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2 An act relating to watersports; amending s.
3 327.37, F.S.; providing safety rules for towing
4 parasails from vessels; prescribing safety
5 regulations for persons engaged in waterskiing,
6 parasailing, aquaplaning, or similar
7 activities; prohibiting parasailing or
8 operating a boat towing a parasail in specified
9 waters; amending s. 327.73, F.S.; providing
10 that certain violations with respect to
11 parasailing constitute a noncriminal
12 infraction; reenacting ss. 327.72, 327.731,
13 F.S., relating to penalties and mandatory
14 education for violators, to incorporate the
15 amendment to s. 327.73, F.S., in references
16 thereto; providing an effective date.
17

18 Be It Enacted by the Legislature of the State of Florida:
19

20 Section 1. Section 327.37, Florida Statutes, is
21 amended to read:

22 327.37 Water skis, parasails, and aquaplanes
23 regulated.--

24 (1)(a) A ~~No~~ person may not ~~shall~~ operate a vessel on
25 any waters of this state towing a person on water skis, or an
26 aquaplane, or similar device unless there is in such vessel a
27 person, in addition to the operator, in a position to observe
28 the progress of the person being towed, or the vessel is
29 equipped with a wide-angle rear view mirror mounted in such
30 manner as to permit the operator of the vessel to observe the
31 progress of the person being towed. This subsection does not

1 apply to class A motorboats operated by the person being towed
2 and designed to be incapable of carrying the operator in the
3 motorboat.

4 (b) A person may not operate a vessel on any waters of
5 this state towing a person attached to a parasail or similar
6 device unless there is a person in the vessel, in addition to
7 the operator, in a position to observe the progress of the
8 person being towed. A wide-angle rear view mirror is not
9 acceptable for this purpose.

10 (2)(a) A ~~No~~ person may not ~~shall~~ engage in water
11 skiing, parasailing, aquaplaning, or similar activity at any
12 time between the hours from one-half hour after sunset to
13 one-half hour before sunrise.

14 (b) A ~~No~~ person may not ~~shall~~ engage in water skiing,
15 parasailing, ~~or~~ aquaplaning, or any similar activity unless
16 such person is wearing a type I, type II, ~~or~~ type III, or
17 noninflatable type V personal flotation device approved by the
18 United States Coast Guard.

19 (3) The provisions of subsections (1) and (2) do not
20 apply to a performer engaged in a professional exhibition or a
21 person preparing to participate or participating in an
22 official regatta, boat race, marine parade, tournament, or
23 exhibition held pursuant to s. 327.48.

24 (4) A ~~No~~ person may not ~~shall~~ operate or manipulate
25 any vessel, tow rope, or other device by which the direction
26 or location of water skis, parasail, aquaplane, innertube,
27 sled, or similar device may be affected or controlled, in such
28 a way as to cause the water skis, parasail, aquaplane,
29 innertube, sled, or similar device or any person thereon to
30 collide or strike against or be likely to collide or strike
31 against any vessel, bridge, wharf, pier, dock, buoy, platform,

1 piling, channel marker, or other object, except slalom buoys,
2 ski jumps, or like objects used normally in competitive or
3 recreational skiing.

4 (5) A person may not operate any vessel towing a
5 parasail or engage in parasailing within 100 feet of the
6 marked channel of the Florida Intracoastal Waterway.

7 Section 2. Section 327.73, Florida Statutes, is
8 amended to read:

9 327.73 Noncriminal infractions.--

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

12 (a) Section 327.10, relating to operation of
13 unregistered and unnumbered vessels.

14 (b) Section 327.11(4), relating to display of number
15 and possession of registration certificate.

16 (c) Section 327.11(5), relating to display of decal.

17 (d) Section 327.13(2), relating to display of number.

18 (e) Section 327.14, relating to spacing of digits and
19 letters of identification number.

20 (f) Section 327.17, relating to military personnel and
21 registration of vessels.

22 (g) Section 327.25(14), relating to operation with an
23 expired registration.

24 (h) Section 327.33(2), relating to careless operation.

25 (i) Section 327.37, relating to water skiing,
26 aquaplaning, parasailing, and similar activities.

27 (j) Section 327.44, relating to interference with
28 navigation.

29 (k) Violations relating to restricted areas and speed
30 limits:

