928

ARTICLE V. - ANCHORING AND MOORING

Chapter 8 - ANCHORING AND MOORING

ARTICLE 1. - REGULATION OF MOORING FIELDS

Sec. 8.1. - Definitions.

For the purpose of this article, the following words, terms and phrases shall have the meaning set forth herein. Words used or defined in one tense or form shall include other tenses or derivative forms. Words in the singular shall include the plural and words in the plural shall include the singular. The words "must" and "shall" and "will" are mandatory. The words "may" and "should" are permissive. Words not defined shall be given their common and ordinary meaning.

County Administrator shall mean the County Administrator of Martin County, or his/her designee.

Harbormaster shall mean the individual designated by the County Administrator to enforce the provisions of the Jensen Beach Mooring Field Plan.

Jensen Beach Mooring Field means that certain project authorized by the Florida Department of Environmental Protection pursuant to Environmental Resource Permit No. 43-0298844-001 and by the U.S. Army Corps of Engineers pursuant to Permit No. SAJ-2009-04438(IP-CF) located in the Indian River, Martin County, Florida adjacent to the Jensen Beach Causeway and described as follows:

PARCEL "A"

THAT PART OF THE SOVEREIGN LANDS OF THE STATE OF FLORIDA THAT LIES WITHIN THE FOLLOWING DESCRIBED LANDS:

A PARCEL OF SOVEREIGN SUBMERGED LANDS LYING IN THE INDIAN RIVER, MARTIN COUNTY, FLORIDA AND BEING ADJACENT TO SECTION 15 TOWNSHIP 37 SOUTH, RANGE 41 EAST; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 4" X 4" CONCRETE MONUMENT AT THE SOUTH QUARTER CORNER OF SAID SECTION 15, PROCEED N04°28'20"E A DISTANCE OF 778.82 FEET TO A 3 1/2" FOOT BRASS DISK AT THE CENTERLINE INTERSECTION OF N.E. INDIAN RIVER DRIVE (COUNTY ROAD 707) AND THE JENSEN BEACH CAUSEWAY (STATE ROAD 732); THENCE N72°23'17"E ALONG THE CENTERLINE OF SAID STATE ROAD 732 A DISTANCE OF 2,424.20 FEET TO A POINT; THENCE S25°19'32"E A DISTANCE OF 573.51 FEET TO A POINT IN THE INDIAN RIVER, SAID POINT BEING THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED SUBMERGED LANDS EASEMENT; THENCE S25°19'32"E A DISTANCE OF 1190.02 FEET; THENCE S61°02'27"W A DISTANCE OF 465.45 FEET; THENCE S65°54'40"W A DISTANCE OF 577.05 FEET; THENCE N26°10'02"W A DISTANCE OF 696.64 FEET; THENCE S67°09'28"W A DISTANCE OF 161.89 FEET; THENCE N20°57'58"W A DISTANCE OF

775.37 FEET; THENCE N78°45'59"E A DISTANCE OF 668.75 FEET;
THENCE N73°22'44"E A DISTANCE OF 62.64 FEET; THENCE N77°02'31"E A
DISTANCE OF 454.47 FEET TO THE POINT OF BEGINNING.
SAID LANDS CONTAINING 1,493,518 SQUARE FEET, OR 34.29 ACRES
MORE OR LESS. TOGETHER WITH:

PARCEL "B"

THAT PART OF THE SOVEREIGN LANDS OF THE STATE OF FLORIDA
THAT LIES WITHIN THE FOLLOWING DESCRIBED LANDS:
A PARCEL OF SOVEREIGN SUBMERGED LANDS LYING IN THE INDIAN
RIVER, MARTIN COUNTY, FLORIDA AND BEING ADJACENT TO
SECTION 15 TOWNSHIP 37 SOUTH, RANGE 41 EAST; BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE 4" X 4" CONCRETE MONUMENT AT THE SOUTH
QUARTER CORNER OF SAID SECTION 15, PROCEED N04°28'20"E A
DISTANCE OF 778.82 FEET TO A 3 1/2" FOOT BRASS DISK AT THE
CENTERLINE INTERSECTION OF N.E. INDIAN RIVER DRIVE (COUNTY
ROAD 707) AND THE JENSEN BEACH CAUSEWAY (STATE ROAD 732);
THENCE N72°23'17"E ALONG THE CENTERLINE OF SAID STATE ROAD
732 A DISTANCE OF 1,510.90 FEET TO A POINT; THENCE S19°34'50"E A
DISTANCE OF 165.25 FEET TO A POINT ON THE WET FACE OF A
CONCRETE BULKHEAD AND THE MEAN HIGH WATER LINE OF THE
INDIAN RIVER (ELEVATION -0.46' NAVD 88), SAID POINT BEING THE
POINT OF BEGINNING OF THE FOLLOWING DESCRIBED SUBMERGED
LANDS EASEMENT; THENCE S19°34'50"E INTO THE WATERS OF THE
INDIAN RIVER A DISTANCE OF 188.19 FEET TO A POINT; THENCE
S70°25'10"W A DISTANCE OF 204.39 FEET TO A POINT; THENCE
N19°34'50"W A DISTANCE OF 33.43 FEET TO A POINT; THENCE
N70°22'47"E A DISTANCE OF 198.39 FEET TO A POINT; THENCE
N19°34'50"W A DISTANCE OF 154.66 FEET TO A POINT ON THE WET
FACE OF A CONCRETE BULKHEAD AND THE MEAN HIGH WATER LINE
OF THE INDIAN RIVER; THENCE N70°43'54"E ALONG SAID BULKHEAD
AND MEAN HIGH WATER LINE A DISTANCE OF 6.00 FEET TO THE
POINT OF BEGINNING.

SAID LANDS CONTAINING 7,774.751 SQUARE FEET, OR 0.178 ACRES
MORE OR LESS.

Vessel is synonymous with boat as referenced in Section 1(b), Article VII of the
State Constitution and includes every description of watercraft, barge and
airboat, other than a seaplane on the water, used or capable of being used as a
means of transportation on the water.

(Ord. No. 911, pt. 1, 4-24-2012)

Sec. 8.2. - Operation and use of the Jensen Beach Mooring Field.

8.2.A. The Jensen Beach Mooring Field Management Plan (Plan) approved
pursuant to Environmental Resource Permit No. 43-0298844-001 and the U.S.
Army Corps of Engineers Permit No. SAJ-2009-04438(IP-CF) and incorporated
herein by reference establishes the rules and regulations for the operation and
use of the Jensen Beach Mooring Field. The Plan applies to any vessels,
owners, crew, guests, or any person entering the Jensen Beach Mooring Field.
Failure to comply with the Plan shall constitute a violation of this Article and
shall be sufficient grounds for ejection from the Jensen Beach Mooring Field

and/or other legal action as determined appropriate by the County Administrator.

8.2.B. Pursuant to Section 2.1 of the Plan, the anchoring of any vessel within the marked boundaries of the Jensen Beach Mooring Field is prohibited unless approved by the Harbormaster.

8.2.C. Pursuant to Section 2.1 of the Plan, no vessel shall occupy any mooring within the Jensen Beach Mooring Field without the approval of the Harbormaster.

8.2.D. Sections 8.2.A, 8.2.B, and 8.2.C shall become effective and the requirements included therein subject to enforcement after the buoys and the associated information/regulatory uniform waterway markers depicting the boundaries of the Jensen Beach Mooring Field are in place.

(Ord. No. 911, pt. 1, 4-24-2012)

Secs. 8.3—8.9. - Reserved.

ARTICLE 2. - ANCHORING AND MOORING PILOT PROGRAM

Sec. 8.10. - Intent and purpose.

The purpose of this article is to implement the provisions of F.S. § 327.4105, by developing and testing policies and regulatory regimes that: promote the establishment and use of properly permitted mooring fields; promote public access to the waters of this state; enhance navigational safety; protect maritime infrastructure; protect the marine environment; and deter improperly stored, abandoned, or derelict vessels.

(Ord. No. 925, pt. 1, 1-15-2013)

Sec. 8.11. - Definitions.

For the purpose of this article, the following words, terms and phrases shall have the meaning set forth herein. Words used or defined in one tense or form shall include other tenses or derivative forms. Words in the singular shall include the plural and words in the plural shall include the singular. The words "must" and "shall" and "will" are mandatory. The words "may" and "should" are permissive. Words not defined shall be given their common and ordinary meaning.

Maritime infrastructure means seawalls, docks, and piers.

Occupied means boarding and remaining on a vessel for recreational activities consuming 12 or more consecutive hours in any 24 consecutive hour period of time; for the preparation, service and consumption of meals or for sleeping; for a period of time in excess of that required for the completion of maintenance or repair activities; or for securing or protecting the vessel in a time of emergency or severe weather.

Properly permitted mooring field means that certain area designated for the mooring of vessels that has been approved as such and permitted by all applicable state and federal agencies.

Stored vessel shall mean any vessel not under the direct supervision and control of person capable of operating the vessel and promptly moving the vessel.

Vessel is synonymous with boat as referenced in Section 1(b), Article VII of the State Constitution and includes every description of watercraft, barge and

airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(Ord. No. 925, pt. 1, 1-15-2013)

Sec. 8.12. - Pilot program area within the City of Stuart.

8.12.A. The City of Stuart Pilot Program Area is depicted on Exhibit A, City of Stuart Pilot Program Area, attached to Ord. No. 925, which is part of the following described area:

All waters of the St. Lucie River including the North and South Fork, from shoreline to shoreline, including creeks and tributaries: bounded on the east by a line drawn from the north shoreline at 27 13.070 N, 80 13.240 W to the southern shoreline at 27 12.335 N, 80 13.240 W of the St. Lucie River bounded on the south by the Palm City Bridge in the South Fork of the St. Lucie River and bounded on the northwest by a line drawn from the north shoreline at 27 12.925 N, 80 16.690 W to the southern shoreline at 27 12.330 N, 80 16.538 W of the North Fork of the St. Lucie River.

8.12.B. The provisions of section 8.12.C through 8.12.H shall apply only within the City of Stuart Pilot Program Area.

8.12.C. In order to promote the establishment and use of properly permitted mooring fields and protect maritime infrastructure, anchoring and mooring of occupied or stored vessels is prohibited within 150 feet outside of the marked boundary of any properly permitted mooring field.

8.12.D. There shall be no anchoring of vessels between the City of Stuart mooring field and the eastern shoreline running adjacent to the mooring field.

8.12.E. In order to protect maritime infrastructure, promote public access to the water and enhance navigational safety, anchoring and mooring of occupied or stored vessels is prohibited within 150 feet of any maritime infrastructure.

8.12.F. Notwithstanding sections 8.12.C, 8.12.D and 8.12.E, vessels may anchor or moor in areas otherwise prohibited in the event of a temporary mechanical breakdown or when imminent or existing extreme weather conditions would impose an unreasonable risk of harm to persons or property, in which case vessels may remain anchored or moored until the vessel is repaired, which shall occur within five business days or seven calendar days, whichever is greater, or in the event of extreme weather, until weather conditions improve. In the case of mechanical breakdown, additional time may be granted by the City Manager or their designee if the repairs cannot be completed in the allotted time. Such extension shall be done in consultation with the captain, operator or other authorized person to determine the need for such extension.

8.12.G. In order to deter improperly stored, abandoned or derelict vessels, any vessel which remains within the City of Stuart Pilot Program Area for more than ten consecutive days shall demonstrate compliance with operability and safety requirements by documenting that once every six months the vessel has navigated, under its own power, to one of the designated locations. Martin County, in coordination with the City of Stuart, shall establish several locations in close proximity to the City of Stuart Pilot Program Area to insure the maximum vessel accessibility possible.

Enforcement of this section shall be postponed until the locations have been identified and publically advertised.

8.12.H. In order to protect the marine environment, all occupied vessels within the City of Stuart Pilot Program Area shall be in compliance with F.S. § 327.53. All occupied vessels which remain within the City of Stuart Pilot

Program Area for more than ten consecutive days that are equipped with a Type III marine sanitation device shall demonstrate compliance with marine sanitation requirements by 1) providing a receipt documenting service within the previous ten days from the Martin County mobile pump out boat or 2) providing proof of pump out within the previous ten days from another authorized pump out facility.

8.12.I. Enforcement of section 8.12 shall be the responsibility of the City of Stuart. However, sworn law enforcement officers of the FFWCC and the Sheriff of Martin County, and any federal law enforcement officer shall have concurrent jurisdiction.

1. Initially these regulations shall be implemented through the development by Martin County and the City of Stuart of an outreach and educational program to inform boaters of the regulations and the benefits of compliance.

2. Prior to exercising other enforcement options, a reasonable effort shall be made to provide educational information to the owner of the noncompliant vessel and give the owner a reasonable time to achieve compliance. If compliance is not achieved, enforcement shall proceed as set forth below.

3. Violations shall first be enforced in accordance with F.S. ch. 162 and Chapter 26, Article 2, of the Stuart Code of Ordinances. If compliance is not achieved, then:

4. Violations may be enforced by actions at law or in equity for damages and injunctive relief. In the event the City prevails in any such action, the City may be entitled to an award of costs and attorney's fees; or

5. Violations may be prosecuted and punished as misdemeanors pursuant to F.S. § 125.69 and F.S. § 166.021.

(Ord. No. 925, pt. 1, 1-15-2013; Ord. No. 928, pt. 1, 3-19-2013)

Sec. 8.13. - Pilot program areas within unincorporated Martin County.

8.13.A. The St. Lucie River Pilot Program Area is depicted on Exhibit B, St. Lucie River Pilot Program Area, attached to Ord. No. 925, which is part of the following described area:

All waters of the St. Lucie River including the North and South Fork, from shoreline to shoreline, including creeks and tributaries: bounded on the east by a line drawn from the north shoreline at 27 13.070 N, 80 13.240 W to the southern shoreline at 27 12.335 N, 80 13.240 W of the St. Lucie River bounded on the south by the Palm City Bridge in the South Fork of the St. Lucie River and bounded on the northwest by a line drawn from the north shoreline at 27 12.925 N, 80 16.690 W to the southern shoreline at 27 12.330 N, 80 16.538 W of the North Fork of the St. Lucie River.

8.13.B. The Manatee Pocket Pilot Program Area includes the area described below and is depicted on Exhibit C, Manatee Pocket Pilot Program Area, attached to Ord. No. 925:

From shoreline to shoreline, including all creeks and tributaries within Manatee Pocket south of a line drawn perpendicular to the channel at Red Channel Marker 6 (27 9.767 N, 80 11.575 W), excluding all waters west of SE St. Lucie Boulevard in Willoughby Creek.

8.13.C. The provisions of section 8.13.D through 8.13.H shall apply only within the St. Lucie River and Manatee Pocket Pilot Program Areas.

8.13.D. In order to promote the establishment and use of properly permitted mooring fields and protect maritime infrastructure, anchoring and mooring of occupied or stored vessels is prohibited within 150 feet outside of the marked boundary of any properly permitted mooring field after the buoys and associated information/regulatory uniform waterway markers depicting the boundaries are in place.

8.13.E. In order to protect maritime infrastructure, promote public access to the water and enhance navigational safety, anchoring and mooring of occupied or stored vessels is prohibited within 150 feet of any maritime infrastructure.

However, within the Manatee Pocket Pilot Program Area, anchoring and mooring of occupied or stored vessels is prohibited except pursuant to a mooring permit issued by the Florida Department of Environmental Protection or within the two Anchor Areas described below and depicted on Exhibit C, Manatee Pilot Program Area, attached to Ord. No. 925.

The north anchoring area encompassed by Red Green Channel Marker A (27 9.291 N, 80 11.691 W), Red Green Channel Marker B (27 9.131 N, 80 11.694 W), Green Channel Marker 5 (27 9.206 N, 80 11.833 W) and Green Channel Marker 3 (27 9.240 N, 80 11.835 W) and the south anchoring area encompassed by Green Red Channel Marker B (27 8.923 N, 80 11.655 W), Red Channel Marker 2 (27 8.878 N, 80 11.618 W) and Green Channel Marker 23 (27 8.855 N, 80 11.706 W).

8.13.F. Notwithstanding sections 8.13.D and 8.13.E, vessels may anchor or moor in areas otherwise prohibited in the event of a temporary mechanical breakdown or when imminent or existing extreme weather conditions would impose an unreasonable risk of harm to persons or property, in which case vessels may remain anchored or moored until the vessel is repaired, which shall occur within five business days or seven calendar days, whichever is greater, or in the event of extreme weather, until weather conditions improve. In the case of mechanical breakdown, additional time may be granted by the County Administrator or their designee if the repairs cannot be completed in the allotted time. Such extension shall be done in consultation with the captain, operator or other authorized person to determine the need for such extension.

8.13.G. In order to deter improperly stored, abandoned or derelict vessels, any vessel which remains within the St. Lucie River and/or Manatee Pocket Pilot Program Areas for more than ten consecutive days shall demonstrate compliance with operability and safety requirements by documenting that once every six months the vessel has navigated under its own power, to one of the designated locations Martin County, in coordination with the City of Stuart, shall establish several locations in close proximity to the Martin County Pilot Program Areas to insure the maximum vessel accessibility possible. Enforcement of this section shall be postponed until the locations have been identified and publically advertised.

8.13.H. In order to protect the marine environment, all occupied vessels within the St. Lucie River and/or Manatee Pocket Program Areas shall be in compliance with F.S. § 327.53. All occupied vessels which remain within the St. Lucie River and/or Manatee Pocket Pilot Program Areas for more than ten consecutive days that are equipped with a Type III marine sanitation device shall demonstrate compliance with marine sanitation requirements by 1) providing a receipt documenting service within the previous ten days from the

Martin County mobile pump out boat or 2) providing proof of pump out within the previous ten days from another authorized pump out facility.

8.13.I. Enforcement of section 8.13 shall be the responsibility of Martin County. However, sworn law enforcement officers of the FFWCC and the Sheriff of Martin County, and any federal law enforcement officer shall have concurrent jurisdiction. In addition, within the St. Lucie River Pilot Program Area, the City of Stuart Police Department shall have concurrent jurisdiction with sworn law enforcement officers of the FFWCC and the Sheriff of Martin County, and any federal law enforcement officer.

1. Initially these regulations shall be implemented through the development by Martin County and the City of Stuart of an outreach and educational program to inform boaters of the regulations and the benefits of compliance.

2. Prior to exercising other enforcement options, a reasonable effort shall be made to provide educational information to the owner of the noncompliant vessel and give the owner a reasonable time to achieve compliance. If compliance is not achieved, enforcement shall proceed as set forth below.

3. Violations shall first be enforced in accordance with F.S. ch. 162 and Chapter 1, Article 4, of the Martin County Code of Ordinances. If compliance is not achieved, then:

4. Violations may be enforced by actions at law or in equity for damages and injunctive relief. In the event the County prevails in any such action, the County may be entitled to an award of costs and attorney's fees; or

5. Violations may be prosecuted and punished as misdemeanors pursuant to F.S. § 125.69.

(Ord. No. 925, pt. 1, 1-15-2013; Ord. No 928, pt. 1, 3-19-2013)

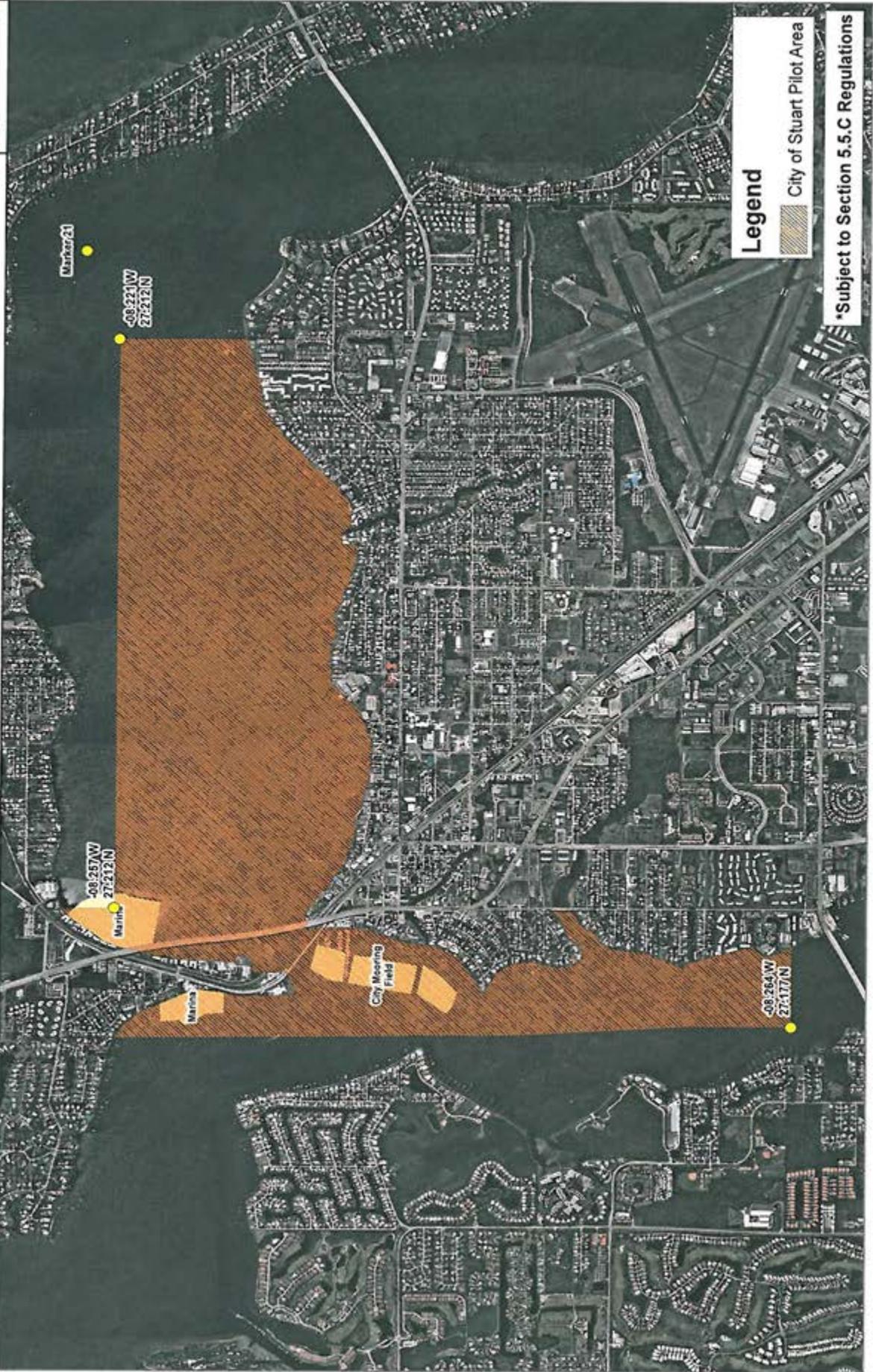
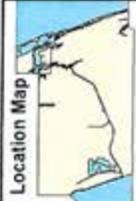
EXHIBIT A

Martin County
Public Works Department
100 North 1st Street, Suite 200
Stuart, FL 34984
Phone: 888.325.2700
Fax: 888.325.2700

City of Stuart Pilot Program Area*



Disclaimer: This map was prepared by the City of Stuart, Florida, and is intended to provide a general overview of the City of Stuart Pilot Program Area. It is not intended to be used for legal purposes. The City of Stuart is not responsible for any errors or omissions on this map. The City of Stuart is not responsible for any damages, including consequential damages, that may result from the use of this map. The City of Stuart is not responsible for any claims, including consequential claims, that may result from the use of this map. The City of Stuart is not responsible for any claims, including consequential claims, that may result from the use of this map.



Legend

 City of Stuart Pilot Area

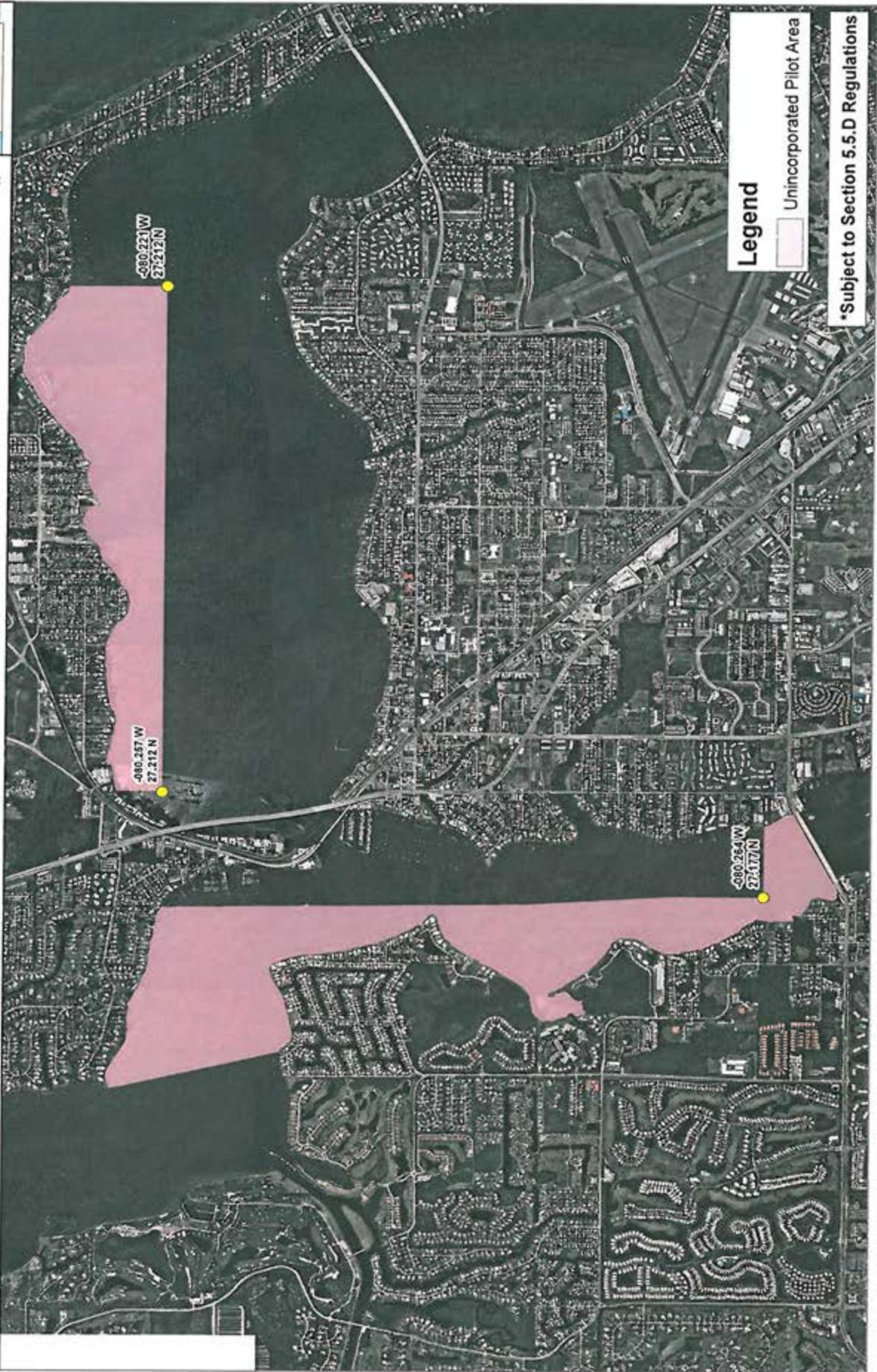
*Subject to Section 5.5.C Regulations

EXHIBIT B

Martin County

St Lucie River Pilot Program Area*

This document is a preliminary map and is not intended to be used for any other purpose. It is subject to change without notice. The County is not responsible for any errors or omissions. The County is not responsible for any actions taken based on this map. The County is not responsible for any actions taken based on this map. The County is not responsible for any actions taken based on this map.



Legend

Unincorporated Pilot Area

*Subject to Section 5.5.D Regulations

EXHIBIT C
Manatee Pocket Pilot Project Area

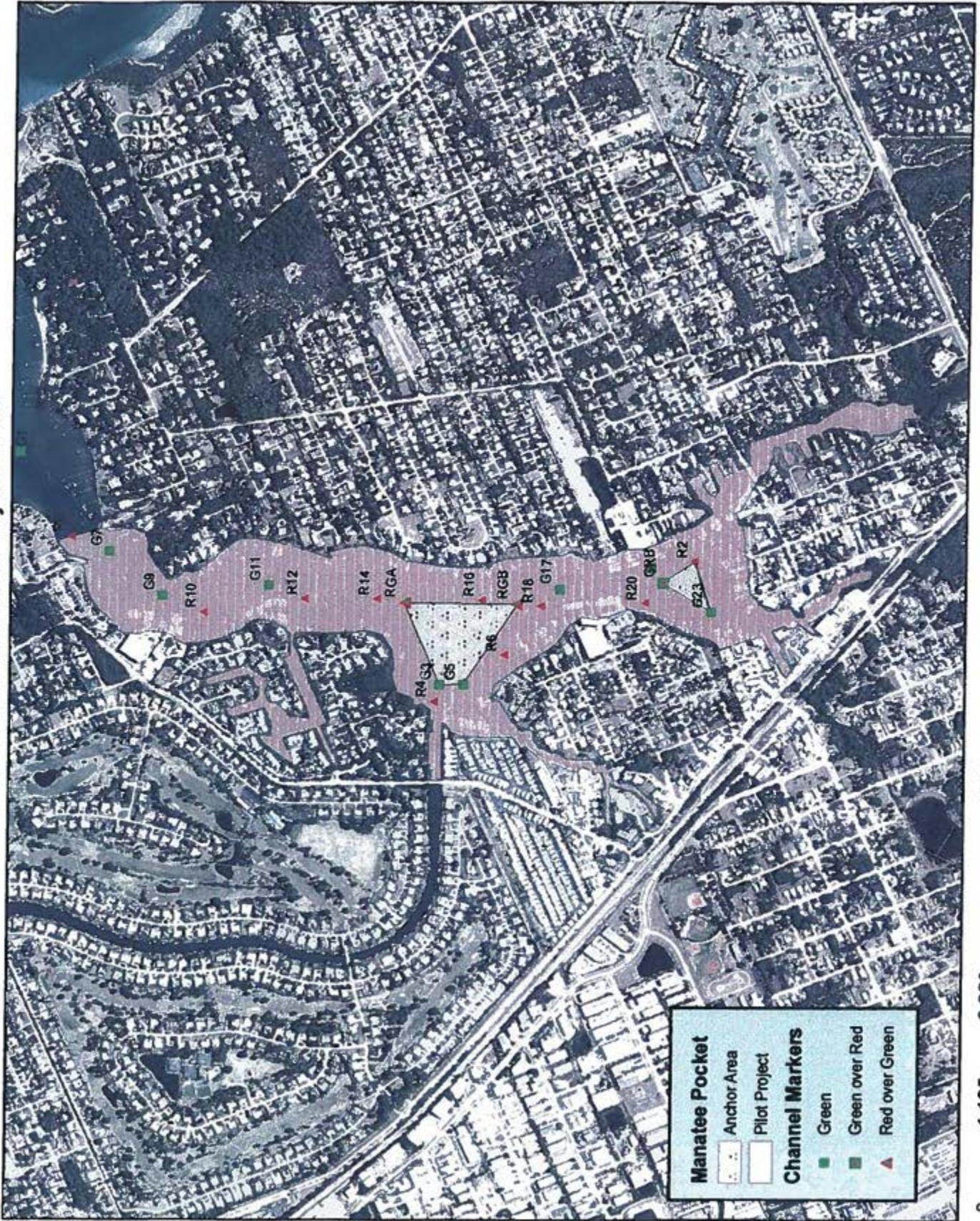
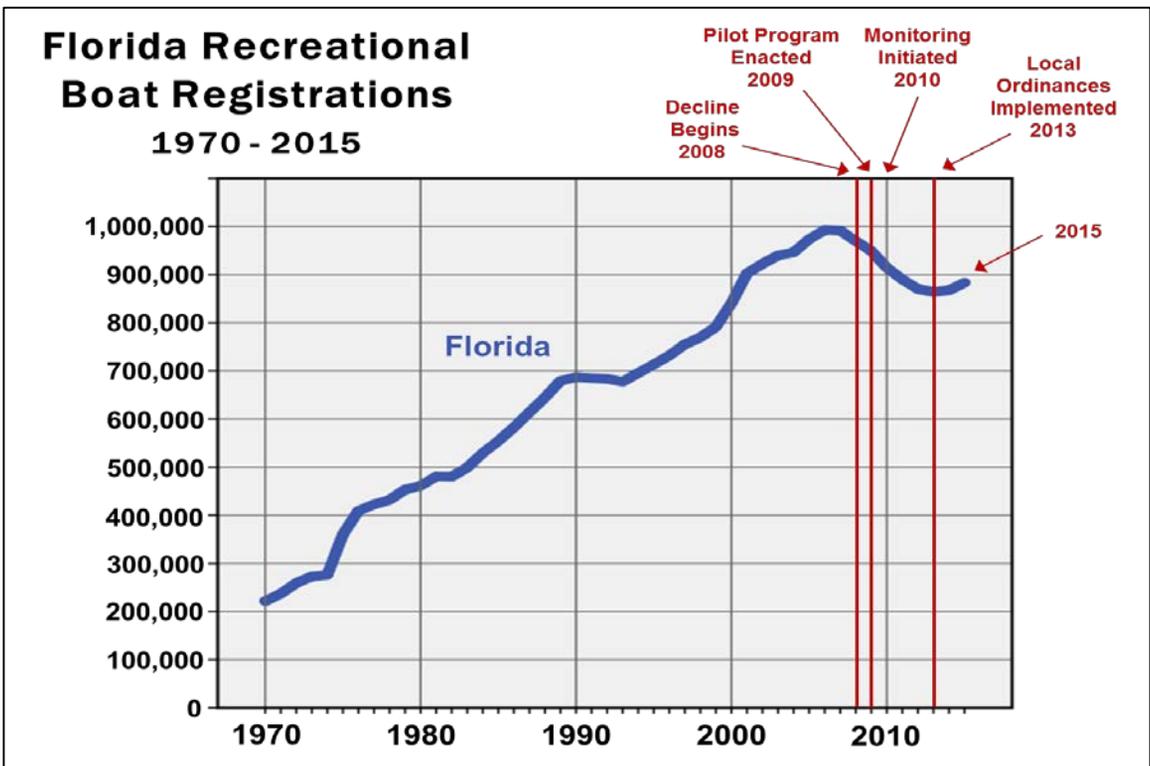
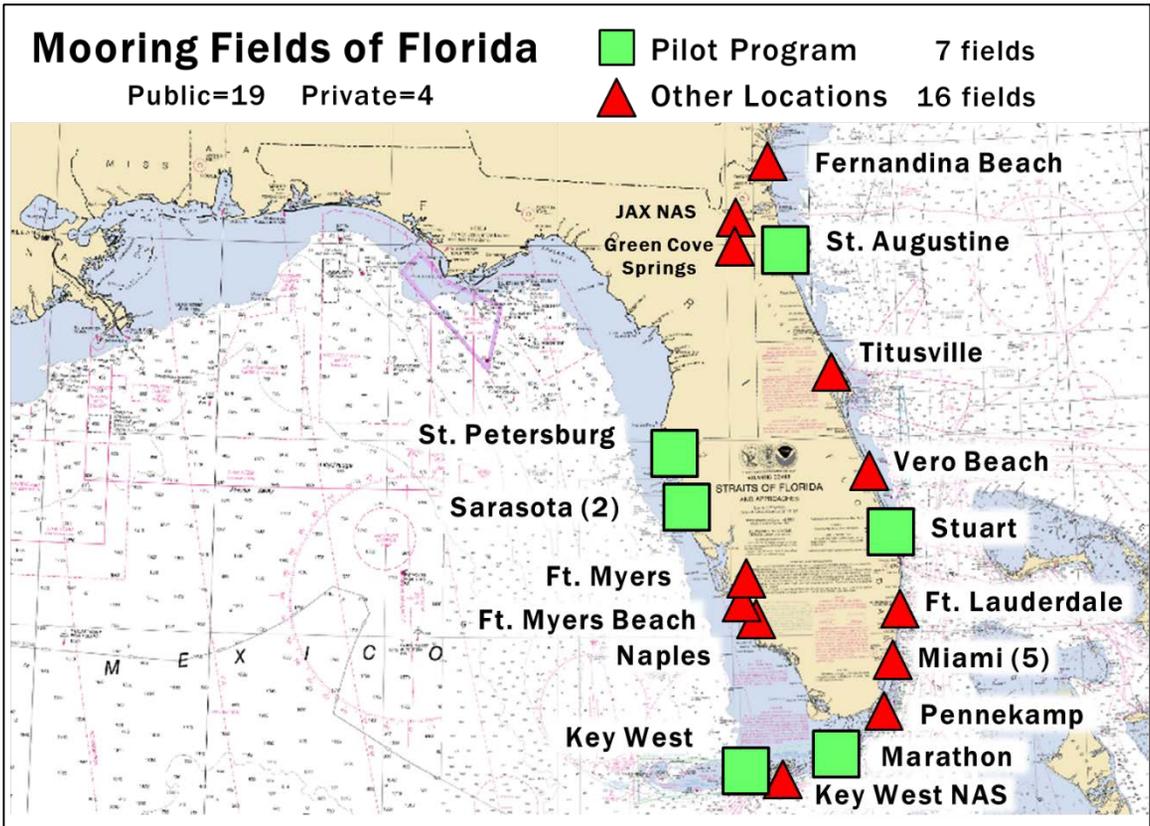


EXHIBIT C

Appendix D – Monthly Vessel Count Data



Each month during the Pilot Program the number of vessels on moorings and at anchor within one mile of the Pilot Program mooring fields were counted and categorized. This was done both prior to and after implementation of the Pilot Program ordinances to help gauge their effectiveness toward attaining the goals of the Pilot Program.

Descriptive Information Collected with Counts	Related Goals of Pilot Program <i>Test policies and regulations that:</i>
Use of Mooring Field Mooring Field Open Anchoring	a) Promote the establishment and use of public mooring fields. f) Deter improperly stores, abandoned, or derelict vessels.
Mode of Operation Transient Cruiser Liveaboard Long-Term Storage	b) Promote public access to the waters of this state f) Deter improperly stored, abandoned, or derelict vessels.
Residency Florida Resident Out of State Resident	b) Promote public access to the waters of this state.

Definitions for “Mode of Operation”

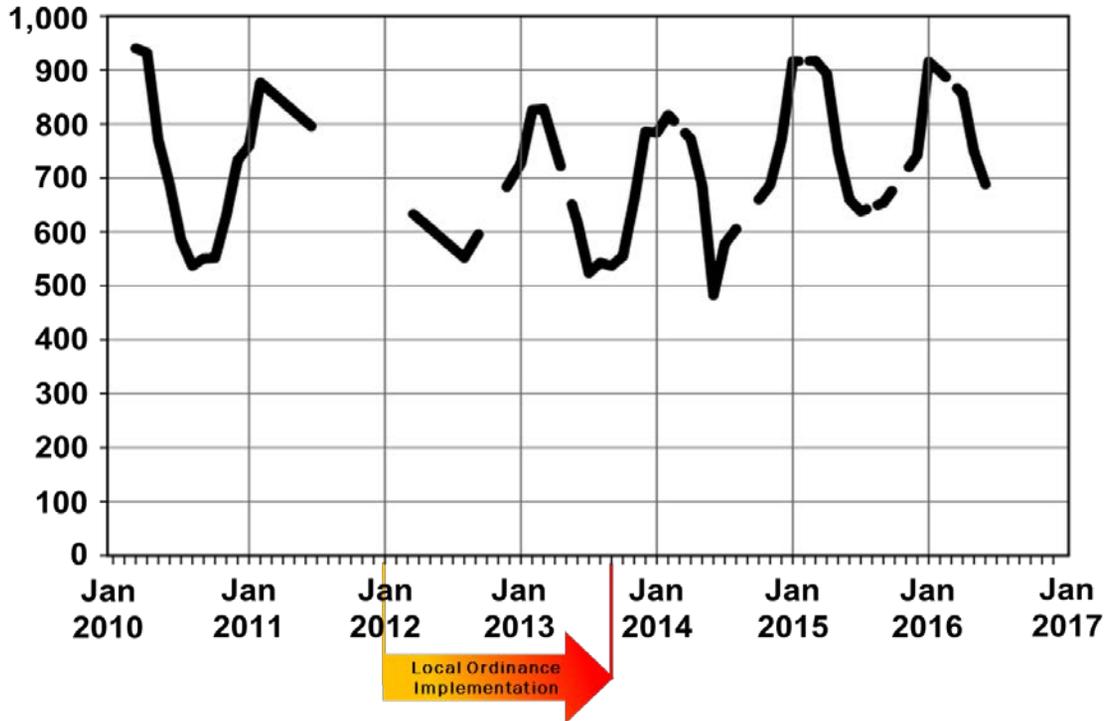
- **Transient Cruiser** – A vessel frequently/continually under navigation for the purpose of traveling to and visiting other ports of call. These vessels might stop for periods as short as overnight or as long as several months. But the intent of their operator is to eventually transit to the next port of call rather than permanently remain in one location.
- **Live-aboard** – A vessel permanently moored in the same location for primary use as a residence. An operator might occasionally place a live-aboard vessel in navigation (during which time they could be considered a transient cruiser) but for the most of the time the vessel remains at its permanent mooring for daily use as a residence.
- **Stored Vessel** – An unattended vessel anchored or moored for an extended period of time (multiple days to multiple years) while its operator attends to other business ashore. The operator might either occasionally or frequently place a stored vessel in navigation but for most of the time the vessel remains stored at the same location with no persons onboard.

Definitions for “Residency”

- **Florida** – The vessel displays a Florida registration, a Florida Hailing Port or is otherwise known to staff conducting the count to be a Florida based vessel.
- **Other State** – The vessel displays the registration of another state, the Hailing Port of another state or is otherwise known to the staff conducting the count to be based out of a state other than Florida.
- **Foreign County** – The vessel displays the registration of another county, the Hailing Port of another county or is otherwise known to the staff conducting the count to be based out of a county other than the United States.
- **Unknown Residency** – Staff conducting the monthly vessel counts were not asked to investigate the residency of vessels any further than a quick visual observation. Therefore the actual residency of many vessels could not be determined and was listed as “unknown.”

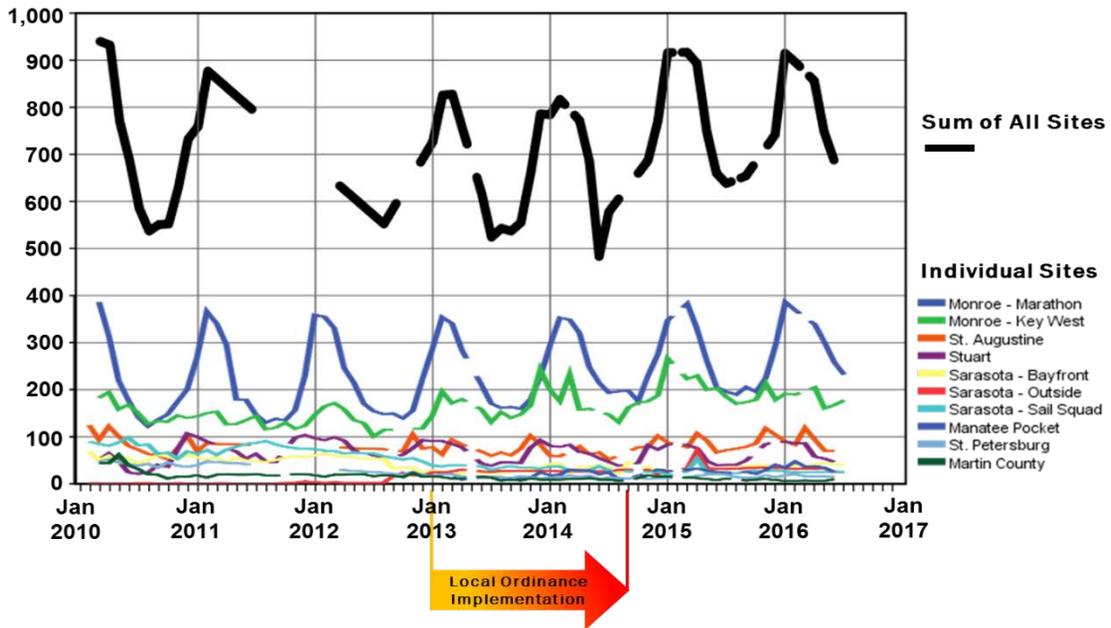
Monthly Number of Boats Counted at All 7 Sites

February 2010 through June 2016



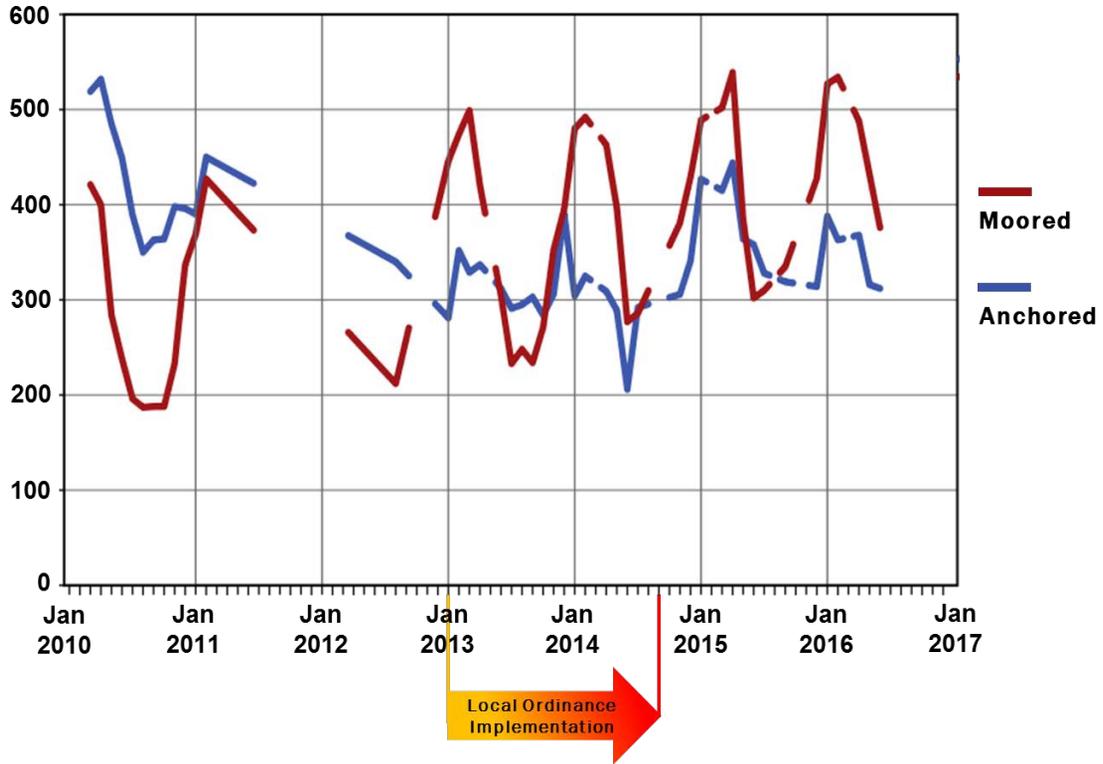
Monthly Boat Counts at All Sites

February 2010 through June 2016



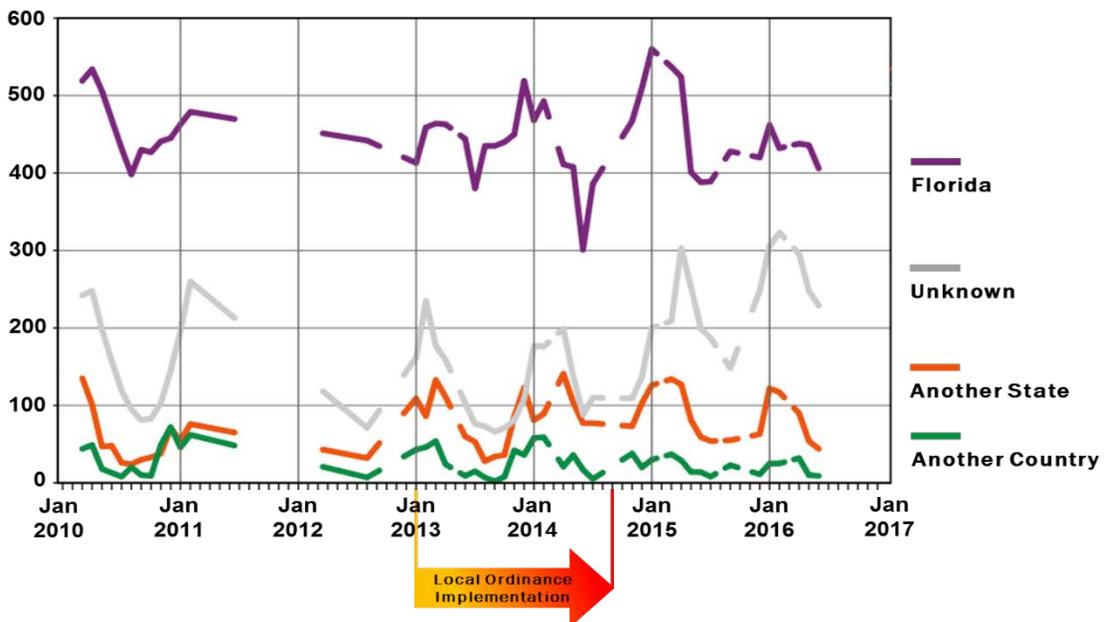
All Sites Combined – Use of Mooring Field

