

By Senator Dean

5-01201A-16

20161312__

1 A bill to be entitled
 2 An act relating to protection zones for springs;
 3 amending s. 327.73, F.S.; providing penalties for
 4 violations relating to protection zones for springs;
 5 creating s. 373.469, F.S.; defining terms; directing
 6 the Fish and Wildlife Conservation Commission to
 7 establish protection zones to prevent harm to springs;
 8 requiring the commission to set vessel speed and
 9 operation standards for protection zones; requiring
 10 the commission to consult with certain other entities
 11 under certain circumstances; providing penalties;
 12 providing exceptions; specifying responsibility for
 13 posting and maintaining regulatory markers; requiring
 14 the commission to adopt rules; amending s. 327.731,
 15 F.S.; conforming cross-references; providing an
 16 effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsection (1) of section 327.73, Florida
 21 Statutes, is amended to read:

22 327.73 Noncriminal infractions.—

23 (1) Violations of the following provisions of the vessel
 24 laws of this state are noncriminal infractions unless otherwise
 25 provided:

26 (a) Section 373.469, relating to protection zones for
 27 springs, for which the penalty is:

28 1. For a first offense, up to a maximum of \$50.

29 2. For a second offense, up to a maximum of \$250.

30 3. For a third or subsequent offense, criminal penalties as
 31 provided in s. 373.469(4).

32 (b) ~~(a)~~ Section 328.46, relating to operation of

5-01201A-16

20161312__

33 unregistered and unnumbered vessels.

34 (c)~~(b)~~ Section 328.48(4), relating to display of number and
35 possession of registration certificate.

36 (d)~~(e)~~ Section 328.48(5), relating to display of decal.

37 (e)~~(d)~~ Section 328.52(2), relating to display of number.

38 (f)~~(e)~~ Section 328.54, relating to spacing of digits and
39 letters of identification number.

40 (g)~~(f)~~ Section 328.60, relating to military personnel and
41 registration of vessels.

42 (h)~~(g)~~ Section 328.72(13), relating to operation with an
43 expired registration.

44 (i)~~(h)~~ Section 327.33(2), relating to careless operation.

45 (j)~~(i)~~ Section 327.37, relating to water skiing,
46 aquaplaning, parasailing, and similar activities.

47 (k)~~(j)~~ Section 327.44, relating to interference with
48 navigation.

49 (l)~~(k)~~ Violations relating to boating-restricted areas and
50 speed limits:

51 1. Established by the commission or by local governmental
52 authorities pursuant to s. 327.46.

53 2. Speed limits established pursuant to s. 379.2431(2).

54 (m)~~(l)~~ Section 327.48, relating to regattas and races.

55 (n)~~(m)~~ Section 327.50(1) and (2), relating to required
56 safety equipment, lights, and shapes.

57 (o)~~(n)~~ Section 327.65, relating to muffling devices.

58 (p)~~(o)~~ Section 327.33(3)(b), relating to a violation of
59 navigation rules:

60 1. That does not result in an accident; or

61 2. That results in an accident not causing serious bodily

5-01201A-16

20161312__

62 injury or death, for which the penalty is:

63 a. For a first offense, up to a maximum of \$250.

64 b. For a second offense, up to a maximum of \$750.

65 c. For a third or subsequent offense, up to a maximum of
66 \$1,000.

67 (q)~~(p)~~ Section 327.39(1), (2), (3), and (5), relating to
68 personal watercraft.

69 (r)~~(q)~~ Section 327.53(1), (2), and (3), relating to marine
70 sanitation.

71 (s)~~(r)~~ Section 327.53(4), (5), and (7), relating to marine
72 sanitation, for which the civil penalty is \$250.

73 (t)~~(s)~~ Section 327.395, relating to boater safety
74 education.

75 (u)~~(t)~~ Section 327.52(3), relating to operation of
76 overloaded or overpowered vessels.

77 (v)~~(u)~~ Section 327.331, relating to divers-down flags and
78 buoys, except for violations meeting the requirements of s.
79 327.33.

