

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Polsky offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety education ~~identification~~ cards.-

(1) A person born on or after January 1, 1988, may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession aboard the vessel photographic identification and a boating ~~boater~~ safety identification card issued by the commission, ~~or~~ a state-issued identification card or driver license indicating possession of the boating ~~boater~~ safety identification card, or photographic

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17 identification and a temporary certificate issued or approved by
18 the commission, which shows that he or she has:

19 (a) Completed a commission-approved boating safety boater
20 education course that meets the minimum requirements 8-hour
21 instruction requirement established by the National Association
22 of State Boating Law Administrators; or

23 (b) ~~Passed a course equivalency examination approved by~~
24 ~~the commission; or~~

25 ~~(c) Passed a temporary certificate examination developed~~
26 ~~or approved by the commission.~~

27 (2) (a) A Any person may obtain a boating boater safety
28 identification card by successfully completing a boating safety
29 education course that meets complying with the requirements of
30 this section and rules adopted by the commission pursuant to
31 this section.

32 (b) A person may obtain a temporary certificate by passing
33 a temporary certificate examination that meets the requirements
34 of this section and rules adopted by the commission pursuant to
35 this section.

36 (3) Any commission-approved boating boater education or
37 boater safety education course, course equivalency examination
38 developed or approved by the commission, or temporary
39 certificate examination developed or approved by the commission
40 must include a component regarding diving vessels, awareness of
41 divers in the water, divers-down warning devices, and the

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42 requirements of s. 327.331.

43 (4) The commission may appoint liveries, marinas, or other
44 persons as its agents to administer the boating safety education
45 ~~course, course equivalency examination,~~ or temporary certificate
46 examination and issue identification cards or temporary
47 certificates in digital, electronic, or paper format under
48 guidelines established by the commission. An agent must charge
49 the \$2 examination fee, which must be forwarded to the
50 commission with proof of passage of the examination and may
51 charge and keep a \$1 service fee.

52 (5) A boating safety ~~An~~ identification card issued to a
53 person who has completed a boating safety education course ~~or a~~
54 ~~course equivalency examination~~ is valid for life. A temporary
55 certificate card issued to a person who has passed a temporary
56 certification examination is valid for 90 days after ~~12 months~~
57 ~~from~~ the date of issuance. The commission may issue either the
58 boating safety identification card or the temporary certificate
59 in a digital, electronic, or paper format.

60 (6) A person is exempt from subsection (1) if he or she:

61 (a) Is licensed by the United States Coast Guard to serve
62 as master of a vessel.

63 (b) Operates a vessel only on a private lake or pond.

64 (c) Is accompanied in the vessel by a person who is exempt
65 from this section or who holds a boating safety ~~an~~
66 identification card in compliance with this section, who is 18

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67 | years of age or older, and who is attendant to the operation of
68 | the vessel and responsible for the safe operation of the vessel
69 | and for any violation that occurs during the operation of the
70 | vessel.

71 | (d) Is a nonresident who has in his or her possession
72 | photographic identification and proof that he or she has
73 | completed a boating safety boater education course or
74 | equivalency examination in another state or a United States
75 | territory which meets or exceeds the minimum requirements
76 | established by the National Association of State Boating Law
77 | Administrators of subsection (1).

78 | (e) Is operating a vessel within 90 days after the
79 | purchase of that vessel and has available for inspection aboard
80 | that vessel a bill of sale meeting the requirements of s.
81 | 328.46(1).

82 | (f) Is operating a vessel within 90 days after completing
83 | the requirements of paragraph (1)(a) ~~or paragraph (1)(b)~~ and has
84 | a photographic identification card and a boating safety boater
85 | education certificate available for inspection as proof of
86 | having completed a boating safety boater education course. The
87 | boating safety boater education temporary certificate must
88 | provide, at a minimum, the student's first and last name, the
89 | student's date of birth, and the date that he or she passed the
90 | course examination.

91 | (g) Is exempted by rule of the commission.

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92 (7) A person who operates a vessel in violation of
93 subsection (1) commits a noncriminal infraction, punishable as
94 provided in s. 327.73.

