A Report on Non-Motorized Boating Issues in Florida Submitted By the Non-Motorized Boats Working Group to the Boating Advisory Council

Executive Summary

The Non-Motorized Boats Working Group (Working Group) was established by the Florida Fish and Wildlife Conservation Commission (FWC) Division of Law Enforcement's Boating and Waterways Section in response to a recommendation by the Florida Boating Advisory Council (BAC) at their regular meeting in Crystal River on May 19, 2015. The Working Group consisted of 15 members representing many non-motorized boating interests. A series of six facilitated meetings, open to public attendance, were held on four major topics: Access, Safety, Education, and User-Pay/User-Benefit. The Working Group developed specific suggestions and recommendations in each area. They also completed a set of longer-term recommendations for the BAC's consideration. Some highlights were:

Non-motorized boaters should be included in the planning and implementation of access related projects at all levels of government. Improved communication on the needs and design of non-motorized boat access could result in maintaining existing access, improving access, and working out agreements with both public and private landowners to ensure future access needs can be met.

For non-motorized boaters to have safe boating experiences, adequate law enforcement is required and some increases may be necessary. Ensuring that all non-motorized boaters have basic safety equipment onboard and educational material presented in some place and time was deemed by the Working Group to be two very important components. Many non-motorized boats are used by tourists, and increasingly Florida residents are choosing to also enjoy non-motorized boat recreational opportunities. Wherever non-motorized boats are available for use, there should be information given about safety and awareness of the activity and surroundings.

While mandatory education is not the current law in Florida, providing education was an important message upon which the Working Group focused. Ensuring education is available in many different ways, locations, formats, and at an acceptable cost (if any) should be a focus. Bringing education (especially as it relates to safety) to the non-motorized boater should begin at the point of sale, rental, lease or use, and continue at other points along the way. Existing materials for non-motorized boaters are available and new ways are needed to get this material to them.

Finally, the use of non-motorized boats has increased in Florida and the entire boating community shares many of the resources that are provided. Paying for benefits is already a way of life in Florida in many ways. Improving benefits specifically for non-motorized boaters could be voluntarily funded. Making use of existing grant programs is an important opportunity that should be pursued. The Working Group experience should be the beginning of an enhanced focus on non-motorized boating issues by the BAC.

Background

The Non-Motorized Boats Working Group (Working Group) was established by the Florida Fish and Wildlife Conservation Commission (FWC) Division of Law Enforcement's Boating and Waterways Section in response to a recommendation by the Florida Boating Advisory Council (BAC) at their regular meeting in Crystal River on May 19, 2015. The BAC expressed concern over trends of non-motorized boats of various types being involved in recreational boating accidents.

After hearing a presentation and responses to questions by two staff members of the Oregon State Marine Board, MariAnn McKenzie and Randy Henry, about their state's ongoing efforts to better engage their non-motorized boating communities in Oregon, the BAC recommended that a similar effort be undertaken in Florida. FWC was requested to use due diligence to find 10 to 14 individuals that would best represent the various subsets of non-motorized boaters in Florida to form the Non-Motorized Boats Working Group. The charge to the Working Group was to focus on access, safety, education and the topic of user-pay/user-benefit and then submit a report back to the BAC. Finally, the BAC recommended that FWC follow the "Oregon model" to engage Florida's non-motorized boating communities.

The "Oregon model" is an unofficial term used for a stakeholder engagement process used by the Oregon State Marine Board, which involved several specific steps. Those steps include (but are not limited to):

1. Identify the various types of non-motorized boats being used (in Florida) and both individuals and groups that represent each type.
2. Solicit interested persons from among the non-motorized boating communities to serve as representatives of their particular interests on a working group.
3. Identify other key stakeholders, such as local governments and waterway authorities, who have specific interests in non-motorized boating issues and solicit representation for the working group.
4. Using a formal solicitation and application process, select members and form the working group.
5. Conduct a series of facilitated meetings of the working group with direction to develop recommendations on four specified topic areas:
   * Access
   * Safety
   * Education
   * User-pay/User-benefit

The Working Group

FWC staff identified a number of non-motorized boating communities actively using Florida waters. Those included:

- Operators of paddlecraft (canoes, kayaks, stand-up paddleboards, etc.)
- Liveries renting non-motorized boats (primarily paddlecraft)

- Persons using small sailboats
- Kiteboarders
- Individuals and teams using rowing shells

Additionally, other interested and involved parties important to the effort included local governments which had an interest in providing access and other services to non-motorized boating communities, local and/or port officials interested in managing interactions between non-motorized boaters and large, motor-driven vessels, and two members of the BAC. Solicitations for Working Group membership were distributed to various groups representing the interests mentioned above, and members were selected from the applications received. The 15 Working Group members and their self-identified areas of interest and expertise were as follows:

Richard Allsopp -	US Sailing Assoc., National Safe Boating Council, US Power Squadrons, US Naval Sailing Assoc., Navy Jacksonville Yacht Club, Rudder Club of Jacksonville, First Coast Sailing Assoc., Navy Panama Canal Yacht Club, Corpus Christi Yacht Club
Rebecca Bragg -	Florida Professional Paddlesports Assoc., American Canoe Assoc., American Outdoor Assoc., prior member of the Non-Motorized Boating Technical Assistance Group, prior member of the BAC Non-Motorized Vessel Group, Boating Advisory Council, Visit Florida, Florida Attractions Assoc., Canoe Outpost-Peace River, Inc., Canoe Outpost, Inc.
James Barker -	American Canoe Assoc., Florida Sierra Club, Wild Florida Adventures
Gwen Beatty -	Apalachee Canoe & Kayak Club, Florida Trail Assoc., American Canoe Assoc., FL Paddling Trails Assoc.
Daniel Clark -	Town Administrator of Lake Clarke Shores
Brice Crossley -	Florida Scholastic Rowing Assoc., Space Coast Crew, US Rowing Assoc.
Capt. Mike Getchell -	Jacksonville Marine Transportation Exchange
William Griswold -	US Coast Guard Auxiliary, BAC
James Hill -	Jacksonville Assoc. of Water Sports
Dr. Wilbur Hugli -	USAF/USA Morale, Welfare, and Recreation, US Power Squadrons
Peggy Phillips -	American Canoe Assoc., Florida Trail Assoc., The Great Calusa Blueway, Florida State Parks, College of Life Foundation
Phyllis Rosetti-Mercer -	Crystal River Waterfronts Advisory Board
Jorge Salas -	Miami Rowing Club, ABC Rowing Club, US Rowing
Tommy Thompson -	Florida Kayak School and Tours, American Canoe Assoc., Apalachee Canoe and Kayak Club, Florida Paddle Trails Assoc., Qajaq USA, Maine Island Trail Assoc., British Canoe Union
Mark Wilson -	College Rowing Coaches Assoc., All-American Rowing Camp, Boy Scouts of America

