WATERFRONT ADVISORY BOARD
AGENDA
City Hall Council Chamber
Tuesday, April 3, 2018 5:30 PM

Joan Luebbe, Chair
Michael Engiles
Phillis Rosetti-Mercer

Rocky Rich, Jr., Vice-Chair
Jim Baumstark
Lynn Marcum

Mayor Jim Farley, Liaison

1. Call to Order –
2. Roll Call –
   Present –
   Absent –
3. Pledge of Allegiance –
4. Adoption of Agenda –
5. Approval of Minutes – Motion to approve minutes from the March 6, 2018 Waterfronts Advisory Board meeting –
6. Presentations –
7. Citizen Input – (three (3) minutes) –
8. Unfinished Business –
9. New Business –
   a. Report on what Dave would like to do with answers to question
   b. Update Combine water jurisdiction on the water
   c. Update on mooring fields
   d. Scallop brochure/Boater brochure distribution
   e. Items for next agenda –
10. Citizen Input – (three (3) minutes) –
11. Board Member Reports/Comments –
    Jim Baumstark-
    Mike Engiles-
    Joan Luebbe-
    Lynn Marcum-
    Rocky Rich, Jr. -
    Phillis Rosetti-Mercer-
12. City Council Liaison Comments – Mayor Farley –
13. Staff Comments –
14. Announcement of Next Meeting – May 1, 2018 at 5:30 p.m.
15. Adjournment –
WATERFRONT ADVISORY BOARD
MINUTES
City Hall Council Chamber
Tuesday, March 6, 2018 5:30 PM

Joan Luebbe, Chair
Michael Engiles
Phillis Rosetti-Mercer
Ray Oates

Rocky Rich, Jr., Vice-Chair
Jim Baumstark
Lynn Marcum

Mayor Jim Farley, Liaison

1. Call to Order – The meeting was called to order by Chair Luebbe at 5:31 p.m.
2. Roll Call –
   Absent – None.
3. Pledge of Allegiance – Chair Luebbe led in the recital of the Pledge of Allegiance.
4. Adoption of Agenda – Board member Baumstark moved to adopt the agenda; Board member Marcum seconded the motion. Motion carried 7-0.
5. Approval of Minutes – Motion to approve minutes from the December 5, 2017 Waterfronts Advisory Board meeting – Board member Rosetti-Mercer moved to approve the minutes of the December 5, 2017 Waterfronts Advisory Board meeting; Vice-chair Rich seconded the motion. Motion carried 7-0.
6. Presentations – Mary Kassabau of Southwest Florida Water Management District (SWFWMD). Ms. Kassabau presented information to the Waterfronts Board on her role at SWFWMD.
   Jo Sonerholm asked Ms. Kassabau about the fenced area within Hunter Springs Run. Ms. Sonerholm made a statement related to muck left behind once cages were removed.
7. Citizen Input – (three (3) minutes) – Robert Pitts of Crystal River made a statement related to boat ramp access decreasing as the population is increasing and temporary kayak launch closure. Mr. Pitts suggested several locations around town to place a boat ramp. Mr. Pitts suggested places such as on the Three Sisters Property near Magnolia Springs, property located along Three Sisters Trail, and property located at the end of NE 2nd Avenue and NE 2nd Street around the corner from Hunter Springs Park. Mr. Pitts stated access points for the citizens are important.
8. Unfinished Business –
   a. Bylaws – Board member Engiles moved to approve the bylaws as amended by the board; Vice-chair Rich seconded the motion. The Board members discussed the bylaws. Board member Rosetti-Mercer noted displeasure of the term “staff liaison” instead of a specific department head being assigned or listed. Motioned carried 7-0. Unanimous.
   b. Liaison Assignments – The Board discussed liaison assignments.
9. New Business –
   a. Response from question - The Board discussed the feedback to the question.
   b. Questions to ask – The board did not discuss this item.
c. 3SS – Staff liaison updated the Board on Three Sisters Springs management negotiations. Neither the USFWS Plan nor the City Plan is currently ready.

d. Items for next agenda -
   i. Report on what Dave would like to do with answers to question
   ii. Update Combine water jurisdiction on the water
   iii. Update on mooring fields
   iv. Scallops brochure distribution
   v. Boater Brochure annual review
   vi. Channel marking signs/boater direction signs

10. Citizen Input – (three (3) minutes) – None.

11. **Jim Baumstark**- None.

**Mike Engiles** - Board member Engiles stated that the Board’s purpose was to advise council on pending things, whatever it may be. Board member Engiles stated that in November there was a motion regarding Ordinance 17-O-11 which relates to Business Tax Receipts specifically the portion related to demarcation of vehicle and vessels. Board members Engiles inquired whether the Waterfronts Board was specifically notified about the portion related to demarcation before it was sent to council for vote.

Chair Luebbe stated that the follow of information tends to be one-way, the Board to Council. Chair Luebbe stated that Council does not generally ask the advice of the Board.

Board member Rosetti-Mercer stated that an ordinance probably went through Planning Commission. Board member Rosetti-Mercer stated that the Council needed to ask the Board more.

*The only ordinances that are sent to Planning Commission are ones that are specifically planning and zoning related. The Planning Commission is a statutory board. Not all ordinances go before the Planning Commission prior to being presented to Council.*

Board members indicated the desire for council to ask their recommendation on ordinances and policies before the ordinances or policies were sent to Planning Commission.

*Per the Waterfronts Board Bylaws the Board is responsible for making recommendations to the City Council related to water issues not all ordinances and policies per Article II - Purpose.*

**Joan Luebbe**- Chair Luebbe reported on the Friends volunteer appreciation luncheon to be held at the old Fish and Wildlife office on Kings Bay Drive between 11-2 on April 6th.

**Lynn Marcum**- Board member Marcum made a statement about culverts on/near her property. Board member Marcum stated that Department of Transportation and the City have been working with her for several months. Board member Marcum stated that there is now a new spring in front of the culverts. Board member Marcum stated concerns about alligators being in the culverts or manatees getting stuck in the culverts. Board member Marcum stated that she was considering having the work done and paying for it out of her own pocket.

Chair Luebbe asked if it was lawful for Board member Marcum to have the work done.

Board member Marcum stated that it was her property. Board member wanted to know if there were other culverts like the ones on her property.

Chair Luebbe asked if Board member Marcum had reached out to any of the Council members or the City Manager.
Chair Luebbe also inquire what Board member Marcum would like the Board to do. Board member Marcum stated that there was nothing she would like the Board to do.

*Work in the water would require a permit from the Army Corps of Engineers and DEP.*

**Ray Oates**- Board member Oates reported on efforts to get lyngbya classified as a recovered solid waste.

**Rocky Rich, Jr.** – None.

**Phillis Rosetti-Mercer**- Reported on 5 renewal permits for water withdrawals. Board member Rosetti-Mercer stated that nothing was out of line.

12. City Council Liaison Comments – Mayor Farley – Mayor Farley ask the Board if they would like water related ordinances to come through the Board for comment and recommendation prior to being sent to Planning Commission.

Chair Luebbe stated policies as well.

Mayor Farley also stated he would see if Council would consider paying for covering the culvert.

13. Staff Comments – Staff liaison Morris thanked the board for a great meeting and great discussion.

14. Announcement of Next Meeting – April 3, 2018 at 5:30 p.m.

15. Adjournment – Vice-chair Rich moved to adjourn the meeting; Board member Marcum seconded the motion. Motion carried 7-0. Meeting adjourned at 6:56 p.m.

Attest:

______________________________
Joan Luebbe, Chair

______________________________
Lisa Morris, Deputy Clerk
Roger Smith

From:            Molly Daly
Sent:           Tuesday, October 24, 2017 11:28 AM
To:             Linda Burch; Roger Smith; Deborah Gallagher; Stefanie Semmes
Subject:        FW: Council Action items 10/24/17

FYI

From: Mia Fink
Sent: Tuesday, October 24, 2017 11:23 AM
To: David Burnell; Beau Keene; Michelle Russell; Jackie Gorman; Leslie Bollin; Molly Daly; Lisa Morris; Theresa Krim; Jack Dumas
Subject: Council Action items 10/24/17

CITY HALL WORKSHOP

2. PRESENTATION

   A. Presentation of "Downtown Visioning and City Hall Location Selection"

3. COUNCIL DISCUSSION AND QUESTIONS

   3/2 in favor of Citrus Avenue and Hwy 19 location

   Consensus for staff to move forward with developing scope for Needs Assessment (result could determine ideal location based on amount of space needed)

4. PUBLIC INPUT

   Many spoke in favor of Citrus Avenue and 19 location
   Residents spoke in favor of utilizing existing buildings.

