



Pinellas County Sheriff's Office

BOATING LAWS



Shannon Lockheart
General Counsel



Fla. Const. art. X, § 11

The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, **in trust for all the people.**



Pinellas County Sheriff's Office

what that means...

- Waters can be used by anyone for any lawful purpose
- Vessel law generally limited to public safety and environmental concerns



Pinellas County Sheriff's Office

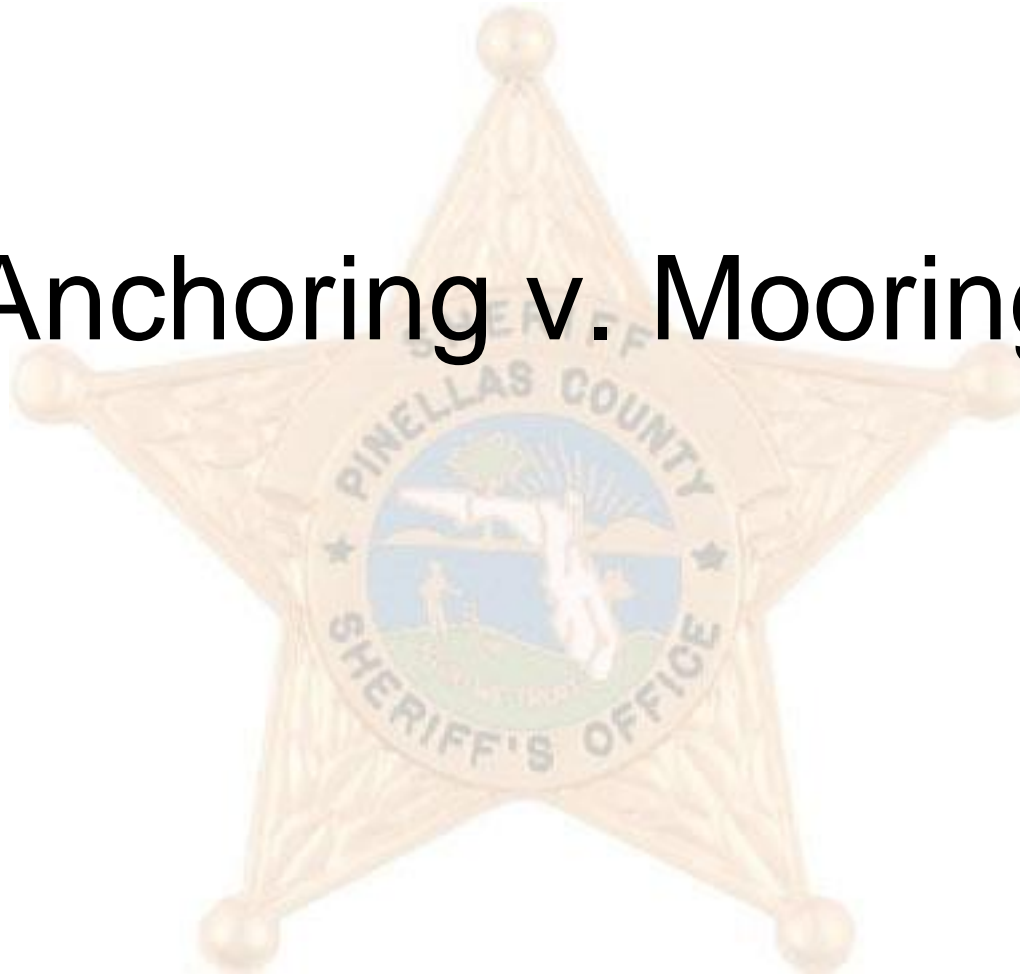
TERMS/DEFINITIONS





Pinellas County Sheriff's Office

Anchoring v. Mooring





Pinellas County Sheriff's Office

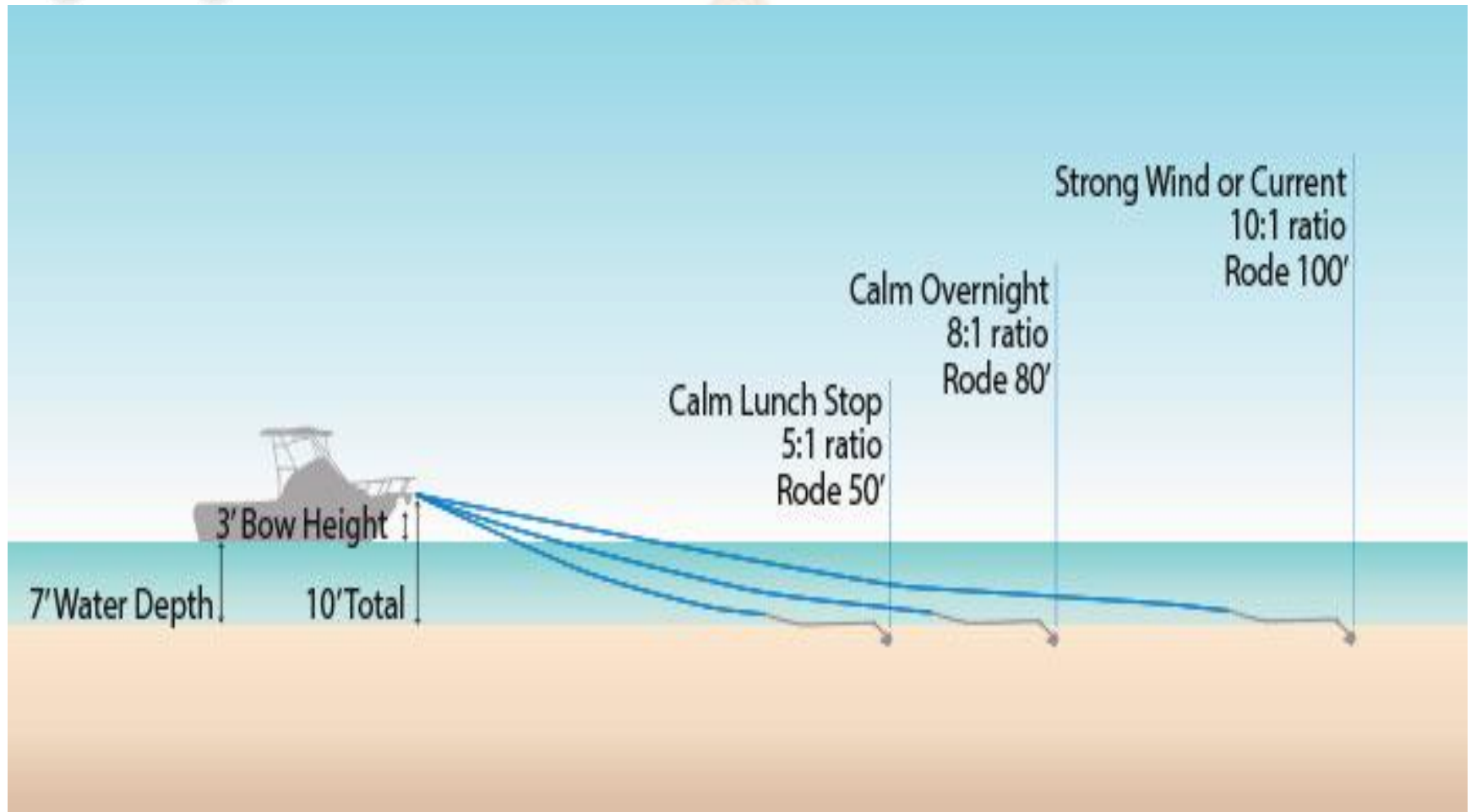
Anchoring





Pinellas County Sheriff's Office

Anchoring Distance





