

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

Section 1. § 253.03(7)(f) –

This section replaces the provision in Draft 4 that would have allowed local governments to adopt ordinances to protect benthic resources. Instead, restrictions would be established by the Trustees of the Internal Improvement Trust Fund through lease documents and similar authorizations to use sovereignty submerged lands. Markers posting the restrictions must conform to the U.S. Aids to Navigation System and FWC rules. Violations of posted restrictions would be infractions.

Section 1. Paragraph (f) of subsection (7) of section 253.03, Florida Statutes, is created to read:

(f) When necessary to protect coral, seagrass, or similar living natural resources affected by an authorized activity, additional sovereignty submerged lands may be incorporated into the activity's lease or other written authorization for the purposes of creating a boating restricted area. All restrictions imposed upon the operation of vessels within the boating restricted area must be clearly specified in the terms of the lease or other written authorization and must be posted by the lessee or authorized person as required by the lease or other written authorization. Markers posting the restrictions must comply with s. 327.40, s. 327.41, and rules of the Fish and Wildlife Conservation Commission. Any person willfully violating posted restrictions commits a non-criminal infraction, punishable as provided in s. 327.73. Violation of the posted restrictions shall be considered a violation of the boating laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and

22 sign a uniform boating citation shall, as provided in s.
23 327.73(3), be guilty of a misdemeanor of the second degree,
24 punishable as provided in s. 775.082 or s. 775.083.

Section 2. § 253.72(2) –

This section clarifies that aquaculture lease markers must conform to the U.S. Aids to Navigation System and FWC rules. Violations of posted restrictions are currently crimes – this amendment would make them infractions.

25 Section 2. Subsection (2) of section 253.72, Florida
26 Statutes, is amended to read:

27 253.72 Marking of leased areas; restrictions on public
28 use.–

29 (2) Except to the extent necessary to permit the effective
30 development of the species of animal or plant life being
31 cultivated by the lessee, the public shall be provided with means
32 of reasonable ingress and egress to and from the leased area for
33 traditional water activities such as boating, swimming, and
34 fishing. All limitations upon the use by the public of the areas
35 under lease that are authorized by the terms of the lease shall
36 be clearly posted by the lessee pursuant to rules by the board.
37 Markers posting the restrictions must comply with s. 327.40, s.
38 327.41, and rules of the Fish and Wildlife Conservation
39 Commission. Any person willfully violating posted restrictions
40 commits a non-criminal infraction, punishable as provided in s.
41 327.73. Violation of the posted restrictions shall be considered
42 a violation of the boating laws of this state and shall be
43 charged on a uniform boating citation as provided in s. 327.74.
44 Any person who refuses to post a bond or accept and sign a

45 uniform boating citation shall, as provided in s. 327.73(3), be
46 guilty of a misdemeanor of the second degree, punishable as
47 provided in s. 775.082 or s. 775.083.

Section 3. § 327.22 is repealed.

Section 327.22 presently allows only two things: 1) Municipalities and counties may regulate their own resident vessels more strictly than transient vessels; 2) Municipalities and counties may adopt ordinances that allow for enforcement of boating restricted areas (speed limits, etc.) by mailing a citation.

No municipality or county has ever passed an ordinance that regulates the operation only of its own resident vessels and not that of transient vessels. This amendment would repeal that authority. As a consequence, it will promote uniformity of boating regulation.

The provision for mailing citations will remain, but it is clarified and transferred to section 327.46, Florida Statutes.

48 Section 3. Section 327.22, Florida Statutes, is repealed.

Section 4. § 327.40 – Amendments to this section are for clarification only; there is no substantive change. Each subsection is addressed independently below.

49 Section 4. Section 327.40, Florida Statutes, is amended to
50 read:

51 327.40 Uniform waterway markers ~~for safety and navigation,~~
52 ~~informational markers.-~~

(1) This amendment makes it clear that all waterway markers, not only safety and navigation markers, must conform to the U.S. Aids to Navigation System. It strikes language that expired December 31, 2003.

