

By Senator Abruzzo

25-01240D-14

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1                                   A bill to be entitled  
 2       An act relating to divers; amending s. 327.331, F.S.;  
 3       defining the terms "divers-down buoy" and "divers-down  
 4       symbol"; revising the definition of "divers-down"  
 5       flag; requiring all divers to prominently display a  
 6       divers-down flag or buoy in the area in which the  
 7       diving occurs; requiring vessel operators encountering  
 8       divers-down buoys to take specified actions;  
 9       prohibiting a divers-down buoy from being used or  
 10      displayed onboard a vessel; conforming provisions to  
 11      changes made by the act; making technical changes;  
 12      amending ss. 327.395 and 327.73, F.S.; conforming  
 13      provisions to changes made by the act; providing an  
 14      effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18       Section 1. Section 327.331, Florida Statutes, is amended,  
 19       and subsection (1) of that section is reordered, to read:

20       327.331 Divers; definitions; divers-down flag or buoy  
 21       required; obstruction to navigation of certain waters; penalty.-

22       (1) As used in this section:

23       (a) "Diver" means a ~~any~~ person who is wholly or partially  
 24       submerged in the waters of the state and is equipped with a face  
 25       mask and snorkel or underwater breathing apparatus.

26       (e) ~~(b)~~ "Underwater breathing apparatus" means any  
 27       apparatus, whether self-contained or connected to a distant  
 28       source of air or other gas, whereby a person wholly or partially  
 29       submerged in water is enabled to obtain or reuse air or any

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30 other gas or gases for breathing without returning to the  
31 surface of the water.

32 (b) "Divers-down buoy" means a buoyant device, other than a  
33 vessel, which displays a divers-down symbol of at least 12  
34 inches by 12 inches on four flat sides, which is prominently  
35 visible on the water's surface when in use.

36 (c) "Divers-down flag" means a flag that meets the  
37 following specifications:

38 1. The flag must be square or rectangular. If rectangular,  
39 the length must not be less than the height, or more than 25  
40 percent longer than the height. The flag must have a wire or  
41 other stiffener to hold it fully unfurled and extended in the  
42 absence of a wind or breeze.

43 2. The flag must consist of a divers-down symbol on each  
44 side with ~~be red with~~ a white diagonal stripe that begins at the  
45 top staff-side of the flag and extends diagonally to the lower  
46 opposite corner. ~~The width of the stripe must be 25 percent of~~  
47 ~~the height of the flag.~~

48 3. The minimum size for any divers-down flag displayed on a  
49 buoy or float towed by the diver is 12 inches by 12 inches. The  
50 minimum size for any divers-down flag displayed from a vessel or  
51 structure is 20 inches by 24 inches.

52 4. Any divers-down flag displayed from a vessel must be  
53 displayed from the highest point of the vessel or such other  
54 location which provides that the visibility of the divers-down  
55 flag is not obstructed in any direction.

56 (d) "Divers-down symbol" means a rectangular or square red  
57 symbol with a white diagonal stripe. If rectangular, the length  
58 must not be less than the height or more than 25 percent longer

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59 than the height. The width of the stripe must be 25 percent of  
60 the height of the symbol.

61 (2) All divers must prominently display a divers-down flag  
62 or buoy in the area in which the diving occurs, other than when  
63 diving in an area customarily used for swimming only. A divers-  
64 down buoy may not be used or displayed onboard a vessel.

65 (3) A diver or group of divers may not ~~No diver or group of~~  
66 ~~divers shall~~ display one or more divers-down flags or buoys on a  
67 river, inlet, or navigation channel, except in case of  
68 emergency, in a manner which shall unreasonably constitute a  
69 navigational hazard.

70 (4) Divers shall make reasonable efforts to stay within 100  
71 feet of a ~~the~~ divers-down flag or buoy on rivers, inlets, and  
72 navigation channels. A ~~Any~~ person operating a vessel on a river,  
73 inlet, or navigation channel must make a reasonable effort to  
74 maintain a distance of at least 100 feet from any divers-down  
75 flag or buoy.

76 (5) Divers must make reasonable efforts to stay within 300  
77 feet of a ~~the~~ divers-down flag or buoy on all waters other than  
78 rivers, inlets, and navigation channels. A ~~Any~~ person operating  
79 a vessel on waters other than a river, inlet, or navigation  
80 channel must make a reasonable effort to maintain a distance of  
81 at least 300 feet from any divers-down flag or buoy.

82 (6) A ~~Any~~ vessel other than a law enforcement or rescue  
83 vessel that approaches within 100 feet of a divers-down flag or  
84 buoy on a river, inlet, or navigation channel, or within 300  
85 feet of a divers-down flag or buoy on waters other than a river,  
86 inlet, or navigation channel, must proceed no faster than is  
87 necessary to maintain headway and steerageway.

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88           (7) A The divers-down flag or buoy may not be displayed  
89 ~~must be lowered~~ once all divers are aboard or ashore. A No  
90 person may not operate any vessel displaying a divers-down flag  
91 unless the vessel has one or more divers in the water.

92           (8) Except as provided in s. 327.33, a any violation of  
93 this section is shall be a noncriminal infraction punishable as  
94 provided in s. 327.73.

95           Section 2. Subsection (3) of section 327.395, Florida  
96 Statutes, is amended to read:

97           327.395 Boating safety identification cards.—

98           (3) Any commission-approved boater education or boater  
99 safety course, course-equivalency examination developed or  
100 approved by the commission, or temporary certificate examination  
101 developed or approved by the commission must include a component  
102 regarding diving vessels, awareness of divers in the water,  
103 divers-down flags and buoys, and the requirements of s. 327.331.

104           Section 3. Paragraph (u) of subsection (1) of section  
105 327.73, Florida Statutes, is amended to read:

106           327.73 Noncriminal infractions.—

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

109           (u) Section 327.331, relating to divers-down flags and  
110 buoys, except for violations meeting the requirements of s.  
111 327.33.

112           Section 4. This act shall take effect July 1, 2014.