

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: CS/CS/HB 481

INTRODUCER: State Affairs Committee; Natural Resources & Disasters Subcommittee; Representatives Lopez and Rizo

SUBJECT: Anchoring Limitation Areas

DATE: April 18, 2025

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Carroll</u>	<u>Yeatman</u>	<u>RC</u>	<b>Favorable</b>

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## I. Summary:

CS/CS/HB 481 creates an exception to allow local governments within counties with populations of 1.5 million or more to regulate vessels that anchor overnight for one hour or more for more than 30 days in any six-month period. This excludes any time vessels are anchored overnight in a mooring field or for marine construction, installation, or maintenance work.

The bill adds anchoring limitation areas in Biscayne Bay in Miami-Dade County, within which a person may not anchor a vessel at any time overnight. The anchoring limitation areas lie between:

- Palm Island and Star Island,
- Palm Island and Hibiscus Island,
- Palm Island and Watson Island,
- The Sunset Islands, and
- Sunset Island I and State Road 112.

The bill prevents the owner or operator of a vessel or floating structure from anchoring or mooring within 300 feet outward from the marked boundary of a public mooring field. The bill extends the prohibition from 100 to 300 feet.

## II. Present Situation:

### Anchoring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration.<sup>1</sup> Anchoring is accomplished using an anchor carried on the

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<sup>1</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://repository.library.noaa.gov/view/noaa/36907>.

vessel.<sup>2</sup> Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.<sup>3</sup>

### ***Anchoring and Mooring Prohibition***

Florida law places statutory limitations on local regulations regarding vessels, but does not prohibit local governmental authorities from enacting or enforcing 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.<sup>4</sup>

The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any public or private marina, boat ramp, boatyard, or other public vessel launching or loading facility;
- Within 500 feet of a superyacht repair facility;<sup>5</sup> or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the Florida Fish and Wildlife Conservation Commission upon the request of a local government within which the mooring field is located.<sup>6</sup>

The above prohibitions do not apply to:

- A vessel owned or operated by a governmental entity;
- A construction or dredging vessel on an active job site;
- A commercial fishing vessel actively engaged in commercial fishing; and
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>7</sup>

There are also exceptions related to mechanical failure of a vessel or weather-related conditions.<sup>8</sup> A violation related to anchoring or mooring is a noncriminal infraction,<sup>9</sup> for which the penalty is:

- For a first offense, up to a maximum of \$100;
- For a second offense, up to a maximum of \$250; and
- For a third or subsequent offense, up to a maximum of \$500.<sup>10</sup>

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<sup>2</sup> Section 327.02, F.S., defines the term “vessel” to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

<sup>3</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2.

<sup>4</sup> Section 327.60(2)(f), (3), F.S.

<sup>5</sup> For this purpose, the term “superyacht repair facility” is defined to mean a facility that services or repairs a yacht with a water line of 120 feet or more in length.

<sup>6</sup> Section 327.4109(1)(a), F.S.

<sup>7</sup> Section 327.4109(1)(b), F.S.

<sup>8</sup> Section 327.4109(2), F.S.

<sup>9</sup> Section 327.4109(5), F.S.

<sup>10</sup> Section 327.73(1)(bb), F.S. These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes. Section 327.78(8), F.S.

### ***State-Designated Anchoring Limitation Areas***

State law designates certain densely populated urban areas as anchoring limitation areas.<sup>11</sup> These areas may have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The listed anchoring limitation areas are:

- The section of Middle River lying between Northeast 21<sup>st</sup> Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
  - Palm Island and State Road A1A,
  - Rivo Alto Island and Di Lido Island,
  - San Marino Island and Di Lido Island,
  - San Marino Island and San Marco Island, and
  - San Marco Island and Biscayne Island.<sup>12</sup>

Within anchoring limitation areas established by statute, a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise unless otherwise exempt.<sup>13</sup>