CITY COUNCIL MEETING

5. APPROVAL OF CONSENT AGENDA

   APPROVED

   A. Motion to approve minutes from the Regular Council Meeting held October 9, 2017

   B. Departmental Monthly Reports for the month of September

   C. Motion to approve the request for waiver of open container restriction and road closure request for the 2017 Christmas Tree Lighting Festival.

   D. Motion to approve the special events permit and road closure request submitted by Seven Rivers Regional Medical Center and Citrus Road Runners, Inc. for the Seven Rivers Regional Kings Bay 5K race

   E. Motion to appoint the following members to the Housing and Unsafe Structures Appeals Board: Chris Ensing, Seat No. 1; Andrew Freund, Seat No. 2; James Ruane, Seat No. 3; Thomas Willford, Seat No. 4

   F. Motion to approve Right-of-Way Use Agreement between the City of Crystal River and Suntrust Bank authorizing utilization of a paved parking area located along NW 10th Street for a property located at
6. **PUBLIC INPUT**  
(Time Limit of Three Minutes)

7. **PUBLIC HEARING**  
A. Motion to approve Ordinance No. 17-0-11 amending Article I, Chapter 11 – License and Business Regulations,  
**APPROVED**  
Sections 11-1 through Section 11-14 on First Reading and setting a public hearing for November 13, 2017  
AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, REPEALING ORDINANCE 16-O-04, AMENDING ARTICLE 1, CHAPTER 11 - LICENSE AND BUSINESS REGULATIONS, SECTIONS 11-1 THROUGH SECTION 11-14, AMENDING LANGUAGE FOR CLARIFICATION AND ZONING COMPLIANCE, AMENDING THE CURRENT LIST OF CLASSIFICATIONS BY ELIMINATING CATEGORIES THAT ARE ANTIQUATED OR REDUNDANT, ADDING NEW CATEGORIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE  
Golf cart rental category to be added

8. **CITY ATTORNEY**

9. **CITY MANAGER**

A. Motion to adopt Resolution No. 18-R-02 to provide Crystal River Main Street funding of $1,000.00  
**APPROVED**  
toward the purchase of the Downtown Map and Coin Promotion Packages

B. Update regarding FY19 Springs Restoration Grant funding proposals

C. Motion to adopt Resolution No. 18-R-01 and approve the purchase of twenty-one (21) additional  
**APPROVED**  
OmniSite lift station monitoring units in the amount of $54,516.00 from Keystone Sales Company, Inc.

D. Motion to approve submission of a grant application to Florida Department of Environmental Protection (FDEP) Coastal Partnership Initiative, in the amount up to $15,000.00 with matching funds from the  
City up to $15,000.00 for design and permitting of one or more mooring fields in Kings Bay  
Legal staff to provide clarification regarding “next steps”, options for jurisdictional modifications, etc... refer back to  
presentation prepared by Tom Ankerson.

E. Motion to adopt Resolution No. 18-R-03 and approve the purchase a boat, motor, trailer and miscellaneous items from Millers Boating Center for the sum of $14,997.79  
**APPROVED**

F. Motion to support development of a project by SWFWMD to stabilize shoreline at the Three Sister  
Springs property along the area known as “the run” and around the outer springs  
**APPROVED**

G. Motion to support development of a project by Southwest Florida Water Management District  
(SWFWMMD) to develop plans and construct a living shoreline along the waterside portion of the future  
Riverwalk  
**APPROVED**

10. **CITY COUNCIL**

A. Motion to adopt 2018 Council Meeting, Holiday and Board meeting Schedules  
**APPROVED**

Legislative Delegation meeting upcoming Friday, November 3, 2017  
Consider further promotion of City accomplishments (specific to water matters)
Provide information regarding recently adopted golf cart resolution on website (establish procedures, etc.)

Thank you,

Mia Fink
City Clerk
123 NW U.S. Hwy. 19
Crystal River, FL 34428
352-795-4216 ext. 303

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COASTAL PARTNERSHIP INITIATIVE
www.dep.state.fl.us/cmp/grants/index.htm

GRANT APPLICATION

Refer to Rule Chapter 62S-4, Florida Administrative Code, available at http://www.dep.state.fl.us/cmp/grants/index.htm for information on funding requirements and evaluation criteria.

Eligible applicants for the Coastal Partnership Initiative are local governments of the 35 coastal counties and all municipalities within their boundaries required to include a coastal element in the local comprehensive plan. Florida colleges, community colleges, state universities, regional planning councils, national estuary programs and non-profit groups may also apply, as long as an eligible local government agrees to participate as a partner.

Submittal Requirements

1. One application per applicant may be submitted per grant cycle (i.e., one application per county, city, or other eligible applicant.)
2. Applicants may request:
   a) no more than $15,000 and no less than $10,000 for planning, design and coordination activities; and
   b) no more than $30,000 and no less than $10,000 for construction projects, habitat restoration, invasive exotic plant removal, and land acquisition. These projects cannot involve planning/coordination tasks or components.
3. Non-profit groups are not eligible to receive funds for construction projects, invasive exotic plant removal, habitat restoration, or land acquisition. Applications submitted by non-profit groups that propose these activities (as listed in 62S-4.004(2)(c)) will be disqualified.
4. Funding is available only for project work initiated and completed during a 12-month period beginning July 1 and ending June 30.
5. One original, signed application must be submitted along with four copies of the application and one CD/DVD copy of the application.
6. All applications must be submitted on the CPI Application Form.
7. Applications must be submitted in person, by certified or registered mail or by courier service by 4:00 p.m. on the date identified in the notice of availability of funds to:
   Department of Environmental Protection
   Florida Coastal Management Program, MS 235
   ATTN: CPI Applications
   3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

Faxed, electronic, or late applications will not be considered and will be disqualified.

Submitted 10/26/17

Form 62S-4.004(5)
Effective 9/2/10
A. TITLE PAGE

Project Title: City of Crystal River Mooring Field, Design and Permitting
CPI Initiative Priority Area(s): Working Waterfronts and Access to Coastal Resources
Applicant Name and Name of Partner Entity (if applicable): City of Crystal River, FL

Official Contact Name: Dave Burnell
Title: City Manager
Phone/Fax: 352-795-4216
Email Address: dburnell@crystalriverfl.org
Postal Address: 123 US Highway 19
Crystal River Florida 34428

Applicant DUNS Number:

Proposed Project Manager Name: Dave Burnell Email: dburnell@crystalriverfl.org

Certification Statement

"By signing this title page, the undersigned certifies that:

a. This application is in all respects fair and submitted in good faith without collusion or fraud;
b. If selected through this application process, the recipient will work in good faith and in partnership with the Florida Coastal Management Program to manage its sub-grant in a timely and accurate manner;
c. Any funds awarded as a result of this application process will not be used to supplant or replace any state or local funds;
d. Any funds awarded as a result of this application process will not be used to as matching funds to apply for or receive other federal funds;
e. No federal funds will be used as match for funds awarded as a result of this application process;
f. The applicant local government’s adopted comprehensive plan has been found to be in compliance with Chapter 163, Part II, F.S.;
g. [If construction is proposed] The applicant has conducted preliminary consultation with appropriate federal, state, regional and local regulatory agencies regarding any construction proposed in the application and has documented the results of the consultation in the Project Description section of the Work Plan;
h. [If construction projects, habitat restoration or invasive species removal are proposed] The property on which these activities will take place is owned or leased by the applicant or the applicant holds a sufficient easement; and
i. The undersigned has full authority to bind the applicant."

_________________________  ___________________________  ___________________________
Signature  Name & Title  Date

If applicant is a Florida college, community college, state university, regional planning council, national estuary program or non-profit group, include the signature, name, and title of contact for partnering entity; the name of the eligible county or city partner; and the date.