Format and Content of the Working Group Meetings

The Working Group held a series of six meetings between October 12, 2015 and May 17, 2017. Mr. David Arnold of FWC acted as an unbiased facilitator to help the Working Group build the meeting schedule, develop meeting agendas, organize discussions and record their findings.

Additional FWC staff assisted Mr. Arnold with both facilitation and logistics. The structure of this effort included asking Working Group members to respond to surveys prior to the meetings, participate in discussions at the meetings on the topic, use brainstorming, have facilitated conversations, and conduct prioritization efforts. The facilitator helped the Working Group but remained neutral when it came to content. Working Group members reviewed their work between meetings and made sure that edits as needed were made. Working Group members also had the opportunity to discuss the issues with boaters who were a part of their interest group to fairly represent those interests during the meetings Information was submitted to FWC staff who collates input and presented it to the Working Group at the meetings.

During their first meeting, the Working Group confirmed the four topic areas requested by the BAC did encompass most of their potential issues. These topic areas were as follows:
* Access
* Safety
* Education
* User-pay/User-benefit

The Working Group agreed to consider each topic sequentially while recognizing that some issues and possible solutions could have crossed among the topic areas. During each meeting, the Working Group considered the issues, refined and explored the underlying root causes as needed, and then identified and documented potential solutions. These potential solutions served as the basis for recommendations from the Working Group to the BAC.

Dates, locations, and topics of the six facilitated Non-Motorized Boats Working Group meetings were:

- October 12, 2015 – St. Petersburg – Agree upon meeting format, identify major topic areas for more in-depth discussion
- April 7, 2016 – Tallahassee – Topic Area: Access Issues
- August 24, 2016 – Orlando – Topic Area: Safety Issues
- October 25, 2016 – West Palm Beach – Topic Area: Education
- February 1 and 2, 2017 – Orlando – Topic Area: User-Pay/User-Benefit
- May 17, 2017 – Tallahassee – Topic Area: Review and Finalize Report

This report summarizes the issues, solutions and recommendations discussed for each of the four topic areas. While there are four topic areas, some issues, solutions and recommendations do overlap. The report is arranged in the same order in which the topic areas were discussed by the Working Group. Therefore, some integrated issues, solutions or recommendations might be identified among multiple topic areas, while others may not be fully addressed until a later topic area. After documenting the four topic areas individually, this report then presents some additional long-term recommendations that the Working Group felt warranted attention of the BAC. Overall conclusions and thoughts of the Working Group are then presented.

Topic Area: Access Issues

The Working Group identified issues relating to access and then tried to identify possible root causes of the issues. Similar issues were grouped together and then discussions were held to determine possible solutions and/or responses to resolve the issues. These solutions or responses are identified in this section with **bold** font. Then a discussion is summarized below each. Finally the original issues and possible root causes are shown in *italics* font following the discussion.

Access sites should be created with the needs of the non-motorized boating communities in mind.

State and local government effort to improve access to public waters for motorized boats is fairly substantial in Florida. Non-motorized boat users often use these facilities since they are convenient and readily available in much of the state. In some water bodies, these are the only options available. Unfortunately, the shared use of boat ramps designed for boats on trailers has the potential to lead to user conflicts, unsafe boating situations and diminished user experiences for those involved.

It is important to recognize that non-motorized boaters (especially canoes and kayaks) often prefer separate launching and staging areas to avoid user conflicts. Non-motorized boaters often prefer and benefit from launching areas with access infrastructure specifically designed for their vessels. While the ability to continue to use areas with traditional boat ramps should be maintained, if it is possible to create access infrastructure specifically designed for non-motorized boats, then non-motorized boating users should be involved.

To address and resolve these concerns, the Working Group identified the following potential solutions without spending time to identify who would be responsible for them and without evaluating costs and responsible parties:

1. **Encourage and facilitate engagement between government agencies and non-motorized boat organizations, as well as among the separate government agencies and various non-motorized organizations.**
2. **Determine appropriate pathways for requesting that non-motorized boat access be provided or maintained and identify primary points of contact within government agencies for various non-motorized boating issues.**
3. **Identify local or regional primary points of contact within non-motorized boating organizations, when and where possible, to contact about various non-motorized boating issues early in the planning process for boating access projects.**
4. **Recognize that motorized and non-motorized boaters often prefer separate launching and staging areas to promote safety, avoid user conflicts and improve user experience.**
5. **While it can be appropriate to co-locate motorized and non-motorized facilities to share infrastructure and maintenance costs such as property, access roads, parking and restrooms; it is desirable to keep actual launching points and staging areas separate and designed appropriately for each type of craft.**

6. **Where possible it is highly recommended to maintain and enhance non-motorized boat access to waterways that are infrequently used by motorboats to avoid user conflicts and improve user experience.**
7. **Appropriate signs or education information and programs should be considered to prepare users for shared facilities.**
8. **A guide which provides examples of what is needed to provide for non-motorized boat access for both improved and unimproved sites should be a priority. Note: This should also address functional ADA compliant improvements.**

No or limited infrastructure for non-motorized boats (NMBs) on improved access sites: 6.1 Parking capacity
Conflicts happen between NMBs and motorized boats: 7.1 Safety concerns and 7.2 Avoidance (bad experience)
Access Points are Not Designed for NMBs: 8.4 Sharing motorized boat facilities and 8.5 User Input

The needs of the commercial industries engaged in the use of non-motorized boats should receive greater consideration.

