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West's Florida Statutes Annotated [Currentness](#)

Title XXIV. Vessels (Chapters 326-328) ([Refs & Annos](#))

▢ [Chapter 327](#). Vessel Safety ([Refs & Annos](#))

→→ **327. 02. Definitions**

As used in this chapter and in chapter 328, unless the context clearly requires a different meaning, the term:

(1) “Airboat” means a vessel that is primarily designed for use in shallow waters and powered by an internal combustion engine with an airplane-type propeller mounted above the stern and used to push air across a set of rudders.

(2) “Alien” means a person who is not a citizen of the United States.

(3) “Boating accident” means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of a person from on board under circumstances that indicate the possibility of death or injury, or property damage to any vessel or dock.

(4) “Canoe” means a light, narrow vessel with curved sides and with both ends pointed. A canoe-like vessel with a transom may not be excluded from the definition of a canoe if the width of its transom is less than 45 percent of the width of its beam or it has been designated as a canoe by the United States Coast Guard.

(5) “Commercial parasailing” means providing or offering to provide, for consideration, any activity involving the towing of a person by a motorboat if:

(a) One or more persons are tethered to the towing vessel;

(b) The person or persons ascend above the water; and

(c) The person or persons remain suspended under a canopy, chute, or parasail above the water while the vessel is underway.

The term does not include ultralight glider towing conducted under rules of the Federal Aviation Administration

governing ultralight vehicles as defined in 14 C.F.R. part 103.

(6) “Commercial vessel” means:

(a) A vessel primarily engaged in the taking or landing of saltwater fish or saltwater products or freshwater fish or freshwater products, or a vessel licensed pursuant to [s. 379.361](#) from which commercial quantities of saltwater products are harvested, from within and without the waters of this state for sale to the consumer or to a retail or wholesale dealer.

(b) Any other vessel, except a recreational vessel as defined in this section.

(7) “Commission” means the Fish and Wildlife Conservation Commission.

(8) “Dealer” means a person authorized by the Department of Revenue to buy, sell, resell, or otherwise distribute vessels. Such person must have a valid sales tax certificate of registration issued by the Department of Revenue and a valid commercial or occupational license required by any county, municipality, or political subdivision of the state in which the person operates.

(9) “Division” means the Division of Law Enforcement of the Fish and Wildlife Conservation Commission.

(10) “Documented vessel” means a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

(11) “Floating structure” means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term “vessel” provided in this section. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure.

(12) “Florida Intracoastal Waterway” means the Atlantic Intracoastal Waterway, the Georgia state line north of Fernandina to Miami; the Port Canaveral lock and canal to the Atlantic Intracoastal Waterway; the Atlantic Intracoastal Waterway, Miami to Key West; the Okeechobee Waterway, Stuart to Fort Myers; the St. Johns River, Jacksonville to Sanford; the Gulf Intracoastal Waterway, Anclote to Fort Myers; the Gulf Intracoastal Waterway, Carrabelle to Tampa Bay; Carrabelle to Anclote open bay section, using the Gulf of Mexico; the Gulf Intracoastal Waterway, Carrabelle to the Alabama state line west of Pensacola; and the Apalachicola, Chattahoochee, and Flint Rivers in Florida.

(13) “Homemade vessel” means a vessel built after October 31, 1972, for which a federal hull identification number is not required to be assigned by the manufacturer pursuant to federal law, or a vessel constructed or assembled before November 1, 1972, by an entity other than a licensed manufacturer for its own use or the use of a specific person. A vessel assembled from a manufacturer's kit or constructed from an unfinished manufactured hull is considered to be a homemade vessel if such a vessel is not required to have a hull identification number assigned by the United States Coast Guard. A rebuilt or reconstructed vessel may not be construed to be a homemade vessel.

(14) “Kite boarding” or “kite surfing” means an activity in which a kite board or surfboard is tethered to a kite so as to harness the power of the wind and propel the board across a body of water. For purposes of this subsection, the term “kite” has the same meaning as used in 14 C.F.R. part 101.

(15) “Houseboat” means a vessel that is used primarily as a residence for at least 21 days during any 30-day period in a county of this state if such residential use of the vessel is to the preclusion of its use as a means of transportation.

(16) “Length” means the measurement from end to end over the deck parallel to the centerline, excluding sheer.

(17) “Lien” means a security interest that is reserved or created by a written agreement recorded with the Department of Highway Safety and Motor Vehicles pursuant to [s. 328.15](#) and that secures payment or performance of an obligation and is generally valid against third parties.

(18) “Lienholder” means a person holding a security interest in a vessel, which interest is recorded with the Department of Highway Safety and Motor Vehicles pursuant to [s. 328.15](#).

(19) “Live-aboard vessel” means:

- (a) A vessel used solely as a residence and not for navigation;
- (b) A vessel represented as a place of business or a professional or other commercial enterprise; or
- (c) A vessel for which a declaration of domicile has been filed pursuant to [s. 222.17](#).

A commercial fishing boat is expressly excluded from the term “live-aboard vessel.”

(20) “Livery vessel” means a vessel leased, rented, or chartered to another for consideration.

(21) “Manufactured vessel” means a vessel built after October 31, 1972, for which a federal hull identification number is required pursuant to federal law, or a vessel constructed or assembled before November 1, 1972, by a

duly licensed manufacturer.

(22) “Marina” means a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership is considered a marina for nonjudicial sale purposes.

(23) “Marine sanitation device” means equipment, other than a toilet, for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage. Marine sanitation device Types I, II, and III shall be defined as provided in 33 C.F.R. part 159.

(24) “Marker” means a channel mark or other aid to navigation, an information or regulatory mark, an isolated danger mark, a safe water mark, a special mark, an inland waters obstruction mark, or mooring buoy in, on, or over the waters of the state or the shores thereof, and includes, but is not limited to, a sign, beacon, buoy, or light.

