

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. 328.72, F.S.; revising
 28 the distribution of vessel registration fees to
 29 provide grants for derelict vessel removal and to fund
 30 the Florida Boating Improvement Program and specified
 31 public boating access; amending s. 376.15, F.S.;
 32 authorizing the commission to use certain funds to
 33 remove, or to pay private contractors to remove,
 34 derelict vessels; amending s. 823.11, F.S.;
 35 prohibiting persons from residing or dwelling on
 36 certain derelict vessels until certain conditions are
 37 met; providing an effective date.

38

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

40

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

43 327.395 Boating safety education ~~identification~~ cards.—

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

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

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

57 (b) ~~Passed a course equivalency examination approved by~~
58 ~~the commission; or~~

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

61 (2) (a) ~~A~~ Any person may obtain a boating ~~boater~~ safety
62 identification card by successfully completing a boating safety
63 education course that meets ~~complying with~~ the requirements of
64 this section and rules adopted by the commission pursuant to
65 this section.

66 (b) A person may obtain a temporary certificate by passing
67 a temporary certificate examination that meets the requirements
68 of this section and rules adopted by the commission pursuant to
69 this section.

70 (3) Any commission-approved boating ~~boater~~ ~~education or~~
71 ~~boater~~ safety education course, ~~course equivalency examination~~
72 ~~developed or approved by the commission,~~ or temporary
73 certificate examination developed or approved by the commission
74 must include a component regarding diving vessels, awareness of
75 divers in the water, divers-down warning devices, and the

76 requirements of s. 327.331.

77 (4) The commission may appoint liveries, marinas, or other
78 persons as its agents to administer the boating safety education
79 ~~course, course equivalency examination,~~ or temporary certificate
80 examination and issue identification cards or temporary
81 certificates in digital, electronic, or paper format under
82 guidelines established by the commission. An agent must charge
83 and collect the \$2 ~~examination~~ fee required under subsection
84 (9), which must be forwarded to the commission with proof of
85 passage of the examination, and may charge and keep a \$1 service
86 fee.

87 (5) A boating safety ~~An~~ identification card issued to a
88 person who has completed a boating safety education course ~~or a~~
89 ~~course equivalency examination~~ is valid for life. A temporary
90 certificate ~~card~~ issued to a person who has passed a temporary
91 certification examination is valid for 90 days after ~~12 months~~
92 ~~from~~ the date of issuance. The commission may issue a boating
93 safety identification card or temporary certificate in a
94 digital, electronic, or paper format.

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

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

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

99 (c) Is accompanied in the vessel by a person who is exempt
100 from this section or who holds a boating safety ~~an~~

101 identification card in compliance with this section, who is 18
102 years of age or older, and who is attendant to the operation of
103 the vessel and responsible for the safe operation of the vessel
104 and for any violation that occurs during the operation of the
105 vessel.

106 (d) Is a nonresident who has in his or her possession
107 photographic identification and proof that he or she has
108 completed a boating safety boater education course or
109 equivalency examination in another state or a United States
110 territory which meets or exceeds the minimum requirements
111 established by the National Association of State Boating Law
112 Administrators of subsection (1).

113 (e) Is operating a vessel within 90 days after the
114 purchase of that vessel and has available for inspection aboard
115 that vessel a bill of sale meeting the requirements of s.
116 328.46(1).

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

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

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

130 ~~(8) The commission shall design forms and adopt rules to~~
 131 ~~administer this section. Such rules shall include provision for~~
 132 ~~educational and other public and private entities to offer the~~
 133 ~~course and administer examinations.~~

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

144 (9)-(10) The commission is authorized to establish and to
 145 collect a \$2 ~~examination~~ fee for each boating safety
 146 identification card and temporary certificate issued pursuant to
 147 this section ~~to cover administrative costs.~~

148 (10)-(11) The commission shall design forms and is
 149 authorized to adopt rules pursuant to chapter 120 to implement
 150 the provisions of this section.

151 ~~(11)-(12)~~ This section may be cited as the "Osmany 'Ozzie'
152 Castellanos Boating Safety Education Act."

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

155 327.4109 Anchoring or mooring prohibited; exceptions;
156 penalties.—

157 (6) (a) As used in this subsection, and applicable only to
158 the study required by this subsection, the term "long-term
159 stored vessel" means a vessel on the waters of the state which
160 is not under the supervision and control of a person capable of
161 operating, maintaining, or moving it from one location to
162 another and which has remained anchored or moored outside of a
163 public mooring field for at least 30 days out of a 60-day
164 period.