Eco-tourism and nature-base tourism are important aspects of experiencing Florida for both residents and visitors alike. These enterprises are key resources for people to gain access to Florida's waterways. These enterprises provide non-motorized boats and/or outfitting and guide services to their customers. These industries are important to Florida's economy and provide highly desired services for people wanting to experience some spectacular portions of Florida's landscape.

The Working Group identified several issues pertaining to these commercial enterprises. Potential solutions include:

1. **Commercial enterprises and state agencies should promote non-motorized boat access at publicly managed conservation lands and recreation parks because it provides economic benefits to the state and local community (i.e. tourism).**
2. **Encourage the managing entities to welcome these businesses by implementing fair and equitable policies for commercial use of the lands, protection of visitors, and conservation of the environment.**
3. **Recognize that concessionaires and outfitters both facilitate access, but do so in different ways. Work toward reducing the incidence of exclusive access being limited only to concessionaires on publicly managed lands and parks.**

Concessionaires have lost access to water through public lands/ Commercial concessionaires of NMBs are treated differently than private NMBs: 3.3 Lack of enforcement of rules relating to concessionaires in some places, and 3.4 Lack of consistency, and 3.5 Outfitters can lose access when concessionaires are given a place.

Actively seek opportunities to increase and improve non-motorized boat access.

The expansion of non-motorized boat access points is, in many cases, not keeping up with increasing demand. Some segments of non-motorized boat use, specifically kayaks and stand-up paddleboards, continue to grow in popularity and use. With these trends expected to continue, it will remain important to actively look for opportunities to create additional access points for non-motorized boats on many Florida waterways.

While enhancing access for non-motorized boats on properties already used for boating access will remain important, expanding access to remote waterways and those infrequently used by motor boats is also important. Access should include both improved and unimproved locations. Improved access may include improvements such as restrooms, trash receptacles, slide-ins for the boats, stabilized shorelines, paved parking, etc. Unimproved access might include only open space in which to park vehicles and natural shorelines open to the water. A mixture of these types of access points is preferred by many non-motorized boat users.

It is acknowledged that costs for access remain a challenge. The use of lands already under public ownership would reduce costs by eliminating the need to purchase waterfront land for this purpose. Also, unimproved access points would likely cost less as compared to those with several improvements. Whether improved or unimproved, it is recognized that space to park vehicles is important.

The Working Group considered these issues and identified the following potential solutions again without spending time to identify who would be responsible for them in each case and without evaluating costs and responsible parties:

1. **Tailor the design of non-motorized boat access points to the individual conditions of each location regarding the local environment, the waterway, anticipated level of use, the needs and desires of local boaters, and the unique design requirements for non-motorized boat launches.**
2. **Invite non-motorized boat users and organizations to join in the early phases of the planning process for acquisition and development of new non-motorized boat access sites, as well as the redevelopment or improvement of existing sites.**
3. **Recognize that some non-motorized boaters neither desire nor require any infrastructure other than a safe place to park and safe access to the water. Acknowledge that these low impact non-motorized boat access sites are viable options under the appropriate conditions.**
4. **Inventory all low impact non-motorized boat access sites on private and public lands or right of ways. (Be sure that any private access points are included only with permission of the landowner)**
5. **Work with land management agencies to obtain official designation in local government comprehensive land-use plans as non-motorized boat access sites to ensure they are not removed from public access in the future.**
6. **Seek sources of funding to be used specifically for non-motorized boating access. While there are general recreational grant programs that can be used to establish or renovate non-motorized boat access sites, the working group is not aware of any**

funding source dedicated solely for establishment, maintenance and renovation of non-motorized boating access.

No infrastructure for NMBs on improved access sites: 6.6 Financial concerns
There is not enough access: 5.4 No Dedicated funding source, 5.5 Not enough requests for access being submitted, and 5.6 Affordability and availability of property for access.

Efforts should be initiated to reduce the loss of access from U.S., state and local road right-of-ways.

Some segments of the non-motorized boating communities have expressed concerns about access points across lands adjacent to public roadways being closed for such use. Many of these access points were unimproved with no infrastructure. Road right-of-ways have historically been used in many places around Florida to provide access for small, lightweight boats (such as paddlecraft) to waters which might otherwise be inaccessible to boats. As roadway managers (such as the Florida Department of Transportation (DOT) and local road departments) consider concerns about issues such as traffic safety risks, erosion, roadway degradation and security of bridges, there have been several occasions where informal access points have been eliminated from future use.

The Working Group identified several potential solutions to help resolve these issues, with limited discussion of responsible parties and any costs associated with implementation. They include:

1. **Work to improve understanding by federal, state and local roadway managers about the importance of access points for non-motorized boats. This is especially important when new projects are being undertaken where traditional access points were present.**
2. **Initiate an effort to mitigate for and/or reduce the loss of access due to road and bridge construction projects and concerns over highway safety and infrastructure security.**
3. **Identify and promote procedures for non-motorized boating organizations to become involved in the planning of government projects that might impact non-motorized boat access to public waterways.**
4. **Produce and distribute a guide intended to inform roadway designers and management personnel about best practices for providing non-motorized boat access (to include parking) and the importance of doing so when possible. Much of this information already exists in the opinion of the Working Group.**

Areas of access on public lands have been cut off: 1.2 Department of Transportation (DOT) traffic management concerns and design issues.
Some access points at bridges and causeways have been lost: 2.1 DOT has redesigned bridges and placed restrictions, perhaps because of homeland security or a lack of awareness.
Local government is not working with NMBs at times: 9.1 Lack of engagement (on both sides).

Efforts should be initiated to reduce the loss of access from private lands.

Concern also exists about the loss of non-motorized boat access using private lands that have historically been used for that purpose. As landowners become concerned about their personal interests (liability, property damage, littering, etc.), it is common for unimproved access points to be removed from public use. In many cases, these access points are the only places to gain entry to remote waters.

