

ENROLLED

CS/CS/HB 437, Engrossed 1

2024 Legislature

1  
 2 An act relating to anchoring limitation areas;  
 3 amending s. 327.4108, F.S.; revising anchoring  
 4 limitation areas in certain sections of Biscayne Bay  
 5 in Miami-Dade County; revising documentation and  
 6 evidence criteria for proving the location of a vessel  
 7 within an anchoring limitation area; providing an  
 8 effective date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12 Section 1. Paragraph (c) of subsection (1) and paragraph  
 13 (b) of subsection (6) of section 327.4108, Florida Statutes, are  
 14 amended to read:

15 327.4108 Anchoring of vessels in anchoring limitation  
 16 areas.—

17 (1) The following densely populated urban areas, which  
 18 have narrow state waterways, residential docking facilities, and  
 19 significant recreational boating traffic, are designated as and  
 20 shall be considered to be grandfathered-in anchoring limitation  
 21 areas, within which a person may not anchor a vessel at any time  
 22 during the period between one-half hour after sunset and one-  
 23 half hour before sunrise, except as provided in subsections (4)  
 24 and (5):

25 (c) The sections of Biscayne Bay in Miami-Dade County

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26 | lying between:

- 27 |       1. Palm Island and State Road A1A.
- 28 |       2. Rivo Alto Island and Di Lido Island.
- 29 |       3. San Marino Island and Di Lido Island.
- 30 |       ~~4.2.~~ San Marino Island and San Marco Island.
- 31 |       ~~5.3.~~ San Marco Island and Biscayne Island.

32 |       (6)

33 |       (b)1. For a vessel in an anchoring limitation area  
 34 | established pursuant to subsection (2), upon an inquiry by a law  
 35 | enforcement officer or agency, a vessel owner or operator must  
 36 | be given an opportunity to provide proof that the vessel has not  
 37 | exceeded the limitations described in subsection (2). Such proof  
 38 | may include any of the following:

39 |           a. Documentation showing that the vessel was in another  
 40 | location at least 1 nautical mile away within a period of less  
 41 | than 45 days before the inquiry.

42 |           b. Electronic evidence, including, but not limited to,  
 43 | navigational devices or tracking devices permanently affixed to  
 44 | the vessel that show the vessel was in another location at least  
 45 | 1 nautical mile away within a period of less than 45 days before  
 46 | the inquiry.

47 |       2. If a vessel owner or operator fails or refuses to  
 48 | provide proof that the vessel has not exceeded the limitations  
 49 | described in subsection (2), the law enforcement officer or  
 50 | agency may issue a citation for a violation of this section.

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51 | Section 2. This act shall take effect July 1, 2024. |