

By Senator Flores

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1 A bill to be entitled
2 An act relating to the anchoring and mooring of
3 vessels outside of public mooring fields; creating s.
4 327.4106, F.S.; defining the terms "store" and
5 "stored"; prohibiting the owner, operator, or person
6 in charge of a vessel from anchoring or mooring
7 outside of public mooring fields for longer than a
8 specified period of time; requiring the relocation or
9 removal from the water of vessels anchored or moored
10 in violation of the prohibition; providing that such a
11 violation is noncriminal and is punishable by a fine;
12 amending s. 327.70, F.S.; providing for issuance of
13 uniform boating citations for such violations;
14 amending s. 327.73, F.S.; specifying the fines for
15 such violations; providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 327.4106, Florida Statutes, is created
20 to read:

21 327.4106 Anchoring and mooring of vessels outside of public
22 mooring fields prohibited; penalties.-

23 (1) As used in this section, the term "store" or "stored"
24 means that a vessel is not under the supervision and control of
25 a person capable of operating and maintaining it or promptly
26 moving it from one location to another.

27 (2) The owner, operator, or person in charge of a vessel
28 may not store the vessel at anchor in one location on the public
29 waters of the state, outside of public mooring fields, for more

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30 than 60 consecutive days. The owner, operator, or person in
31 charge of the vessel that is stored beyond this 60-day limit
32 must relocate the vessel to another location that is at least 10
33 miles from its current location; relocate the vessel to a
34 permitted mooring, a marina slip, or a private dock; or remove
35 the vessel from the water.

36 (3) A violation of this section is a noncriminal
37 infraction, punishable as provided in s. 327.73(1)(cc).

38 Section 2. Subsection (3) of section 327.70, Florida
39 Statutes, is amended to read:

40 327.70 Enforcement of this chapter and chapter 328.—

41 (3) (a) Noncriminal violations of the following statutes may
42 be enforced by a uniform boating citation mailed to the
43 registered owner of an unattended vessel anchored, aground, or
44 moored on the waters of this state:

45 1. Section 327.33(3)(b), relating to navigation rules.

46 2. Section 327.44, relating to interference with
47 navigation.

48 3. Section 327.50(2), relating to required lights and
49 shapes.

50 4. Section 327.53, relating to marine sanitation.

51 5. Section 328.48(5), relating to display of decal.

52 6. Section 328.52(2), relating to display of number.

53 7. Section 327.4106, relating to prohibited anchoring or
54 mooring outside public mooring fields.

55 ~~8.7.~~ Section 327.4107, relating to vessels at risk of
56 becoming derelict.

57 ~~9.8.~~ Section 327.4109, relating to prohibited anchoring or
58 mooring.

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59 (b) Citations issued to livery vessels under this
60 subsection are the responsibility of the lessee of the vessel if
61 the livery has included a warning of this responsibility as a
62 part of the rental agreement and has provided to the agency
63 issuing the citation the name, address, and date of birth of the
64 lessee when requested by that agency. The livery is not
65 responsible for the payment of citations if the livery provides
66 the required warning and lessee information.

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

70 (d) A noncriminal violation of s. 327.4109 may be enforced
71 by a uniform boating citation issued to the owner or operator of
72 a vessel or floating structure unlawfully anchored or moored in
73 a prohibited area.

74 (e) A noncriminal violation of s. 327.4106 may be enforced
75 by issuance of a uniform boating citation to the owner,
76 operator, or person in charge of a vessel unlawfully anchored or
77 moored outside of a public mooring field for more than 60
78 consecutive days.

79 Section 3. Paragraph (cc) is added to subsection (1) of
80 section 327.73, Florida Statutes, to read:

81 327.73 Noncriminal infractions.—

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

84 (cc) Section 327.4106, relating to anchoring or mooring
85 outside public mooring areas. Each day beyond the limit
86 constitutes a separate offense. The penalty for such a violation
87 is:

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- 88 1. For a first offense, \$50.
89 2. For a second offense, \$100.
90 3. For a third or subsequent offense, \$250.
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92 Any person cited for a violation of any provision of this
93 subsection shall be deemed to be charged with a noncriminal
94 infraction, shall be cited for such an infraction, and shall be
95 cited to appear before the county court. The civil penalty for
96 any such infraction is \$50, except as otherwise provided in this
97 section. Any person who fails to appear or otherwise properly
98 respond to a uniform boating citation shall, in addition to the
99 charge relating to the violation of the boating laws of this
100 state, be charged with the offense of failing to respond to such
101 citation and, upon conviction, be guilty of a misdemeanor of the
102 second degree, punishable as provided in s. 775.082 or s.
103 775.083. A written warning to this effect shall be provided at
104 the time such uniform boating citation is issued.

105 Section 4. This act shall take effect July 1, 2019.