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## The 2019 Florida Statutes

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### 327.44 Interference with navigation; relocation or removal; recovery of costs.—

(1) As used in this section, the term:

(a) “Gross negligence” means conduct so reckless or wanting in care that it constitutes a conscious disregard or indifference to the safety of the property exposed to such conduct.

(b) “Willful misconduct” means conduct evidencing carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design or to show an intentional and substantial disregard of the interests of the vessel owner.

(2) A person may not anchor, moor, or allow to be anchored or moored, except in case of emergency, or operate a vessel or carry on any prohibited activity in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interference with another vessel. Anchoring or mooring under bridges or in or adjacent to heavily traveled channels constitutes interference if unreasonable under the prevailing circumstances.

(3) The commission, officers of the commission, and any law enforcement agency or officer specified in s. [327.70](#) are authorized and empowered to relocate, remove, or cause to be relocated or removed a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. The commission, officers of the commission, or any other law enforcement agency or officer acting under this subsection to relocate, remove, or cause to be relocated or removed a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel shall be held harmless for all damages to the vessel resulting from such relocation or removal unless the damage results from gross negligence or willful misconduct.

(4) A contractor performing relocation or removal activities at the direction of the commission, officers of the commission, or a law enforcement agency or officer pursuant to this section must be licensed in accordance with applicable United States Coast Guard regulations where required; obtain and carry in full force and effect a policy from a licensed insurance carrier in this state to insure against any accident, loss, injury, property damage, or other casualty caused by or resulting from the contractor’s actions; and be properly equipped to perform the services to be provided.

(5) All costs, including costs owed to a third party, incurred by the commission or other law enforcement agency in the relocation or removal of a vessel that unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel are recoverable against the vessel owner. The Department of Legal Affairs shall represent the commission in actions to recover such costs.

**History.**—s. 4, ch. 63-105; s. 1, ch. 65-361; s. 2, ch. 72-16; s. 1, ch. 2014-143; s. 7, ch. 2017-163.

**Note.**—Former s. 371.503.

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

(1) To prevent vessels in neglected or deteriorating condition from reaching a likely and foreseeable state of disrepair, a vessel that is at risk of becoming derelict pursuant to subsection (2) may not anchor on, moor on, or occupy the waters of this state.

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

(a) The vessel is taking on or has taken on water without an effective means to dewater.

(b) Spaces on the vessel that are designed to be enclosed are incapable of being sealed off or remain open to the elements for extended periods of time.

(c) The vessel has broken loose or is in danger of breaking loose from its anchor.

(d) The vessel is left or stored aground unattended in such a state that would prevent the vessel from getting underway, is listing due to water intrusion, or is sunk or partially sunk.

(e) The vessel does not have an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.

(3) A person who anchors or moors a vessel at risk of becoming derelict on the waters of this state or allows such a vessel to occupy such waters commits a noncriminal infraction, punishable as provided in s. [327.73](#).

(4) The penalty under this section is in addition to other penalties provided by law.

(5) This section does not apply to a vessel that is moored to a private dock or wet slip with the consent of the owner for the purpose of receiving repairs.

**History.—**s. 1, ch. 2016-108; s. 4, ch. 2017-163.

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### **327.4109 Anchoring or mooring prohibited; exceptions; penalties.—**

(1)(a) The owner or operator of a vessel or floating structure may not anchor or moor such that the nearest approach of the anchored or moored vessel or floating structure is:

1. Within 150 feet of any marina, boat ramp, boatyard, or other vessel launching or loading facility;
2. Within 300 feet of a superyacht repair facility. For purposes of this subparagraph, the term “superyacht repair facility” means a facility that services or repairs a yacht with a water line of 120 feet or more in length; or

3. Within 100 feet outward from the marked boundary of a public mooring field or a lesser distance if approved by the commission upon request of a local government within which the mooring field is located. The commission may adopt rules to implement this subparagraph.

(b) This subsection does not apply to:

1. A vessel owned or operated by a governmental entity.
2. A construction or dredging vessel on an active job site.
3. A commercial fishing vessel actively engaged in commercial fishing.
4. A vessel actively engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.

(2) Notwithstanding subsection (1), an owner or operator of a vessel may anchor or moor within 150 feet of any marina, boat ramp, boatyard, or other vessel launching or loading facility; within 300 feet of a superyacht repair facility; or within 100 feet outward from the marked boundary of a public mooring field if:

(a) The vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor for 5 business days or until the vessel is repaired, whichever occurs first.

(b) Imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard such vessel. The owner or operator of the vessel may anchor or moor until weather conditions no longer pose such risk. During a hurricane or tropical storm, weather conditions are deemed to no longer pose an unreasonable risk of harm when the hurricane or tropical storm warning affecting the area has expired.

(3) The owner or operator of a vessel or floating structure may not anchor or moor within the marked boundary of a public mooring field unless the owner or operator has a lawful right to do so by contractual agreement or other business arrangement.

(4) The owner or operator of a vessel or floating structure may not anchor, moor, tie, or otherwise affix or allow the vessel or floating structure to remain anchored, moored, tied, or otherwise affixed to an unpermitted, unauthorized, or otherwise unlawful object that is on or affixed to the bottom of the

waters of this state. This subsection does not apply to a private mooring owned by the owner of privately owned submerged lands.

(5) A violation of this section is a noncriminal infraction, punishable as provided in s. [327.73\(1\)\(bb\)](#).

(6)(a) As used in this subsection, and applied only for the purposes of the study required by this subsection and not for any other purposes, the term “long-term stored vessel” means a vessel on the waters of the state which is not under the supervision and control of a person capable of operating, maintaining, or moving it from one location to another and which has remained anchored or moored outside of a public mooring field for at least 30 days out of a 60-day period.

