

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Regulatory Affairs
 2 Committee

3 Representative Waldman offered the following:

4

5 **Amendment**

6 Remove lines 126-273 and insert:

7 (14) "Kite boarding" or "kite surfing" means an activity
 8 which a kite board or surf board is tethered to a kite so as to
 9 harness the power of the wind and propel the board across a body
 10 of water. For purposes of this subsection, "kite" has the same
 11 meaning as pursuant to 14 C.F.R. part 101.

12 (15)-(13) "Houseboat" means a any vessel that ~~which~~ is used
 13 primarily as a residence for at least ~~a minimum of~~ 21 days
 14 during any 30-day period, ~~in a county of this state~~ if such, ~~and~~
 15 ~~this~~ residential use of the vessel is to the preclusion of its
 16 ~~the use of the vessel~~ as a means of transportation.

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17 ~~(16)-(14)~~ "Length" means the measurement from end to end
18 over the deck parallel to the centerline, excluding sheer.

19 ~~(17)-(15)~~ "Lien" means a security interest that ~~which~~ is
20 reserved or created by a written agreement recorded with the
21 Department of Highway Safety and Motor Vehicles pursuant to s.
22 328.15 and that ~~which~~ secures payment or performance of an
23 obligation and is generally valid against third parties.

24 ~~(18)-(16)~~ "Lienholder" means a person holding a security
25 interest in a vessel, which interest is recorded with the
26 Department of Highway Safety and Motor Vehicles pursuant to s.
27 328.15.

28 ~~(19)-(17)~~ "Live-aboard vessel" means:

29 (a) A ~~Any~~ vessel used solely as a residence and not for
30 navigation;

31 (b) A ~~Any~~ vessel represented as a place of business or a
32 professional or other commercial enterprise; or

33 (c) A ~~Any~~ vessel for which a declaration of domicile has
34 been filed pursuant to s. 222.17.

35
36 A commercial fishing boat is expressly excluded from the term
37 "live-aboard vessel."

38 ~~(20)-(18)~~ "Livery vessel" means a ~~any~~ vessel leased,
39 rented, or chartered to another for consideration.

40 ~~(21)-(19)~~ "Manufactured vessel" means a ~~any~~ vessel built
41 after October 31, 1972, for which a federal hull identification
42 number is required pursuant to federal law, or a ~~any~~ vessel

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43 constructed or assembled before ~~prior to~~ November 1, 1972, by a
44 duly licensed manufacturer.

45 ~~(22)-(20)~~ "Marina" means a licensed commercial facility
46 that ~~which~~ provides secured public moorings or dry storage for
47 vessels on a leased basis. A commercial establishment authorized
48 by a licensed vessel manufacturer as a dealership is ~~shall be~~
49 considered a marina for nonjudicial sale purposes.

50 ~~(23)-(21)~~ "Marine sanitation device" means ~~any~~ equipment,
51 other than a toilet, for installation on board a vessel, ~~which~~
52 is designed to receive, retain, treat, or discharge sewage, and
53 any process to treat such sewage. Marine sanitation device Types
54 I, II, and III shall be defined as provided in 33 C.F.R. part
55 159.

56 ~~(24)-(22)~~ "Marker" means a ~~any~~ channel mark or other aid to
57 navigation, an information or regulatory mark, an isolated
58 danger mark, a safe water mark, a special mark, an inland waters
59 obstruction mark, or mooring buoy in, on, or over the waters of
60 the state or the shores thereof, and includes, but is not
61 limited to, a sign, beacon, buoy, or light.

62 ~~(25)~~ "Moored Ballooning" means the operation of a moored
63 balloon pursuant to 14 C.F.R. part 101.

64 ~~(26)-(23)~~ "Motorboat" means a ~~any~~ vessel equipped with
65 machinery for propulsion, irrespective of whether the propulsion
66 machinery is in actual operation.

67 ~~(27)-(24)~~ "Muffler" means an automotive-style sound-
68 suppression device or system designed to effectively abate the

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69 sound of exhaust gases emitted from an internal combustion
70 engine and prevent excessive sound when installed on such an
71 engine.

72 ~~(28)-(25)~~ "Navigation rules" means, for vessels on:

73 (a) ~~For vessels on~~ Waters outside ~~of~~ established
74 navigational lines of demarcation as specified in 33 C.F.R. part
75 80, the International Navigational Rules Act of 1977, 33 U.S.C.
76 s. 1602, as amended, including the appendix and annexes thereto,
77 through October 1, 2012.

78 (b) ~~For vessels on~~ All waters not outside of such
79 established lines of demarcation, the Inland Navigational Rules
80 Act of 1980, 33 C.F.R. parts 83-90, as amended, through October
81 1, 2012.

