

By Senator Oelrich

14-00929B-11

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1 A bill to be entitled

2 An act relating to airboats; amending s. 327.391,  
3 F.S.; requiring the Fish and Wildlife Conservation  
4 Commission to establish a voluntary sound testing  
5 program for airboats; allowing airboats that test  
6 below a specified sound level to be operated on all  
7 navigable waters of the state, including waterways on  
8 which airboats are prohibited by local ordinance;  
9 requiring a fee; providing testing requirements;  
10 amending s. 327.60, F.S.; requiring a super majority  
11 vote to enact certain ordinances regulating airboats;  
12 amending s. 327.65, F.S., relating to muffling devices  
13 on vessels; conforming provisions to changes made by  
14 the act; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 327.391, Florida Statutes, is amended to  
19 read:

20 327.391 Airboats regulated.—

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

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

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

41 (4) This section does not apply to a person participating  
42 in an event for which a permit is required, or of which notice  
43 must be given, under s. 327.48.

44 (5) (a) The commission shall establish a voluntary testing  
45 program to conduct sound level tests on airboats.

46 (b) An airboat that tests at a sound level of 107 dB A or  
47 less while traveling on plane at 100 feet shall be issued a  
48 certificate and numbered decal by the commission which  
49 authorizes the airboat to be operated on all navigable waterways  
50 of this state, including waterways on which airboats are  
51 prohibited by a local ordinance or other provision of law.

52 (c) A person must pay a fee of \$25 to a testing facility  
53 that has been certified by the commission to use sound test  
54 equipment and testing methods pursuant to this paragraph. Tests  
55 must meet the following requirements:

56 1. Each test shall be conducted while the airboat is  
57 traveling on plane in water 1 foot deep or less for a distance  
58 of 100 feet perpendicular to the fixed-in-place testing

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59 equipment, as measured from the closest edge of the airboat; and

60 2. Test equipment shall be calibrated to allow for ambient  
61 noise, weather, and other factors that may interfere with an  
62 accurate and reliable reading.

63 Section 2. Subsection (2) of section 327.60, Florida  
64 Statutes, is amended to read:

65 327.60 Local regulations; limitations.—

66 (2) Nothing in this chapter or chapter 328 shall be  
67 construed to prevent the adoption of any ordinance or local  
68 regulation relating to operation of vessels, except that a  
69 county or municipality shall not enact, continue in effect, or  
70 enforce any ordinance or local regulation:

71 (a) Establishing a vessel or associated equipment  
72 performance or other safety standard, imposing a requirement for  
73 associated equipment, or regulating the carrying or use of  
74 marine safety articles;

75 (b) Relating to the design, manufacture, installation, or  
76 use of any marine sanitation device on any vessel;

77 (c) Regulating any vessel upon the Florida Intracoastal  
78 Waterway;

79 (d) Discriminating against personal watercraft;

80 (e) Discriminating against airboats that do not bear a  
81 decal pursuant to s. 327.391(5), ~~for ordinances adopted after~~  
82 July 1, 2006, unless adopted by a two-thirds vote of the  
83 governing body enacting such ordinance;

84 (f) Regulating the anchoring of vessels other than live-  
85 aboard vessels outside the marked boundaries of mooring fields  
86 permitted as provided in s. 327.40;

87 (g) Regulating engine or exhaust sound ~~noise~~, except as

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88 provided in s. 327.65; or

89 (h) That conflicts with any provisions of this chapter or  
90 any amendments thereto or rules adopted thereunder.

91 Section 3. Subsection (2) of section 327.65, Florida  
92 Statutes, is amended to read:

93 327.65 Muffling devices.—

94 (2) (a) Any county wishing to impose additional noise  
95 pollution and exhaust regulations on vessels may, pursuant to s.  
96 327.60(2), adopt by county ordinance the following regulations:

97 1. Except as provided in s. 327.391(5), a ~~ne~~ person may not  
98 ~~shall~~ operate or give permission for the operation of any vessel  
99 on the waters of any county or on a specified portion of the  
100 waters of any county, including the Florida Intracoastal  
101 Waterway, which has adopted the provisions of this section in  
102 such a manner as to exceed the following sound levels at a  
103 distance of 50 feet from the vessel: for all vessels, a maximum  
104 sound level of 90 dB A.

105 2. Except as provided in s. 327.391(5), any person who  
106 refuses to submit to a sound level test when requested to do so  
107 by a law enforcement officer commits ~~is guilty of~~ a misdemeanor  
108 of the second degree, punishable as provided in s. 775.082 or s.  
109 775.083.

110 (b) The following words and phrases, when used in this  
111 section, shall have the meanings respectively assigned to them  
112 in this subsection.

113 1. "dB A" means the composite abbreviation for the A-  
114 weighted sound level and the unit of sound level, the decibel.

115 2. "Sound level" means the A-weighted sound pressure level  
116 measured with fast response using an instrument complying with

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117 the specification for sound level meters of the American  
118 National Standards Institute, Inc., or its successor bodies,  
119 except that only a weighting and fast dynamic response need be  
120 provided.

121 Section 4. This act shall take effect July 1, 2011.