### ***County-Designated Anchoring Limitation Areas***

Counties, except for Monroe County,<sup>14</sup> may establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.<sup>15</sup> The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.<sup>16</sup>

Each anchoring limitation area must meet the following requirements:

- Be less than 100 acres in size, not including any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;
- Not include any mooring field or marina; and
- Be clearly marked with signs and buoys.<sup>17</sup>

Unless otherwise exempt, a person may not anchor a vessel for more than 45 consecutive days in any six-month period in an anchoring limitation area established by a county.<sup>18</sup>

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<sup>11</sup> Section 327.4108(1), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Monroe County is designated as an anchoring limitation area within which, no less than once every 90 days, each vessel anchoring within the county within ten linear nautical miles of a public mooring field or a designated anchoring area must weigh anchor and move under its own propulsion to be re-anchored in a new location. Section 327.4108(3), F.S.

<sup>15</sup> Section 327.4108(2), F.S.

<sup>16</sup> *Id.* "Navigable-in-fact waterways" are waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable. The term does include lakes or streams that have practical usefulness to the public as highways for transportation. *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

### ***Anchoring Limitation Area Exceptions***

Exceptions to anchoring prohibitions in any anchoring limitation area include the following:

- When a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors; and
- During a regatta, tournament, or marine parade or exhibition or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays.<sup>19</sup>

Vessels exempt from anchoring prohibitions in any anchoring limitation area include:

- Vessels owned or operated by a government entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>20</sup>

### ***Anchoring Limitation Area Enforcement***

For a vessel in a county-established anchoring limitation area, upon an inquiry by a law enforcement officer or agency,<sup>21</sup> a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations for county-established anchoring limitation areas.<sup>22</sup> If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations, the officer or agency may issue a citation.

For a vessel in any anchoring limitation area, a law enforcement officer or agency may remove and impound the vessel for up to 48 hours if the vessel operator was previously issued a citation for violating anchoring limitation area regulations and:

- Anchors the vessel in an anchoring limitation area within 12 hours of being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.<sup>23</sup>

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<sup>19</sup> Section 327.4108 (4), F.S.

<sup>20</sup> Section 327.4108(5), F.S.

<sup>21</sup> Law enforcement agencies or officers specified in section 327.70, F.S., include FWC's Division of Law Enforcement and its officers, sheriffs and their deputies, municipal police officers, and any other law enforcement officer defined in section 943.10, F.S. As defined in section 943.10(1), F.S., a law enforcement officer is any person elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof who is vested with the authority to bear arms and make arrests and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

<sup>22</sup> Section 327.4108(6), F.S.

<sup>23</sup> *Id.*

In addition to the civil penalty imposed by a citation, a vessel operator whose vessel has been impounded must pay all of the applicable removal and storage fees before the vessel is released.<sup>24</sup>

An owner or operator of a vessel who anchors in an anchoring limitation area commits a noncriminal infraction and is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$100 for a first offense;
- \$250 for a second offense; and
- \$500 for a third or subsequent offense.<sup>25</sup>

Any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and imprisonment of no more than 60 days.<sup>26</sup>

### **Biscayne Bay**

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.<sup>27</sup> It is home to over 500 species of fish and other marine organisms, and its extensive areas of seagrasses are an important food source for the Florida manatee and as nursery areas for many ecologically and commercially important estuarine species like shrimp, crabs, lobster, and sponges.<sup>28</sup> Miami-Dade County is one of Florida's most populous counties, with approximately 2.8 million residents and millions of visitors each year.<sup>29</sup>

The map on the following page shows the islands and State Road A1A in Biscayne Bay that are currently used as landmarks for anchoring limitation areas. It also marks Star Island and Watson Island, which have been added by the bill.

