



847822

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2019	.	
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The Committee on Environment and Natural Resources (Flores) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety 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



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11 vessel photographic identification and a boater safety  
12 identification card issued by the commission, or a state-issued  
13 identification card or driver license indicating possession of  
14 the boater safety identification card, which shows that he or  
15 she has:

16 (a) Completed a commission-approved boater education course  
17 that meets the minimum 8-hour instruction requirement  
18 established by the National Association of State Boating Law  
19 Administrators;

20 (b) Passed a course equivalency examination approved by the  
21 commission; or

22 (c) Passed a temporary certificate examination developed or  
23 approved by the commission.

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

26 327.4109 Anchoring or mooring prohibited; exceptions;  
27 penalties.—

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

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



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40        (c) The study shall:

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

45        2. Investigate the impacts of long-term stored vessels,  
46 vessels anchored or moored outside of public mooring fields for  
47 more than 30 days, and vessels moored within public mooring  
48 fields on the local and state economies, public safety, and the  
49 environment during and after significant tropical storm and  
50 hurricane events.

51        3. Provide recommendations for appropriate management  
52 options for long-term stored vessels and vessels anchored or  
53 moored outside public mooring fields for more than 30 days to  
54 mitigate any identified negative impacts to local communities  
55 and this state.

56        (d) The commission shall submit a report of its findings  
57 and recommendations to the Governor, the President of the  
58 Senate, and the Speaker of the House of Representatives within 6  
59 months after the study is completed.

60        (e) This subsection is contingent upon appropriation by the  
61 Legislature.

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

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

67        327.60 Local regulations; limitations.-

68        (4)



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69       (c) A county designated as a rural area of opportunity may  
70 create a no-discharge zone for freshwater waterbodies within the  
71 county's jurisdiction in which treated and untreated sewage  
72 discharges from live-aboard vessels, houseboats, floating  
73 structures, and commercial vessels are prohibited. Within no-  
74 discharge zone boundaries, vessel operators shall retain their  
75 sewage on board for discharge at sea or on shore at a pumpout  
76 facility. For the purposes of this section, the term "at sea"  
77 means more than 3 miles off the coast in the Atlantic Ocean or  
78 more than 10 miles off the coast in the Gulf of Mexico.  
79 Violations of this paragraph are punishable as provided in s.  
80 327.53(6) and (7).

81       Section 4. Paragraph (r) of subsection (1) of section  
82 327.73, Florida Statutes, is amended, and paragraph (s) of that  
83 subsection and subsection (4) of that section are reenacted, to  
84 read:

85       327.73 Noncriminal infractions.—

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

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

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

92  
93 Any person cited for a violation of any provision of this  
94 subsection shall be deemed to be charged with a noncriminal  
95 infraction, shall be cited for such an infraction, and shall be  
96 cited to appear before the county court. The civil penalty for  
97 any such infraction is \$50, except as otherwise provided in this



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98 section. Any person who fails to appear or otherwise properly  
99 respond to a uniform boating citation shall, in addition to the  
100 charge relating to the violation of the boating laws of this  
101 state, be charged with the offense of failing to respond to such  
102 citation and, upon conviction, be guilty of a misdemeanor of the  
103 second degree, punishable as provided in s. 775.082 or s.  
104 775.083. A written warning to this effect shall be provided at  
105 the time such uniform boating citation is issued.

106 (4) Any person charged with a noncriminal infraction under  
107 this section may:

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

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

112

113 If the person cited follows either of the above procedures, he  
114 or she shall be deemed to have admitted the noncriminal  
115 infraction and to have waived the right to a hearing on the  
116 issue of commission of the infraction. Such admission shall not  
117 be used as evidence in any other proceedings. If a person who is  
118 cited for a violation of s. 327.395 can show a boating safety  
119 identification card issued to that person and valid at the time  
120 of the citation, the clerk of the court may dismiss the case and  
121 may assess a dismissal fee of up to \$10. If a person who is  
122 cited for a violation of s. 328.72(13) can show proof of having  
123 a registration for that vessel which was valid at the time of  
124 the citation, the clerk may dismiss the case and may assess the  
125 dismissal fee.

