

Committee on Environmental Preservation And Conservation

CS/CS/HB 1051 — Anchoring Limitation Areas

by State Affairs Committee; Agriculture and Natural Resources Subcommittee; and Rep. Caldwell and others (CS/SB 1260 by Environmental Preservation and Conservation Committee; and Senator Simpson)

The bill designates the following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic as anchoring limitation areas:

- The section of Middle River lying between Northeast 21st Court and Intracoastal Waterway in Broward County.
- Sunset Lake in Miami-Dade County.
- The sections of Biscayne Bay in Miami-Dade County lying between:
 - Riva Alto Island and Di Lido Island.
 - San Marino Island and San Marco Island.
 - San Marco Island and Biscayne Island.

The bill prohibits a person from anchoring a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise in an anchoring limitation. The bill authorizes vessels under certain circumstances to anchor overnight in anchoring limitation areas.

The bill exempts the following vessels:

- 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; and
- Vessels engaged in recreational fishing, if the persons onboard are actively tending hook and line fishing gear or nets.

The bill authorizes a law enforcement officer or agency to remove a vessel from an anchoring limitation area and impound the vessel for up to 48 hours, or cause such removal and impoundment, if the vessel operator, after being issued a citation for a violation:

- Anchors the vessel unlawfully in an anchoring limitation area within 12 hours after being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.

The bill provides an expiration of the anchoring limitation area designations upon the Legislature's adoption of the Fish and Wildlife Conservation Commission's recommendations for the local regulation of mooring vessels outside of public mooring fields under the anchoring and mooring pilot program.

The penalty for unlawfully anchoring in an anchoring limitation area is a noncriminal infraction punishable:

- For a first offense, up to a maximum of \$50.
- For a second offense, up to a maximum of \$100.
- For a third or subsequent offense, up to a maximum of \$250.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 36-2; House 105-12