February 2010 through June 2016



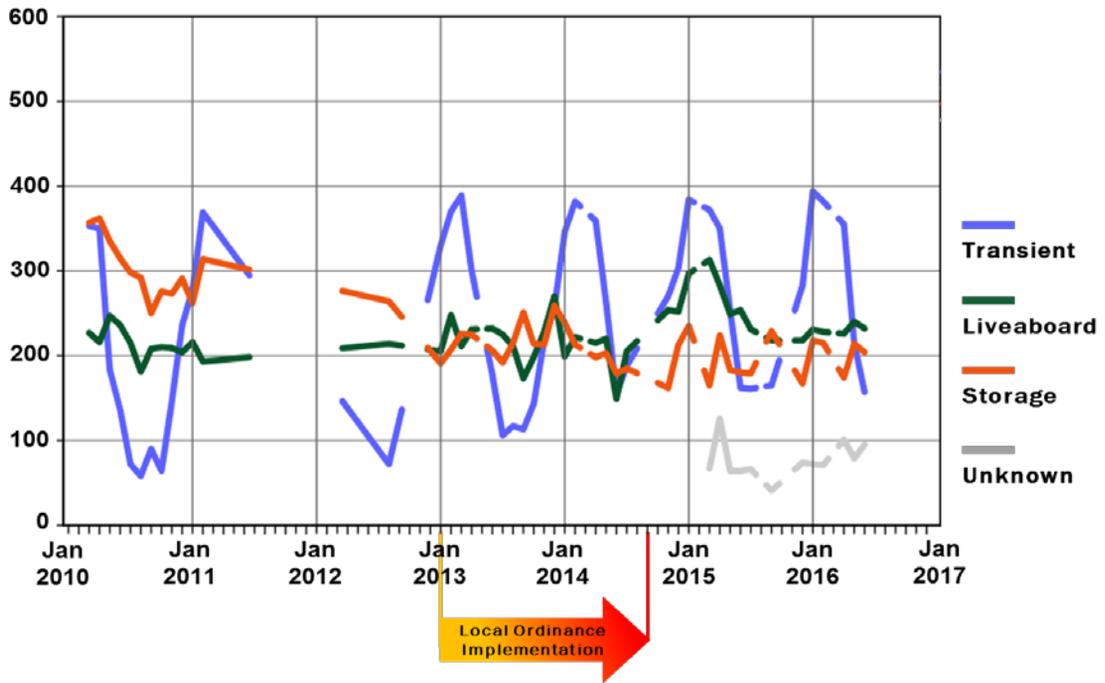
All Sites Combined – Residency

February 2010 through July 2016



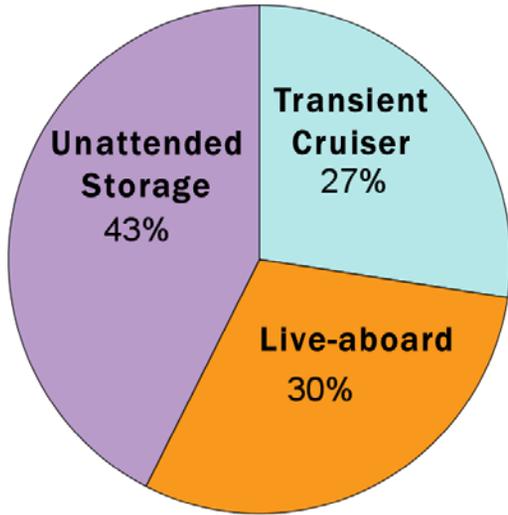
All Sites Combined – Mode of Operation

February 2010 through June 2016

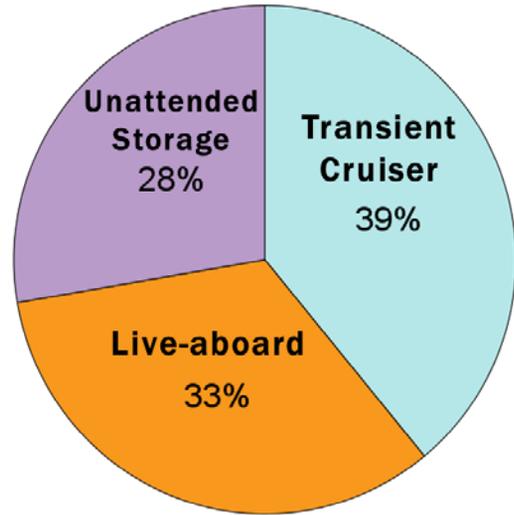


Mode of Operation - All Sites Combined

Pre-Ordinance

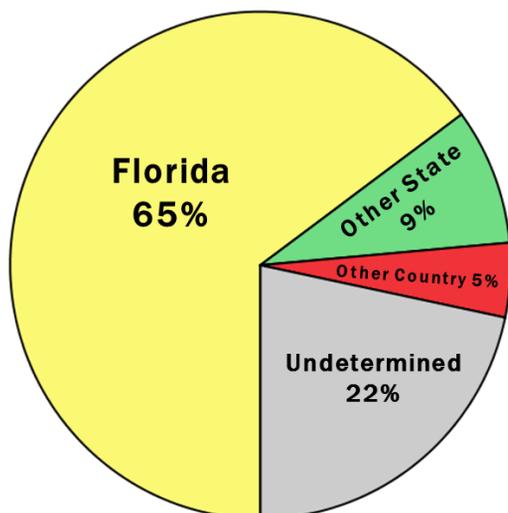


Post-Ordinance

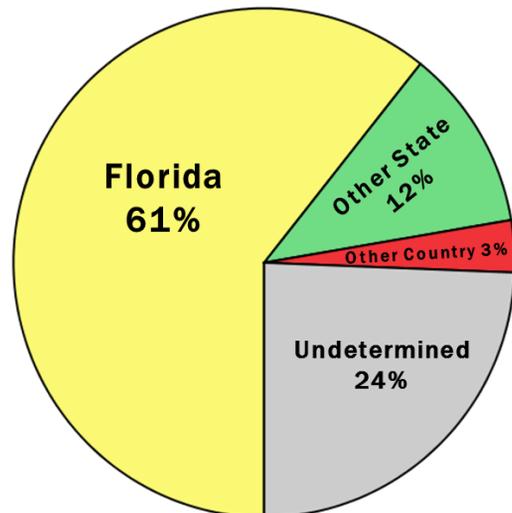


Residency - All Sites Combined

Pre-Ordinance



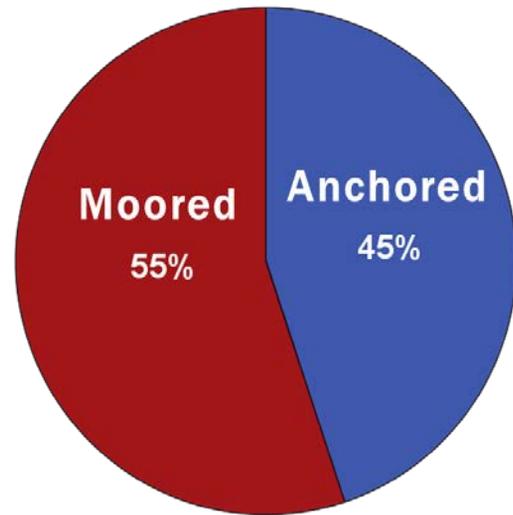
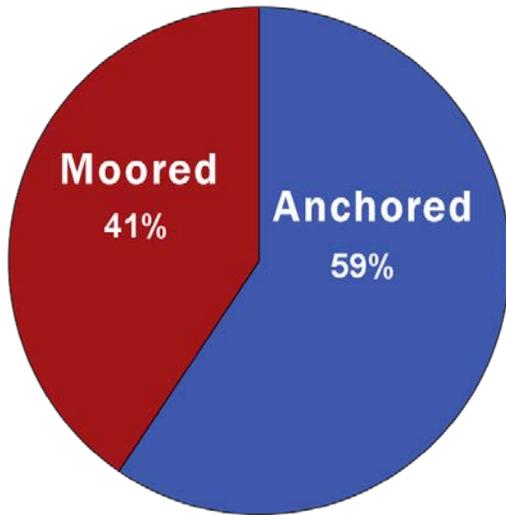
Post-Ordinance



Use of Mooring Field - All Sites Combined

Pre-Ordinance

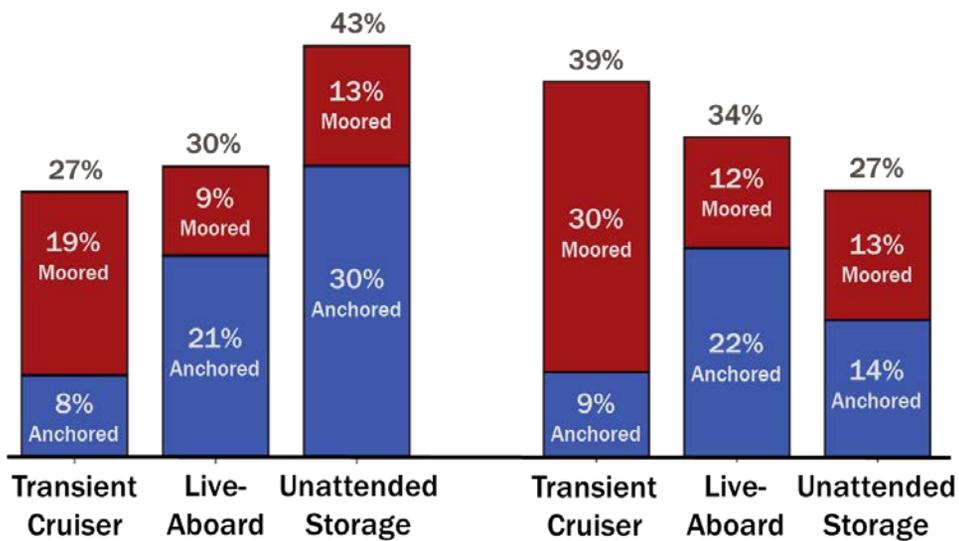
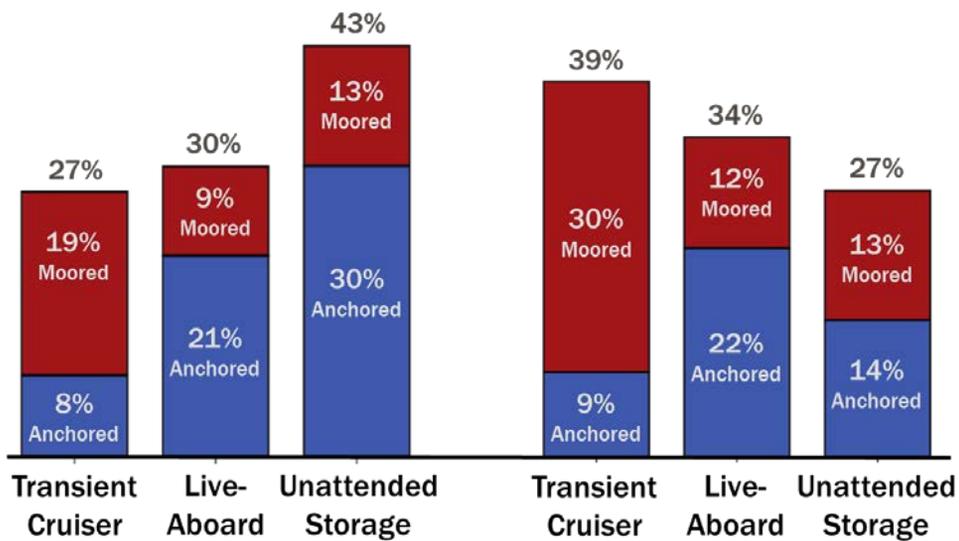
Post-Ordinance



Use of Mooring Field & Mode of Operation – All Site Combined

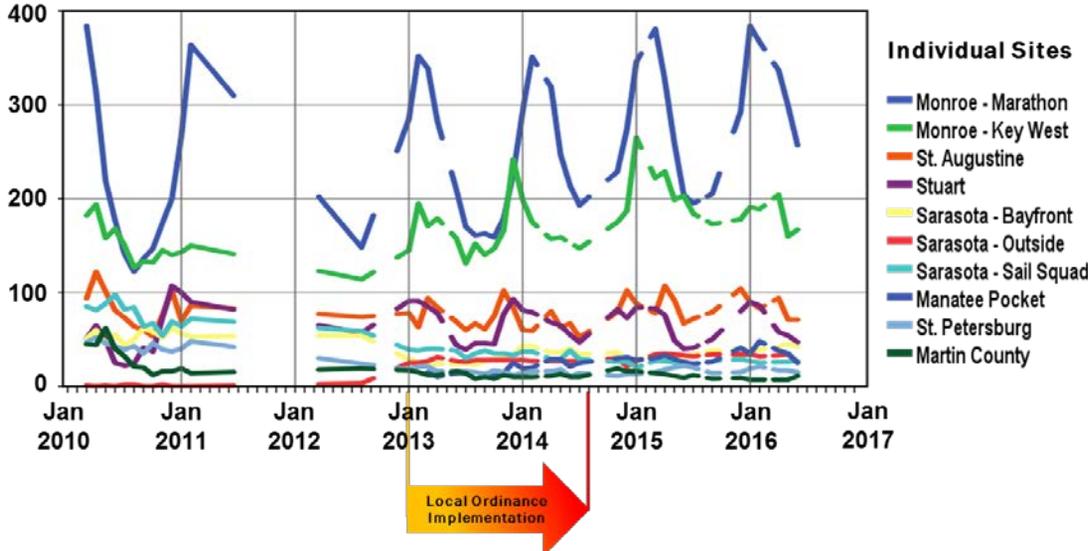
Pre-Ordinance

Post-Ordinance



Monthly Boat Counts at Individual Sites

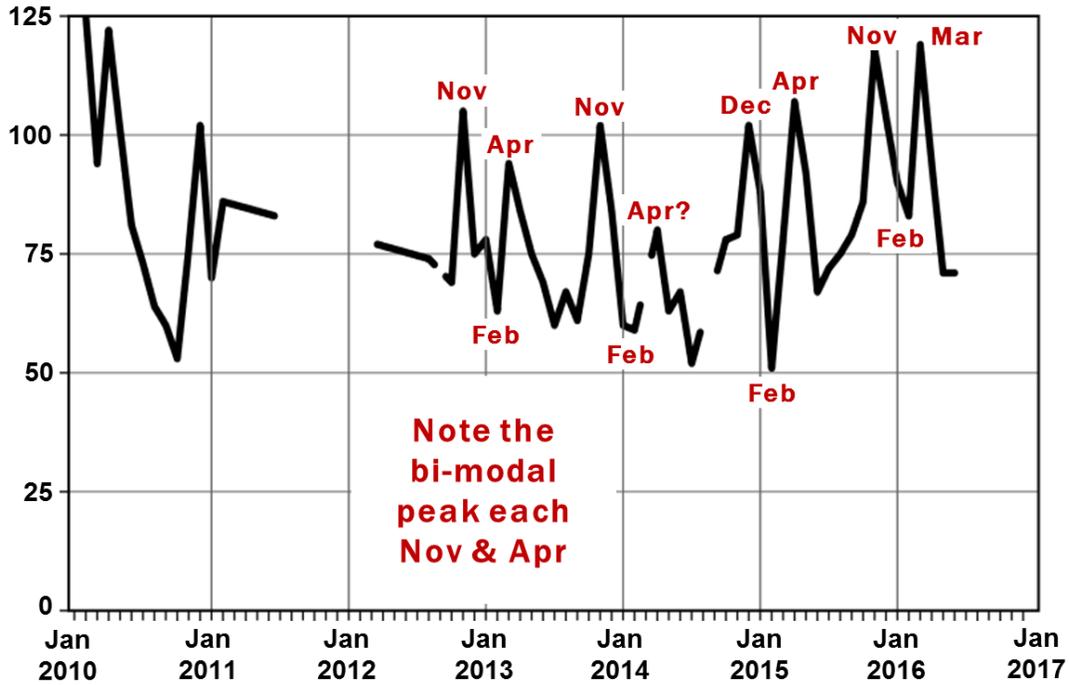
February 2010 through July 2016



Graphs illustrating the numbers and types of boats at each individual Pilot Program location follow in the order of City of St. Augustine, City of Stuart and Martin County, Monroe County and City of Marathon, Monroe County and City of Key West, City of Sarasota and City of St. Petersburg.

