

By Senator Oelrich

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2012958

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:

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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).

14-00655B-12

2012958

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 from a distance of 100 feet shall
48 be issued a certificate and numbered decal by the commission
49 which authorizes the airboat to be operated on all navigable
50 waterways of this state, including waterways on which airboats
51 are prohibited by a local ordinance or other provision of law.

52 (c) A person must pay a fee, not to exceed the
53 administration costs of the commission, established by the
54 commission after consultation with experts in the industry, to a
55 testing facility that has been certified by the commission to
56 use sound test equipment and testing methods pursuant to this
57 paragraph. Tests must meet the following requirements:

58 1. Each test shall be conducted while the airboat is

14-00655B-12

2012958

59 traveling on plane in water 1 foot deep or less from a distance
60 of 100 feet perpendicular to the fixed-in-place testing
61 equipment, as measured from the closest edge of the airboat; and

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

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

67 327.60 Local regulations; limitations.—

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

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

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

79 (c) Regulating any vessel upon the Florida Intracoastal
80 Waterway;

81 (d) Discriminating against personal watercraft;

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

86 (f) Regulating the anchoring of vessels other than live-
87 aboard vessels outside the marked boundaries of mooring fields

14-00655B-12

2012958

88 permitted as provided in s. 327.40;

89 (g) Regulating engine or exhaust sound ~~noise~~, except as
90 provided in s. 327.65; or

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

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

95 327.65 Muffling devices.—

96 (2) (a) Any county wishing to impose additional noise
97 pollution and exhaust regulations on vessels may, pursuant to s.
98 327.60(2), adopt by county ordinance the following regulations:

99 1. Except as provided in s. 327.391(5), a ~~no~~ person may not
100 ~~shall~~ operate or give permission for the operation of any vessel
101 on the waters of any county or on a specified portion of the
102 waters of any county, including the Florida Intracoastal
103 Waterway, which has adopted the provisions of this section in
104 such a manner as to exceed the following sound levels at a
105 distance of 50 feet from the vessel: for all vessels, a maximum
106 sound level of 90 dB A.

107 2. Except as provided in s. 327.391(5), any person who
108 refuses to submit to a sound level test when requested to do so
109 by a law enforcement officer commits ~~is guilty of~~ a misdemeanor
110 of the second degree, punishable as provided in s. 775.082 or s.
111 775.083.

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

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

14-00655B-12

2012958

117 2. "Sound level" means the A-weighted sound pressure level
118 measured with fast response using an instrument complying with
119 the specification for sound level meters of the American
120 National Standards Institute, Inc., or its successor bodies,
121 except that only a weighting and fast dynamic response need be
122 provided.

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