

1                   A bill to be entitled  
 2           An act relating to vessels; amending s. 327.33, F.S.;  
 3           revising penalty provisions for violation of navigation  
 4           rules; providing misdemeanor penalties for a violation  
 5           that results in a boating accident causing serious bodily  
 6           injury or death; providing that under certain  
 7           circumstances a violation of navigation rules is a  
 8           noncriminal violation; amending s. 327.73, F.S.; providing  
 9           for increased penalties for certain noncriminal  
 10          violations; deleting a duplicate provision; reenacting and  
 11          amending s. 327.72, F.S., relating to penalties, to  
 12          incorporate changes made by the act in references thereto;  
 13          reenacting s. 327.731(1), F.S., relating to mandatory  
 14          education for violators, to incorporate changes made by  
 15          the act in references thereto; providing an effective  
 16          date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20           Section 1. Subsection (3) of section 327.33, Florida  
 21           Statutes, is amended to read:

22           327.33 Reckless or careless operation of vessel.—

23           (3) Each person operating a vessel upon the waters of this  
 24           state shall comply with the navigation rules.

25           (a) A person who violates ~~whose violation of~~ the  
 26           navigation rules and the violation results in a boating accident  
 27           causing serious bodily injury as defined in s. 327.353 or death,  
 28           but the ~~whose~~ violation does ~~did~~ not constitute reckless

29 | operation of a vessel, commits ~~is guilty of~~ a misdemeanor of the  
 30 | second degree, punishable as provided in s. 775.082 or s.  
 31 | 775.083.

32 | (b) A person who violates ~~whose violation of the~~  
 33 | navigation rules and the violation ~~does not result in a boating~~  
 34 | ~~accident and~~ does not constitute reckless operation of a vessel  
 35 | commits ~~is guilty of~~ a noncriminal violation as defined in s.  
 36 | 775.08, punishable as provided in s. 327.73.

37 | (c) Law enforcement vessels may deviate from the  
 38 | navigational rules when such diversion is necessary to the  
 39 | performance of their duties and when such deviation may be  
 40 | safely accomplished.

41 | Section 2. Subsections (1) and (5) of section 327.73,  
 42 | Florida Statutes, are amended to read:

43 | 327.73 Noncriminal infractions.—

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

46 | (a) Section 328.46, relating to operation of unregistered  
 47 | and unnumbered vessels.

48 | (b) Section 328.48(4), relating to display of number and  
 49 | possession of registration certificate.

50 | (c) Section 328.48(5), relating to display of decal.

51 | (d) Section 328.52(2), relating to display of number.

52 | (e) Section 328.54, relating to spacing of digits and  
 53 | letters of identification number.

54 | (f) Section 328.60, relating to military personnel and  
 55 | registration of vessels.

56 | (g) Section 328.72(13), relating to operation with an

57 | expired registration.

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

59 |       (i) Section 327.37, relating to water skiing, aquaplaning,

60 | parasailing, and similar activities.

61 |       (j) Section 327.44, relating to interference with

62 | navigation.

63 |       (k) Violations relating to boating-restricted areas and

64 | speed limits:

65 |       1. Established by the commission or by local governmental

66 | authorities pursuant to s. 327.46.

67 |       2. Speed limits established pursuant to s. 379.2431(2).

68 |       (l) Section 327.48, relating to regattas and races.

69 |       (m) Section 327.50(1) and (2), relating to required safety

70 | equipment, lights, and shapes.

71 |       (n) Section 327.65, relating to muffling devices.

72 |       (o)1. Section 327.33(3)(b), relating to a violation of

73 | navigation rules not resulting in an accident.

74 |       2. Section 327.33(3)(b), relating to a violation of

75 | navigation rules resulting in an accident not causing serious

76 | bodily injury or death, for which the penalty is:

77 |       a. For a first offense, up to a maximum of \$500.

78 |       b. For a second offense, up to a maximum of \$750.

79 |       c. For a third or subsequent offense, up to a maximum of

80 | \$1,000.

81 |       (p) Section 327.39(1), (2), (3), and (5), relating to

82 | personal watercraft.

83 |       (q) Section 327.53(1), (2), and (3), relating to marine

84 | sanitation.

85 (r) Section 327.53(4), (5), and (7), relating to marine  
 86 sanitation, for which the civil penalty is \$250.

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

88 (t) Section 327.52(3), relating to operation of overloaded  
 89 or overpowered vessels.