(25) “Moored ballooning” means the operation of a moored balloon pursuant to 14 C.F.R. part 101.

(26) “Motorboat” means a vessel equipped with machinery for propulsion, irrespective of whether the propulsion machinery is in actual operation.

(27) “Muffler” means an automotive-style sound-suppression device or system designed to effectively abate the sound of exhaust gases emitted from an internal combustion engine and prevent excessive sound when installed on such an engine.

(28) “Navigation rules” means, for vessels on:

(a) Waters outside established navigational lines of demarcation as specified in 33 C.F.R. part 80, the International Navigational Rules Act of 1977, [33 U.S.C. s. 1602](#), as amended, including the appendix and annexes thereto, through October 1, 2012.

(b) All waters not outside of such established lines of demarcation, the Inland Navigational Rules Act of 1980, 33 C.F.R. parts 83-90, as amended, through October 1, 2012.

(29) “Nonresident” means a citizen of the United States who has not established residence in this state and has not continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(30) “Operate” means to be in charge of, in command of, or in actual physical control of a vessel upon the waters of this state, to exercise control over or to have responsibility for a vessel's navigation or safety while the

vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state.

(31) "Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person which is reserved or created by agreement and securing payment of performance of an obligation. The term does not include a lessee under a lease not intended as security.

(32) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(33) "Personal watercraft" means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(34) "Portable toilet" means a device consisting of a lid, seat, containment vessel, and support structure which is specifically designed to receive, retain, and discharge human waste and which is capable of being removed from a vessel by hand.

(35) "Prohibited activity" means activity that will impede or disturb navigation or creates a safety hazard on waterways of this state.

(36) "Racing shell," "rowing scull," or "racing kayak" means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and in which all occupants, with the exception of a coxswain, if one is provided, row, scull, or paddle and that is not designed to carry and does not carry any equipment not solely for competitive racing.

(37) "Recreational vessel" means a vessel:

(a) Manufactured and used primarily for noncommercial purposes; or

(b) Leased, rented, or chartered to a person for his or her noncommercial use.

(38) "Registration" means a state operating license on a vessel which is issued with an identifying number, an annual certificate of registration, and a decal designating the year for which a registration fee is paid.

(39) "Resident" means a citizen of the United States who has established residence in this state and has continuously resided in this state for 1 year and in one county for the 6 months immediately preceding the initiation of a vessel titling or registration action.

(40) “Sailboat” means a vessel whose sole source of propulsion is the wind.

(41) “Sustained wind speed” means a wind speed determined by averaging the observed wind speed rounded up to the nearest mile per hour over a 2-minute period.

(42) “Unclaimed vessel” means an undocumented vessel, including its machinery, rigging, and accessories, which is in the physical possession of a marina, garage, or repair shop for repairs, improvements, or other work with the knowledge of the vessel owner and for which the costs of such services have been unpaid for more than 90 days after the date written notice of the completed work is given by the marina, garage, or repair shop to the vessel owner.

(43) “Vessel” is synonymous with boat as referenced in [s. 1\(b\), Art. VII of the State Constitution](#) and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(44) “Waters of this state” means any navigable waters of the United States within the territorial limits of this state, the marginal sea adjacent to this state and the high seas when navigated as a part of a journey or ride to or from the shore of this state, and all the inland lakes, rivers, and canals under the jurisdiction of this state.

#### CREDIT(S)

Laws 1959, c. 59-399, § 1; Laws 1963, c. 63-103, § 1; Laws 1965, c. 65-361, § 1; Laws 1969, c. 69-106, §§ 25, 35; Laws 1969, c. 69-216, § 17; Laws 1970, c. 70-366, § 3; Laws 1971, c. 71-377, § 132; Laws 1972, c. 72-16, § 1; Laws 1972, c. 72-55, § 1; Laws 1974, c. 74-327, §§ 1, 5; Laws 1979, c. 79-334, § 23; [Fla.St.1979, § 371.021](#); Laws 1981, c. 81-100, § 1; Laws 1981, c. 81-114, § 1; Laws 1982, c. 82-226, § 76; Laws 1983, c. 83-20, § 1; Laws 1984, c. 84-184, § 2; Laws 1985, c. 85-252, § 1; [Laws 1988, c. 88-133, § 1](#); [Laws 1989, c. 89-136, § 1](#); [Laws 1989, c. 89-250, § 2](#); [Laws 1994, c. 94-241, § 2](#); [Laws 1994, c. 94-356, § 152](#). Amended by [Laws 1995, c. 95-148, § 951, eff. July 10, 1995](#); [Laws 1995, c. 95-333, § 1, eff. Oct. 1, 1995](#); [Laws 1998, c. 98-308, § 3, eff. May 29, 1998](#); [Laws 1999, c. 99-245, §§ 18, 89, eff. July 1, 1999](#); [Laws 2000, c. 2000-362, § 2, eff. July 1, 2000](#); [Laws 2006, c. 2006-172, § 1, eff. Oct. 1, 2006](#); [Laws 2008, c. 2008-247, § 194, eff. July 1, 2008](#); [Laws 2009, c. 2009-86, § 6, eff. July 1, 2009](#); [Laws 2013, c. 2013-194, § 1, eff. July 1, 2013](#); [Laws 2014, c. 2014-70, § 2, eff. Oct. 1, 2014](#).

#### HISTORICAL AND STATUTORY NOTES

Preamble (Laws 1983, c. 83-20):

“WHEREAS, the mooring or anchoring of floating structures and live-aboard vessels in the waters of the state often leads to sanitary problems, and

“WHEREAS, local governmental entities should be free to regulate such structures and vessels, and