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Proposed Committee Substitute by the Committee on Fiscal Policy
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to vessel safety; amending s. 327.02, F.S.; defining the terms "developed waterfront property" and "safe harbor"; creating s. 327.4107, F.S.; specifying how vessels may be anchored or moored outside public mooring fields on the waters of this state; providing a noncriminal infraction; providing an exception for counties or municipalities participating in the anchoring and mooring pilot program; amending s. 327.70, F.S.; authorizing the mailing of a uniform boating citation to the registered owner of an unattended vessel for circumstances when a vessel is at risk of becoming derelict; amending s. 327.73, F.S.; specifying the noncriminal infraction for violations of s. 327.4107, F.S.; amending s. 327.391, F.S.; conforming a cross-reference; providing an effective date.

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

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:

327.02 Definitions.—As used in this chapter and in chapter



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28 328, unless the context clearly requires a different meaning,
29 the term:

30 (9) "Developed waterfront property" means any upland
31 property bounded on at least one side by the waters of the
32 state, above the mean high water mark of the shoreline or
33 seawall, upon which a single-family home, multi-family
34 apartment, townhouse, condominium, or other similar residential
35 dwelling exists. The term does not include docks and other
36 infrastructure adjacent thereto or properties with mixed
37 residential and commercial use.

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

46 Section 2. Section 327.4107, Florida Statutes, is created
47 to read:

48 327.4107 Anchoring and mooring of vessels outside public
49 mooring fields.—

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

53 (a) An owner, operator, or person in charge of a vessel may
54 not anchor or moor a vessel within 200 feet of the marked
55 boundary of a permitted mooring field, any public boat ramp,
56 hoist, marine railway, or other launching or landing facility



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57 available for use by the general public.

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

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

68 2. Vessels in transit upon which the owner, operator, or
69 person in charge of the vessel is incapable of safely operating
70 the vessel due to physical exhaustion, provided that anchoring
71 or mooring is limited to one overnight period.

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

74 4. Construction or dredging vessels while on an active job
75 site.

76 5. Vessels actively engaged in commercial fishing.

77 6. Vessels engaged in recreational fishing whereby persons,
78 onboard or in the water in the immediate vicinity of the vessel,
79 are actively tending fishing gear other than traps.

80 7. Vessels present for the duration of events as described
81 in s. 327.48.

82 (c) An owner, operator, or person in charge of a vessel may
83 not anchor or moor a vessel if any of the following
84 circumstances exist, unless the vessel requires safe harbor, in
85 which case a vessel may remain anchored, moored, or docked until



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86 repaired, which must occur within 7 business days:

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

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

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

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

96 5. The vessel is involved in one or more violations of
97 marine sanitation laws.

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

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

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

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

109 Section 3. Paragraph (a) of subsection (2) of section
110 327.70, Florida Statutes, is amended to read:

111 327.70 Enforcement of this chapter and chapter 328.—

112 (2) (a) Noncriminal violations of the following statutes may
113 be enforced by a uniform boating citation mailed to the
114 registered owner of an unattended vessel anchored, aground, or



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115 moored on the waters of this state:
116 1. Section 327.33(3)(b), relating to navigation rules.
117 2. Section 327.44, relating to interference with
118 navigation.
119 3. Section 327.50(2), relating to required lights and
120 shapes.
121 4. Section 327.53, relating to marine sanitation.
122 5. Section 328.48(5), relating to display of decal.
123 6. Section 328.52(2), relating to display of number.
124 7. Section 327.4107, relating to circumstances when a
125 vessel is at risk of becoming derelict.
126 Section 4. Paragraph (y) is added to subsection (1) of
127 section 327.73, Florida Statutes, to read:
128 327.73 Noncriminal infractions.—
129 (1) Violations of the following provisions of the vessel
130 laws of this state are noncriminal infractions:
131 (y) Section 327.4107, relating to the anchoring of vessels
132 outside public mooring fields, for which the civil penalty is:
133 1. For a first offense, \$50.
134 2. For a second offense, \$100.
135 3. For a third or subsequent offense, \$250.
136
137 Any person cited for a violation of any provision of this
138 subsection shall be deemed to be charged with a noncriminal
139 infraction, shall be cited for such an infraction, and shall be
140 cited to appear before the county court. The civil penalty for
141 any such infraction is \$50, except as otherwise provided in this
142 section. Any person who fails to appear or otherwise properly
143 respond to a uniform boating citation shall, in addition to the



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144 charge relating to the violation of the boating laws of this
145 state, be charged with the offense of failing to respond to such
146 citation and, upon conviction, be guilty of a misdemeanor of the
147 second degree, punishable as provided in s. 775.082 or s.
148 775.083. A written warning to this effect shall be provided at
149 the time such uniform boating citation is issued.

150 Section 5. Subsection (1) of section 327.391, Florida
151 Statutes, is amended to read:

152 327.391 Airboats regulated.—

153 (1) The exhaust of every internal combustion engine used on
154 any airboat operated on the waters of this state shall be
155 provided with an automotive-style factory muffler, underwater
156 exhaust, or other manufactured device capable of adequately
157 muffling the sound of the exhaust of the engine as described in
158 s. 327.02(28) ~~s. 327.02(25)~~. The use of cutouts or flex pipe as
159 the sole source of muffling is prohibited, except as provided in
160 subsection (4). Any person who violates this subsection commits
161 a noncriminal infraction punishable as provided in s. 327.73(1).

162 Section 6. This act shall take effect July 1, 2015.