



CITIZENS FOR FLORIDA'S WATERWAYS

Volume 26 - Issue 4

July/August 2019

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.

THE CFFW POKER RUN IS BACK

Come Join the Fun - Saturday, July 27

Other than the dynamic weather we've been experiencing, three items are on my mind as we approach the middle of July. CFFW's immediate focus is on the upcoming 22nd (nearly) ANNUAL CFFW POKER RUN on Saturday, July 27. This year we have co-sponsorship from the folks at Stingray Boats and Blue Marlin that made the Merritt Island Christmas Parade a renewed hit, as well as the East Coast Boat Club and Happy Times Power Boat Club that also organize their own great events.

Remember, the Poker Run is open to everyone so share this with all of your boating friends. Although we encourage participation by boat, each of the destinations for this year's event is accessible by car. While a powerboat poker run may bring to mind a high speed event, the design of the CFFW Poker Run has always provided a fun day for boats of all speeds with plenty of time to enjoy the ride and waterfront establishments visited along the way.

As usual, we will kick the event off with day of registration from 9:30 to 10:30 at a NEW Location - the BEACHSIDE PAVILION (nearest the Calema Windsurf building) at KELLY PARK EAST. The Captain's registration fee is \$25 and includes one playing hand and an event t-shirt (always a hit). Additional hands (\$15) and extra t-shirts (\$15) can also be purchased. If you are interested in early registration (prior to Friday 7/26), contact me at ratkins@cffw.org and we will do our best to coordinate and accommodate that too.

The game is 7-card stud. We have 10 waterfront destinations designated as Chip Stops available for you to choose as many as you like and plan your visits in any order. Each stop will provide a uniquely colored chip. At the final destination, Squid Lips in Melbourne, each participant will exchange their collection of different colored chips for no more than 7 playing cards from which to play their best 5-card hand. So you do not have to visit every destination. All hands will be dealt by 4:00 and cash for winning the hands will be awarded. In addition to several winning hand categories, we will have multiple door prizes to be raffled off.

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Please Mark Your Calendars!



- » **July 27: CFFW Poker Run**-see flyer and stay tuned to **WWW.CFFW.ORG** for all the latest info.
- » **July 29: Board of Directors Meeting** 6:30 pm Lighthouse Christian Church on N. Banana River Dr. Open to the public.
- » **August 7: District 2 Dredging Committee Meeting** 6:00 pm Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island. Open to the public.
- » **August 15: Brevard Marine Advisory Council** 6:00 pm Viera Government Center, Bldg. C, 2nd Floor. Open to the public.
- » **September 4: District 2 Dredging Committee Meeting** 6:00 pm Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island. Open to the public.
- » **September 9: Board of Directors Meeting** 6:30 pm Lighthouse Christian Church on N. Banana River Dr. Open to the public.
- » **September 19: Brevard Marine Advisory Council** 6:00 pm Viera Government Center, Bldg. C, 2nd Floor. Open to the public.
- » **September 30: Board of Directors Meeting** 6:30 pm Lighthouse Christian Church on N. Banana River Dr. Open to the public.
- » **October 2: District 2 Dredging Committee Meeting** 6:00 pm Karen Rood Bldg (near the boat ramp) at Kiwanis Island, Merritt Island. Open to the public.
- » **December 7: Merritt Island Christmas Boat Parade**-Stay tuned to CFFW.ORG or the FaceBook page for the latest information.

Newsletter Delivery Mode

E-Newsletters Now Available

CFFW is offering all members the option to receive all future newsletters by email instead of a hard copy by mail.

If you wish to save your club money on printing and postage, please reply to info@cffw.org and we will add you to the email list for your newsletters!.

You can view the same exact version online at CFFW.org and click on "newsletters" tab and the issue you would like to view.❖

*When Does Your
Membership Expire?*
(See Back Cover)

THE CFFW POKER RUN IS BACK

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Come out and make a day of it. We may lead you to a new waterfront destination that you haven't visited before. We highly encourage you to choose at least one stop along the way for lunch and refreshments.

But you said THREE ITEMS were on Your Mind

It's Time to Turn Off the Warm Water Discharge

Oh Yeah! What about those other two items on my mind. As you might expect, both of them involve efforts that we at CFFW will be

making over the remainder of the year and beyond, if necessary.

Beyond the immediate effort to plan and execute the Poker Run, is the issue of the warm water discharge from the power plants near Port St. John into the IRL. We have long contended that the need to provide this artificial manatee spa has outlived its value.

