



# 2013 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 the state. This law also outlined a temporary pilot mooring and anchoring program to allow five localities around Florida to regulate anchoring within their jurisdictions.

This bulletin is intended to help boaters and local law enforcement understand Florida's anchoring and mooring laws, and the status of the mooring pilot project.

## 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 September 2012 these are: Key West Mooring Field, Ft. Myers Beach Mooring Field, Fernandina Beach Municipal Mooring Field, Miami Dinner Key Mooring Field, City of St. Augustine Mooring Field, Titusville City Mooring Field, City of Sarasota Mooring Field, City of St. Petersburg Mooring Field, City of Naples Mooring Field, City of Punta Gorda Mooring Field, and Fort Myers Beach Mooring Field.

*(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.*

**The exception to this restriction** are the five localities currently participating in the mooring and anchoring pilot program which are permitted to regulate anchoring in their jurisdictions (see other side for additional information on the pilot program.)

## Does it matter if I "live-aboard" my vessel?

Full time, active cruisers who sleep 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.*

**CARRY THIS GUIDE WITH YOU WHILE CRUISING IN FLORIDA AND SHARE WITH FELLOW BOATERS.**

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## **What is the status of the mooring field pilot studies?**

As defined in Florida statute 327.4105, the goals of the temporary 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. To date, four locations have enacted a local anchoring ordinance:

- City of St. Augustine
- Monroe County (Florida Keys)
- City of Sarasota
- City of St. Petersburg

At press time, the fifth location, Martin County/City of Stuart, is still drafting their ordinance. Each of these locations has developed a different approach to regulating anchoring of non live-aboard boats. For a summary of each location's regulations and other updates, please visit [www.boatus.com/gov/floridaanchoring.asp](http://www.boatus.com/gov/floridaanchoring.asp).

## **Can anchoring be limited close to these new moorings?**

Yes. The five areas selected for participation in the pilot program may "regulate by ordinance the anchoring of vessels, other than live-aboard vessels as defined in s. 327.02, outside of a mooring field." BoatU.S. has worked closely with the cities and counties and the Florida Fish and Wildlife Commission on the development of these local regulations to protect the interests of active, responsible boaters. We encourage boaters to become familiar with these local regulations and provide BoatU.S. with your feedback on how they are working.

It is important to note that the 2009 legislation that created the pilot program and the five counties' ability to enact local regulation was written with an expiration date of 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 Florida Legislature.

For updates on this topic please visit [www.boatus.com/gov](http://www.boatus.com/gov)



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