82 ~~(29)-(26)~~ "Nonresident" means a citizen of the United
83 States who has not established residence in this state and has
84 not continuously resided in this state for 1 year and in one
85 county for the 6 months immediately preceding the initiation of
86 a vessel titling or registration action.

87 ~~(30)-(27)~~ "Operate" means to be in charge of, or in command
88 of, ~~or~~ in actual physical control of a vessel upon the waters of
89 this state, ~~or~~ to exercise control over or to have
90 responsibility for a vessel's navigation or safety while the
91 vessel is underway upon the waters of this state, or to control
92 or steer a vessel being towed by another vessel upon the waters
93 of the state.

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94 ~~(31)-(28)~~ "Owner" means a person, other than a lienholder,
95 having the property in or title to a vessel. The term includes a
96 person entitled to the use or possession of a vessel subject to
97 an interest in another person which is ~~reserved~~ or created by
98 agreement and securing payment of performance of an obligation. ~~reserved~~
99 ~~but~~ The term does not include ~~excludes~~ a lessee under a lease
100 not intended as security.

101 ~~(32)-(29)~~ "Person" means an individual, partnership, firm,
102 corporation, association, or other entity.

103 ~~(33)-(30)~~ "Personal watercraft" means a vessel less than 16
104 feet in length which uses an inboard motor powering a water jet
105 pump ~~reserved~~ as its primary source of motive power and which is
106 designed to be operated by a person sitting, standing, or
107 kneeling on the vessel, rather than in the conventional manner
108 of sitting or standing inside the vessel.

109 ~~(34)-(31)~~ "Portable toilet" means a device consisting of a
110 lid, seat, containment vessel, and support structure which ~~that~~
111 is specifically designed to receive, retain, and discharge human
112 waste and which ~~that~~ is capable of being removed from a vessel
113 by hand.

114 ~~(35)-(32)~~ "Prohibited activity" means ~~such~~ activity that ~~as~~
115 will impede or disturb navigation or creates a safety hazard on
116 waterways of this state.

117 ~~(36)-(33)~~ "Racing shell," "rowing scull," or "racing kayak"
118 means a manually propelled vessel that ~~which~~ is recognized by
119 national or international racing associations for use in

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120 competitive racing and in which all occupants, with the
121 exception of a coxswain, if one is provided, row, scull, or
122 paddle and that ~~which~~ is not designed to carry and does not
123 carry any equipment not solely for competitive racing.

124 ~~(37)-(34)~~ "Recreational vessel" means a ~~any~~ vessel:

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

127 (b) Leased, rented, or chartered to a person for his or
128 her ~~the person's~~ noncommercial use.

129 ~~(38)-(35)~~ "Registration" means a state operating license on
130 a vessel which is issued with an identifying number, an annual
131 certificate of registration, and a decal designating the year
132 for which a registration fee is paid.

133 ~~(39)-(36)~~ "Resident" means a citizen of the United States
134 who has established residence in this state and has continuously
135 resided in this state for 1 year and in one county for the 6
136 months immediately preceding the initiation of a vessel titling
137 or registration action.

138 ~~(40)-(37)~~ "Sailboat" means a ~~any~~ vessel whose sole source
139 of propulsion is the wind.

140 ~~(41)~~ "Sustained wind speed" means a wind speed determined
141 by averaging the observed wind speed rounded up to the nearest
142 mile per hour over a 2-minute period.

143 ~~(42)-(38)~~ "Unclaimed vessel" means an ~~any~~ undocumented
144 vessel, including its machinery, rigging, and accessories, which
145 is in the physical possession of a ~~any~~ marina, garage, or repair

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146 shop for repairs, improvements, or other work with the knowledge
147 of the vessel owner and for which the costs of such services
148 have been unpaid for more than ~~a period in excess of~~ 90 days
149 after ~~from~~ the date written notice of the completed work is
150 given by the marina, garage, or repair shop to the vessel owner.

151 ~~(43)-(39)~~ "Vessel" is synonymous with boat as referenced in
152 s. 1(b), Art. VII of the State Constitution and includes every
153 description of watercraft, barge, and airboat, other than a
154 seaplane on the water, used or capable of being used as a means
155 of transportation on water.

156 ~~(44)-(40)~~ "Waters of this state" means any navigable waters
157 of the United States within the territorial limits of this
158 state, ~~and~~ the marginal sea adjacent to this state and the high
159 seas when navigated as a part of a journey or ride to or from
160 the shore of this state, and all the inland lakes, rivers, and
161 canals under the jurisdiction of this state.

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