By the Committees on Community Affairs; and Environment and Natural Resources; and Senator Rodriguez

578-02650-22 20221432c2

A bill to be entitled

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

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

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

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

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

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fields in Monroe County:

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

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

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

327.4108 Anchoring of vessels in anchoring limitation areas.—

(3)(a) Monroe County is designated as an anchoring limitation area within which no less than once every ~~a vessel on waters of the state may only be anchored in the same location for a maximum of~~ 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 re-anchored 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 re-anchored 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 re-anchored in its originating designated anchoring area for at least 90 days after anchoring within a new designated

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

(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 ~~The anchoring limitations in this subsection do~~ not apply to vessels moored to approved and permitted moorings ~~or mooring fields~~.

(d) ~~(c)~~ 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) ~~Notwithstanding the commission rules adopted pursuant to this section, this section is not effective for~~

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~~Monroe County~~ until at least 100 ~~the county approves, permits, and opens~~ new moorings are available for public use~~, including at least 250 moorings~~ within 1 mile of the Key West Bight City Dock ~~and at least 50 moorings within the Key West Garrison Bight Mooring Field~~. 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.

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

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