

Anchoring Update

2018 Florida Legislative Session

Florida's annual 60-Day Legislative Session is scheduled to end on March 11. The following is an update on the activities related to anchoring in Florida waters.

At the beginning of the Session, the city of Hollywood, Florida filed bills (SB388/HB1001) sponsored by Senator Gary Farmer (D-Ft. Lauderdale) and State Representative Joe Geller (D-Dania Beach) to ban overnight anchoring on North & South lakes, south of Ft Lauderdale in Broward county.

There is much history to this issue. Up until ten years ago, a pattern had emerged whereby cities and counties would pass a restrictive anchoring ordinance for a specific area, typically along the Southeast coast. Over many years, Florida's waterways were filled with a patchwork of local anchoring restrictions. In 2009 the State Legislature initiated an Anchoring & Mooring Pilot Study program including a provision stating that, following the conclusion of the study program, legislation would be adopted to enact the recommendations. In 2017, the program ended and the Legislature reviewed the recommendations from the FWC (Florida Fish & Wildlife Conservation Commission) and took testimony from citizens and stakeholders across the state. The resulting legislation, HB 7043, included a provision pre-empting jurisdiction for anchoring regulations to the State level, thus ending the local authority to create individual laws banning anchoring.

The city of Hollywood is represented by two of the largest lobbying firms in Tallahassee. They worked with the Senator and State Representative to file and promote the bills which sought to list North and South Lake in a pre-existing statute, 327.4018, titled "Anchoring of vessels in anchoring limitation areas" in October 2017 for the 2018 legislative season. 327.4108 is a statute that lists 4 locations where anchoring is not permitted. It was enacted in 2016.

At the beginning of the Session, Marine Trawler Owners Association (MTOA) as lead, with assistance from Seven Seas Sailing Association (SSCA), American Great Loop Cruising Association (AGLCA), and DeFever Association (DA) through their generous financial donations allowed us to enter into a contract with Capitol Access, a lobbying firm in Tallahassee Florida. They are the same firm that did an outstanding job representing us last year to ensure the language of Legislature for the HB 7043 Anchoring & Mooring bill that became law following the Governor's signature.

The anti-anchoring bills were referred to 3 committees in the House and 3 committees in the Senate thus requiring the bills to be heard and passed favorably in those committees before the bills could be heard on the floor of the full House and Senate. Through the efforts of the associations and our lobbyists, the bills were blocked from even receiving a single hearing.

During this process and following consultations with Capitol Access, it was decided that another statute, 327.60 “Local regulation—limitations” would provide the City with a local option to adopt an ordinance that manages and apportions multiple uses and user groups within their anchorages. That statutory process requires local hearings and a review on the state level, thus providing multiple points of entry and input from boaters and other stakeholders. This alternative approach was a key factor in our messaging with legislators as we urged them to oppose the new bills that would completely ban anchoring in listed locations.

Our lobbyist, Jerry Paul of Capitol Access, was monitoring every step of the process throughout the Legislative Session and had advised that we should prepare ahead of time for a potential all-out battle when (as he felt) the bill may get converted into a floor amendment late in the Session. A well-prepared call to arms Action Alert was prepared in advance. The prepared Action Alert was to be utilized at the precise time the floor amendments were filed and scheduled for a hearing, Action Alert, which included contact information for the sponsoring legislators (Farmer and Geller) plus, additional legislators in key positions to kill the proposed amendments. The other legislators (Senators and State Representatives) are supporters of our freedom on the water and have been cultivated by Capitol Access as our first line of defense.

The Action Alert was emailed to the respective Florida membership of SSCA, AGLOA, DeFever and MTOA members. We mobilized the membership, to create a massive wave of input messaging to these legislators at precisely the right time. In the meantime, Capitol Access continued their relentless pursuit of contacting legislators and presenting our adamant opposition to the newly amended bill.

The city of Hollywood lobbyists was quite clever in changing their strategy of adopting their dedicated bill, when they realized it was not proceeding, changed over to an amendment attached to another piece of major legislation. They also have enormous resources. The City spends upwards of \$200,000 annually on advocacy in the Capitol. Also, the rapid process at the end of a session creates a time constraint where they can exploit their leverage. We had less than one day to react with our show of force to legislators. Jerry Paul of Capitol Access while on the committee floor notified us to spring into action. That same afternoon/evening an email was sent to SSCA, AGLCA, DeFever and MTOA Florida (taxpayers) membership to immediately contact their state representatives (rep info supplied) by phone and email. Hundreds of members took to the phones advising their representative as Florida property owners (taxpayers) and voters to vote NO on the bill dealing with vessel decals. The phone calls and emails to legislators were very effective. We supplied the exterior show of force for the no vote, while Capitol Access diligently continued working with the legislators on the floor and Florida’s Fish and Wild Life Division to have the amendment removed from the primary bill.

