

Bill No. SB 1958

Barcode 310588

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Baker)  
recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Present subsections (1) through (22) of  
section 327.02, Florida Statutes, are redesignated as  
subsections (2) through (23), respectively, subsections (23)  
through (38) of that section are redesignated as subsections  
(25) through (40), respectively, new subsections (1) and (24)  
are added to that section, and present subsection (37) of that  
section is amended, to read:

327.02 Definitions of terms used in this chapter and  
in chapter 328.--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 designed for use  
in shallow waters and powered by an internal combustion engine  
with an airplane-type propeller mounted above the stern and

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1 used to push air across a set of rudders.

2       (24) "Muffler" means an automotive-style  
3 sound-suppression device or system designed to effectively  
4 abate the sound of exhaust gases emitted from an internal  
5 combustion engine and prevent excessive sound when installed  
6 on such an engine.

7       (39)(37) "Vessel" is synonymous with boat as  
8 referenced in s. 1(b), Art. VII of the State Constitution and  
9 includes every description of watercraft, barge, and airboat  
10 ~~air boat~~, other than a seaplane on the water, used or capable  
11 of being used as a means of transportation on water.

12       Section 2. Section 327.391, Florida Statutes, is  
13 created to read:

14       327.391 Airboats regulated.--

15       (1) The exhaust of every internal combustion engine  
16 used on any airboat operated on the waters of this state shall  
17 be provided with an automotive-style factory muffler,  
18 underwater exhaust, or other manufactured device capable of  
19 adequately muffling the sound of the exhaust of the engine as  
20 described in s. 327.02(24). The use of cutouts or flex pipe is  
21 prohibited, except as provided in subsection (4).

22       (2) An airboat operator cited for an infraction of  
23 this section may not operate until a muffler as defined in s.  
24 327.02 is installed. A second or subsequent violation of this  
25 section is a second-degree misdemeanor punishable as provided  
26 in s.775.083.

27       (3) An airboat may not operate on the waters of the  
28 state unless it is equipped with a mast or flagpole bearing a  
29 flag at a height of at least 10 feet above the deck. The flag  
30 must be square or rectangular, at least 10 inches by 12 inches  
31 in size, international orange in color, and displayed so that

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1 the visibility of the flag is not obscured in any direction.  
 2 Any person who violates this subsection commits an infraction  
 3 punishable as provided in s. 327.733(1).

4 (4) This section does not apply to a performer engaged  
 5 in a professional exhibition or a person preparing to  
 6 participate in or participating in a regatta, race, marine  
 7 parade, tournament, or exhibition held in compliance with s.  
 8 327.48.

9 Section 3. Paragraphs (v) and (w) are added to  
 10 subsection (1) of section 327.73, Florida Statutes, to read:

11 327.73 Noncriminal infractions.--

12 (1) Violations of the following provisions of the  
 13 vessel laws of this state are noncriminal infractions:

14 (v) Failure to display a flag as described in s.  
 15 327.391(3).

16 (w) Failure to have an adequate muffling device as  
 17 described in s. 327.391(4).

18 Section 4. Subsection (1) of section 327.731, Florida  
 19 Statutes, is amended to read:

20 327.731 Mandatory education for violators.--

21 (1) Every person convicted of a criminal violation of  
 22 this chapter, every person convicted of a noncriminal  
 23 infraction under this chapter if the infraction resulted in a  
 24 reportable boating accident, and every person convicted of two  
 25 noncriminal infractions as defined in s. 327.73(1)(h)-(k),  
 26 (m), (o), (p), and (s)-~~(w)~~~~(u)~~, said infractions occurring  
 27 within a 12-month period, must:

28 (a) Enroll in, attend, and successfully complete, at  
 29 his or her own expense, a boating safety course that meets  
 30 minimum standards established by the commission by rule;  
 31 however, the commission may provide by rule pursuant to

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1 chapter 120 for waivers of the attendance requirement for  
2 violators residing in areas where classroom presentation of  
3 the course is not available;

4 (b) File with the commission within 90 days proof of  
5 successful completion of the course;

6 (c) Refrain from operating a vessel until he or she  
7 has filed the proof of successful completion of the course  
8 with the commission.

9  
10 Any person who has successfully completed an approved boating  
11 course shall be exempt from these provisions upon showing  
12 proof to the commission as specified in paragraph (b).

