

A bill to be entitled

An act relating to airboats; amending s. 327.02, F.S.; defining the terms "airboat" and "muffler"; conforming terminology; creating s. 327.391, F.S.; providing for regulation of airboat operation and equipment; requiring airboats to be operated in a reasonable and prudent manner; requiring described sound-muffling device; requiring display of described flag; providing penalties; providing for application of specified provisions to airboat operation and equipment; providing exceptions; amending ss. 320.08, 328.17, 342.07, 713.78, and 715.07, F.S.; correcting cross-references; amending s. 616.242, F.S.; conforming terminology; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsection (37) of section 327.02, Florida Statutes, is amended, subsections (1) through (22) are renumbered as subsections (2) through (23), respectively, subsections (23) through (38) are renumbered as subsections (25) through (40), respectively, and new subsections (1) and (24) are added to that section, 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 flat-bottomed vessel, designed for use in shallow waters, powered by a combustion engine with an

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28 airplane-type propeller mounted above the stern used to push air  
29 across a single set of rudders.

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

34 (39)-(37) "Vessel" is synonymous with boat as referenced in  
35 s. 1(b), Art. VII of the State Constitution and includes every  
36 description of watercraft, barge, and airboat ~~air-boat~~, other  
37 than a seaplane on the water, used or capable of being used as a  
38 means of transportation on water.

39 Section 2. Section 327.391, Florida Statutes, is created  
40 to read:

41 327.391 Airboats regulated.--

42 (1) An airboat must at all times be operated in a  
43 reasonable and prudent manner. Maneuvers that unreasonably or  
44 unnecessarily endanger life, limb, or property, including, but  
45 not limited to, weaving through congested vessel traffic,  
46 swerving at the last possible moment to avoid collision, and not  
47 keeping proper lookout, constitute reckless operation of a  
48 vessel as provided in s. 327.33(1). Any person operating an  
49 airboat must comply with the provisions of s. 327.33.

50 (2) The exhaust of every internal combustion engine used  
51 on any airboat operated on the waters of this state shall be  
52 provided with a stock factory muffler, underwater exhaust, or  
53 other manufactured device capable of adequately muffling the  
54 sound of the exhaust of the engine as described in s.  
55 327.02(24). The use of cutouts is prohibited, except for vessels

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

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

62 (4) An airboat may not operate on the waters of the state  
63 unless it is equipped with a mast or flagpole bearing a flag at  
64 a height of at least 6 feet above the deck. The flag must be  
65 square or rectangular, at least 20 inches in height and width,  
66 international orange in color, and displayed so that the  
67 visibility of the flag is not obscured in any direction. Any  
68 person who violates this subsection commits reckless operation  
69 of a vessel, punishable as provided in s. 327.33(1).

70 (5) The provisions of this section and ss. 327.01, 327.02,  
71 327.30-327.40, 327.44-327.50, 327.54, 327.56, 327.65, 328.40-  
72 328.48, 328.52-328.58, 328.62, and 328.64 shall govern airboat  
73 operation and equipment and all other matters relating thereto  
74 whenever any airboat is operated on the waters of the state or  
75 when any activity regulated under this section takes place on  
76 the waters of the state. Nothing in this section or any of such  
77 sections shall be construed to prevent the adoption of any  
78 ordinance or local law relating to airboat operation and  
79 equipment, except that such ordinances or local laws may not  
80 apply to the Florida Intracoastal Waterway and shall be  
81 operative only when they are not in conflict with this chapter  
82 or any rule adopted pursuant thereto. An ordinance or local law

83 adopted pursuant to this section or any other state law may not  
 84 discriminate against airboats as defined in s. 327.02.

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

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

91 320.08 License taxes.--Except as otherwise provided  
 92 herein, there are hereby levied and imposed annual license taxes  
 93 for the operation of motor vehicles, mopeds, motorized bicycles  
 94 as defined in s. 316.003(2), and mobile homes, as defined in s.  
 95 320.01, which shall be paid to and collected by the department  
 96 or its agent upon the registration or renewal of registration of  
 97 the following:

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

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

105 (e) A wrecker, as defined in s. 320.01(40), which is used  
 106 to tow any motor vehicle, regardless of whether or not such  
 107 motor vehicle is a disabled motor vehicle as defined in s.  
 108 320.01(38), a replacement motor vehicle as defined in s.  
 109 320.01(39), a vessel as defined in s. 327.02(38)~~(36)~~, or any  
 110 other cargo, as follows:

