



954708

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/11/2014	.	
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The Committee on Commerce and Tourism (Detert) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 131 - 347

and insert:

(15) "Kite boarding" or "kite surfing" means an activity in which a kite board or surf board is teathered to a kite so as to harness the power of the wind and propel the board across a body of water.

(16)~~(14)~~ "Length" means the measurement from end to end over the deck parallel to the centerline, excluding sheer.



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11           ~~(17)-(15)~~ "Lien" means a security interest that ~~which~~ is  
12 reserved or created by a written agreement recorded with the  
13 Department of Highway Safety and Motor Vehicles pursuant to s.  
14 328.15 and that ~~which~~ secures payment or performance of an  
15 obligation and is generally valid against third parties.

16           ~~(18)-(16)~~ "Lienholder" means a person holding a security  
17 interest in a vessel, which interest is recorded with the  
18 Department of Highway Safety and Motor Vehicles pursuant to s.  
19 328.15.

20           ~~(19)-(17)~~ "Live-aboard vessel" means:

21           (a) A ~~Any~~ vessel used solely as a residence and not for  
22 navigation;

23           (b) A ~~Any~~ vessel represented as a place of business or a  
24 professional or other commercial enterprise; or

25           (c) A ~~Any~~ vessel for which a declaration of domicile has  
26 been filed pursuant to s. 222.17.

27  
28 A commercial fishing boat is expressly excluded from the term  
29 "live-aboard vessel."

30           ~~(20)-(18)~~ "Livery vessel" means a ~~any~~ vessel leased, rented,  
31 or chartered to another for consideration.

32           ~~(21)-(19)~~ "Manufactured vessel" means a ~~any~~ vessel built  
33 after October 31, 1972, for which a federal hull identification  
34 number is required pursuant to federal law, or a ~~any~~ vessel  
35 constructed or assembled before ~~prior to~~ November 1, 1972, by a  
36 duly licensed manufacturer.

37           ~~(22)-(20)~~ "Marina" means a licensed commercial facility that  
38 ~~which~~ provides secured public moorings or dry storage for  
39 vessels on a leased basis. A commercial establishment authorized



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40 by a licensed vessel manufacturer as a dealership ~~is shall be~~  
41 considered a marina for nonjudicial sale purposes.

42 ~~(23)(21)~~ "Marine sanitation device" means ~~any~~ equipment,  
43 other than a toilet, for installation on board a vessel, which  
44 is designed to receive, retain, treat, or discharge sewage, and  
45 any process to treat such sewage. Marine sanitation device Types  
46 I, II, and III shall be defined as provided in 33 C.F.R. part  
47 159.

48 ~~(24)(22)~~ "Marker" means ~~a any~~ channel mark or other aid to  
49 navigation, an information or regulatory mark, an isolated  
50 danger mark, a safe water mark, a special mark, an inland waters  
51 obstruction mark, or mooring buoy in, on, or over the waters of  
52 the state or the shores thereof, and includes, but is not  
53 limited to, a sign, beacon, buoy, or light.

54 ~~(25)~~ "Moored ballooning" means the operation of a lighter-  
55 than-air craft in which air heated by a flame is trapped in a  
56 large fabric bag and which is secured with lines or anchors.

57 ~~(26)(23)~~ "Motorboat" means ~~a any~~ vessel equipped with  
58 machinery for propulsion, irrespective of whether the propulsion  
59 machinery is in actual operation.

60 ~~(27)(24)~~ "Muffler" means an automotive-style sound-  
61 suppression device or system designed to effectively abate the  
62 sound of exhaust gases emitted from an internal combustion  
63 engine and prevent excessive sound when installed on such an  
64 engine.

65 ~~(28)(25)~~ "Navigation rules" means, for vessels on:

66 (a) ~~For vessels on~~ Waters outside ~~of~~ established  
67 navigational lines of demarcation as specified in 33 C.F.R. part  
68 80, the International Navigational Rules Act of 1977, 33 U.S.C.



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69 s. 1602, as amended, including the appendix and annexes thereto,  
70 through October 1, 2012.

