

# 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.

(6) The pilot program shall expire on July 1, 2014, 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.

# 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.

# Appendix C

## Local Government Ordinances

City of St. Augustine

City of St. Petersburg

City of Sarasota

Monroe County

Martin County

## **ORDINANCE NO. 2011-10**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING SECTION 7-93 OF THE CODE OF THE CITY OF ST. AUGUSTINE TO PROVIDE FOR REGULATION OF THE ANCHORAGE OF VESSELS; AMENDING DEFINITIONS; PROVIDING FOR REGULATION OF ANCHORAGE OF VESSELS ON WATERWAYS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REGULATION OF ANCHORAGE IN BOTTOMLANDS OWNED BY THE CITY OF ST. AUGUSTINE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; PROVIDING FOR SUNSET OF THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, by the enactment of Ordinance 2009-38 as codified in Section 7-93 of the Code of the City of St. Augustine, the City Commission of the City of St. Augustine, Florida addressed the public safety concerns associated with the unregulated anchorage of vessels located within the corporate boundaries of the City and specifically addressed threats related to the discharge of materials detrimental to water quality and public health and threats to protected flora and fauna located in and on the water and on the bottomlands within the anchorage areas; and

**WHEREAS**, Ordinance 2009-38 created and provided for the creation and regulation of vessel mooring fields located within the municipal boundaries of the City and established and provided for additional regulation of live-aboard vessels, as defined by Section 327.02, Florida Statutes, located outside of a mooring field; and

**WHEREAS**, Section 327.4105, Florida Statutes, grants authority to the Florida Fish and Wildlife Commission, in consultation with the Florida Department of Environmental Protection, to establish a pilot program for exploring options for regulating the anchorage and mooring of non-live-aboard vessels outside the marked boundaries of an established mooring field; and

**WHEREAS**, the pilot program goals and objectives include the development and testing of policies and regulatory regimes which promote the establishment and use of public mooring fields, promote public access to waters of the state, enhance navigational safety, protect maritime infrastructure, protect the marine environment and deter abandoned, derelict and improperly stored vessels; and

**WHEREAS**, the City Commission of the City of St. Augustine finds that, in addition to the policies and regulations provided in Ordinance 2009-38, the protection of the marine environment, the protection of marine infrastructure such as docks, piers, bridges and seawalls and the protection and enhancement of navigational safety call for additional policies and regulations specifically tailored to meet the described public safety and health needs; and

**WHEREAS**, the City Commission finds that specific modifications to Section 7-93 of the Code of the City of St. Augustine will promote the pilot program goals and objectives, as follows: 1) prohibiting anchorage of stored or occupied vessels or any portion of a stored or occupied anchored vessel at any location closer than fifty (50) feet from the defined boundaries of the San Sebastian River will promote the protection of marine infrastructure and will enhance navigational safety; 2) prohibiting anchorage of

stored or occupied vessels or any portion of a stored or occupied anchored vessel at any location closer than one hundred (100) feet from the boundaries of an established mooring field will promote the protection of marine infrastructure and will enhance navigational safety; 3) prohibiting anchorage of a stored or occupied vessel or any portion of a stored or occupied anchored vessel within five hundred (500) feet from the marked boundaries of shell fish harvesting areas will promote the protection of marine environment; 4) prohibiting anchorage of a stored or occupied vessel or any portion of a stored or occupied anchored vessel closer than fifty (50) feet from marine structures will promote protection of marine infrastructure and enhancement of navigational safety; 5) prohibiting anchorage of occupied vessels outside of a designated mooring field for more than thirty (30) consecutive days in any period of forty-five (45) consecutive days will promote the establishment and use of public mooring fields; and 6) prohibiting anchorage of unoccupied vessels outside of a designated public mooring field unless the vessel is able to get underway using its own propulsion system will promote deterrence of improperly stored, abandoned or derelict vessels; and

**WHEREAS**, the harbor of the City of St. Augustine holds a unique distinction as the nation's oldest port and the City of St. Augustine owns a substantial portion of the submerged bottomlands located within and adjacent to the municipal boundaries of the City; and

**WHEREAS**, the currents in the harbor of the City of St. Augustine pose significant navigational challenges;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR  
THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Section 7-93 of the City Code. Section 7-93 of the  
Code of the City of St. Augustine is hereby amended to read, as follows:

**"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:

...

*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.

...

*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<sup>th</sup>) consecutive day as otherwise required by  
subsection (j)(6), herein.

~~Seaworthy means a vessel which has available an operational means of navigation and propulsion which is capable of staying fully afloat without external assistance.~~

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.

...

~~(j) Anchorage areas. Nonlive aboard vessels Persons may anchor vessels in anchorage areas located outside designated mooring fields subject to the following regulations: The vessel operator must remove all ground tackle upon leaving the anchorage.~~

- (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 Chapter 119, Florida Statutes, 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.

...

(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 as provided in section 1-8 of this Code by the imposition of fines as established below:

- a. First offense: \$100.00.
- b. Second offense: \$250.00.
- c. Third or subsequent offense:  
\$500.00."

Section 2. Inclusion in Code. The provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such inclusion.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Expiration of Ordinance. Pursuant to the requirements of Section 327.4105, Florida Statutes, this ordinance shall expire concurrently with the statutory pilot program on July 1, 2014 unless Section 327.4105, Florida Statutes, is reenacted by the Florida legislature.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

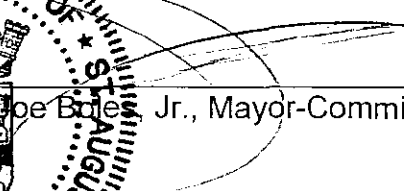
**PASSED** by the City Commission of the City of St. Augustine, Florida, this  
12th day of December, 2011.

ATTEST:

  
Alison Ratkovic, City Clerk

(SEAL)



  
Joe Boley, Jr., Mayor-Commissioner

Coding: Words ~~stricken~~ are deletions; words underlined are additions.

**ORDINANCE NO. 23-H**

**AN ORDINANCE OF THE CITY OF ST. PETERSBURG DELETING THE EXISTING ARTICLE VI OF CHAPTER 7; CREATING A NEW ARTICLE VI OF CHAPTER 7, ANCHORING IN WATERWAYS OF ST PETERSBURG; PROVIDING A PURPOSE, INTENT AND DEFINITIONS; CREATING DIVISION 1, RELATING TO THE REGULATION OF VESSELS, EXCLUDING LIVE-ABOARD VESSELS AND FLOATING STRUCTURES, OUTSIDE THE MOORING FIELD; CREATING DIVISION 2, RESTRICTIONS ON LIVE-ABOARD VESSELS AND FLOATING STRUCTURES; CREATING DIVISION 3, ENFORCEMENT PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.**

**THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:**

**Section One.** The existing Article VI of Chapter 7 of the St. Petersburg City Code is deleted and replaced with new Sections 7-214 and 7-215 to read as follows:

**ARTICLE VI – ANCHORING IN WATERWAYS OF ST. PETERSBURG**

**Sec. 7-214. Purpose**

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

**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.

**Section Two.** The St. Petersburg City Code is amended to add a new Section 7-216 to read as follows:

**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 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).

*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.

Section Three. The St. Petersburg City Code is amended to add a new Article VI, Division 1, Sections 7-219 through 7-223 to read as follows:

#### **DIVISION 1 –ANCHORING OF VESSELS OUTSIDE MOORING FIELD**

##### **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.

##### **Sec. 7-220. Hazardous vessels.**

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

##### **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 two hundred (200) feet of any publicly owned or privately owned marina.
- (2) No vessel shall anchor within two hundred (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 (10) days during any thirty day time period.

**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.

Section Four. The St. Petersburg City Code is amended to add a new Article VI, Division 2, Section 7-226 to read as follows:

**DIVISION 2 – 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.

Section Five. The St. Petersburg City Code is amended to add a new Article VI, Division 3, Sections 7-229 through 7-233 to read as follows:

**DIVISION 3 – 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 thirty 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.

**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 |

**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.

**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 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.

**Sec. 7-233. Compliance with State Law.**

The provisions of this article shall be read in *pari materia* with F.S. ch. 327.

Section Six. Division 1 shall sunset on July 1, 2014, unless § 327.4105, Florida Statutes is reenacted by the Florida Legislature in which case Division 1 shall continue in effect so long as § 327.4105, Florida Statutes is in effect unless Division 1 is amended (and approved by Florida Fish & Wildlife Conservation Commission) or repealed by City Council.

Section Seven. Words in struck-through type shall be deleted. Underlined words constitute new language which shall be added. Provisions not specifically amended shall continue in full force and effect.

Section Eight. The provisions of this ordinance shall be deemed to be severable. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance. The effect thereof shall be confined to the section, paragraph, subdivision, clause sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.


Section Nine. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth (5<sup>th</sup>) business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing of such written notice with the City Clerk.

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In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

First reading conducted on the 17th day of May, 2012.

Adopted by St. Petersburg City Council on second and final reading on the 7th day of June, 2012.

  
\_\_\_\_\_  
Leslie Curran Chair-Councilmember  
Presiding Officer of the City Council

ATTEST:   
\_\_\_\_\_  
Eva Andujar City Clerk

Title Published: Times 1-t 5/27/2012



**Not vetoed. Effective date Thursday, June 14, 2012 at 5:00 p.m.**

## **ORDINANCE NO. 12-5003**

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE SARASOTA CITY CODE, CHAPTER 10, BEACHES AND WATERWAYS, ARTICLE II, BOATING; TO AMEND DIVISION 3 THEREOF TO PROVIDE FOR THE LIMITED REGULATION OF ANCHORAGE AND MOORING OF VESSELS OUTSIDE THE MARKED BOUNDARIES OF PROPERLY PERMITTED MOORING FIELDS IN ACCORDANCE WITH A PILOT PROGRAM ESTABLISHED BY THE FLORIDA LEGISLATURE AND ADMINISTERED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF IF DECLARED INVALID OR UNENFORCEABLE; PROVIDING FOR READING BY TITLE ONLY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 2, 2012, the City Commission approved a contract with Dock and Marine Construction, Inc. for the construction of Phase I of the City of Sarasota Bayfront Mooring Field; and,

WHEREAS, the City has executed and recorded a Sovereignty Submerged Lands Fee Waived lease from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the bay bottom below the proposed mooring field site; and,

WHEREAS, the City has obtained the Environmental Resource Permit necessary to construct and operate the proposed mooring field from the Florida Department of Environmental Protection; and,

WHEREAS, the City has adopted Ordinance 12-5002 on first reading which adds a new Division to Article II of Chapter 10 of the City Code containing regulations to be applicable within the City of Sarasota Bayfront Mooring Field and generally updating Chapter 10 of the City Code; and,

WHEREAS, the City is prohibited from enacting and applying regulations pertaining to the mooring and anchorage of vessels outside the Sarasota Bayfront Mooring Field and other permitted mooring fields by Sec. 327.60 Florida Statutes which was amended in 2009 to provide that a county or municipality could not "enact, continue in effect, or enforce" any ordinance regulating vessel anchorage "outside the marked boundaries of permitted mooring fields"; and,

WHEREAS, as a limited exception to the general rule under Sec. 327.60 F.S. that local governments are not allowed to regulate anchorage outside of designated mooring fields, the Florida Legislature also enacted Sec. 327.4105 Florida Statutes

entitled "Pilot program for regulation of mooring vessels outside of public mooring fields"; and,

WHEREAS, Section 327.4105 Florida Statutes provides that the Florida Fish and Wildlife Conservation Commission is directed to establish a "pilot program" in order to "explore potential options for regulating the anchoring or mooring of non live aboard vessels outside the marked boundaries of public mooring fields;" and,

WHEREAS, the City of Sarasota applied for approval to participate in the "pilot program" so as to be able to acquire the authority to regulate the anchorage or mooring of vessels outside of designated mooring fields in a limited manner; and,

WHEREAS, the Florida Fish and Wildlife Conservation Commission has approved the City's request to be a participant in the "pilot program" established by Sec. 327.4105, Florida Statutes; and,

WHEREAS, in order to participate in the pilot program, the City must now adopt an Ordinance providing for the regulation of vessel anchorage and mooring outside of approved mooring fields;" and,

WHEREAS, this ordinance is intended to regulate the anchorage and mooring of vessels in a limited manner within the jurisdictional waters of the City and outside the boundaries of approved mooring fields; and,

WHEREAS, this ordinance cannot become effective and enforceable unless and until it is approved by the Florida Fish and Wildlife Conservation Commission; and,

WHEREAS, The Florida Fish and Wildlife Conservation Commission may not approve an ordinance that is not consistent with the goals of the pilot program as enumerated in Sec. 327.4105(1)(a) through (f), Florida Statutes; and,

WHEREAS, on November 3, 2011, City staff conducted a public input meeting in order to solicit comments from stake holders as to the content of a proposed ordinance to regulate the anchorage and mooring of vessels outside of permitted mooring fields; and,

WHEREAS, on December 5, 2011, the City Commission discussed the adoption of an ordinance to participate in the pilot program and directed that an ordinance be prepared which would prohibit anchorage or mooring in excess of 12 hours within 150 feet of any designated mooring field and within 150 feet of waterfront property and which would also prohibit anchorage or mooring in excess of 90 days anywhere else within the City's jurisdictional waters outside of permitted mooring fields.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

## **Section 1.**

The Sarasota City Code, Chapter 10, "Beaches and Waterways," Article II, "Boating," Division 3, "Mooring," is hereby amended to provide as follows. Text to be repealed and deleted from the Code appears in strikethrough (~~strikethrough~~) format; new text appears in underlined (underlined) format.

### **"Chapter 10. Beaches and Waterways**

#### **Article II. Boating**

##### **Division 3. MOORING and ANCHORING**

##### **Sec. 10-50. ~~Mooring Prohibited, Generally.~~**

##### **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.

~~(a) It shall be unlawful for any person to moor any vessel or watercraft within the marine park zone district, which is not capable of moving under its own mechanical power or by sail. This section shall not apply to a rowboat, dinghy, canoe or other similar type of vessel or watercraft, which is propelled by other than mechanical power or by sail. Nor shall this section apply to the anchorage of non live aboard vessels or watercraft engaged in the rights of navigation.~~

~~(b) It shall be unlawful for any person to moor any vessel or watercraft on waterfront real property adjacent to the waters of the marine park zone district except if the vessel or watercraft is moored with the permission of the riparian owner or the permission of the lawful occupant of the real property authorized to grant permission or if the vessel or watercraft is moored at a commercial marina, yacht basin or yacht club which lawfully operates pursuant to an occupational license issued by the city and is a lawfully permitted use pursuant to the zoning code of the city.~~

**Sec. 10-51. ~~Same --- Property of City.~~ Anchoring and mooring on City property**

~~(a) It shall be unlawful for any person to anchor, moor or tie off a vessel or watercraft 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 12 continuous hours within any 24 hour period. s for any period of time, when the dock, seawall, pier or property has been posted by the City as "Mooring Prohibited."~~

(b) ~~It shall be unlawful for any person to anchor, moor or tie off a vessel or watercraft at, to or on any dock, seawall, pier, real property or beaches owned by the city for any period of time, except for active loading and unloading, when the dock, seawall, pier or real property has not been posted as "Mooring Prohibited."~~

**Sec. 10-52.     ~~Same ----~~     Anchoring and mooring within 150 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. Within the marine park zone district, it shall be unlawful for any person to moor a vessel or watercraft for a period of time in excess of twelve (12) hours, within five hundred (500) feet of the mean high water mark of waterfront real property which is zoned, developed, or used for residential dwelling purposes; provided however, that this section shall not

apply to vessels or watercraft moored in conformity with the provisions of Section 10-50(b).

**Sec. 10-53.     ~~Same ----- to trees and vegetation beyond prescribed time~~  
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.

It shall be unlawful for any person to moor a vessel or watercraft to any trees or vegetation on waterfront real property adjacent to the marine park zone district.

**Sec. 10-54.     Emergency 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.

~~The provisions of sections 10-50, 10-51, 10-52 and 10-53 shall not apply:~~

~~(1) When an emergency situation or occurrence imposes a reasonable threat to the safety or welfare of the occupants of the vessel or watercraft and requires the temporary mooring of the vessel or watercraft. In such event, a vessel or watercraft may remain temporarily moored, the prohibitions of the referenced sections notwithstanding for a period of time not to exceed seventy two (72) hours; provided, however, that the owner or operator of a vessel or watercraft moored in violation of the above mentioned sections shall be allowed to moor, pursuant to this section, only for such period of time as is reasonably required to correct the emergency situation and thereupon the vessel or watercraft shall be required to conform to such sections. If a disabled vessel or watercraft cannot be repaired within seventy two (72) hours, it shall be towed or~~

~~otherwise removed from the marine park zone or the disabled vessel or watercraft shall be moored in conformity with subsection 10-51(b)(1) or (2).~~

~~(2) To any vessel or watercraft which is utilized, temporarily for promotional purposes as part of an event, show, boat show or the like permitted by the city commission.~~

**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 ~~requirements or prohibitions~~ time limitations of ~~Section 10-50,~~ Sections 10-52 or 10-53 have been violated, the physical observation of a vessel ~~or watercraft~~ 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.

~~Further, it shall not be relevant to a determination of a violation of the aforementioned sections that the vessel or watercraft was temporarily moved from a site or location and then later returned to that same site or location or in proximity thereto, unless the vessel or watercraft shall have been absent from the site or location for a period of twenty four (24) hours between each mooring.~~

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 non-criminal 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).

**Section 2.** In accordance with Section 327.4105 Florida Statutes, the provisions of this Ordinance pertaining to Division 3 of Article II of Chapter 10 of the City Code shall expire concurrently with the statutory pilot program on July 1, 2014 unless the Florida Legislature acts to re-enact, extend or otherwise modify the pilot program so as to allow the provisions hereof to remain in effect. The remaining provisions of Chapter 10, Article II of the City Code shall remain in effect subsequent to the expiration of the pilot program unless sooner repealed by ordinance of the City Commission.

**Section 3.** Should any section, sentence, clause, part or provision of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part declared to be invalid.

**Section 4.** Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** This Ordinance shall take effect upon the later of the following events:

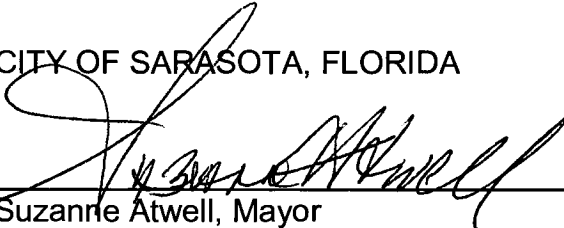
(1) The City receives authorization from the Florida Department of Environmental Protection to commence operations at the Sarasota Bayfront Mooring Field.

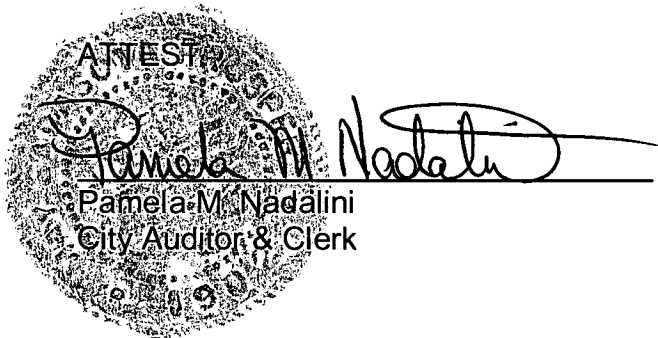
(2) This ordinance is approved by the Florida Fish and Wildlife Conservation Commission as required by Section 327.4105(3) Florida Statutes.

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2(d) of the Charter of The City of Sarasota, Florida this 7th day of May, 2012.

PASSED on second reading and finally adopted this 16th day of July, 2012.

CITY OF SARASOTA, FLORIDA

  
Suzanne Atwell, Mayor



|            |                        |
|------------|------------------------|
| <u>Yes</u> | Mayor Atwell           |
| <u>Yes</u> | Vice Mayor Shaw        |
| <u>Yes</u> | Commissioner Caragiulo |
| <u>Yes</u> | Commissioner Snyder    |
| <u>Yes</u> | Commissioner Turner    |



ORDINANCE NO. 036 - 2012

FILED FOR RECORD  
2012 OCT 30 AM 9:34

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 26 OF THE MONROE COUNTY CODE (WATERWAYS) TO PROVIDE FOR "ARTICLE V ANCHORING AND MOORING RESTRICTED AREAS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR FILING AND AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EXPIRATION DATE.

**WHEREAS**, in 1992 the Monroe County Department of Marine Resources prepared *The Boating Impacts Management Plan Final Report* which documented liveaboard vessel impacts associated with unmanaged anchorages throughout the Keys; and

**WHEREAS**, in 2002 the Monroe County Department of Marine Resources prepared a *Keys-Wide Mooring Field System Preliminary Planning Document* which included an evaluation of anchorages throughout the Keys including Boca Chica Harbor, Cow Key Channel, and Key West Harbor (i.e. Wisteria Island/Fleming Key area) and recognized the need to address negative boating impacts associated with those unmanaged anchorages; and

**WHEREAS**, in 2008 the Monroe County Marine Resources Office prepared the *Development of a Boating Management Plan for the Boca Chica Harbor Area* which evaluated a variety of boating impacts in that anchorage area and provided options for managing anchoring activity, but recognized the lack of authority (at that time) provided to the County to regulate vessels other than liveaboard vessels; and

**WHEREAS**, in 2009 the Florida Legislature directed the Florida Fish & Wildlife Conservation Commission (FWC), in consultation with the Florida Department of Environmental Protection, 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 (327.4105 F.S.); and

47 **WHEREAS**, the goals of the Pilot Program are to encourage the establishment of  
48 additional public mooring fields and to develop and test policies and regulatory regimes  
49 that: promote the establishment and use of mooring fields, promote public access to  
50 waters of the state, enhance navigational safety, protect maritime infrastructure, protect  
51 marine environment, and deter improperly stored, abandoned or derelict vessels; and  
52

53 **WHEREAS**, in November 2009 Monroe County sent a Letter of Interest to FWC to  
54 participate in the Pilot Program in partnership with the Cities of Marathon and Key West,  
55 each of which operate public mooring fields; and  
56

57 **WHEREAS**, the Monroe County Board of County Commissioners entered into Inter-  
58 local Agreements with the Cities of Marathon and Key West on February 17, 2010  
59 providing for coordinated partnerships in the FWC Pilot Program; and  
60

61 **WHEREAS**, the Monroe County Marine Resources Office retained consultants to  
62 complete vessel surveys inside and outside of public mooring fields at Key West and  
63 Marathon and in the anchorage at Boca Chica basin, and conducted stakeholder  
64 workshops to take public input on anchoring and mooring issues and potential regulatory  
65 regimes, in accordance with the criteria of the FWC Pilot Program; and  
66

67 **WHEREAS**, FWC staff evaluated Monroe County's vessel surveys, considered public  
68 input provided at stakeholder workshops, and provided a recommendation to the FWC to  
69 approve Monroe County for participation in the Pilot Program; and  
70

71 **WHEREAS**, at its February 2011 meeting the FWC approved Monroe County as one of  
72 five local governments in the state to participate in the Pilot Program, including St.  
73 Petersburg, Sarasota, St. Augustine and Martin County; and  
74

75 **WHEREAS**, the Monroe County Marine and Port Advisory Committee and the Monroe  
76 County Board of County Commissioners held numerous public meetings from 2009 to  
77 the present to discuss, and take public input on FWC Pilot Program objectives, anchoring  
78 impacts in unmanaged Keys anchorages, and viable solutions to address those anchoring  
79 impacts; and  
80

81 **WHEREAS**, the Monroe County Board of County Commissioners provided direction at  
82 its September 21, 2011 meeting for staff to draft an anchoring ordinance to provide for  
83 managed anchoring zones with accompanying regulations, and to coordinate with the  
84 Cities of Marathon and Key West for the inclusion of ordinance language providing for  
85 anchoring regulations in association with their respective mooring fields; and  
86

87 **WHEREAS**, at the September 21, 2011 Monroe County Board of County  
88 Commissioners meeting the Board received a request from a representative of Wisteria  
89 Island to have Key West harbor included as a managed anchoring zone, and the Board  
90 approved the inclusion of that area as a managed anchoring zone; and  
91

92 **WHEREAS**, the Monroe County Board of County Commissioners provided additional  
93 direction at its January 19, 2012 meeting for the anchoring ordinance to provide for four  
94 managed anchoring zones, and revised the regulations for development to be applied  
95 within those zones; and  
96

97 **WHEREAS**, the Monroe County Board of County Commissioners at its April 18, 2012  
98 meeting accepted a request by the City of Marathon to include the greater Boot Key  
99 Harbor area as a fifth managed anchoring zone, heard concerns from the Navy, and  
100 directed staff to include a prohibition on vessels within managed anchoring zones that  
101 exhibit conditions known to precede a derelict vessel condition, eliminate floating  
102 structures language and eliminate USCG Auxiliary Vessel Safety Check language  
103 pending a recommendation from the USCG; and  
104

105 **WHEREAS**, the Monroe County Board of County Commissioners at its May 16, 2012  
106 meeting accepted a request by Naval Air Station Key West to make areas of Boca Chica  
107 basin, encompassed by the Navy Accident Potential Zone and baybottom, a no anchoring  
108 zone to ensure the safety and security of the public; and  
109

110 **WHEREAS**, the Monroe County Board of County Commissioners has indicated that the  
111 anchoring ordinance should not be over-reaching and not overburden transient boaters;  
112 and  
113

114 **WHEREAS**, it is the intention of the Monroe County Board of County Commissioners to  
115 optimize the incentive for vessel owners, who contribute to Boating Improvement Funds  
116 through vessel registration fees and contribute to DEP Clean Vessel Act Program funds  
117 through marine fuel taxes, to properly pumpout and comply with existing sewage  
118 discharge regulations within the federal No Discharge Zone in the Keys, by providing  
119 free pumpout service to vessels located in managed anchoring zones and which are  
120 served by the County pumpout program; and  
121

122 **WHEREAS**, Monroe County staff is negotiating a contract with the National Marine  
123 Waste Foundation to provide free pumpout service to vessels anchored in unincorporated  
124 areas of the Florida Keys and to provide for a registration process, with accompanying  
125 participation stickers or tags to be displayed on vessels indicating proof of regular  
126 pumpouts; and  
127

128 **WHEREAS**, because the anchoring ordinance is a test program the Monroe County  
129 Board of County Commissioners desires that vessel owners be provided warnings by  
130 enforcement officers prior to the issuance of citations, to allow every opportunity for the  
131 vessel owner to comply with the described regulations; and  
132

133 **WHEREAS**, the anchoring ordinance shall provide for the regulation of both liveaboard  
134 and non-liveaboard vessels; and  
135

136 **WHEREAS**, the Monroe County Board of County Commissioners encourages FWC to  
137 fully implement the agency's At Risk Program in designated managed anchoring zones as

a tool to identify vessels which exhibit conditions known to precede a derelict vessel condition; and

**WHEREAS**, the regulations established in the anchoring ordinance are consistent with the municipal codes of the City of Marathon and the City of Key West; and

**WHEREAS**, the Monroe County Board of County Commissioners will transmit the approved anchoring ordinance to FWC for consideration and approval prior to adoption of the ordinance by the Board of County Commissioners;

**NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1.** Chapter 26 of the Monroe County Code is amended as follows:

Chapter 26  
WATERWAYS

ARTICLE V  
ANCHORING AND MOORING RESTRICTED AREAS

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).

Sec. 26-101. Definitions.

*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 (10) days.

*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

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.

(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 (10) 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 fifty foot (50') 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.

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.

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 thirty (30) days between issuance of citations. Fines associated with citations are established as follows:

- 326 (1) First offense- \$50  
327 (2) Second offense- \$100  
328 (3) Third offense- \$250  
329 (4) Fourth or subsequent offenses- \$250 and FWC will request that the owner  
330 remove the vessel from the Managed Anchoring Zone or No-Anchoring  
331 Buffer Zone  
332

333 (b) Any person who fails to properly respond to a Uniform Boating Citation issued  
334 for a violation of this article shall, in addition to the charge relating to the  
335 violation of the boating laws of this County, be charged with the offense of failing  
336 to respond to such citation and upon conviction be guilty of a misdemeanor of the  
337 second degree punishable as provided in F.S. § 775.082 and F.S. § 775.083.  
338

339 (c) If a law enforcement officer determines that a vessel is derelict, the violation shall  
340 be processed in accordance with F.S. § 823.11  
341

342 (d) Allowance shall be provided for vessels in need of safe harbor due to severe  
343 weather conditions or temporary mechanical issues which may otherwise prohibit  
344 a vessel from safely departing a managed anchoring zone.  
345

346 Sec. 26-105. Exemptions. The following exemptions are provided:  
347

348 (a) Vessels equipped with only incinerating or composting toilets are not required to  
349 provide proof of pumpout, as those types of toilets are not designed to be pumped  
350 out. However, effluent from those toilets is not allowed to be disposed of in the  
351 waters of the No Discharge Zone within the Florida Keys.  
352  
353

354 (b) Stored vessels are not required to provide proof of pumpout.  
355

356 **Section 2.** Severability. If any section, paragraph, subdivision, clause, sentence or  
357 provision of this ordinance shall be adjudged by any court of competent jurisdiction to be  
358 invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this  
359 ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision,  
360 clause, sentence, or provision immediately involved in the controversy in which such  
361 judgment or decree shall be rendered.  
362

363 **Section 3.** Repeal of Inconsistent Provisions. All ordinances or parts of ordinance in  
364 conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal  
365 of an ordinance herein shall not repeal the repealing clause of such ordinance or revive  
366 any ordinance which has been repealed thereby.  
367

368 **Section 4.** Filing and Effective Date. This ordinance shall be filed in the Office of  
369 the Secretary of the State of Florida and shall become effective as provided by law.  
370

371 **Section 5.** Codification. The provisions of this ordinance shall be included and  
372 incorporated into the Code of Ordinances of Monroe County, Florida and shall be  
373 numbered to conform with the uniform numbering system of the Code.  
374

375 **Section 6.** Expiration Date. The FWC Pilot Program is scheduled to expire on July  
376 1, 2014, unless extended by the Florida State Legislature. This ordinance shall expire or  
377 be extended concurrently with the FWC Pilot Program.  
378  
379  
380  
381  
382

383 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,  
384 Florida at a regular meeting held on the 17th day of October, 2012.  
385

|     |                                    |            |
|-----|------------------------------------|------------|
| 386 | Mayor David Rice                   | <u>Yes</u> |
| 387 | Mayor <i>pro tem</i> Kim Wigington | <u>Yes</u> |
| 388 | Commissioner George Neugent        | <u>Yes</u> |
| 389 | Commissioner Heather Carruthers    | <u>Yes</u> |
| 390 | Commissioner Sylvia Murphy         | <u>Yes</u> |

391  
392

393 **MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**  
394

395 Attest: DANNY L. KOLHAGE, CLERK

396 By *Danny L. Kolhage*  
397 Deputy Clerk  
398

By *David Rice*  
Mayor David Rice

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:

*Susan M. Grimsley*  
SUSAN M. GRIMSLEY  
ASSISTANT COUNTY ATTORNEY  
DATE *September 27, 2012*

STATE OF FLORIDA  
COUNTY OF MONROE

This Copy is a True Copy of the  
Original on File in this Office. Witness  
my hand and Official Seal.

This *16th* day of *Nov*

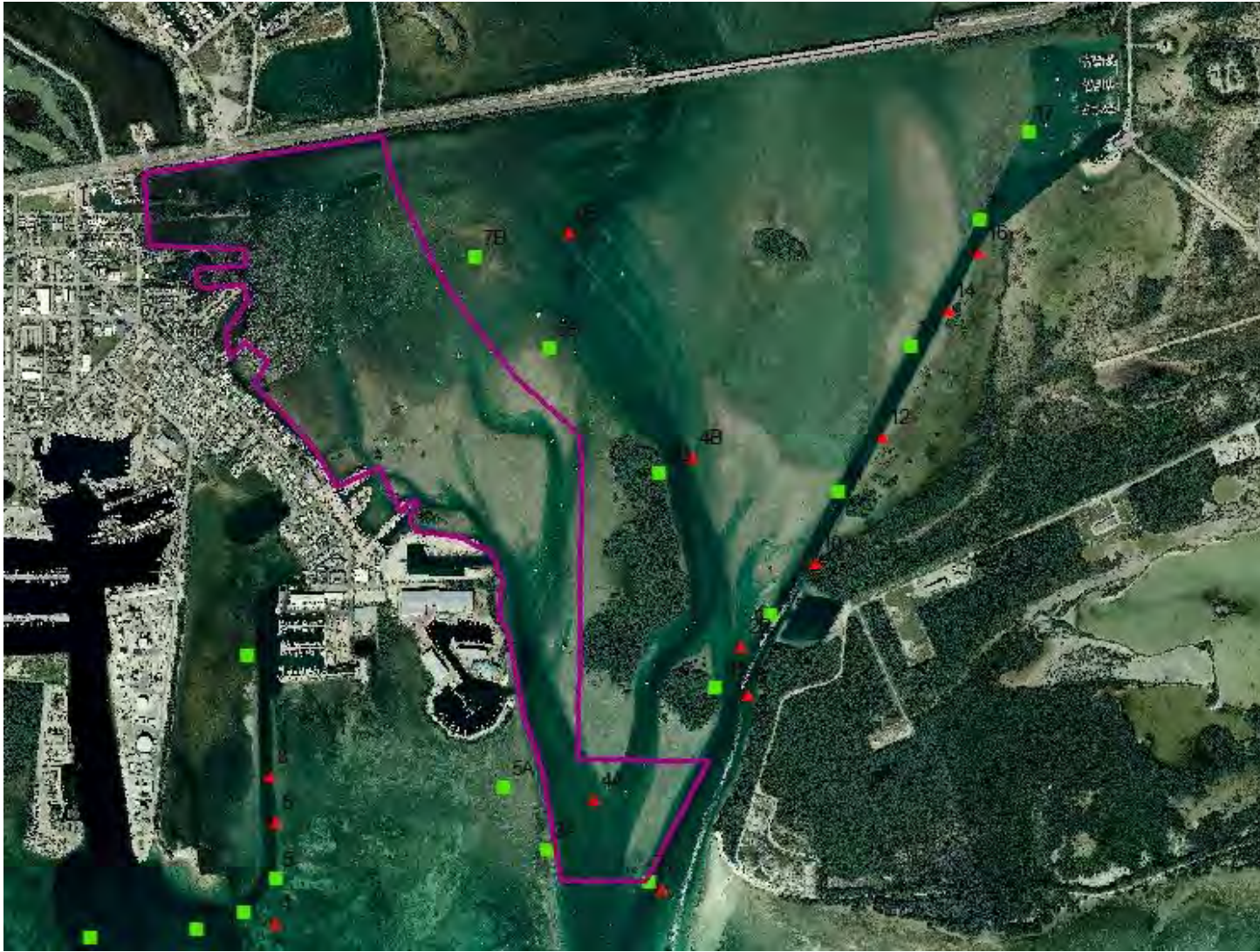
A.D., 20 *12*

DANNY L. KOLHAGE  
Clerk Circuit Court

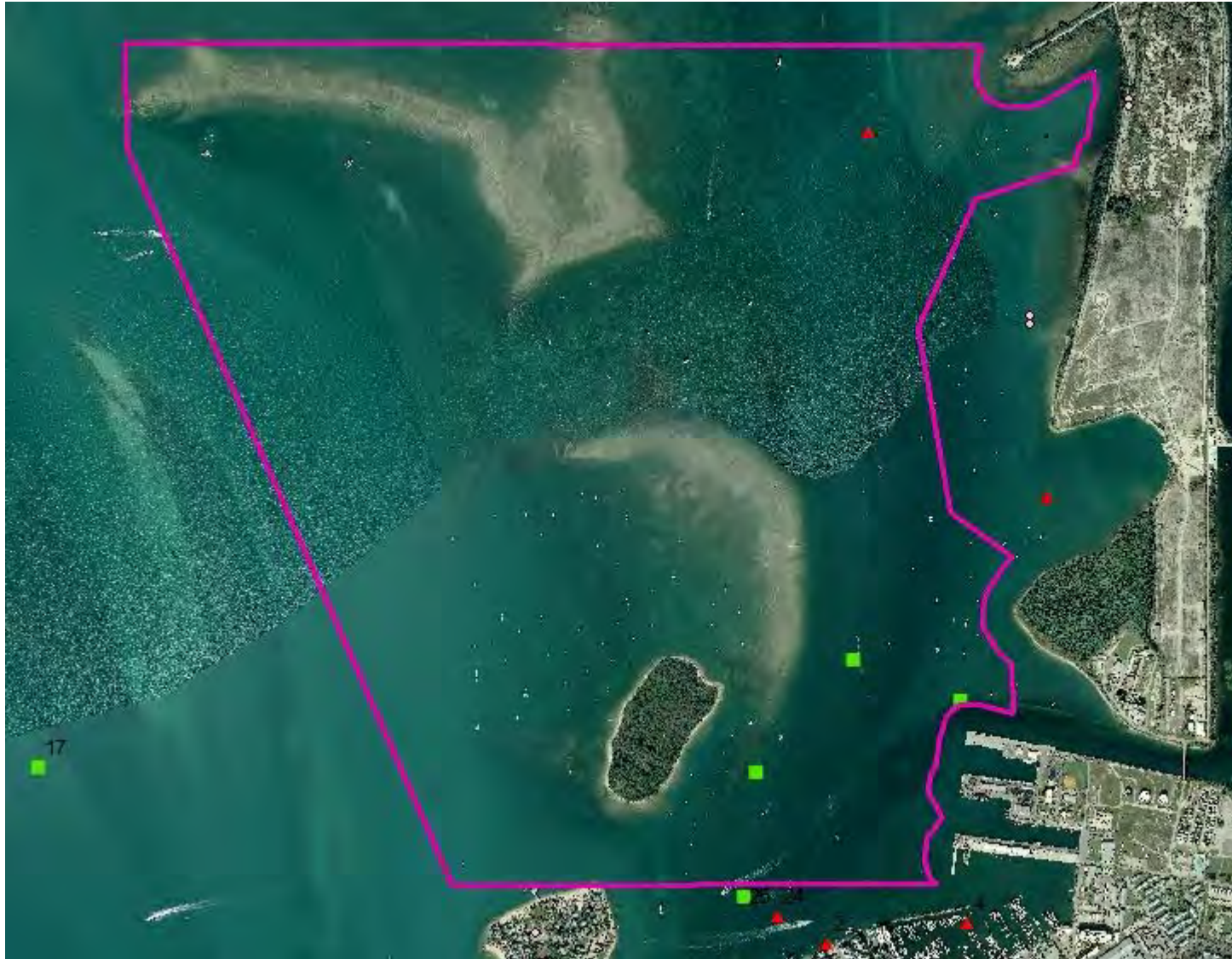
By *Danny L. Kolhage* D.C.

## Attachment A- Maps of Managed Anchoring Zones

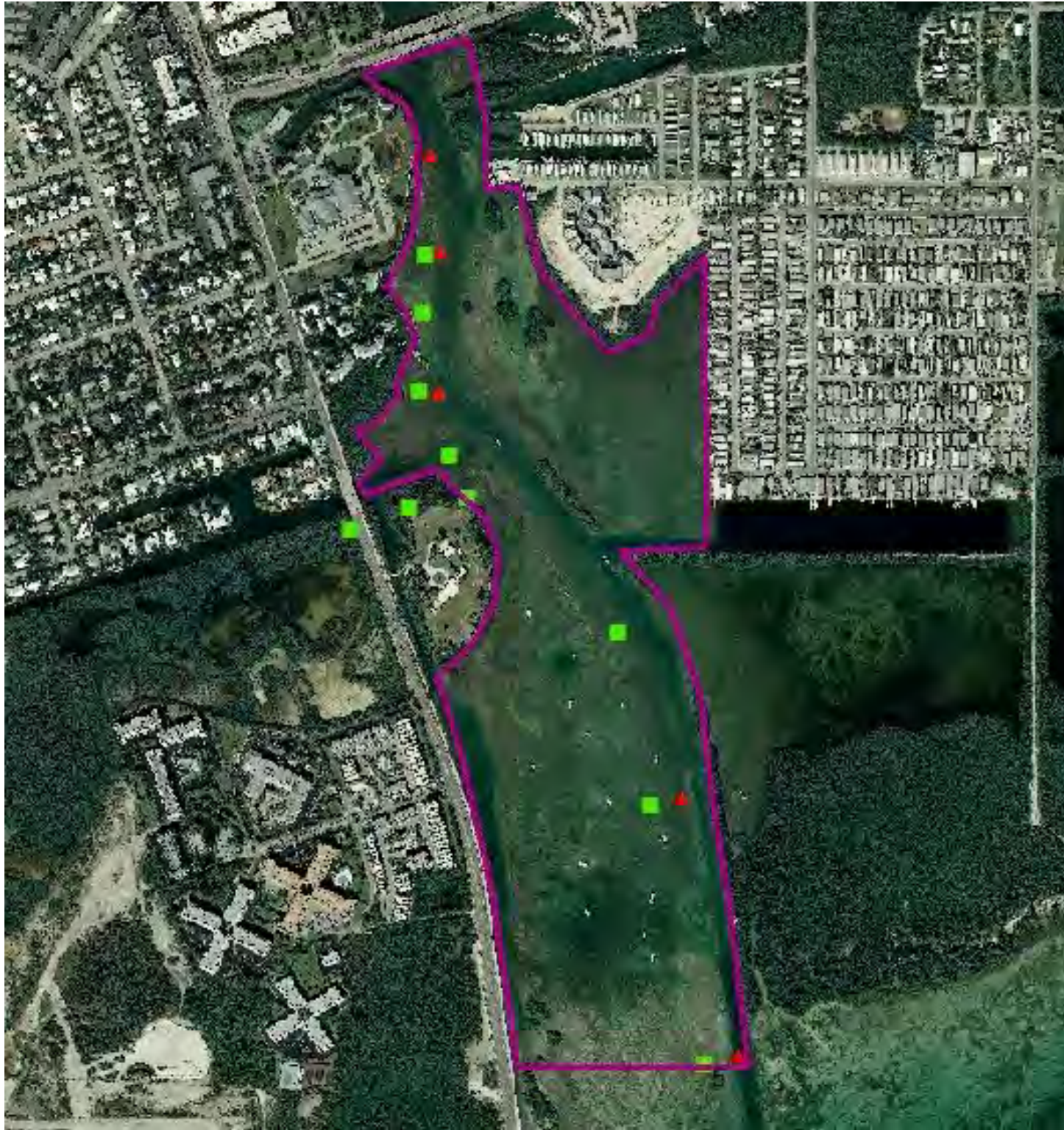
### Boca Chica Harbor



Key West Harbor

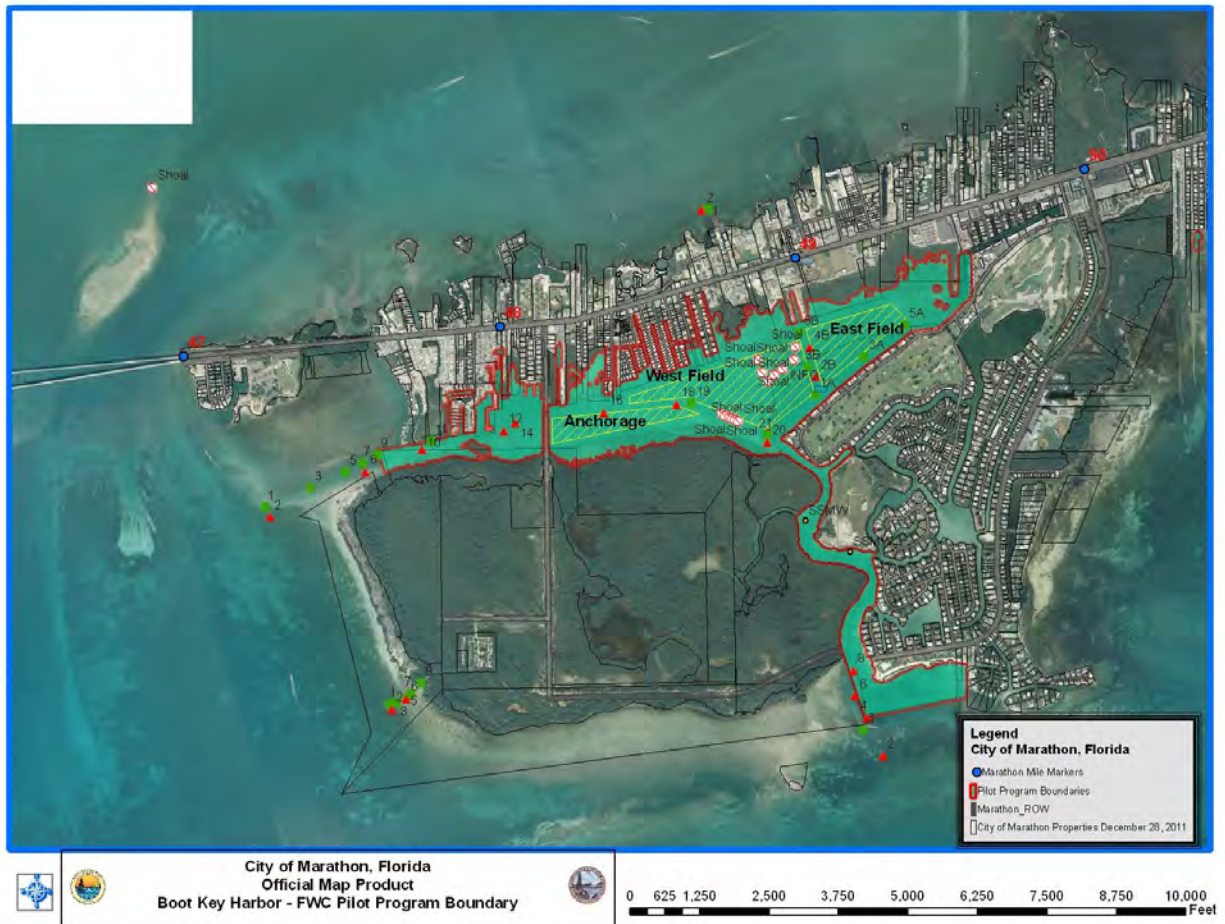


Cow Key Channel



Attachment A- p.3

## Boot Key Harbor





Key West Mooring Field/Seaplane Basin



Boca Chica Basin



Attachment B- p.3

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NUMBER 928**

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA,  
AMENDING ARTICLE 2, ANCHORING AND MOORING  
PILOT PROGRAM, CHAPTER 8, ANCHORING AND  
MOORING, GENERAL ORDINANCES, MARTIN COUNTY  
CODE; PROVIDING FOR APPLICABILITY, CONFLICTING  
PROVISIONS, AND SEVERABILITY; PROVIDING FOR  
FILING WITH THE DEPARTMENT OF STATE,  
CODIFICATION AND AN EFFECTIVE DATE.**

WHEREAS, on January 15, 2013, the Board of County Commissioners adopted an ordinance creating Article 2. Anchoring and Mooring Pilot Program, Chapter 8. Anchoring and Mooring, General Ordinances, Martin County Code; and

WHEREAS, the Board has determined that revisions are necessary.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS, MARTIN COUNTY, FLORIDA, THAT:**

**PART 1: AMENDMENT OF ARTICLE 2, ANCHORING AND MOORING  
PILOT PROGRAM OF CHAPTER 8, ANCHORING AND MOORING,  
GENERAL ORDINANCES, MARTIN COUNTY CODE**

Article 2, Anchoring and Mooring Pilot Program of Chapter 8, Anchoring and Mooring is hereby amended as follows:

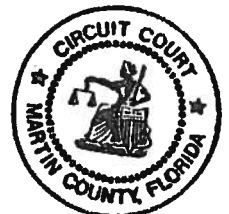
**Chapter 8 Anchoring and Mooring**

**Article 2. Anchoring and Mooring Pilot Program**

**Section 8.10 Intent and Purpose**

The purpose of this article is to implement the provisions of Section 327.4105, Florida Statutes, 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.

