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2                   **JACKSONVILLE WATERWAYS COMMISSION RESOLUTION**

3           A     RESOLUTION     EXPRESSING     THE     CITY     OF  
4           JACKSONVILLE WATERWAYS COMMISSION'S OPPOSITION  
5           TO HB 417 AND SB 606 (ANCHORING LIMITATION  
6           AREAS) AS INTRODUCED IN THE 2020 FLORIDA  
7           LEGISLATIVE SESSION; EXPRESSING AGREEMENT THAT  
8           THE REASONS STATED FOR THE BILLS ARE A  
9           SIGNIFICANT PROBLEM AND SHOULD BE ADDRESSED  
10          USING THE ENFORCEMENT OF CURRENT LAWS AND BY  
11          PROVIDING FUNDING.

12  
13          **WHEREAS**, the Jacksonville Waterways Commission was established  
14          by the Jacksonville City Council in 1983 with a purpose to  
15          formulate an overall plan for dealing with any problems that exist  
16          concerning the St. Johns River and all tidal waters in Duval  
17          County, and to devise methods of developing future uses of the St.  
18          Johns River and all tidal water in Duval County; and

19          **WHEREAS**, the Jacksonville Waterways Commission was charged  
20          with the duty to advise governmental units and the public  
21          concerning the improvement, development and protection of the St.  
22          Johns River and all tidal waters in Duval County, and to act as a  
23          coordinating agency for programs and activities affecting the  
24          improvement, development and protection of the St. Johns River and  
25          all tidal waters in Duval County; and

26          **WHEREAS**, the membership of the Jacksonville Waterways  
27          Commission is comprised of three (3) members of the City Council  
28          plus one (1) member of the City Council designated as an alternate,  
29          one (1) member of the Duval County Legislative Delegation, and nine  
30          (9) members of the general public; and

1       **WHEREAS**, legislatively appointed advisors to the Jacksonville  
2 Waterways Commission include one (1) member from each of the  
3 following: Jacksonville Planning Commission, Jacksonville  
4 Environmental Protection Board, Florida Fish and Wildlife  
5 Conservation Commission, U.S. Coast Guard, Army Corps of Engineers,  
6 Florida Department of Environmental Protection, St. Johns River  
7 Water Management District, Jacksonville Sheriff's Office Marine  
8 Unit, and the Jacksonville Fire and Rescue Department Marine Unit;  
9 and

10       **WHEREAS**, on January 15, 2020, the Jacksonville Waterways  
11 Commission heard testimony from citizens both in favor of, and  
12 opposed to, the state legislation proposed in HB 417 and SB 606  
13 that would add the Ortega River and the Cedar River in Duval County  
14 to Sec. 327.4108, Florida Statutes (Anchoring of vessels in  
15 anchoring limitation areas); and

16       **WHEREAS**, the proposed bills would prohibit anchoring at night  
17 anywhere in the Ortega River and the Cedar River; and

18       **WHEREAS**, citizens supporting the bills cited the lack of  
19 enforcement of derelict vessels and floating structures located  
20 between the U.S. 17 (Roosevelt Blvd.) Bridge over the Ortega River  
21 and the Grand Avenue Bridge over the Ortega River, which caused not  
22 only property damage to upland properties when the boats or parts  
23 of boats broke loose, but also pollution and unsafe conditions in  
24 the waters at night because many of the vessels are not lighted at  
25 night; and

26       **WHEREAS**, residents living along the Ortega River in support of  
27 the bills also cited generally unlawful behavior witnessed on  
28 occupied vessels such as indecent exposure, lack of marine  
29 sanitation, and noise created from energy generators; and

30       **WHEREAS**, citizens opposed to the bills stated that the

1 proposed legislation was overly broad and as support cited the  
2 economic benefit to the restaurants, retail establishments and  
3 services located near where "cruising boaters" anchor. Cruising  
4 boaters may travel waterways either worldwide for long lengths of  
5 time, or may travel more casually for a week or a weekend, but both  
6 types of cruisers need to be able to anchor in the waterways for  
7 safety overnight; and

8 **WHEREAS**, the opponents warned that if this prohibition on  
9 anchoring is put in place in this area of Duval County, the  
10 economic impact to the area will be substantial; and

11 **WHEREAS**, the citizens opposed to the bills also cited to other  
12 current state and local laws currently in effect that could  
13 accomplish the stated goal of the proposed bills, but that the  
14 existing laws were not being enforced; now therefore

15 **BE IT RESOLVED** by the Waterways Commission of the City of  
16 Jacksonville:

17 **Section 1. FINDINGS.** The Waterways Commission finds the  
18 foregoing recitals to be true and accurate.

19 **Section 2. EXPRESSION OF OPPOSITION.** The City of  
20 Jacksonville Waterways Commission hereby expresses its opposition  
21 to House Bill 417 ("HB 417") and Senate Bill 606 ("SB 606") as  
22 introduced in the 2020 Florida Legislative Session. The bills are  
23 overly broad and will detrimentally affect not only law abiding  
24 boat owners, but also the businesses that survive on providing  
25 provisions for the boaters such as fuel, groceries, and marine  
26 supplies, as well as restaurants and other services to support the  
27 cruising public while in the area.


28 **Section 3. EXPRESSION OF THE IMMEDIATE NEED TO DEAL WITH**  
29 **THE STATED UNDERLYING REASONS FOR THE BILLS.** The removal of  
30 derelict vessels and floating structures from the Ortega River

1 between the U.S. 17 Bridge and the Grand Avenue Bridge was stated  
2 as the primary reason for the creation of HB 417 and SB 606.  
3 Everyone agreed that derelict vessels and floating structures, and  
4 the safety hazard and property damage that they cause, are a  
5 significant problem not only in this area, but in the St. Johns  
6 River and its tributaries overall. However, the problem is not a  
7 lack of laws, but rather a clear lack of enforcement. There are  
8 existing laws that provide a path to enforcement of illegal  
9 anchoring, derelict vessels, and floating structures. A new law is  
10 not going to help the problem with a lack of enforcement.

11 What is needed is: (1) clear funding for enforcement; and (2)  
12 the delegation of authority to local governments, similar to the  
13 authority given to local governments by the legislature in Sec.  
14 327.60, F.S., which would allow local governments to regulate not  
15 only floating structures, live-aboard vessels and commercial  
16 vessels, but also derelict vessels.

17 **Section 4. DIRECTION TO CHIEF OF LEGISLATIVE SERVICES**  
18 **DIVISION.** The Chief of Legislative Services for the City Council  
19 is hereby directed to provide a copy of this resolution to the  
20 Florida Legislature, the Duval Council Legislative Delegation, and  
21 the Speaker of the House.

22 **DONE AND ORDERED** at the January 15, 2020 meeting of the  
23 Jacksonville Waterways Commission.

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28 Albert Ferraro,  
29 Chairman Jacksonville Waterways Commission,  
30 City Council Member, District 2