53 (1) Waterways in Florida ~~which need marking for safety or~~
54 ~~navigation purposes~~ shall be marked only in conformity with under
55 the United States Aids to Navigation System, 33 C.F.R. part 62.
56 ~~Until December 31, 2003, channel markers and obstruction markers~~
57 ~~conforming to the Uniform State Waterway Marking System, 33~~
58 ~~C.F.R. subpart 66.10, may continue to be used on waters of this~~
59 ~~state that are not navigable waters of the United States.~~

(2) Removes language that inadvertently required signs that were never considered waterway markers to conform to the U.S. Aids to Navigation System and FWC rules. This returns the statute to its prior state when these requirements did not apply to “no swimming” signs, public health notices, trash receptacles, “end of boat ramp” signs, emergency notices, and similar signs. The present statute exempts these signs from FWC permitting – they will remain exempt because they will not be considered waterway markers.

60 (2) (a) Application for marking inland lakes and state
61 waters and any navigable waters under concurrent jurisdiction of
62 the Coast Guard and the division shall be made to the division,
63 accompanied by a map locating the approximate placement of
64 markers, a list of the markers to be placed, a statement of the
65 specification of the markers, a statement of the purpose of
66 marking, and the names of persons responsible for the placement
67 and upkeep of such markers. The division will assist the
68 applicant to secure the proper permission from the Coast Guard
69 where required, make such investigations as needed, and issue a
70 permit. The division shall furnish the applicant with the
71 information concerning the system adopted and the rules existing
72 for placing and maintaining the markers. The division shall keep
73 records of all approvals given and counsel with individuals,
74 counties, municipalities, motorboat clubs, or other groups

75 desiring to mark waterways for safety and navigation purposes in
76 Florida.

77 (b)~~1~~. No person or municipality, county, or other
78 governmental entity shall place any uniform waterway ~~safety or~~
79 ~~navigation~~ markers in, on, or over the waters or shores of the
80 state without a permit from the division.

81 ~~2. The placement of informational markers, including, but~~
82 ~~not limited to, markers indicating end of boat ramp, no swimming,~~
83 ~~swimming area, lake name, trash receptacle, public health notice,~~
84 ~~or underwater hazard and canal, regulatory, emergency, and~~
85 ~~special event markers, by counties, municipalities, or other~~
86 ~~governmental entities on inland lakes and their associated canals~~
87 ~~are exempt from permitting under this section. Such markers,~~
88 ~~excluding swimming area and special event markers, may be no more~~
89 ~~than 50 feet from the normal shoreline.~~

90 (c) The commission is authorized to adopt rules pursuant to
91 chapter 120 to implement this section.

(3) No substantive change – This section conforms the existing statute to changes made elsewhere in the draft bill..

92 (3) The placement under this section or s. 327.41 of any
93 uniform waterway marker ~~safety or navigation marker or any~~
94 ~~informational marker under subparagraph (2)(b)2.~~ on state
95 submerged lands ~~under this section~~ does not subject such lands to
96 the lease requirements of chapter 253.

Section 5. § 327.41(2) – This section clarifies the existing statute and conforms it to changes made elsewhere in the draft bill.

97 Section 5. Subsection (2) of section 327.41, Florida
98 Statutes, is amended to read:

99 327.41 Uniform waterway regulatory markers.-

100 (2) Any county or municipality which has been granted a
101 boating restricted area designation, by rule of the commission
102 pursuant to s. 327.46, for a portion of the Florida Intracoastal
103 Waterway within its jurisdiction or which has adopted a boating
104 restricted area by ordinance pursuant to s. 327.46(2)(b) ~~s.~~
105 ~~327.22, s. 327.60,~~ or s. 379.2431(2)(p), or has enacted an
106 anchoring regulation pursuant to s. 327.61, or any other
107 governmental entity which has legally established a boating
108 restricted area, may apply to the commission for permission to
109 place regulatory markers within the boating restricted area.

Section 6. § 327.42 –

Conforms the language to use “uniform waterway marker”; expands the prohibition against tying to a marker from governmentally placed markers to all lawfully permitted and placed markers. Tying to markers will remain lawful in emergency situations. Additionally, this amendment will allow persons to tie their vessels to markers with the written consent of the marker’s owner.

110 Section 6. Section 327.42, Florida Statutes, is amended to
111 read:

112 327.42 Mooring to or damaging of markers or buoys
113 prohibited.-

114 (1) No person shall moor or fasten a vessel to a lawfully
115 placed uniform waterway marker ~~aid-to-navigation marker or buoy,~~
116 ~~regulatory marker or buoy, or area boundary marker or buoy,~~
117 ~~placed or erected by any governmental agency,~~ except in case of
118 emergency or with the written consent of the marker's owner.

