



306272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
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The Committee on Environmental Preservation and Conservation (Oelrich) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

327.33 Reckless or careless operation of vessel.—

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

(a) A person who violates ~~whose violation of~~ the navigation rules and the violation results in a boating accident causing serious bodily injury as defined in s. 327.353 or death, but the



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13 ~~whose~~ violation does ~~did~~ not constitute reckless operation of a  
14 vessel, commits ~~is guilty of~~ a misdemeanor of the second degree,  
15 punishable as provided in s. 775.082 or s. 775.083.

16 (b) A person who violates ~~whose violation of~~ the navigation  
17 rules and the violation ~~does not result in a boating accident~~  
18 ~~and~~ does not constitute reckless operation of a vessel commits  
19 ~~is guilty of~~ a noncriminal violation as defined in s. 775.08,  
20 punishable as provided in s. 327.73.

21 (c) Law enforcement vessels may deviate from the  
22 navigational rules when such diversion is necessary to the  
23 performance of their duties and when such deviation may be  
24 safely accomplished.

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

27 327.73 Noncriminal infractions.—

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

30 (a) Section 328.46, relating to operation of unregistered  
31 and unnumbered vessels.

32 (b) Section 328.48(4), relating to display of number and  
33 possession of registration certificate.

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

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

36 (e) Section 328.54, relating to spacing of digits and  
37 letters of identification number.

38 (f) Section 328.60, relating to military personnel and  
39 registration of vessels.

40 (g) Section 328.72(13), relating to operation with an  
41 expired registration.



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- 42 (h) Section 327.33(2), relating to careless operation.
- 43 (i) Section 327.37, relating to water skiing, aquaplaning,  
44 parasailing, and similar activities.
- 45 (j) Section 327.44, relating to interference with  
46 navigation.
- 47 (k) Violations relating to boating-restricted areas and  
48 speed limits:
- 49 1. Established by the commission or by local governmental  
50 authorities pursuant to s. 327.46.
- 51 2. Speed limits established pursuant to s. 379.2431(2).
- 52 (l) Section 327.48, relating to regattas and races.
- 53 (m) Section 327.50(1) and (2), relating to required safety  
54 equipment, lights, and shapes.
- 55 (n) Section 327.65, relating to muffling devices.
- 56 (o) Section 327.33(3)(b), relating to a violation of  
57 navigation rules:-
- 58 1. That does not result in an accident; or
- 59 2. That results in an accident not causing serious bodily  
60 injury or death, for which the penalty is:
- 61 a. For a first offense, up to a maximum of \$500.
- 62 b. For a second offense, up to a maximum of \$750.
- 63 c. For a third or subsequent offense, up to a maximum of  
64 \$1,000.
- 65 (p) Section 327.39(1), (2), (3), and (5), relating to  
66 personal watercraft.
- 67 (q) Section 327.53(1), (2), and (3), relating to marine  
68 sanitation.
- 69 (r) Section 327.53(4), (5), and (7), relating to marine  
70 sanitation, for which the civil penalty is \$250.



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71 (s) Section 327.395, relating to boater safety education.  
72 (t) Section 327.52(3), relating to operation of overloaded  
73 or overpowered vessels.  
74 (u) Section 327.331, relating to divers-down flags, except  
75 for violations meeting the requirements of s. 327.33.  
76 (v) Section 327.391(1), relating to the requirement for an  
77 adequate muffler on an airboat.  
78 (w) Section 327.391(3), relating to the display of a flag  
79 on an airboat.  
80 (x) Section 253.04(3)(a), relating to carelessly causing  
81 seagrass scarring, for which the civil penalty upon conviction  
82 is:  
83 1. For a first offense, \$50.  
84 2. For a second offense occurring within 12 months after a  
85 prior conviction, \$250.  
86 3. For a third offense occurring within 36 months after a  
87 prior conviction, \$500.  
88 4. For a fourth or subsequent offense occurring within 72  
89 months after a prior conviction, \$1,000.  
90  
91 Any person cited for a violation of any ~~such~~ provision of this  
92 subsection shall be deemed to be charged with a noncriminal  
93 infraction, shall be cited for such an infraction, and shall be  
94 cited to appear before the county court. The civil penalty for  
95 any such infraction is \$50, except as otherwise provided in this  
96 section. Any person who fails to appear or otherwise properly  
97 respond to a uniform boating citation shall, in addition to the  
98 charge relating to the violation of the boating laws of this  
99 state, be charged with the offense of failing to respond to such



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100 citation and, upon conviction, be guilty of a misdemeanor of the  
101 second degree, punishable as provided in s. 775.082 or s.  
102 775.083. A written warning to this effect shall be provided at  
103 the time such uniform boating citation is issued.

