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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/11/2014	.	
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The Committee on Commerce and Tourism (Detert) recommended the following:

1           **Senate Substitute for Amendment (954708) (with title**  
2 **amendment)**

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4  
5           Delete lines 131 - 347  
6 and insert:

7           (15) "Kite boarding" or "kite surfing" means an activity in  
8 which a kite board or surf board is tethered to a kite so as to  
9 harness the power of the wind and propel the board across a body



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10 of water. For the purposes of this subsection, "kite" has the  
11 same meaning as under 14 C.F.R. part 101.

12 (16)~~(14)~~ "Length" means the measurement from end to end  
13 over the deck parallel to the centerline, excluding sheer.

14 (17)~~(15)~~ "Lien" means a security interest that ~~which~~ is  
15 reserved or created by a written agreement recorded with the  
16 Department of Highway Safety and Motor Vehicles pursuant to s.  
17 328.15 and that ~~which~~ secures payment or performance of an  
18 obligation and is generally valid against third parties.

19 (18)~~(16)~~ "Lienholder" means a person holding a security  
20 interest in a vessel, which interest is recorded with the  
21 Department of Highway Safety and Motor Vehicles pursuant to s.  
22 328.15.

23 (19)~~(17)~~ "Live-aboard vessel" means:

24 (a) A ~~Any~~ vessel used solely as a residence and not for  
25 navigation;

26 (b) A ~~Any~~ vessel represented as a place of business or a  
27 professional or other commercial enterprise; or

28 (c) A ~~Any~~ vessel for which a declaration of domicile has  
29 been filed pursuant to s. 222.17.

30  
31 A commercial fishing boat is expressly excluded from the term  
32 "live-aboard vessel."

33 (20)~~(18)~~ "Livery vessel" means a ~~any~~ vessel leased, rented,  
34 or chartered to another for consideration.

35 (21)~~(19)~~ "Manufactured vessel" means a ~~any~~ vessel built  
36 after October 31, 1972, for which a federal hull identification  
37 number is required pursuant to federal law, or a ~~any~~ vessel  
38 constructed or assembled before ~~prior to~~ November 1, 1972, by a



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39 duly licensed manufacturer.

40 ~~(22)-(20)~~ "Marina" means a licensed commercial facility that  
41 ~~which~~ provides secured public moorings or dry storage for  
42 vessels on a leased basis. A commercial establishment authorized  
43 by a licensed vessel manufacturer as a dealership is ~~shall be~~  
44 considered a marina for nonjudicial sale purposes.

45 ~~(23)-(21)~~ "Marine sanitation device" means ~~any~~ equipment,  
46 other than a toilet, for installation on board a vessel, which  
47 is designed to receive, retain, treat, or discharge sewage, and  
48 any process to treat such sewage. Marine sanitation device Types  
49 I, II, and III shall be defined as provided in 33 C.F.R. part  
50 159.

51 ~~(24)-(22)~~ "Marker" means a ~~any~~ channel mark or other aid to  
52 navigation, an information or regulatory mark, an isolated  
53 danger mark, a safe water mark, a special mark, an inland waters  
54 obstruction mark, or mooring buoy in, on, or over the waters of  
55 the state or the shores thereof, and includes, but is not  
56 limited to, a sign, beacon, buoy, or light.

57 ~~(25)~~ "Moored ballooning" means the operation of a moored  
58 balloon as defined in 14 C.F.R. part 101.

59 ~~(26)-(23)~~ "Motorboat" means a ~~any~~ vessel equipped with  
60 machinery for propulsion, irrespective of whether the propulsion  
61 machinery is in actual operation.

62 ~~(27)-(24)~~ "Muffler" means an automotive-style sound-  
63 suppression device or system designed to effectively abate the  
64 sound of exhaust gases emitted from an internal combustion  
65 engine and prevent excessive sound when installed on such an  
66 engine.

67 ~~(28)-(25)~~ "Navigation rules" means, for vessels on:



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68 (a) ~~For vessels on~~ Waters outside ~~of~~ established  
69 navigational lines of demarcation as specified in 33 C.F.R. part  
70 80, the International Navigational Rules Act of 1977, 33 U.S.C.  
71 s. 1602, as amended, including the appendix and annexes thereto,  
72 through October 1, 2012.

