

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 WITHDRAWN        (Y/N)  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           

1 Committee/Subcommittee hearing bill: Agriculture & Natural  
 2 Resources Subcommittee  
 3 Representative Caldwell offered the following:  
 4

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 327.4107, Florida Statutes, is created  
 8 to read:

9 327.4107 Anchoring of vessels in recreational boating  
 10 zones.-

11 (1) Except as provided in (2) and (3), a person may not  
 12 anchor a vessel at any time between the hours from one-half hour  
 13 after sunset to one-half hour before sunrise in the following  
 14 recreational boating zones:

15 (a) The section of Middle River lying between Northeast  
 16 21st Court and the Intracoastal Waterway in Broward County.

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

Amendment No.

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

- 20 1. Rivo Alto Island and Di Lido Island.  
21 2. San Marino Island and San Marco Island.  
22 3. San Marco Island and Biscayne Island.

23 (d) Crab Island in Choctawhatchee Bay at the East Pass in  
24 Okaloosa County.

25 (2) Notwithstanding (1), a vessel may anchor in a  
26 recreational boating zone as follows:

27 (a) When a vessel suffers a mechanical failure that will  
28 pose an unreasonable risk of harm to the vessel or its occupants  
29 if the vessel does not anchor, the vessel may anchor until  
30 repaired or for 3 business days after first anchoring within the  
31 recreational boating zone, whichever occurs first.

32 (b) When imminent or existing weather conditions in the  
33 vicinity of a vessel will pose an unreasonable risk of harm to  
34 the vessel or its occupants if the vessel does not anchor, the  
35 vessel may anchor until weather conditions improve to the point  
36 where operating the vessel no longer poses an unreasonable risk  
37 of harm. In the event of a hurricane or tropical storm, weather  
38 conditions are deemed to have improved to the point where  
39 operating the vessel no longer poses an unreasonable risk of  
40 harm when the hurricane or tropical storm warning affecting the  
41 area has expired.

42 (c) During events described in s. 327.48 or during other  
43 special events, such as public music performances, local

Amendment No.

44 government waterfront activities, boat parades, and fireworks  
45 displays, a vessel may anchor for the duration of the special  
46 event or for 3 days, whichever occurs first.

47 (3) This section does not apply to the following vessels:

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 while on an active job  
51 site.

52 (c) Vessels actively engaged in commercial fishing.

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

55 (4) (a) A law enforcement officer or agency authorized to  
56 enforce this section pursuant to s. 327.70 may remove or cause a  
57 vessel to be removed from a recreational boating zone and  
58 impounded for up to 48 hours if an operator of the vessel, after  
59 being issued a citation for violating this section:

60 1. Anchors the vessel in violation of this section within  
61 12 hours after being issued the citation; or

62 2. Refuses to weigh anchor and get underway after being  
63 directed to do so by a law enforcement officer.

64 (b) In addition to the civil penalty imposed under s.  
65 327.73(1)(y), a person whose vessel is removed and impounded  
66 pursuant to paragraph (a) shall pay all removal and storage  
67 charges before the vessel is released.

68 (c) A law enforcement officer or agency acting under this  
69 subsection to remove or impound a vessel or cause to be removed

Amendment No.

70 or impounded a vessel anchored in violation of this section  
71 shall be held harmless for all damages to the vessel resulting  
72 from such removal or impoundment unless the damage results from  
73 gross negligence or willful misconduct.

74 (d) A contractor performing removal or impoundment  
75 activities at the direction of a law enforcement officer or  
76 agency pursuant to this subsection must be licensed in  
77 accordance with applicable United States Coast Guard regulations  
78 where required; obtain and carry in full force and effect a  
79 policy from a licensed insurance carrier in this state to insure  
80 against any accident, loss, injury, property damage, or other  
81 casualty caused by or resulting from the contractor's actions;  
82 and be properly equipped to perform the services to be provided.

83 (5) A violation of this section is punishable as provided  
84 in s. 327.73(1)(y).

85 Section 2. Paragraph (y) is added to subsection (1) of  
86 section 327.73, Florida Statutes, to read:

87 327.73 Noncriminal infractions.—

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

90 (y) Section 327.4107, relating to the anchoring of vessels  
91 in recreational boating zones, for which the penalty is:

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

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

94 3. For a third or subsequent offense, up to a maximum of  
95 \$250.

Amendment No.

96  
97 Any person cited for a violation of any provision of this  
98 subsection shall be deemed to be charged with a noncriminal  
99 infraction, shall be cited for such an infraction, and shall be  
100 cited to appear before the county court. The civil penalty for  
101 any such infraction is \$50, except as otherwise provided in this  
102 section. Any person who fails to appear or otherwise properly  
103 respond to a uniform boating citation shall, in addition to the  
104 charge relating to the violation of the boating laws of this  
105 state, be charged with the offense of failing to respond to such  
106 citation and, upon conviction, be guilty of a misdemeanor of the  
107 second degree, punishable as provided in s. 775.082 or s.  
108 775.083. A written warning to this effect shall be provided at  
109 the time such uniform boating citation is issued.

110 Section 3. This act shall take effect July 1, 2016.

111  
112  
113 -----  
114 **T I T L E A M E N D M E N T**

115 Remove everything before the enacting clause and insert:  
116 An act relating to recreational boating zones; creating s.  
117 327.4107, F.S.; prohibiting overnight anchoring of vessels in  
118 specified recreational boating zones; providing construction;  
119 providing exceptions; authorizing removal and impoundment of  
120 unauthorized vessels anchored in recreational boating zones;  
121 holding harmless law enforcement officers and agencies for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1051 (2016)

Amendment No.

122 certain damages to removed or impounded vessels; requiring  
123 contractors to satisfy certain requirements; amending s. 327.73,  
124 F.S.; providing penalties; providing an effective date.  
125