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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 commission to
5 appoint certain persons to issue temporary
6 certificates; authorizing the commission to issue
7 boating safety identification cards or temporary
8 certificates in digital or electronic formats;
9 authorizing the commission to appoint agents to
10 administer and charge fees for the boating safety
11 education course or temporary certificate examination;
12 amending s. 327.4109, F.S.; defining a term; directing
13 the Fish and Wildlife Conservation Commission to
14 conduct, contingent upon appropriation, a specified
15 study of the impacts of long-term stored vessels and
16 certain anchored and moored vessels on local
17 communities and the state and to submit a report to
18 the Governor and Legislature within a specified
19 timeframe; providing for expiration of the study
20 requirements; amending s. 327.60, F.S.; authorizing
21 certain counties, upon certain approval, to create no-
22 discharge zones; providing requirements for discharge
23 in specified areas outside the no-discharge zones;
24 reenacting and amending s. 327.73, F.S., relating to
25 noncriminal infractions; specifying the fines for
26 violations related to no-discharge zones; amending s.
27 328.72, F.S.; revising the distribution of vessel
28 registration fees to provide grants for derelict
29 vessel removal; amending s. 376.15, F.S.; authorizing

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30 the commission to use certain funds to remove, or to
31 pay private contractors to remove, derelict vessels;
32 amending s. 823.11, F.S.; prohibiting persons from
33 residing or dwelling on certain derelict vessels until
34 certain conditions are met; providing an effective
35 date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Section 327.395, Florida Statutes, is amended to
40 read:

41 327.395 Boating safety education ~~identification cards~~.—

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

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

55 (b) ~~Passed a course equivalency examination approved by the~~
56 ~~commission; or~~

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

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

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

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

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

84 (5) A boating safety ~~An~~ identification card issued to a
85 person who has completed a boating safety education course ~~or a~~
86 ~~course equivalency examination~~ is valid for life. A temporary
87 certificate ~~card~~ issued to a person who has passed a temporary

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88 certification examination is valid for 90 days after ~~12 months~~
89 ~~from~~ the date of issuance. The commission may issue either the
90 boating safety identification card or the temporary certificate
91 in a digital, electronic, or paper format.

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

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

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

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

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

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

113 (f) Is operating a vessel within 90 days after completing
114 the requirements of paragraph (1) (a) ~~or paragraph (1) (b)~~ and has
115 a photographic identification card and a boating safety boater
116 education certificate available for inspection as proof of

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117 having completed a boating safety boater education course. The
118 boating safety boater education certificate must provide, at a
119 minimum, the student's first and last name, the student's date
120 of birth, and the date that he or she passed the course
121 examination.

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

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

126 ~~(8) The commission shall design forms and adopt rules to~~
127 ~~administer this section. Such rules shall include provision for~~
128 ~~educational and other public and private entities to offer the~~
129 ~~course and administer examinations.~~

130 (8)-(9) The commission shall institute and coordinate a
131 statewide program of boating safety instruction and
132 certification to ensure that boating safety courses and
133 examinations are available in each county of the state. The
134 commission may appoint agents to administer the boating safety
135 education course or temporary certificate examination and may
136 authorize the agents to issue temporary certificates in digital,
137 electronic, or paper format. The agents shall charge and collect
138 the \$2 fee required in subsection (9) for each temporary
139 certificate, which must be forwarded to the commission. The
140 agent may charge and keep a \$1 service fee.

141 (9)-(10) The commission is authorized to establish and to
142 collect a \$2 ~~examination~~ fee for each card and certificate
143 issued pursuant to this section ~~to cover administrative costs.~~

144 (10)-(11) The commission shall design forms and is
145 authorized to adopt rules pursuant to chapter 120 to implement

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146 the provisions of this section.

147 ~~(11)-(12)~~ This section may be cited as the "Osmany 'Ozzie'
148 Castellanos Boating Safety Education Act."

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

151 327.4109 Anchoring or mooring prohibited; exceptions;
152 penalties.—

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

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

165 (c) The study shall:

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

170 2. Investigate the impacts of long-term stored vessels,
171 vessels anchored or moored outside of public mooring fields for
172 more than 30 days, and vessels moored within public mooring
173 fields on the local and state economies; public safety; public
174 boat ramps, staging docks, and public marinas; and the

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175 environment during and after significant tropical storm and
176 hurricane events.

177 3. Provide recommendations for appropriate management
178 options for long-term stored vessels and vessels anchored or
179 moored outside public mooring fields for more than 30 days to
180 mitigate any identified negative impacts to local communities
181 and this state.

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

186 (e) This subsection is contingent upon appropriation by the
187 Legislature.

