

1 (1) "Airboat" means a traditional vessel, designed for
2 use in shallow waters, powered by a combustion engine with an
3 airplane-type propeller mounted above the stern used to push
4 air across a set of rudders.

5 (24) "Muffler" means a sound-suppression device or
6 system designed to abate the sound of exhaust gases emitted
7 from an internal combustion engine and prevent excessive sound
8 when installed on such engine.

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

14 Section 2. Section 327.391, Florida Statutes, is
15 created to read:

16 327.391 Airboats regulated.--

17 (1) An airboat must at all times be operated in a
18 reasonable and prudent manner. Maneuvers that unreasonably or
19 unnecessarily endanger life, limb, or property, including, but
20 not limited to, weaving through congested vessel traffic,
21 swerving at the last possible moment to avoid collision, and
22 not keeping proper lookout, constitute reckless operation of a
23 vessel as provided in s. 327.33(1). Any person operating an
24 airboat must comply with the provisions of s. 327.33.

25 (2) The exhaust of every internal combustion engine
26 used on any airboat operated on the waters of this state shall
27 be provided with a stock factory muffler, underwater exhaust,
28 or other manufactured device capable of adequately muffling
29 the sound of the exhaust of the engine as described in s.
30 327.02(24). The use of cutouts is prohibited, except for
31

1 vessels competing in a regatta or official boat race, and for
2 such vessels while on trial runs.

3 (3) An airboat cited for an infraction of s. 327.65(1)
4 shall be required to show proof of installation of a muffler
5 as defined in s. 327.02 before such airboat can be further
6 operated on the waters of the state.

7 (4) An airboat may not operate on the waters of the
8 state unless it is equipped with a mast or flagpole bearing a
9 flag at a height of at least 10 feet above the deck. The flag
10 must be square or rectangular, at least 20 inches in height
11 and width, international orange in color, and displayed so
12 that the visibility of the flag is not obscured in any
13 direction.

14 (5) The provisions of this section and ss. 327.01,
15 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65,
16 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern
17 airboat operation and equipment and all other matters relating
18 thereto whenever any airboat is operated on the waters of the
19 state or when any activity regulated under this section takes
20 place on the waters of the state. Nothing in this section or
21 any of such sections shall be construed to prevent the
22 adoption of any ordinance or local law relating to airboat
23 operation and equipment, except that such ordinances or local
24 laws may not apply to the Florida Intracoastal Waterway and
25 shall be operative only when they are not in conflict with
26 this chapter or any rule adopted pursuant thereto. An
27 ordinance or local law adopted pursuant to this section or any
28 other state law may not discriminate against airboats as
29 defined in s. 327.02.

30 (6) This section does not apply to a performer engaged
31 in a professional exhibition or a person preparing to

1 participate or participating in a regatta, race, marine
2 parade, tournament, or exhibition held in compliance with s.
3 327.48.

4 Section 3. Paragraphs (d) and (e) of subsection (5) of
5 section 320.08, Florida Statutes, are amended to read:

6 320.08 License taxes.--Except as otherwise provided
7 herein, there are hereby levied and imposed annual license
8 taxes for the operation of motor vehicles, mopeds, motorized
9 bicycles as defined in s. 316.003(2), and mobile homes, as
10 defined in s. 320.01, which shall be paid to and collected by
11 the department or its agent upon the registration or renewal
12 of registration of the following:

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

15 (d) A wrecker, as defined in s. 320.01(40), which is
16 used to tow a vessel as defined in s. 327.02~~(38)~~~~(36)~~, a
17 disabled, abandoned, stolen-recovered, or impounded motor
18 vehicle as defined in s. 320.01(38), or a replacement motor
19 vehicle as defined in s. 320.01(39): \$30 flat.

20 (e) A wrecker, as defined in s. 320.01(40), which is
21 used to tow any motor vehicle, regardless of whether or not
22 such motor vehicle is a disabled motor vehicle as defined in
23 s. 320.01(38), a replacement motor vehicle as defined in s.
24 320.01(39), a vessel as defined in s. 327.02~~(38)~~~~(36)~~, or any
25 other cargo, as follows:

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

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

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

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

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

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

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

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

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

13 Section 4. Paragraph (v) is added to subsection (1) of
14 section 327.73, Florida Statutes, to read:

15 327.73 Noncriminal infractions.--

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

18 (v) Section 327.391(4), relating to airboat flags. Any
19 person cited for a violation of any such provision shall be
20 deemed to be charged with a noncriminal infraction, shall be
21 cited for such an infraction, and shall be cited to appear
22 before the county court. The civil penalty for any such
23 infraction is \$50, except as otherwise provided in this
24 section. Any person who fails to appear or otherwise properly
25 respond to a uniform boating citation shall, in addition to
26 the charge relating to the violation of the boating laws of
27 this state, be charged with the offense of failing to respond
28 to such citation and, upon conviction, be guilty of a
29 misdemeanor of the second degree, punishable as provided in s.
30 775.082 or s. 775.083. A written warning to this effect shall
31

1 | be provided at the time such uniform boating citation is
2 | issued.