_________________________  ___________________________  ___________________________  ___________________________
Signature of Partner  Name & Title  County or City Partner Entity  Date

Form 62S-4.004, FAC, Effective 9/2/10
B. PROJECT LOCATION MAP
Include a project location map no larger than 8½" x 11".

(10 pts.)*

CONCEPTUAL MOORING FIELD LOCATIONS
9OCT2017

This map & Grant Application does not reflect the Potential Expansion of the Mooring Project to Hunter's Cove.
*NOTE: The maximum number of points for scored application components is indicated in each section.
C. WORK PLAN (Expand text boxes as needed, keeping within the 10-page Work Plan limit)

This section describes the project and cannot exceed 10 single sided pages or 5 double sided pages. If letters of support or other materials are submitted to address the Work Plan components below, these items will count toward the maximum 10 pages of the application Work Plan; any additional pages or Appendices will be discarded and not considered in the evaluation of the application. The Title Page, Location Map, Budget and Budget Narrative do not count toward the 10-page limit of the Work Plan.

1. PROJECT DESCRIPTION.

a. Describe in detail the activity or work to be conducted; include project location information.  **(15 pts.)**

<table>
<thead>
<tr>
<th>Commercial Manatee Tours</th>
<th>Private Kayaks</th>
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</thead>
<tbody>
<tr>
<td>Commercial Kayak and Paddleboard rental</td>
<td>Private Paddle Boards</td>
</tr>
<tr>
<td>Power Boat Rentals</td>
<td>Commercial Shrimping Operation</td>
</tr>
<tr>
<td>Commercial Diving Tours</td>
<td>Commercial Stone Crab Operation</td>
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<tr>
<td>Visiting Power Boaters</td>
<td>Commercial Blue Crab Operation</td>
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<tr>
<td>Commercial Power Boat Rentals</td>
<td>Commercial Scalloping Tours</td>
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<tr>
<td>Swimming, Snorkeling and Diving</td>
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<tr>
<td>Residential Power Boats (approx.. 950 available)</td>
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<tr>
<td>Jet Skis</td>
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<tr>
<td>Commercial Vendors</td>
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</table>

Other additional issues include a sport zone, manatee sanctuaries, and random moorings of vessels. The City recognizes that human activities in the coastal waters of the city may conflict with manatee activities and such conflicts can result in manatee harassment (directly and indirectly) and presents a life/safety issue.

Additional environmental benefits of a managed mooring field include maps that will locate current obstructions, identify regulatory jurisdictions and zones, place environmental restraints on protected areas (sea grasses; sanctuaries, etc.), will show navigation and anchoring restraints to minimize damage to the bottom of the bay.

The managed mooring fields will provide amenities such as a pump out boat, on-shore restroom facilities, that will result in a positive impact on near shore water quality.

Currently Kings Bay has excessive Lyngbya growth and the City of Crystal River in partnership with local not for profit agencies are working with the State to continue funding the removal of algae and restoration of native sea grasses. The newly planted sea grass beds will need to be identified and protected. Regulating the boat moorings will enhance sea grass protection through reduction of shading, isolating the areas for mooring thus preventing damage to areas with new plantings.

A managed mooring facility will eliminate anchor drag, propeller dredging and sediment scouring.
b. Describe specific project objectives, tasks, and deliverables and related timelines for each. Objectives and tasks should clearly relate to the project description. (20 pts.)

<table>
<thead>
<tr>
<th>The implementation of a managed mooring field requires noticing a request for proposal from consultants with specialized environmental permitting and engineering expertise. The consultant should have a demonstrated track record of planning, designing, and permitting managed mooring fields of similar scope and size in Florida.</th>
</tr>
</thead>
<tbody>
<tr>
<td>DESIGN, ENGINEERING &amp; PERMITTING</td>
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</tbody>
</table>
| Task #1: Project Planning (Within 90 days of award)  
Deliverable: 1) Technical report leading to final mooring site or sites selection.  
2) Number of Mooring Locations.  
3) Size of Boats Allowed.  
4) Discussion of challenges with the locations. |
| Task #2: Environmental Assessment (Within 180 days of award)  
Deliverable: Environmental Report surveys, data compiled and resources identified. |
| Task #3: Design - Plan layout for one to three mooring fields; anchoring layout Design; mooring installations specifications; and signage, and support requirements. Construction drawings (Within 90 days of completion of Task #2).  
Deliverable: Engineering Report to include technical data, project design and construction cost estimate  
1) Layout.  
2) Mooring design.  
3) Mooring support design, dinghy dock, restrooms with showers, laundry and parking. |
| Task #4: Environmental Permitting (Submit permitting application at the completion of Task #3, Permitting review and requests for information will likely take 17 months due to required Section Seven reviews for endangered West Indian Manatee Trichechus manatus).  
Deliverable: FDEP & USACOE regulatory permits |
| Task #5: Bidding Assistance for construction of Mooring Fields  
Deliverable: Plans, Specifications, and costs |
| Proposed mooring field #3 is a daily use only to provide organization within canal to serve Three Sisters used during daylight hours only. |

2. PROJECT NEED AND BENEFIT.

a. Explain the demonstrated need, which the project addresses. (25 pts.)

<table>
<thead>
<tr>
<th>Three Sister's Spring Mooring – The City has witnessed increased activity (approx. 500,000 visitors annually) since the purchase of Three Sisters Springs. This area serves as a sanctuary for manatees during winter months and has up to 550 manatees in the spring's area at certain times of the year. The area outside the spring in the canal has increased boater activity, both commercial and residential, creating not only a dangerous situation for swimmers, divers, paddlers, etc. but a hazard to the protected manatee. This grant would assist with the congestion and over-crowding by managing the amount of boat traffic at this site.</th>
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</thead>
<tbody>
<tr>
<td>Two (2) Moorings in King's Bay – Within King's Bay there is random and grouped anchoring of boats on a long-term basis as well as short-term. In addition, the growing popularity of paddle boarding, kayaks and motorized vessels utilizing a 600 acre bay increase the potential for user conflict between groups and collisions with West Indian Manatee. Establishment of mooring fields would allow for more controlled anchoring conditions in King’s Bay which will help to eliminate user conflicts, provide an overall safer environment, reduce nutrient loading to the bay by requiring the use of City pump boat services for all users of the mooring field.</td>
</tr>
</tbody>
</table>
| Additional benefits from mooring fields include:  
• Creates space for more boats and ease of navigation  
• Eliminates drifting vessels from improper or illegal moorings |
- Improves water quality through mandatory pump-out requirements
- Encourages tourism
- Provides efficient use of resources
- Balances environmental, economic and recreational priorities
- Decreases conflicts with anchoring locations and needed “scope” a boat requires to swing.
- Improves safety for both the public and the manatees

b. Explain how the proposed project meets the purpose of at least one CPI priority area. (10 pts.)

As a waterfront community, the development and implementation of managed mooring fields fits the working waterfront CPI priority area by helping to revitalize, renew and promote interest in their waterfront districts by providing a planned and managed system of mooring to access our City from the water. Mooring fields will control overcrowding issues and provide visitors access to other City amenities. For example the City will begin construction of a five million dollar river walk this calendar year that the proposed mooring fields would service. Mooring fields are part of the City’s current and future vision plan for a waterfront district and will assist in preserving ongoing restoration work that mitigates water quality issues and will be placed to mitigate for natural hazards. One of the functions of mooring fields is to provide access to our waterfront community by providing designated mooring areas and required land based facilities, such as bathrooms, showers and trash receptacles. Visitors to Crystal River will be able to moor their boats at designated areas and access both our community and also necessary land based amenities.

c. Discuss the extent to which the project will improve the management and protection of coastal resources. (25 pts.)

