



Anchoring Information for Florida Cruisers

Courtesy of Boat Owners Association of The United States

For several years, certain local cities and counties in Florida have been restricting the length of time that boats are allowed to anchor. Legislative changes were made recently to Florida statute Chapter 327 which should increase the boater's ability to anchor within Florida. Some changes take effect July 1, 2009, and others on October 1, 2009.

Unfortunately, many local law enforcement personnel appear to be unaware of the changes. Boaters continue to be told by some officials that they are subject to anchoring limits.

Below is a summary of the anchoring portions of the law with citations.

We recommend that boaters carry this sheet with them when cruising in Florida.



What is a live-aboard vessel?

The definition of "live-aboard vessel" has been changed, effective 7/1/09. Active cruisers who live on their boats with no permanent residence on land are no longer considered live-aboards and, therefore, their anchoring cannot be regulated by local governments. It is no longer relevant that the vessel is a boater's "legal residence"; that term has been removed from the statute.

(from Chapter 2009-86, section 6)

327.02 Definitions of terms used in this chapter and in chapter 328.—As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(17) "Live-aboard vessel" means:

- a) Any vessel used solely as a residence and not for navigation;*
- b) Any vessel represented as a place of business, or a professional or other commercial enterprise; or*
- c) Any vessel for which a declaration of domicile has been filed pursuant to s. 222.17.*

Can my anchoring be restricted by local governments?

Under state law, boaters who use their boats for navigation (even if only occasionally) will not have their anchoring restricted by a local city or county outside of permitted mooring fields. Cities and counties will be expressly forbidden to "enact, continue in effect, or enforce any ordinance or local regulation ... regulating the anchoring of vessels other than live-aboard vessels outside the marked boundaries of mooring fields."

Although local governments are allowed to regulate anchoring within the marked boundaries of properly permitted mooring fields, there are currently a few such locations. These are Key West Mooring Field (149 moorings); Ft. Myers Beach Mooring Field (70 moorings); Fernandina Beach Municipal Mooring Field (20 moorings); Miami — Dinner Key Mooring Field (still under construction).

(Existing FL law) 327.60 Local regulations; limitations —

(2) Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields of non-live-aboard vessels in navigation.

(Effective 10/1/09) (from Chapter 2009-86, section 14)

(3) However, local governmental authorities are prohibited from regulating the anchoring outside of such mooring fields of vessels other than live-aboard vessels as defined in s. 327.02.

What about the new mooring field pilot studies?

Over the next few years, the state will work in 5 geographic areas (two each on the Atlantic Coast and Gulf Coasts, and one in the Keys) to test new anchoring and mooring concepts with both live-aboard and non-live-aboard boats. They want to promote more mooring fields and public access to Florida waters, and to deter improperly stored boats. Cities or counties in this program may regulate by ordinance the anchoring of all vessels outside of a mooring field. However, this ordinance may only take effect after significant input from stakeholders and approval from the state FWC. Any ordinances passed and the pilot program itself expire on 7/1/14.

The pilot program will be fully implemented over the next two years. No city or county has been accepted into the pilot program – the application period has not even opened yet. It will take several months before the first location for this program is selected and more time after that for an ordinance to be developed and approved. As these locations are chosen, we encourage local boaters and boating groups to join the public stakeholder process and help the cities or counties develop reasonable programs for locals and transient boaters. As of now, there are NO enforceable anchoring ordinances outside the marked boundaries of mooring fields anywhere in Florida.

(from Chapter 2009-86, Laws of Florida)

Section 48. The Fish and Wildlife Conservation Commission, in consultation with the Department of Environmental Protection, is directed to establish a pilot program to explore potential options for regulating the anchoring or mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields....

What about boating restricted areas?

As of 10/1/09, local governments will only be allowed to create “boating restricted areas” (including but not limited to restriction of vessel speeds or restriction of boating traffic) for public safety reasons. They must be approved by FWC and the USCG before they are enacted and can only be put in certain areas. Until a uniform waterway marker is placed in the water, the area may not be enforced.

These areas may include boating restricted areas located:

- Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility;
- Within 500 feet of marine fuel pumps;
- Inside 300 feet of any lock structure;
- Within 300 feet of any bridge fender system or a bridge span;
- Where vessel traffic presents problems of congestion or vessel safety.

(from Chapter 2009-86, section 13) 327.46 Boating-restricted areas.

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the water of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigation hazards.....

The 2008 version of Florida law may be read online at:

http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0327/titl0327.htm

Please note that the compiled Florida Statutes, which will include these changes will not be available until this fall. For a copy of Chapter 2009-86, law of Florida (house bill 1423) as signed into law and filed with the Florida Department of State on May 27, 2009, go to: http://laws.flrules.org/files/Ch_2009-086.pdf

Reviewed by Florida Fish and Wildlife Commission, July 2009



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