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