



BOATING AND WATERWAYS SECTION

PROGRESS REPORT

January 2009 through December 2009

The following report provides a summary of major projects which are in progress or were completed during calendar year 2009 by Boating and Waterways Section staff. Please note that this report does not include the numerous interactions with the public, governments and stakeholders. Such interactions were accomplished through workshops, telephone/video conferencing and internal/external meetings. This report also does not reflect the administrative background activities and efforts involved within each subsection area which include project management, contract administration, budget and accounting, travel and reports.

EXECUTIVE SUMMARY:

The Boating and Waterways Section was created by the Florida Legislature July 1, 2003. The Section is responsible for activities that enhance and promote access and safe boating on Florida's waters. The Section is assigned with the duties, responsibilities, and functions necessary to manage and promote the use of state waterways for safe and enjoyable boating. Those responsibilities include oversight and coordination of waterway markers; providing boating education and boating safety programs; improving boating access; coordinating the removal of derelict vessels; and coordinating the submission of state comments on marine events. The Section coordinates across Florida Fish and Wildlife Conservation Commission (FWC) Divisions, Offices and Institutes as well as among federal and state partners, local government entities, enlisted contractors, and the public to ensure that issues are properly vetted and that sound scientific data and reasonable public input are incorporated into solutions to waterway management issues. The Section consists of three primary program areas (Units) described below.

The **Waterway Management Unit** is responsible for a broad range of issues regarding the management of state waterways. This includes the review and approval of local government boating safety restricted area ordinances, the issuance of permits for waterway markers, the development of sign plans for manatee and boating safety zones, the development of state boating safety rules, coordinating the posting and maintenance of state waterway markers, and coordinating the removal of derelict vessels from state waters.

The **Boating Access Unit** promotes and coordinates federal, state, and local boat access projects which provide safe, high-quality and environmentally sound public recreational boat access to the waters of the state. This is accomplished through grant money received from federal and state resources and working with entities to ensure they are aware of these opportunities.

The **Boating Safety and Education Unit** provides oversight and coordination to the Division of Law Enforcement's boating safety enforcement efforts and also administers the Federal Boating Safety Grant which provides funding for law enforcement operations. The Unit is responsible for the issuance of permanent and temporary boater safety education cards, provides training and boating education materials to vessel liveries, and conducts boater safety media campaigns. Boating Safety and Education Unit staff analyze boating accident data to map and monitor trends. The Unit utilizes this information to help direct law enforcement efforts in an attempt to reduce accidents, fatalities and property damage. Staff serve as the Division's liaison/representative to the United States Coast Guard (USCG), the National Association of State Boating Law Administrators (NASBLA), the Southern States Boating Law Administrators Association, the National Safe Boating Council, the National Boating Federation, the National Water Safety Congress, the Florida Boating Advisory Council (BAC), the DUI Technical Advisory Committee, the Florida Marine Intelligence Unit (FMIU) and other state and local law enforcement agencies on various boating safety issues.

VISION:

Provide safe and enjoyable boating for the people of Florida and its visitors through the effective and coordinated management of state waterways. Strive to work with all stakeholders when developing rules and making statutory recommendations. Accomplish responsibilities by incorporating sound scientific data, reasonable public input, and common sense. Work to formulate the best solutions possible without jeopardizing state natural resources or freedoms to navigate.

WATERWAY MANAGEMENT UNIT (6 FTE):

The **Waterway Management Unit** works on mechanisms to sustain the safety, viability, integrity, uniformity and consistency of recreational boating within Florida's waterways. This includes the use of current and historical science-based data pertaining to recreational boating patterns. Such challenges require the analysis of current and projected geographic changes to Florida waterways to determine waterway use levels and appropriate regulatory input. This unbiased scientific approach provides information for rational and objective planning and is utilized when promulgating Boating Safety Restricted Areas. Public vetting of issues and potential solutions is an essential process of effective waterway management. The Unit leader is Florida's Boating Law Administrator and past President of the National Association of State Boating Law Administrators. These tasks are accomplished by six full-time equivalent employees.

State Boating Safety Restricted Area Rulemaking - The Unit 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. All boating safety restricted areas are scrutinized as per Chapter 120, Florida Statutes (F.S.).

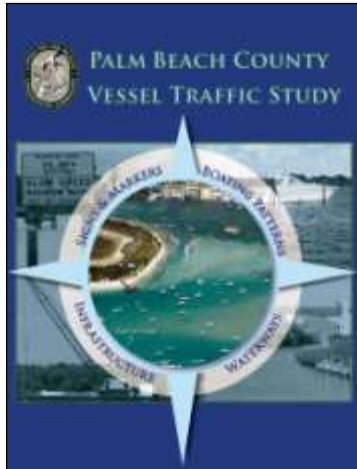
In each case, Boating and Waterways staff consults and coordinates with the governing body of the county or municipality in which the restricted area will be located. Staff also consults with the USCG and the United States Army Corps of Engineers (USACE). All of the regulatory markers authorized to notice boating-restricted areas are pursuant to sections 327.60, 327.40, and 327.41, F.S., and meet the established criteria in Florida Administrative Code (F.A.C.) Rule 68D-23.105. Areas created under these sections are limited to the purpose of protecting the safety of the public. The following includes those rules promulgated or reviewed this year which are completed or still in progress:

- 68D-24.143 Martin County Boating Safety Restricted Areas Rule Review and Vessel Traffic Study – Review and promulgation of boating safety restricted areas for Martin County were successfully adopted by the Florida Fish and Wildlife Conservation Commission (FWC) in December 2008 and became effective January 2009. The rule amendments incorporated additional boating safety restricted areas on portions of the Atlantic Intracoastal Waterway (AICW) and Okeechobee Waterway (OICW) as they traverse through Martin County (*Completed*).
- 68D-24.017 Palm Beach County Boating Safety Restricted Areas Review and Vessel Traffic Study – The Palm Beach Vessel Traffic Study (VTS) was completed in 2008 and served as a fundamental component during the evaluation of boating safety restricted areas on the Atlantic Intracoastal Waterway (ICW) within Palm Beach County. The Palm Beach section of the ICW is one of the most active on the east coast of Florida, with four major inlets to the Atlantic Ocean. Primary among these is Lake Worth Inlet that serves both commercial shipping and recreational boating activities.

