

By Senator Book

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1                   A bill to be entitled  
2       An act relating to vessels; amending s. 327.02, F.S.;  
3       defining the term "effective means of propulsion for  
4       safe navigation"; revising the definition of the term  
5       "live-aboard vessel"; amending s. 327.391, F.S.;  
6       making a conforming change; amending s. 327.4107,  
7       F.S.; providing an additional condition for a vessel  
8       at risk of becoming derelict on waters of this state;  
9       amending s. 327.4108, F.S.; removing the expiration  
10      for a section relating to anchoring of vessels in  
11      anchoring limitation areas; creating s. 327.4109,  
12      F.S.; prohibiting anchoring or mooring of vessels or  
13      floating structures in certain areas; providing  
14      exceptions for certain conditions; providing  
15      exceptions for certain vessels; prohibiting vessels or  
16      floating structures from affixing to unlawful objects  
17      that are on or affixed to the bottom of waters of the  
18      state; providing penalties; amending s. 327.60, F.S.;  
19      authorizing a local government to enact and enforce  
20      regulations related to proof of pumpout in certain  
21      areas; requiring the Fish and Wildlife Conservation  
22      Commission to review such regulations; amending s.  
23      327.70, F.S.; providing for issuance of uniform  
24      boating citations for certain violations; amending s.  
25      327.73, F.S.; providing penalties; amending s. 328.72,  
26      F.S.; providing penalties; providing an effective  
27      date.

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

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Section 1. Subsections (11) through (44) of section 327.02, Florida Statutes, are renumbered as subsections (12) through (45), respectively, present subsection (19) of that section is amended, and a new subsection (11) is added to that section, to read:

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

(11) "Effective means of propulsion for safe navigation" means the vessel is equipped with:

(a) A functioning motor, controls, and steering system; or  
(b) Rigging and sails that are present and in good working order, and a functioning steering system.

(20)~~(19)~~ "Live-aboard vessel" means:

(a) A vessel used solely as a residence and not for navigation;

(b) A vessel represented as a place of business or a professional or other commercial enterprise; ~~or~~

(c) A vessel for which a declaration of domicile has been filed pursuant to s. 222.17; or

(d) A vessel as described in paragraph (a) or paragraph (b) which does not have an effective means of propulsion for safe navigation.

A commercial fishing boat is expressly excluded from the term "live-aboard vessel."

Section 2. Subsection (1) of section 327.391, Florida Statutes, is amended to read:

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59 327.391 Airboats regulated.—

60 (1) The exhaust of every internal combustion engine used on  
61 any airboat operated on the waters of this state shall be  
62 provided with an automotive-style factory muffler, underwater  
63 exhaust, or other manufactured device capable of adequately  
64 muffling the sound of the exhaust of the engine as described in  
65 s. 327.02(28) ~~s. 327.02(27)~~. The use of cutouts or flex pipe as  
66 the sole source of muffling is prohibited, except as provided in  
67 subsection (4). Any person who violates this subsection commits  
68 a noncriminal infraction punishable as provided in s. 327.73(1).

69 Section 3. Paragraph (e) is added to subsection (2) of  
70 section 327.4107, Florida Statutes, to read:

71 327.4107 Vessels at risk of becoming derelict on waters of  
72 this state.—

73 (2) An officer of the commission or of a law enforcement  
74 agency specified in s. 327.70 may determine that a vessel is at  
75 risk of becoming derelict if any of the following conditions  
76 exist:

77 (e) The owner or operator of a vessel receives notice from  
78 an officer that the vessel does not have an effective means of  
79 propulsion for safe navigation and 72 hours after notification  
80 by the officer, the vessel still does not have an effective  
81 means of propulsion for safe navigation.