95 ~~(8) The commission shall design forms and adopt rules to~~
96 ~~administer this section. Such rules shall include provision for~~
97 ~~educational and other public and private entities to offer the~~
98 ~~course and administer examinations.~~

99 (8)(9) The commission shall institute and coordinate a
100 statewide program of boating safety instruction and
101 certification to ensure that boating safety education courses
102 and examinations are available in each county of the state. The
103 commission may appoint agents to administer the boating safety
104 education course or temporary certificate examination and may
105 authorize the agents to issue temporary certificates in digital,
106 electronic, or paper format. The agents shall charge and collect
107 the \$2 fee required in subsection (9) for each temporary
108 certificate, which must be forwarded to the commission.

109 (9)(10) The commission is authorized to establish and to
110 collect a \$2 ~~examination~~ fee for each boating safety
111 identification card and temporary certificate issued pursuant to
112 this section to cover administrative costs.

113 (10)(11) The commission shall design forms and is
114 ~~authorized to~~ adopt rules pursuant to chapter 120 to implement
115 the provisions of this section.

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116 (11)~~(12)~~ This section may be cited as the "Osmany 'Ozzie'
117 Castellanos Boating Safety Education Act."

118 Section 2. Subsection (6) is added to section 327.4109,
119 Florida Statutes, to read:

120 327.4109 Anchoring or mooring prohibited; exceptions;
121 penalties.—

122 (6) (a) As used in this subsection, and applied only for
123 the purposes of the study required by this subsection and not
124 for any other purposes, the term "long-term stored vessel" means
125 a vessel on the waters of the state which is not under the
126 supervision and control of a person capable of operating,
127 maintaining, or moving it from one location to another and which
128 has remained anchored or moored outside of a public mooring
129 field for at least 30 days out of a 60-day period.

130 (b) The commission shall conduct, or contract with a
131 private vendor to conduct, for no longer than 2 years, a study
132 of the impacts of long-term stored vessels on local communities
133 and this state.

134 (c) The study shall:

135 1. Investigate whether, and to what extent, long-term
136 stored vessels and vessels anchored or moored outside of public
137 mooring fields for more than 30 days contribute to the number of
138 derelict and abandoned vessels on the waters of the state.

139 2. Investigate the impacts of long-term stored vessels,
140 vessels anchored or moored outside of public mooring fields for

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141 more than 30 days, and vessels moored within public mooring
142 fields on the local and state economies, public safety, public
143 boat ramps, staging docks, and public marinas; and the
144 environment during and after significant tropical storm and
145 hurricane events.

146 3. Provide recommendations for appropriate management
147 options for long-term stored vessels and vessels anchored or
148 moored outside public mooring fields for more than 30 days to
149 mitigate any identified negative impacts to local communities
150 and this state.

151 (d) The commission shall submit a report of its findings
152 and recommendations to the Governor, the President of the
153 Senate, and the Speaker of the House of Representatives within 6
154 months after the study is completed.

155 (e) This subsection is contingent upon appropriation by
156 the Legislature.

157 (f) This subsection expires January 1, 2024.

158 Section 3. Present paragraphs (c) and (d) of subsection
159 (4) of section 327.60, Florida Statutes, are redesignated as
160 paragraphs (d) and (e), respectively, and a new paragraph (c) is
161 added to that subsection, to read:

162 327.60 Local regulations; limitations.—

163 (4)

164 (c) Upon approval of the Administrator of the
165 Environmental Protection Agency pursuant to s. 1322 of Title 33

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166 of the United States Code, a county designated as a rural area
167 of opportunity may create a no-discharge zone for freshwater
168 waterbodies within the county's jurisdiction to prohibit treated
169 and untreated sewage discharges from floating structures and
170 live-aboard vessels not capable of being used as a means of
171 transportation and from houseboats. Within a no-discharge zone
172 boundary, operators of such floating structures, live-aboard
173 vessels, and houseboats shall retain their sewage on shore for
174 discharge at a pumpout facility or on board for discharge more
175 than 3 miles off the coast in the Atlantic Ocean or more than 9
176 miles off the coast in the Gulf of Mexico. Violations of this
177 paragraph are punishable as provided in s. 327.53(6) and (7).

