



165998

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 03/05/2025 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Transportation (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 311.104, Florida Statutes, is created to
read:

311.104 Request for a prohibition of anchoring or mooring
by a seaport.-

(1) The governing body of a seaport listed in s. 311.09(1)
may apply to the Fish and Wildlife Conservation Commission to



165998

11 prohibit anchoring or mooring in an area, not to exceed 5,000
12 feet from a seaport entrance or pier or wharf adjacent to a
13 seaport channel or turning basin, for any of the following
14 purposes:

15 (a) Implementing port security measures;

16 (b) Ensuring freight and passenger commerce is not impeded;

17 (c) Promoting the safety and security of residents and
18 visitors of this state; or

19 (d) Maintaining and protecting the flow of legitimate trade
20 and travel at all times.

21 (2) Before applying to the commission, the governing body
22 of a seaport shall hold at least two public hearings displaying
23 the boundaries of and hearing public comments regarding the area
24 in which the seaport proposes to prohibit anchoring or mooring.

25 (3) After the public hearings required in subsection (2), a
26 seaport may apply, pursuant to chapter 327, to the commission to
27 establish areas around the seaport where anchoring or mooring is
28 prohibited.

29 (4) The commission may consult with the United States Coast
30 Guard, the United States Army Corps of Engineers, and the
31 Department of Transportation when considering an application
32 for, and the boundaries of, areas around seaports where
33 anchoring or mooring will be prohibited.

34 (5) When considering an application to prohibit anchoring
35 or mooring around a seaport, the commission may modify the
36 proposed boundaries of such prohibition and provide the reasons
37 for such modification.

38 (6) A prohibition of anchoring or mooring near a seaport
39 established pursuant to this section may not take effect until



165998

40 the commission has reviewed the proposed prohibition and
41 determined by substantial competent evidence that the
42 prohibition is necessary for any of the reasons listed in
43 subsection (1). An application for a prohibition must be
44 reviewed and acted upon within 90 days after receipt of the
45 completed application. If, within 30 days after a seaport
46 submits an application, the commission finds such application is
47 incomplete, the commission must notify and advise the seaport as
48 to what information is needed to deem the application complete.
49 An application is considered complete upon receipt of all
50 requested information and correction of any error or omission
51 for which the applicant was timely notified. An application is
52 deemed complete if the commission fails to notify and advise the
53 seaport within 30 days after receiving the application. The
54 commission's action on the application is subject to review
55 under chapter 120.

56 (7) After commission approval of a prohibition on anchoring
57 and mooring and the boundaries of such prohibition, the seaport
58 shall review such prohibition annually at a public meeting.
59 After the review, the seaport shall notify the commission of the
60 results of its review, and, if applicable, submit an application
61 to the commission with any proposed modifications to such
62 boundaries.

63 (8) The governing body of each seaport shall include in its
64 seaport security plan and its seaport strategic plan, as
65 required under ss. 311.12 and 311.14, respectively, any approved
66 limitations on anchoring and mooring established by the
67 commission.

68 (9) The commission may adopt rules pursuant to ss.



165998

69 120.136(1) and 120.54 to implement this section.

70 Section 2. Paragraph (a) of subsection (1) of section
71 327.4109, Florida Statutes, is amended, and subsection (5) of
72 that section is reenacted, to read:

73 327.4109 Anchoring or mooring prohibited; exceptions;
74 penalties.—

75 (1) (a) The owner or operator of a vessel or floating
76 structure may not anchor or moor such that the nearest approach
77 of the anchored or moored vessel or floating structure is:

78 1. Within 150 feet of any public or private marina, boat
79 ramp, boatyard, or other public vessel launching or loading
80 facility;

81 2. Within 500 feet of a superyacht repair facility. For
82 purposes of this subparagraph, the term "superyacht repair
83 facility" means a facility that services or repairs a yacht with
84 a water line of 120 feet or more in length; or

85 3. Within 100 feet outward from the marked boundary of a
86 public mooring field or a lesser distance if approved by the
87 commission upon request of a local government within which the
88 mooring field is located. The commission may adopt rules to
89 implement this subparagraph.

90 4. Within a zone established by the commission at the
91 request of a seaport pursuant to s. 311.104.

92 (5) A violation of this section is a noncriminal
93 infraction, punishable as provided in s. 327.73(1)(bb).

94 Section 3. For the purpose of incorporating the amendment
95 made by this act to section 327.4109, Florida Statutes, in a
96 reference thereto, paragraph (bb) of subsection (1) of section
97 327.73, Florida Statutes, is reenacted to read:



165998

98 327.73 Noncriminal infractions.-

99 (1) Violations of the following provisions of the vessel
100 laws of this state are noncriminal infractions:

101 (bb) Section 327.4109, relating to anchoring or mooring in
102 a prohibited area, for which the penalty is:

- 103 1. For a first offense, up to a maximum of \$100.
104 2. For a second offense, up to a maximum of \$250.
105 3. For a third or subsequent offense, up to a maximum of
106 \$500.

107
108 Any person cited for a violation of this subsection shall be
109 deemed to be charged with a noncriminal infraction, shall be
110 cited for such an infraction, and shall be cited to appear
111 before the county court. The civil penalty for any such
112 infraction is \$100, except as otherwise provided in this
113 section. Any person who fails to appear or otherwise properly
114 respond to a uniform boating citation, in addition to the charge
115 relating to the violation of the boating laws of this state,
116 must be charged with the offense of failing to respond to such
117 citation and, upon conviction, be guilty of a misdemeanor of the
118 second degree, punishable as provided in s. 775.082 or s.
119 775.083. A written warning to this effect shall be provided at
120 the time such uniform boating citation is issued.

121 Section 4. This act shall take effect July 1, 2025.

122
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete everything before the enacting clause
126 and insert:



165998

127 A bill to be entitled
128 An act relating to anchoring or mooring at seaports;
129 creating s. 311.104, F.S.; authorizing the governing
130 bodies of certain seaports to apply to the Fish and
131 Wildlife Conservation Commission to prohibit anchoring
132 or mooring within specified boundary limits for
133 specified purposes; requiring the governing body of a
134 seaport to hold a specified number of public hearings;
135 authorizing the commission to consult with certain
136 entities when considering an application for seaports
137 where anchoring and mooring will be prohibited and the
138 boundaries of such prohibited areas; authorizing the
139 commission to modify zones where anchoring or mooring
140 is prohibited; requiring the commission to provide
141 reasons for any such modification; providing for
142 review by the commission within a certain time frame;
143 requiring the commission to review and act upon an
144 application within a specified timeframe after receipt
145 of the application; requiring the commission to advise
146 a seaport if the commission finds an application to be
147 incomplete; providing that the commission's actions
148 are subject to review; requiring certain seaports
149 annually to review the boundaries of approved
150 prohibitions and notify the commission of such review
151 and proposed modifications if necessary; requiring
152 that certain information be included in seaport
153 security plans and seaport strategic plans; providing
154 rulemaking authority; reenacting and amending s.
155 327.4109, F.S.; conforming penalties; reenacting s.



165998

156 327.73(1)(bb), F.S., relating to noncriminal
157 infractions, to incorporate the amendment made to s.
158 327.4109, F.S., in a reference thereto; providing an
159 effective date.