

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

Section 1. § 327.22 is repealed.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 existing provision for mailing citations will remain, but it is clarified and transferred to section 327.46, Florida Statutes.

Section 1. Section 327.22, Florida Statutes, is repealed.

Section 2. § 327.40 – Amendments to this section are for clarification only; there is no substantive change. Each subsection is addressed independently below.

Section 2. Section 327.40, Florida Statutes, is amended to read:

327.40 Uniform waterway markers ~~for safety and navigation,~~  
~~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. There are many waterway markers that are placed and maintained for purposes other than safety or navigation. The largest group of these are the markers placed for manatee protection (over 17,000 markers state-wide). Another example is DEP's placement of markers in state parks and aquatic preserves for resource protection issues. This amendment makes it clear that these markers must meet the same standards as all other markers. This amendment also strikes language that expired December 31, 2003.

8           (1) Waters of this state ~~Waterways in Florida which need~~  
9 ~~marking for safety or navigation purposes~~ shall be marked only in  
10 conformity with ~~under~~ the United States Aids to Navigation  
11 System, 33 C.F.R. part 62. ~~Until December 31, 2003, channel~~  
12 ~~markers and obstruction markers conforming to the Uniform State~~  
13 ~~Waterway Marking System, 33 C.F.R. subpart 66.10, may continue to~~  
14 ~~be used on waters of this state that are not navigable waters of~~  
15 ~~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 – Under the revised language, they will not be subject to permitting or other requirements because they will not be considered waterway markers.

16           (2) (a) Application for marking inland lakes and state  
17 waters and any navigable waters under concurrent jurisdiction of  
18 the Coast Guard and the division shall be made to the division,  
19 accompanied by a map locating the approximate placement of

20 markers, a list of the markers to be placed, a statement of the  
21 specification of the markers, a statement of the purpose of  
22 marking, and the names of persons responsible for the placement  
23 and upkeep of such markers. The division will assist the  
24 applicant to secure the proper permission from the Coast Guard  
25 where required, make such investigations as needed, and issue a  
26 permit. The division shall furnish the applicant with the  
27 information concerning the system adopted and the rules existing  
28 for placing and maintaining the markers. The division shall keep  
29 records of all approvals given and counsel with individuals,  
30 counties, municipalities, motorboat clubs, or other groups  
31 desiring to mark waterways for safety and navigation purposes in  
32 Florida.

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

37 ~~2. The placement of informational markers, including, but~~  
38 ~~not limited to, markers indicating end of boat ramp, no swimming,~~  
39 ~~swimming area, lake name, trash receptacle, public health notice,~~  
40 ~~or underwater hazard and canal, regulatory, emergency, and~~  
41 ~~special event markers, by counties, municipalities, or other~~  
42 ~~governmental entities on inland lakes and their associated canals~~  
43 ~~are exempt from permitting under this section. Such markers,~~  
44 ~~excluding swimming area and special event markers, may be no more~~  
45 ~~than 50 feet from the normal shoreline.~~

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

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

48 (3) The placement under this section or s. 327.41 of any  
49 uniform waterway marker ~~safety or navigation marker or any~~  
50 ~~informational marker under subparagraph (2)(b)2.~~ on state  
51 submerged lands ~~under this section~~ does not subject such lands to  
52 the lease requirements of chapter 253.

Section 3. § 327.41(2) – This section clarifies the existing statute and conforms it to changes made elsewhere in the draft bill.

53 Section 3. Subsection (2) of section 327.41, Florida  
54 Statutes, is amended to read:

55 327.41 Uniform waterway regulatory markers.-

56 (2) Any county or municipality which has been granted a  
57 boating restricted area designation, by rule of the commission  
58 pursuant to s. 327.46, for a portion of the Florida Intracoastal  
59 Waterway within its jurisdiction or which has adopted a boating  
60 restricted area by ordinance pursuant to s. 327.46(2)(b) ~~s.~~  
61 ~~327.22, s. 327.60,~~ or s. 379.2431(2)(p) or any other governmental  
62 entity which has legally established a boating restricted area,  
63 may apply to the commission for permission to place regulatory  
64 markers within the boating restricted area.

Section 4. § 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.

65 Section 4. Section 327.42, Florida Statutes, is amended to  
66 read:

67 327.42 Mooring to or damaging of markers or buoys  
68 prohibited.-

69 (1) No person shall moor or fasten a vessel to a lawfully  
70 placed uniform waterway marker ~~aid-to-navigation marker or buoy,~~  
71 ~~regulatory marker or buoy, or area boundary marker or buoy,~~  
72 ~~placed or erected by any governmental agency,~~ except in case of  
73 emergency or with the written consent of the marker’s owner.