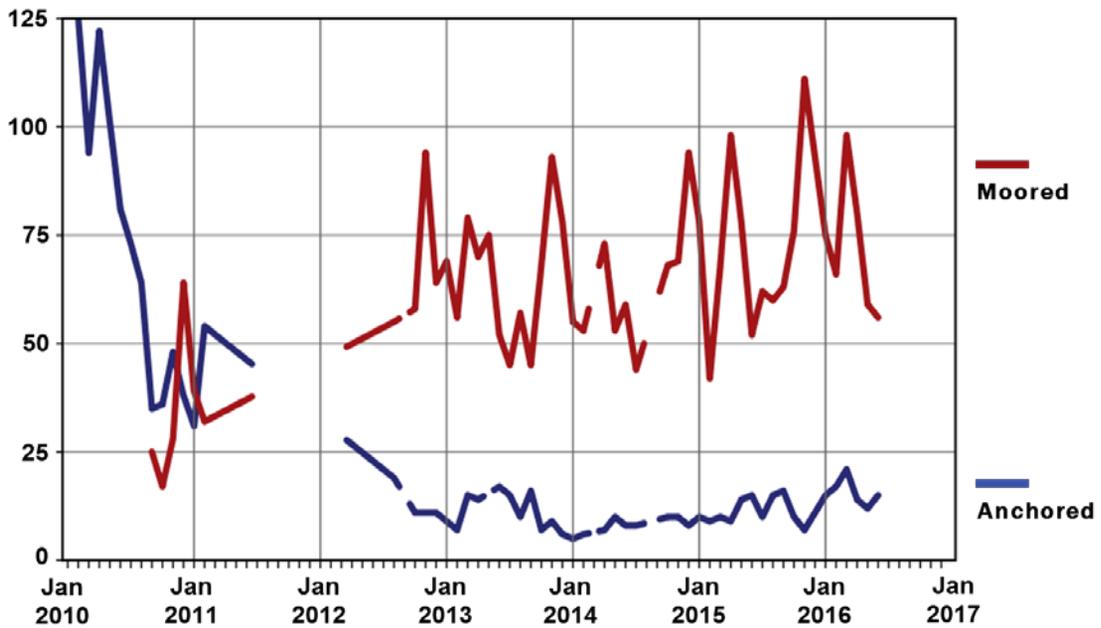
St. Augustine – Total Boats

February 2010 through July 2016



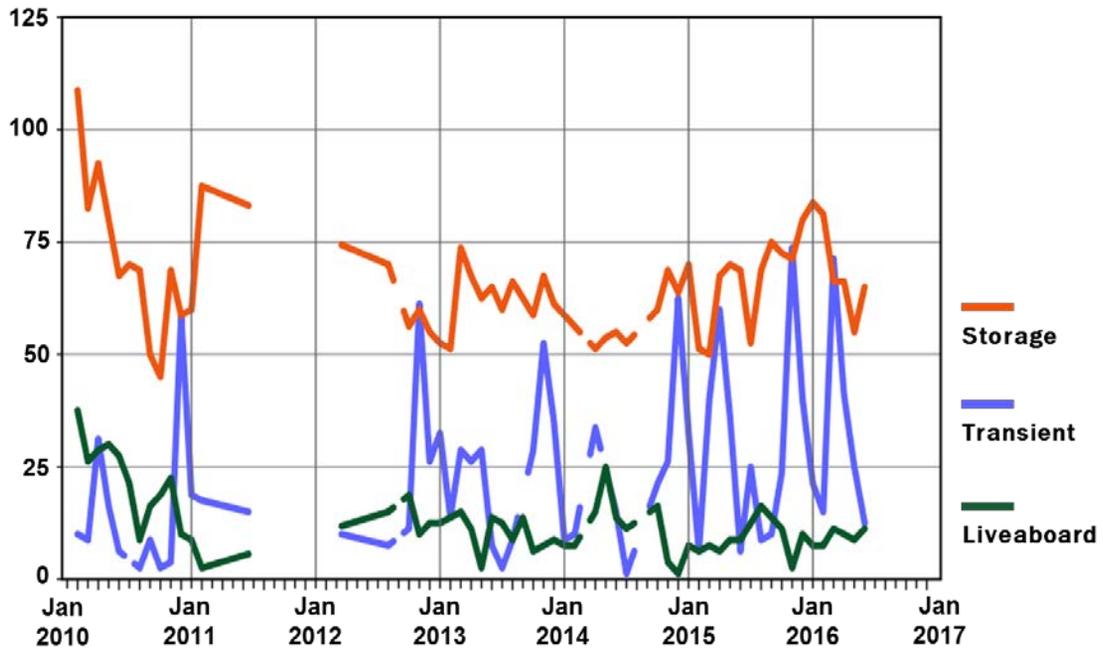
St. Augustine – Use of Mooring Field

February 2010 through July 2016



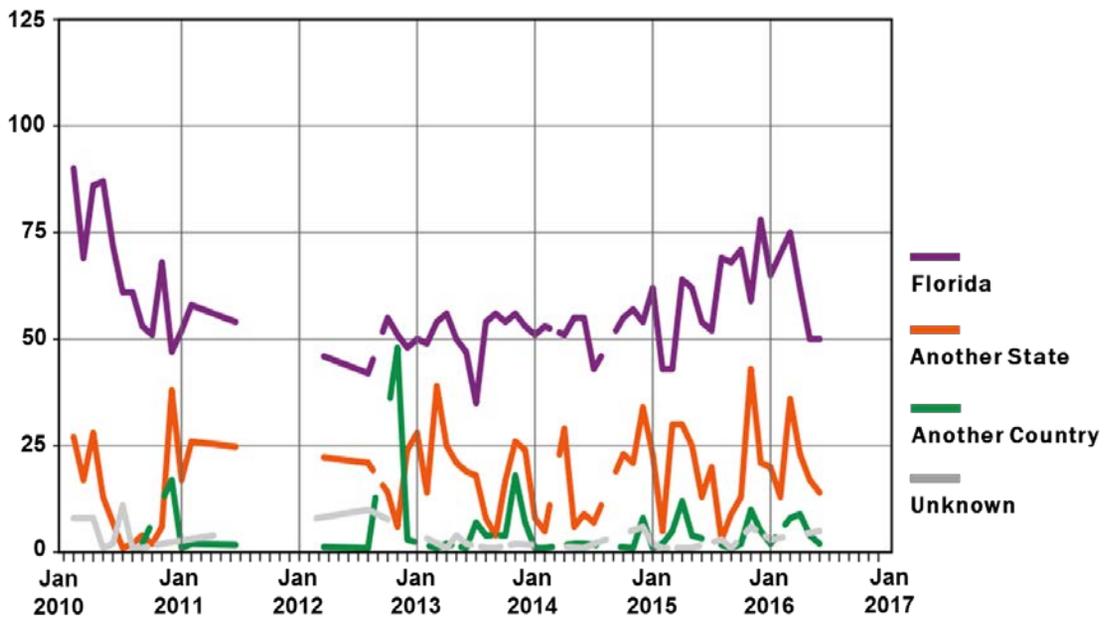
St. Augustine – Mode of Operation

February 2010 through July 2016



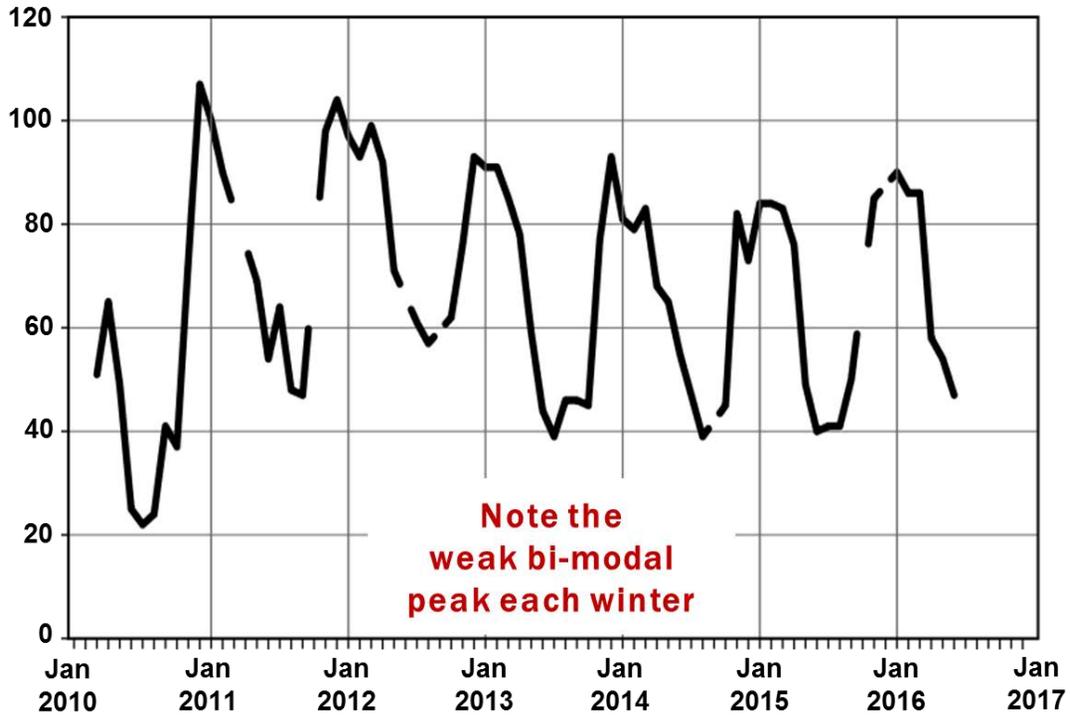
St. Augustine – Residency

February 2010 through July 2016



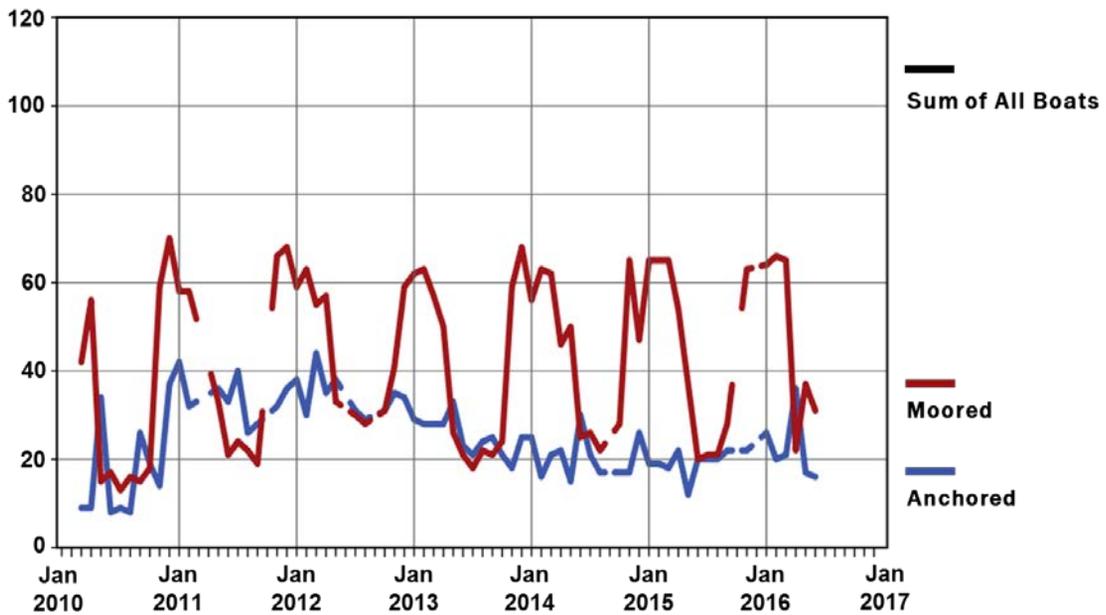
Stuart – Total Boats

February 2010 through June 2016



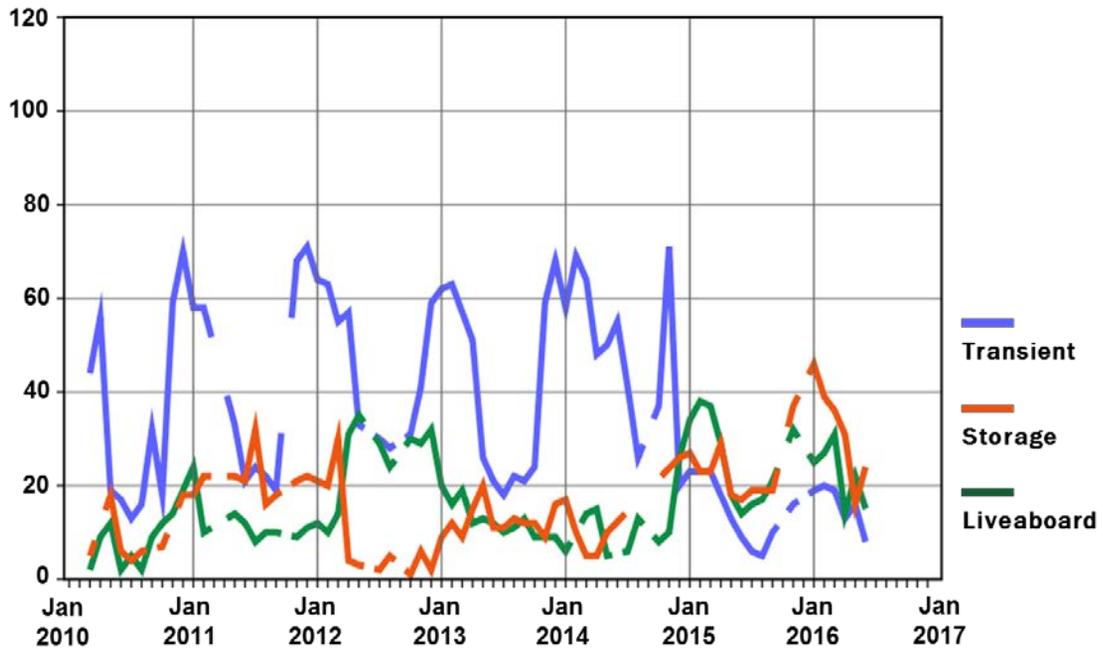
Stuart – Use of Mooring Field

February 2010 through June 2016



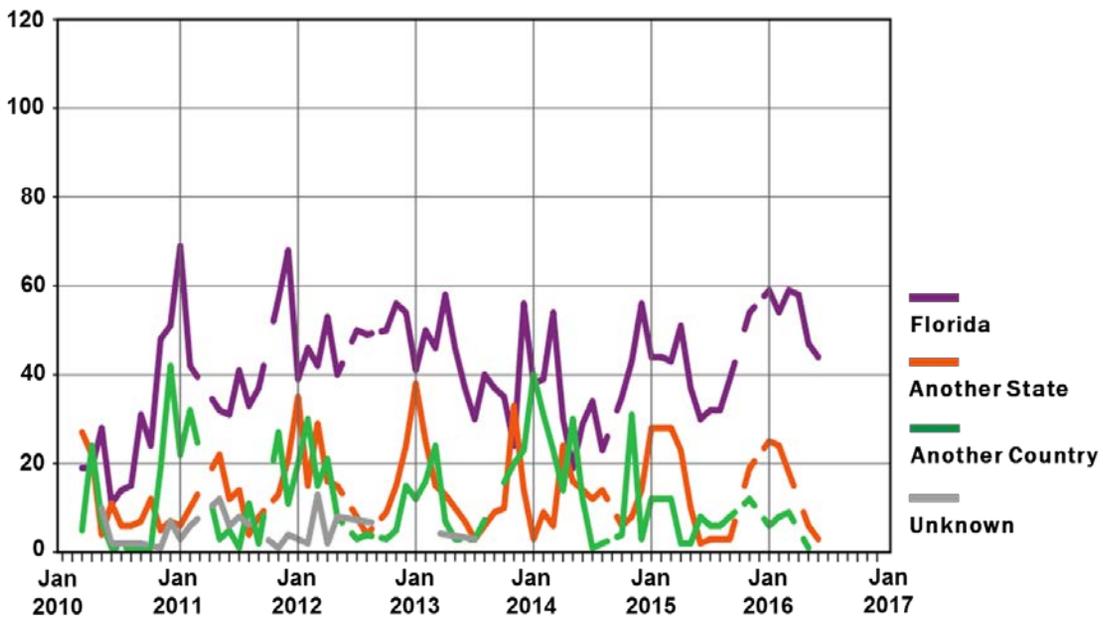
Stuart – Mode of Operation

February 2010 through June 2016



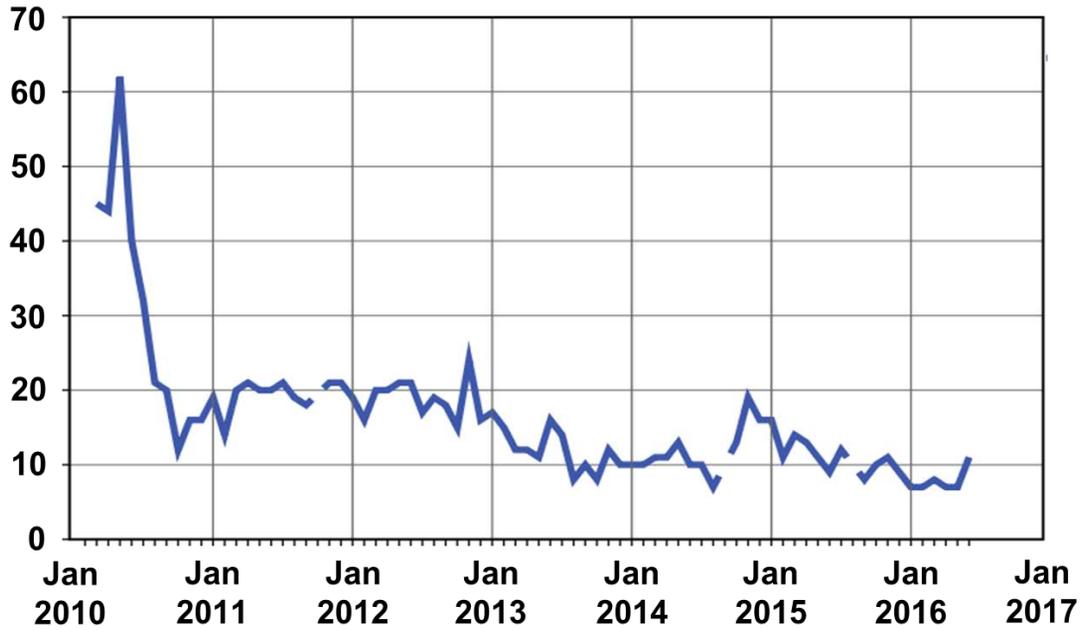
Stuart – Residency

February 2010 through June 2016



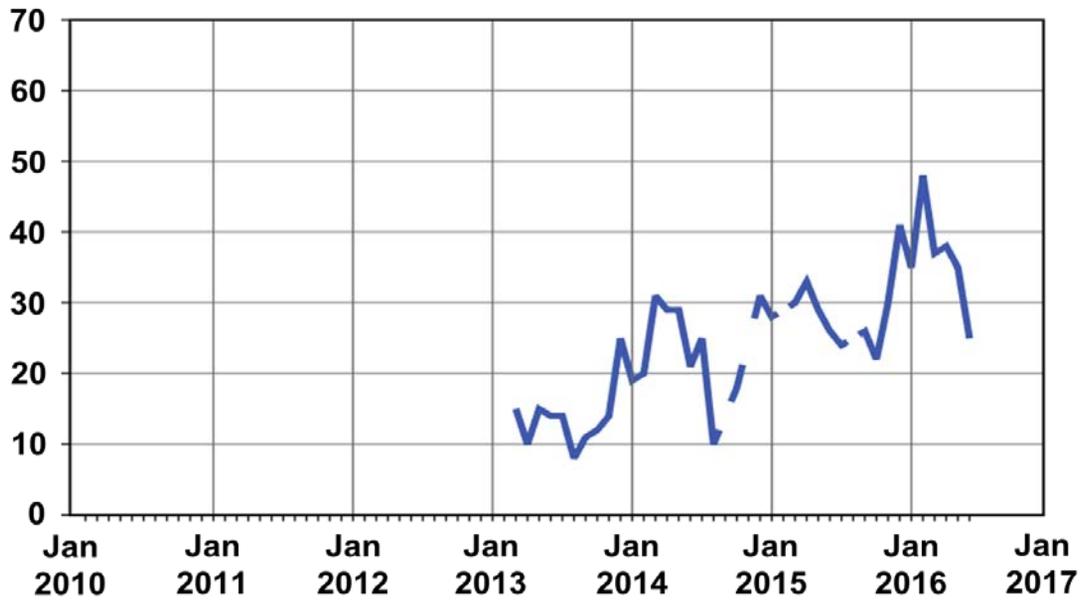
Martin County – Indian River Lagoon

Number of Anchored Boats



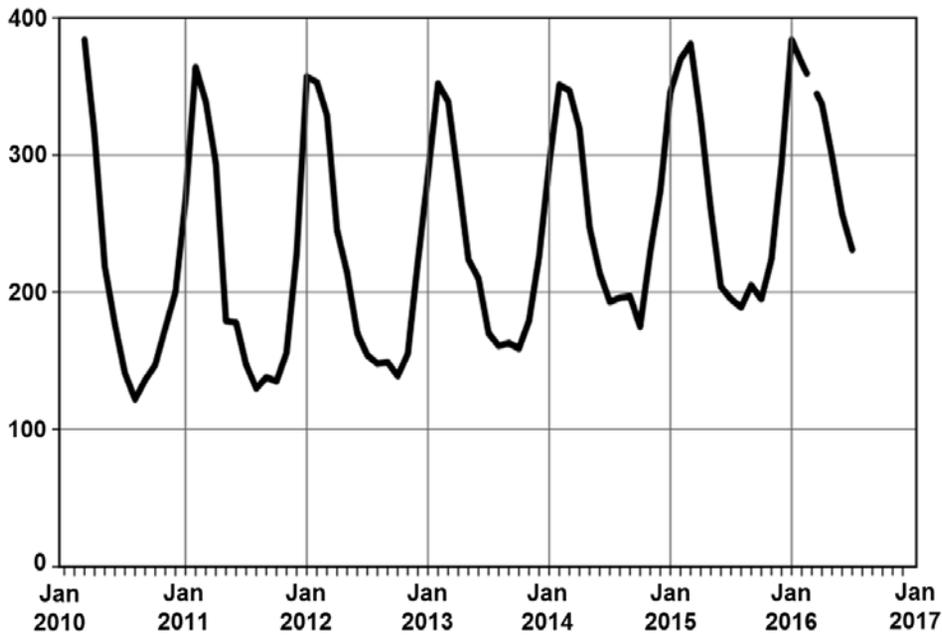
Martin County – Manatee Pocket

Number of Anchored Boats



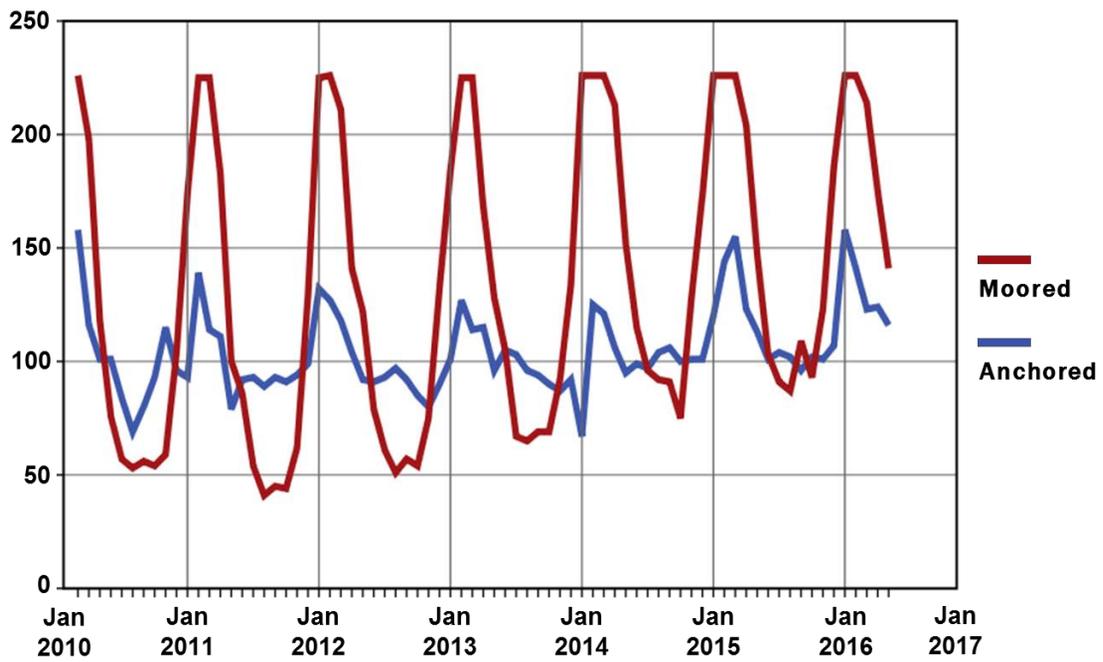
Marathon – Total Boats

February 2010 through July 2016



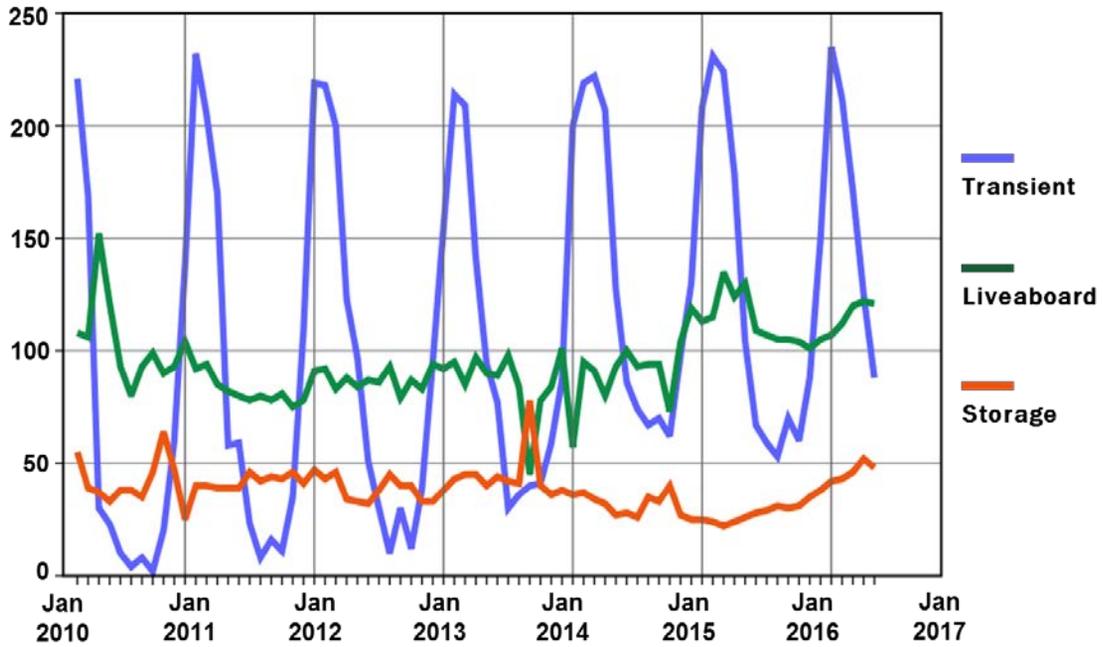
Marathon – Use of Mooring Field

February 2010 through July 2016



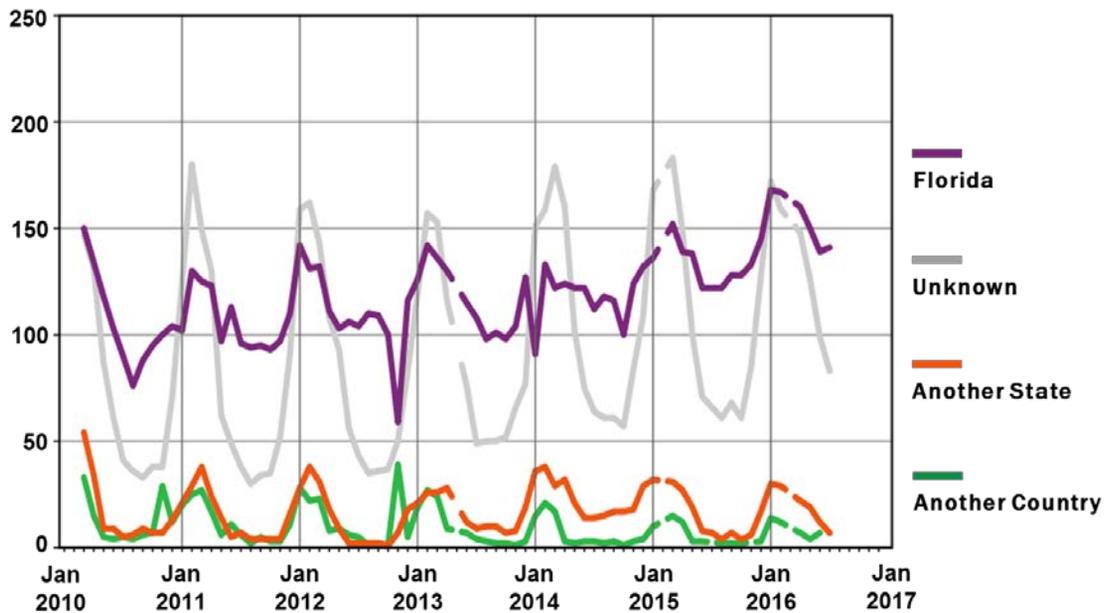
Marathon – Mode of Operation

February 2010 through July 2016



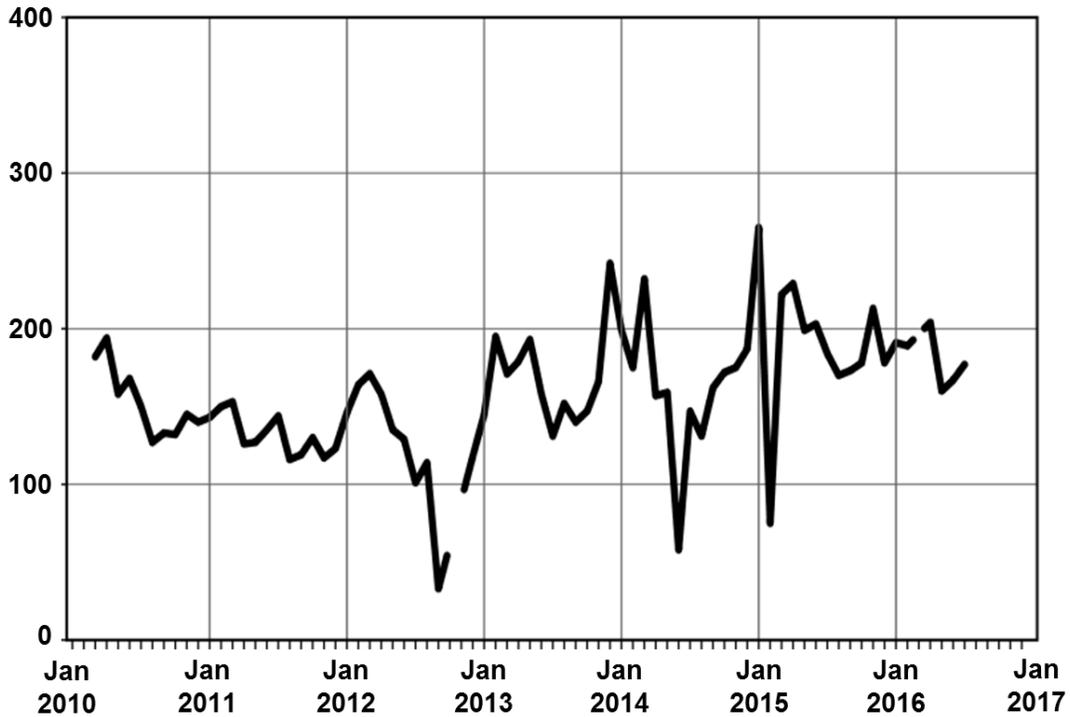
Marathon – Residency

February 2010 through July 2016



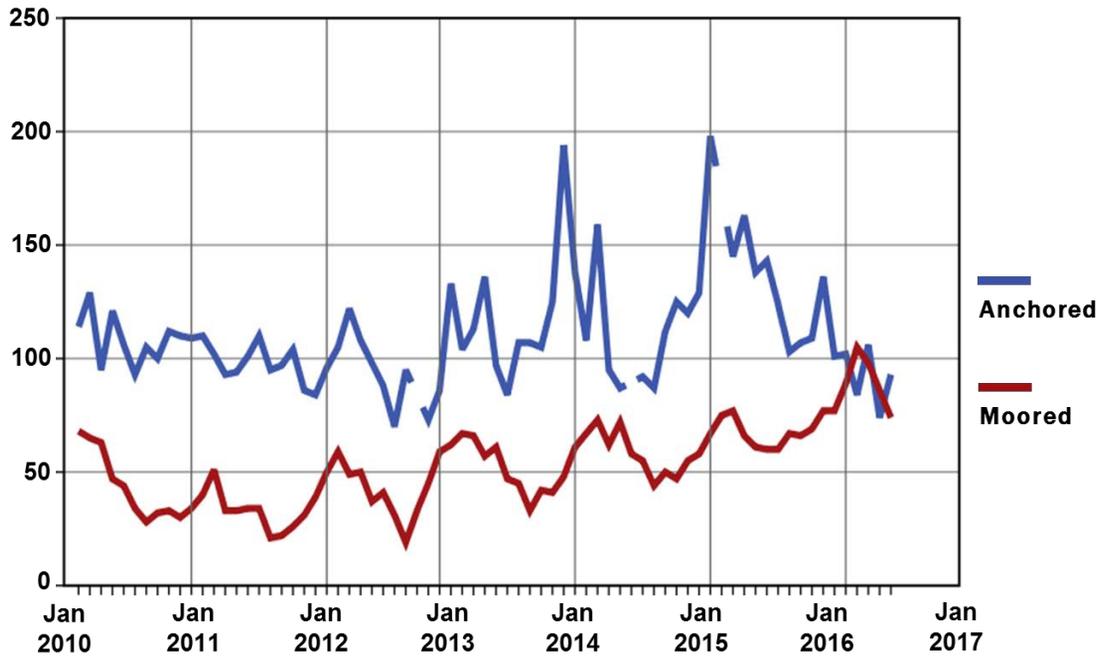
Key West – Total Boats

February 2010 through July 2016



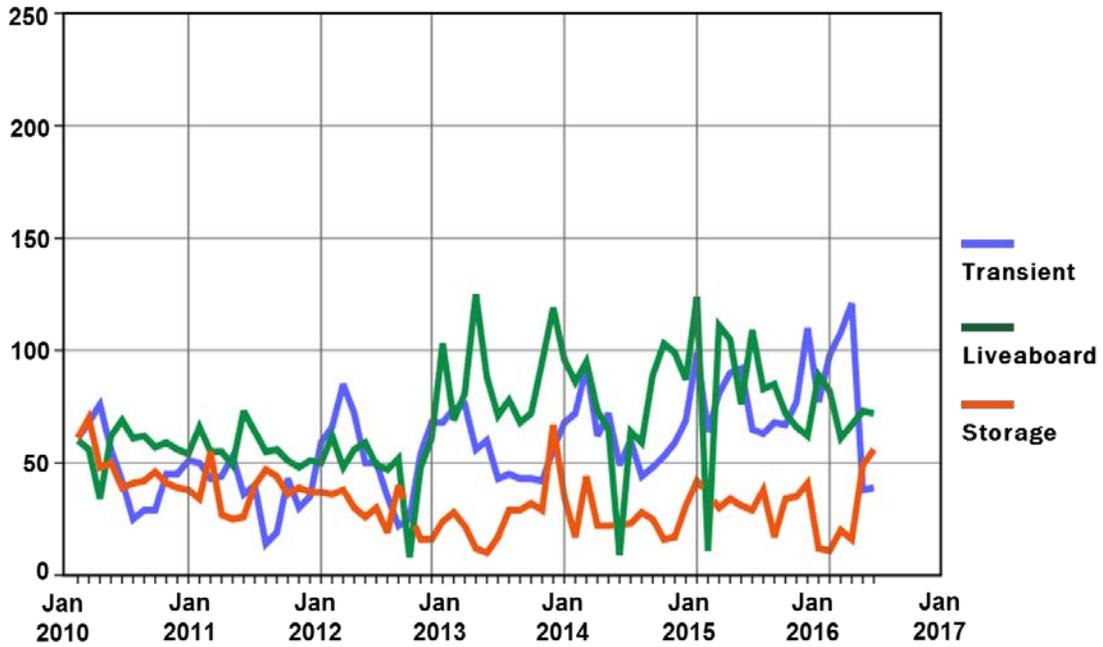
Key West – Use of Mooring Field

February 2010 through July 2016



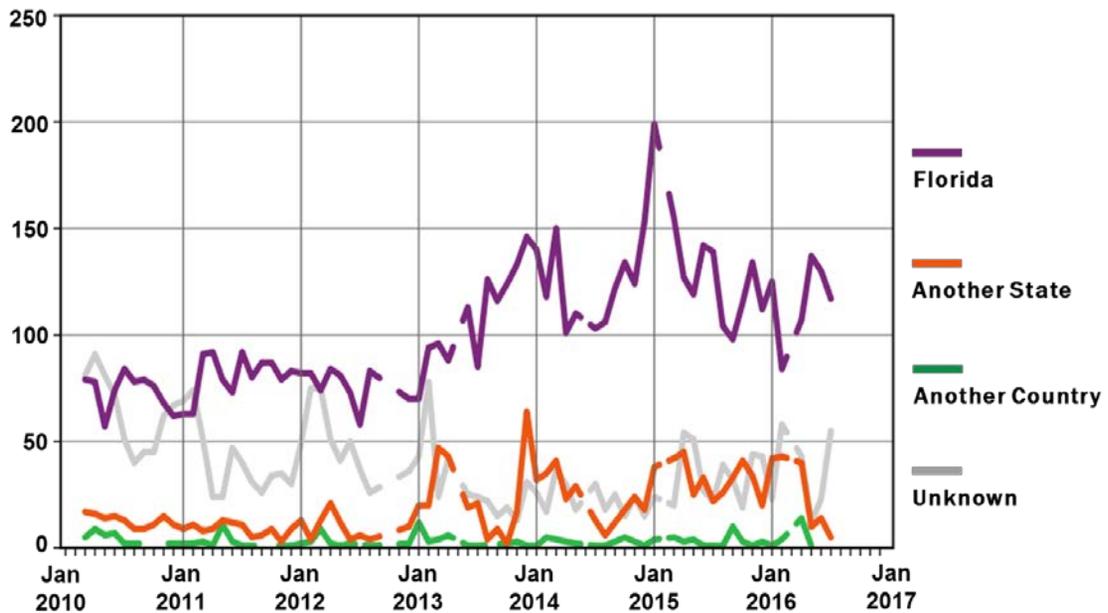
Key West – Mode of Operation

February 2010 through July 2016



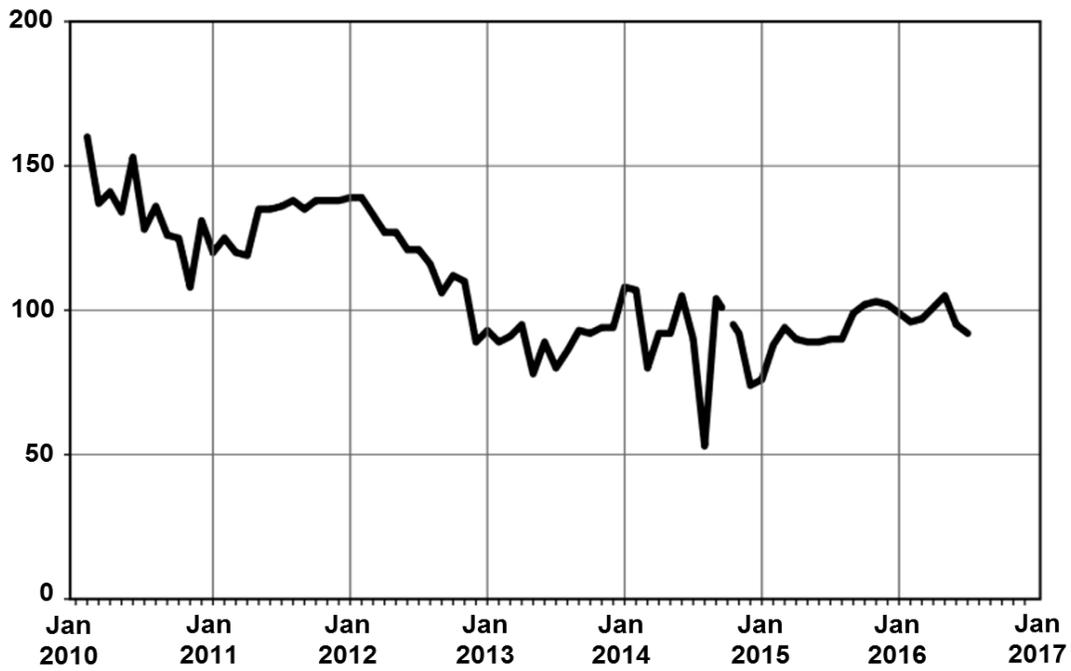
Key West – Residency

February 2010 through July 2016



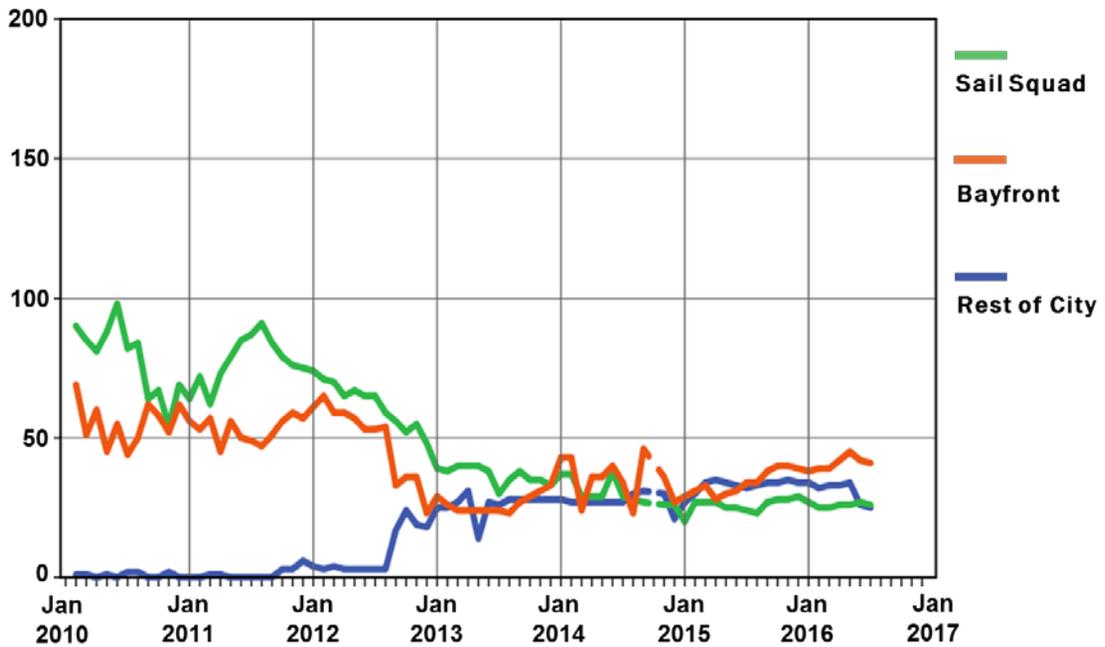
Sarasota – Total Boats

February 2010 through July 2016



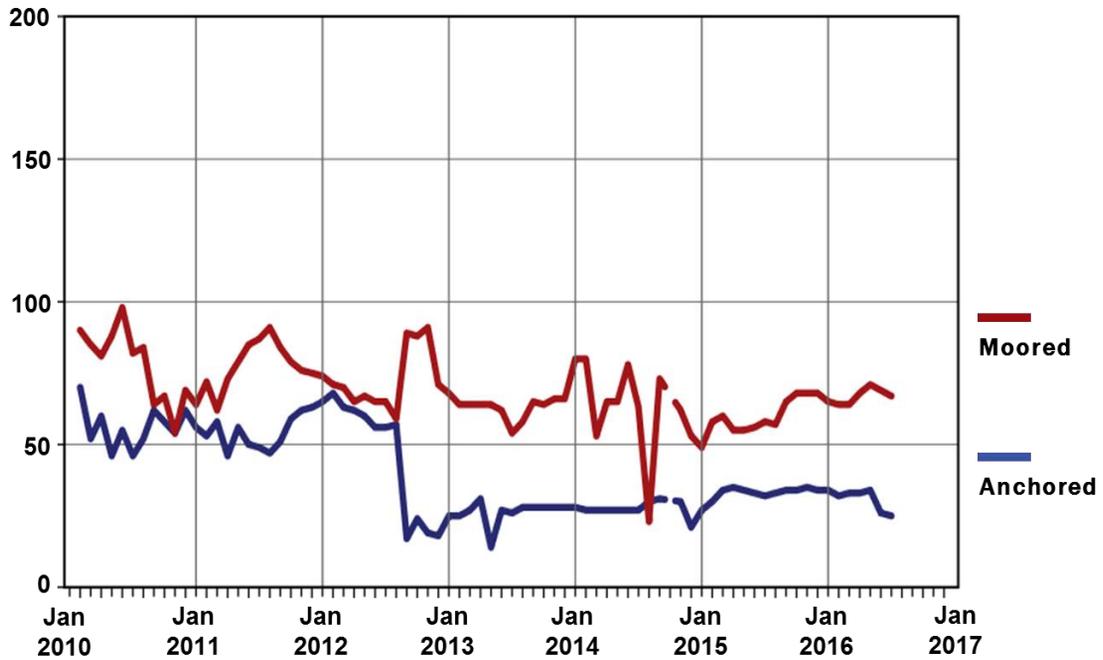
Sarasota – Geographic Variability

February 2010 through July 2016



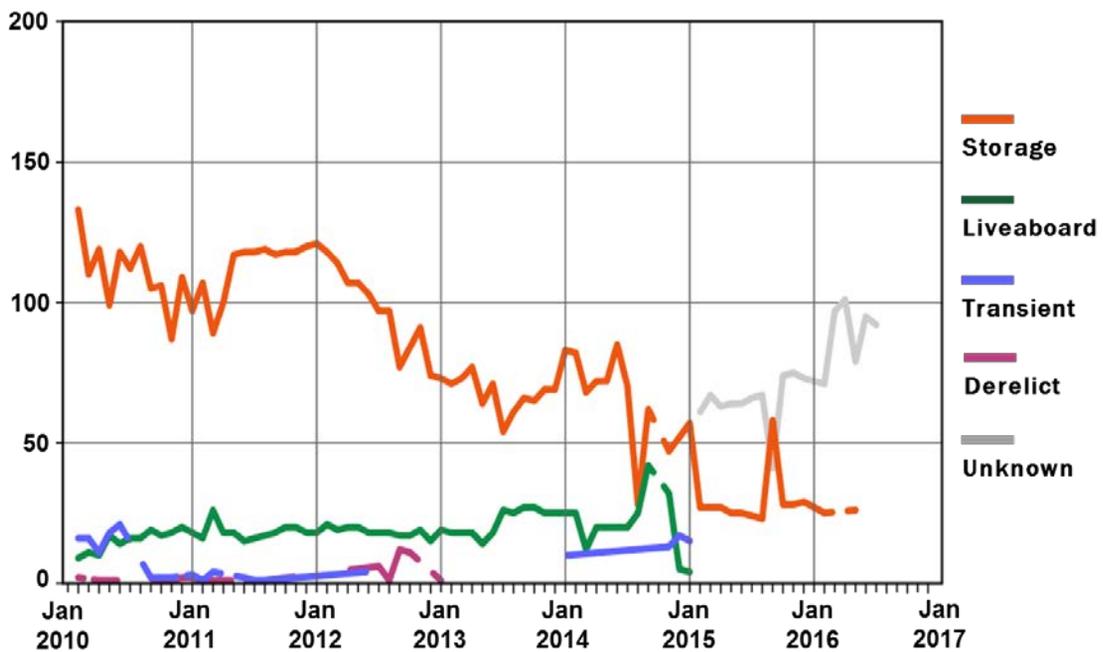
Sarasota – Use of Mooring Fields

February 2010 through July 2016



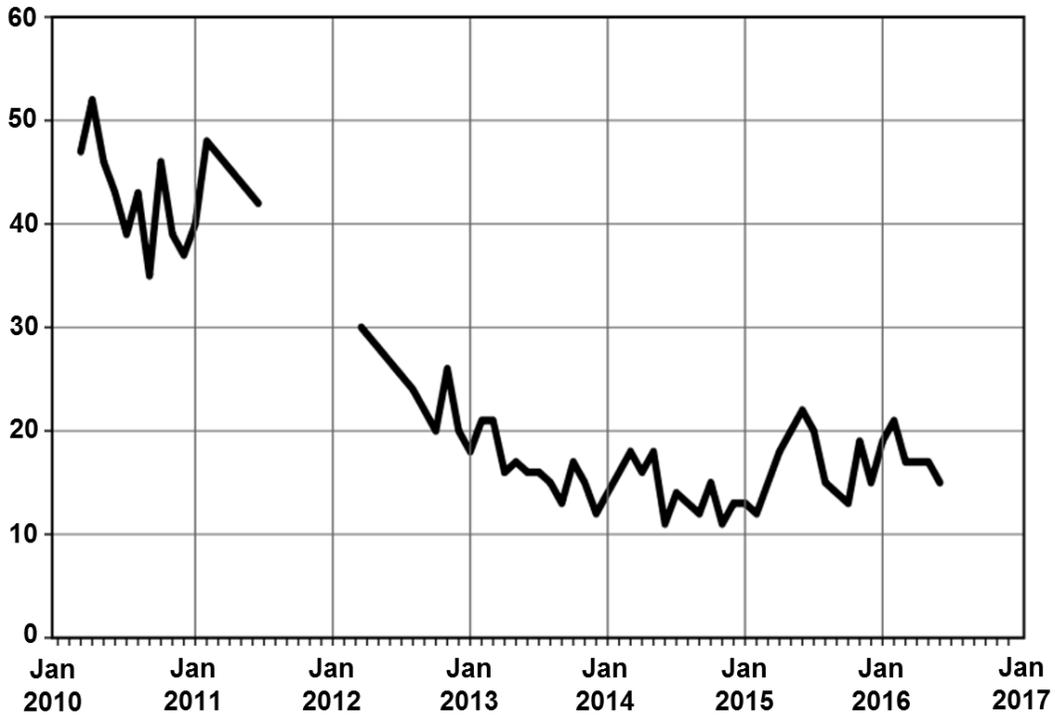
Sarasota – Mode of Operation

February 2010 through July 2016



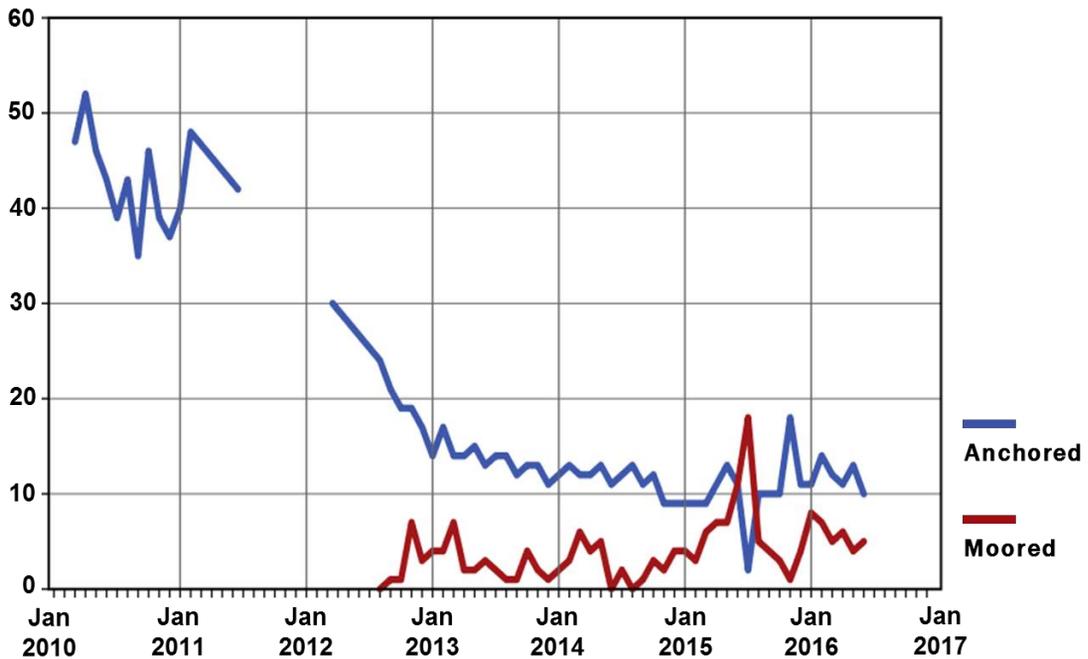
St. Petersburg – Total Boats

February 2010 through June 2016



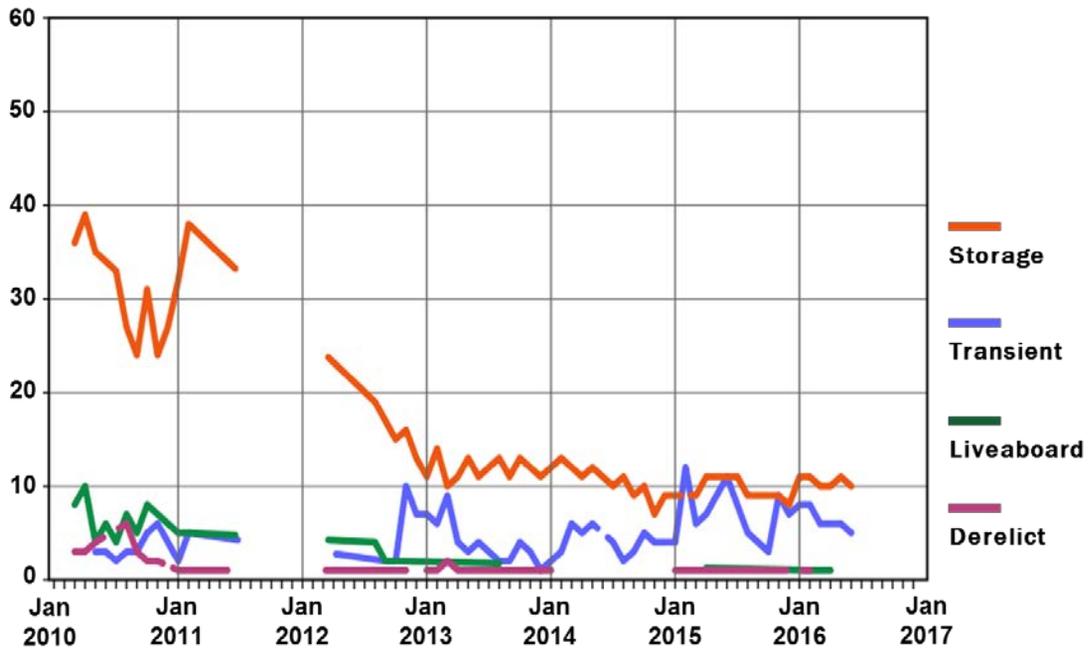
St. Petersburg – Use of Mooring Field

February 2010 through June 2016



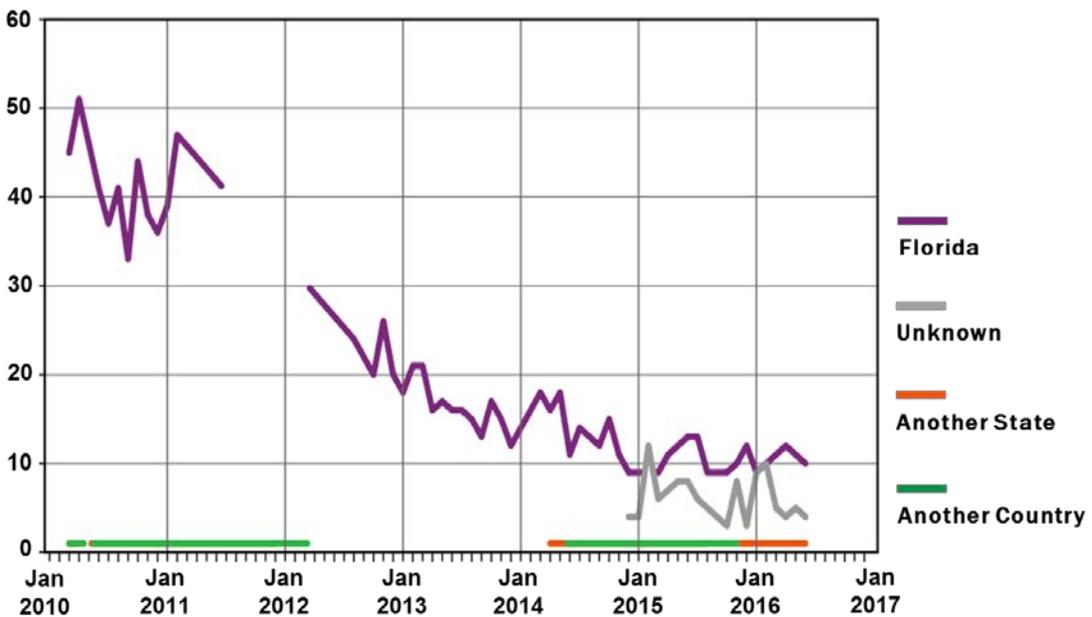
St. Petersburg – Mode of Operation

February 2010 through June 2016



St. Petersburg – Residency

February 2010 through June 2016



Appendix E – 2016 Public Opinion Survey and Results

2016 Public Opinion Survey and Results

Survey Questions

Conducted online from October 1st, through October 9th, 2016.

Section One

< Note: Presented to All Respondents >

- 1) How did you learn of this survey? Select all that apply.
 - FWC website or email
 - Letter from FWC in the mail
 - Flyer or posting at marina
 - Newspaper/magazine
 - Club newsletter/website/email/meeting
 - Word of mouth/neighbors/other boaters
 - Public meetings
 - Pamphlet handouts/educational materials
 - Contact with public officials
 - Other method

- 2) How did you become aware of the Anchoring and Mooring Pilot Program?
Select all that apply.
 - Because of this survey
 - FWC website or email
 - Letter from FWC in the mail
 - Flyer or posting at marina
 - Newspaper/magazine
 - Club newsletter/website/email/meeting
 - Word of mouth/neighbors/other boaters
 - Public meetings
 - Pamphlet handouts/educational materials
 - Contact with public officials
 - Other method

- 3) When did you first become aware of the Anchoring and Mooring Pilot Program?
- Very recently, since being informed of this survey.
 - Recently, within the past 6 to 8 months
 - During 2015
 - During 2014
 - During 2013
 - During 2012
 - During 2011
 - During 2010
 - During 2009
- 4) Prior to this survey, have you participated in an Anchoring and Mooring Pilot Program public input opportunity, either in person or through verbal, written, or online comments?
- Yes, just once
 - Yes, multiple times
 - No
- 5) Please provide the 5 number zip code of your primary residence. If your primary residence is outside the USA please write the name of the country/province of your primary residence:
- _____
- 6) Do you reside in Florida?
- Yes, I am a Full-time Florida resident
 - Yes, I am a Part-time Florida resident
 - No, I am a resident of another state or country and temporarily visit Florida
 - No, I am a resident of another state or country and have not visited Florida
- 7) Is your Florida residence located in:
- St. Augustine
 - Stuart
 - Martin County outside of Stuart
 - Marathon
 - Key West
 - Sarasota
 - St. Petersburg
 - Another Florida location

- 8) Is your Florida residence:
- A dwelling located inland
 - A waterfront dwelling
 - A boat kept in a marina
 - A boat kept in a mooring field
 - A boat kept at anchor
- 9) Do you own a boat?
- Yes, I own a boat
 - No, I do not own a boat
- 10) Do you own a boat suitable for overnight trips?
- Yes, I own a boat suitable for overnight trips
 - No, I do not own a boat suitable for overnight trips
- 11) Do you boat in Florida?
- Yes, I boat in Florida
 - No, I do not boat in Florida

Section Two

< Note: Presented to only to respondents indicating ownership of a boat to which anchoring restrictions might apply and they used that boat in Florida during the Pilot Program. >

The following set of questions pertains to use of the Cabin Motorboat, houseboat, Cabin Sailboat or Motor Sailboat you indicate that you use in Florida waters.

- 12) Has your boat been underway in Florida at any time since January 2011?
- Yes, my boat has been underway in Florida since January 2011.
 - No, my boat has NOT been underway in Florida since January 2011.
- 13) How often, on average, do you get your boat underway (moving) in Florida?
- Every day or multiple days per week
 - Every week
 - Every couple of weeks
 - Once a month
 - Once every couple of months
 - A couple times per year
 - Once a year or less often
- 14) How do you use your boat(s) most often in Florida?
- Day trips only
 - Mostly day trips with occasional overnight trips of short duration
 - Overnight trips of moderate to long duration
 - As a residence or domicile
 - I do not boat in Florida
- 15) Where do you primarily store your boat when not actively using it in Florida?
- Docked at a marina
 - Docked at a residence
 - At anchor
 - At a managed mooring field
 - On a private mooring
 - Stored in a high and dry facility
 - On a trailer
 - I am a cruiser from out of state so I am always using my boat when in Florida.
- 16) Where do you primarily keep your boat when using it as a residence in Florida?
- Docked at a marina
 - Docked at a residence
 - At anchor
 - At a managed mooring field
 - On a private mooring

- 17) When traveling or staying overnight on your boat in Florida, in which regions of Florida do you travel, visit, or stay overnight? Please select all that apply.
- East Florida – Fernandina, Jacksonville Beach, St. Augustine, Daytona, Titusville, Cocoa, Melbourne, Vero Beach, Ft. Pierce, Stuart
 - Southeast Florida – Palm Beach, Ft. Lauderdale, Miami
 - The Florida Keys – Key Largo, Islamorada, Marathon, Key West
 - South Gulf Coast Florida – Marco Island, Naples, Ft. Myers, Sanibel, Punta Gorda, Venice, Sarasota, Cortez, Tampa Bay, St. Petersburg, Clearwater
 - North Gulf Coast Florida – Crystal River, Cedar Key, St. Marks, Apalachicola, Port St. Joe, Panama City, Destin, Ft. Walton Beach, Pensacola
 - The Okeechobee Waterway – Stuart, Lake Okeechobee, Fort Myers
 - The Saint Johns River – Jacksonville, Green Cove Springs, and points up river
- 18) When traveling overnight in Florida waters, how long is your average trip?
- One night
 - 2-3 nights
 - 4-7 nights
 - 8-13 nights
 - 2-3 weeks
 - About a month
 - 1-3 months
 - Longer than 3 months
- 19) When traveling overnight in Florida waters, what is the maximum distance you typically prefer to travel between overnight stops?
- 20 miles
 - 40 miles
 - 60 miles
 - 80 miles
 - 100 miles
 - More than 100 miles
- 20) When traveling overnight in Florida waters, how many nights, on average, do you typically stay in one location before traveling to another location?
- One night
 - 2-3 nights
 - 4-7 nights
 - 8-13 nights
 - 2-3 weeks
 - About a month
 - 1-3 months
 - Longer than 3 months

21) When traveling overnight in Florida waters, what is the longest time you usually stay at your favorite destination(s)?

- One night
- 2-3 nights
- 4-7 nights
- 8-13 nights
- 2-3 weeks
- About a month
- 1-3 months
- Longer than 3 months

22) When traveling or staying on your boat overnight in Florida, how do you actually anchor or moor your boat? (A later question will ask how you prefer to anchor or moor your boat. But for now please let us know how you actually anchor or moor when travelling or staying on your boat overnight in Florida.) Please select all that apply, and numerically rank selections, 1 being most frequent method of mooring, 3 being least frequent method of mooring, and 4 indicating you never use that type of mooring.

	Most Used 1	Sometimes Used 2	Least Used 3	Never Used 4
Stay at marinas or dock facilities				
Stay at a managed mooring field				
Anchor in an officially designated anchorage				
Anchor in other convenient locations				

23) Hypothetically speaking, when traveling or staying on your boat overnight in Florida, if all possible methods of anchoring or mooring your boat were available at any given location, how would you prefer to anchor or moor your boat? Please select all that apply, and numerically rank selections, 1 being most preferred method of mooring, 3 being least preferred method of mooring, and 4 indicating you prefer to never use that type of mooring.

	Most Preferred 1	Neutral Preference 2	Least Preferred 3	Never Used 4
Stay at marinas or dock facilities				
Stay at a managed mooring field				
Anchor in an officially designated anchorage				
Anchor in other convenient locations				

24) When traveling in Florida waters and anchoring for a stop or overnight stay, how far do you traditionally anchor your boat from private property or marine infrastructure?

- A minimum distance less than 50 feet
- A minimum distance of at least 50 feet
- A minimum distance of at least 100 feet
- A minimum distance of at least 150 feet
- A minimum distance of at least 200 feet
- A minimum distance of at least 300 feet
- A minimum distance greater than 300 feet

25) When traveling in Florida waters, on average, how often do you need to pump out?

- 1-3 days
- 4-5 days
- 6-7 days
- 8-9 days
- 10-11 days
- Longer
- N/A Not applicable, my boat is fitted a marine sanitation device that does not require pump out or my boat is not fitted with a marine sanitation device.

Section Three

<Note: All respondents are presented with these questions to gauge their opinions about the hypothetical anchoring restrictions discussed at public workshops and a prior online survey.>

- 26) In the event Florida's legislature chooses to address the regulation of anchoring on state waters, which one of the following alternatives best describes your thoughts on how anchoring should be regulated? (Select one)
- Anchoring restrictions should be consistent and would apply everywhere in the State, regardless of whether or not local governments are interested in restricting anchoring within their jurisdictions.
 - Local governments that choose to adopt anchoring restrictions may only adopt specific state-authorized standards on waters in their jurisdiction. In those jurisdictions where the local government chooses to not regulate anchoring, anchoring would be unrestricted.
 - Local governments should have the authority to regulate anchoring on state waters in their jurisdiction in any manner they choose.
- 27) If the State were to grant limited authority to local governments to regulate anchoring, that authority should be granted to: (Select one)
- Authority to regulate anchoring should remain solely with the State.
 - Authority to regulate anchoring should be granted to only county governments.
 - Authority to regulate anchoring should be granted to both county governments, city governments and other similar political subdivisions.
 - Authority to regulate anchoring should be granted to only city governments and other similar political subdivisions.
- 28) Please identify your level of agreement with the concept that there may be a reasonable distance that anchored vessels should be expected to stay back (minimum setback distance) from public boating access infrastructure, such as boat ramps:
- Strongly agree
 - Somewhat agree
 - Neutral
 - Somewhat disagree
 - Strongly disagree
- 29) What do you feel is the most appropriate, if any, minimum setback distance from public boating access infrastructure?
- No setback distance
 - A minimum distance of at least 50 feet
 - A minimum distance of at least 100 feet
 - A minimum distance of at least 150 feet
 - A minimum distance of at least 200 feet
 - A minimum distance of at least 300 feet
 - A minimum distance greater than 300 feet
 - Depends on the location

- 30) Please identify your level of agreement with the concept of an appropriate minimum setback distance from waterfront residences:
- Strongly agree
 - Somewhat agree
 - Neutral
 - Somewhat disagree
 - Strongly disagree
- 31) What do you feel is the most appropriate, if any, minimum setback distance from waterfront residences?
- No setback distance
 - A minimum distance of at least 50 feet
 - A minimum distance of at least 100 feet
 - A minimum distance of at least 150 feet
 - A minimum distance of at least 200 feet
 - A minimum distance of at least 300 feet
 - A minimum distance greater than 300 feet
 - Depends upon the location
- 32) Please identify your level of agreement with the concept of restricting unattended storage of vessels at anchor in excess of an appropriate time frame:
- Strongly agree
 - Somewhat agree
 - Neutral
 - Somewhat disagree
 - Strongly disagree
- 33) What is the maximum timeframe you feel would be most appropriate for unattended storage of a boat at anchor on Florida waters?
- Unattended storage of boats at anchor should never be allowed
 - 7 days
 - 15 days
 - 30 days
 - 60 days
 - 90 days
 - 120 days
 - 6 months to 1 year
 - There should be no time limit on the unattended storage of boats at anchor

Section Four

< Note: These questions are presented only to respondents identifying themselves as having boated within at least one of the Pilot Program municipalities during the period of the Pilot Program ordinances. The question are intended to ascertain any changes they had to make in their behavior or action due to the Pilot Program ordinance(s). >

34) Have you boated in any of the following Florida locations since January 2011?
(Please select all that apply.)

- City of St. Augustine
- City of Stuart/Martin County
- City of Marathon
- City of Key West
- City of Sarasota
- City of St. Petersburg
- Other Florida locations
- Did not boat in Florida since January 2011

< Note: These next 3 questions were presented only to boaters indicating they have been to one or more of the Pilot Program locations. >

35) If you have boated in **<Insert City Name>** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?

- I have not boated in this location both prior to and after implementation of the Pilot Program ordinance.
- No, I have not experienced a change since implementation of the Pilot Program ordinance.
- Yes, it is now easier to anchor or moor my boat.
- Yes, it is now more difficult to anchor or moor my boat.
- I do not know.

36) If you have boated in **<Insert City Name>** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?

- I have not boated in this location both prior to and after implementation of the Pilot Program ordinance.
- No, I have not experienced a change since implementation of the Pilot Program ordinance.
- Yes, it is now less congested due to anchored, neglected or derelict boats.
- Yes, it is now more congested due to unattended, neglected or derelict boats.
- I do not know

- 37) If you have boated in <Insert City Name> after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?
- I have not boated in this location after implementation of the Pilot Program ordinance.
 - No, I have not had to make any changes to my boating.
 - No, I have had to make some changes to my boating but the changes were not unreasonable.
 - Yes, I have had to make unreasonable changes to my boating due to the Pilot Program ordinance.
 - I do not know.
- 38) If you had to change any behavior or action in order to comply with the Pilot Program, please indicate locations. Check all that apply
- City of St. Augustine
 - City of Stuart/Martin County
 - City of Marathon
 - City of Key West
 - City of Sarasota
 - City of St. Petersburg
 - None
- 39) In order to comply with requirements of the anchoring ordinance in < Insert City Name >, implemented as part of the Pilot Program, what action or change in behavior did you have to take? Select all that apply
- Purchase new equipment or perform improvements to your boat
 - Get your boat underway to demonstrate its operability
 - Alter how often you pumped out
 - Use the safe harbor provision
 - Change your traditional/preferred anchoring location or distance from infrastructure or private property
 - Alter the amount of time you stayed in one location
 - Use a mooring field instead of anchoring
- 40) Has the distance at which you anchor from marine infrastructure or private property in < Insert City Name > changed during the Pilot Program?
- Yes, I now anchor further from the marine infrastructure or private property
 - No, I anchor at the same distance
 - Yes, I now anchor closer to the marine infrastructure or private property

Section Five

< Note: These questions are presented only to respondents identified as being familiar with specific ordinances of the Pilot Program in order to solicit their evaluation of individual Pilot Program ordinances. >

The following questions are related to the participant area(s) you are most familiar with.

- 41) Are you familiar with any of the Pilot Program local ordinances?
- Yes, I am familiar with one or more of the Pilot Program local ordinances and would like to provide input about the specific ordinance(s.)
 - No, I am not familiar with any specific municipality’s ordinance but I am familiar with the Pilot Program and would like to comment about the Pilot Program in general.
 - No, I am not familiar with the Pilot Program at all, but would like to comment about anchoring and mooring in Florida.
- 42) Which Pilot Program participant’s anchoring ordinance(s) are you familiar with? Select all that apply.
- City of St. Augustine
 - City of Stuart/Martin County
 - City of Marathon
 - City of Key West
 - City of Sarasota
 - City of St. Petersburg
- 43) For the anchoring ordinance in **< Insert City Name >**, please rate the relative effectiveness of the ordinance in addressing each of the Pilot Program goals listed below. 1 is highly effective, 2 is somewhat effective, 3 is neutral, 4 is somewhat ineffective, 5 is highly ineffective. NA indicates not enough information to decide.

	Most Effective 1	2	Neutral 3	4	Least Effective 5	N/A
Promote the establishment and use of public mooring fields						
Promote public access to the waters of Florida						
Enhance navigational safety						
Protect maritime infrastructure						
Protect the marine environment						
Deter improperly stored, abandoned or derelict vessels						
Overall effectiveness						

- 44) Did the ordinance for **< Insert City Name >** solve or improve any problems for you or your community?
- Yes
 - No
 - I do not know

45) What problems did the ordinance for < Insert City Name > solve or improve for you or your community? Select all that apply.

- Boats are no longer anchoring too close to my home
- Boats are no longer anchoring for too long a duration
- Reduced likelihood of illegal sewage discharge from boats
- Improved opportunity to securely moor my boat
- Cost effective mooring of my boat
- Feel safer that boats will not break loose and hit my boat or property during a storm
- Reduced the number of problem boats in my area
- Other

46) Please describe the other problem(s) that the ordinance for < Insert City Name > helped solve or improve.

47) What problem(s) should have been addressed by the ordinance for < Insert City Name > but were not?

Section Six

< **Note: Presented only to respondents indicating familiarity with overall Pilot Program but not with any specific ordinance.** >

The following questions apply to the Pilot Program in general and not to any specific ordinance.

48) To what degree were you affected by the Pilot Program?

- High Positively Affected
- Somewhat Positively Affected
- Not Affected
- Somewhat Negatively Affected
- High Negatively Affected

49) Please describe how you were affected by the Pilot Program?

50) Based upon your experience with the Pilot Program in general, please rate the relative effectiveness of the Pilot Program in addressing each of the goals listed below. If you do not have enough information to decide please indicate so by selecting NA. 1 is highly effective, 2 is somewhat effective, 3 is neutral, 4 is somewhat ineffective, 5 is highly ineffective. NA indicates not enough information to decide.

	Most Effective 1	2	Neutral 3	4	Least Effective 5	N/A
Promote the establishment and use of public mooring fields						
Promote public access to the waters of Florida						
Enhance navigational safety						
Protect maritime infrastructure						
Protect the marine environment						
Deter improperly stored, abandoned or derelict vessels						
Overall effectiveness						

51) Do you think the Pilot Program, in totality, had any other effects? If so please explain:

52) Has the distance that boats anchor from your shoreline or property changed during the Pilot Program?

- Yes, boats now anchor further from my property
- No, I have not observed a change
- Yes, boats now anchor closer to my property
- Boats no longer anchor in vicinity of my property

53) Has the duration that boats anchor in vicinity to your property changed during the Pilot Program?

- Yes, boats now anchor for a shorter duration near my property
- No, I have not observed a change
- Yes, boats now anchor for a longer duration near my property
- Boats no longer anchor in vicinity of my property

54) Are there any suggestions or comments you would like to make regarding the Anchoring and Mooring Pilot Program?

Section Seven

< Note: Presented to All Respondents. >

55) The survey is about to conclude. Are there any final suggestions or comments you would like to make regarding anchoring and mooring in Florida?

Thank you for taking the time to provide your thoughts and input.

The results of this survey will be posted to the FWC website later this fall and incorporated into a report to be presented to the Governor and Legislature on or before January 1st, 2017.

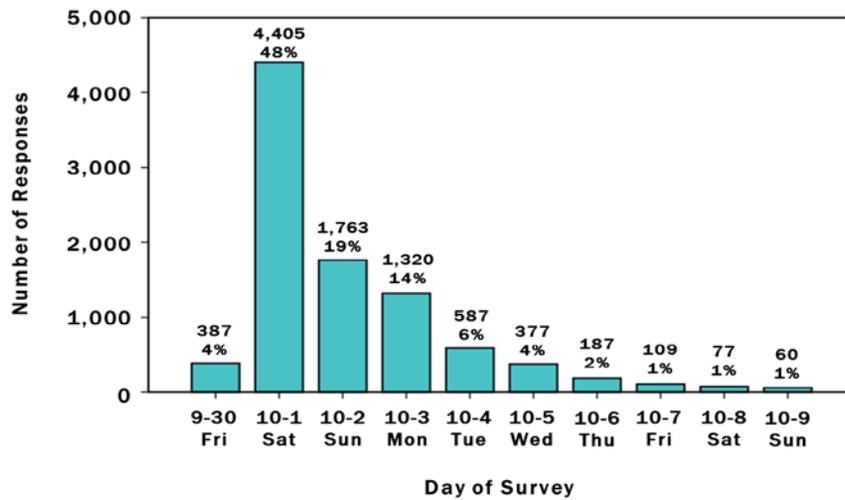
- END OF QUESTIONS -

Public Opinion Survey and Results 2016

Analysis of Results

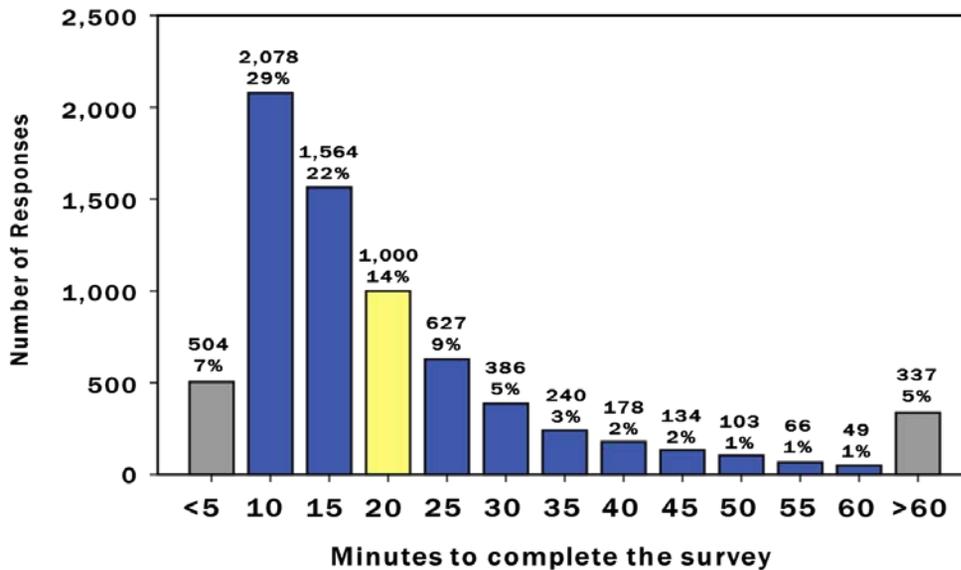
Number of Responses Each Day

9,272 Total Responses over 10 Days



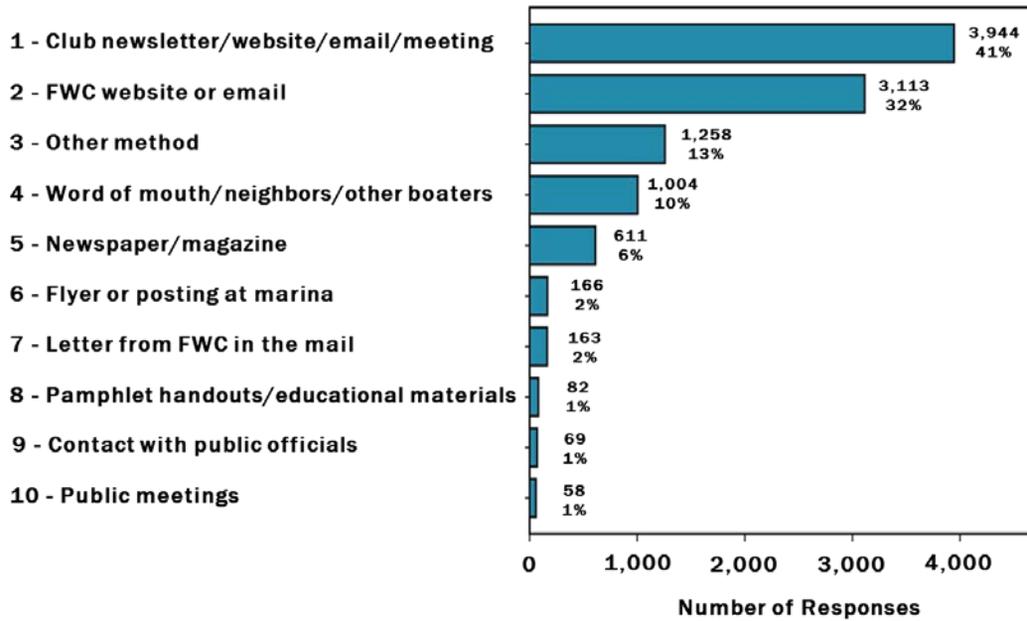
Time required to complete the survey

Average time to complete the survey was 17 minutes



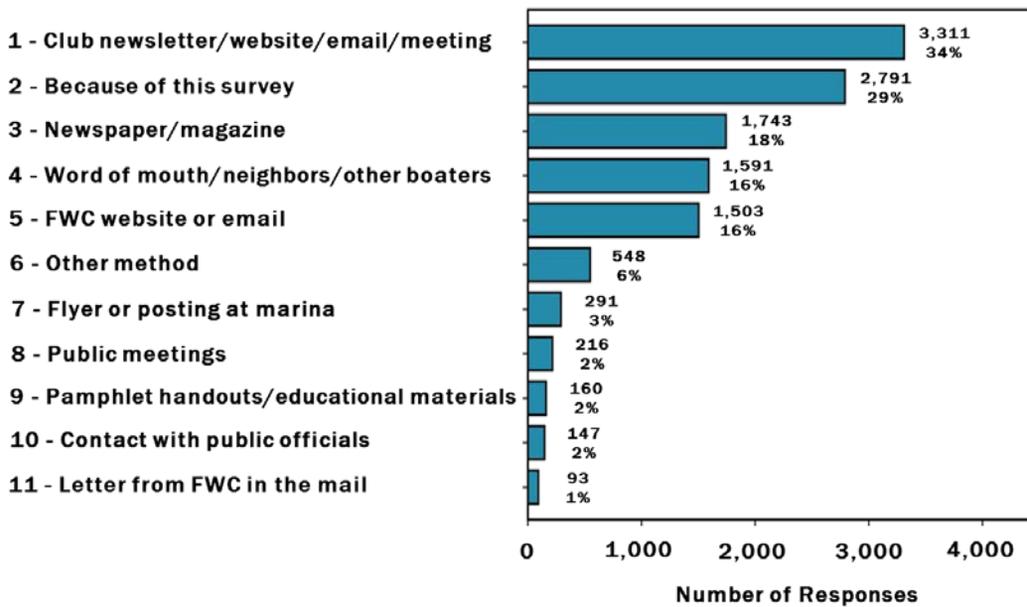
How did you learn of this survey?

Select all that apply

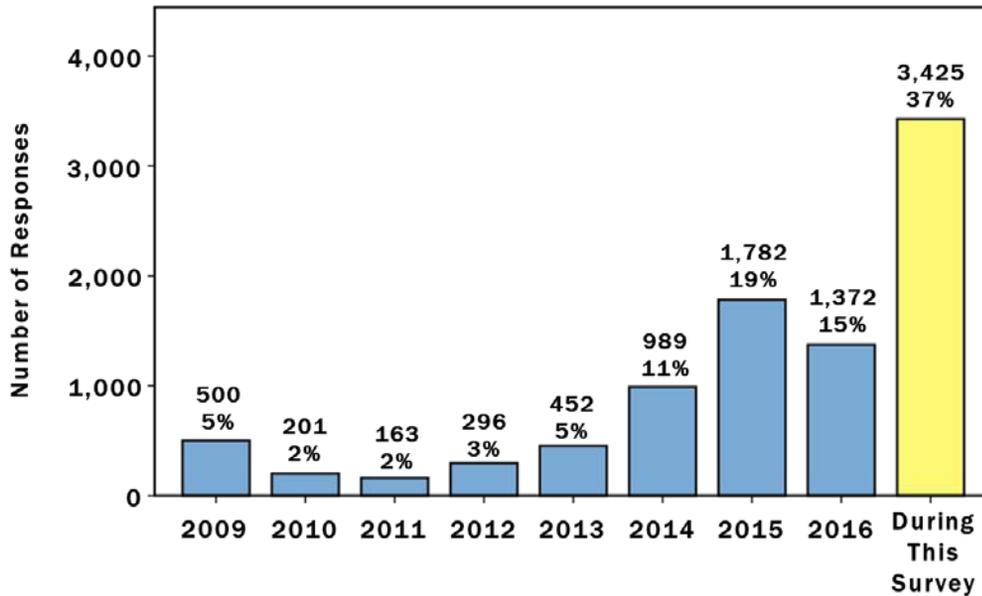


How did you become aware of the Anchoring and Mooring Pilot Program?

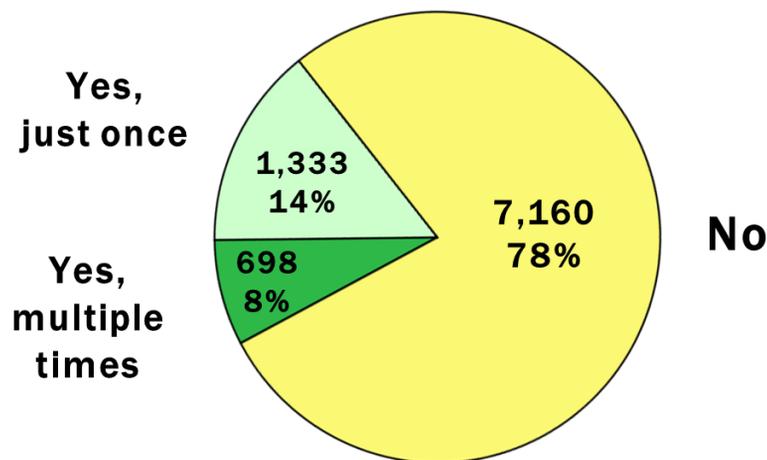
Select all that apply



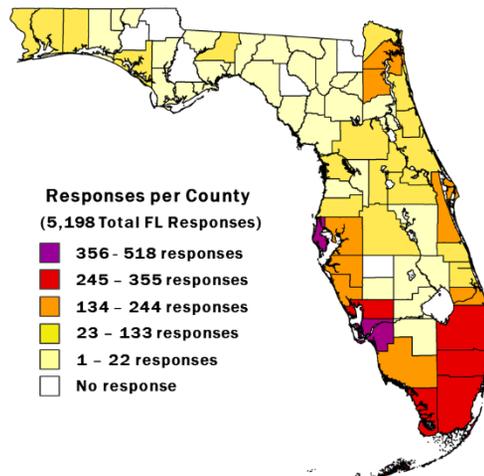
When did you first become aware of the Anchoring and Mooring Pilot Program?



