

By the Committee on Environment and Natural Resources; and  
Senator Flores

592-03515-19

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1                   A bill to be entitled  
2       An act relating to vessels; amending s. 327.395, F.S.;  
3       requiring all persons, rather than only persons born  
4       after a specified date, to have a specified boating  
5       safety identification card in their possession before  
6       operating certain vessels; amending s. 327.4109, F.S.;  
7       defining a term; directing the Fish and Wildlife  
8       Conservation Commission to conduct, contingent upon  
9       appropriation, a specified study of the impacts of  
10      long-term stored vessels and certain anchored and  
11      moored vessels on local communities and the state and  
12      to submit a report to the Governor and Legislature  
13      within a specified time; providing for expiration of  
14      the study; amending s. 327.60, F.S.; authorizing  
15      certain counties to create no-discharge zones;  
16      defining the term "at sea"; reenacting and amending s.  
17      327.73, F.S., relating to noncriminal infractions;  
18      specifying the fines for such violations; amending s.  
19      328.72, F.S.; revising the distribution of vessel  
20      registration fees to provide grants for derelict  
21      vessel removal; amending s. 376.15, F.S.; conforming  
22      provisions to changes made by the act; amending s.  
23      823.11, F.S.; prohibiting persons from residing or  
24      dwelling on certain derelict vessels until certain  
25      conditions are met; providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Subsection (1) of section 327.395, Florida

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30 Statutes, is amended to read:

31 327.395 Boating safety identification cards.—

32 (1) A person ~~born on or after January 1, 1988,~~ may not  
33 operate a vessel powered by a motor of 10 horsepower or greater  
34 unless such person has in his or her possession aboard the  
35 vessel photographic identification and a boater safety  
36 identification card issued by the commission, or a state-issued  
37 identification card or driver license indicating possession of  
38 the boater safety identification card, which shows that he or  
39 she has:

40 (a) Completed a commission-approved boater education course  
41 that meets the minimum 8-hour instruction requirement  
42 established by the National Association of State Boating Law  
43 Administrators;

44 (b) Passed a course equivalency examination approved by the  
45 commission; or

46 (c) Passed a temporary certificate examination developed or  
47 approved by the commission.

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

50 327.4109 Anchoring or mooring prohibited; exceptions;  
51 penalties.—

52 (6) (a) As used in this subsection, and applied only for the  
53 purposes of the study required by this subsection and not for  
54 any other purposes, the term "long-term stored vessel" means a  
55 vessel on the waters of the state which is not under the  
56 supervision and control of a person capable of operating,  
57 maintaining, or moving it from one location to another and which  
58 has remained anchored or moored outside of a public mooring

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59 field for at least 30 days out of a 60-day period.

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

64 (c) The study shall:

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

69 2. Investigate the impacts of long-term stored vessels,  
70 vessels anchored or moored outside of public mooring fields for  
71 more than 30 days, and vessels moored within public mooring  
72 fields on the local and state economies, public safety, and the  
73 environment during and after significant tropical storm and  
74 hurricane events.

75 3. Provide recommendations for appropriate management  
76 options for long-term stored vessels and vessels anchored or  
77 moored outside public mooring fields for more than 30 days to  
78 mitigate any identified negative impacts to local communities  
79 and this state.

80 (d) The commission shall submit a report of its findings  
81 and recommendations to the Governor, the President of the  
82 Senate, and the Speaker of the House of Representatives within 6  
83 months after the study is completed.

84 (e) This subsection is contingent upon appropriation by the  
85 Legislature.

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

87 Section 3. Present paragraphs (c) and (d) of subsection (4)

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88 of section 327.60, Florida Statutes, are redesignated as  
89 paragraphs (d) and (e), respectively, and a new paragraph (c) is  
90 added to that subsection, to read:

91 327.60 Local regulations; limitations.-

92 (4)

93 (c) A county designated as a rural area of opportunity may  
94 create a no-discharge zone for freshwater waterbodies within the  
95 county's jurisdiction in which treated and untreated sewage  
96 discharges from live-aboard vessels, houseboats, floating  
97 structures, and commercial vessels are prohibited. Within no-  
98 discharge zone boundaries, vessel operators shall retain their  
99 sewage on board for discharge at sea or on shore at a pumpout  
100 facility. For the purposes of this section, the term "at sea"  
101 means more than 3 miles off the coast in the Atlantic Ocean or  
102 more than 10 miles off the coast in the Gulf of Mexico.  
103 Violations of this paragraph are punishable as provided in s.  
104 327.53(6) and (7).

105 Section 4. Paragraph (r) of subsection (1) of section  
106 327.73, Florida Statutes, is amended, and paragraph (s) of that  
107 subsection and subsection (4) of that section are reenacted, to  
108 read:

109 327.73 Noncriminal infractions.-

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

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

115 (s) Section 327.395, relating to boater safety education.  
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117 Any person cited for a violation of any provision of this  
118 subsection shall be deemed to be charged with a noncriminal  
119 infraction, shall be cited for such an infraction, and shall be  
120 cited to appear before the county court. The civil penalty for  
121 any such infraction is \$50, except as otherwise provided in this  
122 section. Any person who fails to appear or otherwise properly  
123 respond to a uniform boating citation shall, in addition to the  
124 charge relating to the violation of the boating laws of this  
125 state, be charged with the offense of failing to respond to such  
126 citation and, upon conviction, be guilty of a misdemeanor of the  
127 second degree, punishable as provided in s. 775.082 or s.  
128 775.083. A written warning to this effect shall be provided at  
129 the time such uniform boating citation is issued.