*Underlined passages are added; ~~struck through~~ passages are deleted.*



### **Section 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 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.

*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.

### **Section 8.12 Pilot Program Area Within the City of Stuart**

- A. The City of Stuart Pilot Program Area is depicted on Exhibit A, City of Stuart Pilot Program Area, attached hereto, which is part of the following described area:

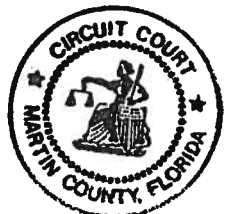
*All waters of the St. Lucie River including the North and South Fork, from shoreline to shoreline, including creeks and tributaries:*

*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*

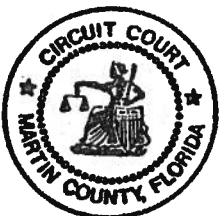
*bounded on the south by the Palm City Bridge in the South Fork of the St. Lucie River*

*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.*

Underlined passages are added; struck through passages are deleted.



- B.** The provisions of Section 8.12.C through 8.12.H shall apply only within the City of Stuart Pilot Program Area.
- 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 one hundred fifty (150) feet outside of the marked boundary of any properly permitted mooring field.
- 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.
- 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 one hundred fifty (150) feet of any maritime infrastructure.
- 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 (5) business days or seven (7) 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.
- 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 (10) 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. ~~Information about the locations shall be disseminated utilizing all available media.~~ Enforcement of this section shall be postponed until the locations have been identified and publically advertised.
- H.** In order to protect the marine environment, all occupied vessels within the City of Stuart Pilot Program Area shall be in compliance with Section 327.53, Florida Statutes. All occupied vessels which remain within the City of Stuart Pilot Program Area for more than ten consecutive (10) 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



*Underlined passages are added; struck through passages are deleted.*

(10) days from the Martin County mobile pump out boat or 2) providing proof of pump out within the previous ten (10) days from another authorized pump out facility.

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 non-compliant 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 Chapter 162, Fla. Stat. 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 Section 125.69, Florida Statutes and Section 166.021, Florida Statutes.

### **Section 8.13 Pilot Program Areas Within Unincorporated Martin County**

A. The St. Lucie River Pilot Program Area is depicted on Exhibit B, St. Lucie River Pilot Program Area, attached hereto, which is part of the following described area:

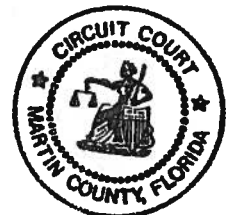
*All waters of the St. Lucie River including the North and South Fork, from shoreline to shoreline, including creeks and tributaries:*

*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.*

Underlined passages are added; struck through passages are deleted.



- B. The Manatee Pocket Pilot Program Area includes the area described below and is depicted on Exhibit C, Manatee Pocket Pilot Program Area, attached hereto:

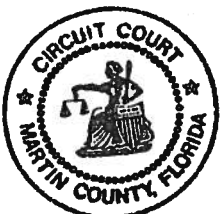
*From shoreline to shoreline, including all creeks and tributaries within Manatee Pocket south of a line drawn perpendicular to the channel at Red Channel Marker 6 (27 9.767 N, 80 11.575 W), excluding:  
all waters west of SE St. Lucie Blvd in Willoughby Creek.*

- C. The provisions of Section 8.13.D through 8.13H shall apply only within the St. Lucie River and Manatee Pocket Pilot Program Areas.
- 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 one hundred fifty (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.
- 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 one hundred fifty (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 hereto.

*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).*

- 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 (5) business days or seven (7) calendar days, whichever is greater, or in the event of extreme weather, until weather conditions improve. In the case of mechanical breakdown, additional

Underlined passages are added; struck through passages are deleted.



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.

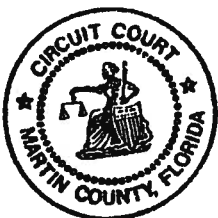
G. In order to deter improperly stored, abandoned or derelict vessels, any vessel which remains within the St. Lucie River and/or Manatee Pocket Pilot Program Areas for more than ten (10) consecutive days shall demonstrate compliance with operability and safety requirements by documenting that once every 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. ~~Information about the locations shall be disseminated utilizing all available media.~~ Enforcement of this section shall be postponed until the locations have been identified and publically advertised.

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 Section 327.53, Florida Statutes. All occupied vessels which remain within the St. Lucie River and/or Manatee Pocket Pilot Program Areas for more than ten consecutive (10) 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 (10) days from the Martin County mobile pump out boat or 2) providing proof of pump out within the previous ten (10) days from another authorized pump out facility.

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 non-compliant 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 Chapter 162, Fla. Stat. and Chapter 1, Article 4, of the Martin County Code of Ordinances. If compliance is not achieved, then:

Underlined passages are added; struck through passages are deleted.



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 Section 125.69, Florida Statutes.

### **PART 3: APPLICABILITY OF ORDINANCE.**

This ordinance shall apply to the unincorporated areas of Martin County, and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1 (f), of the Constitution of the State of Florida.

### **PART 4: CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Comprehensive Plan, pursuant to Chapter 163, Part II, Florida Statutes.

### **PART 5: SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

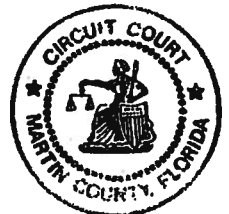
### **PART 6: FILING WITH THE DEPARTMENT OF STATE.**

The clerk shall be and is hereby directed to forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code, Department of State, R.A. Gray Bldg., Room 101, 500 S. Bronough Street, Tallahassee, Florida 32399-0250.

### **PART 7: CODIFICATION.**

Provisions of this ordinance shall be incorporated into the Martin County General Ordinances, except that parts 3 through 8 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

Underlined passages are added; ~~struck through~~ passages are deleted.



**PART 8: EFFECTIVE DATE**

This ordinance shall take effect upon filing with the Department of State and shall expire on July 1, 2014, unless the Anchoring and Mooring Pilot Program authorized by Section 327.4105, Florida Statutes, is reenacted by the Florida Legislature.

**PASSED AND DULY ADOPTED THIS 19<sup>th</sup> DAY OF MARCH, 2013.**

ATTEST:




CAROLYN TIMMANN, CLERK  
OF THE CIRCUIT COURT

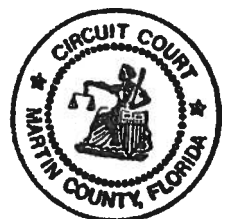
BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

  
SARAH HEARD, CHAIR

APPROVED AS TO FORM AND  
CORRECTNESS:

  
KRISTA A. STOREY  
ACTING COUNTY ATTORNEY

Underlined passages are added; struck through passages are deleted.



# EXHIBIT A

**Martin County**

## City of Stuart Pilot Program Area\*

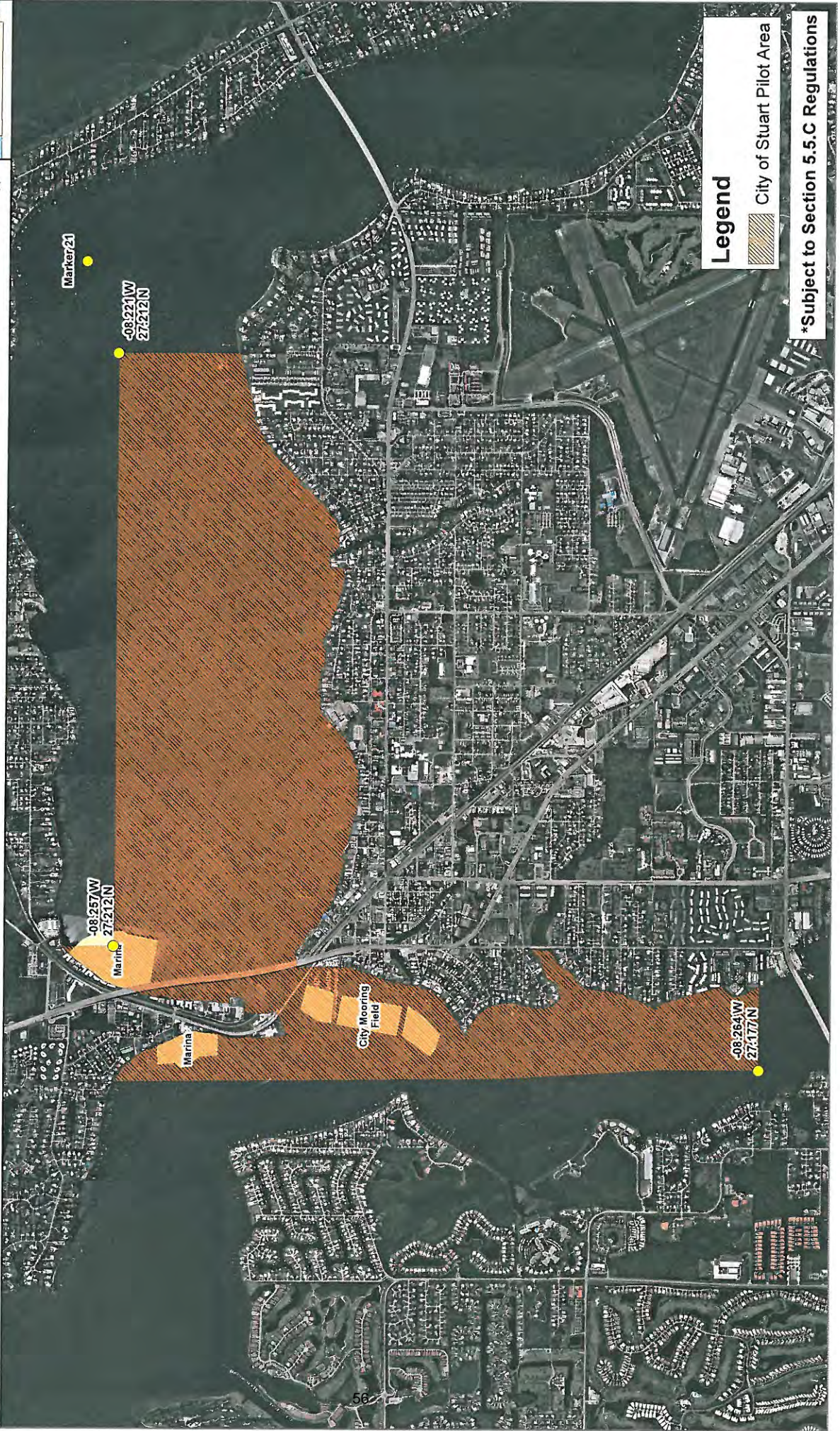
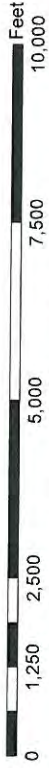
File Name: C:\pilot\pilotarea.mxd  
File Location: C:\pilot\pilotarea.mxd  
Created By: [Name]  
File Date: October 12, 2011  
Updated October 4, 2012



Credentia: This document is a product of the City of Stuart, Florida. It is not to be used for any other purpose without the express written permission of the City of Stuart. The City of Stuart is not responsible for any errors or omissions in this document. The City of Stuart is not responsible for any damages or losses resulting from the use of this document. The City of Stuart is not responsible for any claims or liabilities arising from the use of this document. The City of Stuart is not responsible for any claims or liabilities arising from the use of this document.



Location Map



### Legend

City of Stuart Pilot Area

\*Subject to Section 5.5.C Regulations

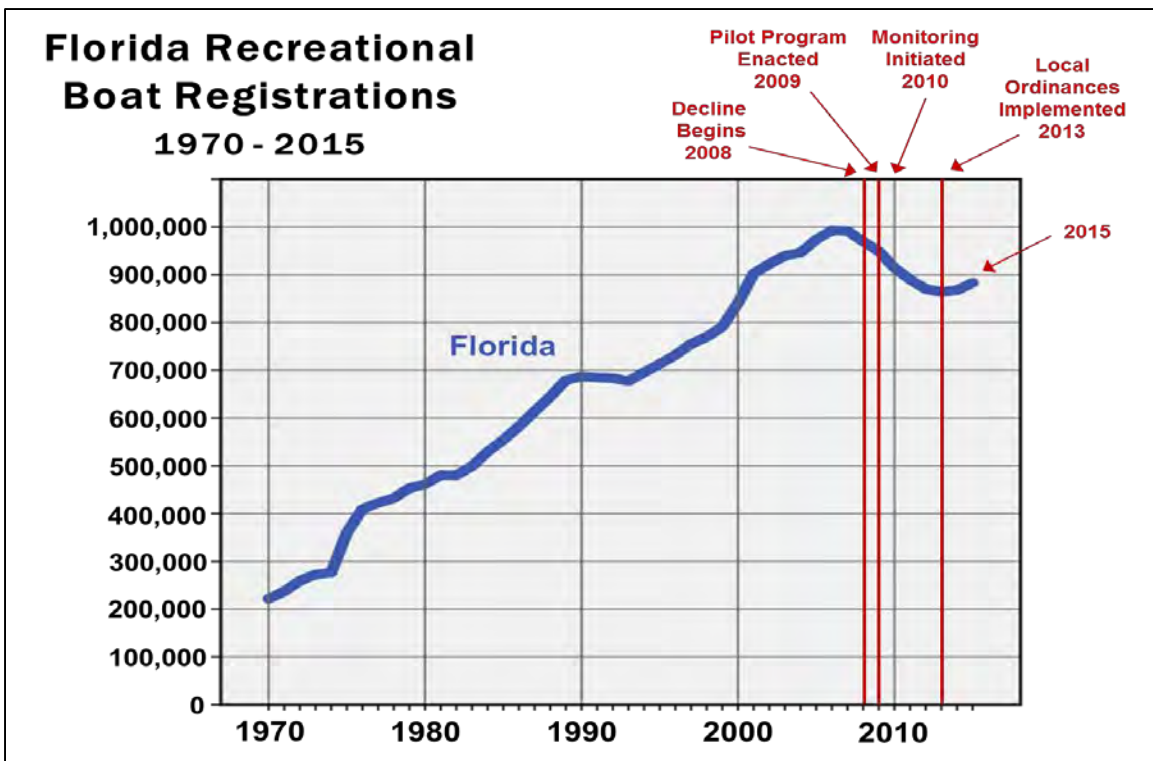
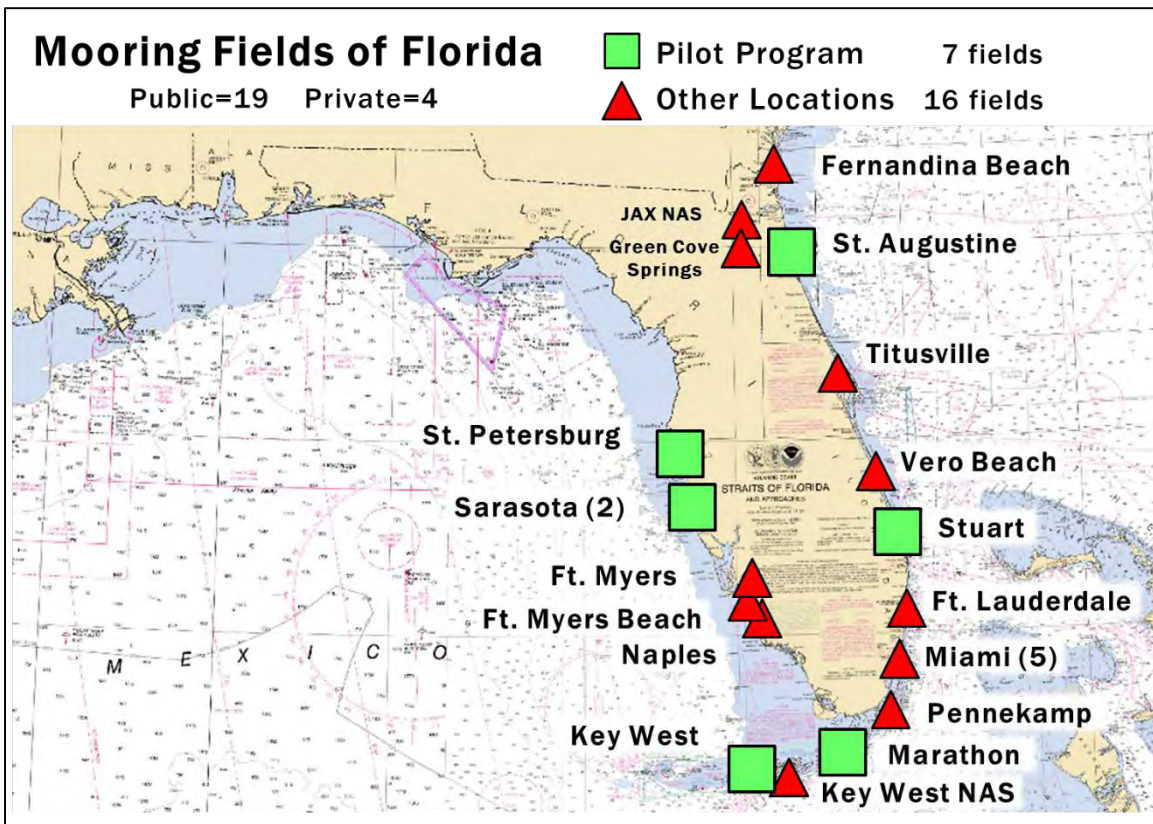


# Manatee Pocket Pilot Project Area



# 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.

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

## Definitions for “*Mode of Operation*”

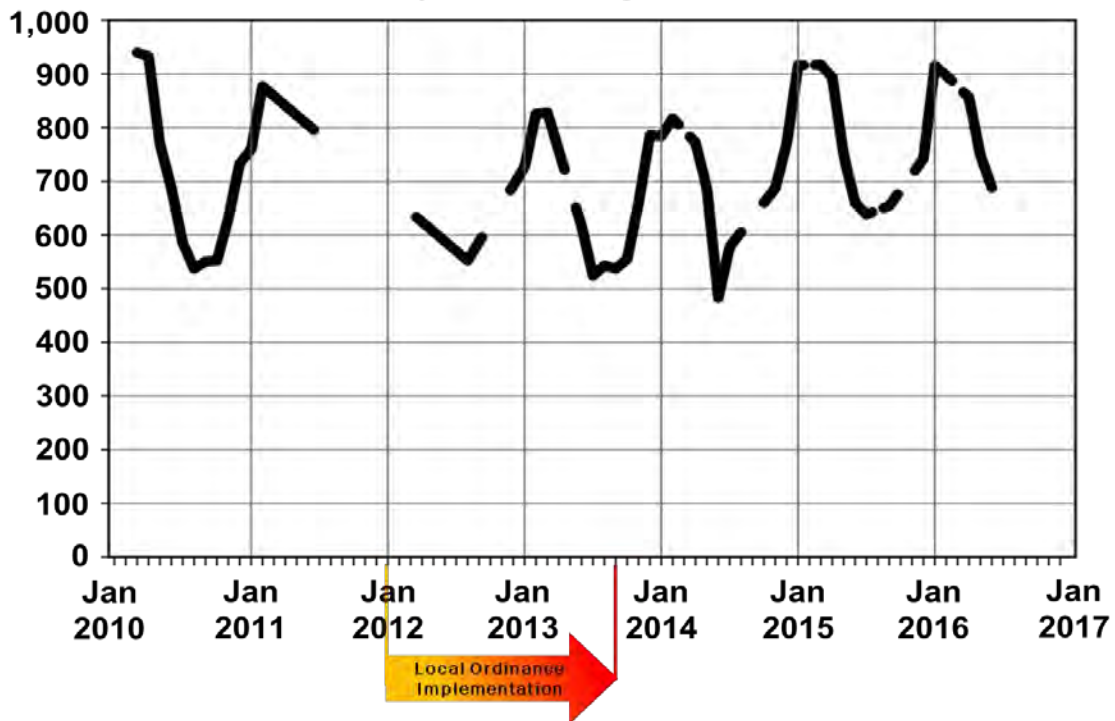
- **Transient Cruiser** - A vessel frequently/continually under navigation for the purpose of travelling to and visiting other ports of call. These vessels might stop for periods as short as overnight or as long as several months. But the intent of their operator is to eventually transit to the next 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 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 staff conducting the count to be based out of a state other than Florida.
- **Foreign Country** – The vessel displays the registration of another country, the Hailing Port of another country or is otherwise known to staff conducting the count to be based out of a country 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.”

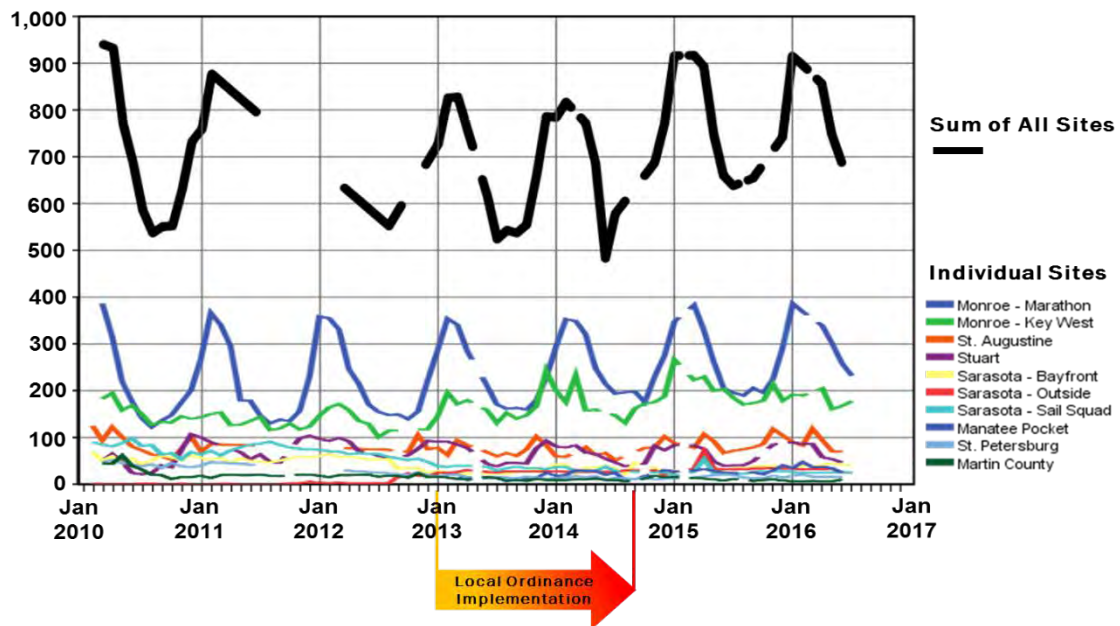
## Monthly Number of Boats Counted at All 7 Sites

February 2010 through June 2016



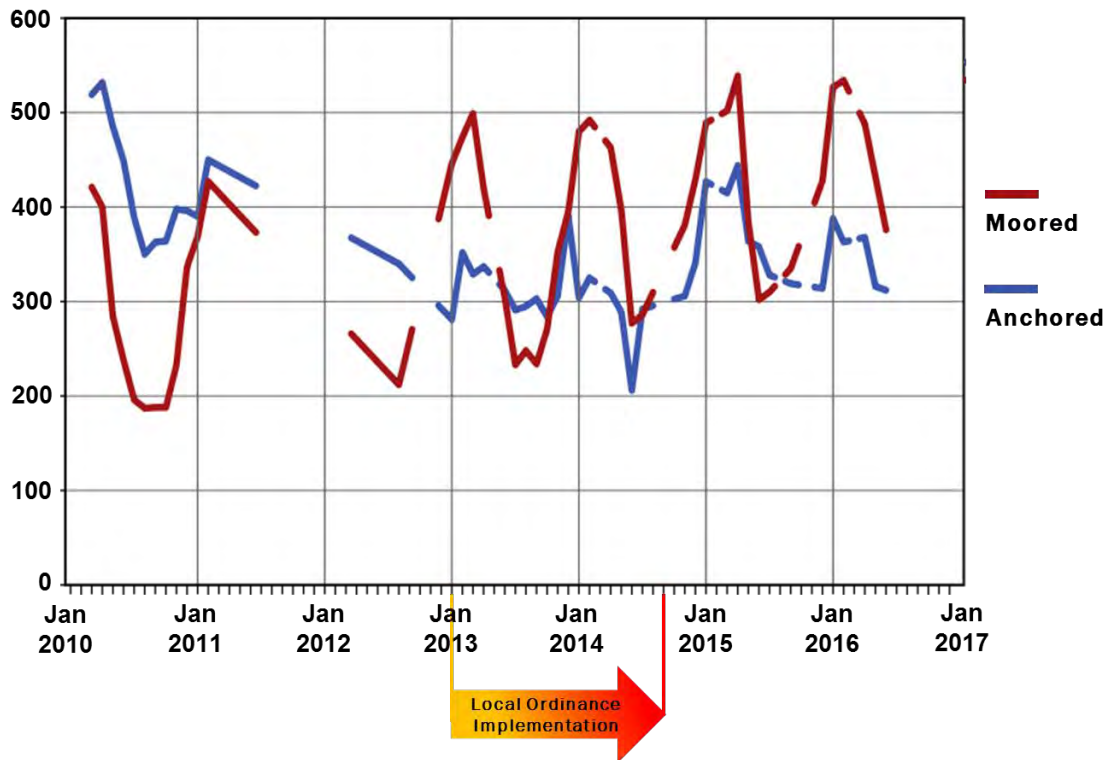
## Monthly Boat Counts at All Sites

February 2010 through June 2016



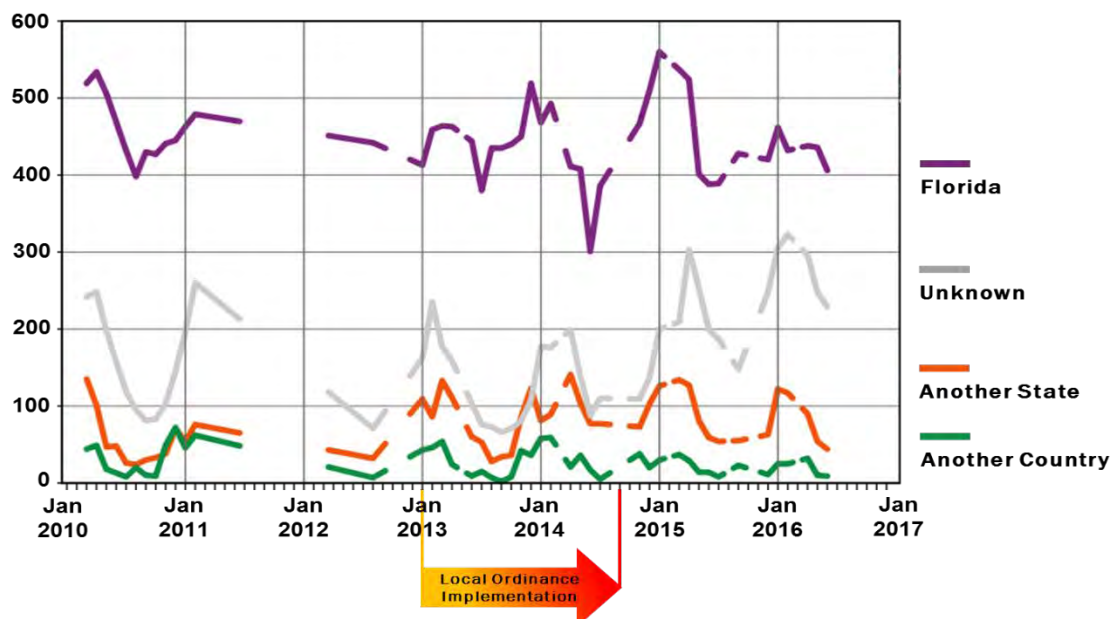
## All Sites Combined – Use of Mooring Field

February 2010 through June 2016



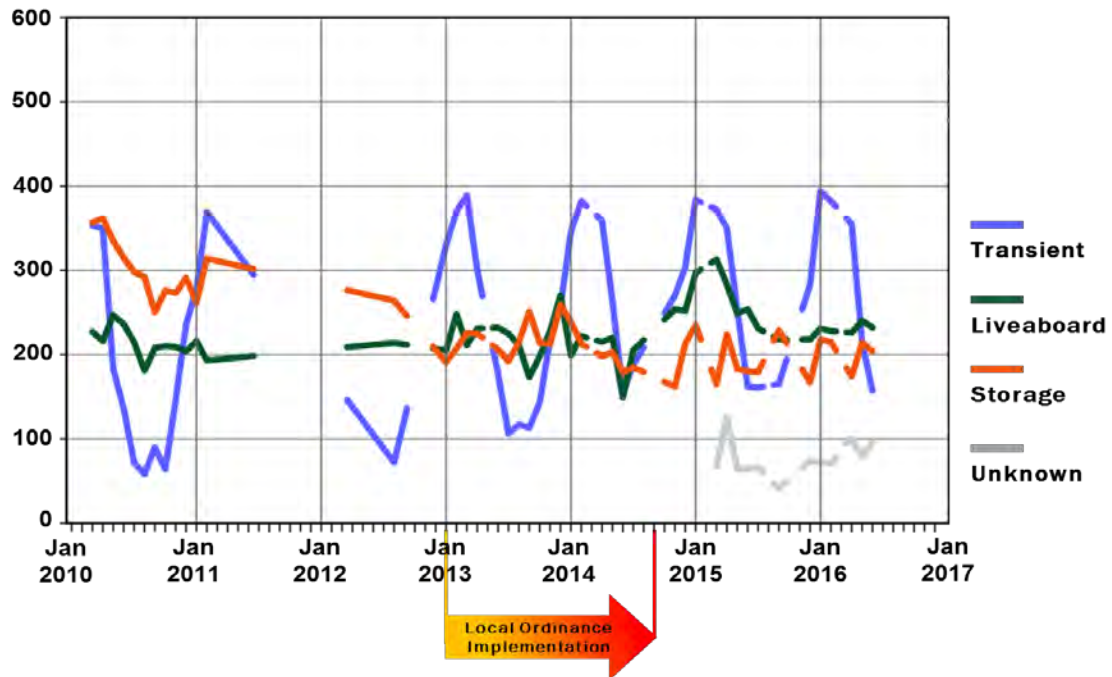
## All Sites Combined – Residency

February 2010 through July 2016



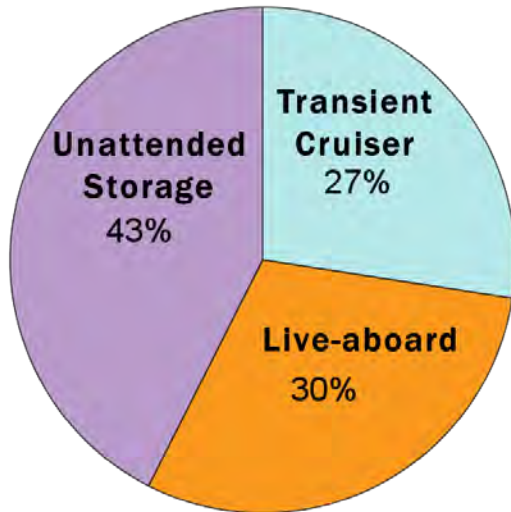
## All Sites Combined – Mode of Operation

February 2010 through June 2016

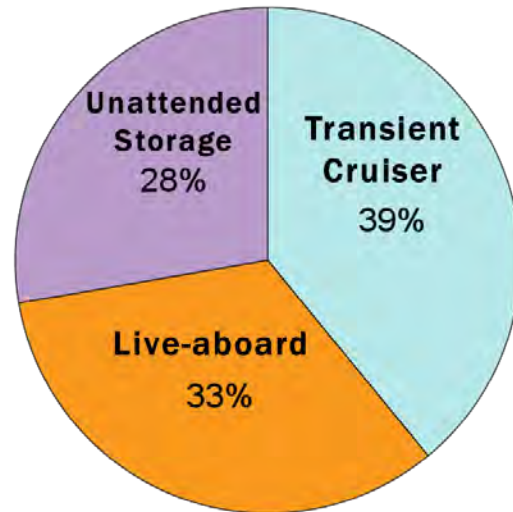


## Mode of Operation - All Sites Combined

### Pre-Ordinance

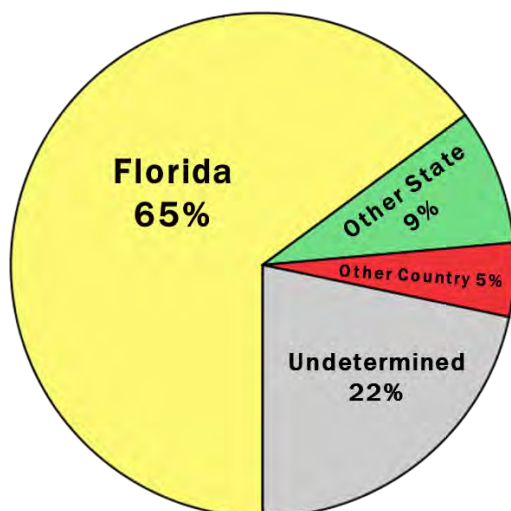


### Post-Ordinance

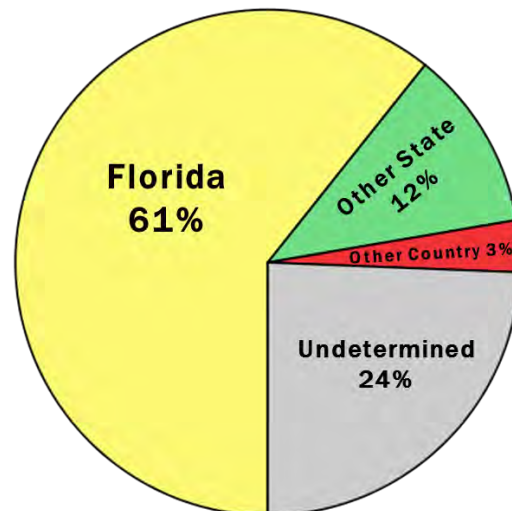


## Residency - All Sites Combined

### Pre-Ordinance

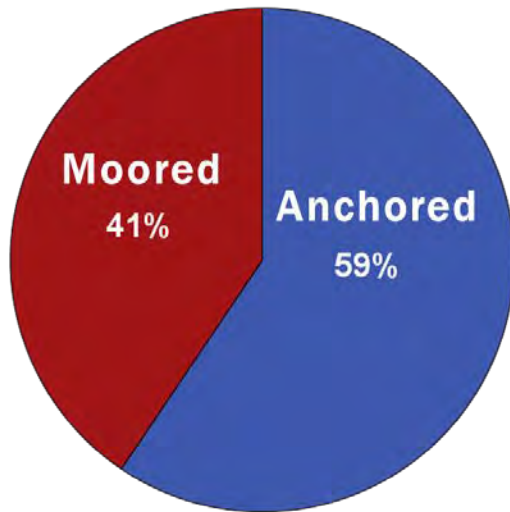


### Post-Ordinance

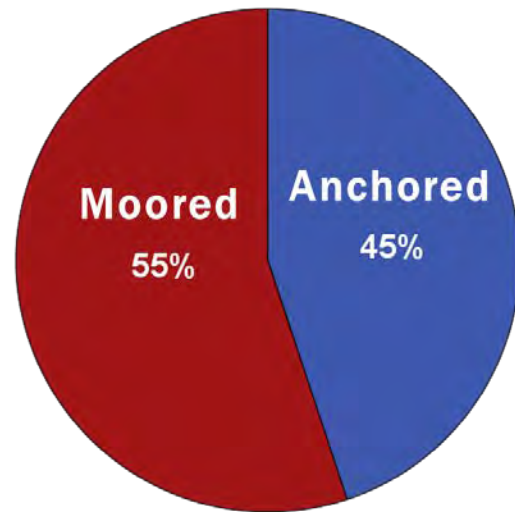


## Use of Mooring Field - All Sites Combined

Pre-Ordinance

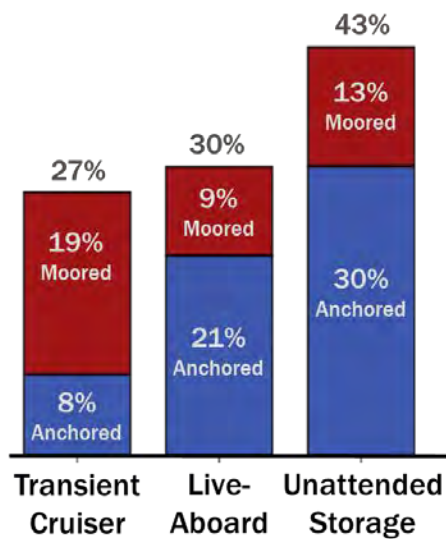


Post-Ordinance

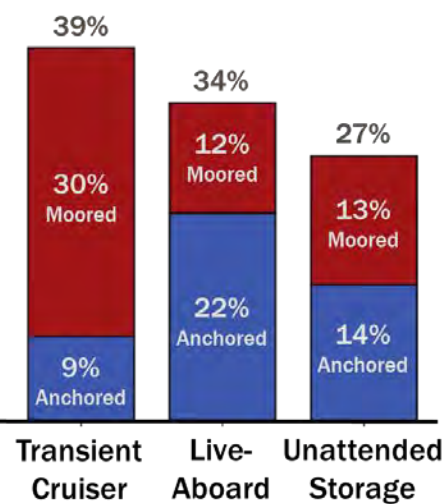


## Use of Mooring Field & Mode of Operation – All Site Combined

Pre-Ordinance

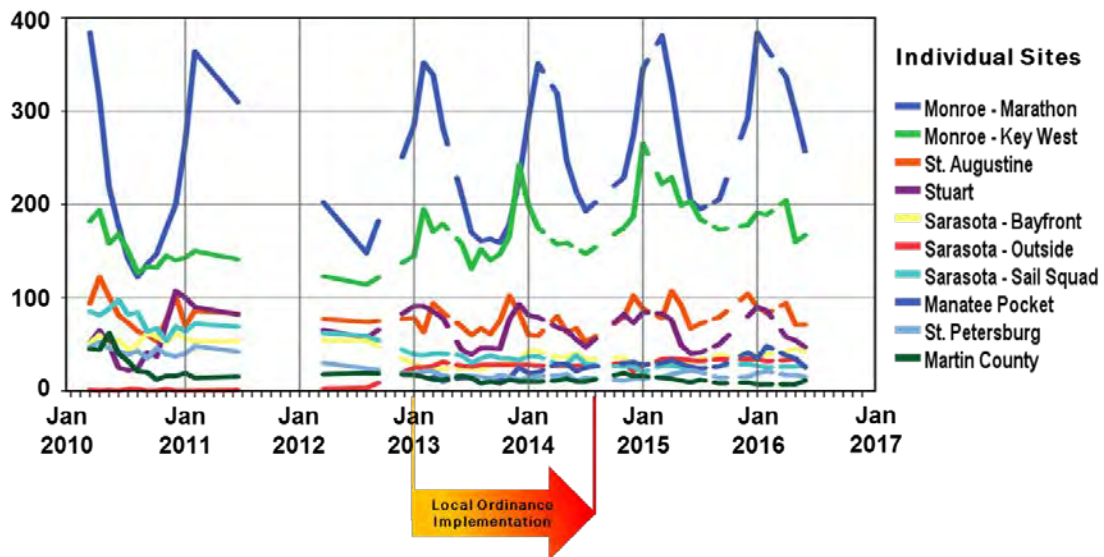


Post-Ordinance



## Monthly Boat Counts at Individual Sites

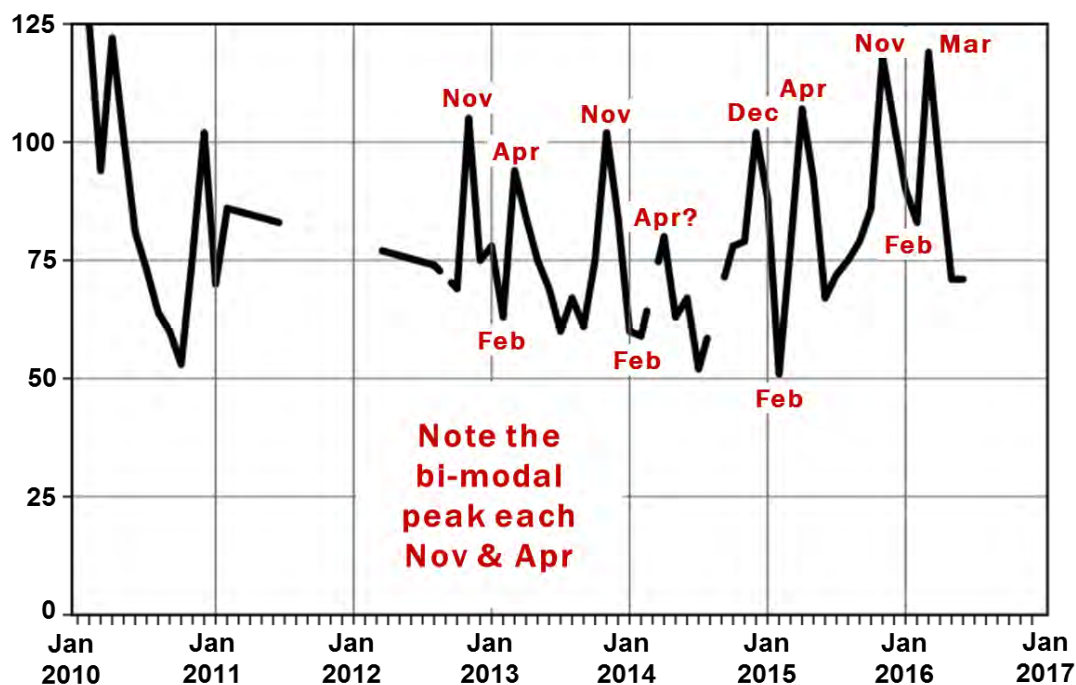
February 2010 through July 2016



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.