73 (b) ~~For vessels on~~ All waters not outside of such  
74 established lines of demarcation, the Inland Navigational Rules  
75 Act of 1980, 33 C.F.R. parts 83-90, as amended, through October  
76 1, 2012.

77 (29)~~(26)~~ "Nonresident" means a citizen of the United States  
78 who has not established residence in this state and has not  
79 continuously resided in this state for 1 year and in one county  
80 for the 6 months immediately preceding the initiation of a  
81 vessel titling or registration action.

82 (30)~~(27)~~ "Operate" means to be in charge of, ~~or~~ in command  
83 of, ~~or~~ in actual physical control of a vessel upon the waters of  
84 this state, ~~or~~ to exercise control over or to have  
85 responsibility for a vessel's navigation or safety while the  
86 vessel is underway upon the waters of this state, or to control  
87 or steer a vessel being towed by another vessel upon the waters  
88 of the state.

89 (31)~~(28)~~ "Owner" means a person, other than a lienholder,  
90 having the property in or title to a vessel. The term includes a  
91 person entitled to the use or possession of a vessel subject to  
92 an interest in another person which is ~~reserved~~ or created by  
93 agreement and securing payment of performance of an obligation. ~~but~~  
94 The term does not include ~~excludes~~ a lessee under a lease  
95 not intended as security.

96 (32)~~(29)~~ "Person" means an individual, partnership, firm,



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97 corporation, association, or other entity.

98 ~~(33)~~~~(30)~~ "Personal watercraft" means a vessel less than 16  
99 feet in length which uses an inboard motor powering a water jet  
100 pump, as its primary source of motive power and which is  
101 designed to be operated by a person sitting, standing, or  
102 kneeling on the vessel, rather than in the conventional manner  
103 of sitting or standing inside the vessel.

104 ~~(34)~~~~(31)~~ "Portable toilet" means a device consisting of a  
105 lid, seat, containment vessel, and support structure which ~~that~~  
106 is specifically designed to receive, retain, and discharge human  
107 waste and which ~~that~~ is capable of being removed from a vessel  
108 by hand.

109 ~~(35)~~~~(32)~~ "Prohibited activity" means ~~such~~ activity that ~~as~~  
110 will impede or disturb navigation or creates a safety hazard on  
111 waterways of this state.

112 ~~(36)~~~~(33)~~ "Racing shell," "rowing scull," or "racing kayak"  
113 means a manually propelled vessel that ~~which~~ is recognized by  
114 national or international racing associations for use in  
115 competitive racing and in which all occupants, with the  
116 exception of a coxswain, if one is provided, row, scull, or  
117 paddle and that ~~which~~ is not designed to carry and does not  
118 carry any equipment not solely for competitive racing.

119 ~~(37)~~~~(34)~~ "Recreational vessel" means a ~~any~~ vessel:

120 (a) Manufactured and used primarily for noncommercial  
121 purposes; or

122 (b) Leased, rented, or chartered to a person for his or her  
123 ~~the person's~~ noncommercial use.

124 ~~(38)~~~~(35)~~ "Registration" means a state operating license on  
125 a vessel which is issued with an identifying number, an annual



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126 certificate of registration, and a decal designating the year  
127 for which a registration fee is paid.

128 ~~(39)-(36)~~ "Resident" means a citizen of the United States  
129 who has established residence in this state and has continuously  
130 resided in this state for 1 year and in one county for the 6  
131 months immediately preceding the initiation of a vessel titling  
132 or registration action.

133 ~~(40)-(37)~~ "Sailboat" means a ~~any~~ vessel whose sole source of  
134 propulsion is the wind.

135 ~~(41)~~ "Sustained wind speed" means a wind speed determined  
136 by averaging the observed wind speed rounded up to the nearest  
137 mile per hour over a 2-minute period.