74 (2) No person shall willfully damage, alter, or move a  
75 lawfully placed uniform waterway marker ~~aid-to-navigation marker~~  
76 ~~or buoy, regulatory marker or buoy, or area boundary marker or~~  
77 ~~buoy.~~

Section 5. § 327.46 – **SUBSTANTIVE CHANGES IN THIS SECTION.** Each subsection is addressed independently below.

78 Section 5. Section 327.46, Florida Statutes, is amended to  
79 read:

80 327.46 Boating restricted areas.-

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

81           (1) Boating ~~The commission has the authority to establish~~  
82 ~~by rule, pursuant to chapter 120, restricted areas including but~~  
83 ~~not limited to restrictions of vessel speeds and vessel traffic,~~  
84 ~~may be established~~ on the waters of this ~~the~~ state for any  
85 purpose ~~deemed~~ necessary to protect ~~for~~ the safety of the public,  
86 including, ~~but not limited to, vessel speeds and vessel traffic,~~  
87 where such restrictions are ~~deemed~~ necessary based on boating  
88 accidents, visibility, hazardous currents or water levels, vessel  
89 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.

90           (2) Establishment of boating restricted areas:

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

93           (b) Except as provided in s. 327.60, municipalities and  
94 counties have the authority to establish boating restricted areas  
95 by ordinance; however, such an ordinance may not take effect  
96 until it has been reviewed and approved by the commission. The  
97 commission shall establish by rule the criteria substantially  
98 similar to rule 68D-23.105 for such approval, pursuant to chapter

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(3) Clarification only, no substantive change.

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

(4) Clarification only, no substantive change.

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

(5) Clarification only, no substantive change.

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~~(5)~~(3) Boating restricted areas established pursuant to this section shall not apply in the case of an emergency or to a law enforcement, firefighting, or rescue vessel owned or operated 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. The language tracks the language used for a similar provision pertaining to mailing uniform traffic citations. See section 316.1001(5).

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

122           (b) Citations issued to livery vessels pursuant to this  
123 subsection shall be the responsibility of the lessee of the  
124 vessel if the livery has included a warning of this  
125 responsibility as a part of the rental agreement and has provided  
126 to the agency issuing the citation the name, address, and date of  
127 birth of the lessee when requested by that agency. The livery is  
128 not responsible for the payment of citations if the livery  
129 provides the required warning and lessee information.

130           (c) This subsection supplements the enforcement of this  
131 section by law enforcement officers and does not prohibit a law  
132 enforcement officer from issuing a citation for a violation of  
133 this section in accordance with normal boating enforcement  
134 techniques.

Section 6. § 327.60 – **SUBSTANTIVE CHANGES IN THIS SECTION.** Each subsection is addressed independently below.

135           Section 6. Section 327.60, Florida Statutes, is amended to  
136 read:

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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.

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(1) The provisions of this chapter and chapter 328 ~~ss.~~

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~~327.01, 327.02, 327.30-327.40, 327.44-327.50, 327.54, 327.56,~~

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~~327.65, 328.40-328.48, 328.52-328.58, 328.62, and 328.64~~ shall

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govern the operation, equipment, and all other matters relating

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thereto whenever any vessel shall be operated upon the waters of

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this state waterways or when any activity regulated hereby shall

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take place thereon.

(2) Lists the preemptions that currently exist and 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, installation, or use of any marine sanitation device on any vessel. [Identical to the preemption in 33 U.S.C. § 1322.]

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

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

(e) Discriminate 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) Regulate the anchoring of non-live-aboard vessels outside of the marked boundaries of mooring fields permitted as provided in s. 327.40 [Presently in s. 327.60(2)]

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

145           (2) Nothing in these chapters sections shall be construed to  
146 prevent the adoption of any ordinance or local regulation law  
147 relating to operation and equipment of vessels, except that no  
148 county or municipality shall enact, continue in effect, or  
149 enforce any ordinance or local regulation:

150           (a) Establishing a vessel or associated equipment  
151 performance or other safety standard, imposing a requirement for  
152 associated equipment, or regulating the carrying or use of marine  
153 safety articles;

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

156           (c) Regulating any vessel upon the Florida Intracoastal  
157 Waterway;

