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1
2 An act relating to vessels; amending s. 327.33, F.S.;
3 revising penalty provisions for the violation of
4 navigation rules; providing that a violation resulting
5 in serious bodily injury or death is a second-degree
6 misdemeanor; providing that a violation that does not
7 constitute reckless operation of a vessel is a
8 noncriminal violation; amending s. 327.395, F.S.;
9 providing an additional exemption from the requirement
10 that certain persons possess a boating safety
11 identification card while operating a motor vessel of
12 a specified horsepower; amending s. 327.54, F.S.;
13 prohibiting a livery from leasing, hiring, or renting
14 a motor vessel of certain horsepower to a person
15 unless the person presents photographic identification
16 and a valid boater safety identification card or
17 provides proof that the person has successfully
18 completed the boater education course; amending s.
19 327.73, F.S.; providing for increased penalties for
20 certain noncriminal violations of navigation rules;
21 deleting a duplicate provision; reenacting and
22 amending s. 327.72, F.S., relating to penalties, to
23 incorporate the amendment made to s. 327.73, in a
24 reference thereto; correcting a cross-reference;
25 reenacting s. 327.731(1), F.S., relating to mandatory
26 education for violators, to incorporate the amendment
27 made to s. 327.73, F.S., in a reference thereto;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Subsection (3) of section 327.33, Florida
33 Statutes, is amended to read:

34 327.33 Reckless or careless operation of vessel.—

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

37 (a) A person who violates ~~whose violation of~~ the navigation
38 rules and the violation results in a boating accident causing
39 serious bodily injury as defined in s. 327.353 or death, but the
40 ~~whose violation does did~~ not constitute reckless operation of a
41 vessel, commits ~~is guilty of~~ a misdemeanor of the second degree,
42 punishable as provided in s. 775.082 or s. 775.083.

43 (b) A person who violates ~~whose violation of~~ the navigation
44 rules and the violation ~~does not result in a boating accident~~
45 ~~and~~ does not constitute reckless operation of a vessel commits
46 ~~is guilty of~~ a noncriminal violation as defined in s. 775.08,
47 punishable as provided in s. 327.73.

48 (c) Law enforcement vessels may deviate from the
49 navigational rules when such diversion is necessary to the
50 performance of their duties and when such deviation may be
51 safely accomplished.

52 Section 2. Subsection (6) of section 327.395, Florida
53 Statutes, is amended to read:

54 327.395 Boating safety identification cards.—

55 (6) A person is exempt from subsection (1) if he or she:

56 (a) Is licensed by the United States Coast Guard to serve
57 as master of a vessel.

58 (b) Operates a vessel only on a private lake or pond.

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59 (c) Is accompanied in the vessel by a person who is exempt
60 from this section or who holds an identification card in
61 compliance with this section, is 18 years of age or older, and
62 is attendant to the operation of the vessel and responsible for
63 the safe operation of the vessel and for any violation that
64 occurs during the operation of the vessel.

65 (d) Is a nonresident who has in his or her possession proof
66 that he or she has completed a boater education course or
67 equivalency examination in another state which meets or exceeds
68 the requirements of subsection (1).

69 (e) Is operating a vessel within 90 days after the purchase
70 of that vessel and has available for inspection aboard that
71 vessel a bill of sale meeting the requirements of s. 328.46(1).

72 (f) Is operating a vessel within 90 days after completing
73 the requirements of paragraph (1)(a) or paragraph (1)(b) and has
74 a photographic identification card and a boater education
75 certificate available for inspection as proof of having
76 completed a boater education course. The boater education
77 certificate must provide, at a minimum, the student's first and
78 last name, the student's date of birth, and the date that he or
79 she passed the course examination.

80 (g)~~(f)~~ Is exempted by rule of the commission.

81 Section 3. Subsection (2) of section 327.54, Florida
82 Statutes, is amended to read:

83 327.54 Liveries; safety regulations; penalty.—

84 (2) A livery may not knowingly lease, hire, or rent any
85 vessel powered by a motor of 10 horsepower or greater to any
86 person who is required to comply with s. 327.395, unless such
87 person presents to the livery photographic identification and a

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88 valid boater safety identification card as required under s.
89 327.395(1), or meets the exemption provided under s.
90 327.395(6) (f) to the livery.

91 Section 4. Subsections (1) and (5) of section 327.73,
92 Florida Statutes, are amended to read:

93 327.73 Noncriminal infractions.—

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

96 (a) Section 328.46, relating to operation of unregistered
97 and unnumbered vessels.

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

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

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

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

104 (f) Section 328.60, relating to military personnel and
105 registration of vessels.

106 (g) Section 328.72(13), relating to operation with an
107 expired registration.

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

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

111 (j) Section 327.44, relating to interference with
112 navigation.

113 (k) Violations relating to boating-restricted areas and
114 speed limits:

115 1. Established by the commission or by local governmental
116 authorities pursuant to s. 327.46.