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<sup>24</sup> *Id.*

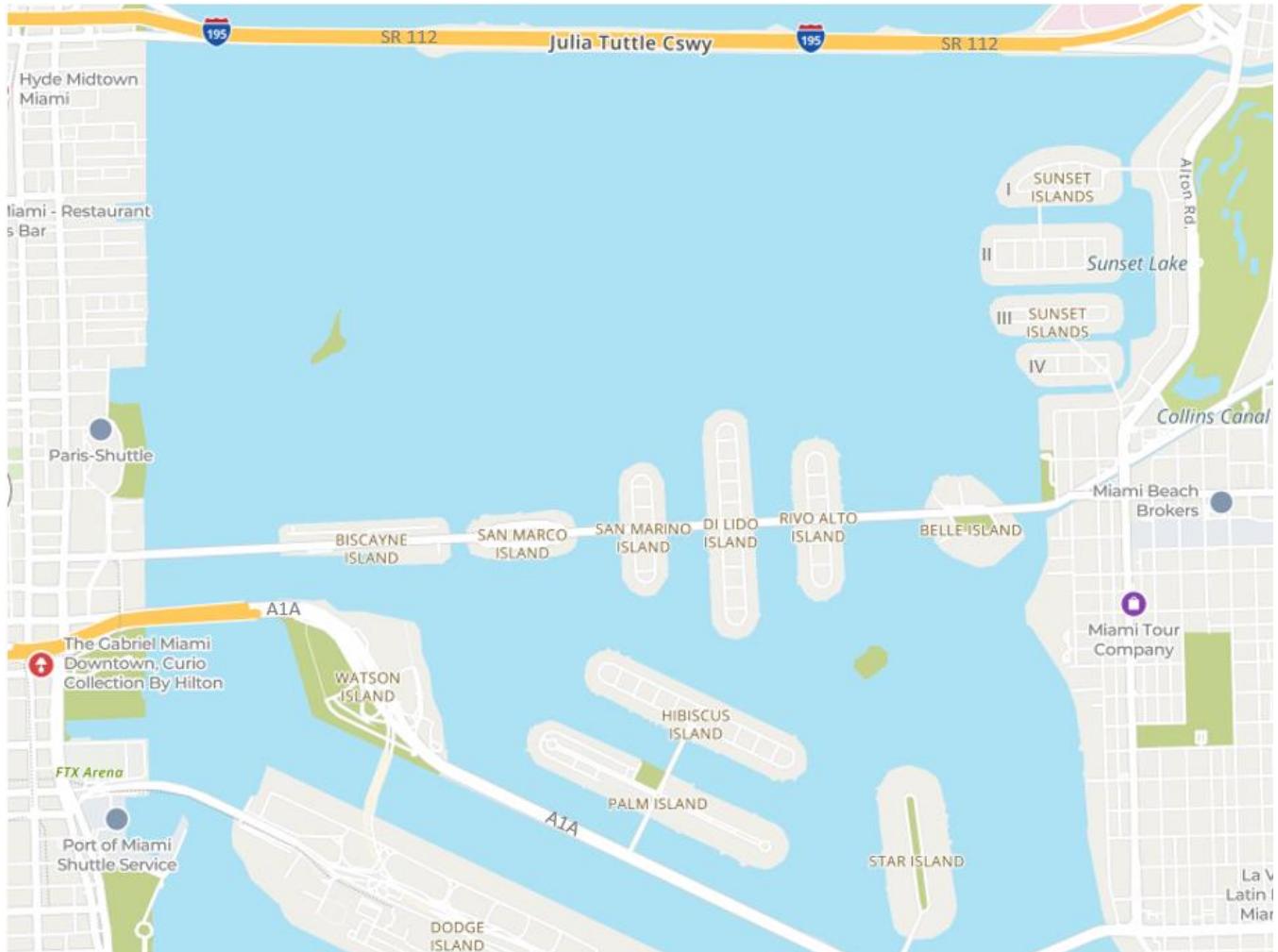
<sup>25</sup> Section 327.73(1)(z), F.S.

<sup>26</sup> Sections 327.73(1), 775.082, and 775.083, F.S.

