

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 481](#)

**TITLE:** Anchoring Limitation Areas

**SPONSOR(S):** Lopez, V.

**COMPANION BILL:** [SB 866](#) (Martin)

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 115 Y's

0 N's

**GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill creates a new exception from the general prohibition against local governments enacting or enforcing regulations related to the anchoring of vessels outside the marked boundaries of mooring fields. Specifically, in counties with populations of 1.5 million or greater, the bill allows the regulation of any vessel that is anchored for a period of at least one hour any time between one-half hour after sunset and one-half hour before sunrise within the jurisdiction of the county for more than 30 days in a six-month period.

The bill also expands the areas within Biscayne Bay that are designated anchoring limitation areas.

Lastly, the bill increases the distance from a public mooring field that a vessel is authorized to anchor.

#### Fiscal or Economic Impact:

None.

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### ANALYSIS

#### **EFFECT OF THE BILL:**

The bill revises provisions related to regulating the [anchoring and mooring](#) of vessels.

The bill creates a new exception from the general prohibition against local governments enacting or enforcing regulations related to the anchoring of vessels outside the marked boundaries of [mooring fields](#). Specifically, in counties with populations of 1.5 million or greater,<sup>1</sup> the bill allows the regulation of any vessel that is anchored for a period of at least one hour any time between one-half hour after sunset and one-half hour before sunrise within the jurisdiction of the county for more than 30 days in a six-month period. This time limit does not include any time the vessel is anchored overnight within the boundaries of a marked mooring field or any time the vessel is anchored for the purpose of completing permitted marine construction, installation, or maintenance work. (Section [1](#))

The bill expands the sections of Biscayne Bay in Miami-Dade County that are designated as [anchoring limitation areas](#) within which a person may not anchor a vessel at any time during the time period between one-half hour after sunset and one-half hour before sunrise, with certain exceptions. Specifically, the bill designates the sections of Biscayne Bay lying between Palm Island and Star Island, between Palm Island and Hibiscus Island, between Palm Island and Watson Island, between Sunset Island I and State Road 112, and between the Sunset Islands as anchoring limitation areas. (Section [2](#))

The bill increases from 100 feet to 300 feet the distance from the marked boundary of a public mooring field within which a vessel may not anchor or moor. (Section [3](#))

<sup>1</sup> As of March 18, 2025, the counties that are subject to this provision are Broward, Hillsborough, Miami-Dade, Orange, and Palm Beach Counties. See Florida Office of Economic and Demographic Research, County Profiles, available at <https://edr.state.fl.us/content/area-profiles/county/index.cfm> (last visited Mar. 18, 2025).

**STORAGE NAME:** h0481z.NRD

**DATE:** 5/5/2025

Subject to the Governor’s veto powers, the effective date of the bill is upon becoming a law. (Section 4)

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### **Fish and Wildlife Conservation Commission**

The Fish and Wildlife Conservation Commission (FWC), created by Art. IV, s. 9 of the Florida Constitution, is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources. FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Senate.<sup>2</sup> Pursuant to its constitutional authority, FWC exercises the regulatory and executive powers of the state with respect to wild animal life, freshwater aquatic life, and marine life.

FWC is also the agency responsible for regulating boating safety in the state. Through its Division of Law Enforcement, FWC manages the state’s waterways to ensure boating safety for residents and visitors to the state.<sup>3</sup> This responsibility includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public water and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.<sup>4</sup>

#### **Anchoring and Mooring**

Anchoring and mooring refer to a boater’s practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel, while mooring refers to attaching the vessel to a device that is permanently affixed to the bottom of a waterway.<sup>5</sup> Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.<sup>6</sup>

#### **Mooring Fields**

Mooring fields are areas designated and used for a system of properly spaced moorings.<sup>7</sup> Local governments are authorized by general permit to construct, operate, and maintain public mooring fields, each for up to 100 vessels.<sup>8</sup> Mooring fields must be located in areas where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters that the mooring field is designed to serve. Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities. Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scraping and painting are not authorized within mooring fields.<sup>9</sup>

#### *State Regulation of the Anchoring of Vessels*

The Legislature has delegated the responsibility of managing sovereign submerged lands to the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund (Board). Pursuant to this responsibility, the Board is authorized to adopt rules governing anchoring, mooring, or otherwise attaching vessels, floating homes, or any other watercraft to the bottom of sovereign submerged lands.<sup>10</sup> The Board has not exercised its authority to adopt rules regulating anchoring.

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<sup>2</sup> Article [IV, s. 9, Fla. Const.](#)

<sup>3</sup> FWC, Boating, <https://myfwc.com/boating/> (last visited Mar. 18, 2025).

<sup>4</sup> FWC, Law Enforcement, <https://myfwc.com/about/inside-fwf/le/> (last visited Feb. 26, 2025). See ss. [327.70\(1\)](#) and [327.70\(4\), F.S.](#)

<sup>5</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2, (March 2011), available at <https://repository.library.noaa.gov/view/noaa/36905> (last visited Mar. 18, 2025).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Section [373.118, F.S.](#); Rule [62-330.420\(1\), F.A.C.](#)

<sup>9</sup> Rule [62-330.420, F.A.C.](#)

<sup>10</sup> Section [253.03\(7\), F.S.](#)

Florida law prohibits a person from anchoring a vessel, except in case of emergency, in a manner that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel.<sup>11</sup> Anchoring under bridges or in or adjacent to heavily traveled channels constitutes interference, if unreasonable under the prevailing circumstances.<sup>12</sup> Interference with navigation is a noncriminal infraction and punishable by a fine of \$50.<sup>13</sup>