158           (d) Discriminating against personal watercraft;

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

162           (f) Regulating the anchoring of vessels other than  
163 live-aboard vessels outside of the marked boundaries of mooring  
164 fields permitted as provided in s. 327.40;

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

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

169 ~~no such ordinance or local law may apply to the Florida~~  
170 ~~Intracoastal Waterway and except that such ordinances or local~~  
171 ~~laws shall be operative only when they are not in conflict with~~  
172 ~~this chapter or any amendments thereto or regulations thereunder.~~  
173 ~~Any ordinance or local law which has been adopted pursuant to~~

174 ~~this section or to any other state law may not discriminate~~  
175 ~~against personal watercraft as defined in s. 327.02. Effective~~  
176 ~~July 1, 2006, any ordinance or local law adopted pursuant to this~~  
177 ~~section or any other state law may not discriminate against~~  
178 ~~airboats except by a two thirds vote of the governing body~~  
179 ~~enacting such ordinance.~~

(3) Provides cross references.

180 (3) ~~(2)~~ Nothing contained in the provisions of this section  
181 shall be construed to prohibit local governmental authorities  
182 from the enactment or enforcement of regulations which prohibit  
183 or restrict the mooring or anchoring of floating structures or  
184 live-aboard vessels within their jurisdictions or of any vessels  
185 within the marked boundaries of mooring fields permitted as  
186 provided in s. 327.40. However, local governmental authorities  
187 are prohibited from regulating the anchoring outside of such  
188 mooring fields of vessels other than live-aboard vessels as  
189 defined in s. 327.02 ~~non-live-aboard vessels in navigation.~~

Section 7. Removes the cross references to ss. 327.22 and 327.60.

190 Section 7. Paragraph (k) of subsection (1) of section  
191 327.73, Florida Statutes, is amended to read:

192 327.73 Noncriminal infractions.—

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

195 (k) Violations relating to boating restricted areas and  
196 speed limits:

197 1. Established by the commission or by local governmental  
198 authorities pursuant to s. 327.46.

199 2. ~~Established by local governmental authorities pursuant~~  
200 ~~to s. 327.22 or s. 327.60.~~

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

202 Any person cited for a violation of any such provision shall be  
203 deemed to be charged with a noncriminal infraction, shall be  
204 cited for such an infraction, and shall be cited to appear before  
205 the county court. The civil penalty for any such infraction is  
206 \$50, except as otherwise provided in this section. Any person who  
207 fails to appear or otherwise properly respond to a uniform  
208 boating citation shall, in addition to the charge relating to the  
209 violation of the boating laws of this state, be charged with the  
210 offense of failing to respond to such citation and, upon  
211 conviction, be guilty of a misdemeanor of the second degree,  
212 punishable as provided in s. 775.082 or s. 775.083. A written  
213 warning to this effect shall be provided at the time such uniform  
214 boating citation is issued.

Sections 8 through 18 –

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.”

215 Section 8. Subsections (1) and (2) of section 328.03,  
216 Florida Statutes, are amended to read:

217 328.03 Certificate of title required.—

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

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

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

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

224 (d) A federally documented vessel.

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

231 (f) A vessel from a country other than the United States  
232 temporarily used, operated, or stored on ~~using~~ the waters of this  
233 state for a period that is not in excess of 90 days.

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

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

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

240 (2) A person shall not operate, use, or store a vessel for  
241 which a certificate of title is required unless the owner has  
242 received from the Department of Highway Safety and Motor Vehicles  
243 a valid certificate of title for such vessel. However, such

244 vessel may be operated, used or stored for a period of up to 180  
245 days from the date of application for a certificate of title  
246 while the application is pending.

247 Section 9. Subsections (1) and (2) of section 328.07,  
248 Florida Statutes, are amended to read:

249 328.07 Hull identification number required.—

250 (1) No person shall operate, use, or store on the waters of  
251 this state a vessel the construction of which began after October  
252 31, 1972, for which the department has issued a certificate of  
253 title or which is required by law to be registered, unless the  
254 vessel displays the assigned hull identification number affixed  
255 by the manufacturer as required by the United States Coast Guard  
256 or by the department for a homemade vessel or other vessel for  
257 which a hull identification number is not required by the United  
258 States Coast Guard. The hull identification number must be  
259 carved, burned, stamped, embossed, or otherwise permanently  
260 affixed to the outboard side of the transom or, if there is no  
261 transom, to the outermost starboard side at the end of the hull  
262 that bears the rudder or other steering mechanism, above the  
263 waterline of the vessel in such a way that alteration, removal,  
264 or replacement would be obvious and evident. The characters of  
265 the hull identification number must be no less than 12 in number  
266 and no less than one-fourth inch in height.