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

169 (c) The study shall:

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

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

176 more than 30 days, and vessels moored within public mooring
177 fields on the local and state economies, public safety, public
178 boat ramps, staging docks, public marinas, and the environment
179 during and after significant tropical storm and hurricane
180 events.

181 3. Provide recommendations for appropriate management
182 options for long-term stored vessels and vessels anchored or
183 moored outside of public mooring fields for more than 30 days to
184 mitigate any identified negative impacts to local communities
185 and the state.

186 (d) The commission shall submit a report of its findings
187 and recommendations to the Governor, the President of the
188 Senate, and the Speaker of the House of Representatives within 6
189 months after the study is completed.

190 (e) This subsection is contingent upon appropriation by
191 the Legislature.

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

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

197 327.60 Local regulations; limitations.—

198 (4)

199 (c) Upon approval of the Administrator of the United
200 States Environmental Protection Agency pursuant to 33 U.S.C. s.

201 1322, a county designated as a rural area of opportunity may
202 create a no-discharge zone for freshwater waterbodies within the
203 county's jurisdiction to prohibit treated and untreated sewage
204 discharges from floating structures and live-aboard vessels,
205 which are not capable of being used as a means of
206 transportation, and houseboats. Within a no-discharge zone
207 boundary, operators of such floating structures, live-aboard
208 vessels, and houseboats shall retain their sewage onshore for
209 discharge at a pumpout facility or onboard for discharge more
210 than 3 miles off the coast of the state in the Atlantic Ocean or
211 more than 9 miles off the coast of the state in the Gulf of
212 Mexico. Violations of this paragraph are punishable as provided
213 in s. 327.53(6) and (7).

214 Section 4. Paragraph (r) of subsection (1) of section
215 327.73, Florida Statutes, is amended, and paragraph (s) of that
216 subsection and subsection (4) of that section are reenacted, to
217 read:

218 327.73 Noncriminal infractions.—

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

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

224 (s) Section 327.395, relating to boater safety education.
225

226 Any person cited for a violation of any provision of this
227 subsection shall be deemed to be charged with a noncriminal
228 infraction, shall be cited for such an infraction, and shall be
229 cited to appear before the county court. The civil penalty for
230 any such infraction is \$50, except as otherwise provided in this
231 section. Any person who fails to appear or otherwise properly
232 respond to a uniform boating citation shall, in addition to the
233 charge relating to the violation of the boating laws of this
234 state, be charged with the offense of failing to respond to such
235 citation and, upon conviction, be guilty of a misdemeanor of the
236 second degree, punishable as provided in s. 775.082 or s.
237 775.083. A written warning to this effect shall be provided at
238 the time such uniform boating citation is issued.

239 (4) Any person charged with a noncriminal infraction under
240 this section may:

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

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

245
246 If the person cited follows either of the above procedures, he
247 or she shall be deemed to have admitted the noncriminal
248 infraction and to have waived the right to a hearing on the
249 issue of commission of the infraction. Such admission shall not
250 be used as evidence in any other proceedings. If a person who is

251 cited for a violation of s. 327.395 can show a boating safety
252 identification card issued to that person and valid at the time
253 of the citation, the clerk of the court may dismiss the case and
254 may assess a dismissal fee of up to \$10. If a person who is
255 cited for a violation of s. 328.72(13) can show proof of having
256 a registration for that vessel which was valid at the time of
257 the citation, the clerk may dismiss the case and may assess the
258 dismissal fee.

259 Section 5. Subsection (15) of section 328.72, Florida
260 Statutes, is amended to read:

261 328.72 Classification; registration; fees and charges;
262 surcharge; disposition of fees; fines; marine turtle stickers.-

263 (15) DISTRIBUTION OF FEES.-Except as provided in this
264 subsection ~~for the first \$2, \$1 of which shall be remitted to~~
265 ~~the state for deposit into the Save the Manatee Trust Fund~~
266 ~~created within the Fish and Wildlife Conservation Commission and~~
267 ~~\$1 of which shall be remitted to the state for deposit into the~~
268 ~~Marine Resources Conservation Trust Fund to fund a grant program~~
269 ~~for public launching facilities pursuant to s. 206.606, giving~~
270 ~~priority consideration to counties with more than 35,000~~
271 ~~registered vessels, moneys designated for the use of the~~
272 counties, as specified in subsection (1), shall be distributed
273 by the tax collector to the board of county commissioners for
274 use only as provided in this section. Such moneys to be returned
275 to the counties are for the sole purposes of providing,