The City was recently awarded a two million dollar contract to restore portions of Kings Bay, by removing algal deposition and replanting of native eel grasses. In the previous two years the City has been a partner in an additional three million dollars of restoration work within Kings Bay. The restoration work has been focused on removing algal material and replanting with native submerged eel grasses and has been very successful in colonizing previously barren areas. One of the biggest threats to the restoration work is boat traffic and the use of anchors in restored areas. Mooring fields will greatly reduce this threat to these resources. In addition to restoration work Kings Bay is home to the densest population of endangered Western Indian Manatee Populations in the country. Establishing mooring fields will reduce boater manatee conflict. Mooring fields are designed to withstand hurricane events and protect coastal resources from boats that break free of their mooring and become a hazard to our waterfront business and homes. Finally, mooring fields help to alleviate other types of water quality issues by requiring the use of pump out services, providing designated areas for people to take trash ashore and providing bath and shower facilities that will be appropriately treated. Every pound of nutrient prevented from entering Kings Bay helps to restore the bay.
d. Discuss how project is feasible and can be completed within one year.  

(10 Pts.)

The requested funds and match will be used to solicit the lowest qualified respondent to an RFP to design, permit up to Three (3) mooring filed locations. The design and permit application submission will easily be completed prior the year deadline.
BUDGET and BUDGET NARRATIVE

Type dollar amounts only in applicable categories (round to nearest dollar; no cents) and leave other categories blank. A recipient will be required to provide 100% (1:1) matching funds, cash or in-kind. No more than one-half (50%) of match can be provided by a third party.

<table>
<thead>
<tr>
<th>Budget Category</th>
<th>FCMP Funds</th>
<th>MATCH Funds</th>
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<tbody>
<tr>
<td>1. Salaries</td>
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<td>2. Fringe Benefits</td>
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<tr>
<td>3. Travel</td>
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<td>4. Equipment</td>
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<tr>
<td>5. Supplies</td>
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<tr>
<td>6. Contractual Services</td>
<td>$15,000</td>
<td>$15,000</td>
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<tr>
<td>7. Other Expenses</td>
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<td></td>
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<tr>
<td>8. Indirect Charges</td>
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<tr>
<td><strong>FCMP Total</strong></td>
<td><strong>$15,000</strong></td>
<td></td>
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<tr>
<td><strong>Match Total</strong></td>
<td></td>
<td><strong>$15,000</strong></td>
</tr>
</tbody>
</table>

**Total FCMP & Match Funds**  
$30,000

If budget exceeds the amount shown on the “Total” line above, indicate the total project cost: $_______

---

BUDGET NARRATIVE: Describe line items for each applicable budget category shown above. Provide sufficient detail to show cost relationship to project activities for both FCMP and match items. **Indirect costs are not allowed as match.**

Total FCMP Funds Requested  $15,000

Salaries:
Fringe Benefits:
Travel:
Equipment:
Supplies:
Contractual Services: $15,000
Other Expenses:
Indirect Charges:
Total Match Funds: $15,000

Salaries:
Fringe Benefits:
Travel:
Equipment:
Supplies:
Contractual Services: $15,000
Other Expenses:

NOTE: Project costs will be evaluated for reasonability, and the application is eligible for up to 10 points based on the evaluation of costs.
### Crystal River Mooring Field Project

**Client:** City of Crystal River  
**Estimator:** J. Casey Long, PE

#### FEE SUMMARY

<table>
<thead>
<tr>
<th>Services Description</th>
<th>Labor Effort Total</th>
<th>Sub-Consultants</th>
<th>Expenses</th>
<th>Overall Line Item Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preliminary Services</strong></td>
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**PROJECT TOTAL HOURS**  
$246,700.00  $41,000.00  $5,300.00  $293,000.00
October 31, 2017

City of Crystal River
Waterfronts & Community Services
Roger Smith, Water Patrol
123 NW Highway 19
Crystal River, FL 34428

AGREEMENT FOR SERVICES
P-741 – City of Crystal River – Mooring Fields

Roger:

In accordance with our discussions, Coastal Engineering Associates, Inc. is pleased to submit the following agreement for professional services for your consideration.

_Coastal Engineering Associates, Inc._, hereinafter referred to as **"COASTAL"**, proposes furnishing professional services on behalf of City of Crystal River, hereinafter referred to as the **"Client"** for the fees stipulated herein.

**Scope of Work**

Coastal will:

Provide design, engineering and permitting for two (2) mooring fields in Kings Bay and one (1) at the entrance to the Three Sisters Springs. Each of the two (2) mooring areas to be located within Kings Bay would be designed to be used/leased long term consisting of twenty (20) individual moorings at each potential mooring location. The one (1) mooring location to be located at the entrance to the Three Sisters Springs would be designed for hourly/day only short-term consisting of fifteen (15) individual moorings at this potential location.

**01 Planning Services**

A. Review proposed locations of mooring fields with respect to public input, adequate spacing, location and type of onshore facilities, signage, physical and environmental features, etc.

B. Review City of Crystal River Comprehensive Plan to determine the mooring facilities consistency with the approved plan.

C. Assist City in determining administrative oversite of mooring facility (i.e. governmental, concession, not-for profit organization).
.02 Environmental Services

A. Biotic Evaluation (T/E Species Survey)

1. Perform a pedestrian survey of the subject project area to determine general plant and/or animal distributions and to identify protected plant and/or animal species under applicable jurisdictions and mitigation options available to the Client.

2. Conduct a manatee survey of the surrounding area.

3. Provide one (1) original report to the Client. The report shall be delivered within six (6) weeks of notice to proceed.

B. Sea Grass Evaluation

1. Identify and estimate subsurface sea grass coverages in proximity to the proposed mooring sites.

2. Discuss potential sea grass impacts with the client and discuss alternatives and/or available mitigation options.

Note: The above listed task does not include sea grass mapping, mitigation planning or permitting.

C. Environmental Coordination/Permitting

1. Coordinate with the FDEP, ACOE, FFWCC and FWS concerning permitting related needs/tasks.

2. Apply for the applicable regulatory agency permits.

.04 Engineering Services

A. Final Engineering Design

1. Construction Documents - Prepare plans and incorporated specifications for three separate mooring areas based upon the Client approved Preliminary Plan and required site data.

   a) Detailed layout of mooring areas.

   b) Harbor signage plan.

   c) Miscellaneous sheets (details sheet, cover sheet, etc.).

   d) Harbor Management Plan.

2. Permitting and Processing - Prepare standard documents and applications for the following and permits to the required governmental organizations:

   a) Florida Department of Environmental Protection (FDEP) and U.S. Army Corps of Engineers (ACOE) Public Submerged Lands Lease.

   b) Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (Public Mooring Fields General Permit).
c) Florida Fish and Wildlife Conservation Commission (FWCC) Boating Restricted Area and Uniform Waterway Marker Permit.
d) U.S. Army Corps of Engineers (ACOE) Obstruction to Navigation – Section 10 – Rivers and Harbor Act.
e) U.S. Coast Guard Special Anchorage Area Designation. Permitting will require consultation with the Fish and Wildlife Service and Fish and Wildlife Conservation Commission.

.09 Surveying Services

A. Bathometric Survey: Locate all underwater features, provide elevations to one-foot contour intervals for all three selected locations.

Summary of Fees
COASTAL shall be paid the following fees:

.01 Planning Services ................................................................. Lump Sum: $2,640.00
.02 Environmental Services ....................................................... Lump Sum: $19,475.00
.04 Engineering Services ......................................................... Lump Sum: $15,840.00
.09 Surveying Services ............................................................. Lump Sum: $17,688.00

Reimbursables ........................................................................ As Per Attached Schedule of Professional Fees
Agency Fees ........................................................................ 1.15 of Direct Agency Cost

Acceptance
If the above scope and fees meet with your approval, please indicate in the space provided below and return one (1) signed copy within thirty (30) days of the date of this proposal which will constitute an “Agreement and Notice to Proceed” with the accomplishment of this work. Coastal reserves the right to renegotiate or terminate any or all of the terms and conditions provided herein should Client fail to execute the proposal within thirty (30) days of the date of this proposal.

Sincerely,

COASTAL ENGINEERING ASSOCIATES, INC.

Brian Malmberg, PE
Director of Engineering

CLIENT: ____________________________
BY: ______________________________
TITLE: ____________________________
DATE: ____________________________

Attachments
1 – General Conditions
2 – Hourly Rate and Reimbursable Schedule
Payment Schedule

COASTAL shall invoice the Client at regular intervals based on the percent of work performed. Payments will be due and payable upon receipt of invoice. Payments will be considered past due thirty (30) days after receipt of invoice and will be charged at 1% per month (APR 12%) finance charge on the unpaid balance.