119 (2) No person shall willfully damage, alter, or move a
120 lawfully placed uniform waterway marker ~~aid-to-navigation marker~~
121 ~~or buoy, regulatory marker or buoy, or area boundary marker or~~
122 ~~buoy.~~

Section 7. § 327.44 – SUBSTANTIVE CHANGES IN THIS SECTION.

(1) – No change, only numbered.

(2) – Provides a 500' buffer zone around public mooring facilities within which the anchoring of unattended vessels is prohibited; provides a definition of “public mooring facility” that includes mooring fields, marinas and other facilities that provide moorings, slips, or dockage services to the general public on a first come-first served basis. The term does not include private clubs, dockominiums, or other facilities not open to the public.

123 Section 7. Section 327.44, Florida Statutes, is amended to
124 read:

125 327.44 Interference with navigation and unlawful
126 anchoring.--

127 (1) No person shall anchor, operate, or permit to be
128 anchored, except in case of emergency, or operated a vessel or
129 carry on any prohibited activity in a manner which shall
130 unreasonably or unnecessarily constitute a navigational hazard or
131 interfere with another vessel. Anchoring under bridges or in or
132 adjacent to heavily traveled channels shall constitute
133 interference if unreasonable under the prevailing circumstances.

134 (2) The owner and operator of any vessel anchored within 500
135 feet of a public mooring facility shall ensure that at least one

136 person remains onboard the vessel to monitor the vessel and to
137 take such actions as the laws requires of anchored vessels. No
138 vessel or operator of a vessel shall leave a vessel unattended or
139 allow a vessel to remain unattended when the vessel is anchored
140 within 500 feet of a public mooring facility. For purposes of
141 this subsection, "public mooring facility" means a mooring field,
142 marina, dockage facility, or other similar facility that provides
143 moorings, slips, or dockage services to the general public on a
144 first come-first served basis. The term does not include
145 facilities that store vessels on land or that restrict the use of
146 moorings, slips, or dockage services to members or owners of the
147 facility.

Section 8. § 327.46 – **SUBSTANTIVE CHANGES IN THIS SECTION.** Each subsection is addressed independently below.

148 Section 8. Section 327.46, Florida Statutes, is amended to
149 read:

150 327.46 Boating restricted areas.–

(1) Boating restricted areas other than those for manatee protection will be based on the criteria in this section.

151 (1) Boating ~~The commission has the authority to establish~~
152 ~~by rule, pursuant to chapter 120,~~ restricted areas including but
153 not limited to restrictions of vessel speeds and vessel traffic,
154 may be established on the waters of the state for any purpose
155 deemed necessary to protect ~~for~~ the safety of the public,

156 ~~including, but not limited to, vessel speeds and vessel traffic,~~
157 where such restrictions are deemed necessary based on boating
158 accidents, visibility, hazardous currents or water levels, vessel
159 traffic congestion, or other navigational hazards.

(2) FWC will continue to create boating restricted areas by rule. Counties and municipalities will continue to create them by ordinance, but will do so under this section instead of under section 327.60. Local ordinances, however, will not take effect until FWC has reviewed and approved them.

160 (2) (a) The commission has the authority to establish boating
161 restricted areas by rule, pursuant to chapter 120.

162 (b) Except as provided in s. 327.60, municipalities and
163 counties have the authority to establish boating restricted areas
164 by ordinance; however, such an ordinance may not take effect
165 until it has been reviewed and approved by the division. The
166 commission shall establish the criteria for such approval by
167 rule, pursuant to chapter 120.

(3) Clarification only, no substantive change.

168 (3) Each such boating restricted area shall be developed in
169 consultation and coordination with the governing body of the
170 county or municipality in which the boating restricted area is
171 located and, when the boating restricted area is to be upon the
172 navigable waters of the United States where required, with the
173 United States Coast Guard and the United States Army Corps of
174 Engineers.

(4) Clarification only, no substantive change.

175 ~~(4)(2)~~ It is unlawful for any person to operate a vessel in
176 a prohibited manner or to carry on any prohibited activity, as
177 defined in this chapter, deemed a safety hazard or interference
178 with navigation as provided above within a boating restricted
179 ~~water~~ area which has been clearly marked by regulatory markers as
180 authorized under this chapter.