Prior to this survey, have you participated in an Anchoring and Mooring Pilot Program public input opportunity, either in person or through verbal, written or online comments?

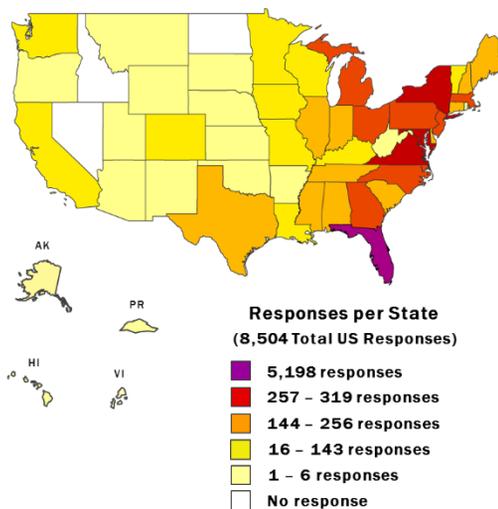


Please provide the 5 number zip code of your primary residence.



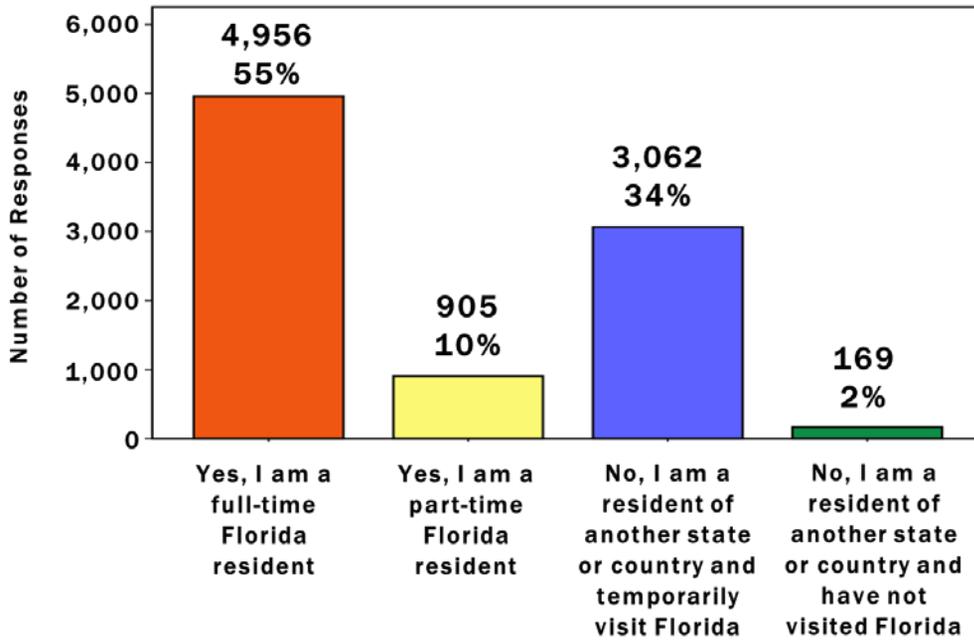
Top 15 Florida Counties		
County	Responses	Percent
* Pinellas	518	10.0%
Lee	391	7.5%
Broward	329	6.3%
Miami-Dade	328	6.3%
Charlotte	278	5.4%
* Monroe	275	5.3%
Palm Beach	249	4.8%
Hillsborough	232	4.5%
* Sarasota	213	4.1%
Manatee	196	3.8%
Martin	194	3.7%
Brevard	190	3.7%
Clay	183	3.5%
* Martin	157	3.0%
Collier	134	2.6%

Please provide the 5 number zip code of your primary residence.

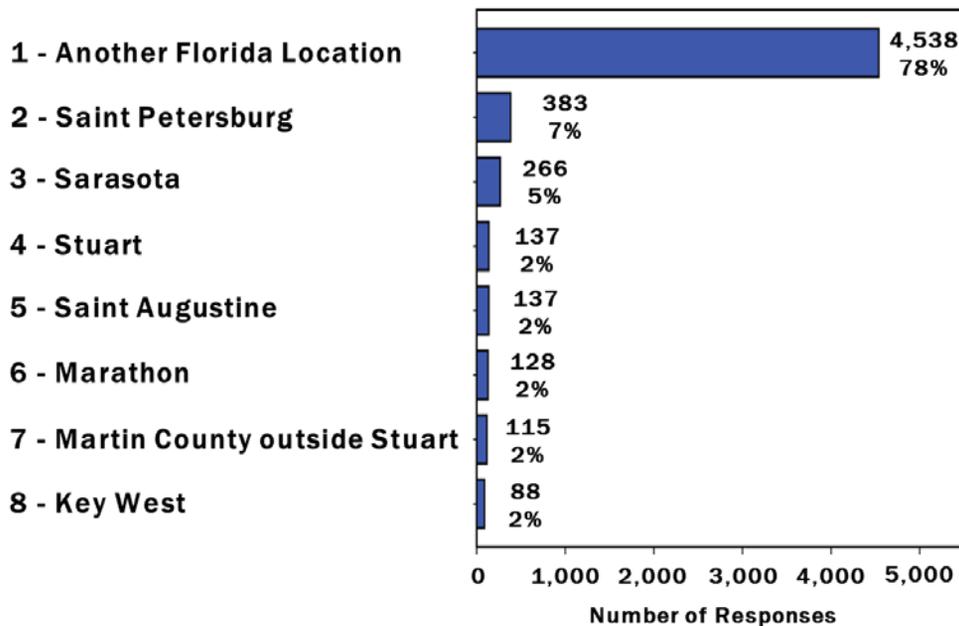


Top 15 States		
State	Responses	Percent
Florida	5,198	61.1%
Maryland	319	3.8%
New York	318	3.7%
Virginia	313	3.7%
Massachusetts	236	2.8%
North Carolina	234	2.8%
New Jersey	226	2.7%
Michigan	196	2.3%
Pennsylvania	187	2.2%
Georgia	182	2.1%
Ohio	146	1.7%
South Carolina	141	1.7%
Connecticut	129	1.5%
Illinois	112	1.3%
Alabama	89	1.1%

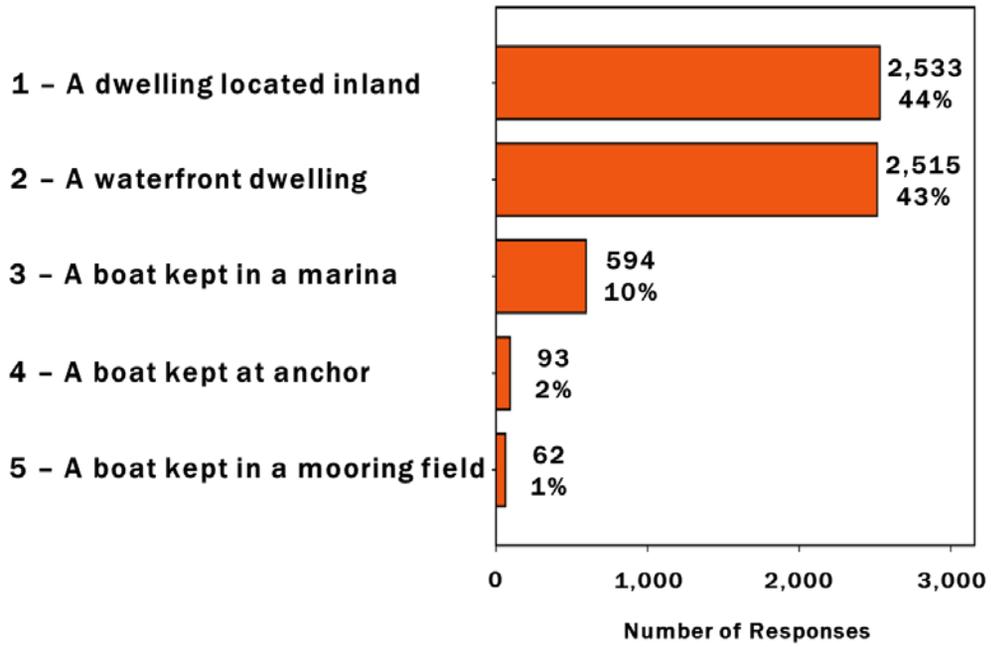
Do you reside in Florida?



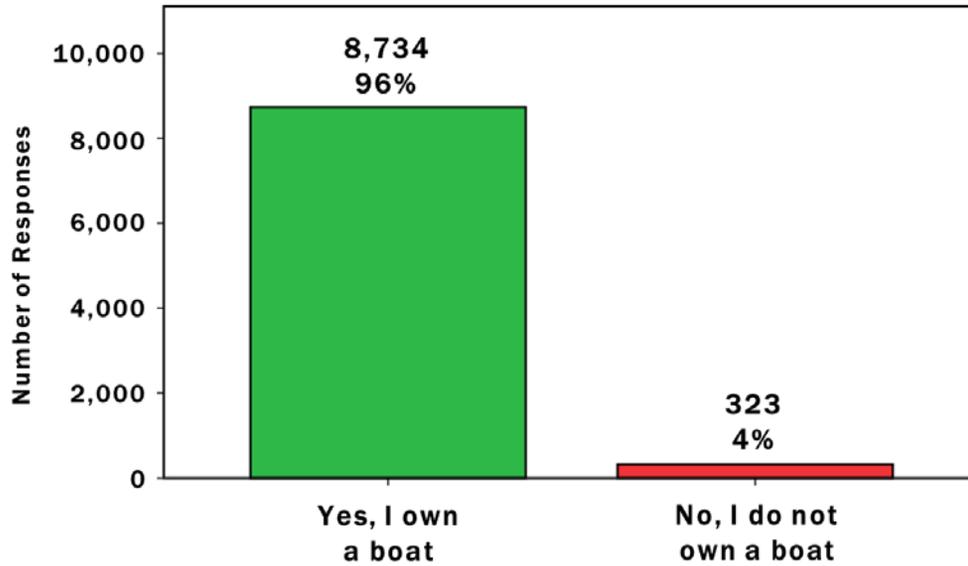
Is your Florida residence located in:



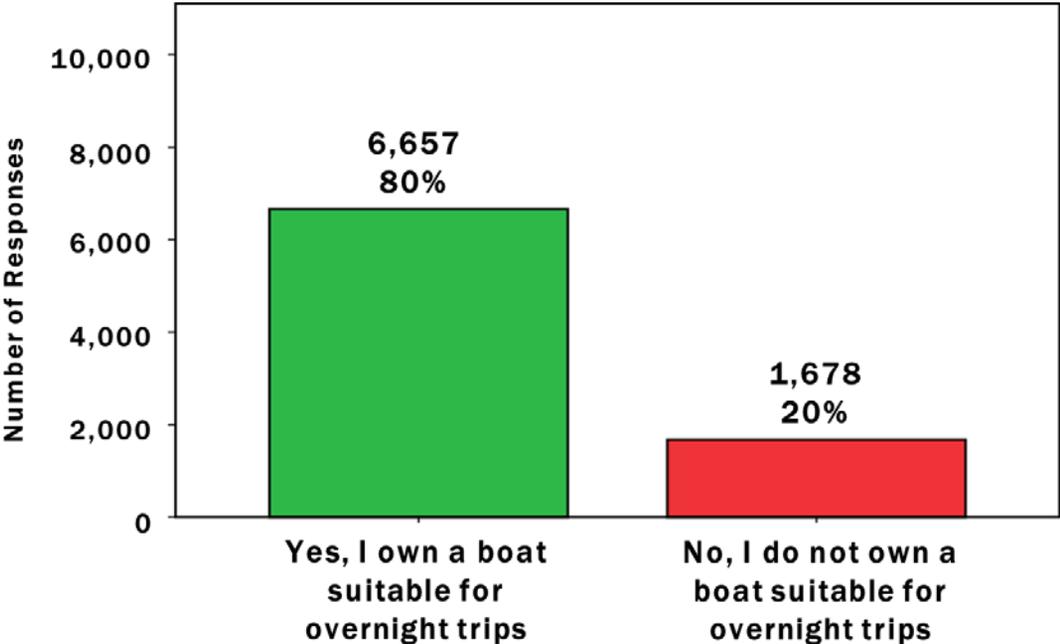
Is your Florida residence:



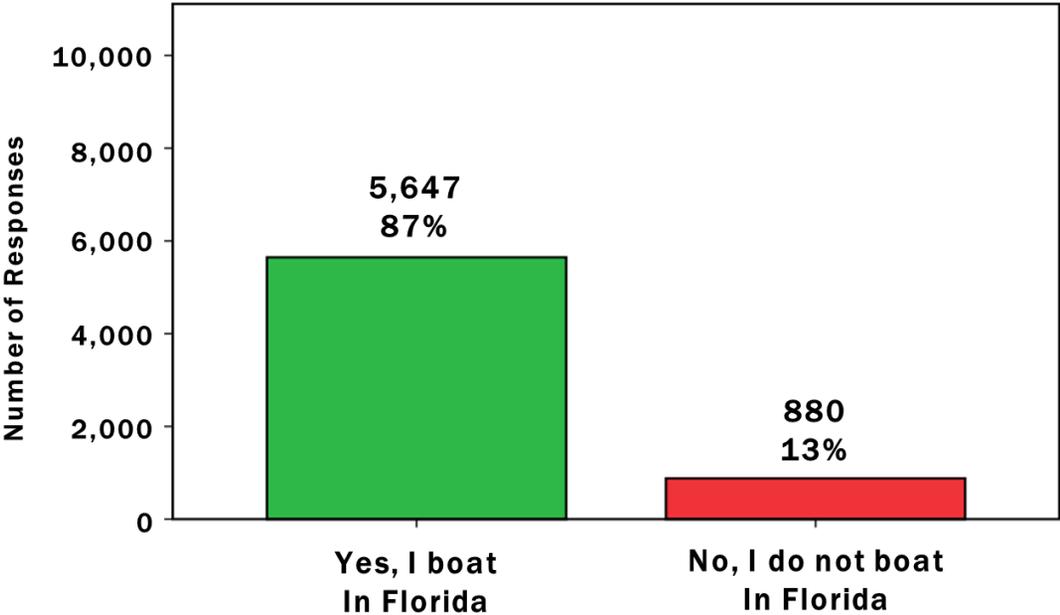
Do you own a boat?



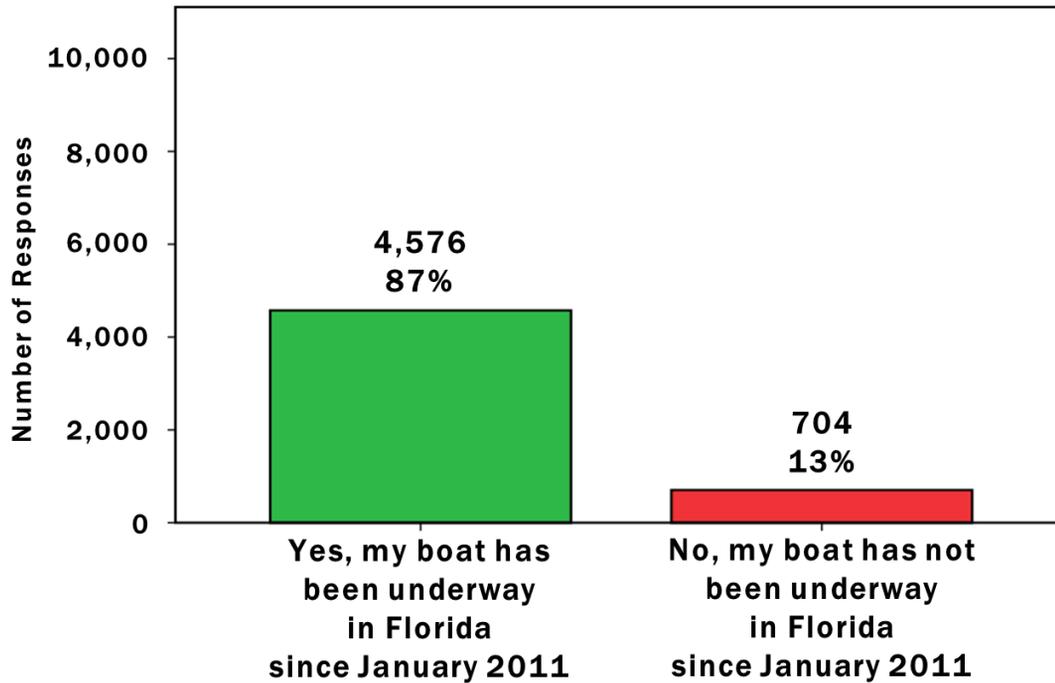
Do you own a boat suitable for overnight trips?



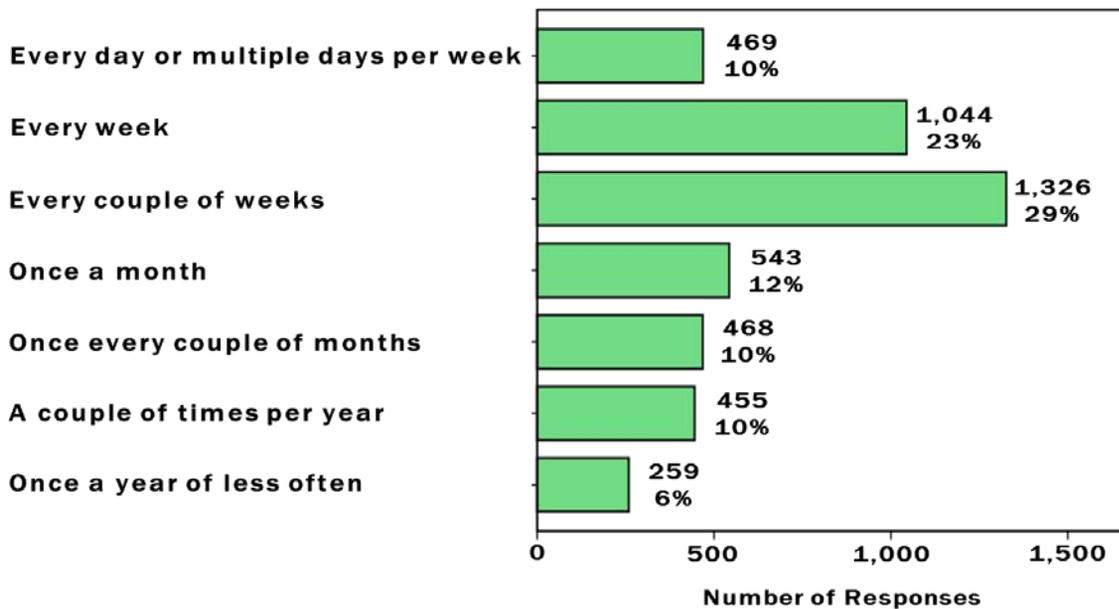
Do you boat in Florida?



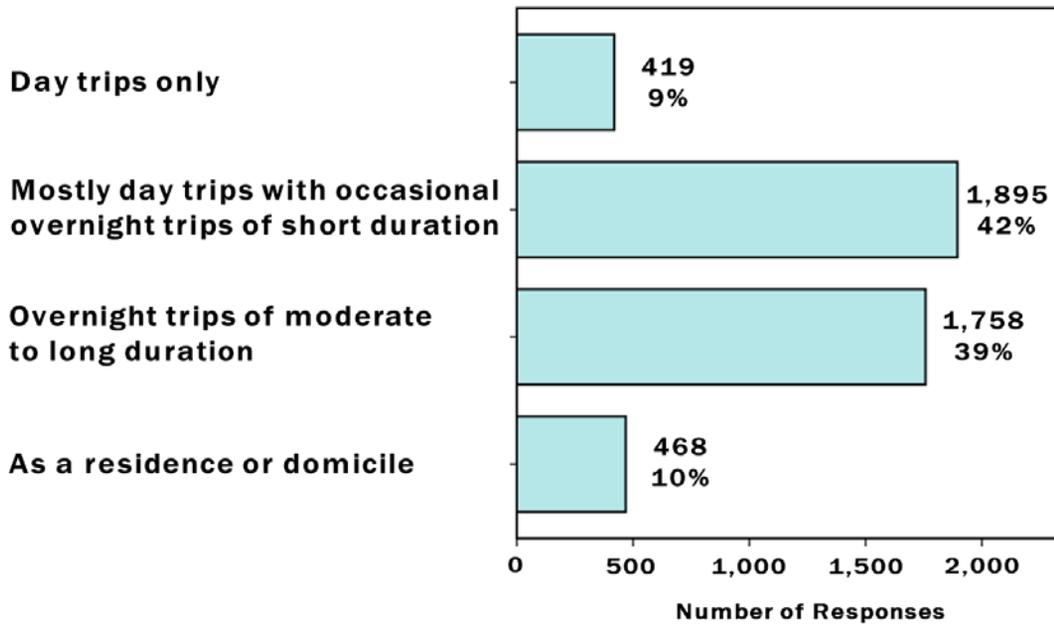
Has your boat been underway in Florida at any time since January 2011?



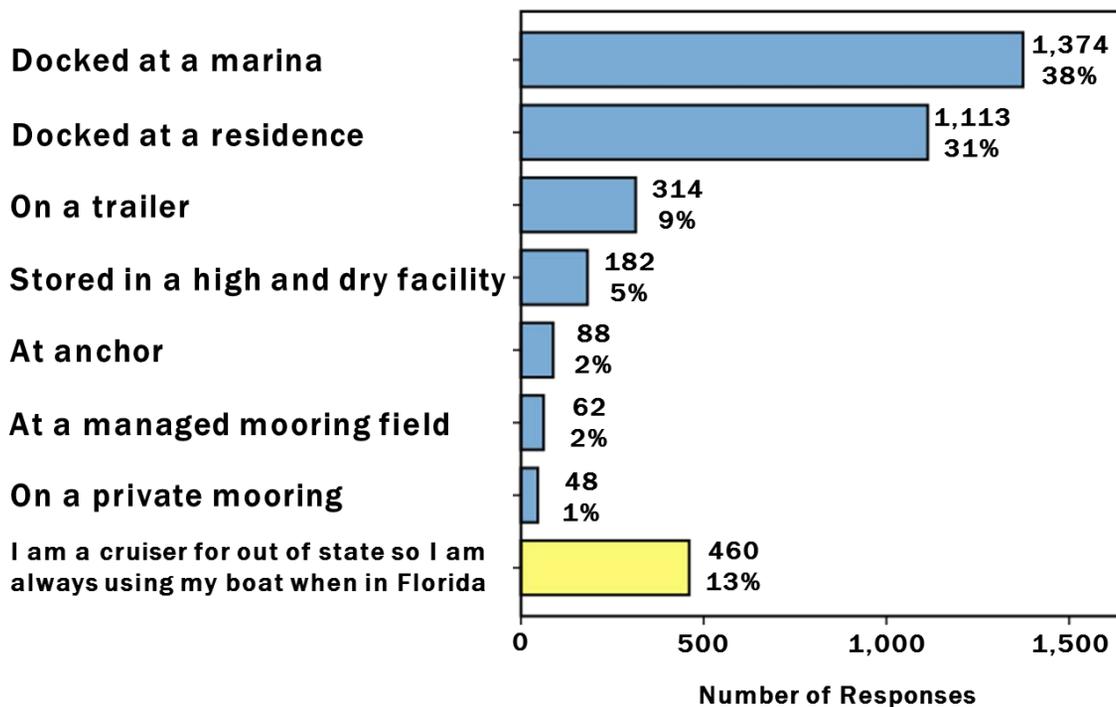
How often, on average, do you get your boat underway (moving) in Florida?



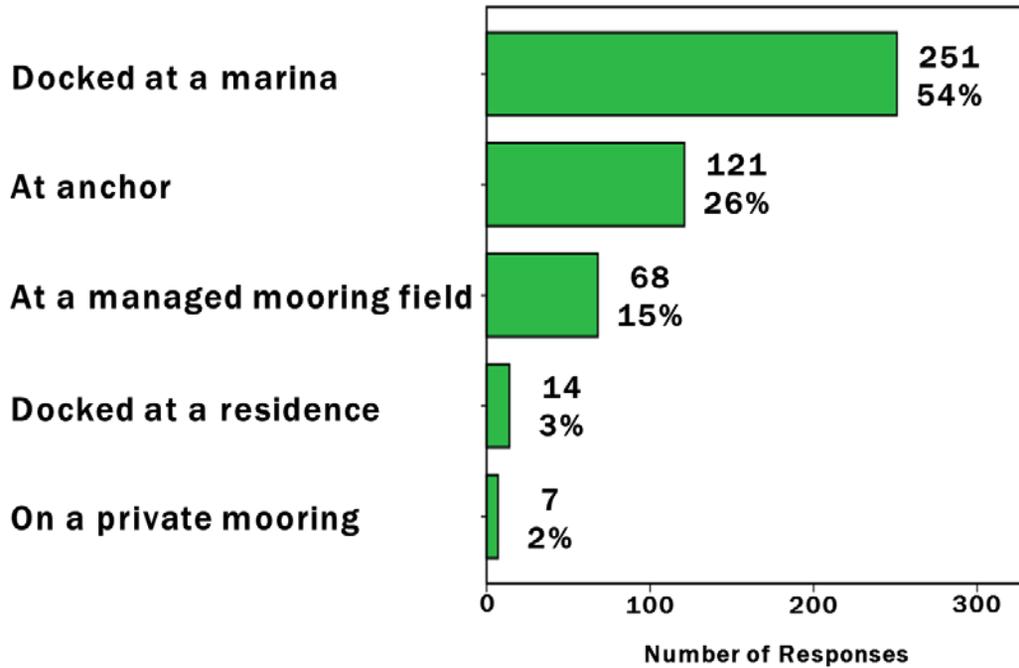
How do you use your boat(s) most often in Florida?



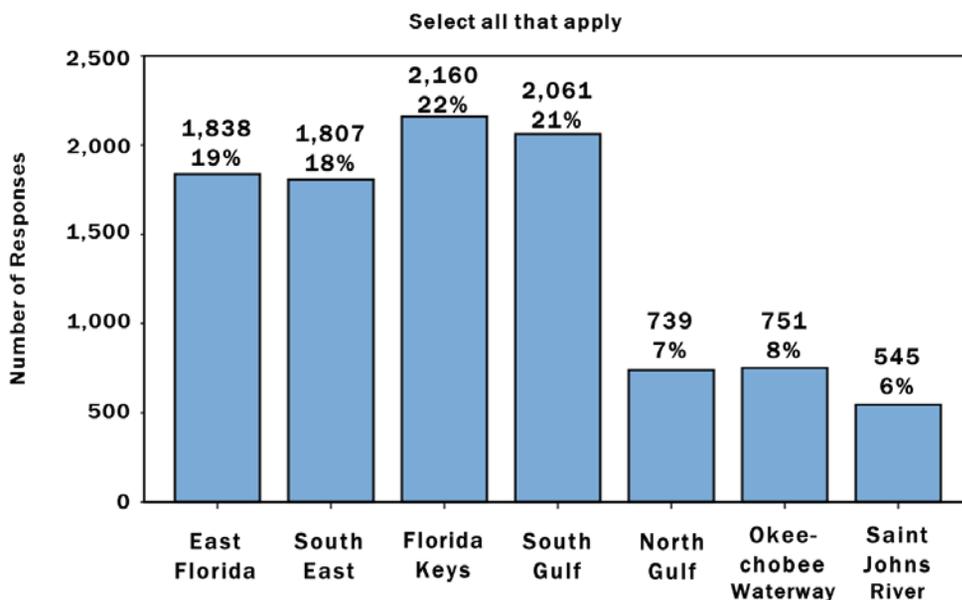
Where do you primarily store your boat when not actively using it in Florida?



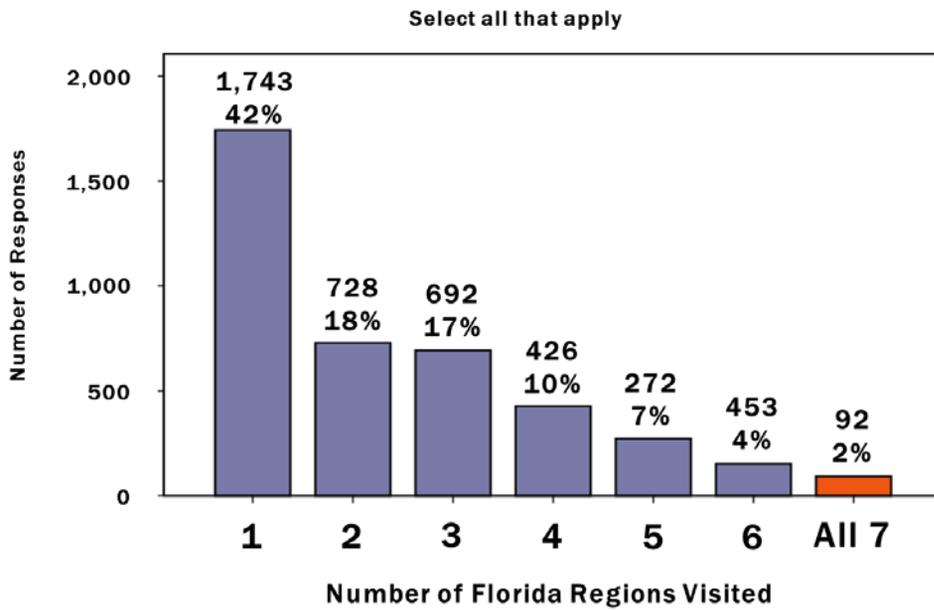
Where do you primarily keep your boat when using it as a residence in Florida?



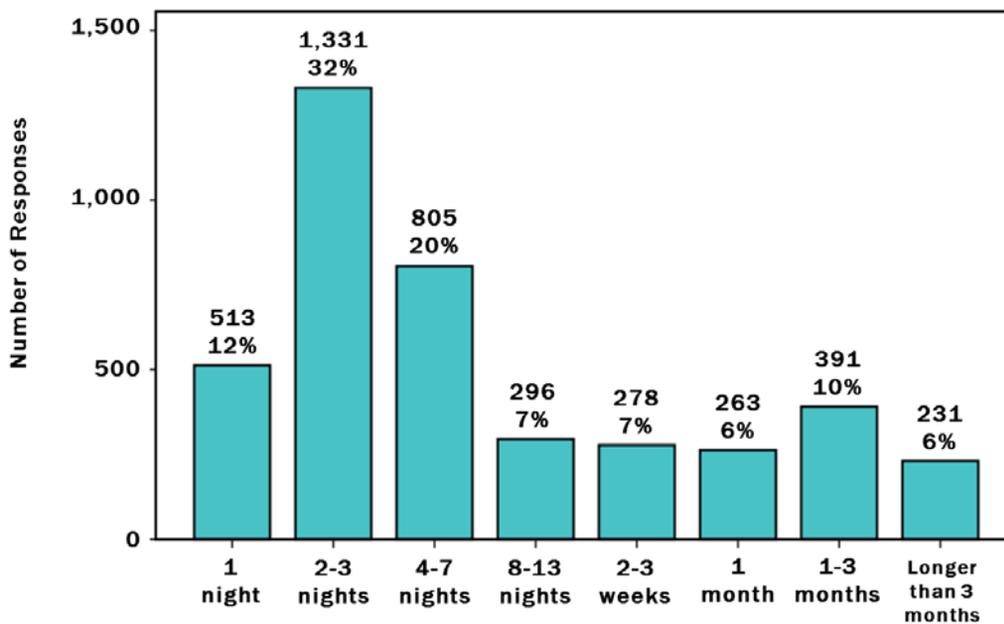
When traveling or staying overnight on your boat in Florida, in which regions of Florida do you travel, visit or stay overnight?



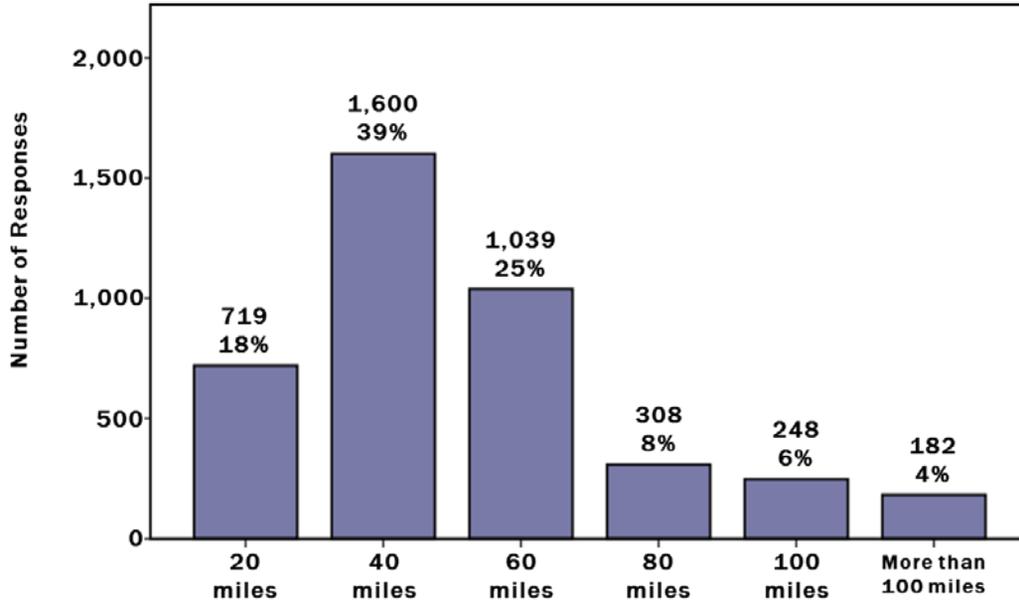
When traveling or staying overnight on your boat in Florida, in which regions of Florida do you travel, visit or stay overnight?



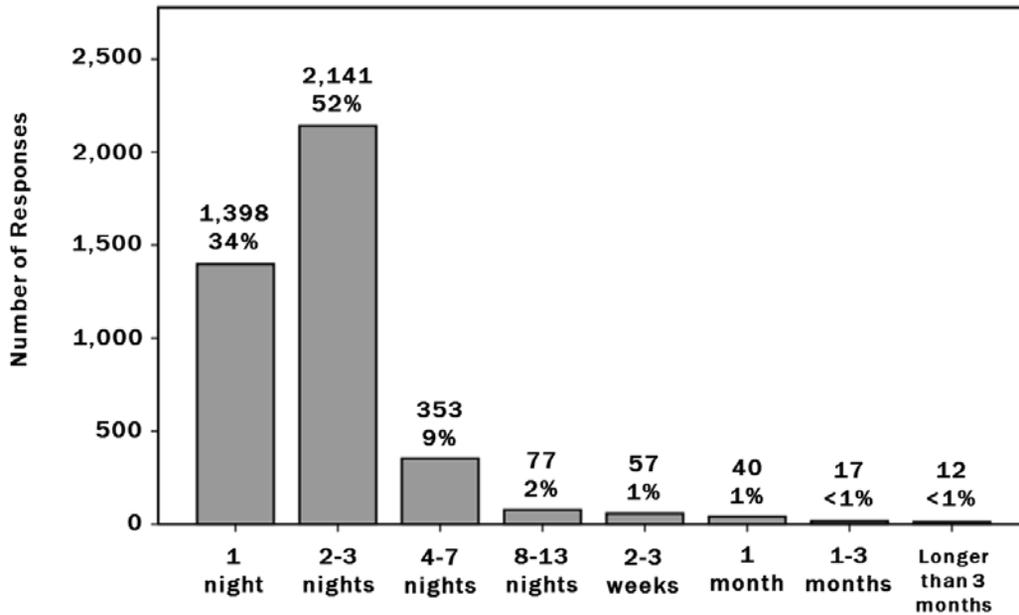
When traveling overnight in Florida waters, how long is your average trip?



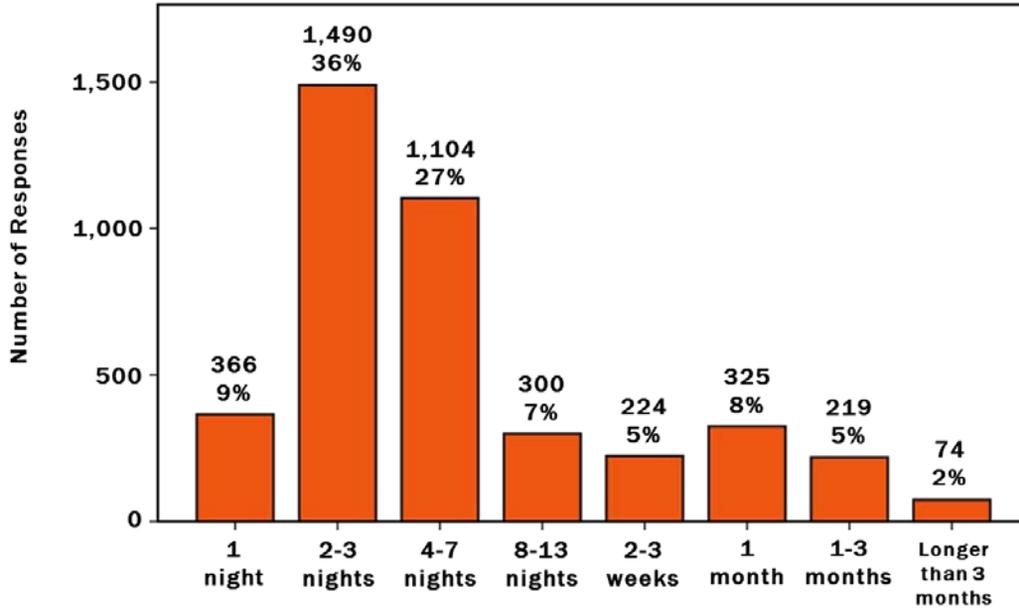
When traveling overnight in Florida waters, what is the maximum distance you typically prefer to travel between overnight stops?



When traveling overnight in Florida waters, how many nights, on average, do you typically stay in one location before travelling to another location?



When traveling overnight in Florida waters, what is the longest time you usually stay at your favorite destination(s)?



When traveling or staying on your boat overnight in Florida waters, how do you actually anchor or moor your boat?

Actual Method of Mooring	Most Used	Sometimes Used	Least Used	Never Used
Stay at marinas or dock facilities	1,277 34%	1,242 33%	1,015 27%	270 7%
Stay at a managed mooring field	191 6%	1,496 43%	891 26%	888 26%
Anchor in an officially designated anchorage	837 23%	1,675 46%	683 19%	422 12%
Anchor in other convenient locations	1,838 48%	1,431 37%	389 10%	197 5%

Hypothetically speaking, when traveling or staying on your boat overnight in Florida, if all possible methods of anchoring or mooring your boat were available at any given location, how would you prefer to anchor or moor your boat?

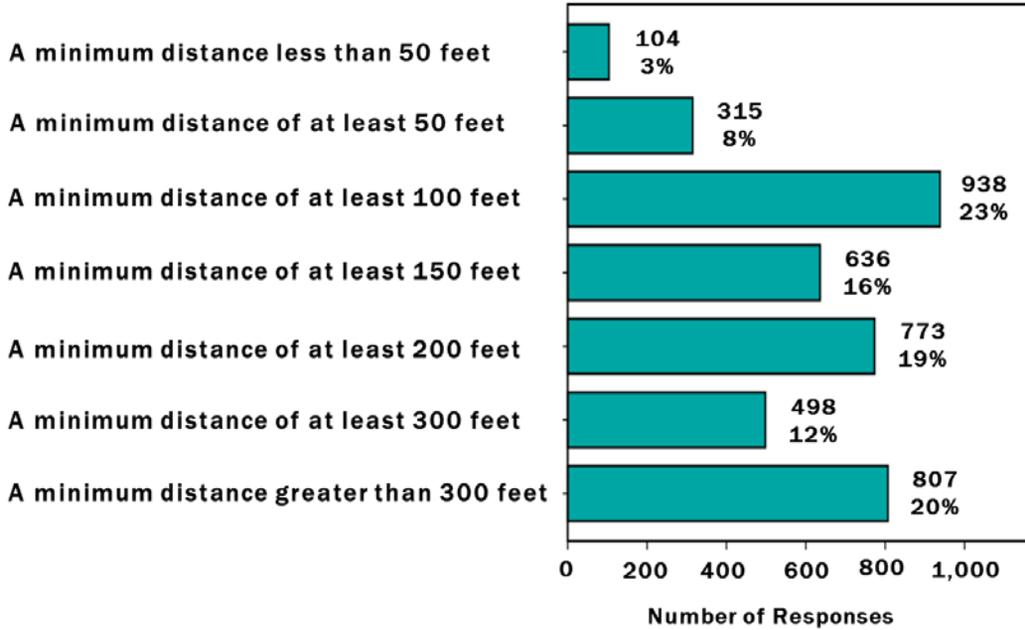
Preferred Method of Mooring	Most Desired	Sometimes Desired	Least Desired	Never Desired
Stay at marinas of dock facilities	1,258 35%	986 27%	1,082 30%	305 8%
Stay at a managed mooring field	673 19%	1,592 46%	804 23%	416 12%
Anchor in an officially designated anchorage	1,192 33%	1,660 46%	539 15%	228 6%
Anchor in other convenient locations	2,166 57%	1,090 29%	358 9%	169 4%

Comparison of actual vs. preferred method of mooring overnight.

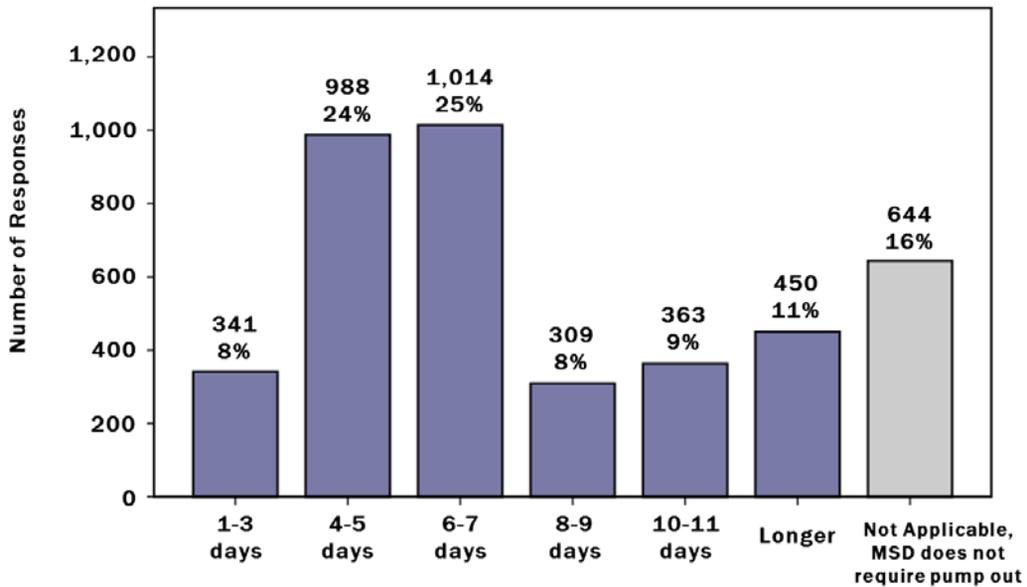
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Anchor in an officially designated anchorage	1,192 33%	1,660 46%	539 15%	228 6%
Anchor in other convenient locations	2,166 57%	1,090 29%	358 9%	169 4%

When traveling overnight in Florida waters and anchoring for a stop or overnight stay, how far do you usually anchor your boat from private property or marine infrastructure?



When traveling overnight in Florida waters, on average, how often do you need to pump out?



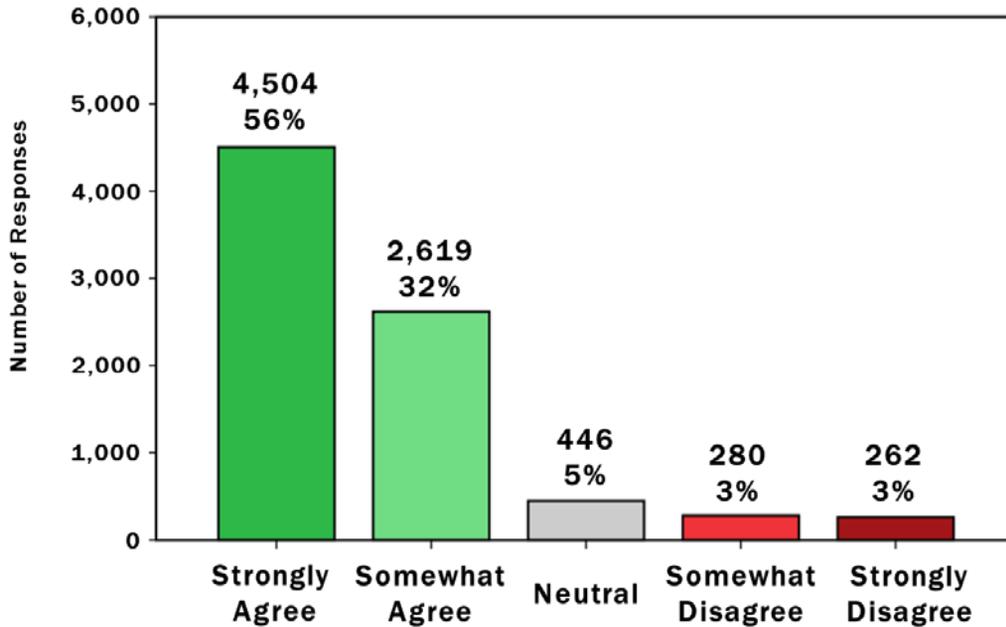
In the event Florida’s legislature chooses to address the regulation of anchoring on state waters, which of the following alternatives best describes your thoughts on how anchoring should be regulated?

- | | |
|---|----------------------------|
| 1 - Anchoring restrictions should be consistent and would apply everywhere in the state, regardless of whether or not local governments are interested in restricting anchoring within their jurisdictions. | 4,293 votes
53% |
| 2 - Local governments that chose to adopt anchoring restrictions may only adopt specific state-authorized standards on waters in their jurisdiction. In those jurisdictions where the local government chooses to not regulate anchoring, anchoring would be unrestricted. | 2,904 votes
36% |
| 3 - Local governments should have the authority to regulate anchoring on state waters in their jurisdiction in any manner they choose. | 843 votes
10% |

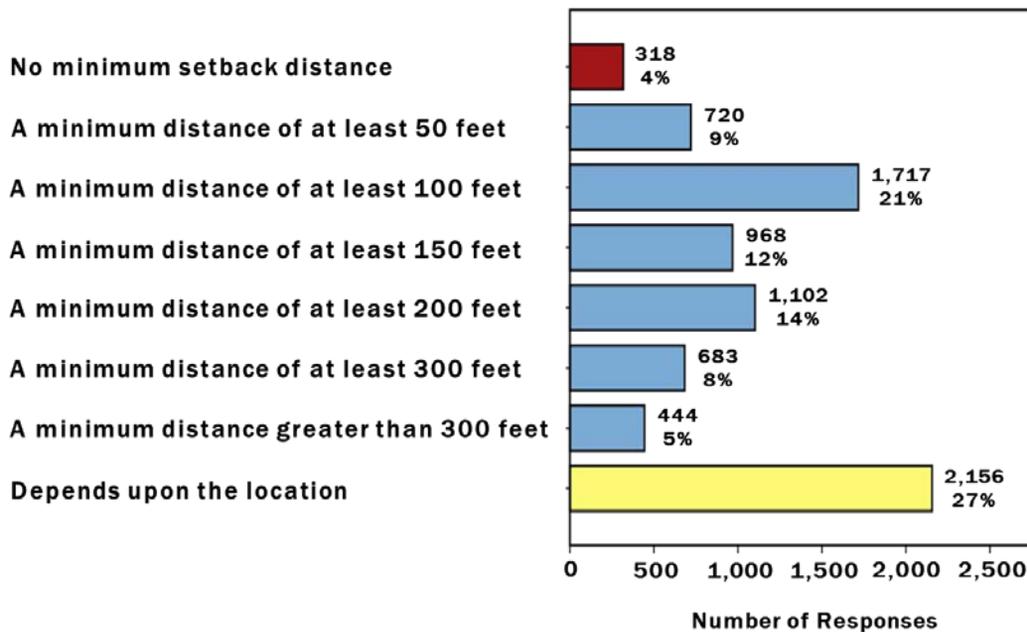
If the State were to grant limited authority to local governments to regulate anchoring, that authority should be granted to:

- | | |
|---|----------------------------|
| 1 - Authority to regulate anchoring should remain solely with the State. | 5,637 votes
70% |
| 2 - Authority to regulate anchoring should be granted only to county governments. | 943 votes
12% |
| 3 - Authority to regulate anchoring should be granted to both county governments, city governments and other similar political subdivisions. | 971 votes
12% |
| 4 - Authority to regulate anchoring should be granted to only city governments or other political subdivisions. | 446 votes
6% |

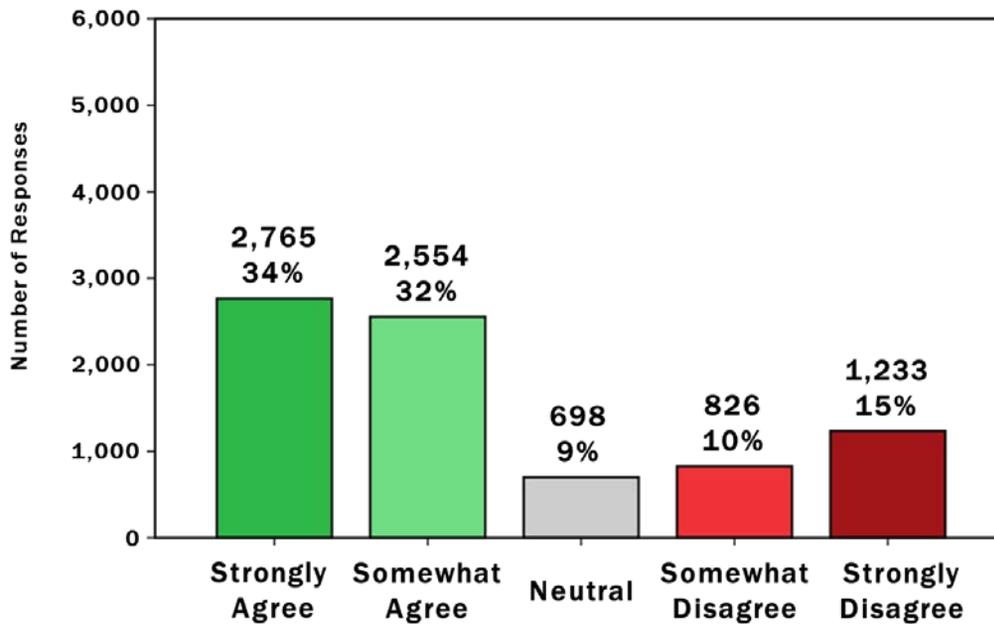
Please identify your level of agreement with the concept that there may be a reasonable distance that anchored vessels should be expected to stay back (minimum setback distance) from public boating access infrastructure, such as boat ramps:



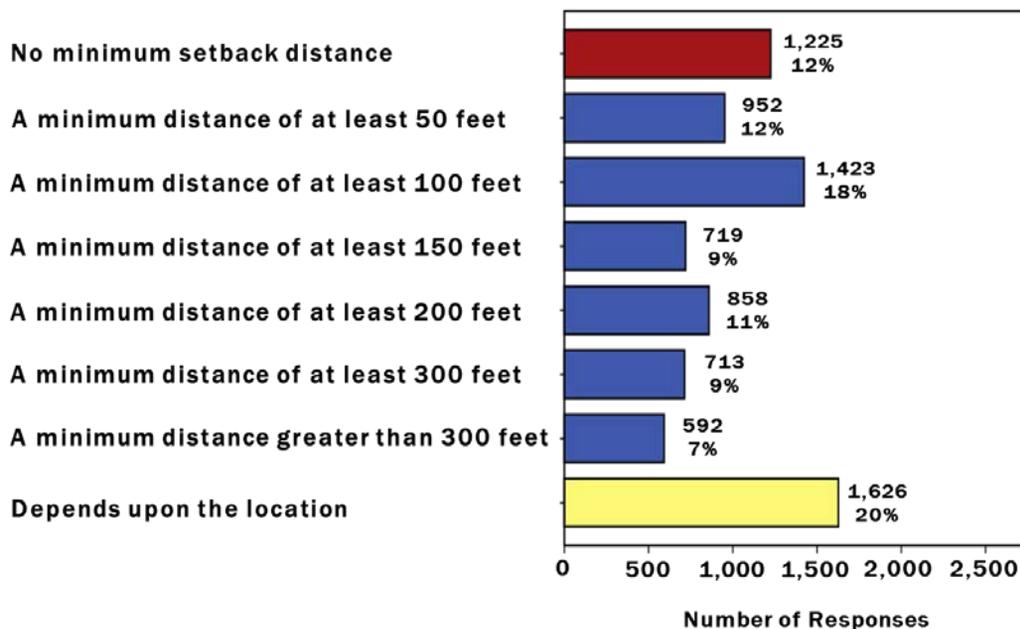
What do you feel is the most appropriate, if any, minimum setback distance from public boating access infrastructure?