82 Section 4. Subsection (7) of section 327.4108, Florida  
83 Statutes, is amended to read:

84 327.4108 Anchoring of vessels in anchoring limitation  
85 areas.—

86 ~~(7) This section expires upon the Legislature's adoption of~~  
87 ~~the commission's recommendations for the regulation of mooring~~

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88 ~~vessels outside of public mooring fields pursuant to s.~~  
89 ~~327.4105.~~

90 Section 5. Section 327.4109, Florida Statutes, is created  
91 to read:

92 327.4109 Anchoring or mooring prohibited; exceptions;  
93 penalties.—

94 (1) A vessel or floating structure may not anchor or moor:

95 (a) Within 150 feet of any marina, boat ramp, or other  
96 vessel launching or loading facility; or

97 (b) Within 300 feet of public mooring field boundaries.

98 (2) Notwithstanding subsection (1), an owner or operator of  
99 a vessel may anchor or moor within 150 feet of any marina, boat  
100 ramp, or other vessel launching or loading facility or within  
101 300 feet of public mooring field boundaries:

102 (a) If the vessel suffers a mechanical failure that poses  
103 an unreasonable risk of harm to the vessel or the persons  
104 onboard unless the vessel anchors or moors. The vessel may  
105 anchor or moor for 3 business days or until the vessel is  
106 repaired, whichever occurs first.

107 (b) If imminent or existing weather in the vicinity of the  
108 vessel poses an unreasonable risk of harm to the vessel or the  
109 persons onboard unless the vessel anchors or moors. The vessel  
110 may anchor or moor until weather conditions no longer pose such  
111 risk. During a hurricane or tropical storm, weather conditions  
112 are deemed to no longer pose an unreasonable risk of harm when  
113 the hurricane or tropical storm warning affecting the area has  
114 expired.

115 (3) Subsection (1) does not apply to:

116 (a) Vessels owned or operated by a governmental entity.

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117 (b) Construction or dredging vessels on an active job site.

118 (c) Vessels actively engaged in commercial fishing.

119 (d) Vessels engaged in recreational fishing and the persons  
120 onboard are actively tending hook and line fishing gear or nets.

121 (4) A vessel or floating structure may not anchor, moor,  
122 tie, or otherwise affix to an unpermitted, unauthorized, or  
123 otherwise unlawful object that is on or affixed to the bottom of  
124 waters of this state. This subsection does not apply to a  
125 private mooring lawfully owned on private submerged lands.

126 (5) A violation of this section is:

127 (a) For a first violation, a noncriminal infraction  
128 punishable as provided in s. 327.73; and

129 (b) For a second or subsequent violation, a misdemeanor of  
130 the second degree punishable as provided in s. 775.082 or s.  
131 775.083.

132 Section 6. Subsection (2) of section 327.60, Florida  
133 Statutes, is amended, and subsection (4) is added to that  
134 section, to read:

135 327.60 Local regulations; limitations.—

136 (2) Nothing in this chapter or chapter 328 shall be  
137 construed to prevent the adoption of any ordinance or local  
138 regulation relating to operation of vessels, except that a  
139 county or municipality shall not enact, continue in effect, or  
140 enforce any ordinance or local regulation:

141 (a) Establishing a vessel or associated equipment  
142 performance or other safety standard, imposing a requirement for  
143 associated equipment, or regulating the carrying or use of  
144 marine safety articles;

145 (b) Relating to the design, manufacture, or installation~~7~~

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146 ~~or use~~ of any marine sanitation device on any vessel, except as  
147 authorized in subsection (4);

148 (c) Regulating any vessel upon the Florida Intracoastal  
149 Waterway;

150 (d) Discriminating against personal watercraft;

151 (e) Discriminating against airboats, for ordinances adopted  
152 after July 1, 2006, unless adopted by a two-thirds vote of the  
153 governing body enacting such ordinance;

154 (f) Regulating the anchoring of vessels ~~other than live-~~  
155 ~~aboard vessels~~ outside the marked boundaries of mooring fields  
156 permitted as provided in s. 327.40, other than live-aboard  
157 vessels;

158 (g) Regulating engine or exhaust noise, except as provided  
159 in s. 327.65; or

160 (h) That conflicts with any provisions of this chapter or  
161 any amendments thereto or rules adopted thereunder.

