

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.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 594

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Anchoring or Mooring at Seaports

DATE: March 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 594 authorizes the governing body of a seaport to apply to the Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring or mooring in certain areas for the purposes of safety, security, and maintaining cargo flow. The boundaries of the prohibition of anchoring or mooring may be up to 5,000 feet from a seaport entrance or a pier or wharf adjacent to a seaport channel or turning basin.

Prior to applying to the FWC, the governing body of a seaport must hold two public hearings displaying the boundaries of and hearing comments regarding the proposed zone. Once FWC receives an application, it has 90 days to review the application and approve, or possibly modify the prohibited area. The FWC may consult with federal and state agencies when considering a seaport's application.

After the FWC's approval of a seaport's application, the seaport must annually review its boundaries at a public meeting and notify the FWC of the results of its review. If applicable, the governing body of the seaport must submit a revised application to the FWC with any proposed boundary modifications.

Each seaport must include any approved no anchoring or mooring zones that are in effect in its seaport security plan and in its seaport strategic plan.

The bill gives the FWC rulemaking authority to implement provisions of the bill.

The bill provides that a violation of these anchoring and mooring provision is a noncriminal infraction, punishable as a boating violation.

The bill may have a minimal negative fiscal impact on seaports associated with establishing no anchoring or mooring zones. The bill may also have a negative fiscal impact on the FWC in approving these zones. The Marine Resources Conservation Trust Fund may see a positive fiscal impact associated with penalties for violations. See Section V. Fiscal Impact Statement.

This bill takes effect July 1, 2025.

II. Present Situation:

Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FWC) is governed by a board of seven members who are appointed by the Governor and subject to Senate confirmation.¹ The FWC's Division of Law Enforcement Boating and Waterways Section oversees and coordinates statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.² The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.³

The FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.⁴ The Division of Law Enforcement manages Florida's waterways to ensure boating safety for residents of and visitors to the state.⁵ This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.⁶

Anchoring and Mooring

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration.⁷ Anchoring is accomplished using an anchor carried on the

¹ FLA. CONST. art. IV, s. 9; *see also* s. 379.102(1), F.S.

² Florida Fish and Wildlife Conservation Commission (FWC), *Waterway Management*, <https://myfwc.com/boating/waterway/> (last visited Feb. 21, 2025).

³ *Id.*

⁴ Section 327.70(1), F.S.; *see s.* 943.10(1), F.S., which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with 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. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

⁵ FWC, *Boating*, <https://myfwc.com/boating/> (last visited Feb. 21, 2025).

⁶ FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 21, 2025). *See s.* 327.70(1) and (4), F.S.

⁷ Ankersen, Hamann, & Flag, *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.⁸ Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.⁹

Mooring refers to the process of securing a boat or vessel in a fixed position using anchors, chains, ropes, or other devices. It is a way to temporarily anchor a boat to a specific location, typically in a harbor, marina, or other designated mooring area.¹⁰

State Anchoring and Mooring Prohibitions

Section 327.60, F.S., provides 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.¹¹

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;¹² or
- Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the FWC upon request of a local government within which the mooring field is located.¹³

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.¹⁴

There are also exceptions related to mechanical failure of a vessel or weather-related conditions.¹⁵

⁸ 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.

⁹ Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida* at 2.

¹⁰ *Id.*; Martin County, *Martin County Proposed Mooring Field Projects: Definitions*, 2, available at <https://www.martin.fl.us/resources/mooring-field-project-definitions-pdf>; Davis Instruments, *What is mooring?*, <https://www.davisinstruments.com/pages/what-is-mooring#:~:text=Mooring%20refers%20to%20the%20process,or%20other%20designated%20mooring%20area> (last visited Feb. 21, 2025).

¹¹ Section 327.60(3), F.S.

¹² 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.

¹³ Section 327.4109(1)(a), F.S.

¹⁴ Section 327.4109(1)(b), F.S.

