

1 327.02 Definitions of terms used in this chapter and
2 in chapter 328.--As used in this chapter and in chapter 328,
3 unless the context clearly requires a different meaning, the
4 term:

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

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

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

19 Section 2. Section 327.391, Florida Statutes, is
20 created to read:

21 327.391 Airboats regulated.--

22 (1) The exhaust of every internal combustion engine
23 used on any airboat operated on the waters of this state shall
24 be provided with an automotive-style factory muffler,
25 underwater exhaust, or other manufactured device capable of
26 adequately muffling the sound of the exhaust of the engine as
27 described in s. 327.02(24). The use of cutouts or flex pipe as
28 the sole source of muffling is prohibited, except as provided
29 in subsection (4). Any person who violates this subsection
30 commits a noncriminal infraction punishable as provided in s.
31 327.73(1).

1 (2) An airboat operator cited for an infraction of
2 subsection (1) may not operate the airboat until a muffler as
3 defined in s. 327.02 is installed.

4 (3) An airboat may not operate on the waters of the
5 state unless it is equipped with a mast or flagpole bearing a
6 flag at a height of at least 10 feet above the lowest portion
7 of the vessel. The flag must be square or rectangular, at
8 least 10 inches by 12 inches in size, international orange in
9 color, and displayed so that the visibility of the flag is not
10 obscured in any direction. Any person who violates this
11 subsection commits a noncriminal infraction punishable as
12 provided in s. 327.73(1).

13 (4) This section does not apply to a performer engaged
14 in a professional exhibition or a person preparing to
15 participate in or participating in a regatta, race, marine
16 parade, tournament, or exhibition held in compliance with s.
17 327.48.

18 Section 3. Effective July 1, 2006, subsection (1) of
19 section 327.60, Florida Statutes, is amended to read:

20 327.60 Local regulations; limitations.--

21 (1) The provisions of ss. 327.01, 327.02,
22 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65,
23 328.40-328.48, 328.52-328.58, 328.62, and 328.64 shall govern
24 the operation, equipment, and all other matters relating
25 thereto whenever any vessel shall be operated upon the
26 waterways or when any activity regulated hereby shall take
27 place thereon. Nothing in these sections shall be construed to
28 prevent the adoption of any ordinance or local law relating to
29 operation and equipment of vessels, except that no such
30 ordinance or local law may apply to the Florida Intracoastal
31 Waterway and except that such ordinances or local laws shall

1 | be operative only when they are not in conflict with this
2 | chapter or any amendments thereto or regulations thereunder.
3 | Any ordinance or local law which has been adopted pursuant to
4 | this section or to any other state law may not discriminate
5 | against personal watercraft as defined in s. 327.02. Effective
6 | July 1, 2006, any ordinance or local law adopted pursuant to
7 | this section or any other state law may not discriminate
8 | against airboats except by a super majority vote of the
9 | governing body enacting such ordinance.

10 | Section 4. Paragraphs (v) and (w) are added to
11 | subsection (1) of section 327.73, Florida Statutes, to read:

12 | 327.73 Noncriminal infractions.--

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

15 | (v) Section 327.391(1), relating to the requirement
16 | for an adequate muffler on an airboat.

17 | (w) Section 327.391(3), relating to the display of a
18 | flag on an airboat.

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

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

3 | Section 5. Subsection (1) of section 327.731, Florida
4 | Statutes, is amended to read:

5 | 327.731 Mandatory education for violators.--

6 | (1) Every person convicted of a criminal violation of
7 | this chapter, every person convicted of a noncriminal
8 | infraction under this chapter if the infraction resulted in a
9 | reportable boating accident, and every person convicted of two
10 | noncriminal infractions as defined in s. 327.73(1)(h)-(k),
11 | (m), (o), (p), and (s)-~~(w)~~~~(u)~~, said infractions occurring
12 | within a 12-month period, must:

13 | (a) Enroll in, attend, and successfully complete, at
14 | his or her own expense, a boating safety course that meets
15 | minimum standards established by the commission by rule;
16 | however, the commission may provide by rule pursuant to
17 | chapter 120 for waivers of the attendance requirement for
18 | violators residing in areas where classroom presentation of
19 | the course is not available;

20 | (b) File with the commission within 90 days proof of
21 | successful completion of the course;

22 | (c) Refrain from operating a vessel until he or she
23 | has filed the proof of successful completion of the course
24 | with the commission.

25 |
26 | Any person who has successfully completed an approved boating
27 | course shall be exempt from these provisions upon showing
28 | proof to the commission as specified in paragraph (b).