130 (4) Any person charged with a noncriminal infraction under  
131 this section may:

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

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

136

137 If the person cited follows either of the above procedures, he  
138 or she shall be deemed to have admitted the noncriminal  
139 infraction and to have waived the right to a hearing on the  
140 issue of commission of the infraction. Such admission shall not  
141 be used as evidence in any other proceedings. If a person who is  
142 cited for a violation of s. 327.395 can show a boating safety  
143 identification card issued to that person and valid at the time  
144 of the citation, the clerk of the court may dismiss the case and  
145 may assess a dismissal fee of up to \$10. If a person who is

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146 cited for a violation of s. 328.72(13) can show proof of having  
147 a registration for that vessel which was valid at the time of  
148 the citation, the clerk may dismiss the case and may assess the  
149 dismissal fee.

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

152 328.72 Classification; registration; fees and charges;  
153 surcharge; disposition of fees; fines; marine turtle stickers.-

154 (15) DISTRIBUTION OF FEES.-Except as provided in this  
155 subsection ~~for the first \$2, \$1 of which shall be remitted to~~  
156 ~~the state for deposit into the Save the Manatee Trust Fund~~  
157 ~~created within the Fish and Wildlife Conservation Commission and~~  
158 ~~\$1 of which shall be remitted to the state for deposit into the~~  
159 ~~Marine Resources Conservation Trust Fund to fund a grant program~~  
160 ~~for public launching facilities pursuant to s. 206.606, giving~~  
161 ~~priority consideration to counties with more than 35,000~~  
162 ~~registered vessels,~~ moneys designated for the use of the  
163 counties, as specified in subsection (1), shall be distributed  
164 by the tax collector to the board of county commissioners for  
165 use only as provided in this section. Such moneys to be returned  
166 to the counties are for the sole purposes of providing,  
167 maintaining, or operating recreational channel marking and other  
168 uniform waterway markers, public boat ramps, lifts, and hoists,  
169 marine railways, boat piers, docks, mooring buoys, and other  
170 public launching facilities; and removing derelict vessels,  
171 debris that specifically impede boat access, not including the  
172 dredging of channels, and vessels and floating structures deemed  
173 a hazard to public safety and health for failure to comply with  
174 s. 327.53. Counties shall demonstrate through an annual detailed

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175 accounting report of vessel registration revenues that the  
176 registration fees were spent as provided in this subsection.  
177 This report shall be provided to the Fish and Wildlife  
178 Conservation Commission no later than November 1 of each year.  
179 If, before January 1 of each calendar year, the accounting  
180 report meeting the prescribed criteria has still not been  
181 provided to the commission, the tax collector of that county may  
182 not distribute the moneys designated for the use of counties, as  
183 specified in subsection (1), to the board of county  
184 commissioners but shall, for the next calendar year, remit such  
185 moneys to the state for deposit into the Marine Resources  
186 Conservation Trust Fund. The commission shall return those  
187 moneys to the county if the county fully complies with this  
188 section within that calendar year. If the county does not fully  
189 comply with this section within that calendar year, the moneys  
190 shall remain within the Marine Resources Trust Fund and may be  
191 appropriated for the purposes specified in this subsection.

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

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

201 (c) From the vessel registration fees designated for use by  
202 the counties in subsection (1), the following amounts shall be  
203 remitted to the state for deposit into the Marine Resources

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204 Conservation Trust Fund to fund derelict vessel removal grants  
205 pursuant to s. 376.15:

- 206 1. Class A-2: \$0.25 for each 12-month period registered.  
207 2. Class 1: \$2.06 for each 12-month period registered.  
208 3. Class 2: \$9.26 for each 12-month period registered.  
209 4. Class 3: \$16.45 for each 12-month period registered.  
210 5. Class 4: \$20.06 for each 12-month period registered.  
211 6. Class 5: \$25.46 for each 12-month period registered.

212 Section 6. Paragraph (d) of subsection (3) of section  
213 376.15, Florida Statutes, is amended to read:

214 376.15 Derelict vessels; relocation or removal from public  
215 waters.—

216 (3)

217 (d) The commission may establish a program to provide  
218 grants to local governments for the removal of derelict vessels  
219 from the public waters of the state. The program shall be funded  
220 from the Marine Resources Conservation Trust Fund or the Florida  
221 Coastal Protection Trust Fund. Notwithstanding the provisions in  
222 s. 216.181(11), funds available for grants may only be  
223 authorized by appropriations acts of the Legislature.

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

226 823.11 Derelict vessels; relocation or removal; penalty.—

227 (6) If an owner or a responsible party of a vessel  
228 determined to be derelict as defined in s. 823.11(1) has been  
229 charged by an officer of the commission or any law enforcement  
230 agency or officer as specified in s. 327.70 and adjudicated  
231 under subsection (5) for a violation of subsection (2) or a  
232 violation of s. 376.15(2), a person may not reside or dwell on



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233 such vessel until the vessel is removed from the waters of the  
234 state permanently or returned to the waters of the state in a  
235 condition that is no longer derelict.

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