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LEGISLATIVE ACTION

Senate

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House

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Floor: NC/2R

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03/10/2016 11:33 AM

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Senator Dean moved the following:

**Senate Amendment (with title amendment)**

Before line 245

insert:

Section 1. Section 327.45, Florida Statutes, is created to read:

327.45 Protection zones for springs.-

(1) As used in this section, the term "navigable waters of the United States" means the waters of the United States, including the territorial seas, as referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq., and the federal rules and



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12 regulations promulgated thereunder.

13 (2) The commission may establish by rule protection zones  
14 that restrict the speed and operation of vessels to protect and  
15 prevent harm to springs. This harm includes negative impacts to  
16 water quality, water quantity, hydrology, wetlands, and aquatic  
17 and wetland-dependent species.

18 (3) When developing a protection zone, the commission shall  
19 do so in consultation and coordination with the water management  
20 district, the Department of Environmental Protection, and the  
21 governing bodies of the county and municipality, if applicable,  
22 in which the zone is located. If the zone includes navigable  
23 waters of the United States, the commission shall additionally  
24 coordinate with the United States Coast Guard and the United  
25 States Army Corps of Engineers.

26 (4) Any individual who operates a vessel in violation of a  
27 spring protection zone rule adopted pursuant to this section  
28 shall be charged on a uniform boating citation as provided in s.  
29 327.74 and is subject to the penalties provided in s.  
30 327.73(1)(y).

31 (5) Restrictions in a protection zone do not apply:

32 (a) To law enforcement, firefighting, or rescue personnel  
33 operating a vessel in the course of performing their official  
34 duties; or

35 (b) In emergency situations. However, the emergency  
36 operation of a vessel must be a reasonable response given the  
37 circumstances.

38 (6) The commission is responsible for the posting and  
39 maintenance of regulatory markers identifying protection zones.

40 (7) The commission may adopt rules to implement this



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41 section.

42 Section 2. Paragraph (y) is added to subsection (1) of  
43 section 327.73, Florida Statutes, to read:

44 327.73 Noncriminal infractions.—

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

47 (y) Section 327.45, relating to protection zones for  
48 springs, for which the penalty is:

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

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

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

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

56  
57 Any person cited for a violation of any provision of this  
58 subsection shall be deemed to be charged with a noncriminal  
59 infraction, shall be cited for such an infraction, and shall be  
60 cited to appear before the county court. The civil penalty for  
61 any such infraction is \$50, except as otherwise provided in this  
62 section. Any person who fails to appear or otherwise properly  
63 respond to a uniform boating citation shall, in addition to the  
64 charge relating to the violation of the boating laws of this  
65 state, be charged with the offense of failing to respond to such  
66 citation and, upon conviction, be guilty of a misdemeanor of the  
67 second degree, punishable as provided in s. 775.082 or s.  
68 775.083. A written warning to this effect shall be provided at  
69 the time such uniform boating citation is issued.



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70 Section 3. Subsection (1) of section 327.731, Florida  
71 Statutes, is amended to read:

72 327.731 Mandatory education for violators.—

73 (1) A person convicted of a criminal violation under this  
74 chapter, convicted of a noncriminal infraction under this  
75 chapter if the infraction resulted in a reportable boating  
76 accident, or convicted of two noncriminal infractions as  
77 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y)  
78 ~~(s)-(x)~~, said infractions occurring within a 12-month period,  
79 must:

80 (a) Enroll in, attend, and successfully complete, at his or  
81 her own expense, a classroom or online boating safety course  
82 that is approved by and meets the minimum standards established  
83 by commission rule;

84 (b) File with the commission within 90 days proof of  
85 successful completion of the course; and

86 (c) Refrain from operating a vessel until he or she has  
87 filed proof of successful completion of the course with the  
88 commission.

89

90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete line 2

93 and insert:

94 An act relating to state areas; creating s. 327.45,  
95 F.S.; defining a term; authorizing the Fish and  
96 Wildlife Conservation Commission to establish certain  
97 protection zones; requiring the commission to develop  
98 such zones in consultation and coordination with



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99 certain entities; requiring the commission to  
100 coordinate with additional entities under certain  
101 circumstances; providing penalties for certain  
102 violations; providing applicability; amending s.  
103 327.73, F.S.; providing penalties for violations  
104 relating to protection zones for springs; amending s.  
105 327.731, F.S.; conforming provisions to changes made  
106 by the act; amending s. 253.025,