<sup>27</sup> Miami-Dade County, *About Biscayne Bay*, <https://www.miamidade.gov/global/economy/environment/about-biscayne-bay.page> (last visited Feb. 3, 2024).

<sup>28</sup> U.S. Army Corps of Engineers, *Biscayne Bay Coastal Wetlands Project*, <https://www.saj.usace.army.mil/BBCW/> (last visited March 20, 2025).

<sup>29</sup> Florida Department of Environmental Protection, *Biscayne Bay Aquatic Preserves*, <https://floridadep.gov/rcp/aquatic-preserve/locations/biscayne-bay-aquatic-preserves> (last visited March 20, 2025); Miami-Dade County, *About Biscayne Bay*.



**III. Effect of Proposed Changes:**

**Section 1** amends s. 327.60, F.S., relating to the local regulation of vessels. Current law prohibits a local government from enacting an ordinance or local regulation that regulates anchoring outside the marked boundaries of mooring fields, with the exception of live-aboard vessels and commercial vessels, excluding commercial fishing vessels.

The bill adds another exception that allows a local government to regulate any vessel anchored in its jurisdiction that remains anchored overnight<sup>30</sup> for a period of one hour or more for more than 30 days in any six-month period within the jurisdiction of a county with a population of 1.5 million or more.<sup>31</sup> This excludes any time the vessel is anchored overnight within the boundaries

<sup>30</sup> Overnight is between one-half hour after sunset and one half-hour before sunrise.

<sup>31</sup> According to population estimates published in April 2024, there are five counties in Florida with over 1.5 million residents (Broward, Hillsborough, Miami-Dade, Orange, and Palm Beach counties). Of the five counties, only one is landlocked. Office of Economic and Demographic Research, *Florida Population Estimates by County and Municipality* (April 1, 2024), available at [https://edr.state.fl.us/content/population-demographics/data/2024\\_Pop\\_Estimates.pdf](https://edr.state.fl.us/content/population-demographics/data/2024_Pop_Estimates.pdf). There are five areas of critical state concern designated in Florida (Big Cypress, Green Swamp, City of Key West, Florida Keys, and

of a marked mooring field or any time the vessel is anchored overnight for the purpose of completing permitted marine construction, installation, or maintenance work.

**Section 2** amends s. 327.4108, F.S., to revise the sections of Biscayne Bay in Miami-Dade County that are anchoring limitation areas, within which a person may not anchor a vessel at any time overnight. The bill adds anchoring limitation areas between:

- Palm Island and Star Island,
- Palm Island and Hibiscus Island,
- Palm Island and Watson Island,
- The Sunset Islands, and
- Sunset Island I and State Road 112.

**Section 3** amends s. 327.4109, F.S., relating to anchoring and mooring prohibitions. Current law prohibits the owner or operator of a vessel or floating structure from anchoring or mooring such that the nearest approach to the vessel or floating structure is within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the Florida Fish and Wildlife Conservation Commission upon request of the local government with jurisdiction over the mooring field.

The bill extends the anchoring or mooring prohibition from 100 to 300 feet.

**Section 4** provides that the bill takes effect upon becoming law.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

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Apalachicola Bay areas of critical state concern). These areas of critical state concern area located in the following six counties: Collier, Franklin, Lake, Miami-Dade, Monroe, and Polk counties. Florida Department of Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited March 21, 2025).

**E. Other Constitutional Issues:**

Article III, section 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law or “local law” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable relationship to differences in population or other legitimate criteria.<sup>32</sup> On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.<sup>33</sup> If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.<sup>34</sup> “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”<sup>35</sup>

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 327.60, 327.4108, and 327.4109 of the Florida Statutes.

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<sup>32</sup> See *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); and *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

<sup>33</sup> *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). *But see also* FLA. CONST. Art. X, s. 11s.

<sup>34</sup> *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

<sup>35</sup> *Id.* at 1056.



**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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