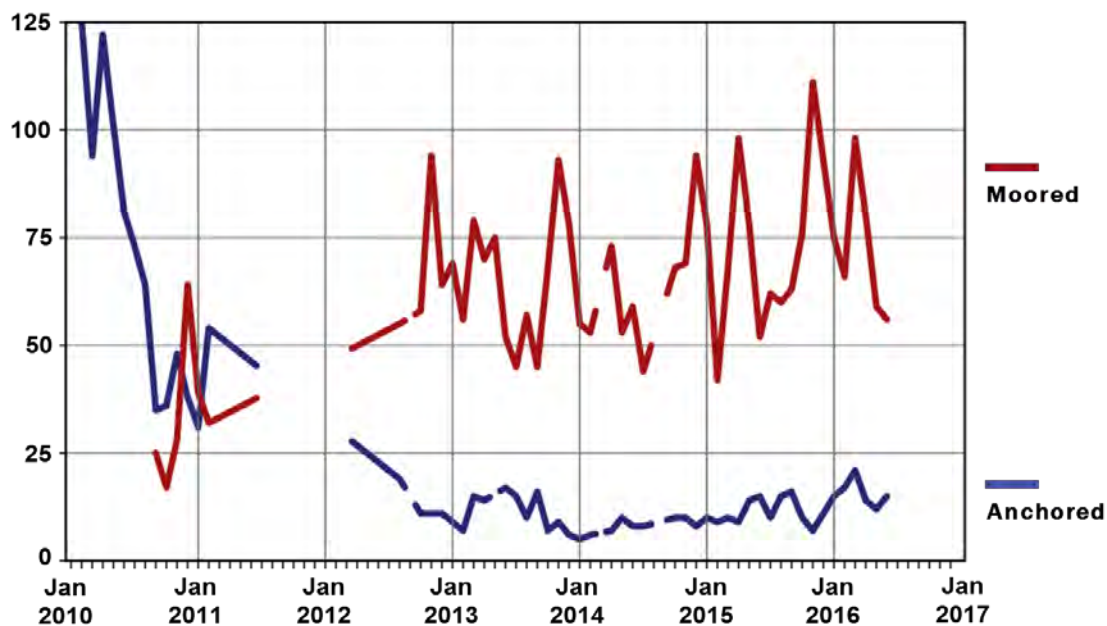
## St. Augustine – Total Boats

February 2010 through July 2016



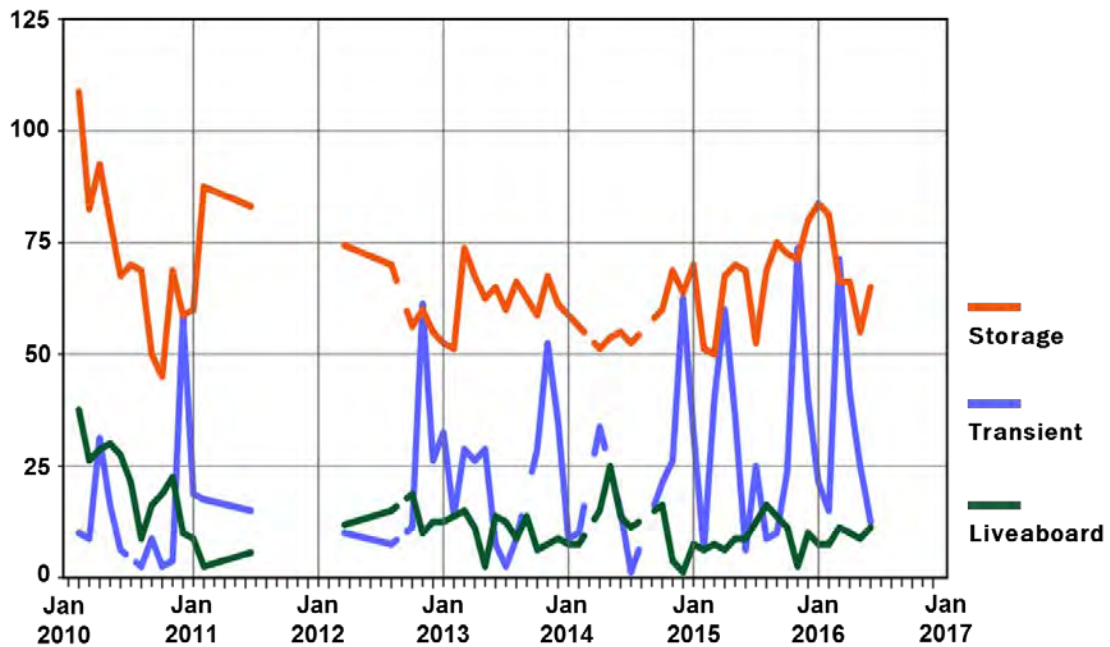
## St. Augustine – Use of Mooring Field

February 2010 through July 2016



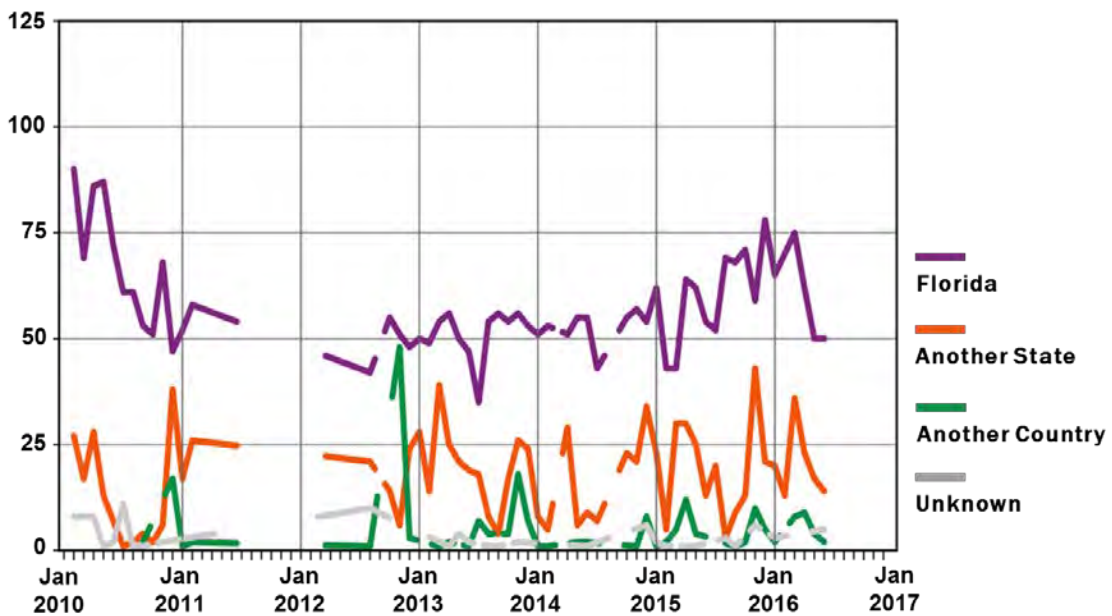
## St. Augustine – Mode of Operation

February 2010 through July 2016



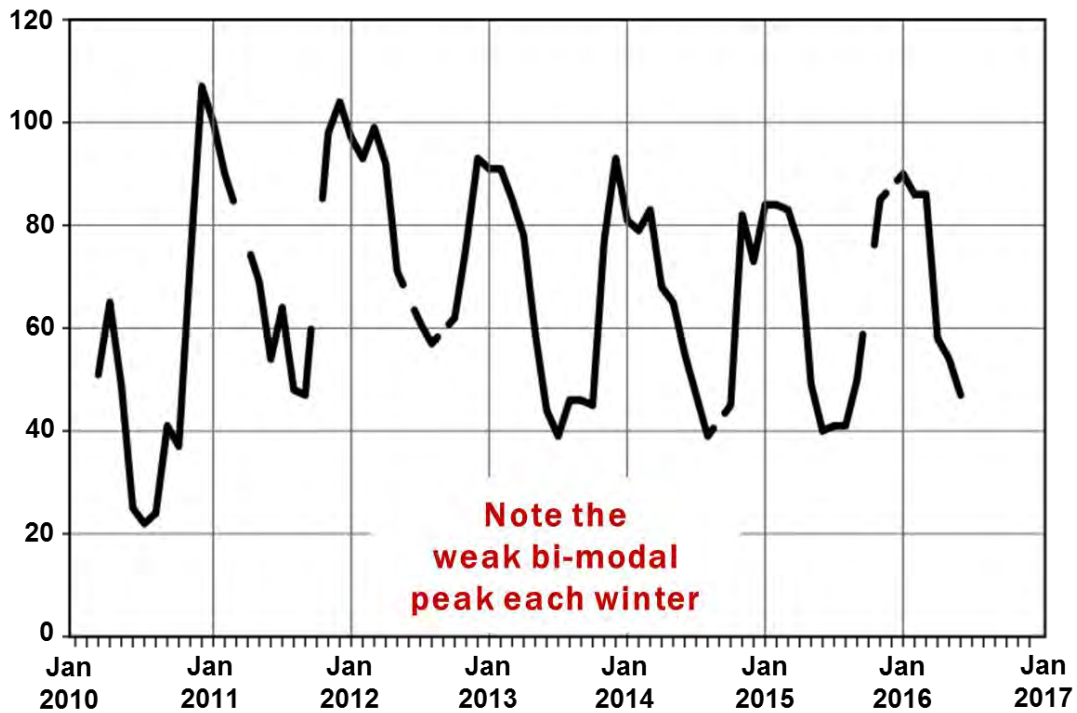
## St. Augustine – Residency

February 2010 through July 2016



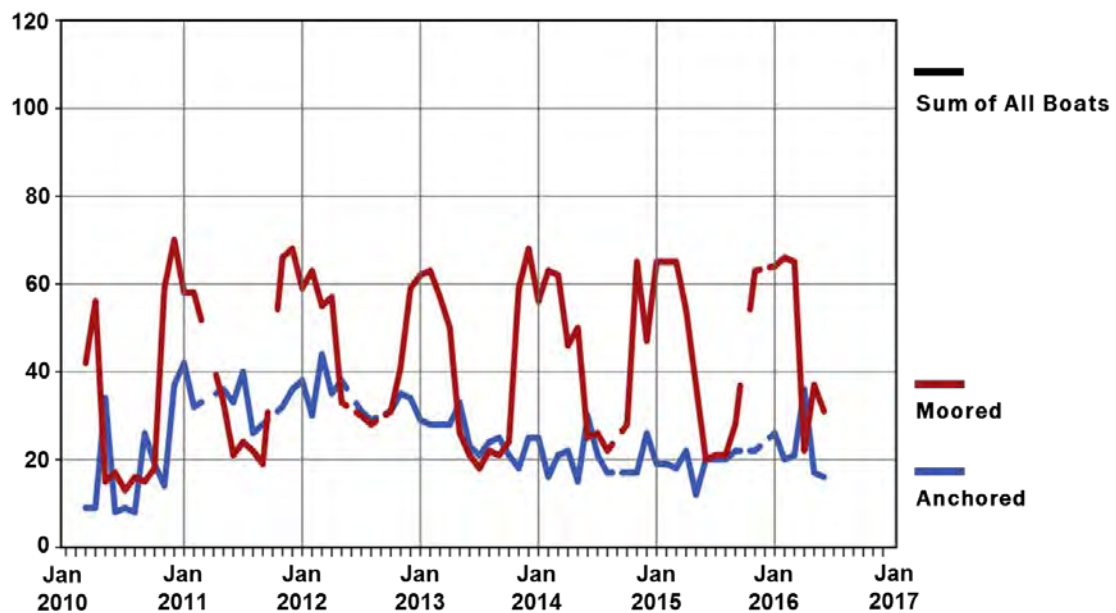
## Stuart – Total Boats

February 2010 through June 2016



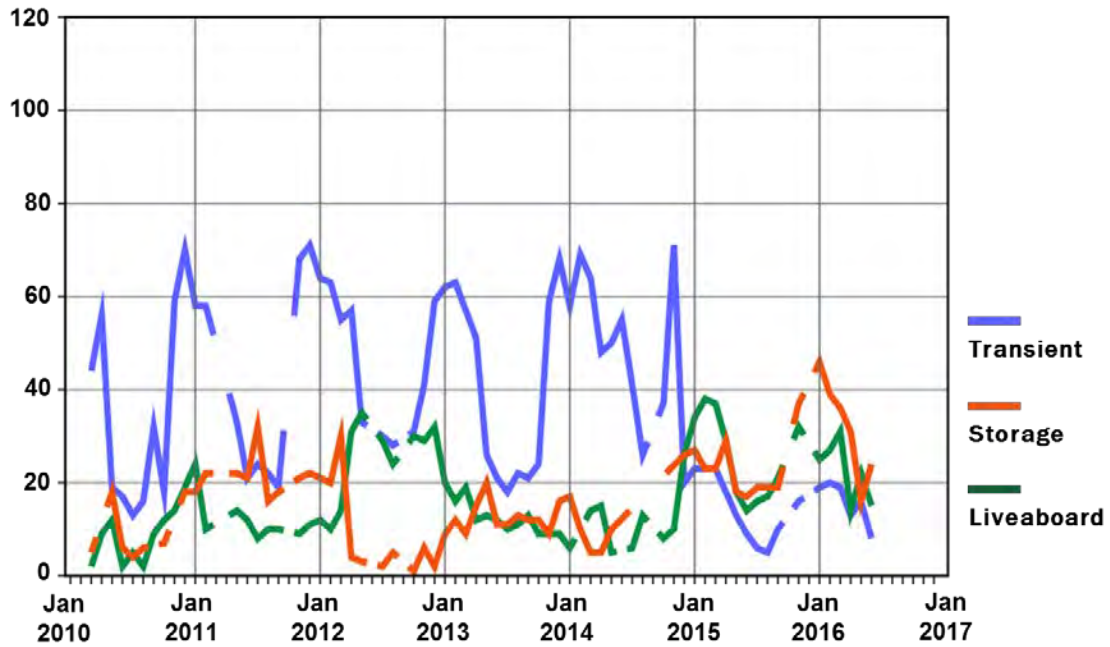
## Stuart – Use of Mooring Field

February 2010 through June 2016



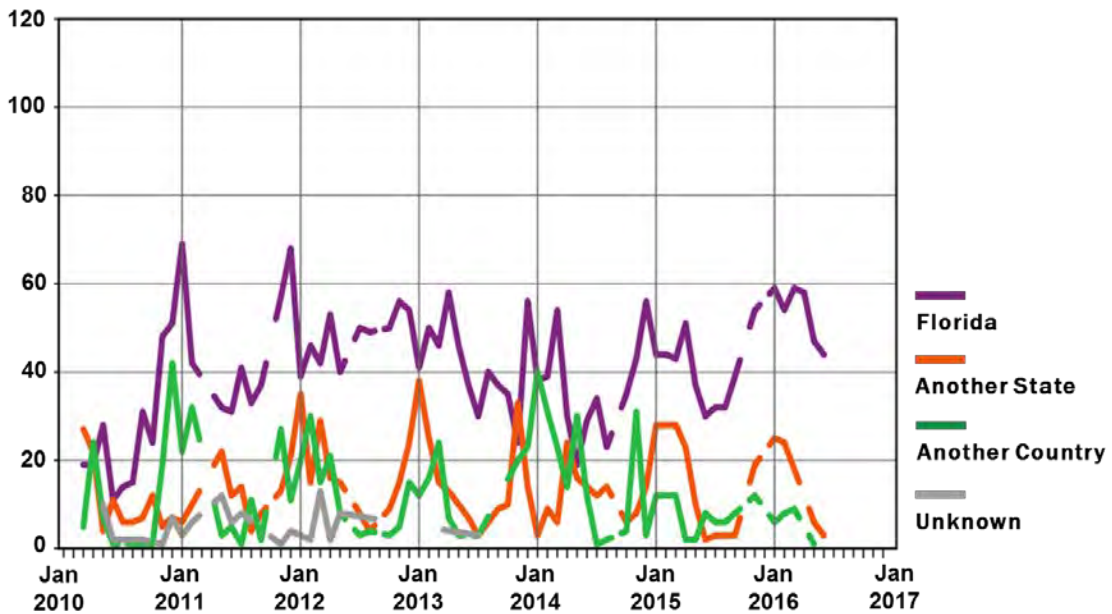
## Stuart – Mode of Operation

February 2010 through June 2016



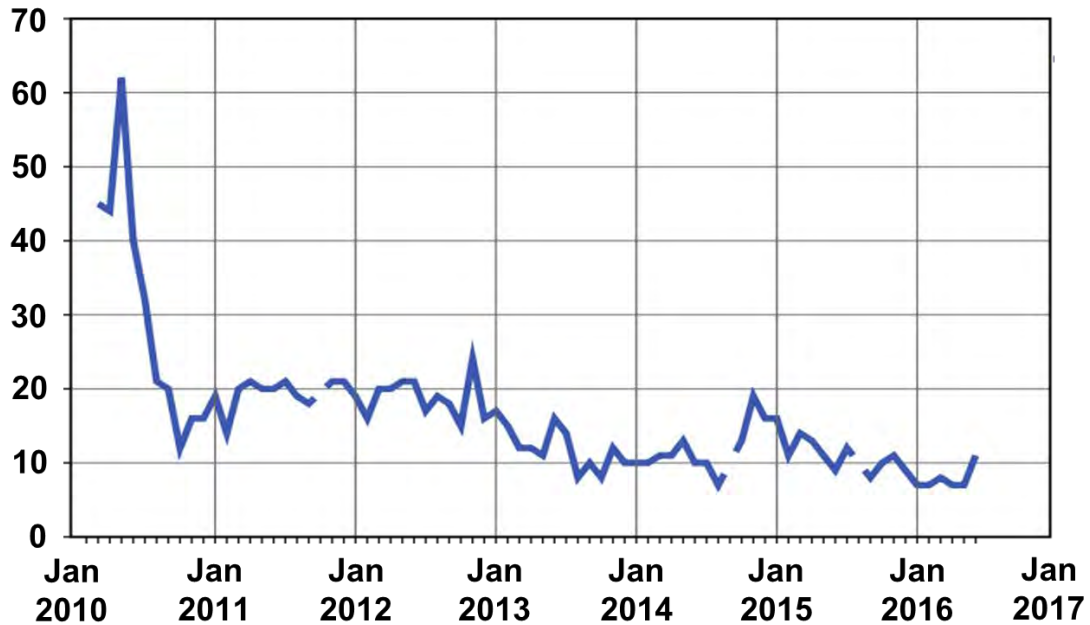
## Stuart – Residency

February 2010 through June 2016



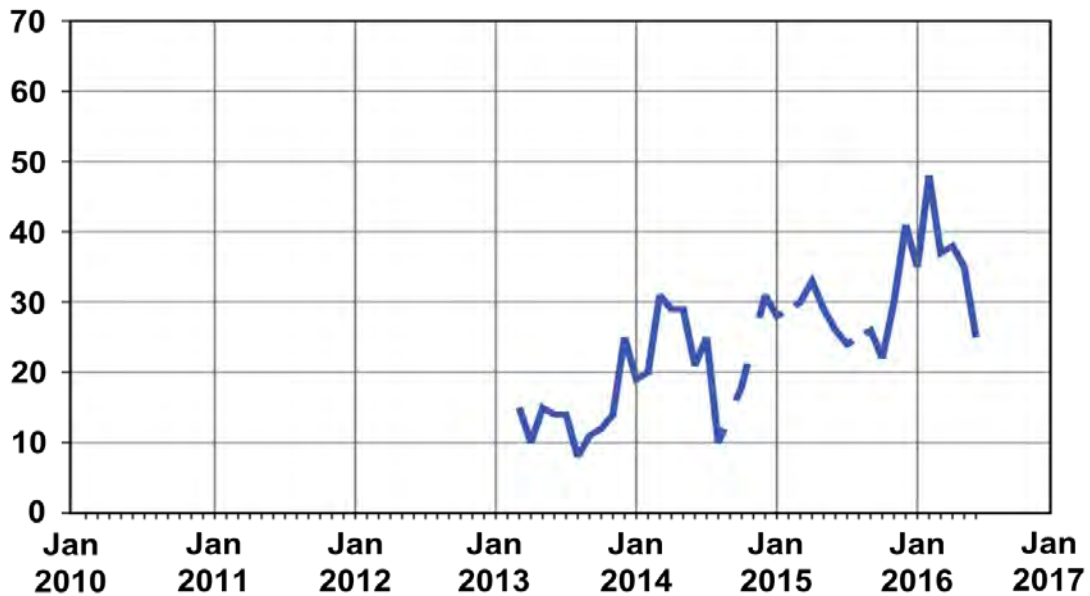
## Martin County – Indian River Lagoon

### Number of Anchored Boats



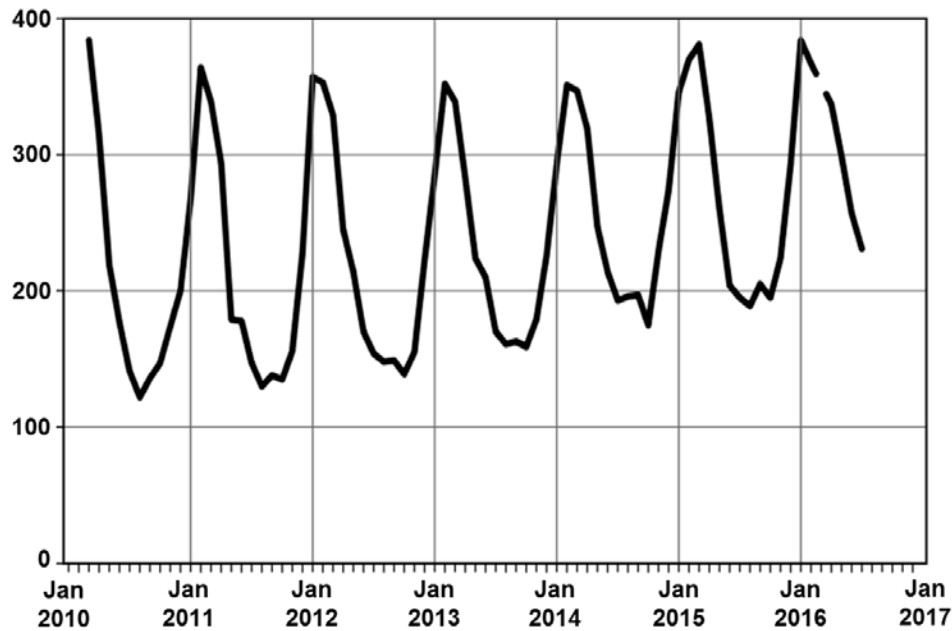
## Martin County – Manatee Pocket

### Number of Anchored Boats



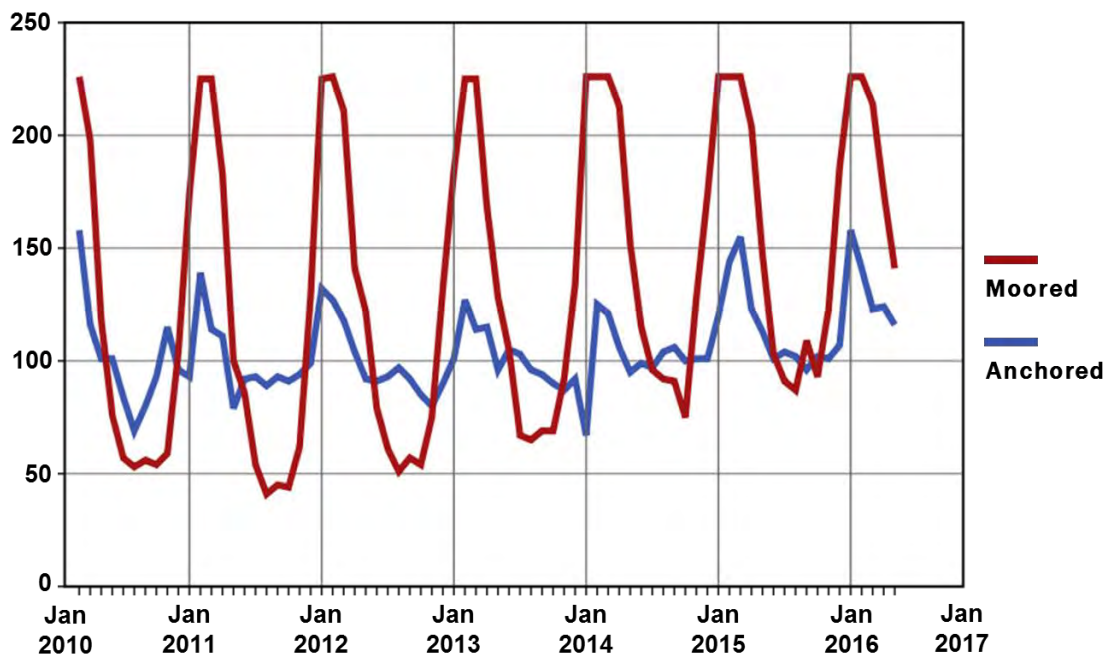
## Marathon – Total Boats

February 2010 through July 2016



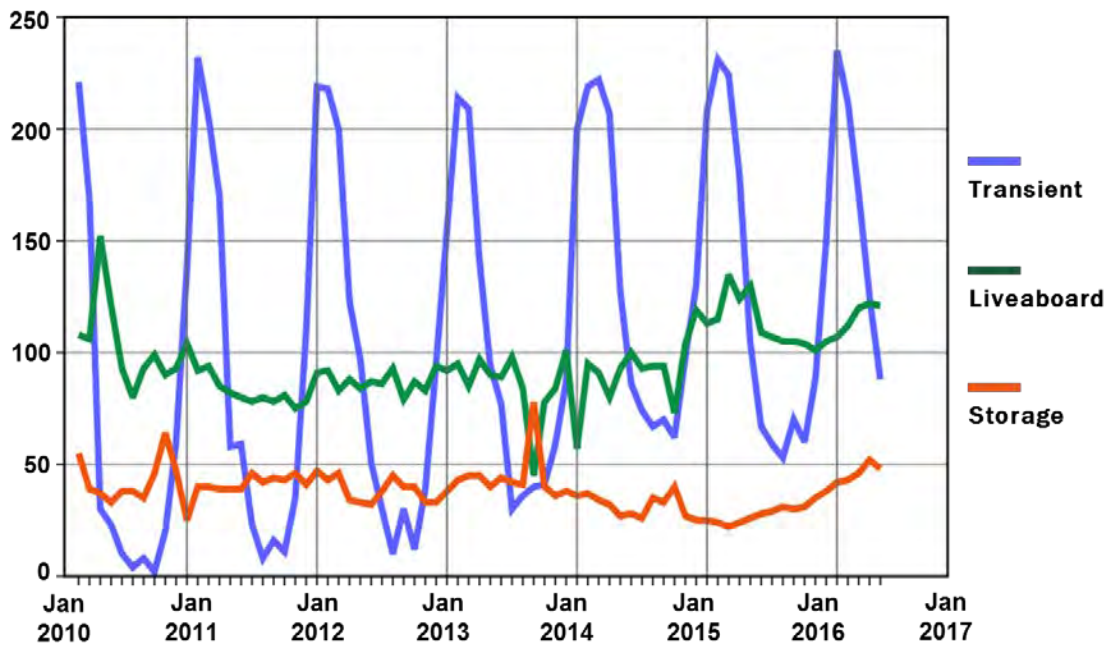
## Marathon – Use of Mooring Field

February 2010 through July 2016



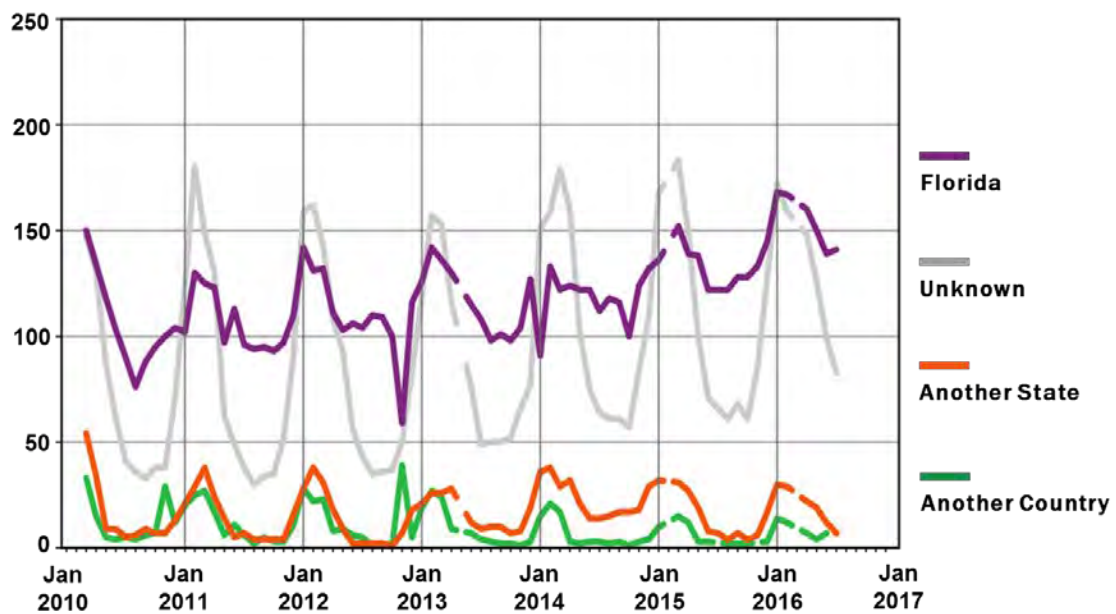
## Marathon – Mode of Operation

February 2010 through July 2016



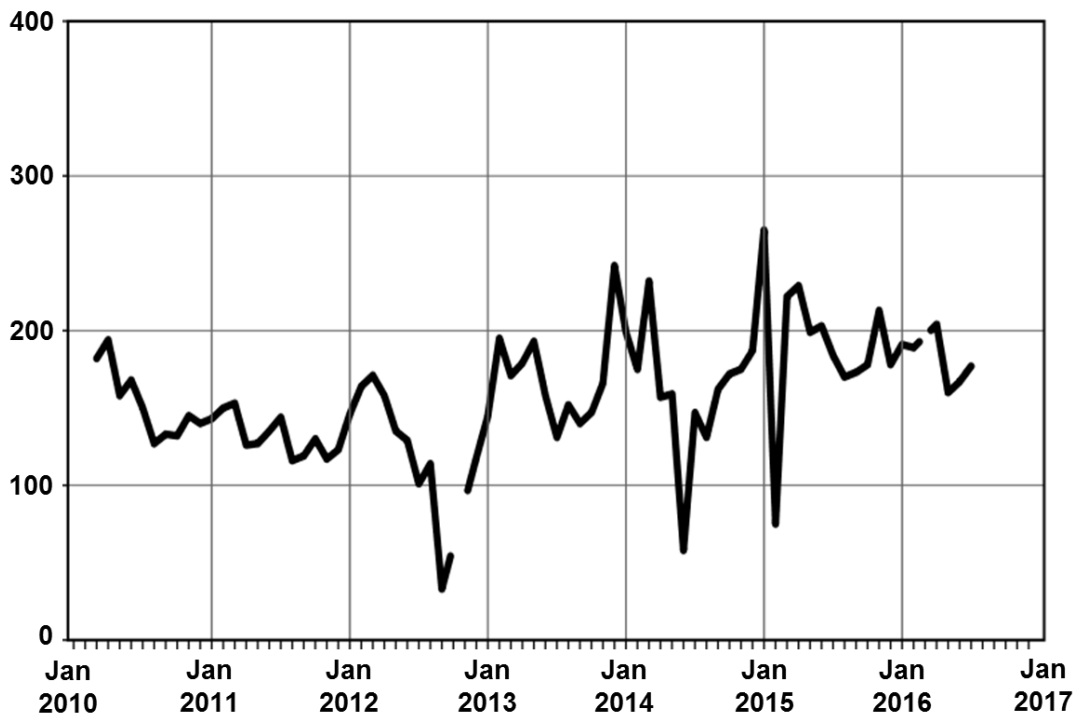
## Marathon – Residency

February 2010 through July 2016



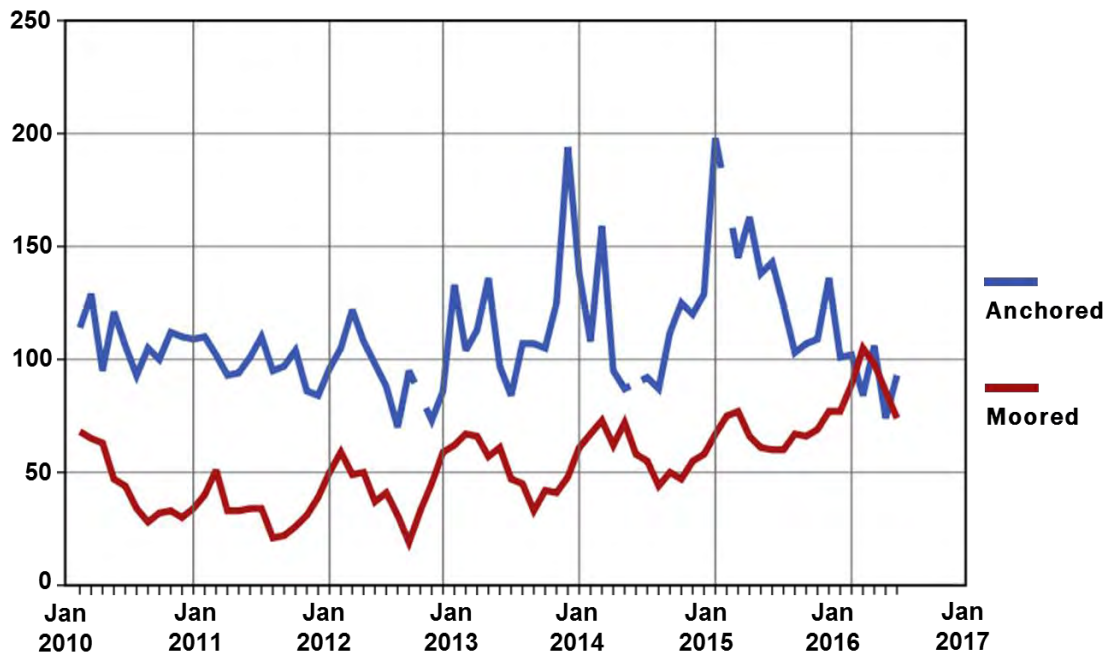
## Key West – Total Boats

February 2010 through July 2016



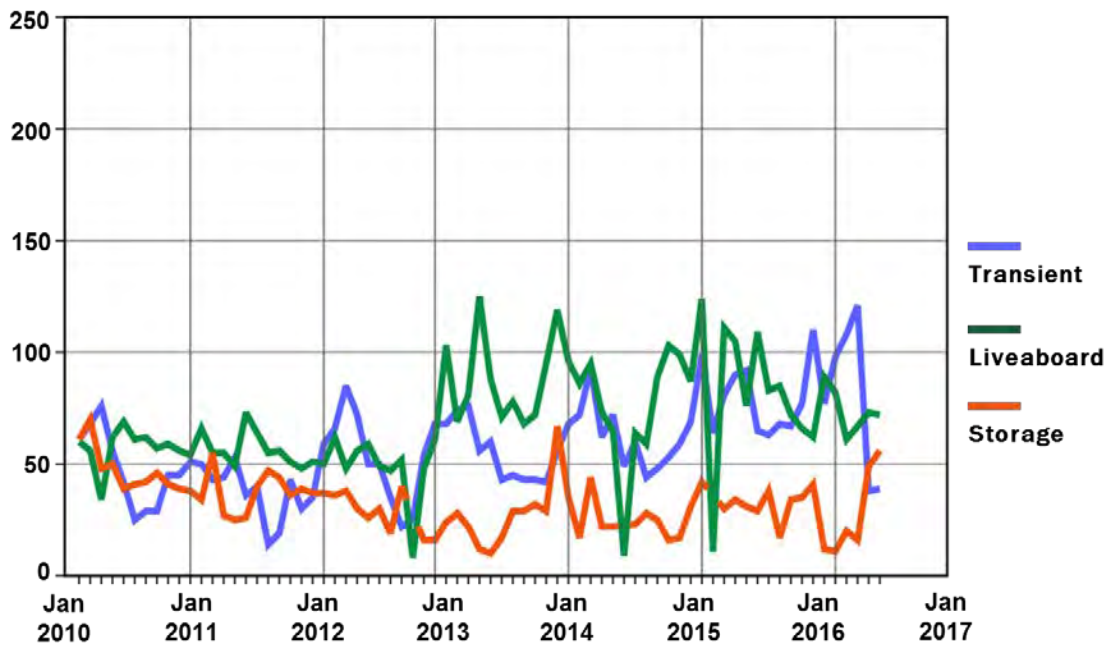
## Key West – Use of Mooring Field

February 2010 through July 2016



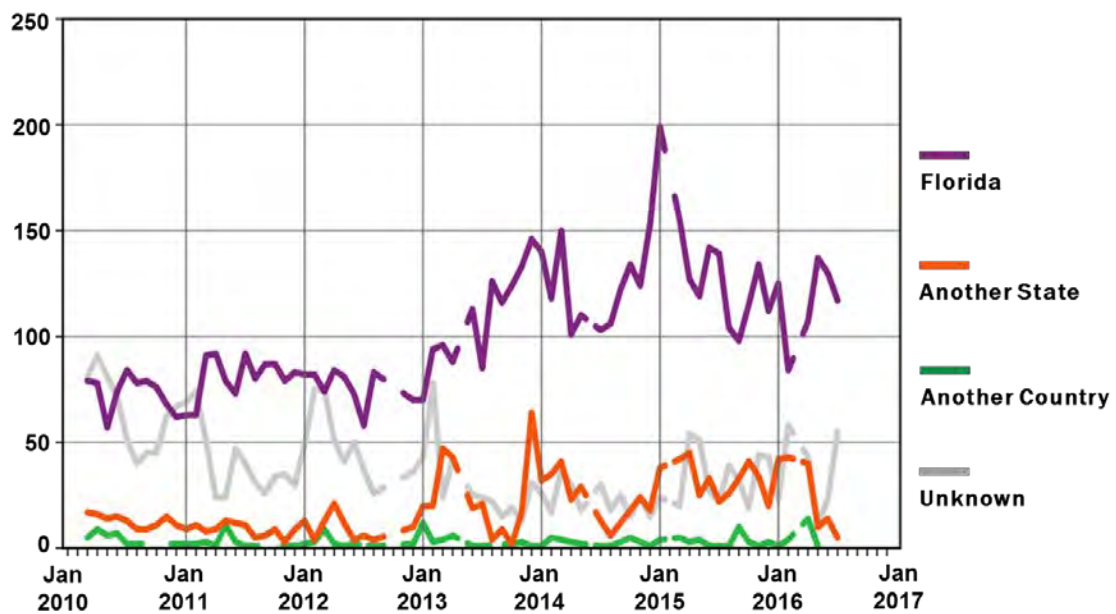
## Key West – Mode of Operation

February 2010 through July 2016



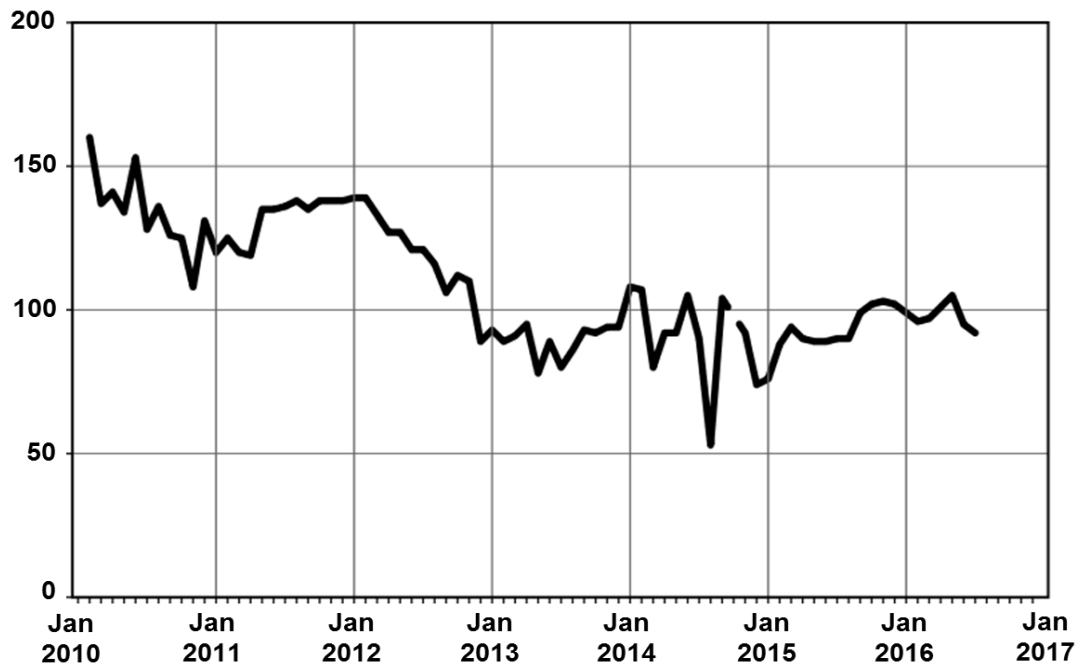
## Key West – Residency

February 2010 through July 2016



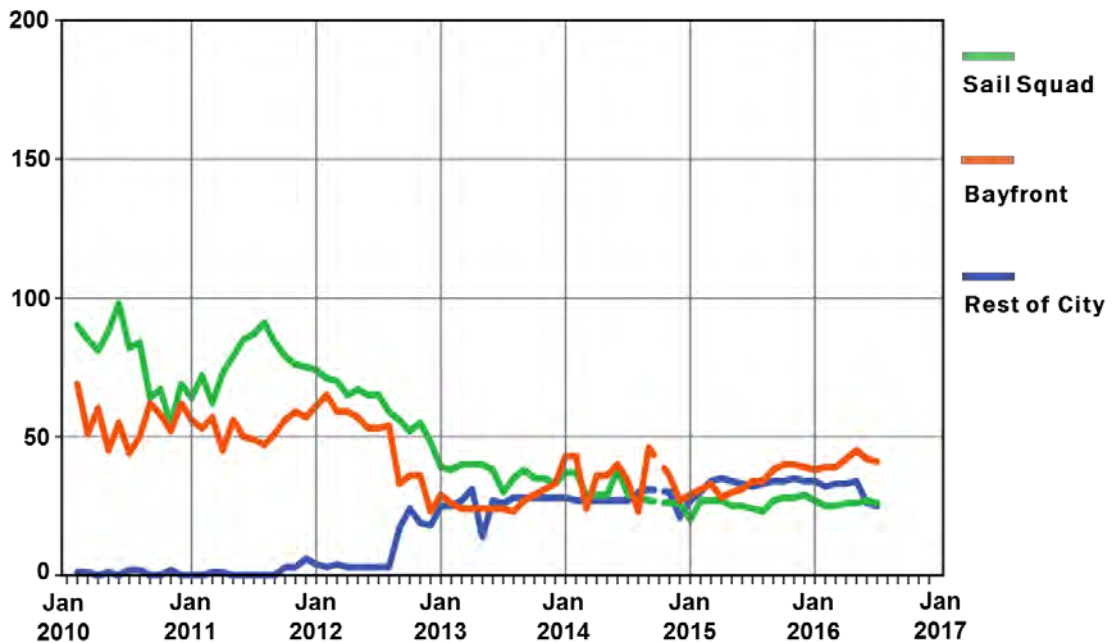
## Sarasota – Total Boats

February 2010 through July 2016



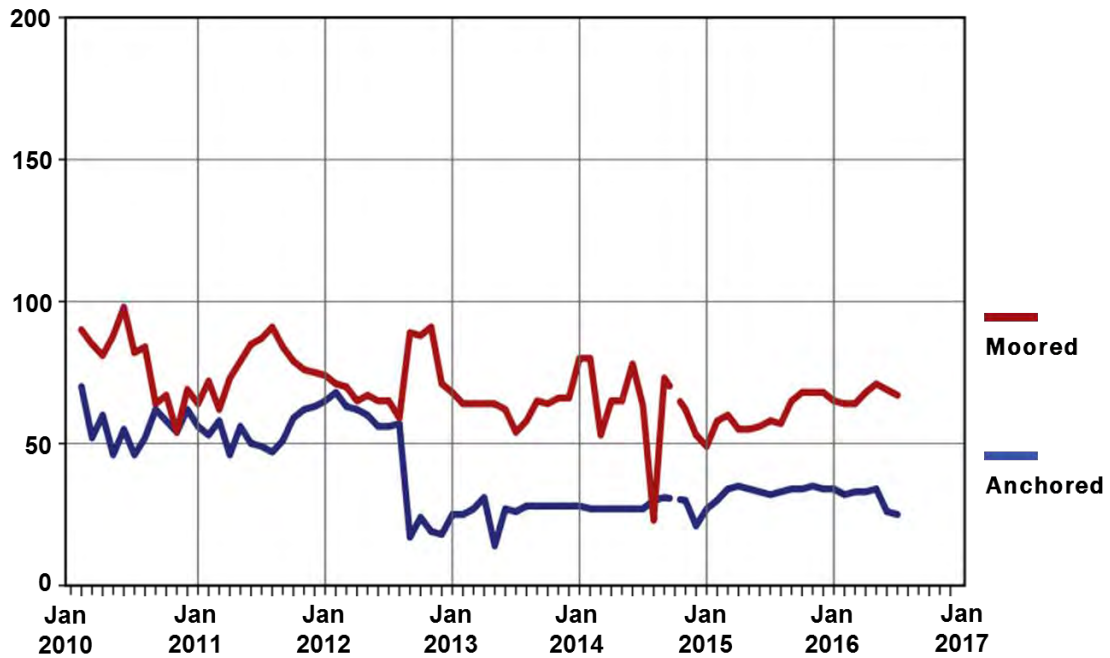
## Sarasota – Geographic Variability

February 2010 through July 2016



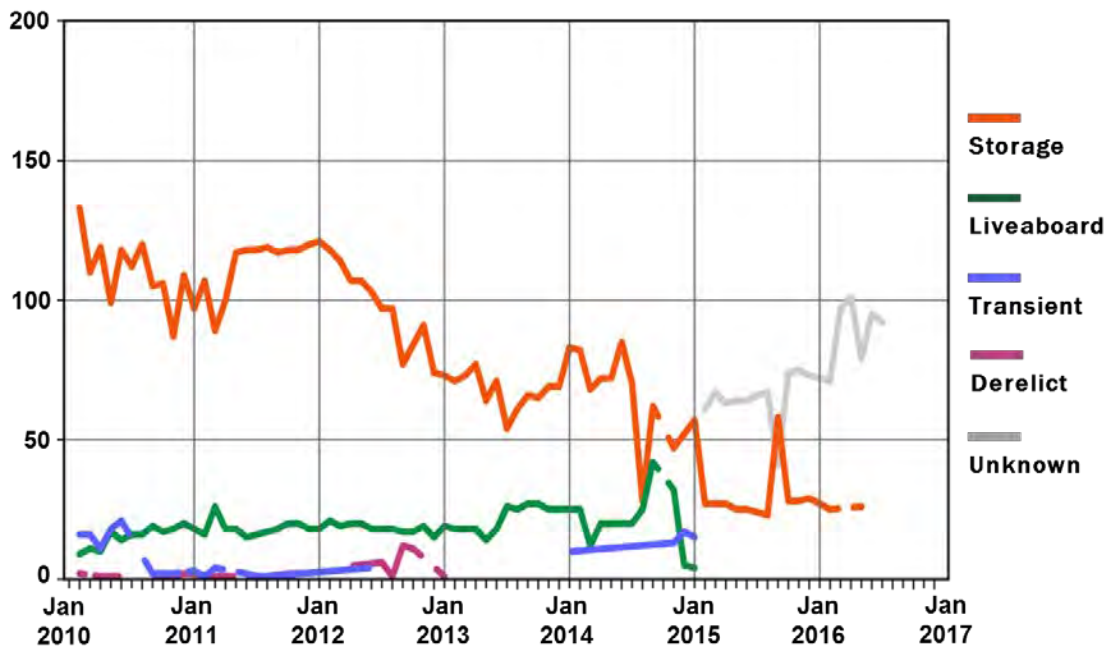
## Sarasota – Use of Mooring Fields

February 2010 through July 2016



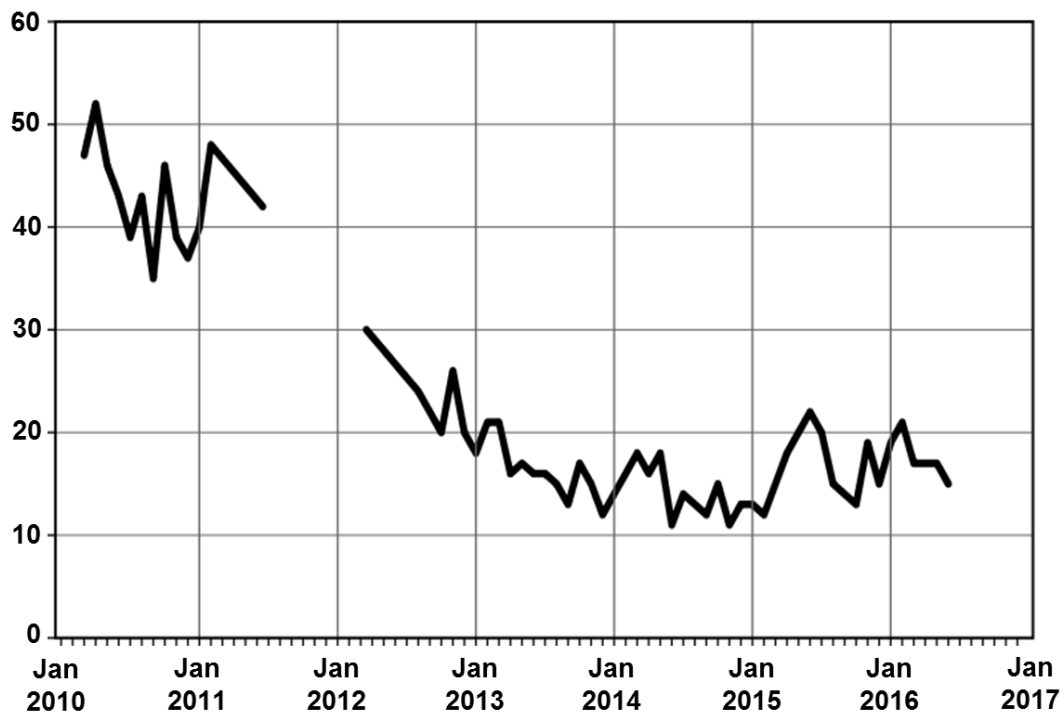
## Sarasota – Mode of Operation

February 2010 through July 2016



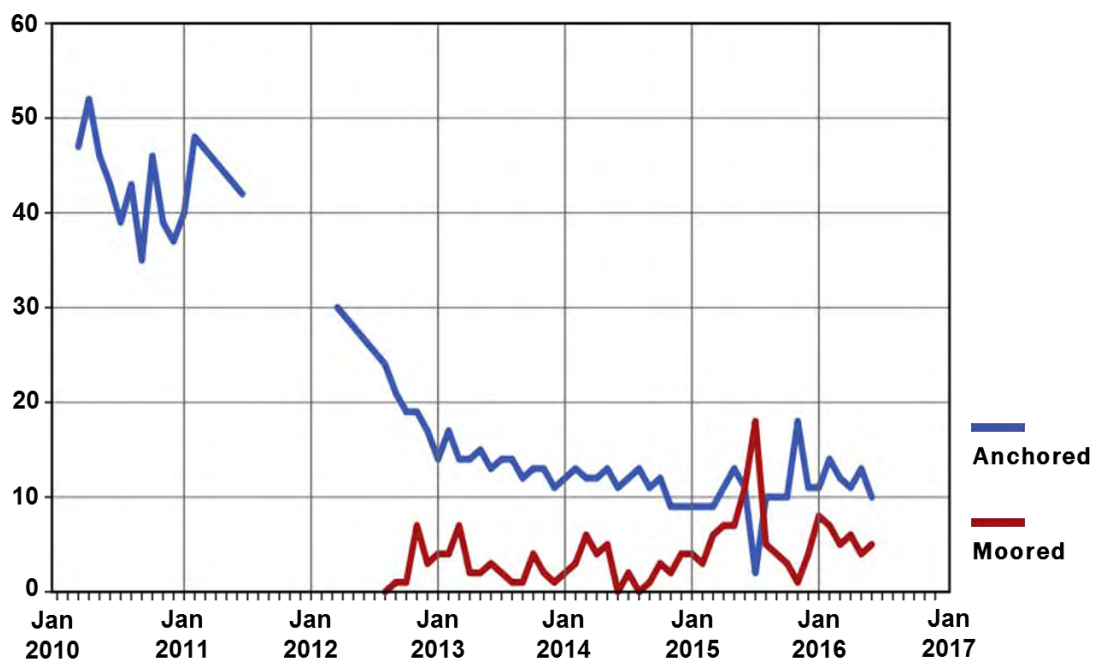
## St. Petersburg – Total Boats

February 2010 through June 2016



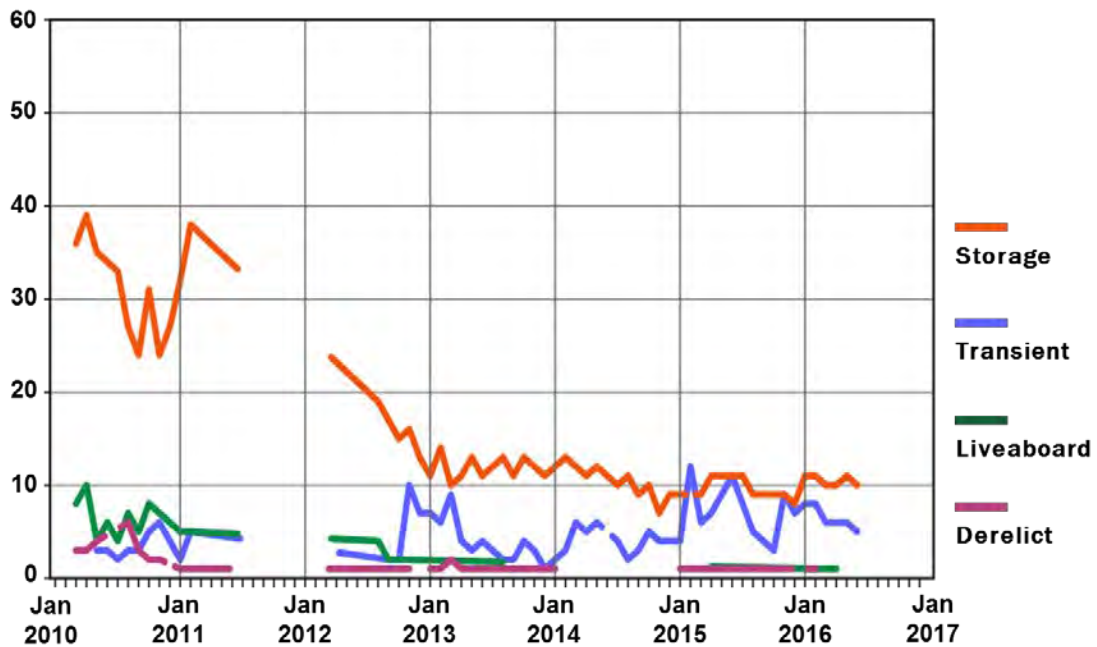
## St. Petersburg – Use of Mooring Field

February 2010 through June 2016



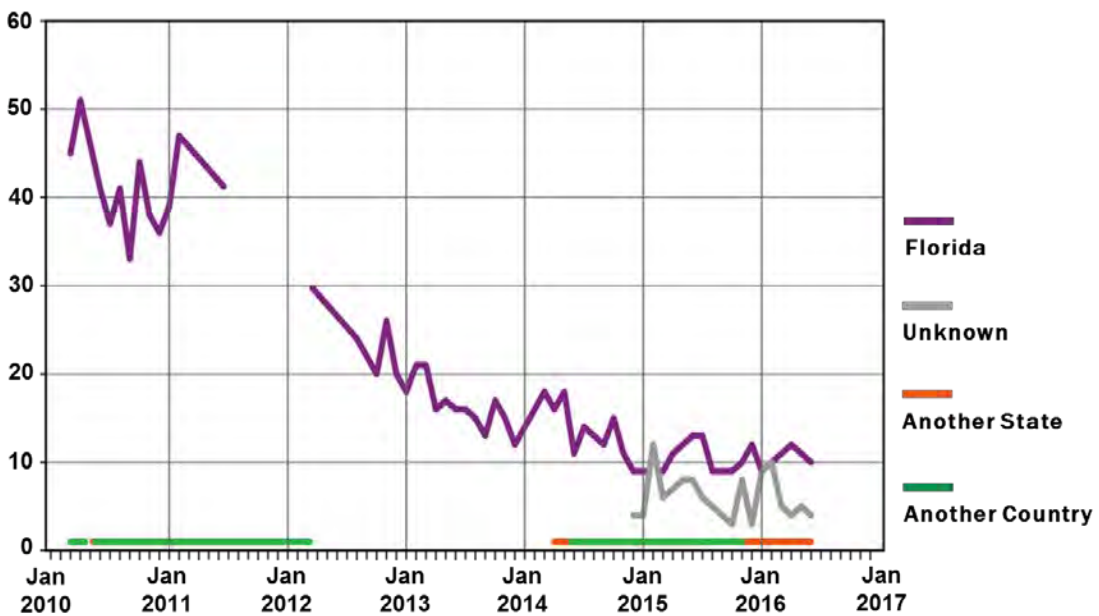
## St. Petersburg – Mode of Operation

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 1<sup>st</sup> through October 9<sup>th</sup> 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<br>Used<br>1     | Sometimes<br>Used<br>2 | Least<br>Used<br>3    | Never<br>Used<br>4    |
|--|-----------------------|------------------------|-----------------------|-----------------------|
| Stay at marinas or dock facilities           | <input type="radio"/> | <input type="radio"/>  | <input type="radio"/> | <input type="radio"/> |
| Stay at a managed mooring field              | <input type="radio"/> | <input type="radio"/>  | <input type="radio"/> | <input type="radio"/> |
| Anchor in an officially designated anchorage | <input type="radio"/> | <input type="radio"/>  | <input type="radio"/> | <input type="radio"/> |
| Anchor in other convenient locations         | <input type="radio"/> | <input type="radio"/>  | <input type="radio"/> | <input type="radio"/> |

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<br>Preferred<br>1 | Neutral<br>Preference<br>2 | Least<br>Preferred<br>3 | Never<br>Use<br>4     |
|--|------------------------|----------------------------|-------------------------|-----------------------|
| Stay at marinas or dock facilities           | <input type="radio"/>  | <input type="radio"/>      | <input type="radio"/>   | <input type="radio"/> |
| Stay at a managed mooring field              | <input type="radio"/>  | <input type="radio"/>      | <input type="radio"/>   | <input type="radio"/> |
| Anchor in an officially designated anchorage | <input type="radio"/>  | <input type="radio"/>      | <input type="radio"/>   | <input type="radio"/> |
| Anchor in other convenient locations         | <input type="radio"/>  | <input type="radio"/>      | <input type="radio"/>   | <input type="radio"/> |

