

CHAMBER ACTION

1 The Agriculture & Environment Appropriations Committee
2 recommends the following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to airboats; amending s. 327.02, F.S.;
8 defining the terms "airboat" and "muffler"; conforming
9 terminology; creating s. 327.391, F.S.; providing for
10 regulation of airboat operation and equipment; requiring
11 described sound-muffling device; prohibiting the use of
12 cutouts or flex pipe as the sole source of muffling;
13 requiring display of described flag; providing penalties;
14 providing exceptions; amending s. 327.73, F.S.; providing
15 for penalties, court costs, and procedures for disposition
16 of citations for specified violations; amending s.
17 327.731, F.S.; requiring certain violators to complete a
18 described boating safety course and to file proof of
19 completion with the Fish and Wildlife Conservation
20 Commission prior to operating a vessel; providing for an
21 exemption from the course; amending ss. 320.08, 328.17,
22 342.07, 616.242, 713.78, and 715.07, F.S.; revising cross-

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23 | references and terminology to conform to changes made by
24 | the act; providing an effective date.

25 |

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

27 |

28 | Section 1. Present subsection (37) of section 327.02,
29 | Florida Statutes, is amended, subsections (1) through (22) are
30 | renumbered as subsections (2) through (23), respectively,
31 | subsections (23) through (38) are renumbered as subsections (25)
32 | through (40), respectively, and new subsections (1) and (24) are
33 | added to that section, to read:

34 | 327.02 Definitions of terms used in this chapter and in
35 | chapter 328.--As used in this chapter and in chapter 328, unless
36 | the context clearly requires a different meaning, the term:

37 | (1) "Airboat" means a vessel, designed for use in shallow
38 | waters, powered by an internal combustion engine with an
39 | airplane-type propeller mounted above the stern used to push air
40 | across a set of rudders.

41 | (24) "Muffler" means an automotive-style sound-suppression
42 | device or system designed to effectively abate the sound of
43 | exhaust gases emitted from an internal combustion engine and
44 | prevent excessive sound when installed on such engine.

45 | (39)-(37) "Vessel" is synonymous with boat as referenced in
46 | s. 1(b), Art. VII of the State Constitution and includes every
47 | description of watercraft, barge, and airboat ~~air boat~~, other
48 | than a seaplane on the water, used or capable of being used as a
49 | means of transportation on water.

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50 Section 2. Section 327.391, Florida Statutes, is created
51 to read:

52 327.391 Airboats regulated.--

53 (1) The exhaust of every internal combustion engine used
54 on any airboat operated on the waters of this state shall be
55 provided with an automotive-style factory muffler, underwater
56 exhaust, or other manufactured device capable of adequately
57 muffling the sound of the exhaust of the engine as described in
58 s. 327.02(24). The use of cutouts or flex pipe as the sole
59 source of muffling is prohibited, except as provided in
60 subsection (4). Any person who violates this subsection commits
61 a noncriminal infraction, punishable as provided in s.
62 327.73(1).

63 (2) An airboat operator cited for an infraction of
64 subsection (1) shall not operate the airboat until a muffler as
65 defined in s. 327.02 is installed. A second violation of
66 subsection (1) shall be punishable by a fine of \$250, a third
67 violation shall be punishable by a fine of \$500, and any
68 subsequent violation shall be punishable by a fine of \$500.

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

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77 | (4) This section does not apply to a performer engaged in
78 | a professional exhibition or a person preparing to participate
79 | or participating in a regatta, race, marine parade, tournament,
80 | or exhibition held in compliance with s. 327.48.

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

83 | 327.73 Noncriminal infractions.--

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

86 | (v) Section 327.391(1), relating to requirement for an
87 | adequate muffler on an airboat.

88 | (w) Section 327.391(3), relating to display of a flag on
89 | an airboat.

90 |

91 | Any person cited for a violation of any such provision shall be
92 | deemed to be charged with a noncriminal infraction, shall be
93 | cited for such an infraction, and shall be cited to appear
94 | before the county court. The civil penalty for any such
95 | infraction is \$50, except as otherwise provided in this section.

96 | Any person who fails to appear or otherwise properly respond to
97 | a uniform boating citation shall, in addition to the charge
98 | relating to the violation of the boating laws of this state, be
99 | charged with the offense of failing to respond to such citation
100 | and, upon conviction, be guilty of a misdemeanor of the second
101 | degree, punishable as provided in s. 775.082 or s. 775.083. A
102 | written warning to this effect shall be provided at the time
103 | such uniform boating citation is issued.

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

106 327.731 Mandatory education for violators.--

107 (1) Every person convicted of a criminal violation of this
108 chapter, every person convicted of a noncriminal infraction
109 under this chapter if the infraction resulted in a reportable
110 boating accident, and every person convicted of two noncriminal
111 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
112 and (s)-(w) ~~(s)-(u)~~, said infractions occurring within a 12-
113 month period, must:

114 (a) Enroll in, attend, and successfully complete, at his
115 or her own expense, a boating safety course that meets minimum
116 standards established by the commission by rule; however, the
117 commission may provide by rule pursuant to chapter 120 for
118 waivers of the attendance requirement for violators residing in
119 areas where classroom presentation of the course is not
120 available;

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

123 (c) Refrain from operating a vessel until he or she has
124 filed the proof of successful completion of the course with the
125 commission.

