

By the Committee on Environmental Preservation and Conservation;  
and Senator Simpson

592-03733A-16

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1 A bill to be entitled

2 An act relating to anchoring limitation areas;  
3 creating s. 327.4108, F.S.; prohibiting overnight  
4 anchoring or mooring of vessels in specified anchoring  
5 limitation areas; providing exceptions; providing for  
6 the removal and impoundment of vessels under certain  
7 circumstances; providing penalties; amending s.  
8 327.70, F.S.; providing for violations to be enforced  
9 by the issuance of a uniform boating citation;  
10 amending s. 327.73, F.S.; providing penalties;  
11 providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 327.4108, Florida Statutes, is created  
16 to read:

17 327.4108 Anchoring or mooring of vessels in anchoring  
18 limitation areas.—

19 (1) The following densely populated urban areas, which have  
20 narrow state waterways, residential docking facilities, and  
21 significant recreational boating traffic and are located in  
22 counties with populations exceeding 1.5 million residents, are  
23 designated as anchoring limitation areas:

24 (a) The section of Middle River lying between Northeast  
25 21st Court and the Intracoastal Waterway in Broward County.

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

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

29 1. Rivo Alto Island and Di Lido Island.

30 2. San Marino Island and San Marco Island.

31 3. San Marco Island and Biscayne Island.

592-03733A-16

20161260c1

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

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

39       (a) If the vessel suffers a mechanical failure that poses  
40 an unreasonable risk of harm to the vessel or the persons  
41 onboard unless the vessel anchors. The vessel may anchor for 3  
42 business days or until the vessel is repaired, whichever occurs  
43 first.

44       (b) If imminent or existing weather conditions in the  
45 vicinity of the vessel pose an unreasonable risk of harm to the  
46 vessel or the persons onboard unless the vessel anchors. The  
47 vessel may anchor until weather conditions no longer pose such  
48 risk. During a hurricane or a tropical storm, weather conditions  
49 are deemed to no longer pose an unreasonable risk of harm when  
50 the hurricane or tropical storm warning affecting the area has  
51 expired.

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

57       (4) This section does not apply to:

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

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

592-03733A-16

20161260c1

61 (c) Vessels actively engaged in commercial fishing.

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

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

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

72 1. Anchors the vessel in violation of this section within  
73 12 hours after being issued the citation; or

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

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

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

84 1. Be licensed in accordance with United States Coast Guard  
85 regulations, as applicable.

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

592-03733A-16

20161260c1

90 3. Be properly equipped to perform such services.

91 (e) In addition to the civil penalty imposed under s.  
92 327.73(1)(y), the operator of a vessel that is removed and  
93 impounded pursuant to paragraph (b) must pay all removal and  
94 storage fees before the vessel is released. A vessel removed  
95 pursuant to paragraph (b) may not be impounded for longer than  
96 48 hours.

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

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

101 327.70 Enforcement of this chapter and chapter 328.—

102 (2)

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

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

108 327.73 Noncriminal infractions.—

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

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

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

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

115 3. For a third or subsequent offense, up to a maximum of  
116 \$250.

117  
118 Any person cited for a violation of any provision of this

592-03733A-16

20161260c1

119 subsection shall be deemed to be charged with a noncriminal  
120 infraction, shall be cited for such an infraction, and shall be  
121 cited to appear before the county court. The civil penalty for  
122 any such infraction is \$50, except as otherwise provided in this  
123 section. Any person who fails to appear or otherwise properly  
124 respond to a uniform boating citation shall, in addition to the  
125 charge relating to the violation of the boating laws of this  
126 state, be charged with the offense of failing to respond to such  
127 citation and, upon conviction, be guilty of a misdemeanor of the  
128 second degree, punishable as provided in s. 775.082 or s.  
129 775.083. A written warning to this effect shall be provided at  
130 the time such uniform boating citation is issued.

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

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