

1 A bill to be entitled
2 An act relating to vessels; amending s. 327.395, F.S.;
3 revising boating safety identification requirements
4 for certain persons; authorizing the Fish and Wildlife
5 Conservation Commission to appoint certain agents to
6 administer boating safety education courses and
7 temporary certification examinations, issue boating
8 safety identification cards and temporary certificates
9 in digital, electronic, or paper formats, and charge
10 and collect specified fees for such cards and
11 certificates; authorizing the commission to issue
12 boating safety identification cards and temporary
13 certificates in digital, electronic, or paper formats;
14 amending s. 327.4109, F.S.; defining a term; directing
15 the commission to conduct, contingent upon
16 appropriation, a specified study of the impacts of
17 long-term stored vessels and certain anchored and
18 moored vessels on local communities and the state and
19 to submit a report to the Governor and Legislature
20 within a specified timeframe; amending s. 327.60,
21 F.S.; authorizing certain counties, upon certain
22 approval, to create no-discharge zones; providing
23 requirements for discharge in specified areas outside
24 of no-discharge zones; reenacting and amending s.
25 327.73, F.S., relating to noncriminal infractions;

26 providing a penalty for violations relating to no-
 27 discharge zones; amending s. 823.11, F.S.; prohibiting
 28 persons from residing or dwelling on certain derelict
 29 vessels until certain conditions are met; providing an
 30 effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

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

36 327.395 Boating safety education ~~identification cards.~~

37 (1) A person born on or after January 1, 1988, may not
 38 operate a vessel powered by a motor of 10 horsepower or greater
 39 unless such person has in his or her possession aboard the
 40 vessel photographic identification and a boating ~~boater~~ safety
 41 identification card issued by the commission, ~~or~~ a state-issued
 42 identification card or driver license indicating possession of
 43 the boating ~~boater~~ safety identification card, or photographic
 44 identification and a temporary certificate issued or approved by
 45 the commission, which shows that he or she has:

46 (a) Completed a commission-approved boating safety ~~boater~~
 47 education course that meets the minimum requirements ~~8-hour~~
 48 ~~instruction requirement~~ established by the National Association
 49 of State Boating Law Administrators; or

50 (b) ~~Passed a course equivalency examination approved by~~

51 ~~the commission; or~~

52 ~~(e)~~ Passed a temporary certificate examination developed
53 or approved by the commission.

54 (2) (a) A ~~Any~~ person may obtain a boating ~~boater~~ safety
55 identification card by successfully completing a boating safety
56 education course that meets ~~complying with~~ the requirements of
57 this section and rules adopted by the commission pursuant to
58 this section.

59 (b) A person may obtain a temporary certificate by passing
60 a temporary certificate examination that meets the requirements
61 of this section and rules adopted by the commission pursuant to
62 this section.

63 (3) Any commission-approved boating ~~boater~~ ~~education or~~
64 ~~boater~~ safety education course, ~~course equivalency examination~~
65 ~~developed or approved by the commission,~~ or temporary
66 certificate examination developed or approved by the commission
67 must include a component regarding diving vessels, awareness of
68 divers in the water, divers-down warning devices, and the
69 requirements of s. 327.331.

70 (4) The commission may appoint liveries, marinas, or other
71 persons as its agents to administer the boating safety education
72 ~~course, course equivalency examination,~~ or temporary certificate
73 examination and issue identification cards or temporary
74 certificates in digital, electronic, or paper format under
75 guidelines established by the commission. An agent must charge

76 | and collect the \$2 ~~examination~~ fee required under subsection
77 | (9), which must be forwarded to the commission with proof of
78 | passage of the examination, and may charge and keep a \$1 service
79 | fee.

80 | (5) A boating safety ~~An~~ identification card issued to a
81 | person who has completed a boating safety education course ~~or a~~
82 | ~~course equivalency examination~~ is valid for life. A temporary
83 | certificate ~~card~~ issued to a person who has passed a temporary
84 | certification examination is valid for 90 days after ~~12 months~~
85 | ~~from~~ the date of issuance. The commission may issue a boating
86 | safety identification card or temporary certificate in a
87 | digital, electronic, or paper format.