29 | Section 6. Paragraphs (d) and (e) of subsection (5) of
30 | section 320.08, Florida Statutes, are amended to read:

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1 320.08 License taxes.--Except as otherwise provided
2 herein, there are hereby levied and imposed annual license
3 taxes for the operation of motor vehicles, mopeds, motorized
4 bicycles as defined in s. 316.003(2), and mobile homes, as
5 defined in s. 320.01, which shall be paid to and collected by
6 the department or its agent upon the registration or renewal
7 of registration of the following:

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

10 (d) A wrecker, as defined in s. 320.01(40), which is
11 used to tow a vessel as defined in s. 327.02(39) ~~s.~~
12 ~~327.02(36)~~, a disabled, abandoned, stolen-recovered, or
13 impounded motor vehicle as defined in s. 320.01(38), or a
14 replacement motor vehicle as defined in s. 320.01(39): \$30
15 flat.

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

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

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

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

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

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

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

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

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

7 9. Gross vehicle weight of 72,000 pounds or more:
8 \$979 flat.

9 Section 7. Subsection (4) of section 328.17, Florida
10 Statutes, is amended to read:

11 328.17 Nonjudicial sale of vessels.--

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

25 Section 8. Subsection (2) of section 342.07, Florida
26 Statutes, is amended to read:

27 342.07 Recreational and commercial working
28 waterfronts; legislative findings; definitions.--

29 (2) As used in this section, the term "recreational
30 and commercial working waterfront" means a parcel or parcels
31 of real property that provide access for water-dependent

1 commercial activities or provide access for the public to the
2 navigable waters of the state. Recreational and commercial
3 working waterfronts require direct access to or a location on,
4 over, or adjacent to a navigable body of water. The term
5 includes water-dependent facilities that are open to the
6 public and offer public access by vessels to the waters of the
7 state or that are support facilities for recreational,
8 commercial, research, or governmental vessels. These
9 facilities include docks, wharfs, lifts, wet and dry marinas,
10 boat ramps, boat hauling and repair facilities, commercial
11 fishing facilities, boat construction facilities, and other
12 support structures over the water. As used in this section,
13 the term "vessel" has the same meaning as in s. 327.02(39) ~~s.~~
14 ~~327.02(37)~~. Seaports are excluded from the definition.

15 Section 9. Paragraph (a) of subsection (10) of section
16 616.242, Florida Statutes, is amended to read:

17 616.242 Safety standards for amusement rides.--

18 (10) EXEMPTIONS.--

19 (a) This section does not apply to:

20 1. Permanent facilities that employ at least 1,000
21 full-time employees and that maintain full-time, in-house
22 safety inspectors. Furthermore, the permanent facilities must
23 file an affidavit of the annual inspection with the
24 department, on a form prescribed by rule of the department.
25 Additionally, the Department of Agriculture and Consumer
26 Services may consult annually with the permanent facilities
27 regarding industry safety programs.

28 2. Any playground operated by a school, local
29 government, or business licensed under chapter 509, if the
30 playground is an incidental amenity and the operating entity
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1 is not primarily engaged in providing amusement, pleasure,
2 thrills, or excitement.

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

6 4. Conventions or trade shows for the sale or exhibit
7 of amusement rides if there are a minimum of 15 amusement
8 rides on display or exhibition, and if any operation of such
9 amusement rides is limited to the registered attendees of the
10 convention or trade show.

11 5. Skating rinks, arcades, lazer or paint ball war
12 games, bowling alleys, miniature golf courses, mechanical
13 bulls, inflatable rides, trampolines, ball crawls, exercise
14 equipment, jet skis, paddle boats, airboats ~~air-boats~~,
15 helicopters, airplanes, parasails, hot air or helium balloons
16 whether tethered or untethered, theatres, batting cages,
17 stationary spring-mounted fixtures, rider-propelled
18 merry-go-rounds, games, side shows, live animal rides, or live
19 animal shows.

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

22 7. Nonmotorized playground equipment that is not
23 required to have a manager.

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

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

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

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

9 Section 10. Paragraph (b) of subsection (1) of section
10 713.78, Florida Statutes, is amended to read:

11 713.78 Liens for recovering, towing, or storing
12 vehicles and vessels.--

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

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

18 Section 11. Paragraph (b) of subsection (1) of section
19 715.07, Florida Statutes, is amended to read:

20 715.07 Vehicles or vessels parked on private property;
21 towing.--

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

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

27 Section 12. Except as otherwise expressly provided in
28 this act and except for this section, which shall take effect
29 upon becoming a law, this act shall take effect October 1,
30 2006.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 1958

The committee substitute for the committee substitute (CS) clarifies that the use of cutouts or flex pipe as the "sole source of muffling" for an airboat is prohibited. It revises the language relating to the display of a required orange flag on an airboat to clarify that the flag must have a height of 10 feet above the "lowest portion of the vessel." This CS also provides that, effective July 1, 2006, a local law or ordinance may not discriminate against airboats except by super majority vote of the governing body.

This CS deletes language that made the second or subsequent violation of the muffler requirement for an airboat a second degree misdemeanor. It also makes other clarifying and technical changes.