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**JACKSONVILLE WATERWAYS COMMISSION
Derelict Vessels Subcommittee**

Meeting Minutes

February 14th, 2024 2:00 p.m.

Location: Lynnwood Roberts Room, 1st floor, City Hall

In attendance: Jimmy Peluso, Jacksonville Waterways Commission Chairman; Jon Michael Barker, Jacksonville Waterways Commissioner; Captain Jim Suber, Waterways Coordinator; Richard Hartley, Jacksonville Waterways Commissioner; Brian Burket, Waterfront Project Manager; Lt. Richard Gilmore, Florida Fish & Wildlife Conservation Commission; Kevin Kilcoin, JSO; Jason Teal, OGC; Erin Mason, OGC; John Kalinowski, State of Florida Attorney’s Office; Shannon MacGillis, OGC; Melissa Long, Chief of Environmental Quality Division

Also: Soraya Aidinejad, St. Johns Riverkeeper; Susan Grandin, OGC; Eamon Webb, Council Research Department

Meeting Convened: 2:02 p.m.

Chairman Peluso called the meeting to order. He explained that he understood that derelict and at-risk vessels were an issue in the river and could present increased risk during hurricane season; he asked the subcommittee what they believed the priority concerns to be. Captain Suber explained that he believed the process of dealing with derelict vessels to be on solid ground; there is bigger concern with “at-risk” vessels. The process for deeming a vessel “at-risk” contains legal loopholes that irresponsible boat owners frequently exploit, and the City lacks a mechanism to move vessels quickly once they are deemed “at-

risk.” CM Peluso asked how long the derelict process takes, and Lt. Richard Gilmore answered that it typically takes around 5 to 7 weeks.

Commissioner Barker stated that many irresponsible boat owners use the Ortega River as a storage lot for their boats and that the current process for noticing and moving these vessels is inadequate. He added that the boat owners who violate docking laws are typically not active owners, many being from out-of-state, which presents difficulties when authorities attempt to serve them fines or notices. Captain Suber stated that the process both needs a towing company and a tow yard. Vessels may be anchored in Anchoring Limitation Areas for up to 45 consecutive days, but these areas are not meant to be long-term storage facilities. Current Ordinance states A person may not anchor a vessel for more than 45 consecutive days in any 6-month period in any Anchoring Limitation Area established in this Part without leaving all Anchoring Limitation Areas for at least 24 hours, and eight (8) miles away, except as provided in Sec. 388.406. Commissioner Barker added that owners that illegally dock their vessels for more than 72 hours are also frequently disrespectful to law enforcement.

CM Peluso asked whether anyone had any potential “towing” companies in mind, and Captain Suber stated that he had discussed the matter with two companies but that the City would have to issue an RFP for these services.

CM Peluso asked whether other counties in the state have the same issue. Lt. Gilmore responded that St. Augustine has an efficient process for moving illegally docked vessels but that their waterways traffic is significantly more concentrated to specific areas than Jacksonville’s waterways traffic. CM Peluso noted Jacksonville’s marine unit patrolled 75 miles of river and connecting tributaries of the St. Johns River, and received confirmation their marine unit consisted of 8 JSO Officers. Captain Suber added that St. Augustine owns its submerged lands, which distinguishes the city from Jacksonville, which has a submerged land lease. St. Augustine owns their submerged lands (they are not owned by the State of Florida as sovereign), so St. Augustine does not need sufficient upland riparian rights to support the mooring field. This is not the case for Jacksonville.

CM Peluso brought up legislation that had been discussed at the state level, and Commissioner Barker explained that there have been conversations at the state level to hire more FWC officers and to attempt to remove issues with GPS systems that are used to prove that vessels have not been moved within the past 45 days, allowing them to be deemed as derelict. Captain Suber added that this legislation should clear up legal concerns with the process, as irresponsible boat owners had been using presumption of innocence to dodge consequences for illegal activity.

CM Peluso noted that priorities for the JWC to solve this problem should be to determine a process for finding “towing” companies and a location to store vessels, to find a funding source for this process, and to clean up the violation/citation process so that uninvolved owners do not stall the process. He asked what the specific criteria were for deeming a vessel “at-risk,” and Lt. Gilmore explained that a vessel could meet any of six conditions to meet “at-risk” status: 1) if it is taking on water, 2) if it is left open in places that vessels should be closed, 3) if it breaks loose from its anchor point or will imminently break loose from its anchor point, 4) if it is tipping, 5) if it has no effective means of propulsion within a 72-

hour period, and 6) if it is tied to an unlawful structure. He added that if a vessel receives three infractions, it can legally be removed under public nuisance laws.

Shannon MacGillis of the Office of the General Counsel clarified that the City had a clear process for saying that a vessel could not be in a certain spot but that it does not have a clear process for removing the vessel from that spot. Captain Suber confirmed that this was the main issue and that previous legislation that had been passed to address this issue only applied to the anchoring limitation area in Ortega.

CM Peluso asked Jason Teal of the Office of the General Counsel whether Mr. Teal believed that any potential legislation to clean up the process for moving vessels once they are deemed at-risk would face any legal challenges. Mr. Teal stated that he was concerned over the fact that Jacksonville may or may not have jurisdiction over public waters. Susan Grandin of the Office of the General Counsel stated that she believes that the City has non-criminal jurisdiction to enforce local laws and that this authority had been given to the City by the State through previous legislation. Mr. Teal stated that the City could get creative with fees and fines to provide funding source, and Brian Burket, Waterfront Project Manager, stated that the City should still have money left in the Derelict Vessel & Floating Structure Removal Fund. Melissa Long, Chief of Environmental Quality, stated that there was \$165,000 in this fund. CM Peluso asked how much it would cost to contract the Arlington Marina to provide a storage facility, and Captain Suber stated that it was impossible to know at this point and that the City would need to issue an RFP for these services.

CM Peluso asked whether FWC could tow vessels, and Lt. Gilmore responded that it was against FWC policy to do so but that it could if vessels were immediately at-risk of damaging other property. CM Peluso noted that there was potential for local-state partnership in solving this issue. CM Peluso asked how many vessels would be towed if the City were to make the process easier, and Commissioner Barker stated that he believed many would be towed at the outset of the policy change but that the number would decrease once boat owners understood the policy change. Captain Suber added that around 10 vessels a year are towed.

CM Peluso asked John Kalinowski about the State Attorney's office's role in the violation process, and Mr. Kalinowski stated that the Clerk of Courts had been mistakenly dismissing violations when they had been sent to out-of-state violators who had failed to respond. He noted that the State Attorney's office had discussed this matter with the Clerk of Courts and that this issue should be resolved.

Lt. Gilmore noted that a warrant for the arrest of the owner of the vessel illegally docked at Stinson Park was currently being processed. Commissioner Barker reaffirmed his belief that towing vessels should be more like towing cars; he stated that he understood that navigation in waters was legally different from driving a car on public roads, but he stated that illegally docking a vessel is not "navigation."

CM Peluso stated the Task Force would address the problems of moving and storing at-risk vessels and determine a funding source for doing so. Should legislation be required he would look for approval from this Task Force to bring it to the Jacksonville Waterways Commission.

Meeting adjourned: 3:20 p.m.

Minutes: Eamon Webb, Council Research Division
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