

1 A bill to be entitled
2 An act relating to vessels; amending s. 327.02, F.S.;
3 providing and revising definitions; amending s.
4 327.391, F.S.; conforming a cross-reference; amending
5 s. 327.4107, F.S.; providing a condition under which a
6 vessel is at risk of becoming derelict; amending s.
7 327.4108, F.S.; removing the expiration of provisions
8 relating to anchoring of vessels in anchoring
9 limitation areas; creating s. 327.4109, F.S.;
10 prohibiting anchoring or mooring of vessels and
11 floating structures in certain areas; providing
12 exceptions and penalties; amending s. 327.60, F.S.;
13 authorizing a local government to enact and enforce
14 certain requirements for sewage disposal by certain
15 vessels and floating structures; requiring local
16 governments with requirements for sewage disposal to
17 provide adequate sewage pumpout services; requiring
18 the Fish and Wildlife Conservation Commission to
19 review such requirements and make certain
20 determinations; providing applicability; amending s.
21 327.70, F.S.; providing for issuance of uniform
22 boating citations for unlawful anchoring or mooring in
23 prohibited areas; amending s. 327.73, F.S.; conforming
24 a cross-reference; providing a penalty for unlawful
25 anchoring or mooring in prohibited areas; amending s.

26 | 328.72, F.S.; revising the penalties for operation,
 27 | use, or storage of a vessel with an expired
 28 | registration; providing an effective date.
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30 | Be It Enacted by the Legislature of the State of Florida:
 31 |

32 | Section 1. Subsections (11) through (13) of section
 33 | 327.02, Florida Statutes, are renumbered as subsections (12)
 34 | through (14), respectively, present subsection (14) is
 35 | renumbered as subsection (16), present subsections (16) through
 36 | (44) are renumbered as subsections (17) through (45),
 37 | respectively, present subsection (19) is amended, and a new
 38 | subsection (11) is added to that section, to read:

39 | 327.02 Definitions.—As used in this chapter and in chapter
 40 | 328, unless the context clearly requires a different meaning,
 41 | the term:

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

44 | (a) A functioning motor, controls, and steering system; or

45 | (b) Rigging and sails that are present and in good working
 46 | order, and a functioning steering system.

47 | ~~(20)~~~~(19)~~ "Live-aboard vessel" means:

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

50 | (b) A vessel represented as a place of business or a

51 professional or other commercial enterprise; ~~or~~

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

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

57
58 A commercial fishing boat is expressly excluded from the term
59 "live-aboard vessel."

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

62 327.391 Airboats regulated.—

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

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

74 327.4107 Vessels at risk of becoming derelict on waters of
75 this state.—

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

80 (e) The vessel does not have an effective means of
 81 propulsion for safe navigation within 72 hours after the owner
 82 or operator of the vessel receives notice stating such fact from
 83 an officer.

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

86 327.4108 Anchoring of vessels in anchoring limitation
 87 areas.—

88 ~~(7) This section expires upon the Legislature's adoption~~
 89 ~~of the commission's recommendations for the regulation of~~
 90 ~~mooring vessels outside of public mooring fields pursuant to s.~~
 91 ~~327.4105.~~

92 Section 5. Section 327.4109, Florida Statutes, is created
 93 to read:

94 327.4109 Anchoring or mooring prohibited; exceptions;
 95 penalties.—

96 (1) (a) A vessel or floating structure may not anchor or
 97 moor:

98 1. Within 150 feet of any marina, boat ramp, or other
 99 vessel launching or loading facility; or

100 2. Within 300 feet of public mooring field boundaries.

101 (b) This subsection does not apply to:

102 1. A vessel owned or operated by a governmental entity.

103 2. A construction or dredging vessel on an active job
104 site.

105 3. A vessel actively engaged in commercial fishing.

106 4. A vessel actively engaged in recreational fishing if
107 the persons onboard are actively tending hook and line fishing
108 gear or nets.

109 (2) Notwithstanding subsection (1), an owner or operator
110 of a vessel may anchor or moor within 150 feet of any marina,
111 boat ramp, or other vessel launching or loading facility or
112 within 300 feet of public mooring field boundaries if:

113 (a) The vessel suffers a mechanical failure that poses an
114 unreasonable risk of harm to the vessel or the persons onboard
115 such vessel unless the vessel anchors or moors. The vessel may
116 anchor or moor for 3 business days or until the vessel is
117 repaired, whichever occurs first.

118 (b) Imminent or existing weather conditions in the
119 vicinity of the vessel pose an unreasonable risk of harm to the
120 vessel or the persons onboard unless the vessel anchors or
121 moors. The vessel may anchor or moor until weather conditions no
122 longer pose such risk. During a hurricane or tropical storm,
123 weather conditions are deemed to no longer pose an unreasonable
124 risk of harm when the hurricane or tropical storm warning
125 affecting the area has expired.

126 (3) A vessel or floating structure may not anchor, moor,
 127 tie, or otherwise affix to an unpermitted, unauthorized, or
 128 otherwise unlawful object that is on or affixed to the bottom of
 129 the waters of this state. This subsection does not apply to a
 130 private mooring lawfully owned on private submerged lands.