In fact, the unintended consequence of the continued practice of providing artificially warm water for manatees has grown from a few manatees in the 70s to over 1500 manatees congregated in the outflow in 2018. While we all believe that manatees are inherently

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THE CFFW POKER RUN IS BACK

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harmless, we must also realize that the nutritional requirements of this many animals in a relatively small area has contributed to the devastating loss of seagrass in the local area.

The good news is that only 500 returned to the power plant in 2019. Why is this good news? Because there were over 1,000 animals that found their way to other warm water – many of them journeyed farther south. The point is, regardless of the reason for those 1,000 animals to find other locations (greener grass? maybe?), they did not die of hypothermia. This clearly establishes the fact that reducing or eliminating the outflow should not have the catastrophic consequences that manatee managers fear.

It's time to turn off the artificial warm water, return the manatees to a more natural migration south to warmer waters, and most importantly, reduce the pressure nearly 2,000 manatees wintering in Brevard put on any potential seagrass recovery. We plan to make an all-out effort in pursuit of eliminating the warm water outflow - with the support of as many elected officials as possible.

Without a significant recovery of the IRL seagrass, no “clean up” effort is sustainable.

Which leads to the third item on my mind.

Grassroots SEAGRASS RECOVERY Effort

For the last few weeks I have been considering taking an approach to seagrass restoration similar to the current oyster growing project. Working with some of the better seagrass restoration experts in the state, the object is to provide a seagrass growing plot that could be:

- Suspended from a seawall, dock or set out in shallow water to get sufficient sunlight.
- Protected from destruction from herbivores.
- When mature, gathered up and planted like underwater sod.

If we can make this project a reality, these grass plots could immediately start filtering nutrients from the surrounding area while they were being cultivated as well as provide some natural habitat for other small organisms to live in. Do you some energy to contribute or some good design ideas to share? ❖

Florida Governor Signs Recreational Boat Title Act

What it means to boaters both inside and outside the Sunshine State

SPRINGFIELD, Va., July 2, 2019 -- Florida Governor Ron DeSantis' recent signing of a recreational boat title bill, the Uniform Certificate of Title Act (HB 475/S 676), offers recreational boat owners valuable consumer protections and may spur other states to follow suit. The legislation protects consumers from unwittingly purchasing a stolen or storm-tossed boat that has suffered significant hurricane damage by creating a uniform boat titling system that is recognized nationwide as well by the U.S. Coast Guard. Boats that are repaired and later put up for sale will now have titles clearly labeled as such.

While all states have motor vehicle title laws, these do not apply to recreational boats. This legislation institutionalizes several consumer protection mechanisms that are already commonplace for motor vehicles. These include clear labeling of significant structural damage on vessel titles, creating a uniform system to identify legitimate vessel owners/lien-holders, and better ways to prevent the sale of stolen boats.

By 'branding' the titles of vessels that suffer significant damage, buyers will be made aware of material information that could affect a vessel's condition. It's not designed to stop a sale. It's to give buyers the true condition of the vessel they are interested in purchasing and helps them make smart purchases.

While the legislation offers benefits to boaters

residing in Florida due to the high number of boats there, it also has repercussions beyond the state's borders. Florida is ranked No. 1 in the nation for recreational boat registrations with 918,255 registered vessels, according to the most recent U.S. Coast Guard data available. With a boat registered in Florida that's later moved to another titled state and sold, the new owner will also benefit from knowing the boat's history. And it will be much harder to unload boats that are stolen in Florida and later fraudulently sold out of state.

BoatUS advocated for the new law, which is based on model legislation developed by the Uniform Law Commission. Currently, 10 states still do not issue vessel titles, making it easier for thieves to sell a stolen boat using a fraudulent bill of sale or forged registration document. ❖



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Citizens For Florida's Waterways

In cooperation with the

*East Coast Boat Club, Happy Times Power Boat Club,
Stingray Boats and Blue Marlin Real Estate*

present



Our 22nd (nearly) ANNUAL POWERBOAT POKER RUN

Saturday, July 27

Registration at BEACH PAVILION

Kelly Park East (Merritt Island)

(NORTH entrance with parking near windsurfing beach)

9:30 to 10:30 am

Participating Businesses

Island Dockside and Island Waterfront Grills, Sunset Café, Island Time
SquidLips-Cocoa Bch, Captain Katana's, Telemar Bay Marina, Grill's Riverside, Pineda Inn

Cards Dealt and Prizes Awarded at Squid Lips-Melbourne

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**Prizes for Gentleman with the most Kings
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Always a Fun Day for the Whole Family !