COASTAL will be reimbursed for direct expenses by Client at actual cost or in accordance with attached printing price list

1. Blueprints and/or reproducibles for purposes other than in-house working drafts.
2. Outside printing services (including SWFWMID serials, County serials).
3. Special postage (Federal Express, FAX) when requested or required.
4. Long distance teleconference service between two or more parties.
5. County fees and regulatory agency fees (application fees, recording fees, public notice fees, review fees, etc.)

Insurance

The Client agrees, to the fullest extent permitted by law, to limit the liability of COASTAL and his or her subconsultants for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorneys' fees and costs and expert witness fees and costs, so that the total aggregate liability of COASTAL and his or her subconsultants to all those named shall not exceed $50,000, or COASTAL's total fee for services rendered on this project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law. COASTAL agrees to maintain workers' compensation and employer's liability insurance of a form and in an amount as required by state law; insurance coverage certificates for required insurance will be provided to Client based on Client's written notice to proceed and specific request.

Job Site Safety

Neither the professional activities of COASTAL, nor the presence of COASTAL or its employees and subconsultants at a construction/project site, shall relieve the General Contractor of its obligations, duties and responsibilities including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the Work in accordance with the contract documents and any health or safety precautions required by any regulatory agencies. COASTAL and its personnel have no authority to exercise any control over any construction contractor or its employees in connection with their work or any health or safety programs or procedures. The Client agrees that the General Contractor shall be solely responsible for jobsite safety, and warrants that this intent shall be carried out in the Client's contract with the General Contractor. The Client also agrees that the Client, COASTAL, and COASTAL's subconsultants shall be indemnified by the General Contractor and shall be made additional insureds under the General Contractor's policies of general liability insurance.

Timeliness of Performance

The Client and COASTAL are aware that many factors outside the COASTAL's control may affect the Consultant's ability to complete the services to be provided under this Agreement. The COASTAL will perform these services with reasonable diligence and expediency consistent with sound professional services.

Stopped Dispute Resolution

In the event of a dispute arising out of or relating to this Agreement or the services to be rendered hereunder, the Client and the COASTAL agree to attempt to resolve such disputes in the following manner. First, the parties agree to attempt to resolve such disputes through direct negotiations between the appropriate representatives of each party. Second, if such negotiations are not fully successful, the parties agree to attempt to resolve any remaining disputes by formal nonbinding mediation conducted in accordance with rules and procedures to be agreed upon by the parties.

Governing Law and Jurisdiction

The Client and the COASTAL agree that this Agreement and any legal actions concerning its validity, interpretation and performance shall be governed by the laws of Hernando County, Florida. It is further agreed that any legal action between the Client and the COASTAL arising out of this Agreement or the performance of the services shall be brought in a court of competent jurisdiction in Hernando County, Florida.

Modification to the Terms of this Agreement

In the event Client issues a Purchase Order or Memorandum or other Instrument covering the professional services described herein, it is hereby specifically agreed and understood that such Purchase Order, Memorandum or Instrument is for Client internal control purposes only and any and all terms and conditions contained therein, whether printed or written, shall be of no force or effect. This contract is the entire contract between the parties and there is no modification or waiver of any of the terms and conditions herein unless signed by both parties.
Coastal Engineering Associates, Inc.
2016 Hourly Rates
Effective June 2016

Principal Engineer/Expert Testimony ................................................................. $250.00

ENGINEERING

Principal ................................................................. $170.00
Principal Engineer* (Environmental/Transportation/Drainage) ........................................ $155.00
Project Manager ................................................................. $132.00
Senior Project Engineer ................................................................. $110.00
Project Engineer ................................................................. $100.00
Senior Designer ................................................................. $ 90.00
Designer ................................................................. $ 77.00

*(Professional Engineer Registered in the State of Florida)

ENVIRONMENTAL

Principal Environmental Scientist ................................................................. $155.00
Senior Environmental Scientist ................................................................. $110.00

PLANNING

Principal ................................................................. $170.00
Principal Planner (Land Use/Transportation) ................................................................. $155.00
Senior Planner ................................................................. $130.00
Senior Transportation Planner ................................................................. $105.00
Staff Planner ................................................................. $ 90.00

CONSTRUCTION REVIEW

Principal ................................................................. $170.00
Project Manager ................................................................. $132.00
Senior Construction Manager ................................................................. $ 77.00
Construction Representative ................................................................. $ 65.00

SURVEY HOURLY RATE

Senior Land Surveyor ................................................................. $110.00
Land Surveyor ................................................................. $ 90.00
Survey Crew (3 Person) ................................................................. $132.00
Survey Crew (2 Person) ................................................................. $105.00
Senior Survey Technician ................................................................. $ 72.00

SUPPORT PERSONNEL

Administrative Support ................................................................. $ 55.00
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<td>36&quot; x 48&quot; (price per each)</td>
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**NOTE:** RATES ARE SUBJECT TO CHANGE WITHOUT NOTICE.
City of Crystal River Ordinances

Chapter 5 - BOATS AND MARINAS

Footnotes:

--- (1) ---

Editor's note—Ord. No. 06-0-31, adopted Dec. 11, 2006, amended Ch. 5 in its entirety, in effect deleting and reenacting Ch. 5 to read as set out herein. Former Ch. 5 pertained to similar subject matter and derived from Ord. No. 88-0-17, § 1, adopted Aug. 8, 1988; andOrd. No. 95-0-7, §§ 1 — 5, 7, 8, adopted June 26, 1995.

Cross reference—Consumption, possession of alcoholic beverages in public places, § 3-12; abandoned property, debris, etc., § 9-113 et seq.; enforcement of sanitary provisions and reports, § 10-1; offenses and miscellaneous provisions, Ch. 12; use of horns, signal devices restricted, § 12-10(1); exhaust of engines, § 12-10(4); use of loudspeakers on vehicles prohibited, § 12-10(7); traffic, Ch. 15; abandonment of motor vehicles prohibited, § 15-16 et seq.; parking of boats and boat trailers, App. A, § 6.23.

Sec. 5-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context otherwise requires:

Abandoned and derelict:

(1) "Derelict vessel" means any vessel, as defined in [F.S.] § 327.02, that is left, stored, or abandoned:

(a) In a wrecked, junked, or substantially dismantled condition upon any public waters of the city.

(b) At any port in this city without the consent of the agency having jurisdiction thereof.

(c) Docked or grounded at or beached upon the property of another without the consent of the owner of the property.

Boat-docking facility: A place where vessels may be secured to a fixed or floating structure or to the shoreline.

Bow riding: Riding on the bow, gunwale, transom, seat backs, seats on raised decks, or any other not intended for passenger seating while the vessel is underway and there is a significant risk of injury or death.

City: Crystal River, Florida.

City council: The city council of the City of Crystal River, Florida.

Discharge: Includes, but is not limited to, spilling, leaking, pouring, pumping, emitting, emptying, depositing or dumping.

Litter: Any garbage, rubbish, trash, refuse, can, bottle, container, paper, lighted or unlighted cigarette or cigar, or flaming or glowing material.

Live aboard: Any vessel used solely as a residence, or any vessel represented as a place of business, a professional or other commercial enterprise, or a legal residence. A commercial fishing vessel is expressly excluded from the term "live-aboard vessel".

Marina: Any boat-docking facility which is used to conduct the business of providing services to vessels, the sale of marine supplies or the rental of locations for moorage or dockage for any live-aboard purpose.

Moor: To dock, anchor or otherwise park a vessel in a secured position.

Mooring field: An area designated by the city, county, or state for the mooring of vessels, using installed mooring buoys and providing for access to approved pump out facilities.

Person: Any individual, partnership, firm, corporation, association or other entity.
Personal watercraft: A small Class A1 or A2 vessel which uses an outboard motor or an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling, or being towed behind a vessel rather than in the conventional manner of sitting or standing inside the vessel.

Pumpout facility: A pumping apparatus and attachments which are connected to a vessel for the purpose of removing sewage from a holding tank, or other container of the vessel connected directly to approved sanitary facilities on land adequate to handle sewage treatment and/or disposal in a safe and sanitary manner and consistent with state health standards.

