

By the Committee on Judiciary; and Senator Abruzzo

590-03994-14

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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"; revising the requirements of display signs in
6 which diving occurs; prohibiting a divers-down buoy
7 from being used or displayed onboard a vessel;
8 requiring divers and vessel operators encountering
9 divers-down buoys to take specified actions;
10 conforming provisions to changes made by the act;
11 making technical changes; amending ss. 327.395 and
12 327.73, F.S.; conforming provisions to changes made by
13 the act; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 327.331, Florida Statutes, is amended,
18 and subsection (1) of that section is reordered, to read:

19 327.331 Divers; definitions; divers-down flag or buoy
20 required; obstruction to navigation of certain waters; penalty.-

21 (1) As used in this section, the term:

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

25 (e) ~~(b)~~ "Underwater breathing apparatus" means any
26 apparatus, whether self-contained or connected to a distant
27 source of air or other gas, whereby a person wholly or partially
28 submerged in water is enabled to obtain or reuse air or any
29 other gas or gases for breathing without returning to the

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30 surface of the water.

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

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

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

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

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

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

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

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59 the height of the symbol.

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

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

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

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

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

87 (7) A ~~The~~ divers-down flag or buoy may not be displayed

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

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

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

96 327.395 Boating safety identification cards.—

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

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

105 327.73 Noncriminal infractions.—

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

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

111
112 Any person cited for a violation of any provision of this
113 subsection shall be deemed to be charged with a noncriminal
114 infraction, shall be cited for such an infraction, and shall be
115 cited to appear before the county court. The civil penalty for
116 any such infraction is \$50, except as otherwise provided in this

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117 section. Any person who fails to appear or otherwise properly
118 respond to a uniform boating citation shall, in addition to the
119 charge relating to the violation of the boating laws of this
120 state, be charged with the offense of failing to respond to such
121 citation and, upon conviction, be guilty of a misdemeanor of the
122 second degree, punishable as provided in s. 775.082 or s.
123 775.083. A written warning to this effect shall be provided at
124 the time such uniform boating citation is issued.

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