\$25 Boat Registration – Includes one Poker Hand and one Event T-Shirt

\$15 Additional Poker Hands and \$15 T-Shirts Available Separately

Visit our Website CFFW.ORG or

visit Citizens for Florida's Waterways on FaceBook

for More Information and Updates

For Potential Early Registration email Bob Atkins - ratkins@cffw.org



Senate Bill 1666

Senate Bill 1666 (2019) amends several different sections of Florida Statutes related to boating safety education, derelict vessels, and anchoring or mooring as it relates to “long-term stored vessels” and “no discharge zones.” Signed by the Governor on May 23, 2019, these provisions take effect July 1, 2019.

Holly Abeels- University of Florida IFAS-Florida Sea Grant Extension Agent and her law colleague and co-author Byron Flagg, provide below a brief description of the 2019 boating legislation as it adds to or amends existing law, along with some limited commentary.

I. Boating Safety Education – “temporary certificates”

Previously, Section 327.395, Fla. Stats. was named “Boating safety identification cards.” CS/SB 1666 changes that name to “Boating safety education.” Previously, Section 327.395, Fla. Stats. required that any person born on or after January 1, 1988 who operates a vessel in Florida waters with an engine of 10-horsepower or more, must have been issued a boating safety identification card. To obtain such a card, a person must complete an approved boating safety course. The bill does not change the life-time validity of boating safety identification cards once obtained, but the bill reduces the validity of a “temporary certificate” from 12 months to 90 days. Under the new law the identification card and the temporary certificate may be in a digital, electronic or paper format.

Just a gratuitous note here. Though it is not new, this statute authorizes FWC to appoint “agents”

to administer the boating safety course. It would appear that “agents” could include/involve FSG agents, and this might provide a means to reach the “new boater” constituency early in their maritime experience, and introduce this constituency other FSG programming.

II. Long-term Stored Vessels

The bill brings the term “stored vessel” into the legislative lexicon for the first time - a term that we have long included in our “taxonomy of vessels” in Ankersen & Flagg, et al, [Boating, Waterways, and the Rights of Navigation in Florida](#).

The existing Section 327.4109, Fla. Stat. establishes generic no-anchoring or no-mooring zones state-wide. Those generic areas where anchoring or mooring are prohibited are (a) within 150 feet of any marina, boat ramp, boatyard, or other vessel launching or loading facility, (b) within 300 feet of a superyacht repair facility, (c) within 100 feet outward from the marked boundary of a public mooring field. However, the statute does provide exceptions where in certain circumstances vessels may anchor or moor within these areas.

CS/SB 1666 adds a new sub-paragraph in Section 327.4109, Fla. Stats, defining for the first time **“long-term stored vessel.”** The new bill defines long-term stored vessel in what will become numbered as subparagraph 327.4109(6)(a) as, “a vessel on the waters of the state which is not under the supervision and control of a person capable of operating, maintaining, or moving it from one location to another and which has remained anchored or

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Senate Bill 1666

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moored outside of a public mooring field for at least 30 days out of a 60-day period.

Although this is an important new definition that could help classify vessels on the waters of the state, the definition is not added to the definitions Section (327.02, F.S.) in Chapter 327. In fact, the term “long-term stored vessel” as defined in the bill may not be applied for any regulatory or management purpose yet. Instead, the new bill states that the definition shall be “...applied only for the purposes of [a] study required by this subsection and not for any other purposes.” That study, which is more particularly described in subparagraph 327.4109(6)(b) through (6)(f) is described in the new bill as:

(b) The commission shall conduct, or contract with a private vendor to conduct, for not longer than 2 years, a study of the impacts of long-term stored vessels on local communities and this state.

(c) The study shall:

1. Investigate whether, and to what extent, long-term stored vessels and vessels anchored or moored outside of public mooring fields for more than 30 days contribute to the number of derelict and abandoned vessels on the waters of the state.
2. Investigate the impacts of long-term stored vessels, vessels anchored or moored outside of public mooring fields for more than 30 days, and vessels moored within

public mooring fields on the local and state economies; public safety; public boat ramps, staging docks, and public marinas; and the environment during and after significant tropical storm and hurricane events.

3. Provide recommendations for appropriate management options for long-term stored vessels and vessels anchored or moored outside public mooring fields for more than 30 days to mitigate any identified negative impacts to local communities and this state.

(d) The commission shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives within 6 months after the study is completed.

The study was made contingent upon appropriation by the Legislature, and no funds were appropriated in the 2019 legislative session. Presumably this will occur in the 2020 session.

