

FEB 21 1984

RESOLUTION NO. 84-LEG-02

A RESOLUTION SUPPORTING THE ADOPTION OF HOUSE BILL 177, FLORIDA LEGISLATURE, PROPOSING TO EXPAND THE COVERAGE OF SECTION 327.22, FLORIDA STATUTES, BY INCLUDING COUNTIES IN FLORIDA WITHIN ITS COVERAGE.

PREMISES

1. Orange County, Florida, is a non-chartered Florida county.
2. Orange County, Florida, through its Board of County Commissioners ("Board") has engaged in the patrol, regulation and maintenance of lakes and water bodies within Orange County.
3. Section 327.22, Fla. Stat., authorizes municipalities which expend money for the patrol, regulation and maintenance of lakes, rivers and waters within a municipality to regulate boats resident in the municipality and charge a license fee therefor.
4. House Bill 177 would expand the scope of Section 327.22, Fla. Stat., by also authorizing counties to charge a license fee for such activities and by expanding the activities to include boating related activities.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Expression of Support. The Board supports and encourages the adoption of House Bill 177.

Section 2. Effective Date. This resolution will take effect upon its adoption.

ADOPTED THIS 21st DAY OF FEBRUARY, 1984.

ORANGE COUNTY, FLORIDA

BY: Bob Trethewey
Chairman, Board of
County Commissioners

ATTEST: THOMAS H. LOCKER
Clerk to Board of County
Commissioners

BY: Mary Jo Garrison
Deputy Clerk

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/The Committee on _____

HB 177

offered the following amendment:

SB _____

On page 13, lineS 23-31, strike

all of said lines

and insert: _____

327.22 Regulation of vessels boats by municipalities or counties.--Nothing in this chapter shall be construed to prohibit any municipality or county that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters and for other boating-related activities in such municipality or county from regulating such vessels boats resident in such municipalities or counties and charging a registration license fee therefor. All moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters and for other boating-related activities of such municipality or county. Both municipalities and counties concurrently may regulate vessels and charge a registration fee pursuant to this section.

adopted

failed of adoption

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

HB 177

_____ title
offered the following amendment:

SB _____

On page 1, line 11, strike

all of said lines

and insert: _____ vessels; providing that counties which expend money for certain
_____ purposes may register vessels and charge a fee therefor; providing
_____ for classifying vessels;

adopted

failed of adoption

327.56 Safety inspections; qualified.—No officer shall board any vessel to make a safety inspection if the owner or operator is not aboard. When the owner or operator is aboard, an officer may board a vessel with consent or when he has probable cause or knowledge to believe that a violation of a provision of this chapter has occurred or is occurring.

History.—s. 9, ch. 59-400; s. 14, ch. 63-105; s. 1, ch. 65-361.

Note.—Former s. 371.58.

327.58 Jurisdiction.—The safety regulations included under this chapter shall apply to all vessels, except as specifically excluded, operating upon the waters of this state.

History.—s. 1, ch. 65-361; s. 27, ch. 79-334; s. 10, ch. 81-100; s. 79, ch. 82-226.

Note.—Former s. 371.66.

327.60 Local regulations; limitations.—

(1) The provisions of ss. 327.01-327.11, 327.13-327.16, 327.18, 327.19, 327.28, 327.30-327.40, 327.44-327.51, 327.54, 327.56, and 327.65 shall govern the operation, equipment, and all other matters relating thereto whenever any vessel shall be operated upon the waterways or when any activity regulated hereby shall take place thereon. Nothing in these sections shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, except that no such ordinance or local law may apply to the Florida Intracoastal Waterway and except that such ordinances or local laws shall be operative only when they are not in conflict with this chapter or any amendments thereto or regulations thereunder.

(2) Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions. However, local governmental authorities are prohibited from regulating the anchorage of non-live-aboard vessels engaged in the exercise of rights of navigation.

History.—s. 10, ch. 59-400; s. 16, ch. 63-105; s. 1, ch. 65-361; s. 3, ch. 72-55; s. 2, ch. 83-20.

Note.—Former s. 371.59.

327.65 Muffling devices.—The exhaust of every internal combustion engine used on any vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on tri-

al runs.

History.—s. 7, ch. 59-400; s. 11, ch. 63-105; s. 1, ch. 65-361.

Note.—Former s. 371.56.

327.70 Enforcement.—

(1) This chapter shall be enforced by the Division of Law Enforcement of the department and its officers, the Game and Fresh Water Fish Commission and its officers, the sheriffs of the various counties and their deputies, and any other authorized law enforcement officer, all of whom may order the removal of vessels deemed to be an interference or a hazard to public safety, enforce the provisions of this chapter, or cause any inspections to be made of all boats in accordance with this chapter, in the water of this state.

(2) Such officers shall have the power and duty to issue such orders and to make such investigations, reports, and arrests in connection with any violation of the provisions of this chapter as are necessary to effectuate the intent and purpose of this chapter.

History.—s. 1, ch. 65-361; ss. 25, 35, ch. 69-106; s. 3, ch. 72-16; s. 10, ch. 74-327; s. 3, ch. 78-181.

Note.—Former s. 371.67.

327.71 Exemption.—The department may, if it finds that federal law imposes less restrictive requirements than provided herein or if it determines that boating safety will not be adversely affected, issue temporary exemptions from any provision of this chapter or rules established hereunder, on such terms and conditions as it considers appropriate.

History.—s. 11, ch. 81-100.

