



514606

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/14/2012	.	
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The Committee on Environmental Preservation and Conservation (Oelrich) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

327.391 Airboats regulated.—

(1) The exhaust of every internal combustion engine used on any airboat operated on the waters of this state shall be provided with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine as described in



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13 s. 327.02(24). The use of cutouts or flex pipe as the sole  
14 source of muffling is prohibited, except as provided in  
15 subsection (4). Any person who violates this subsection commits  
16 a noncriminal infraction punishable as provided in s. 327.73(1).

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

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

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

31 (5) (a) Airboat testing facilities may implement a voluntary  
32 testing program to conduct sound level tests on airboats. The  
33 testing program shall meet all requirements of this subsection,  
34 including having at least 50 percent of their revenues generated  
35 by the airboat manufacturing or airboat servicing industries.  
36 Any testing facility shall maintain a record of each airboat  
37 tested, including the date, registration number, and decal  
38 number issued, if applicable. Failure to perform the testing in  
39 accordance with this subsection or maintain records of each test  
40 and decals issued may result in a suspension of the right of the  
41 facility to perform testing.



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42           (b) An airboat that is tested through a testing program  
43 established pursuant to this subsection and that tests at a  
44 sound level of 92 dB A or less while traveling on plane from a  
45 distance of 100 feet shall be issued a certificate and numbered  
46 decal by the testing facility conducting the test. The decal  
47 shall have on it the name of the testing facility that conducted  
48 the test, the date of the test, and a sequential number unique  
49 to the decal. The decal shall be posted on the left side of the  
50 vessel within 6 inches of the Florida registration decal or on  
51 the left-hand side of the operator's seat. Such decal shall  
52 authorize the airboat to be operated on all navigable waterways  
53 of this state, including waterways on which airboats are  
54 prohibited by a local ordinance or other provision of law, but  
55 not in places designated by the Division of Recreation and Parks  
56 of the Department of Environmental Protection as closed to  
57 combustible engine watercraft, for a period of 12 months  
58 following the date of issuance.

59           (c) The testing facility may charge a fee for conducting  
60 the airboat sound level test to the party requesting such test.  
61 Tests must meet the following requirements:

62           1. Each test shall be conducted while the airboat is  
63 traveling on plane in water 1 foot deep or less, from a distance  
64 of 100 feet perpendicular to the fixed-in-place testing  
65 equipment, as measured from the closest edge of the airboat; and

66           2. The sound level meter used in the test shall be  
67 calibrated to allow for ambient noise, weather, and other  
68 factors that may interfere with an accurate and reliable reading  
69 and must comply with the standards set forth in S1.4-1983  
70 (R2006) of the American National Standards Institute,



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71 Specifications for Sound Level Meters, as those standards  
72 existed on February 1, 2012.

73 (d) A law enforcement agency may require retesting of any  
74 decaled boat if there is probable cause to believe that the boat  
75 violates the standards established for obtaining a decal and if  
76 the boat is operating at a time or location authorized only by a  
77 decal obtained pursuant to this subsection. Such retest shall  
78 comply with the conditions outlined in this subsection in all  
79 respects. A vessel operator who fails to submit to a retest upon  
80 probable cause to believe that the vessel is being operated in  
81 violation of this subsection commits a misdemeanor of the second  
82 degree, punishable as provided in s. 775.082 or s. 775.083. A  
83 vessel that fails a retest forfeits the right to operate during  
84 any "decal only" time or location. An operator who operates a  
85 vessel in violation of this subsection is subject to a fine that  
86 may not exceed \$150.

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

89 327.60 Local regulations; limitations.-

90 (2) Nothing in this chapter or chapter 328 shall be  
91 construed to prevent the adoption of any ordinance or local  
92 regulation relating to operation of vessels, except that a  
93 county or municipality may ~~shall~~ not enact, continue in effect,  
94 or enforce any ordinance or local regulation:

95 (a) Establishing a vessel or associated equipment  
96 performance or other safety standard, imposing a requirement for  
97 associated equipment, or regulating the carrying or use of  
98 marine safety articles;

99 (b) Relating to the design, manufacture, installation, or



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100 use of any marine sanitation device on any vessel;  
101 (c) Regulating any vessel upon the Florida Intracoastal  
102 Waterway;  
103 (d) Discriminating against personal watercraft;  
104 (e) Discriminating against airboats that possess a valid  
105 decal obtained in compliance with s. 327.391(5), for ordinances  
106 adopted after July 1, 2006, unless adopted by a two-thirds vote  
107 of the governing body enacting such ordinance;  
108 (f) Regulating the anchoring of vessels other than live-  
109 aboard vessels outside the marked boundaries of mooring fields  
110 permitted as provided in s. 327.40;  
111 (g) Regulating engine or exhaust sound noise, except as  
112 provided in s. 327.65; or  
113 (h) That conflicts with any provisions of this chapter or  
114 any amendments thereto or rules adopted thereunder.  
115 Section 3. Subsection (2) of section 327.65, Florida  
116 Statutes, is amended to read:  
117 327.65 Muffling devices.—  
118 (2) (a) Any county wishing to impose additional noise  
119 pollution and exhaust regulations on vessels may, pursuant to s.  
120 327.60(2), adopt by county ordinance the following regulations:  
121 1. Except as provided in s. 327.391(5), a ~~no~~ person may not  
122 shall operate or give permission for the operation of any vessel  
123 on the waters of any county or on a specified portion of the  
124 waters of any county, including the Florida Intracoastal  
125 Waterway, which has adopted the provisions of this section in  
126 such a manner as to exceed the following sound levels at a  
127 distance of 50 feet from the vessel: for all vessels, a maximum  
128 sound level of 90 dB A.



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129           2. Except as provided in s. 327.391(5), any person who  
130 refuses to submit to a sound level test when requested to do so  
131 by a law enforcement officer commits ~~is guilty of~~ a misdemeanor  
132 of the second degree, punishable as provided in s. 775.082 or s.  
133 775.083.

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

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

139           2. "Sound level" means the A-weighted sound pressure level  
140 measured with fast response using an instrument complying with  
141 the specification for sound level meters of the American  
142 National Standards Institute, Inc., or its successor bodies,  
143 except that only a weighting and fast dynamic response need be  
144 provided.

145           Section 4. This act shall take effect July 1, 2012.

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147 ===== T I T L E   A M E N D M E N T =====

148 And the title is amended as follows:

149           Delete everything before the enacting clause  
150 and insert:

151                           A bill to be entitled  
152           An act relating to airboats; amending s. 327.391,  
153           F.S.; providing for airboat testing facilities to  
154           establish a voluntary sound level testing program for  
155           airboats; providing qualification requirements and  
156           recordkeeping requirements for such facilities;  
157           allowing airboats that test below a specified sound



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158 level to be operated on all navigable waters of the  
159 state, including waterways on which airboats are  
160 prohibited by local ordinance or other provision of  
161 law for a specified time; providing an exception;  
162 requiring a fee; providing testing requirements;  
163 authorizing law enforcement agencies to require  
164 retesting in certain situations; providing penalties;  
165 amending s. 327.60, F.S.; requiring a super majority  
166 vote to enact certain ordinances regulating airboats;  
167 amending s. 327.65, F.S., relating to muffling devices  
168 on vessels; conforming provisions to changes made by  
169 the act; providing an effective date.