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

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

193 327.60 Local regulations; limitations.—

194 (4)

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

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204 their sewage on board for discharge at a pumpout facility or for
205 discharge more than 3 miles off the coast in the Atlantic Ocean
206 or more than 9 miles off the coast in the Gulf of Mexico.
207 Violations of this paragraph are punishable as provided in s.
208 327.53(6) and (7).

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

213 327.73 Noncriminal infractions.—

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

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

219 (s) Section 327.395, relating to boater safety education.
220

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

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233 the time such uniform boating citation is issued.

234 (4) Any person charged with a noncriminal infraction under
235 this section may:

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

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

240

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

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

256 328.72 Classification; registration; fees and charges;
257 surcharge; disposition of fees; fines; marine turtle stickers.-

258 (15) DISTRIBUTION OF FEES.-Except as provided in this
259 subsection ~~for the first \$2, \$1 of which shall be remitted to~~
260 ~~the state for deposit into the Save the Manatee Trust Fund~~
261 ~~created within the Fish and Wildlife Conservation Commission and~~

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262 ~~\$1 of which shall be remitted to the state for deposit into the~~
263 ~~Marine Resources Conservation Trust Fund to fund a grant program~~
264 ~~for public launching facilities pursuant to s. 206.606, giving~~
265 ~~priority consideration to counties with more than 35,000~~
266 ~~registered vessels, moneys designated for the use of the~~
267 ~~counties, as specified in subsection (1), shall be distributed~~
268 ~~by the tax collector to the board of county commissioners for~~
269 ~~use only as provided in this section. Such moneys to be returned~~
270 ~~to the counties are for the sole purposes of providing,~~
271 ~~maintaining, or operating recreational channel marking and other~~
272 ~~uniform waterway markers, public boat ramps, lifts, and hoists,~~
273 ~~marine railways, boat piers, docks, mooring buoys, and other~~
274 ~~public launching facilities; and removing derelict vessels,~~
275 ~~debris that specifically impede boat access, not including the~~
276 ~~dredging of channels, and vessels and floating structures deemed~~
277 ~~a hazard to public safety and health for failure to comply with~~
278 ~~s. 327.53. Counties shall demonstrate through an annual detailed~~
279 ~~accounting report of vessel registration revenues that the~~
280 ~~registration fees were spent as provided in this subsection.~~
281 ~~This report shall be provided to the Fish and Wildlife~~
282 ~~Conservation Commission no later than November 1 of each year.~~
283 ~~If, before January 1 of each calendar year, the accounting~~
284 ~~report meeting the prescribed criteria has still not been~~
285 ~~provided to the commission, the tax collector of that county may~~
286 ~~not distribute the moneys designated for the use of counties, as~~
287 ~~specified in subsection (1), to the board of county~~
288 ~~commissioners but shall, for the next calendar year, remit such~~
289 ~~moneys to the state for deposit into the Marine Resources~~
290 ~~Conservation Trust Fund. The commission shall return those~~

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291 moneys to the county if the county fully complies with this
292 section within that calendar year. If the county does not fully
293 comply with this section within that calendar year, the moneys
294 shall remain within the Marine Resources Trust Fund and may be
295 appropriated for the purposes specified in this subsection.

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

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

305 (c) From the vessel registration fees designated for use by
306 the counties in subsection (1), the following amounts shall be
307 remitted to the state for deposit into the Marine Resources
308 Conservation Trust Fund to fund derelict vessel removal grants,
309 as appropriated by the legislature pursuant to s. 376.15:

310 1. Class A-2: \$0.25 for each 12-month period registered.

311 2. Class 1: \$2.06 for each 12-month period registered.

312 3. Class 2: \$9.26 for each 12-month period registered.

313 4. Class 3: \$16.45 for each 12-month period registered.

314 5. Class 4: \$20.06 for each 12-month period registered.

315 6. Class 5: \$25.46 for each 12-month period registered.

316 (d) Any undisbursed balances identified pursuant to s.
317 216.301, shall be available for reappropriation to fund the
318 Florida Boating Improvement Program or public boating access in
319 accordance with s. 206.06.

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320 Section 6. Paragraph (d) of subsection (3) of section
321 376.15, Florida Statutes, is amended to read:

322 376.15 Derelict vessels; relocation or removal from public
323 waters.—

324 (3)

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

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

340 823.11 Derelict vessels; relocation or removal; penalty.—

341 (6) If an owner or a responsible party of a vessel
342 determined to be derelict through an administrative or criminal
343 proceeding has been charged by an officer of the commission or
344 any law enforcement agency or officer as specified in s. 327.70
345 under subsection (5) for a violation of subsection (2) or a
346 violation of s. 376.15(2), a person may not reside or dwell on
347 such vessel until the vessel is removed from the waters of the
348 state permanently or returned to the waters of the state in a

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349 condition that is no longer derelict.

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