327.72 Penalties.—

(1) Any violation of the provisions of s. 371.57(1)(a)1. and 2. shall be deemed a noncriminal violation, as defined in s. 775.08(3), punishable by a fine of \$25.

(2) Any person failing to comply with the provisions of this chapter not specified in subsection (1) or not paying the fine specified in subsection (1) within 10 days, except as otherwise provided in this chapter, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 65-361; s. 304, ch. 71-136; s. 1, ch. 78-181; s. 3, ch. 80-266.

Note.—The provisions of subparagraphs (1)(a)1. and 2. of former s. 371.57 were deleted from that section by s. 8, ch. 81-100. See s. 327.50.

Note.—Former s. 371.68.

327.22 Regulation of boats by municipalities.—Nothing in this chapter shall be construed to prohibit any municipality that expends money for the patrol, regulation, and maintenance of any lakes, rivers, or waters in such municipality from regulating such boats resident in such municipalities and charging a license fee therefor. All moneys received from such fee shall be expended for the patrol, regulation, and maintenance of the lakes, rivers, and waters of such municipality.

History.—s. 1, ch. 65-361; s. 8, ch. 74-327; s. 112, ch. 77-104; s. 24, ch. 79-334; s. 2, ch. 82-17.

Note.—Former s. 371.63.

327.23 Exemption from personal property tax.—All boats and vessels registered as provided herein, and outboard motors capable of propelling any such boat or vessel, shall be exempt from any personal property tax and in lieu thereof shall pay a boat registration certificate license fee. A certificate of registration shall be issued for any documented vessel, the owner of which has paid the boating registration certificate license fee, but no state registration number shall be issued to such vessel.

History.—s. 1, ch. 65-361; s. 8, ch. 74-327; s. 25, ch. 79-334; s. 77, ch. 82-226.

Note.—Former s. 371.64.

327.24 Legislative intent.—It is declared to be the intent of the Legislature that all vessels in the state shall be subject to a uniform registration license fee at a rate based on the length of the vessels. It is also declared to be the intent of the Legislature that all separate classes of vessels, such as saltwater commercial, freshwater commercial, and private pleasure craft or motorboat be abolished, and that all such vessels be licensed according to the provisions of s. 327.25.

History.—s. 1, ch. 70-336; s. 8, ch. 74-327.

Note.—Former s. 371.645.

327.25 Classification and license.—Vessels which are required to be registered shall be classified for license purposes according to the following schedule, and the registration certificate license fee shall be in the following amounts:

(1) **VESSELS.**—

Class A-1—Less than 12 feet in length, and all canoes to which propulsion motors have been attached, regardless of length	\$ 2.00
Class A-2—12 feet or more and less than 16 feet in length	6.00
(To county)	1.50
Class 1—16 feet or more and less than 26 feet in length	11.00
(To county)	6.50
Class 2—26 feet or more and less than 40 feet in length	31.00
(To county)	26.50
Class 3—40 feet or more and less than 65 feet in length	51.00
(To county)	46.50
Class 4—65 feet or more and less than 110 feet in length	61.00
(To county)	56.50
Class 5—110 feet or more in length	76.00

(To county) 71.50
 Dealer classification 10.00

(2) **SERVICE FEES.**—In addition, the boat owner shall pay to the issuing agent a \$1-service fee for each registration or reregistration as provided for in s. 327.11. There shall be no duplication of fees and boats registered under this law. Boats may travel in salt water or fresh water at will.

(3) **DISTRIBUTION OF FEES.**—Moneys deposited pursuant to s. 327.28 to be returned to the counties are appropriated to the department for grants to the county general governments for the sole purposes of providing recreational channel marking, public launching facilities, and other boating-related activities. The department shall ascertain, as a guideline in determining amounts of grants each county may receive, the number of noncommercial vessels registered in the county during the preceding license year according to the license fee schedule provided in subsection (1) and shall promulgate rules and regulations to effectuate this.

(4) **FRACTIONAL REGISTRATION FEE.**—Any boat registered for the first time between January 1 and June 30 shall be charged one-half the annual registration rate. The above fractional rate does not apply to boats subject to registration prior to December 31, provided that a boat shall not be considered subject to reregistration prior to December 31 if purchased by a new owner after December 31.

(5) **REGISTRATION DATE.**—The registration and reregistration of vessels requiring registration and payment of the above fees for the ensuing year shall begin on June 1 and end on July 15, except that the Governor may extend the period of registration for an additional 30 days when such extension is desirable. All motorboats previously exempt from the registration requirements of s. 327.10 shall be registered by January 1, 1975. The operation of any vessel after July 15, unless the period is extended, without a current registration as provided under this law is a noncriminal violation, as defined in s. 775.08(3), and shall subject the owner thereof, if he is present, or, if the owner is not present, the operator thereof to a fine of \$15.

(6) **EXEMPTION.**—Vessels owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, the Associated Marine Institutes, Inc., and its affiliates; and boats used exclusively for commercial fishing and not propelled or powered by machinery of any horsepower are exempt from the provisions of subsection (1). Such vessels or motorboats shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection (2).

(7) **ALIEN OR NONRESIDENT FEE.**—An additional license fee of \$50 shall be required of all aliens or nonresidents of the state on all vessels used for commercial purposes and owned in whole or in part by such aliens or nonresidents, in addition to the boat license fee required by this section.

(8) **MAIL SERVICE CHARGE.**—A mail service charge shall be collected for each registration or reregistration mailed by the department or any tax collector. All registrations and reregistrations shall be