(b) The commission shall conduct, or contract with a private vendor to conduct, for not longer than 2 years, a study of the impacts of long-term stored vessels on local communities and this state.

(c) The study shall:

1. Investigate whether, and to what extent, long-term stored vessels and vessels anchored or moored outside of public mooring fields for more than 30 days contribute to the number of derelict and abandoned vessels on the waters of the state.

2. Investigate the impacts of long-term stored vessels, vessels anchored or moored outside of public mooring fields for more than 30 days, and vessels moored within public mooring fields on the local and state economies; public safety; public boat ramps, staging docks, and public marinas; and the environment during and after significant tropical storm and hurricane events.

3. Provide recommendations for appropriate management options for long-term stored vessels and vessels anchored or moored outside public mooring fields for more than 30 days to mitigate any identified negative impacts to local communities and this state.

(d) The commission shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives within 6 months after the study is completed.

(e) This subsection is contingent upon appropriation by the Legislature.

(f) This subsection expires January 1, 2024.

History.—s. 6, ch. 2017-163; s. 2, ch. 2019-54.

**This Rule in the Florida Administrative Code became effective November 28, 2019.**

**68D-15.002 Effective Means of Propulsion for Safe Navigation.**

(1) Definitions. As used herein, the term:

(a) "Barge" means a vessel that does not have living quarters, is not propelled by its own power, and is designed to be pushed or pulled by another vessel.

(b) "Safe navigation" means the ability of a vessel operator to make headway, properly steering the vessel on a predetermined course without substantial risk of injury or damage to other persons, vessels, or property solely from the vessel's operation.

(c) "Sailboat" means a vessel whose sole source of propulsion is the wind.

(2) Evaluation procedures.

(a) Once a law enforcement officer has reason to believe a vessel does not have an effective means of propulsion for safe navigation, the officer shall notify the owner by telephone, or in writing, which may be by email. The officer shall provide a location and a date and time, no less than 72 hours later, when the owner or operator of the vessel shall meet the officer to either provide proof of having ordered the necessary parts for repair or to conduct an evaluation of the vessel as provided herein. Proof of having ordered parts for repair may be provided to the officer before the date and time of the scheduled evaluation. No person shall be required to complete an evaluation under paragraph (b) when such person has been notified by a law enforcement officer that the vessel does not have an effective means of propulsion for safe navigation and has, within 72 hours of such notification, provided to the officer a receipt, proof of purchase, or other documentation of having ordered necessary parts for repairs to the vessel's propulsion or steering. When an owner or operator provides proof of having ordered the necessary parts for repair, he or she shall complete all necessary repairs to make the vessel's propulsion or steering functional within 30 days or shall remove the vessel from the waters of the state.

**(b) Law enforcement shall use the following evaluations to determine whether a vessel has an effective means of propulsion for safe navigation as required by subparagraph 327.4107(2)(e), Florida Statutes:**

1. For sailboats greater than 16 feet in length, the operator shall be required to:

a. Navigate the vessel to the anchor and either pull anchor or detach the anchor line from the vessel and place a buoy on the anchor line so that the anchor may be reattached after the evaluation is complete;

b. Make way using only wind power and the steering mechanism with which the vessel is equipped;

c. Navigate at least 100 yards in any direction of the operator's choosing using only wind power and the steering mechanism with which the vessel is equipped;

d. Come about using only wind power and the steering mechanism with which the vessel is equipped;

e. Return to the starting point using only wind power and the steering mechanism with which the vessel is equipped; and

f. Complete all evaluation maneuvers in subparagraphs b. through e. within fifteen minutes.

g. The evaluating law enforcement officer shall keep time and shall begin timekeeping only after the operator has navigated to the anchor and pulled anchor or detached the anchor line from the vessel, as provided in subparagraph a.

2. For vessels, other than sailboats, greater than 16 feet in length, the operator shall be required to:

a. Engage the propulsion system or systems and either pull anchor or detach the anchor line from the vessel and place a buoy on the anchor line so that the anchor may be reattached after the evaluation is complete;

b. Make way;

c. Navigate to a location one quarter of a mile away (which location has been predetermined and marked

or identified by the evaluating law enforcement officer);

d. Steer around a test buoy or other fixed point or turn around adjacent to the buoy or fixed point;

e. Return to the starting point; and

f. Complete all evaluation maneuvers in subparagraphs b. through e. within ten minutes, unless the vessel's propulsion is solely human-powered, in which case the operator shall complete all evaluation maneuvers in subparagraphs b. through e. within 15 minutes.

g. The evaluating law enforcement officer shall keep time and shall begin timekeeping only after the operator has engaged the propulsion system and pulled anchor or detached the anchor line from the vessel, as provided in subparagraph a.

(c) Law enforcement officers shall not require completion of either of the evaluations in this subsection during small craft advisory conditions and shall not require completion of a sailboat evaluation when the prevailing wind conditions are less than 5 knots.

(d) Law enforcement officers shall place buoys or choose fixed locations for all evaluations such that the path navigated by the operator is unimpeded by any known or visible object or obstacle.

(e) Operators who choose to detach the anchor line from the vessel shall remove the buoy and reattach the anchor line to the vessel after completing the evaluation.

(3) Barges of all lengths and other vessels 16 feet or less in length are exempt from evaluation under this rule.

*Rulemaking Authority 327.04, 327.4107(2)(e) FS. Law Implemented 327.4107(2)(e) FS. History—New 11-28-19.*