

A-Awesome Airboat Rides
St. Johns River Airboat Tours, LLC
SwitchGrass Outfitters, Inc.

Opposition to:

Ordinance Affecting Use of Public Boat Ramps and Division
Operational Guidelines

A. Kurt Ardaman

FISHBACK ♦ DOMINICK

ESTABLISHED 1935

ATTORNEYS AND COUNSELORS AT LAW

Proposed Ordinance & Operational Guidelines – Primary Concerns:

- Boat Tours - Annual Permit Fee of **\$3,000.00.**
- Boat Tours - Required Certificate of Commercial General Liability Insurance of **\$1,000,000.00.**

Rationale and Arguments:

- **UNEQUAL TREATMENT OF AIRBOAT OPERATORS:** Only for boat tours and only at St. Johns River and R.D. Keene Park is County staff proposing \$3,000.00 fee. Fishing Guides, Fishing Tournaments, Commercial Fishermen, and Paddle Sports not subject to \$3,000.00 annual permit fee.
- **NO LEGITIMATE INTEREST BEING SERVED:** Imposing these large, unequal fees and unnecessarily high insurance policy limits serves no legitimate interest of the County. If there was a legitimate interest or need, then all users of this ramp should be subject to the proposed requirements.

Rationale & Arguments (continued):

- **CRIPPLING ECONOMIC COST:** Staff proposed \$3,000.00 fees and \$1,000,000.00 insurance will add approximately \$10,000.00 cost to each of these family businesses which will put the small airboat operators out of business.
- **COUNTY HAS NO LIABILITY:** On the St. Johns River which is State sovereign lands, the County has no liability for airboat operations.
- **COUNTY CREATES LIABILITY AT THE BOAT RAMP BY CHARGING FEES:** At the SR 50 Boat Ramp, Section 375.251, Florida Statutes eliminates County liability since the boat ramp provides the public with access to land, water, and park areas for outdoor recreational purposes including fishing, wildlife viewing, and boating. BUT, this statutory protection only applies if NO charge or fee is required for entry or use of the area.

Rationale & Arguments (continued):

- **DESTROY GENERATIONS OF SMALL AIRBOAT TOURS AND GRANTS MONOPOLY OF ST. JOHNS RIVER:** Across the road, Midway Airboats operates large, 20-person airboats on St. Johns River which does not have to pay the fees or meet the other overly burdensome requirements of the Ordinance.
- **PENALIZES RESPONSIBLE STEWARDS OF THE RIVER:** Airboat captains already meet or exceed all licensing and insurance requirements with impeccable records and are stewards of the river and community and have been for generations.

Rationale & Arguments (continued):

- **CONTRARY TO PUBLIC INTEREST:** The Florida Legislature emphasizes that providing access to State waters is vital to the multi-billion dollar economic impact of boating in the State of Florida. Section 342.07, Florida Statutes.
- **COUNTY PARKING STUDY.** The County's parking study at the SR 50 Boat Ramp shows no parking issues.

Request:

EITHER:

1. DENY the proposed Ordinance and Division Operational Guidelines; OR
2. Treat Boat Tours the same as Fishing Guides (i.e. eliminate \$3,000.00 fee and set insurance at \$500,000.00).