(5) Clarification only, no substantive change.

181 ~~(5)(3)~~ Boating restricted areas established pursuant to
182 this section shall not apply in the case of an emergency or to a
183 law enforcement, firefighting, or rescue vessel owned or operated
184 by a governmental entity.

(6) No substantive change. This is the citation-by-mail provision transferred from section 327.22 and clarified to facilitate understanding.

185 (6) (a) Noncriminal violations of boating restricted areas
186 may be enforced by a uniform boating citation mailed to the
187 registered owner of the vessel. This provision shall apply only
188 in legally established boating restricted areas which are
189 properly marked as permitted pursuant to ss. 327.40 and 327.41.

190 (b) Citations issued to livery vessels pursuant to this
191 subsection shall be the responsibility of the lessee of the

192 vessel if the livery has included a warning of this
193 responsibility as a part of the rental agreement and, upon
194 request of the agency issuing the citation, has provided to the
195 agency the name, address, and date of birth of the lessee. The
196 livery is not responsible for the payment of citations if the
197 livery provides the required warning and lessee information.

198 (c) This subsection supplements the enforcement of this
199 section by law enforcement officers and does not prohibit a law
200 enforcement officer from issuing a citation for a violation of
201 this section in accordance with normal boating enforcement
202 techniques.

Section 9. § 327.60 – **SUBSTANTIVE CHANGES IN THIS SECTION.** Each subsection is addressed independently below.

203 Section 9. Section 327.60, Florida Statutes, is amended to
204 read:

205 327.60 Local regulations; limitations.-

(1) The amendments to this section make it clear that it contains limitations on local authority rather than any grant of authority. The limitations are spelled out in subsection (2), below.

206 (1) The provisions of this chapter and chapter 328 ~~ss.~~
207 ~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~
208 ~~327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64~~ shall
209 govern the operation, equipment, and all other matters relating
210 thereto whenever any vessel shall be operated upon the waters of
211 this state ~~waterways~~ or when any activity regulated hereby shall
212 take place thereon.

(2) Makes it clear that local ordinances cannot:

(a) Impose manufacturing safety or performance standards or regulate the carrying or use of marine safety articles. [Identical to the preemption in 46 U.S.C. § 4306.]

(b) Regulate the design, manufacture, or installation, or use of any marine sanitation device on any vessel. [Identical to the preemption in 33 U.S.C. § 1322.]

(c) Regulating any vessel upon the Florida Intracoastal Waterway. [Presently in s. 327.60(1)]

(d) Discriminating against personal watercraft. [Presently in s. 327.60(1)]

(e) Discriminating against airboats, for ordinances adopted after July 1, 2006, unless adopted by a two-thirds vote of the governing body enacting such ordinance. [Presently in s. 327.60(1)]

(f) Regulating the anchoring of non-live-aboard vessels outside of the marked boundaries of mooring fields permitted as provided in s. 327.40, except as provided in s. 327.61. [Similar to the provision presently in s. 327.60(2), but conforms the prohibition to reflect the authority granted in the new s. 327.61 in the next section of the bill]

(g) Regulating engine or exhaust noise, except as provided in s. 327.65 [The specific ordinance that may be adopted in set forth in s. 327.65]

(h) That are in conflict with this chapter or any amendments thereto or regulations thereunder. [Presently in s. 327.60(1)]

213 (2) Nothing in these chapters ~~sections~~ shall be construed to
214 prevent the adoption of any ordinance or local regulation ~~law~~
215 relating to operation ~~and equipment~~ of vessels, except that no
216 county or municipality shall enact, continue in effect, or
217 enforce any ordinance or local regulation:

218 (a) Establishing a vessel or associated equipment
219 performance or other safety standard, imposing a requirement for
220 associated equipment, or regulating the carrying or use of marine

221 safety articles;

222 (b) With respect to the design, manufacture, or installation
223 or use of any marine sanitation device on any vessel;

224 (c) Regulating any vessel upon the Florida Intracoastal
225 Waterway;

226 (d) Discriminating against personal watercraft;

227 (e) Discriminating against airboats, for ordinances adopted
228 after July 1, 2006, unless adopted by a two-thirds vote of the
229 governing body enacting such ordinance;

230 (f) Regulating the anchoring of non-live-aboard vessels
231 outside of the marked boundaries of mooring fields permitted as
232 provided in s. 327.40, except as provided in s. 327.61;

233 (g) Regulating engine or exhaust noise, except as provided
234 in s. 327.65;

235 (h) That are in conflict with this chapter or any amendments
236 thereto or rules thereunder.

