

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Colonel Curtis Brown, Director, Division of Law Enforcement  
**Date:** July 17, 2019  
**Subject:** Draft Rule - Effective Means of Propulsion for Safe Navigation

---

**Purpose:**

Obtain approval for advertising a draft rule 68D-15.002 Florida Administrative Code (FAC) to provide a standardized method of testing whether a vessel has an effective means of propulsion for safe navigation.

**Summary:**

The lack of an effective means of propulsion for safe navigation is one of the categories the Legislature has determined makes a vessel at risk of becoming derelict, and thus, punishable as a noncriminal infraction under s. 327.73(1)(aa), Florida Statutes (F.S.). In 2017, the Florida Legislature provided the Commission with specific rulemaking authority to implement the determination of having an effective means of propulsion. In accordance with the statutory direction in paragraph 327.4107(2)(e), F.S., this rule will establish the evaluation methods for determining (testing) whether vessels which are greater than 16 feet in length on waters of the state have an effective means of propulsion for safe navigation. It will provide state and local law enforcement officers with a standardized evaluation utilizing specified time, distance and maneuverability components. The rule will provide restrictions on conducting evaluations during adverse weather conditions as well as when a vessel owner has proof of ordering parts necessary to make repairs related to propulsion. The evaluation will require the operator to maneuver the vessel (sail or power or both) to a specified location and return within a minimum time period.

Stakeholder engagement on the topic of determining how to conduct a fair and comprehensive evaluation was done over the course of six public meetings. These meetings were held at several locations including Pensacola, Tallahassee, St. Augustine, Ft. Lauderdale and the Florida Keys. Audience engagement software was used to increase audience participation and collect real time feedback from constituents at each meeting. The ultimate purpose of the draft rule is to help FWC better prevent the occurrences of derelict vessels upon state waters. The detailed rule language is provided as part of the background for this item. If approved, staff will advertise the draft rule, accept additional stakeholder input, and return for a final public hearing at the October Commission Meeting.

**Staff Recommendation:**

Approve the proposed draft rule 68D-15.002 FAC as presented.

**Staff Contact and/or Presenter:**

Major Robert Rowe, Boating and Waterways Section Leader, Division of Law Enforcement