

## ANCHORING IN FLORIDA WATERS

Boaters cruising Florida waterways have often met resistance from local homeowners or law enforcement when they anchor during a cruise. In May, Governor Crist signed legislation re-affirming the cruising community's ability to anchor and re-states the restrictions on local governments to regulate anchoring. Below is a summary of the anchoring portions of the law with citations.

### What is a live-aboard under the new Florida law

*The definition of "Live-aboard" vessels was changed, effective 7/1/09. Active cruisers who can move their boats, even if only on rare occasion, are not considered live-aboards and therefore cannot be regulated by local governments.*

(from House Bill 1423, line 377-386)

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's the new law say about local municipalities setting anchoring time limits?

*The law, effective 10/1/09, says what the old law said, more clearly: local authorities may not restrict anchoring for non live-aboard vessels outside of permitted mooring fields. Note the new definition of "live-aboard" above. As a result, boaters using their boat for navigation may not have their anchoring restricted by a local city or county outside of permitted mooring fields. Key West Mooring Field ;Ft. Myers Beach Mooring Field; Fernandina Beach Municipal Mooring Field are the only permitted mooring fields in the state.*

(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 House Bill 1423, lines 714-723)

(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.