Vessel: Every description of boat, watercraft, barge or other artificial contrivance used, or which is capable of being used, as a means of transportation, mode of habitation, a place of business, professional or social association on the waters of the City of Crystal River, to include, but not limited to:

1. Foreign and domestic watercraft engaged in commerce;
2. Passenger or other cargo-carrying watercraft;
3. Privately owned recreational watercraft;
4. Airboats and seaplanes; and
5. Houseboats or other floating residential units.

Waters of the City of Crystal River: All navigable waters or waters connected thereto within the boundaries of the City of Crystal River, Florida.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-2. - Interference with navigation.

(a) No person shall anchor, operate, or permit to be anchored, except in cases of emergency, a vessel or carry on any prohibited activity in a manner which shall unreasonably or unnecessarily constitute a navigational hazard or interfere with another vessel.

Anchoring under bridges or in or adjacent to heavily traveled channels shall constitute interference if unreasonable under the prevailing circumstances.

(b) No person shall moor or fasten a vessel to a lawfully placed aid-to-navigation marker or buoy, regulatory marker or buoy, or area boundary marker or buoy, placed or erected by any governmental agency, except in case of emergency.

No person shall willfully damage, alter, or move a lawfully placed aid-to-navigation marker or buoy, regulatory marker or buoy or area boundary marker or buoy.

(c) No person shall moor or anchor a vessel in navigable waters outside of a designated mooring field overnight or during periods of limited visibility, without displaying a white mooring light(s) in accordance with USCG Rules of Navigation Number 30.

(d) Restricted areas.

(1) The city shall have the authority for establishing by resolution additional restricted areas on the waters of the state for any purpose deemed necessary for the safety of the public, including but not limited to, mooring fields, boat speeds and boat traffic where such restrictions are deemed necessary based on boating accidents, visibility, tides, congestion, or other navigation hazards. Each such restricted area shall be developed in consultation and coordination with Citrus County, and appropriate state and federal agencies.

(2) It is unlawful for any person to operate a vessel or to carry on any prohibited activity deemed a safety hazard or interference with navigation as provided above within a restricted water area
which has been clearly marked, except in case of an emergency. This section shall not apply to patrol or rescue craft.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-3. - Reckless or careless operation of vessel.

(a) It is unlawful to operate a vessel in a reckless manner. A person is guilty of reckless operation of a vessel who operates any vessel or manipulates any water skis, aquaplane or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger life or limb or damage the property of or injure any person. Violators shall be cited under the corresponding section of F.S. ch. 327.

(b) Any person operating a vessel upon the waters of this city shall operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, the presence of diver's down flag as defined in section 861.0657.5, and all other attendant circumstances so as not to endanger the life, limb or property of any person. The failure to operate a vessel in such a manner constitutes careless operation. However, vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property.

(c) It is unlawful for any person to operate a vessel while allowing passengers to ride on the bow, gunwale, transom, seat backs, or any other place not intended for passenger seating, while the vessel is underway. Nothing is this provision is intended to prohibit passengers assisting in mooring or other vessel related operations.

(d) Each person operating a vessel upon the waters of this state shall comply with the navigation rules. Law enforcement vessels may deviate from the navigational rules when such diversion is necessary to the performance of their duties and when such deviation may be safely accomplished.

(e) Unless otherwise provided in this chapter, the ascertainment of fault in vessel operations and boating accidents shall be determined according to the navigation rules.

(f) Personal watercraft regulated.

1. A person may not operate a personal watercraft unless each person riding on or being towed behind such vessel is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard.

2. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to his/her person, clothing, or personal flotation device as is appropriate for the specific vessel.

3. A person may not operate a personal watercraft at any time between the hours from one-half hour after sunset to one-half hour before sunrise.

4. A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, and swerving at the last possible moment to avoid collision shall constitute reckless operation of a vessel, as provided in F.S. § 327.33(1).

5. No person under the age of fourteen (14), sixteen (16) years of age if a rental, shall operate a personal watercraft on the waters of this state.

6. It is unlawful for the owner of any personal watercraft or any person having charge over or control of a personal watercraft to authorize or knowingly permit the same to be operated by a person under fourteen (14) years of age in violation of this section. Any person who violates this subsection shall be guilty of a misdemeanor of the second degree.
(g) **Vessel safety regulations; equipment and lighting requirements.**

(1) Every vessel on the waters of this city shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations, unless expressly exempted by state law. Every person under six (6) years of age on board a motorboat, sailboat, or vessel which measures less than twenty-six (26) feet in length shall wear a type I, type II, or type III Coast Guard approved personal flotation device while such motorboat, sailboat, or vessel is underway. For the purpose of this section, "underway" shall mean at all times except when a motorboat, sailboat, or vessel is anchored, moored, or aground.

(2) Every vessel on the waters of this city shall display the lights and shapes required by the navigation rules.

(3) The use of sirens or flashing or revolving red or blue emergency lights on any vessel is prohibited, except on a vessel operated by a law enforcement officer or fire protection officer in the performance of his official duties or on a vessel engaged in emergency rescue activity.

(4) **Vessel registration number.**—Each vessel that is used on the waters of the state must display a commercial or recreational Florida registration number, unless it is:

a. A vessel used exclusively on private lakes and ponds.

b. A vessel owned by the United States government.

c. A vessel used exclusively as a ship's lifeboat.

d. A non-motor-powered vessel.

e. A federally documented vessel.

f. A vessel already covered by a registration number in full force and effect which has been awarded to it pursuant to a federally approved numbering system of another state or by the United States Coast Guard in a state without a federally approved numbering system, if the vessel has not been within this state for a period in excess of ninety (90) consecutive days.

g. A vessel operating under a valid temporary certificate of number.

h. A vessel from a country other than the United States temporarily using the waters of this state.

i. An undocumented vessel used exclusively for racing.

(5) The indiscriminate or unnecessary use of searchlights, horns, whistles or bells on or from any vessel or watercraft or from shore shall be prohibited.

(h) **Speeding in a restricted speed zone or Manatee Zone.** (as established by the U.S. Fish and Wildlife Service, recognized by the Florida Marine Patrol). No person shall operate a vessel in excess of a posted speed limit.

(Ord. No. 06-0-31, 12-11-2006)

**Sec. 5-3.1. - Enforcement.**

Violations related to the safe operation of a vessel in city waters may be enforcement by the police department under city ordinance. As outlined in [F.S.] ch. 327, all marine violations must be cited on Fish and Wildlife uniform boating citations.

(1) Per F.S. ch. 327 the city must charge the same fines as the state for marine violations enforced under city ordinance. Currently, the base fine set by statute for marine violations is fifty dollars ($50.00). Should the State of Florida increase said fine, the city shall automatically increase the base fine appropriately without further action by the council.
(2) In addition to the base fine, the city shall assess additional fees as follows: seven dollars and fifty cents ($7.50) to be placed in a fund for maintenance of public marine facilities; seven dollars and fifty cents ($7.50) marine enforcement fee, to fund marine enforcement related capital and non capital expense items in the police department; and as outlined in F.S. 938.15 a two-dollar ($2.00) fee to support the city's school crossing guard program.

(3) Persons cited under this ordinance may schedule a hearing before the city's special master as outlined in Ordinance 2-111.

(4) Any person, firm, or corporation violating this act commits a misdemeanor of the first degree and shall be punished as provided by law. Conviction under this section shall not bar the assessment and collection of the civil penalty provided in F.S. ch. 376.16 for violation of ch. 376.15. The court having jurisdiction over the criminal offense, notwithstanding any jurisdictional limitations on the amount in controversy, may order the imposition of such civil penalty in addition to any sentence imposed for the first criminal offense.

(Ord. No. 06-0-31, 12-11-2006)

State Law reference— Similar provisions, F.S. § 327.33.

Sec. 5-4. - Mufflers required.

The exhaust of every internal combustion engine used on any vessel operated on the waters of this city shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. Airboats are required to have functional automotive type mufflers. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race and for such vessels while on trial runs.

(Ord. No. 06-0-31, 12-11-2006)

State Law reference— Similar provisions, F.S. § 327.65(1).

Sec. 5-5. - Unauthorized signs.

