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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2015	.	
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The Committee on Environmental Preservation and Conservation
(Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (9) through (39) are
redesignated as subsections (10) through (40), respectively, and
present subsections (40) through (44) are redesignated as
subsections (42) through (46), respectively, of section 327.02,
Florida Statutes, and new subsections (9) and (41) are added to
that section, to read:



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11 327.02 Definitions.—As used in this chapter and in chapter
12 328, unless the context clearly requires a different meaning,
13 the term:

14 (9) “Developed waterfront property” means any upland
15 property bounded on at least one side by the waters of the
16 state, above the mean high water mark of the shoreline or
17 seawall, upon which a single-family home, multi-family
18 apartment, townhouse, condominium, or other similar residential
19 dwelling exists. The term does not include docks and other
20 infrastructure adjacent thereto or properties with mixed
21 residential and commercial use.

22 (41) “Safe harbor” means taking refuge by temporarily
23 anchoring, mooring, or docking due to a mechanical breakdown or
24 when imminent or existing extreme weather conditions impose an
25 unreasonable risk of harm. A vessel may remain anchored, moored,
26 or docked until repaired, which must occur within 7 business
27 days, or in the event of extreme weather, until weather
28 conditions improve to the point where it is no longer perilous
29 to operate the vessel.

30 Section 2. Section 327.4107, Florida Statutes, is created
31 to read:

32 327.4107 Anchoring and mooring of vessels outside public
33 mooring fields.—

34 (1) The anchoring or mooring of a vessel other than live-
35 aboard vessels on the waters of this state may be regulated only
36 as provided in this chapter and chapter 403.

37 (a) An owner, operator, or person in charge of a vessel may
38 not anchor or moor a vessel within 200 feet of the marked
39 boundary of a permitted mooring field, any public boat ramp,



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40 hoist, marine railway, or other launching or landing facility
41 available for use by the general public.

42 (b) An owner, operator, or person in charge of a vessel may
43 not anchor or moor a vessel within 200 feet of the shoreline of
44 developed waterfront property, as defined in s. 327.02, between
45 the times of one hour past sunset and one hour before sunrise
46 except as follows:

47 1. Vessels requiring safe harbor, in which case the vessel
48 may remain anchored for 7 business days until repaired, or in
49 the event of extreme weather, until weather conditions improve
50 to the point where it is no longer perilous to operate the
51 vessel.

52 2. Vessels in transit upon which the captain and crew are
53 incapable of safely continuing their journey due to physical
54 exhaustion, provided that anchoring or mooring is limited to one
55 overnight period before continuing toward its destination.

56 3. Vessels owned or operated by a governmental entity for
57 law enforcement, firefighting, or rescue purposes.

58 4. Construction or dredging vessels while on an active job
59 site.

60 5. Vessels actively engaged in commercial fishing.

61 6. Vessels engaged in recreational fishing whereby persons
62 onboard are actively tending hook and line fishing gear or nets.

63 7. Vessels present for the duration of events as described
64 in s. 327.48.

65 (c) An owner, operator, or person in charge of a vessel may
66 not anchor or moor a vessel if any of the following conditions
67 exist, unless the condition is a result of an exigent
68 circumstance:



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69 1. The vessel is taking or has taken on water without
70 effective means to dewater.

71 2. Spaces on the vessel which are designed to be enclosed
72 are incapable of being sealed off or remain open to the elements
73 for extended periods of time.

74 3. The vessel is leaking petroleum products or other
75 harmful contaminants in violation of law.

76 4. The vessel has broken loose or is in danger of breaking
77 loose from its anchor or mooring.

78 5. The vessel is involved in one or more violations of
79 marine sanitation laws.

80 6. The vessel is listing due to water intrusion, is sunk,
81 partially sunken, or is left aground while unattended.

82 (2) A person who anchors or moors a vessel in violation of
83 this section commits a noncriminal infraction, punishable as
84 provided in s. 327.73.

85 (3) Penalties provided in this section are in addition to
86 penalties already provided in Florida Statutes.

87 (4) Notwithstanding this section, a county or municipality
88 participating in the anchoring and mooring pilot program may
89 continue to regulate the anchoring or mooring of non-live-aboard
90 vessels as provided under s. 327.4105.

91 Section 3. Paragraph (y) is added to subsection (1) of
92 section 327.73, Florida Statutes, to read:

93 327.73 Noncriminal infractions.—

94 (1) Violations of the following provisions of the vessel
95 laws of this state are noncriminal infractions:

96 (y) Section 327.4107, relating to the anchoring of vessels
97 outside public mooring fields, for which the civil penalty upon



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98 conviction is:

99 1. For a first offense, \$50.

100 2. For a second offense, \$100.

101 3. For a third or subsequent offense, \$250.

102

103 Any person cited for a violation of any provision of this
104 subsection shall be deemed to be charged with a noncriminal
105 infraction, shall be cited for such an infraction, and shall be
106 cited to appear before the county court. The civil penalty for
107 any such infraction is \$50, except as otherwise provided in this
108 section. Any person who fails to appear or otherwise properly
109 respond to a uniform boating citation shall, in addition to the
110 charge relating to the violation of the boating laws of this
111 state, be charged with the offense of failing to respond to such
112 citation and, upon conviction, be guilty of a misdemeanor of the
113 second degree, punishable as provided in s. 775.082 or s.
114 775.083. A written warning to this effect shall be provided at
115 the time such uniform boating citation is issued.

116 Section 4. Subsection (1) of section 327.391, Florida
117 Statutes, is amended to read:

118 327.391 Airboats regulated.—

119 (1) The exhaust of every internal combustion engine used on
120 any airboat operated on the waters of this state shall be
121 provided with an automotive-style factory muffler, underwater
122 exhaust, or other manufactured device capable of adequately
123 muffling the sound of the exhaust of the engine as described in
124 s. 327.02(28) ~~s. 327.02(25)~~. The use of cutouts or flex pipe as
125 the sole source of muffling is prohibited, except as provided in
126 subsection (4). Any person who violates this subsection commits



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127 a noncriminal infraction punishable as provided in s. 327.73(1).

128 Section 5. This act shall take effect July 1, 2015.

129

130 ===== T I T L E A M E N D M E N T =====

131 And the title is amended as follows:

132 Delete everything before the enacting clause

133 and insert:

134 A bill to be entitled

135 An act relating to vessel safety; amending s. 327.02,
136 F.S.; defining terms; creating s. 327.4107, F.S.;
137 specifying how vessels may be anchored or moored
138 outside public mooring fields on waters of this state;
139 providing a noncriminal infraction; providing an
140 exception for counties or municipalities participating
141 in the anchoring and mooring pilot program; amending
142 s. 327.73, F.S., relating to the anchoring of vessels
143 outside public mooring fields; amending s. 327.391,
144 F.S.; conforming a cross-reference; providing an
145 effective date.