13 Section 5. Paragraphs (d) and (e) of subsection (5) of  
14 section 320.08, Florida Statutes, are amended to read:

15 320.08 License taxes.--Except as otherwise provided  
16 herein, there are hereby levied and imposed annual license  
17 taxes for the operation of motor vehicles, mopeds, motorized  
18 bicycles as defined in s. 316.003(2), and mobile homes, as  
19 defined in s. 320.01, which shall be paid to and collected by  
20 the department or its agent upon the registration or renewal  
21 of registration of the following:

22 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE  
23 WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

24 (d) A wrecker, as defined in s. 320.01(40), which is  
25 used to tow a vessel as defined in s. 327.02(39) ~~s.~~  
26 ~~327.02(36)~~, a disabled, abandoned, stolen-recovered, or  
27 impounded motor vehicle as defined in s. 320.01(38), or a  
28 replacement motor vehicle as defined in s. 320.01(39): \$30  
29 flat.

30 (e) A wrecker, as defined in s. 320.01(40), which is  
31 used to tow any motor vehicle, regardless of whether or not

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1 such motor vehicle is a disabled motor vehicle as defined in  
 2 s. 320.01(38), a replacement motor vehicle as defined in s.  
 3 320.01(39), a vessel as defined in s. 327.02(39) ~~s.~~  
 4 ~~327.02(36)~~, or any other cargo, as follows:

5           1. Gross vehicle weight of 10,000 pounds or more, but  
 6 less than 15,000 pounds: \$87 flat.

7           2. Gross vehicle weight of 15,000 pounds or more, but  
 8 less than 20,000 pounds: \$131 flat.

9           3. Gross vehicle weight of 20,000 pounds or more, but  
 10 less than 26,000 pounds: \$186 flat.

11           4. Gross vehicle weight of 26,000 pounds or more, but  
 12 less than 35,000 pounds: \$240 flat.

13           5. Gross vehicle weight of 35,000 pounds or more, but  
 14 less than 44,000 pounds: \$300 flat.

15           6. Gross vehicle weight of 44,000 pounds or more, but  
 16 less than 55,000 pounds: \$572 flat.

17           7. Gross vehicle weight of 55,000 pounds or more, but  
 18 less than 62,000 pounds: \$678 flat.

19           8. Gross vehicle weight of 62,000 pounds or more, but  
 20 less than 72,000 pounds: \$800 flat.

21           9. Gross vehicle weight of 72,000 pounds or more:  
 22 \$979 flat.

23           Section 6. Subsection (4) of section 328.17, Florida  
 24 Statutes, is amended to read:

25           328.17 Nonjudicial sale of vessels.--

26           (4) A marina, as defined in s. 327.02(20) ~~s.~~  
 27 ~~327.02(19)~~, shall have a possessory lien upon any vessel for  
 28 storage fees, dockage fees, repairs, improvements, or other  
 29 work-related storage charges, and for expenses necessary for  
 30 preservation of the vessel or expenses reasonably incurred in  
 31 the sale or other disposition of the vessel. The possessory

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1 | lien shall attach as of the date the vessel is brought to the  
 2 | marina, or as of the date the vessel first occupies rental  
 3 | space at the marina facility. However, in the event of  
 4 | default, the marina must give notice to persons who hold  
 5 | perfected security interests against the vessel under the  
 6 | Uniform Commercial Code in which the owner is named as the  
 7 | debtor.

8 |           Section 7. Subsection (2) of section 342.07, Florida  
 9 | Statutes. is amended to read:

10 |           342.07 Recreational and commercial working  
 11 | waterfronts; legislative findings; definitions.--

12 |           (2) As used in this section, the term "recreational  
 13 | and commercial working waterfront" means a parcel or parcels  
 14 | of real property that provide access for water-dependent  
 15 | commercial activities or provide access for the public to the  
 16 | navigable waters of the state. Recreational and commercial  
 17 | working waterfronts require direct access to or a location on,  
 18 | over, or adjacent to a navigable body of water. The term  
 19 | includes water-dependent facilities that are open to the  
 20 | public and offer public access by vessels to the waters of the  
 21 | state or that are support facilities for recreational,  
 22 | commercial, research, or governmental vessels. These  
 23 | facilities include docks, wharfs, lifts, wet and dry marinas,  
 24 | boat ramps, boat hauling and repair facilities, commercial  
 25 | fishing facilities, boat construction facilities, and other  
 26 | support structures over the water. As used in this section,  
 27 | the term "vessel" has the same meaning as in s. 327.02(39) ~~s.~~  
 28 | ~~327.02(37)~~. Seaports are excluded from the definition.