237 ~~no such ordinance or local law may apply to the Florida~~
238 ~~Intracoastal Waterway and except that such ordinances or local~~
239 ~~laws shall be operative only when they are not in conflict with~~
240 ~~this chapter or any amendments thereto or regulations thereunder.~~
241 ~~Any ordinance or local law which has been adopted pursuant to~~
242 ~~this section or to any other state law may not discriminate~~
243 ~~against personal watercraft as defined in s. 327.02. Effective~~
244 ~~July 1, 2006, any ordinance or local law adopted pursuant to this~~
245 ~~section or any other state law may not discriminate against~~
246 ~~airboats except by a two-thirds vote of the governing body~~
247 ~~enacting such ordinance.~~

(3) Provides cross references.

248 (3) ~~(2)~~ Nothing contained in the provisions of this section
249 shall be construed to prohibit local governmental authorities
250 from the enactment or enforcement of regulations which prohibit
251 or restrict the mooring or anchoring of floating structures or
252 live-aboard vessels within their jurisdictions or of any vessels
253 within the marked boundaries of mooring fields permitted as
254 provided in s. 327.40. However, local governmental authorities
255 are prohibited from regulating the anchoring outside of such
256 mooring fields of vessels other than live-aboard vessels as
257 defined in s. 327.02, except as provided in s. 327.61
258 ~~non-live-aboard vessels in navigation.~~

Section 10. Creates a new § 327.61 – **SUBSTANTIVE PROVISIONS IN THIS SECTION.**

(1) Permits a county or municipality to pass an ordinance to prohibit vessels from overnight anchoring within its jurisdiction for more than 30 consecutive nights or for more than a total of 120 nights in a year; provides exceptions for anchoring that is merely incidental to other activities. Provides that the time limits would not apply in incidents of *force majeure* (an event such as war, labor strike, or extreme weather that cannot be reasonably anticipated or controlled) or when exigent circumstances are such that requiring the vessel to relocate would place it or the people on it in danger.

(2) Violation of such an ordinance would be an infraction.

(3) FWC would be required to notify the USCG and NOS/NOAA whenever it issued a permit authorizing placement of markers to implement such an ordinance.

259 Section 10. Section 327.61, Florida Statutes, is created to
260 read:

261 327.61 Anchoring, local regulation.-

262 (1) (a) Any county or municipality may prohibit by ordinance
263 the overnight anchoring of vessels within the waters of its
264 jurisdiction in excess of 30 consecutive nights or 120 nights

265 cumulatively in any calendar year.

266 (b) Such ordinances shall not apply to anchoring that is
267 incidental to activities such as: fishing; swimming or diving;
268 hunting; salvage operations; lawful dredge or fill activities;
269 building, maintaining, or repairing bridges, docks, or seawalls;
270 or other lawful marine construction activities. The time limits
271 in such ordinances shall not apply in instances of force majeure
272 or other exigencies such that requiring the vessel to relocate
273 will present an immediate danger to the vessel or any person
274 aboard the vessel.

275 (2) Any person willfully violating an ordinance adopted
276 pursuant to this section commits a non-criminal infraction,
277 punishable as provided in s. 327.73.

278 (3) The commission will notify the United States Coast Guard
279 and the National Ocean Service within the National Oceanic and
280 Atmospheric Administration whenever it issues a uniform waterway
281 marker permit pursuant s.327.40 and s. 327.41 for markers
282 implementing an anchoring ordinance adopted under this section,
283 and request that such ordinance be appropriately noted in the
284 applicable Local Notice to Mariners, navigation charts, and Coast
285 Pilot.

Section 11. Adds the newly created infractions to the infraction list in s. 327.73(1). Removes the cross references to ss. 327.22 and 327.60.

286 Section 11. Paragraphs (j) and (k) are amended and
287 paragraphs (x), (y) and (z) are added to subsection (1) of
288 section 327.73, Florida Statutes, to read:

289 327.73 Noncriminal infractions.-

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

292 (j) Section 327.44(1), relating to interference with
293 navigation.