The combined strategies and grassroots outreach were successful. Senator Farmer and Representative Geller were forced to withdraw the amendments. They, however, used the

opportunity to make a statement about the problems and complaints filed by the City of Hollywood including the following;

1. Unoccupied boats are anchored for storage and left to become eyesores and even derelicts.
2. Unoccupied vessels break free and crash in to nearby docks, causing damage.
3. Occupied vessels at anchor discharge sewage into the water.
4. North Lake is so inundated with anchored vessels that the space is rendered unavailable for other users and activities including the use of the area by local rowing clubs, the rowing team of Nova Southeastern University, and the use of the area by the local sailing club which is located on the shore of North Lake and has historically used the area for conducting small craft sailing lessons to youth organizations.
5. These water squatters don't pay property taxes and don't vote

Although we again defeated the bills filed in the Legislature, the above concerns are seen by many legislators as legitimate problems that must be addressed. The continuation of those complaints will force the City Council and their legislators to repeatedly file legislation session after session until the problem is resolved.

Jerry Paul has maintained constructive discussions with the bill's sponsors and the city's lobbyists. Appropriate outreach and engagement has been offered including a plan whereby representatives of our organization will meet with local stakeholders along with the Hollywood City Council, lobbyists, and the bill's sponsors in an effort to find a suitable solution as an alternative to future state legislation.

Michael Bodin of MTOA will lead the coordination of the future meetings in Hollywood including attendance by boaters from our organizations. The goal will be to arrive at a mutually agreeable solution as an alternative to new bills banning anchoring. Such bills would continue to be a precedent that is harmful to our efforts to preserve other anchorages.

For now, we can be proud of our successes in the Capitol. We continue to win skirmishes and battles, defending our position. Of course, it has been demonstrated that a highly skilled lobbyist on our behalf is absolutely necessary to represent our interests.

Going forward, however, the future of our governmental affairs strategy must be examined. It is not free. As we go forward we will need to raise the necessary funds to be represented and oppose the massive resources against us.

We must also make strategic decisions about how we ultimately prevail with stable and sustainable result. For example:

Does the community want to take a proactive position and challenge 327.4108 for removal or modification to be in alignment with other sections of the law requiring third party and

stakeholder intervention prior to the bills final wording? It's extremely difficult to change existing laws.

How do we generate funds to retain a lobbyist? SSCA, AGLCA, DeFever, MTOA membership has organized this in the past, but now the reserves are too low. One option is to ask Capitol Access to organize and manage an online voluntary contribution platform such as GoFundMe or other crowd-source methods.

Remember, the only year when an anti-anchoring bill passed (in 2016) was the year that our associations paused and did not have professional representation in the Capitol. Prior to 2016 SSCA had retained the Capitol Access firm which defeated the legislation on our behalf. Following the defeat in 2016, MTOA stepped up to take the lead protecting boater's rights. No anti-anchoring bills were passed in 2017 and 2018.

Do we simply let cities/counties systematically eliminate anchorages by filing unopposed bills in each Legislative Session while we stand by and let it happen? What precedent would this set for other states?

What is the interest level of the boating community, will they take the time to make phone calls and email their representative to preserve anchorages used in the past for present and future generations?

MTOA, SSCA, AGLCA, DeFever have accomplished their primary objective for the 2017 state law; clearly defining local anti -anchoring ordinances to be unlawful. All future non-anchoring zones are state appointed, statewide setbacks were not included, and issues negative to boater's issues compromised.

In conclusion, we won another one. A tremendous and grateful thank you goes out to members of Seven Seas Sailing Association, American Great Loop Cruiser Association, DeFever Association and Marine Trawler Owners Association for their financial generosity and time spent in contacting state legislators. Capitol Access did a stellar job representing our interest.

"Eternal vigilance is the price of liberty; power is ever steering from the many to the few"

Your suggestions are welcome,

Michael Bodin,
MTOA, Public Advocate
mbmtoa@gmail.com