29 |           Section 8. Paragraph (a) of subsection (10) of section  
 30 | 616.242, Florida Statutes, is amended to read:

31 |           616.242 Safety standards for amusement rides.--

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1 (10) EXEMPTIONS.--

2 (a) This section does not apply to:

3 1. Permanent facilities that employ at least 1,000  
 4 full-time employees and that maintain full-time, in-house  
 5 safety inspectors. Furthermore, the permanent facilities must  
 6 file an affidavit of the annual inspection with the  
 7 department, on a form prescribed by rule of the department.  
 8 Additionally, the Department of Agriculture and Consumer  
 9 Services may consult annually with the permanent facilities  
 10 regarding industry safety programs.

11 2. Any playground operated by a school, local  
 12 government, or business licensed under chapter 509, if the  
 13 playground is an incidental amenity and the operating entity  
 14 is not primarily engaged in providing amusement, pleasure,  
 15 thrills, or excitement.

16 3. Museums or other institutions principally devoted  
 17 to the exhibition of products of agriculture, industry,  
 18 education, science, religion, or the arts.

19 4. Conventions or trade shows for the sale or exhibit  
 20 of amusement rides if there are a minimum of 15 amusement  
 21 rides on display or exhibition, and if any operation of such  
 22 amusement rides is limited to the registered attendees of the  
 23 convention or trade show.

24 5. Skating rinks, arcades, lazer or paint ball war  
 25 games, bowling alleys, miniature golf courses, mechanical  
 26 bulls, inflatable rides, trampolines, ball crawls, exercise  
 27 equipment, jet skis, paddle boats, airboats ~~air-boats~~,  
 28 helicopters, airplanes, parasails, hot air or helium balloons  
 29 whether tethered or untethered, theatres, batting cages,  
 30 stationary spring-mounted fixtures, rider-propelled  
 31 merry-go-rounds, games, side shows, live animal rides, or live

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1 animal shows.

2 6. Go-karts operated in competitive sporting events if  
3 participation is not open to the public.

4 7. Nonmotorized playground equipment that is not  
5 required to have a manager.

6 8. Coin-actuated amusement rides designed to be  
7 operated by depositing coins, tokens, credit cards, debit  
8 cards, bills, or other cash money and which are not required  
9 to have a manager, and which have a capacity of six persons or  
10 less.

11 9. Facilities described in s. 549.09(1)(a) when such  
12 facilities are operating cars, trucks, or motorcycles only.

13 10. Battery-powered cars or other vehicles that are  
14 designed to be operated by children 7 years of age or under  
15 and that cannot exceed a speed of 4 miles per hour.

16 11. Mechanically driven vehicles that pull train cars,  
17 carts, wagons, or other similar vehicles, that are not  
18 confined to a metal track or confined to an area but are  
19 steered by an operator and do not exceed a speed of 4 miles  
20 per hour.

21 Section 9. Paragraph (b) of subsection (1) of section  
22 713.78, Florida Statutes, is amended to read:

23 713.78 Liens for recovering, towing, or storing  
24 vehicles and vessels.--

25 (1) For the purposes of this section, the term:

26 (b) "Vessel" means every description of watercraft,  
27 barge, and airboat ~~air-boat~~ used or capable of being used as a  
28 means of transportation on water, other than a seaplane or a  
29 "documented vessel" as defined in s. 327.02(9) ~~s. 327.02(8)~~.

30 Section 10. Paragraph (b) of subsection (1) of section  
31 715.07, Florida Statutes, is amended to read:



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1 715.07 Vehicles or vessels parked on private property;  
2 towing.--

3 (1) As used in this section, the term:

4 (b) "Vessel" means every description of watercraft,  
5 barge, and airboat used or capable of being used as a means of  
6 transportation on water, other than a seaplane or a  
7 "documented vessel" as defined in s. 327.02(9) ~~s. 327.02(8)~~.

8 Section 11. This act shall take effect October 1,  
9 2006.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

15

16 and insert:

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A bill to be entitled

18

An act relating to airboats; amending s.

19

327.02, F.S.; defining the terms "airboat" and

20

"muffler"; conforming terminology; creating s.

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327.391, F.S.; providing for the regulation of

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airboat operation and equipment; requiring a

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sound-muffling device, as described; requiring

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the display of flags, as described; providing

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penalties; amending s. 327.73, F.S.; providing

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penalties; amending s. 327.731, F.S.; providing

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for mandatory education; amending ss. 320.08,

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328.17, 342.07, and 715.07, F.S.; correcting

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cross-references; amending s. 713.78, F.S.;

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correcting cross-references and conforming

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terminology; amending s. 616.242, F.S.;

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1 conforming terminology; providing an effective  
2 date.

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