In order to reduce the loss of access to public waters using private lands, the Working Group identified the following potential solutions but did not assign responsibility or costs at this time:

1. **Establish communication pathway between non-motorized boaters (and any groups organized to represent their interests) and private property owners.**
2. **Seek out and initiate actions aimed at removing landowner concerns about liability and property damage such as the Florida Statutes 375.251 provision for limited liability for individuals making certain areas available for recreational purposes (see Attachment 1 for full language).**
3. **Use kiosks, brochures and other means of public outreach to better encourage non-motorized boaters to respect private property and to reduce impacts to shoreline, eliminate garbage problems, and address parking issues.**
4. **Pursue public/private partnerships aimed at furthering these efforts. The Florida Trail Association https://www.floridatrail.org/ftatrailmanual/ has a model for private land easements covering areas used for the trail. The Pennsylvania Land Trust Association also has a model easement (again for trails) which can be viewed here: http://conservationtools.org/library_items/324**

Access points across private lands have been closed. 4.3 Abuse of privilege (trespassing).

Additional recommendations relating to Access

It would be helpful to examine and perhaps identify commercial operators involving non-motorized boats that utilize public lands. As mentioned above, providing residents and tourists alike with opportunities to recreate using non-motorized boats is a very important part of Florida. When these opportunities are being provided through public lands, some conflicts have been identified which should be examined. It is important that access not be lost or restricted to the detriment of the non-motorized boating community.

Definitions for Access section

Access – is the ability, right or permission to enter or use public waters within the state. This term generally relates to one's ability to legally and effectively launch boats into public water.

Slide-In Access – a specific type of access point with no infrastructure that is a natural area along the shoreline where boats can be put into the water directly off the bank or shoreline.

Public Lands – lands owned on behalf of the public either through federal, state or local government.

Topic Area: Boating Safety Issues

The Working Group members were asked to share personal experiences and other examples of when non-motorized boating safety was an issue. Many members shared examples where interactions with motorized boats resulted in unsafe experiences.

FWC staff reviewed boating accident data from 2010-2015 in response to a request from the Working Group. It was found that non-motorized vessels typically account for approximately 2% of reportable boating accidents and 15% of boating fatalities. Since the number of non-motorized vessels used on Florida waters is unknown, the actual accident rate (number vessels/number accidents=accident rate) for non-motorized vessels is also unknown.

The team brainstormed several times on what types of boating safety issues were the greatest threat to non-motorized boaters and identified possible causes/solutions to those issues. Lack of education was the most common cause identified. Through a prioritization exercise and discussion, the following issues, shown in bold font, were most significant to the Working Group. Some suggestions as to possible root causes were noted and are shown for each issue. Because some of these issues are closely related, the discussion that follows groups issues together to discuss potential solutions.

- **Lack of knowledge about emergencies -** probably due to insufficient education.
- **Lack of general boating awareness** - probably due to insufficient education, a lack of personal responsibility and/or a lack of livery responsibility.
- **Life jacket use (incorrect or not at all**) - probably due to insufficient education, a lack of personal responsibility and/or a lack of livery responsibility.
- **Knowing the limits or effects of the boat being used -** probably due to insufficient education, a lack of personal responsibility and market driven attitudes about boats.
- **Need more inclusive livery law to include non-motorized boats** – (Note: livery law needs to be amended/clarified) probably due to insufficient education, a lack of livery responsibility and inadequate current regulations.
- **Higher level of operator and occupant exposure (to the elements)** – related to a lack of personal responsibility.
- **Unfamiliar or unprepared for changing weather** - probably due to insufficient education, a lack of personal responsibility, a lack of livery responsibility, market driven attitudes about boats and financial incentives.
- **Inconsistent/inadequate safety education at concessionaires and other rentals** - probably due to insufficient education, a lack of livery responsibility, market driven attitudes about boats, financial incentives and inadequate current regulations.
- **Need for proper oversight of liveries/concessionaires** – due to inadequate current regulations.
- **Not seeing other boats** - probably due to insufficient education, a lack of personal responsibility and design issues of all boats.

- **Lack of courtesy** - probably due to insufficient education and a lack of personal responsibility.
- **Improper use of non-motorized boats near large commercial vessels** – related to insufficient education, a lack of personal responsibility and design issues of non-motorized boats.
- **Lacking knowledge of navigation rules and applying them properly** - probably due to insufficient education, a lack of personal responsibility, a lack of livery responsibility and financial incentives.
- **Insufficient display of regulation signs at access areas** - probably due to insufficient education, financial incentives and a lack of adequate regulations.
- **Lack of knowledge about specific waterway/location** - probably due to insufficient education, a lack of personal responsibility, a lack of livery responsibility and financial incentives.

Recommendations and Potential Solutions to Boating Safety Issues

The Working Group generated the following recommended solutions to address safety issues.

Improve knowledge of preparing for and handling emergency situations.

One of the highest levels of concerns to the Working Group was centered around the apparent lack of knowledge of some non-motorized boaters on how to handle emergency situations. When coupled with a failure to wear or have life jackets readily at hand, this can and does result in tragic circumstances on Florida waters. Educating non-motorized boat users on preparing for and dealing with emergency situations is important.

Enhance the awareness of non-motorized boat users about craft-specific issues.

Another concern was the lack of awareness that some non-motorized boat users appear to have when on the water. This is reflected in examples of users failing to be aware of rules of the road, knowing specifics of the waterway and having an understanding of the threats of rapidly changing weather conditions. Compared to motorized boaters, users of non-motorized boats face potentially higher levels of exposure to the elements and often lack the ability to rapidly move out of dangerous conditions. These users must always be on the lookout for motorized boats and commercial vessels, and it would be worthwhile to discourage the use of non-motorized boats in areas with high levels of commercial boat traffic. Education aimed at improving the understanding of non-motorized boat users on these and other issues of concern is important.

Improve safety for users of rented non-motorized boats.

Many non-motorized boats are obtained through concessionaires at state parks or other popular waterfront locations. The Working Group's perception is that the amount of safety and other education provided at these points is inconsistent. Being familiar with the type of boat being used is very important, as is understanding the limitations that a person might have when operating that particular vessel.

Convene a group, including livery owners and those involved in the provision of non-motorized boats to the public, to guide revision of the livery laws in Florida to ensure safety and education of the public is subject to a set of standards.