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        |                       | Neutral               |                       | Least Effective       |                       |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|  | 1                     | 2                     | 3                     | 4                     | 5                     | NA                    |
| Promote the establishment and use of public mooring fields | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Promote public access to the waters of Florida             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Enhance navigational safety                                | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Protect maritime infrastructure                            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Protect the marine environment                             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Deter improperly stored, abandoned or derelict vessels     | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Overall effectiveness                                      | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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        |                       | Neutral               |                       | Least Effective       |                       |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|  | 1                     | 2                     | 3                     | 4                     | 5                     | NA                    |
| Promote the establishment and use of public mooring fields | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Promote public access to the waters of Florida             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Enhance navigational safety                                | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Protect maritime infrastructure                            | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Protect the marine environment                             | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Deter improperly stored, abandoned or derelict vessels     | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Overall effectiveness                                      | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

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 1<sup>st</sup>, 2017.

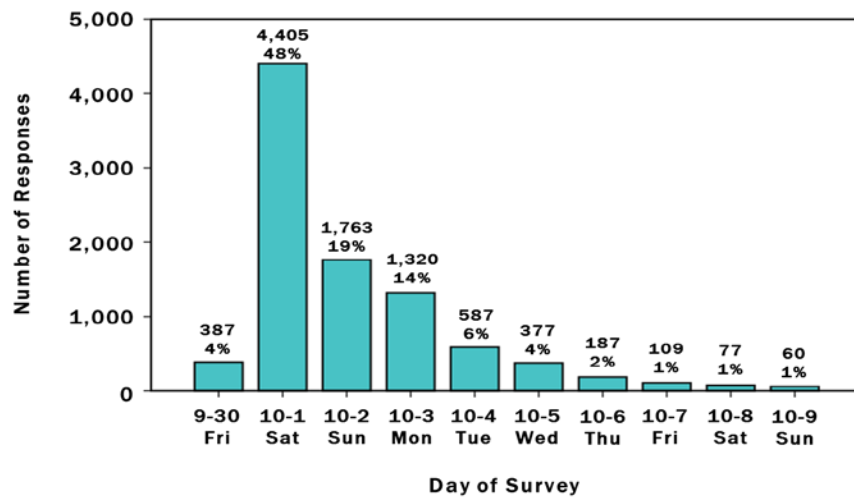
**- END OF QUESTIONS -**

# Public Opinion Survey and Results 2016

## Analysis of Results

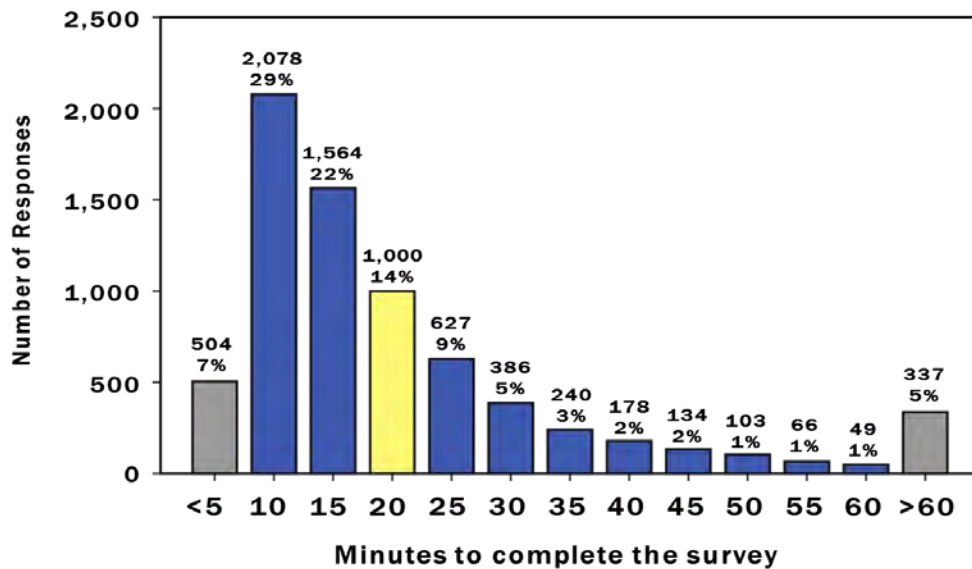
### Number of Responses Each Day

9,272 Total Responses over 10 Days



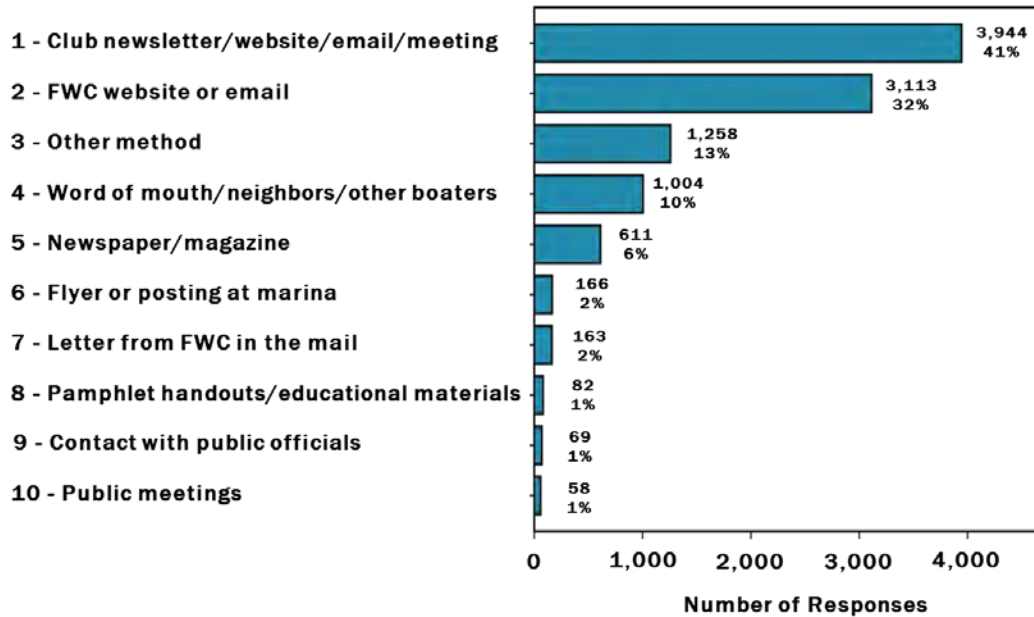
### Time required to complete the survey

Average time to complete the survey was 17 minutes



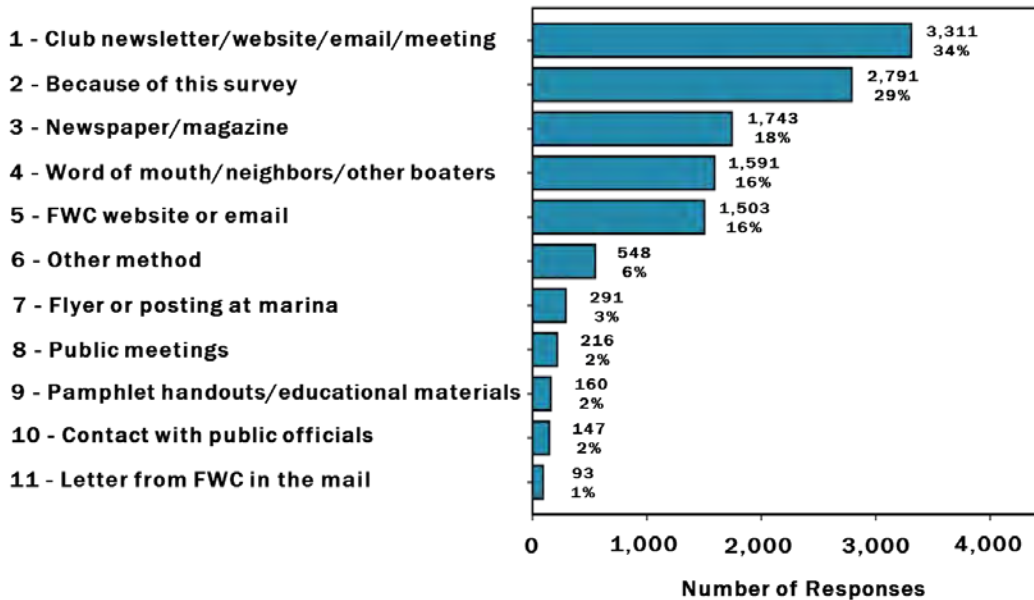
## How did you learn of this survey?

Select all that apply

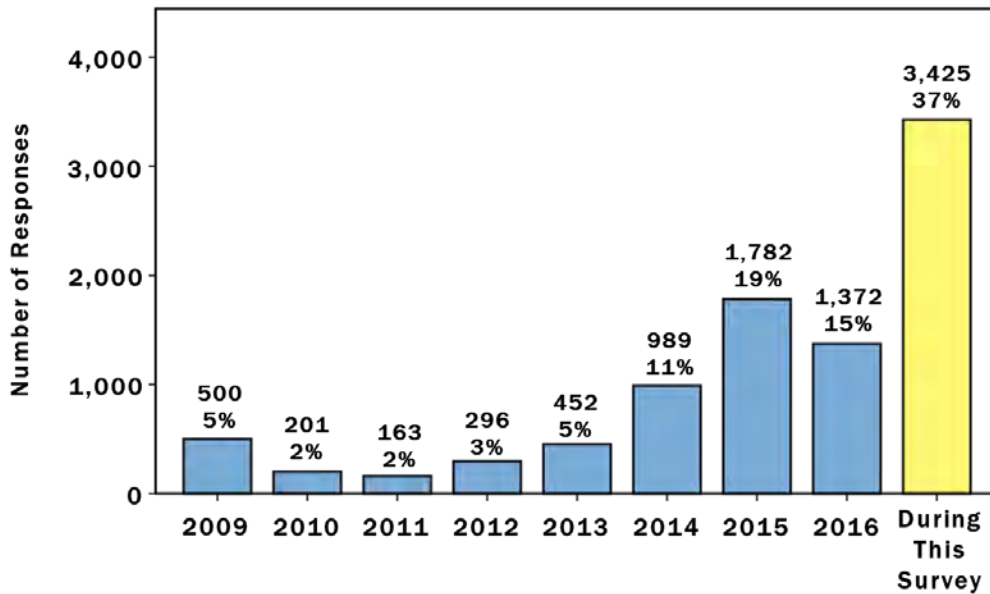


## How did you become aware of the Anchoring and Mooring Pilot Program?

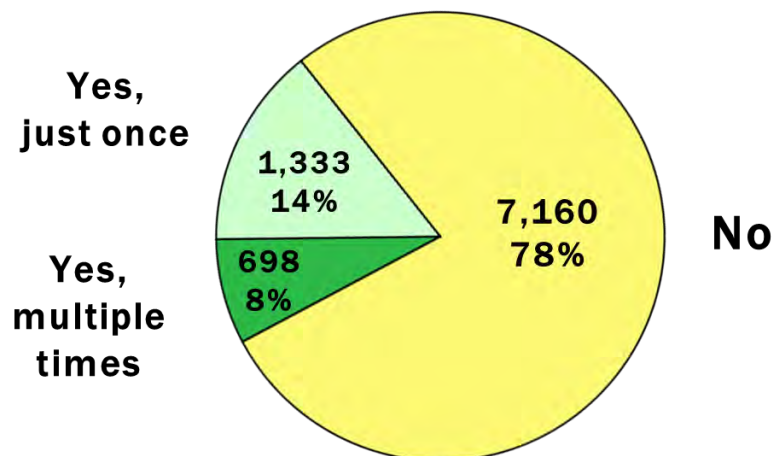
Select all that apply



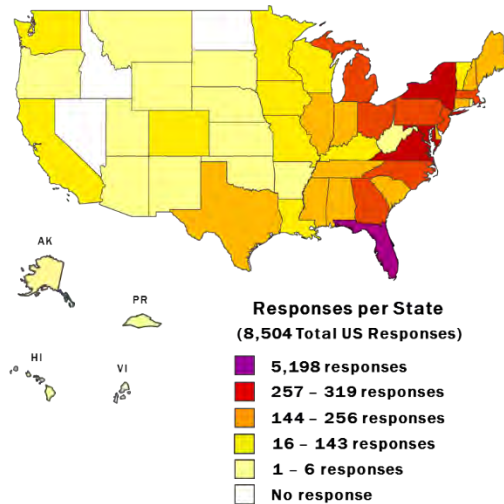
## When did you first become aware of the Anchoring and Mooring Pilot Program?



## 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?

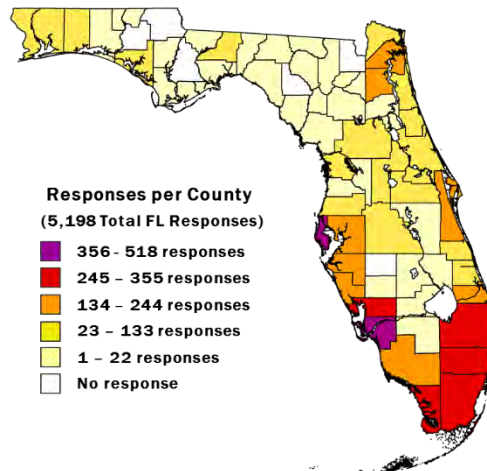


Please provide the 5 number zip code  
of your primary residence.



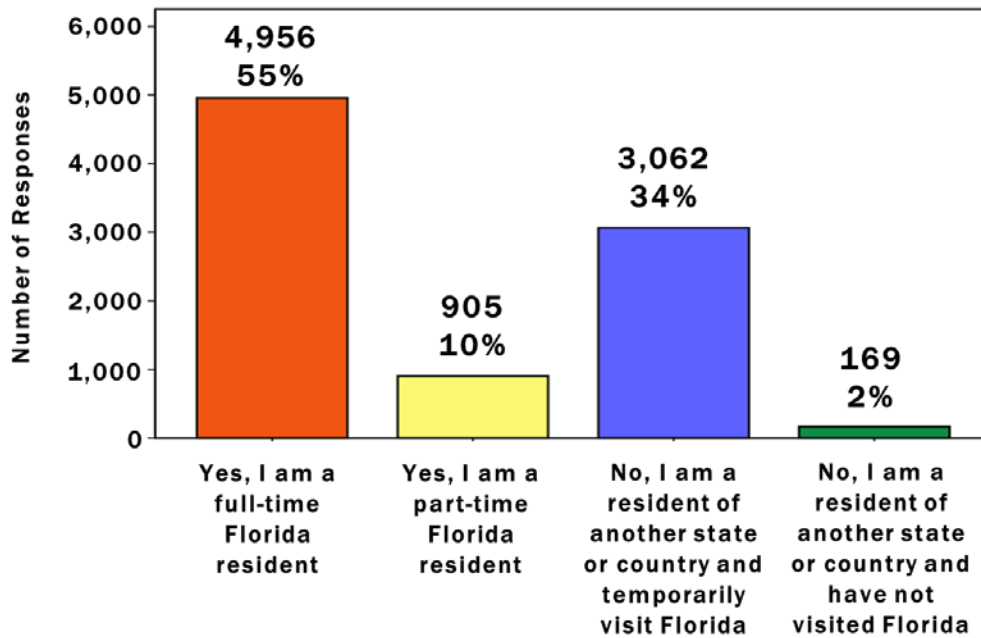
| Top 15 States  |           |         |
|----------------|-----------|---------|
| State          | Responses | Percent |
| Florida        | 5,198     | 61.1%   |
| Maryland       | 319       | 3.8%    |
| New York       | 318       | 3.7%    |
| Virginia       | 313       | 3.7%    |
| Massachusetts  | 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%    |

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

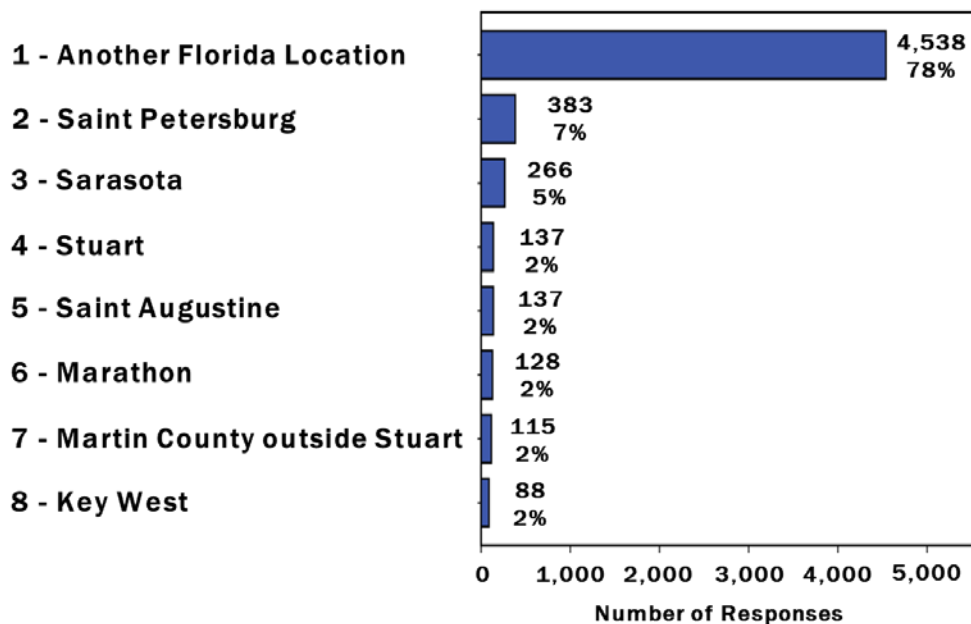


| Top 15 Florida Counties |           |         |
|-------------------------|-----------|---------|
| County                  | Responses | Percent |
| * Pinellas              | 518       | 10.0%   |
| Lee                     | 391       | 7.5%    |
| Broward                 | 329       | 6.3%    |
| 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%    |

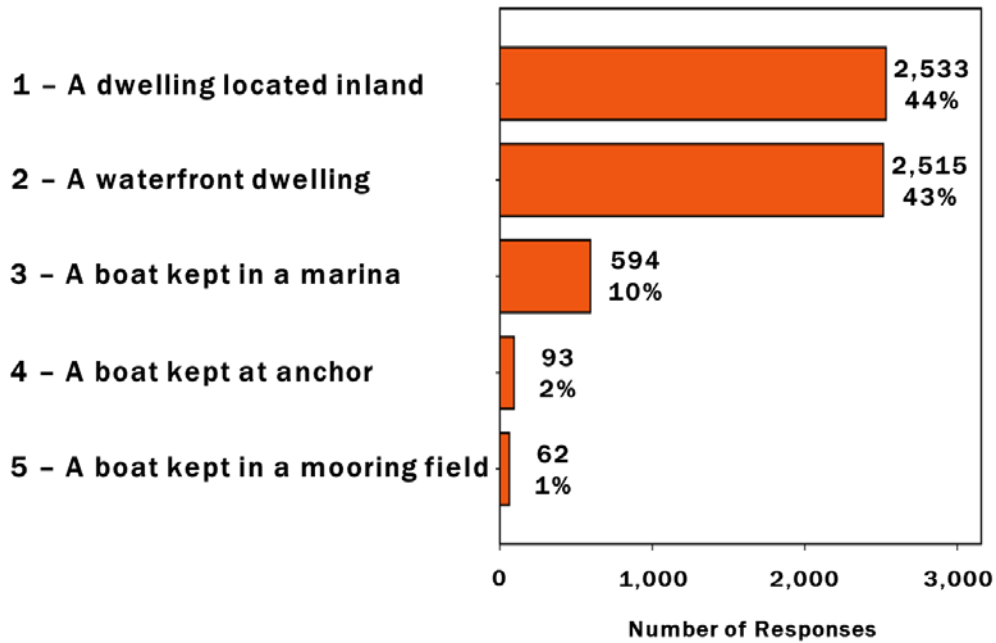
## Do you reside in Florida?



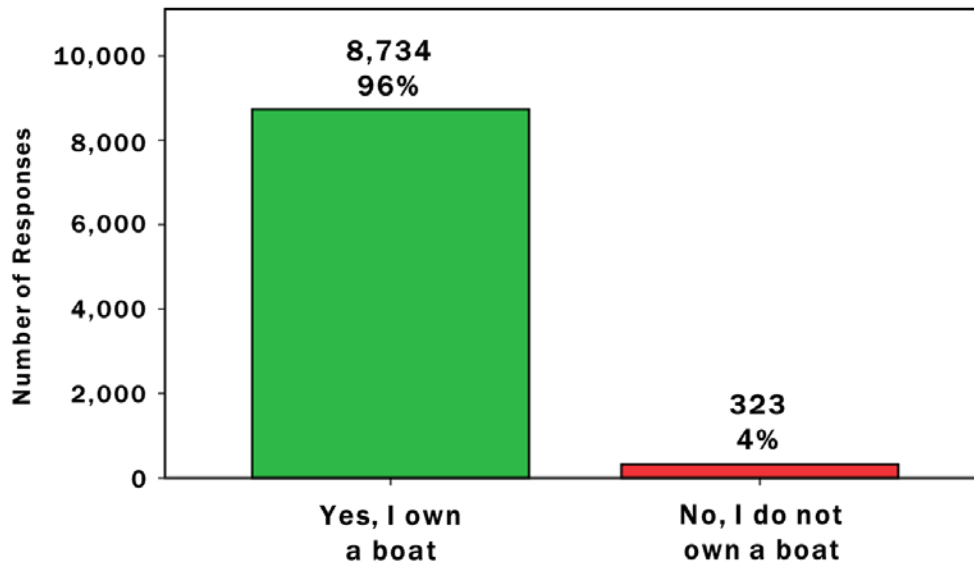
## Is your Florida residence located in:



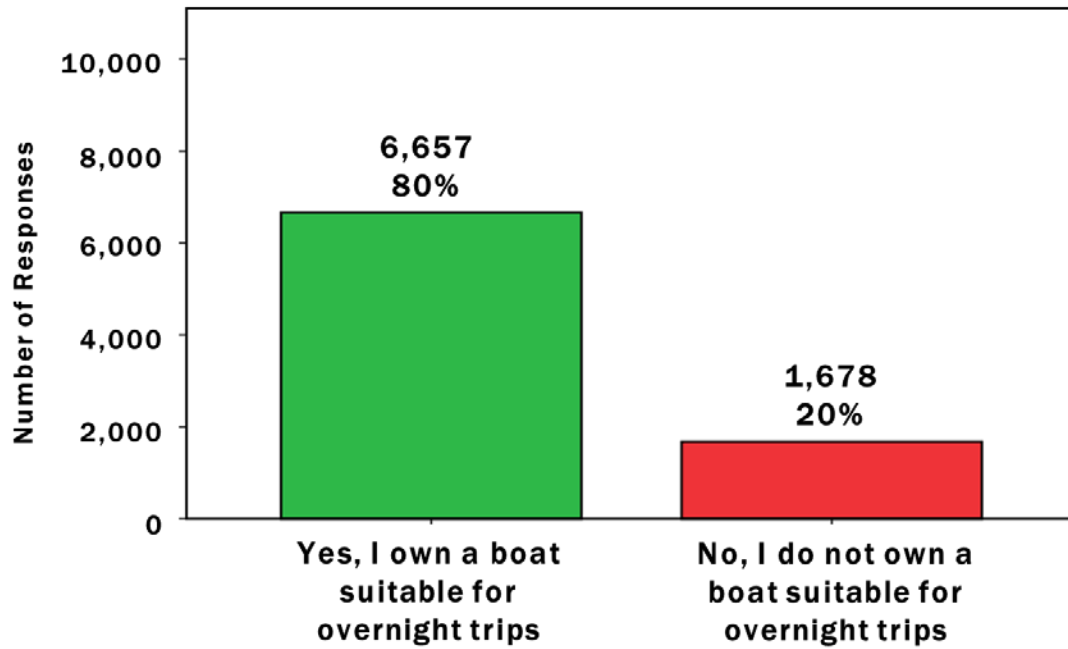
## Is your Florida residence:



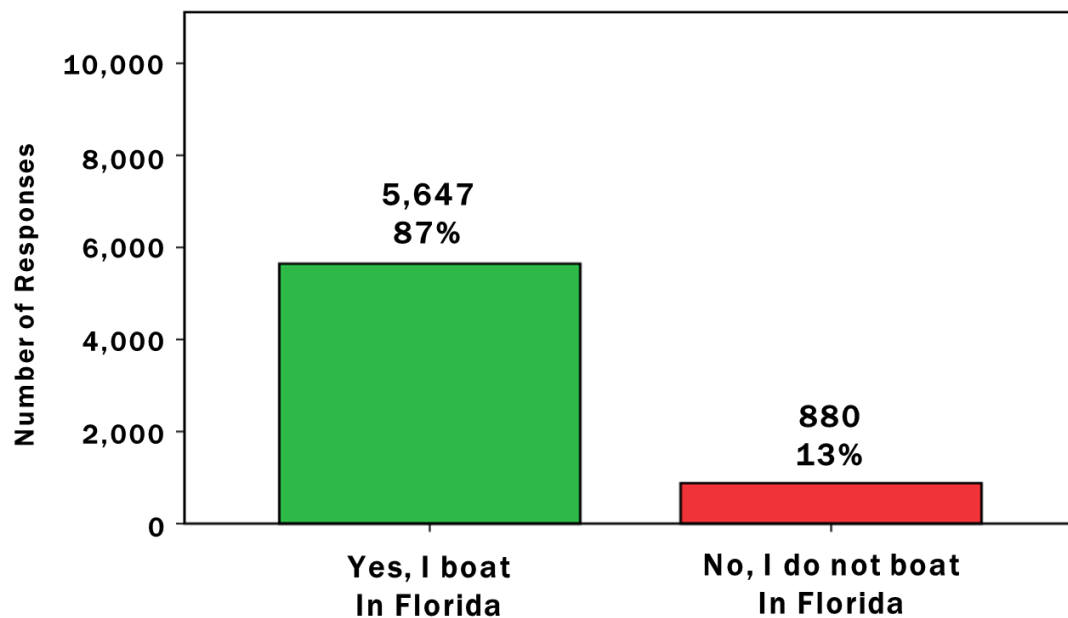
## Do you own a boat?



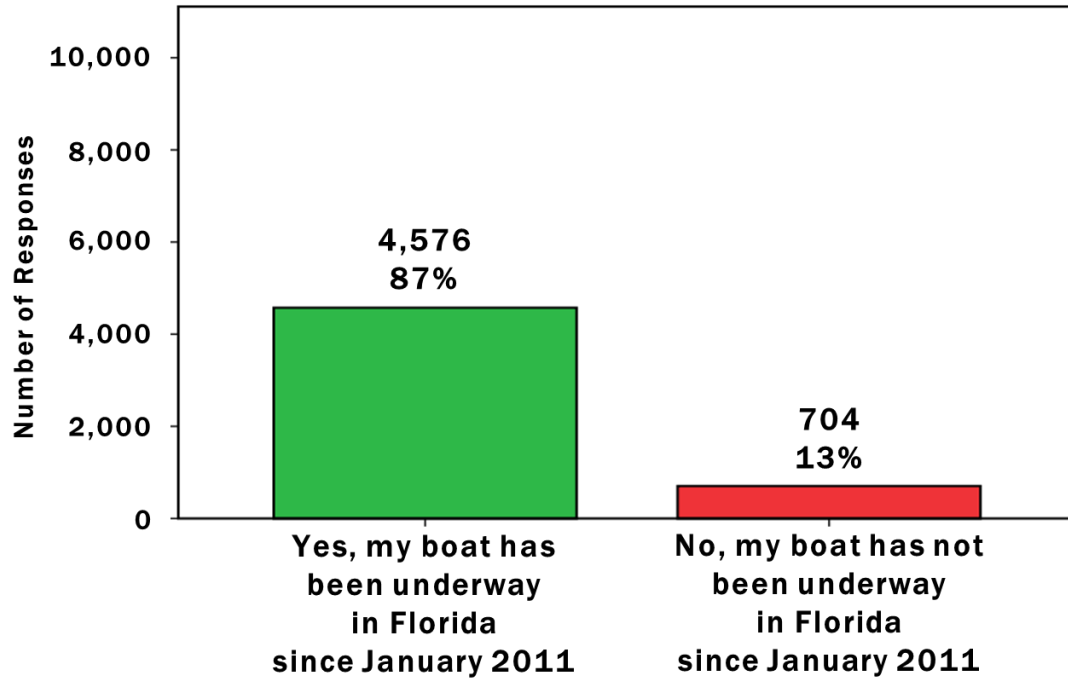
## Do you own a boat suitable for overnight trips?



