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**JACKSONVILLE WATERWAYS COMMISSION
Derelict Vessels Task Force**

Meeting Minutes

May 23rd, 2024 10:00 a.m.

Location: Lynwood 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 Redick, Jacksonville Waterways Commissioner; Adam Hoyles, Jacksonville Waterways Ex-Officio Member; Brian Burket, Waterfront Project Manager; Kevin Kilcoin, JSO; Chris King, JSO; Shannon MacGillis, OGC; Gaby Young, OGC; Dr. Gerry Pinto, Jacksonville University

Also: Brooks Dame, Executive Council Assistant; Eamon Webb, Council Research Department

Meeting Convened: 10:10 a.m.

Council Member Peluso called the meeting to order.

Shannon MacGillis, Office of the General Counsel, explained that the proposed legislation is in very rough draft form, not ready for circulation, and that she has additional meetings with enforcement agencies on various aspects of the Code. She discussed using the current framework of Chapter 388, but to consolidate topics, update provisions, clarify provisions. She discussed, generally, the overall outline of each proposed Part. She discussed the general concept of each Part and some highlights of particular portions of each Part that could be addressed. She also mentioned examples of ordinances from other jurisdictions, specifically Miami's ordinances, that could be helpful in Jacksonville.

Ms. MacGillis explained each Part of the proposed new section of the Code:

Ms. MacGillis explained Part 1 of the draft section, which would apply to the whole of the Chapter. She explained that the drafted section would establish findings and explain its legislative intent, which will assist in establishing public purpose for the regulations and defending the bill if it were to ever be challenged legally. It contextualizes the drafted section in current issues of lost, abandoned, derelict, or otherwise unattended vessels in the context of the public use doctrine theory and rational relation to restriction on navigation. She stated that the drafted section updates and clarifies existing definitions and removes unnecessary terms.

She explained the administration and enforcement section of this part of the draft section would clarify act immunity and trespass immunity for officers in execution of duty; extend immunity to contractors; outline method for recovery of costs; establish prohibitions on obstruct law enforcement or opposes Code enforcement in execution of 388 duties; and prohibit mutilation of notice placards.

She explained Part 2: Floating Structures. She stated that it had been requested to clarify notice procedure for various categories of vessels. She explained that this part of the section could establish three categories of vessels: attended, unattended with known owner, and unattended with unknown owner. The draft section would establish notice procedure for each of these three categories and penalties (with the penalty not being limited to this Part, as any other provision of law may apply).

She explained Part 3: Derelict Vessels & Vessels At-Risk of Becoming Derelict [from Chapter 670; F.S. 705.101(1)]. She noted that it incorporated definitions from the Florida Statutes, translated to City application. It would clarify the process of designating vessels as being derelict, at-risk of becoming derelict, or abandoned.

She explained Part 4: Anchoring and Mooring Limitation Areas. She explained that these would implement anchoring restrictions with findings and legislative intent to clarify the public purpose of the section.

Commissioner Barker asked about standards for measuring tensile strength and whether it would be feasible to regulate tensile strength. Captain Jim Suber, Waterways Coordinator, noted that Miami regulates tensile strength but questioned whether it would be feasible. Ms. MacGillis explained that exactly how law enforcement carried out the law was not a consideration when drafting the regulations. Captain Suber stated that this type of information could be considered in an investigation where law enforcement could take the line but that it would be impossible to measure it in the field. Chris King, JSO, stated that law enforcement would likely have to rely on the word of the boat owner to honestly relay the manufacturer of the rope. Ms. MacGillis reiterated that these discussions were highly hypothetical as the amended section of the code was in early draft form. Commissioner Barker noted that the City would not necessarily have to set its own tensile strength standard but could specify that the state of the lines could play a factor in law enforcement's decision whether or not to tow a vessel.

Ms. MacGillis continued explaining Part 4. She stated that localities are fairly limited in what they can do regarding the implementation of anchoring zones. She noted that the state is also trying to figure out policy solutions to deal with unauthorized stored vessels. She explained that categories play an important role; at some point unattended vessels become abandoned vessels. She explained technical changes in the legislation and process and citation updates and that it incorporated updated penalties from HB 437, which goes into effect on July 1st.

She explained Part 5: Abandoned, Lost, and Public Nuisance Vessels. It would establish findings and clarify legislative intent to establish the legal public purpose of the regulations. She stated that it would articulate the new category of “abandoned vessel,” which does not currently exist in Florida law. It would also establish the category of “public nuisance vessels,” which would be distinct from public nuisance provisions and would include unauthorized stored vessels from an anchoring limitation area and provide for procedure for these vessels to escalate to at-risk and derelict status.

It would articulate “public waters” and wet versus dry areas based on the mean high tide line. It would establish procedure for citation and removal by categories of “abandoned and lost” and “public nuisance” vessels.

Commissioner Barker and Captain Suber inquired about the mechanism of how law enforcement would effectuate provisions, including who would fund towing and storage.

Ms. MacGillis advised that while statutes or ordinances should clearly articulate what is prohibited and who has the authority to do what to remedy violations, the specific procedure for how a law enforcement agency or code enforcement agency enforces a statute or ordinance should be left to standard operating procedures of the enforcement agency.

Commissioner Barker asked about potential provisions related to distances from docks. Ms. MacGillis responded that the topic of docks has repeatedly come up and asked if it is the will of the task force that she will look into the code provisions related to docks and whether they can be improved as part of this legislation package.

Chair Peluso stated that he considered the issues related to docks to be within the scope of the request to consider legislative changes.

Public Comment:

There were no speakers.

Meeting adjourned: 11:06 a.m.

Minutes: Eamon Webb, Council Research Division
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