294 (k) Violations relating to boating restricted areas and
295 speed limits:

296 1. Established by the commission or by local governmental
297 authorities pursuant to s. 327.46.

298 ~~2. Established by local governmental authorities pursuant~~
299 ~~to s. 327.22 or s. 327.60.~~

300 ~~3.~~ Speed limits established pursuant to s. 379.2431(2).

301 (x) Section 253.03(7)(f), relating to prohibited vessel
302 operation over sovereignty submerged lands.

303 (y) Section 253.72, relating to prohibited vessel operation
304 on aquaculture leases.

305 (z) Section 327.61, relating to violations of anchoring
306 ordinances.

307 Any person cited for a violation of any such provision shall be
308 deemed to be charged with a noncriminal infraction, shall be
309 cited for such an infraction, and shall be cited to appear before
310 the county court. The civil penalty for any such infraction is
311 \$50, except as otherwise provided in this section. Any person who
312 fails to appear or otherwise properly respond to a uniform
313 boating citation shall, in addition to the charge relating to the
314 violation of the boating laws of this state, be charged with the
315 offense of failing to respond to such citation and, upon
316 conviction, be guilty of a misdemeanor of the second degree,

317 punishable as provided in s. 775.082 or s. 775.083. A written
318 warning to this effect shall be provided at the time such uniform
319 boating citation is issued.

Section 12. Adds the newly created infractions to the infraction list in s. 327.731(1).

320 Section 12. Subsection (1) of section 327.731, Florida
321 Statutes, is amended to read:

322 327.731 Mandatory education for violators.—

323 (1) Every person convicted of a criminal violation of this
324 chapter, every person convicted of a noncriminal infraction under
325 this chapter if the infraction resulted in a reportable boating
326 accident, and every person convicted of two noncriminal
327 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p), and
328 (s)-(z) ~~(w)~~, said infractions occurring within a 12-month period,
329 must:

330 (a) Enroll in, attend, and successfully complete, at his or
331 her own expense, a boating safety course that meets minimum
332 standards established by the commission by rule; however, the
333 commission may provide by rule pursuant to chapter 120 for
334 waivers of the attendance requirement for violators residing in
335 areas where classroom presentation of the course is not
336 available;

337 (b) File with the commission within 90 days proof of
338 successful completion of the course;

339 (c) Refrain from operating a vessel until he or she has
340 filed the proof of successful completion of the course with the
341 commission.

342 Any person who has successfully completed an approved boating
343 course shall be exempt from these provisions upon showing proof

344 to the commission as specified in paragraph (b).

Sections 13 through 23 –

The various statutes pertaining to vessel title, registration, and numbers specify to which vessels the requirements apply. Depending on the specific statute, the vessel might be: “used on the waters of this state”; “using the waters of this state”; “operated on the waters of the state”; “stored in the water”; or, simply “on the waters of this state.” These various terms will be changes to the appropriate verb form of “operate, use, or store.”

345 Section 13. Subsections (1) and (2) of section 328.03,
346 Florida Statutes, are amended to read:

347 328.03 Certificate of title required.–

348 (1) Each vessel that is operated, used, or stored on the
349 waters of this state must be titled by this state pursuant to
350 this chapter, unless it is:

351 (a) A vessel used exclusively on private lakes and ponds.

352 (b) A vessel owned by the United States Government.

353 (c) A non-motor-powered vessel less than 16 feet in length.

354 (d) A federally documented vessel.

355 (e) A vessel already covered by a registration number in
356 full force and effect which was awarded to it pursuant to a
357 federally approved numbering system of another state or by the
358 United States Coast Guard in a state without a federally approved
359 numbering system, if the vessel is not located in this state for
360 a period in excess of 90 consecutive days.

361 (f) A vessel from a country other than the United States
362 temporarily using the waters of this state for a period that is
363 not in excess of 90 days.

364 (g) An amphibious vessel for which a vehicle title is
365 issued by the Department of Highway Safety and Motor Vehicles.

366 (h) A vessel used solely for demonstration, testing, or
367 sales promotional purposes by the manufacturer or dealer.

368 (i) A vessel owned and operated by the state or a political
369 subdivision thereof.

370 (2) A person shall not operate, use, or store a vessel for
371 which a certificate of title is required unless the owner has
372 received from the Department of Highway Safety and Motor Vehicles
373 a valid certificate of title for such vessel. However, such
374 vessel may be operated, used or stored for a period of up to 180
375 days from the date of application for a certificate of title
376 while the application is pending.