The Commission was briefed on the progress with this rulemaking effort several times during 2009, and at the December 2009 meeting, staff was directed to continue seeking a means of appropriately addressing stakeholder concerns in an area north of Lake Worth (known locally as Lake Worth Creek) while filing the remainder of the county rule language for a final public hearing in February 2010 (*In Progress*)

The draft Palm Beach County VTS was completed on March 31, 2008. This draft was reviewed with FWC at a meeting in Tallahassee on April 22, 2008. Revisions to the draft report were made based on the input received during this review meeting.

A first meeting with the Palm Beach consensus group, along with an initial public workshop was conducted on November 19, 2008 in a central location of the county. A second consensus group meeting and workshop will be held on January 21, 2009 in central Palm Beach County. Additional consensus group meetings and public workshops will be held during March 2009 in both southern and northern locations of Palm Beach County. The input from these and future public meetings will be used to evaluate boating safety restricted areas and to formulate an amended boating safety restricted area rule (*In Progress*).



Waterway Marker Projects – FWC is responsible for properly marking the boating restricted areas and manatee protection zones implemented under its authority. Boating and Waterways staff continuously monitor FWC maintained markers for repairs. Staff reviews locations of markers and plan for changes to increase effectiveness of public awareness and vessel operator compliance. As rules are amended staff plan for adjustments to markers posting the zones. During 2009, staff opened and began work on 18 waterway marker projects statewide.



Marker Installation/Repair Areas Completed and/or In Progress for 2009:

- Broward County – Staff is coordinating on the replacement of damaged regulatory signs within the vicinity of 14th Street Bridge to improve posting of the state boating safety restricted area and worked with county staff on lighted Caution Manatee Signs as well as the potential closing of the Port Everglades Canal (*In Progress*).
- Citrus County – Staff coordinating with county staff and local, state, and federal law enforcement agencies on a work plan to address extensive revisions to markers posting state manatee protection and boating safety

restricted area. Work includes the replacement of 142 marker panels (*In Progress*).

Staff coordinating with the county as well as the United States Fish and Wildlife Service on the replacement of 12 damaged regulatory signs within the vicinity of Kings Bay and Homosassa River to repair damages and improve posting of the state manatee protection zone (*In Progress*).

- Collier County – Staff coordinated with the Department of Environmental Protection, Collier-Seminole State Park on the placement and purchase of markers posting both the state manatee protection and park zones (*Completed*).
- Clay-Duval-Nassau Counties – Staff coordinating with county staff and local, state, and federal law enforcement agencies on a work plan to address extensive revisions to markers posting state manatee protection and boating safety restricted areas. Work includes the replacement of 102 marker panels (*In Progress*).
- Flagler - coastal Volusia Counties – Staff coordinating with county staff and local, state, and federal law enforcement agencies on a work plan to address extensive revisions to markers posting state manatee protection and boating safety restricted areas. Work includes the replacement of 118 marker panels (*In Progress*).

Staff coordinating the replacement of two markers posting the state-adopted boating restricted area within the ICW at the Flagler Beach Marina as well as the replacement of two markers posting the state-adopted manatee protection zone in Rose Bay and Turnbull Bay Bridge (*In Progress*).

- Southern Brevard, Indian River and St. Lucie Counties – Staff coordinating with county staff and local, state, and federal law enforcement agencies on a work plan to address extensive revisions to markers posting state manatee protection and boating safety restricted areas. The project includes revisions to markers within Sebastian Inlet and Sebastian River south to and including the waterways of St. Lucie County. Work includes the replacement of 373 marker panels (*In Progress*).
- Manatee County – Staff coordinating the replacement of three markers posting the state-adopted manatee protection zone in Sarasota Bay and conducted a countywide inventory and inspection of FWC assets (*In Progress*).
- Martin County – Staff coordinating with county staff and local, state, and federal law enforcement agencies on a work plan to address extensive revisions to markers posting existing state manatee protection and the new boating restricted areas (adopted by the Commission in December 2008 and

which became effective January 2009). Work includes the replacement of 160 marker panels (*In Progress*).

Staff coordinating with Jupiter Island to install and replace 12 markers, posting the state-adopted boating restricted area within the ICW. Funding for this project is being provided by the FWC and Jupiter Island (*In Progress*).

- Martin and Palm Beach Counties - Staff coordinated with the Jupiter Inlet District to install navigational aids to mark new or enhance awareness of existing channels and replace regulatory markers posting the state-adopted manatee protection zones within the North and Northwest Forks of the Loxahatchee River. Funding for this project was provided by the FWC, JID and the Florida Inland Navigation District (*Completed*).
- Miami-Dade County - Staff coordinating the replacement of damaged regulatory markers within Black Point and on Channel Marker 25 within Biscayne Bay posting of the state manatee protection zone (*In Progress*).

Staff coordinating with county staff and local, state, and federal law enforcement agencies on a work plan to replace 121 deteriorated or missing markers (*Completed*).

- Palm Beach County - Power Plant - Staff coordinated development and award of a three-year contract for a biannual buoy installation/removal and sign panel flipping operation. This operation involves posting seasonal manatee protection zones with 23 signs and 13 buoys at the Florida Power and Light Plant in Palm Beach County (*Completed*).
- Staff replaced seven marker panels within the vicinity of the Boca Raton ICW to accommodate the seasonal regulatory zone at the request of the local marine unit (*Completed*).
- Pinellas County- Safety Harbor - Staff coordinated replacement of damaged piling and signs (*Completed*).
- Seasonal sign-flipping operations were conducted by the Boat Access Field Unit within Broward, Citrus, Indian River, Palm Beach, and St. Lucie Counties during the months of March and November, Memorial Day, Fourth of July and Labor Day holidays (*Completed*).

Sign Markers Standardization Guidance Document (Guidelines for Posting Uniform Waterway Markers and Guidelines for Posting Manatee Protection Zones) - The Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement has the statutory responsibility for ensuring that the placement of waterway markers within state waters adhere to all state and federal requirements (68C-22 and 68D-23 F.A.C). Municipalities, counties, or other governmental entities desiring to place any safety, regulatory, informational, and/or navigation

marker in, on, or over the waters or shores of the state, must make application for a permit to the Boating and Waterways Section. This is important to reduce sign proliferation, confusion, and inconsistency. It is important the boat operator observes similar marking systems throughout our waterways; this consistency eliminates confusion, increases compliance, and minimizes the risk of accidents. Therefore markers must conform to the United States Aids to Navigation System (33 C.F.R. part 62) and to the Uniform State Waterway Marking System (33 C.F.R. subpart 66.10). The Office is also charged with insuring that regulatory markers are only posted for specific purposes as defined in law (68D-23 F.A.C.) and that applicants fully understand the responsibility associated with the placement of uniform waterway markers. The posting of an illegal marker is not only potentially confusing and dangerous; it is a criminal offense (F.S. 327.41 (4)).

