



2011 Florida Anchoring Information

Courtesy of Boat Owners Association of The United States

In 2009, several changes were made to Florida law (Chapter 327) that increased recreational boaters' ability to anchor within Florida. This law also outlined a pilot mooring field program scheduled to begin in 2011.

This bulletin is intended to help boaters and local law enforcement understand the changes in law, and the status of the mooring pilot project going forward.

We encourage boaters to carry this sheet with them while cruising in Florida and share copies with others.

Can local governments restrict me from anchoring?

Under Florida law, boaters who use their boats for navigation (even if only occasionally) cannot be restricted from anchoring by a local jurisdiction (city or county) *outside of permitted mooring fields*. Cities and counties are 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.”

(Note definition of live-aboard below.)

Local governments may regulate anchoring within the marked boundaries of properly permitted mooring fields. As of March 2011 these are Key West Mooring Field; Ft. Myers Beach Mooring Field; Fernandina Beach Municipal Mooring Field; Miami Dinner Key Mooring Field. The following areas have applied for and are receiving permits to create mooring fields: St. Augustine; Titusville; Naples; Sarasota; St. Petersburg; Punta Gorda; and Ft. Myers. We anticipate other communities will come online during the remainder of 2011.



(Existing FL law) 327.60 Local regulations; limitations —

Nothing in 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 vessels other than live-aboard vessels as defined in s. 327.02.

Does it matter if I “live-aboard” my vessel?

Full time, active cruisers who live on their boats with no permanent residence on land are no longer considered live-aboards under this law. As a result, 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.

What is the status of the new mooring field pilot studies?

As defined in Florida statute 327.4105, the goals of the pilot program are to encourage the establishment of additional public mooring fields and to test policies that promote public access, enhance navigational safety, protect maritime infrastructure and the environment, and deter improperly stored, abandoned, or derelict vessels. The timeline for the mooring field pilot program is as follows:

- February 2011 - At its regularly scheduled February meeting, the Florida Fish and Wildlife Conservation Commission FWC approved three sites: Monroe County; City of St. Petersburg; City of Sarasota/ Bradenton
- March 2011 - Florida Boating Advisory Council has recommended St. Augustine and Martin County/ Stuart as the East Coast pilot study sites. However, the FWC has the final word on which two east coast sites will be selected, with Miami/Dinner Key remaining a possibility.
- April 2011 - FWC may select the final sites for the pilot project or defer action until its June meeting.
- Before July 1, 2011, FWC will choose two locations on the east coast.

Can anchoring be limited close to these new moorings?

Yes. The five areas selected for participation may “regulate by ordinance the anchoring of vessels, other than live-aboard vessels as defined in s. 327.02, outside of a mooring field.” Nevertheless the ordinance can only be created if “4) The commission shall (b) Coordinate the review of any proposed ordinance with the department; The United States Coast Guard; the Florida Inland Navigation District or West Coast Inland Navigation District, as appropriate; and **associations or other organizations representing vessel owners or operators.**” From F.S. 327.4105 (4) (b)

It is our expectation that these ordinances will be drafted as early as summer 2011.

How can I get involved?

Once the five areas are selected and ordinances drafted it is expected that public meetings will be held in late summer or early fall 2011 to receive community input. **This will be boaters’ only opportunity to influence how and where local anchoring regulations are structured.** BoatU.S. Florida members will be notified by email of these meetings. We encourage you to review the mooring field projects and their associated anchoring ordinances that might influence the areas where you boat and comment on them as they arise.

For the latest information visit:

<http://myfwc.com/boating/anchoring-mooring/>

It is important to note that the 2009 legislation that created these programs also placed an end to the pilot program on July 1st, 2014. All local ordinances enacted under this section “shall expire concurrently with the expiration of the pilot program and shall be inoperative and unenforceable thereafter” unless they are reenacted by the Legislature.

For updates on this topic please visit www.boatus.com/gov

This document has been reviewed by the Florida Fish and Wildlife Conservation Commission however such review is not to be considered an endorsement.
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