

By the Committee on Environmental Preservation and Conservation;
and Senator Dean

592-03279-15

20151548c1

1 A bill to be entitled
2 An act relating to vessel safety; amending s. 327.02,
3 F.S.; defining the terms "developed waterfront
4 property" and "safe harbor"; creating s. 327.4107,
5 F.S.; specifying how vessels may be anchored or moored
6 outside public mooring fields on the waters of this
7 state; providing a noncriminal infraction; providing
8 an exception for counties or municipalities
9 participating in the anchoring and mooring pilot
10 program; amending s. 327.73, F.S.; specifying the
11 noncriminal infraction for violations of s. 327.4107,
12 F.S.; amending s. 327.391, F.S.; conforming a cross-
13 reference; providing an effective date.

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

16
17 Section 1. Present subsections (9) through (39) are
18 redesignated as subsections (10) through (40), respectively, and
19 present subsections (40) through (44) are redesignated as
20 subsection (42) through (46), respectively, of section 327.02,
21 Florida Statutes, and new subsections (9) and (41) are added to
22 that section, to read:

23 327.02 Definitions.—As used in this chapter and in chapter
24 328, unless the context clearly requires a different meaning,
25 the term:

26 (9) "Developed waterfront property" means any upland
27 property bounded on at least one side by the waters of the
28 state, above the mean high water mark of the shoreline or
29 seawall, upon which a single-family home, multi-family

592-03279-15

20151548c1

30 apartment, townhouse, condominium, or other similar residential
31 dwelling exists. The term does not include docks and other
32 infrastructure adjacent thereto or properties with mixed
33 residential and commercial use.

34 (41) "Safe harbor" means taking refuge by temporarily
35 anchoring, mooring, or docking due to a mechanical breakdown or
36 when imminent or existing extreme weather conditions impose an
37 unreasonable risk of harm. A vessel may remain anchored, moored,
38 or docked until repaired, which must occur within 7 business
39 days, or in the event of extreme weather, until weather
40 conditions improve to the point where it is no longer perilous
41 to operate the vessel.

42 Section 2. Section 327.4107, Florida Statutes, is created
43 to read:

44 327.4107 Anchoring and mooring of vessels outside public
45 mooring fields.—

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

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

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

592-03279-15

20151548c1

59 1. Vessels requiring safe harbor, in which case the vessel
60 may remain anchored for 7 business days until repaired, or in
61 the event of extreme weather, until weather conditions improve
62 to the point where it is no longer perilous to operate the
63 vessel.

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

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

70 4. Construction or dredging vessels while on an active job
71 site.

72 5. Vessels actively engaged in commercial fishing.

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

75 7. Vessels present for the duration of events as described
76 in s. 327.48.

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

81 1. The vessel is taking or has taken on water without an
82 effective means to dewater.

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

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

592-03279-15

20151548c1

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

90 5. The vessel is involved in one or more violations of
91 marine sanitation laws.

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

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

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

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

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

105 327.73 Noncriminal infractions.—

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

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

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

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

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

114

115 Any person cited for a violation of any provision of this
116 subsection shall be deemed to be charged with a noncriminal

592-03279-15

20151548c1

117 infraction, shall be cited for such an infraction, and shall be
118 cited to appear before the county court. The civil penalty for
119 any such infraction is \$50, except as otherwise provided in this
120 section. Any person who fails to appear or otherwise properly
121 respond to a uniform boating citation shall, in addition to the
122 charge relating to the violation of the boating laws of this
123 state, be charged with the offense of failing to respond to such
124 citation and, upon conviction, be guilty of a misdemeanor of the
125 second degree, punishable as provided in s. 775.082 or s.
126 775.083. A written warning to this effect shall be provided at
127 the time such uniform boating citation is issued.

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

130 327.391 Airboats regulated.—

131 (1) The exhaust of every internal combustion engine used on
132 any airboat operated on the waters of this state shall be
133 provided with an automotive-style factory muffler, underwater
134 exhaust, or other manufactured device capable of adequately
135 muffling the sound of the exhaust of the engine as described in
136 s. 327.02(28) ~~s. 327.02(25)~~. The use of cutouts or flex pipe as
137 the sole source of muffling is prohibited, except as provided in
138 subsection (4). Any person who violates this subsection commits
139 a noncriminal infraction punishable as provided in s. 327.73(1).

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