Uniform Waterway Marker Permit Management Assistance

- The FWC has the statutory responsibility for ensuring that uniform waterway markers (UWM) within state waters adhere to all state and federal requirements. Staff began work on rulemaking initiatives affecting waterway management required by the 2009 legislative passage of Chapter 2009-86, Laws of Florida (CS/CS/HB/1423). Specifically, proposed draft rule changes would: (1) adjust the Commission's existing Uniform Waterway Markers Rule (68D-23) to incorporate recent statutory changes to the approval process of certain waterway markers; (2) propose a new rule (68D-21) implementing the process for the Commission to approve local boating ordinances before they take effect; (3) repeal the Special Purpose Marker Buoy rule (68D-18.004) and Restricted Areas Rule (68D-18.005) since they have been rendered obsolete due to statutory changes. The first public workshop is scheduled for late January 2010.



Currently, FWC is in charge of managing approximately 914 permits involving over 15,000 markers. Staff also worked on numerous existing projects from years past to add or delete markers, consolidate permits and/or close out obsolete uniform waterway marker permit files. Staff is sending letters to permit holders requesting a status update on the condition and location of permit markers. Permit holders are also being reminded of their responsibilities. Staff is committed to pursuing opportunities for on-line permitting and database uploading to reduce human error in marker database entry and to stream-line the permit process (*In Progress*).

Additionally, GIS shapefiles were created which depict the permitted locations of permitted regulatory waterway markers, as recorded in the UWM permit database. These locations are not necessarily the physical location of the permitted waterway markers, but rather, are the locations that are listed in each of the UWM permits. These shapefiles can be used in the field by personnel who are conducting marker inventories to help ensure that all permitted markers are field-verified and inventoried (*In Progress*).

Uniform Waterway Marker Inventory and Database – FWC maintains over 6,000 uniform waterway markers posting both boating safety (68D-23, F.A.C.) and manatee protection (68C-22, F.A.C.) areas. This is in addition to an estimated 15,000 uniform waterway markers maintained by numerous federal, state, and local agencies to post their authorized boating restricted zones. FWC is the state agency responsible for permitting installation of uniform waterway markers to ensure navigation safety and consistency in marking. All uniform waterway markers must be inspected and maintained on a regular basis. The inventory consists of locating and documenting all FWC Uniform Waterway Markers within the waters of the state. The purpose of this effort is to establish a framework for a maintenance program of all FWC uniform waterway markers. This inventory also works in concert with the Uniform Waterway Marker Inventory Database project. Eventually up to date inventories of all uniform waterway markers, regardless of ownership, will be housed in the Uniform Waterway Marker Database. The initial inspection and inventory of markers from Nassau to Dade Counties along the east coast and from Citrus south to Collier County along the west coast has been completed (*Completed*).



The marker inventory not only includes FWC marker assets, but incorporates data on every marker currently installed and is accompanied by a digital photo. Many of the markers currently posted on the waterway contain either no rule and permit numbers or incorrect rule and permit numbers. Once this marker information is collected, FWC can advise permit holders, particularly city and county governments, of any marker damage or discrepancies, so that corrections can be made (*In Progress*).

As the Boat Access Field Unit is conducting marker inspections and collecting marker inventory data they are also taking care of minor maintenance (i.e., tightening bolts, replacing faded signs, cleaning signs and replacing and/or attaching two bands of highly reflective white tape to pilings). This maintenance activity is cost-saving in that it extends the lifespan of the markers and maintains the enforceability of the regulatory zone. As we complete an inventory in each county, we begin implementation of a maintenance schedule for all markers in that county and inspect each marker within our responsibility twice a year. In 2009 the Boat Access Field Unit inspected and conducted maintenance activities on markers in Brevard, St. Johns River, Okeechobee Waterway, Martin, Tampa Bay, Sarasota and Charlotte counties (*In Progress*).



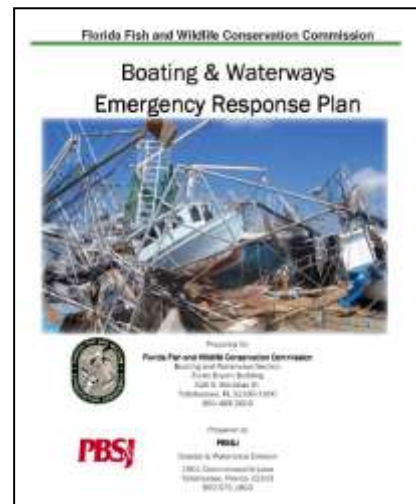
Using a handheld GPS data logger (Trimble Geo XM Unit with sub meter positioning accuracy) to collect and verify information, the inventory database will facilitate and expedite the repair and replacement of large numbers of

signs. Staff coordinated with consultants and Commission staff on the development of a geographic information-based technical application that will enable users to view the marker data and inventory identified marker maintenance for purposes of long term inspection, planning and budgeting. The application enables staff to respond to emergency events and track the status of markers for maintenance under the responsibility of FWC and insure the markers are located accurately according to legal zone descriptions. The database will be used to efficiently coordinate marker repairs and work orders as well as ensure accurate sign placement. The intended goals are to improve enforcement efforts, improve boater compliance, and enhance boater safety and manatee protection. Most importantly, the technology greatly assists in management of FWC marker assets and boat ramp facilities that are either owned or managed by FWC (*In Progress*).

Waterway Marker On-Call Response Program - The FWC On-Call Response Program notifies the FWC of damaged markers and or other hazards to navigation. This program has been a great success with 100 incidents investigated in 2009 that resulted in emergency construction projects involving the repair and/or installation of numerous waterway markers. Many of the incidents reported were forwarded to other government entities, which were responsible for addressing those reported problems.