80 (w)~~(v)~~ Section 327.391(1), relating to the requirement for
81 an adequate muffler on an airboat.

82 (x)~~(w)~~ Section 327.391(3), relating to the display of a
83 flag on an airboat.

84 (y)~~(x)~~ Section 253.04(3)(a), relating to carelessly causing
85 seagrass scarring, for which the civil penalty upon conviction
86 is:

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

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

90 3. For a third offense occurring within 36 months after a

5-01201A-16

20161312__

91 prior conviction, \$500.

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

94
95 Any person cited for a violation of any provision of this
96 subsection, unless otherwise provided, shall be deemed to be
97 charged with a noncriminal infraction, shall be cited for such
98 an infraction, and shall be cited to appear before the county
99 court. The civil penalty for any such infraction is \$50, except
100 as otherwise provided in this section. Any person who fails to
101 appear or otherwise properly respond to a uniform boating
102 citation shall, in addition to the charge relating to the
103 violation of the boating laws of this state, be charged with the
104 offense of failing to respond to such citation and, upon
105 conviction, be guilty of a misdemeanor of the second degree,
106 punishable as provided in s. 775.082 or s. 775.083. A written
107 warning to this effect shall be provided at the time such
108 uniform boating citation is issued.

109 Section 2. Section 373.469, Florida Statutes, is created to
110 read:

111 373.469 Protection zones for springs.-

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

113 (a) "Commission" means the Fish and Wildlife Conservation
114 Commission.

115 (b) "Navigable waters of the United States" means the
116 waters of the United States, including the territorial seas, as
117 referenced in the Clean Water Act, 33 U.S.C. ss. 1251 et seq.,
118 and the federal rules and regulations promulgated thereunder.

119 (c) "Vessel" has the same meaning as provided in s. 327.02.

5-01201A-16

20161312__

120 (2) The commission shall establish by rule protection zones
121 restricting the speed and operation of vessels to protect and
122 prevent harm to springs. This harm includes negative impacts to
123 water quality, water quantity, hydrology, wetlands, and aquatic-
124 and wetland-dependent species.

125 (3) The commission shall develop each protection zone in
126 consultation and coordination with the water management
127 district, and the governing bodies of the county and
128 municipality, if applicable, in which the zone is located. If
129 the zone includes navigable waters of the United States, the
130 commission shall additionally coordinate with the United States
131 Coast Guard and the United States Army Corps of Engineers.

132 (4) Any individual who operates a vessel in violation of a
133 spring protection zone rule adopted pursuant to this section
134 shall be charged on a uniform boating citation as provided in s.
135 327.74 and is subject to the following penalties:

136 (a) First and second violations are noncriminal
137 infractions, punishable as provided in s. 327.73(1)(a).

138 (b) Third and subsequent violations are misdemeanors of the
139 second degree, punishable as provided in s. 775.082 or s.
140 775.083.

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

142 (a) To law enforcement, firefighting, or rescue personnel
143 operating a vessel in the course of performing their official
144 duties; or

145 (b) In emergency situations. However, the emergency
146 operation of a vessel must be a reasonable response given the
147 circumstances.

148 (6) The commission is responsible for the posting and

5-01201A-16

20161312__

149 maintenance of regulatory markers identifying protection zones.

150 (7) The commission shall adopt rules to implement this
151 section.

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

154 327.731 Mandatory education for violators.—

155 (1) A person convicted of a criminal violation under this
156 chapter, convicted of a noncriminal infraction under this
157 chapter if the infraction resulted in a reportable boating
158 accident, or convicted of two noncriminal infractions as
159 specified in s. 327.73(1)(i)-(l), (n), (p), (q), and (t)-(y) s.
160 327.73(1)(h)-(k), (m), (o), (p), and (s)-(x), said infractions
161 occurring within a 12-month period, must:

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

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

168 (c) Refrain from operating a vessel until he or she has
169 filed proof of successful completion of the course with the
170 commission.

171 Section 4. This act shall take effect July 1, 2016.