178 Section 4. Paragraph (r) of subsection (1) of section
179 327.73, Florida Statutes, is amended, and paragraph (s) of that
180 subsection and subsection (4) of that section are reenacted, to
181 read:

182 327.73 Noncriminal infractions.—

183 (1) Violations of the following provisions of the vessel
184 laws of this state are noncriminal infractions:

185 (r) Section 327.53(4), (5), and (7), relating to marine
186 sanitation, and s. 327.60, relating to no-discharge zones, for
187 which the civil penalty is \$250.

188 (s) Section 327.395, relating to boater safety education.

189

190 Any person cited for a violation of any provision of this

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191 subsection shall be deemed to be charged with a noncriminal
192 infraction, shall be cited for such an infraction, and shall be
193 cited to appear before the county court. The civil penalty for
194 any such infraction is \$50, except as otherwise provided in this
195 section. Any person who fails to appear or otherwise properly
196 respond to a uniform boating citation shall, in addition to the
197 charge relating to the violation of the boating laws of this
198 state, be charged with the offense of failing to respond to such
199 citation and, upon conviction, be guilty of a misdemeanor of the
200 second degree, punishable as provided in s. 775.082 or s.
201 775.083. A written warning to this effect shall be provided at
202 the time such uniform boating citation is issued.

203 (4) Any person charged with a noncriminal infraction under
204 this section may:

205 (a) Pay the civil penalty, either by mail or in person,
206 within 30 days of the date of receiving the citation; or,

207 (b) If he or she has posted bond, forfeit bond by not
208 appearing at the designated time and location.

209
210 If the person cited follows either of the above procedures, he
211 or she shall be deemed to have admitted the noncriminal
212 infraction and to have waived the right to a hearing on the
213 issue of commission of the infraction. Such admission shall not
214 be used as evidence in any other proceedings. If a person who is
215 cited for a violation of s. 327.395 can show a boating safety

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216 identification card issued to that person and valid at the time
217 of the citation, the clerk of the court may dismiss the case and
218 may assess a dismissal fee of up to \$10. If a person who is
219 cited for a violation of s. 328.72(13) can show proof of having
220 a registration for that vessel which was valid at the time of
221 the citation, the clerk may dismiss the case and may assess the
222 dismissal fee.

223 Section 5. Subsection (6) is added to section 823.11,
224 Florida Statutes, to read:

225 823.11 Derelict vessels; relocation or removal; penalty.-

226 (6) If an owner or a responsible party of a vessel
227 determined to be derelict through an administrative or criminal
228 proceeding has been charged by an officer of the commission or
229 any law enforcement agency or officer as specified in s. 327.70
230 under subsection (5) for a violation of subsection (2) or a
231 violation of s. 376.15(2), a person may not reside or dwell on
232 such vessel until the vessel is removed from the waters of the
233 state permanently or returned to the waters of the state in a
234 condition that is no longer derelict.

235 Section 6. This act shall take effect July 1, 2019.

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

Remove everything before the enacting clause and insert:

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241 A bill to be entitled
242 An act relating to vessels; amending s. 327.395, F.S.;
243 authorizing the commission to appoint certain persons
244 to issue temporary certificates; authorizing the
245 commission to issue boating safety identification
246 cards or temporary certificates in digital or
247 electronic formats; authorizing the commission to
248 appoint agents to collect fees for the boating safety
249 education course or temporary certificate examination;
250 amending s. 327.4109, F.S.; defining a term; directing
251 the Fish and Wildlife Conservation Commission to
252 conduct, contingent upon appropriation, a specified
253 study of the impacts of long-term stored vessels and
254 certain anchored and moored vessels on local
255 communities and the state and to submit a report to
256 the Governor and Legislature within a specified
257 timeframe; providing for expiration of the study
258 requirements; amending s. 327.60, F.S.; authorizing
259 certain counties to create no-discharge zones under
260 certain conditions; providing requirements for
261 discharge in specified areas outside the no-discharge
262 zones; reenacting and amending s. 327.73, F.S.,
263 relating to noncriminal infractions; specifying the
264 fines for violations related to no-discharge zones;
265 amending s. 823.11, F.S.; prohibiting persons from

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Bill No. CS/HB 1221 (2019)

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266 | residing or dwelling on certain derelict vessels until
267 | certain conditions are met; providing an effective
268 | date.