¹⁵ Section 327.4109(2), F.S.

A violation related to anchoring or mooring is a noncriminal infraction,¹⁶ 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.
- For a third or subsequent offense, up to a maximum of \$500.¹⁷

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.¹⁸

State and Local Anchoring Limitation Areas

State law designates certain densely populated urban areas as anchoring limitation areas.¹⁹ These areas usually 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 21st 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.²⁰

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.²¹

Counties, except for Monroe County,²² may also establish anchoring limitation areas adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.²³ The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.²⁴ Each anchoring limitation area must meet the following requirements:

¹⁶ Section 327.4109(5), F.S.

¹⁷ Section 327.73(1)(bb), F.S.

¹⁸ Section 327.78(8), F.S.

¹⁹ Section 327.4108(1), F.S.

²⁰ *Id.*

²¹ *Id.*

²² Monroe County is a designated anchoring limitation area within which no less than once every 90 days each vessel anchored in the county within ten linear nautical miles of a public mooring field or a designated anchoring area must move and re-anchor in a new location that is at least a half nautical mile away or is in a different designated anchoring area. Section 327.4108(3)(a), F.S.

²³ Section 327.4108(2), F.S.

²⁴ *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

- 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.²⁵

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.²⁶

State and Local Boating-Restricted Areas

Under Florida law, boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.²⁷

The FWC may, by rule, establish boating-restricted areas.²⁸

Municipalities and counties may establish, by ordinance, boating-restricted areas including speed and wake restrictions if certain conditions are met.²⁹ Municipalities and counties may establish by ordinance additional boating-restricted areas for safety reasons and vessel exclusion zones for certain purposes.³⁰

Any ordinances establishing boat-restricted areas for safety purposes will not take effect until the FWC has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety. The FWC must review and act on any application within 90 days after receiving a completed application. Within 30 days after a municipality or county submits an application, the FWC must advise the municipality or county as to what information, if any, is needed to deem the application complete. An application is considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified or when the time for such notification has expired. The FWC's action on the application is subject to review under the Administrative Procedures Act.³¹

Each boating-restricted area must be developed in consultation and coordination with the governing body of the county or municipality in which the boating-restricted area is located, and when the proposed boating-restricted area is on the navigable waters of the United States, with the United States Coast Guard and the United States Army Corps of Engineers.³²

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. *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 327.46(1), F.S.

²⁸ Section 327.46(1)(a), F.S. These areas are established in Rule 68D-24, F.A.C.

²⁹ Section 327.46(1)(b), F.S.

³⁰ Section 327.46(1)(c), F.S.

³¹ Section 327.46(1)(c), F.S.

³² Section 327.46(2), F.S.

Restrictions in a boating-restricted area do not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated by a governmental entity.³³

Federal Port Safety Regulations

Current federal laws and rules address vessel and port operations, including anchoring, port security, and vessel traffic.³⁴ Regarding vessel traffic, the Secretary of the department in which the U.S. Coast Guard is operating³⁵ may construct, operate, maintain, improve, or expand vessel traffic services in any port or place under the jurisdiction of the U.S., in the navigable waters of the U.S., or in any area covered by an international agreement regarding vessel standards and traffic services.³⁶ The Secretary may also control vessel traffic in areas subject to U.S. jurisdiction that are hazardous or affected by reduced visibility, adverse weather, vessel congestion, or other hazardous circumstances.³⁷ The Secretary may provide for local variances to account for the unique vessel traffic, waterway characteristics, and any additional factors appropriate to enhance navigational safety in any area where vessel traffic services are provided.³⁸

Regarding anchoring, the Secretary of Homeland Security can define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the U.S. whenever the maritime or commercial interests of the U.S. require such anchorage ground for safe navigation and the establishment of the anchorage ground has been recommended by the Chief of Engineers.³⁹

Regarding port security, the Secretary must prepare a National Maritime Transportation Security Plan that focuses on deterring and responding to a transportation security incident and includes the designation of areas for which the security plans are required to be prepared.⁴⁰ The Secretary is authorized to take certain actions to prevent and respond to acts of terrorism, cyber incidents, transnational organized crime, and foreign state threats.⁴¹ These actions include, but are not

³³ Section 317.46(4), F.S.