Boating and Waterways Emergency Response Program - The FWC is responsible for maintaining all of its waterway assets in good operational order even after a large disaster such as a hurricane. The FWC waterway assets include regulatory markers, regulatory buoys, informational kiosks, and boat ramps with related infrastructure. The immediacy of identifying, reporting, marking, and repairing waterway hazards is vital to maintaining a safe and healthy waterway. The Boating and Waterways Emergency Response Program maintains a team of rapid-response personnel in a state of readiness throughout the year. In the event of a disaster, the team can quickly assess and document damages to FWC waterway assets and assist with coordinating repairs. The Boating and Waterways Emergency Response Plan provides procedural guidance for coordinated response among FWC, its response contractors, and impacted governments in a manner which also ensures proper documentation for procurement of any federal disaster funds to aid applicable emergency response activities. Each year prior to hurricane season, the Response Plan is reviewed and updated, then followed up with a statewide teleconference call among all applicable staff to assure readiness. Thankfully, 2009 did not require the deployment of this team.



Suwannee and Santa Fe Rivers - Innovative Markers and Public Education for Fluctuating Flood Conditions - The Suwannee and Santa Fe Rivers provide

some 163 miles of very popular freshwater boating opportunities. Fluctuating seasonal water levels greatly influence access and boating conditions on the river. Historically, implementation of temporary emergency rules along segments of the rivers was used to ensure public safety. However, implementing emergency rules and informing the public as river conditions rapidly change is problematic. A more flexible management system is being developed to accommodate fluctuating conditions on these waterways. This is a multi-year initiative with several components. Lessons learned can be applied to other river systems.



Starting in 2007, staff began working to develop and implement short-term and long-term goals, such as new rule signage on appropriate bridges and boat ramps, various marker installations, 13 educational kiosks at boat ramps, and public outreach (media) that informs the public on the new rule and potential flood hazards.

- **Marker Design, Plan Development, and Specialty Materials Acquisition** - The purpose of these zones and markers is to display lighted warning messages when water levels rise and cause hazardous boating conditions. During this time period, FWC's contractor was able to finalize multiple site-specific designs for an event-driven, automated lighted waterway marker. A work plan and bid documents were developed to install an initial phase ("Phase 1") of regulatory waterway markers in the area designated as "Zone 4" on the Suwannee River. The installation of 9 additional markers ("Phase 2") to mark Zones 3 and 5 (and part of Zone 2) began in late 2009 (to be completed in 2010). Phase 2 work included 1 marker in Zone 2, 5 markers in Zone 3, and 3 markers in Zone 5. In 2010, potential marker locations will be evaluated for Zone 1, as well as additional markers for the other zones. (*In Progress*)



Waterway Management Studies - The following studies were initiated to better provide science-based data relative to waterway management responsibilities:

- **Innovative/Alternative Marker Research and Development** - Research and development of certain uniform waterway markings and concepts to better post boating safety and manatee protection markers within the waters of the state. The anticipated deliverable will be proposals that will assist with better zone markings, better sign concepts, and new and innovative ideas that may

conform to existing federal and state laws. Boating and Waterways staff currently is conducting research and development of a marker that will automatically deploy with appropriate lights and language during flood conditions along the Suwannee and Santa Fe Rivers. The design of the pilot structure has been completed. (*In Progress*)

- **Withlacoochee River Boating Safety Restricted Areas** - The Withlacoochee River originates in the area commonly referred to as the Green Swamp, which is generally located in Hillsborough County. This river is unique in that it flows north and drains large areas of the south central portion of the state into the Gulf of Mexico near Yankeetown. This project has been put "on hold" due to budgetary restrictions as well as new flood gauge data which may result in rule revisions and marker placement. It is hoped this project will be able to move forward for completion in 2010 (*In Progress*).

Manatee-Boating Safety Education Panel Project - Staff coordinated the development of a panel to update and ultimately replace the traditional "Manatee Basics for Boater" panel to include more emphasis on boating safety. The new panel replaces the existing panel required by state and federal agencies as a permit condition which requires the display of educational information at dock and ramp facilities (*Completed*).



Osprey Nest Platform – Staff consulted with other Commission staff members about options to address concerns over osprey use of regulatory markers for nesting. In some locations, regulatory signs covered with osprey nesting material become a navigation hazard and lead to unenforceable boating restricted areas. Staff is working to pilot the use of a variety of deterrents to bird nesting and will further evaluate how best to solve this problem statewide. During marker inventory and inspections, the presence of osprey nests is noted and recorded into the database to document areas where osprey use is an issue (*In Progress*).

Permits to Operate Vessel in a Prohibited Area – In some cases, permits are available to allow a person to operate a vessel at speeds greater than those allowed by a manatee protection rule or to enter an area where a rule prohibits or limits access. These permits, which are described in Rule 68C-22.003 of the F.A.C., are available in some areas to owners or residents of waterfront property in limited-entry areas, and persons participating in boat and motor manufacturer testing, boat races, and research, educational, construction or maintenance activities.

In 2009, a total of 58 permits were issued to professional fishing guides, commercial crabbers, and/or commercial fishermen for operation within posted manatee protection zones in Brevard, Collier, Indian River, Martin, Manatee,

Sarasota, St. Lucie, and Volusia counties. These permits allow the permitted individual to exceed the posted limit up to 20 mph (*Completed*).

Derelict Vessel Removal Program

Derelict and abandoned vessels littering the state pose an environmental hazard as well as a hazard to navigation. These vessels cause the destruction of valuable sea grass resources and the marine life which exist within that habitat. Derelict vessels also threaten human life, safety, and property as they drift beneath the surface of the water or block navigable waterways, posing a navigation hazard to the boating public. In 2009 the Florida Department of Highway Safety and Motor Vehicles report showed an active count of 885,358 vessels registered in the state of Florida. This is down approximately 61,800 vessels from the previous year.



The six most active counties for vessel registration for 2009 were:

1. Miami-Dade	58,586	4. Hillsborough	42,773
2. Pinellas	44,941	5. Broward	42,131
3. Lee	42,835	6. Palm Beach	37,778

The Derelict Vessel Removal Program is comprised of four basic goals: 1) Statewide consistency; 2) Appropriate action; 3) Effective action; and 4) Proactive measures. These goals help to guide the effectiveness of the program.

