

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 Transportation

BILL: CS/SB 594

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Prohibition of Anchoring or Mooring by a Seaport

DATE: March 5, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			EN	
3.			FP	

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 for 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, 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. 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 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 Fish and Wildlife Conservation Commission (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.

vessel.⁷ Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.⁸

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 anchoring a boat to a specific location, typically in a harbor, marina, or other designated mooring area.⁹

Anchoring and Mooring Prohibitions

Section 327.60, F.S., providing statutory limitations on local regulations regarding vessels, provides that it 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.¹⁰

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;¹¹ 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.¹²

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.
- A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.¹³

There are also exceptions related to mechanical failure of the vessel or weather-related conditions.¹⁴

⁷ 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.

⁸ 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>. (last visited Feb 21, 2025)

⁹ What is mooring? <https://www.davisinstruments.com/pages/what-is-mooring#:~:text=Mooring%20refers%20to%20the%20process,or%20other%20designated%20mooring%20area>. (last visited February 25, 2025).

¹⁰ Section 327.60(3), F.S.

¹¹ 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.

¹² Section 327.4109(1)(a), F.S.

¹³ Section 327.4109(1)(b), F.S.

¹⁴ Section 327.4109(2), F.S.

A violation is a noncriminal infraction,¹⁵ 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 \$500.¹⁶

These penalties are paid into the Marine Resources Conservation Trust Fund for boating safety education and law enforcement purposes.¹⁷

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.¹⁸

The FWC may, by rule, establish boating-restricted areas.¹⁹

Municipalities and counties may establish, by ordinance, boating-restricted areas including within including speed and wake restrictions if certain conditions are met.²⁰ Municipalities and counties may establish by ordinance additional boating-restricted areas for safety reasons and vessel exclusion zones for certain purposes.²¹

Any ordinances establishing boat-restricted areas for safety purposes 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.²²

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.²³

¹⁵ Section 327.4109(5), F.S.

¹⁶ Section 327.73(1)(bb), F.S.

¹⁷ Section 327.78(8), F.S.

¹⁸ Section 327.46(1), F.S.

¹⁹ Section 327.46(1)(a), F.S. These areas are established in Rule 68D-24, F.A.C.

²⁰ Section 327.46(1)(b), F.S.

²¹ Section 327.46(1)(c), F.S.

²² Section 327.46(1)(c), F.S.

²³ 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.²⁴

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.²⁵

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 a secure seaport infrastructure to promote the safety and security of state residents and visitors and the flow of legitimate trade and travel.²⁶

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; physical, environmental, and regulatory barriers to seaport faces; and intergovernmental coordination.²⁷

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 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.
- 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

²⁴ Section 317.46(4), F.S.

²⁵ 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.

²⁶ Section 311.12(1), F.S. Section 311.13, F.S., provides a public records exemption for seaport security plans.

²⁷ Section 311.14(2), F.S.

may apply the FWC, pursuant to the Florida Vessel Safety Law,²⁸ 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 is prohibited.

When considering an application for a no anchoring or mooring zone, the FWCC 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 FWC has reviewed the proposed prohibition and determined by substantial competent evidence that the prohibition is necessary for any of the reasons listed above. FWC must review and act upon an application with 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 the seaport as to what information is need 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.²⁹

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 rules³⁰ 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.

²⁸ Chapter 427, F.S.

²⁹ Chapter 120, F.S.

³⁰ 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.

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 of the Florida Statutes.

This bill reenacts section 327.70 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 FWC to prohibit anchoring and mooring around a seaport.
- Provides a 90 day time-frame for FWC to review and act on a seaport's request.
- Requires the governing body of a seaport to notify the FWC of its annual review of its anchoring and mooring prohibitions.
- Provides the 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.