126 Section 5. Subsection (15) of section 328.72, Florida



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127 Statutes, is amended to read:

128 328.72 Classification; registration; fees and charges;  
129 surcharge; disposition of fees; fines; marine turtle stickers.-

130 (15) DISTRIBUTION OF FEES.-Except as provided in this  
131 subsection for the first \$2, \$1 of which shall be remitted to  
132 the state for deposit into the Save the Manatee Trust Fund  
133 created within the Fish and Wildlife Conservation Commission and  
134 \$1 of which shall be remitted to the state for deposit into the  
135 Marine Resources Conservation Trust Fund to fund a grant program  
136 for public launching facilities pursuant to s. 206.606, giving  
137 priority consideration to counties with more than 35,000  
138 registered vessels, moneys designated for the use of the  
139 counties, as specified in subsection (1), shall be distributed  
140 by the tax collector to the board of county commissioners for  
141 use only as provided in this section. Such moneys to be returned  
142 to the counties are for the sole purposes of providing,  
143 maintaining, or operating recreational channel marking and other  
144 uniform waterway markers, public boat ramps, lifts, and hoists,  
145 marine railways, boat piers, docks, mooring buoys, and other  
146 public launching facilities; and removing derelict vessels,  
147 debris that specifically impede boat access, not including the  
148 dredging of channels, and vessels and floating structures deemed  
149 a hazard to public safety and health for failure to comply with  
150 s. 327.53. Counties shall demonstrate through an annual detailed  
151 accounting report of vessel registration revenues that the  
152 registration fees were spent as provided in this subsection.  
153 This report shall be provided to the Fish and Wildlife  
154 Conservation Commission no later than November 1 of each year.  
155 If, before January 1 of each calendar year, the accounting



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156 report meeting the prescribed criteria has still not been  
157 provided to the commission, the tax collector of that county may  
158 not distribute the moneys designated for the use of counties, as  
159 specified in subsection (1), to the board of county  
160 commissioners but shall, for the next calendar year, remit such  
161 moneys to the state for deposit into the Marine Resources  
162 Conservation Trust Fund. The commission shall return those  
163 moneys to the county if the county fully complies with this  
164 section within that calendar year. If the county does not fully  
165 comply with this section within that calendar year, the moneys  
166 shall remain within the Marine Resources Trust Fund and may be  
167 appropriated for the purposes specified in this subsection.

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

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

177 (c) From the vessel registration fees designated for use by  
178 the counties in subsection (1), the following amounts shall be  
179 remitted to the state for deposit into the Marine Resources  
180 Conservation Trust Fund to fund derelict vessel removal grants  
181 pursuant to s. 376.15:

- 182 1. Class A-2: \$0.25 for each 12-month period registered.  
183 2. Class 1: \$2.06 for each 12-month period registered.  
184 3. Class 2: \$9.26 for each 12-month period registered.



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

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

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

188 Section 6. Paragraph (d) of subsection (3) of section  
189 376.15, Florida Statutes, is amended to read:

190 376.15 Derelict vessels; relocation or removal from public  
191 waters.-

192 (3)

193 (d) The commission may establish a program to provide  
194 grants to local governments for the removal of derelict vessels  
195 from the public waters of the state. The program shall be funded  
196 from the Marine Resources Conservation Trust Fund or the Florida  
197 Coastal Protection Trust Fund. Notwithstanding the provisions in  
198 s. 216.181(11), funds available for grants may only be  
199 authorized by appropriations acts of the Legislature.

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

202 823.11 Derelict vessels; relocation or removal; penalty.-

203 (6) If an owner or a responsible party of a vessel  
204 determined to be derelict as defined in s. 823.11(1) has been  
205 charged by an officer of the commission or any law enforcement  
206 agency or officer as specified in s. 327.70 and adjudicated  
207 under subsection (5) for a violation of subsection (2) or a  
208 violation of s. 376.15(2), a person may not reside or dwell on  
209 such vessel until the vessel is removed from the waters of the  
210 state permanently or returned to the waters of the state in a  
211 condition that is no longer derelict.

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

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

215 And the title is amended as follows:

216 Delete everything before the enacting clause

217 and insert:

218 A bill to be entitled

219 An act relating to vessels; amending s. 327.395, F.S.;  
220 requiring all persons, rather than only persons born  
221 after a specified date, to have a specified boating  
222 safety identification card in their possession before  
223 operating certain vessels; amending s. 327.4109, F.S.;  
224 defining a term; directing the Fish and Wildlife  
225 Conservation Commission to conduct, contingent upon  
226 appropriation, a specified study of the impacts of  
227 long-term stored vessels and certain anchored and  
228 moored vessels on local communities and the state and  
229 to submit a report to the Governor and Legislature  
230 within a specified time; providing for expiration of  
231 the study; amending s. 327.60, F.S.; authorizing  
232 certain counties to create no-discharge zones;  
233 defining the term "at sea"; reenacting and amending s.  
234 327.73, F.S., relating to noncriminal infractions;  
235 specifying the fines for such violations; amending s.  
236 328.72, F.S.; revising the distribution of vessel  
237 registration fees to provide grants for derelict  
238 vessel removal; amending s. 376.15, F.S.; conforming  
239 provisions to changes made by the act; amending s.  
240 823.11, F.S.; prohibiting persons from residing or  
241 dwelling on certain derelict vessels until certain  
242 conditions are met; providing an effective date.