

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Duggan offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 39-111 and insert:

5 Section 2. Paragraph (b) of subsection (2), subsection
6 (3), and paragraphs (c) through (g) of subsection (6) of section
7 327.4108, Florida Statutes, are amended to read:

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

10 (2)

11 (b) Except as provided in subsections (4) and (5), a
12 person may not anchor a vessel for more than 45 ~~consecutive~~ days
13 in any 6-month period in an anchoring limitation area

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14 established pursuant to this subsection.

15 (3)(a) Monroe County is designated as an anchoring
16 limitation area within which no less than once every ~~a vessel on~~
17 ~~waters of the state may only be anchored in the same location~~
18 ~~for a maximum of 90 days~~ each vessel anchored within Monroe
19 County on waters of this state within 10 linear nautical miles
20 of a public mooring field or a designated anchoring area must
21 pull anchor and be moved from its location using the vessel's
22 propulsion system and be re-anchored in a new location. The new
23 location must be:

24 1. No less than one-half linear nautical mile from the
25 vessel's starting location. A vessel may not be re-anchored
26 within one-half linear nautical mile from the vessel's starting
27 location for at least 90 days; or

28 2. In a different designated anchoring area. A vessel may
29 not be re-anchored in its originating designated anchoring area
30 for at least 90 days after anchoring within a new designated
31 anchoring area. ~~The commission shall adopt rules to implement~~
32 ~~this subsection.~~

33 (b) The commission, in consultation with Monroe County and
34 the Florida Keys National Marine Sanctuary, shall establish by
35 rule designated anchoring areas throughout the county. The
36 designated anchoring areas must:

37 1. Specify a maximum vessel draft for each area;

38 2. Be created only in locations where the water depth is

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39 sufficient to allow vessels whose drafts are less than the
40 area's specified maximum vessel draft to navigate into and out
41 of the areas without grounding or stranding;

42 3. Not be located over coral reefs or other sensitive fish
43 or wildlife habitat, to the maximum extent practicable, as
44 determined by the commission;

45 4. Not be located in an area subject to ongoing hazardous
46 water currents or tides or containing navigational hazards; and

47 5. Not be located within navigational channels, setbacks
48 established by the United States Army Corps of Engineers
49 associated with federal channels, areas where anchoring is
50 prohibited pursuant to s. 327.4109, or any other lawfully
51 established areas that prohibit anchoring.

52 (c) Paragraph (a) does ~~The anchoring limitations in this~~
53 ~~subsection do~~ not apply to vessels moored to approved and
54 permitted moorings or mooring fields.

55 (d)(e) A vessel upon the waters of this state and within
56 Monroe County for which the owner or occupant has established
57 the vessel as a domicile in accordance with s. 222.17 is exempt
58 from paragraph (a) Notwithstanding the commission rules adopted
59 pursuant to this section, this section is not effective for
60 Monroe County until at least 100 the county approves, permits,
61 and opens new moorings are available for public use, including
62 at least 250 moorings within 1 mile of the Key West Bight City
63 Dock and at least 50 moorings within the Key West Garrison Bight

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64 ~~Mooring Field.~~ Until such time, the commission shall designate
65 the area within 1 mile of the Key West Bight City Dock as a
66 priority for the investigation and removal of derelict vessels.

67 (e) All of the following vessels within Monroe County on
68 waters of this state which are equipped with a marine sanitation
69 device other than a marine composting toilet that processes and
70 manages human waste using technologies that comply with United
71 States Coast Guard requirements must maintain a record of the
72 date of each pumpout of the marine sanitation device and the
73 location of the pumpout station or waste reception facility for
74 1 year after the date of the pumpout, and the record must
75 indicate that the vessel was pumped out within the last 30 days:

76 1. A vessel that:

77 a. Has enclosed living spaces or rooms; and

78 b. Is used by a person as a dwelling or living space
79 overnight at any time, notwithstanding whether or not the vessel
80 is also used for navigation.

81 2. A vessel moored in a public mooring field.

82 (f) This subsection may not be construed to prohibit
83 anchoring for less than 90 days in areas within Monroe County.

84 (6)

85 (c) A law enforcement officer or agency may remove a
86 vessel from an anchoring limitation area ~~and impound the vessel~~
87 ~~for up to 48 hours,~~ or cause such removal ~~and impoundment,~~ if
88 the vessel operator, after being issued a citation for a

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89 violation of this section:

90 1. Anchors the vessel in violation of this section within
91 12 hours after being issued the citation; or

92 2. Refuses to leave the anchoring limitation area after
93 being directed to do so by a law enforcement officer or agency.

94 (d) A vessel that is the subject of two ~~more than three~~
95 violations within 12 months which result in dispositions other
96 than acquittal or dismissal shall be declared to be a public
97 nuisance and subject to s. 705.103 or, for a derelict vessel,
98 subject to s. 823.11.

99 (e) A law enforcement officer or agency acting under this
100 subsection to remove ~~or impound a vessel,~~ or to cause such
101 removal ~~or impoundment,~~ shall be held harmless for any damage to
102 the vessel resulting from such removal or impoundment unless the
103 damage results from gross negligence or willful misconduct.

104 (f) A contractor performing removal ~~or impoundment~~
105 services at the direction of a law enforcement officer or agency
106 pursuant to this subsection must:

107 1. Be licensed in accordance with United States Coast
108 Guard regulations, as applicable.

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

113 3. Be properly equipped to perform such services.

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114 (g) In addition to the civil penalty imposed under s.
 115 327.73 (1) (z), the owner or operator of a vessel that is removed
 116 ~~and impounded~~ pursuant to paragraph (c) must pay all removal and
 117 storage fees before the vessel is released. A vessel removed
 118 pursuant to paragraph (c) may be stored until retrieved and the
 119 finest and removal and storage fees paid by the owner or operator
 120 or until 60 days have passed, at which time the vessel may be
 121 destroyed or used in any other manner, at the discretion of the
 122 county not be impounded for longer than 48 hours.

124 -----
 125 **T I T L E A M E N D M E N T**

126 Remove lines 6-19 and insert:
 127 revising the period of time vessels are authorized to
 128 anchor in anchoring limitation areas; requiring
 129 certain anchored vessels in Monroe County to be re-
 130 anchored in a new location that meets certain
 131 requirements according to a specified timeframe;
 132 requiring the Fish and Wildlife Conservation
 133 Commission, in consultation with certain entities, to
 134 establish designated anchoring areas within the county
 135 by rule; providing requirements for the designated
 136 anchoring areas; providing an exception for certain
 137 domiciled vessels; removing provisions requiring the
 138 county to approve a specified number of moorings at

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139 specified locations; requiring certain vessels
140 equipped with marine sanitation devices to maintain
141 specified records of such devices; providing
142 construction; removing provisions authorizing law
143 enforcement officers and agencies to impound vessels
144 from anchoring limitation areas; providing for the
145 storage and disposal of vessels removed from anchoring
146 limitation areas; providing an effective date.

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