71 (b) ~~For vessels on~~ All waters not outside of such  
72 established lines of demarcation, the Inland Navigational Rules  
73 Act of 1980, 33 C.F.R. parts 83-90, as amended, through October  
74 1, 2012.

75 (29)~~(26)~~ "Nonresident" means a citizen of the United States  
76 who has not established residence in this state and has not  
77 continuously resided in this state for 1 year and in one county  
78 for the 6 months immediately preceding the initiation of a  
79 vessel titling or registration action.

80 (30)~~(27)~~ "Operate" means to be in charge of, ~~or~~ in command  
81 of, ~~or~~ in actual physical control of a vessel upon the waters of  
82 this state, ~~or~~ to exercise control over or to have  
83 responsibility for a vessel's navigation or safety while the  
84 vessel is underway upon the waters of this state, or to control  
85 or steer a vessel being towed by another vessel upon the waters  
86 of the state.

87 (31)~~(28)~~ "Owner" means a person, other than a lienholder,  
88 having the property in or title to a vessel. The term includes a  
89 person entitled to the use or possession of a vessel subject to  
90 an interest in another person which is ~~reserved~~ or created by  
91 agreement and securing payment of performance of an obligation.~~7~~  
92 ~~but~~ The term does not include ~~excludes~~ a lessee under a lease  
93 not intended as security.

94 (32)~~(29)~~ "Person" means an individual, partnership, firm,  
95 corporation, association, or other entity.

96 (33)~~(30)~~ "Personal watercraft" means a vessel less than 16  
97 feet in length which uses an inboard motor powering a water jet



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98 pump~~7~~ as its primary source of motive power and which is  
99 designed to be operated by a person sitting, standing, or  
100 kneeling on the vessel, rather than in the conventional manner  
101 of sitting or standing inside the vessel.

102 (34)~~(31)~~ "Portable toilet" means a device consisting of a  
103 lid, seat, containment vessel, and support structure which ~~that~~  
104 is specifically designed to receive, retain, and discharge human  
105 waste and which ~~that~~ is capable of being removed from a vessel  
106 by hand.

107 (35)~~(32)~~ "Prohibited activity" means ~~such~~ activity that ~~as~~  
108 will impede or disturb navigation or creates a safety hazard on  
109 waterways of this state.

110 (36)~~(33)~~ "Racing shell," "rowing scull," or "racing kayak"  
111 means a manually propelled vessel that ~~which~~ is recognized by  
112 national or international racing associations for use in  
113 competitive racing and in which all occupants, with the  
114 exception of a coxswain, if one is provided, row, scull, or  
115 paddle and that ~~which~~ is not designed to carry and does not  
116 carry any equipment not solely for competitive racing.

117 (37)~~(34)~~ "Recreational vessel" means a ~~any~~ vessel:

118 (a) Manufactured and used primarily for noncommercial  
119 purposes; or

120 (b) Leased, rented, or chartered to a person for his or her  
121 ~~the person's~~ noncommercial use.

122 (38)~~(35)~~ "Registration" means a state operating license on  
123 a vessel which is issued with an identifying number, an annual  
124 certificate of registration, and a decal designating the year  
125 for which a registration fee is paid.

126 (39)~~(36)~~ "Resident" means a citizen of the United States



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127 who has established residence in this state and has continuously  
128 resided in this state for 1 year and in one county for the 6  
129 months immediately preceding the initiation of a vessel titling  
130 or registration action.

131 ~~(40)-(37)~~ "Sailboat" means a ~~any~~ vessel whose sole source of  
132 propulsion is the wind.

133 (41) "Sustained wind speed" means a wind speed determined  
134 by averaging the observed wind speed rounded up to the nearest  
135 mile per hour over a 2-minute period.

136 ~~(42)-(38)~~ "Unclaimed vessel" means an ~~any~~ undocumented  
137 vessel, including its machinery, rigging, and accessories, which  
138 is in the physical possession of a ~~any~~ marina, garage, or repair  
139 shop for repairs, improvements, or other work with the knowledge  
140 of the vessel owner and for which the costs of such services  
141 have been unpaid for more than ~~a period in excess of~~ 90 days  
142 after ~~from~~ the date written notice of the completed work is  
143 given by the marina, garage, or repair shop to the vessel owner.