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- 1 1. Established by the department pursuant to s.
2 327.46.
- 3 2. Established by local governmental authorities
4 pursuant to s. 327.22 or s. 327.60.
- 5 3. Speed limits established pursuant to s. 370.12(2).
6 (1) Section 327.48, relating to regattas and races.
7 (m) Section 327.50(1) and (2), relating to required
8 safety equipment, lights, and shapes.
9 (n) Section 327.65, relating to muffling devices.
10 (o) Section 327.33(3)(b), relating to navigation
11 rules.
12 (p) Section 327.39(1), (2), (3), and (5), relating to
13 personal watercraft.
14 (q) Section 327.53(1), (2), and (3), relating to
15 marine sanitation.
16 (r) Section 327.53(4), (5), and (7), relating to
17 marine sanitation, for which the civil penalty is \$250.
18 (s) Section 327.395, relating to boater safety
19 education.
20 (t) Section 327.52(3), relating to operation of
21 overloaded or overpowered vessels.
22
- 23 Any person cited for a violation of any such provision shall
24 be deemed to be charged with a noncriminal infraction, shall
25 be cited for such an infraction, and shall be cited to appear
26 before the county court. The civil penalty for any such
27 infraction is \$50, except as otherwise provided in this
28 section. Any person who fails to appear or otherwise properly
29 respond to a uniform boating citation shall, in addition to
30 the charge relating to the violation of the boating laws of
31 this state, be charged with the offense of failing to respond

1 to such citation and, upon conviction, be guilty of a
2 misdemeanor of the second degree, punishable as provided in s.
3 775.082 or s. 775.083. A written warning to this effect shall
4 be provided at the time such uniform boating citation is
5 issued.

6 (2) Any person cited for an infraction under this
7 section may:

8 (a) Post a bond, which shall be equal in amount to the
9 applicable civil penalty; or

10 (b) Sign and accept a citation indicating a promise to
11 appear.

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13 The officer may indicate on the citation the time and location
14 of the scheduled hearing and shall indicate the applicable
15 civil penalty.

16 (3) Any person who willfully refuses to post a bond or
17 accept and sign a summons is guilty of a misdemeanor of the
18 second degree.

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

21 (a) Pay the civil penalty, either by mail or in
22 person, within 10 days of the date of receiving the citation;
23 or,

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

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

1 (5) Any person electing to appear before the county
2 court or who is required so to appear shall be deemed to have
3 waived the limitations on the civil penalty specified in
4 subsection (1). The court, after a hearing, shall make a
5 determination as to whether an infraction has been committed.
6 If the commission of an infraction has been proven, the court
7 may impose a civil penalty not to exceed \$500.

8 (6) At a hearing under this chapter the commission of
9 a charged infraction must be proved beyond a reasonable doubt.

10 (7) If a person is found by the hearing official to
11 have committed an infraction, he or she may appeal that
12 finding to the circuit court.

13 (8) All fees and civil penalties assessed and
14 collected pursuant to this section shall be deposited into the
15 Marine Resources Conservation Trust Fund for boating safety
16 education purposes.

17 Section 3. For the purpose of incorporating the
18 amendment made by this act to section 327.73, Florida
19 Statutes, in references thereto, section 327.72, Florida
20 Statutes, is reenacted to read:

21 327.72 Penalties.--Any person failing to comply with
22 the provisions of this chapter or chapter 328 not specified in
23 s. 327.73 or not paying the fine specified in said section
24 within 10 days, except as otherwise provided in this chapter
25 or chapter 328, is guilty of a misdemeanor of the second
26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 Section 4. For the purpose of incorporating the
28 amendment made by this act to section 327.73, Florida
29 Statutes, in references thereto, section 327.731, Florida
30 Statutes, 1998 Supplement, is reenacted to read:

31 327.731 Mandatory education for violators.--

1 (1) Every person convicted of a criminal violation of
2 this chapter, every person convicted of a noncriminal
3 infraction under this chapter if the infraction resulted in a
4 reportable boating accident, and every person convicted of two
5 noncriminal infractions as defined in s. 327.73(1)(h) through
6 (k), (m) through (p), (s), and (t), said infractions occurring
7 within a 12-month period, must:

8 (a) Enroll in, attend, and successfully complete, at
9 his or her own expense, a boating safety course that meets
10 minimum standards established by the department by rule;
11 however, the department may provide by rule for waivers of the
12 attendance requirement for violators residing in areas where
13 classroom presentation of the course is not available;

14 (b) File with the department within 90 days proof of
15 successful completion of the course;

16 (c) Refrain from operating a vessel until he or she
17 has filed the proof of successful completion of the course
18 with the department.

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20 Any person who has successfully completed an approved boating
21 course shall be exempt from these provisions upon showing
22 proof to the department as specified in paragraph (b).

23 (2) For the purposes of this section, "conviction"
24 means a finding of guilt, or the acceptance of a plea of
25 guilty or nolo contendere, regardless of whether or not
26 adjudication was withheld or whether imposition of sentence
27 was withheld, deferred, or suspended. Any person who operates
28 a vessel on the waters of this state in violation of the
29 provisions of this section is guilty of a misdemeanor of the
30 second degree, punishable as provided in s. 775.082 or s.
31 775.083.

1 (3) The department shall print on the reverse side of
2 the defendant's copy of the boating citation a notice of the
3 provisions of this section. Upon conviction, the clerk of the
4 court shall notify the defendant that it is unlawful for him
5 or her to operate any vessel until he or she has complied with
6 this section, but failure of the clerk of the court to provide
7 such a notice shall not be a defense to a charge of unlawful
8 operation of a vessel under subsection (2).

9 Section 5. This act shall take effect July 1, 1999.

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