



FLORIDA WATERWAYS & ANCHORING

Freedom of Our Waterways for All



BOATERS' RIGHTS
ADVOCACY COALITION

WHY WE ARE HERE

- Thank you for earmarking the dollars you have to date to address waterway safety, derelict boat clean up, clean marina grants, designated anchoring areas, and more
- Share our concerns for the annual threat to current statutes by waterfront homeowners and individual municipalities which could irrevocably impact the public's access to Florida's navigable waterways
- Stakeholders in protecting Florida's waterways
- Active cruisers and users of Florida's waterways
- Use of anchorages along Florida's waterways is crucial to safety of vessels and crews while transiting the state's waters as well as crossings to the Bahamas
- Share our common bonds, positive economic impact, and the legislation already in place and working
- Committed to good legislation and we were part of the conversations that helped craft current Florida Statute Chapter 327 Vessel Safety, section 4108 on anchoring
- Committed to supporting and seeing through 327.4107 and 327.4108 2021 updates for efficacy



ACCESS FOR ALL

KEY CONSIDERATIONS

- There is existing legislation for anchoring restrictions agreed upon by both the public and the state (Statue 327.4108)
- There are established law enforcement agencies at every level (state, counties, and municipalities) to enforce existing laws
- There is money already designated to do the work needed to make our waterways cleaner and safer (FWC VTIP, Clean Marinas, Designated Mooring Fields)
- The State of Florida owns the navigable waterways in trust for the public per the Florida Constitution
- Anchoring access is critical to safe vessel operation, safe navigation, safety during weather or emergencies, and safety of crews
- Many new programs and legislation put in place since 2021 that should be given the time to work and show efficacy
- Statue 327.4108 (2)(a) outlines a county's right to enact an Anchoring Limited Area (ALA) with no additional legislation needed
- To date, Broward County has established two ALAs at North and South Lakes in Hollywood, FL along the ICW with positive results



WHO WE ARE — COALITION OF BOATER'S ASSOCIATIONS



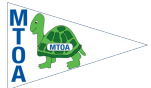
America's Great Loop Cruisers Association

Est. 1999 / 9,000 members



DeFever Cruisers

Est. 1995 / 314 members



Marine Trawler Owners Association

Est. 1991 / 2,458 members



Seven Seas Cruising Association

Est. 1952 / 1,614 members



BOATERS' RIGHTS
ADVOCACY COALITION

WHO WE ARE

- 65 – Average age of members
- 23 – Average number of years operating boats
- 12 knots (14 mph) – Average cruising speed of member power boats
- 6 knots – 75% of our boats are slow moving Sailboats, Catamarans, and Trawlers cruising at an average speed of 6 knots (7 mph)
- 8 hours x 7 knots = 56 nautical miles
(Comparison: a car can easily travel 56 miles in 1 hour)
- 504 miles = 9 Days to travel from Marathon, FL to Jacksonville, FL
- 9 Days = 8 nights at anchorage

Waterway and anchoring access is critical for safe passage as most of our boats can not cover great distances quickly

We are stewards of our waterways

We are committed to this lifestyle and support businesses, trades, organizations, and each other



BOATING IS GOOD FOR FLORIDA

- Core to Florida way of life
- More than 1,000,000 registered vessels in the State of Florida per Florida Fish and Wildlife Conservation Commission (FWC)¹
- Average of \$119.00 per vessel for annual registration fees = \$119,000,000²
- The top five counties for vessel registration in Florida³:
 - Miami-Dade (74,622)
 - Pinellas (53,867)
 - Lee (50,304)
 - Broward (47,741)
 - Hillsborough (41,495)
- Average of 120,000 boats purchased in Florida annually⁴
- Average price \$76,935 x average sales tax 6% = \$553,800,000 annually for the State of Florida + additional \$s based on tax rate for individual counties