276 | maintaining, or operating recreational channel marking and other
277 | uniform waterway markers, public boat ramps, lifts, and hoists,
278 | marine railways, boat piers, docks, mooring buoys, and other
279 | public launching facilities; and removing derelict vessels,
280 | debris that specifically impede boat access, not including the
281 | dredging of channels, and vessels and floating structures deemed
282 | a hazard to public safety and health for failure to comply with
283 | s. 327.53. Counties shall demonstrate through an annual detailed
284 | accounting report of vessel registration revenues that the
285 | registration fees were spent as provided in this subsection.
286 | This report shall be provided to the Fish and Wildlife
287 | Conservation Commission no later than November 1 of each year.
288 | If, before January 1 of each calendar year, the accounting
289 | report meeting the prescribed criteria has still not been
290 | provided to the commission, the tax collector of that county may
291 | not distribute the moneys designated for the use of counties, as
292 | specified in subsection (1), to the board of county
293 | commissioners but shall, for the next calendar year, remit such
294 | moneys to the state for deposit into the Marine Resources
295 | Conservation Trust Fund. The commission shall return those
296 | moneys to the county if the county fully complies with this
297 | section within that calendar year. If the county does not fully
298 | comply with this section within that calendar year, the moneys
299 | shall remain within the Marine Resources Trust Fund and may be
300 | appropriated for the purposes specified in this subsection.

301 (a) From the vessel registration fees designated for use
 302 by the counties in subsection (1), \$1 shall be remitted to the
 303 state for deposit into the Save the Manatee Trust Fund.

304 (b) From the vessel registration fees designated for use
 305 by the counties in subsection (1), \$1 shall be remitted to the
 306 state for deposit into the Marine Resources Conservation Trust
 307 Fund to fund a grant program for public launching facilities
 308 pursuant to s. 206.606, giving priority consideration to
 309 counties with more than 35,000 registered vessels.

310 (c) From the vessel registration fees designated for use
 311 by the counties in subsection (1), the following amounts shall
 312 be remitted to the state for deposit into the Marine Resources
 313 Conservation Trust Fund to fund derelict vessel removal grants,
 314 as appropriated by the Legislature pursuant to s. 376.15:

- 315 1. Class A-2: \$0.25 for each 12-month period registered.
- 316 2. Class 1: \$2.06 for each 12-month period registered.
- 317 3. Class 2: \$9.26 for each 12-month period registered.
- 318 4. Class 3: \$16.45 for each 12-month period registered.
- 319 5. Class 4: \$20.06 for each 12-month period registered.
- 320 6. Class 5: \$25.46 for each 12-month period registered.

321 (d) Any undisbursed balances identified pursuant to s.
 322 216.301 shall be available for reappropriation to fund the
 323 Florida Boating Improvement Program or public boating access in
 324 accordance with s. 206.06.

325 Section 6. Paragraph (d) of subsection (3) of section

326 | 376.15, Florida Statutes, is amended to read:

327 | 376.15 Derelict vessels; relocation or removal from public
328 | waters.—

329 | (3)

330 | (d) The commission may establish a program to provide
331 | grants to local governments for the removal of derelict vessels
332 | from the public waters of the state. The program shall be funded
333 | from the Marine Resources Conservation Trust Fund or the Florida
334 | Coastal Protection Trust Fund. Notwithstanding the provisions in
335 | s. 216.181(11), funds available for grants may only be
336 | authorized by appropriations acts of the Legislature. In a given
337 | fiscal year, if all funds appropriated pursuant to this
338 | paragraph are not requested by and granted to local governments
339 | for the removal of derelict vessels by the end of the third
340 | quarter, the Fish and Wildlife Conservation Commission may use
341 | the remainder of the funds to remove, or to pay private
342 | contractors to remove, derelict vessels.

343 | Section 7. Subsection (6) is added to section 823.11,
344 | Florida Statutes, to read:

345 | 823.11 Derelict vessels; relocation or removal; penalty.—

346 | (6) If an owner or a responsible party of a vessel
347 | determined to be derelict through an administrative or criminal
348 | proceeding has been charged by an officer of the commission or
349 | an officer of any law enforcement agency pursuant to s.
350 | 327.70(5) for a violation of subsection (2) or s. 376.15(2), a

351 person may not reside or dwell on such vessel until the vessel
352 is removed from the waters of the state permanently or returned
353 to the waters of the state in a condition that is no longer
354 derelict.

355 Section 8. This act shall take effect July 1, 2019.