



CITIZENS FOR FLORIDA'S WATERWAYS

Volume 24 - Issue 4

July/ August 2017

Citizens For Florida's Waterways promotes the need for responsible use of Florida's waterways. Our primary objective is to encourage coexistence among recreational and commercial boaters, the marine industry, property owners and the environment. Citizens For Florida's Waterways advocates education in the safe and considerate use of watercraft with respect for our marine environment and conservation.

Florida Legislative Update

This is a brief review of 2017 changes to Florida's boating law prompted by the sunseting of FWCC's anchoring and mooring pilot program.

2017 Florida Legislative Session: Boating Law Update

The 2017 Florida Legislative Session resulted in the unanimous passage by both the House and the Senate of House Bill 7043 (CS/CS/HB7043) which made important changes to Chapter 327, Florida Statutes (F.S.) and other boating- relevant laws. If signed by the Governor, these changes will take effect on July 1, 2017. Many of the changes included in this bill are based on, or adapted from, recommendations made by the Florida Fish and Wildlife Conservation Commission (FWCC) in its final report to the legislature on the Anchoring and Mooring Pilot Program, which has been sunset. Those recommendations in turn were informed in a significant way by policy work done by the UF Law Conservation Clinic in 2008, just prior to the creation of the Pilot Program, and acknowledged by FWCC in its final report again in 2017. Links to the bill and a lengthier legislative staff analysis are provided below.

The Larger Policy Perspective. The taxonomy of defined vessel types plying Florida's statutory waters is growing, with barges, commercial fishing vessels and super-yachts finding their way into the law. Regulation of anchoring in Florida remains in the hands of the state, primarily through the FWCC and the Department of Environmental Protection (DEP) rather than local governments. However, some new modest changes are included in HB 7043 to allow creation of buffers around marine infrastructure, including mooring fields, and to allow greater (as well as clearer) local authority over live-aboards, floating structures and commercial vessels. The ability of local law enforcement to preemptively address vessels-at-risk of becoming derelict has also been strengthened. Curiously, a small but interesting exception has been created from the otherwise limited basis for the creation of "boating restricted areas" – which until now has been restricted solely to reasons of public safety. This new exception now enables boating restricted areas to be created over privately owned sea grass beds for environmental protection purposes. Whatever the rationale for this, it does suggest that in increasingly crowded waters, privately-owned sovereign submerged lands have begun to receive attention. There are more of these than many realize.

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Please Mark Your Calendars!



- » **August 2, 2017 District 2 Dredging Committee Meeting** - 6 pm
Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island.
Open to the public.
- » **August 7, 2017 CFFW Board of Directors Meeting** - 6 pm Karen
Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island. Open to
the public.
- » **August 17, 2017 Brevard Marine Advisory Council Meeting**
6 pm 2725 Judge Fran Jamieson Way Building C, 2nd Floor, Florida Rm.,
Viera, FL 32940
- » **September 6, 2017 District 2 Dredging Committee Meeting**
Grand - 6 pm Karen Rood Bldg (near the boat ramp) at Kiwanis Island,
Merritt Island. Open to the public.
- » **September 11, 2017 CFFW Board of Directors Meeting and**
General Election of the CFFW Board Of Directors - 6:30
pm Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island.
Open to the public
- » **September 23, 2017 CFFW Poker Run** - Starting at Kelly Park-
Merritt Island

Stay tuned to CFFW.org for more information

Florida Legislative Update

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Vessel Taxonomy. HB 7043 added and clarified several definitions in Chapter 327, F.S. including adding a new definition for “barge” and separating out commercial fishing vessels from commercial vessels generally and providing revised and new definitions for each, respectively. The term “live-aboard vessel” was clarified to now include vessels used as residences that do not have “an effective means of propulsion.” The term “effective means of propulsion” means a functioning motor or sails, both with steering capability. These definitional changes appear designed to allow local governments

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Florida Legislative Update (Continued from Page 2)

to more effectively deal with enforcement issues regarding the anchoring and mooring of “floating structures,” “live-aboard vessels,” and “commercial vessels” other than “commercial fishing vessels.” The bill also creates a definition of “super-yacht,” at least in the context of a “super-yacht repair facility,” defined as a “facility that services or repairs a yacht with a water line of 120 feet or more in length.”

Anchoring Restrictions. The new legislation maintains, but chips away at, the broad prohibition against local governments enacting or enforcing local anchoring ordinances outside the marked boundaries of lawfully established mooring fields. The bill amends Section 327.60, F.S. to allow local governments to more clearly regulate the anchoring of live-aboard vessels, broadening that definition, and commercial vessels other than commercial fishing vessels within their jurisdictions.