90 (u) Section 327.331, relating to divers-down flags, except  
 91 for violations meeting the requirements of s. 327.33.

92 (v) Section 327.391(1), relating to the requirement for an  
 93 adequate muffler on an airboat.

94 (w) Section 327.391(3), relating to the display of a flag  
 95 on an airboat.

96 (x) Section 253.04(3)(a), relating to carelessly causing  
 97 seagrass scarring, for which the civil penalty upon conviction  
 98 is:

- 99 1. For a first offense, \$50.
- 100 2. For a second offense occurring within 12 months after a  
 101 prior conviction, \$250.
- 102 3. For a third offense occurring within 36 months after a  
 103 prior conviction, \$500.
- 104 4. For a fourth or subsequent offense occurring within 72  
 105 months after a prior conviction, \$1,000.

106  
 107 Any person cited for a violation of any such provision shall be  
 108 deemed to be charged with a noncriminal infraction, shall be  
 109 cited for such an infraction, and shall be cited to appear  
 110 before the county court. The civil penalty for any such  
 111 infraction is \$50, except as otherwise provided in this section.  
 112 Any person who fails to appear or otherwise properly respond to

113 a uniform boating citation shall, in addition to the charge  
 114 relating to the violation of the boating laws of this state, be  
 115 charged with the offense of failing to respond to such citation  
 116 and, upon conviction, be guilty of a misdemeanor of the second  
 117 degree, punishable as provided in s. 775.082 or s. 775.083. A  
 118 written warning to this effect shall be provided at the time  
 119 such uniform boating citation is issued.

120  
 121 ~~Any person cited for a violation of any such provision shall be~~  
 122 ~~deemed to be charged with a noncriminal infraction, shall be~~  
 123 ~~cited for such an infraction, and shall be cited to appear~~  
 124 ~~before the county court. The civil penalty for any such~~  
 125 ~~infraction is \$50, except as otherwise provided in this section.~~  
 126 ~~Any person who fails to appear or otherwise properly respond to~~  
 127 ~~a uniform boating citation shall, in addition to the charge~~  
 128 ~~relating to the violation of the boating laws of this state, be~~  
 129 ~~charged with the offense of failing to respond to such citation~~  
 130 ~~and, upon conviction, be guilty of a misdemeanor of the second~~  
 131 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~  
 132 ~~written warning to this effect shall be provided at the time~~  
 133 ~~such uniform boating citation is issued.~~

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

141 subsection (1).

142 Section 3. For the purpose of incorporating the amendment  
 143 made by this act to section 327.73, Florida Statutes, in a  
 144 reference thereto, section 327.72, Florida Statutes, is  
 145 reenacted and amended to read:

146 327.72 Penalties.—Any person failing to comply with the  
 147 provisions of this chapter or chapter 328 not specified in s.  
 148 327.73 or not paying the civil penalty specified in s. 327.73  
 149 ~~said section~~ within 30 days, except as otherwise provided in  
 150 this chapter or chapter 328, commits a misdemeanor of the second  
 151 degree, punishable as provided in s. 775.082 or s. 775.083.

152 Section 4. For the purpose of incorporating the amendment  
 153 made by this act to section 327.73, Florida Statutes, in a  
 154 reference thereto, subsection (1) of section 327.731, Florida  
 155 Statutes, is reenacted to read:

156 327.731 Mandatory education for violators.—

157 (1) Every person convicted of a criminal violation of this  
 158 chapter, every person convicted of a noncriminal infraction  
 159 under this chapter if the infraction resulted in a reportable  
 160 boating accident, and every person convicted of two noncriminal  
 161 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),  
 162 and (s)-(x), said infractions occurring within a 12-month  
 163 period, must:

164 (a) Enroll in, attend, and successfully complete, at his  
 165 or her own expense, a boating safety course that meets minimum  
 166 standards established by the commission by rule; however, the  
 167 commission may provide by rule pursuant to chapter 120 for  
 168 waivers of the attendance requirement for violators residing in

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169 areas where classroom presentation of the course is not  
170 available;

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

173 (c) Refrain from operating a vessel until he or she has  
174 filed the proof of successful completion of the course with the  
175 commission.

176

177 Any person who has successfully completed an approved boating  
178 course shall be exempt from these provisions upon showing proof  
179 to the commission as specified in paragraph (b).

180 Section 5. This act shall take effect October 1, 2011.