A program was established to provide unprecedented training to get marine officers current with state statutes relevant to derelict vessels, abandoned property, boating safety, marine sanitation, vessel titling, and registration. This training taking place throughout the state has enabled law enforcement to utilize legal tools of which they may not have been aware. They have also been provided a network with other law enforcement agencies with whom they can consult and obtain assistance when unique circumstances arise. It is essential to educate and inform citizens of the laws in place to enable them to act responsibly in order to prevent derelict vessels.

Derelict Vessel Preventative Measures Program (Plan Development)

In June 2009, the money that the Florida Legislature had appropriated to the FWC for the removal of derelict vessels in Florida was depleted. Other than the Florida Boating Improvement Grant that specifically awards funds to Florida Counties, there was no more money for derelict vessel removal by the state. The Boating and Waterways Section began a structured plan to organize a strategy of prevention as its main goal, with derelict vessel removals as its secondary goal.

At Risk Vessel Program Information Technology Sharing

There are no laws in place which require local municipalities or county governments to report their derelict vessel activity to the FWC. Therefore, FWC can only report its own activity and estimate the rest. One solution to this is data sharing between law enforcement. The FWC has created a comprehensive web-enabled derelict vessel database for use by its officers. It has been made available to other law enforcement agencies as well. In doing so, we capture their derelict vessel information and are able to report to the Legislature more accurately, the status of derelict vessels in the state. Sharing this database will not only allow the FWC to capture data, but will also create a clearinghouse for all derelict vessel data in the state. This will allow local and county law enforcement as well as state law enforcement to work as one, cooperating together in the total effort

At Risk - Vessel Program

The main goal of derelict vessel work is prevention. In order to reduce the economic impact of derelict vessels, we must educate the public on prevention methods. A system of inspection has been an ongoing activity by law enforcement officers for years. They notice a vessel that is not yet derelict, but is not being maintained properly. This program will allow officers to enter the vessel information into a database and record the information for use in prevention. Notification to the vessel owner will be mailed, advising of that vessel's deficiencies. The vessel will be photographed, and these images will become available to the public. The officer will also place a Notice on the vessel to advise the owner or caretaker of the actions that are necessary to remove the vessel from the "At Risk" classification.

Public Outreach and Education

Staff is also creating brochures and other educational material for the public on their vessel ownership responsibilities. This includes web based material for public access.

Statewide Derelict and At Risk Vessel Map

When completed, it will be populated by information gathered in the FWC Derelict Vessel Database. This information will be displayed on a Google map. Users will be able to drill down to see specifics, including photographs of a particular vessel. They will also be able to see a Statewide Snapshot. It is expected that this map will paint a real time situational map of the derelict vessel problem of the state. It will be maintained by FWC and will be free to view by the public and others as needed. Only law enforcement will be allowed to manipulate the information contained in the database. This map will identify both Derelict and At Risk Vessels.

National Abandoned and Derelict Vessel Conference 2009

Lieutenant David Dipre and Planner Phil Horning attended a national conference on abandoned and derelict vessels in Miami, Florida in September 2009. This conference was put together by NOAA for the purpose of bringing together the State and Federal agencies responsible for this work and to share ideas and explore options. The results of the meeting were very complimentary toward Florida's derelict vessel program. The ability of FWC to share information with other states was a great opportunity to gain knowledge. It has also allowed our Federal partners to understand that all states have a common problem, a common goal and that we all need funding to make it happen.

Continued Derelict Vessel Database Education

Classes for FWC Law Enforcement Officers continue as the deployment of the system becomes statewide. To date a total of 88 LEO have been trained. This number represents the NW, NC, and NE regions. The SW, SA, and SB regions are scheduled for training in March and April of 2010. Staff will continue to offer training to outside law enforcement agencies in Derelict Vessel Investigator Proficiency. This allows us to share our knowledge with those agencies that have not had the opportunity to do this kind of law enforcement in the past, or would like to increase their competence in this field. This is a comprehensive review of Derelict and Abandoned vessel law as well as hands on database application training.

BOATING ACCESS UNIT (9 FTE):

The **Boating Access Unit** encourages and promotes federal, state and local boat access that provides safe, high-quality and environmentally sound public recreational boat access to the waters of the state. This is accomplished through grant money received from federal and state resources and working with entities to ensure they are aware of these opportunities. These tasks are accomplished by nine full-time equivalent employees.

Boating Access Grant Distribution - Boating Access Unit administers two (2) grants programs, the Florida Boating Improvement Program (FBIP) and the Boating Infrastructure Grant (BIG) Program. The FBIP provides funding to counties, municipalities and other governmental entities in Florida through a competitive grant program. Projects eligible for FBIP funding include recreational waterway markers, publicly-owned boat ramps, piers, docks and other launching facilities, derelict vessel removal, boater education, economic development initiatives that promote boating and other local boating-related activities. The BIG Program provides funding from the US Fish and Wildlife Service (USFWS) to construct facilities for transient, non-trailerable vessels 26' or larger.

Florida Boating Improvement Program (FBIP) - Activities include the management of 59 ongoing projects. There were 25 grant projects completed and paid out during 2009. There were 99 grant applications received with 21 new grants awarded for fiscal year 2009-10. This year seven (7) of these projects are being funded from Sport Fish Restoration Act – Boat Access through USFWS.



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Boating Infrastructure Grant Program (BIGP)

- Grants are awarded in two Tiers. Tier I is for \$100,000 or less and Tier II over \$100,000. Each state is guaranteed at least one (1) Tier I grant award. Tier II grant applications must compete nationally. The BIGP Tier II grant with City of Fernandina Beach was completed on September 30, 2009 for the construction of transient docks, marina welcome center, bathhouses, laundry facilities, restrooms, and dredging. The Tier I with the City of Titusville for the replacement of fuel tanks was also completed in September 2009. There are three (3) additional Tier II BIGP grants currently being administered: 1) City of Jacksonville for the installation of electric/water bollards, 2) Martin County for the dredging of Manatee Pocket; and 3) City of Clearwater for the Downtown Docks. Five (5) BIGP, Tier II, and one (1) Tier I grant applications were submitted to the USFWS for consideration this year.



Sport Fish Restoration Act Grant

- This Act directs the U.S. Fish and Wildlife Service (USFWS) to provide funding from an excise tax on motorboat fuel to the states. Each state must spend 15 percent of their apportionment on boating access. The FWC uses this funding to provide boating access planning, fund projects statewide to increase boating access, provide maintenance and coordination to support 231 boating access facilities and provide construction management for new facilities. Additionally, this funding is being used to enhance our capabilities to fund more FBIP projects.