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

89 | (a) Is licensed by the United States Coast Guard to serve
90 | as master of a vessel.

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

92 | (c) Is accompanied in the vessel by a person who is exempt
93 | from this section or who holds a boating safety ~~an~~
94 | identification card in compliance with this section, who is 18
95 | years of age or older, and who is attendant to the operation of
96 | the vessel and responsible for the safe operation of the vessel
97 | and for any violation that occurs during the operation of the
98 | vessel.

99 | (d) Is a nonresident who has in his or her possession
100 | photographic identification and proof that he or she has

101 completed a boating safety boater education course or
102 equivalency examination in another state or a United States
103 territory which meets or exceeds the minimum requirements
104 established by the National Association of State Boating Law
105 Administrators of subsection (1).

106 (e) Is operating a vessel within 90 days after the
107 purchase of that vessel and has available for inspection aboard
108 that vessel a bill of sale meeting the requirements of s.
109 328.46(1).

110 (f) Is operating a vessel within 90 days after completing
111 the requirements of paragraph (1) (a) ~~or paragraph (1) (b)~~ and has
112 a photographic identification card and a boating safety boater
113 education certificate available for inspection as proof of
114 having completed a boating safety boater education course. The
115 boating safety boater education temporary certificate must
116 provide, at a minimum, the student's first and last name, the
117 student's date of birth, and the date that he or she passed the
118 course examination.

119 (g) Is exempted by rule of the commission.

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

123 ~~(8) The commission shall design forms and adopt rules to~~
124 ~~administer this section. Such rules shall include provision for~~
125 ~~educational and other public and private entities to offer the~~

126 ~~course and administer examinations.~~

127 (8)~~(9)~~ The commission shall institute and coordinate a
128 statewide program of boating safety instruction and
129 certification to ensure that boating safety education courses
130 and examinations are available in each county of the state. The
131 commission may appoint agents to administer the boating safety
132 education course or temporary certificate examination and may
133 authorize the agents to issue temporary certificates in digital,
134 electronic, or paper format. An agent must charge the \$2 fee
135 required under subsection (9) for each temporary certificate
136 issued, which must be forwarded to the commission.

137 (9)~~(10)~~ The commission is authorized to establish and to
138 collect a \$2 ~~examination~~ fee for each boating safety
139 identification card and temporary certificate issued pursuant to
140 this section to cover administrative costs.

141 (10)~~(11)~~ The commission shall design forms and is
142 ~~authorized to~~ adopt rules pursuant to chapter 120 to implement
143 ~~the provisions of~~ this section.

144 (11)~~(12)~~ This section may be cited as the "Osmany 'Ozzie'
145 Castellanos Boating Safety Education Act."

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

148 327.4109 Anchoring or mooring prohibited; exceptions;
149 penalties.—

150 (6) (a) As used in this subsection, and applicable only to

151 the study required by this subsection, the term "long-term
152 stored vessel" means a vessel on the waters of the state which
153 is not under the supervision and control of a person capable of
154 operating, maintaining, or moving it from one location to
155 another and which has remained anchored or moored outside of a
156 public mooring field for at least 30 days out of a 60-day
157 period.

158 (b) The commission shall conduct, or contract with a
159 private vendor to conduct, for not longer than 2 years, a study
160 of the impacts of long-term stored vessels on local communities
161 and the state.

162 (c) The study shall:

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

167 2. Investigate the impacts of long-term stored vessels,
168 vessels anchored or moored outside of public mooring fields for
169 more than 30 days, and vessels moored within public mooring
170 fields on the local and state economies, public safety, public
171 boat ramps, staging docks, public marinas, and the environment
172 during and after significant tropical storm and hurricane
173 events.