With certain exceptions, the owner or operator of a vessel or floating structure may not anchor such that the nearest approach of the anchored or moored vessel or floating structure is:

- Within 150 feet of any marina, boat ramp, boatyard, or vessel launching or loading facility;
- Within 300 feet of a superyacht repair facility; or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the local government within which the mooring field is located.<sup>14</sup>

#### *Local Regulation of the Anchoring of Vessels*

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the anchoring of floating structures<sup>15</sup> or live-aboard vessels<sup>16</sup> within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.<sup>17</sup> However, they are prohibited from enacting, continuing in effect, or enforcing any ordinance or local regulation that regulates the anchoring of vessels, other than live-aboard vessels and commercial vessels (excluding commercial fishing vessels), outside the marked boundaries of permitted mooring fields.<sup>18</sup>

#### **Anchoring Limitation Areas**

Current law designates certain densely populated urban areas that have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas.<sup>19</sup> The following areas are designated in statute as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- 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.
  - San Marco Island and Biscayne Island.<sup>20</sup>

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<sup>11</sup> Section [327.44\(2\), F.S.](#)

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

<sup>13</sup> Section [327.73\(1\)\(j\), F.S.](#)

<sup>14</sup> Section [327.4109\(1\), F.S.](#)

<sup>15</sup> Section [327.02\(14\), F.S.](#), defines “floating structure” as a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes an entity used as a residence, place of business, or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such.

<sup>16</sup> Section [327.02\(23\), F.S.](#), defines “live-aboard vessel” as a vessel used solely as a residence and not for navigation; a vessel represented as a place of business or a professional or other commercial enterprise; or a vessel for which a declaration of domicile has been filed. The definition expressly excludes commercial fishing boats.

<sup>17</sup> Section [327.60\(2\)\(f\), F.S.](#)

<sup>18</sup> Section [327.60\(3\), F.S.](#)

<sup>19</sup> Section [327.4108, F.S.](#)

<sup>20</sup> Section [327.4108\(1\), F.S.](#)

In these anchoring limitation areas, a person is prohibited from anchoring a vessel at any time during the period between one half-hour after sunset and one half-hour before sunrise.<sup>21</sup> However, a person may anchor in these anchoring limitation areas if:

- The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the people onboard unless the vessel anchors;
- Imminent or existing weather conditions in the vicinity pose an unreasonable risk of harm to the vessel or the people onboard unless the vessel anchors; or
- The vessel is attending a regatta, race, marine parade, tournament, exhibition,<sup>22</sup> or other special event, including, but not limited to, public music performances, local government waterfront activities, or a fireworks display.<sup>23</sup>

Current law also authorizes a county<sup>24</sup> to establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.<sup>25</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>26</sup> Each county anchoring limitation area must:

- Be less than 100 acres in size.<sup>27</sup>
- Not include any mooring field or marina.
- Be clearly marked with signs<sup>28</sup> and buoys.<sup>29</sup>

A person may not anchor a vessel for more than 45 consecutive days in any six-month period in a county-established anchoring limitation area.<sup>30</sup>

Anchoring limitation areas do not apply to vessels owned or operated by a governmental entity for law enforcement, firefighting, military, or rescue purposes; construction or dredging vessels on an active job site; vessels actively engaged in commercial fishing; or vessels engaged in recreational fishing, if the individuals on board are actively tending hook and line fishing gears or nets.<sup>31</sup>

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<sup>21</sup> Section [327.4108\(1\), F.S.](#)

<sup>22</sup> Section [327.48, F.S.](#)

<sup>23</sup> Section [327.4108\(3\), F.S.](#)

<sup>24</sup> Except for Monroe County.

<sup>25</sup> Section [327.4108\(2\)\(a\), F.S.](#)

<sup>26</sup> "Navigable-in-fact waterways" means 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, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. *See* s. [327.4108\(2\)\(a\), F.S.](#)

<sup>27</sup> The calculated size of the anchoring limitation area does not include any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area. *See* s. [327.4108\(2\)\(a\)1, F.S.](#)

<sup>28</sup> Signs must provide reasonable notice to boaters identifying the duration of time beyond which anchoring is limited and identifying the county ordinance by which the anchoring limitation area was created. *See* s. [327.4108\(2\)\(a\)3.a., F.S.](#)

<sup>29</sup> The county that has created an anchoring limitation area must install and maintain buoys marking the boundary of the anchoring limitation area. *See* s. [327.4108\(2\)\(a\)3.b., F.S.](#)

<sup>30</sup> Section [327.4108\(2\)\(b\), F.S.](#)

<sup>31</sup> Section [327.4108\(5\), F.S.](#)

**RECENT LEGISLATION:**

| YEAR | BILL #                          | HOUSE SPONSOR(S) | SENATE SPONSOR | OTHER INFORMATION                                  |
|------|---------------------------------|------------------|----------------|--|
| 2024 | <a href="#">CS/CS/HB 437</a>    | Porras           | Garcia         | The bill became law on July 1, 2024.               |
| 2023 | <a href="#">CS/CS/CS/HB 261</a> | Botana, Cassel   | Garcia         | The bill passed the House, but died in the Senate. |
| 2022 | <a href="#">CS/CS/SB 1432</a>   | Mooney           | Rodriguez      | The bill became law on July 1, 2022.               |
| 2021 | <a href="#">CS/CS/SB 1086</a>   | Sirois, Rizo     | Hutson         | The bill became law on July 1, 2021.               |