

By Senator Dean

5-01094-15

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1                   A bill to be entitled  
2       An act relating to vessel safety; amending s. 327.02,  
3       F.S.; defining terms; creating s. 327.4107, F.S.;  
4       specifying how vessels may be anchored or moored on  
5       waters of the state; amending s. 327.73, F.S.;  
6       providing a noncriminal infraction; amending s.  
7       327.391, F.S.; conforming a cross-reference; providing  
8       an effective date.

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

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12       Section 1. Present subsections (9) through (39) of section  
13   327.02, Florida Statutes, are redesignated as subsections (10)  
14   through (40), respectively, and present subsections (40) through  
15   (44) of that section are redesignated as subsections (42)  
16   through (46), respectively, and new subsections (9) and (41) are  
17   added to that section, to read:

18       327.02 Definitions.—As used in this chapter and in chapter  
19   328, unless the context clearly requires a different meaning,  
20   the term:

21       (9) "Developed waterfront property" means any upland  
22   property bounded on at least one side by the waters of the  
23   state, above the mean high water mark of the shoreline or  
24   seawall, upon which a single-family home, multi-family  
25   apartment, townhouse, condominium, or other similar residential  
26   dwelling exists. The term does not include docks and other  
27   infrastructure adjacent thereto or properties with mixed  
28   residential and commercial use.

29       (41) "Safe harbor" means taking refuge by temporarily

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30 anchoring, mooring, or docking due to a mechanical breakdown or  
31 when imminent or existing extreme weather conditions impose an  
32 unreasonable risk of harm. A vessel may remain anchored, moored,  
33 or docked until repaired, which must occur within 7 working  
34 days, or in the event of extreme weather, until weather  
35 conditions improve to the point it is no longer perilous to  
36 operate the vessel.

37 Section 2. Section 327.4107, Florida Statutes, is created  
38 to read:

39 327.4107 Anchoring and mooring of vessels outside public  
40 mooring fields.—

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

44 (a) An owner, operator, or person in charge of a vessel may  
45 not anchor or moor a vessel within 200 feet of the marked  
46 boundary of a permitted mooring field or any public boat ramp,  
47 hoist, marine railway, or other launching or landing facility  
48 available for use by the general public.

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

54 1. Vessels requiring safe harbor, in which case the vessel  
55 may remain anchored for 7 working days until repaired, or in the  
56 event of extreme weather, until weather conditions improve to  
57 the point it is no longer perilous to operate the vessel.

58 2. Vessels owned or operated by a governmental entity for

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59 law enforcement, firefighting, or rescue purposes.

60 3. Vessels involved in active construction activities,  
61 active dredging, or active recreational fishing.

62 4. Vessels present for the duration of special events, such  
63 as public music performances, government waterfront activities,  
64 boat parades, and fireworks displays.

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:

68 1. The vessel is incapable of navigating under its own  
69 means of propulsion as intended by the vessel's manufacturer.

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

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

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

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

79 6. The vessel is involved in one or more violations of  
80 marine sanitation laws.

81 7. The vessel is listing due to water intrusion, or is  
82 sunk, partially sunken, or left aground and is unattended.

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

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

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88 327.73 Noncriminal infractions.—

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

91 (y) Section 327.4107, relating to anchoring of vessels  
92 outside public mooring fields, for which the civil penalty upon  
93 conviction is:

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

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

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

97

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

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

113 327.391 Airboats regulated.—

114 (1) The exhaust of every internal combustion engine used on  
115 any airboat operated on the waters of this state shall be  
116 provided with an automotive-style factory muffler, underwater

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117 exhaust, or other manufactured device capable of adequately  
118 muffling the sound of the exhaust of the engine as described in  
119 s. 327.02(28) ~~s. 327.02(25)~~. The use of cutouts or flex pipe as  
120 the sole source of muffling is prohibited, except as provided in  
121 subsection (4). Any person who violates this subsection commits  
122 a noncriminal infraction punishable as provided in s. 327.73(1).  
123 Section 5. This act shall take effect July 1, 2015.