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105 ~~Any person cited for a violation of any such provision shall be~~  
106 ~~deemed to be charged with a noncriminal infraction, shall be~~  
107 ~~cited for such an infraction, and shall be cited to appear~~  
108 ~~before the county court. The civil penalty for any such~~  
109 ~~infraction is \$50, except as otherwise provided in this section.~~  
110 ~~Any person who fails to appear or otherwise properly respond to~~  
111 ~~a uniform boating citation shall, in addition to the charge~~  
112 ~~relating to the violation of the boating laws of this state, be~~  
113 ~~charged with the offense of failing to respond to such citation~~  
114 ~~and, upon conviction, be guilty of a misdemeanor of the second~~  
115 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~  
116 ~~written warning to this effect shall be provided at the time~~  
117 ~~such uniform boating citation is issued.~~

118 (5) Any person electing to appear before the county court  
119 or who is required so to appear shall be deemed to have waived  
120 the limitations on the civil penalty specified in subsection  
121 (1). The court, after a hearing, shall make a determination as  
122 to whether an infraction has been committed. If the commission  
123 of an infraction has been proven, the court may impose a civil  
124 penalty not to exceed \$500 or a higher amount as specified in  
125 subsection (1).

126 Section 3. For the purpose of incorporating the amendment  
127 made by this act to section 327.73, Florida Statutes, in a  
128 reference thereto, section 327.72, Florida Statutes, is



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129 reenacted and amended to read:

130       327.72 Penalties.—Any person failing to comply with the  
131 provisions of this chapter or chapter 328 not specified in s.  
132 327.73 or not paying the civil penalty specified in s. 327.73  
133 ~~said section~~ within 30 days, except as otherwise provided in  
134 this chapter or chapter 328, commits a misdemeanor of the second  
135 degree, punishable as provided in s. 775.082 or s. 775.083.

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

140       327.731 Mandatory education for violators.—

141       (1) Every person convicted of a criminal violation of this  
142 chapter, every person convicted of a noncriminal infraction  
143 under this chapter if the infraction resulted in a reportable  
144 boating accident, and every person convicted of two noncriminal  
145 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),  
146 and (s)-(x), said infractions occurring within a 12-month  
147 period, must:

148       (a) Enroll in, attend, and successfully complete, at his or  
149 her own expense, a boating safety course that meets minimum  
150 standards established by the commission by rule; however, the  
151 commission may provide by rule pursuant to chapter 120 for  
152 waivers of the attendance requirement for violators residing in  
153 areas where classroom presentation of the course is not  
154 available;

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

157       (c) Refrain from operating a vessel until he or she has



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158 filed the proof of successful completion of the course with the  
159 commission.

160  
161 Any person who has successfully completed an approved boating  
162 course shall be exempt from these provisions upon showing proof  
163 to the commission as specified in paragraph (b).

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

165  
166 ===== T I T L E A M E N D M E N T =====

167 And the title is amended as follows:

168 Delete everything before the enacting clause  
169 and insert:

170 A bill to be entitled  
171 An act relating to vessels; amending s. 327.33, F.S.;  
172 revising penalty provisions for the violation of  
173 navigation rules; providing that a violation resulting  
174 in serious bodily injury or death is a second-degree  
175 misdemeanor; providing that a violation that does not  
176 constitute reckless operation of a vessel is a  
177 noncriminal violation; amending s. 327.73, F.S.;  
178 providing for increased penalties for certain  
179 noncriminal violations of navigation rules; deleting a  
180 duplicate provision; reenacting and amending s.  
181 327.72, F.S., relating to penalties, to incorporate  
182 the amendment made to s. 327.73, in a reference  
183 thereto; correcting a cross-reference; reenacting s.  
184 327.731(1), F.S., relating to mandatory education for  
185 violators, to incorporate the amendment made to s.  
186 327.73, F.S., in a reference thereto; providing an



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effective date.