

Draft Rule Language
Chapter 68D-15.002
Fish and Wildlife Conservation Commission Meeting
July 17, 2019
Agenda Item 5 B

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 steerage. 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 steerage 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 pull anchor;

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, 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 pull anchor;

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, 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.

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