

ADMIRALTY & CANOE TRIP COMMITTEES

ANCHORING UPDATE



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Chair

Back in the early 1990's, when I lived on my boat and cruised the Caribbean and Florida, cruisers could drop their hook and anchor pretty much anywhere for an unlimited time. Snowbirds came here in their boats and resided aboard at the Stuart or Jensen Beach anchorages for the season along with local cost-conscious boaters, including some of the homeless population.

That all started to change in the early 2000's, when homeowners with water views made it known to their electorate they did not like looking at any boats regularly moored within view. There were claims that all those boats were "derelicts," or would soon become so, or polluting the waters, when in fact that was true of only a few (or every male boater - find me one who doesn't pee in the water from his boat, anchored or not). Then came the 2004-2005 hurricanes which sank quite a few of those anchored boats and whose owners without insurance chose abandonment, leaving local municipalities with the problem of getting rid of the junked boats.

Under federal law, there is the right of interstate transit on both highways and waterways, but states retain jurisdiction over their submerged lands. So cities like Miami Beach, Stuart and Marco Island responded by adopting misdemeanor criminal anti-anchoring ordinances, without regard to state statutes then proscribing such local ordinances with respect to the Okeechobee and Intercoastal waterways, and Florida gained a "boater-unfriendly" reputation. When the maritime legal community sprang to the defense of the unfortunate boaters caught in local ordinance webs and won, state statutes were amended in 2009 to proscribe local authorities from all regulation of anchoring outside of mooring fields other than for live-aboard vessels, defined as a non-commercial vessel used solely as a residence and not for navigation, declared as a domicile, or represented as a place of business. However, at the same time, Florida Fish and Wildlife Conservation Commission (FWC), the state agency that regulates boating and waterways, was charged with finding a compromise solution between the wants and needs of recreational boating, the third largest industry in Florida, and that of local communities. Thus began the seven-year Anchoring and Mooring Pilot program, in which Stuart was one of the five local jurisdictions invited to participate, resulting in the mooring field replacing the Roosevelt anchorage. FWC also implemented the At-Risk Vessel Program. These programs reduced harassment of responsible boaters. In 2014 and 2015, several counties unsuccessfully lobbied to go back to local regulation of anchoring. In 2016, a law banning overnight anchoring in Broward and Miami-Dade went into effect, pending enactment of a consistent state-wide anchoring policy.

The final report on the Pilot program is due to the legislature January 1, 2017, and is expected to provide a framework for the legislature to craft equitable state-wide law regulating anchoring and which will ensure responsible boaters having reasonable options when cruising in Florida waters.

Archives of my maritime articles are available on my website: www.barbcooklaw.com.