The FWC and the Florida Department of Environmental Protection (DEP) have partnered to increase boating access on lands owned by the state, such as Florida's state parks and wildlife management areas. During this period, a new boat ramp was constructed at DeLeon Springs State Park, the boat ramp at Blue Springs State Park was improved,



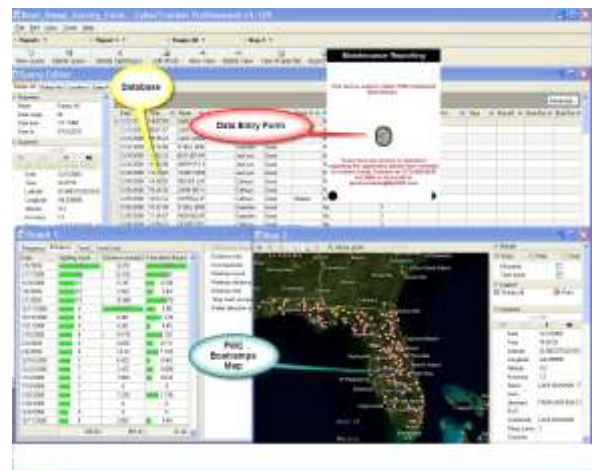
and the docking facilities at Tomoka State Park were renovated utilizing this funding and the Boat Access Field Unit. A new docking facility at John D. MacArthur Beach State Park is also being funded with a Sport Fish Grant.

Boat Access Repair, Maintenance, and Construction - The Unit is responsible for the repair and maintenance of 231 state-owned boat ramps and supporting facilities. New construction and other renovations are detailed in the Sport Fish section above.

Engineering – Approximately 23 FBIP projects were reviewed and/or inspected by the Boat Access OPS Engineer, and 10 boating access projects received engineering and technical support.

FWC Boat Ramp Maintenance Database

– Using a Trimble Nomad Data Collector, the Boat Access Field Unit compiled a database for all boat ramps constructed and maintained by the Unit. The database was developed by Jacob Tustison with Field Services using *CyberTracker*. Early in 2009, data was collected for each site including type of ramp, parking area, signs, road conditions, and maintenance needed. Pictures were taken of each ramp to document the current conditions, along with the GPS location. This database has helped to plan for specific maintenance to a ramp, materials and supplies needed, and scheduling maintenance and repairs, by location, to save fuel, costs and time.



Uniform Waterway Marker Installation or Repair and Marker Inventory Database

The Boat Access Field Unit provides support to the Waterway Management Section with waterway marker installation and repair. See the Waterway Management Section report for more details.

Boating Access Studies - Boat Access Facilities Inventory and Economic Assessment with a Pilot Study of Lee County -

The Study was completed on August 30, 2009. This complete report, along with associated Executive Summaries and Process Reports has been posted to the FWC web site at www.myfwc.com/About/About_economics.htm.

The inventory database contains over 3,100 boat ramps and 2,700 other boating access facilities. A grant has been awarded from USFWS to assist the Fish and Wildlife Research Institute (FWRI) to develop and maintain a centralized boating access database and web access.

One of the tools developed to assist with estimating boater spending and associated economic impacts was the Florida Online Boating Economic Impact Model that is available at www.floridaboatingeconomics.com. Data can be entered and economic impact estimates generated to help a community compare possible boat access sites.

Economic Development Initiatives to Promote Boating - Unit staff continues to meet with smaller communities such as Wakulla County, Escambia County, City of New Smyrna Beach, Martin County, City of Riviera Beach, and City of Fernandina Beach to discuss how a boating access project may assist with the economic development of the area. Unit staff attended the Florida League of Cities Annual Conference, Grants Resources Center Information Exchange, in August 2009 to provide information to participants on the grant programs. We combined efforts with the *WearIt Florida* campaign to increase opportunities to promote boating in Florida.

BOATING SAFETY AND EDUCATION UNIT (5 FTEs):

The **Boating Safety and Education Unit** provides oversight and coordination of the Division of Law Enforcement's boating safety enforcement efforts and also administers the Federal Boating Safety Grant which provides funding for law enforcement operations and other boating safety related initiatives. It is responsible for the issuance of permanent and temporary boater safety education cards, provides training and boating education materials to vessel liveries, and conducts boater safety media campaigns. Boating Safety staff members analyze boating accident data to map trends and utilize this information to help direct law enforcement efforts in an attempt to reduce accidents, fatalities, and property damage. Staff serves as the Division's liaison/representative to the United States Coast Guard (USCG), the National Association of State Boating Law Administrators (NASBLA), the Southern States Boating Law Administrators Association, the National Safe Boating Council, the National Boating Federation, the National Water Safety Congress, the Florida Boating Advisory Council, the Florida DUI Technical Advisory Committee, the Governor's Underage Drinking Task Force, and other state and local law enforcement agencies to assist them with various boating safety issues.

The **Boating Safety and Education Unit** is responsible for issues relating to boating safety, boating education, boating accident and trend analysis, boating safety marketing and promotion, and staffing for the Florida Boating Advisory Council. These tasks are accomplished by five full-time equivalent employees.

Florida Boating Advisory Council - The Florida Boating Advisory Council (BAC) was created within the FWC by section 327.803, F.S. The BAC is comprised of 18 members consisting of representatives from the Florida Legislature, boating related organizations, and 11 members appointed by the Governor. The purpose of the council is to make recommendations to FWC and the Department of Community Affairs regarding issues affecting the boating community.

Terms for five Governor-appointed positions ended during 2009. The positions were advertised, applicants submitted their required paperwork, and Governor Crist announced his selections.



Boating Accident Reporting and Analysis - The Unit is responsible for analyzing boating trends and reporting these trends to the Legislature. Each year around April, this report is submitted and made available to the public.

The Unit receives approximately 700 boating accident reports annually, and each one is individually reviewed for completeness, accuracy, and consistency. In the areas where there are deficiencies, staff works with field investigators to finalize the reports. Data from the reports are manually entered into a database and transferred to the USCG on 30-day cycles as required by federal law (*In Progress*).