The existing livery law needs to be promoted so that all are aware of the requirements and understand them. Some felt that amendments to existing livery laws were needed to provide uniform standards for the provision of all safety equipment, adequate instruction on vessel operation, safety and knowledge of local conditions. The details of these amendments will need to be worked out through the legislative and rule-making process. Liveries and concessionaires should be involved in recommending uniform standards in the rule-making process. Much discussion focused on having more communication with staff at locations that are allowing concessionaires and making sure there is a level field between those and the outfitters who bring in groups of non-motorized boaters. This would also allow for consideration of some type of registration system at the state level for all vendors to ensure appropriate standards are met and taxes are collected.

Improve and expand safety information at access points.

There are many locations where non-motorized boats access the waterways where safety information could be displayed within existing upland kiosks or alongside existing regulatory information signage. This would help reinforce the need for non-motorized boat users to be very aware of the waterways and the circumstances that they might face.

Increase education as a means of reducing safety-related issues for users of non-motorized boats.

The Working Group concluded that increased education would go a long way toward reducing many of the safety related threats identified. While it is true that personal responsibility and basic courtesy is needed by all boat operators, the Working Group felt enforcement of all boating safety laws is an important tool to help protect the entire boating public.

Engage industries who produce new non-motorized boats and draw attention to the need to produce safe boats and provide means to make these boats safe for the users (such as insertable positive flotation bags).

Evaluate requiring users of non-motorized boats to provide positive flotation for their boats if needed.

Evaluate the need for stand-up paddleboarders to wear tethers or other life preservation equipment at all times (there would need to be exceptions/clarifications to make it work).

Make identification of all non-motorized boats a requirement so that the owner/responsible party can be contacted (when an unoccupied boat is found, for example).

Topic Area: Boater Education

The Working Group first identified current conditions about boating education related to non-motorized boats. Under current Florida regulations, boating safety education is required only for persons born on or after January 1, 1988, while operating a motorized boat with 10 horsepower or more. Since current boater education regulations only focus on a select group of the population who operate motorized boats, boating education is strictly voluntary for anyone who only operates or uses a non-motorized boat.

There are many sources from which a person may complete a boating safety education course. Approved courses are available as home-study, online or classroom format. Courses range from free to approximately $30, depending upon the course format and provider. Any person who completes an approved boater education course is qualified to receive a Florida Boating Safety Education ID card. Once obtained, there are no requirements for updates or continuing education to continue to hold a valid boater ID card. The card is valid for the holder's lifetime and cannot be revoked.

Most boater education courses are designed with powered vessels in mind, since most states only require completion of a course for motorboat operators. Therefore, only limited amounts of material specific to users of non-motorized boats is contained in approved courses. Some specialized educational material is available through organizations and clubs that target non-motorized boat users and some of those organizations are quite effective at reaching numbers of non-motorized boat users with specialized courses and training. This is especially true for those involved with clubs or who use certain outfitters or guides. Persons involved in rowing and sailing sports are often educated by schools and clubs. Some Working Group members felt that clubs should be the primary source for providing education to non-motorized boat users.

The perception is that the use of non-motorized boats is growing, and there are many new types of these vessels available. There are very inexpensive models of non-motorized boats available for sale and/or rent. Because the Working Group discussed several issues related to safety where motorized boat operators and non-motorized boaters both needed additional education, a discussion about future considerations for boating education took place. The Working Group considered both types of users, motorized and non-motorized, in most of the discussion.

Education is very important and should be available in some way for all boaters. One of the important messages and focus points is that your actions can harm both yourself and others. Because non-motorized boats are increasingly available, it is important to make sure that new and unfamiliar users are aware of basic rules of navigation, the use of life jackets and the physical limitations they may have when using certain types of boats. Different types of educational products are needed to reach the various audiences in different ways and places. Education, training and other safety material is readily available through many organizations such as the American Canoe Association, Red Cross and the United States Coast Guard.

Education may be more valuable and better received if it were tailored to specific audiences. Current material for motorized boater education could include more material about non-motorized boats. That may enhance the depth of the education received by those who must

obtain a Boating Safety Education ID card. Because non-motorized boats are increasingly available, the following list of potential education audiences was developed:

EDUCATION TARGETS – where education should be available (or required)

- Commercial businesses related to any type of vessel
- Places where boats are sold or rented
- Places where boats are available for use (paid or unpaid access) such as:
  - Military and federal recreation areas
  - Recreational organizations and clubs
  - Schools/outdoor recreational areas
  - Hotels, motels, Home Owner Associations
  - Retirement communities
  - Resorts
  - City/county recreation departments
  - Marinas
  - Scouts and other youth groups and similar camps
  - Expos, tradeshows and festivals

Finally, the Working Group discussed ways to make educational material more available to interested persons. Several suggested that some type of information funnel should be established. A centralized repository of educational materials, especially inclusive of materials for non-motorized boats, should be established and readily available to target audiences. It would be helpful to coordinate many of the existing tools and keep them up-to-date. There should be a consistent message from all entities that are involved in regulating, supporting, and working with users of non-motorized boats.

Recommendations relating to Education

Include more non-motorized boat information in approved safety courses for motor boat operators.

The current *How to Boat Smart* course book used in Florida is a useful tool, but many felt that it needs enhancement to include more non-motorized information. Enhancing all approved boating safety courses for motor boat operators would improve safety and interaction between motor boats and non-motorized boats.

Ensure that all safety courses stress the navigation rules.

Any educational course or material, regardless of its intended audience, should point out the rules of the road for all types of boaters. Offering some type of safety class completion or vessel safety check decal might increase participation.

Implement a marketing approach to increase the number of educated non-motorized boat users.

Enhancing and increasing the number of educated non-motorized boat users should be considered from a marketing approach. For example, when retailers sell a non-motorized boat, they could do more to promote education to the buyer. This could also be perceived as an increase in education at the point of sale.

Conduct a public awareness campaign aimed at non-motorized boat users.

More effort should be made to promote safe practices for non-motorized boat users. Consideration could be given to having a public awareness campaign aimed at this group. Due to the increased participation levels of non-motorized boating and the ease with which the public can participate without any boating education, this campaign would be a worthwhile effort.