144 ~~(43)-(39)~~ "Vessel" is synonymous with boat as referenced in  
145 s. 1(b), Art. VII of the State Constitution and includes every  
146 description of watercraft, barge, and airboat, other than a  
147 seaplane on the water, used or capable of being used as a means  
148 of transportation on water.

149 ~~(44)-(40)~~ "Waters of this state" means any navigable waters  
150 of the United States within the territorial limits of this  
151 state, ~~and~~ the marginal sea adjacent to this state and the high  
152 seas when navigated as a part of a journey or ride to or from  
153 the shore of this state, and all the inland lakes, rivers, and  
154 canals under the jurisdiction of this state.

155 Section 3. Section 327.37, Florida Statutes, is amended to



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156 read:

157 327.37 Water skis, parasails, ~~and~~ aquaplanes, kite boards,  
158 kite surfboards, and moored balloons regulated.-

159 (1) (a) A person may not operate a vessel on any waters of  
160 this state towing a person on water skis, or an aquaplane, or  
161 similar device unless there is in such vessel a person, in  
162 addition to the operator, in a position to observe the progress  
163 of the person being towed, or the vessel is equipped with a  
164 wide-angle rear view mirror mounted in such manner as to permit  
165 the operator of the vessel to observe the progress of the person  
166 being towed. This subsection does not apply to class A  
167 motorboats operated by the person being towed and designed to be  
168 incapable of carrying the operator in the motorboat.

169 (b) A person may not operate a vessel on any waters of this  
170 state towing a person attached to a parasail or similar device  
171 unless there is a person in the vessel, in addition to the  
172 operator, in a position to observe the progress of the person  
173 being towed. A wide-angle rear view mirror is not acceptable for  
174 this purpose.

175 (2) (a) A person may not engage in water skiing,  
176 parasailing, aquaplaning, or any similar activity at any time  
177 between the hours from one-half hour after sunset to one-half  
178 hour before sunrise.

179 (b) A person may not engage in water skiing, parasailing,  
180 aquaplaning, or any similar activity unless such person is  
181 wearing a noninflatable type I, type II, type III, or type V  
182 personal flotation device approved by the United States Coast  
183 Guard.

184 (3) The provisions of subsections (1) and (2) do not apply



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185 to a performer engaged in a professional exhibition or a person  
186 preparing to participate or participating in an official  
187 regatta, boat race, marine parade, tournament, or exhibition  
188 held pursuant to s. 327.48.

189 (4) A person may not operate or manipulate any vessel, tow  
190 rope, or other device by which the direction or location of  
191 water skis, parasail, aquaplane, innertube, sled, or similar  
192 device may be affected or controlled, in such a way as to cause  
193 the water skis, parasail, aquaplane, innertube, sled, or similar  
194 device or any person thereon to collide or strike against or be  
195 likely to collide or strike against any vessel, bridge, wharf,  
196 pier, dock, buoy, platform, piling, channel marker, or other  
197 object, except slalom buoys, ski jumps, or like objects used  
198 normally in competitive or recreational skiing.

199 (5) A person may not operate any vessel towing a parasail  
200 or engage in parasailing within 100 feet of the marked channel  
201 of the Florida Intracoastal Waterway or within 5 miles of the  
202 boundary of any airport except under a certificate of waiver  
203 issued by the Administrator of the Federal Aviation  
204 Administration pursuant to Title 14, chapter 1, part 101 of the  
205 Code of Federal Regulations.

206 (6) A person may not engage in kite boarding, kite surfing,  
207 or moored ballooning within 5 miles of the boundary of an  
208 airport except under a certificate of waiver issued by the  
209 Administrator of the Federal Aviation Administration pursuant to  
210 Title 14 of the Code of Federal Regulations Part 101.

211 Section 4. Section 327.375, Florida Statutes, is created to  
212 read:

213 327.375 Commercial parasailing.-





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214       (1) The operator of a vessel engaged in commercial  
215 parasailing shall ensure that the provisions of this section and  
216 s. 327.37 are met.

