

Executive Summary

The Florida Fish and Wildlife Conservation Commission (FWC), in assisting the Legislature by exploring potential options for regulating the anchoring of non-live-aboard vessels outside the marked boundaries of public mooring fields, has engaged the public through a series of open public meetings and commenting opportunities.

In the summer and fall of 2014, three public meetings related to this topic were held (in Tallahassee, Vero Beach and Bradenton). Both verbal and written comments received as a result of those meetings led to six refined concepts for future consideration. Those concepts, which contemplated the granting of limited authority to local governments to regulate anchoring in their jurisdiction, included:

1. A setback distance where anchoring of vessels would be prohibited in the vicinity of public boating access infrastructure, such as boat ramps, hoists, mooring fields and marinas.
2. A setback distance where anchoring of vessels overnight in close proximity to waterfront residential property would be prohibited.
3. The storing of vessels on the water in deteriorating condition would be prohibited.
4. The timeframe for storing vessels on the water would be limited unless relocated a specified distance away.
5. If authority was granted to local governments to regulate anchoring in their jurisdiction, an allowance could be created for other anchoring regulations where need is demonstrated.
6. If authority was granted to local governments to regulate anchoring in their jurisdiction, the creation of an online, interactive map to help boat operators know which local areas were covered under local anchoring restrictions.

Recognizing that the outcome of the three public meetings was not adequately representative of the wide range of stakeholders potentially affected by this issue, the FWC initiated an online survey intended to expand the reach and diversity of stakeholders sharing their thoughts and preferences related to potential anchoring restrictions.

In addition to questions pertaining to the six concepts mentioned above, questions were also included which were intended to gauge public sentiment about how best to implement any potential restrictions (statewide, county or local level).

The survey, comprised of 25 questions, was conducted during the period from November 21 through December 7, 2014; there were 11,693 completed surveys submitted during the time period. Highlights of the survey responses are as follows:

- * 73% of survey responses were submitted within the first week of the survey.
- * The results appear to confirm that the vast majority of completed surveys were submitted from unique respondents (no duplicates). 86.4% were from unique IP addresses, while there were two surveys submitted from the same IP address in 9.2% of the responses. 4.4% of responses shared an IP address with more than 2 other survey respondents.

DEMOGRAPHIC INFORMATION

Residential status of respondents

- 41% of respondents identified themselves as a full-time Florida resident, with 11% reported as part-time residents and 25% as occasional visitors to Florida.
- 18% of respondents identified themselves as waterfront residents, while 3% are reported to be involved in waterfront water-related business. 2% identified themselves as local, state or federal government officials.
- Responses were received from residents of all 50 states, the District of Columbia, Puerto Rico and the US Virgin Islands. 62.8% of U.S. resident respondents identified Florida as their primary residence. At least 162 respondents (1%) were residents of Canada.
- The Florida counties with the highest number of resident respondents were: Pinellas (8.8%), Charlotte (7.6%), Lee (7.4%), Broward (7.0%), Brevard (5.4%), Palm Beach (5.4%), Miami-Dade (5.2%) and Monroe (5.2%).

Boating status of respondents

- 57% of respondents identified themselves as Florida resident boaters. 28% were residents of another state who cruise Florida waters by boat and 8% reside outside Florida and both store and use their boat in Florida. 7% stated they do not boat in Florida.

- 34% of respondents primarily use their boat for overnight trips of moderate to long duration (a week or longer), while 31% use their boat for mostly day trips with occasional overnight trips of short duration. 18% reported to only use their boats for day trips, while 11% use their boat as a residence or domicile.
- Most respondents reported to keep their boats on the water, either at a marina (34%), docked at a residence (20%), on a mooring (11%) or at anchor (18%). 13% of respondents stated they keep a boat on a trailer and 4% used a high and dry storage facility.

ANCHORING REGULATION PREFERENCES

How best to implement regulation of anchoring

Respondents were provided a scenario where if the Florida Legislature chooses to address the issue of anchoring on state waters, the respondents were asked their preference on how best to regulate anchoring.

- 52% of respondents stated they preferred that anchoring regulations be consistently applied everywhere in the state.
- 40% preferred that local governments which choose to restrict anchoring only be authorized to adopt specific state-authorized restrictions.
- 8% of respondents preferred that local governments have the ability to regulate anchoring on state waters in their jurisdiction in any manner they choose.

Respondents were also asked at what level of government they preferred authority to regulate anchoring to reside.

- 66% preferred that authority to remain at the state level.
- The remaining respondents (34%) preferred authority to be granted to county governments (15%), both county and city-level governments (14%) or city-level governments only (5%).

Anchoring regulation concept 1 – setback from public access infrastructure

Respondents were asked their thoughts about a potential setback distance (150 feet was proposed) from public boating access infrastructure such as mooring fields, boat ramps and other launching or landing facilities.