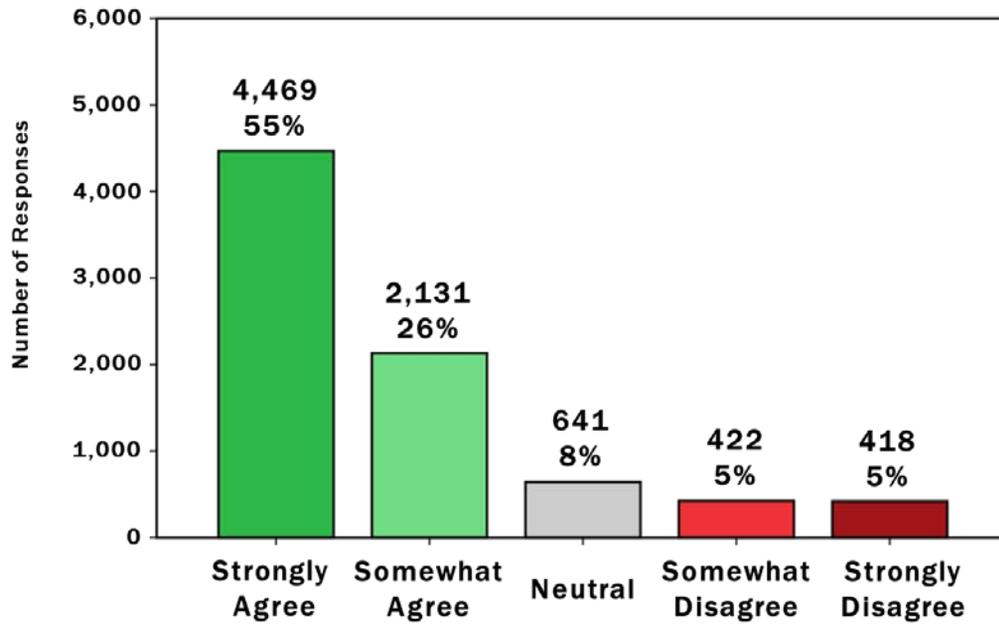
Please identify your level of agreement with the concept of an appropriate minimum setback distance from waterfront residences:



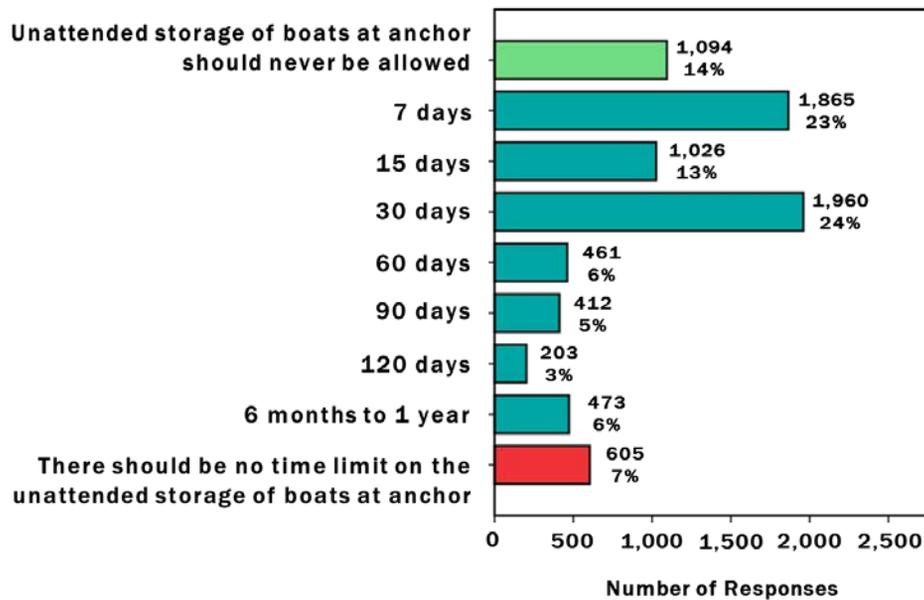
What do you feel is the most appropriate, if any, minimum setback distance from waterfront residences?



Please identify your level of agreement with the concept of restricting unattended storage of vessels at anchor in excess of an appropriate time frame:

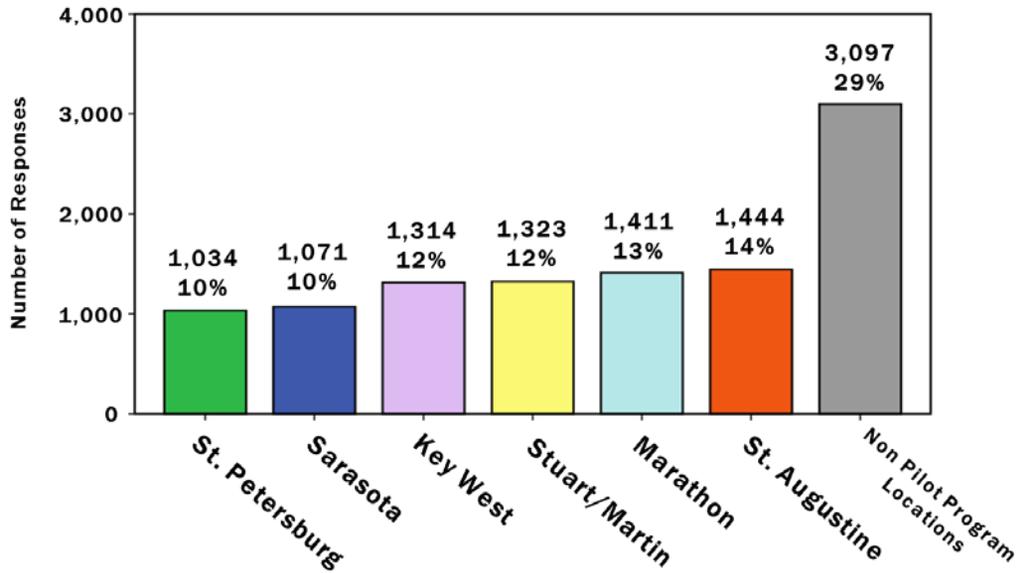


What is the maximum timeframe you feel would be most appropriate for unattended storage of a boat at anchor on Florida waters?



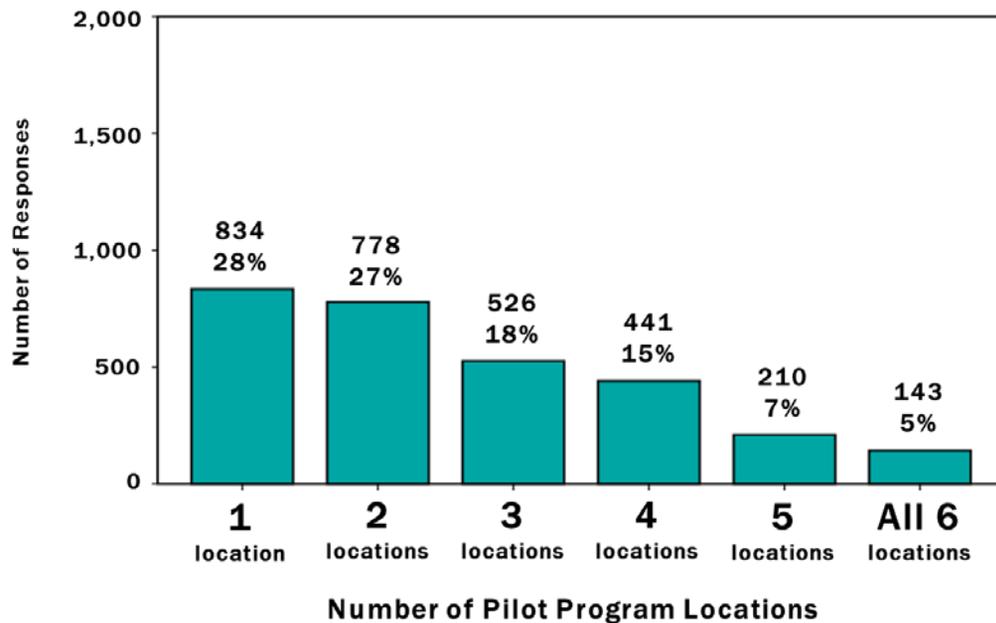
Have you boated in any of the following Florida locations since January 2011?

Select all that apply



Have you boated in any of the following Florida locations since January 2011?

Shows how many Pilot Program locations each respondent boated in

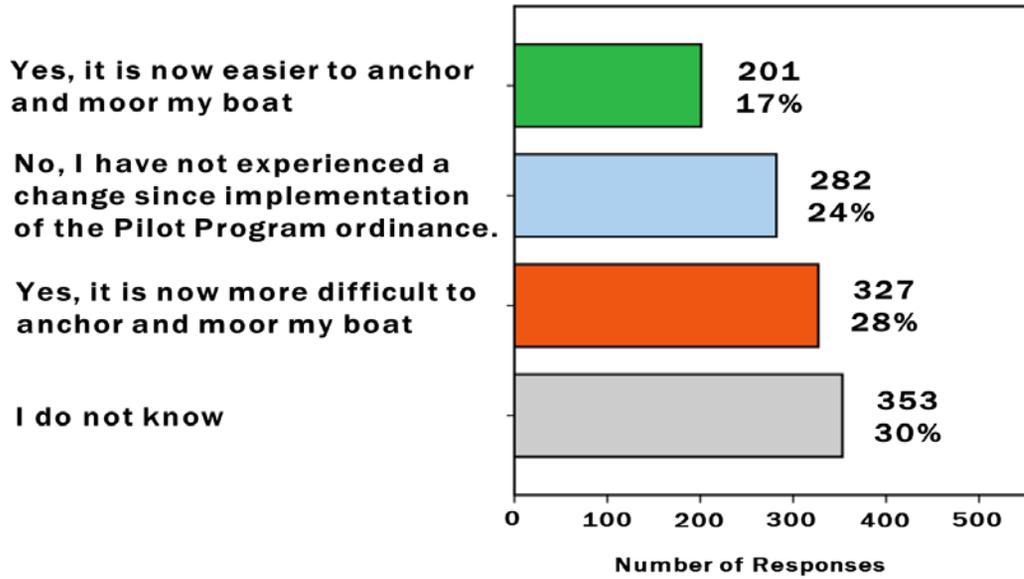


If you have boated in <insert city name>both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?

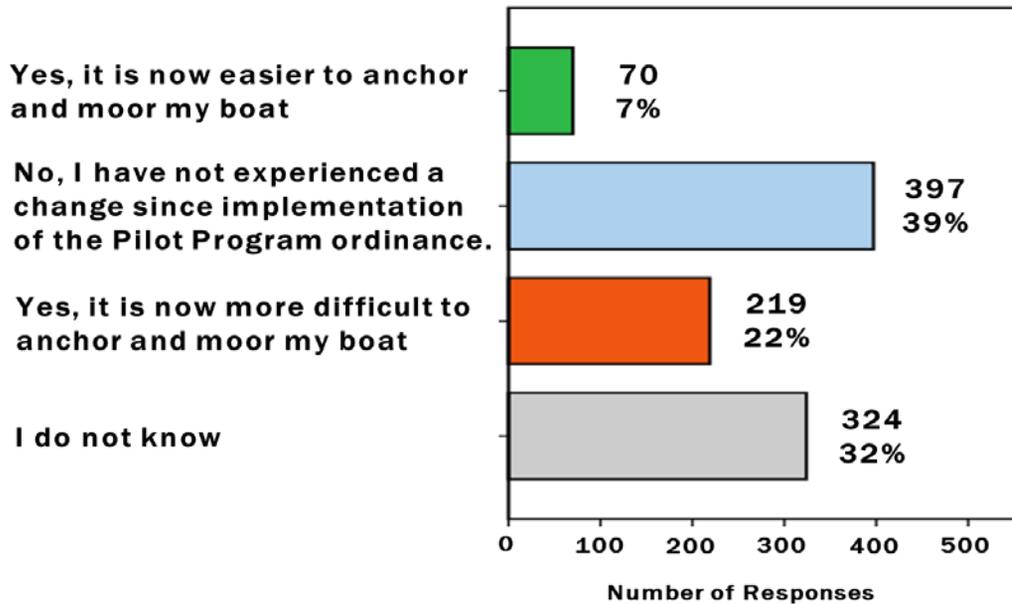
The following set of 6 graphs present the responses received for each of the 6 Pilot Program locations.

**These graphs are arranged in the order of
St. Augustine,
Stuart/Martin,
Marathon,
Key West,
Sarasota
and lastly
St. Petersburg.**

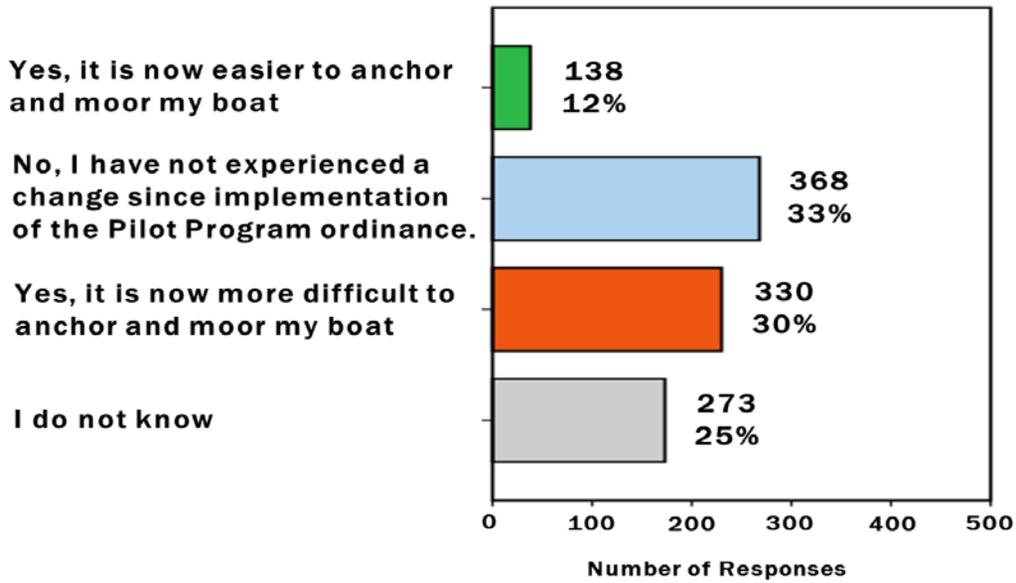
If you have boated in St. Augustine both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?



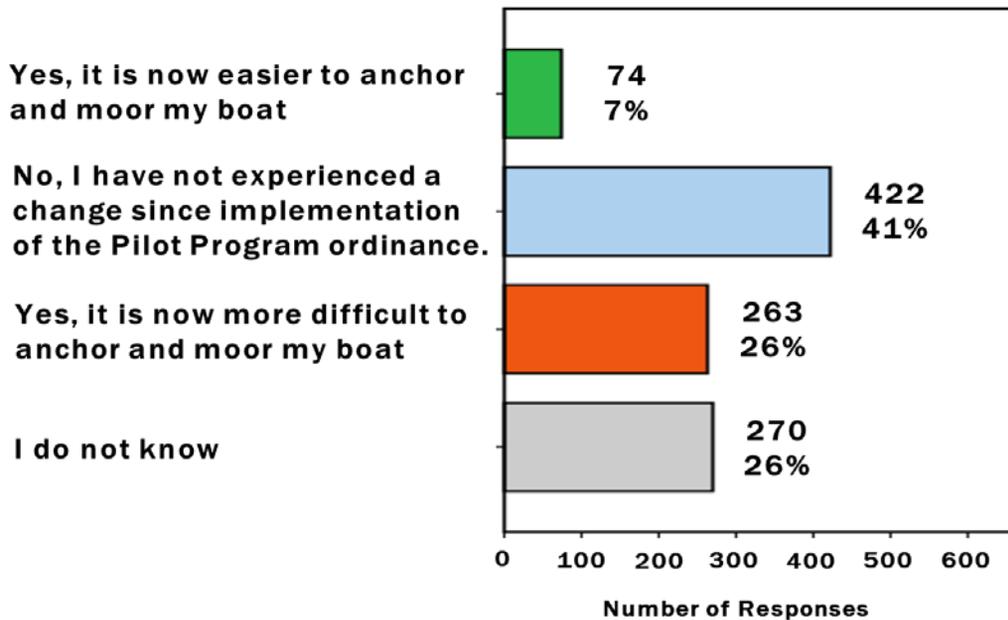
If you have boated in Stuart/Martin County both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?



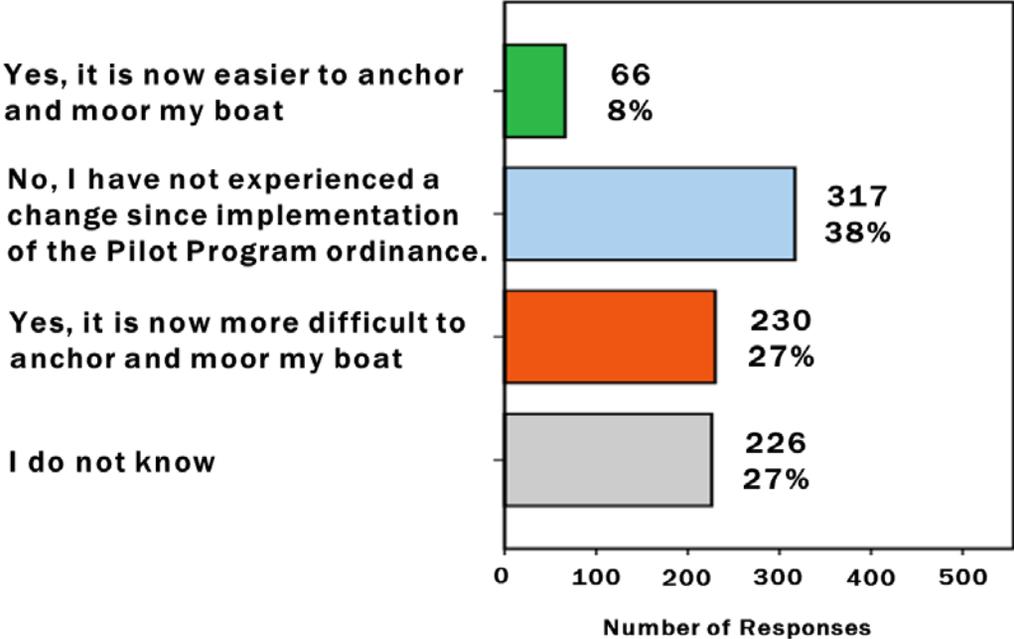
If you have boated in **Marathon both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**



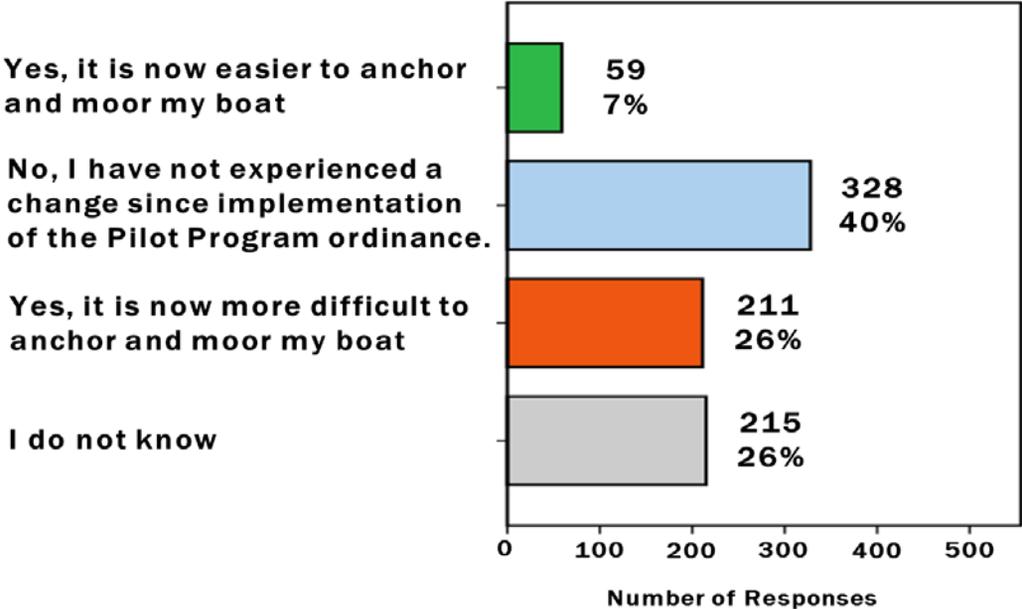
If you have boated in **Key West both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**



If you have boated in Sarasota both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?



If you have boated in St. Petersburg both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?

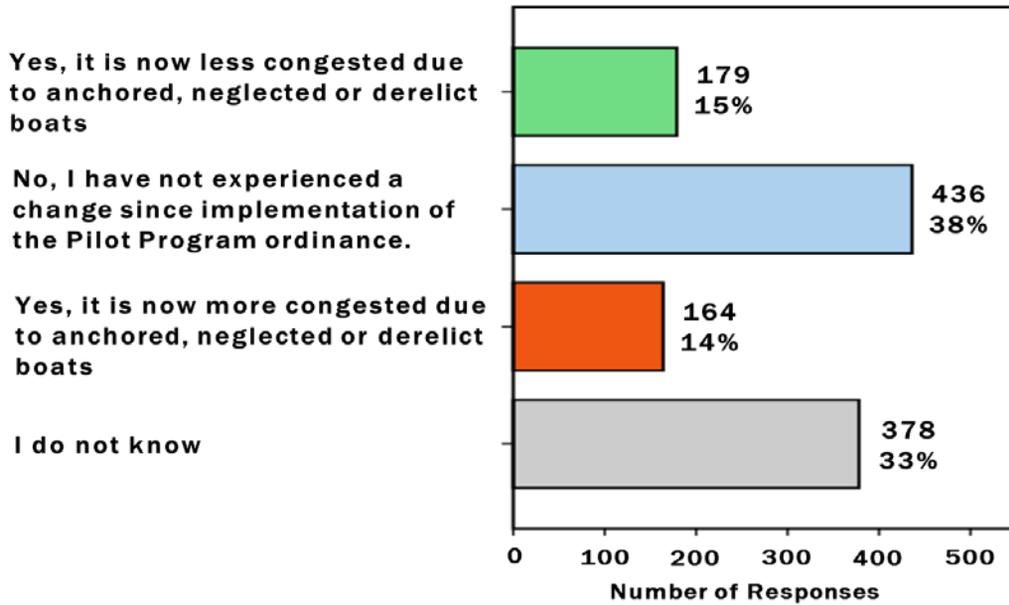


If you have boated in <insert city name> both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?

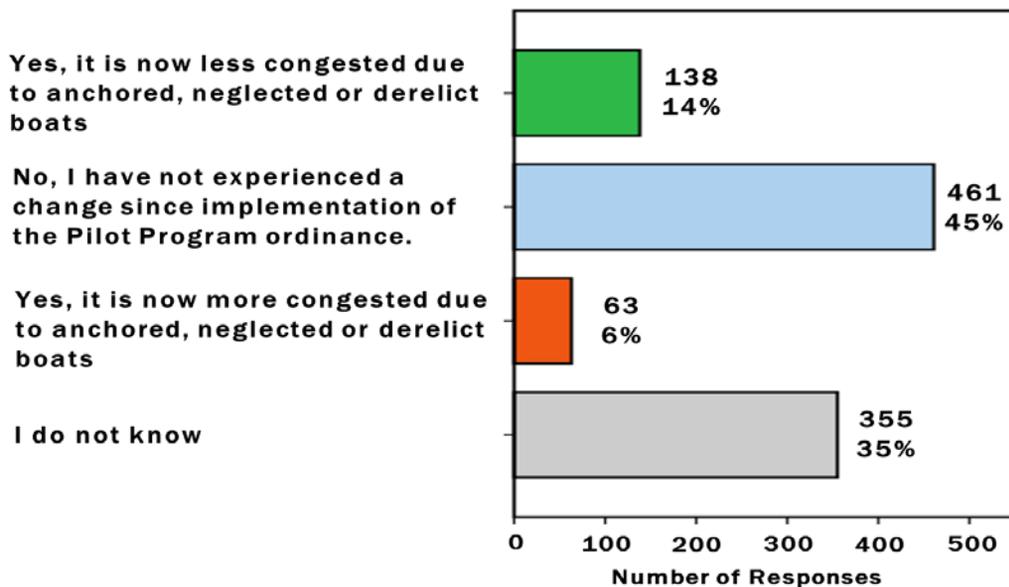
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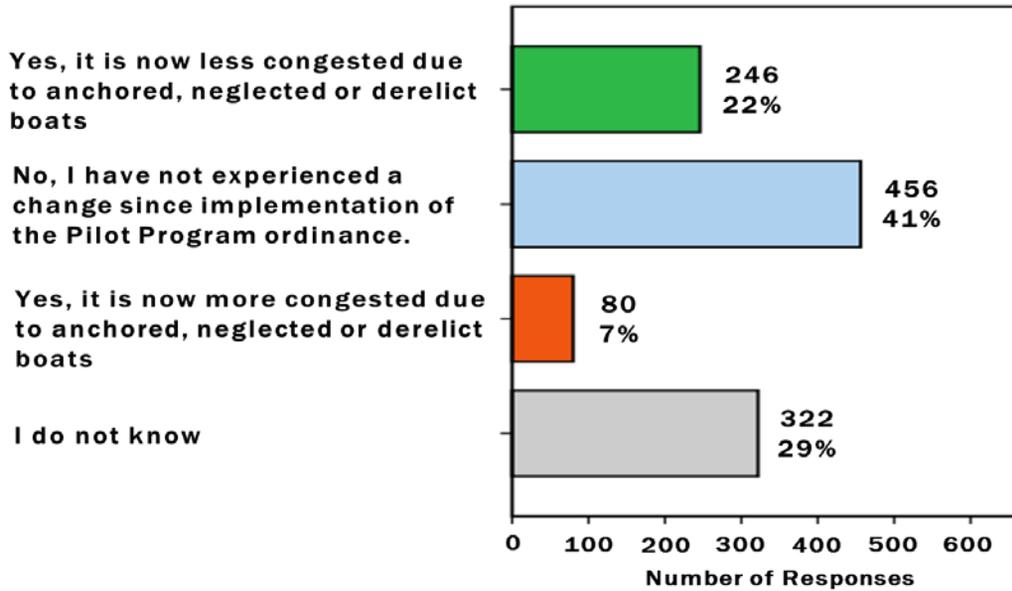
If you have boated in St. Augustine both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?



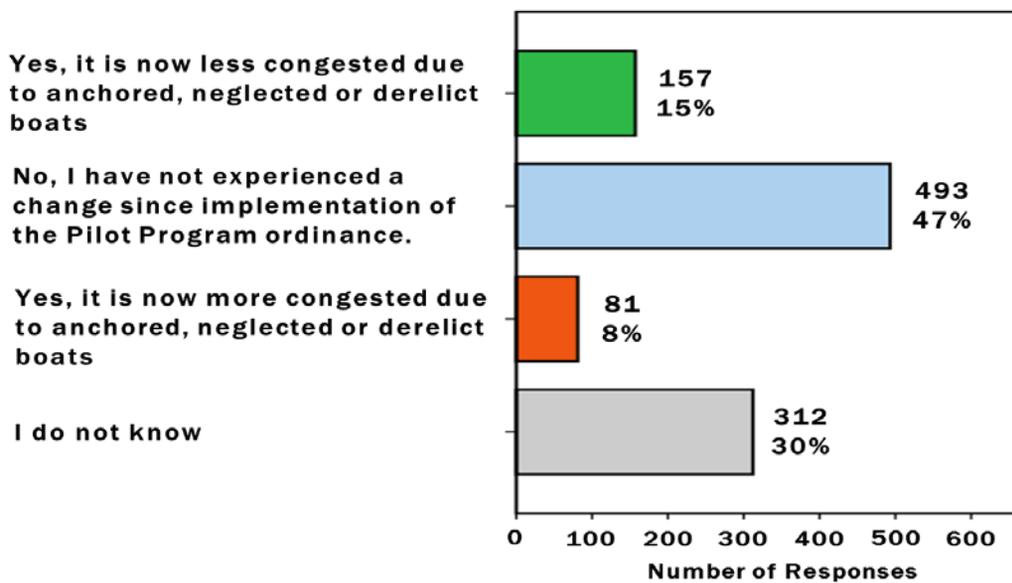
If you have boated in Stuart/Martin both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?



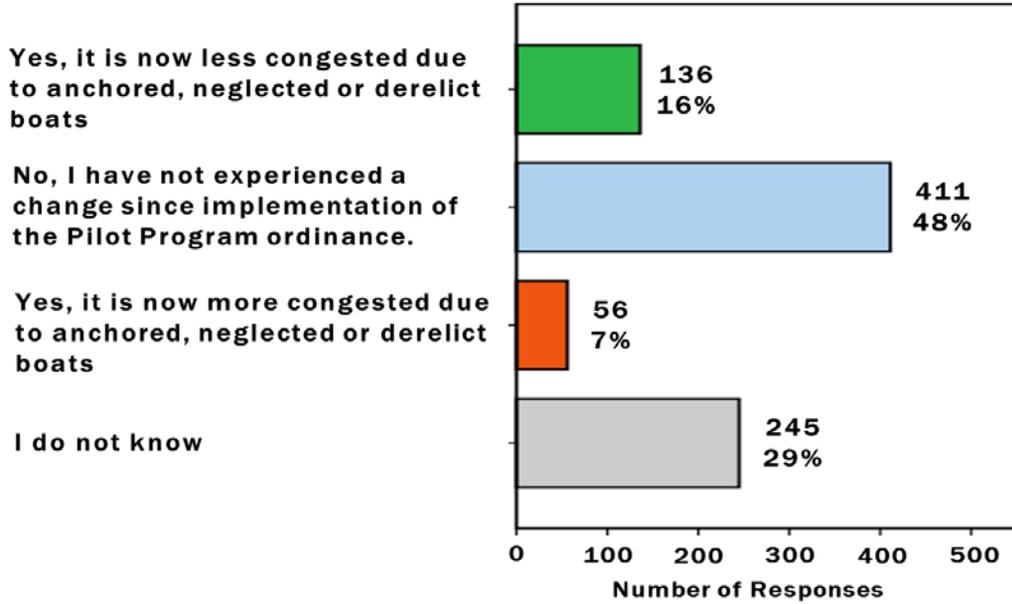
If you have boated in Marathon both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?



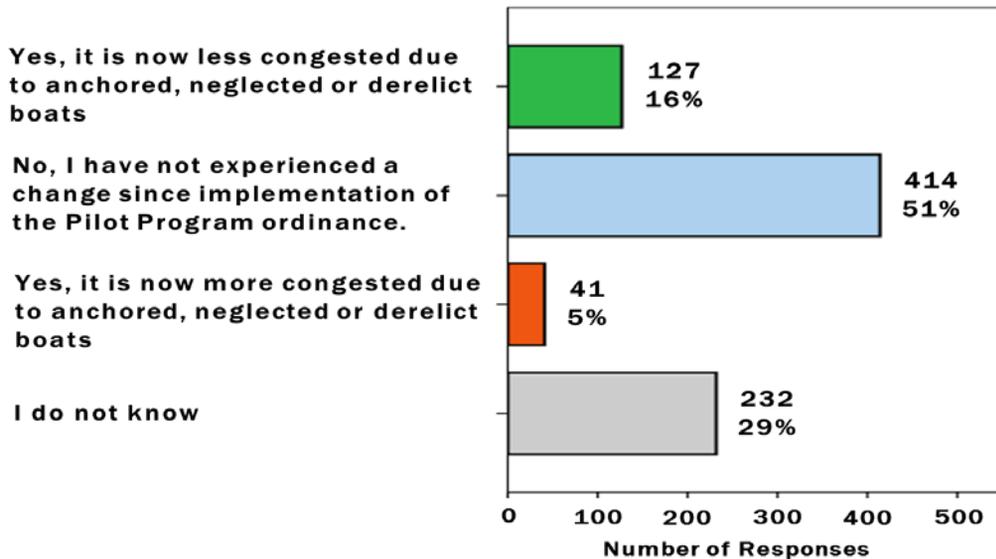
If you have boated in Key West both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?



If you have boated in Sarasota both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?



If you have boated in St. Petersburg both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?

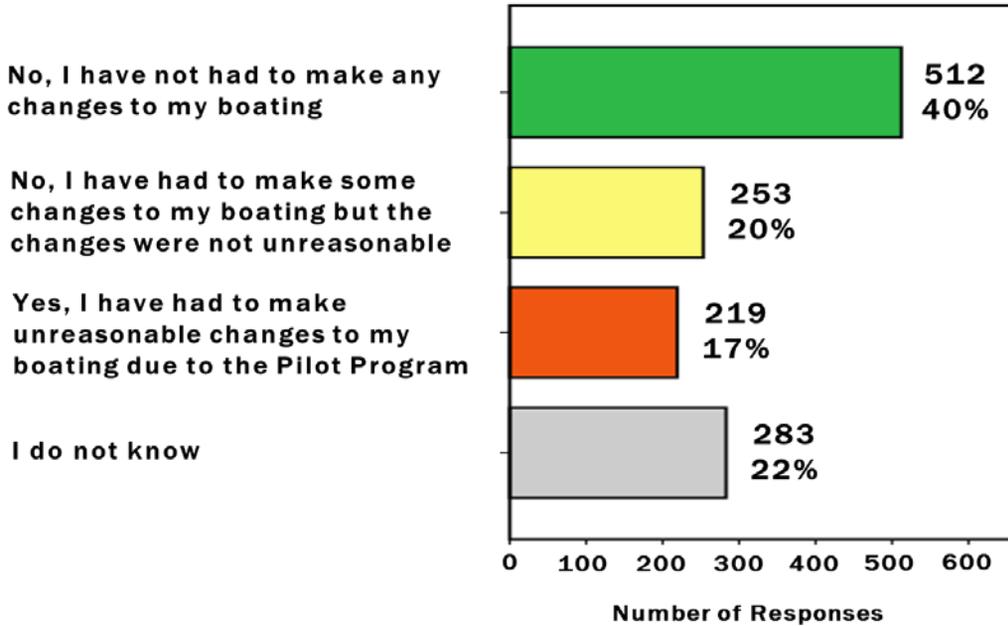


If you have boated in <insert city name> after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?

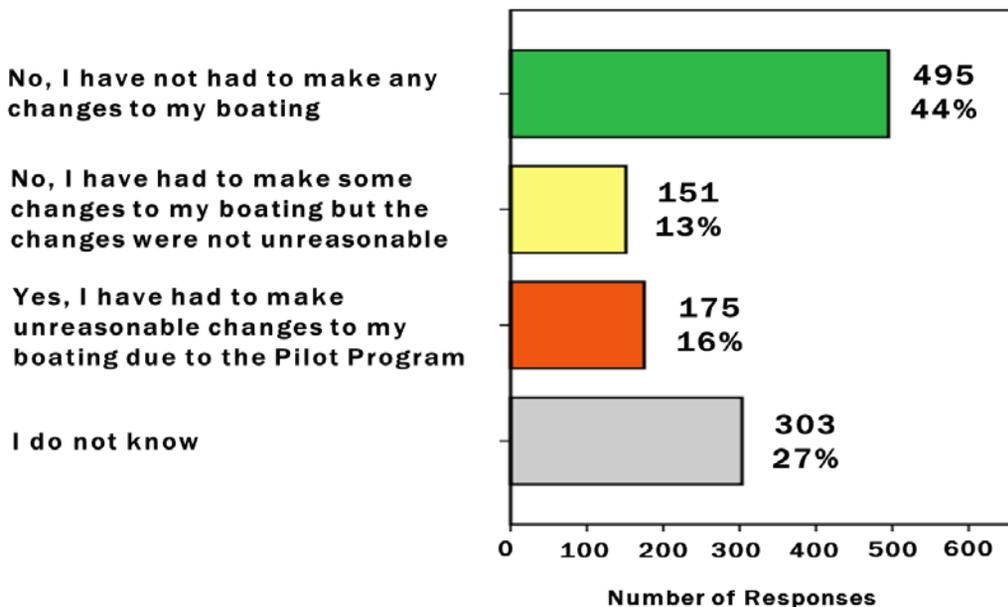
The following set of 6 graphs present the responses received for each of the 6 Pilot Program locations.

**These graphs are arranged in the order of
St. Augustine,
Stuart/Martin,
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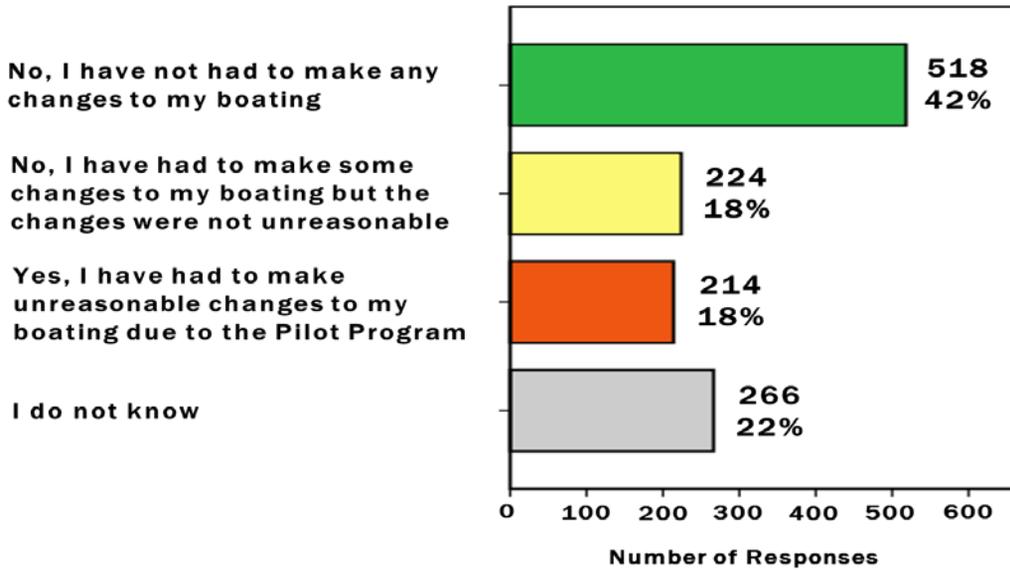
If you have boated in **St. Augustine after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



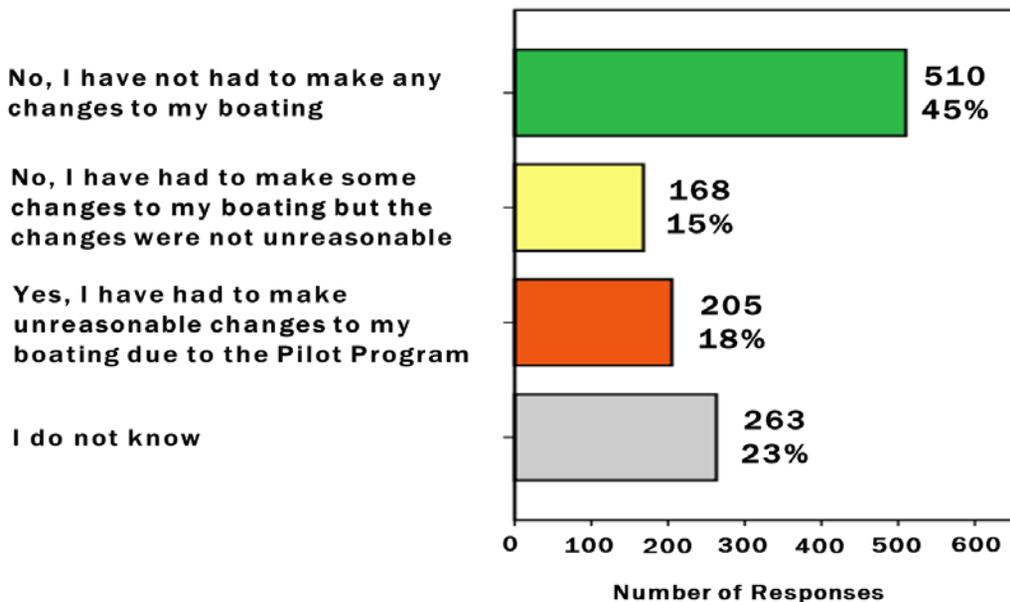
If you have boated in **Stuart/Martin after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



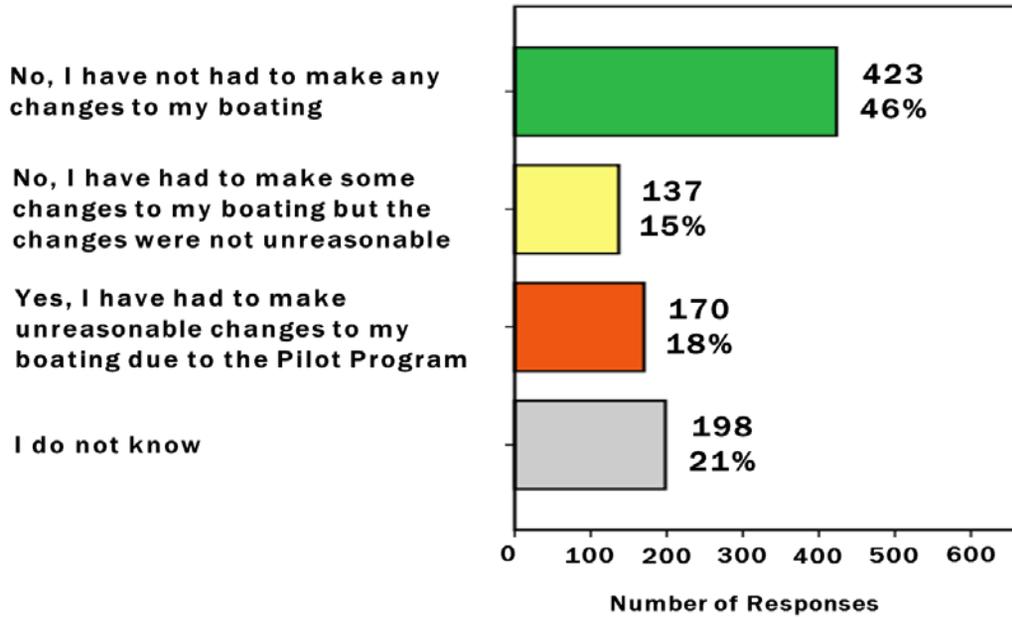
If you have boated in **Marathon after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



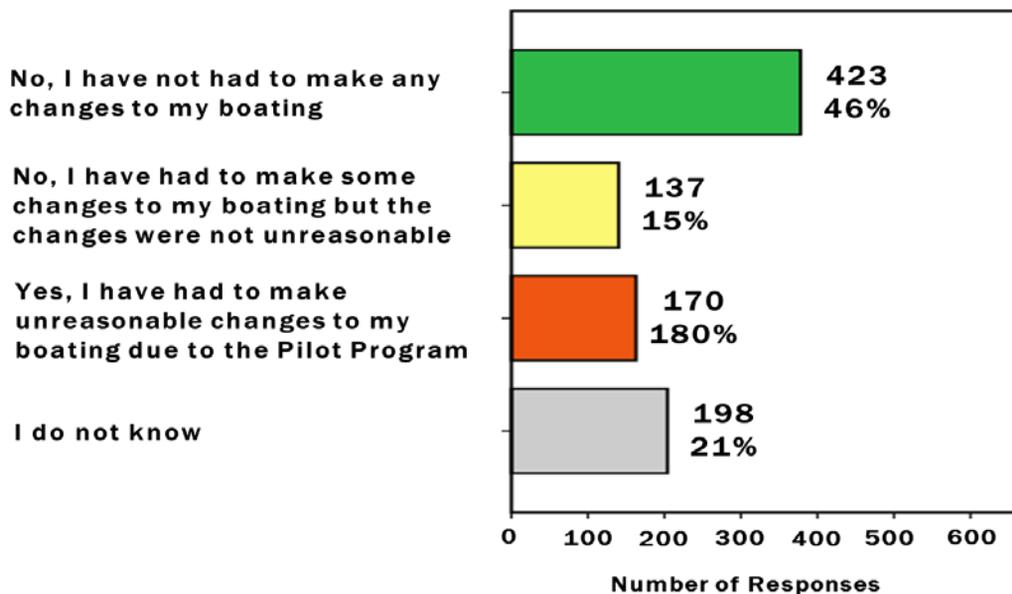
If you have boated in **Key West after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



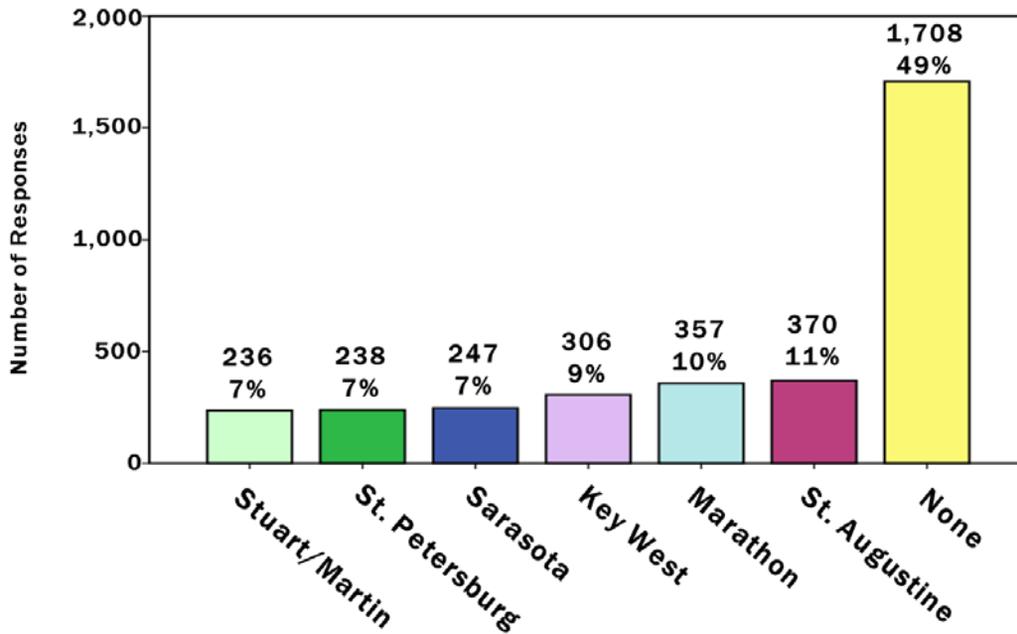
If you have boated in Sarasota after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?



If you have boated in St. Petersburg after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?



If you had to change any behavior or action in order to comply with the Pilot Program, please indicate locations. Check all that apply.



In order to comply with the requirements of the anchoring ordinance in <insert city name>, implemented as part of the Pilot Program, what action or change in behavior did you have to take?

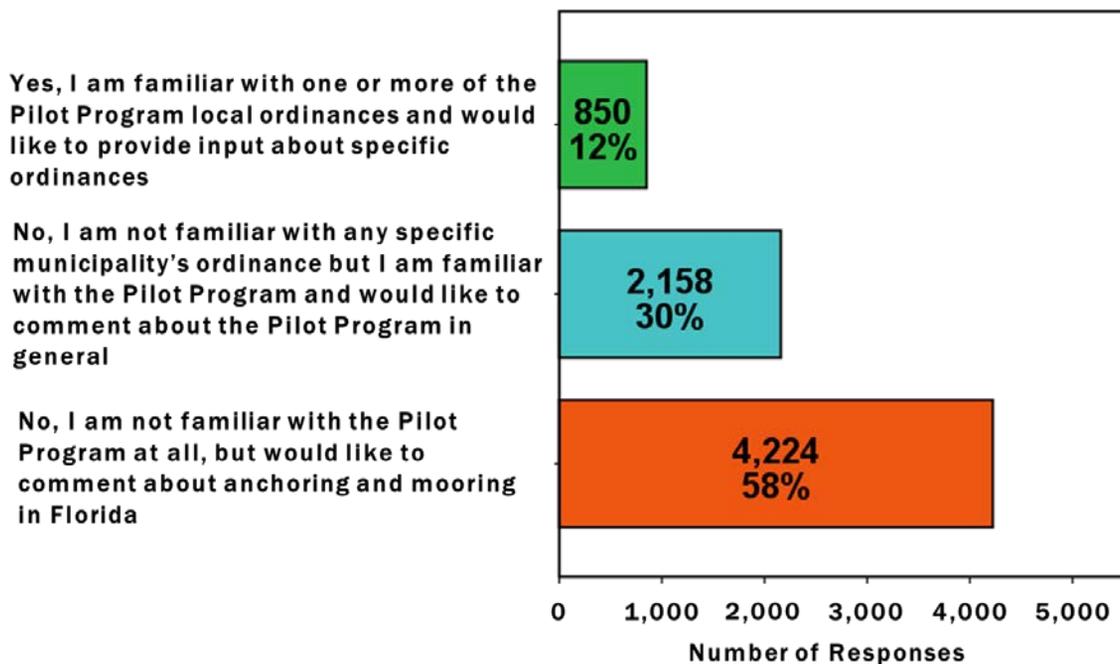
Check all that apply.

