

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
2 Representative Caldwell offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 327.4108, Florida Statutes, is created  
7 to read:

8 327.4108 Anchoring of vessels in anchoring limitation  
9 areas.—

10 (1) The following densely populated urban areas, which  
11 have narrow state waterways, residential docking facilities, and  
12 significant recreational boating traffic are designated as  
13 anchoring limitation areas:

14 (a) The section of Middle River lying between Northeast  
15 21st Court and the Intracoastal Waterway in Broward County.

16 (b) Sunset Lake in Miami-Dade County.

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17 (c) The sections of Biscayne Bay in Miami-Dade County  
18 lying between:

19 1. Rivo Alto Island and Di Lido Island.

20 2. San Marino Island and San Marco Island.

21 3. San Marco Island and Biscayne Island.

22 (2) To promote the public's use and enjoyment of the  
23 designated waterway, except as provided in subsections (3) and  
24 (4), a person may not anchor a vessel at any time during the  
25 period between one-half hour after sunset and one-half hour  
26 before sunrise in an anchorage limitation area.

27 (3) Notwithstanding subsection (2), a person may anchor a  
28 vessel in an anchorage limitation area:

29 (a) If the vessel suffers a mechanical failure that poses  
30 an unreasonable risk of harm to the vessel or the persons  
31 onboard unless the vessel anchors. The vessel may anchor for 3  
32 business days or until the vessel is repaired, whichever occurs  
33 first.

34 (b) If imminent or existing weather conditions in the  
35 vicinity of the vessel pose an unreasonable risk of harm to the  
36 vessel or the persons onboard unless the vessel anchors. The  
37 vessel may anchor until weather conditions no longer pose such  
38 risk. During a hurricane or a tropical storm, weather conditions  
39 are deemed to no longer pose an unreasonable risk of harm when  
40 the hurricane or tropical storm warning affecting the area has  
41 expired.

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42 (c) During events described in s. 327.48 or other special  
43 events, including, but not limited to, public music  
44 performances, local government waterfront activities, or  
45 fireworks displays. A vessel may anchor for the lesser of the  
46 duration of the special event or for 3 days.

47 (4) This section does not apply to:

48 (a) Vessels owned or operated by a governmental entity for  
49 law enforcement, firefighting, military, or rescue purposes.

50 (b) Construction or dredging vessels on an active job  
51 site.

52 (c) Vessels actively engaged in commercial fishing.

53 (d) Vessels engaged in recreational fishing, if the  
54 persons onboard are actively tending hook and line fishing gear  
55 or nets.

56 (5) (a) As used in this subsection, the term "law  
57 enforcement officer or agency" means an officer or agency  
58 authorized to enforce this section pursuant to s. 327.70.

59 (b) A law enforcement officer or agency may remove a  
60 vessel from an anchorage limitation area and impound the vessel  
61 for up to 48 hours, or cause such removal and impoundment, if  
62 the vessel operator, after being issued a citation for a  
63 violation of this section:

64 1. Anchors the vessel in violation of this section within  
65 12 hours after being issued the citation; or

66 2. Refuses to leave the anchorage limitation area after  
67 being directed to do so by a law enforcement officer or agency.

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68 (c) A law enforcement officer or agency acting under this  
69 subsection to remove or impound a vessel, or to cause such  
70 removal or impoundment, shall be held harmless for any damage to  
71 the vessel resulting from such removal or impoundment unless the  
72 damage results from gross negligence or willful misconduct.

73 (d) A contractor performing removal or impoundment  
74 services at the direction of a law enforcement officer or agency  
75 pursuant to this subsection must:

76 1. Be licensed in accordance with United States Coast  
77 Guard regulations, as applicable.

78 2. Obtain and carry a current policy issued by a licensed  
79 insurance carrier in this state to insure against any accident,  
80 loss, injury, property damage, or other casualty caused by or  
81 resulting from the contractor's actions.

82 3. Be properly equipped to perform such services.

83 (e) In addition to the civil penalty imposed under s.  
84 327.73(1)(y), the operator of a vessel that is removed and  
85 impounded pursuant to paragraph (b) must pay all removal and  
86 storage fees before the vessel is released. A vessel removed  
87 pursuant to paragraph (b) may not be impounded for longer than  
88 48 hours.

89 (6) A violation of this section is punishable as provided  
90 in s. 327.73(1)(y).

91 (7) This section expires upon the Legislature's adoption  
92 of the commission's recommendations for the **regulation of mooring**  
93 **vessels outside of public mooring fields pursuant to s. 327.4105.**

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94 Section 2. Paragraph (c) is added to subsection (2) of  
95 section 327.70, Florida Statutes, to read:

96 327.70 Enforcement of this chapter and chapter 328.—

97 (2)

98 (c) A noncriminal violation of s. 327.4108 may be enforced  
99 by a uniform boating citation issued to the operator of a vessel  
100 unlawfully anchored in an anchoring limitation area.

101 Section 3. Paragraph (y) is added to subsection (1) of  
102 section 327.73, Florida Statutes, to read:

103 327.73 Noncriminal infractions.—

104 (1) Violations of the following provisions of the vessel  
105 laws of this state are noncriminal infractions:

106 (y) Section 327.4108, relating to the anchoring of vessels  
107 in anchoring limitation areas, for which the penalty is:

108 1. For a first offense, up to a maximum of \$50.

109 2. For a second offense, up to a maximum of \$100.

110 3. For a third or subsequent offense, up to a maximum of  
111 \$250.

112  
113 Any person cited for a violation of any provision of this  
114 subsection shall be deemed to be charged with a noncriminal  
115 infraction, shall be cited for such an infraction, and shall be  
116 cited to appear before the county court. The civil penalty for  
117 any such infraction is \$50, except as otherwise provided in this  
118 section. Any person who fails to appear or otherwise properly  
119 respond to a uniform boating citation shall, in addition to the

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120 charge relating to the violation of the boating laws of this  
121 state, be charged with the offense of failing to respond to such  
122 citation and, upon conviction, be guilty of a misdemeanor of the  
123 second degree, punishable as provided in s. 775.082 or s.  
124 775.083. A written warning to this effect shall be provided at  
125 the time such uniform boating citation is issued.

126 Section 4. This act shall take effect July 1, 2016.

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129 **T I T L E A M E N D M E N T**

130 Remove everything before the enacting clause and insert:  
131 An act relating to anchoring limitation areas; creating s.  
132 327.4108, F.S.; prohibiting overnight anchoring of vessels in  
133 specified anchoring limitation areas; providing exceptions;  
134 providing for the removal and impounding of vessels under  
135 certain circumstances; providing penalties; amending s. 327.70,  
136 F.S.; providing for violations to be enforced by the issuance of  
137 a uniform boating citation; providing for the expiration of the  
138 section upon an act of the Legislature; amending s. 327.73,  
139 F.S.; providing penalties; providing an effective date.