Pinellas County Sheriff's Office

Mooring

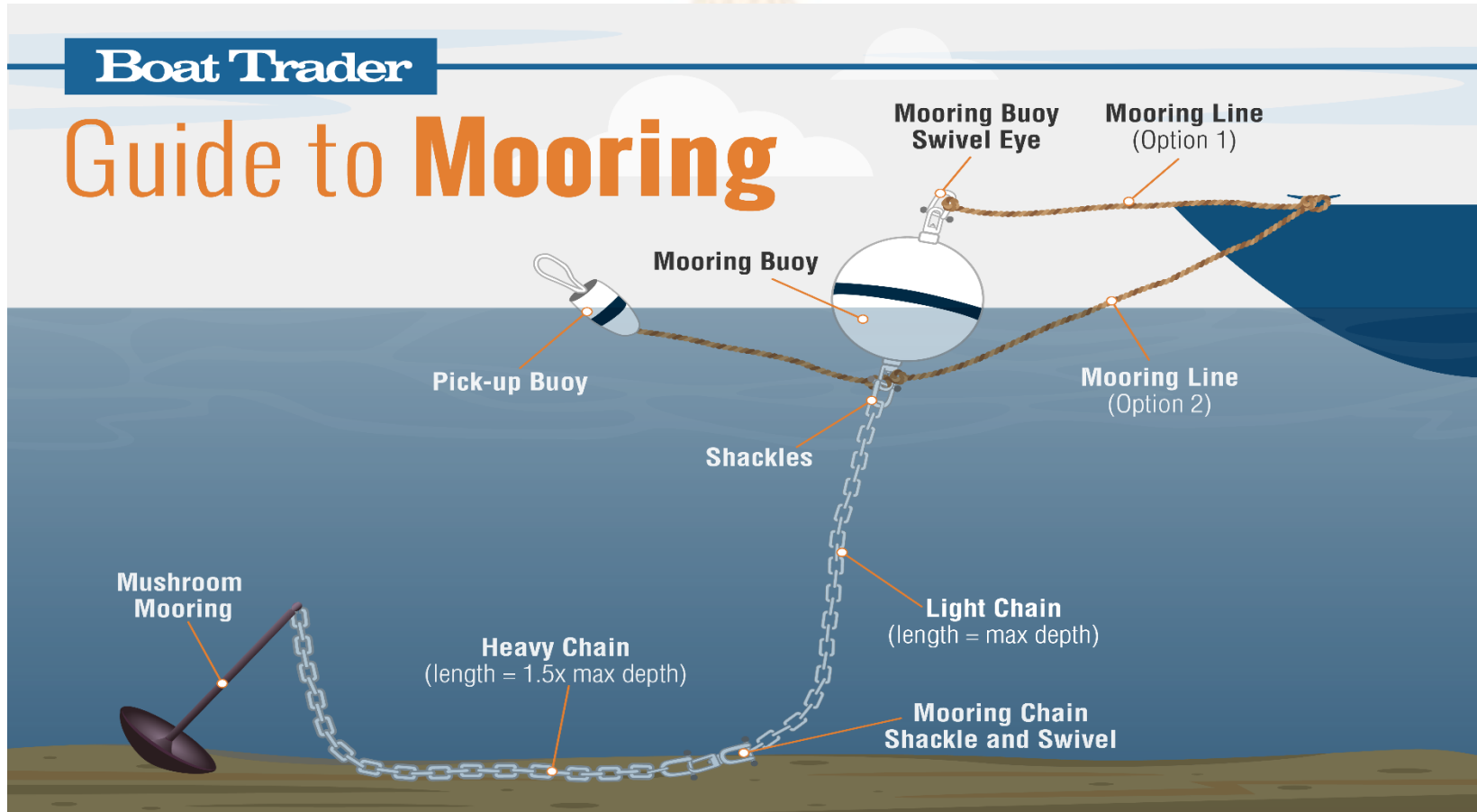




Mooring

Boat Trader

Guide to Mooring





Pinellas County Sheriff's Office

- All moorings must be permitted.
 - § 327.4108 F.S.
- Cannot anchor or moor to an unpermitted object affixed to the bottom.
 - § 327.4109(4) F.S.
- Can anchor anywhere not prohibited.