BOATING IS GOOD FOR FLORIDA

- \$31.3 Billion Annual Economic Impact per National Marine Manufacturers Association (direct and indirect)
- \$5.4 Billion Annual Spend on boats, engines, trailers, and accessories
- 109,912 Jobs Supported (direct and indirect)
- 7,146 Businesses Supported (direct)
- \$726 Million in Indirect Business Taxes Collected
- Top five counties with highest annual economic impact from recreational boating:
 - Broward: \$3.4 Billion / 13,657 jobs / 1,303 businesses
 - Miami-Dade: \$2.3 Billion / 8,645 jobs / 608 businesses
 - Palm Beach: \$1.7 Billion / 6,889 jobs / 433 businesses
 - Pinellas: \$1.4 Billion / 6,459 jobs / 383 businesses
 - Lee: \$1.2 Billion / 4,368 jobs / 231 businesses



COMMON BONDS

FLORIDA STATUTES CHAPTER 327 VESSEL SAFETY

We helped form and agreed to existing legislation.

- Section 327.4108 updates signed into law April 27, 2022. These reflect changes to anchoring restrictions in specific locations and 45-day restrictions were added with input and guidance from our responsible boating organizations including our four groups, Boat US, and National Marine Manufacturers Association
- New legislation is not needed as it's only been one year since the updated sections were enacted, they are already starting to work and should be given time to judge their efficacy
- Municipalities, local law enforcement, and state agencies all have the authority to enforce Statue 327, so individual counties, municipalities, and homeowner organizations do not need to spend time creating new laws, but instead could focus resources on enforce existing laws



COMMON BONDS

DERELICT BOATS – WE DON'T LIKE THEM EITHER.

Our people and associations actively participate in spreading the word on programs, assisting with at-risk vessel identification and assessments, and contributing time and resources to support initiatives designed to mitigate – and hopefully eliminate – the problems.

There are many state-wide programs in place with significant dollars earmarked to ensure success.

FWC programs already funded and in play include:

- Derelict Boat Tracking and Removal
- Pro-Active At-Risk Vessel Assessment
- Public Nuisance Vessel Program
- Florida Vessel Turn In Program (V-TIP)

FWC Programs Are Working: <https://gis.myfwc.com/DerelictVessel/>

Current 2023 numbers – 627 vessels marked derelict in the State of Florida waterways by FWC

- 424 are Derelict/Abandoned
- 198 are Natural Disaster Derelict
- 317 are approved to be removed
- 35 have been removed already



COMMON BONDS

KEEPING OUR WATERWAYS CLEAN

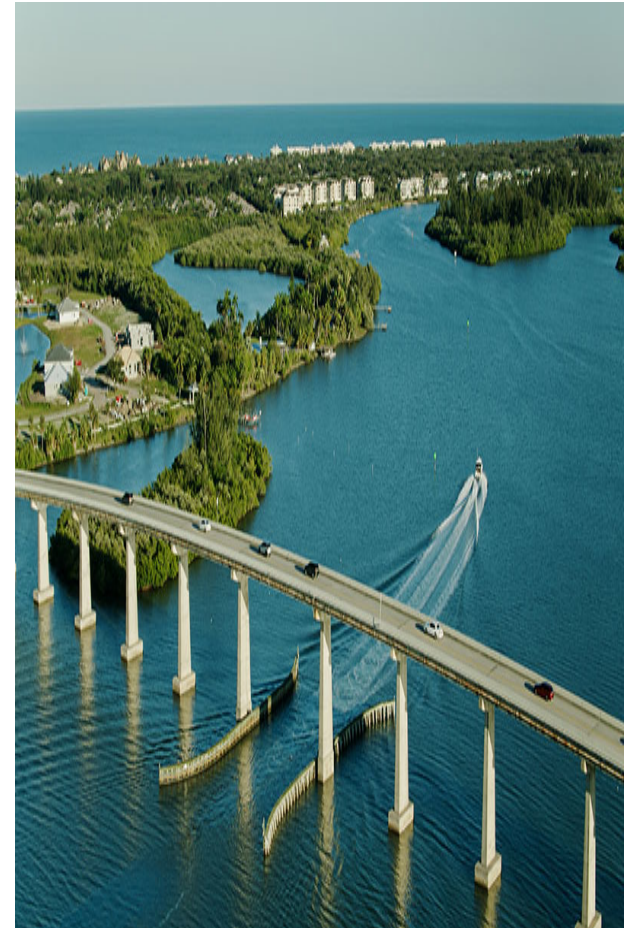
Pumping waste overboard is NOT acceptable to our community, ever.

