

RESOLUTION NO. 150 -2009

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ACKNOWLEDGING THE FINANCIAL COSTS AND ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE PROLIFERATION OF UNPERMITTED VESSEL MOORINGS THROUGHOUT THE WATERS OF THE FLORIDA KEYS, AND REQUESTING THE FLORIDA FISH & WILDLIFE COMMISSION, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND TO ADDRESS SUCH IMPACTS AND COORDINATE WITH MONROE COUNTY ON THE REGULATION AND REMOVAL OF ILLEGAL AND UNPERMITTED VESSEL MOORINGS.

WHEREAS, the Board of Trustees of the Internal Improvement Trust Fund is the steward of state sovereign submerged lands, and oversees the use and development of such lands; and

WHEREAS, the Florida Department of Environmental Protection, as staff to the Board of Trustees, has regulatory and proprietary authority over the use of sovereign submerged lands, and provides review and permitting of objects or structures placed on or over such lands; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission has regulatory authority over waterway markers in, on, or over the waters or shores of the state, including the permitting of vessel moorings; and

WHEREAS, the Monroe County Office of Marine Resources assists with the development and implementation of boating infrastructure throughout the waters of the Florida Keys, including the establishment of permitted moorings; and

WHEREAS, the placement of unpermitted or nonconforming vessel moorings in or on the waters of the state is a criminal offense; and

WHEREAS, illegal unpermitted moorings have proliferated in recent years throughout the waters of the Florida Keys, often as an alternative to docking or anchoring of vessels for storage, residential and commercial purposes; and

WHEREAS, illegal unpermitted moorings may not be properly designed, positioned or installed, often resulting in benthic resource degradation or the creation of a hazard to navigation; and

WHEREAS, vessels on illegal unpermitted moorings may come unattached from their mooring, resulting in such vessels going adrift and creating the potential for property and resource damage; and

WHEREAS, the casino boat Pair-O-Dice recently came unattached from an unpermitted mooring off of Key West for the second time within two years, endangering public safety and causing significant cost to the tax payers of the State of Florida; and

WHEREAS, illegal unpermitted moorings directly contribute to the proliferation of abandoned and derelict vessels; and

WHEREAS, no coordinated efforts between state and local governments have yet been established to address the issue of illegal unpermitted moorings;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. The Monroe County Board of County Commissioners requests the Board of Trustees of the Internal Improvement Trust Fund, the Florida Fish & Wildlife Conservation Commission (FWC) and the Florida Department of Environmental Protection (DEP) to recognize existing state statutes and administrative codes pertaining to the depositing or affixing of materials or objects upon or into sovereign submerged lands, and address the unpermitted use of materials or objects other than anchors for the purposes of mooring vessels.

Section 2. The Monroe County Board of County Commissioners requests FWC and DEP to work in a coordinated effort with the Monroe County Office of Marine Resources to address the issues associated with illegal unpermitted vessel moorings.

Section 3. The Monroe County Board of County Commissioners directs staff, in coordination with FWC and DEP to evaluate the potential for identifying and removing illegal unpermitted moorings from the waters of the Florida Keys within Monroe County, and develop measures to prevent future placement of unpermitted moorings through education and outreach.

Section 4. The Monroe County Board of County Commissioners requests FWC and its officers, the Sheriff of Monroe County and his deputies, and all other law enforcement officers as provided in section 327.70 and 253.05 Florida Statutes, to take reasonable and appropriate law enforcement action against persons who have unlawfully placed, caused to be placed, or maintained in place any unpermitted or nonconforming vessel moorings.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 20th day of May, 2009.

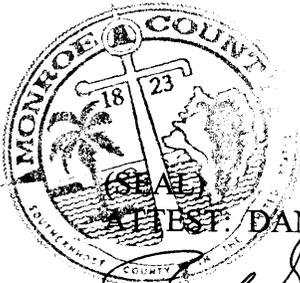
Mayor George Neugent	<u>Yes</u>
Mayor Pro Tem Sylvia J. Murphy	<u>Yes</u>
Commissioner Kim Wigington	<u>Yes</u>
Commissioner Heather Carruthers	<u>Yes</u>
Commissioner Mario Di Gennaro	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY:

George R. Neugent

Mayor George Neugent



ATTEST: DANNY L. KOLHAGE, CLERK

Jamela Hancock
Deputy Clerk

FILED FOR RECORD
2009 JUN -2 PM 12: 18
DANNY L. KOLHAGE
CLERK CIR. CT.
MONROE COUNTY, FL

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Supra M. Ramsey
Date: *April 30, 2009*