Problem	Saint Augustine	Stuart/Martin	Marathon	Key West	Sarasota	Saint Petersburg
Purchase new equipment or perform improvements to your boat	14 2%	11 3%	12 2%	20 4%	12 3%	15 4%
Get your boat underway to demonstrate its operability	3 < 1%	9 2%	12 2%	10 2%	7 2%	4 1%
Alter how often you pump out	15 2%	20 5%	35 6%	31 6%	11 2%	12 3%
Use the safe harbor provisions	19 3%	13 4%	19 3%	24 5%	13 3%	14 4%
Change your traditional/preferred anchoring location or distance from infrastructure or private property	216 35%	126 34%	180 31%	180 35%	216 48%	139 37%
Alter the amount of time you stayed in one location	133 21%	102 27%	146 25%	128 25%	89 20%	88 24%
Use a mooring field instead of anchoring	222 36%	91 25%	185 31%	129 25%	107 24%	101 27%

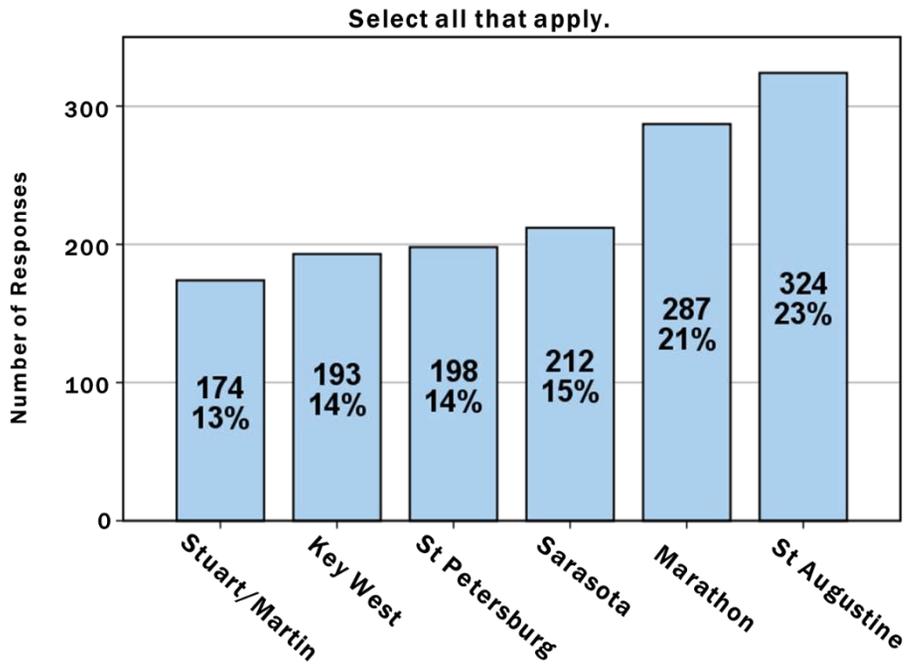
Has the distance at which you anchor from marine infrastructure or private property in <insert city name> changed during the Pilot Program?

Pilot Program Location	Yes, I now anchor further from the marine infrastructure or private property	No, I anchor at the same distance	Yes, I now anchor closer to the marine infrastructure or private property
City of Saint Augustine	181 – 53%	141 – 41%	18 – 5%
City of Stuart/ Martin County	103 – 48%	98 – 46%	13 – 6%
City of Marathon	157 – 49%	149 – 46%	16 – 5%
City of Key West	149 – 53%	114 – 41%	18 – 6%
City of Sarasota	126 – 54%	97 – 42%	10 – 4%
City of Saint Petersburg	105 – 48%	106 – 48%	9 – 4%

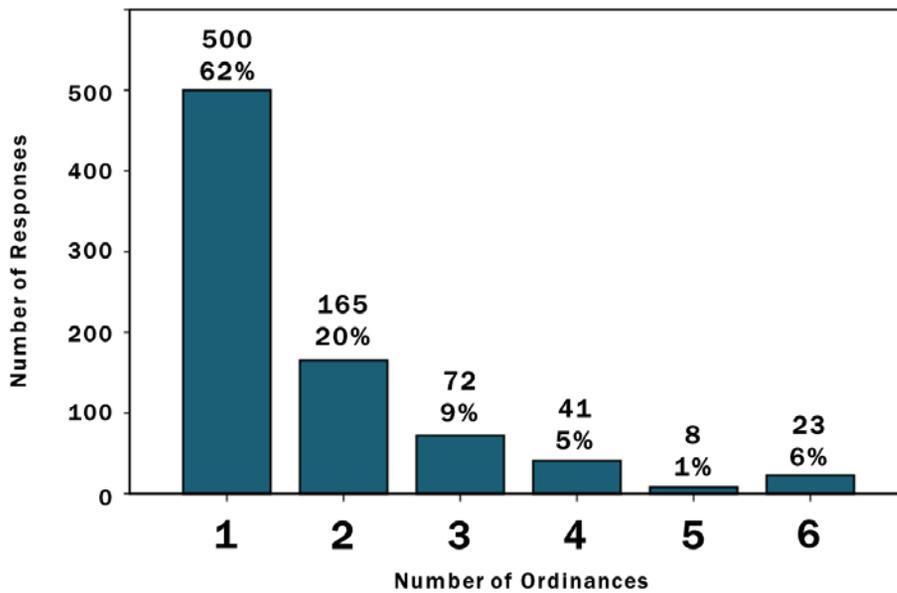
Are you familiar with any of the Pilot Program local ordinances?



Which local ordinances are you familiar with?



How many local ordinances are you familiar with?



For the anchoring ordinance in <insert city name>, please rate the relative effectiveness of the ordinance in addressing each of the Pilot Program goals listed below.

The following set of 6 tables present the responses received for each of the 6 Pilot Program locations.

**These tables are arranged in the order of
St. Augustine,
Stuart/Martin,
Marathon,
Key West,
Sarasota
and lastly
St. Petersburg.**

For the anchoring ordinance in Saint Augustine, please rate the relative effectiveness of the ordinance in addressing each or the Pilot Program goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	137 45%	75 25%	51 17%	9 3%	26 9%	7 2%
Promote access to the waters of Florida	60 20%	47 16%	62 21%	29 10%	86 29%	14 5%
Enhance navigational safety	82 27%	70 23%	56 19%	26 9%	56 19%	9 3%
Protect maritime infrastructure	64 22%	64 22%	69 23%	25 8%	59 20%	15 5%
Protect the marine environment	67 23%	67 23%	65 22%	26 9%	56 19%	15 5%
Deter improperly stored, abandoned or derelict vessels	112 37%	84 28%	37 12%	24 8%	37 12%	9 3%
Overall effectiveness	57 19%	93 32%	65 22%	35 12%	37 13%	8 3%

For the anchoring ordinance in Stuart/Martin, please rate the relative effectiveness of the ordinance in addressing each or the Pilot Program goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	51 32%	31 20%	35 22%	15 9%	22 14%	4 3%
Promote access to the waters of Florida	26 16%	26 16%	29 18%	21 13%	50 32%	6 4%
Enhance navigational safety	26 17%	33 21%	37 24%	14 9%	41 27%	3 2%
Protect maritime infrastructure	24 16%	33 21%	35 23%	19 12%	40 26%	3 2%
Protect the marine environment	29 18%	28 18%	35 22%	25 16%	36 23%	4 3%
Deter improperly stored, abandoned or derelict vessels	39 25%	34 22%	33 21%	16 10%	32 20%	4 3%
Overall effectiveness	18 12%	40 27%	33 22%	24 16%	31 21%	3 2%

For the anchoring ordinance in Marathon, please rate the relative effectiveness of the ordinance in addressing each or the Pilot Program goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	109 41%	64 24%	42 16%	13 5%	32 12%	6 2%
Promote access to the waters of Florida	44 17%	46 18%	69 27%	29 11%	62 24%	10 4%
Enhance navigational safety	54 21%	71 27%	63 24%	20 8%	48 18%	7 3%
Protect maritime infrastructure	53 21%	46 18%	73 28%	32 12%	47 18%	7 3%
Protect the marine environment	60 23%	58 22%	64 25%	27 10%	46 18%	6 2%
Deter improperly stored, abandoned or derelict vessels	76 29%	62 24%	46 18%	28 11%	41 16%	5 2%
Overall effectiveness	46 18%	86 34%	54 22%	21 8%	39 16%	5 2%

For the anchoring ordinance in Key West, please rate the relative effectiveness of the ordinance in addressing each or the Pilot Program goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	35 20%	43 25%	39 23%	18 11%	32 19%	4 2%
Promote access to the waters of Florida	22 13%	27 16%	38 22%	28 16%	51 30%	6 3%
Enhance navigational safety	27 16%	35 20%	38 27%	23 13%	43 25%	5 3%
Protect maritime infrastructure	30 18%	31 18%	51 30%	13 8%	40 24%	4 2%
Protect the marine environment	32 19%	35 21%	42 25%	17 10%	38 23%	3 2%
Deter improperly stored, abandoned or derelict vessels	41 24%	37 22%	29 17%	23 14%	35 21%	5 3%
Overall effectiveness	21 13%	40 24%	45 27%	22 13%	35 21%	5 3%

For the anchoring ordinance in Sarasota, please rate the relative effectiveness of the ordinance in addressing each or the Pilot Program goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	41 22%	55 29%	42 22%	16 8%	30 16%	6 3%
Promote access to the waters of Florida	19 10%	26 14%	43 23%	23 12%	72 38%	7 4%
Enhance navigational safety	22 12%	30 16%	53 28%	26 14%	51 27%	7 4%
Protect maritime infrastructure	22 12%	38 20%	51 27%	24 13%	45 24%	7 4%
Protect the marine environment	27 14%	30 16%	53 28%	21 11%	48 26%	9 5%
Deter improperly stored, abandoned or derelict vessels	39 21%	52 28%	34 18%	25 13%	31 16%	8 4%
Overall effectiveness	18 10%	38 20%	54 29%	27 14%	48 25%	4 2%

For the anchoring ordinance in Saint Petersburg, please rate the relative effectiveness of the ordinance in addressing each or the Pilot Program goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	44 25%	46 26%	39 22%	16 9%	30 17%	3 2%
Promote access to the waters of Florida	21 12%	31 18%	38 22%	23 13%	59 34%	3 2%
Enhance navigational safety	24 14%	50 28%	40 23%	15 8%	44 25%	4 2%
Protect maritime infrastructure	22 13%	40 23%	50 29%	13 8%	40 23%	7 4%
Protect the marine environment	25 15%	40 23%	49 28%	11 6%	41 24%	6 3%
Deter improperly stored, abandoned or derelict vessels	65 36%	45 25%	25 14%	15 8%	27 15%	3 2%
Overall effectiveness	20 12%	43 26%	49 29%	21 13%	32 19%	2 1%

Did the ordinance for <insert city name> solve or improve any problems for you and your community?

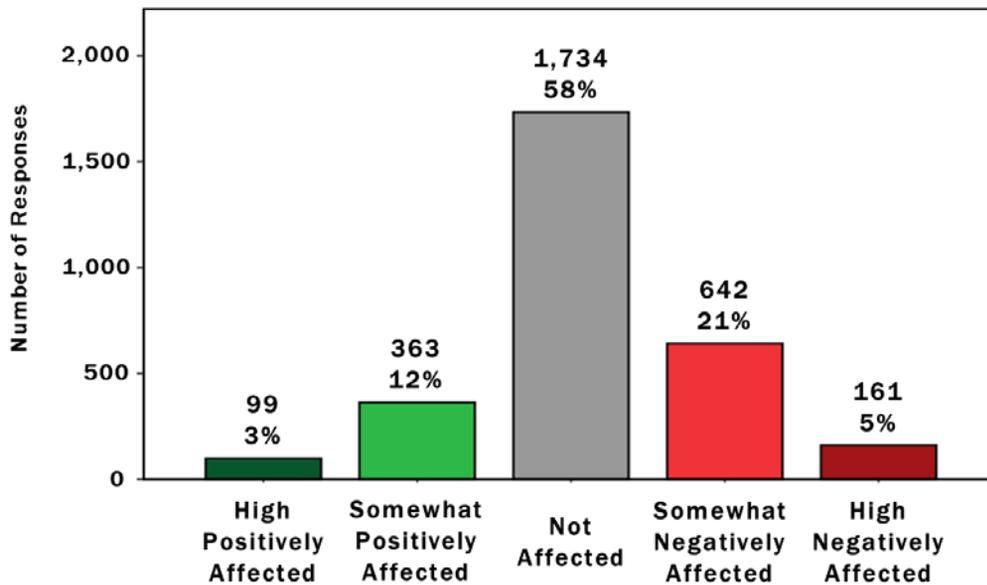
Pilot Program Location	YES	I do not know	NO
City of Saint Augustine	105 34%	88 28%	117 38%
City of Stuart/ Martin County	36 22%	53 33%	73 45%
City of Marathon	92 34%	74 27%	106 39%
City of Key West	38 21%	49 27%	96 52%
City of Sarasota	33 17%	46 23%	117 60%
City of Saint Petersburg	44 23%	57 30%	87 46%

What problems did the ordinance for <insert city name> solve or improve for you or your community?

Select all that apply.

Problem	Saint Augustine	Stuart/ Martin	Marathon	Key West	Sarasota	Saint Petersburg
Boats are no longer anchoring too close to my home	6 2%	3 3%	7 2%	2 2%	0 0%	2 2%
Boats are no longer anchoring for too long a duration	36 13%	11 12%	22 8%	11 9%	12 10%	18 15%
Reduced likelihood of illegal sewage discharge from boats	48 17%	17 18%	63 22%	23 20%	16 13%	20 17%
Improved opportunity to securely moor my boat	62 22%	12 13%	46 16%	19 16%	10 8%	16 13%
Cost effective mooring of my boat	43 15%	10 10%	42 15%	16 14%	8 7%	10 8%
Feel safer that boats will not break loose and hit my boat or property during a storm	64 23%	17 18%	58 20%	21 18%	12 10%	23 19%
Reduced the number of problem boats in my area	18 6%	18 19%	45 16%	24 21%	22 18%	30 8%
Other	8 3%	8 8%	5 2%	1 1%	2 2%	2 17%

To what degree were you affected by the Pilot Program?

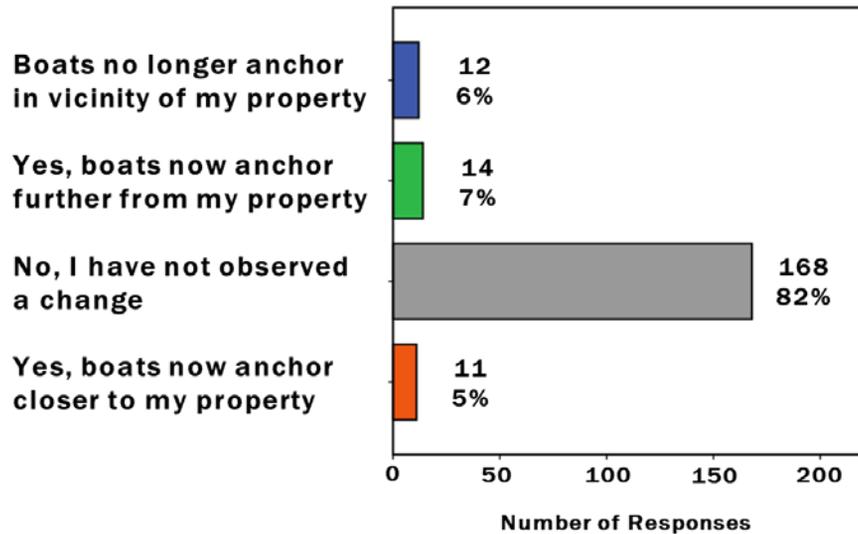


Based upon your experience with the Pilot Program in general, please rate the relative effectiveness of the Pilot Program in addressing each of the goals listed below.

Pilot Program Goal	Most Effective 1	2	Neutral 3	4	Least Effective 5	Not Enough Information to Decide
Promote the establishment and use of public mooring fields	566 21%	707 26%	596 22%	159 6%	201 7%	491 18%
Promote access to the waters of Florida	398 15%	433 16%	579 21%	258 10%	580 21%	455 17%
Enhance navigational safety	481 18%	605 23%	603 22%	234 9%	351 13%	411 15%
Protect maritime infrastructure	442 17%	573 22%	648 24%	230 9%	322 12%	446 17%
Protect the marine environment	475 18%	602 23%	612 23%	214 8%	338 13%	434 16%
Deter improperly stored, abandoned or derelict vessels	766 28%	681 25%	367 14%	207 8%	280 10%	398 15%
Overall effectiveness	297 11%	685 26%	678 26%	259 10%	278 11%	399 15%

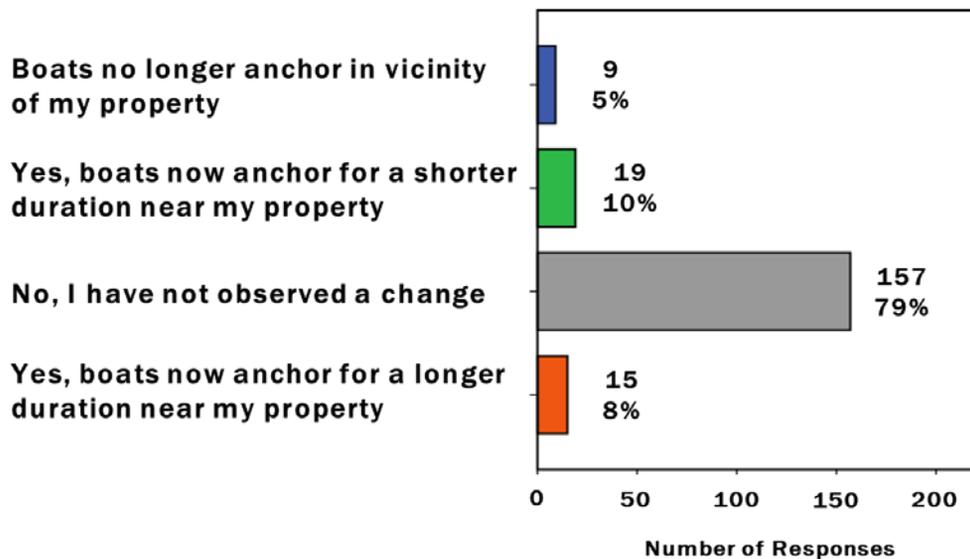
Has the distance that boats anchor from your shoreline or property changed during the Pilot Program?

Only presented to shoreline residents of a Pilot Program municipality



Has the duration that boats anchor in vicinity to your property or shoreline changed during the Pilot Program?

Only presented to shoreline residents of a Pilot Program municipality



Appendix F – 2013 Public Opinion Survey and Results

Anchoring and Mooring Pilot Program – Public Stakeholder Opinion Survey List of Questions

Conducted Online from September 18, 2013 through October 7, 2013

Section One

In 2009 the Florida Legislature enacted a temporary pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields. The City of St. Augustine, the City of St. Petersburg, the City of Sarasota, the City of Stuart in conjunction with Martin County, and the cities of Key West and Marathon in conjunction with Monroe County were granted temporary authority to regulate mooring in their jurisdictional waters through local ordinance. All ordinances enacted under authority of the pilot program will expire on July 1, 2014 and will be inoperative and unenforceable thereafter, unless reenacted by the Legislature.

This is your opportunity to provide valuable input on the Anchoring and Mooring Pilot Program. The Florida Fish and Wildlife Conservation Commission is seeking help from local boaters, cruising boaters and local residents in evaluating the effectiveness and fairness of the temporary ordinances. The survey should take approximately 5 to 10 minutes.

- 1) How did you first become aware of the Anchoring and Mooring Pilot Program?
Select all that apply.
 - Was not aware until now
 - Newspaper/magazine
 - Club newsletter
 - Website or email
 - Word of mouth
 - Public meetings
 - Pamphlet handouts/Educational materials
 - Contact with public officials
 - Other

- 2) How did you learn of this survey?
 - Letter in the mail
 - Flyer at marina
 - Article in newspaper
 - Other method

- 3) Prior to this survey, have you participated in an Anchoring and Mooring Pilot Program public input opportunity, either in person or through verbal, written, or online comments, within the past 4 years?
 - Yes
 - No

4) Please provide the zip code of your primary residence:

5) Where do you reside?

- Full time Florida resident
- Part time Florida resident
- Full time resident of another state/country and temporarily visit Florida

6) Is your Florida residence:

- A dwelling located inland
- A waterfront dwelling
- A boat kept in a marina
- A boat kept in a mooring field
- A boat kept at anchor

7) Do you own a boat?

- Yes, I own a boat
- No, I do not own a boat

8) What type(s) of boat(s) do you use most often in Florida waters? Select all that apply.

- Cabin Motorboat
- Houseboat Cabin Sailboat Motor Sailboat
- Boat type other than listed above

The following set of questions pertains to use of the Cabin Motorboat, Houseboat, Cabin Sailboat or Motor Sailboat you indicate that you use in Florida waters.

9) How do you use your boat(s) most often in Florida?

- Day trips only
- Mostly day trips with occasional overnight trips of short duration
- Trips of moderate to long duration
- As a residence or domicile

10) When travelling or staying on your boat overnight in Florida, how do you anchor or moor your boat? Please select all that apply, and numerically rank selections, 1 being most frequent method of mooring, 5 being least frequent method of mooring, and 6 indicating you never use that type of mooring.

	Most Used						Never Used
	1	2	3	4	5		6
Stay at marinas or dock facilities							
Stay at a managed mooring field							
Anchor in an officially designated anchorage							
Anchor in other convenient locations							

11) Have you boated in any of the following Florida locations since January 2011? (Please select all that apply.)

- City of St. Augustine
- City of Stuart/Martin County
- City of Marathon or City of Key West
- City of Sarasota
- City of St. Petersburg
- Other Florida locations
- Did not boat in Florida since January 2011

12) In which of the following areas of Monroe County did you boat?

- Vicinity of City of Marathon
- Vicinity of City of Key West
- Other areas within Monroe County not affected by the Pilot Program

13) When traveling in Florida waters, on average, how often do you need to pump out?

- 1-3 days
- 4-5 days
- 6-7 days
- 8-9 days
- 10-11 days
- Longer
- N/A

14) When traveling in Florida waters, how many nights, on average, do you anchor before using a mooring field/marina?

- Never anchor, always use a mooring field/marina
- 1-3 nights
- 4-7 nights Over a week 2-3 weeks
- About a month Longer
- Always anchor, never use a mooring field/marina Never stay overnight

- 15) When traveling in Florida waters and using a mooring field or marina, on average, how long do you stay?
- One night
 - 2-3 nights
 - 4-7 nights
 - Over a week 2-3 weeks
 - About a month Longer
 - Never use a mooring field/marina
- 16) How far do you traditionally anchor your boat from private property or marine infrastructure?
- 20-50 feet
 - 51-100 feet
 - 101-150 feet
 - 151-200 feet
 - More than 200 feet
- 17) Where do you primarily keep your boat(s) when in Florida? Select all that apply.
- On a trailer
 - Stored in a high and dry facility
 - Docked at a dwelling located on navigable water
 - Docked in a marina
 - At a managed mooring field
 - Private mooring
 - At anchor
- 18) Has your boat been underway at any time since January 2011?
- Yes
 - No
- 19) How often, on average, do you get your boat underway?
- Every week
 - Every couple of weeks
 - Monthly
 - Every 2-3 months
 - Twice a year
 - Yearly or less often
- 20) How long is your average trip?
- Day use
 - 2-3 days
 - 4-7 days
 - Over a week
 - 2-3 weeks
 - About a month
 - 1-3 months
 - Longer

- 21) If you had to change any behavior or action in order to comply with the Pilot Program, please indicate locations. Check all that apply.
- City of St. Augustine
 - City of Stuart/Martin County
 - City of Marathon
 - City of Key West
 - City of Sarasota
 - City of St. Petersburg
 - None
- 22) In order to comply with requirements of the anchoring ordinance in < Insert City Name >, implemented as part of the Pilot Program, what action or change in behavior did you have to take? Select all that apply.
- Purchase new equipment or perform improvements to your boat
 - Get your boat underway to demonstrate its operability
 - Alter how often you pumped out
 - Use the safe harbor provision
 - Change your traditional/preferred anchoring location or distance from infrastructure or private property
 - Alter the amount of time you stayed in one location
 - Use a mooring field instead of anchoring
- 23) Has the distance at which you anchor from marine infrastructure or private property in < Insert City Name > changed during the Pilot Program?
- Yes, I now anchor further from the marine infrastructure or private property
 - No, I anchor at the same distance
 - Yes, I now anchor closer to the marine infrastructure or private property

The following questions are related to the participant area(s) you are most familiar with.

- 24) Which Pilot Program participant's anchoring ordinance(s) are you familiar with? Select all that apply.
- City of St. Augustine
 - City of Stuart/Martin County
 - City of Marathon
 - City of Key West
 - City of Sarasota
 - City of St. Petersburg
 - I am familiar with the pilot program, but not with any specific ordinance

25) For the anchoring ordinance in < Insert City Name >, please rate the relative effectiveness of the ordinance in addressing each of the Pilot Program goals listed below. 1 is highly effective, 2 is somewhat effective, 3 is neutral, 4 is somewhat ineffective, 5 is highly ineffective. NA indicates not enough information to decide.

	Most Effective	2	Neutral	4	Least Effective	5	N/A
	1		3				
Promote the establishment and use of public mooring fields							
Promote public access to the waters of Florida							
Enhance navigational safety							
Protect maritime infrastructure							
Protect the marine environment							
Deter improperly stored, abandoned or derelict vessels							
Overall effectiveness							

26) Did the ordinance for < Insert City Name > solve or improve any problems for you or your community?

- Yes
- No
- I do not know

27) What problems did the ordinance for < Insert City Name > solve or improve for you or your community? Select all that apply.

- Boats are no longer anchoring too close to my home
- Boats are no longer anchoring for too long a duration
- Reduced likelihood of illegal sewage discharge from boats
- Improved opportunity to securely moor my boat
- Cost effective mooring of my boat
- Feel safer that boats will not break loose and hit my boat or property during a storm
- Reduced the number of problem boats in my area
- Other

28) Please describe the other problem(s) that the ordinance for < Insert City Name > helped solve or improve.

29) What problem(s) should have been addressed by the ordinance for < Insert City Name > but were not?

The following questions apply to the Pilot Program in general and not to any specific ordinance.

30) To what degree were you affected by the Pilot Program?

- High Positively Affected
- Somewhat Positively Affected
- Not Affected
- Somewhat Negatively Affected
- High Negatively Affected

31) Please describe how you were affected by the Pilot Program:

32) Do you think the Pilot Program, in totality, had any of the following effects?

Please select all that apply.

- Increased the establishment or use of mooring fields
- Provided more public access to state waters
- Enhanced navigational safety
- Increased protection for maritime infrastructure
- Protected the marine environment
- Deterred improperly stored, abandoned, or derelict boats
- None of the above
- Unsure
- Other (please specify)

33) Please specify other effects of the pilot program:

The following questions apply to Florida waterfront property residents.

34) Has the distance that boats anchor from your shoreline or property changed during the Pilot Program?

- Yes, boats now anchor further from my property
- No, I have not observed a change.
- Yes, boats now anchor closer to my property
- Boats no longer anchor in vicinity of my property

35) Has the duration that boats anchor in vicinity to your property changed during the Pilot Program?

- Yes, boats now anchor for a shorter duration near my property
- No, I have not observed a change
- Yes, boats now anchor for a longer duration near my property
- Boats no longer anchor in vicinity of my property

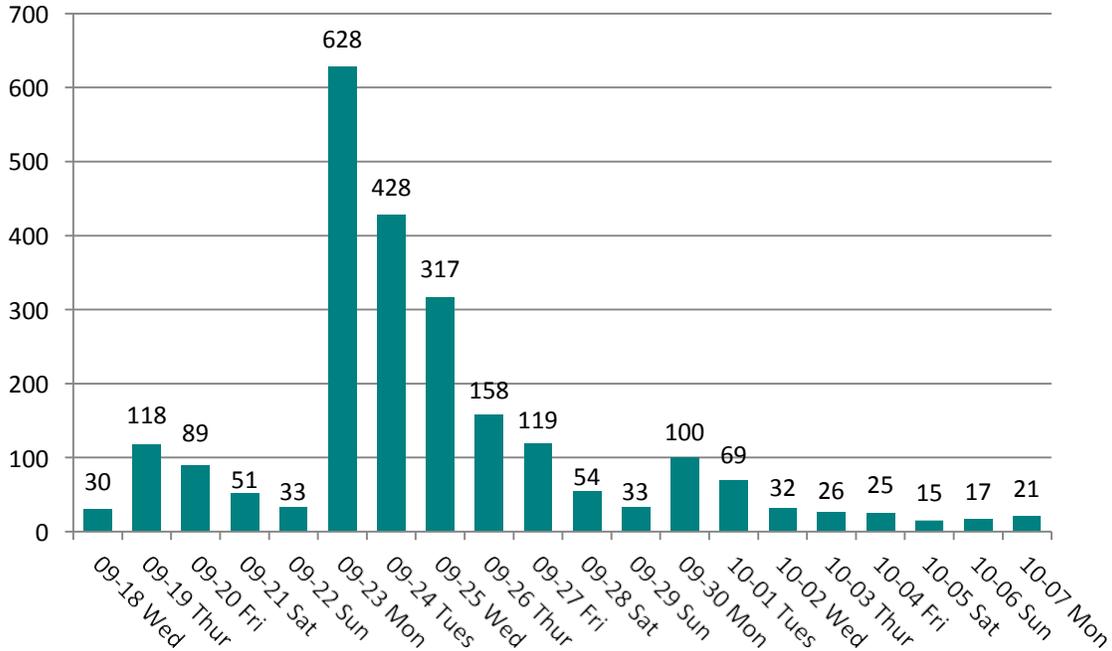
Thank you for taking the time to provide your thoughts and input.

2013 Online Public Opinion Survey Results

Public Opinion Survey - 2,363 Responses

Daily Responses

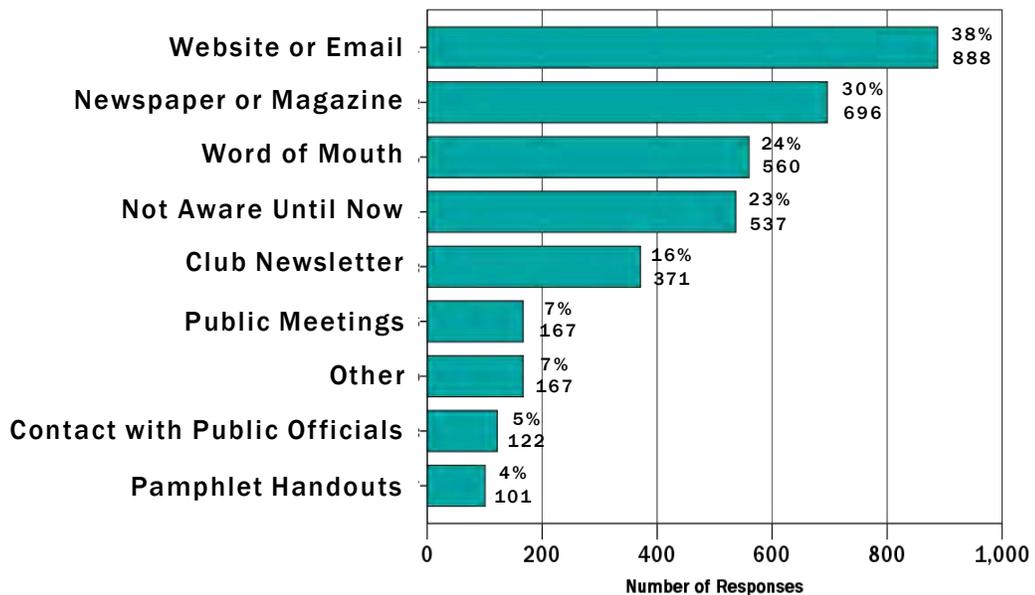
Wednesday, September 18th through Monday, October 7th



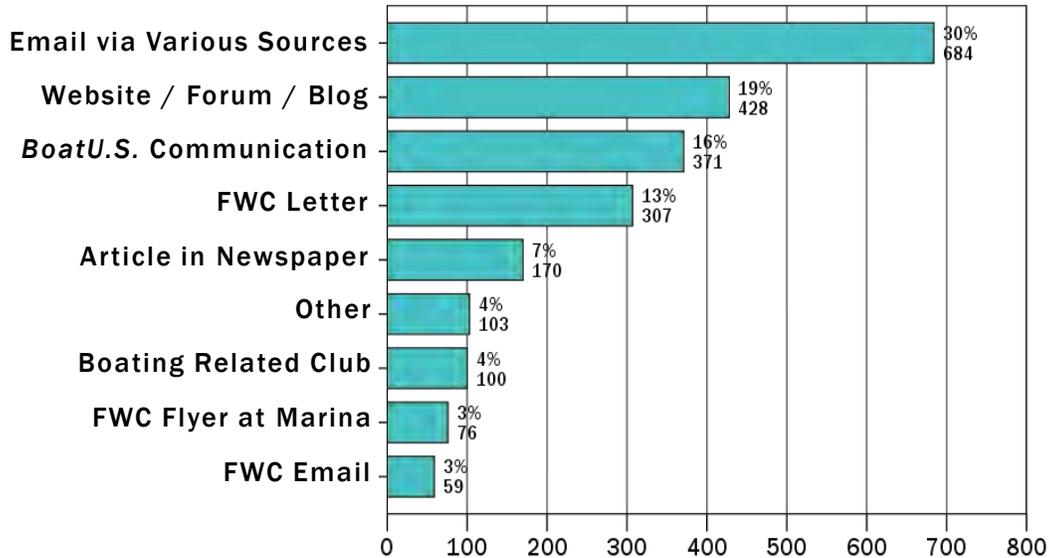
- The survey was open for 20 days.
- Nearly 95% of the responses were received during the first 14 days.

How did you first become aware of the Anchoring and Mooring Pilot Program?

Select all that apply.

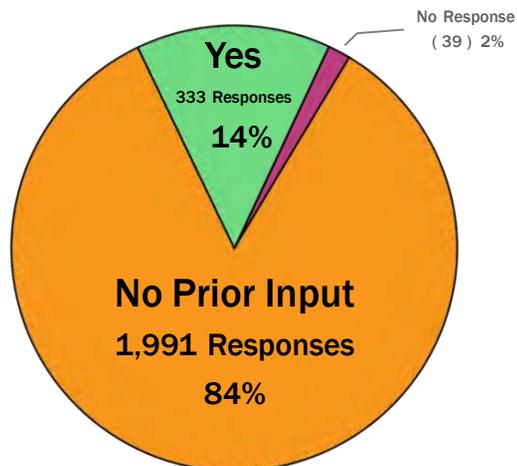


How did you learn of this survey?

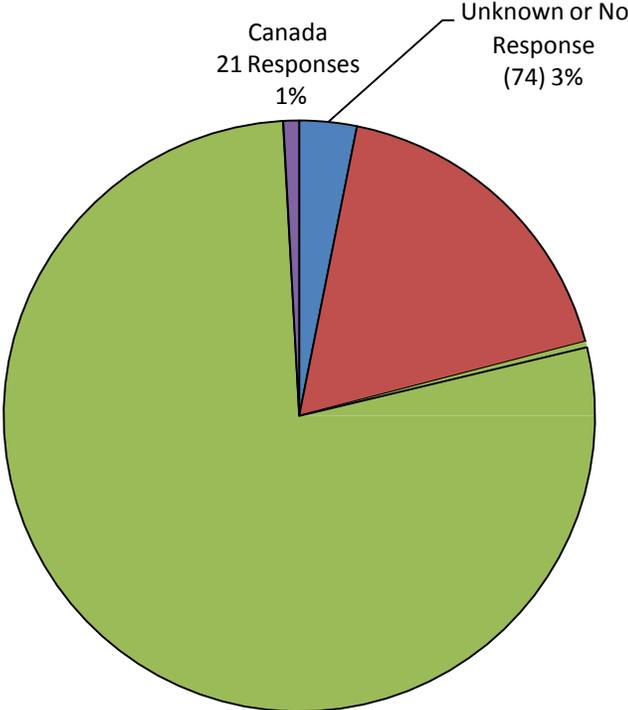


- As the stakeholders are of diverse backgrounds and geographically dispersed, FWC attempted to inform the public of the survey through various means including electronic and social media communications, traditional news media, boating and cruising clubs, local postings and bulletins and direct mail.

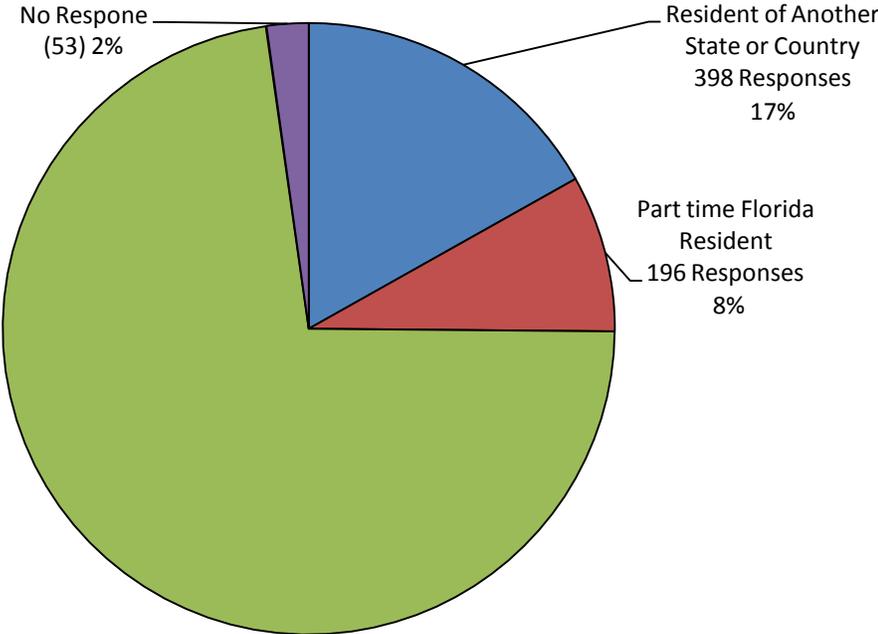
Participated in Prior Public Input Opportunity



Primary Residence Reported by Zip Code



Reported Residency Status



Location of Primary Residence

Florida = 1,847 responses (78%)

39 Other States = 421 responses (18%)



- Red dots on the map show locations of primary residence reported by 96% (2,268) of the survey respondents.
- While the majority of respondents (1,874 or 78%) report their primary residence to be within Florida, a significant number of respondents (421 or 18%) report their primary residence to be somewhere else within the continental United States. A few respondents reported a primary address in Alaska.
- The remaining 4% of respondents either reside in a foreign country (mostly eastern Canada) or did not report the location of their primary residence.

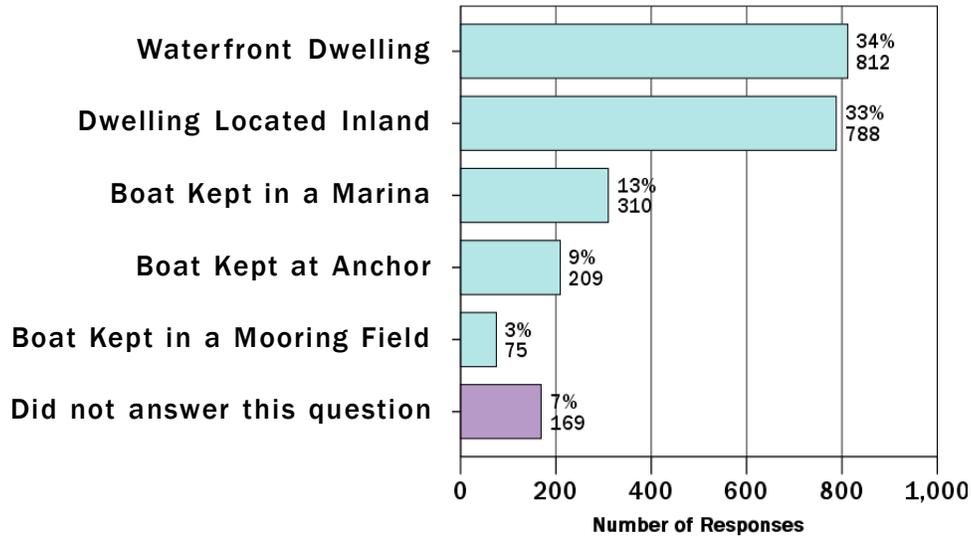
Location of Primary Residence

1,847 respondents (78%) report their primary residence to be in Florida



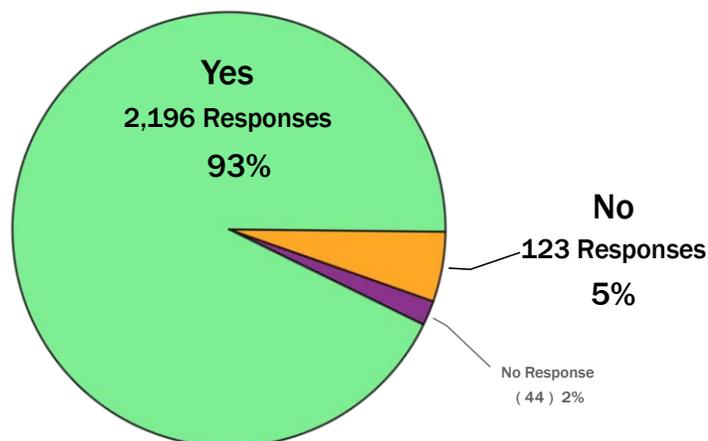
- The relative size of the red dots represents the relative number of respondents from each of the Florida counties.
- About 80% of Florida respondents report living in one of 15 Florida counties as listed in the table.
- All of the five pilot program sites are within these top 15 counties as highlighted with yellow background in the table.

Type of Residence in Florida



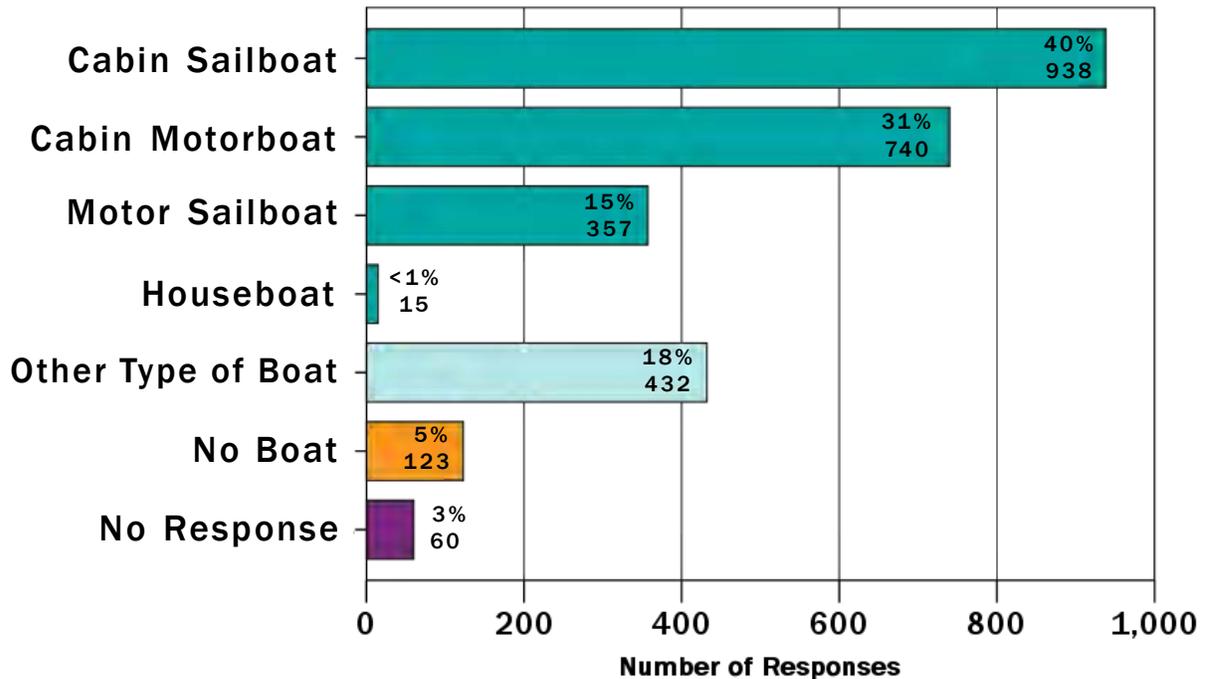
- Respondents were asked to indicate the type of their residence while in Florida.
- The majority of respondents (1,600 or 67%) reported an almost even split of residing in a dwelling on the waterfront or residing in a dwelling located inland from the waterfront.
- The next numerous type of residence is a boat kept in a marina (310 or 13%).
- Followed closely by a boat kept on anchor (209 or 9%).
- The least number of respondents report residing on a boat kept in a mooring field (75 or 3%).

Do you own a boat?



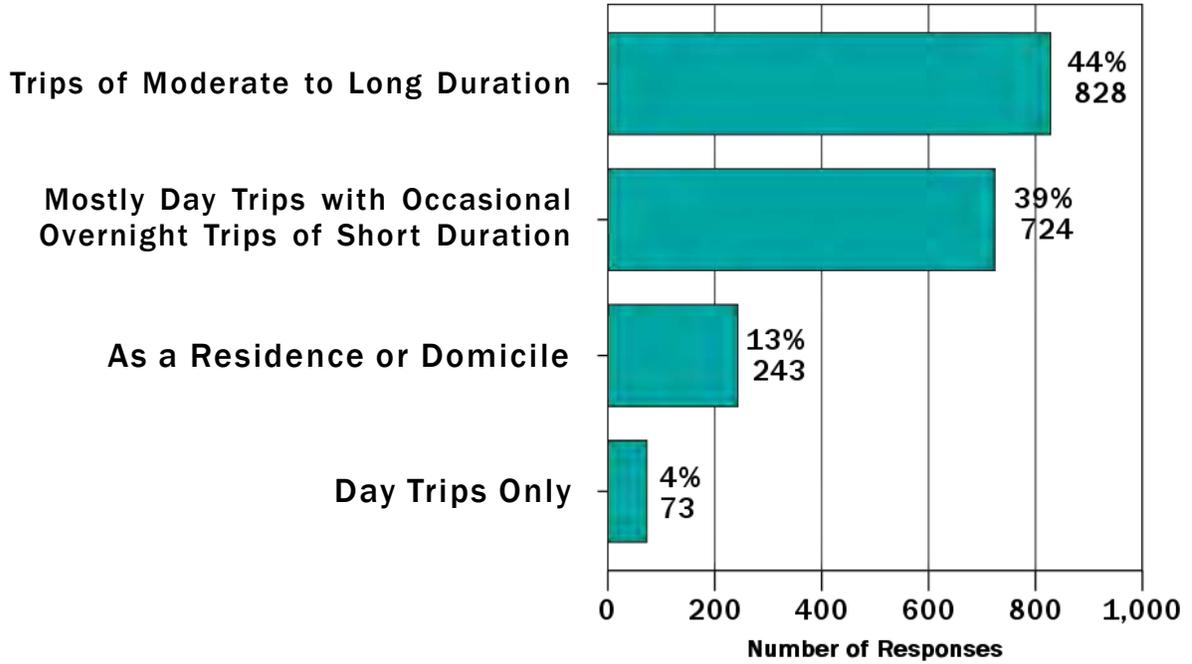
- The vast majority of respondents (2,196 or 93%) report owning at least one boat of some description and size.
- This does not necessarily indicate that the boat(s) they own are of a type and size that could potentially be regulated by an ordinance under the pilot program.

What type(s) of boat(s) do you use most often in Florida? Check all that apply.



- Respondents were asked to describe the type(s) of boat(s) they use most often in Florida.
- The majority of respondents (938 or 40%) report they use a sailboat with a cabin.
- That is closely followed by respondents (740 or 31%) reporting the use a motorboat with a cabin.
- This is then followed by motor sailboats (357 or 15%).
- Only a small portion of respondents (15 or <1%) report using a houseboat in Florida.
- Other types of boats (432 or 18%) include open motor boats, open sailboats, personal watercraft, canoes or kayaks. The use of these other types of boats would most likely not be regulated by an anchoring ordinance under the pilot program.
- Therefore, a majority of respondents indicate they use at least one type of boat that could potentially be regulated by an anchoring ordinance under the pilot program.
- These responses total more than 100% because each respondent could report using more than one type of boat.

How do you use your boat(s) most often in Florida?



- The majority of respondents (1,796 or 96%) report using their boats in a manner that could potentially subject them to regulation under an anchoring ordinance.

