

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
6 hazardous situations; providing requirements for flags
7 displayed from vessels and barges actively engaged in
8 construction operations; providing penalties;
9 providing applicability; amending s. 327.4109, F.S.;
10 prohibiting within certain waterbodies the anchoring
11 or mooring of a vessel to, or within a specified
12 distance of, a mangrove or to vegetation upon, or
13 within a specified distance of, public lands;
14 providing exceptions; amending s. 327.73, F.S.;
15 revising civil penalties relating to certain at-risk
16 vessels and prohibited anchoring or mooring; providing
17 civil penalties relating to vessels that fail to
18 reduce speed for special hazards and the display of
19 specified flags by construction vessels or barges not
20 actively engaged in construction operations; providing
21 an effective date.

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

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25 Section 1. Section 327.332, Florida Statutes, is created

26 | to 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
 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 | firefighting vessel, with its emergency lights activated.

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

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

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

46 | (b) A flag displayed pursuant to this subsection must be:

47 | 1. At least 2 feet by 3 feet in size.

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

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

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

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

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

65 (5) This section does not apply to a law enforcement,
66 firefighting, or rescue vessel owned or operated by a
67 governmental entity.

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

72 327.4109 Anchoring or mooring prohibited; exceptions;
73 penalties.—

74 (5) (a) Except as provided in paragraph (b), the owner or
75 operator of a vessel may not anchor or moor by any means:

76 | 1. To a mangrove as defined in s. 403.9325;

77 | 2. To upland vegetation upon public lands;

78 | 3. Within 20 feet of a mangrove as defined in s. 403.9325,
79 | as measured in a straight line from the point of the vessel
80 | closest to the outermost branches of the mangrove; or

81 | 4. Within 20 feet of public lands as measured from the
82 | point of the vessel closest to the outermost line of vegetation
83 | upon the public lands.

84 | (b) The owner or operator of a vessel may anchor or moor
85 | to, or within 20 feet of, a mangrove as defined in s. 403.9325
86 | or to upland vegetation upon, or within 20 feet of, public lands
87 | under the following conditions:

88 | 1. The vessel suffers a mechanical failure that poses an
89 | unreasonable risk of harm to the vessel or the persons onboard
90 | unless the vessel anchors or moors. The vessel may anchor or
91 | moor for 5 business days or until the vessel is repaired,
92 | whichever occurs first.

93 | 2. Imminent or existing weather conditions in the vicinity
94 | of the vessel pose an unreasonable risk of harm to the vessel or
95 | the persons onboard unless the vessel anchors or moors. The
96 | vessel may anchor or moor until weather conditions no longer
97 | pose such risk. During a hurricane or tropical storm, weather
98 | conditions are deemed to no longer pose an unreasonable risk of
99 | harm when the hurricane or tropical storm warning affecting the
100 | area has expired.

101 3. The vessel is within a state or locally-permitted or
102 designated dockage, mooring, or other anchorage area.

103 4. The vessel is owned or operated by a governmental
104 entity.

105 5. The vessel is a construction or dredging vessel on an
106 active job site.

107 6. The vessel is a commercial fishing vessel actively
108 engaged in commercial fishing.

109 7. The vessel is actively engaged in lawful recreational
110 fishing or hunting and the persons onboard are actively tending
111 hook and line fishing gear, nets, or hunting gear.

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

115 327.73 Noncriminal infractions.—

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

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

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

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

124 3. For a third or subsequent offense occurring 30 days or
125 more after a previous offense, \$500 ~~\$250~~. A vessel which is the

126 subject of three or more violations within 12 months which
127 resulted in dispositions other than acquittal or dismissal shall
128 be declared to be a public nuisance and subject to the
129 provisions of ss. 705.103 and 823.11.

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

- 132 1. For a first offense, up to a maximum of \$50.
- 133 2. For a second offense, up to a maximum of \$250 ~~\$100~~.
- 134 3. For a third or subsequent offense, up to a maximum of
135 \$500 ~~\$250~~. A vessel which is the subject of three or more
136 violations within 12 months which resulted in dispositions other
137 than acquittal or dismissal shall be declared to be a public
138 nuisance and subject to the provisions of ss. 705.103 and
139 823.11.

140 (cc) Section 327.332, relating to vessels creating special
141 hazards, for which the penalty is:

- 142 1. For a first offense, \$50.
- 143 2. For a second offense occurring within 12 months after a
144 prior offense, \$250.
- 145 3. For a third offense occurring within 36 months after a
146 prior offense, \$500.

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

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151 Any person cited for a violation of any provision of this
152 subsection shall be deemed to be charged with a noncriminal
153 infraction, shall be cited for such an infraction, and shall be
154 cited to appear before the county court. The civil penalty for
155 any such infraction is \$50, except as otherwise provided in this
156 section. Any person who fails to appear or otherwise properly
157 respond to a uniform boating citation shall, in addition to the
158 charge relating to the violation of the boating laws of this
159 state, be charged with the offense of failing to respond to such
160 citation and, upon conviction, be guilty of a misdemeanor of the
161 second degree, punishable as provided in s. 775.082 or s.
162 775.083. A written warning to this effect shall be provided at
163 the time such uniform boating citation is issued.

164 Section 4. This act shall take effect July 1, 2020.