

1                                   A bill to be entitled  
 2           An act relating to recreational boating zones;  
 3           creating s. 327.4107, F.S.; prohibiting overnight  
 4           anchoring of vessels in specified recreational boating  
 5           zones; providing exceptions; providing applicability;  
 6           authorizing specified law enforcement officers and  
 7           agencies to remove and impound vessels or cause  
 8           vessels to be removed or impounded under certain  
 9           conditions; providing indemnification for such law  
 10          enforcement officers and agencies in certain  
 11          circumstances; providing requirements for contractors  
 12          performing such removal or impoundment services;  
 13          providing that certain vessel operators are required  
 14          to pay removal and storage fees and are subject to  
 15          specified penalties; amending s. 327.70, F.S.;  
 16          providing for issuance of citations relating to the  
 17          unlawful anchoring of vessels in recreational boating  
 18          zones; amending s. 327.73, F.S.; providing penalties  
 19          relating to the anchoring of vessels in recreational  
 20          boating zones; providing an effective date.

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

23  
 24           Section 1.   Section 327.4107, Florida Statutes, is created  
 25   to read:

26           327.4107 Anchoring of vessels in recreational boating

27 zones.—

28 (1) Except as provided in subsections (2) and (3), a  
 29 person may not anchor a vessel at any time between the hours  
 30 from one-half hour after sunset to one-half hour before sunrise  
 31 in the following recreational boating zones:

32 (a) The section of Middle River lying between Northeast  
 33 21st Court and the Intracoastal Waterway in Broward County.

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

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

37 1. Rivo Alto Island and Di Lido Island.

38 2. San Marino Island and San Marco Island.

39 3. San Marco Island and Biscayne Island.

40 (d) Crab Island in Choctawhatchee Bay at the East Pass in  
 41 Okaloosa County.

42 (2) A person may anchor a vessel in a recreational boating  
 43 zone:

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

49 (b) If imminent or existing weather conditions in the  
 50 vicinity of the vessel pose an unreasonable risk of harm to the  
 51 vessel or the persons onboard unless the vessel anchors. The  
 52 vessel may anchor until weather conditions no longer pose such

53 risk. During a hurricane or tropical storm, weather conditions  
 54 are deemed to no longer pose an unreasonable risk of harm when  
 55 the hurricane or tropical storm warning affecting the area has  
 56 expired.

57 (c) During events described in s. 327.48 or other special  
 58 events, including, but not limited to, public music  
 59 performances, local government waterfront activities, or  
 60 fireworks displays. A vessel may anchor for the duration of the  
 61 special event or for 3 days, whichever occurs first.

62 (3) This section does not apply to:

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

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

67 (c) Vessels actively engaged in commercial fishing.

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

70 (4) (a) As used in this subsection, the term "law  
 71 enforcement officer or agency" means an officer or agency  
 72 authorized to enforce this section pursuant to s. 327.70.

73 (b) A law enforcement officer or agency may remove a  
 74 vessel from a recreational boating zone and impound the vessel  
 75 for up to 48 hours, or cause such removal and impoundment, if  
 76 the vessel operator, after being issued a citation for a  
 77 violation of this section:

78 1. Anchors the vessel in violation of this section within

79 12 hours after being issued the citation; or

80 2. Refuses to leave the recreational boating zone after  
 81 being directed to do so by a law enforcement officer or agency.

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

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

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

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

96 3. Be properly equipped to perform such services.

97 (e) In addition to the civil penalty imposed under s.  
 98 327.73(1)(y), the operator of a vessel that is removed and  
 99 impounded pursuant to paragraph (a) shall pay all removal and  
 100 storage fees before the vessel is released. A vessel removed  
 101 pursuant to paragraph (a) may not be impounded for longer than  
 102 48 hours.

103 (5) A violation of this section is punishable as provided  
 104 in s. 327.73(1)(y).

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

107 327.70 Enforcement of this chapter and chapter 328.-  
 108 (2)

109 (c) A noncriminal violation of s. 327.4107 may be enforced  
 110 by a uniform boating citation issued to the operator of a vessel  
 111 unlawfully anchored in a recreational boating zone.

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

114 327.73 Noncriminal infractions.-

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

117 (y) Section 327.4107, relating to the anchoring of vessels  
 118 in recreational boating zones, for which the penalty is:

- 119 1. For a first offense, up to a maximum of \$50.
- 120 2. For a second offense, up to a maximum of \$100.
- 121 3. For a third or subsequent offense, up to a maximum of  
 122 \$250.

123  
 124 Any person cited for a violation of any provision of this  
 125 subsection shall be deemed to be charged with a noncriminal  
 126 infraction, shall be cited for such an infraction, and shall be  
 127 cited to appear before the county court. The civil penalty for  
 128 any such infraction is \$50, except as otherwise provided in this  
 129 section. Any person who fails to appear or otherwise properly  
 130 respond to a uniform boating citation shall, in addition to the

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131 charge relating to the violation of the boating laws of this  
132 state, be charged with the offense of failing to respond to such  
133 citation and, upon conviction, be guilty of a misdemeanor of the  
134 second degree, punishable as provided in s. 775.082 or s.  
135 775.083. A written warning to this effect shall be provided at  
136 the time such uniform boating citation is issued.

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