



844894

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2019	.	
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	.	
	.	

The Committee on Community Affairs (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete 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,
including the electric equivalent of 10 horsepower or greater,



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11 and a person of any age may not rent and operate such a vessel,
12 unless such person has in his or her possession aboard the
13 vessel photographic identification and a boating boater safety
14 identification card issued by the commission, ~~or~~ a state-issued
15 identification card or driver license indicating possession of
16 the boating boater safety identification card, or photographic
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 the~~
24 ~~commission; or~~

25 (c) ~~Passed a temporary certificate examination developed or~~
26 ~~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



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40 must include a component regarding diving vessels, awareness of
41 divers in the water, divers-down warning devices, and the
42 requirements of s. 327.331.

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



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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 purchase
79 of that vessel and has available for inspection aboard that
80 vessel a bill of sale meeting the requirements of s. 328.46(1).

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

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

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

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



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98 ~~(8)-(9)~~ The commission shall institute and coordinate a
99 statewide program of boating safety instruction and
100 certification to ensure that boating safety courses and
101 examinations are available in each county of the state. The
102 commission may appoint agents to administer the boating safety
103 education course or temporary certificate examination and may
104 authorize the agents to issue temporary certificates in digital,
105 electronic, or paper format. The agents shall charge and collect
106 the \$2 fee required in subsection (9) for each temporary
107 certificate, which must be forwarded to the commission. The
108 agent may charge and keep a \$1 service fee.

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

112 ~~(10)-(11)~~ The commission shall design forms and is
113 ~~authorized to~~ adopt rules pursuant to chapter 120 to implement
114 the provisions of this section.

115 ~~(11)-(12)~~ This section may be cited as the "Osmany 'Ozzie'
116 Castellanos Boating Safety Education Act."

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

119 327.4109 Anchoring or mooring prohibited; exceptions;
120 penalties.—

121 (6) (a) As used in this subsection, and applied only for the
122 purposes of the study required by this subsection and not for
123 any other purposes, the term "long-term stored vessel" means a
124 vessel on the waters of the state which is not under the
125 supervision and control of a person capable of operating,
126 maintaining, or moving it from one location to another and which



127 has remained anchored or moored outside of a public mooring
128 field for at least 30 days out of a 60-day period.

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

133 (c) The study shall:

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

138 2. Investigate the impacts of long-term stored vessels,
139 vessels anchored or moored outside of public mooring fields for
140 more than 30 days, and vessels moored within public mooring
141 fields on the local and state economies, public safety, and the
142 environment during and after significant tropical storm and
143 hurricane events.

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

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

153 (e) This subsection is contingent upon appropriation by the
154 Legislature.

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



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

160 327.60 Local regulations; limitations.-

161 (4)

162 (c) A county designated as a rural area of opportunity may
163 create a no-discharge zone for freshwater waterbodies within the
164 county's jurisdiction to prohibit treated and untreated sewage
165 discharges from floating structures not capable of being used as
166 a means of transportation, live-aboard vessels, and houseboats.
167 Within no-discharge zone boundaries, operators of such floating
168 structures, live-aboard vessels, and houseboats shall retain
169 their sewage on shore for discharge at a pumpout facility or on
170 board for discharge more than 3 miles off the coast in the
171 Atlantic Ocean or more than 10 miles off the coast in the Gulf
172 of Mexico. Violations of this paragraph are punishable as
173 provided in s. 327.53(6) and (7).

174 Section 4. Paragraph (r) of subsection (1) of section
175 327.73, Florida Statutes, is amended, and paragraph (s) of that
176 subsection and subsection (4) of that section are reenacted, to
177 read:

178 327.73 Noncriminal infractions.-

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

181 (r) Section 327.53(4), (5), and (7), relating to marine
182 sanitation, and section 327.60, relating to no-discharge zones,
183 for which the civil penalty is \$250.