3 | Section 5. Subsection (4) of section 328.17, Florida
4 | Statutes, is amended to read:

5 | 328.17 Nonjudicial sale of vessels.--

6 | (4) A marina, as defined in s. 327.02(20)(~~19~~), shall
7 | have a possessory lien upon any vessel for storage fees,
8 | dockage fees, repairs, improvements, or other work-related
9 | storage charges, and for expenses necessary for preservation
10 | of the vessel or expenses reasonably incurred in the sale or
11 | other disposition of the vessel. The possessory lien shall
12 | attach as of the date the vessel is brought to the marina, or
13 | as of the date the vessel first occupies rental space at the
14 | marina facility. However, in the event of default, the marina
15 | must give notice to persons who hold perfected security
16 | interests against the vessel under the Uniform Commercial Code
17 | in which the owner is named as the debtor.

18 | Section 6. Subsection (2) of section 342.07, Florida
19 | Statutes, is amended to read:

20 | 342.07 Recreational and commercial working
21 | waterfronts; legislative findings; definitions.--

22 | (2) As used in this section, the term "recreational
23 | and commercial working waterfront" means a parcel or parcels
24 | of real property that provide access for water-dependent
25 | commercial activities or provide access for the public to the
26 | navigable waters of the state. Recreational and commercial
27 | working waterfronts require direct access to or a location on,
28 | over, or adjacent to a navigable body of water. The term
29 | includes water-dependent facilities that are open to the
30 | public and offer public access by vessels to the waters of the
31 | state or that are support facilities for recreational,

1 commercial, research, or governmental vessels. These
2 facilities include docks, wharfs, lifts, wet and dry marinas,
3 boat ramps, boat hauling and repair facilities, commercial
4 fishing facilities, boat construction facilities, and other
5 support structures over the water. As used in this section,
6 the term "vessel" has the same meaning as in s.
7 327.02~~(39)~~~~(37)~~. Seaports are excluded from the definition.

8 Section 7. Paragraph (a) of subsection (10) of section
9 616.242, Florida Statutes, is amended to read:

10 616.242 Safety standards for amusement rides.--

11 (10) EXEMPTIONS.--

12 (a) This section does not apply to:

13 1. Permanent facilities that employ at least 1,000
14 full-time employees and that maintain full-time, in-house
15 safety inspectors. Furthermore, the permanent facilities must
16 file an affidavit of the annual inspection with the
17 department, on a form prescribed by rule of the department.
18 Additionally, the Department of Agriculture and Consumer
19 Services may consult annually with the permanent facilities
20 regarding industry safety programs.

21 2. Any playground operated by a school, local
22 government, or business licensed under chapter 509, if the
23 playground is an incidental amenity and the operating entity
24 is not primarily engaged in providing amusement, pleasure,
25 thrills, or excitement.

26 3. Museums or other institutions principally devoted
27 to the exhibition of products of agriculture, industry,
28 education, science, religion, or the arts.

29 4. Conventions or trade shows for the sale or exhibit
30 of amusement rides if there are a minimum of 15 amusement
31 rides on display or exhibition, and if any operation of such

1 amusement rides is limited to the registered attendees of the
2 convention or trade show.

3 5. Skating rinks, arcades, lazer or paint ball war
4 games, bowling alleys, miniature golf courses, mechanical
5 bulls, inflatable rides, trampolines, ball crawls, exercise
6 equipment, jet skis, paddle boats, airboats ~~air boats~~,
7 helicopters, airplanes, parasails, hot air or helium balloons
8 whether tethered or untethered, theatres, batting cages,
9 stationary spring-mounted fixtures, rider-propelled
10 merry-go-rounds, games, side shows, live animal rides, or live
11 animal shows.

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

14 7. Nonmotorized playground equipment that is not
15 required to have a manager.

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

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

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

26 11. Mechanically driven vehicles that pull train cars,
27 carts, wagons, or other similar vehicles, that are not
28 confined to a metal track or confined to an area but are
29 steered by an operator and do not exceed a speed of 4 miles
30 per hour.

31