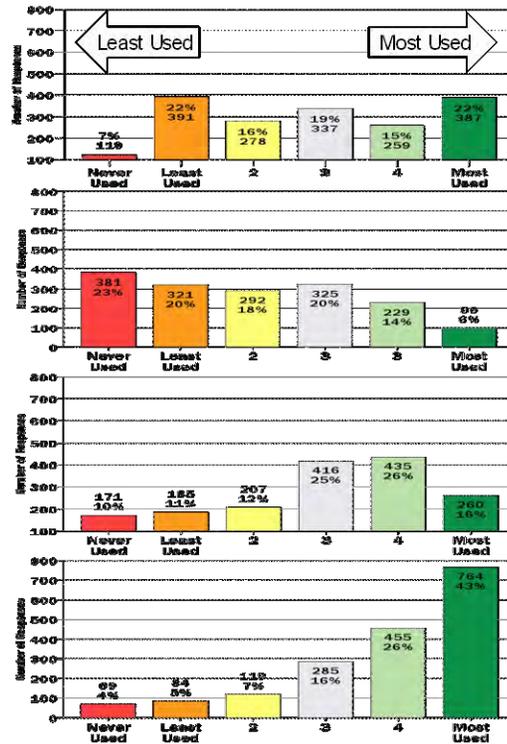
Preferred Method of Mooring when Travelling Overnight

Stay at Marinas or Dock Facilities

Stay at Managed Mooring Fields

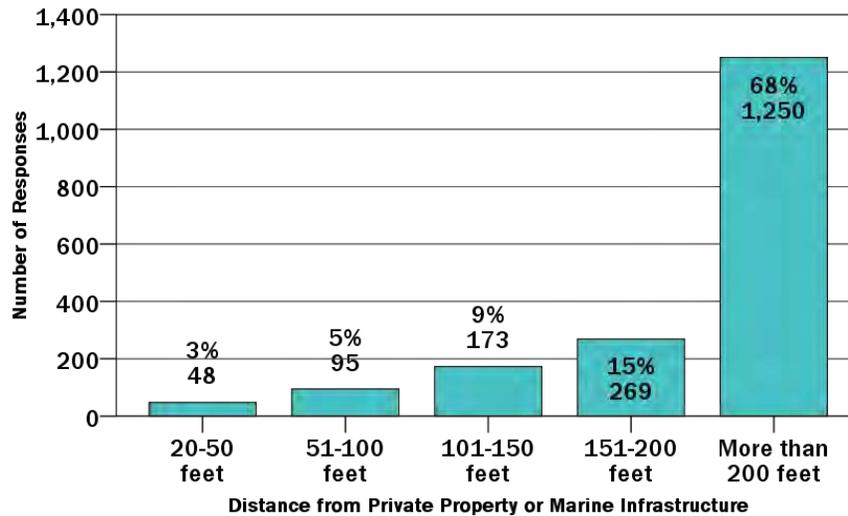
Anchor in Officially Designated Anchorages

Anchor in Other Convenient Locations



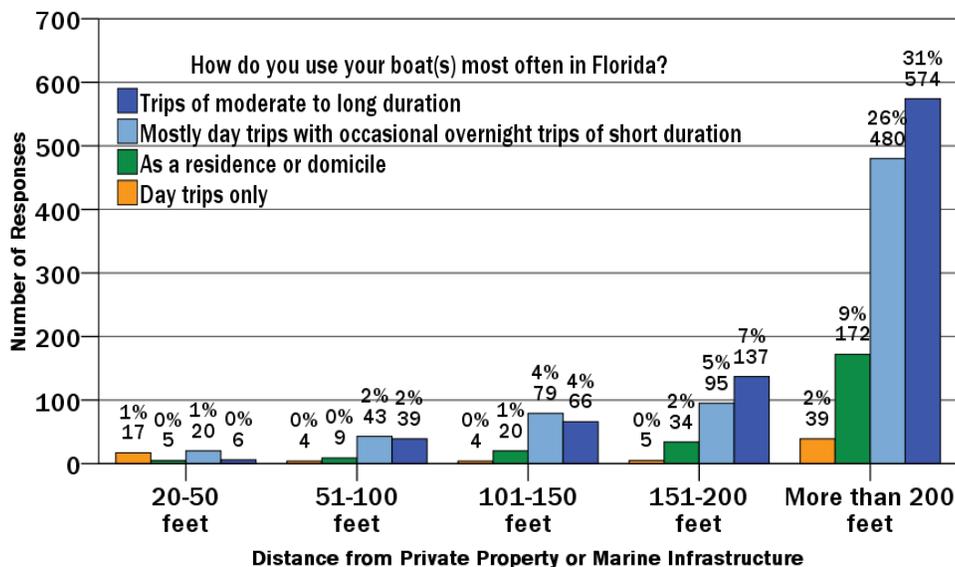
- These graphs illustrate the responses of boaters when asked to rank their preference for a particular method of securing their boat overnight when traveling.
- The available methods of mooring are: stay at marinas or dock facilities, stay at managed mooring fields, anchor in officially designated anchorages, anchor somewhere else besides designated anchorages.
- Degree of preference is ranked on a 6 point scale from never used or on a scale from least used to most used.
- Never used is illustrated in red on the left, most used is illustrated in green on the right, neutral preference is illustrated in gray.
- Height of each column indicates the number of responses.
- Anchoring in convenient locations other than designated anchorages appears to be the most preferred method of securing a boat.
- Staying at managed mooring fields appears to be the least preferred method of securing a boat.

How far do you traditionally anchor your boat from private property or marine infrastructure?



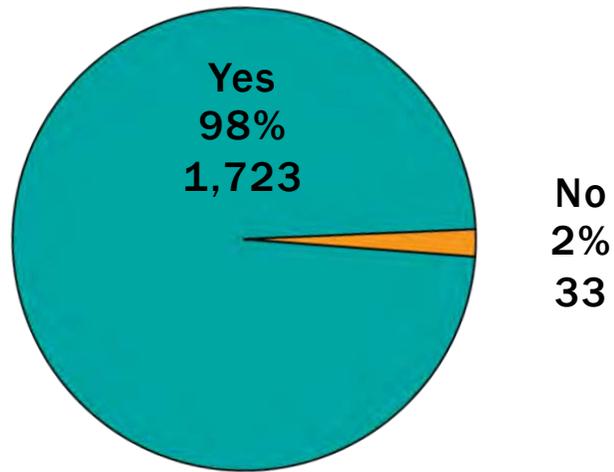
- The majority of boaters (1,519 or 83%) report they prefer to anchor more than 150 feet from private property of marine infrastructure.
- Over 90% (1,692 or 82%) report they prefer to anchor more than 100 feet from private property or marine infrastructure.

How far do you traditionally anchor your boat from private property or marine infrastructure?



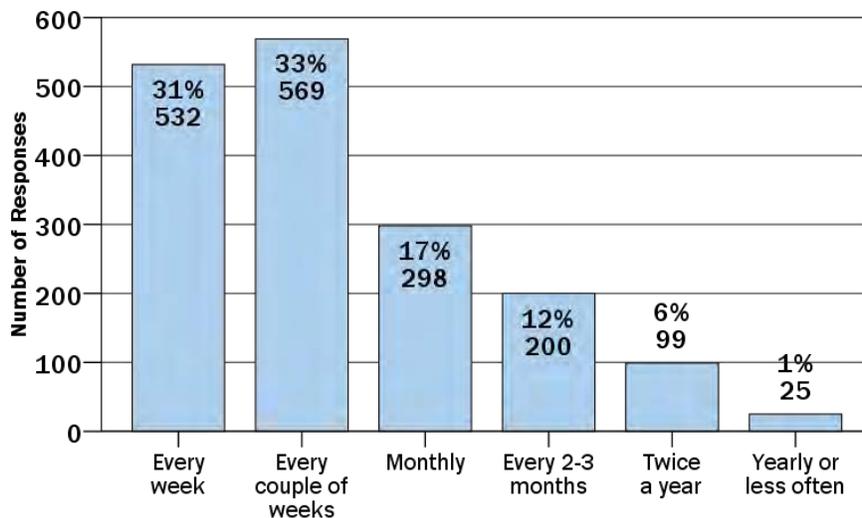
- The majority of boaters using their boats for trips of various durations prefer to anchor far from private property or marine infrastructure.

Has your boat been underway at any time since January 2011?



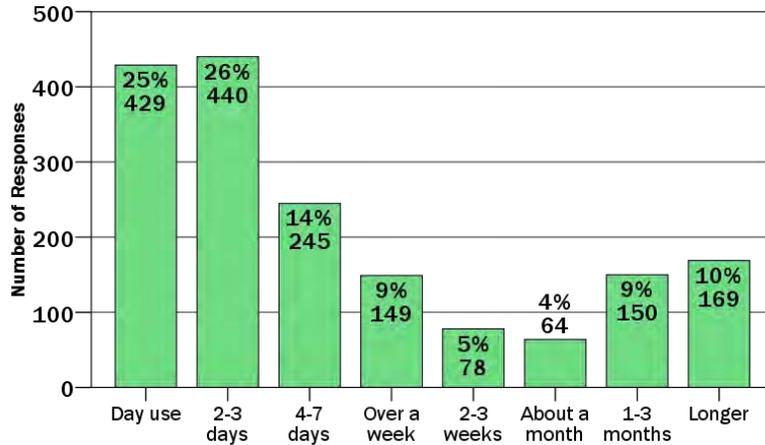
- The majority of respondents (1,723 or 98%) report they recently had their boat underway within the time frame of the pilot program.

How often, on average, do you get your boat underway?



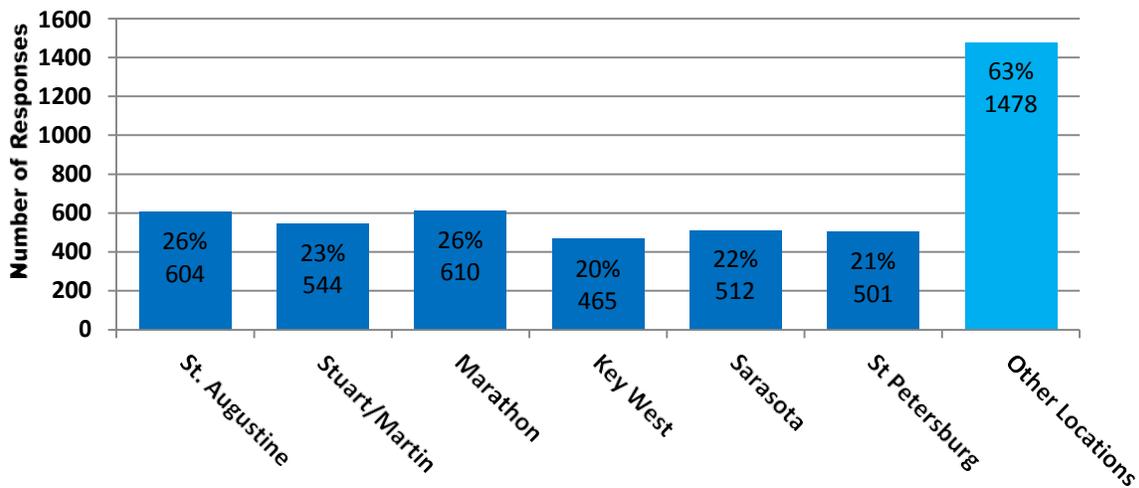
- The majority of respondents (1,399 or 81%) report they get their boat underway at least one time per month.
- Extremely few respondents (25 or 1%) report they get their boat underway only one time per year or less frequently.

How long is your average trip?



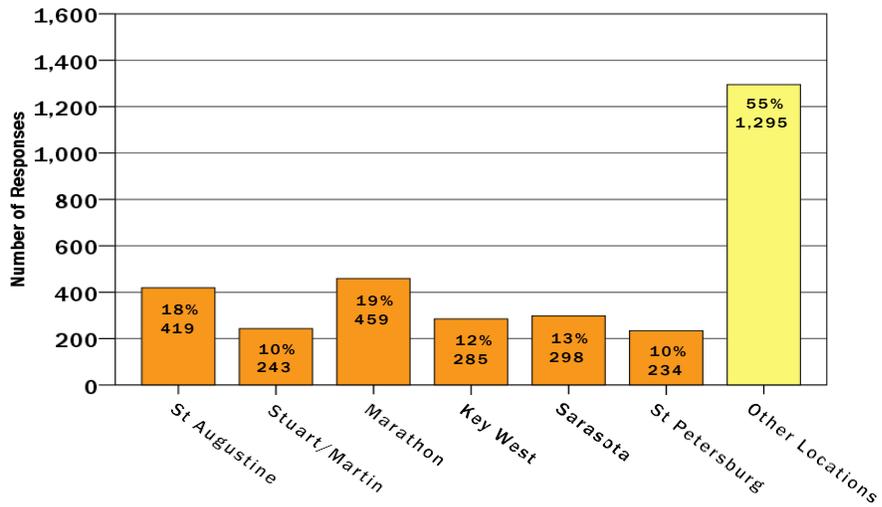
- Half the respondents (869 or 51%) report trips of duration of either day use or 2 to 3 days duration.
- About a fourth of respondents (383 or 23%) report using their boats for trips of a month or more duration.

Locations Respondents Have Boated Since January 2011



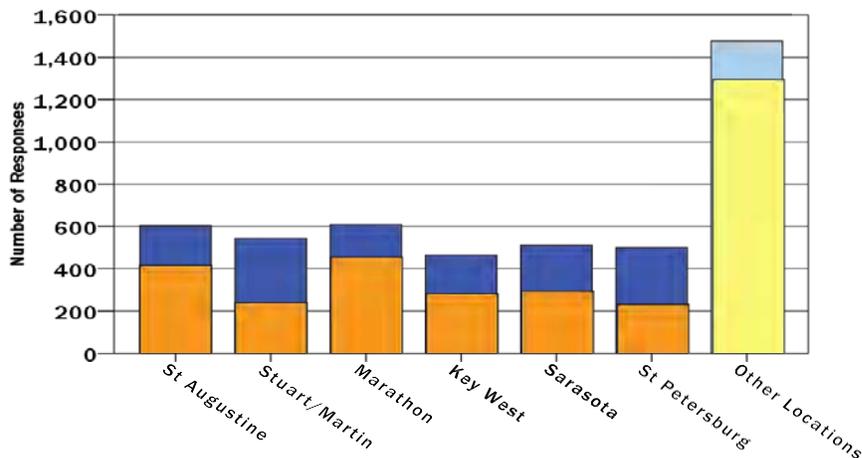
- There was a fairly even distribution of respondents reporting recent boating activity at the pilot program locations around the state. Between 465 or 20% to 610 or 26% reported boating in at least one of the pilot program sites since January 2011.
- A majority of respondents reported boating at somewhere in Florida other than a pilot program location.
- These numbers total more than 100% as each boater could report boating at more than one location.

Specific Ordinances Respondents are Familiar With



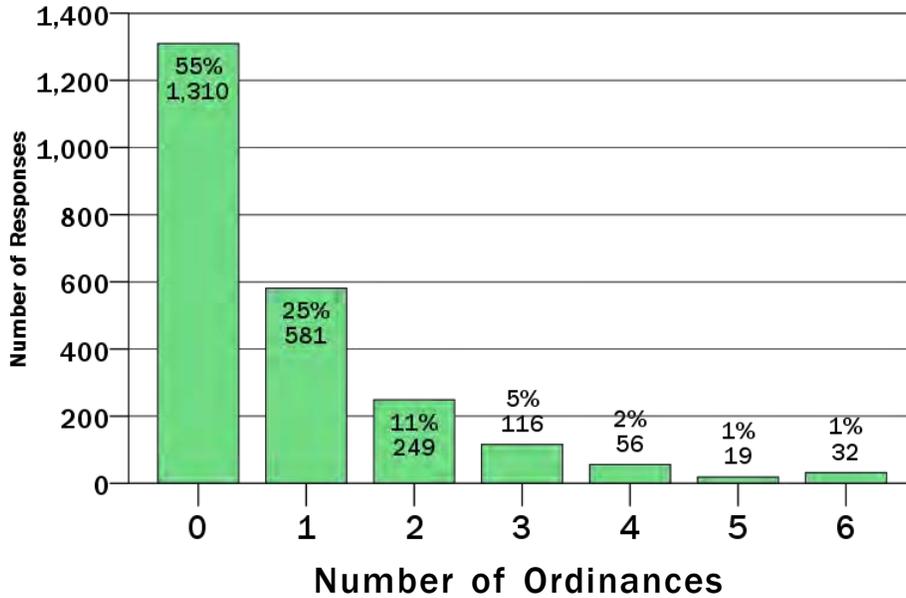
- Respondents were asked to indicate the specific pilot program ordinance(s) they are familiar with. (Each respondent could indicate familiarity with more than one ordinance.)
- There was a fairly even response among specific pilot program ordinances.
- Slightly more than half the respondents (1,295 or 55%) indicate they are not familiar with any specific pilot program ordinance.

Specific Ordinances Respondents Familiar With vs. Locations Boated

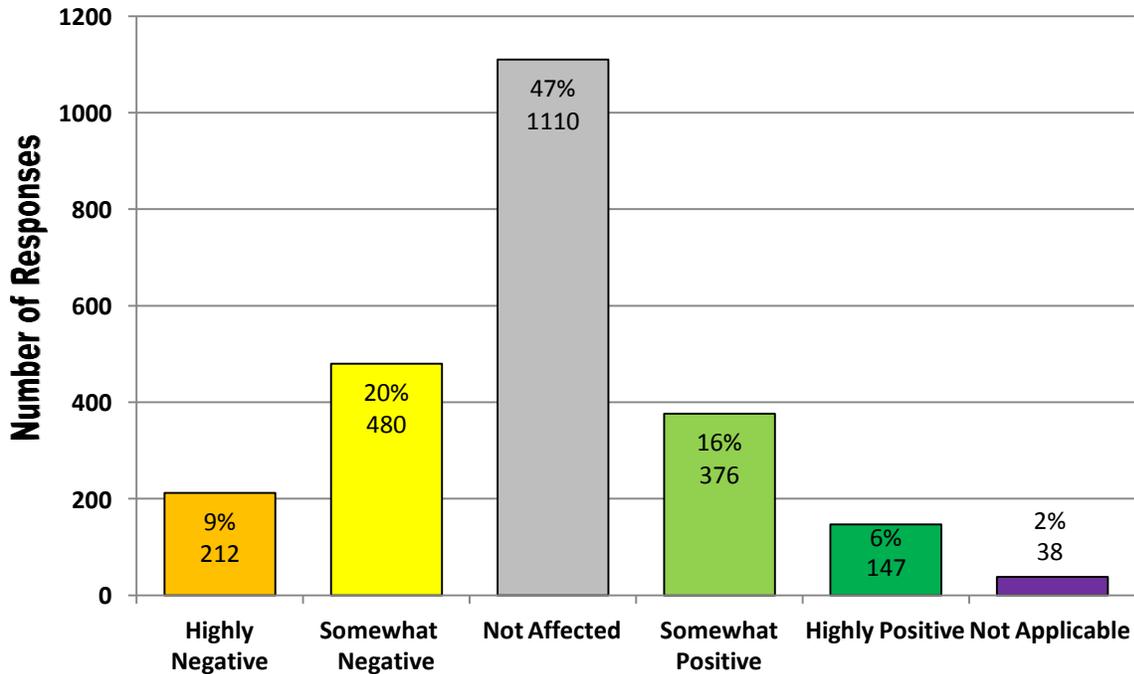


- The number of respondents reporting boating recently in each pilot program location (overall height of blue columns) is compared to the number of respondents reporting familiarity with each specific pilot program ordinance (height of orange columns).
- The number of respondents reporting boating in each pilot program location is greater than the number of respondents reporting familiarity with each specific pilot program ordinance.

Number of Ordinances Respondents Report Being Familiar With

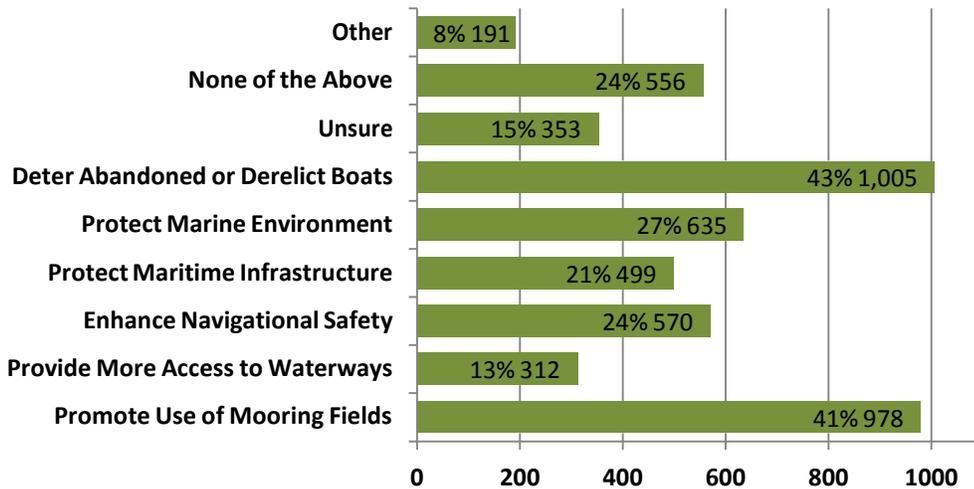


To what degree were you affected by the pilot program?

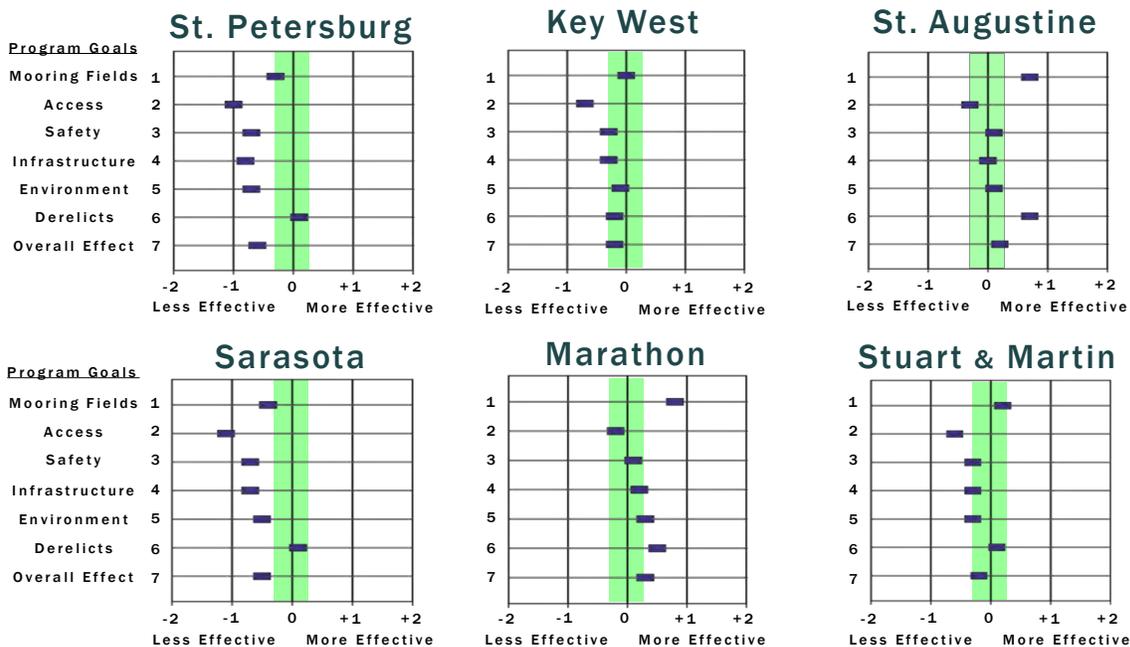


Reported Effects of Pilot Program in Totality

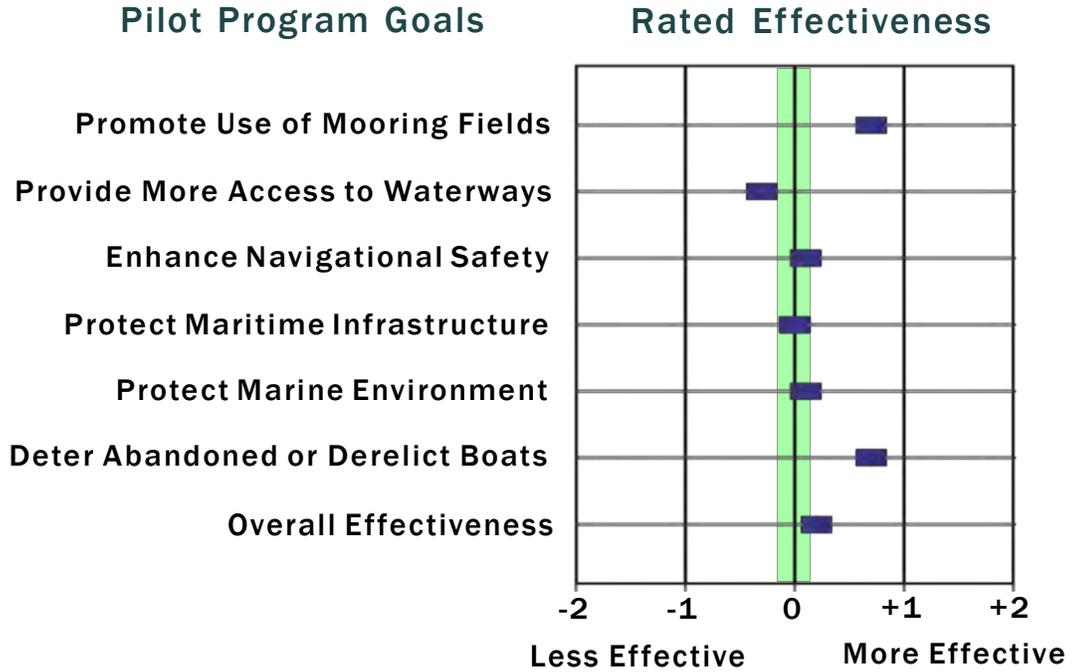
Pilot Program Goals Number of Responses



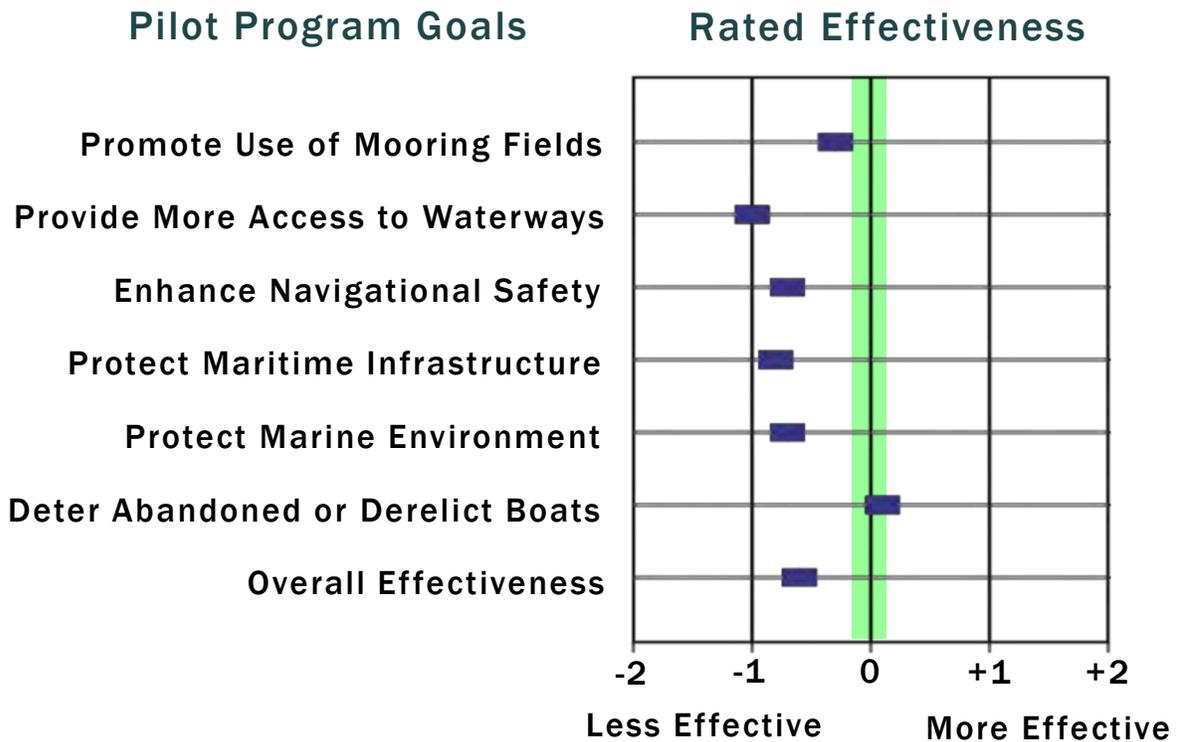
Effectiveness of Each Ordinance Towards Achieving the 6 Pilot Program Goals



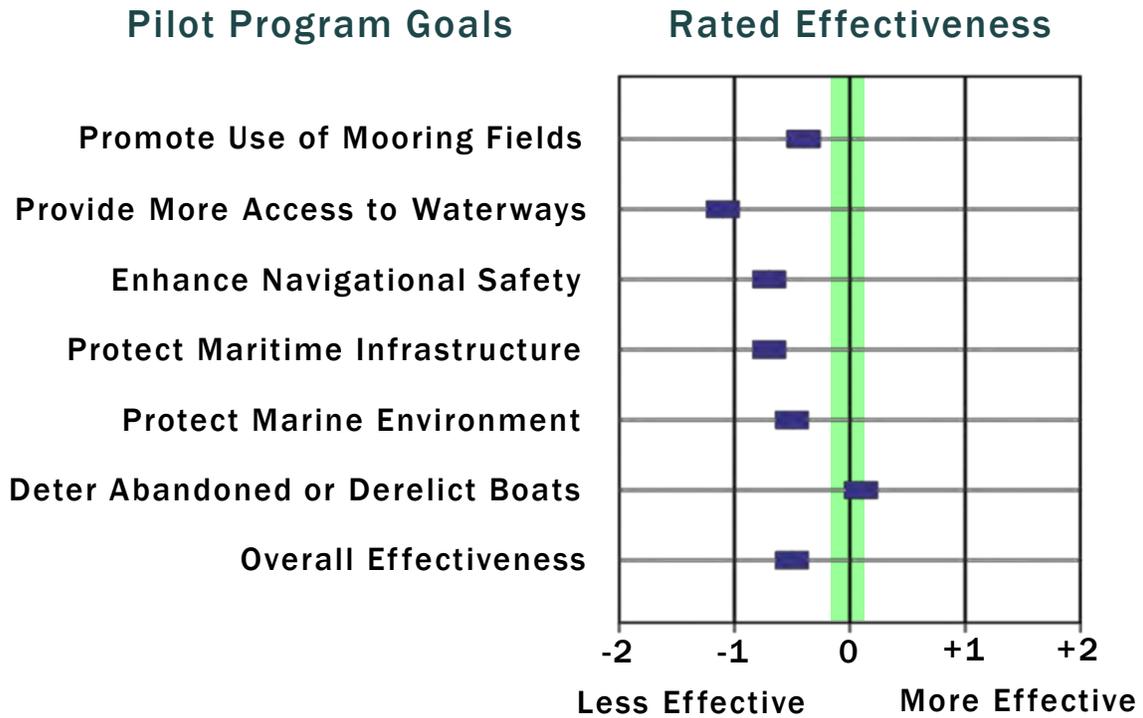
City of St. Augustine Ordinance



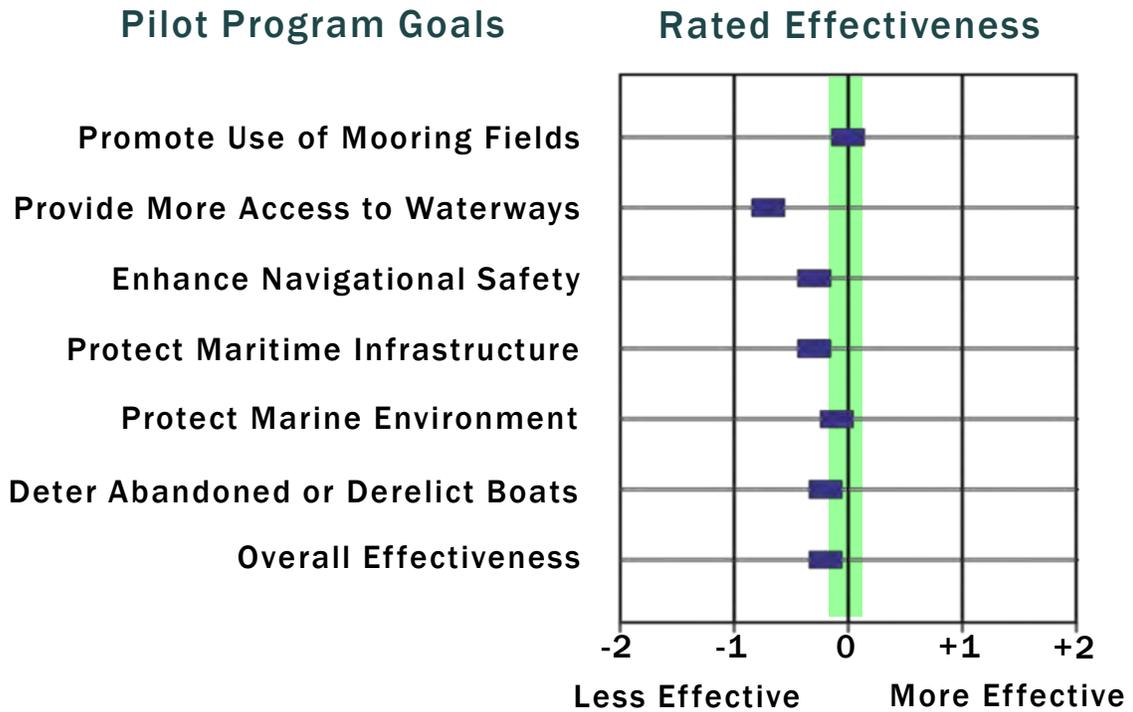
City of St. Petersburg Ordinance



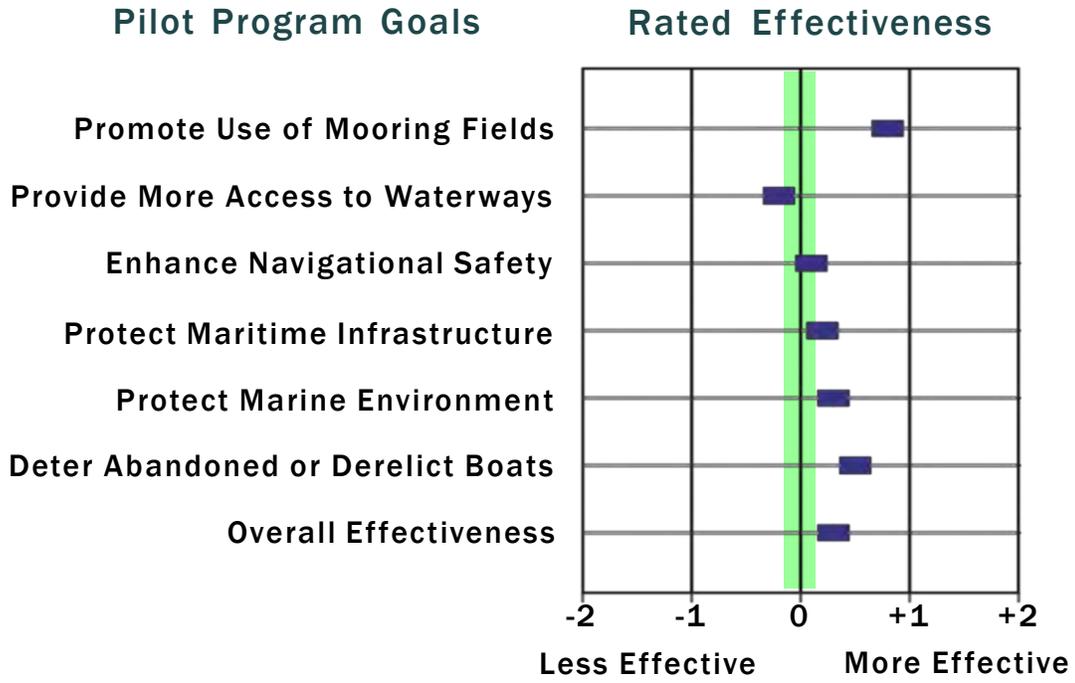
City of Sarasota Ordinance



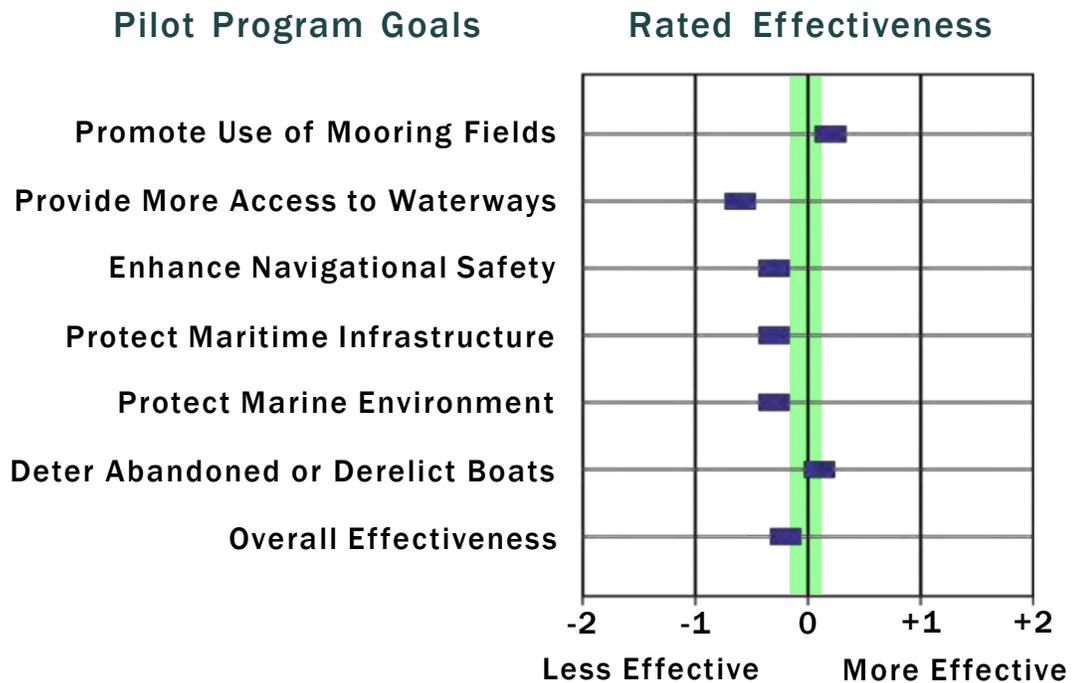
Monroe / Key West Ordinance



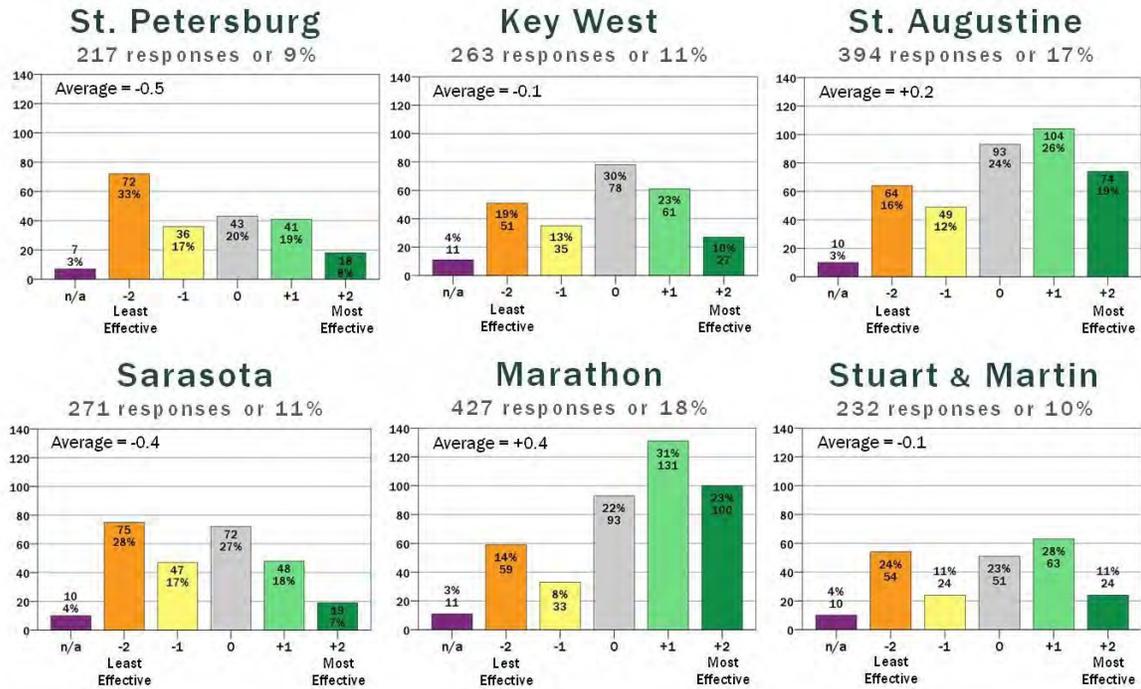
Monroe / Marathon Ordinance



Martin County / City of Stuart Ordinance

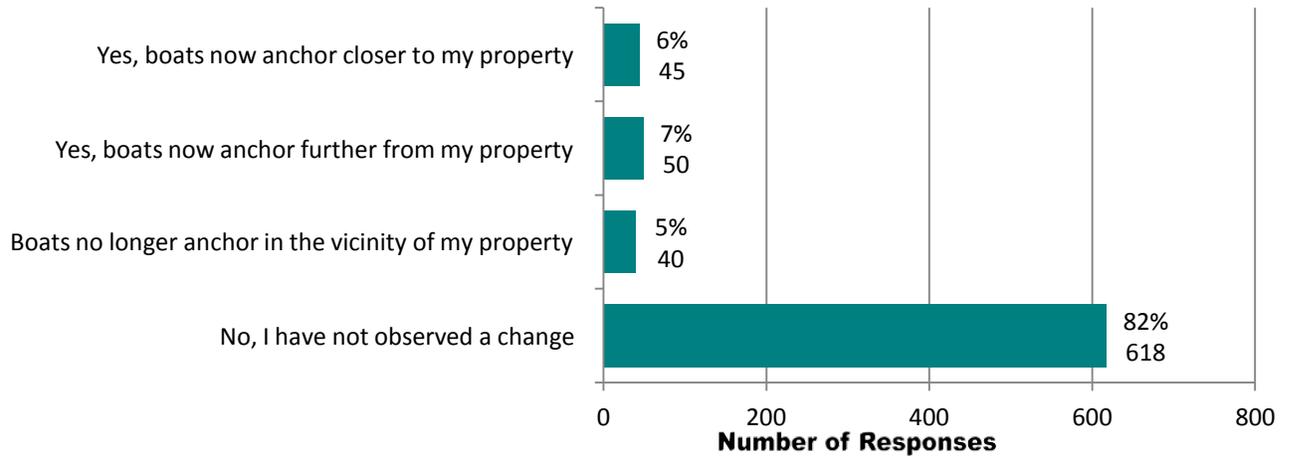


Overall Effectiveness of Each Ordinance

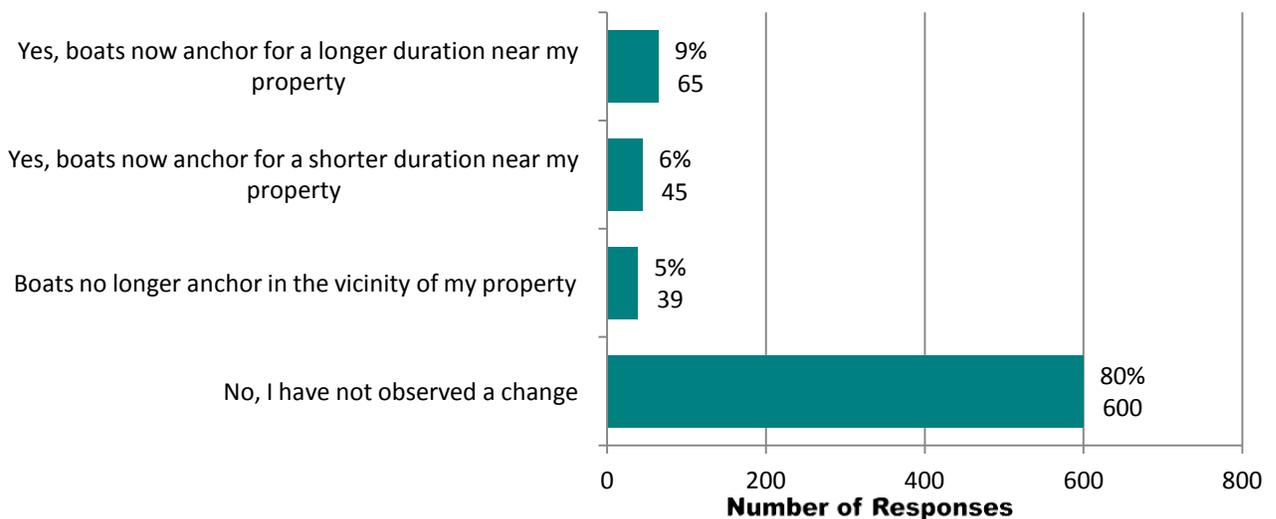


- Respondents were asked to rate the overall effectiveness of each specific pilot program ordinance.
- Effectiveness is ranked on a 5 point scale with -2 being least effective (orange), -1 being somewhat ineffective (yellow), 0 being neutral (gray), 1 being somewhat effective (light green), and 2 being most effective (dark green).
- Height of the columns indicates number of responses received for that category.
- The more green color, the more highly rated; the more orange color, the more negatively rated.
- Mathematical averages are also provided on each graph.
- The number of people responding in regard to each ordinance is indicated below the site name, percentages are relative to the total number of 2,363 survey respondents.
- The Marathon and St. Augustine ordinances received the highest ratings.
- The St. Petersburg and Sarasota ordinances received the lowest ratings.

Has the distance that boats anchor from your shoreline or property changed during the pilot program?



Has the duration that boats anchor in vicinity to your property changed during the pilot program?



Appendix G – Reports from Participating Governments

City of St. Augustine
City of St. Petersburg
City of Sarasota
Monroe County



City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

General Services

1565 – 2015
450 years

August 29, 2013

Florida Fish & Wildlife Conservation Commission
Division of Boating and Waterways
Attn: Tom Shipp
620 South Meridian Street
Tallahassee, FL 32399-1600

RE: Anchoring & Mooring Pilot Program Review

Dear Mr. Shipp:

The City of St. Augustine believes it was important and beneficial to be included in the FWC Pilot Program for many reasons. The City's history is based on our waterways. Our future depends on safe, environmentally sound and healthy natural resources. We feel the management of these valuable resources is our responsibility. The Pilot Program provided City government and the public an opportunity to address the areas we felt was important to satisfy our goals. Our primary goal is to protect and promote our treasured waterways.

Through the process of working with FWC Staff, Boating Advisory Council, Boat US Representatives and others, we worked to develop a framework of rules/guidelines which could be presented to the public for discussion. After several public meetings and workshops St. Augustine residents provided input into what they thought were important factors to be considered. We assembled those ideas and began to develop a "draft" ordinance. Those "draft" ordinances were again discussed in public meetings and workshops until the final ordinance was drafted, approved by COSA Commission then presented to the FWC Commission in November 2011 for approval.

Upon inception of the Pilot Program the most important thing we had to do was educate our audience and get out the truth. We heard many boaters spreading false stories about the Pilot Program and that we were trying to take away their "rights" or had prohibited anchoring altogether. When in fact our goal is to actually improve their boating experience, create a more responsible and educated public while sharing the same waterways, shorelines and infrastructure.

We developed and distributed by hand, mail and by email over 500 Pilot Program brochures. The brochures were also posted on the City's website. The brochure was written so that everyone could understand the ordinance and the reasoning and goals behind it. We were quite successful in helping our customers and the public understand the program. However, there were still those few who believed management and regulation would negatively affect their boating rights.

75 King Street, 32084 – PO Box 210, 32085 – Office 904/825-1010 – FAX 904/825-1051

The following rules were adopted within the Ordinance. These are summaries of the Ordinance rules and are not verbatim from the Ordinance.

Ordinances Rules:

1. No Overnight Anchoring or “Stored Vessels” shall be allowed within 500 feet of shellfish harvesting areas. The affected area would be Salt Run South.

Matching Goal: Protect the Marine Environment.

This rule has proven to be successful in several ways. Although I cannot qualify, I believe the waterway is much healthier. I see larger numbers of fish and marine life there that we did not see prior to the program. There are no longer sunk, derelict or abandoned vessels leaking their sewage or fluids into the sensitive environment. Overall the area enjoys a more pristine and natural appearance.

In addition to the improvements of the waterway the area has become a popular public recreation area. Activities such as standup paddle boarding and kayaking can be seen on a daily basis throughout the boating season. No citations were issued. Program goals were met. Cleaner water exists not only for shellfish harvesting but for public recreation as well.

2. No storing (anchoring) of vessels within 50 feet of marine structures. Such structures include public/private docks, piers and pilings.

Matching Goal: Protect marine infrastructure.

This rule has enabled the enforcement of vessel relocation due to proximity to private docks. Two vessels were asked to relocate and both complied without any issue. Homeowners I speak to would prefer this 50 foot limit be increased. No citations were issued. Program goals were met. Prior to the program there were instances of damage to private property. Since program began there has been no damage to marine infrastructure, public or private to my knowledge.

3. Boaters at anchor, in City waters, residing on their vessels (Occupied Vessel) outside of the permitted mooring fields must move to the mooring field after 30 consecutive days at anchor in a 45 day period. However, boaters may move out of the City limits for one day, stay on shore for one day or move to a mooring ball for one day, at which point the 30 consecutive day limit starts over again.

Matching Goal: Promote the use and establishment of public mooring fields.

This particular rule can be difficult to enforce, however, not necessarily abused. We have an average of 3-5 vessels that anchor out and may be in compliance in some form or fashion. Unless a vessel is observed for a 24 hour period for 30 consecutive days it would be difficult to prove occupancy. No citations were issued. Program goals were met. Vessels received regular attention which prevent them from becoming “at risk” or derelict.

4. All “stored” vessels at anchor within the City limits must get underway two times per year. Vessels are required to come to the Municipal Marina to verify the vessel can operate under its own power and have an owner or an owner’s representative. At this time the owner/representative should ensure the anchor and ground tackle are in good serviceable condition. While at the Municipal Marina dock the owner is asked to provide some basic information. Information such as emergency contact information (optional), owner’s name (optional), vessel name, location stored, and a general observation of the vessel are made by the marina attendant. A medallion will then be placed on the vessel to identify the vessel is in compliance with the ordinance.

Matching Goal: Deter improperly stored or abandoned vessels.

I feel the Medallion Program is the best way to prevent vessels from becoming “At Risk” vessels. We have a regular group of on average 6 vessels that participate and maintain compliancy. No citations were issued. Goals of the program were met. Notice dramatic decrease in number of derelict vessels and better management of existing vessels. Currently zero (0) derelict vessels in City waters.

On two occasions by having emergency contact information marina staff was able to contact the vessel owners whose vessels had broken loose from anchor.

5. Anchoring within 100 feet of the mooring field boundaries is not permitted.

Matching Goal: Protect marine infrastructure and enhance navigational safety.

Compliance with this rule is typically achieved by advising the captain of the regulation. The offending vessel is generally new to the area and once advised they relocate to an appropriate location. No citations were issued. Goals of the program were met. No marine infrastructure was damaged, public or private.

6. Anchoring within 50 feet of the San Sebastian River Channel is not permitted. This will result in a decrease in the number of incidents between vessels at anchor and larger private and commercial vessels utilizing the waterway.

Matching Goal: Protect marine infrastructure and enhance navigational safety.

This program was met with some resistance. One individual would not relocate, challenged the ordinance and was ordered to comply by the St. Johns County Judge. Owner relocated the vessel and is currently in compliance. Other than this particular individual compliance was met by all other boaters. One citation was issued. Program goals were met. Compliance was achieved by all other vessel. The San Sebastian River is now safer and no longer littered with vessels anchored in the navigational channel.

DEFINITIONS:

In order to meet the rules of the ordinance and minimize confusion, specific definitions had to be established and understood, for example “Occupied Vessels” and “Stored Vessels”. By providing these definitions boaters can better understand how the ordinance applies to them and their boating activities. These definitions also provide the means for program enforceability.

Occupied Vessel: Means boarding and remaining on a vessel for recreational activities consuming twelve (12) hours or more consecutive hours in any twenty four (24) consecutive hour period of time; for the preparation, service and consumption of meals or for sleeping; for a period of time in excess of that required for the completion of maintenance or repair activities; or for securing or protecting the vessel in a time of emergency or severe weather.