The increase in recreational boating fatalities over the past several years has led to expanded efforts to analyze accident data in an attempt to identify trends. In addition to the annual Boating Accident Statistical Report prepared by the Unit, target-specific reports have been generated to aid in the analysis of fatal accidents involving falls overboard and non-motorized vessel fatalities (*In Progress*).

Through a coordinated effort with NASBLA, staff members have been involved in an effort to clarify and simplify the criteria used to complete boating accident reports specifically the definitions for types of boating accidents and contributing causes. This clarification will assist investigators nationwide to be more uniform in the identification and investigation of boating accidents. Staff members continue to participate in the national effort to update and enhance the Code of Federal Regulations pertaining to boating accident reporting.

Boating Safety Initiatives - The data derived from boating accident reports is further utilized in the development and implementation of targeted awareness campaigns.

- **“Wear It Florida” Campaign** – Focusing in counties with the highest boating fatality rates *due to drowning*, a campaign has been developed and implemented in partnership with the National Safe Boating Council, Bombardier Recreational Products, West Marine, and the USCG. This campaign emphasizes the voluntary wearing of life jackets with a focus on educating the public about inflatable life jacket models.



Partners have come onboard to support this initiative. Bombardier Recreational Products, the manufacturers of Sea-Doo watercraft, have donated an 18-foot boat for the campaign. The boat and a tow vehicle have been wrapped in bright Wear It Florida graphics and will be used on the water and at key events throughout the state in an effort to engage boaters in dialogue about inflatable life jackets and the need to wear one. Additionally, West Marine has stepped forward to offer campaign-specific discounts toward the purchase of inflatable life jackets at their stores. We will continue to seek Florida-based companies and other organizations to leverage the greatest effectiveness in this endeavor, with the ultimate goal being the reduction of boating-related fatalities in Florida. This campaign was initiated in early 2008, is in its third year, and continues (*In Progress*).



Boating Education Initiatives - The Unit is statutorily responsible for ensuring the availability of boating safety education courses and the production and distribution of boating safety education ID cards. It also approves liveries, marinas, or other businesses to administer the temporary certificate examination.

- **Boater Education ID Cards** – Boaters who complete an approved boating safety course in Florida submit proof of completion to FWC to request their boating safety education ID cards. In 2009, staff processed 20,876 requests. The boating safety education ID card program is funded with uniform boating citation fine monies received by FWC from those who violate Florida’s boating safety laws (*In Progress*).



- **Boating Safety Education Course** - The content in Florida’s boating safety education course has been updated to include expanded information on wearing life jackets, modern inflatable life jackets, statutory changes to boating safety education law, boating accident prevention and reducing the risk of falling overboard and drowning and boating safety course instructors are being trained to deliver these enhanced messages. These

changes were made as a result of information learned from boating accident data analysis. To ensure that boaters who visit Florida waters are appropriately informed about these important topics, FWC has also initiated updates to the national boating safety course standards to ensure that these areas of critical need will be addressed in future courses across the country (*In Progress*).

- Promoting Safe Boating Through Public Outreach – The Unit has worked hard over the last three years to enhance agency outreach efforts to improve the boater’s knowledge of critical safe boating messages. Since a media-buying contract was initiated with Clear Channel Radio Florida, the Division has been able to engage in mass media advertising to promote safe boating through television, radio and print advertising. Many boaters have provided comments about the effectiveness of the advertisements, and the high value advertisement placements seem to be paying dividends.

- Temporary Certificate Program - In addition to the usual processing of applications and contract implementation with new contractors, staff continue monitoring and updating contracts with the longest-tenured contractors. There are approximately 150 contractors requiring regular attention, which led staff to develop on an online livery training program for those contractors and any other liveries. Staff members also continue to organize and participate in law enforcement operations to ensure compliance with both statutory and contract requirements among vessel liveries in the state and to hold temporary certificate contractors accountable for program compliance. Additional improvements to this program are underway which will streamline the issuance of temporary certificates and improve data collection (*In Progress*).

- Mandatory Boating Safety Education for Violators - This is a statutory provision for those required to take a boating safety course as a result of being charged for their involvement in a boating accident and for those who have been cited for criminal boating law violations. FWC has entered into a contract with an education course provider to develop and implement a four-hour online course specifically for violators. The course has been completed and covers important topics such as Florida boating law, boating accident avoidance, the use of life jackets and “rules of the road” in a manner similar to the defensive driving training offered for traffic law violators. Affected violators received notices of their responsibility to complete the course in the spring and summer of 2009, and numerous individuals successfully completed the requirements (*In Progress*).

Boating Safety Studies/Research –

• Life Jacket Wear-Rate Study - Staff completed the second full year of triannual observations to determine the wear-rate of life jackets among recreational boaters. Observation sites have been identified in both Pinellas and Polk counties, with these locations being chosen due to their abnormally high number of boating-related drownings during the five-year period from 2001-2005. The data obtained will be compiled by JSI, Inc., who serves as a contractor for the USCG and completes the national wear-rate study each year. JSI will provide the FWC with a synopsis of data for each of the three annual observation periods and a final annual analysis of the data at no charge to the state. This wear-rate data ultimately will continue to be used as a measurement tool to determine if social marketing efforts to increase life jacket wear are leading to a change in boater behavior (*In Progress*).



User Group Outreach -

- Operation Livery Safety – The Boating Safety Unit staff is responsible for the Temporary Certificate Program for liveries around the state. In 2009, “Operation Livery Safety” was launched, which targeted three FWC regions in Florida (South A, South B and Southwest). In Lee County, three liveries were issued criminal notices to appear. Liveries in Charlotte, Sarasota, and Manatee Counties were issued written warnings for violation of statutory and contractual requirements. Two liveries are still under investigation, with criminal charges pending. There are more than 150 contractors involved in the Temporary Certificate Program. Additional livery safety details are planned for FWC’s Northeast, North Central, and Northwest Regions in 2010. In the summer of 2010, all Regions will participate in a statewide livery enforcement detail which will last approximately three weeks.

