

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**JACKSONVILLE WATERWAYS COMMISSION**

**DERELICT VESSELS & FLOATING STRUCTURES SUBCOMMITTEE MEETING MINUTES**

**Conference Room A, 4th floor, City Hall**

 **November 6, 2019**

**9:30 a.m.**

**In attendance:** Commissioners Lindsey Brock, Marshall Adkison

Pete Goody and Chris King – Jacksonville Sheriff Office Marine Division; Andrew Kantor – Jacksonville Sheriff Office Legal; Bob Skalitzky and Brian Burket – Parks Department; Capt. Jim Suber – Waterways Coordinator

**Also**: Susan Grandin – Office of General Counsel; Richard Distel– Council Research Division; Crystal Shemwell and Jessica Smith – Legislative Services Division

**Meeting Convened**: 9:31 a.m.

Commissioner Brock called the meeting to order. Mr. Brock said that the focus of the meeting should be on floating structures and this subject matter will have less pushback from the boating community. Susan Grandin, Office of General Counsel, went over the agenda and said that if the meeting’s focus was on the floating structures aspect then it would be possible that the committee could come up with a regulatory solution. Ms. Grandin went over what kind of regulations can be done and what is preempted from local control by the Florida Statutes. Ms. Grandin said that when discussions goes to the funding part of the agenda then focus can be put on how to change the existing ordinance.

Ms. Grandin stated that currently through the ordinance it is the Florida Fish and Wildlife Conservation Commission (FWC) that declares a vessel to be derelict. This could be changed so that the City has the authority through JSO. Mr. Goody, JSO, said that they can declare a vessel to be derelict, but the issue comes with a lack of funding to pull out the vessel and follow through with the action. Mr. Goody stated that JSO needs to follow the step by step process set out by FWC in order to receive the State matching grants. Mr. Kantor, JSO Legal, said that a revised ordinance could allow for the City to seek out the money from FWC and give the owners of the vessels due process. Mr. Brock stated that currently there is an enforcement structure in place for derelict vessels and the issue is just regarding the funding. The aim is to regulate floating structures, because a floating structure is personal property, and this means that JSO would be seizing personal property from the owner.

Commissioner Adkison looked at the definitions of floating structures and how some boaters are repurposing sailboats by removing parts and turning them into floating structures. Mr. Brock asked how JSO would go about removing floating structures under the ordinance. Mr. Goody said that it is removed as abandoned property. Mr. Goody said it might work to look at other local ordinances which define floating structures as illegal on the waterways. Ms. Grandin explained that some municipalities have a total prohibition and others have it prohibited unless it is at a marina or a private dock. Mr. Goody reiterated that the big issue is being able to follow through with enforcement. Capt. Suber emphasized the need for code enforcement on these floating structures. Mr. Adkison said that a big issue will be getting DEP and Code Enforcement to do the needed work in order to follow through on floating structures that are in violation. Mr. Brock kept the focus again on floating structures and what the subcommittee could do to manage that issue. Mr. Brock asked JSO which issue is more pressing: floating structures in the river or on the docks. Mr. Goody said the bigger issue is with floating structures that are found in the river.

Ms. Grandin stated that the zoning code currently does not go into the water. Mr. Suber said that there are some exceptions to this, but the majority do not. Mr. Brock suggested including a zoning ordinance for floating structures. Ms. Grandin went over the handout that shows that some counties cover floating structures while other counties call them floating homes. Ms. Grandin said this kind of definition could stop parties being held on floating structures. Mr. Goody said that there are very few floating structures on private docks.

Ms. Grandin read the Destin, Florida ordinance and Mr. Brock suggested that the City adopts the Destin model and add a waiver for floating structures to be on private property. The property owner would have to be the owner of the floating structure and prove that they can maintain the floating structure with a similar ability to a marina or private dock.

Ms. Grandin stated that there is no state grant money for removing floating structures. There was a discussion on the funding aspect since there is funding on the State level for derelict vessels and what can be done to make way for funds to allow for the enforcement by JSO. Mr. Brock asked where the floating structures can be moved to. Mr. Goody clarified that there is no tow yard to bring the floating structures to and asked when working on the ordinance can JSO just take the structure and have it crushed. Brian Burket asked if there should be a separate funding section so that floating structures and derelict vessels are not using the same pot of money. Ms. Grandin said that 3b. on the agenda (MOA of division of responsibility between FWC and JSO) needs to be discussed at the next meeting. Mr. Adkison said that for next meeting Code Enforcement and Risk Management should join in on the discussion.

**Meeting adjourned:** 10:59 a.m.

Minutes: Richard Distel, Council Research Division

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