174 3. Provide recommendations for appropriate management
175 options for long-term stored vessels and vessels anchored or

176 moored outside of public mooring fields for more than 30 days to
177 mitigate any identified negative impacts to local communities
178 and the state.

179 (d) The commission shall submit a report of its findings
180 and recommendations to the Governor, the President of the
181 Senate, and the Speaker of the House of Representatives within 6
182 months after the study is completed.

183 (e) This subsection is contingent upon appropriation by
184 the Legislature.

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

186 Section 3. Paragraphs (c) and (d) of subsection (4) of
187 section 327.60, Florida Statutes, are redesignated as paragraphs
188 (d) and (e), respectively, and a new paragraph (c) is added to
189 that subsection to read:

190 327.60 Local regulations; limitations.—

191 (4)

192 (c) Upon approval of the Administrator of the United
193 States Environmental Protection Agency pursuant to 33 U.S.C. s.
194 1322, a county designated as a rural area of opportunity may
195 create a no-discharge zone for freshwater waterbodies within the
196 county's jurisdiction to prohibit treated and untreated sewage
197 discharges from floating structures and live-aboard vessels,
198 which are not capable of being used as a means of
199 transportation, and houseboats. Within a no-discharge zone
200 boundary, operators of such floating structures, live-aboard

201 vessels, and houseboats shall retain their sewage onshore for
 202 discharge at a pumpout facility or onboard for discharge more
 203 than 3 miles off the coast of the state in the Atlantic Ocean or
 204 more than 9 miles off the coast of the state in the Gulf of
 205 Mexico. Violations of this paragraph are punishable as provided
 206 in s. 327.53(6) and (7).

207 Section 4. Paragraph (r) of subsection (1) of section
 208 327.73, Florida Statutes, is amended, and paragraph (s) of that
 209 subsection and subsection (4) of that section are reenacted, to
 210 read:

211 327.73 Noncriminal infractions.—

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

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

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

218
 219 Any person cited for a violation of any provision of this
 220 subsection shall be deemed to be charged with a noncriminal
 221 infraction, shall be cited for such an infraction, and shall be
 222 cited to appear before the county court. The civil penalty for
 223 any such infraction is \$50, except as otherwise provided in this
 224 section. Any person who fails to appear or otherwise properly
 225 respond to a uniform boating citation shall, in addition to the

226 charge relating to the violation of the boating laws of this
227 state, be charged with the offense of failing to respond to such
228 citation and, upon conviction, be guilty of a misdemeanor of the
229 second degree, punishable as provided in s. 775.082 or s.
230 775.083. A written warning to this effect shall be provided at
231 the time such uniform boating citation is issued.

232 (4) Any person charged with a noncriminal infraction under
233 this section may:

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

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

238
239 If the person cited follows either of the above procedures, he
240 or she shall be deemed to have admitted the noncriminal
241 infraction and to have waived the right to a hearing on the
242 issue of commission of the infraction. Such admission shall not
243 be used as evidence in any other proceedings. If a person who is
244 cited for a violation of s. 327.395 can show a boating safety
245 identification card issued to that person and valid at the time
246 of the citation, the clerk of the court may dismiss the case and
247 may assess a dismissal fee of up to \$10. If a person who is
248 cited for a violation of s. 328.72(13) can show proof of having
249 a registration for that vessel which was valid at the time of
250 the citation, the clerk may dismiss the case and may assess the

251 dismissal fee.

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

254 823.11 Derelict vessels; relocation or removal; penalty.-

255 (6) If an owner or a responsible party of a vessel
256 determined to be derelict through an administrative or criminal
257 proceeding has been charged by an officer of the commission or
258 an officer of any law enforcement agency pursuant to s.
259 327.70(5) for a violation of subsection (2) or s. 376.15(2), a
260 person may not reside or dwell on such vessel until the vessel
261 is removed from the waters of the state permanently or returned
262 to the waters of the state in a condition that is no longer
263 derelict.

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