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



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185
186 Any person cited for a violation of any provision of this
187 subsection shall be deemed to be charged with a noncriminal
188 infraction, shall be cited for such an infraction, and shall be
189 cited to appear before the county court. The civil penalty for
190 any such infraction is \$50, except as otherwise provided in this
191 section. Any person who fails to appear or otherwise properly
192 respond to a uniform boating citation shall, in addition to the
193 charge relating to the violation of the boating laws of this
194 state, be charged with the offense of failing to respond to such
195 citation and, upon conviction, be guilty of a misdemeanor of the
196 second degree, punishable as provided in s. 775.082 or s.
197 775.083. A written warning to this effect shall be provided at
198 the time such uniform boating citation is issued.

199 (4) Any person charged with a noncriminal infraction under
200 this section may:

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

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

205
206 If the person cited follows either of the above procedures, he
207 or she shall be deemed to have admitted the noncriminal
208 infraction and to have waived the right to a hearing on the
209 issue of commission of the infraction. Such admission shall not
210 be used as evidence in any other proceedings. If a person who is
211 cited for a violation of s. 327.395 can show a boating safety
212 identification card issued to that person and valid at the time
213 of the citation, the clerk of the court may dismiss the case and



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

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

221 328.72 Classification; registration; fees and charges;
222 surcharge; disposition of fees; fines; marine turtle stickers.-

223 (15) DISTRIBUTION OF FEES.-Except as provided in this
224 subsection ~~for the first \$2, \$1 of which shall be remitted to~~
225 ~~the state for deposit into the Save the Manatee Trust Fund~~
226 ~~created within the Fish and Wildlife Conservation Commission and~~
227 ~~\$1 of which shall be remitted to the state for deposit into the~~
228 ~~Marine Resources Conservation Trust Fund to fund a grant program~~
229 ~~for public launching facilities pursuant to s. 206.606, giving~~
230 ~~priority consideration to counties with more than 35,000~~
231 ~~registered vessels, moneys designated for the use of the~~
232 ~~counties, as specified in subsection (1), shall be distributed~~
233 ~~by the tax collector to the board of county commissioners for~~
234 ~~use only as provided in this section. Such moneys to be returned~~
235 ~~to the counties are for the sole purposes of providing,~~
236 ~~maintaining, or operating recreational channel marking and other~~
237 ~~uniform waterway markers, public boat ramps, lifts, and hoists,~~
238 ~~marine railways, boat piers, docks, mooring buoys, and other~~
239 ~~public launching facilities; and removing derelict vessels,~~
240 ~~debris that specifically impede boat access, not including the~~
241 ~~dredging of channels, and vessels and floating structures deemed~~
242 ~~a hazard to public safety and health for failure to comply with~~



243 s. 327.53. Counties shall demonstrate through an annual detailed
244 accounting report of vessel registration revenues that the
245 registration fees were spent as provided in this subsection.
246 This report shall be provided to the Fish and Wildlife
247 Conservation Commission no later than November 1 of each year.
248 If, before January 1 of each calendar year, the accounting
249 report meeting the prescribed criteria has still not been
250 provided to the commission, the tax collector of that county may
251 not distribute the moneys designated for the use of counties, as
252 specified in subsection (1), to the board of county
253 commissioners but shall, for the next calendar year, remit such
254 moneys to the state for deposit into the Marine Resources
255 Conservation Trust Fund. The commission shall return those
256 moneys to the county if the county fully complies with this
257 section within that calendar year. If the county does not fully
258 comply with this section within that calendar year, the moneys
259 shall remain within the Marine Resources Trust Fund and may be
260 appropriated for the purposes specified in this subsection.

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

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

270 (c) From the vessel registration fees designated for use by
271 the counties in subsection (1), the following amounts shall be



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272 remitted to the state for deposit into the Marine Resources
273 Conservation Trust Fund to fund derelict vessel removal grants,
274 as appropriated by the legislature pursuant to s. 376.15:

- 275 1. Class A-2: \$0.25 for each 12-month period registered.
276 2. Class 1: \$2.06 for each 12-month period registered.
277 3. Class 2: \$9.26 for each 12-month period registered.
278 4. Class 3: \$16.45 for each 12-month period registered.
279 5. Class 4: \$20.06 for each 12-month period registered.
280 6. Class 5: \$25.46 for each 12-month period registered.