- There are existing rules in place to whose enforcement supersedes anchoring limitations including:
 - Clean Water Act of 1972 prohibits the pumping of waste into waterways – if found guilty maximum fine is \$250,000 and forfeiture of property (vessel)
 - Florida Department of Environmental Protection's Clean Vessel Act of 1992 prohibits vessels from discharging raw sewage into fresh water or coastal saltwater. More than 570 pump outs have been installed across the state since.
 - Florida Statute 327.53 provides regulations and fines for marine sanitation disposal within state waters.

RESPECTFUL USE OF WATERWAYS

We understand one of the reasons given for furthering anchor restrictions is to mitigate the illegal businesses who use boats in popular anchorages to conduct their ventures from.

- This is not an anchoring issue, but an enforcement of existing laws pertaining to illegal business operations.
- The penalties and fines associated with operating an illegal business is four times the punishment of any Florida anchoring law and would carry more weight in shuttering operations. In addition, the Florida Department of Revenue can enact far greater penalties for failure to pay sales tax than any other department or jurisdiction.
- Finally, there is no data on the real numbers and impact of illegal operations, so enacting new anchoring legislation that impacts hundreds of thousands of safe boaters to mitigate this unknown and unvetted scope of problem doesn't make sense.



COMMON BONDS

STATE OF FLORIDA HOLDS TITLE FOR PUBLIC

We know there is pressure on legislators to further restrict anchoring by local voter populations, especially in areas with waterfront frontage.

- We understand these homeowners push for anchoring restrictions because they do not want boats anchored behind their homes.

There is a misconception that the waterways and views behind the private land also belongs to the property owner, which is not true.

- Per the Florida Constitution, all navigable waters are vested to the State of Florida with title of ownership including the land (up to the mean high-water line).
- The beaches of Florida are also owned and subject to the control of the State of Florida (up to the mean high-water line) and the navigable waters adjacent thereto is vested in the State of Florida. Because the waters along the coast and in bays are considered navigable, owners of private land that borders a Florida Coastline do not enjoy ultimate property rights to the coastline. They cannot erect buildings in the water, and they cannot exclude members of the public from the beach.
- Similarly, we believe eliminating anchorage areas or further restricting waterways in Florida violates the basic rights, freedoms, safety, and access of the public.



COMMON BONDS

PUBLIC SAFETY CONCERNS ARE ALREADY COVERED BY FWC

Public safety as a reason to bring forth additional legislation or change existing legislation doesn't make sense as FWC already has the authority of the State to manage and restrict areas for public safety.

- FWC is charged with the promulgation of Boating Safety Restricted Areas on the waters of the state for any purpose deemed necessary to ensure the safety of the public.
- Municipalities, counties, and homeowner groups have access to regional FWC officers as resources to enforce existing laws
- FWC employs more than 2,000 agents to proactively monitor 12,133 square miles of water and 8,426 miles of shoreline. They know better than any other group the need for safety, restrictions, and changes for waterway use and have processes and procedures in place to make necessary changes when needed, which includes stakeholder, municipalities, and public input.



SAFETY CONCERNS

SAFE HARBORAGE AND NAVIGATION

There is intrinsic risk and safety concerns based on how boats move along the waterway and the ability to anchor is a fundamental aspect of Safe Harborage and the Right to Navigation for mariners.

