



854416

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2016	.	
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The Committee on Environmental Preservation and Conservation
(Simpson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

327.4108 Anchoring or mooring of vessels in anchoring
limitation areas.—

(1) The following densely populated urban areas, which have
narrow state waterways, residential docking facilities, and



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11 significant recreational boating traffic and are located in
12 counties with populations exceeding 1.5 million residents, are
13 designated as 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.

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



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40 the hurricane or tropical storm warning affecting the area has
41 expired.

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 site.

51 (c) Vessels actively engaged in commercial fishing.

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

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

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

62 1. Anchors the vessel in violation of this section within
63 12 hours after being issued the citation; or

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

66 (c) A law enforcement officer or agency acting under this
67 subsection to remove or impound a vessel, or to cause such
68 removal or impoundment, shall be held harmless for any damage to



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69 the vessel resulting from such removal or impoundment unless the
70 damage results from gross negligence or willful misconduct.

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

74 1. Be licensed in accordance with United States Coast Guard
75 regulations, as applicable.

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

80 3. Be properly equipped to perform such services.

81 (e) In addition to the civil penalty imposed under s.
82 327.73(1)(y), the operator of a vessel that is removed and
83 impounded pursuant to paragraph (b) must pay all removal and
84 storage fees before the vessel is released. A vessel removed
85 pursuant to paragraph (b) may not be impounded for longer than
86 48 hours.

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

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

91 327.70 Enforcement of this chapter and chapter 328.—

92 (2)

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

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



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98 327.73 Noncriminal infractions.-

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

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

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

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

105 3. For a third or subsequent offense, up to a maximum of
106 \$250.

107

108 Any person cited for a violation of any provision of this
109 subsection shall be deemed to be charged with a noncriminal
110 infraction, shall be cited for such an infraction, and shall be
111 cited to appear before the county court. The civil penalty for
112 any such infraction is \$50, except as otherwise provided in this
113 section. Any person who fails to appear or otherwise properly
114 respond to a uniform boating citation shall, in addition to the
115 charge relating to the violation of the boating laws of this
116 state, be charged with the offense of failing to respond to such
117 citation and, upon conviction, be guilty of a misdemeanor of the
118 second degree, punishable as provided in s. 775.082 or s.
119 775.083. A written warning to this effect shall be provided at
120 the time such uniform boating citation is issued.

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

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123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete everything before the enacting clause
126 and insert:



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127 A bill to be entitled
128 An act relating to anchoring limitation areas;
129 creating s. 327.4108, F.S.; prohibiting overnight
130 anchoring or mooring of vessels in specified anchoring
131 limitation areas; providing exceptions; providing for
132 the removal and impounding of vessels under certain
133 circumstances; providing penalties; amending s.
134 327.70, F.S.; providing for violations to be enforced
135 by the issuance of a uniform boating citation;
136 amending s. 327.73, F.S.; providing penalties;
137 providing an effective date.