

By Senator Rouson

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1 A bill to be entitled
2 An act relating to vessels; creating s. 327.332, F.S.;
3 specifying operation of a vessel at slow speed,
4 minimum wake; prohibiting the operation of vessels at
5 speeds faster than slow speed, minimum wake in certain
6 situations; providing requirements for flags displayed
7 from vessels and barges actively engaged in
8 construction operations; providing noncriminal
9 penalties; amending s. 327.4109, F.S.; prohibiting the
10 anchoring or mooring of a vessel to, or within a
11 specified distance of, a mangrove or to vegetation
12 upon, or within a specified distance of, public lands;
13 providing exceptions; amending s. 327.73, F.S.;
14 revising civil penalties relating to certain at-risk
15 vessels and prohibited anchoring or mooring; providing
16 civil penalties relating to vessels that fail to
17 reduce speed for special hazards and the display of
18 specified flags by construction vessels or barges not
19 actively engaged in construction operations; providing
20 an appropriation; providing an effective date.

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22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 327.332, Florida Statutes, is created to
26 read:

27 327.332 Special hazards.-

28 (1) For purposes of this section, a vessel is operating at
29 slow speed, minimum wake only if it is fully off plane and

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30 completely settled into the water.

31 (2) A person may not operate a vessel faster than slow
32 speed, minimum wake upon approaching within 300 feet of any
33 emergency vessel, including, but not limited to, a law
34 enforcement vessel, United States Coast Guard vessel or
35 auxiliary vessel, fire vessel, or tow vessel, with its emergency
36 lights activated.

37 (3) (a) A person may not operate a vessel faster than slow
38 speed, minimum wake upon approaching within 300 feet of any
39 construction vessel or barge when the vessel or barge is
40 displaying an orange flag from a pole extending:

41 1. At least 10 feet above the tallest portion of the vessel
42 or barge, indicating the vessel or barge is actively engaged in
43 construction operations; or

44 2. At least 5 feet above any superstructure permanently
45 installed upon the vessel or barge, indicating that the vessel
46 or barge is actively engaged in construction operations.

47 (b) A flag displayed pursuant to this subsection must:

48 1. Be at least 2 feet by 3 feet in size.

49 2. Have a wire or other stiffener or be otherwise
50 constructed to ensure that the flag remains fully unfurled and
51 extended in the absence of a wind or breeze.

52 3. Displayed so that the visibility of the flag is not
53 obscured in any direction.

54 (c) In periods of low visibility, including 1 hour before
55 sunset and 1 hour after sunrise, a person may not be cited for a
56 violation of this subsection unless the orange flag is
57 illuminated and visible from a distance of at least 2 nautical
58 miles.

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59 (4) (a) A person operating a vessel in violation of this
60 section commits a noncriminal infraction, punishable as provided
61 in s. 327.73.

62 (b) The owner of, or party responsible for, a construction
63 vessel or barge who displays an orange flag on the vessel or
64 barge when it is not actively engaged in operations commits a
65 noncriminal infraction, punishable as provided in s. 327.73.

66 Section 2. Subsections (5) and (6) of section 327.4109,
67 Florida Statutes, are redesignated as subsections (6) and (7),
68 respectively, and a new subsection (5) is added to that section,
69 to read:

70 327.4109 Anchoring or mooring prohibited; exceptions;
71 penalties.—

72 (5) (a) Except as provided in paragraph (b), the owner or
73 operator of a vessel may not anchor or moor a vessel to, or
74 within 20 feet of, a mangrove as defined in s. 403.9325 or to
75 vegetation upon, or within 20 feet of, public lands. Such
76 distance must be measured in a straight line from the point of
77 the vessel closest to the outermost branches of the mangrove or
78 from the outermost line of vegetation upon the public lands.