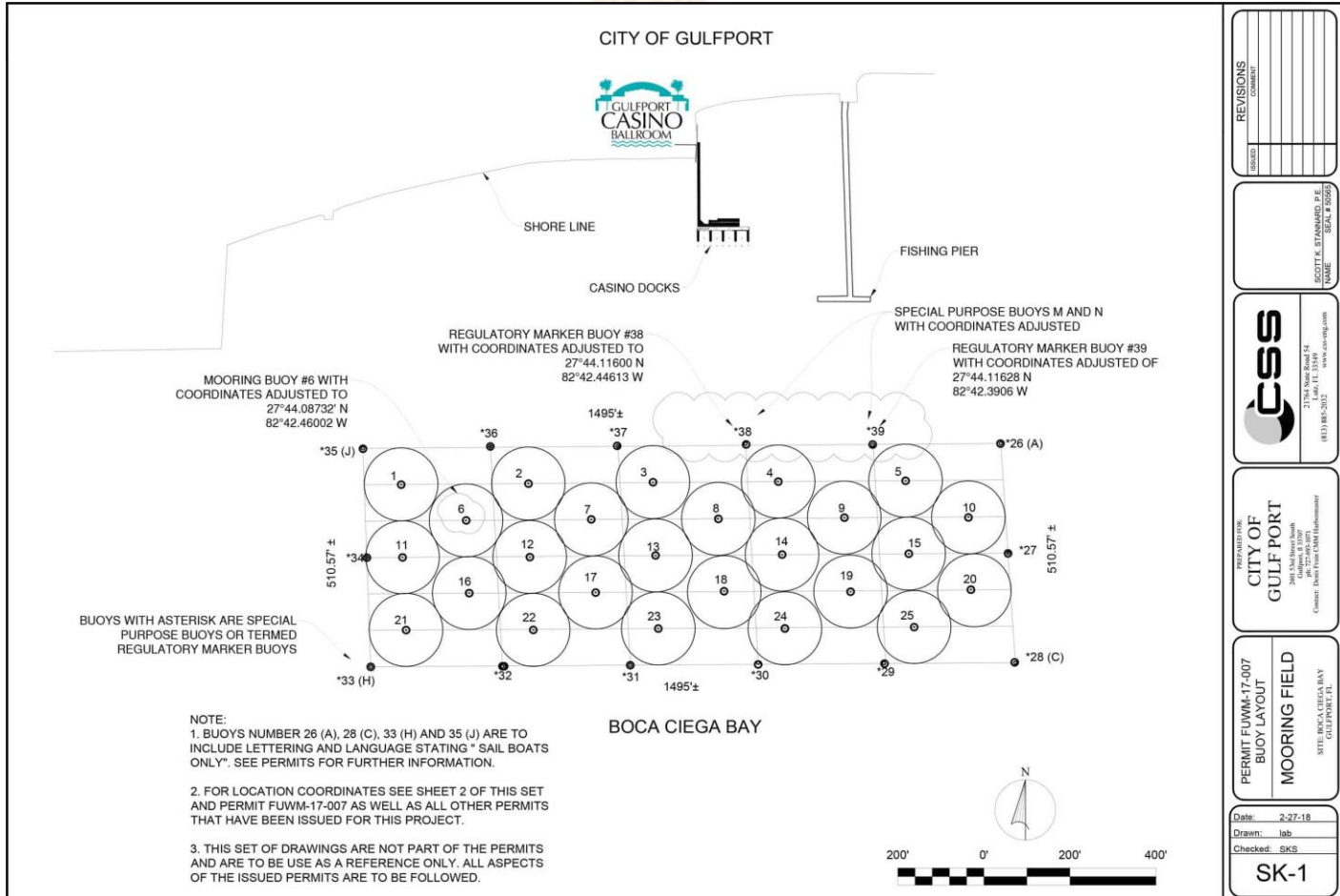
Creating a Public Mooring Field

- Can regulate who anchors/moors [§ 327.4109(3) F.S.]
- No more than 100 vessels, mooring field must be for the use of the general public [§ 373.118 F.S.]



Pinellas County Sheriff's Office

Gulfport Mooring Field – 25 mooring locations (\$22/day)





NO Anchoring/Mooring

- Within 100 feet outward from the marked boundary of a public mooring field



What happens 100.1' outside mooring field?

- Study being conducted on impacts of long-term stored vessels anchored outside of public mooring fields for more than 90 days
 - § 327.4109(6) F.S.



Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office

ANCHOR LIMITATION AREA

BOATS CAN STILL ANCHOR UP TO 45 DAYS



Pinellas County Sheriff's Office



Sec. 21-173. - Designated anchoring limitation areas.