HB 7043 creates new statutory ‘no anchor or mooring’ buffers around certain waterfront installations. It will prohibit vessels or floating structures from anchoring or mooring within 150 feet of any marina, boat ramp, boat yard and any vessel launching or loading facility. It also prohibits anchoring or mooring within 300 feet of any “super yacht repair facility,” as discussed in the taxonomy above. Finally, HB 7043 will prohibit vessels or floating structures from anchoring or mooring within 100 feet from the marked boundary of a public mooring field (or less than 100 feet if requested by a local government and approved

by FWCC). There are a few built-in exceptions to the new law so that these buffer restrictions are not applicable to government vessels, vessels engaged in dredging, commercial fishing vessels while fishing and recreational fishing vessels while actively fishing. Other exceptions to these ‘no anchor or mooring’ areas include foul weather necessity situations or disabled vessels needing to anchor or moor for safety.

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Florida Legislative Update

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Pump-Outs. The bill authorizes local governments to require vessels to pump-out when anchored in a permitted mooring field or no-discharge zone for more than 10 days, provided pump-out facilities are available within the jurisdiction. Pump-outs can be required anywhere in the case of live-aboards, commercial vessels (other than commercial fishing vessels) and floating structures.

Derelict and Unregistered Vessels.

The legislation also creates stronger legal tools for state and local governments, as well as law enforcement agencies, to deal with derelict vessels and vessels that are “At Risk” of becoming derelict. Vessels determined to be “At-Risk” must demonstrate proof that the owner is addressing the risk within 72 hours of receiving notice. Derelict vessels cannot be titled while derelict. Vessels with expired registration operated or stored on the waters of the state are subject to penalties.

Submerged Lands, Privately Owned Submerged Lands and Seagrass. The bill prohibits vessels from anchoring or mooring vessels on unpermitted, unauthorized objects on or “affixed to the bottom of waters of the state.” It is not clear why this terminology was used instead of “sovereign submerged lands.” Regardless, the prohibition does not apply to a private mooring “owned by the owner of privately owned submerged lands.”

HB 7043 includes a new provision(s) to allow owners of privately-owned submerged lands with sea grass beds to seek a “boating restricted

area” designation over their submerged lands for the purpose of reducing vessel impacts to sea grass beds. To qualify, these submerged lands must be adjacent to designated “Outstanding Florida Waters” (OFW’s) or “Aquatic Preserves,” (AP’s). Presumably, such requirement would also apply to privately-owned submerged lands located within OFW or AP designated areas. The private submerged lands owner must apply to FWCC to create a new “boating restricted area” and seek a uniform waterway marker permit as well. Once obtained, the owner of privately-owned submerged lands with a new “boating restricted area” designation is responsible for installing and maintaining the waterway marker according to the permit conditions. HB 7043 requires FWCC to develop regulations through the rule-making process that will implement this new provision applicable to owners of privately-owned submerged lands.

An interesting question with regard to the use of the term “privately-owned” throughout this new provision is whether the legislature intended to exclude submerged lands owned by local governments – something that is not unheard of.

A full copy of the bill can be found at: <https://www.flsenate.gov/Session/Bill/2017/7043/BillText/er/PDF>

A lengthier legislative staff analysis of the bill can be found here: <https://www.flsenate.gov/Session/Bill/2017/7043/Analyses/h7043a.ANR.PDF> ❖

BIG ETHANOL

“Big Ethanol” is at it again. In a new advertising campaign timed with the start of boating season, the Renewable Fuels Association (RFA), the leading trade association for America’s ethanol industry, continues to spread mistruths in its support of the Renewable Fuel Standard (RFS), a 2005 law that mandates the blending of biofuels such as corn-ethanol into our gasoline. The nation’s largest recreational boating advocacy, services and safety group Boat Owners Association of The United States (BoatUS) clarifies the ad campaign’s spin with hard truths.

SPIN: “E10 is the fuel of choice for many boaters because of its high performance and lower emissions.”

HARD TRUTH: E10 is simply the most common fuel sold in America today, but it is not recreational boaters’ preferred choice of fuel. According to those surveyed by BoatUS, 91 percent prefer non-ethanol fuel for their boats. Unfortunately, non-ethanol gas is facing more uncertainty as the government mandate to increase the volume of ethanol in the nation’s fuel supply may actually reduce the availability of ethanol-free gas. While ethanol boosts a fuel’s octane rating, the US Department of Energy acknowledges that ethanol contains less energy than gasoline and “result(s) in lower fuel economy.”

SPIN: E10 is the “preferred choice by professionals” with supporting quotes by the National Boat Racing Association and Crappie Masters.

HARD TRUTH: Both organizations are sponsored by the RFA.

SPIN: “Tip #1: Ensure a tight seal, if water is found, dry the tank before refueling.”