- 66% either somewhat or strongly agreed that the concept of a minimum setback from public access infrastructure was appropriate. 8% of respondents were neutral on this topic, while 26% either somewhat or strongly disagreed with this concept.
- 44% of respondents identified 150 feet as the appropriate setback distance, while 23% preferred it to be 100 feet. The other preferred setback distances varied significantly among respondents (greater or less than 150 feet).

Anchoring regulation concept 2 – setback from waterfront residences

Respondents were asked their thoughts about a potential setback distance (150 feet was proposed) from waterfront residential property. Proposed exemptions included boats seeking safe harbor, government vessels for law enforcement, fire-fighting or rescue, vessels anchoring for short time periods while fishing and those involved in construction or dredging activities.

- 51% of respondents either somewhat or strongly agreed that a setback from waterfront residences was appropriate. 6% were neutral, and 43% either somewhat or strongly disagreed with this concept.
- 32% of respondents identified 150 feet as the most appropriate setback distance, while others preferred a 100 foot setback (21%) or a 50 foot setback (18%). The other preferred setback distances varied significantly among respondents (greater or less than 150 feet).

Anchoring regulation concept 3 – condition of stored vessels

Respondents were asked their thoughts about a prohibition against storing a boat on waters of the state when in various states of disrepair or neglect or when violating certain laws. Those scenarios included, but are not limited to, vessels unable to navigate under its own means of propulsion (as intended by the manufacturer), those taking on water or sunk, those violating marine sanitation laws, those which have interior areas which are left open to the elements for extended periods of time, etc.

- 86% of respondents either somewhat or strongly agreed that prohibiting storage of vessels on public waters in the listed conditions is appropriate. 3% were neutral and 11% either somewhat or strongly disagreed with this concept.

Anchoring regulation concept 4 – time limit for stored vessels

Respondents were asked their opinions about limiting the number of days a vessel may be stored on public waters in a given area. The proposal would limit the number of days to 60 and would require the vessel to be moved to a private dock, marina slip, removed from the water, or be relocated at least 5 miles from the current location after 60 days.

- 66% of respondents either somewhat or strongly agreed with this concept. 6% were neutral and 28% either somewhat or strongly disagreed with the concept.
- When asked about the appropriate number of days to allow vessels to be stored in one location, 31% of respondents identified 60 days as most appropriate, 16% preferred a 30 day time period, followed by 14% preferring a 90 day limitation. The remaining responses varied significantly (either more or less than 60 days).
- When asked about the appropriate distance a vessel would have to be relocated following the time limitation, 27% preferred 5 miles, 20% preferred 1 mile, 17% preferred one-half mile and 14% preferred 3 miles. 13% of respondents preferred that stored vessels not have to be relocated. Other responses varied significantly (either more or less than 5 miles).

Anchoring regulation concept 5 – provision for extraordinary restrictions

In the event local governments were granted authority to regulate anchoring, and recognizing that there may be situations where there might be justification for a local government to restrict anchoring that has not been fully identified, respondents were asked about how best to deal with a compelling need to regulate anchoring in ways other than those previously identified.

- 48% of the respondents either somewhat or strongly disagreed with the concept. 10% were neutral, while 42% either somewhat or strongly agreed with the concept.
- When asked what level of justification should be demonstrated by local governments in order for extraordinary restrictions be allowed, 81% of respondents identified that a high degree of need be demonstrated.

Anchoring regulation concept – Internet publishing of local anchoring restrictions

In the event local governments were granted authority to regulate anchoring, respondents were asked how important it would be to develop an interactive, online mapping program or application to allow boaters to be informed of those

locations/jurisdictions where they are not allowed to anchor and those specific restrictions.

- 88% of respondents identified this as either somewhat or very important. 6% of respondents were neutral, while 6% identified this as unimportant.

Written comments

Each anchoring regulation concept offered an opportunity for respondents to provide written comments to further explain their thoughts on the topic. More than 2,000 written comments were submitted for each concept, and those comments further explain the respondent's opinion of the concept, but have not been analyzed in-depth for purposes of this report. The individual comments are available for review by interested persons on FWC's website.

The final question in the survey offered respondents an opportunity to provide any final thoughts in written form. 3,796 written comments (33% of total respondents) were received for this question, and those comments have been reviewed and grouped into broad, general categories.

Those categories include the following:

- Do not desire any regulation of anchoring – 8% of total respondents
- Attention should be directed to derelict vessels – 4% of total respondents
- Anchoring should be regulated only by a State-level authority – 3% of total respondents
- Some form of limited regulation is acceptable or inevitable – 3% of total respondents
- State waters should be managed for the benefit of the public – 2% of total respondents
- Any regulation should be uniform across the entire state – 2% of total respondents
- Regulation of anchoring is highly needed and strongly desired – 1% of total respondents
- Designated locations for anchoring would be helpful – 1% of total respondents