131 (4) (a) For a first violation of this section, the person
 132 commits a noncriminal infraction, punishable as provided in s.
 133 327.73.

134 (b) For a second or subsequent violation of this section,
 135 the person commits a misdemeanor of the second degree,
 136 punishable as provided in s. 775.082 or s. 775.083.

137 Section 6. Paragraphs (b) and (f) of subsection (2) of
 138 section 327.60, Florida Statutes, are amended, and subsection
 139 (4) is added to that section, to read:

140 327.60 Local regulations; limitations.—

141 (2) Nothing in this chapter or chapter 328 shall be
 142 construed to prevent the adoption of any ordinance or local
 143 regulation relating to operation of vessels, except that a
 144 county or municipality shall not enact, continue in effect, or
 145 enforce any ordinance or local regulation:

146 (b) Relating to the design, manufacture, or installation,
 147 ~~or use~~ of any marine sanitation device on any vessel, except as
 148 authorized in subsection (4);

149 (f) Regulating the anchoring of vessels ~~other than live-~~
 150 ~~aboard vessels~~ outside the marked boundaries of mooring fields

151 permitted as provided in s. 327.40, other than live-aboard
152 vessels;

153 (4) (a) A local government may enact and enforce
154 regulations requiring owners or operators of vessels or floating
155 structures subject to the marine sanitation requirements of s.
156 327.53 to provide proof of proper sewage disposal by means of an
157 approved sewage pumpout service, approved sewage pumpout
158 facility, or approved waste reception facility within the
159 following areas:

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

162 2. Designated no-discharge zones as provided in Volume 53,
163 No. 13 of the Federal Register, page 1678 (1988); Volume 64, No.
164 164 of the Federal Register, pages 46390-46391 (1999); and
165 Volume 67, No. 98 of the Federal Register, pages 35735-35743
166 (2002).

167 (b) Before a local government may adopt an ordinance to
168 enact and enforce such regulations, the local government must
169 provide adequate sewage pumpout services. Any ordinance adopted
170 pursuant to this subsection may not take effect until the
171 commission has reviewed the ordinance and determined that the
172 local government provides adequate sewage pumpout services
173 within its jurisdiction to protect public health and the marine
174 environment.

175 (c) This subsection does not prohibit a local government

176 from enacting or enforcing such sewage pumpout requirements for
 177 live-aboard vessels within any areas of its jurisdiction.

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

180 327.70 Enforcement of this chapter and chapter 328.—

181 (3)

182 (d) A noncriminal violation of s. 327.4109 may be enforced
 183 by a uniform boating citation issued to an owner or operator of
 184 a vessel unlawfully anchored, moored, tied, or otherwise affixed
 185 in a prohibited area.

186 Section 8. Paragraph (g) of subsection (1) of section
 187 327.73, Florida Statutes, is amended, and paragraph (bb) is
 188 added to that subsection, to read:

189 327.73 Noncriminal infractions.—

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

192 (g) Section 328.72(13) (a) and (b) ~~328.72(13)~~, relating to
 193 operation with an expired registration.

194 (bb) Section 327.4109, relating to anchoring or mooring in
 195 a prohibited area.

196

197 Any person cited for a violation of any provision of this
 198 subsection shall be deemed to be charged with a noncriminal
 199 infraction, shall be cited for such an infraction, and shall be
 200 cited to appear before the county court. The civil penalty for

201 any such infraction is \$50, except as otherwise provided in this
 202 section. Any person who fails to appear or otherwise properly
 203 respond to a uniform boating citation shall, in addition to the
 204 charge relating to the violation of the boating laws of this
 205 state, be charged with the offense of failing to respond to such
 206 citation and, upon conviction, be guilty of a misdemeanor of the
 207 second degree, punishable as provided in s. 775.082 or s.
 208 775.083. A written warning to this effect shall be provided at
 209 the time such uniform boating citation is issued.

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

212 328.72 Classification; registration; fees and charges;
 213 surcharge; disposition of fees; fines; marine turtle stickers.-

214 (13) EXPIRED REGISTRATION.-The operation, use, or storage
 215 on the waters of this state of a previously registered vessel is
 216 subject to the following penalties:

217 (a) The owner or operator of a vessel with an expired
 218 registration of 6 months or less commits a noncriminal
 219 infraction, punishable as provided in s. 327.73.

220 (b) The owner or operator of a vessel with an expired
 221 registration of more than 6 months, upon a first offense,
 222 commits a noncriminal infraction, punishable as provided in s.
 223 327.73.

224 (c) The owner or operator of a vessel with an expired
 225 registration of more than 6 months, upon a second or subsequent

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226 | offense, commits a misdemeanor of the second degree, punishable
227 | as provided in s. 775.082 or s. 775.083 ~~after the expiration of~~
228 | ~~the registration period is a noncriminal violation, as defined~~
229 | ~~in s. 327.73.~~

230

231 | This subsection does not apply to vessels lawfully stored at a
232 | dock or in a marina.

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