- Non-Motorized Boater Outreach - In May 2009, the Florida Fish and Wildlife Conservation Commission (FWC) initiated an outreach effort to learn about issues of concern for non-motorized boaters (NMBs), and to strengthen the relationships within this diverse community. Throughout the remainder of the year, staff from the Office of Recreation Services (ORS) and the Division of Law Enforcement’s (DLE) Boating and Waterways Section attended club meetings, held five public “Listening Sessions”, and provided an email site for public comment. The FWC has formed a team comprised of ORS, DLE, Marine Fisheries, Habitat and Species Conservation, and Freshwater Fisheries Divisions to work on this issue. The FWC team has in turn developed a technical assistance group to work with stakeholders on solutions to selected issues. Non-motorized boat access and design, parking, user conflicts, waterway obstruction, erosion, environmental impacts, and



funding are some of the issues we are addressing. The team hopes that a funding source can be established which will bring the desires of our non-motorized community to fruition. We look forward to a variety of positive outcomes from this effort. The fifteen-member technical assistance group is representative of the diverse types of recreation within the non-motorized boating community around the state.

Boating and Waterways Section Conferences, Forums, and Training-

This section has hosted and/or coordinated the following boating-related events:

- *International Boating & Water Safety Summit* – Section Staff assisted the National Safe Boating Council and the National Water Safety Congress with the Summit in Panama City Beach in April 2009. The Summit hosts boating safety professionals from all over the United States and Canada, and serves as a valuable tool for sharing information on boating and water safety efforts.
- *Course Instructor Training Workshops* - Section staff conducted five training workshops around the state in an effort to reach out to course instructors. Course instructors are a very important part of our boating safety education effort, as they are a critical part of the effort to get valuable boating safety information to the boaters. This outreach effort has been very valuable in encouraging boating safety instructors to provide the most up-to-date and accurate information regarding Florida-specific boating safety rules and regulations material in their courses. The workshops were conducted in Fort Walton Beach, St. Augustine, Tampa, Ft. Lauderdale, and Orlando.



Boating Accident Reconstruction Class - Section Staff is involved in training agency personnel as well as Sheriffs and Police marine units in the investigation, reconstruction, and reporting of boating accidents. This training is using the NASBLA lesson plan format that has been recognized as the national standard. The section is also currently involved with the Florida Institute of Public Safety to provide the NASBLA advanced boating accident reconstruction class to all investigators from Florida and surrounding states.

Boating Under the Influence (BUI) Training - Boating and Waterways staff continued their support of the field during several of Florida's annual waterborne events, such as Gasparilla (Tampa), White Trash Bash (Carrabelle), Billy Bowlegs (Ft. Walton Beach), and the Columbus Day Event (Miami). Massive boating crowds turn out at these events, in which underage drinking and boating under the influence often occur. Our staff presented BUI Training prior to these events not only to FWC Officers, but to Tampa P.D., St. Petersburg P.D., Green Cove Springs P.D., Florida Department of Environmental Protection, and the United States Coast

Guard. Deputies from the following Sheriffs' Offices were trained as well: Hillsborough, Pinellas, Orange, Okaloosa, Santa Rosa, Duval, and Clay. Classes were taught in Jacksonville, Tampa, Orlando, and Niceville. In addition to the training, officers also were informed of legal updates pertaining to statutory requirements for enhanced penalties. One of the more important changes this year was the change of the BAC threshold from 0.20 BAC to 0.15 BAC. Over 100 law enforcement officers from around the state were trained under this NASBLA-approved class. The motto for the class is, "Get them off the water before they get on the road."

Legislative Initiatives: The following are legislative issues supported by the Commission where staff has worked to provide bill-drafting assistance, bill analysis, testimony, or interaction with other agencies, interest groups, and the public to develop legislation.

2009 Legislative Issues:

Boating Safety Education - This proposal would modify Florida's mandatory boating safety education law for anyone operating a motorboat powered by 10 horsepower or more. It would establish a ten-year phase-in period for every vessel operator to pass a basic boating safety course. An exemption would be authorized for those operating a vessel within the first 30 days of purchase, if they have the bill of sale onboard. An exemption from the \$2 fee, which is already established in law, would be authorized for governmental employees who are required to take the course as a condition of employment. The Boating Advisory Council supports this issue. *A modified version of this proposal passed, which changed the Boating Safety Education requirements threshold to include those born on or after January 1, 1988. It also provided an exception for persons operating a vessel within 90 days after the purchase of that vessel if the operator carries a bill of sale meeting the requirements of s. 328.46(1). (Amended s. 327.395, F.S. Effective 1-1-2010.)*

Personal Flotation Devices - This proposal would change the age of persons required to wear a life jacket/personal flotation device (PFD) on a vessel less than 26 feet in length from under six (6) years of age to under 13 years of age. The proposal would parallel the recreational federal regulations and create a safer boating experience for children. The Boating Advisory Council supports this issue. *(Did not pass.)*

Boating Safety/Illegal Transportation of Excessive Fuel on the Water - This proposal prohibits vessels from carrying fuel in unapproved containers and in compartments with unapproved ventilation. The FWC and its federal, county, and local marine law enforcement partners have observed a uniquely hazardous condition within the State of Florida. Specifically, there is a significant increase in the number of vessels transporting excessive amounts of fuel, which dramatically jeopardizes the safety of citizens and visitors on Florida's waterways. Vessels transporting excessive fuel could result in an extremely volatile explosive threat to the lives and safety of citizens in and around them, and the discharge of containers represent a threat to precious natural resources. Although current law, s. 316.80, F.S., prohibits illegal

transport of fuel over the highways, and s. 330.440, F.S., prohibits aircraft from carrying fuel in unapproved containers, there currently is no state or federal statute that prevents this from occurring on the water. This proposal mitigates this risk on the water. *A version of this proposal passed, which prohibits possessing or operating any vessel with nonconforming or unapproved gasoline containers and prohibits transporting gasoline in an approved container if stored in an unventilated or improperly ventilated compartment. (Created s. 327.66, F.S. Effective 7-1-2009.)*

Boating Under the Influence - This proposal makes Boating Under the Influence (BUI) violations/penalties consistent with laws related to Driving Under the Influence (DUI). Specifically, the blood alcohol level would be lowered from 0.20 or more to 0.15 or more to trigger enhanced penalties when charged with a BUI. All other BUI/DUI thresholds are consistent. Historically, DUI and BUI violations/penalties have been consistent. During the 2008 Legislative Session, the DUI threshold for enhanced penalties was changed, but the BUI statute was not. This proposal would make the two consistent for all violations and penalties. *This proposal passed. (Amended s. 327.35, F.S. Effective 7-1-2009. Amended s. 327.36, F.S. Effective 7-1-2009.)*