³⁴ See 46 U.S.C. The federal rules include the regulation of federal safety zones, security zones, and regulated navigation areas. They also establish special anchorage areas, wherein vessels not more than 65 feet long are not required to carry or exhibit anchorage lights when at anchor. 33 C.F.R. §§109-110, 165.

³⁵ The Secretary is currently the Secretary of Homeland Security. 46 U.S.C. §70006; The Department of Homeland Security, *Employee Resources: United States Coast Guard (USCG)*, <https://www.dhs.gov/employee-resources/united-states-coast-guard-uscg> (last visited March 13, 2025).

³⁶ 46 U.S.C. §70001.

³⁷ *Id.* The Secretary may control vessel traffic in these areas by specifying times of entry, movement, or departure; establishing vessel traffic routing schemes; establishing vessel size, speed, or draft limitations and vessel operating conditions; and restricting operation, in any hazardous area or under hazardous conditions, to vessels that have particular operating characteristics or capabilities that the Secretary considers necessary for safe operation under the circumstances. *Id.*

³⁸ *Id.* The Captain of the Port covered by a vessel traffic service center may develop and submit to the Secretary regional policies in addition to the national policy to account for variances from the national policy with respect to local vessel traffic conditions and volume, geography, water body characteristics, waterway usage, and any additional factors that the Captain considers appropriate. *Id.* In establishing anchorage grounds, the Secretary must take into account factors like navigational safety, protection of the marine environment, proximity to undersea pipelines and cables, safe and efficient use of the Marine Transportation System, and national security. 46 U.S.C. §70007.

³⁹ 46 U.S.C. §70006.

⁴⁰ 46 U.S.C. §70103. A “transportation security incident” is defined as a security incident resulting in a significant loss of life, environmental damage, transportation system disruption, or economic disruption in a particular area. 46 U.S.C. §70101.

⁴¹ 46 U.S.C.A. §70116.

limited to, carrying out or requiring inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures.⁴²

Florida's Seaports

The seaports listed in s. 311.09(1), F.S., include: Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

Florida's 16 seaports, through cargo and cruise activities, support 900,000 direct and indirect jobs and contribute \$117.6 billion in economic value, representing 13.3 percent of Florida's Gross Domestic Product.⁴³

Florida's seaport governing bodies may be municipalities, counties, or special districts.

Seaport Security and Strategic Plans

Florida law requires each seaport to adopt, maintain, and periodically revise, a seaport-specific security plan to provide for secure seaport infrastructure to promote the safety and security of state residents and visitors and the flow of legitimate trade and travel.⁴⁴

Florida law requires each seaport to develop a strategic plan with a 10-year horizon, which includes information relating to economic development, infrastructure development and improvement, port-related intermodal transportation facilities, intergovernmental coordination, and the physical, environmental, and regulatory barriers that seaports face.⁴⁵

III. Effect of Proposed Changes:

The bill authorizes the governing body of a seaport to apply to the FWC to prohibit anchoring or mooring in an area, not to exceed 5,000 feet from a seaport entrance or a pier or wharf adjacent to a seaport channel or turning basin, for any of the following purposes:

- Implementing port security measures;
- Ensuring freight and passenger commerce is not impeded;
- Promoting the safety and security of residents and visitors of this state; or
- Maintaining and promoting the flow of legitimate trade and travel at all times.