All regulatory markers, signs, notices or warning signs in, on or over the waters of the State of Florida which were placed without a permit from the division of marine resources or which do not comply with the standards adopted by the department of environmental protection shall be prohibited.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-6. - Abandonment.

No person shall abandon any vessel in the public waterways within the city.

(1) "Derelict vessel" means any vessel, as defined in F.S. § 327.92, that is left, stored, or abandoned.

(2) In a wrecked, junked, or substantially dismantled condition upon any public waters of the city.

(3) At any port in this city without the consent of the agency having jurisdiction thereof.

(4) Docked or grounded at or beached upon the property of another without the consent of the owner of the property.

a. All city law enforcement officers as specified in [F.S.] § 327.70 are authorized and empowered to immediate remove or cause to be removed any abandoned or derelict
vessel from public waters in any instance when the same obstructs or threatens to obstruct navigation or in any way constitutes a danger to the environment. Removal of vessels pursuant to this section may be funded by grants provided in [F.S.] ch. 206.606 and 376.15, or at the owner's expense.

b. When a derelict vessel is docked or grounded at or beached upon private property without the consent of the owner of the property, the owner of the property may remove the vessel at the vessel owner’s expense 60 days after compliance with the notice requirements specified in [F.S.] chs. 328.17(5) and 823.11. The private property owner may not hinder reasonable efforts by the vessel owner or agent to remove the vessel. Any notice given pursuant to this paragraph shall be presumed delivered when it is deposited with the United States Postal Service, certified, and properly addressed with prepaid postage.

c. All costs associated with the removal of abandoned or derelict vessels shall be recoverable against the owner of the vessel.

(Ord. No. 06-0-31, 12-11-2006)

State Law reference— Similar provisions, F.S. § 823.11.

Sec. 5-7. - Boats to observe health and sanitation rules of city; disorderly conduct, etc.

All vessels docked, moored or tied to land, docks, piers or wharves, abutting the public waterways in the city shall observe all the health and sanitary regulations of the city, and all ordinances of the city relating to the conduct of persons and prohibiting acts contrary to public health, morals, safety or public peace, including ordinances prohibiting disorderly conduct and loud and boisterous noises which disturb the peace of the neighborhood.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-8. - Skiing prohibited while under the influence of liquor or narcotics.

No person shall manipulate any water skis, aquaplane or similar device from a vessel while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana to the extent that his normal faculties are impaired.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-9. - Mooring restrictions.

(a) It shall be unlawful to moor, dock or secure a vessel to or adjacent to another's land in the city without his/her prior written consent.

(b) To protect the health and safety of persons living along and using the waters of the city, it shall be unlawful for any person to live aboard any vessel in the waters of the city, unless such vessel shall be moored in a marina, and/or mooring field that has been approved by the city for this purpose. To be approved by the city, marinas and mooring fields must have approved pump out facilities for removal of human waste products, in accordance with state health standards. This provision does not apply to vessels not considered in a live aboard status, being operated under the rights of free navigation.

(c) No vessel shall be moored or docked in a manner that combination of vessel and dock exceeds or occupies more than twenty-five (25) percent of the width of the waterway when measured from the mean high water line.
(d) No vessel shall be moored or docked in a manner that such vessel extends beyond recorded side yard property lines.

(e) It shall be unlawful to moor, dock or secure a motorized vessel at Hunter’s Spring Park.

(f) It shall be unlawful moor a vessel in navigable waters of the city, outside of a designated mooring field, during periods of darkness, or limited visibility without displaying a white mooring light(s) in accordance with USCG "Rules of Navigation" Number 30. Violations of this section are punishable by fine as outlined in subsection 5-3.1(a).

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-10. - Marina sanitation facilities.

(a) It shall be unlawful for any person to engage in the business of operating a marina in the city, unless the marina has an approved pump-out facility.

(b) Any marina which provides mooring for vessels for living-aboard purposes with installed on-board sewer systems must have:

(1) Public restrooms with facilities for sewage disposal and bathing, meeting the requirements of Chapter 10(D)-9 of the Florida Administrative Code;

(2) A pump-out facility to which all live-aboard vessels can pump out, and such pump-out facility must be approved by the city.

(c) **Overboard disposal of litter is prohibited.** Refuse shall be stored, transported and disposed of in accordance with the provisions of Chapter 17-7, Florida Administrative Code. All garbage shall be stored in tightly covered impervious containers. These containers shall be provided in sufficient numbers to prevent garbage overflowing and shall be kept in racks or holders designed to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. Portable bulk units for central storage may be used upon approval by the city.

(d) All garbage shall be collected at least once a week and transported in covered vehicles or covered containers. Burning of refuse in a marina is prohibited.

(e) In the event of any breakdown of any pump-out facility required by this chapter, it shall be the duty of the marina operator to immediately notify the city and to take immediate corrective action to restore the equipment to full and proper operation.

(f) Any marina not in conformity with this section shall have six (6) months from the date of passage of this chapter to comply.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-11. - Unlawful discharge.

It is unlawful for any person to discharge or permit or allow any other person to discharge any raw or improperly treated sewage, garbage, trash, litter or other waste or waste material into the waters of the city.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-12. - Bridge jumping.

It is unlawful for any person to jump, dive, or hang from any bridge in the corporate limits of the city.
(1) It is unlawful for any person to stand or climb on any portion of a bridge structure not intended for pedestrian traffic.

(2) Maintenance workers performing city authorized work are exempt from these provisions.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-13 - Violation; penalties.

(a) Violation of the provisions of this chapter or failure to comply with any of its requirements is hereby declared to be a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.

(b) In addition to, and as an alternative to any penalty provided herein by law, any person who violates the provisions of this chapter or fails to comply with any of its requirements shall be punished by a fine. Such person shall be guilty of a separate offense for each day during which the violation occurs and/or continues.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-14 - Means of enforcement.

The provisions of this chapter shall be enforced by members of the Citrus County Health Department, the Florida Marine Patrol, the United States Coast Guard and members of all duly authorized law enforcement agencies within the city.

(Ord. No. 06-0-31, 12-11-2006)

Sec. 5-15 - Exceptions.

This chapter shall be operative to the extent that it is not in conflict with F.S. ch. 327, or any other state or federal regulation.

(Ord. No. 06-0-31, 12-11-2006)
327.53 Marine sanitation.

1. Every vessel 26 feet or more in length which has an enclosed cabin with berthing facilities shall, while on the waters of the state, be equipped with a toilet. On a vessel other than a houseboat, the toilet may be portable or permanently installed. Every permanently installed toilet shall be properly attached to the appropriate United States Coast Guard certified or labeled marine sanitation device.

2. Every houseboat shall be equipped with at least one permanently installed toilet which shall be properly connected to a United States Coast Guard certified or labeled Type III marine sanitation device. If the toilet is simultaneously connected to both a Type III marine sanitation device and to another approved marine sanitation device, the valve or other mechanism selecting between the two marine sanitation devices shall be set to direct all sewage to the Type III marine sanitation device and, while the vessel is on the waters of the state, shall be locked or otherwise secured by the boat operator, so as to prevent resetting.

3. Every floating structure that has an enclosed living space with berthing facilities, or working space with public access, must be equipped with a permanently installed toilet properly connected to a Type III marine sanitation device or permanently attached via plumbing to shoreside sewage disposal. No structure shall be plumbed so as to permit the discharge of sewage into the waters of the state.

4. (a) Raw sewage shall not be discharged from any vessel, including houseboats, or any floating structure in Florida waters. The operator of any vessel which is plumbed so that a toilet may be flushed directly into the water or so that a holding tank may be emptied into the water shall, while the vessel is on the waters of the state, set the valve or other mechanism directing the sewage so as to prevent direct discharge and lock or otherwise secure the valve so as to prevent resetting.

   (b) All waste from Type III marine sanitation devices shall be disposed in an approved sewage pumpout facility.

   (c) All waste from portable toilets shall be disposed in an approved waste reception facility.

5. Every vessel owner, operator, and occupant shall comply with United States Coast Guard regulations pertaining to marine sanitation devices and with United States Environmental Protection Agency regulations pertaining to areas in which the discharge of sewage, treated or untreated, is prohibited.

6. (a) A violation of this section is a noncriminal infraction as provided in s. 327.73. Each violation shall be a separate offense. The owner and operator of any vessel shall be jointly and severally liable for the civil penalty imposed pursuant to this section.