HARD TRUTH: This impractical and potentially very unsafe “tip” asks boaters with built-in fuel tanks to do the impossible. Removing and disposing of phase-separated fuel – a result of too much water in moisture-attracting ethanol fuels – can only be done safely by professionals and is expensive. Even for those with portable fuel tanks, this RFA spin offers no practical, reality-based solution to the challenging disposal issue of the ethanol-and-water soaked gas.

SPIN: “Regular maintenance is key.”

HARD TRUTH: It certainly is when it comes to ethanol! A 2016 survey by Boating Industry magazine points to ethanol as playing an even “bigger role” in boat service issues than it was the year prior, with 87 percent of survey respondents reporting seeing boat engine damage caused by ethanol. Said one boat manufacturer, “Ethanol is a boom for the service departments (and a) huge drag on our industry because it negatively affects the customers. It makes them hate boating. It ruins their day, their boat and their entire boating experience.” ❖

New Electronics: Innovation On Display

By Lenny Rudow

The first flurry of new electronics were revealed at the Fort Lauderdale International Boat Show. Here is a look at the latest ...

Trying to keep tabs on the newest marine electronics gear is like living in a time warp: The moment you get a grip on reality, that reality has become history. And right now, although many boaters are shoveling snow or stuffing the wood stove, the newest nav gear is just becoming available. Whether you plan on making an upgrade this spring or you just want to keep abreast of the most recent trends and developments in marine electronics, read on because here's the scoop on what's new and what's hot.

Fusion is looking to tap into the current popularity of standup paddleboarding, kayaking, and canoeing with the StereoActive. What makes it different from other portable Bluetooth speakers is the fact that it's IPX7 waterproof and it floats. It also has a "puck" mounting system that allows you to secure it to just about any flat surface, a USB flash drive, and large scalloped buttons designed so you can manipulate them with the end of a paddle. Added bonus: It has kick-butt sound qualities and pumps out 40 watts of power through dual 2.5-inch directional speakers. When we gave one a listen, we were awed at the booming bass and titillating treble. **\$299 | fusionentertainment.com**

Furuno is peering into the foggy future with its 6-kilowatt DRS6AX X-class radar. Available with 3.5-, 4-, and 6-foot open-array antennas, the DRS6AX is designed for use with Furuno's existing NavNet TZtouch and TZtouch2 systems. Optimizing maximum pulse length (extended from 0.8 to 1.2 microseconds) delivers 50 percent more power on target than previous DRS radar, and "Fast Target Tracking" can detect and display target vectors with heading and speed for up to 30 targets. The gearbox is also 20-percent lighter and quieter than in previous models. **\$5,395 (with 3.5-foot antenna) | furunousa.com**

Garmin is flush with innovation this year, starting with the GMR Fantom 18- and 24-inch radar domes. These antennas bring Fantom performance to closed-dome systems appropriate for boats that are too small to support a large open-array antenna. They're solid-state pulse-compression units pumping out 40 watts of power. Doppler processing aids in tracking moving targets, and Garmin's "MotionScope" tags targets with different colors to identify and mark potential collision threats. **\$1,999/\$2,799 | garmin.com**

Sailors will be interested in Garmin's new gWind Wireless 2 Transducer, which uses a three-bladed prop and twin fins to provide accurate wind speed and angle data. What's

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New Electronics: Innovation On Display (Continued from Page 6)

cool about this new anemometer is that it requires zero wiring. Power comes courtesy of an integrated solar panel with battery backup, and data transmissions are sent via an ANT connection to GNX wind instruments or compatible (GPSMAP 7400/7600 or 8400/8600) chartplotters. **\$699 | garmin.com**

Garmin's GPSMAP line has been favored by many boaters for a long time, and as of 2017, that line is expanding. The GPSMAP 7x2/9x2 come as touch-screen chartplotter or combo units (with 1-kilowatt CHIRP sonar and dubbed "xs"). The GPSMAP 10x2/12x2 units are for people who prefer a keypad interface (read: old folks!) and also come in a combo version (dubbed "xsv"). On top of the expected GPSMAP features, all of these units have been enhanced for sailing with layline, wind-rose, and tide and current information featured, and they also have ANT support for use with a number of Garmin's wireless accessories. **\$799-\$2,999 | garmin.com**

Garmin also has a pair of new VHF radios for 2017. The VHF 110 and VHF 210 AIS marine radios boast NMEA 2000 compatibility, 25 watts of power, NOAA weather alerts, position tracking (for up to three boats), and full integration with Garmin GPSMAP and multifunction-display (MFD) systems. The 210 adds AIS (receive only) into the mix, and it comes with two-way hailing abilities. **\$279/\$599 | garmin.com**

Yet another new introduction made by Garmin is the Panoptix PS51-TH FrontVu transducer. This is a forward-looking, narrow-beam (20-degree) sonar with 300 feet of range that's designed to help you avoid grounding. At the same time, digital (down-looking) depth and water-temperature data can be displayed, eliminating the need for a separate transducer to provide basic

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New Electronics: Innovation On Display (Continued from Page 7)

information. The PS51-TH displays virtually in real time on 7- and 9-inch echoMAP CHIRP, GPSMAP 7x2/9x2/10x2/12x2, and GPSMAP 8400/8600/7400/7600/7x1/8x0/10x0 units. **\$1,499 | garmin.com**

Mercury Marine doesn't usually come to mind when we talk about marine electronics, but the company now has its head in this game, too, with VesselView Mobile. This is an app available for iOS and Android that lets a boater tap into the Mercury's SmartCraft brain.