79 (b) The owner or operator of a vessel may anchor or moor
80 to, or within 20 feet of, a mangrove as defined in s. 403.9325
81 or to vegetation upon, or within 20 feet of, public lands under
82 the following conditions:

83 1. The vessel suffers a mechanical failure that poses an
84 unreasonable risk of harm to the vessel or the persons onboard
85 unless the vessel anchors. The vessel may anchor for 3 business
86 days or until the vessel is repaired, whichever occurs first.

87 2. Imminent or existing weather conditions in the vicinity

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88 of the vessel pose an unreasonable risk of harm to the vessel or
89 the persons onboard unless the vessel anchors. The vessel may
90 anchor until weather conditions no longer pose such risk. During
91 a hurricane or tropical storm, weather conditions are deemed to
92 no longer pose an unreasonable risk of harm when the hurricane
93 or tropical storm warning affecting the area has expired.

94 3. The vessel is within a state or locally permitted or
95 designated dockage, mooring, or other anchorage area.

96 Section 3. Paragraphs (aa) and (bb) of subsection (1) of
97 section 327.73, Florida Statutes, are amended, and paragraphs
98 (cc) and (dd) are added to that subsection, to read:

99 327.73 Noncriminal infractions.—

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

102 (aa) Section 327.4107, relating to vessels at risk of
103 becoming derelict on waters of this state, for which the civil
104 penalty is:

105 1. For a first offense, \$100 ~~\$50~~.

106 2. For a second offense occurring 30 days or more after a
107 first offense, \$250 ~~\$100~~.

108 3. For a third or subsequent offense occurring 30 days or
109 more after a previous offense, \$500 ~~\$250~~. A vessel which is the
110 subject of more than three violations within 12 months which
111 resulted in dispositions other than acquittal or dismissal shall
112 be declared to be a public nuisance and subject to the
113 provisions of ss. 705.103 and 823.11.

114 (bb) Section 327.4109, relating to anchoring or mooring in
115 a prohibited area, for which the penalty is:

116 1. For a first offense, up to a maximum of \$100 ~~\$50~~.

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117 2. For a second offense, up to a maximum of \$250 ~~\$100~~.

118 3. For a third or subsequent offense, up to a maximum of
119 \$500 ~~\$250~~. A vessel which is the subject of more than three
120 violations within 12 months which resulted in dispositions other
121 than acquittal or dismissal shall be declared to be a public
122 nuisance and subject to the provisions of ss. 705.103 and
123 823.11.

124 (cc) Section 327.332(2) and (3), relating to vessels
125 creating special hazards, for which the penalty is:

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

127 2. For a second offense occurring within 12 months after a
128 prior offense, \$250.

129 3. For a third offense occurring within 36 months after a
130 prior offense, \$500.

131 (dd) Section 327.332(4), relating to the display of an
132 orange flag on a vessel or barge when the vessel or barge is not
133 actively engaged in construction operations.

134
135 Any person cited for a violation of any provision of this
136 subsection shall be deemed to be charged with a noncriminal
137 infraction, shall be cited for such an infraction, and shall be
138 cited to appear before the county court. The civil penalty for
139 any such infraction is \$50, except as otherwise provided in this
140 section. Any person who fails to appear or otherwise properly
141 respond to a uniform boating citation shall, in addition to the
142 charge relating to the violation of the boating laws of this
143 state, be charged with the offense of failing to respond to such
144 citation and, upon conviction, be guilty of a misdemeanor of the
145 second degree, punishable as provided in s. 775.082 or s.

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146 775.083. A written warning to this effect shall be provided at
147 the time such uniform boating citation is issued.

148 Section 4. Beginning in fiscal year 2020-2021 and each year
149 thereafter through fiscal year 2023-2024, the sum of \$250,000 in
150 nonrecurring funds is appropriated from the General Revenue Fund
151 to the Fish and Wildlife Conservation Commission for the purpose
152 of conducting a study of the impacts of long-term stored vessels
153 on local communities and the state pursuant to s. 327.4109,
154 Florida Statutes.

155 Section 5. This act shall take effect July 1, 2020.