Pilot Program for Regulation of Mooring Vessels Outside of Public Mooring Fields

November 21-22, 2013

Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

Presentation on the Anchoring and Mooring Pilot Program
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Background on Pilot Program
Legislative Direction - 327.4104, Florida Statutes:

- The FWC, in consultation with the DEP, was directed to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the boundaries of public mooring fields.

- Findings and recommendations must be reported to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2014.

- The pilot program shall expire on July 1, 2014, unless reenacted by the Legislature, along with all ordinances enacted under this statute.

Paraphrased excerpts from Florida Statute 327.4105
Statutory Goals of Pilot Program

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 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.

Excerpt from Florida Statute 327.4105(1)
The local ordinances were approved by the FWC as follows:

St. Augustine – November, 2011.


Sarasota - June, 2012.

Monroe County - September, 2012.

City of Stuart/Martin County - December, 2012.
Vessel counts have been conducted in each of the selected participant anchoring and mooring locations since each was selected (several years). The vessel counts, conducted by local government staff, were of vessels within the mooring fields and the surrounding area (generally within one mile of the mooring fields associated with a project).

• **Transient Cruiser** = Boats which are in navigation, although they might temporarily moor in the same location for an extended time while visiting a location during their voyage, and the owners usually sleep onboard.

• **Stationary Liveaboard** = The primary function of the boat is a residence. These boats are not in navigation at the present time, although they may or may not be capable of voyages.

• **Long-term Storage** = Boats which are being stored on the water while not in use. Theses boats could be used everyday but are returned to the same location and left there unattended until the next trip.
FWC’s Boating and Waterways Section conducted an online survey to gauge public perception and effectiveness of the pilot program. The public was notified by email, direct mailings, hand-out flyers and a press release. The survey was available for 20 days from September 18th - October 7th, 2013.

FWC received a total of 2,363 complete responses. The following slides represent some of the survey questions and the responses received.
It was important to identify whether respondents were full-time, part-time, or non-residents of Florida.

2 percent of respondents to the survey did not respond to this question.
• We received 421 responses from people residing in one of 39 states other than Florida (including a few from Alaska).
• 1,847 respondents indicated their primary residence is within Florida.
• 21 respondents primarily reside in Canada.
• 3 percent of respondents (74) did not provide a valid zip code for their primary residence.
The responses to the question about the respondents’ residences in Florida reveal a good distribution among people affected by the pilot program.

- 93 percent (2,196) also indicated they own a boat.
- 3 percent (123) indicated they do not own a boat.
- 2 percent (44) did not respond to this question.

(Due to individual rounding issues, the percentages equal 99%)
The responses to the question about what types of boats the respondents use most often in Florida revealed that most respondents use boats which may be used for overnight or extended voyages (those with cabins/sleeping quarters). These are the types of boats most likely affected by the pilot program.

(Percentages add up to more than 100% due to possibility of a single person owning more than one type of boat)
This slide indicates how the respondents indicated they believe the Pilot Program, in totality, had any of the listed effects.

[These responses add to more than 100% because each respondent could provide multiple answers.]
The respondents were asked to rate their perceived overall effectiveness of each local ordinance they were personally aware of.

1 = Most Effective, 2 = Somewhat Effective, 3 = Neutral, 4 = Somewhat In-effective, 5 = Least Effective
(Plum Color = “Not Enough Information to Decide”)
FWC’s Boating and Waterways Section held a public meeting on October 16th, 2013, to discuss the pilot program, the survey and to gather comments and suggestions. There were 10 attendees representing various boating-related interests.

The attendees agreed that the creation, approval and implementation of the local ordinances was a much more lengthy process than anticipated, and there are two of the five program areas which have just recently implemented their ordinance. Given this fact, FWC’s ability to fulfill our statutory obligation to “test policies and regulatory regimes...” has been severely limited.

There are two program areas (City of Stuart/Martin County and Monroe County) which have only had their ordinances in effect for 3 to 6 months. The others have only been in effect from 13 to 21 months.

Staff believes that extending the Program for three additional years will allow a more thorough and complete assessment of what works and what does not relative to local anchoring regulations. It will also allow us to gauge changes in public sentiment as the “bugs” are worked out during full implementation of the local ordinances.

If the Program is not extended, the ordinances for each program area will expire on July 1, 2014, and no local governments within Florida will have authority to regulate any anchoring of non-live-aboard vessels outside established mooring fields.
It is important to ensure that the time provided by an extension is used to more fully evaluate the program areas already in place. Adding more sites or eliminating any of the current sites will restrict our ability to perform the assessments required by the current law (Ch. 327.4105, FS).

Conducting the survey again two years after the recent survey will allow us to gauge changes in public perception and more fully assess individual area and overall effectiveness of the Pilot Program. The recent survey will serve as a baseline for future analyses.

Possible legislative action was one option being considered at the time of the Pilot Program’s inception, and it remains a point of consideration. During the public meeting in October 2013, it was suggested to staff that the creation of a “model ordinance” or some other formal system whereby government entities may regulate anchoring within prescribed limitations may be an appropriate legislative action, and staff would engage key stakeholders in exploring such a potential solution.

Providing a report to the Executive and Legislative branches of Florida’s government would be appropriate at the conclusion of this period.