Engage the non-motorized boating industries in enhanced safety education.

It seems appropriate to approach the non-motorized boating industries and ask them to become involved in helping to educate their customers. Producers of new boats could help in providing safety information on or with the boats and promoting the need for all users to get some education on how to use non-motorized boats and what they need to know about rules of the road.

Enhance static educational opportunities at specific locations.

In some cases, reaching non-motorized boat users is best done in the field, so it might be appropriate to add new kiosks and/or supplement existing ones at boat ramps, parks and other locations. The Working Group discussed requesting that state and local governments take steps to modify existing grants programs so that education signage could also be directly funded. Some places where educational information could be available include welcome centers, all parks (national, state, county and city), and summer camps.

Emphasize the value of on-water skills training in addition to education.

Education is different than training, and the Working Group felt that some existing on-water safety training courses should be promoted and or new courses developed. There is documented value in on-water skills training.

Those developing and conducting On-Water Training should consider the use of American National Standard Institute (ANSI), National On-Water Standards (Human Propelled and Sail), and supporting rubrics.

Coordinate dissemination of educational information with agencies and organizations that provide services for non-motorized boat users.

Discussion was held about adding safety information to web sites, such as those that promote all outdoor water-based activity.

It is important to focus on tourists with the goal of providing education and information about use of non-motorized boats.

Topic Area: User-Pay/User-Benefit

The Working Group considered the broad topic of users paying to receive benefits as it might apply to the non-motorized boating community. There was general agreement that non-motorized boaters do currently pay for many of the benefits that they currently receive. The Working Group suggested that one example of this is when non-motorized boaters pay to launch a vessel at the same access point used by motorized boaters. The Working Group discussed how the State of Florida accepts recreation, including all boating, as an important part of its culture and municipalities and counties share this perspective. Over time, this has led to a diversity of ways for boaters to access waterways and a mixture of ways to pay for access points.

The Working Group discussed how the State of Ohio has addressed non-motorized boating with Mr. Mike Miller, Director of the Ohio Parks and Boating Office. He gave a history starting with when Ohio set up a registration system in 1960. Currently all boaters (not including kiteboards, paddleboards, and belly boats-float tubes) pay a fee for each boat which is good for three years. These fees are set aside in a dedicated fund and used to pay for benefits to boaters such as dredging, boat ramps, education, aids to navigation, and water trails. Under the Ohio system, boaters do not pay launch fees to use boat ramps that have been constructed using grants derived from registration fees. Ms. Mary Jo Monte-Kaser, Tuscarawas River Canoe and Kayak Race Director, spoke to the Working Group from the viewpoint of a non-motorized boater in Ohio about the positive experience that users paying for benefits has created. Her organization partnered with a municipality and Ohio to build a boat ramp, parking area and a riverfront park. They also cooperate with the state to attract citizens and visitors alike to the water to enjoy races, waterway trails and nature tourism. Funds from the Ohio Parks and Boating Office also provide dedicated staff and help address water quality protection (through provision of pump outs).

Finally, the Working Group was presented with some information about how other states interact with non-motorized boaters specifically in the area of permitting or registering those types of boats. Currently 15 other states, the District of Columbia and the U.S. Virgin Islands require titles, registration or permitting for some types of non-motorized boats. (See Table 1) Two other states have pending legislation implementing such. Many other states have been considering this issue.

Table 1: Which States Title, Register or Permit Non-Motorized Boats (including sailboats)
Note: This is a summary and does not depict the details of size, length, type, etc.

State	Title	Register	Permit
CO	Y		
District of Columbia	Y	Y	
FL	Y	Y	
HI	Y	Y	
IA	Y	Y	
IL	Y	Y	Y
MD	Y	Y	
MN	Y	Y	
NM			Y
OH		Y	Y
OK	Y	Y	
PA	Y		
RI	Y	Y	
SC	Y		
SD	Y		
US Virgin Islands		Y	
VA	Y		
WI	Y		
WV	Y	Y	
WY			

Data collected by Oregon State Marine Board, March and April, 2013.
Some of the information may have changed since the survey data was collected.
The summary report is included as Attachment 2.

Members discussed some of the pros and cons of a registration approach in Florida and contrasted Florida's history of promoting access to the water without registering all boats to the approaches being taken in other states. The Working Group had a limited discussion on non-motorized boat registration in Florida and was not able to come to a consensus at this time.

A list of ways revenue is generated from all users include:

- Taxes (sales, property, fuel, bed, federal income)
- Entrance fees to parks with water access
- Launch fees at boat ramps
- Fishing license
- Parking fees at locations that provide water access

The FWC, local cities, counties and other state agencies in turn provide benefits to users such as:

- Grants for access points and associated facilities (infrastructure) built for motorboats but open to non-motorized, as well
- Aids to navigation, including water trails
- Boating education information and training materials
- Law enforcement on the water
- Search and Rescue responses

The Working Group continued with a number of observations, discussions and some recommendations. Some of the discussion recalled the same issues that had previously been identified and are reported under the Access, Safety and Education sections of this report.

Recommendations from User-Pay/User-Benefit Discussion

The majority of the non-motorized boats working group agrees that the non-motorized boating community already contributes to the user-pay/user-benefit without registration.

The FWC should continue to gather boating accident report data, search and rescue and track non-motorized boating incidents separately. Search and rescues associated with non-motorized boaters and investigations into stolen or lost non-motorized boats are activities that cost federal, state and local governments money. Compiling available data on how many non-motorized boaters are in Florida or come to Florida, as well as the number of issues they encounter, could be valuable.

There are some alternatives to registration that could be used to raise funds for current or additional benefits to non-motorized boaters. Several ideas were offered, but not extensively evaluated by the Working Group. Ideas for which there was not a consensus with strong opinions on both sides included:

- A tax on non-motorized boats and/or accessories designed like the tax on hunting and fishing equipment which provides funding.

- A permit or tag issued to non-motorized boaters to identify their boat.

- Legislative appropriations from Amendment 1 funds for water related causes.

- A permit which charges a fee that would be used to address invasive plants (something like what is done in the state of Oregon).