   (b) All civil penalties imposed and collected pursuant to this section shall be deposited in the Marine Resources Conservation Trust Fund and shall be used: to implement, administer, and enforce this act; to construct, renovate, or operate pumpout stations and waste reception facilities; and to conduct a program to educate vessel operators about the problem of human body waste discharges from vessels and inform them of the location of pumpout stations and waste reception facilities.

7. Any vessel or floating structure operated or occupied on the waters of the state in violation of this section is declared a nuisance and a hazard to public safety and health. The owner or operator of any vessel or floating structure cited for violating this section shall, within 30 days following the issuance of the citation, correct the violation for which the citation was issued or remove the vessel or floating structure from the waters of the state. If the violation is not corrected within the 30 days and the vessel or floating structure remains on the waters of the state in violation of this section, law enforcement officers charged with the enforcement of this chapter under s. 327.70 shall apply to the appropriate court in the county in which the vessel or floating structure is located, to order or otherwise cause the removal of such vessel or floating structure from the waters of the state at the owner’s expense. If the owner cannot be found or otherwise fails to pay the removal costs, the provisions of s. 328.17 shall apply. If the proceeds under s. 328.17 are not sufficient to pay all removal costs, funds appropriated from the Marine Resources Conservation Trust Fund pursuant to paragraph (6)(b) or s. 328.72(16) may be used.

History.—s. 5, ch. 94-241; s. 19, ch. 96-321; s. 29, ch. 99-289; s. 49, ch. 2000-158; s. 18, ch. 2000-362.
327.60 Local regulations; limitations.

(1) The provisions of this chapter and chapter 328 shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the waters of this state or when any activity regulated hereby shall take place thereon.

(2) This chapter and chapter 328 do not prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality may not enact, continue in effect, or enforce any ordinance or local regulation:

(a) Establishing a vessel or associated equipment performance or other safety standard, imposing a requirement for associated equipment, or regulating the carrying or use of marine safety articles;

(b) Relating to the design, manufacture, or installation of any marine sanitation device on any vessel, except as authorized in subsection (4);

(c) Regulating any vessel upon the Florida Intracoastal Waterway;

(d) Discriminating against personal watercraft;

(e) Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance;

(f) Regulating the anchoring of vessels outside the marked boundaries of mooring fields permitted as provided in s. 327.40, except for:

1. Live-aboard vessels; and
2. Commercial vessels, excluding commercial fishing vessels;

(g) Regulating engine or exhaust noise, except as provided in s. 327.65; or

(h) That conflicts with any provisions of this chapter or any amendments thereto or rules adopted thereunder.

(3) This section does not prohibit local governmental authorities from the enactment or enforcement of regulations that prohibit or restrict the mooring or anchoring of floating structures, live-aboard vessels, or commercial vessels, excluding commercial fishing vessels, within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40.

(4)(a) A local government may enact and enforce regulations that require owners or operators of vessels or floating structures subject to the marine sanitation requirements of s. 327.53 to provide proof of proper sewage disposal by means of an approved sewage pumpout service, approved sewage pumpout facility, or approved waste reception facility when anchored or moored for more than 10 consecutive days within the following areas:

1. Marked boundaries of a permitted mooring field under the jurisdiction of the local government;
2. No-discharge zones as published in Volume 53, No. 13 of the Federal Register, page 1678 (1988); Volume 64, No. 164 of the Federal Register, pages 46390-46391 (1999); and Volume 67, No. 98 of the Federal Register, pages 35735-35743 (2002); or
3. No-discharge zones established pursuant to 40 C.F.R. s. 1700.10.

(b) Before a local government may adopt an ordinance to enact and enforce such regulations, the local government must ensure that there are approved sewage pumpout services, approved sewage pumpout facilities, or approved waste reception facilities available within its jurisdiction. Any ordinance adopted pursuant to this subsection may not take effect until reviewed and approved as consistent with this subsection by the commission.

(c) This subsection does not prohibit a local government from enacting or enforcing such sewage pumpout requirements for live-aboard vessels, floating structures, and commercial vessels, excluding commercial fishing vessels, within any areas of its jurisdiction.

(d) The commission may adopt rules to implement this subsection.

(5) A local government may enact and enforce regulations to implement the procedures for abandoned or lost property that allow the local law enforcement agency to remove a vessel affixed to a public dock within its jurisdiction that is abandoned or lost property pursuant to s. 285.103(1). Such regulation must require the local law enforcement agency to post a written notice at least 24 hours before removing the vessel.

History.--s. 10, ch. 59-400; s. 16, ch. 63-105; s. 1, ch. 65-361; s. 3, ch. 72-55; s. 2, ch. 83-20; s. 38, ch. 95-143; s. 30, ch. 99-289; s. 20, ch. 2000-362; s. 3, ch. 2006-172; s. 3, ch. 2006-309; s. 14, ch. 2009-86; s. 9, ch. 2017-163.

Note.--Former s. 371.59.
Why Mooring Fields?

- Promote and establish designated mooring areas
- Promote public access to waters of the state
- Enhance navigational safety
- Protect marine environment
- Deter improperly stored, abandoned, or derelict vessels
City Code Authorization

- Sec. 5-2(d) of the City Code of Ordinances provides, in relevant part:
The city shall have the authority for establishing by resolution additional restricted areas on the waters of the state for any purpose deemed necessary for the safety of the public, including but not limited to, mooring fields

[...] developed in consultation and coordination with Citrus County, and appropriate state and federal agencies.
General Permit Requirements

- §62-330.420(1) of the Florida Administrative Code provides:

  (1) A general permit is granted to any local government to construct, operate, and maintain a public mooring field for up to 100 vessels.
Procedural Requirements

1. Submit to the Florida Department of Environmental Protection ("DEP") a Notice of Intent to use a General Permit and a Mooring Field Management Plan

2. Meet with DEP at least days days before submitting Notice to discuss the Management Plan
Compliance With Manatee Protection Plans

- Mooring fields are not directly addressed by the Citrus County Manatee Protection Plan (MPP)
  - Mooring fields are comprised of a series of floating balls attached by lines to helical screws driven into seabed.
- Other boating facilities are addressed by the MPP
  - MPP states that new boating facilities should not be permitted in “essential habitat areas”
  - “Essential habitat areas” appear to cover most of Kings Bay
- Mooring field in Kings Bay could be used to create order by replacing many of the haphazardly anchored vessels
Siting Criteria

§62-330.420(3)(b) of the Code provides for the siting criteria of the mooring field. Examples of siting criteria limitations include:

- No new dredging for the creation of the mooring field
- Adequate circulation throughout the water surrounding the mooring field
- Association with an existing or permitted land-based support facility
Design Criteria

- §62-330.420(3)(c) of the Code provides for the design criteria of the mooring field. Specifically, subsection 6 provides:

   If located in a county with a Manatee Protection Plan (MPP) approved by the Florida Fish and Wildlife Conservation Commission, the mooring field shall be designed and maintained in conformance with the MPP.
Essential Habitat Area, Suitable boating facilities sites

Boating facility sites minimizing wetlands disturbance

Essential Habitat Areas
Operational Criteria

§62-330.420(3)(d) of the Code provides for the operational criteria of the mooring field. Among the requirements are:

- A pumpout plan for certain vessels that utilize the mooring field
- The collection of waste, sewage, and recyclable goods from vessels moored at the mooring field
- The provision of information to mooring field users
§62-330.420(5) of the Code describes prohibited activities in the mooring field, unless they are "specifically authorized in the Management Plan or a separate, valid authorization under Part IV of Chapter 373 [of the Florida Statutes]:

- Major boat repair and maintenance
- Fueling activities
- Boat hull scraping or painting
Mooring Field Overview

- Requires federal and state approval (Corps; DEP; FWC)
- State general permit for fields of less than 100 moorings
  - Must be consistent with County Manatee Protection Plan
- Citrus County Manatee Protection Plan
  - Difficult to determine sites for marina/boat facility siting
  - Assumes mooring fields are marina/boat facilities
  - Likely to require “sun setting” existing dock rights
- Even without seeking a general permit consistency with MPP likely required