

# ADMIRALTY COMMITTEE

## Boating Violations

Boating violations relating to vessel lighting are designated as noncriminal infractions, in accordance with § 327.73, Florida Statutes, and handled much like traffic infractions by Florida courts. However, unlike traffic violations, the Florida Statutes relating to vessel lighting requirements designate federal maritime regulations as the required standard to determine whether or not a vessel is in violation. In accordance with Offshore Logistics v. Tallentire, 477 US 207, 222-223 (1980), Florida Statutes recognize that with respect to vessel safety equipment and operation, federal maritime law would preempt any state law in conflict. Thus, Florida Statutes defer to the Code of Federal Regulations (“C.F.R.”)<sup>1</sup> for specification of vessel lighting requirements.



Barbara Cook  
Chair

The C.F.R.’s which prescribe vessel lighting requirements are codified in the federal Navigation Rules, specifically 33 C.F.R. §§ 83.01-38 for Rules 1-38. Following are the applicable Florida Statutes and Federal Regulations:

### **327.50 Vessel safety regulations; equipment and lighting requirements.—**

(1)(a) The owner and operator of every vessel on the waters of this state shall carry, store, maintain, and use safety equipment in accordance with current United States Coast Guard safety equipment requirements as specified in the Code of Federal Regulations, unless expressly exempted by the department.

(2) No person shall operate a vessel on the waters of this state unless said vessel is equipped with properly serviceable lights and shapes required by the navigation rules.

**327.73 Noncriminal infractions.—** (1) Violations of the following provisions of the vessel laws of this state are noncriminal infractions:

(m) Section 327.50(1) and (2), relating to required safety equipment, lights, and shapes.

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

(25) “Navigation rules” means:

(b) For vessels on 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.**

### **33 CFR 83.20 Application (Rule 20). [Code of Federal Regulations (2013)]**

(b) Rules concerning lights complied with from sunset to sunrise; other lights.

The Rules concerning lights shall be complied with from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.

### **33 CFR 83.21 Definitions (Rule 21). [Code of Federal Regulations (2013)]**

(e) All-round light means a light showing an unbroken light over an arc of the horizon of 360 degrees.

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### **33 CFR 83.22 Visibility of lights (Rule 22). [Code of Federal Regulations (2013)]**

The lights prescribed in these Rules shall have an intensity as specified in Annex I to these Rules, so as to be visible at the following minimum ranges:

- (a) Vessel of 50 meters<sup>2</sup> or more in length....
- (b) Vessels of 12 meters or more in length but less than 50 meters in length. In a vessel of 12 meters or more in length but less than 50 meters in length:
  - (1) A masthead light, 5 miles; except that where the length of the vessel is less than 20 meters, 3 miles;
  - (2) A sidelight, 2 miles;
  - (3) A stern light, 2 miles;
  - (4) A towing light, 2 miles;
  - (5) A white, red, green or yellow all-round light, 2 miles; and
  - (6) A special flashing light, 2 miles.
- (c) Vessels of less than 12 meters in length. In a vessel of less than 12 meters in length:
  - (1) A masthead light, 2 miles;
  - (2) A sidelight, 1 mile;
  - (3) A stern light, 2 miles;
  - (4) A towing light, 2 miles;
  - (5) A white, red, green or yellow all-round light, 2 miles; and
  - (6) A special flashing light, 2 miles.

### **33 CFR 83.30 Anchored vessels and vessels aground (Rule 30). [Code of Federal Regulations (2013)]**

- (a) Vessels at anchor. A vessel at anchor shall exhibit where it can best be seen:
  - (1) In the fore part, an all-round white light or one ball; and
  - (2) At or near the stern and at a lower level than the light prescribed in subparagraph (1), an all-round white light.
- (b) Vessels of less than 50 meters in length; alternative light. A vessel of less than 50 meters in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in paragraph (a) of this Rule.
- ...
- (e) Vessels of less than 7 meters in length when at anchor. A vessel of less than 7 meters in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shape prescribed in paragraphs (a) and (b) of this Rule.

### **33 CFR 83.38 Exemptions (Rule 38)<sup>3</sup> [Code of Federal Regulations (2013)]**

Any vessel or class of vessels, the keel of which is laid or which is at a corresponding stage of construction before December 24, 1980, provided that she complies with the requirements of:

- (a) The Act of June 7, 1897 (30 Stat. 96), as amended (33 U.S.C. 154-232), for vessels navigating the waters subject to that statute;
- (b) Section 4233 of the Revised Statutes (33 U.S.C. 301-356) for vessels navigating the waters subject to that statute;

<sup>1</sup> The Code of Federal Regulations can be found at <http://uscode.house.gov/> as well as in WestLaw, Lexis, and Fastcase legal search sites.

<sup>2</sup> 1 meter = 3.28 feet; 50 meters=164 feet; 12 meters=39.36 feet; 7 meters=22.96 feet.

<sup>3</sup> State requirements in conflict are preempted.

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(c) The Act of February 8, 1895 (28 Stat. 645), as amended (33 U.S.C. 241-295), for vessels navigating the waters subject to that statute;

(d) Sections 3, 4, and 5 of the Act of April 25, 1940 (54 Stat. 163), as amended (46 U.S.C. 526b, c and d), for motorboats navigating the waters subject to that statute shall be exempted from compliance with the technical Annexes to these Rules as follows:

(1) The installation of lights with ranges prescribed in Rule 22, until 4 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96-591), except that vessels of less than 20 meters in length are permanently exempt;

(2) The installation of lights with color specifications as prescribed in Annex I to these Rules, until 4 years after the effective date of the Inland Navigational Rules Act of 1980 (Pub. L. 96-591), except that vessels of less than 20 meters in length are permanently exempt; ...

Thus, in order to comply with § 327.50(2), Florida Statutes, a vessel must meet the lighting requirement of the Navigation Rules, which state:

- in Rule 38, that a vessel less than 20 meters (65.6 feet) in length at anchor and manufactured prior to 1980, “is permanently exempt from exhibiting lights with ranges prescribed
- in Rule 22, and must, while at anchor,
- in accordance with Rule 30, merely exhibit “an all-around white light where it can best be seen,” and
- in accordance with Rule 20, “from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with the keeping of a proper lookout.”

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