267 (2) No person shall operate, use or store on the waters of  
268 this state a vessel the construction of which was completed  
269 before November 1, 1972, for which the department has issued a  
270 certificate of title or which is required by law to be  
271 registered, unless the vessel displays a hull identification  
272 number. The hull identification number shall be clearly imprinted

273 in the transom or on the hull by stamping, impressing, or marking  
274 with pressure. In lieu of imprinting, the hull identification  
275 number may be displayed on a plate in a permanent manner. A  
276 vessel for which the manufacturer has provided no hull  
277 identification number or a homemade vessel shall be assigned a  
278 hull identification number by the department which shall be  
279 affixed to the vessel pursuant to this section.

280 Section 10. Subsection (2) of Section 328.40, Florida  
281 Statutes, is amended to read:

282 328.40 Administration of vessel registration and titling  
283 laws; records.—

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

287 (a) Vessel registration and titling.

288 (b) Suspension of the vessel operating privilege under ss.  
289 327.35-327.355.

290 Section 11. Subsection (2) of section 328.46, Florida  
291 Statutes, is amended to read:

292 328.46 Operation of registered vessels.—

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

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

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

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

304 (b) The certificate of registration or temporary  
305 certificate of number awarded to such vessel is in full force and  
306 effect.

307 Section 12. Subsection (2) of section 328.48, Florida  
308 Statutes, is amended to read:

309 328.48 Vessel registration, application, certificate,  
310 number, decal, duplicate certificate.—

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

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

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

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

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

321 Section 13. Section 328.56, Florida Statutes, is amended to  
322 read:

323 328.56 Vessel registration number.—Each vessel that is  
324 operated, used, or stored on the waters of this ~~the~~ state must  
325 display a commercial or recreational Florida registration number,  
326 unless it is:

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

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

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

330 (4) A non-motor-powered vessel less than 16 feet in length,

331 and any non-motor-powered canoe, kayak, racing shell, or rowing  
332 scull, regardless of length.

333 (5) A federally documented vessel.

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

340 (7) A vessel operating under a valid temporary certificate  
341 of number.

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

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

345 Section 14. Section 328.58, Florida Statutes, is amended to  
346 read:

347 328.58 Reciprocity of nonresident or alien vessels.—The  
348 owner of any vessel already covered by a registration number in  
349 full force and effect which has been awarded:

350 (1) By another state pursuant to a federally approved  
351 numbering system of another state;

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

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

357 shall record the number with the Department of Highway Safety and  
358 Motor Vehicles prior to operating, using, or storing the vessel

359 on the waters of this state in excess of the 90-day reciprocity  
360 period provided for in this chapter. Such recordation shall be  
361 pursuant to the procedure required for the award of an original  
362 registration number, except that no additional or substitute  
363 registration number shall be issued if the vessel owner maintains  
364 the previously awarded registration number in full force and  
365 effect.

366 Section 15. Section 328.60, Florida Statutes, is amended to  
367 read:

368 328.60 Military personnel; registration; penalties.—Any  
369 military personnel on active duty in this state operating, using,  
370 or storing a vessel on the waters of this state that has a  
371 registration number in full force and effect which has been  
372 awarded to it pursuant to a federally approved numbering system  
373 of another state or by the United States Coast Guard in a state  
374 without a federally approved numbering system, or a federally  
375 documented vessel with a valid registration in full force and  
376 effect from another state shall not be required to register his  
377 or her vessel in this state while such certificate of  
378 registration remains valid; but, at the expiration of such  
379 registration certificate, all registration and titling shall be  
380 issued by this state. In the case of a federally documented  
381 vessel, the issuance of a title is not required by this chapter.

382 Section 16. Section 328.65, Florida Statutes, is amended to  
383 read:

384 328.65 Legislative intent with respect to registration and  
385 numbering of vessels.—It is the legislative intent that vessels  
386 be registered and numbered uniformly throughout the state. The  
387 purpose of ss. 327.58, 327.70, 327.72, 328.66, 328.68, and 328.72

388 is to make registration and numbering procedures similar to those  
389 of automobiles and airplanes and to provide for a vessel  
390 registration fee and certificate so as to determine the ownership  
391 of vessels which are operated, used, or stored ~~operate~~ on the  
392 waters of this state and to aid in the advancement of maritime  
393 safety.