126
127 Any person who has successfully completed an approved boating
128 course shall be exempt from these provisions upon showing proof
129 to the commission as specified in paragraph (b).

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

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132 320.08 License taxes.--Except as otherwise provided
133 herein, there are hereby levied and imposed annual license taxes
134 for the operation of motor vehicles, mopeds, motorized bicycles
135 as defined in s. 316.003(2), and mobile homes, as defined in s.
136 320.01, which shall be paid to and collected by the department
137 or its agent upon the registration or renewal of registration of
138 the following:

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

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

146 (e) A wrecker, as defined in s. 320.01(40), which is used
147 to tow any motor vehicle, regardless of whether or not such
148 motor vehicle is a disabled motor vehicle as defined in s.
149 320.01(38), a replacement motor vehicle as defined in s.
150 320.01(39), a vessel as defined in s. 327.02(39)~~(36)~~, or any
151 other cargo, as follows:

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

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

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

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

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

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

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

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

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

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

172 328.17 Nonjudicial sale of vessels.--

173 (4) A marina, as defined in s. 327.02 (20) ~~(19)~~, shall have
174 a possessory lien upon any vessel for storage fees, dockage
175 fees, repairs, improvements, or other work-related storage
176 charges, and for expenses necessary for preservation of the
177 vessel or expenses reasonably incurred in the sale or other
178 disposition of the vessel. The possessory lien shall attach as
179 of the date the vessel is brought to the marina, or as of the
180 date the vessel first occupies rental space at the marina
181 facility. However, in the event of default, the marina must give
182 notice to persons who hold perfected security interests against
183 the vessel under the Uniform Commercial Code in which the owner
184 is named as the debtor.

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

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187 342.07 Recreational and commercial working waterfronts;
188 legislative findings; definitions.--

189 (2) As used in this section, the term "recreational and
190 commercial working waterfront" means a parcel or parcels of real
191 property that provide access for water-dependent commercial
192 activities or provide access for the public to the navigable
193 waters of the state. Recreational and commercial working
194 waterfronts require direct access to or a location on, over, or
195 adjacent to a navigable body of water. The term includes water-
196 dependent facilities that are open to the public and offer
197 public access by vessels to the waters of the state or that are
198 support facilities for recreational, commercial, research, or
199 governmental vessels. These facilities include docks, wharfs,
200 lifts, wet and dry marinas, boat ramps, boat hauling and repair
201 facilities, commercial fishing facilities, boat construction
202 facilities, and other support structures over the water. As used
203 in this section, the term "vessel" has the same meaning as in s.
204 327.02(39) ~~(37)~~. Seaports are excluded from the definition.

205 Section 8. Paragraph (a) of subsection (10) of section
206 616.242, Florida Statutes, is amended to read:

207 616.242 Safety standards for amusement rides.--

208 (10) EXEMPTIONS.--

209 (a) This section does not apply to:

210 1. Permanent facilities that employ at least 1,000 full-
211 time employees and that maintain full-time, in-house safety
212 inspectors. Furthermore, the permanent facilities must file an
213 affidavit of the annual inspection with the department, on a
214 form prescribed by rule of the department. Additionally, the

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215 Department of Agriculture and Consumer Services may consult
216 annually with the permanent facilities regarding industry safety
217 programs.

218 2. Any playground operated by a school, local government,
219 or business licensed under chapter 509, if the playground is an
220 incidental amenity and the operating entity is not primarily
221 engaged in providing amusement, pleasure, thrills, or
222 excitement.

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

226 4. Conventions or trade shows for the sale or exhibit of
227 amusement rides if there are a minimum of 15 amusement rides on
228 display or exhibition, and if any operation of such amusement
229 rides is limited to the registered attendees of the convention
230 or trade show.

231 5. Skating rinks, arcades, lazer or paint ball war games,
232 bowling alleys, miniature golf courses, mechanical bulls,
233 inflatable rides, trampolines, ball crawls, exercise equipment,
234 jet skis, paddle boats, airboats ~~air boats~~, helicopters,
235 airplanes, parasails, hot air or helium balloons whether
236 tethered or untethered, theatres, batting cages, stationary
237 spring-mounted fixtures, rider-propelled merry-go-rounds, games,
238 side shows, live animal rides, or live animal shows.

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

241 7. Nonmotorized playground equipment that is not required
242 to have a manager.

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

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

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

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

256 Section 9. Paragraph (b) of subsection (1) of section
257 713.78, Florida Statutes, is amended to read:

258 713.78 Liens for recovering, towing, or storing vehicles
259 and vessels.--

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

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

265 Section 10. Paragraph (b) of subsection (1) of section
266 715.07, Florida Statutes, is amended to read:

267 715.07 Vehicles or vessels parked on private property;
268 towing.--

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

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

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