

## CHAPTER 2019-54

### Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1666

An act relating to vessels; amending s. 327.395, F.S.; revising boating safety identification requirements for certain persons; authorizing the commission to appoint certain persons to issue temporary certificates; authorizing the commission to issue boating safety identification cards or temporary certificates in digital or electronic formats; authorizing the commission to appoint agents to administer and charge fees for the boating safety education course or temporary certificate examination; amending s. 327.4109, F.S.; defining a term; directing the Fish and Wildlife Conservation Commission to conduct, contingent upon appropriation, a specified study of the impacts of long-term stored vessels and certain anchored and moored vessels on local communities and the state and to submit a report to the Governor and Legislature within a specified timeframe; providing for expiration of the study requirements; amending s. 327.60, F.S.; authorizing certain counties, upon certain approval, to create no-discharge zones; providing requirements for discharge in specified areas outside the no-discharge zones; reenacting and amending s. 327.73, F.S., relating to noncriminal infractions; specifying the fines for violations related to no-discharge zones; amending s. 328.72, F.S.; revising the distribution of vessel registration fees to provide grants for derelict vessel removal; amending s. 376.15, F.S.; authorizing the commission to use certain funds to remove, or to pay private contractors to remove, derelict vessels; amending s. 823.11, F.S.; prohibiting persons from residing or dwelling on certain derelict vessels until certain conditions are met; providing an effective date.

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

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

327.395 Boating safety education ~~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 vessel photographic identification and a boating boater safety identification card issued by the commission, ~~or a state-issued identification card or driver license indicating possession of the boating boater safety identification card, or photographic identification and a temporary certificate issued or approved by the commission,~~ which shows that he or she has:

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

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

(e) Passed a temporary certificate examination developed or approved by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

(g) Is exempted by rule of the commission.

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

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

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

~~(9)(10)~~ The commission is authorized to establish and to collect a \$2 examination fee for each card and certificate issued pursuant to this section to cover administrative costs.

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

~~(11)(12)~~ This section may be cited as the “Osmany ‘Ozzie’ Castellanos Boating Safety Education Act.”

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

327.4109 Anchoring or mooring prohibited; exceptions; penalties.—

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

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

(c) The study shall:

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

2. Investigate the impacts of long-term stored vessels, vessels anchored or moored outside of public mooring fields for more than 30 days, and vessels moored within public mooring fields on the local and state economies; public safety; public boat ramps, staging docks, and public marinas; and the environment during and after significant tropical storm and hurricane events.

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

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

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

(f) This subsection expires January 1, 2024.

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

327.60 Local regulations; limitations.—

(4)

(c) Upon approval of the Administrator of the United States Environmental Protection Agency pursuant to 33 U.S.C. s. 1322, a county designated

as a rural area of opportunity may create a no-discharge zone for freshwater waterbodies within the county's jurisdiction to prohibit treated and untreated sewage discharges from floating structures and live-aboard vessels not capable of being used as a means of transportation and from houseboats. Within no-discharge zone boundaries, operators of such floating structures, live-aboard vessels, and houseboats shall retain their sewage on board for discharge at a pumpout facility or for discharge more than 3 miles off the coast in the Atlantic Ocean or more than 9 miles off the coast in the Gulf of Mexico. Violations of this paragraph are punishable as provided in s. 327.53(6) and (7).

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

327.73 Noncriminal infractions.—

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

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

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

Any person cited for a violation of any provision of this subsection shall be deemed to be charged with a noncriminal infraction, shall be cited for such an infraction, and shall be cited to appear before the county court. The civil penalty for any such infraction is \$50, except as otherwise provided in this section. Any person who fails to appear or otherwise properly respond to a uniform boating citation shall, in addition to the charge relating to the violation of the boating laws of this state, be charged with the offense of failing to respond to such citation and, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A written warning to this effect shall be provided at the time such uniform boating citation is issued.

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

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

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

If the person cited follows either of the above procedures, he or she shall be deemed to have admitted the noncriminal infraction and to have waived the right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. If a person

who is cited for a violation of s. 327.395 can show a boating safety identification card issued to that person and valid at the time of the citation, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10. If a person who is cited for a violation of s. 328.72(13) can show proof of having a registration for that vessel which was valid at the time of the citation, the clerk may dismiss the case and may assess the dismissal fee.

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

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(15) DISTRIBUTION OF FEES.—~~Except as provided in this subsection for the first \$2, \$1 of which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission and \$1 of which shall be remitted to the state for deposit into the Marine Resources Conservation Trust Fund to fund a grant program for public launching facilities pursuant to s. 206.606, giving priority consideration to counties with more than 35,000 registered vessels, moneys designated for the use of the counties, as specified in subsection (1), shall be distributed by the tax collector to the board of county commissioners for use only as provided in this section. Such moneys to be returned to the counties are for the sole purposes of providing, maintaining, or operating recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, boat piers, docks, mooring buoys, and other public launching facilities; and removing derelict vessels, debris that specifically impede boat access, not including the dredging of channels, and vessels and floating structures deemed a hazard to public safety and health for failure to comply with s. 327.53. Counties shall demonstrate through an annual detailed accounting report of vessel registration revenues that the registration fees were spent as provided in this subsection. This report shall be provided to the Fish and Wildlife Conservation Commission no later than November 1 of each year. If, before January 1 of each calendar year, the accounting report meeting the prescribed criteria has still not been provided to the commission, the tax collector of that county may not distribute the moneys designated for the use of counties, as specified in subsection (1), to the board of county commissioners but shall, for the next calendar year, remit such moneys to the state for deposit into the Marine Resources Conservation Trust Fund. The commission shall return those moneys to the county if the county fully complies with this section within that calendar year. If the county does not fully comply with this section within that calendar year, the moneys shall remain within the Marine Resources Trust Fund and may be appropriated for the purposes specified in this subsection.~~

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

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

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

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

(d) Any undisbursed balances identified pursuant to s. 216.301, shall be available for reappropriation to fund the Florida Boating Improvement Program or public boating access in accordance with s. 206.06.

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

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

(3)

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

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

823.11 Derelict vessels; relocation or removal; penalty.—

(6) If an owner or a responsible party of a vessel determined to be derelict through an administrative or criminal proceeding has been charged by an officer of the commission or any law enforcement agency or officer as specified in s. 327.70 under subsection (5) for a violation of subsection (2) or a violation of s. 376.15(2), a person may not reside or dwell on such vessel until the vessel is removed from the waters of the state permanently or returned to the waters of the state in a condition that is no longer derelict.

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

Approved by the Governor May 23, 2019.

Filed in Office Secretary of State May 23, 2019.