138 ~~(42)-(38)~~ "Unclaimed vessel" means an ~~any~~ undocumented  
139 vessel, including its machinery, rigging, and accessories, which  
140 is in the physical possession of a ~~any~~ marina, garage, or repair  
141 shop for repairs, improvements, or other work with the knowledge  
142 of the vessel owner and for which the costs of such services  
143 have been unpaid for more than a period in excess of 90 days  
144 after ~~from~~ the date written notice of the completed work is  
145 given by the marina, garage, or repair shop to the vessel owner.

146 ~~(43)-(39)~~ "Vessel" is synonymous with boat as referenced in  
147 s. 1(b), Art. VII of the State Constitution and includes every  
148 description of watercraft, barge, and airboat, other than a  
149 seaplane on the water, used or capable of being used as a means  
150 of transportation on water.

151 ~~(44)-(40)~~ "Waters of this state" means any navigable waters  
152 of the United States within the territorial limits of this  
153 state, ~~and~~ the marginal sea adjacent to this state and the high  
154 seas when navigated as a part of a journey or ride to or from



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155 the shore of this state, and all the inland lakes, rivers, and  
156 canals under the jurisdiction of this state.

157 Section 3. Section 327.37, Florida Statutes, is amended to  
158 read:

159 327.37 Water skis, parasails, ~~and~~ aquaplanes, kite boards,  
160 kite surfboards, and moored balloons regulated.-

161 (1) (a) A person may not operate a vessel on any waters of  
162 this state towing a person on water skis, or an aquaplane, or  
163 similar device unless there is in such vessel a person, in  
164 addition to the operator, in a position to observe the progress  
165 of the person being towed, or the vessel is equipped with a  
166 wide-angle rear view mirror mounted in such manner as to permit  
167 the operator of the vessel to observe the progress of the person  
168 being towed. This subsection does not apply to class A  
169 motorboats operated by the person being towed and designed to be  
170 incapable of carrying the operator in the motorboat.

171 (b) A person may not operate a vessel on any waters of this  
172 state towing a person attached to a parasail or similar device  
173 unless there is a person in the vessel, in addition to the  
174 operator, in a position to observe the progress of the person  
175 being towed. A wide-angle rear view mirror is not acceptable for  
176 this purpose.

177 (2) (a) A person may not engage in water skiing,  
178 parasailing, aquaplaning, or any similar activity at any time  
179 between the hours from one-half hour after sunset to one-half  
180 hour before sunrise.

181 (b) A person may not engage in water skiing, parasailing,  
182 aquaplaning, or any similar activity unless such person is  
183 wearing a noninflatable type I, type II, type III, or type V



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184 personal flotation device approved by the United States Coast  
185 Guard.

186 (3) The provisions of subsections (1) and (2) do not apply  
187 to a performer engaged in a professional exhibition or a person  
188 preparing to participate or participating in an official  
189 regatta, boat race, marine parade, tournament, or exhibition  
190 held pursuant to s. 327.48.

191 (4) A person may not operate or manipulate any vessel, tow  
192 rope, or other device by which the direction or location of  
193 water skis, parasail, aquaplane, innertube, sled, or similar  
194 device may be affected or controlled, in such a way as to cause  
195 the water skis, parasail, aquaplane, innertube, sled, or similar  
196 device or any person thereon to collide or strike against or be  
197 likely to collide or strike against any vessel, bridge, wharf,  
198 pier, dock, buoy, platform, piling, channel marker, or other  
199 object, except slalom buoys, ski jumps, or like objects used  
200 normally in competitive or recreational skiing.

201 (5) A person may not operate any vessel towing a parasail  
202 or engage in parasailing within 100 feet of the marked channel  
203 of the Florida Intracoastal Waterway or within 5 miles of the  
204 boundary of any airport except under a certificate of waiver  
205 issued by the Administrator of the Federal Aviation  
206 Administration pursuant to 14 C.F.R. part 101.

207 (6) A person may not engage in kite boarding, kite surfing,  
208 or moored ballooning within 5 miles of the boundary of an  
209 airport except under a certificate of waiver issued by the  
210 Administrator of the Federal Aviation Administration pursuant to  
211 14 C.F.R. part 101.

212 Section 4. Section 327.375, Florida Statutes, is created to





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213 read:

214 327.375 Commercial parasailing.—

215 (1) The operator of a vessel engaged in commercial  
216 parasailing shall ensure that the provisions of this section and  
217 s. 327.37 are met.