217       (2) The owner or operator of a vessel engaged in commercial  
218 parasailing may not offer or provide for consideration any  
219 parasailing activity unless the owner or operator first obtains  
220 and maintains in full force and effect a liability insurance  
221 policy from an insurance carrier licensed in this state or  
222 approved by the Office of Insurance Regulation or an eligible  
223 surplus lines insurer. Such policy must provide bodily injury  
224 liability coverage in the amounts of at least \$1 million per  
225 occurrence and \$2 million annual aggregate. Proof of insurance  
226 must be available for inspection at the location where  
227 commercial parasailing is offered or provided for consideration,  
228 and each customer who requests such proof shall be provided with  
229 the insurance carrier's name and address and the insurance  
230 policy number.

231       (3) The operator of a vessel engaged in commercial  
232 parasailing must have a current and valid license issued by the  
233 United States Coast Guard authorizing the operator to carry  
234 passengers for hire. The license must be appropriate for the  
235 number of passengers carried and the displacement of the vessel.  
236 The license must be carried on the vessel and be available for  
237 inspection while engaging in commercial parasailing activities.

238       (4) A vessel engaged in commercial parasailing must be  
239 equipped with a functional VHF marine transceiver and a separate  
240 electronic device capable of providing access to National  
241 Weather Service forecasts and current weather conditions.

242       (5) (a) Commercial parasailing is prohibited if the current



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243 observed wind conditions in the area of operation include a  
244 sustained wind speed of more than 20 miles per hour; if wind  
245 gusts are 15 miles per hour higher than the sustained wind  
246 speed; if the wind speed during gusts exceeds 25 miles per hour;  
247 if rain or heavy fog results in reduced visibility of less than  
248 0.5 mile; or if a known lightning storm comes within 7 miles of  
249 the parasailing area.

250 (b) The operator of the vessel engaged in commercial  
251 parasailing shall use all available means to determine  
252 prevailing and forecasted weather conditions and record this  
253 information in a weather log each time passengers are to be  
254 taken out on the water. The weather log must be available for  
255 inspection at all times at the operator's place of business.

256 (6) A person or operator who violates this section commits  
257 a misdemeanor of the second degree, punishable as provided in s.  
258 775.082 or s. 775.083.

259 Section 5. Paragraph (d) of subsection (5) of section  
260 320.08, Florida Statutes, is amended to read:

261 320.08 License taxes.—Except as otherwise provided herein,  
262 there are hereby levied and imposed annual license taxes for the  
263 operation of motor vehicles, mopeds, motorized bicycles as  
264 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
265 and mobile homes, as defined in s. 320.01, which shall be paid  
266 to and collected by the department or its agent upon the  
267 registration or renewal of registration of the following:

268 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
269 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

270 (d) A wrecker, as defined in s. 320.01, which is used to  
271 tow a vessel as defined in s. 327.02~~(39)~~, a disabled, abandoned,



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272 stolen-recovered, or impounded motor vehicle as defined in s.  
273 320.01, or a replacement motor vehicle as defined in s. 320.01:  
274 \$41 flat, of which \$11 shall be deposited into the General  
275 Revenue Fund.

276 Section 6. Subsection (1) of section 327.391, Florida  
277 Statutes, is amended to read:

278 327.391 Airboats regulated.-

279 (1) The exhaust of every internal combustion engine used on  
280 any airboat operated on the waters of this state shall be  
281 provided with an automotive-style factory muffler, underwater  
282 exhaust, or other manufactured device capable of adequately  
283 muffling the sound of the exhaust of the engine as described in  
284 s. 327.02~~(24)~~. The use of cutouts or flex pipe as

285  
286 ===== T I T L E A M E N D M E N T =====

287 And the title is amended as follows:

288 Delete line 4

289 and insert:

290 amending s. 327.37, F.S.; prohibiting kite boarding,  
291 kite surfing, or moored ballooning within 5 miles of  
292 the boundary of an airport without a certification of  
293 waiver issued by the Administrator of the Federal  
294 Aviation Administration; creating s. 327.375, F.S.;

295 requiring the operator of a