281 (d) Any undisbursed balances identified pursuant to s.
282 216.301, shall be available for reappropriation to fund the
283 Florida Boating Improvement Program or public boating access in
284 accordance with s. 206.06.

285 Section 6. Paragraph (d) of subsection (3) of section
286 376.15, Florida Statutes, is amended to read:

287 376.15 Derelict vessels; relocation or removal from public
288 waters.—

289 (3)

290 (d) The commission may establish a program to provide
291 grants to local governments for the removal of derelict vessels
292 from the public waters of the state. The program shall be funded
293 from the Marine Resources Conservation Trust Fund or the Florida
294 Coastal Protection Trust Fund. Notwithstanding the provisions in
295 s. 216.181(11), funds available for grants may only be
296 authorized by appropriations acts of the Legislature. In a given
297 fiscal year, if all funds appropriated pursuant to this
298 paragraph are not requested by and granted to local governments
299 for the removal of derelict vessels by the end of the third
300 quarter, the Fish and Wildlife Conservation Commission may use



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301 the remainder of the funds to remove, or to pay private
302 contractors to remove, derelict vessels.

303 Section 7. Subsection (6) is added to section 823.11,
304 Florida Statutes, to read:

305 823.11 Derelict vessels; relocation or removal; penalty.-

306 (6) If an owner or a responsible party of a vessel
307 determined to be derelict through an administrative or criminal
308 proceeding has been charged by an officer of the commission or
309 any law enforcement agency or officer as specified in s. 327.70
310 under subsection (5) for a violation of subsection (2) or a
311 violation of s. 376.15(2), a person may not reside or dwell on
312 such vessel until the vessel is removed from the waters of the
313 state permanently or returned to the waters of the state in a
314 condition that is no longer derelict.

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

316

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

318 And the title is amended as follows:

319 Delete everything before the enacting clause
320 and insert:

321 A bill to be entitled

322 An act relating to vessels; amending s. 327.395, F.S.;

323 revising boating safety identification requirements

324 for certain persons; requiring any person who rents

325 and operates certain vessels to have certain

326 photographic and safety identification in his or her

327 possession before operating the vessel; authorizing

328 the commission to appoint certain persons to issue

329 temporary certificates; authorizing the commission to



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330 issue boating safety identification cards tor
331 temporary certificates in digital or electronic
332 formats; authorizing the commission to appoint agents
333 to administer and charge fees for the boating safety
334 education course or temporary certificate examination;
335 amending s. 327.4109, F.S.; defining a term; directing
336 the Fish and Wildlife Conservation Commission to
337 conduct, contingent upon appropriation, a specified
338 study of the impacts of long-term stored vessels and
339 certain anchored and moored vessels on local
340 communities and the state and to submit a report to
341 the Governor and Legislature within a specified
342 timeframe; providing for expiration of the study
343 requirements; amending s. 327.60, F.S.; authorizing
344 certain counties to create no-discharge zones;
345 providing requirements for discharge in specified
346 areas outside the no-discharge zones; reenacting and
347 amending s. 327.73, F.S., relating to noncriminal
348 infractions; specifying the fines for violations
349 related to no-discharge zones; amending s. 328.72,
350 F.S.; revising the distribution of vessel registration
351 fees to provide grants for derelict vessel removal;
352 amending s. 376.15, F.S.; authorizing the commission
353 to use certain funds to remove, or to pay private
354 contractors to remove, derelict vessels; amending s.
355 823.11, F.S.; prohibiting persons from residing or
356 dwelling on certain derelict vessels until certain
357 conditions are met; providing an effective date.