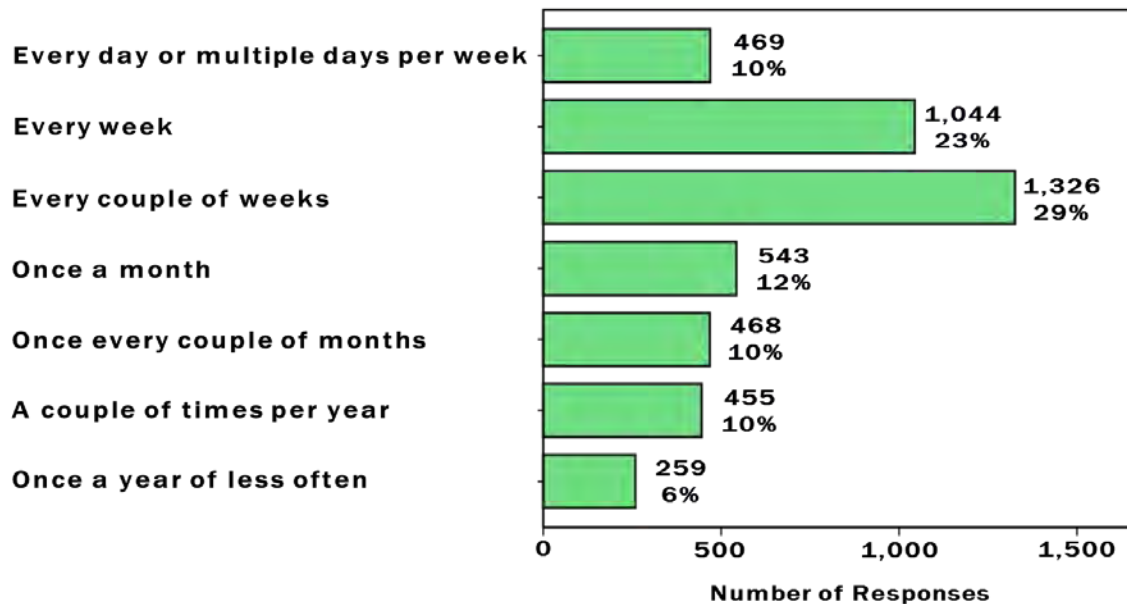
## Do you boat in Florida?



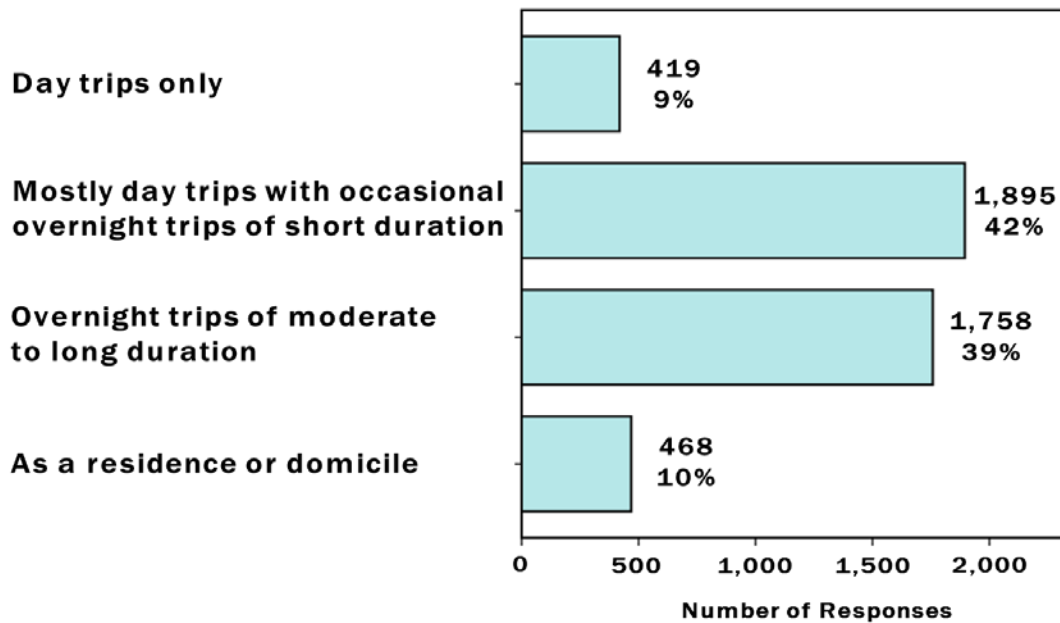
## Has your boat been underway in Florida at any time since January 2011?



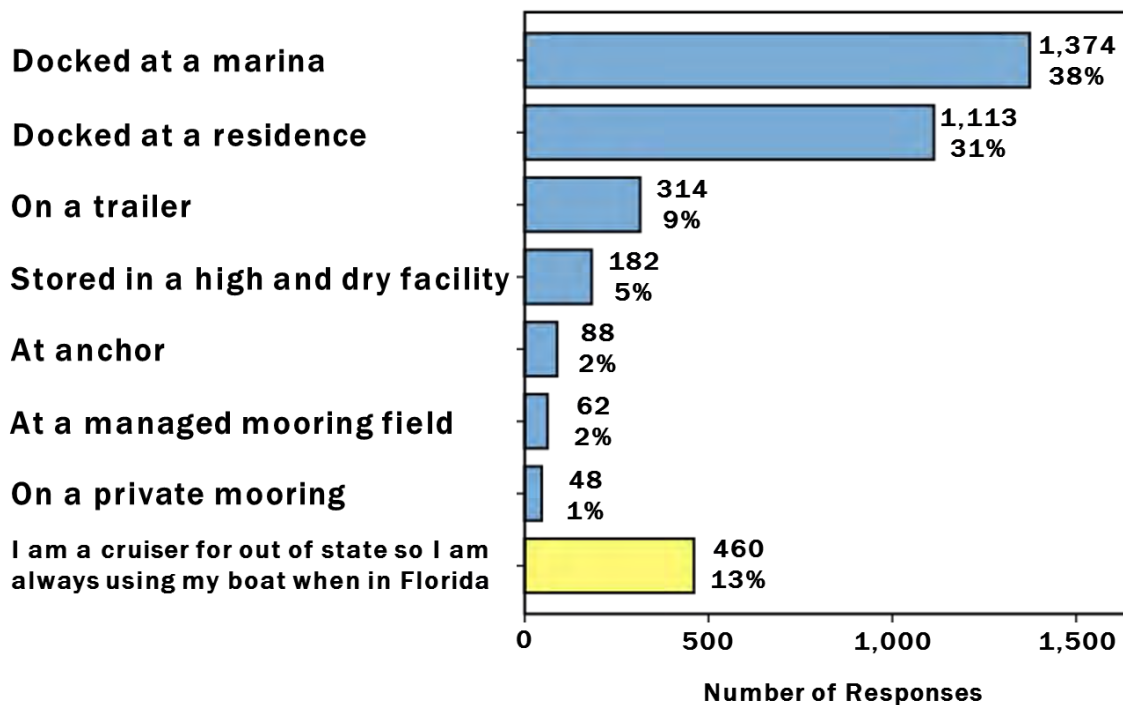
## How often, on average, do you get your boat underway (moving) in Florida?



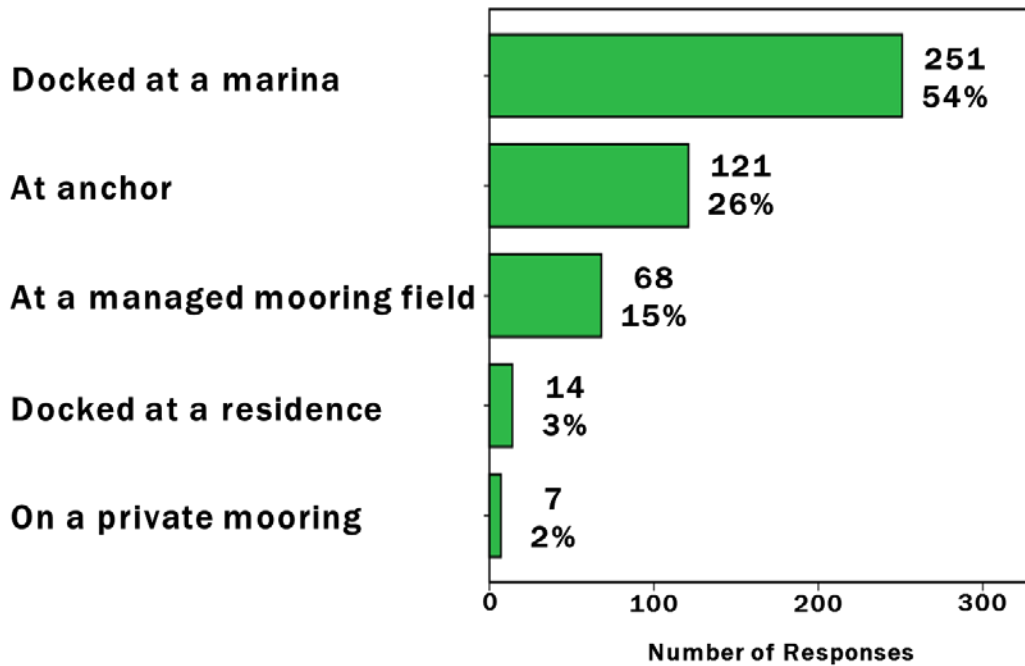
## How do you use your boat(s) most often in Florida?



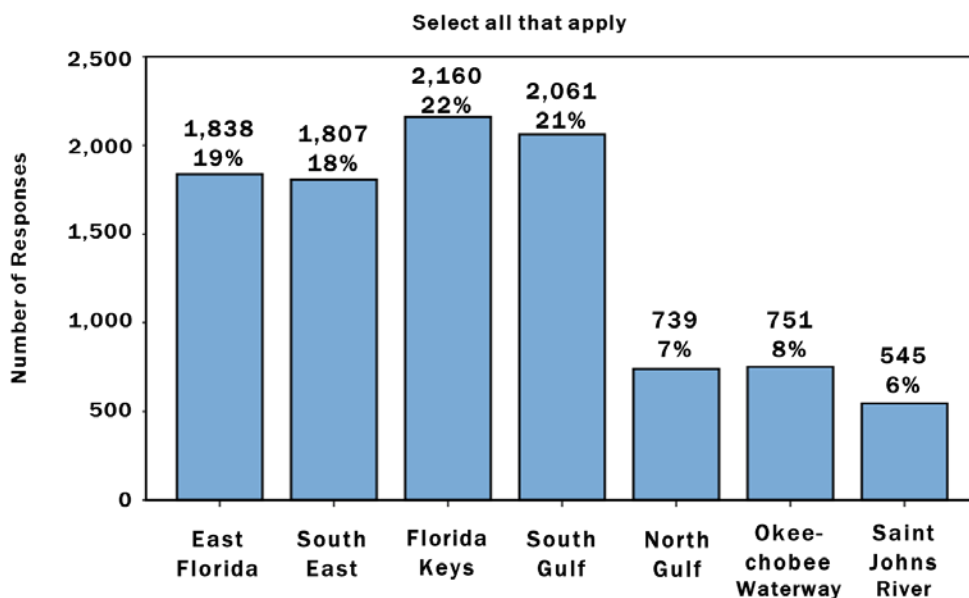
## Where do you primarily store your boat when not actively using it in Florida?



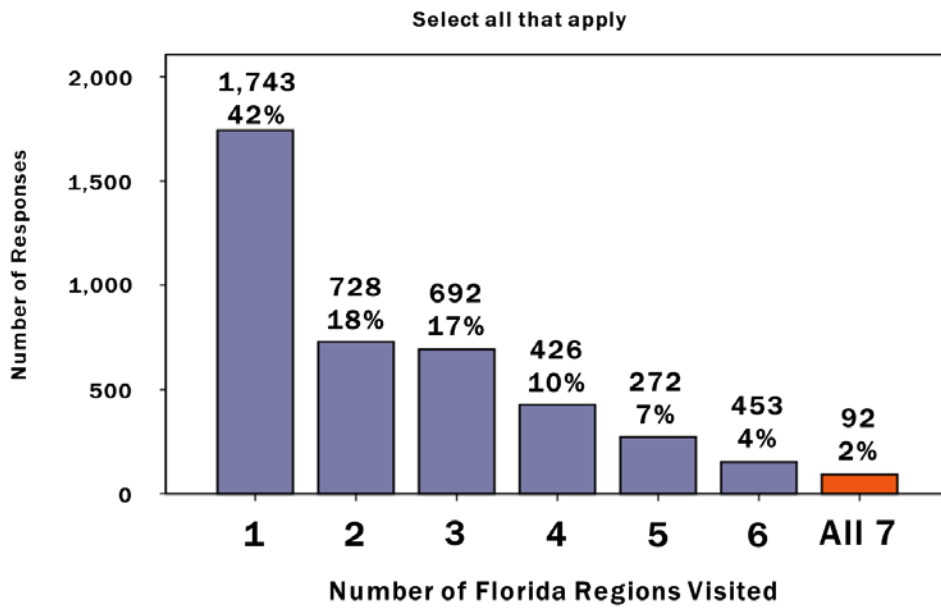
## Where do you primarily keep your boat when using it as a residence in Florida?



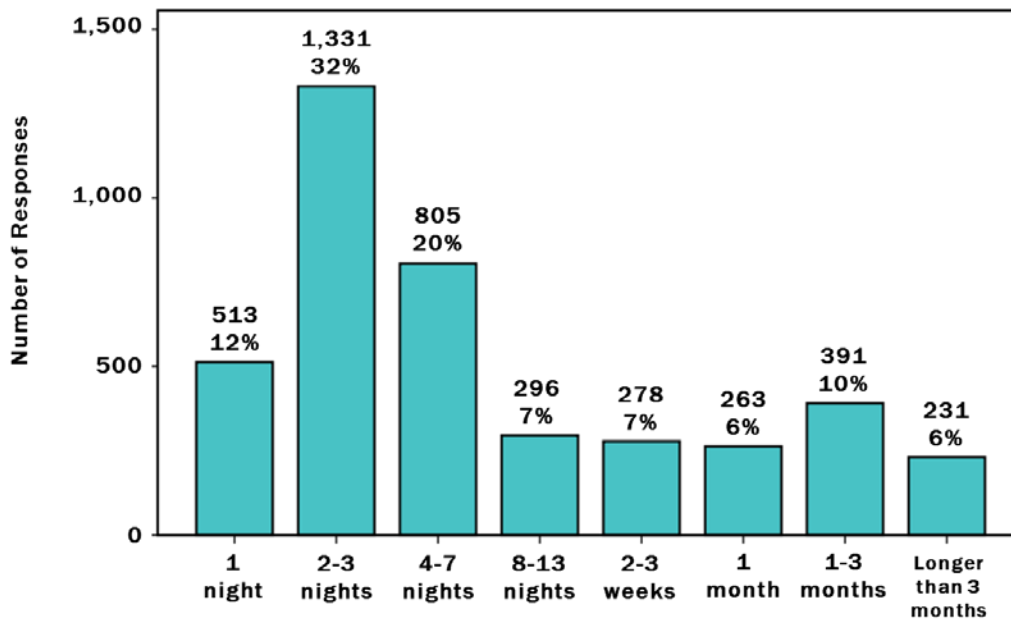
## When traveling or staying overnight on your boat in Florida, in which regions of Florida do you travel, visit or stay overnight?



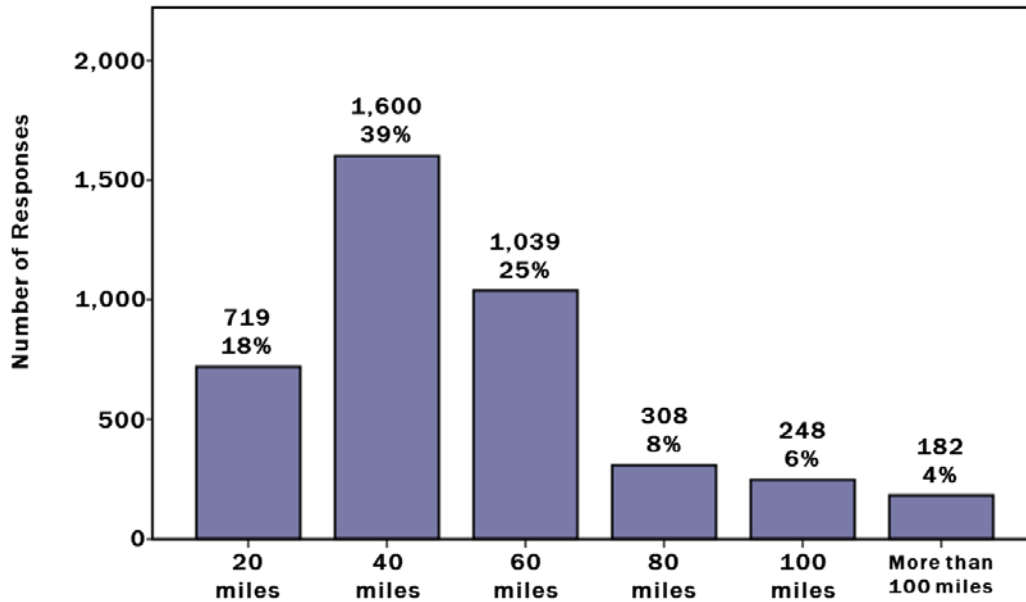
**When traveling or staying overnight on your boat in Florida,  
in which regions of Florida do you travel, visit or stay overnight?**



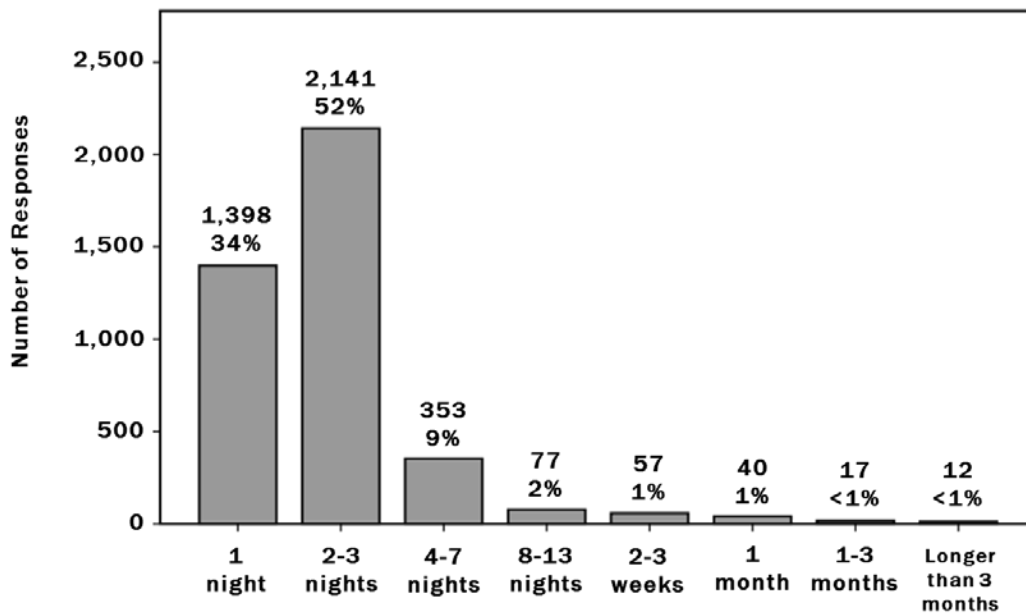
**When traveling overnight in Florida waters,  
how long is your average trip?**



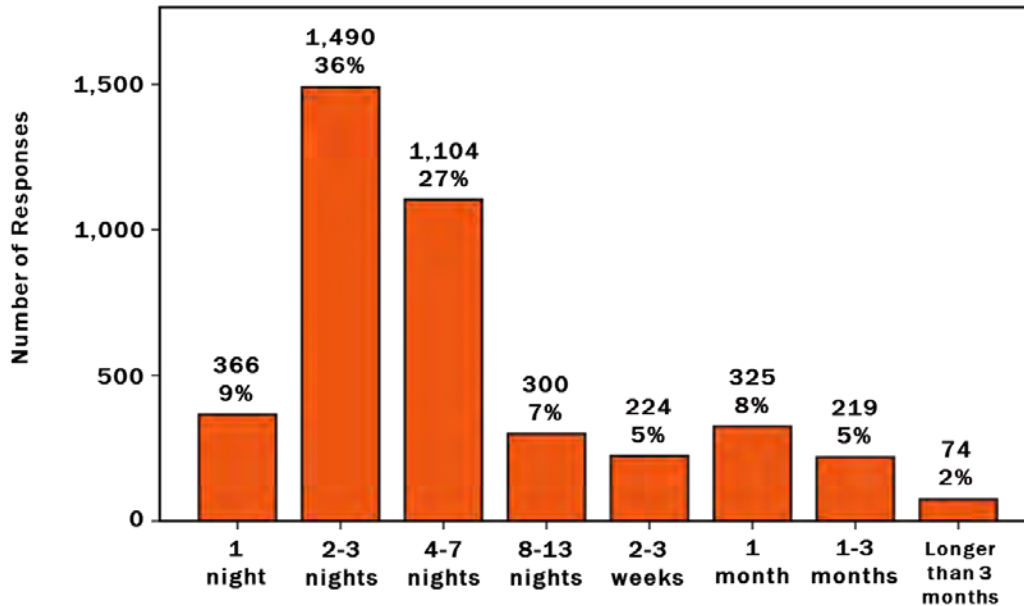
**When traveling overnight in Florida waters, what is the maximum distance you typically prefer to travel between overnight stops?**



**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<br>34% | 1,242<br>33%   | 1,015<br>27% | 270<br>7%  |
| Stay at a managed mooring field              | 191<br>6%    | 1,496<br>43%   | 891<br>26%   | 888<br>26% |
| Anchor in an officially designated anchorage | 837<br>23%   | 1,675<br>46%   | 683<br>19%   | 422<br>12% |
| Anchor in other convenient locations         | 1,838<br>48% | 1,431<br>37%   | 389<br>10%   | 197<br>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?**

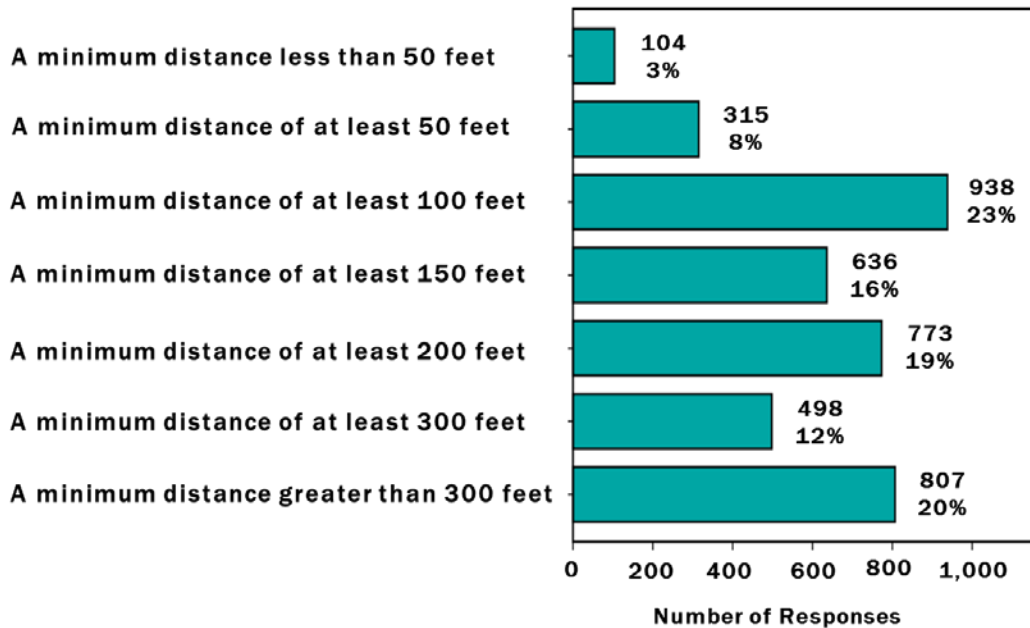
| <b>Preferred Method of Mooring</b>           | <b>Most Desired</b> | <b>Sometimes Desired</b> | <b>Least Desired</b> | <b>Never Desired</b> |
|--|---------------------|--------------------------|----------------------|----------------------|
| Stay at marinas of dock facilities           | 1,258<br>35%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

**Comparison of actual vs. preferred method of mooring overnight.**

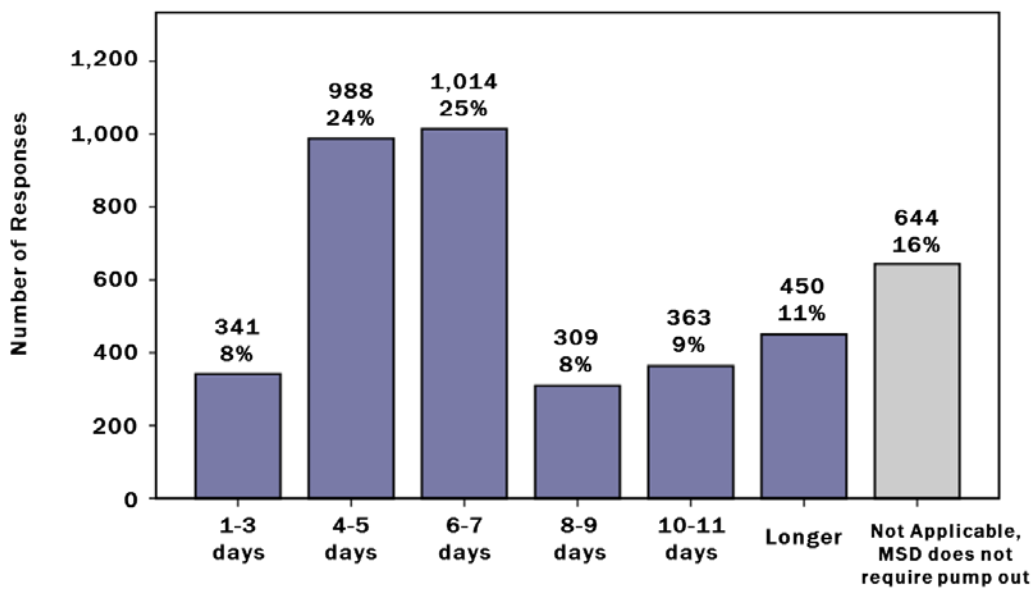
| <b>Actual Method of Mooring</b>              | <b>Most Used</b> | <b>Sometimes Used</b> | <b>Least Used</b> | <b>Never Used</b> |
|--|------------------|-----------------------|-------------------|-------------------|
| Stay at marinas of dock facilities           | 1,277<br>34%     | 1,242<br>33%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

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



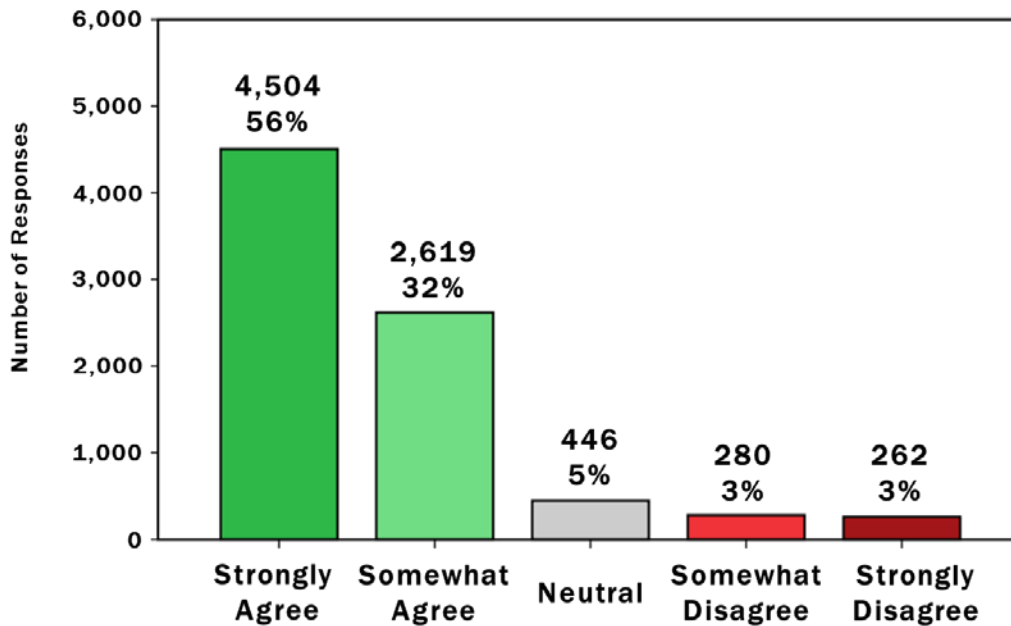
**In the event Florida's legislature chooses to address the regulation of anchoring on state waters, which of the following alternatives best describes your thoughts on how anchoring should be regulated?**

- |   |                                  |
|---|----------------------------------|
| <b>1</b> – 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.  | <b>4,293 votes</b><br><b>53%</b> |
| <b>2</b> – 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. | <b>2,904 votes</b><br><b>36%</b> |
| <b>3</b> – Local governments should have the authority to regulate anchoring on state waters in their jurisdiction in any manner they choose.   | <b>843 votes</b><br><b>10%</b>   |

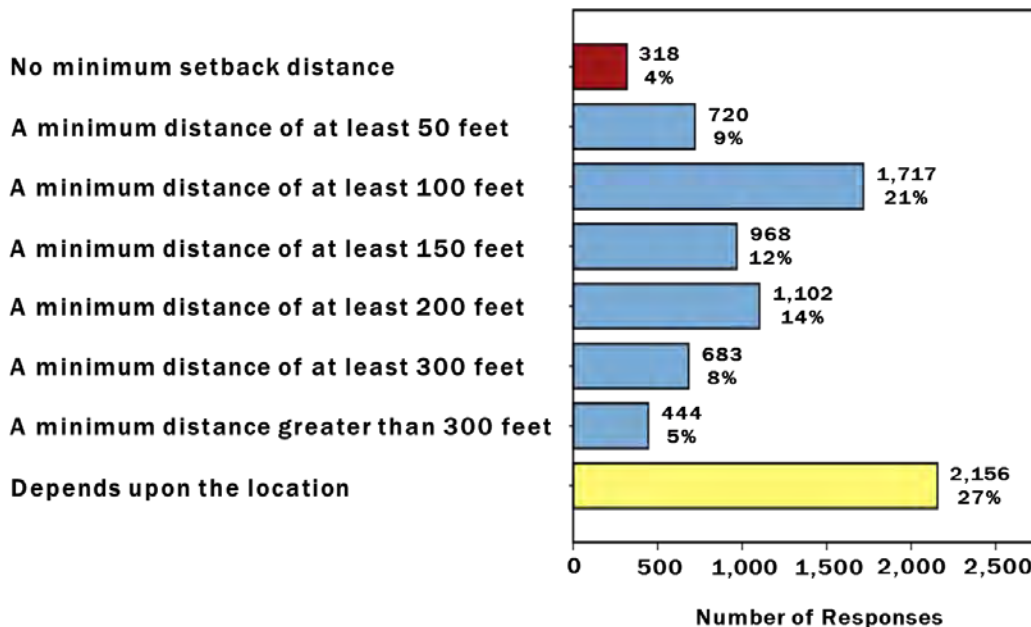
**If the State were to grant limited authority to local governments to regulate anchoring, that authority should be granted to:**

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

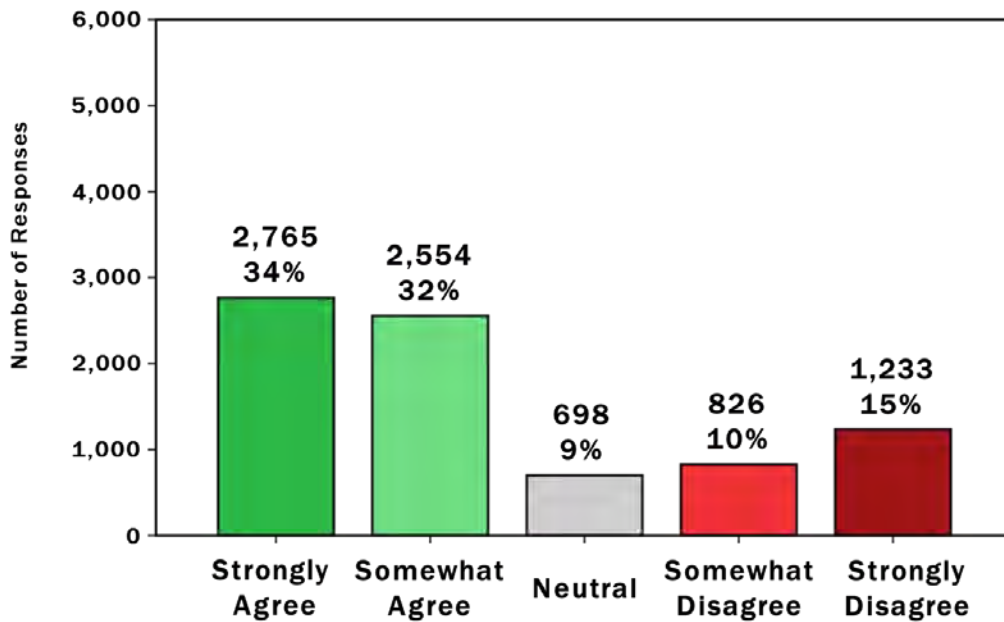
Please identify your level of agreement with the concept that there may be a reasonable distance that anchored vessels should be expected to stay back (minimum setback distance) from public boating access infrastructure, such as boat ramps:



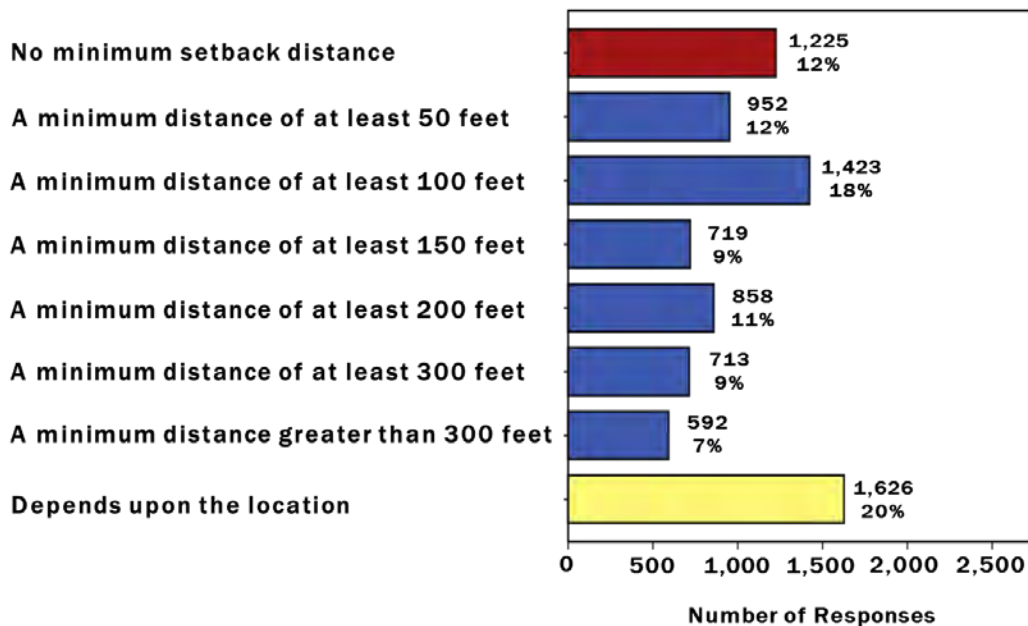
What do you feel is the most appropriate, if any, minimum setback distance from public boating access infrastructure?



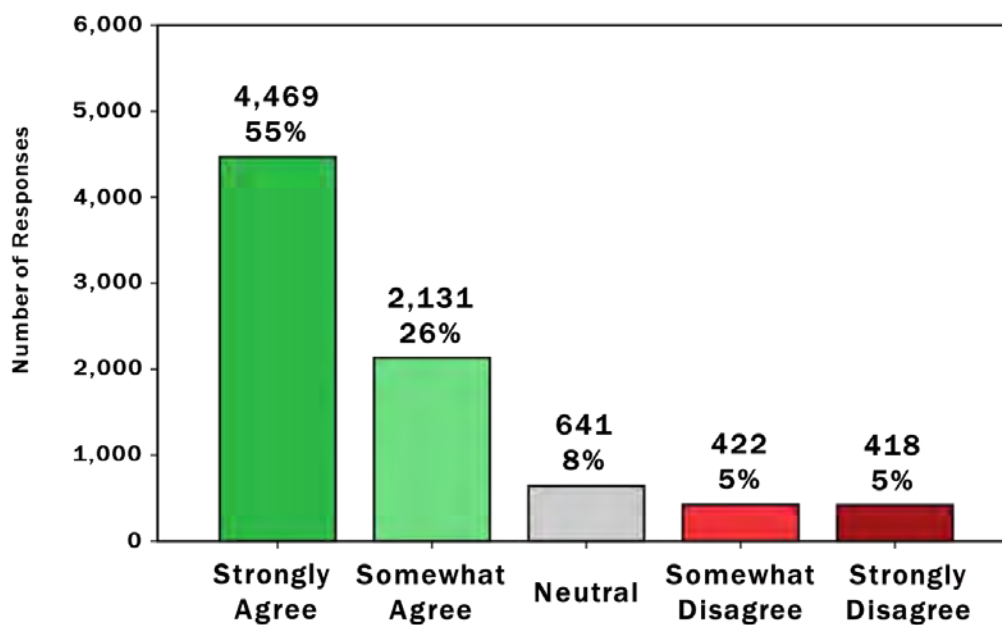
**Please identify your level of agreement with the concept of an appropriate minimum setback distance from waterfront residences:**



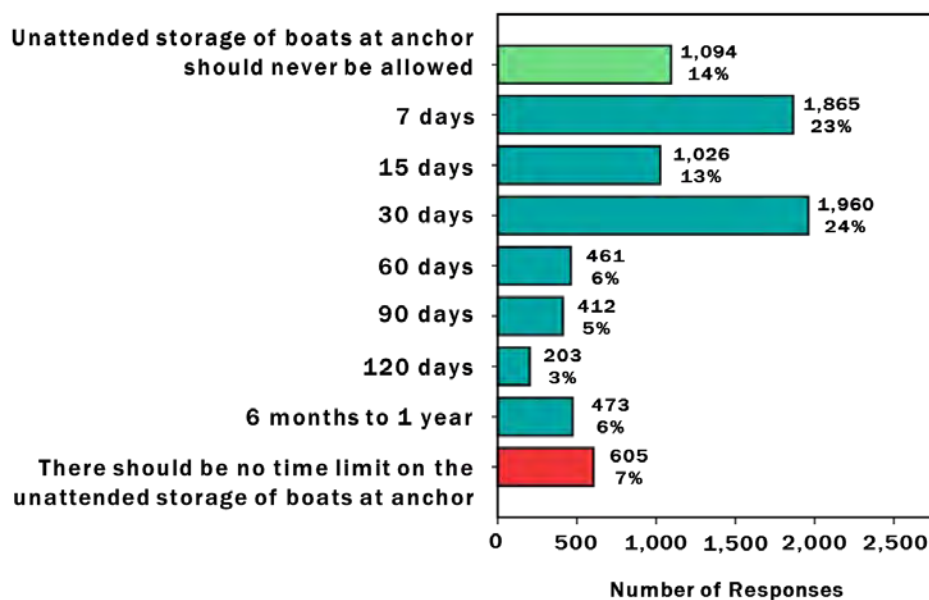
**What do you feel is the most appropriate, if any, minimum setback distance from waterfront residences?**



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

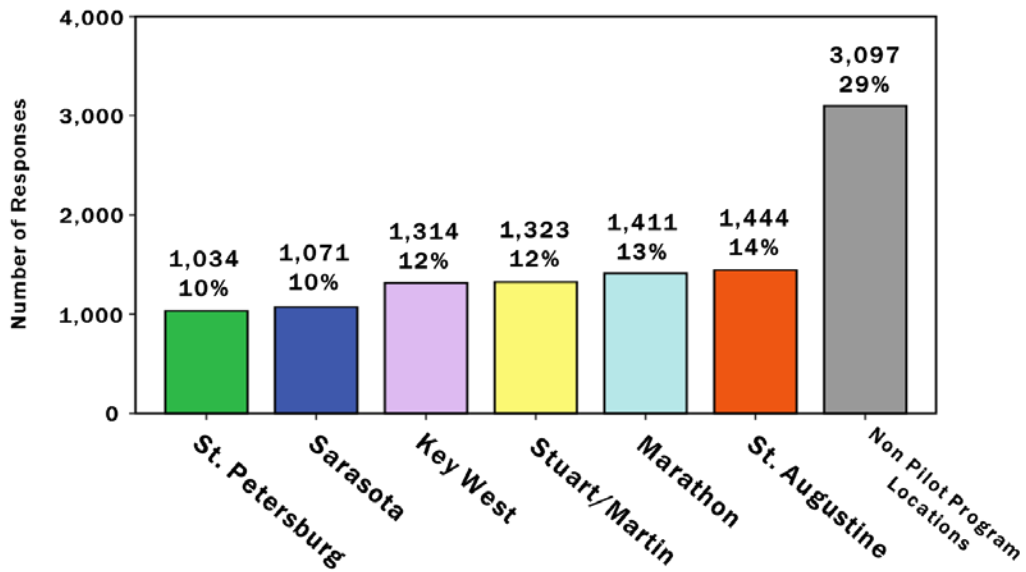


What is the maximum timeframe you feel would be most appropriate for unattended storage of a boat at anchor on Florida waters?



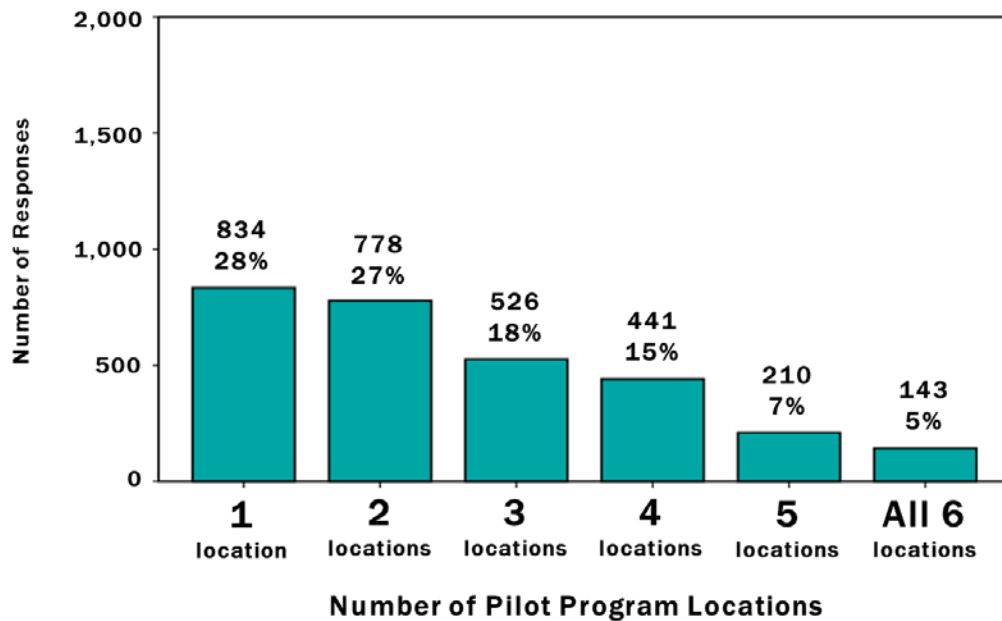
### Have you boated in any of the following Florida locations since January 2011?

