

By the Committees on Community Affairs; and Environment and Natural Resources; and Senator Flores

578-03798-19

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

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30 F.S.; revising the distribution of vessel registration
31 fees to provide grants for derelict vessel removal;
32 amending s. 376.15, F.S.; authorizing the commission
33 to use certain funds to remove, or to pay private
34 contractors to remove, derelict vessels; amending s.
35 823.11, F.S.; prohibiting persons from residing or
36 dwelling on certain derelict vessels until certain
37 conditions are met; providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Section 327.395, Florida Statutes, is amended to
42 read:

43 327.395 Boating safety education ~~identification~~ cards.—

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

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

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59 (b) ~~Passed a course equivalency examination approved by the~~
60 ~~commission; or~~

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

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

68 (b) A person may obtain a temporary certificate by passing
69 a temporary certificate examination that meets the requirements
70 of this section and rules adopted by the commission pursuant to
71 this section.

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

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

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88 (5) A boating safety ~~An~~ identification card issued to a
89 person who has completed a boating safety education course ~~or a~~
90 ~~course equivalency examination~~ is valid for life. A temporary
91 certificate card issued to a person who has passed a temporary
92 certification examination is valid for 90 days after 12 months
93 ~~from~~ the date of issuance. The commission may issue either the
94 boating safety identification card or the temporary certificate
95 in a digital, electronic, or paper format.

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

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

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

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

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

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

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117 (f) Is operating a vessel within 90 days after completing
118 the requirements of paragraph (1)(a) ~~or paragraph (1)(b)~~ and has
119 a photographic identification card and a boating safety boater
120 education certificate available for inspection as proof of
121 having completed a boating safety boater education course. The
122 boating safety boater education certificate must provide, at a
123 minimum, the student's first and last name, the student's date
124 of birth, and the date that he or she passed the course
125 examination.

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

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

130 ~~(8) The commission shall design forms and adopt rules to~~
131 ~~administer this section. Such rules shall include provision for~~
132 ~~educational and other public and private entities to offer the~~
133 ~~course and administer examinations.~~

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

145 (9)(10) The commission is authorized to establish and to

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146 collect a \$2 ~~examination~~ fee for each card and certificate
147 issued pursuant to this section ~~to cover administrative costs.~~

148 (10)-(11) The commission shall design forms and is
149 ~~authorized to~~ adopt rules pursuant to chapter 120 to implement
150 the provisions of this section.

151 (11)-(12) This section may be cited as the "Osmany 'Ozzie'
152 Castellanos Boating Safety Education Act."

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

155 327.4109 Anchoring or mooring prohibited; exceptions;
156 penalties.-

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

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

169 (c) The study shall:

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

174 2. Investigate the impacts of long-term stored vessels,

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175 vessels anchored or moored outside of public mooring fields for
176 more than 30 days, and vessels moored within public mooring
177 fields on the local and state economies, public safety, and the
178 environment during and after significant tropical storm and
179 hurricane events.

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

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

189 (e) This subsection is contingent upon appropriation by the
190 Legislature.

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

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

196 327.60 Local regulations; limitations.—

197 (4)

198 (c) A county designated as a rural area of opportunity may
199 create a no-discharge zone for freshwater waterbodies within the
200 county's jurisdiction to prohibit treated and untreated sewage
201 discharges from floating structures not capable of being used as
202 a means of transportation, live-aboard vessels, and houseboats.
203 Within no-discharge zone boundaries, operators of such floating

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204 structures, live-aboard vessels, and houseboats shall retain
205 their sewage on shore for discharge at a pumpout facility or on
206 board for discharge more than 3 miles off the coast in the
207 Atlantic Ocean or more than 10 miles off the coast in the Gulf
208 of Mexico. Violations of this paragraph are punishable as
209 provided in s. 327.53(6) and (7).

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

214 327.73 Noncriminal infractions.—

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

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

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

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

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233 775.083. A written warning to this effect shall be provided at
234 the time such uniform boating citation is issued.

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

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

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

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

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

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

259 (15) DISTRIBUTION OF FEES.—Except as provided in this
260 subsection ~~for the first \$2, \$1 of which shall be remitted to~~
261 ~~the state for deposit into the Save the Manatee Trust Fund~~

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

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

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

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

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

- 311 1. Class A-2: \$0.25 for each 12-month period registered.
- 312 2. Class 1: \$2.06 for each 12-month period registered.
- 313 3. Class 2: \$9.26 for each 12-month period registered.
- 314 4. Class 3: \$16.45 for each 12-month period registered.
- 315 5. Class 4: \$20.06 for each 12-month period registered.
- 316 6. Class 5: \$25.46 for each 12-month period registered.

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

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320 accordance with s. 206.06.

321 Section 6. Paragraph (d) of subsection (3) of section
322 376.15, Florida Statutes, is amended to read:

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

325 (3)

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

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

341 823.11 Derelict vessels; relocation or removal; penalty.—

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

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349 state permanently or returned to the waters of the state in a
350 condition that is no longer derelict.

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