- The right to anchor is an extension of the federal laws of right to navigation and is closely tied to maritime law, international conventions, and regulations that ensure the safety of vessels, protection of the environment, and the rights of mariners
- The right to anchor allows vessels to anchor temporarily in open waters or designated anchorage areas to rest, wait for favorable conditions, or perform necessary activities
- Access to safe anchorages helps ensure that vessels anchor in ways that minimize their impact and avoids damage to environmentally sensitive areas
- Anchoring provides vessels with a means to secure themselves in a relatively stable position within a body of water, such as a harbor, bay, or inlet
- Safe harborage is essential for vessels to find shelter from adverse weather conditions, seek refuge during emergencies, and perform maintenance or repairs
- Not every anchorage is the same as the depth, bottom for holding, and weather exposure play key roles for safety based on vessel and crew needs
- Anchoring in appropriate areas helps prevent collisions, protects vessels from drifting into hazardous areas, and reduces the risk of accidents that could damage the vessel or pose a threat to other vessels and the environment
- There is not enough marina space to accommodate all the boats that are here in peak season and established anchorages and mooring fields provide the best options for safe harborage
- Eliminating or severely restricting anchoring in areas by amending 327.4108 means eliminating safe harborage for tens of thousands of boaters who rely on anchorage access to transit through Florida.
- Four key anchorages critical to safe passage to and from the Bahamas and getting through South Florida to the Keys, are continually added to amendments and often adversely affect good legislation passing*

*Latest example: FL 2023 HB 261 proposed by Adam Botana to strengthen Boat Livery safety with no anchoring restrictions had an amendment (381661) on 4/10, that added verbiage to grandfather in and eliminate overnight anchoring at all four Biscayne Bay - Miami-Dade County safe anchorages most needed for safe harborage and safe navigation.)

WE SUPPORT GOOD LEGISLATION & PROGRAMS THAT WORK

EXAMPLES OF SUCCESSFUL PROGRAMS

- Statute 327.4108 has enforceable laws regarding restricted areas, length of stay in location, marine sanitation requirements, insurance requirements, noise ordinances, and live-aboard vessel restrictions
- Hundreds of new markers, buoys, and signage outlining rules have been installed since 2021 in accordance with 327.40 and 327.41
- FWC and Department of Environmental Protection 2016 Mooring Field Pilot Programs in five key areas (St Augustine, St Petersburg, Sarasota, Monroe County (Boot Key, Marathon, FL), and Martin County (Stuart, FL):
 - Successful added safe harborage for thousands of boats through mooring system
 - Drastic reduction in derelict and long-term storage vessels in areas that were previously congested
 - Clean marina status and effective pump out management
 - Increased city and municipality incomes from rents, fees, and taxes
 - Increased dollars spent and traffic to local businesses
 - Decreased proximity of boats to private property
 - Decreased damage to vessels and properties during weather events
- City of Jensen Beach Mooring Field – Opened 2022 using best practices and already planning on expansion
- FWC V-TIP (Voluntary Turn In Program) – new in 2023 to remove boats before they become derelict – More than 100 boats have applied
- FWC Derelict Boat Identification and Removal – 363 removed or in process of being removed of the 627 marked vessels
- Broward County has established two Anchoring Limited Areas in North and South Lakes, Hollywood, FL with great success



WE ARE A RESOURCE FOR YOU

Our coalition members are happy to be a resource for information or to help answer questions.

- **America's Great Loop Cruisers Association (AGLCA)**
Kimberly Russo • Director
krusso@greatloop.org • 843-879-5030
- **DeFever Cruisers**
Michael Bell • Advocacy Chair
mbell20688@gmail.com • 612-594-4429
- **Marine Trawler Owners Association (MTOA)**
Stick Higginbotham • Advocacy Chair
stick@prevailingcurrents.com • 407-415-2841
- **Seven Seas Cruising Association (SSCA)**
Kingsley Ross • Commodore • Advocacy Chair
kingsleyross@gmail.com • 850-666-9001





THANK YOU. ANY QUESTIONS?

Please don't hesitate to reach out to us with any questions, needs, or feedback.



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