

The Florida Senate

2023 Florida Statutes

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| Title XXIV VESSELS | Chapter 327 VESSEL SAFETY Entire Chapter | SECTION 4108 Anchoring of vessels in anchoring limitation areas. |
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327.4108 Anchoring of vessels in anchoring limitation areas.—

(1) The following densely populated urban areas, which have narrow state waterways, residential docking facilities, and significant recreational boating traffic, are designated as and shall be considered to be grandfathered-in anchoring limitation areas, within which a person may not anchor a vessel at any time during the period between one-half hour after sunset and one-half hour before sunrise, except as provided in subsections (4) and (5):

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

(b) Sunset Lake in Miami-Dade County.

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

1. Rivo Alto Island and Di Lido Island.
2. San Marino Island and San Marco Island.
3. San Marco Island and Biscayne Island.

(2)(a) Notwithstanding s. [327.60](#)(2)(f), a county, except for Monroe County, may establish, in accordance with this subsection, an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic. The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways. As used in this subsection, the term "navigable-in-fact waterways" means waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. Each anchoring limitation area must meet all of the following requirements:

1. Be less than 100 acres in size. For purposes of this subsection, the calculated size of the anchoring limitation area does not include any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;
2. Not include any mooring field or marina; and
3. Be clearly marked with all of the following:
 - a. Signs that provide reasonable notice to boaters identifying the duration of time beyond which anchoring is limited and identifying the county ordinance by which the anchoring limitation area was created.
 - b. Buoys. The county that has created an anchoring limitation area shall install and maintain buoys marking the boundary of the anchoring limitation area.

The signs and buoys must be permitted and installed in accordance with ss. [327.40](#) and [327.41](#) and commission rule.

(b) Except as provided in subsections (4) and (5), a person may not anchor a vessel for more than 45 consecutive days in any 6-month period in an anchoring limitation area established pursuant to this subsection.

(c) A county proposing establishment of an anchoring limitation area in accordance with this subsection shall provide notice to the commission at least 30 days before introducing an ordinance to establish the anchoring limitation area. The commission shall publish notice of the proposed ordinance on its website and distribute such notice through the commission's Boating and Waterways Section e-mail distribution list for ordinances.

(3)(a) Monroe County is designated as an anchoring limitation area within which no less than once every 90 days each vessel anchored within Monroe County on waters of this state within 10 linear nautical miles of a public mooring

field or a designated anchoring area must pull anchor and be moved from its location using the vessel's propulsion system and be reanchored in a new location. The new location must be:

1. No less than one-half linear nautical mile from the vessel's starting location. A vessel may not be reanchored within one-half linear nautical mile from the vessel's starting location for at least 90 days; or
2. In a different designated anchoring area. A vessel may not be reanchored in its originating designated anchoring area for at least 90 days after anchoring within a new designated anchoring area.

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

1. Specify a maximum vessel draft for each area;
2. Be created only in locations where the water depth is sufficient to allow vessels whose drafts are less than the area's specified maximum vessel draft to navigate into and out of the areas without grounding or stranding;
3. Not be located over coral reefs or other sensitive fish or wildlife habitat, to the maximum extent practicable, as determined by the commission;
4. Not be located in an area subject to ongoing hazardous water currents or tides or containing navigational hazards; and
5. Not be located within navigational channels, setbacks established by the United States Army Corps of Engineers associated with federal channels, areas where anchoring is prohibited pursuant to s. [327.4109](#), or any other lawfully established areas that prohibit anchoring.

(c) Paragraph (a) does not apply to vessels moored to approved and permitted moorings.

(d) A vessel upon the waters of this state and within Monroe County for which the owner or occupant has established the vessel as a domicile in accordance with s. [222.17](#) is exempt from paragraph (a) until at least 100 new moorings are available for public use within 1 mile of the Key West Bight City Dock. Until such time, the commission shall designate the area within 1 mile of the Key West Bight City Dock as a priority for the investigation and removal of derelict vessels.

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

1. A vessel that:
 - a. Has enclosed living spaces or rooms; and
 - b. Is used by a person as a dwelling or living space overnight at any time, notwithstanding whether or not the vessel is also used for navigation.
2. A vessel moored in a public mooring field.

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

(4) Notwithstanding subsections (1), (2), and (3), a person may anchor a vessel in an anchoring limitation area during a time that would otherwise be unlawful:

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

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

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

(5) This section does not apply to:

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

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

(c) Vessels actively engaged in commercial fishing.

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

(6)(a) As used in this subsection, the term “law enforcement officer or agency” means an officer or agency authorized to enforce this section pursuant to s. [327.70](#).

(b)1. For a vessel in an anchoring limitation area established pursuant to subsection (2), upon an inquiry by a law enforcement officer or agency, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations described in subsection (2). Such proof may include any of the following:

a. Documentation showing that the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.

b. Electronic evidence, including, but not limited to, navigational devices or tracking devices that show the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.

2. If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations described in subsection (2), the law enforcement officer or agency may issue a citation for a violation of this section.

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

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

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

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

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

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

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

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

3. Be properly equipped to perform such services.

(g) In addition to the civil penalty imposed under s. [327.73](#)(1)(z), the operator of a vessel that is removed and impounded pursuant to paragraph (c) must pay all removal and storage fees before the vessel is released. A vessel removed pursuant to paragraph (c) may not be impounded for longer than 48 hours.

(7) A violation of this section is punishable as provided in s. [327.73](#)(1)(z).

History.—s. 1, ch. 2016-96; s. 5, ch. 2017-163; s. 13, ch. 2021-184; s. 1, ch. 2021-192; s. 2, ch. 2022-78; s. 68, ch. 2023-8.

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