

RESOLUTION NO. 02-01-17-1
Sebastian Inlet Security Request

A RESOLUTION OF THE SEBASTIAN INLET DISTRICT, BREVARD COUNTY, FLORIDA REQUESTING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO PROVIDE A REGULAR SECURITY PRESENCE ON THE NORTH AND SOUTH JETTIES OF THE SEBASTIAN INLET FOR THE SAFETY, HEALTH AND WELFARE OF THE PUBLIC.

WHEREAS, the Board of Commissioners of the Sebastian Inlet District, as the governing board of the Sebastian Inlet District (hereinafter referred to as the District), is authorized to construct, improve, widen or deepen, and maintain the inlet between the Indian River and the Atlantic Ocean. The opening and maintenance of such inlet is found and declared to be for public purposes and to be necessary for the use of shipping and for transportation and for the extension of commerce of the State of Florida and of said District, and also to be necessary for the maintenance of the health of the inhabitants of the territory and for the convenience, comfort, and welfare of the said District and the inhabitants thereof. The District is authorized to conduct such programs and projects as it finds necessary or convenient for beach renourishment, erosion control, environmental protection, navigation, boating, recreation, and public safety for the operation and maintenance of the inlet and the waters of the Atlantic Ocean and Indian River Lagoon adjacent thereto, pursuant to Ch. 2003-373 F.S.; and

WHEREAS, the Sebastian Inlet District, since 1919, has constructed, owned and maintained navigation structures known as the North and South Jetties as integral devices for protecting the inlet and its users; and

WHEREAS, the Sebastian Inlet District, through a 2000 Memorandum of Agreement with the State of Florida, Department of Environmental Protection, Division of Parks and Recreation, has included the North and South Jetties into the Park for purposes of recreation and fishing; and

WHEREAS, the Sebastian Inlet, the jetties and the State Park have become known as a premiere fishing destination attracting nearly 1 million visitors per year; and

WHEREAS, an average head count on the North Jetty for 2016 documented between 6,000 and 7,000 users per month or approximately 80,000 users of that jetty per year; and

WHEREAS, there have been incidents when the interactions between jetty anglers and boaters conflict with the ability to safely navigate the inlet. Boaters are afraid to properly utilize the navigation structures for fear of being struck by projectiles thrown by the jetty anglers and boaters who are not underway and fish too close to the jetty interfere and create unnecessary conflicts with the jetty anglers. Injuries with boaters have been documented as well as damage to vessels; and

WHEREAS, Florida Statute 790.19 specifies that whoever wantonly or maliciously throws any missile or hurls a hard projectile into a vessel plying the waters of this state, shall be guilty of a felony of the second degree, punishable by up to 15 years in prison and \$10,000 fine.

WHEREAS, altercations among anglers on the jetty have created an unsafe environment, presenting a serious threat to public safety, as well as many reports of chronic resource violations; and

WHEREAS, the Sebastian Inlet District has created a web site with a daily fishing report and solicits fishing updates from the public over the past ten years. This web site has become a venue of last resort for people who fish the jetties and boat in the inlet to register complaints regarding unsafe incidents and violations; and

WHEREAS, the Sebastian Inlet District Commission has taken multiple steps and incurred considerable expense in an attempt to restore public safety, such as posting signs with Jetty Rules, installing video surveillance cameras, requesting more security presence by enforcement agencies, installing barrier gates to close public access to the North Jetty; and

WHEREAS, written agreements between the Inlet District and the Florida Department of Natural Resources in 1988 and the Florida Department of Environmental Protection in 2000 specified that the responsibility of maintaining public order and safety was the responsibility of the State Park; and

WHEREAS, since those agreements were approved, Florida's State Park Rangers with enforcement powers were merged into the Fish and Wildlife Commission in 2012. This effectively stripped the Sebastian Inlet State Park of their resident enforcement authority resulting in the Park having to rely totally on the response of Florida Fish and Wildlife Commission officers and local county Sheriffs' office to maintain order; and

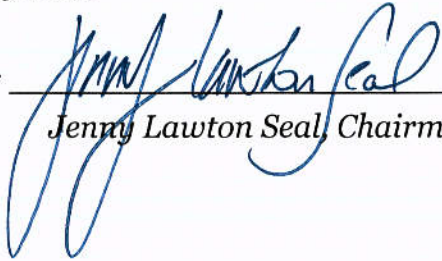
WHEREAS, the Sebastian Inlet District has conducted a survey of the operators of other fishing piers and jetties in the State of Florida and has determined that the frequency of threatening and unlawfull behavior is significantly reduced under the regular presence of security enforcement officers. This has been demonstrated at the Sebastian Inlet State Park when the increased presence of FWC personnel seems to reduce the frequency of complaints and conversely, the increase in complaints and violations with the absence of officers;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SEBASTIAN INLET DISTRICT AS FOLLOWS:

SECTION 1. SEBASTIAN INLET SECURITY PRESENCE. The Board of Commissioners of the Sebastian Inlet District, Brevard County, Florida requests the Florida Fish and Wildlife Conservation Commission to provide a constant, consistent, reliable and dedicated assignment of officers to the Sebastian Inlet State Park, including the jetties, to establish a priority security presence during both daytime and night time, to ensure a safe and family friendly environment. The District requests the FWC to continue its joint efforts with the Inlet District and the State Park to improve the safety and security on the jetties, recognizing the enormous population of public users and visitors on the jetties.

SECTION 2. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED and ADOPTED at the Regular Monthly Meeting of the Board of Commissioners of the Sebastian Inlet District on the 1st day of February 2017.

By: 
Jenny Lawton Seal, Chairman

APPROVED AS TO FORM AND LEGALITY:



Jack A. Kirschenbaum
Sebastian Inlet District Attorney