162 (4) (a) A local government may enact and enforce regulations  
163 requiring owners or operators of vessels or floating structures  
164 subject to the marine sanitation requirements of s. 327.53 to  
165 provide proof of properly disposed of sewage by means of an  
166 approved sewage pumpout service, pumpout facility, or waste  
167 reception facility within the following areas:

168 1. Marked boundaries of a permitted mooring field under the  
169 jurisdiction of the local government; or

170 2. Designated no discharge zones, as provided under 53 F.R.  
171 1678, January 21, 1988; 64 F.R. 46390, August 25, 1999; and 67  
172 F.R. 35735, May 21, 2002.

173 (b) Before a local government may adopt an ordinance to  
174 enact and enforce such regulations, the local government must

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175 provide adequate pumpout services. Any ordinance adopted  
176 pursuant to this subsection may not take effect until the  
177 commission has reviewed the ordinance and determined the local  
178 government provides adequate pumpout services within its  
179 jurisdiction to protect public health and the marine  
180 environment.

181 (c) This subsection may not be construed to prohibit a  
182 local government from enacting or enforcing such pumpout  
183 requirements for live-aboard vessels within any areas of its  
184 jurisdiction.

185 Section 7. Paragraph (d) is added to subsection (3) of  
186 section 327.70, Florida Statutes, to read:

187 327.70 Enforcement of this chapter and chapter 328.—

188 (3)

189 (d) A noncriminal violation of s. 327.4109 may be enforced  
190 by a uniform boating citation issued to the operator of a vessel  
191 unlawfully anchored, moored, tied, or otherwise affixed where  
192 such is prohibited.

193 Section 8. Paragraph (g) of subsection (1) of section  
194 327.73, Florida Statutes, is amended, and paragraph (bb) of that  
195 subsection, is added to read:

196 327.73 Noncriminal infractions.—

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

199 (g) Section 328.72(13) (a) and (b), relating to operation  
200 with an expired registration.

201 (bb) Section 327.4109, relating to anchoring and mooring in  
202 a prohibited area.

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204 Any person cited for a violation of any provision of this  
205 subsection shall be deemed to be charged with a noncriminal  
206 infraction, shall be cited for such an infraction, and shall be  
207 cited to appear before the county court. The civil penalty for  
208 any such infraction is \$50, except as otherwise provided in this  
209 section. Any person who fails to appear or otherwise properly  
210 respond to a uniform boating citation shall, in addition to the  
211 charge relating to the violation of the boating laws of this  
212 state, be charged with the offense of failing to respond to such  
213 citation and, upon conviction, be guilty of a misdemeanor of the  
214 second degree, punishable as provided in s. 775.082 or s.  
215 775.083. A written warning to this effect shall be provided at  
216 the time such uniform boating citation is issued.

217 Section 9. Subsection (13) of section 328.72, Florida  
218 Statutes, is amended to read:

219 328.72 Classification; registration; fees and charges;  
220 surcharge; disposition of fees; fines; marine turtle stickers.-

221 (13) EXPIRED REGISTRATION.-The operation, use, or storage  
222 on the waters of this state of a previously registered vessel is  
223 subject to the following penalty provisions:

224 (a) The owner or operator of a vessel having a registration  
225 that has been expired for 6 months or less commits a noncriminal  
226 infraction, punishable as provided in s. 327.73;

227 (b) The owner or operator of a vessel having a registration  
228 that has been expired for more than 6 months, upon a first  
229 offense, commits a noncriminal infraction punishable as provided  
230 in s. 327.73;

231 (c) The owner or operator of a vessel having a registration  
232 that has been expired for more than 6 months, upon a second or



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233 subsequent offense, commits a misdemeanor of the second degree  
234 punishable as provided in s. 775.082 or s. 775.083. ~~after the~~  
235 ~~expiration of the registration period is a noncriminal~~  
236 ~~violation, as defined in s. 327.73.~~

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238 This subsection does not apply to vessels lawfully stored at a  
239 dock or in a marina.

240 Section 10. This act shall take effect July 1, 2017.