

Draft Rule 68D-15.002  
Effective Means of Propulsion for  
Safe Navigation



July 17, 2019



Florida Fish and Wildlife Conservation Commission

Division: Law Enforcement  
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## At-Risk Vessel Law

- 2017 Session HB7043
- Requires vessel owner or operator to prove Effective Means of Propulsion for Safe Navigation



Rulemaking authority given in the 2017 legislative session allows the Commission to develop and implement a rule determining how to enforce the Effective Means of Propulsion for Safe Navigation provision of s. 327.4107 F.S.. This component of the at-risk vessel law requires vessel owners or operators to prove Effective Means of Propulsion for Safe Navigation.

The owner or operator of a vessel, the propulsion of which is suspected to be in a neglected or deteriorating condition must comply with this provision of the law within 72 hours of a written or telephonic notice made by a sworn law enforcement officer.

Photo: FWC Image

## Rulemaking for F.A.C. 68D-15.002

- Rulemaking began in February of 2019
- Six public meetings were held throughout the state
  - Clearwater
  - St. Augustine
  - Pensacola
  - Key West
  - Key Largo
  - Palm Beach



Six public meetings were held throughout the state. Stakeholder engagement at these meetings was increased by the use of polling software that allowed those in attendance to provide real time input and feedback on the subject matter being presented at these meetings.

Photo: FWC Image

## Proposed Draft Rule 68D-15.002

- Evaluation to determine effective means of propulsion
  - Two types of evaluation
    - Sailboat
    - Motorboat/Other  
(includes human-powered)



Stakeholders support the use of an evaluation to determine the effectiveness of a vessel's propulsion system for safe navigation. Two types of evaluations were formed to cover all manners of watercraft. These are Sailboat and Motorboat/Other.

## Proposed Draft Rule 68D-15.002

- Definitions
  - Sailboat
  - Safe navigation



For the purposes of this rule the term “sailboat” means a vessel whose sole source of propulsion is the wind and “safe navigation” is 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.

Photo: Cassandra Leigh Gotto

## Proposed Draft Rule 68D-15.002

- Law Enforcement Notification
- Officer shall notify owner by:
  - Telephone
  - Writing
    - Inspection/Warning form
    - Email



Officers requesting an owner to perform an evaluation must notify the owner either by phone or in writing. Written notification may be given by facsimile, electronic mail or other electronic means. This includes an electronic Inspection/Warning form generated from the officer's computer during a vessel stop. The notice must include a location, date and time no less than 72 hours after the notification is made. The owner will be required to meet the officer at that location, date, and time to either provide proof of having ordered parts necessary for the vessel's repair, or to conduct an evaluation created by this rule.

The policy of the division will be to require person-to-person contact for any telephonic notifications.

Photo: FWC Image

# Proposed Draft Rule 68D-15.002

## Sailboat Evaluation

- Navigate the vessel to the anchor and then pull the anchor
- Make way
- Navigate at least 100 yards in any direction of the operator's choosing
- Come about
- Return to the starting point using only wind power
- Will have 15 minutes to complete this evaluation



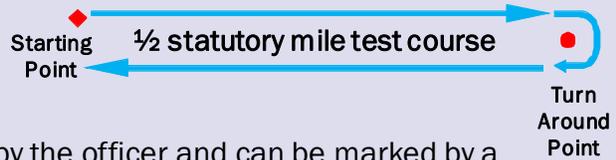
Applies to sailboats greater than 16 feet in length

1. 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. The evaluating law enforcement officer shall keep time and shall begin timekeeping only after the operator has navigated to the anchor and pulled anchor.

# Proposed Draft Rule 68D-15.002

## Motorboat/Other Evaluation

- Get underway and pull anchor
- Make way
- Navigate to turnaround point
  - This location is determined by the officer and can be marked by a buoy or a fixed point of reference such as a channel marker
- Steer around identified marked buoy or fixed point
- Return to starting point
  - Motorboats have 10 minutes to complete
  - Human-powered vessels have 15 minutes to complete



All other vessels, greater than 16 feet in length.

### 2. 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

In the case of a motorized sailboat the operator will have the choice of completing the sailboat evaluation or the motorboat/other evaluation.

## Proposed Draft Rule 68D-15.002

### Exemptions/Other Considerations

- 30 day exemption for repairs
- Barges of any length and vessels under 16 feet are exempt
- Evaluating officers will keep time
- Time will begin only after the propulsion is engaged and anchor is pulled
- Evaluations will not be conducted during a small craft advisory
- Sailboat evaluations will not be conducted unless a minimum 5 knot prevailing wind exists



If a vessel owner or operator exercises the option to purchase parts necessary to repair the vessel they will be given a 30 day period to make repairs. Proof of having ordered the necessary parts for repair must be shown to the officer on or before the date of the evaluation found on the notification. If repairs cannot be made within 30 days the owner or operator is in violation of the At-risk vessel law unless the vessel is removed from state waters.

Barges of any length and vessels under 16 feet are exempt

Evaluating officers will keep time

Time will begin only after the propulsion is engaged and anchor is pulled

Evaluations will not be conducted during a small craft advisory issued by the National Weather Service. For Florida this is sustained winds of 20 to 33 knots and/ or forecast seas of 7 feet or greater that are expected to last for more than 2 hours. Generally applies to vessels 33 feet or less in length.

Sailboat evaluations will not be conducted unless a minimum 5 knot prevailing wind exists

## Proposed Draft Rule 68D-15.002

### Staff Recommendation:

- Accept proposed draft rule as presented
- Make recommendations for final approval during the October Commission meeting



Photo: Venture Minimalists