Before applying to the FWC, the governing body of a seaport must hold at least two public hearings displaying the boundaries of and hearing public comments regarding the area in which the seaport proposes to limit anchoring or mooring. After the required public hearings, a seaport

⁴² *Id.*

⁴³ Florida Seaport Transportation and Economic Development Council, *2023-2024 Seaport Mission Plan*, p2, available at: <https://flaports.org/wp-content/uploads/Florida-SMP-2024-PRINT-V2.pdf> (last visited February 27, 2025). The report cites the Florida Seaport Transportation and Economic Development Council's December 2016 report on the Statewide Economic Impact of Florida's Seaports.

⁴⁴ Section 311.12(1), F.S. Section 311.13, F.S., provides a public records exemption for seaport security plans.

⁴⁵ Section 311.14(2), F.S.

may apply to the FWC, pursuant to the Florida Vessel Safety Law,⁴⁶ to establish areas around the seaport where anchoring or mooring is prohibited.

The FWC may consult with the United States Coast Guard, the United States Army Corps of Engineers, and the Florida Department of Transportation when considering an application for, and the boundaries of, areas around seaports where anchoring or mooring will be prohibited.

When considering an application for a no anchoring or mooring zone, the FWC may modify the proposed boundaries of such prohibition and provide the reasons for such modification.

A prohibition of anchoring or mooring near a seaport may not take effect until the FWC has reviewed the proposed prohibition and determined by substantial competent evidence that the prohibition is necessary for any of the reasons listed above. The FWC must review and act upon an application within 90 days after receiving a completed application. If, within 30 days after a seaport submits an application, the FWC finds such application to be incomplete, the FWC must notify and advise the seaport as to what information is needed to deem the application complete.

A seaport's application is considered complete upon receipt of all requested information or correction of any error or omission for which the applicant was timely notified. An application is deemed complete if the FWC fails to notify and advise the seaport within 30 days after receiving the application. The FWC's action on the application is subject to review under the Administrative Procedures Act.⁴⁷

After FWC's approval of a prohibition on anchoring or mooring and the boundaries of such prohibition, the governing body of the seaport must annually review such prohibitions at a public meeting. After the review, the seaport must notify the FWC of its review, and, if applicable, submit an application to the FWC with any proposed modifications to such boundaries.

The governing body of each seaport must include any FWC-approved limitations on anchoring and mooring in its security plan and in its strategic plan.

The bill authorizes the FWC to adopt rules⁴⁸ to implement provisions of the bill.

The bill amends s. 327.4109(1), F.S., incorporating the seaport authorization for a prohibition of anchoring or mooring into existing prohibitions on anchoring or mooring.

The bill reenacts 327.73(1)(bb), F.S., incorporating violations related to these new prohibitions on anchoring or mooring into the current penalty provision. A violation is a noncriminal infraction, punishable as a boating violation, 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.
- For a third or subsequent offense, up to a maximum of \$500.

⁴⁶ Chapter 427, F.S.

⁴⁷ Chapter 120, F.S.

⁴⁸ Rules are adopted pursuant to ss. 120.136(1) and 120.54, F.S.

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.

This bill takes effect July 1, 2025.

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.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will likely have an insignificant negative fiscal impact on seaports to establish prohibitions on anchoring or mooring. The bill will also have an insignificant negative fiscal impact on the FWC to implement the provisions of the bill.

The bill may have a positive fiscal impact Marine Resources Conservation Trust Fund associated for anchoring or mooring around seaports where such activity is prohibited.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 327.4109, F.S., of the Florida Statutes.

This bill creates section 311.104, F.S., of the Florida Statutes.

This bill reenacts section 327.73, F.S., of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on March 4, 2025:

- Clarifies that the governing body of the seaport may apply to the Florida Fish and Wildlife Conservation Commission (FWC) to prohibit anchoring and mooring around a seaport.
- Provides a 90-day timeframe for FWC to review and act on a seaport's request.
- Requires the governing body of a seaport to notify FWC of its annual review of its anchoring and mooring prohibitions.
- Provides FWC rulemaking authority to implement the bill.
- Provides for the enforcement of a prohibition on anchoring or mooring around seaports as a boating violation.

- B. **Amendments:**

None.