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

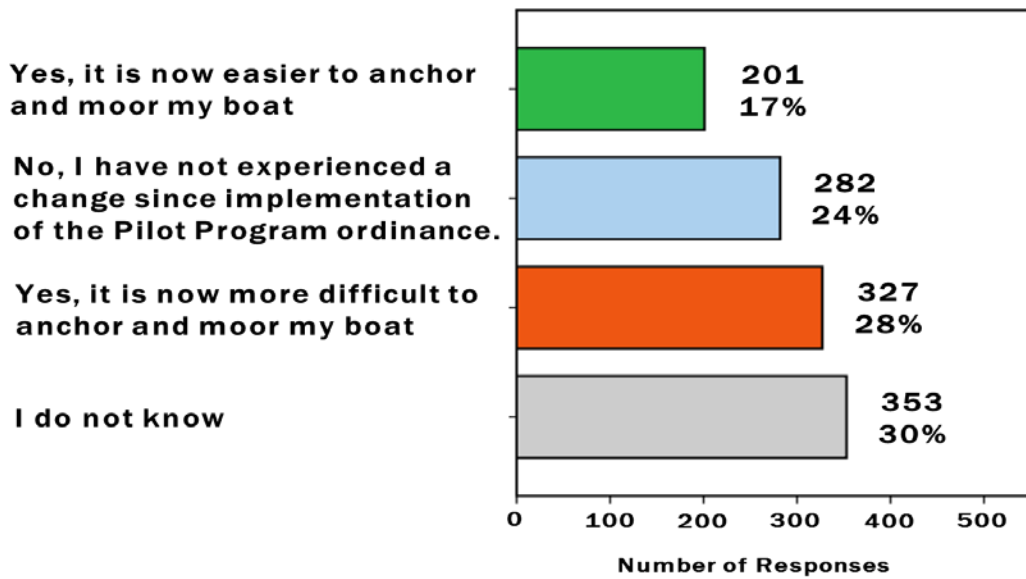


**If you have boated in <insert city name> both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**

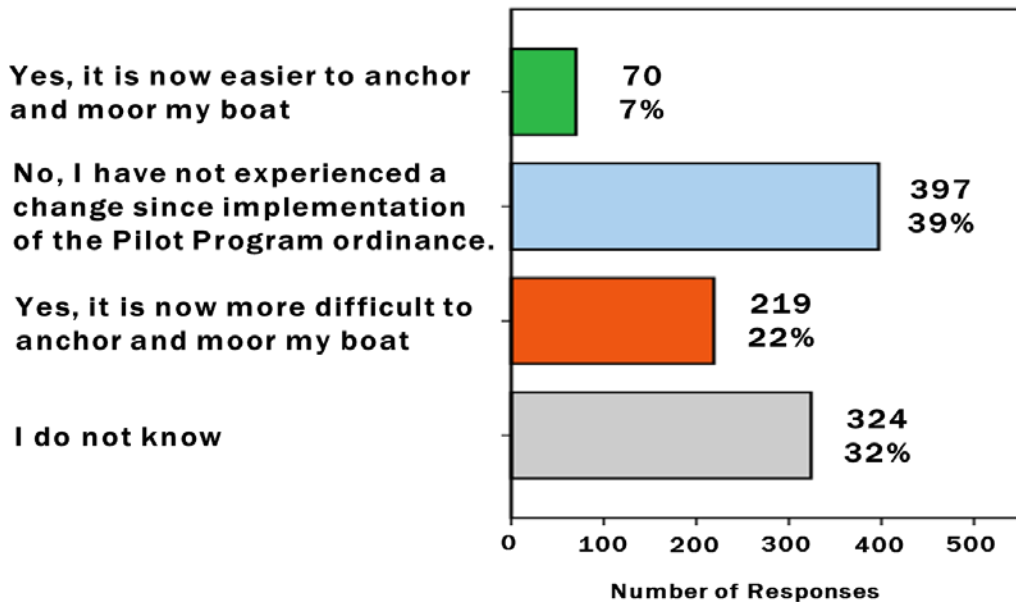
**The following set of 6 graphs  
present the responses received  
for each of the 6 Pilot Program locations.**

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

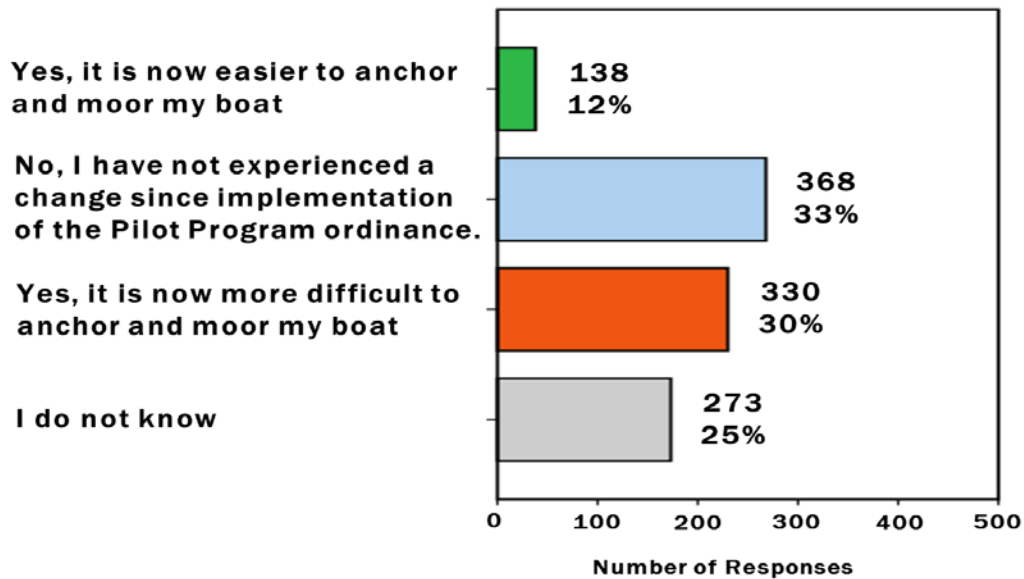
**If you have boated in **St. Augustine** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**



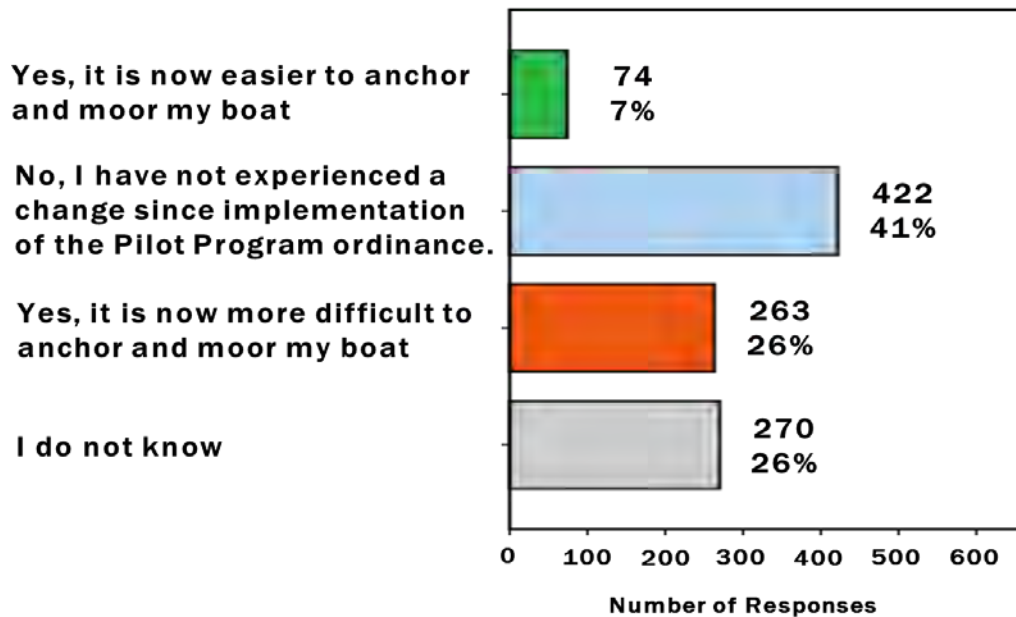
**If you have boated in **Stuart/Martin County** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**



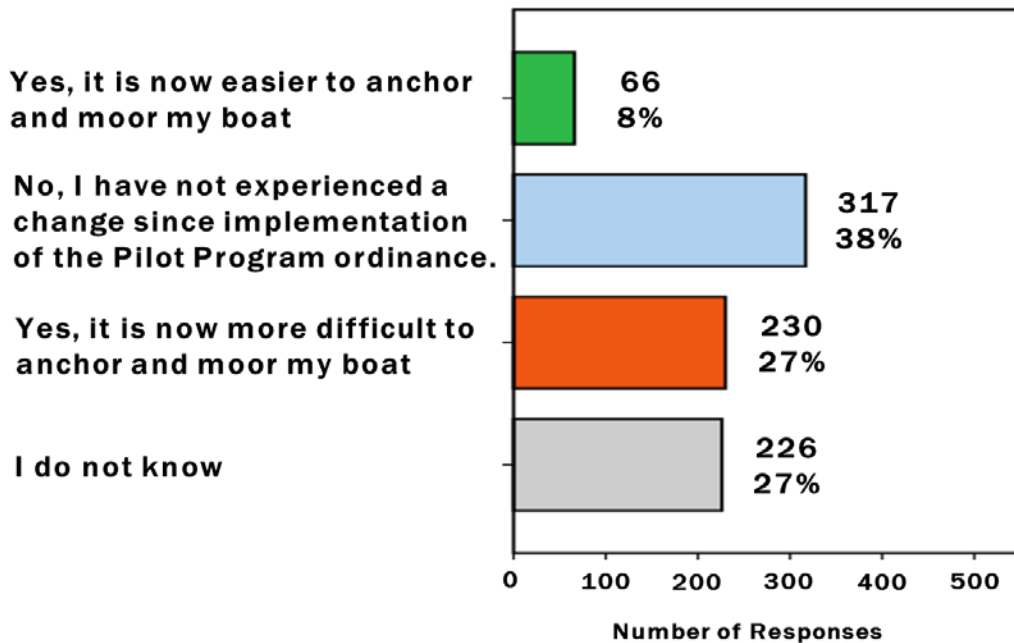
**If you have boated in **Marathon** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**



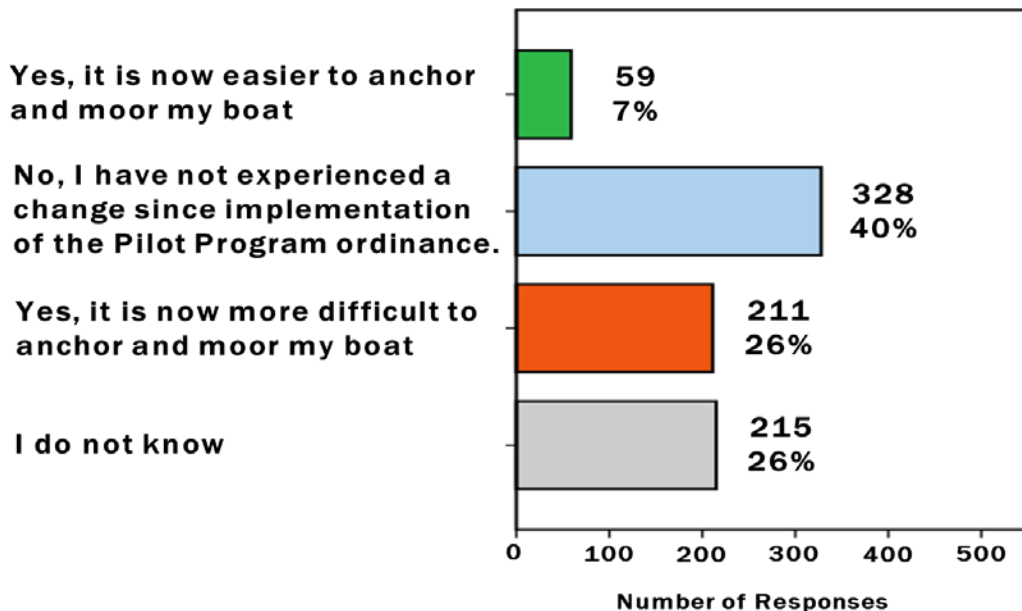
**If you have boated in **Key West** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in your ability to anchor or moor your boat?**



**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?**

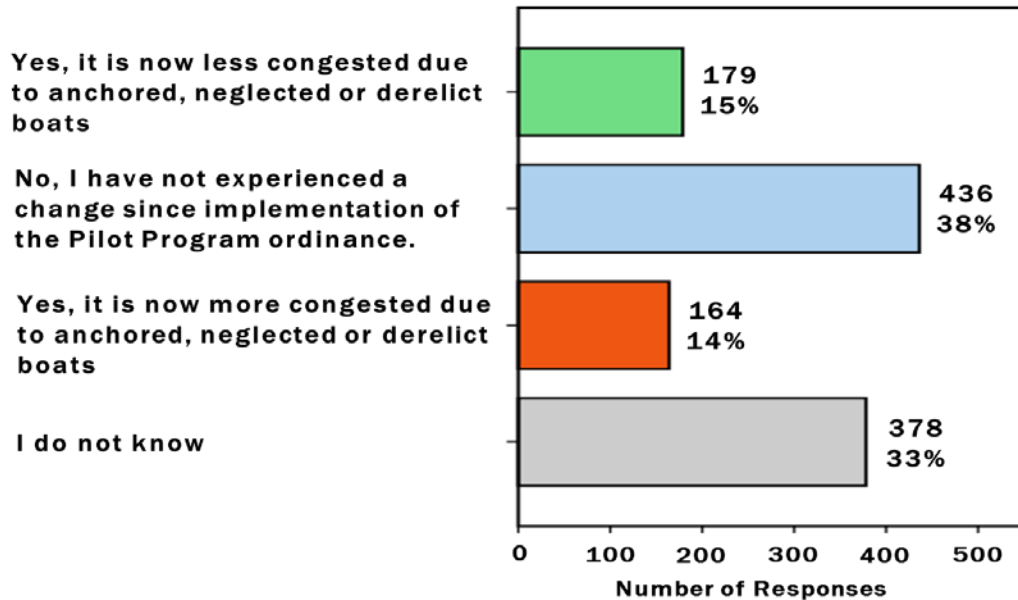


**If you have boated in <insert city name> both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?**

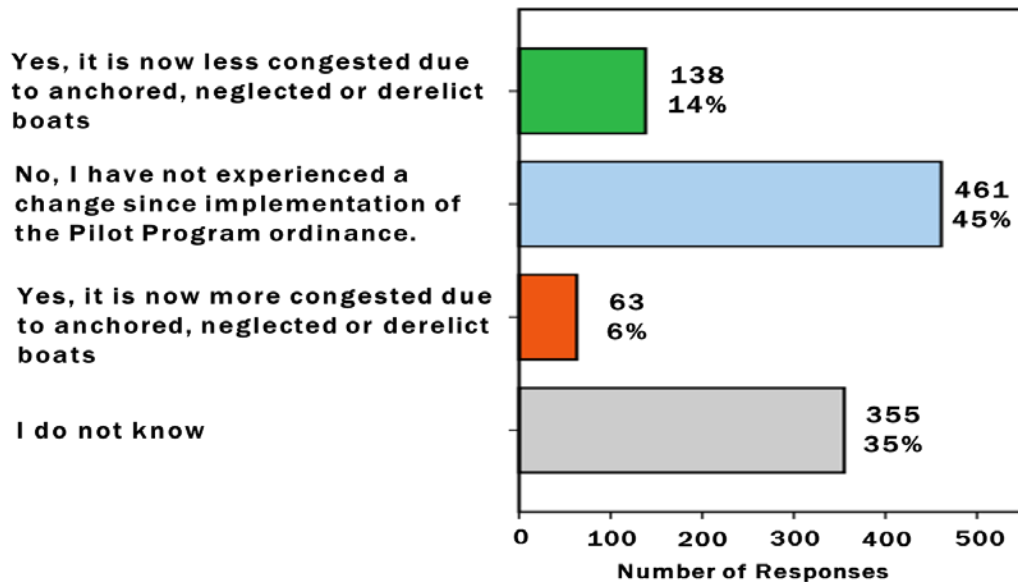
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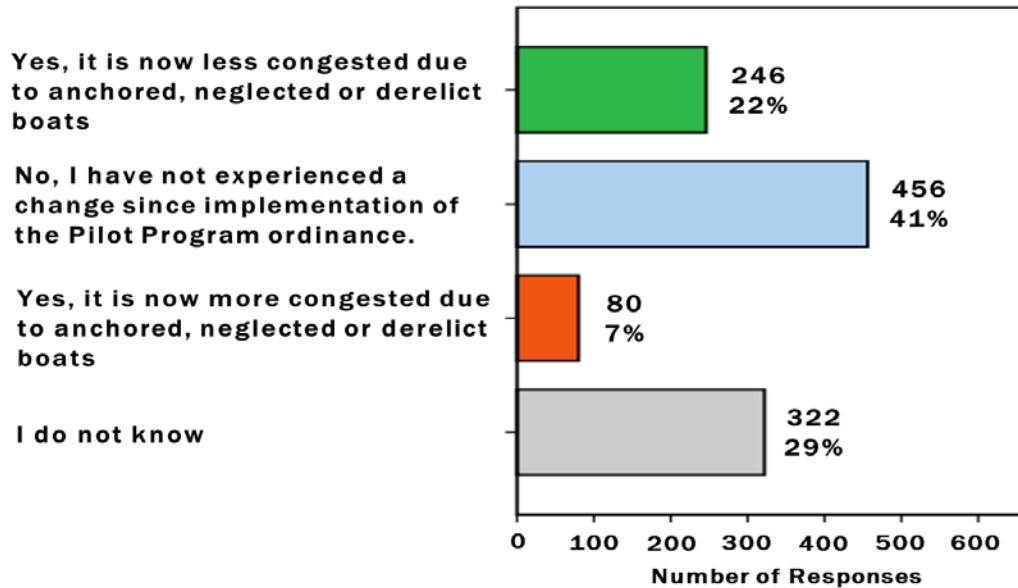
**If you have boated in St. Augustine both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?**



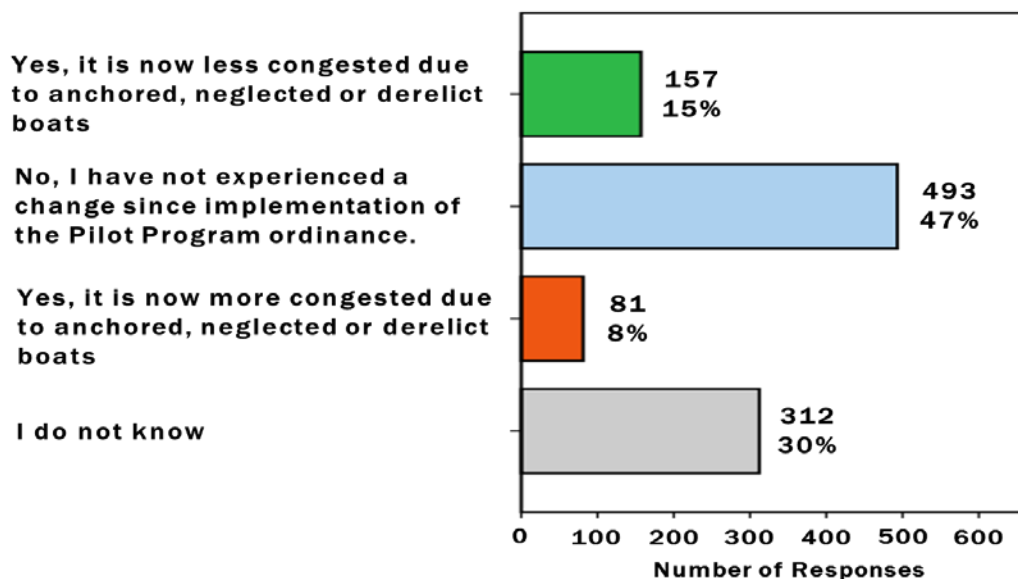
**If you have boated in Stuart/Martin both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?**



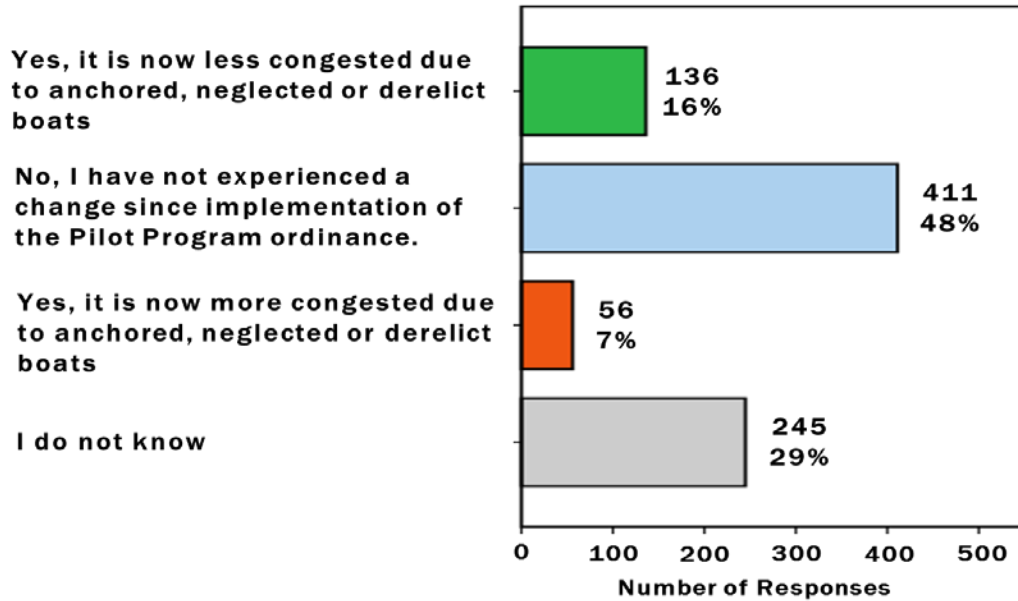
**If you have boated in **Marathon** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?**



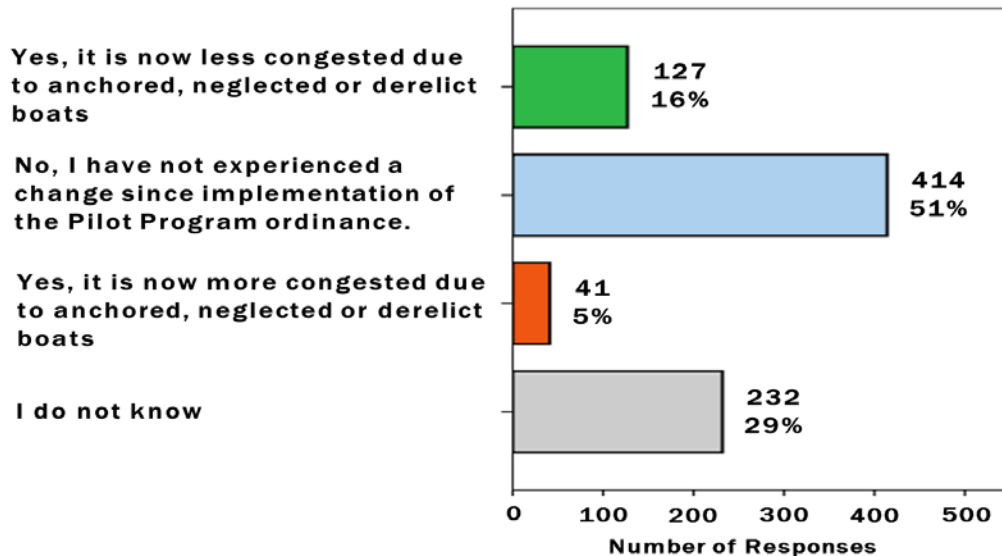
**If you have boated in **Key West** both prior to and after implementation of the Pilot Program ordinance, have you noticed a difference in congestion of the local waterways due to unattended, neglected or derelict boats?**



**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?**

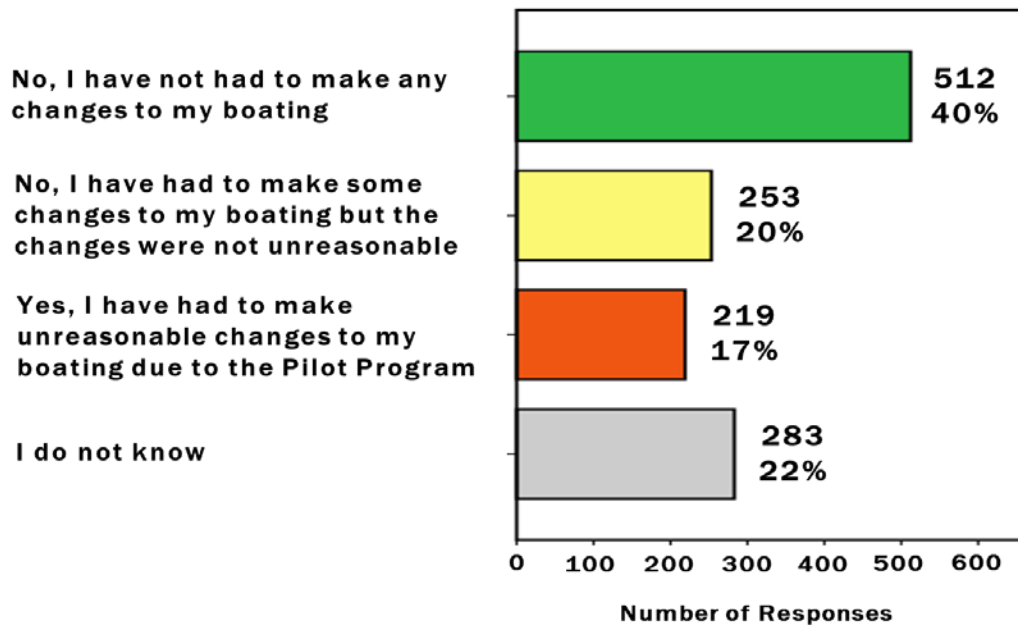


**If you have boated in <insert city name> after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**

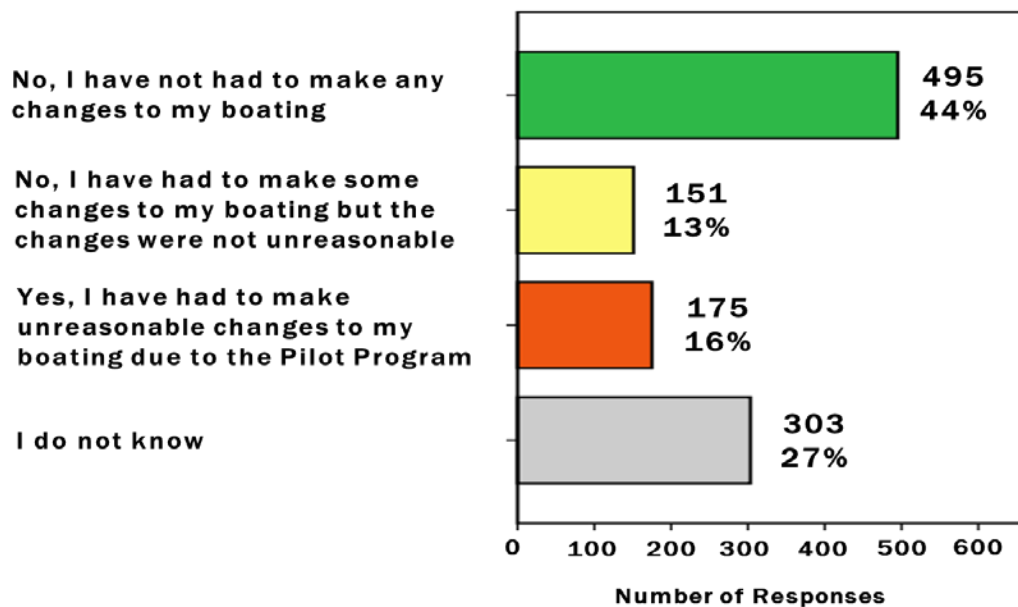
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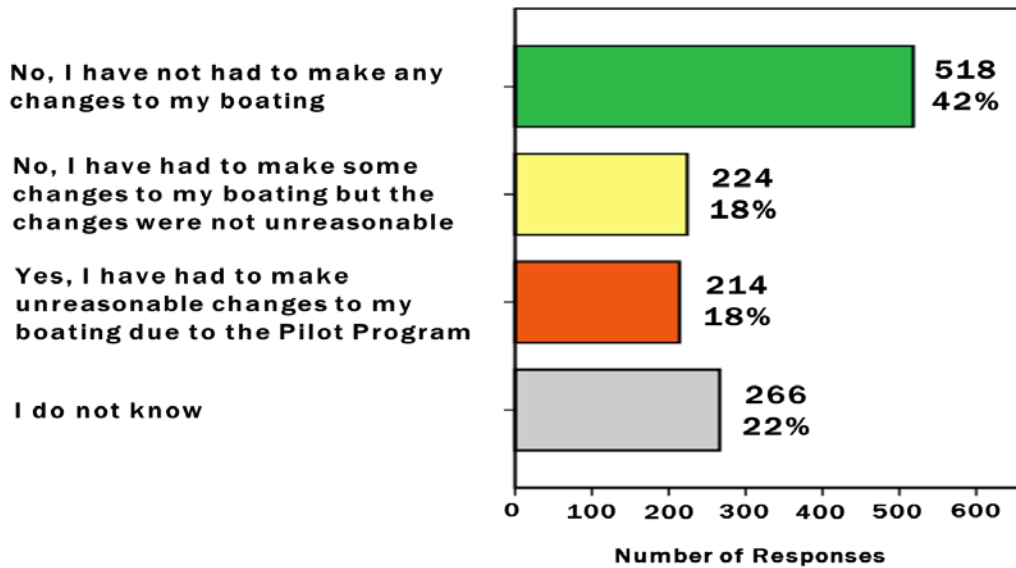
**If you have boated in **St. Augustine** after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



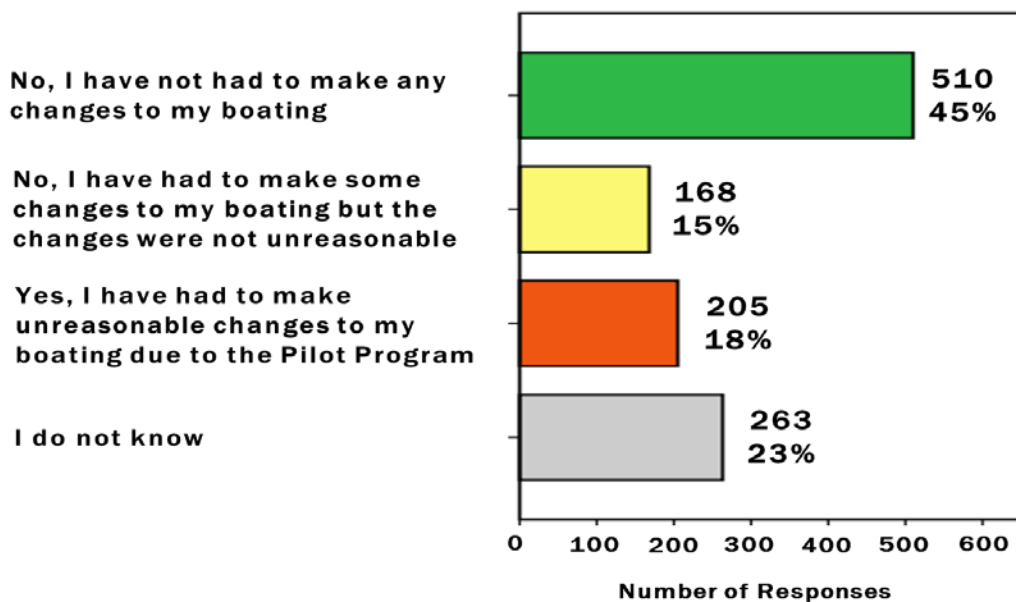
**If you have boated in **Stuart/Martin** after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



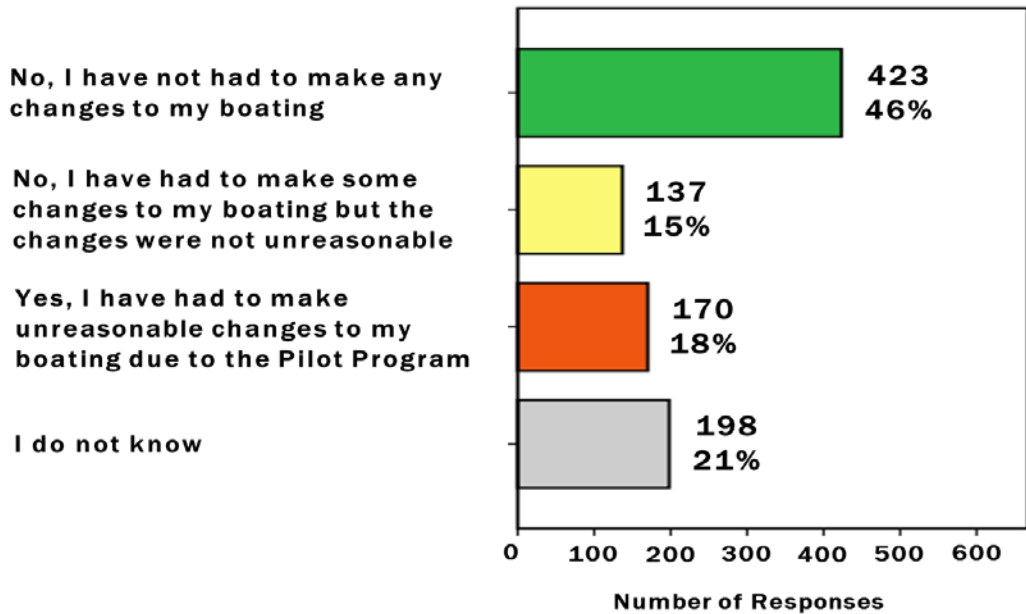
**If you have boated in **Marathon** after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



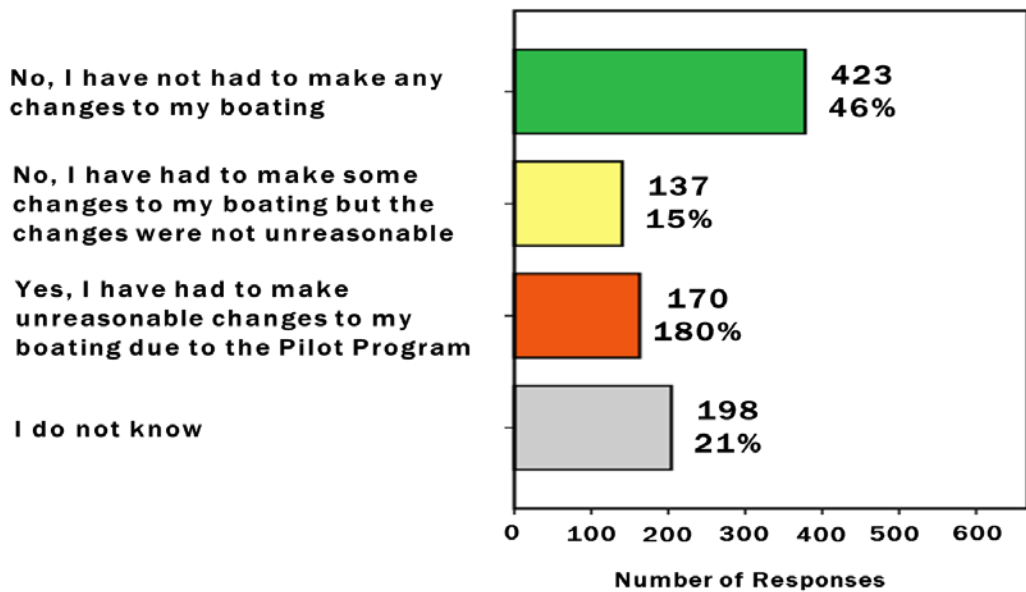
**If you have boated in **Key West** after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



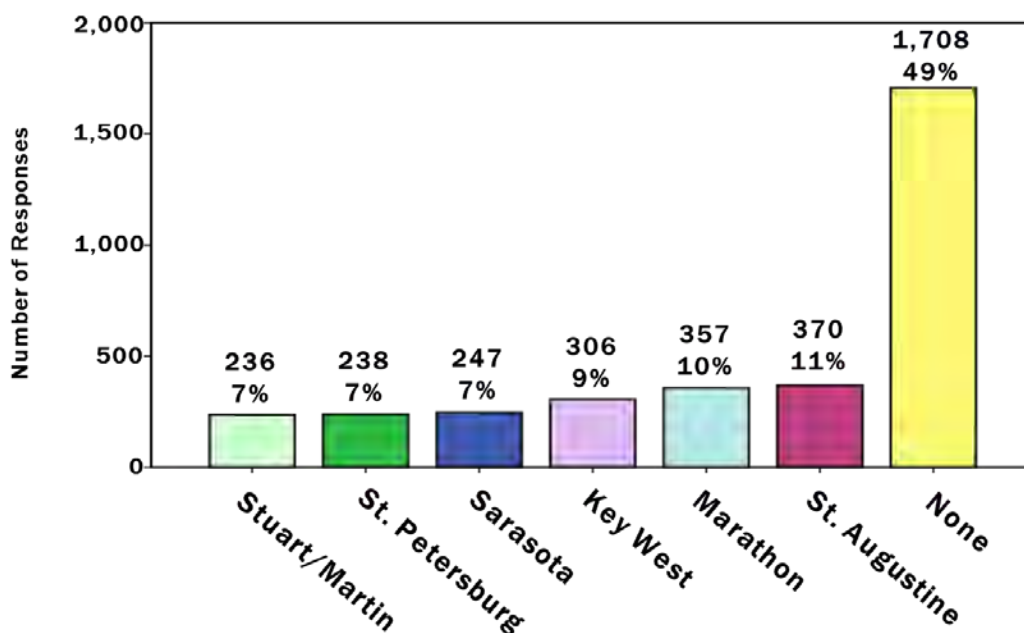
**If you have boated in **Sarasota** after implementation of the Pilot Program ordinance, has compliance with the ordinance been an unreasonable burden to you?**



**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?**

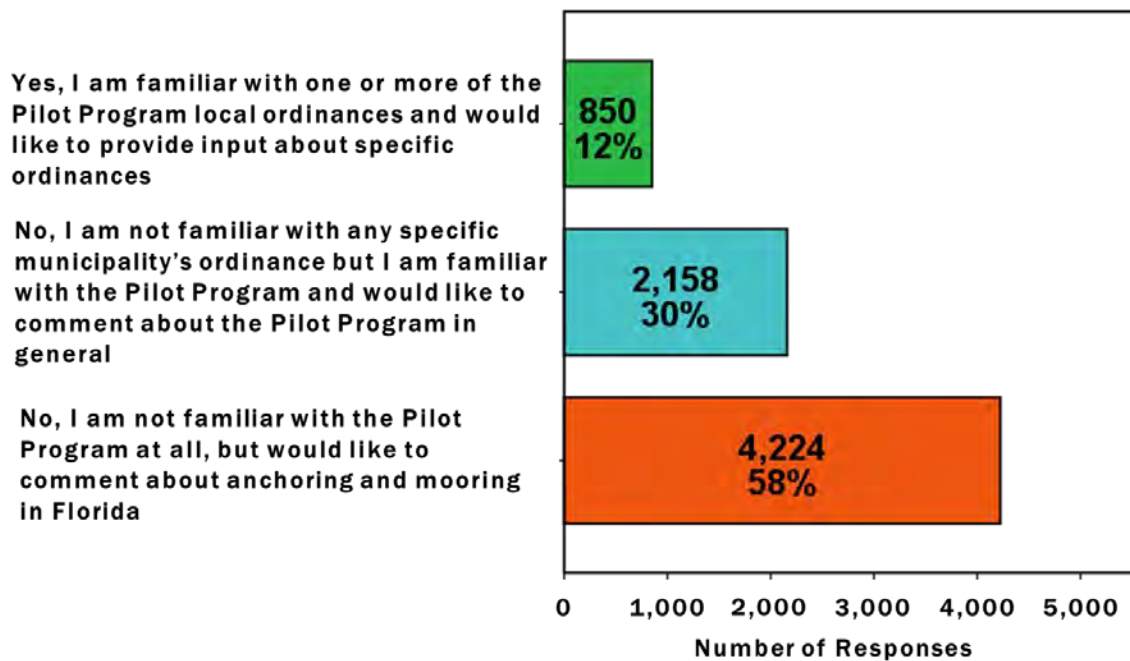
**Check all that apply.**

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

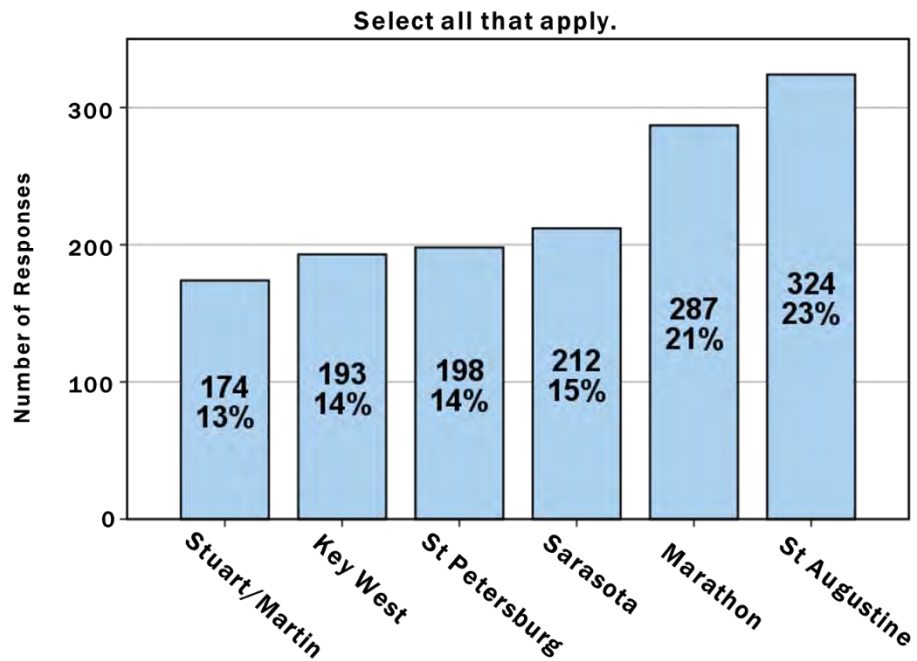
**Has the distance at which you anchor from marine infrastructure or private property in <insert city name> changed during the Pilot Program?**

| <b>Pilot Program Location</b>  | <b>Yes, I now anchor further from the marine infrastructure or private property</b> | <b>No, I anchor at the same distance</b> | <b>Yes, I now anchor closer to the marine infrastructure or private property</b> |
|--------------------------------|---|--|--|
| City of St. 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%                                | 15 - 5%  |
| City of Key West               | 149 - 53%   | 114 - 41%                                | 18 - 6%  |
| City of Sarasota               | 126 - 54%   | 97 - 42%                                 | 10 - 4%  |
| City of St. Petersburg         | 105 - 48%   | 106 - 48%                                | 9 - 4%   |

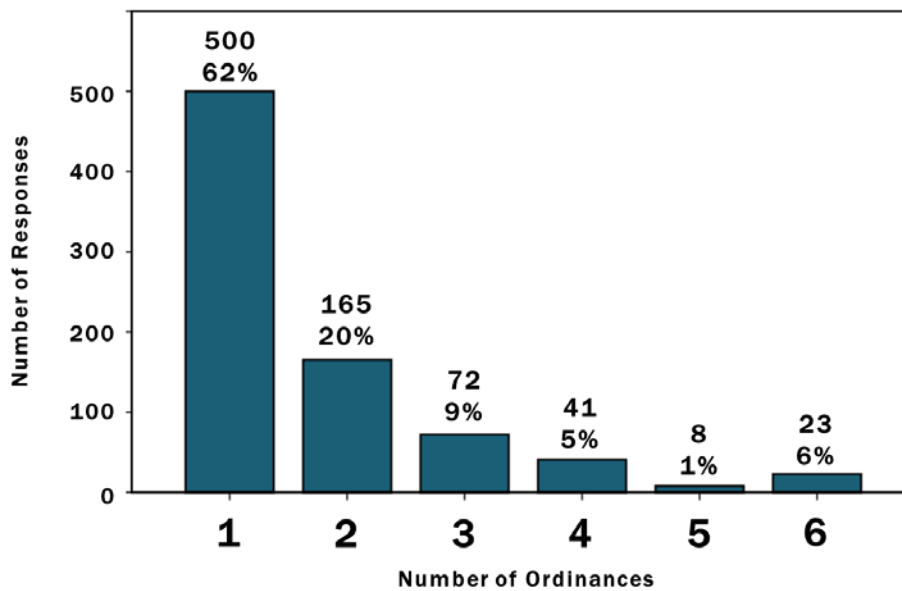
**Are you familiar with any of the Pilot Program local ordinances?**



## 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 St. Augustine, please rate the relative effectiveness of the ordinance in addressing each of the Pilot Program goals listed below.**

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

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

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

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

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

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

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

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

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

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

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

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

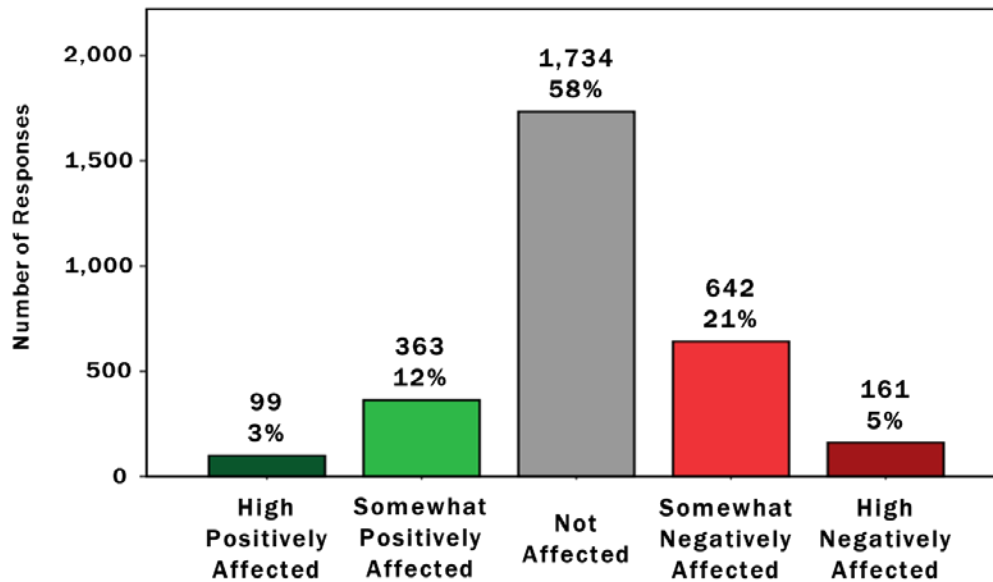
| Pilot Program Location         | YES        | I do not know | NO         |
|--------------------------------|------------|---------------|------------|
| City of St. Augustine          | 105<br>34% | 88<br>28%     | 117<br>38% |
| City of Stuart / Martin County | 36<br>22%  | 53<br>33%     | 73<br>45%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

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

Select all that apply

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

### To what degree were you affected by the Pilot Program?

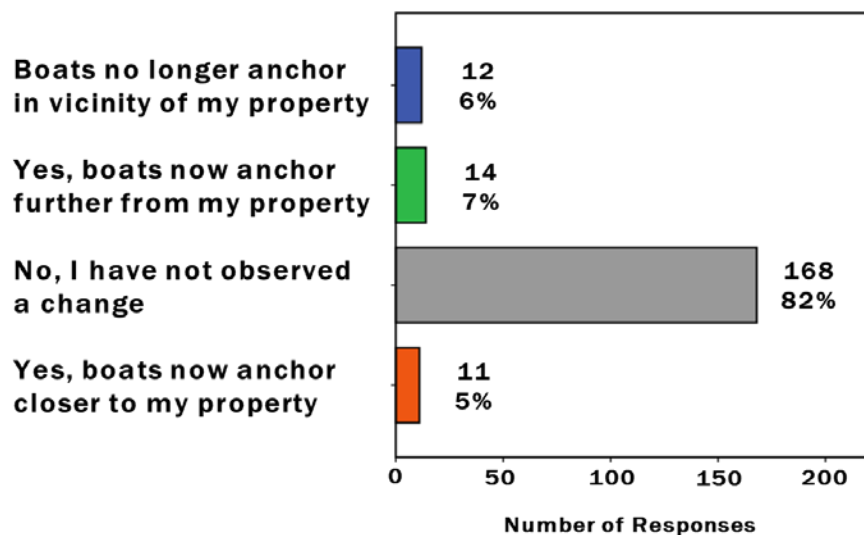


Based upon your experience with the Pilot Program in general, please rate the relative effectiveness of the Pilot Program in addressing each of the goals listed below.