377 Section 14. Subsections (1) and (2) of section 328.07,
378 Florida Statutes, are amended to read:

379 328.07 Hull identification number required.—

380 (1) No person shall operate, use, or store on the waters of
381 this state a vessel the construction of which began after October
382 31, 1972, for which the department has issued a certificate of
383 title or which is required by law to be registered, unless the
384 vessel displays the assigned hull identification number affixed
385 by the manufacturer as required by the United States Coast Guard
386 or by the department for a homemade vessel or other vessel for
387 which a hull identification number is not required by the United
388 States Coast Guard. The hull identification number must be
389 carved, burned, stamped, embossed, or otherwise permanently
390 affixed to the outboard side of the transom or, if there is no
391 transom, to the outermost starboard side at the end of the hull
392 that bears the rudder or other steering mechanism, above the

393 waterline of the vessel in such a way that alteration, removal,
394 or replacement would be obvious and evident. The characters of
395 the hull identification number must be no less than 12 in number
396 and no less than one-fourth inch in height.

397 (2) No person shall operate, use or store on the waters of
398 this state a vessel the construction of which was completed
399 before November 1, 1972, for which the department has issued a
400 certificate of title or which is required by law to be
401 registered, unless the vessel displays a hull identification
402 number. The hull identification number shall be clearly imprinted
403 in the transom or on the hull by stamping, impressing, or marking
404 with pressure. In lieu of imprinting, the hull identification
405 number may be displayed on a plate in a permanent manner. A
406 vessel for which the manufacturer has provided no hull
407 identification number or a homemade vessel shall be assigned a
408 hull identification number by the department which shall be
409 affixed to the vessel pursuant to this section.

410 Section 15. Subsection (2) of Section 328.40, Florida
411 Statutes, is amended to read:

412 328.40 Administration of vessel registration and titling
413 laws; records.—

414 (2) The Department of Highway Safety and Motor Vehicles
415 shall keep electronic records and perform such other clerical
416 duties as required pertaining to:

417 (a) Vessel registration and titling.

418 (b) Suspension of the vessel operating privilege under
419 chapter 327 ~~ss. 327.35-327.355~~.

420 Section 16. Subsection (2) of section 328.46, Florida
421 Statutes, is amended to read:

422 328.46 Operation of registered vessels.—

423 (2) No person shall operate, use, or store or give
424 permission for the operation, use or storage of any such vessel
425 on such waters unless:

426 (a) Such vessel is registered within 30 days after purchase
427 by the owner and numbered with the identifying number set forth
428 in the certificate of registration, displayed:

429 1. In accordance with s. 328.48(4), except, if the vessel
430 is an airboat, the registration number may be displayed on each
431 side of the rudder; or

432 2. In accordance with 33 C.F.R. s. 173.27, or with a
433 federally approved numbering system of another state; and

434 (b) The certificate of registration or temporary
435 certificate of number awarded to such vessel is in full force and
436 effect.

437 Section 17. Subsection (2) of section 328.48, Florida
438 Statutes, is amended to read:

439 328.48 Vessel registration, application, certificate,
440 number, decal, duplicate certificate.—

441 (2) All vessels operated, used, or stored on the waters of
442 the state must be registered, either commercial or recreational
443 as defined in s. 327.02 ~~this chapter~~, except as follows:

444 (a) A vessel used exclusively on private lakes and ponds.

445 (b) A vessel owned by the United States Government.

446 (c) A vessel used exclusively as a ship's lifeboat.

447 (d) A non-motor-powered vessel less than 16 feet in length,
448 and any non-motor-powered canoe, kayak, racing shell, or rowing
449 scull, regardless of length.

450 Section 18. Section 328.56, Florida Statutes, is amended to

451 read:

452 328.56 Vessel registration number.—Each vessel that is
453 operated, used, or stored on the waters of the state must display
454 a commercial or recreational Florida registration number, unless
455 it is:

456 (1) A vessel used exclusively on private lakes and ponds.

457 (2) A vessel owned by the United States Government.

458 (3) A vessel used exclusively as a ship's lifeboat.

459 (4) A non-motor-powered vessel less than 16 feet in length,
460 and any non-motor-powered canoe, kayak, racing shell, or rowing
461 scull, regardless of length.