218 (2) The owner or operator of a vessel engaged in commercial  
219 parasailing may not offer or provide for consideration any  
220 parasailing activity unless the owner or operator first obtains  
221 and maintains in full force and effect a liability insurance  
222 policy from an insurance carrier licensed in this state or  
223 approved by the Office of Insurance Regulation or an eligible  
224 surplus lines insurer. Such policy must provide bodily injury  
225 liability coverage in the amounts of at least \$1 million per  
226 occurrence and \$2 million annual aggregate. Proof of insurance  
227 must be available for inspection at the location where  
228 commercial parasailing is offered or provided for consideration,  
229 and each customer who requests such proof shall be provided with  
230 the insurance carrier's name and address and the insurance  
231 policy number.

232 (3) The operator of a vessel engaged in commercial  
233 parasailing must have a current and valid license issued by the  
234 United States Coast Guard authorizing the operator to carry  
235 passengers for hire. The license must be appropriate for the  
236 number of passengers carried and the displacement of the vessel.  
237 The license must be carried on the vessel and be available for  
238 inspection while engaging in commercial parasailing activities.

239 (4) A vessel engaged in commercial parasailing must be  
240 equipped with a functional VHF marine transceiver and a separate  
241 electronic device capable of providing access to National



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242 Weather Service forecasts and current weather conditions.

243 (5) (a) Commercial parasailing is prohibited if the current  
244 observed wind conditions in the area of operation include a  
245 sustained wind speed of more than 20 miles per hour; if wind  
246 gusts are 15 miles per hour higher than the sustained wind  
247 speed; if the wind speed during gusts exceeds 25 miles per hour;  
248 if rain or heavy fog results in reduced visibility of less than  
249 0.5 mile; or if a known lightning storm comes within 7 miles of  
250 the parasailing area.

251 (b) The operator of the vessel engaged in commercial  
252 parasailing shall use all available means to determine  
253 prevailing and forecasted weather conditions and record this  
254 information in a weather log each time passengers are to be  
255 taken out on the water. The weather log must be available for  
256 inspection at all times at the operator's place of business.

257 (6) A person or operator who violates this section commits  
258 a misdemeanor of the second degree, punishable as provided in s.  
259 775.082 or s. 775.083.

260 Section 5. Paragraph (d) of subsection (5) of section  
261 320.08, Florida Statutes, is amended to read:

262 320.08 License taxes.—Except as otherwise provided herein,  
263 there are hereby levied and imposed annual license taxes for the  
264 operation of motor vehicles, mopeds, motorized bicycles as  
265 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
266 and mobile homes, as defined in s. 320.01, which shall be paid  
267 to and collected by the department or its agent upon the  
268 registration or renewal of registration of the following:

269 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
270 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—



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271 (d) A wrecker, as defined in s. 320.01, which is used to  
272 tow a vessel as defined in s. 327.02~~(39)~~, a disabled, abandoned,  
273 stolen-recovered, or impounded motor vehicle as defined in s.  
274 320.01, or a replacement motor vehicle as defined in s. 320.01:  
275 \$41 flat, of which \$11 shall be deposited into the General  
276 Revenue Fund.

277 Section 6. Subsection (1) of section 327.391, Florida  
278 Statutes, is amended to read:

279 327.391 Airboats regulated.—

280 (1) The exhaust of every internal combustion engine used on  
281 any airboat operated on the waters of this state shall be  
282 provided with an automotive-style factory muffler, underwater  
283 exhaust, or other manufactured device capable of adequately  
284 muffling the sound of the exhaust of the engine as described in  
285 s. 327.02~~(24)~~. The use of cutouts or flex pipe as

286  
287 ===== T I T L E A M E N D M E N T =====

288 And the title is amended as follows:

289 Delete line 4

290 and insert:

291 amending s. 327.37, F.S.; prohibiting kite boarding,  
292 kite surfing, or moored ballooning within 5 miles of  
293 the boundary of an airport without a certification of  
294 waiver issued by the Administrator of the Federal  
295 Aviation Administration; creating s. 327.375, F.S.;;  
296 requiring the operator of a