You'll need to gear up with the VesselView Mobile Module, which plugs into the engine and allows a Bluetooth connection between SmartCraft and your phone. Once you're into the data network, access info ranging from fuel management to fault codes. Judges at this year's International Boatbuilders Exhibition and Conference were so impressed that they bestowed an Innovation Award on VesselView Mobile. App is free; module costs **\$275 | vesselviewmobile.com**

SI-TEX can help you transform any VGA display or computer monitor into a black-box-driven nav system by using its new Explorer NavPro. The NavPro has HDMI video output, NMEA 2000 networking ability, a potent processor for seamless operation, and 4-gigabyte mark, track, and route memories. The system can go wireless, too, if you add an RF Remote Control (\$125). **\$959 with GPS**

antenna; \$699 without | si-tex.com

Raymarine has introduced a new version of its color MFD, the i70s. These 4.1-inch LCD optically bonded units can be custom-configured to show a range of digital and/or graphical displays, including analog styles. They can integrate with current SeaTalk networks, first-generation SeaTalk networks with an adaptor cable, and NMEA 2000 networks with a DeviceNet adaptor. The i70s has a glass-bridge design to match eS and gS series MFDs and comes with both black and gunmetal bezels to match the look of existing systems. **\$479 | raymarine.com**

Simrad has introduced the GO9 XSE, the newest — and largest — touch-screen MFD in the GO series. Like its smaller siblings (the GO5 XSE and the GO7 XSE), the GO9 XSE features make for quite a list: a multi-touch widescreen display; a blistering-fast 10-hertz GPS receiver; autopilot control; built-in CHIRP, StructureScan, and ForwardScan imaging; and built-in Wi-Fi. Unlike the others in the GO series, this new 9-inch version adds integrated radar display. **\$1,049 to \$2,699**, depending on accessories, transducers, and mapping options | **simrad-yachting.com** ❖

2018 CFFW Board of Directors Slate

All CFFW Members are eligible and encouraged to vote.

Please turn in your ballot at the 2018 CFFW annual meeting in October.

Alternately, you may mail in this ballot to:

CFFW

P.O. Box 541712

Merritt Island, FL 32954-1712

Write-ins are encouraged.

Nominations from the floor during the October meeting are encouraged.

YOUR INVOLVEMENT ON THE BOARD IS ENCOURAGED!

2018 BALLOT

The ballot includes 8 Candidates. You may vote for up to 11 Candidates, which means you are encouraged to write-in at least one name.

Standing For Re-Election: Check the ☐ next to the candidates

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<input type="checkbox"/>	Peggy Wehrman	Secretary
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<input type="checkbox"/>	Dave Zimmerman	Director
<input type="checkbox"/>	Sandy Reynolds	Director
<input type="checkbox"/>	Robin Turner	Director

Write-Ins: You may write in as many candidates as you wish. Please include their name and phone number. If elected, write-ins may decline the honor.

Name	Phone

Citizens For Florida's Waterways Presents



Our 22nd ANNUAL POWERBOAT POKER RUN

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Or email Bob Atkins ratkins@cffw.org



CFFW Member Recognition

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Diamond Level (\$100 per year)

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Ollie & Sherry Follweiler	Robert Wille
Gary & Kelly Haugh	Gerd Zeiler
Keith & Tamasine Houston	Dave & Bonnie Zimmerman
Troy & Genese Launay	Philip Holtje
Mike & Kristen Moehle	Russell Jamieson/Atlass Insurance
Cloud & Frances Pawtowski	Don Nesbitt/Waterfront Solutions
Sandy Reynolds	Chuck Reed
Jamie Seymour/New England Mfg. Co.	

Gold Level (\$50 per year):

Vincent Barro	Bruce & Carol Hess
Skip & Ruth Bateman	Jay Humphreys
Gregory & Patricia Bean	Doug Jaren
Howard Bernbaum	Frank Jones
Bubba & Paula Beyer	Al Pappas
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Scott Ellis	Ron & Donna Pritchard
Derek Ferguson	Gary & Debra Sawicki
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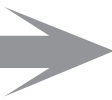
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