

**Enclosed is a summary from Jerry Paul Esq. / Capitol Access of Florida's new Mooring & Anchoring Law.**

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## **HB 7043 – “Vessels” 2017 Florida Legislative Session**

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Pursuant to Florida Statutes adopted in 2009, Florida's FWC (Fish & Wildlife Conservation Commission) conducted an Anchoring & Mooring Pilot Program which concluded in 2017. The 2009 law also required the FWC to issue a report and required the Florida Legislature to act on recommendations from the pilot program. It is this mandate that HB 7043 addresses. The bill incorporates many of the findings and recommendations from the pilot program. As of May 1, 2017, the bill has been adopted by the Florida House of Representative and the Florida Senate. The bill has been “enrolled” and sent to the Florida Governor for consideration.

### **Summary of the bill:**

1. Prohibits local governments (cities and counties) from adopting new laws that ban or restrict anchoring and mooring outside the boundaries of existing mooring fields. This regulatory authority is reserved to the State so that local governments cannot create a confusing patchwork that varies by location.
2. Provides more flexibility for removal of derelict vessels. For example, a vessel is at risk of becoming derelict if the vessel does not have effective means of propulsion for safe navigation within 72 hours after the owner or operator of the vessel receives notice of such from a law enforcement officer and cannot provide proof of purchase of parts necessary for repair.
3. The bill does not create any new anchoring restricted areas. The bill does not include the drastic anchoring “set-backs” had been proposed by some local governments and anti-anchoring activists. The bill does, however, include the following setbacks:
  - a. Prohibits a vessel or floating structure from anchoring or mooring within 150 feet of a marina, boat ramp, boatyard, or other vessel launching or loading facility, within 300 feet of a superyacht repair facility.
  - b. Prohibits anchoring within 100 feet outward from the marked boundary of a public mooring field. A local government may establish a distance less than this (but not more) upon notification to FWC.
  - c. Provides exceptions to these restrictions in situations such as when weather requires temporary anchoring for safety.

Note: As stated above, the bill does not create any new anchoring restricted areas. Remember, however, that a bill was adopted during the 2016 legislative session that established anchoring restricted areas in the following locations: (a) The section of Middle River lying between Northeast 21st Court and the Intracoastal Waterway in Broward County; (b) Sunset Lake in Miami-Dade County; (c) The sections of Biscayne Bay in Miami-Dade County lying between: 1. Rivo Alto Island and Di Lido Island, 2. San Marino Island and San Marco Island, and 3. San Marco Island and Biscayne Island.

4. Prohibits a vessel or floating structure from anchoring, mooring, tying, or otherwise affixing to an unpermitted or unauthorized object that is on or affixed to the bottom of waters of the state.
5. Allows local governments to adopt the Monroe County/Florida Keys standard program for requiring proof of pump-outs within 10-14 days in certain locations such as no-discharge zones and mooring fields.