

# MEMORANDUM



**To:** Florida Fish and Wildlife Conservation Commissioners  
**From:** Colonel Curtis Brown, Director, Division of Law Enforcement  
**Date:** October 2, 2019  
**Subject:** Consent Agenda - Effective Means of Propulsion for Safe Navigation

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**Purpose:**

Obtain final approval for 68D-15.002 F.A.C. and for a proposed change to the advertised draft rule.

**Summary:**

At the July 2019 Commission meeting, staff received approval from the Commission to publish proposed rule 68D-15.002 F.A.C. to comply with statutory direction in paragraph 327.4107(2)(e), Florida Statutes. This rule will establish evaluation methods for determining whether vessels greater than 16 feet in length, on waters of the state, have an effective means of propulsion for safe navigation. This rule provides state and local law enforcement officers with a standardized evaluation utilizing specified time, distance and maneuverability components. The rule provides restrictions on conducting evaluations during adverse weather conditions as well as when a vessel owner has proof of ordering parts necessary to effect repairs related to propulsion. The Florida Legislature provided the Commission with rulemaking authority to create these standardized and consistent evaluations.

Stakeholder engagement in determining a fair and comprehensive evaluation was done over the course of six public meetings during the development of this rule. These meetings were held across the state to include Clearwater, St. Augustine, Pensacola, Key West, Key Largo and West Palm Beach. Audience engagement software was used to increase participation and collect real time feedback from constituents at each meeting. The public has had an additional opportunity to comment and staff have determined that it is appropriate to modify the advertised draft rule by clarifying that vessel owners can opt to detach the anchor line from the vessel and place a buoy on the line rather than pull anchor. The language would then require that the operator remove the buoy and reattach the anchor line to the vessel once the evaluation is complete.

**Staff Recommendation:**

Approve the proposed amendment to the advertised rule language and authorize staff to publish a Notice of Change and then file the rule for adoption as soon as possible.

**Staff Contact and/or Presenter:**

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