

20221432er

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2 An act relating to vessel anchoring; amending s.  
3 253.0346, F.S.; providing tenancy and lease conditions  
4 for approved and permitted mooring and mooring fields  
5 in Monroe County; amending s. 327.4108, F.S.;  
6 requiring certain anchored vessels in Monroe County to  
7 be re-anchored in a new location that meets certain  
8 requirements according to a specified timeframe;  
9 requiring the Fish and Wildlife Conservation  
10 Commission, in consultation with certain entities, to  
11 establish designated anchoring areas within the county  
12 by rule; providing requirements for the designated  
13 anchoring areas; providing an exception for certain  
14 domiciled vessels; removing provisions requiring the  
15 county to approve a specified number of moorings at  
16 specified locations; requiring certain vessels  
17 equipped with marine sanitation devices to maintain  
18 specified records of such devices; providing  
19 construction; providing an effective date.  
20

21 Be It Enacted by the Legislature of the State of Florida:  
22

23 Section 1. Present subsection (4) of section 253.0346,  
24 Florida Statutes, is redesignated as subsection (5), and a new  
25 subsection (4) is added to that section, to read:

26 253.0346 Lease of sovereignty submerged lands for marinas,  
27 boatyards, mooring fields, and marine retailers.-

28 (4) Notwithstanding any other law, all of the following  
29 conditions apply for approved and permitted moorings or mooring

20221432er

30 fields in Monroe County:

31 (a) The general tenancy on a mooring may exceed 12 months,  
32 if requested, but may not exceed 10 years.

33 (b) A sovereign submerged land or other proprietary lease  
34 may not prohibit a vessel from an approved and permitted mooring  
35 or mooring field or limit the tenancy of a vessel because an  
36 individual has established it as his or her domicile in  
37 accordance with s. 222.17 or because the vessel is an  
38 individual's primary residence.

39 Section 2. Subsection (3) of section 327.4108, Florida  
40 Statutes, is amended to read:

41 327.4108 Anchoring of vessels in anchoring limitation  
42 areas.—

43 (3) (a) Monroe County is designated as an anchoring  
44 limitation area within which no less than once every ~~a vessel on~~  
45 ~~waters of the state may only be anchored in the same location~~  
46 ~~for a maximum of 90 days~~ each vessel anchored within Monroe  
47 County on waters of this state within 10 linear nautical miles  
48 of a public mooring field or a designated anchoring area must  
49 pull anchor and be moved from its location using the vessel's  
50 propulsion system and be re-anchored in a new location. The new  
51 location must be:

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

56 2. In a different designated anchoring area. A vessel may  
57 not be re-anchored in its originating designated anchoring area  
58 for at least 90 days after anchoring within a new designated

20221432er

59 anchoring area. ~~The commission shall adopt rules to implement~~  
60 ~~this subsection.~~

61 (b) The commission, in consultation with Monroe County and  
62 the Florida Keys National Marine Sanctuary, shall establish by  
63 rule designated anchoring areas throughout the county. The  
64 designated anchoring areas must:

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

66 2. Be created only in locations where the water depth is  
67 sufficient to allow vessels whose drafts are less than the  
68 area's specified maximum vessel draft to navigate into and out  
69 of the areas without grounding or stranding;

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

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

75 5. Not be located within navigational channels, setbacks  
76 established by the United States Army Corps of Engineers  
77 associated with federal channels, areas where anchoring is  
78 prohibited pursuant to s. 327.4109, or any other lawfully  
79 established areas that prohibit anchoring.

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

83 (d) ~~(e)~~ A vessel upon the waters of this state and within  
84 Monroe County for which the owner or occupant has established  
85 the vessel as a domicile in accordance with s. 222.17 is exempt  
86 from paragraph (a) ~~Notwithstanding the commission rules adopted~~  
87 ~~pursuant to this section, this section is not effective for~~

20221432er

88 ~~Monroe County until at least 100 the county approves, permits,~~  
89 ~~and opens new moorings are available for public use, including~~  
90 ~~at least 250 moorings within 1 mile of the Key West Bight City~~  
91 ~~Dock and at least 50 moorings within the Key West Garrison Bight~~  
92 ~~Mooring Field.~~ Until such time, the commission shall designate  
93 the area within 1 mile of the Key West Bight City Dock as a  
94 priority for the investigation and removal of derelict vessels.

95 (e) All of the following vessels within Monroe County on  
96 waters of this state which are equipped with a marine sanitation  
97 device other than a marine composting toilet that processes and  
98 manages human waste using technologies that comply with United  
99 States Coast Guard requirements must maintain a record of the  
100 date of each pumpout of the marine sanitation device and the  
101 location of the pumpout station or waste reception facility for  
102 1 year after the date of the pumpout, and the record must  
103 indicate that the vessel was pumped out within the last 30 days:

104 1. A vessel that:

105 a. Has enclosed living spaces or rooms; and

106 b. Is used by a person as a dwelling or living space

107 overnight at any time, notwithstanding whether or not the vessel  
108 is also used for navigation.

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

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

112 Section 3. This act shall take effect July 1, 2022.