Stored Vessel: Shall mean any vessel not under the direct supervision and control of a person capable of operating the vessel and promptly moving the vessel from the locations designated in subsection (j)(2)(3)(4) and (5) of Ordinance No. 2011.10.

I feel the A&M program was successful in that we were able to better manage the health and safety of our waterways.

With regard to mooring occupancy, our boaters look forward to the use of the moorings due to the current in our area. The moorings and marina provide safer alternative to anchoring. Since the inception of the A&M program we may have had less than a dozen true "Cruisers" elect to anchor rather than utilize the moorings. I do not feel the mooring occupancy had a measurable increase specifically because of the A&M program.

This document represents a summary of the A&M Pilot program to date. Should the need for additional information be necessary please do not hesitate in contacting me.

Sincerely,


James C. Piggott
Director, General Services


Samuel R. Adukiewicz
Harbormaster

xc: John P. Regan, City Manager
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City of St. Petersburg



Report on Participation in the Anchoring and Mooring Pilot Project

August/2013

Introduction –

The City of St. Petersburg is located in Pinellas County, on the west coast of Florida and is the fourth largest city in the state. St. Petersburg has a reported population of almost 245,000, which swells even larger during the tourist season. The City is situated on a peninsula and is fortunate to be surrounded by the waters of Tampa Bay and Boca Ciega Bay. The City has a land mass of 133 square miles. However, the City also has a large footprint on the waters of the State. St. Petersburg has approximately 325 linear miles of coastline and 86 square miles of waterway. It is this vibrant and beautiful waterfront, which made it very important to our community to participate in the State's Anchoring and Mooring Pilot Project, to better protect the "crown jewel" of our City. We would like to take this opportunity to thank all the individuals at the State level who provided our City with guidance and assistance during this entire process. It is also important to recognize the assistance provided by City staff, local industry professionals and concerned residents, whose input was crucial to our participation.

Summary of the Ordinance Development Process –

The development of our ordinance began years before the start of the Anchoring and Mooring Pilot Project. The City of St. Petersburg, as with many other coastal communities, was experiencing problems with the long term improper storage of vessels, as well as derelict vessels within the city. These problems typically started with the improper long term storage of vessels. These vessels were infrequently maintained or ignored completely and allowed to deteriorate to the point they became derelict. Except for a few locations, the reasonable and proper anchoring of vessels was not a concern for the City. We as a City have always recognized the fact our waterways should be open to use and enjoyed by our residents and visitors alike. However, the presence of these improperly stored vessels, especially in certain locations, would often create hazards to navigation, threats to marine infrastructure and the environment.

The City of St. Petersburg recognized early on that Florida law precluded local governments from regulating the anchorage of non-live aboard vessels. The City attempted to control the issue of the derelict vessels by city code, similar to the Florida derelict vessel laws. The problem that we identified was by the time a vessel fell into the category of being derelict, which was unlawful by state statute, the amount of action required to remove the vessel became extensive, costly and time consuming.

As early as 1996, the City took a proactive approach toward the issue. Although we were unable to heavily regulate any vessel which by today's terminology would be called an "At Risk" vessel, we would make an attempt to make contact with the vessel owner. We would encourage the owner to start maintaining the vessel in order to gain voluntary compliance. In using this approach, we were successful in only a few cases. This approach would typically delay a vessel from becoming a derelict for a short time

Summary of Ordinance Development Continued ...

period. The vessels usually would become a bigger problem later on. It became clear that without the possibility of any type of sanctions the vessel owners would allow the vessels to deteriorate.

As the years continued, we gained valuable experience and knowledge on this matter. We were able to determine what the root issues were, recognized what we hoped to accomplish and identified the enforcement tools needed to achieve this goal.

The issues we identified were that vessels were often stored throughout the waterways, as a cost saving measure for the owners. As long as the stored vessels were properly maintained, they usually presented few problems. However, with time the stored vessels usually would fall into disrepair. As a vessel's condition worsened, the owner was less likely to commit the resources necessary to repair the vessel. The owners would then end up abandoning the vessel, giving it away, or selling it to another individual. Often, long term stored vessels would end up becoming a derelict vessel, or worse, would end up posing a hazard when they eventually broke loose and collided with marina facilities. We noted that the true "cruisers" or transient vessels usually did not present such issues, as these vessels were well maintained and tended to by their owners.

We determined the goal was to ensure that owners properly maintained the vessels to prevent them from reaching a point of no return, where the owner no longer had the ability to effectively deal with the vessel.

We were able to identify that there were usually a number of common indicators which demonstrated the lack of proper maintenance on the vessel. Examples would include a vessel with heavy marine growth, an accumulation of water within the bilge and having rotted or frayed anchor lines. We learned through experience that if such conditions were allowed to continue, the vessel would either sink, break free from its mooring or both. Unfortunately, these early common indicators were outside the realm of regulation and it was only after the vessel sunk or became a hazard that action could be taken. However, in these situations it would be too late and the owners were usually already trying to distance themselves from the liability. We believe it is much simpler to deal with the issues while they are still manageable and long before they become major environmental problems.

We also recognized that the tools we needed were those which could hold vessel owners accountable for properly maintaining their vessels and contained some type of penalty for non-compliance.

Summary of Ordinance Development Continued ...

Prior to the inception of the Anchoring and Mooring Pilot Project, we conducted several site visits to other city's having similar issues. In 2006, we also held a waterfront and boating access summit, in which over one hundred persons attended and participated in meaningful discussion. We discovered there was much misinformation amongst the public, about the City's ability to regulate anchoring. However, there was support for establishing mooring field(s) within the city.

Before and during the development of our ordinance, we continually spoke with members of the community. We sought out as much input and suggestions from the community as possible. We included members from the various marine industry professionals, other governmental agencies, educational facilities and private user groups, such as, yacht clubs and boater's organizations.

Upon the actual inception of the Anchoring and Mooring Pilot Project, we held several additional meetings. Most of the meetings were open to the general public, including two public forums, where the general public was asked to provide input. We also help various presentations in front of City Council and at the City Council's Public Services and Infrastructure Committee meetings. All of which were open to the public and where the public was allowed to comment. We also made presentations and took comments from groups such as the Tampa Bay Regional Planning Council and the St. Petersburg Yacht Club. We also made more individualized contact with numerous marine industry professionals. These included marina managers, towing and salvage operators, educational facilities, such as, the University of South Florida – St. Petersburg and Eckerd College. We did not track the actual hours spent on these meetings and presentations, however many hours were spent preparing the presentations and meeting with the various stakeholders.

One of the major concerns during the development process was the possibility of creating a large amount of displacement. We took into consideration that an area not regulated by an ordinance, could be affected by any surrounding areas, which were regulated. We also had to consider any unintended consequences of the ordinance. Our goal was to develop an ordinance that would allow for open use of the waterways, but would also allow us to hold vessel owners accountable for vessels which were being neglected.

Although, we felt that a widespread anchoring prohibition should not even be a consideration, we recognized some measure of control within certain areas was necessary. These areas are primarily locations such as marinas, public access areas, and other areas which, by their use and activity level, showed the need for some restrictions. Such restrictions could range from prohibiting mooring within marina waterways to requiring a limit on the amount of time a vessel could anchor within other similar maritime areas. We feel that the scope and level of use needs to be considered when making such a determination. An attempt to balance the actual

Summary of Ordinance Development Continued ...

allowable use and infrastructure / safety concerns should also be considered.

Another important consideration was the ability of law enforcement to enforce the ordinance. Our own marine law enforcement officers were heavily involved in the development of the ordinance in order to ensure the ordinance could be effectively applied from a law enforcement perspective.

We also considered establishing widespread anchoring time restrictions, such as those proposed in some early draft legislation prior to the Anchoring and Mooring Pilot Project. We had serious concerns regarding the feasibility of tracking such time periods. We determined it would be impossible to accurately track a vessel throughout our City's vast waterways. We eventually decided such time restrictions on a large scale, would negatively impact our ability to properly apply the ordinance. We did feel however, such time restrictions could be managed within smaller regional areas such as a marina or harbor.

This brought us back to examining the core issue of addressing improperly stored vessels. The concern became how to objectively identify common indicators of a vessel, which if ignored would likely become a hazard. While some factors may not pose a serious concern in the short term, others may require more immediate action. We eventually compiled a list of several common indicators which could be used to identify vessels which were likely to pose a hazard. We designed a process whereby the owner could be provided a notice allowing adequate time to take corrective action, if the vessel did not present an immediate hazard. However, we included provisions which would allow for immediate action if a vessel presenting a more serious condition, such as sinking or leaking pollutants, etc.

The ordinance was divided into two major sections in order to accomplish our common goals for the project. The first portion addresses the issue of vessels that have displayed the common indicators which indicate a hazardous vessel or a vessel which has a high likelihood of becoming a hazard. This section applies citywide and is intended to allow for anchoring in most portions of the city, while requiring a certain level of seaworthiness and attentiveness on the part of an owner. The other section focuses on restricted anchoring within certain areas identified as having the need for such restrictions for the safety of persons or maritime infrastructure.

We considered this to be the best approach to deter the storage of improperly maintained vessels and thereby enhancing navigational safety, protecting the environment and maritime infrastructure. We also felt by reducing the amount of improperly stored hazardous vessels and by limited restrictions of certain areas, we could promote public use of waterways within our area that were traditionally hazardous to the boating public.

Communication of the Ordinance –

During the developmental process of the ordinance we utilized many resources and conferred with as many stakeholders as we could identify. This process included two public input meetings, City Council Public Services & Infrastructure Committee meetings, City Council meetings and a meeting with the Tampa Bay Regional Planning Council. Meeting notices were communicated through a variety of methods. These methods included posting on the City's website and the Florida Wildlife Conservation Commission's web site, local newspaper and television reports, and the City's Public Access television. We also reached out to the Boat U.S. Organization and were able to engage in useful dialog during the process. Through the City's Marketing Department, we reached out to local businesses and residential neighborhoods. We also reached out to area marinas, sailing centers and yacht clubs seeking input as well as providing information.

The public comment received varied greatly. In several cases there was a misunderstanding about what the Anchoring and Mooring Pilot Project was designed to accomplish. Some of the positions taken were supportive and felt that action needed to be taken in order to protect the waterways. Others were critical and felt this was another example of government taking rights and freedoms away. Some critics felt that the existing laws were sufficient and there was no need to create more regulation. We quickly learned that most people were not fully aware of what the laws actually said or how an officer may or may not be able to enforce them, as they are unaccustomed to the rules and guidelines an officer must follow. The City did develop and make available an informational brochure to explain some of the local anchoring regulations to the public. The brochures are made available to marina users and commonly provided to vessel owners by law enforcement upon any related contact of this nature.

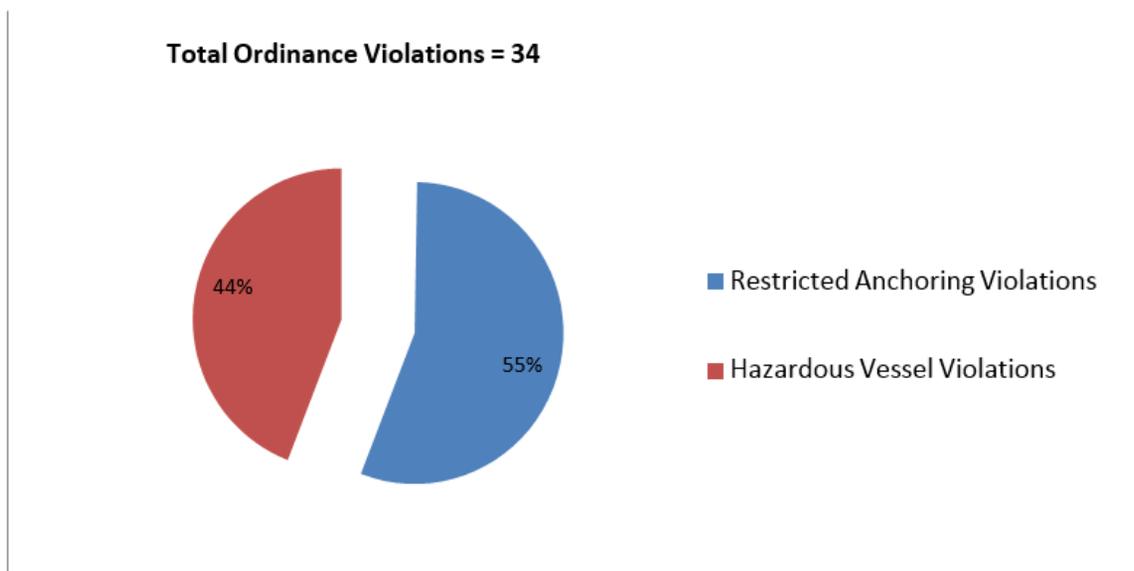
Effectiveness of the Ordinance –

While the effectiveness of our ordinance can be measured in many ways, the most critical for us is the reduction of vessels being stored in our waters, which as mentioned previously, leads to the waterways being littered with derelict vessels. In 2011, there were ten reported cases of derelict vessels and another ten were reported in 2012. So far this year, there have been seven derelict vessels reported. However, derelict vessels have many causes including storms, boating crashes, running aground and illegal dumping to name a few. So while our goal is always to reduce the number of derelict vessels, there will always be a few whose causes are outside the realm of neglect on the part of the owner. For this reason, we prefer to measure the effectiveness of our ordinance in the overall reduction of vessels being stored and suffering from neglect.

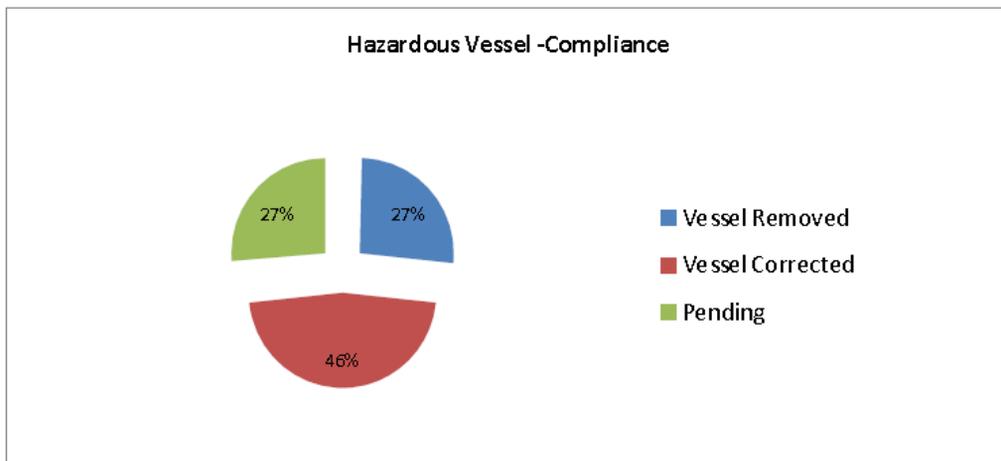
Effectiveness of the Ordinance Continued...

As noted earlier, the City has been addressing this issue for many years, long before there was an “At Risk” program and certainly before the implementation of the Anchoring and Mooring Pilot Project. During the years prior to the Anchoring and Mooring Pilot Project, we were averaging approximately eighty to ninety stored vessels within our city limits at any given time. We began an aggressive campaign to locate the owners of these stored vessels and apply whatever pressure we could to convince the owner to remove the vessel or correct the observed deficiencies. This approach did provide limited success in some cases, but frequently owners continued to fail to attend to their vessels and we were forced to wait until the vessel became derelict before taking action. Even before our ordinance became effective, we began to see long term owners of stored vessels begin removing their vessels in anticipation of knowing the law was no longer on their side. Since the ordinance has been in effect, we have seen a dramatic reduction in the number of stored vessels. Today, we have approximately twenty to thirty stored vessels located within our city limits.

Since the inception of our ordinance in July of 2012, we have reported 34 ordinance violations. Of those 34 violations, 19 were related to anchoring within a restricted area. We received full compliance with those 19 violations, once the ordinance was explained and alternate anchoring locations were provided. The remaining 15 violations, dealt with the “Hazardous Vessel” portion of our ordinance. Of those 15 violations, 4 of the vessels were removed from the waterway by owner and disposed of. For seven of the 15, the owners corrected the reported issues and brought the vessel into compliance. The remaining 4 violations are still pending, awaiting contact with the owner or the owner has requested more time in order to remove the vessel. Please see the following charts:



Effectiveness of the Ordinance Continued...

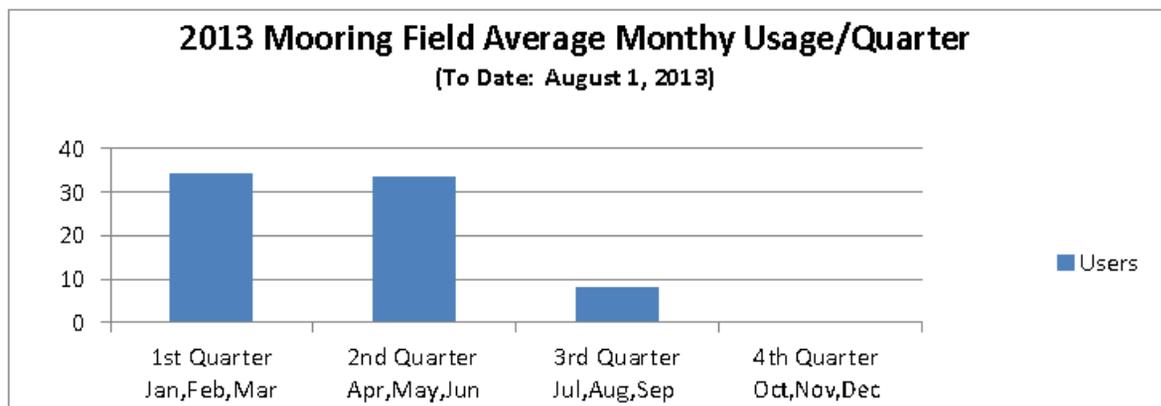
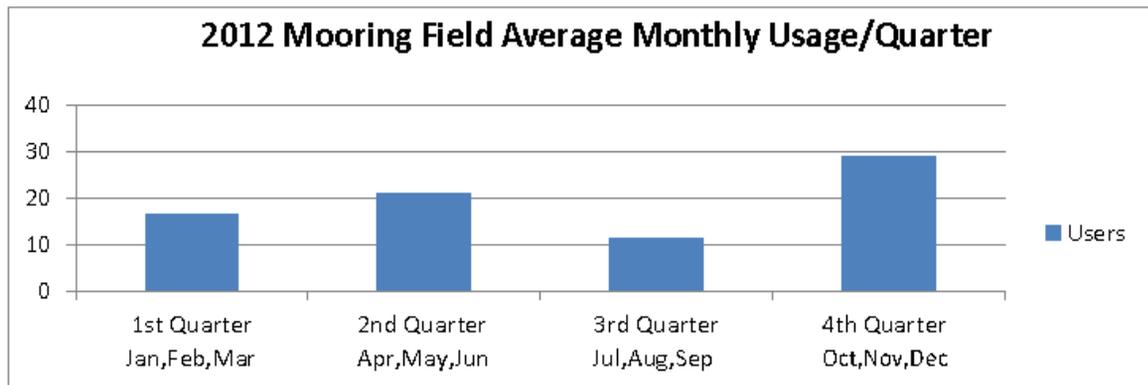


As the data shows, we have seen a dramatic decrease in the number of vessels being stored. Additionally, we have been able to keep vessels from being stored in traditional locations, where there is a negative impact on marine infrastructure.

Another indication of the success of participation is found in the use of the City's Mooring Field, located in the North Yacht Basin (Vinoy Basin). As part of the program, the City installed 13 mooring balls in the basin and has plans to install 13 more in the future. In 2012, the North Yacht Basin Mooring Field provided safe and secure mooring to 234 users. This was an average of 19.5 users per month during 2012. So far, in 2013 the mooring field has been utilized 210 times for an average of 30 users per month. There is no doubt this trend will continue as the word continues to spread about the existence of the mooring field. It should be noted we counted individual users of the mooring field as opposed to vessels, due to the fact some users used the mooring field multiple times within the month or stayed longer than one month.

Effectiveness of the Ordinance Continued...

Through conversations with users of the mooring field, we have found the overwhelming majority have had a positive experience related to its use. The only negative comments we have learned of, have been concerning the suggestion of the installation of a breakwater to reduce wave action within the basin during inclement weather. Please see the charts below for a breakdown of monthly mooring field usage by quarter.



The City Municipal Marina requires all vessel holding tanks to be pumped out when entering the mooring field and every ten days thereafter. The Marina's pump out vessel has responded 20 times since the mooring field opened. Again, this does not include the number of times vessels came to the pump out station prior to entering or upon leaving the mooring field. We feel this is a demonstration of the City's commitment to reduce possible sources of pollution of our waterways.

Overall, we believe our participation in the Anchoring and Mooring Pilot Project has been a tremendous success. Our participation has allowed us to create a sensible and enforceable ordinance which has assisted us in preserving the right for everyone to use the waterways, while balancing our responsibility of protecting this precious resource. We strongly believe our ordinance has had a major effect in cleaning up our waterways and thus has met every single one of the project's goals.

Effectiveness of the Ordinance Continued...

Our mooring field has exceeded our expectations and is poised to expand if the current growth rate continues. The users of the mooring field have been delighted at being able to moor their vessel for a night, a weekend or a month or more and enjoy all of the amenities our downtown area has to offer.

With our strategic control of certain areas within the city, we have been able to make available areas which were previously closed due to the anchorage of stored vessels. This has allowed for several of the area youth groups and sailing organizations to utilize these areas, where previously it was too hazardous. This was also crucial in enhancing navigational safety and the protection of maritime infrastructure as it has reduced the number of incidents regarding vessels which have broken free from anchor and posed an immediate threat to nearby marinas. Additionally, there has been a decrease in the incidence of fouled anchor lines caused by vessels attempting to navigate around clusters of stored vessels. We have received many comments from marina managers, who are pleased that vessels left for storage no longer are a concern for the safety of their client's and tenant's vessels.

It is important to also mention we have not seen any of the repercussions which were predicted to occur by some. Critics suggested our area would become a "dead zone" as transient boaters would refuse to come to a place that was hostile to boaters. We believe the use of the mooring field and the City's transient dock have shown this to be untrue. In fact, we feel we have attracted more boaters to the area, now that there are designated places where boaters can go to enjoy the City's amenities. Also, critics suggested the City wanted to participate in this project as a way to hit boaters with regulations and fines as a way to "cash in" on unsuspecting boat owners. As of the writing of this report, we have not had to issue one single fine to any individuals found to be violating our ordinance. We credit this with the structure of our ordinance which allows time for an owner to comply, as well as an overall customer service attitude which entails educating and explaining to boat owners the reason for the ordinance. This results in recognition of the importance of being in compliance. Lastly, some critics accused the City of using this ordinance as a way to wage war on fishermen. Again, not once has our ordinance had any effect whatsoever on anyone fishing.

It is hard to describe in words how much nicer the waterways of our City have become since enacting this ordinance. We consider the waterways of our City the "crown jewel" of our area, which has now been polished into a brilliant gemstone. All of this was accomplished in a relatively short period of time and we are eager to see what can be done over a longer period.

The Future of the Anchoring and Mooring Pilot Project-

It goes without saying that we are delighted with the results of our participation in the Anchoring and Mooring Pilot Project. We believe we have demonstrated that a fair and balanced approach to the issues regarding anchoring and mooring within our state can be obtained. While we recognize that every location will have its own set of unique issues, we are convinced our approach will address many of those issues.

We are hopeful that our participation and success will result in meaningful legislation which will allow local governments to have some control over their areas. This is a critical component of our efforts, as it will encourage local governments to establish mooring fields, manage areas of marine infrastructure and areas of high volume use. However, we recognize if not structured properly, it could lead to widespread abuse. Therefore, we believe certain criteria would have to be established at the state level, which would provide local governments with guidance as to the areas they can and cannot control. Again, as shown by our ordinance, we believe those areas to be related to maritime infrastructure (marinas, ports, maritime industry, etc.) and the enhancement of navigational safety (areas of heavy usage, marinas, boat ramps, etc.). We feel this could be obtained by establishing criteria within the Florida Administrative Code, similar to the establishment of regulated zones with Chapter 68D F.A.C. This would require a local government to apply for and seek approval before establishing a “No Anchoring Zone” or a “Restricted Anchoring Zone”.

Another critical component is the improper storage of vessels. Legislation which establishes minimum criteria for the storage of vessels on state waters is a must. We believe this could be easily accomplished by revamping the State’s “At Risk” vessel program to identify clear indicators of vessel neglect and include penalties for non-compliance. We feel we cannot overstate the importance of this component and believe the Legislature should adopt the attitude that long term improper storage of vessels on our waters is detrimental to the environment and undermines the balanced use of this precious natural resource.

Absent any meaningful legislation, we would hope that the Legislature would at least allow the Anchoring and Mooring Pilot Project to continue beyond its 2014 deadline. While we have enjoyed much success with our ordinance, there is still work to be done. It would be a tremendous tragedy to abandon the work done thus far and ignore all this program has accomplished. We would like to take this opportunity to once again thank everyone for their involvement in this important project and would like to reaffirm our commitment to ensuring cleaner waterways for future generations.

Report Prepared By:

***Officers Les Miller and Michael Robertson – St. Petersburg Police Marine Unit
Manager Walt Miller – St. Petersburg Municipal Marina and Port***

City of Sarasota Ordinance Pilot Program and Mooring Field Update

Prepared by: Anthony Russo, Project Manager and Sam Chavers, Harbormaster

August 31, 2013

Background

The City participated in the pilot program to address long standing issues related to derelict vessels in the immediate vicinity of the City Bay Front park, vessels anchored closely to private property throughout the City, illegal discharges and recurring beaching and sinking of vessels during storms. Due to construction delays the City Mooring field was open simultaneously with the enactment of the pilot program ordinance.

Clearly, the opening of the mooring field on November 1, 2012 including the associated submerged land lease alleviated issues experienced in the Bay Front. The abrupt clearing of vessels within the lease area purged many pre-derelict vessels from the bay. Some of the remaining vessels either moved into the mooring field or anchored further outside the field thus falling into the provisions of the ordinance.

Unfortunately the remaining vessels that moved have more or less moved south of the City mooring field establishing a new, unregulated anchoring area. This area is healthy with sea grass beds based on aerial review, shallow during low tides and near two inland channels. Vessels have been observed listing at low tide in this new area. Vessels owners have additionally established a new dingy area near a public right of way that leads to a sidewalk.

Based on public input the City ordinance is relatively lenient with regard to setbacks (150' from land or mooring fields) and time on anchor in any location (90 days). Based on these provisions the setback to the mooring field may be too small and the time on anchor may be too generous to achieve all the goals of the pilot program. Consideration should be made on the benefits of City wide restrictions versus localized restrictions. Local anchoring restrictions could be considered for shallow areas. Another consideration may be increased anchoring setbacks from shorelines versus seawalls since seawall generally abut deeper water.

a. Description/summary of the ordinance development process.

i. What did you learn about;

- 1. Vessel usage;* Actual usage of existing vessels remained similar. Area saw a large increase in transient usage due to availability of mooring field.
- 2. Language considerations;* the ordinance language went through public hearings and minor concerns were aired and addressed.

3. *Enforcement*; It is hard to establish time limit violations since the water is not monitored on a daily basis as done on land with parking enforcement.
 4. *Unintended consequences*; many boaters just moved to other areas or into environmentally sensitive areas
- ii. *Staff hours invested*; City attorney approximately 80 hours, City project manager approximately 160 hours, Harbor Master approximately 40 hours, City Police approximately 24 hours on just ordinance development.

b. *How did you communicate the A&M ordinance to public?*

- i. At the beginning we held two stakeholder meetings focusing on the known vessel owners in the bay. Next we held an advertised public meeting to solicit any and all comments related to the ordinance. Unfortunately the public meeting solicited numerous comments about the proposed mooring field since it was not built yet although numerous ordinance comments were received also. Extensive email comments were also received. Based on comments from stakeholders, public meeting and email a draft ordinance was prepared. The draft ordinance was presented at a first reading of the City Commission. The ordinance as approved at first reading was presented and accepted by the FFWCC. The ordinance was then presented at a second reading public meeting and adopted.
- ii. *Examples could include*;
 1. *How many pamphlets distributed*; over 200 pamphlets were handed out at the harbormaster office and all boats anchored in the bay were posted with the public meeting announcements.
 2. *Email*; email addresses were clearly listed on all pamphlets and public notices to contact the City project manager with input.
 3. *Posting on website*, included notices of public meetings on the city home page. Local newspapers also ran articles about the public meetings.
- iii. *Good or bad comments you received from the public regarding A&M*. Many comments focused on "freedom of the open water" however many other comments inferred it is past time to regulate this limited resource that is available to all but abused by a few.
- iv. *Did you target communications with all stakeholders*;
 1. *Boaters*, yes through direct contact.

2. *Homeowners*, through newsprint but not direct.

3. *Businesses*, through newsprint but not direct.

c. *How did you measure the effectiveness of ordinance?*

i. *Use of your mooring field before and during ordinance; the City mooring field opened as the ordinance was adopted so there was no before and after to compare. As explained earlier however many of the vessels moved south and did not come into the mooring field.*

ii. *How many citations/warnings-examples or explanations*

1. *Some of the law enforcement (LE) in the local areas described getting voluntary compliance and not needing to warn or cite someone after explaining the ordinance. Basically, they showed the new tool in the toolbox, but didn't need to use it.*

2. *Sarasota LE handed out numerous pamphlets but did not need to issue any warnings or citations due to the liberal restrictions in the ordinance. One citation for trespass was issued and upheld in the mooring field from an anchored vessel that would not leave or lease.*

iii. *Did you meet the goals of the program?*

1. *The goals of the pilot program are to encourage the establishment of additional public mooring fields and to develop and test policies and regulatory regimes that:*

a. *Promote the establishment and use of public mooring fields.* This goal was somewhat met however the 90 day open water anchoring allowance has not really encouraged owners to move into the field. The field is being used more due to location.

b. *Promote public access to the waters of this state.* Clearing of the derelict vessels to open the mooring field has indeed increased transient use of the bay front with numerous positive comments from visitors.

c. *Enhance navigational safety.* No observed impacts.

d. *Protect maritime infrastructure.* Yes, there has been a significant reduction in vessels breaking anchor and landing on the shoreline.

e. *Protect the marine environment.* There may have been potential adverse impacts due to the

relocation of anchored vessels to more shallow waters.

- f. *Deter improperly stored, abandoned, or derelict vessels.* There may have been potential adverse impacts due to the relocation of anchored vessels to more shallow waters. Since the ordinance was enacted in November 2012 there has been limited opportunity to test the 90 day time limit.

2. *Examples of how the goals were met*

- a. *Effluent pump out quantities during A&M time period.*

- (a) 2011 – 3681 gallons

- (b) 2012 – 3174 gallons

- (c) Note: once field was built we no longer pump boats outside the field.

- b. *Increase or decrease of derelict vessels or vessels exhibiting pre-derelict indicators.* Dramatic reduction in number of pre-derelict vessels due to opening of MF. We feel there is better attention to vessels know that after 90 days they are subject to enforcement rather than waiting for them to turn derelict.

- c. *Fewer instances of infrastructure damage.* Fewer vessels seem to be showing up on the beach.

d. *Suggestions of how A&M should proceed?*

- i. The City desires to continue our local ordinance however we would like to know lessons learned from other municipalities for incorporation into our ordinance and we would like to rethink some of our set back and time restrictions to account for our unintended consequences.
- ii. Consider to increase boundaries from 150' to a much greater distance from designated mf. Enforcement is huge hinge point. Majority of mf tenants are very happy with the mf. Less sewage, better anchorage, less crime and better overall perception of the mooring field tenants. Mf working well but better enforcement of non-mf residents would enhance its benefits for the city.

County of Monroe Growth Management Division

Office of the Director

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We strive to be caring, professional and fair

Capt. Tom Shipp
Florida Fish & Wildlife Conservation Commission
Boating and Waterways Section
620 South Meridian Street
Tallahassee, FL 32399-1600

August 30, 2013

Capt. Shipp:

As part of the Pilot Program for Anchoring and Mooring, and to assist with the A&M legislative report, I am providing the following information regarding the progress of the A&M ordinance for Monroe County. Please contact me if you have any additional questions.

Sincerely,

Richard Jones
Monroe County Marine Resources Office

Monroe County A&M Ordinance Evaluation

8-30-2013

- a. Description/summary of the ordinance development process
 - i. What did you learn about:
 1. Vessel usage- it was confirmed that vessel usage (anchoring) was high in several unmanaged anchorages throughout the Keys, but that vessels in different locations create different impacts that had to be treated specifically to that locale. The greatest issues recognized through the ordinance development process were: 1) most vessels appear to be pumping sewage directly overboard, and 2) many local liveaboard vessels are not being properly maintained and many are unattended, leading to derelict vessels. Language considerations- it was determined early in the ordinance development that
 2. regulations would be categorized into ‘no anchoring zones’ and ‘managed anchoring zones’. Language for ‘no anchoring zones’ was developed based on the problem of vessels being anchored directly adjacent to mooring fields, and routinely causing impacts by dragging into mooring fields, into other vessels, or into docks and bulkheads along adjacent shorelines. Language for the ‘no anchoring zones’ was very clear cut. Language for ‘managed anchoring zones’ required more detailed consideration, and the specific rules evolved from the recognition that vessels are not being maintained and often become derelict. Language prohibiting ‘pre-derelict condition’ vessels was developed, utilizing some existing language from the FWC At Risk Program. County Commissioners however, did recognize that such conditions may come down to judgement calls by enforcement. For that reason, ordinance language included the issuance of warnings prior to citations so that vessel owners would have the opportunity to address the deficiencies noted in the warnings.
 3. Enforcement- the County Commission desired that enforcement not be heavy handed, and enforcement language was developed to provide warnings prior to issuing citations, and that there would be a period of education and information prior to warnings or citations.
 4. Unintended consequences- enforcement by FWC (the primary enforcer for the ordinance) has not been as active as initially anticipated. At the current time no data is available on warnings or citations issued. County staff has held several meetings with FWC enforcement staff in recent months to coordinate ordinance implementation activities, and ensure that officers understand the ordinance and know that they can issue warnings and citations.
 - ii. Staff hours invested- County staff has worked on the A&M ordinance for the past four years. Staff has invested hundreds of hours in the development of the ordinance including holding public workshops, issuing press releases, and processing the ordinance through the state and county systems. Staff also developed signage (both regulatory and informational) for marking the boundaries of the zones and informing boaters of the regulations. Staff permitted and installed signage on the water and at adjacent marina facilities.
 - iii. Intent of each ordinance provision to meet the goals of the program.

1. Managed Anchoring Zones were established for the purpose of protecting the marine environment, enhancing navigational safety, and deterring improperly stored, abandoned, or derelict vessels.
 2. No Anchoring Buffer Zones were established outside of, and immediately adjacent to, permitted public mooring fields for the purpose of protecting maritime infrastructure, enhancing navigational safety and promoting public access and the use of public mooring fields.
- b. How did you communicate the A&M ordinance to the public?
- i. The development of the ordinance began with the Marine & Port Advisory Committee (MPAC). Subsequently, drafts were generated by staff and presented to the BOCC for input. During the process, stakeholder workshops were held in three areas of the Keys to solicit input from the public. At each public meeting public comment was taken and the final ordinance reflects the concerns of the MPAC, the BOCC, the public, and the objectives of the A&M program.
 1. Brochures were printed and provided to the public through the FWC and the County's pumpout program.
 2. E-mails were sent to those citizens who signed up to receive notification of public meetings regarding the ordinance.
 3. The ordinance is posted on the County website and activities are updated as necessary.
 - ii. At stakeholder workshops the County received oral and written comments, both for and against the program. Many boaters were opposed to the program in general (expressing that existing regulations need to be enforced) and many shoreside residents supported the program and its intention.
 - iii. The County targeted both boaters and shoreside property owners (residential and business) regarding ordinance development and stakeholder workshop schedules. Numerous boaters (and shoreside residents) showed up to meetings held in their areas of the Keys.
- c. How did you measure the effectiveness of the ordinance?
- i. Use of the mooring field before and during ordinance- vessels anchored outside of the Key West mooring field in the 'no anchoring buffer zone' have reduced in numbers. While some of those vessels may have taken moorings, due to the summer and 'off-season', the total number of vessels in the mooring fields does not reflect an increase in utilization. Presence/absence of vessels has been communicated to County staff by FWC enforcement and the pumpout vendor (Pumpout USA).
 - ii. How many citations/warnings have been issued? At the time of this report no numbers of warnings or citations have been provided by FWC to the County. FWC local enforcement has relied heavily on education and information for the initial implementation period, and have indicated an increase in compliance particularly in regard to proof of pumpout.
 - iii. Did you meet the goals of the program?
 1. Some of the program goals have already been achieved. The reduction of numbers of vessels anchored in 'no anchoring buffer zones' at Boca Chica Basin and in the Seaplane Basin has 1) enhanced navigational safety, 2) protected the maritime infrastructure, and 3) protected the marine environment. Managed anchoring zones have also been instrumental in protecting the marine environment and deterring improperly stored, abandoned, or derelict vessels.

2. Examples of how the goals were met:
 - a. The proof of pumpout requirement for ‘managed anchoring zones’ has been aided by the establishment of a Keys-wide pumpout program established by the County. That program provides stickers on vessels that are registered for routine pumpouts. Those stickers indicate to enforcement that the vessel is compliant with the proof of pumpout requirement. Pumpouts performed in the Key West area (including managed anchoring zones at Boca Chica Basin, Cow Key Channel and Key West Harbor) from April-June 2013 include 697 vessel pumpouts collecting 13,079gal. of sewage.
 - b. Derelict vessels in the Key West area have not yet been observed as being on the decline. However, anecdotal information from local FWC enforcement indicates that some boat owners that have not maintained their vessels are abandoning their vessels and leaving the Keys (rather than acquiring another problem vessel). This trend, based on the implementation of regulations, is anticipated to create a net decrease in derelict vessels over time.
 - c. Instances regarding frequency of infrastructure damage have not yet been reported. However, based on increasing compliance in ‘no-anchoring buffer zones’, and the stepping up of enforcement of ordinance rules regarding the prohibition of pre-derelict condition vessels in ‘managed anchoring zones’ it is anticipated that the incidence of vessels dragging anchoring into markers or docks will decrease over the long-term with the implementation of the ordinance.
 - d. The habits and culture of long-term liveaboards in the Keys is anticipated to be modified with the implementation of the A&M ordinance. Feedback from boaters and enforcement indicates that several liveaboard anchorages in the Keys have never had any management, and with the establishment of management (through rule making and enforcement) boaters are beginning to recognize the need to be responsible for their vessels and the proper disposal of sewage generated on their vessels. The increase in use of the recently established free vessel pumpout service indicates that vessel owners, for the most part, are using such services and recognize the need to properly pumpout. More time is needed to evaluate to success of the pre-derelict condition prohibition and the ability for FWC enforcement to recognize and issue warnings/citations for such infractions. Compliance within the ‘no anchoring buffer zones’ appears to be high, and boaters are starting to recognize that the County and the State are paying attention to vessels in crowded anchorages, and that adjacent mooring fields are available for their use.

Appendix H – Extension
Recommendations

City of St. Augustine
City of Stuart
Martin County
Seven Seas Cruising Association

RESOLUTION NO. 2013-48

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING AND RATIFYING A REQUEST TO THE STATE OF FLORIDA FOR AN EXTENSION OF THE ANCHORING AND MOORING PILOT PROGRAM FOR A PERIOD OF UP TO TWO (2) YEARS BEYOND THE SCHEDULED EXPIRATION DATE OF JULY 1, 2014.

WHEREAS, the City of St. Augustine participates in the Florida Fish and Wildlife Conservation Commission Pilot Program regulating anchoring and mooring in certain areas of the Matanzas River, San Sebastian River and Salt Run; and

WHEREAS, this pilot program ends on July 1, 2014 unless enabling legislation is enacted by the Florida State Legislature; and

WHEREAS, the City of St. Augustine supports the extension of this pilot program for a period of up to two (2) years until July 1, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The City Commission hereby adopts and ratifies the extension of the Anchoring and Mooring Pilot Program for up to an additional two (2) year period, and directs the City Clerk to deliver a certified copy of this Resolution to the Florida Fish and Wildlife Conservation Commission (FWC).

Section 2. The City Commission also requests the FWC Board include this request as part of its Legislative Program for 2014.

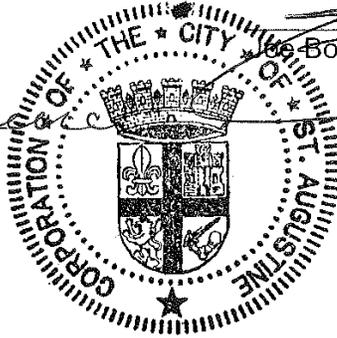
ADOPTED in Regular Session of the City Commission for the City of St.

Augustine, Florida, this 20th day of November, 2013.

ATTEST:

Alison Ratkovic
Alison Ratkovic, City Clerk

(SEAL)



[Signature]
Boles, Jr., Mayor-Commissioner

City of Stuart

121 SW Flagler Avenue • Stuart • Florida 34994
Telephone (772) 288-5306
Fax (772) 288-5305

City Clerk's Office

Cherie White, City Clerk
cwhite@ci.stuart.fl.us

August 21, 2013

Florida Fish and Wildlife Conservation Commission
Farris Bryant Building
620 S. Meridian St.
Tallahassee, FL
32399-1600

RE: City of Stuart Support for the extension of the Anchoring and Mooring Pilot Program.

Please find enclosed a certified copy of the City of Stuart's adopted Resolution supporting the request for an extension of the Anchoring and Mooring Pilot Program slated to end July 1, 2014, and supports the extension of the pilot program for a period of up to 2 years (July 16, 2016).

Should you have any questions or need further information, please do not hesitate to call the City Clerk's Office at 772-288-5306.

Respectfully,

Cherie White 

Cherie White, MMC City Clerk

Enc.

Cc: Martin County Board of County Commission

RECEIVED

SEP 04 2013

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION
BOATING AND WATERWAYS



STATE OF FLORIDA-MARTIN COUNTY
I hereby certify that the foregoing is a true
Copy as recorded in my office, and the
same is in full force and effect.

THIS 19th DAY OF August, 2013
By 
CHERYL WHITE, CITY CLERK

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 86-2013

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA, ENCOURAGING AND
SUPPORTING A REQUEST TO THE STATE OF
FLORIDA FOR AN EXTENSION OF THE ANCHORING
AND MOORING PILOT PROGRAM FOR A PERIOD
OF UP TO TWO YEARS BEYOND THE SCHEDULED
EXPIRATION DATE OF JULY 1, 2014; PROVIDING AN
EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Martin County and the City of Stuart are joint participants in the Florida Fish and Wildlife Conservation Commission Pilot Program to regulate anchoring and mooring in certain areas of the Manatee Pocket and St. Lucie river; and

WHEREAS, this pilot program is slated to end on July 1, 2014 unless enabling legislation is enacted by the Florida State Legislature; and

WHEREAS, the City of Stuart supports the extension of this pilot program for a period of up to two (2) years (July 1, 2016); and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Commission hereby supports and encourages the extension of the Anchoring and Mooring Pilot Program for up to an additional two (2) year period, and directs the City Clerk to deliver a certified copy of this resolution to the Martin County Board of County Commissioners, and to the Clerk of the Florida Fish and Wildlife Conservation Commission (FWC).

SECTION 2. The City Commission also requests the FWC Board include this request as part of its Legislative Program for 2014.

Res.86-2013
Support for Extension of Anchoring and Mooring Pilot Program

SECTION 3: This resolution shall take effect upon adoption.

Commissioner KRAUSKOPF offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner MCODNALD and upon being put to a roll call vote, the vote was as follows:

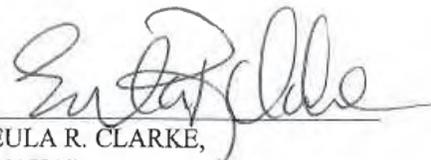
EULA R. CLARKE, MAYOR
TROY A. McDONALD, VICE-MAYOR
JEFFREY A. KRAUSKOPF, COMMISSIONER
KELLI GLASS-LEIGHTON, COMMISSIONER
JAMES A. CHRISTIE, Jr., COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
		X
		X

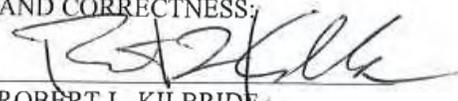
ADOPTED this 12th day of August, 2013.

ATTEST:


CHERYL WHITE
CITY CLERK


EULA R. CLARKE,
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


ROBERT L. KILBRIDE
INTERIM CITY ATTORNEY



BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER 13-10.6

**A RESOLUTION OF THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS
ENCOURAGING AND SUPPORTING A REQUEST TO THE STATE OF FLORIDA FOR AN
EXTENSION OF THE ANCHORING AND MOORING PILOT PROGRAM FOR A PERIOD OF
UP TO TWO YEARS BEYOND THE SCHEDULED EXPIRATION DATE OF JULY 1, 2014;
PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES**

WHEREAS, the Martin County and the City of Stuart are joint participants in the Florida Fish and Wildlife Conservation Commission Pilot Program to regulate anchoring and mooring in certain areas of the Manatee Pocket and St. Lucie River; and

WHEREAS, this pilot program is slated to end on July 1, 2014 unless enabling legislation is enacted by the Florida State Legislature; and

WHEREAS, Martin County supports the extension of this pilot program for a period of up to two years (July 1, 2016); and

NOW THEREFORE BE IT RESOLVED, by the Martin County Board of County Commissioners that:

Section 1: The Board of County Commissioners hereby supports and encourages the extension of the Anchoring and Mooring Pilot Program for up to an additional two year period, and directs the County Clerk to deliver a certified copy of this resolution to the Clerk of the Florida Fish and Wildlife Conservation Commission (FWC) and to the City Clerk.

Section 2: The Board of County Commission also requests the FWC Board to include this request as part of its Legislative Program for 2014.

Section 3: This resolution shall take effect upon adoption.

Duly adopted this 1st day of October 2013.

ATTEST:



CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER



BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA



SARAH HEARD, CHAIR

APPROVED AS TO FORM AND
CORRECTNESS:



MICHAEL D. DURHAM, COUNTY ATTORNEY



Comments of the Seven Seas Cruising Association

October 31, 2013

On the sunset of Florida Statute 327.4105, Anchoring and Mooring Pilot Program

The SSCA was founded in 1952 and is incorporated in Florida as a 501 (c) 7 not for profit corporation. The focus of our members is to cruise by boat both locally and worldwide, and to share cruising information with the membership. Our “Leave a Clean Wake” motto emphasizes good seamanship, courtesy to fellow boaters, and a respect for local customs so that those who follow in our wake will be warmly received. With a membership of nearly 7000, many of whom are currently cruising the world, the SSCA is recognized as a major voice worldwide for the cruising community.

Many of our members and other cruisers from around the world visit the Florida area every year. During the boating season visiting boaters have a positive impact on Florida communities and participate in tours, shop, dine in local restaurants and attend artistic events, and celebrations.

SSCA was pleased to work with Florida state officials to enact sensible legislation which established the Mooring and Anchoring Pilot Program. SSCA believes that we as a boating association, have a responsibility to actively participate in Florida’s efforts to develop ordinances which can be unique to a specific municipality’s concerns, yet consistent and concise enough to be understood by national and international boaters. SSCA is hopeful these efforts will yield good ordinances, but more importantly, we hope these principles and practices will be consistently applied to the development of future ordinances.

SSCA is sending this letter to thank the FWC Commissioners for their efforts to date, and to provide input on the way forward with regard to anchoring and mooring in Florida.

The following are SSCA’s observations and concerns regarding 16 October public meeting in Tallahassee.

1. The FWC commission staff is currently working up an information brief for the November FWC Commissioners meeting. The brief from the staff is necessary to support a report the Commissioners are required by law to provide to the Florida legislative body in January on the A&M pilot program. If no legislative action is taken, the A&M pilot program will sunset in July 2014.
2. When Florida statute 327.60 was implemented, it prohibited all Florida municipalities from establishing any new anchoring and mooring field regulations except those developed under the pilot program. Currently the A&M pilot program outlined in Florida statute 327.4105 is the only avenue for municipalities to implement new anchoring and mooring field regulation and if municipalities did not file their proposal in 2009, they currently have no other opportunity to introduce new A&M regulations, now or in the future.

Seven Seas Cruising Association
2501 E. Commercial Blvd., Ste. 203, Ft. Lauderdale, FL 33308
Tel: 954-771-5660 – Fax: 954-771-5662



3. The survey data presented to the public on 16 October was incomplete partly because there was insufficient time to analyze the data following the closure of the survey to the public. The response to the survey was good, and SSCA believes it reflects a fair input from our membership. This survey data does seem to indicate that the program has had mixed results with respect to the stated goals. At the public meeting on 16 October the FWC Commission staff said they will forward the final survey data analysis when it is complete, SSCA awaits the completed staff analysis.
4. The monthly vessel data taken by the municipalities from some of the pilot sites on the moored boats shows less than one year of post installation data as some sites have only recently completed their mooring fields. The boat data presented at the public meeting on 16 October seems to show that the location of the mooring field had quite an influence on the survey results and the occupancy level as well as seasonal effects at the site.

Having reviewed the data, and having participated in the latest public meeting discussion, SSCA is concerned that without a clear process for municipalities to file for new anchoring and mooring field regulations following the sunset of the A&M pilot program, the wild west of anchoring and mooring in Florida will return.

SSCA would also like to make the point that all mooring fields should provide a good balance with nearby, transient anchoring fields. Unbalanced A&M fields will drive many responsible cruisers (at least) and local boaters (perhaps) away, without fixing the problem of derelict boats and long term storage vessels. Establishing new A&M regulations without this careful balance may cause some derelict and storage boats to pull out, some to move around locally, while valued cruisers will simply go elsewhere.

SSCA recommends that the A&M pilot program be continued beyond the July 2014 sunset date in order to collect the remaining data from the late adopters of the program (at least one year).

SSCA also suggest the FWC use lessons learned from the A&M pilot program process, to propose a recommended process for establishment of subsequent anchoring and mooring field regulation, and this new process be codified with the public and municipalities and put into Florida statutes.

Lastly, SSCA suggest that sufficient FWC staff resources be programed and funded to maintain oversight of Florida's anchoring and mooring fields.

SSCA appreciates all the efforts involved in developing boating and littoral related ordinances and stands ready to work with state and local governments to produce safe and helpful boating regulations which encourage maritime recreation.

A handwritten signature in black ink, appearing to read "P. Johnson", is written over a horizontal line.

Philip Johnson, Chairman, Concerned Cruisers Committee

Seven Seas Cruising Association
2501 E. Commercial Blvd., Ste. 203, Ft. Lauderdale, FL 33308
Tel: 954-771-5660 – Fax: 954-771-5662