There were two ideas which did have a consensus of the Working Group participants present. These included:

- A non-motorized boating vanity license plate for cars to fund non-motorized boating related items.

- Additional grants from the Inland Navigation Districts (both coasts), Water Management Districts the Department of Environmental Protection, and any other grant entities.

Additional Long-Term Recommendations

The BAC might benefit from expanding its membership to better capture this large and diverse segment of boaters. The Working Group concluded that the opportunity to discuss issues relating to non-motorized boaters was a very valuable experience. The members appreciated the discussions and the opportunity to engage with the FWC staff. The BAC has one member representing canoe and kayak enthusiasts; however, the non-motorized boating community has diversified and expanded greatly over the years. Having more agenda items and discussion about non-motorized boating issues should also be considered.

The BAC and FWC should continue to stay involved with non-motorized interests especially to support gathering additional information and promoting improvements in safety and education. FWC could provide assistance in helping determine where and when current funding for access could be adjusted to support non-motorized boating projects where possible.

Conclusions

The 15 members of the Non-Motorized Boats Working Group met six times between October 2015 and May 2017. They received presentations and reviewed information provided from internal and external sources. The focus of the meetings centered on the topics of Access, Safety, Education and User-Pay/User-Benefits. Several issues specific to each topic were identified and recommended solutions to improve experiences for non-motorized boaters were produced. Some of the significant recommendations included:

Non-motorized boaters should be included in the planning and implementation of access related projects at all levels of government. Improved communication on the needs and design of non-motorized boat access including functional ADA compliance could result in maintaining existing access, improving access and working out agreements with both public and private landowners to ensure future access needs can be met.

For non-motorized boaters to have safe boating experiences, adequate law enforcement is required and some increases may be necessary. Ensuring that all non-motorized boaters have basic safety equipment onmboard and educational material presented in some place and time was deemed by the Working Group to be two very important components. Many non-motorized boats are used by tourists and increasingly residents are choosing to also enjoy non-motorized boat recreational opportunities. Wherever non-motorized boats are available for use, safety and awareness needs to be paramount.

While mandatory education for non-motorized boaters is not the current law in Florida, providing education was an important message upon which the Working Group focused. There should be a focus on making sure that education is available in many different locations, formats

and at an acceptable cost (if any). Bringing education, especially as it relates to safety, to the non-motorized boater should begin at the point of sale or rental or lease or use and continue at other points along the way. Existing materials for non-motorized boaters are available and new methods are needed to get this material to them.

Finally, non-motorized boaters are an increasing percentage of the boating community in Florida and share many of the resources that are currently provided. Paying for benefits is already a way of life in Florida in many ways. Improving circumstances specifically for non-motorized boaters could be voluntarily funded in several ways. Making use of existing grant programs is an important opportunity that should be pursued. The Working Group experience should be the beginning of an enhanced focus on non-motorized boating issues by the BAC.

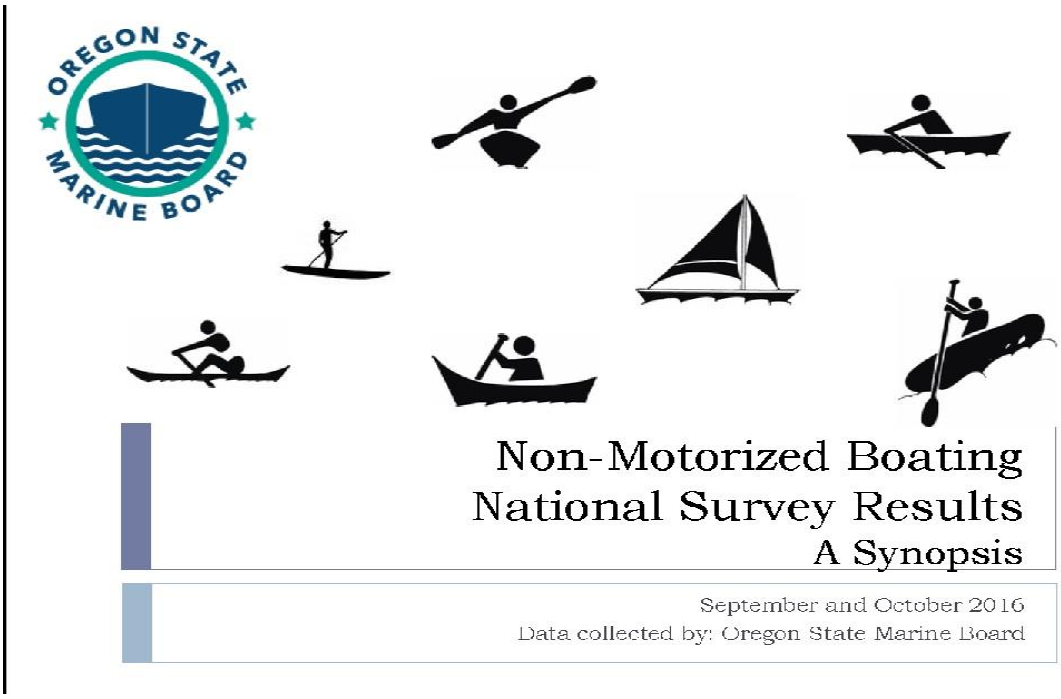
Attachment 1: Florida Statutes Section 375.251

Title XXVIII
NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE
Chapter 375
OUTDOOR RECREATION AND CONSERVATION LANDS