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117 2. Speed limits established pursuant to s. 379.2431(2).
118 (l) Section 327.48, relating to regattas and races.
119 (m) Section 327.50(1) and (2), relating to required safety
120 equipment, lights, and shapes.
121 (n) Section 327.65, relating to muffling devices.
122 (o) Section 327.33(3)(b), relating to a violation of
123 navigation rules:-
124 1. That does not result in an accident; or
125 2. That results in an accident not causing serious bodily
126 injury or death, for which the penalty is:
127 a. For a first offense, up to a maximum of \$250.
128 b. For a second offense, up to a maximum of \$750.
129 c. For a third or subsequent offense, up to a maximum of
130 \$1,000.
131 (p) Section 327.39(1), (2), (3), and (5), relating to
132 personal watercraft.
133 (q) Section 327.53(1), (2), and (3), relating to marine
134 sanitation.
135 (r) Section 327.53(4), (5), and (7), relating to marine
136 sanitation, for which the civil penalty is \$250.
137 (s) Section 327.395, relating to boater safety education.
138 (t) Section 327.52(3), relating to operation of overloaded
139 or overpowered vessels.
140 (u) Section 327.331, relating to divers-down flags, except
141 for violations meeting the requirements of s. 327.33.
142 (v) Section 327.391(1), relating to the requirement for an
143 adequate muffler on an airboat.
144 (w) Section 327.391(3), relating to the display of a flag
145 on an airboat.

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146 (x) Section 253.04(3)(a), relating to carelessly causing
147 seagrass scarring, for which the civil penalty upon conviction
148 is:

149 1. For a first offense, \$50.

150 2. For a second offense occurring within 12 months after a
151 prior conviction, \$250.

152 3. For a third offense occurring within 36 months after a
153 prior conviction, \$500.

154 4. For a fourth or subsequent offense occurring within 72
155 months after a prior conviction, \$1,000.

156
157 Any person cited for a violation of any ~~such~~ provision of this
158 subsection shall be deemed to be charged with a noncriminal
159 infraction, shall be cited for such an infraction, and shall be
160 cited to appear before the county court. The civil penalty for
161 any such infraction is \$50, except as otherwise provided in this
162 section. Any person who fails to appear or otherwise properly
163 respond to a uniform boating citation shall, in addition to the
164 charge relating to the violation of the boating laws of this
165 state, be charged with the offense of failing to respond to such
166 citation and, upon conviction, be guilty of a misdemeanor of the
167 second degree, punishable as provided in s. 775.082 or s.
168 775.083. A written warning to this effect shall be provided at
169 the time such uniform boating citation is issued.

170
171 ~~Any person cited for a violation of any such provision shall be~~
172 ~~deemed to be charged with a noncriminal infraction, shall be~~
173 ~~cited for such an infraction, and shall be cited to appear~~
174 ~~before the county court. The civil penalty for any such~~

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175 ~~infraction is \$50, except as otherwise provided in this section.~~
176 ~~Any person who fails to appear or otherwise properly respond to~~
177 ~~a uniform boating citation shall, in addition to the charge~~
178 ~~relating to the violation of the boating laws of this state, be~~
179 ~~charged with the offense of failing to respond to such citation~~
180 ~~and, upon conviction, be guilty of a misdemeanor of the second~~
181 ~~degree, punishable as provided in s. 775.082 or s. 775.083. A~~
182 ~~written warning to this effect shall be provided at the time~~
183 ~~such uniform boating citation is issued.~~

184 (5) Any person electing to appear before the county court
185 or who is required so to appear shall be deemed to have waived
186 the limitations on the civil penalty specified in subsection
187 (1). The court, after a hearing, shall make a determination as
188 to whether an infraction has been committed. If the commission
189 of an infraction has been proven, the court may impose a civil
190 penalty not to exceed \$500 or a higher amount as specified in
191 subsection (1).

192 Section 5. For the purpose of incorporating the amendment
193 made by this act to section 327.73, Florida Statutes, in a
194 reference thereto, section 327.72, Florida Statutes, is
195 reenacted and amended to read:

196 327.72 Penalties.—Any person failing to comply with the
197 provisions of this chapter or chapter 328 not specified in s.
198 327.73 or not paying the civil penalty specified in s. 327.73
199 ~~said section~~ within 30 days, except as otherwise provided in
200 this chapter or chapter 328, commits a misdemeanor of the second
201 degree, punishable as provided in s. 775.082 or s. 775.083.

202 Section 6. For the purpose of incorporating the amendment
203 made by this act to section 327.73, Florida Statutes, in a

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204 reference thereto, subsection (1) of section 327.731, Florida
205 Statutes, is reenacted to read:

206 327.731 Mandatory education for violators.—

207 (1) Every person convicted of a criminal violation of this
208 chapter, every person convicted of a noncriminal infraction
209 under this chapter if the infraction resulted in a reportable
210 boating accident, and every person convicted of two noncriminal
211 infractions as defined in s. 327.73(1)(h)-(k), (m), (o), (p),
212 and (s)-(x), said infractions occurring within a 12-month
213 period, must:

214 (a) Enroll in, attend, and successfully complete, at his or
215 her own expense, a boating safety course that meets minimum
216 standards established by the commission by rule; however, the
217 commission may provide by rule pursuant to chapter 120 for
218 waivers of the attendance requirement for violators residing in
219 areas where classroom presentation of the course is not
220 available;

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

223 (c) Refrain from operating a vessel until he or she has
224 filed the proof of successful completion of the course with the
225 commission.

226

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

230 Section 7. This act shall take effect October 1, 2011.