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

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

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

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

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

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

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

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

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

129 Section 4. Subsection (4) of section 328.17, Florida  
130 Statutes, is amended to read:

131 328.17 Nonjudicial sale of vessels.--

132 (4) A marina, as defined in s. 327.02 (20) ~~(19)~~, shall have  
133 a possessory lien upon any vessel for storage fees, dockage  
134 fees, repairs, improvements, or other work-related storage  
135 charges, and for expenses necessary for preservation of the  
136 vessel or expenses reasonably incurred in the sale or other  
137 disposition of the vessel. The possessory lien shall attach as  
138 of the date the vessel is brought to the marina, or as of the

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139 date the vessel first occupies rental space at the marina  
 140 facility. However, in the event of default, the marina must give  
 141 notice to persons who hold perfected security interests against  
 142 the vessel under the Uniform Commercial Code in which the owner  
 143 is named as the debtor.

144 Section 5. Subsection (2) of section 342.07, Florida  
 145 Statutes, is amended to read:

146 342.07 Recreational and commercial working waterfronts;  
 147 legislative findings; definitions.--

148 (2) As used in this section, the term "recreational and  
 149 commercial working waterfront" means a parcel or parcels of real  
 150 property that provide access for water-dependent commercial  
 151 activities or provide access for the public to the navigable  
 152 waters of the state. Recreational and commercial working  
 153 waterfronts require direct access to or a location on, over, or  
 154 adjacent to a navigable body of water. The term includes water-  
 155 dependent facilities that are open to the public and offer  
 156 public access by vessels to the waters of the state or that are  
 157 support facilities for recreational, commercial, research, or  
 158 governmental vessels. These facilities include docks, wharfs,  
 159 lifts, wet and dry marinas, boat ramps, boat hauling and repair  
 160 facilities, commercial fishing facilities, boat construction  
 161 facilities, and other support structures over the water. As used  
 162 in this section, the term "vessel" has the same meaning as in s.  
 163 327.02 (39) ~~(37)~~. Seaports are excluded from the definition.

164 Section 6. Paragraph (a) of subsection (10) of section  
 165 616.242, Florida Statutes, is amended to read:

166 616.242 Safety standards for amusement rides.--

167 (10) EXEMPTIONS.--  
 168 (a) This section does not apply to:  
 169 1. Permanent facilities that employ at least 1,000 full-  
 170 time employees and that maintain full-time, in-house safety  
 171 inspectors. Furthermore, the permanent facilities must file an  
 172 affidavit of the annual inspection with the department, on a  
 173 form prescribed by rule of the department. Additionally, the  
 174 Department of Agriculture and Consumer Services may consult  
 175 annually with the permanent facilities regarding industry safety  
 176 programs.  
 177 2. Any playground operated by a school, local government,  
 178 or business licensed under chapter 509, if the playground is an  
 179 incidental amenity and the operating entity is not primarily  
 180 engaged in providing amusement, pleasure, thrills, or  
 181 excitement.  
 182 3. Museums or other institutions principally devoted to  
 183 the exhibition of products of agriculture, industry, education,  
 184 science, religion, or the arts.  
 185 4. Conventions or trade shows for the sale or exhibit of  
 186 amusement rides if there are a minimum of 15 amusement rides on  
 187 display or exhibition, and if any operation of such amusement  
 188 rides is limited to the registered attendees of the convention  
 189 or trade show.  
 190 5. Skating rinks, arcades, lazer or paint ball war games,  
 191 bowling alleys, miniature golf courses, mechanical bulls,  
 192 inflatable rides, trampolines, ball crawls, exercise equipment,  
 193 jet skis, paddle boats, airboats ~~air boats~~, helicopters,  
 194 airplanes, parasails, hot air or helium balloons whether

195 tethered or untethered, theatres, batting cages, stationary  
 196 spring-mounted fixtures, rider-propelled merry-go-rounds, games,  
 197 side shows, live animal rides, or live animal shows.

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

200 7. Nonmotorized playground equipment that is not required  
 201 to have a manager.

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

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

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

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

215 Section 7. Paragraph (b) of subsection (1) of section  
 216 713.78, Florida Statutes, is amended to read:

217 713.78 Liens for recovering, towing, or storing vehicles  
 218 and vessels.--

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

220 (b) "Vessel" means every description of watercraft, barge,  
 221 and airboat ~~air boat~~ used or capable of being used as a means of



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222 transportation on water, other than a seaplane or a "documented  
 223 vessel" as defined in s. 327.02 (9) ~~(8)~~.

224 Section 8. Paragraph (b) of subsection (1) of section  
 225 715.07, Florida Statutes, is amended to read:

226 715.07 Vehicles or vessels parked on private property;  
 227 towing.--

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

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

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