462 (5) A federally documented vessel.

463 (6) A vessel already covered by a registration number in
464 full force and effect which has been awarded to it pursuant to a
465 federally approved numbering system of another state or by the
466 United States Coast Guard in a state without a federally approved
467 numbering system, if the vessel has not been within this state
468 for a period in excess of 90 consecutive days.

469 (7) A vessel operating under a valid temporary certificate
470 of number.

471 (8) A vessel from a country other than the United States
472 temporarily using the waters of this state.

473 (9) An undocumented vessel used exclusively for racing.

474 Section 19. Section 328.58, Florida Statutes, is amended to
475 read:

476 328.58 Reciprocity of nonresident or alien vessels.—The
477 owner of any vessel already covered by a registration number in
478 full force and effect which has been awarded:

479 (1) By another state pursuant to a federally approved

480 numbering system of another state;

481 (2) By the United States Coast Guard in a state without a
482 federally approved numbering system; or

483 (3) By the United States Coast Guard for a federally
484 documented vessel with a valid registration in full force and
485 effect from another state

486 shall record the number with the Department of Highway Safety and
487 Motor Vehicles prior to operating, using, or storing the vessel
488 on the waters of this state in excess of the 90-day reciprocity
489 period provided for in this chapter. Such recordation shall be
490 pursuant to the procedure required for the award of an original
491 registration number, except that no additional or substitute
492 registration number shall be issued if the vessel owner maintains
493 the previously awarded registration number in full force and
494 effect.

495 Section 20. Section 328.60, Florida Statutes, is amended to
496 read:

497 328.60 Military personnel; registration; penalties.—Any
498 military personnel on active duty in this state operating, using,
499 or storing a vessel on the waters of this state that has a
500 registration number in full force and effect which has been
501 awarded to it pursuant to a federally approved numbering system
502 of another state or by the United States Coast Guard in a state
503 without a federally approved numbering system, or a federally
504 documented vessel with a valid registration in full force and
505 effect from another state shall not be required to register his
506 or her vessel in this state while such certificate of
507 registration remains valid; but, at the expiration of such

508 registration certificate, all registration and titling shall be
509 issued by this state. In the case of a federally documented
510 vessel, the issuance of a title is not required by this chapter.

511 Section 21. Section 328.65, Florida Statutes, is amended to
512 read:

513 328.65 Legislative intent with respect to registration and
514 numbering of vessels.-It is the legislative intent that vessels
515 be registered and numbered uniformly throughout the state. The
516 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and 328.72
517 is to make registration and numbering procedures similar to those
518 of automobiles and airplanes and to provide for a vessel
519 registration fee and certificate so as to determine the ownership
520 of vessels which are operated, used, or stored ~~operate~~ on the
521 waters of this state and to aid in the advancement of maritime
522 safety.

523 Section 22. Subsection (1) of section 328.66, Florida
524 Statutes, is amended to read:

525 328.66 County and municipality optional registration fee.-

526 (1) Any county may impose an annual registration fee on
527 vessels registered, operated, used, or stored on the waters of
528 this state ~~in the water~~ within its jurisdiction. This fee shall
529 be 50 percent of the applicable state registration fee. However,
530 the first \$1 of every registration imposed under this subsection
531 shall be remitted to the state for deposit in the Save the
532 Manatee Trust Fund created within the Fish and Wildlife
533 Conservation Commission, and shall be used only for the purposes
534 specified in s. 379.2431(4). All other moneys received from such
535 fee shall be expended for the patrol, regulation, and maintenance
536 of the lakes, rivers, and waters and for other boating-related

537 activities of such municipality or county. A municipality that
538 was imposing a registration fee before April 1, 1984, may
539 continue to levy such fee, notwithstanding the provisions of this
540 section.

541 Section 23. Subsection (13) of section 328.72, Florida
542 Statutes, is amended to read:

543 328.72 Classification; registration; fees and charges;
544 surcharge; disposition of fees; fines; marine turtle stickers.-

545 (13) EXPIRED REGISTRATION.-The operation, use, or storage
546 upon the waters of this state of a previously registered vessel
547 after the expiration of the registration period is a noncriminal
548 violation, as defined in s. 327.73.

Section 24. Provides an effective date.

549 Section 24. This act shall take effect October 1, 2009.