394 Section 17. Subsection (1) of section 328.66, Florida  
395 Statutes, is amended to read:

396 328.66 County and municipality optional registration fee.-

397 (1) Any county may impose an annual registration fee on  
398 vessels registered, operated, used, or stored on the waters of  
399 this state ~~in the water~~ within its jurisdiction. This fee shall  
400 be 50 percent of the applicable state registration fee. However,  
401 the first \$1 of every registration imposed under this subsection  
402 shall be remitted to the state for deposit in the Save the  
403 Manatee Trust Fund created within the Fish and Wildlife  
404 Conservation Commission, and shall be used only for the purposes  
405 specified in s. 379.2431(4). All other moneys received from such  
406 fee shall be expended for the patrol, regulation, and maintenance  
407 of the lakes, rivers, and waters and for other boating-related  
408 activities of such municipality or county. A municipality that  
409 was imposing a registration fee before April 1, 1984, may  
410 continue to levy such fee, notwithstanding the provisions of this  
411 section.

412 Section 18. Subsection (13) of section 328.72, Florida  
413 Statutes, is amended to read:

414 328.72 Classification; registration; fees and charges;  
415 surcharge; disposition of fees; fines; marine turtle stickers.-

416 (13) EXPIRED REGISTRATION.-The operation, use, or storage

417 on the waters of this state of a previously registered vessel  
418 after the expiration of the registration period is a noncriminal  
419 violation, as defined in s. 327.73.

Section 19. Directs the commission to establish a pilot program with up to five sites around the state to explore options in regulating anchoring and mooring.

420 Section 19. The Fish and Wildlife Conservation Commission,  
421 in consultation with the Department of Environmental Protection,  
422 is directed to establish a pilot program in at least one but not  
423 more than five locations to explore potential options for  
424 regulating the anchoring or mooring of non-live-aboard vessels  
425 outside the marked boundaries of public mooring fields.

426 (1) The goals of the pilot program are to encourage the  
427 establishment of additional public mooring fields and to develop  
428 and test policies and regulatory regimes that: promote the  
429 establishment and use of public mooring fields; promote public  
430 access to the waters of this state; enhance navigational safety;  
431 protect maritime infrastructure; protect the marine environment;  
432 and deter improperly stored, abandoned, or derelict vessels.

433 (2) Each location selected for inclusion in the pilot  
434 program must be associated with a properly permitted mooring  
435 field. The commission, in consultation with the Department of  
436 Environmental Protection, shall select all locations for the  
437 pilot program prior to July 1, 2011. If more than one location  
438 is selected, the selections must be geographically diverse and  
439 take into consideration the various users and means of using the  
440 waters of this state.

441 (3) Notwithstanding the provisions of s. 327.60, a county or  
442 municipality selected for participation in the pilot program may  
443 regulate by ordinance the anchoring outside of a mooring field by  
444 vessels other than live-aboard vessels as defined in s. 327.02.  
445 Any ordinance enacted pursuant to this pilot program shall take  
446 effect and become enforceable only after approval by the  
447 commission. The commission shall not approve any ordinance not  
448 consistent with the goals of this pilot program.

449 (4) The commission shall:

450 (a) Provide consultation and technical assistance to each  
451 municipality or county selected for participation in the pilot  
452 program to facilitate accomplishment of the pilot program's  
453 goals.

454 (b) Coordinate the review of any proposed ordinance with:  
455 the Coast Guard; the Florida Inland Navigation District or the  
456 West Coast Inland Navigation District, as appropriate; the  
457 Department of Environmental Protection; and associations or other  
458 organizations representing vessel owners or operators.

459 (c) Monitor and evaluate at least annually each location  
460 selected for participation in the pilot program and make such  
461 modifications as may be necessary to accomplish the pilot  
462 program's goals.

463 (5) The commission shall provide its findings and  
464 recommendations in a report to the President of the Senate, the  
465 Speaker of the House of Representatives, and the Governor by  
466 January 1, 2014.

467 (6) This pilot program shall expire on July 1, 2014, unless  
468 reenacted by the Legislature. All ordinances enacted pursuant to  
469 authority granted in this section shall expire concurrently with

470 the expiration of the pilot program and shall be inoperative and  
471 unenforceable thereafter.

Section 20. Provides an effective date.

472 Section 20. This act shall take effect October 1, 2009.