III. No Discharge Zones

The new bill also includes addresses water quality by amending subsection 327.60, Fla. Stats. to include a new paragraph that allows a county designated as a “rural area of opportunity” (and upon approval of the U.S. EPA) to create “...no discharge zones for **freshwater waterbodies** within the

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county's jurisdiction to prohibit treated and untreated sewage discharges from floating structures and live-aboard vessels not capable of being used as a means of transportation and from houseboats." (emphasis added). "**Rural Areas of Opportunity**" are defined as rural communities, or a region composed of rural communities, that have been adversely affected by extraordinary economic events or natural disasters. The Governor designates these by executive order.

Under the new provision, floating structures, live-aboards, and houseboats in a designated "no-discharge zone" within a **freshwater waterbody** must retain their sewage on board until they are able to properly discharge the waste at a pump-out facility. The new statutory provision states these vessels may discharge their sewage "...if more than 3 miles off the coast in the Atlantic Ocean or more than 9 miles off the coast in the Gulf of Mexico."

The reference to 3 and 9 miles for the Atlantic and Gulf respectively, undoubtedly refers to the territorial limits of the state, which is measured in nautical miles. It is interesting that in addition to houseboats the new law authorizes vessels "not capable of being used as a means of transportation" to discharge beyond state waters. Presumably, these would be towed out for this purpose. For further information on marine vessel discharge see Ankersen et al. Florida Marine Discharge Regulation. (though note the date of the last update - 2007).

IV. Derelict Vessels

The current law, Section 823.11, Fla. Stats. defines a derelict vessel as one that is left,

stored, or abandoned in a wrecked, junked, or substantially dismantled condition upon any public waters of this state; at a port in the state without consent of the agency overseeing the port; or docked, grounded or beached on property of another without that property owner's consent. Section 823.11, Fla. Stats. also makes it illegal for anyone to store, leave, or abandon derelict vessels on waters of the state. The new bill adds new a subparagraph to the derelict vessel statute which will be numbered as Section 823.11(6), Fla. Stats. This new subparagraph prohibits a person from residing or dwelling on a vessel that has been deemed derelict through an administrative or criminal proceeding in which the owner or responsible party for a vessel has been charged with violating subsection 823.11(2), Fla. Stats. or 376.15(2), Fla. Stats. Specifically, the new language of the bill adds, "If an owner or a responsible party of a vessel determined to be derelict through an administrative or criminal proceeding has been charged by an officer of the commission or any law enforcement agency or officer as specified in s. 327.70 under subsection (5) for a violation of subsection (2) or a violation of s. 376.15(2), a person may not reside or dwell on such vessel until the vessel is removed from the waters of the state permanently or returned to the waters of the state in a condition that is no longer derelict."

A strict reading of the new statutory language would suggest that the term "a person" includes persons other than the owner or responsible party. Ankersen & Flagg, et al, Boating, Waterways, and the Rights of Navigation in Florida includes an expanded section on derelict vessels. ❖

Derelict Vessel/Dredging/Reef Updates

Derelict Vessel removal operations continue countywide. With the \$400,00 Brevard County received we have removed 14 vessels in the last couple of months and will continue with vessels near Port Canaveral and the Palm Bay area amongst others.

Muck dredging projects continue moving forward with the Grand Canal dredging project ready to start pre-dredging site work and the Mims dredging project nearing closure. The Milford Point (Merritt Island) maintenance dredging project is expected to go out to bid next month.

Blue Crab Cove Phase II is moving forward into the land acquisition phase and we should have confirmation that everything is moving forward in a couple of weeks. There will be an update on this at the August meeting.

The Artificial Reef deployment, scheduled through funding awarded in 2018, is expected to go offshore in July. Our 2019 Artificial Reef grant application has been tentatively funded, so we should keep that going for another year.❖

Boat Safe Reimbursement Program

CFFW promotes the need for responsible use of Florida waterways.

Our primary objective is to encourage coexistence among recreational and commercial boaters, the marine industry, property owners, and the environment.

CFFW advocates education in the safe and considerate use of watercraft with respect for our marine environment and conservation.

If you would like to receive reimbursement for the class fees charged by the Coast Guard Auxiliary or the Cocoa Beach Power Squadron, you can contact a CFFW Board member and present your certificate of completion, and receive your reimbursement. CFFW funds are limited, but at this time we should be able to accommodate a relatively large class.

Because we do have a finite amount of money, it is on a first come, first served basis. You can visit our website at www.cffw.org for more info. You may also contact Kelly Haugh CFFW V.P. at 321-543-6970 for more information.❖

Enjoy safe boating!

CFFW Member Recognition

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Ed French	Wayne & Pat Stratford
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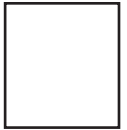
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Citizens For Florida's Waterways

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