

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

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

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

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

17 327.391 Airboats regulated.--

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

25 (2) An airboat operator cited for an infraction of
26 this section may not operate until a muffler as defined in s.
27 327.02 is installed. A second or subsequent violation of this
28 section is a second-degree misdemeanor punishable as provided
29 in s. 775.083.

30 (3) An airboat may not operate on the waters of the
31 state unless it is equipped with a mast or flagpole bearing a

1 flag at a height of at least 10 feet above the deck. The flag
2 must be square or rectangular, at least 10 inches by 12 inches
3 in size, international orange in color, and displayed so that
4 the visibility of the flag is not obscured in any direction.
5 Any person who violates this subsection commits an infraction
6 punishable as provided in s. 327.73(1).

7 (4) This section does not apply to a performer engaged
8 in a professional exhibition or a person preparing to
9 participate in or participating in a regatta, race, marine
10 parade, tournament, or exhibition held in compliance with s.
11 327.48.

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

14 327.73 Noncriminal infractions.--

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

17 (v) Failure to display a flag as described in s.
18 327.391(3).

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

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

23 327.731 Mandatory education for violators.--

24 (1) Every person convicted of a criminal violation of
25 this chapter, every person convicted of a noncriminal
26 infraction under this chapter if the infraction resulted in a
27 reportable boating accident, and every person convicted of two
28 noncriminal infractions as defined in s. 327.73(1)(h)-(k),
29 (m), (o), (p), and (s)-~~(w)~~~~(u)~~, said infractions occurring
30 within a 12-month period, must:
31

1 (a) Enroll in, attend, and successfully complete, at
2 his or her own expense, a boating safety course that meets
3 minimum standards established by the commission by rule;
4 however, the commission may provide by rule pursuant to
5 chapter 120 for waivers of the attendance requirement for
6 violators residing in areas where classroom presentation of
7 the course is not available;

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

10 (c) Refrain from operating a vessel until he or she
11 has filed the proof of successful completion of the course
12 with the commission.

13
14 Any person who has successfully completed an approved boating
15 course shall be exempt from these provisions upon showing
16 proof to the commission as specified in paragraph (b).

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

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

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

28 (d) A wrecker, as defined in s. 320.01(40), which is
29 used to tow a vessel as defined in s. 327.02(39) ~~s.~~
30 ~~327.02(36)~~, a disabled, abandoned, stolen-recovered, or
31 impounded motor vehicle as defined in s. 320.01(38), or a

1 replacement motor vehicle as defined in s. 320.01(39): \$30
2 flat.

3 (e) A wrecker, as defined in s. 320.01(40), which is
4 used to tow any motor vehicle, regardless of whether or not
5 such motor vehicle is a disabled motor vehicle as defined in
6 s. 320.01(38), a replacement motor vehicle as defined in s.
7 320.01(39), a vessel as defined in s. 327.02(39) ~~s.~~
8 ~~327.02(36)~~, or any other cargo, as follows:

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

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

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

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

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

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

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

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

25 9. Gross vehicle weight of 72,000 pounds or more:
26 \$979 flat.

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

29 328.17 Nonjudicial sale of vessels.--

30 (4) A marina, as defined in s. 327.02(20) ~~s.~~
31 ~~327.02(19)~~, shall have a possessory lien upon any vessel for

1 storage fees, dockage fees, repairs, improvements, or other
2 work-related storage charges, and for expenses necessary for
3 preservation of the vessel or expenses reasonably incurred in
4 the sale or other disposition of the vessel. The possessory
5 lien shall attach as of the date the vessel is brought to the
6 marina, or as of the date the vessel first occupies rental
7 space at the marina facility. However, in the event of
8 default, the marina must give notice to persons who hold
9 perfected security interests against the vessel under the
10 Uniform Commercial Code in which the owner is named as the
11 debtor.

