

20191666er

1  
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

20191666er

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.

20191666er

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

20191666er

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

20191666er

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

20191666er

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

20191666er

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

20191666er

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

20191666er

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~~

20191666er

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~~

20191666er

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.

20191666er

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

20191666er

349 condition that is no longer derelict.

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