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

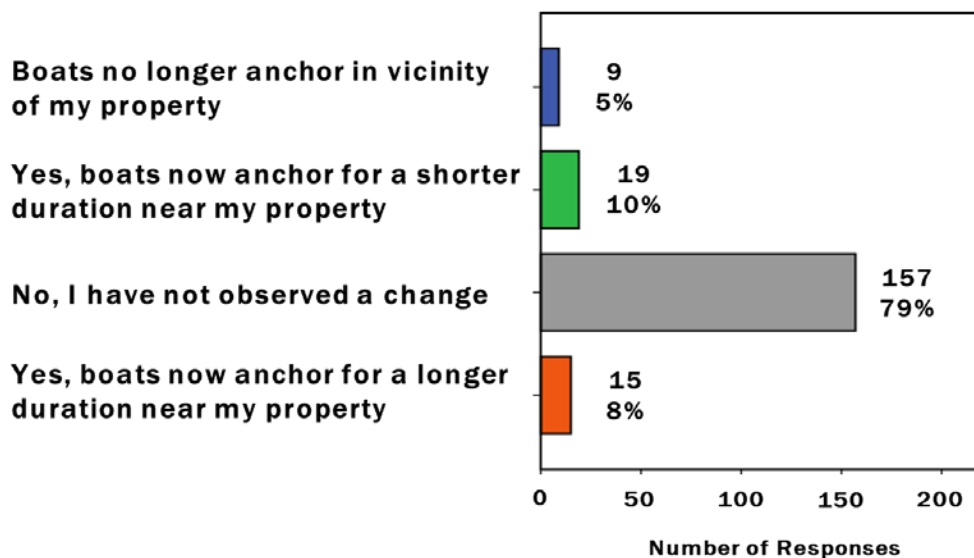
### Has the distance that boats anchor from your shoreline or property changed during the Pilot Program?

*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

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
  - ☐ No
- 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           | 0         | 0 | 0 | 0 | 0          | 0 |
| Stay at a managed mooring field              | 0         | 0 | 0 | 0 | 0          | 0 |
| Anchor in an officially designated anchorage | 0         | 0 | 0 | 0 | 0          | 0 |
| Anchor in other convenient locations         | 0         | 0 | 0 | 0 | 0          | 0 |

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 during this time

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 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 in-effective, 5 is highly in-effective. NA indicates not enough information to decide.

|   | Most Effective |   |   | Least Effective |   |    |
|---|----------------|---|---|-----------------|---|----|
|   | 1              | 2 | 3 | 4               | 5 | NA |
| Promoting the establishment and use of mooring fields | 0              | 0 | 0 | 0               | 0 | 0  |
| Providing more access to the waterways                | 0              | 0 | 0 | 0               | 0 | 0  |
| Enhancing navigational safety                         | 0              | 0 | 0 | 0               | 0 | 0  |
| Increased protection of maritime infrastructure       | 0              | 0 | 0 | 0               | 0 | 0  |
| Protection of the marine environment                  | 0              | 0 | 0 | 0               | 0 | 0  |
| Deter improperly stored, abandoned or derelict boats  | 0              | 0 | 0 | 0               | 0 | 0  |
| Overall effectiveness                                 | 0              | 0 | 0 | 0               | 0 | 0  |

- 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 moored 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 problem that the ordinance for < Insert City Name > helped solve or improve.

29) What problems 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.*

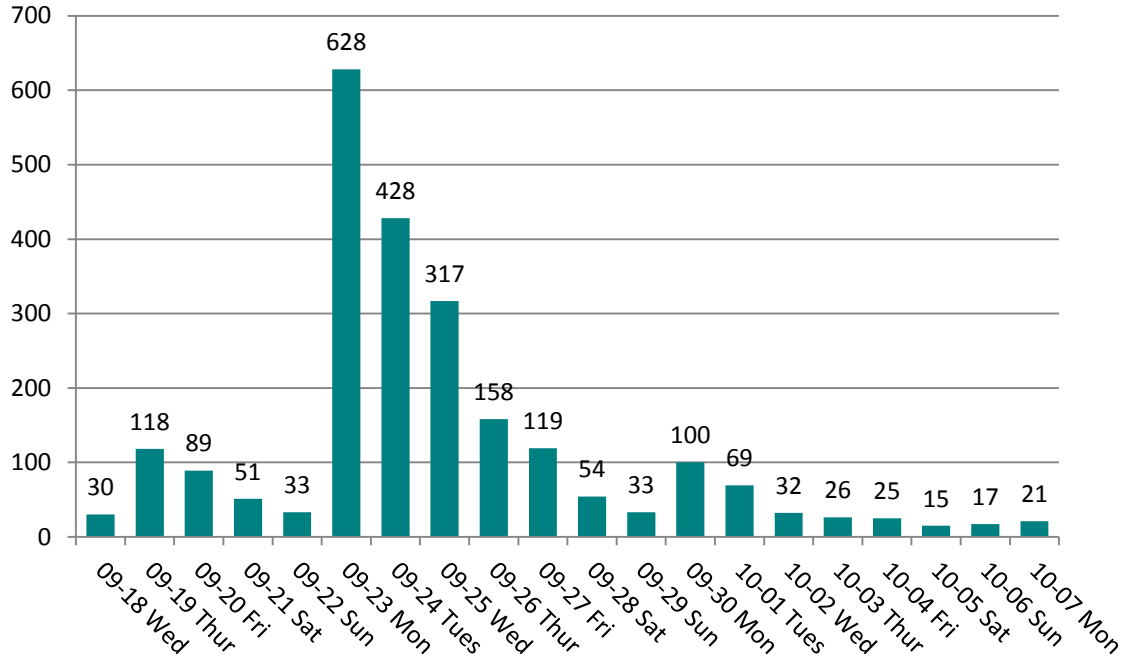
**Section 327.4105, Florida Statutes  
Pilot Program for  
Regulation of Mooring Vessels  
Outside of Public Mooring Fields**

**Online Public Opinion Survey Results**

## Public Opinion Survey - 2,363 Responses

### Daily Responses

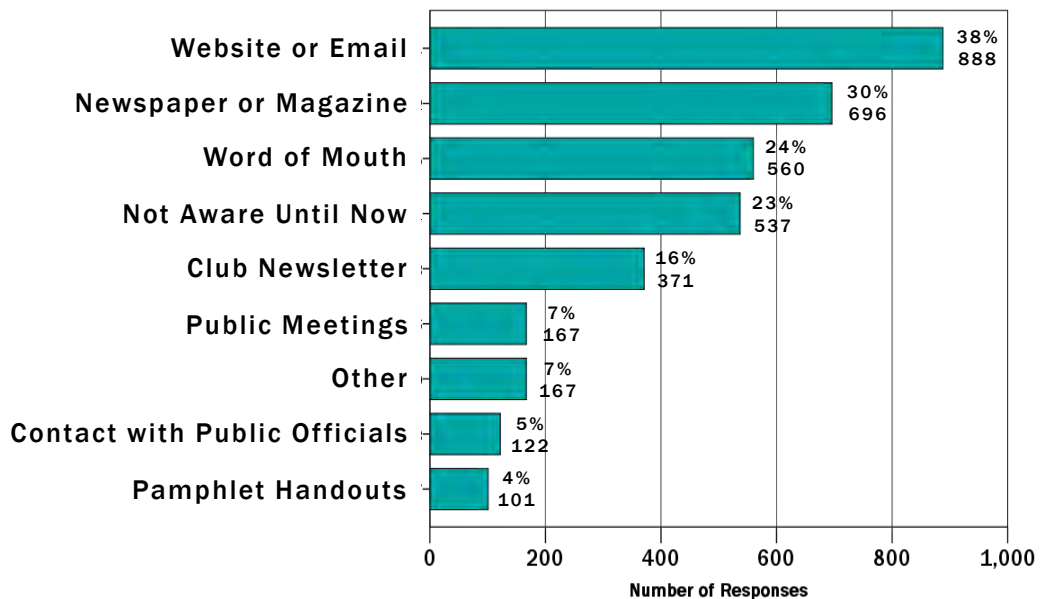
Wednesday, September 18th through Monday, October 7th



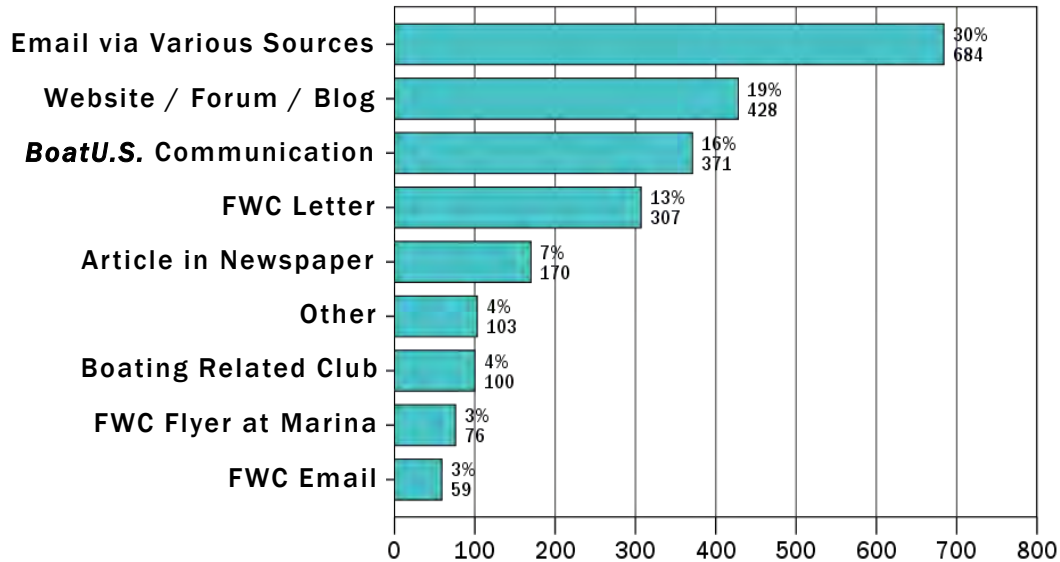
- The survey was open for 20 days.
- Nearly 95% of the responses were received during the first 14 days.

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

Select all that apply.

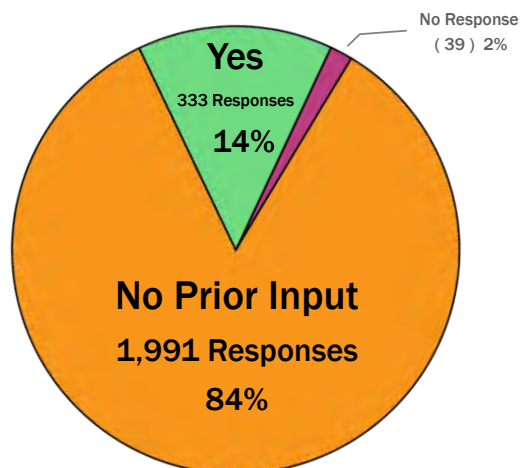


## How did you learn of this survey?

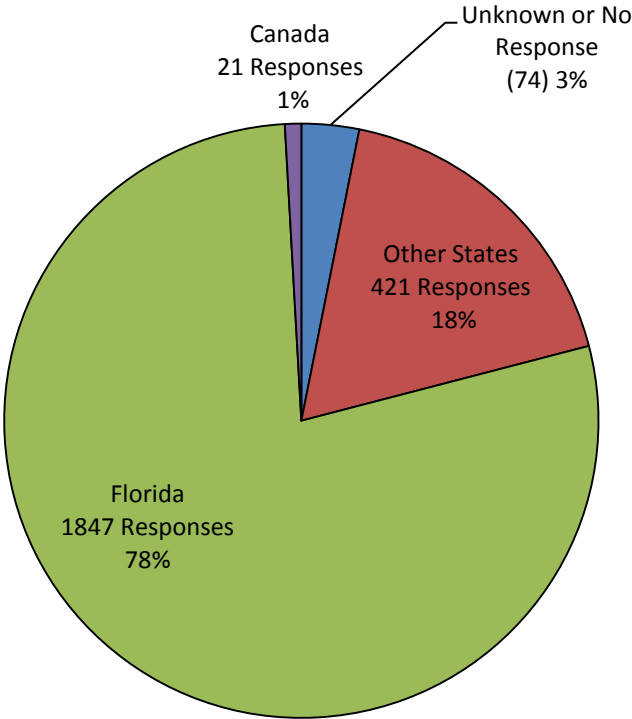


- As the stakeholders are of diverse backgrounds and geographically dispersed, FWC attempted to inform the public of the survey through various means including electronic and social media communications, traditional news media, boating and cruising clubs, local postings and bulletins and direct mail.

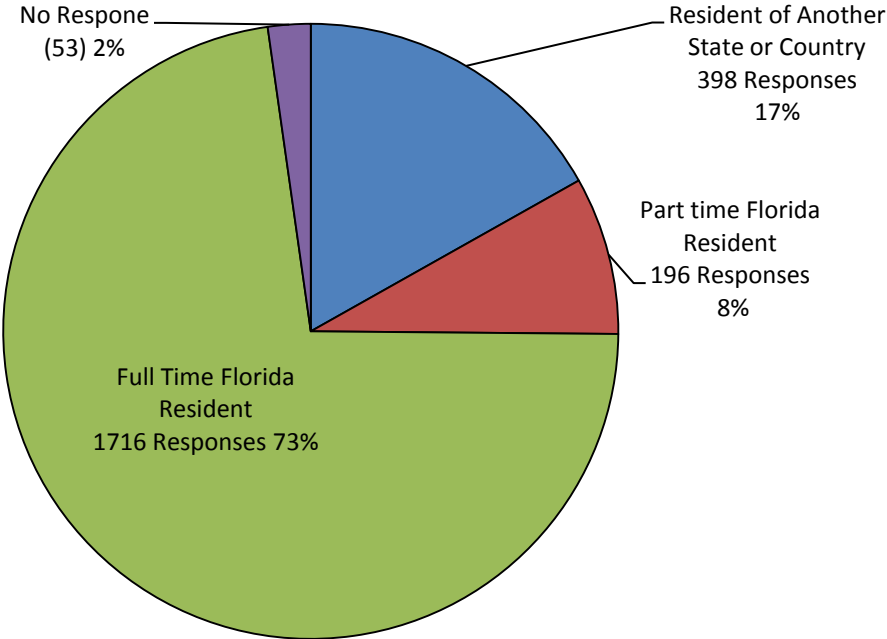
## Participated in Prior Public Input Opportunity



# Primary Residence Reported by Zip Code



# Reported Residency Status



## Location of Primary Residence

Florida = 1,847 responses (78%)

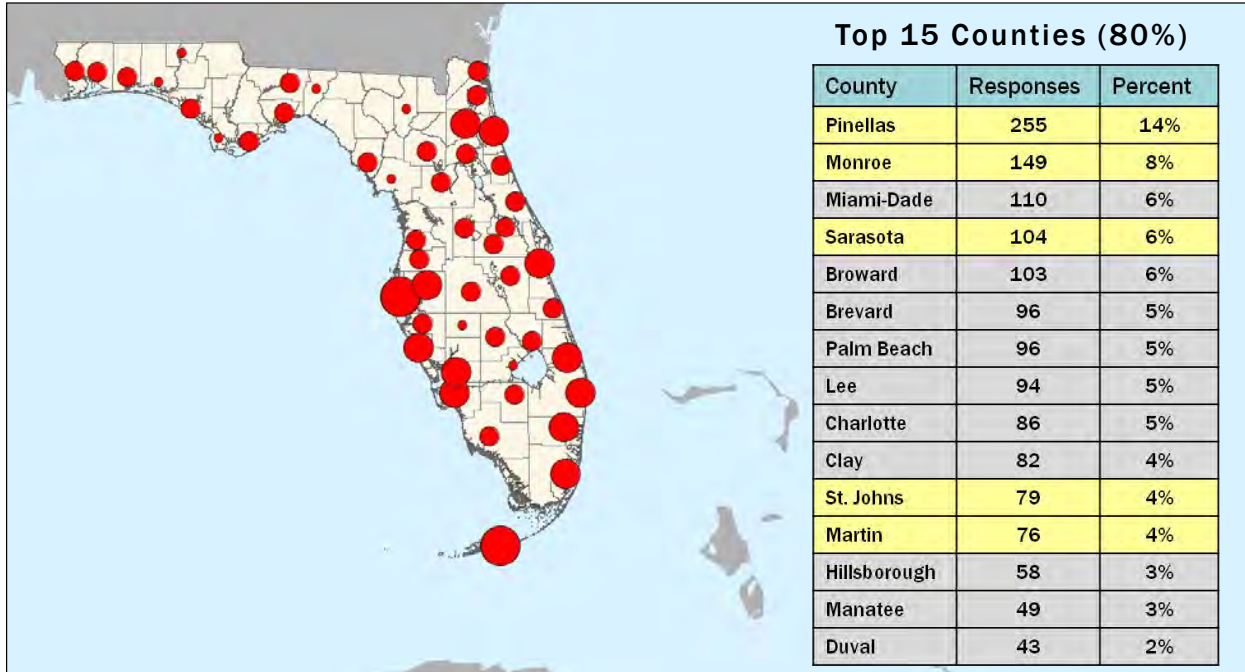
39 Other States = 421 responses (18%)



- 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.

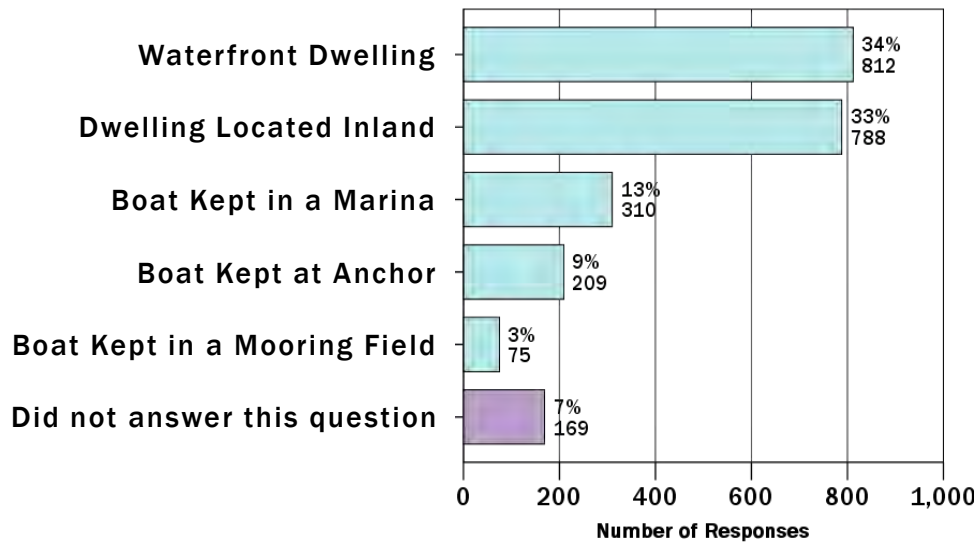
# Location of Primary Residence

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



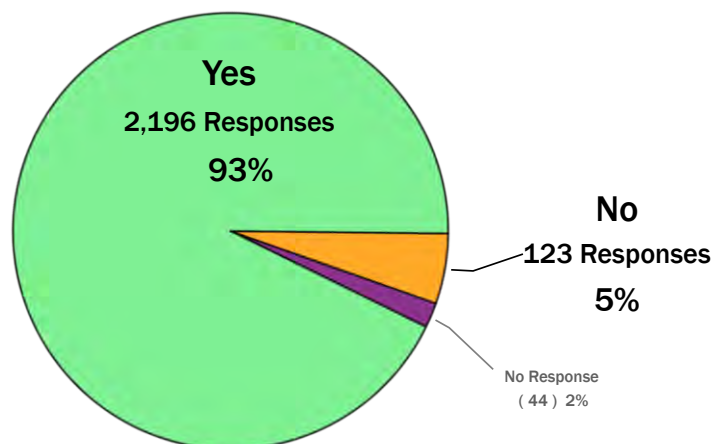
- The relative size of the red dots represents the relative number of respondents from each of the Florida counties.
- About 80% of Florida respondents report living in one of 15 Florida counties as listed in the table.
- All of the five pilot program sites are within these top 15 counties as highlighted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

## Type of Residence in Florida



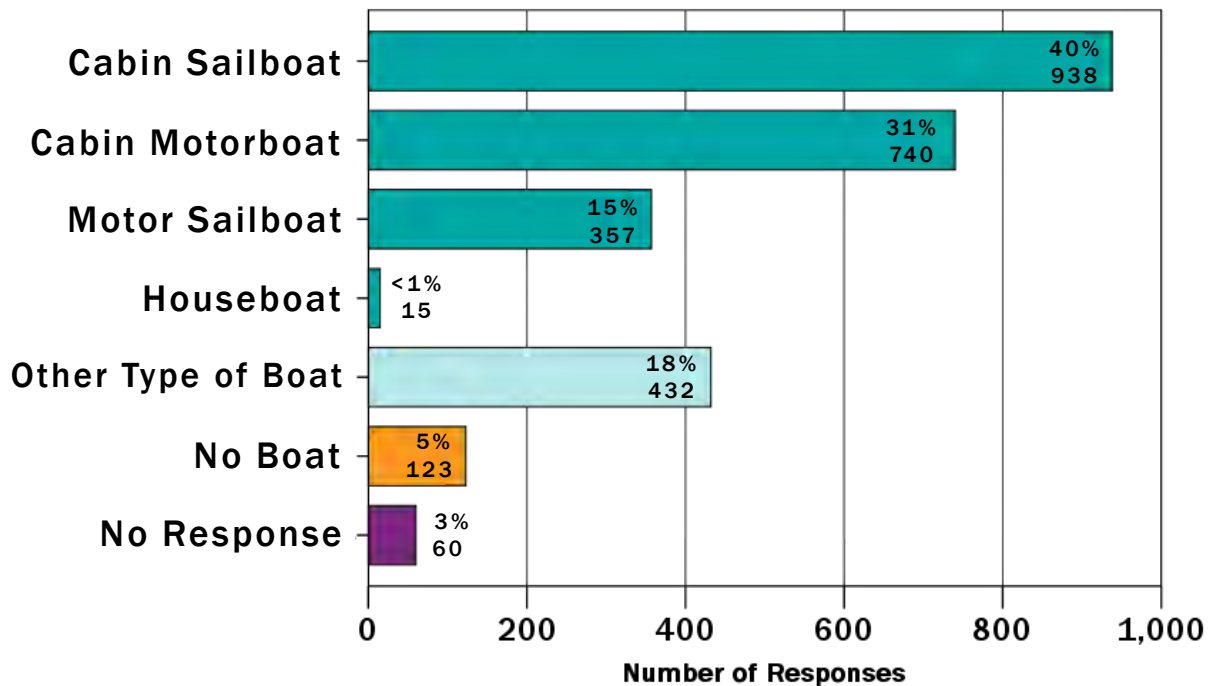
- Respondents were asked to indicate the type of their residence while in Florida.
- The majority of respondents (1,600 or 67%) reported an almost even split of residing in a dwelling on the waterfront or residing in a dwelling located inland from the waterfront.
- The next numerous type of residence 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?



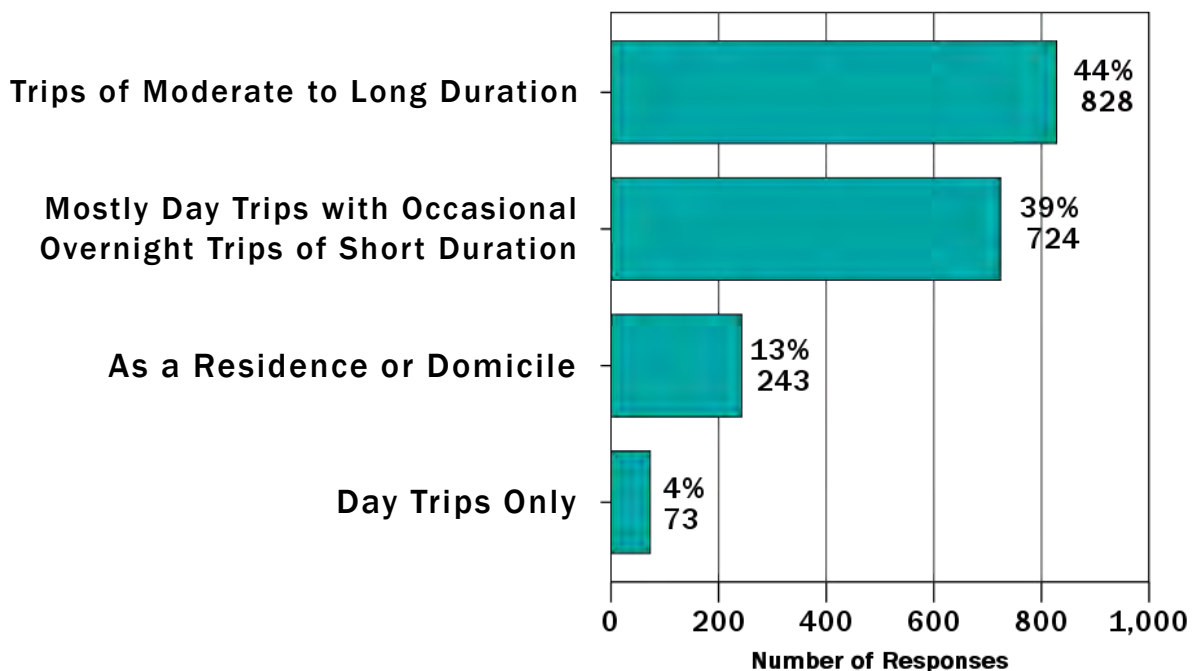
- The vast majority of respondents (2,196 or 93%) report owning at least one boat of some description and size.
- This does not necessarily indicate that the boat(s) they own are of a type and size that could potentially be regulated by an ordinance under the pilot program.

## 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.

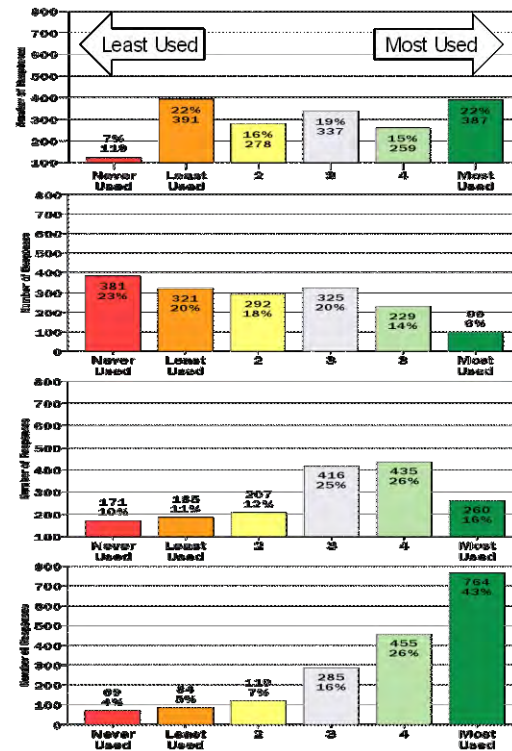
## Preferred Method of Mooring when Travelling Overnight

**Stay at Marinas  
or Dock Facilities**

**Stay at Managed  
Mooring Fields**

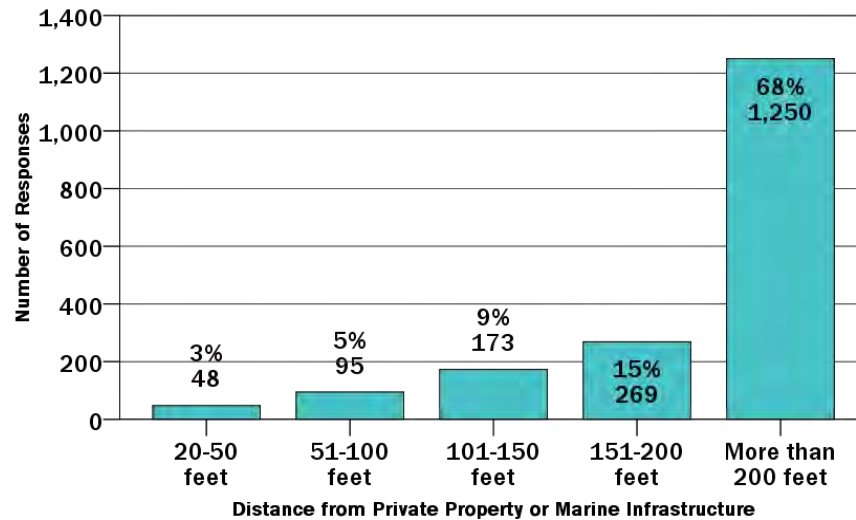
**Anchor in Officially  
Designated Anchorages**

**Anchor in Other  
Convenient Locations**



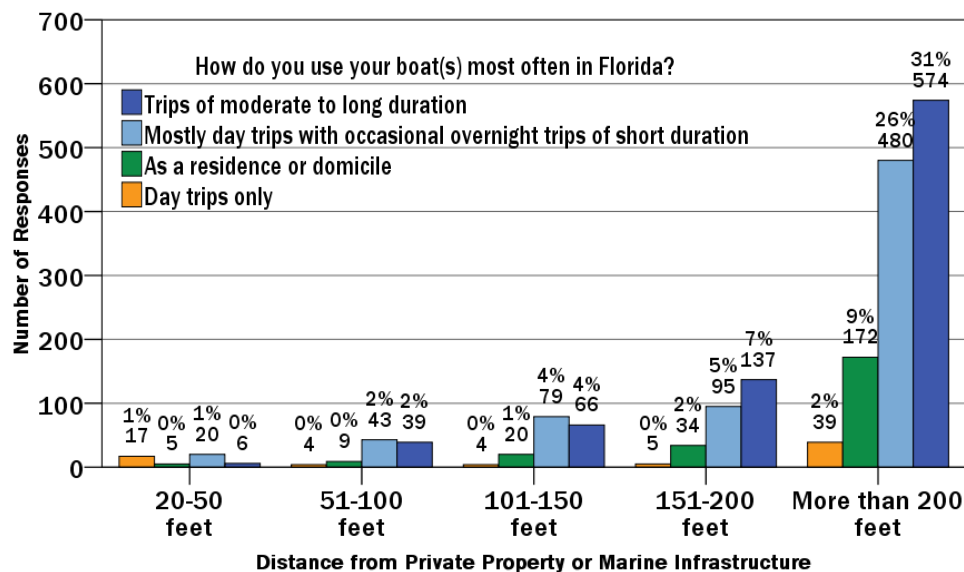
- These graphs illustrate the responses of boaters when asked to rank their preference for a particular method of securing their boat overnight when traveling.
- The available methods of mooring are: stay at marinas or dock facilities, stay at managed mooring fields, anchor in officially designated anchorages, 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?



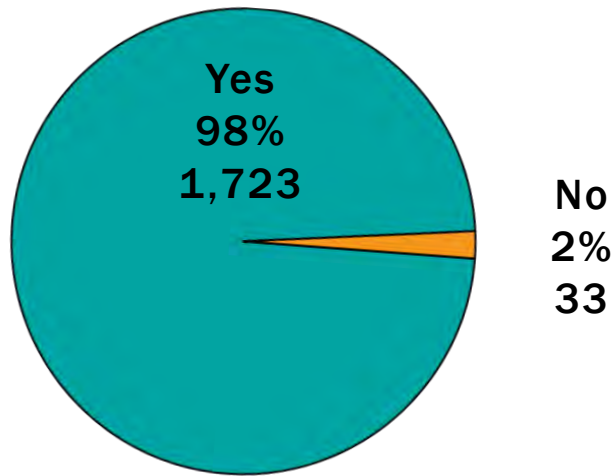
- The majority of boaters (1,519 or 83%) report they prefer to anchor more than 150 feet from private property of marine infrastructure.
- Over 90% (1,692 or 82%) report they prefer to anchor more than 100 feet from private property or marine infrastructure.

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



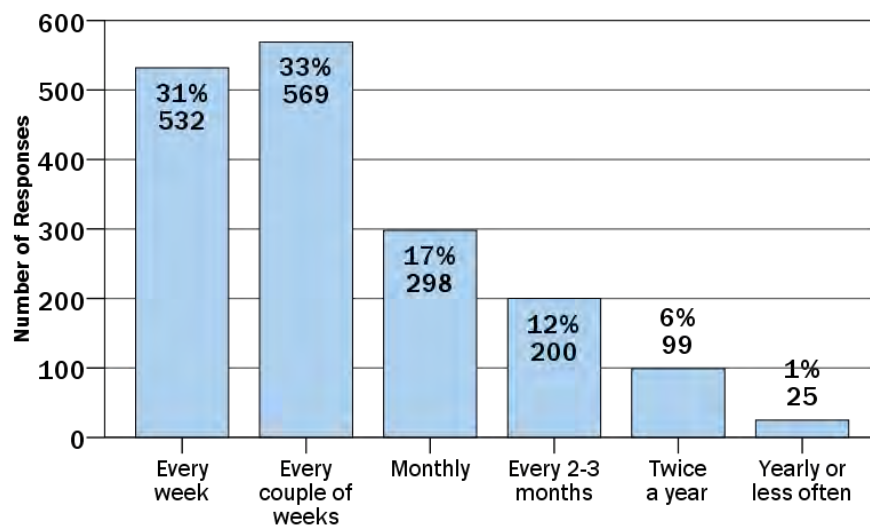
- The majority of boaters using their boats for trips of various durations prefer to anchor far from private property or marine infrastructure.

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



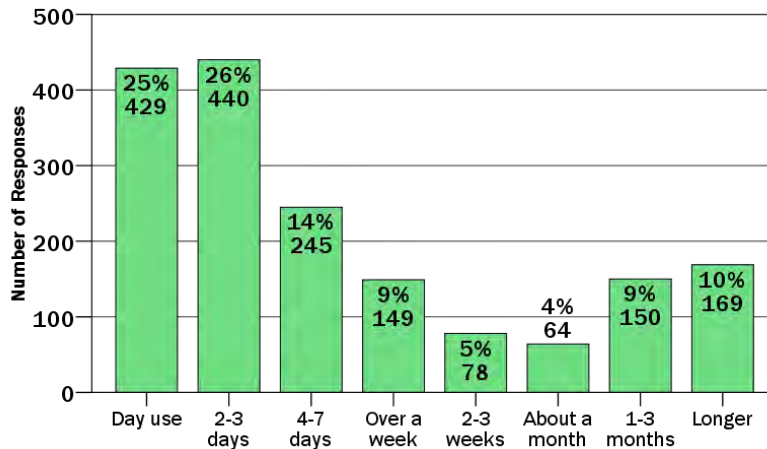
- The majority of respondents (1,723 or 98%) report they recently had their boat underway within the time frame of the pilot program.

## How often, on average, do you get your boat underway?



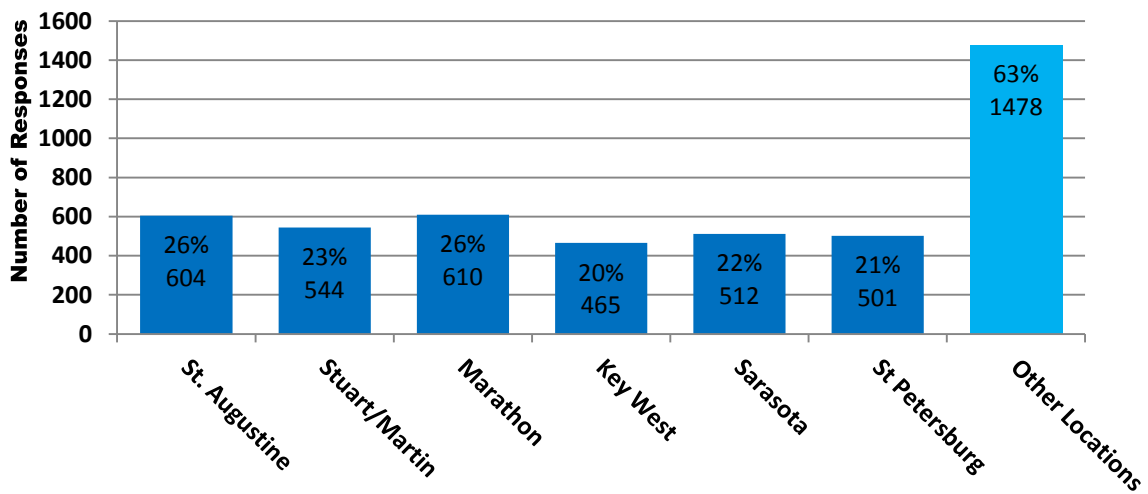
- The majority of respondents (1,399 or 81%) report they get their boat underway at least one time per month.
- Extremely few respondents (25 or 1%) report they get their boat underway only one time per year or less frequently.

## How long is your average trip?



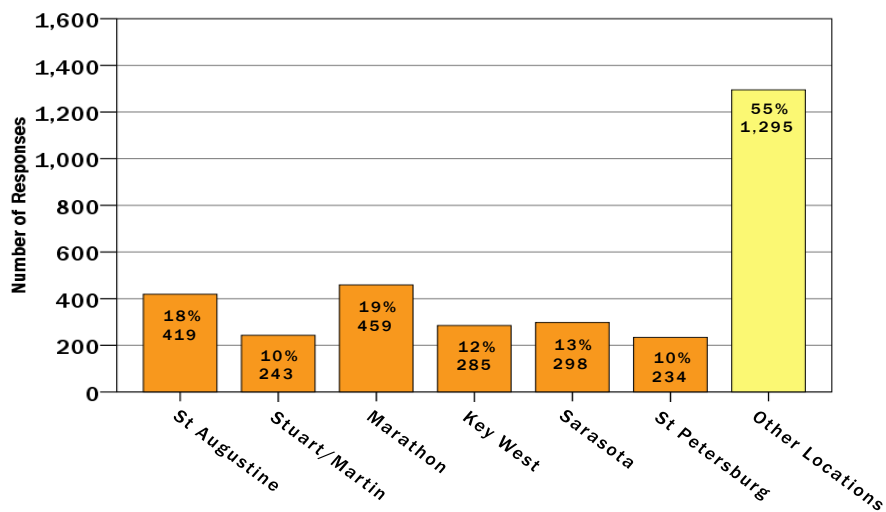
- Half the respondents (869 or 51%) report trips of duration of either day use or 2 to 3 days duration.
- About a fourth of respondents (383 or 23%) report using their boats for trips of a month or more duration.

## Locations Respondents Have Boated Since January 2011



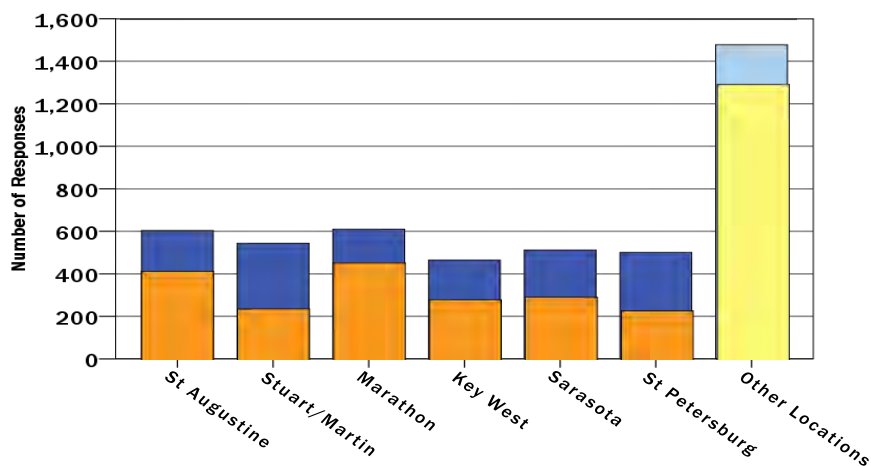
- There was a fairly even distribution of respondents reporting recent boating activity at the pilot program locations around the state. Between 465 or 20% to 610 or 26% reported boating in at least one of the pilot program sites since January 2011.
- A majority of respondents reported boating at somewhere 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



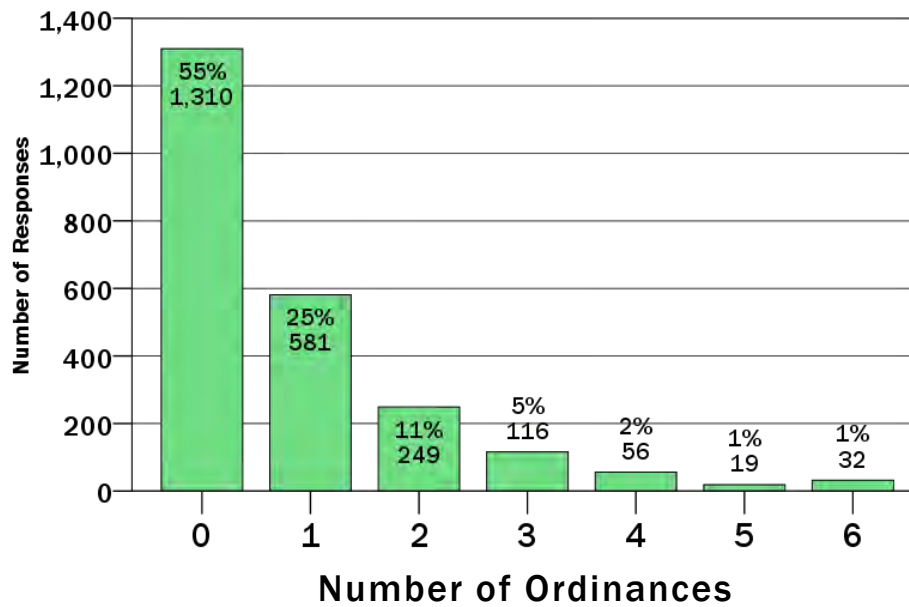
- Respondents were asked to indicate the specific pilot program ordinance(s) they are familiar with. (Each respondent could indicate familiarity with more than one ordinance.)
- There was a fairly even response among specific pilot program ordinances.
- Slightly more than half the respondents (1,295 or 55%) indicate they are not familiar with any specific pilot program ordinance.