12 Section 7. Subsection (2) of section 342.07, Florida
13 Statutes. is amended to read:

14 342.07 Recreational and commercial working
15 waterfronts; legislative findings; definitions.--

16 (2) As used in this section, the term "recreational
17 and commercial working waterfront" means a parcel or parcels
18 of real property that provide access for water-dependent
19 commercial activities or provide access for the public to the
20 navigable waters of the state. Recreational and commercial
21 working waterfronts require direct access to or a location on,
22 over, or adjacent to a navigable body of water. The term
23 includes water-dependent facilities that are open to the
24 public and offer public access by vessels to the waters of the
25 state or that are support facilities for recreational,
26 commercial, research, or governmental vessels. These
27 facilities include docks, wharfs, lifts, wet and dry marinas,
28 boat ramps, boat hauling and repair facilities, commercial
29 fishing facilities, boat construction facilities, and other
30 support structures over the water. As used in this section,
31

1 the term "vessel" has the same meaning as in s. 327.02(39) ~~s.~~
2 ~~327.02(37)~~. Seaports are excluded from the definition.

3 Section 8. Paragraph (a) of subsection (10) of section
4 616.242, Florida Statutes, is amended to read:

5 616.242 Safety standards for amusement rides.--

6 (10) EXEMPTIONS.--

7 (a) This section does not apply to:

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

16 2. Any playground operated by a school, local
17 government, or business licensed under chapter 509, if the
18 playground is an incidental amenity and the operating entity
19 is not primarily engaged in providing amusement, pleasure,
20 thrills, or excitement.

21 3. Museums or other institutions principally devoted
22 to the exhibition of products of agriculture, industry,
23 education, science, religion, or the arts.

24 4. Conventions or trade shows for the sale or exhibit
25 of amusement rides if there are a minimum of 15 amusement
26 rides on display or exhibition, and if any operation of such
27 amusement rides is limited to the registered attendees of the
28 convention or trade show.

29 5. Skating rinks, arcades, lazer or paint ball war
30 games, bowling alleys, miniature golf courses, mechanical
31 bulls, inflatable rides, trampolines, ball crawls, exercise

1 equipment, jet skis, paddle boats, airboats ~~air boats~~,
2 helicopters, airplanes, parasails, hot air or helium balloons
3 whether tethered or untethered, theatres, batting cages,
4 stationary spring-mounted fixtures, rider-propelled
5 merry-go-rounds, games, side shows, live animal rides, or live
6 animal shows.

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

9 7. Nonmotorized playground equipment that is not
10 required to have a manager.

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

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

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

21 11. Mechanically driven vehicles that pull train cars,
22 carts, wagons, or other similar vehicles, that are not
23 confined to a metal track or confined to an area but are
24 steered by an operator and do not exceed a speed of 4 miles
25 per hour.

26 Section 9. Paragraph (b) of subsection (1) of section
27 713.78, Florida Statutes, is amended to read:

28 713.78 Liens for recovering, towing, or storing
29 vehicles and vessels.--

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

31

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

5 Section 10. Paragraph (b) of subsection (1) of section
6 715.07, Florida Statutes, is amended to read:

7 715.07 Vehicles or vessels parked on private property;
8 towing.--

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

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

14 Section 11. This act shall take effect October 1,
15 2006.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1958

20 The committee substitute provides that airboats must have an
21 automotive-style factory muffler, underwater exhaust, or other
22 manufactured device capable of adequately muffling the sound
23 of the exhaust of the engine. An airboat operator cited for an
24 infraction of this requirement may not operate until an
approved muffler is installed. A second or subsequent
violation of this provision is a second-degree misdemeanor
punishable as provided in s. 775.083, F.S.

25 An airboat must have a mast or flagpole bearing an
26 international orange flag flown at a height of at least 10
27 feet above the deck. The flag must be square or rectangle and
at least 10 inches by 12 inches. A violation of this provision
is punishable as provided in s. 327.73(1), F.S., a noncriminal
infraction.