The following areas within Broward County, Florida, are hereby designated as Anchoring Limitation Areas:

- (a) North Lake within Hollywood, Florida, specifically: Being all of Block 71, "Hollywood Lakes Section," according to the plat thereof, as recorded in Plat Book 1, page 32, of the public records of Broward County, Florida; less and except therefrom Parcel #4 as shown on the plat of "Florida East Coast Canal," as recorded in Plat Book 17, page 23A, of the public records of Broward County, Florida; less and except all of that lake area described above being within 150 feet of any public or private marine boat ramp, boatyard, or other public vessel launching or loading facility; said lands situated, lying, and being in the City of Hollywood, Broward County, Florida.



Anchoring Limitation Area

- An area which a person may not anchor a vessel for more than 45 consecutive days in any 6-month period
 - Exemptions: mechanical failure, weather, special events



Pinellas County Sheriff's Office

- Must be:
 - Established by the County
 - Adjacent to urban area
 - Have residential docking facilities,
and
 - Significant recreational boating
traffic



Pinellas County Sheriff's Office

- Must be less than 100 acres
- Cannot exceed 10% of county's navigable waterways (i.e. waterways used for commerce public navigation)
- Must be clearly marked with signs



Regulation outside the mooring field/anchor limitation area?



Pinellas County Sheriff's Office

§ 327.44 FSS

UNREASONABLE ANCHORING

Can relocate or remove a vessel that
unreasonably or unnecessarily
constitutes a navigational hazard

(Cannot destroy)



§ 327.44 FSS

UNREASONABLE ANCHORING

(2) anchoring/mooring under bridges or in or adjacent to heavily traveled channels constitutes interference if unreasonable under the circumstances



Pinellas County Sheriff's Office

Local Regulations





§ 327.60(2) FSS

Cannot

(f) Regulate the *anchoring* of vessels **outside the marked boundaries of mooring fields** except for:

- 1. Live-aboard vessels; and
- 2. Commercial vessels, excluding commercial fishing vessels.



Live Aboard

2 criteria:

1. used as a residence

AND

2. it does NOT have “effective means of propulsion for safe navigation”

(i.e. working engine or sails/steering)

NOTE: commercial fishing vessel NOT included – different regulations



Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office

Stock photo





What are the laws currently available to deal with problem vessels



Pinellas County Sheriff's Office

- Derelict Vessel
- At-risk Vessel
- Nuisance vessel





Derelict Vessel

- **Wrecked** (sunken/sinking/aground can't extricate)
- **Junked** (abandoned, stripped vessel components)
- **Dismantled** (if any 2: steering, propulsion or exterior hull integrity are missing/compromised/inoperable/broken)



Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office

Rapid Removal Administrative Removal





Rapid Removal

- A Derelict vessel that:
 - obstructs/threatens to obstruct navigationOR
 - constitutes a danger to the environment, property or person

REMOVE & STORE (DUMP)



Pinellas County Sheriff's Office





Administrative Removal

- Notice sent cert mail owner
- Notice posted on boat
- 21 days to request hearing (from later date)
- If no hearing requested – remove/destroy



Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office





Pinellas County Sheriff's Office

Owner's photos for hearing





Pinellas County Sheriff's Office

At-Risk Vessels





At-risk Vessel

- Vessel taking on water
- Open spaces designed to be enclosed
- Vessel broken loose from anchor
- Listing due to water intrusion
- No “effective means of propulsion”



“Effective means of propulsion”

- Functioning motor, controls and steering system
OR
- Rigging and sails that are present and in good working order plus a functioning steering system
- TEST – 68D-15.002 FAC (up and back around a buoy)



Pinellas County Sheriff's Office





Pinellas County Sheriff's Office

At-risk





At-risk cannot anchor

- To prevent vessels in neglected or deteriorating state of disrepair, a vessel at-risk of becoming derelict may not anchor on, moor on or occupy the waters of this state
- infraction



Nuisance Vessel Administrative Process

- Vessel w 3 or more at-risk violations within an 18-month period
 - Must be violation of same subparagraph
 - Must obtain dispositions
- **Marine Sanitation** (26', enclosed cabin must have toilet that pumps) – declared nuisance if violate



Effective 7/1/2023

§ 327.4107 adds to At-Risk:

(f) The vessel is tied to an unlawful or unpermitted structure or mooring.

§ 705.101 adds to definition abandoned property – at-risk vessels declared a public nuisance



Pinellas County Sheriff's Office





Pinellas County Sheriff's Office



QUESTIONS?