

**STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

FWC EXECUTIVE ORDER NO. 20-09

**RECREATIONAL VESSELS
COVID-19**

WHEREAS, The Fish and Wildlife Conservation Commission of the State of Florida, acts under the authority of Article IV, Section 9, of the Florida Constitution, and acts through its Executive Director under 68-1.009, F.A.C., Delegations of Authority, February 14, 2013, Paragraphs 17 and 22; and

WHEREAS, Florida Governor Ron DeSantis on March 1, 2020 by Executive Order No.: 20-51, directed the State Health Officer and Surgeon General, Dr. Scott Rivkees to declare a public emergency in the State of Florida pursuant to F.S. 381.00315; and

WHEREAS, Governor DeSantis issued Executive Order No.: 20-52 on March 9, 2020, pursuant to the authority vested in him by Article IV, Section 1(a) of the Florida Constitution, the State Emergency Management Act, s. 252.31, Florida Statutes, *et al.*, as amended, and all other applicable laws declared a State of Emergency for the State of Florida as a result of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recommends community preparedness and various prevention and mitigation measures be taken. These measures include among other things, keeping people away from persons who are sick or have been exposed to persons ill with COVID-19, limiting face-to face contact with individuals who are sick or have been exposed to persons ill with COVID-19, exercising social distancing which includes avoiding congregate settings, and maintaining distance (approximately 6 feet or 2 meters) from others and remaining at home; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the CDC issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, the CDC states that large events and mass gatherings can contribute to the spread of COVID-19 whether organized by communities or by individuals, and the Commission has observed and received numerous reports from across the state that large numbers of vessels are congregating together in various locations across the state, tying up or anchoring close together, and individuals are often leaving their vessels and assembling closely in shallow water; and

WHEREAS, Section 327.71, F.S., authorizes the Commission to issue temporary exemptions to any provisions of Chapter 327 if it determines that federal law imposes less restrictive requirements or determines that the exemption will not adversely affect boating safety.

NOW THEREFORE, pursuant to the authority granted by Executive Orders 20-51, 20-52 of the Executive Office of the Governor and consistent with Executive Order 20-68; pursuant to the Commission's aforementioned delegations of authority; and pursuant to the authority granted in 327.71, F.S. to create temporary exemptions from any provision of Chapter 327 or the rules

thereunder and notwithstanding anything to the contrary in Florida Statutes or Florida Administrative Code:

1. In order to protect the public from the continued spread of COVID-19 I hereby suspend any provisions of Section 327.02, F.S., Section 327.46, F.S., or any other provision of Chapter 327 or regulation thereunder that limits the Commission's ability to implement boating restrictions on the vessels on the waters of this state necessary to enforce effective social distancing provisions; and
2. I interpret "other navigational hazards" within Section 327.46, F.S., for purposes of this order, to include behavior that may result in mass gatherings or congregations of people susceptible to the spread of COVID-19; and
3. I further determine that vessels accessing the waters of the state that do not follow the requirements outlined below constitute a "hazard to public safety" during this public health emergency; and
4. I hereby designate all waters of the state to be a boating-restricted area and the owners and operators of recreational vessels, as defined in s. 327.02, F.S., thereon are subject to the following restrictions:
 - a. Recreational vessel occupancy is limited to no more than 10 persons per vessel; and
 - b. A minimum distance of 50 feet between recreational vessels and any other vessel shall be maintained;
 - i. This distance provision does not apply to permitted mooring fields, public or private marinas, or any other permanently installed wet slips, and does not apply to vessels underway unless they are tied, rafted or moored to another vessel.

This Order shall be effective upon execution and shall expire when the Governor's Executive Order 20-52, expires, or any extension thereof, unless rescinded or superseded at a sooner date.

Specific Authority: Executive Order No. 20-52 of the Executive Office of the Governor, Article IV, Section 9, Florida Constitution, Sections 20.331, 327.71, 327.46, and 327.70, Florida Statutes and Rule 68-1.009, F.A.C.



Given under my hand and seal of the Florida
Fish and Wildlife Conservation Commission
on this 27th day of March, 2020

Eric Sutton
Executive Director

Attest:

Agency Clerk