375.251 Limitation on liability of persons making available to public certain areas for recreational purposes without charge.—
(1) The purpose of this section is to encourage persons to make land, water areas, and park areas available to the public for outdoor recreational purposes by limiting their liability to persons using these areas and to third persons who may be damaged by the acts or omissions of persons using these areas.
(2)(a) An owner or lessee who provides the public with an area for outdoor recreational purposes owes no duty of care to keep that area safe for entry or use by others, or to give warning to persons entering or going on that area of any hazardous conditions, structures, or activities on the area. An owner or lessee who provides the public with an area for outdoor recreational purposes:
1. Is not presumed to extend any assurance that the area is safe for any purpose;
2. Does not incur any duty of care toward a person who goes on the area; or
3. Is not liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the area.
(b) Notwithstanding the inclusion of the term "public" in this subsection and subsection (1), an owner or lessee who makes available to any person an area primarily for the purposes of hunting, fishing, or wildlife viewing is entitled to the limitation on liability provided herein so long as the owner or lessee provides written notice of this provision to the person before or at the time of entry upon the area or posts notice of this provision conspicuously upon the area.
(c) The Legislature recognizes that an area offered for outdoor recreational purposes may be subject to multiple uses. The limitation of liability extended to an owner or lessee under this subsection applies only if no charge is made for entry to or use of the area for outdoor recreational purposes and no other revenue is derived from patronage of the area for outdoor recreational purposes.
(3)(a) An owner of an area who enters into a written agreement concerning the area with the state for outdoor recreational purposes, where such agreement recognizes that the state is responsible for personal injury, loss, or damage resulting in whole or in part from the state's use of the area under the terms of the agreement subject to the limitations and conditions specified in s. 768.28, owes no duty of care to keep the area safe for entry or use by others, or to give warning to persons entering or going on the area of any hazardous conditions, structures, or activities thereon. An owner who enters into a written agreement concerning the area with the state for outdoor recreational purposes:
1. Is not presumed to extend any assurance that the area is safe for any purpose;
2. Does not incur any duty of care toward a person who goes on the area that is subject to the agreement; or
3. Is not liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the area that is subject to the agreement.
(b) This subsection applies to all persons going on the area that is subject to the agreement, including invitees, licensees, and trespassers.
(c) It is the intent of this subsection that an agreement entered into pursuant to this subsection should not result in compensation to the owner of the area above reimbursement of reasonable costs or expenses associated with the agreement. An agreement that provides for such does not subject the owner or the state to liability even if the compensation exceeds those costs or expenses. This paragraph applies only to agreements executed after July 1, 2012.
(4) This section does not relieve any person of liability that would otherwise exist for deliberate, willful, or malicious injury to persons or property. This section does not create or increase the liability of any person.
(5) As used in this section, the term:
(a) "Area" includes land, water, and park areas.
(b) "Outdoor recreational purposes" includes, but is not limited to, hunting, fishing, wildlife viewing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, motorcycling, and visiting historical, archaeological, scenic, or scientific sites.

History.—ss. 1, 2, 3, 4, 5, ch. 63-313; s. 1, ch. 75-17; s. 7, ch. 87-328; s. 1, ch. 2012-203.

Attachment 2: Excerpts from the Non-Motorized Boating National Survey Results, March and April 2013, Oregon State Marine Board



STATES THAT TITLE NON-MOTORIZED BOATS

State	Canoes	Kayaks	Rafts	Inflatables	SUP Boards	Kite Boards	Sailboats	Other (please specify)	Fee Structure
DC	X	X	X	X	X	X	X		Flat Rate
FL								16ft or greater	Per Foot
IA							X	17ft or longer	Flat Rate
MN	X	X	X		X	X	X	Greater than 16ft	Flat Rate
OK			X	X	X		X	All boats except canoes and kayaks	Flat Rate
PA	X	X					X	Powered by an outboard motor, 14ft in length or longer, and 1997 model year or newer.	Flat Rate
RI								All boats larger than 14ft, regardless of propulsion	Per foot
SC	X	X	X	X			X		Flat Rate
SD	X	X		X		X		NM boats over 12ft	Flat Rate
VA							X	NM boats 18ft and greater	Flat Rate

STATES THAT REGISTER NON-MOTORIZED BOATS

States	Canoes	Kayaks	Rafts	Inflatables	SUP Boards	Kite Boards	Sailboats	What is exempted from Registration?
AK	X	X	X	X	X	X	X	NM boats are exempt from requirements but voluntary registration.
DC	X	X	X	X	X	X	X	
FL								less than 16ft and non-motor-powered canoes, kayaks, racing shells, or rowing sculls, regardless of length
HI	X	X		X			X	All manually powered watercraft, and sail-powered (only) watercraft <8ft in length Registration is voluntary.
IA	X	X	X	X	X	X	X	Inflatables 7ft or less; Canoes & Kayaks 13ft or less; Stand up paddle boards 13ft or less
MN	X	X	X	X	X		X	10ft length and under, waterfowl boats during waterfowl season, rice boats during harvest season
MO							X	Sailboats under 12ft in length, if powered by sail alone
NH	X			X			X	Sail <12ft, manually propelled
OH	X	X	X	X			X	Stand up Paddle boards and Float Tubes
OK			X	X	X		X	Canoes and kayaks
PA	X	X		X	X		X	Less than 14ft in length.
RI	X	X	X	X			X	Rowboats 12ft or less, and canoe
SC	X	X	X	X			X	A sailboat or paddle boat when no propulsion machinery of any description is installed in or attached to the boat.
SD	X	X		X	X		X	Any non-motorized boat under 12ft in length
VI	X	X		X	X		X	Government & nonprofit organization
WI	X	X					X	Wisconsin has a voluntary" registration for non-motorized vessels, it is not required

STATES THAT PERMIT NON-MOTORIZED BOATS

States	Canoes	Kayaks	Rafts	Inflatables	SUP Boards	Surfboards	Kite Boards	Sailboats	When	Issued	Transferrable	Type
HI	X	X	X	X	X			X	Annual	Per Person	No	Sticker
IL	X	X	X				X		Annual	Per Boat	No	Stamp
IN	X	X							Annual	Per Boat	No	Sticker
OH	X (also rowing shells, racing sculls, and rowboats)	X	X	X				X	Triennial (Alternative Registration)	Per Boat	No	Tag - 3" x 6" decal
PA	X	X	X	X	X	X	X	X	Annual or Biannual	Per Boat	No	Sticker
VA									Daily or Annual for only agency (state owned) wildlife management areas/lakes	Per Person	No	Paper Permit

Appendix:

Minutes from meetings

1. October 12, 2015 – St. Petersburg
2. April 7, 2016 – Tallahassee
3. August 24, 2016 – Orlando
4. October 25, 2016 – West Palm Beach
5. February 1 and 2, 2017 – Orlando
6. May 17, 2017 – Tallahassee