## Specific Ordinances Respondents Familiar With vs. Locations Boated

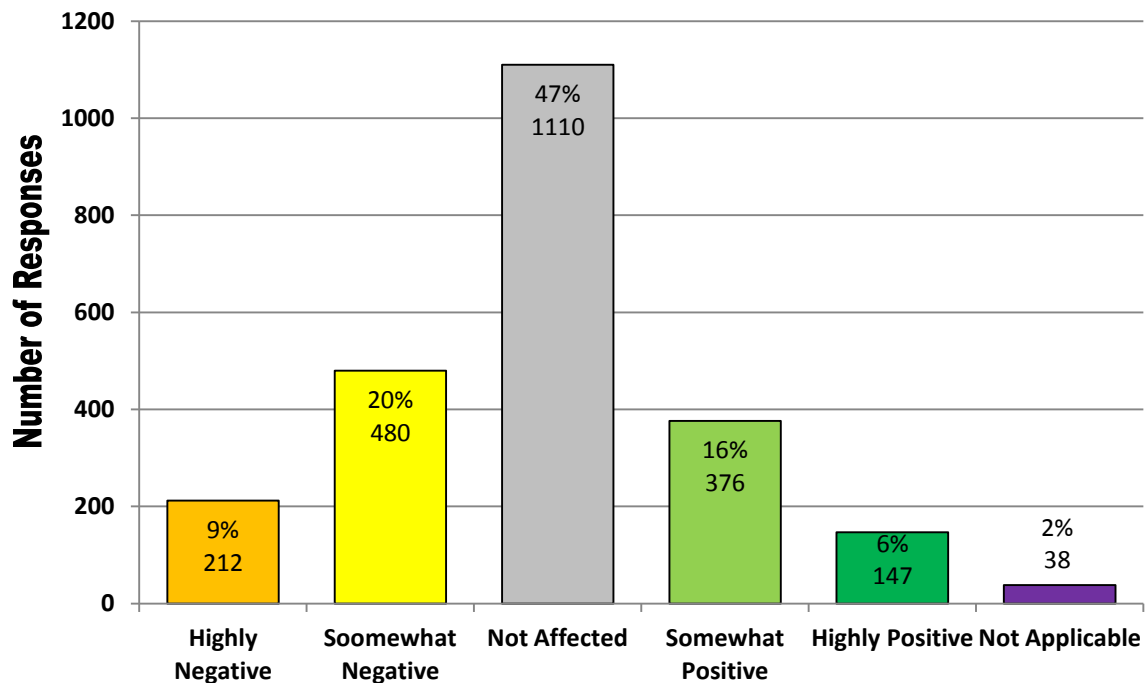


- The number of respondents reporting boating recently in each pilot program location (overall height of blue columns) is compared to the number of respondents reporting familiarity with each specific pilot program ordinance (height of orange columns).
- The number of respondents reporting boating in 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

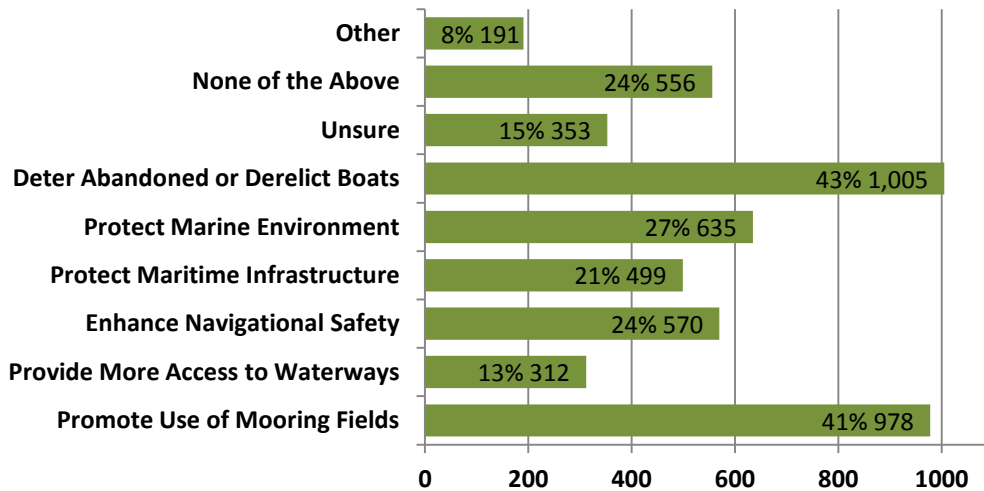


## To what degree were you affected by the pilot program?



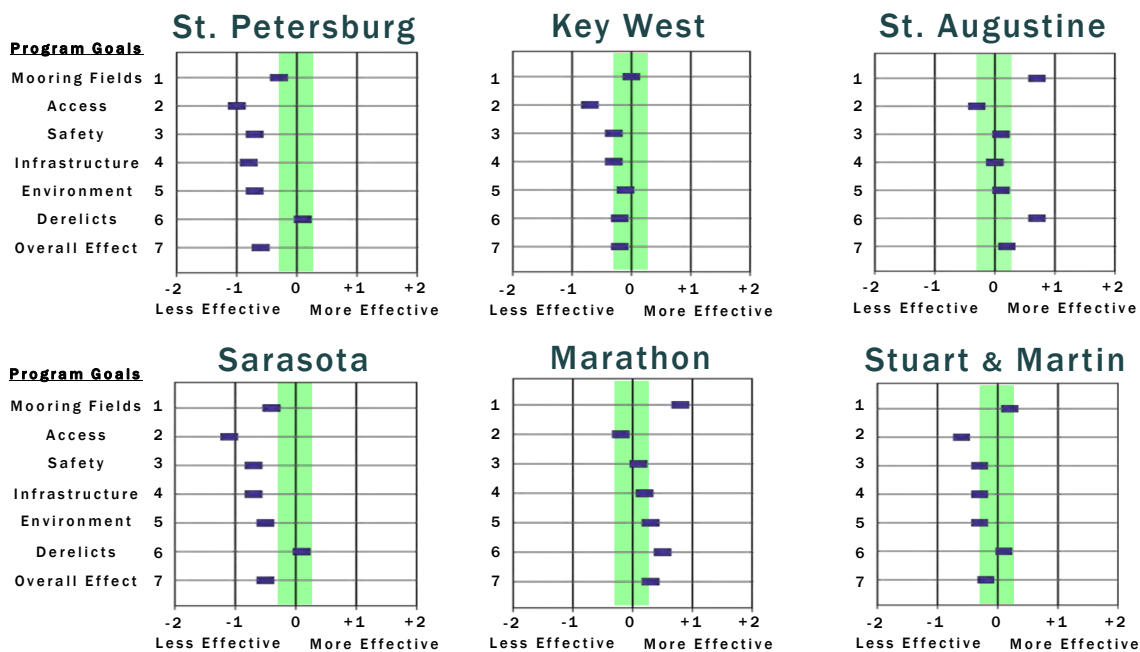
## Reported Effects of Pilot Program in Totality

### Pilot Program Goals      Number of Responses

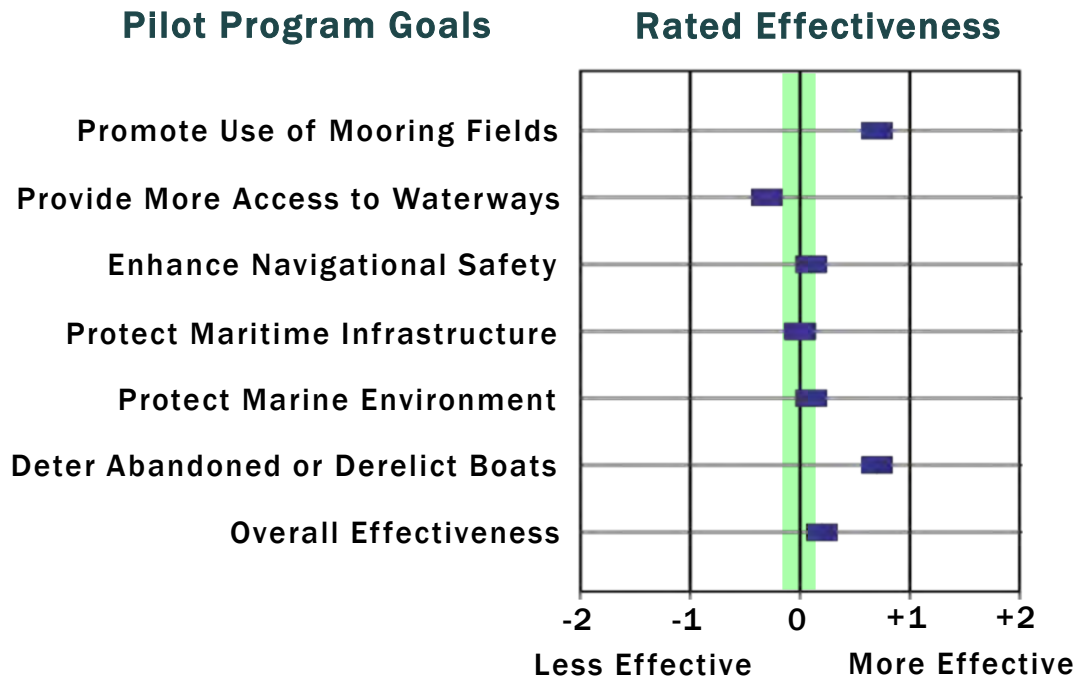


## Effectiveness of Each Ordinance

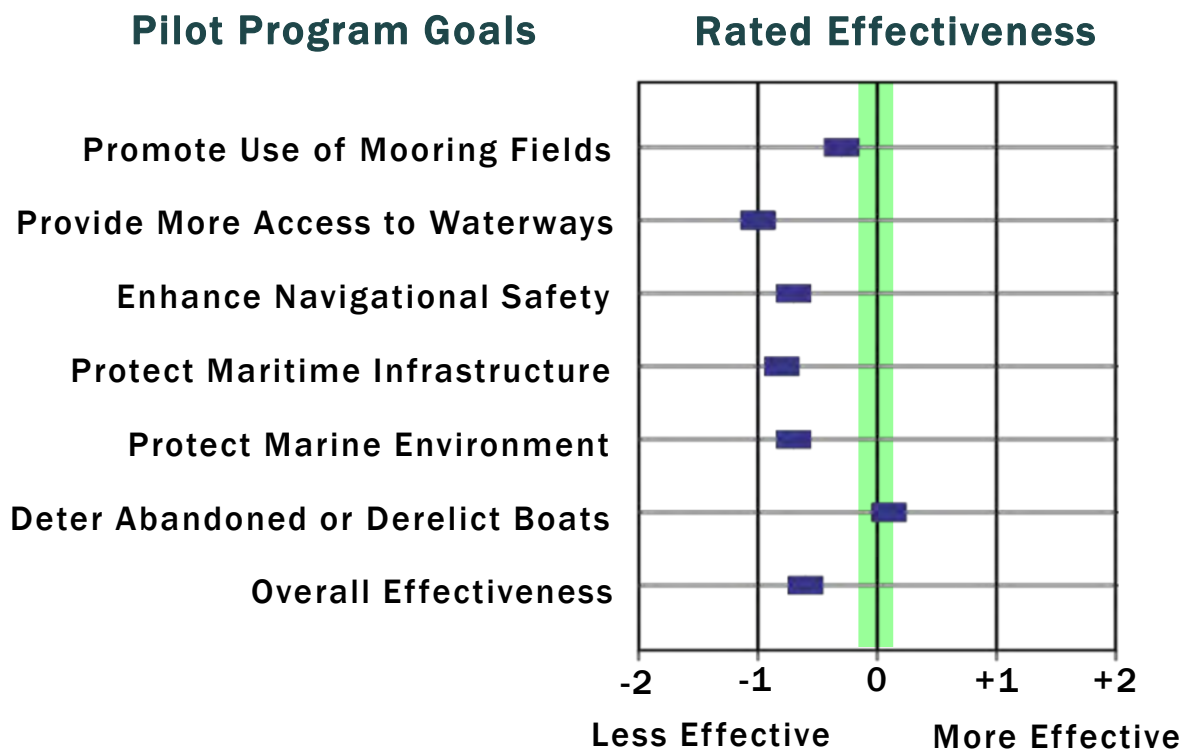
### Towards Achieving the 6 Pilot Program Goals



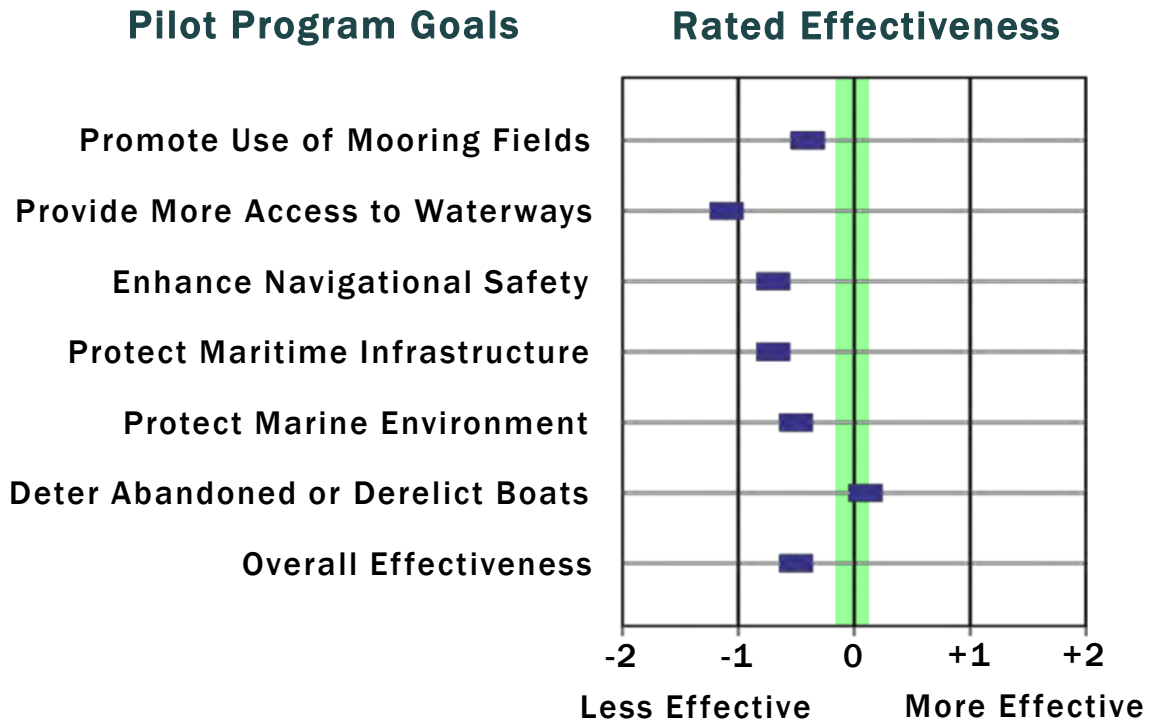
## City of St. Augustine Ordinance



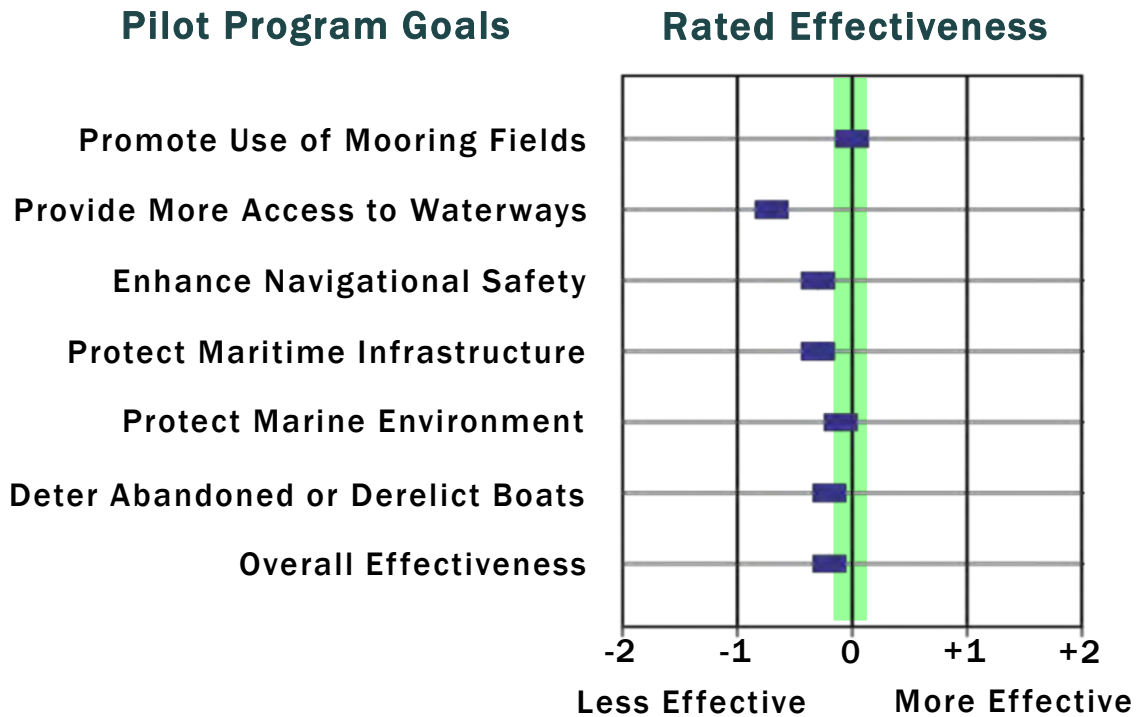
## City of St. Petersburg Ordinance



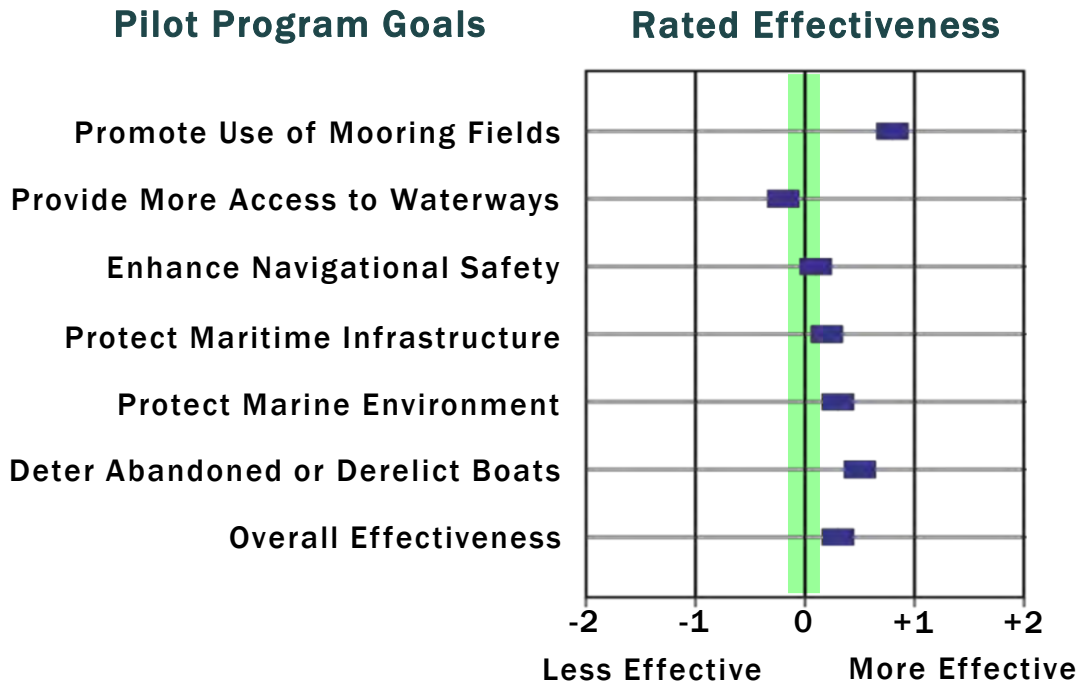
## City of Sarasota Ordinance



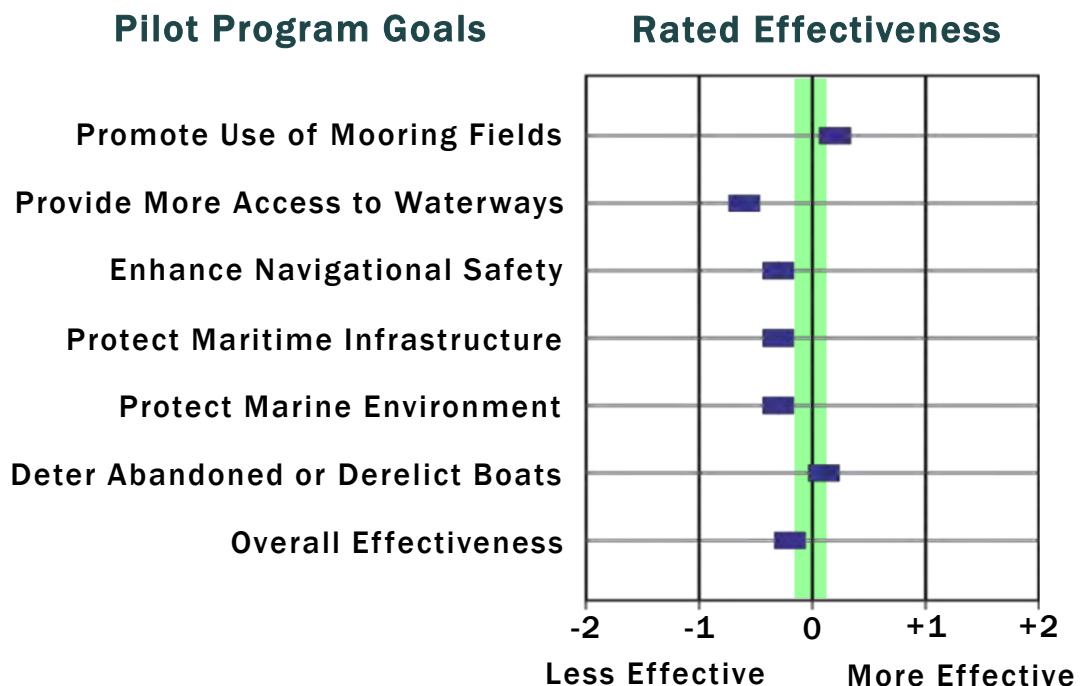
## Monroe / Key West Ordinance



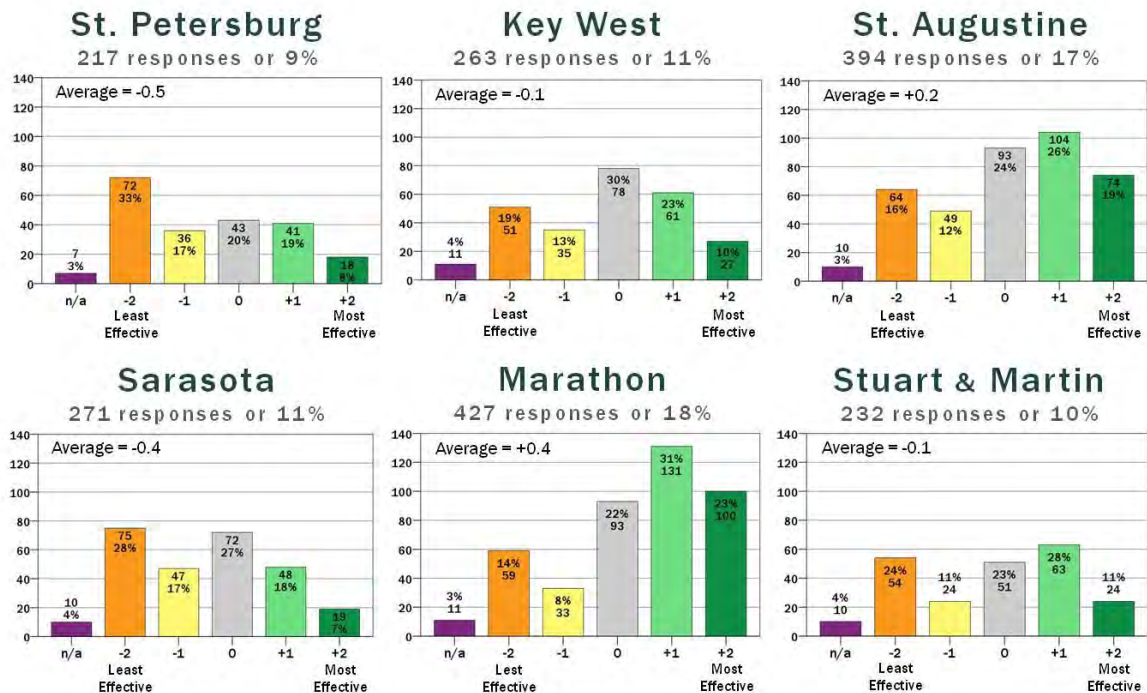
## Monroe / Marathon Ordinance



## Martin County / City of Stuart Ordinance

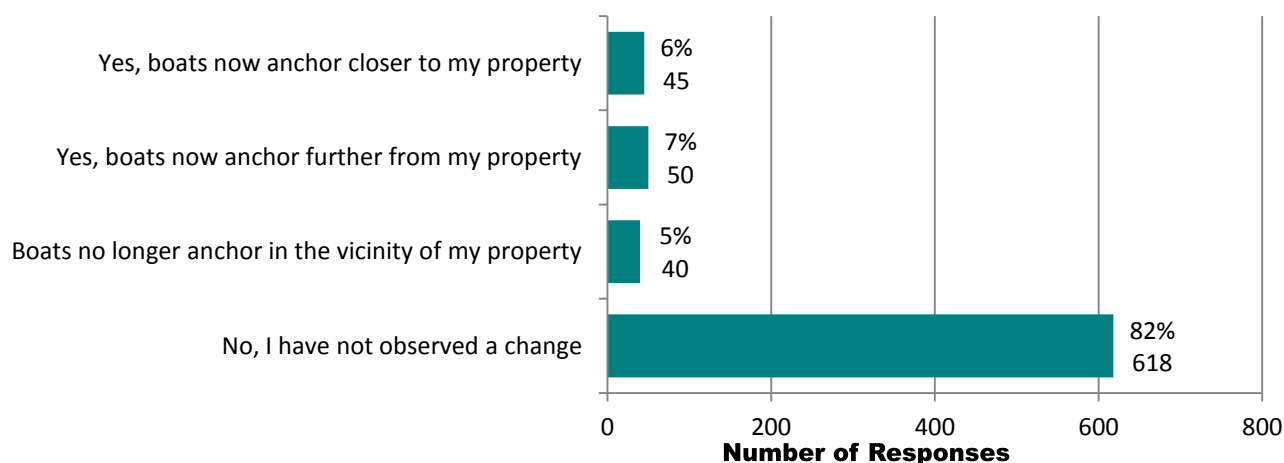


# Overall Effectiveness of Each Ordinance

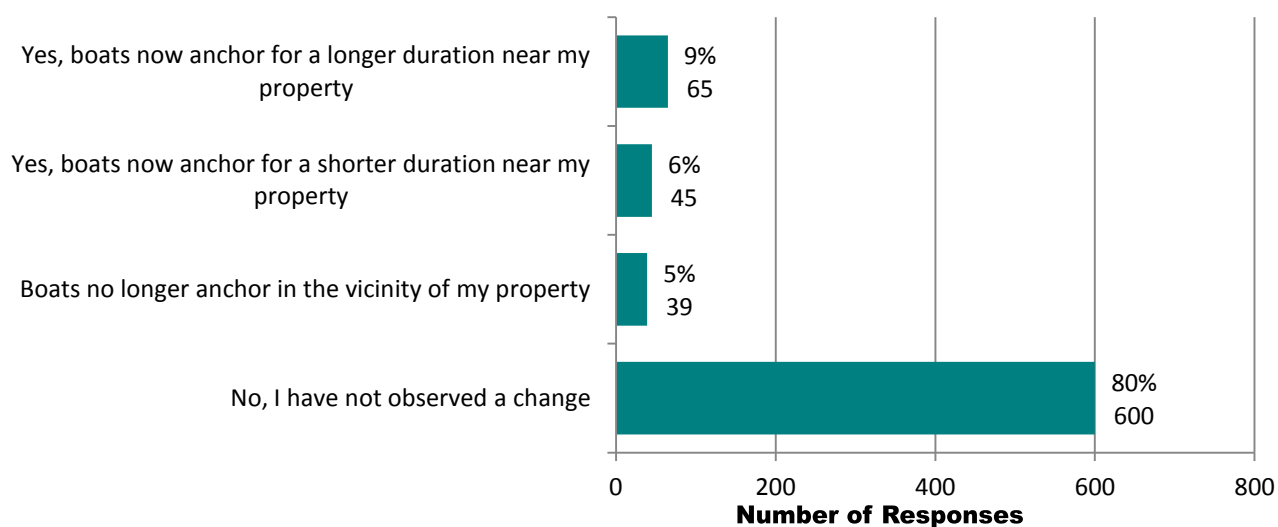


- Respondents were asked to rate the overall effectiveness of each specific pilot program ordinance.
- Effectiveness is ranked on a 5 point scale with -2 being least effective (orange), -1 being somewhat ineffective (yellow), 0 being neutral (gray), 1 being somewhat effective (light green), and 2 being 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 F

## Reports from Participating Governments

City of St. Augustine

City of St. Petersburg

City of Sarasota

Monroe County



1565 – 2015  
450 years

# City of St. Augustine

St. Augustine, Florida  
Nation's Oldest City



General Services

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.

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.

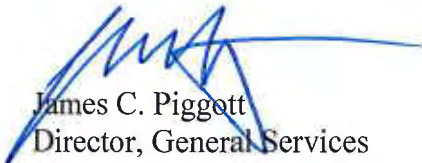
**Stored Vessel:** Shall mean any vessel not under the direct supervision and control of a person capable of operating the vessel and promptly moving the vessel from the locations designated in subsection (j)(2)(3)(4) and (5) of Ordinance No. 2011.10.

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  
Timothy A. Burchfield, Assistant City Manager

# *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

## *Summary of Ordinance Development Continued ...*

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 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 held 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

## *Summary of Ordinance Development Continued...*

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 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

## *Summary of Ordinance Development Continued...*

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 –*

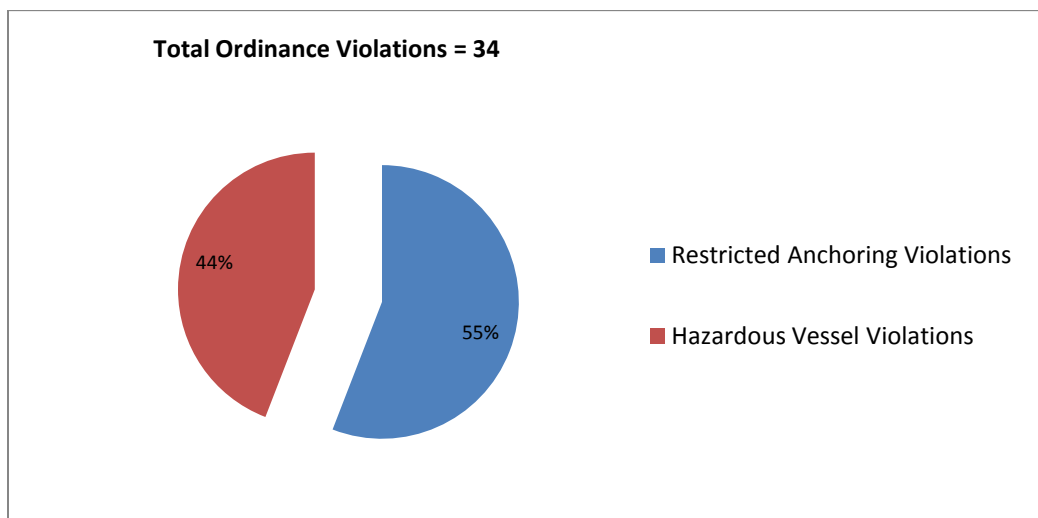
While the effectiveness of our ordinance can be measured in many ways, the most critical for us is the reduction of vessels being stored in our waters, which as mentioned previously, leads to the waterways being littered with derelict vessels. In 2011, there were ten reported cases of derelict vessels 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

### *Effectiveness of the Ordinance Continued...*

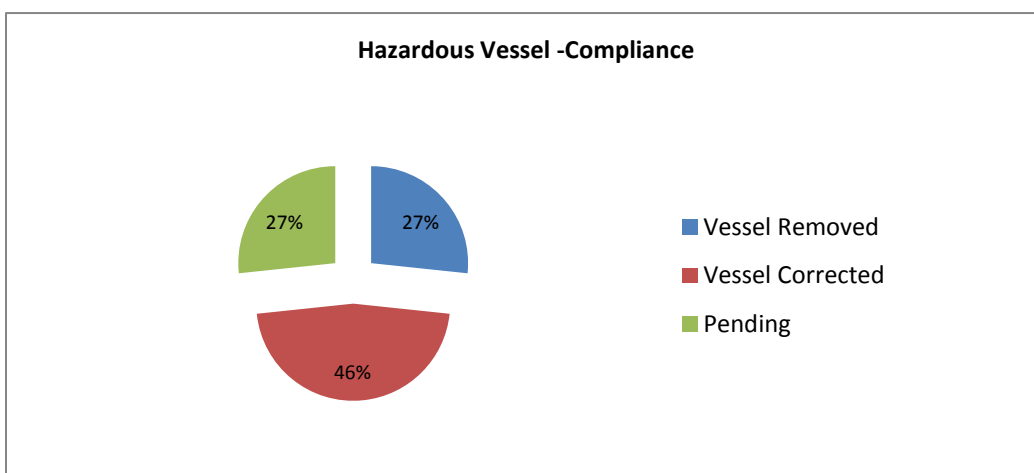
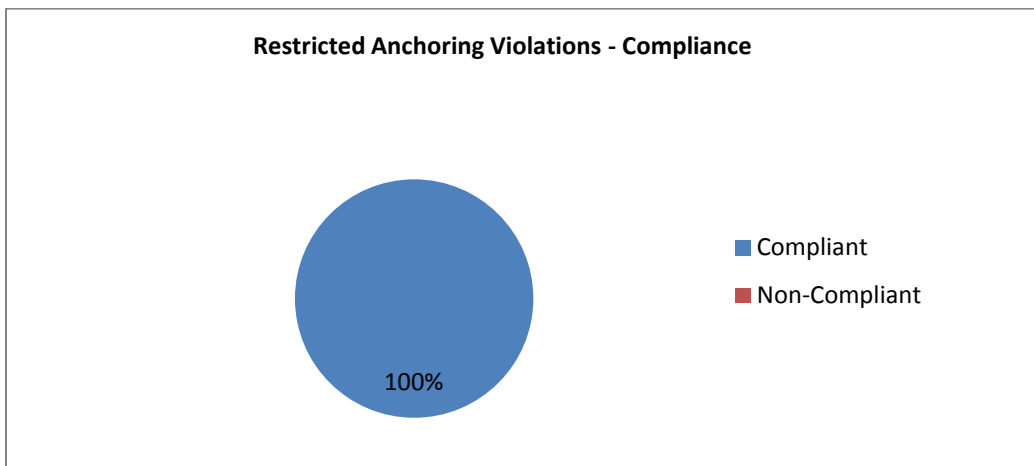
outside the realm of neglect on the part of the owner. For this reason, we prefer to measure the effectiveness of our ordinance in the overall reduction of vessels being stored and suffering from neglect.

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...

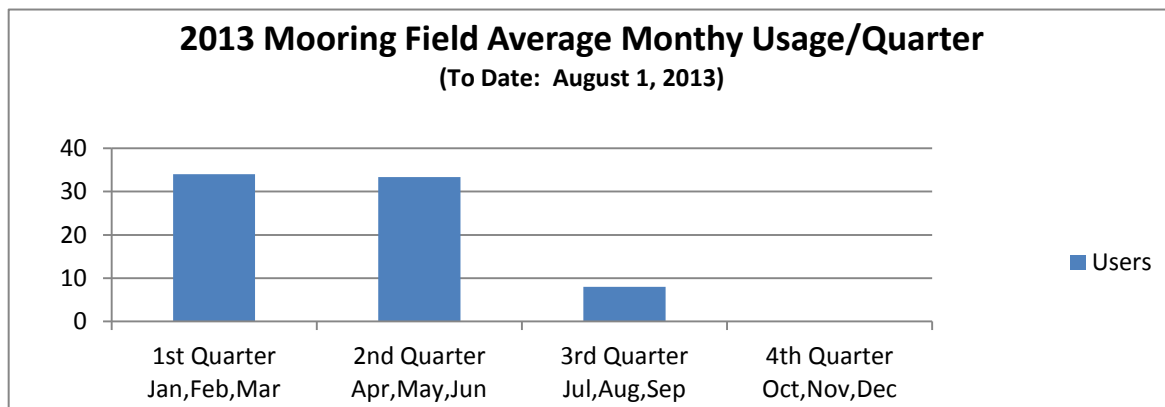
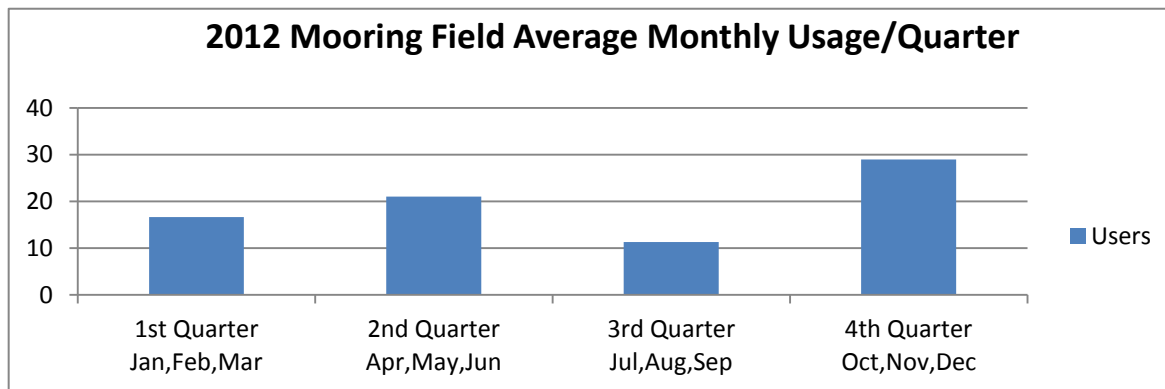


As the data shows, we have seen a dramatic decrease in the number of vessels being stored. Additionally, we have been able to keep vessels from being stored in traditional locations, where there is a negative impact on marine infrastructure.

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 contract 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**

2798 Overseas Highway  
Suite #400  
Marathon, FL 33050  
Voice: (305) 289-2517  
FAX: (305) 289-2854

**Board of County Commissioners**

Mayor George Neugent, Dist. 2  
Mayor Pro Tem Heather Carruthers, Dist. 3  
Danny L. Kolhage, Dist. 1  
David Rice, Dist. 4  
Sylvia Murphy, Dist. 5

*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.
    - 2. Language considerations- it was determined early in the ordinance development that 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 G

## 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:**

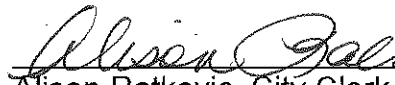
Section 1. The City Commission hereby adopts and ratifies the extension of the Anchoring and Mooring Pilot Program for up to an additional two (2) year period, and directs the City Clerk to deliver a certified copy of this Resolution to the Florida Fish and Wildlife Conservation Commission (FWC).

Section 2. The City Commission also requests the FWC Board include this request as part of its Legislative Program for 2014.

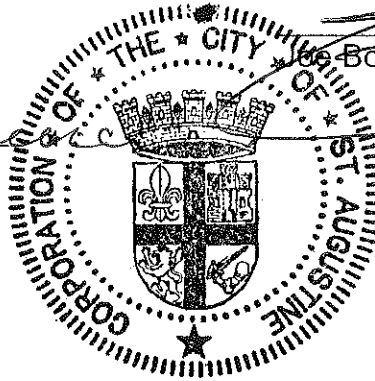
**ADOPTED** in Regular Session of the City Commission for the City of St.

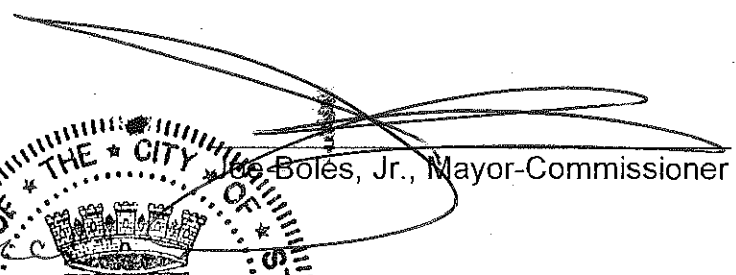
Augustine, Florida, this 20th day of November, 2013.

ATTEST:

  
Alison Ratkovic, City Clerk

(SEAL)



  
Joe 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](mailto: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  
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.

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:

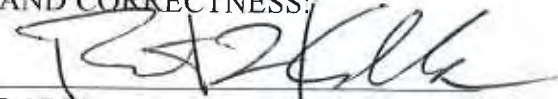


CHERYL WHITE  
CITY CLERK

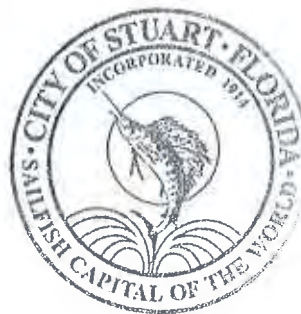


EULA R. CLARKE,  
MAYOR

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 1<sup>st</sup> 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.

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

# 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.

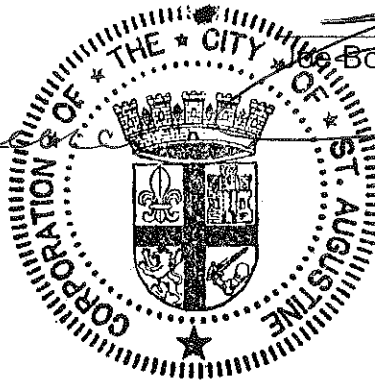
**ADOPTED** in Regular Session of the City Commission for the City of St.

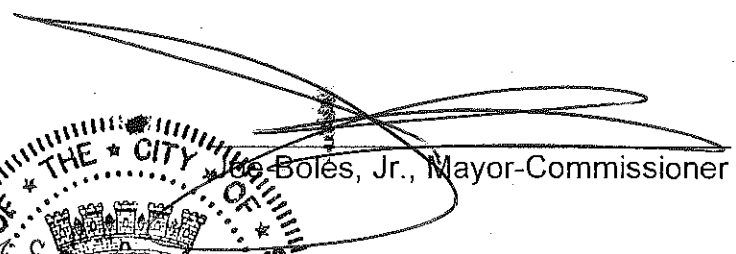
Augustine, Florida, this 20th day of November, 2013.

ATTEST:

  
Alison Ratkovic, City Clerk

(SEAL)



  
Joe 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](mailto: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  
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.

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:

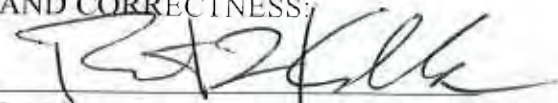


CHERYL WHITE  
CITY CLERK



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 1<sup>st</sup> 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.

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Philip Johnson, Chairman, Concerned Cruisers Committee

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