



265794

LEGISLATIVE ACTION

Senate

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House

Floor: WD/2R

02/18/2016 11:26 AM

Senator Dean moved the following:

Senate Amendment (with title amendment)

Delete lines 119 - 166

and insert:

Section 2. Subsection (1) of section 327.73, Florida Statutes, is amended to read:

327.73 Noncriminal infractions.—

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

(a) Section 373.469, relating to protection zones for



265794

- 12 springs, for which the penalty is:
- 13 1. For a first offense, up to a maximum of \$50.
- 14 2. For a second offense, up to a maximum of \$250.
- 15 3. For a third or subsequent offense, criminal penalties as
16 provided in s. 373.469(4).
- 17 (b)~~(a)~~ Section 328.46, relating to operation of
18 unregistered and unnumbered vessels.
- 19 (c)~~(b)~~ Section 328.48(4), relating to display of number and
20 possession of registration certificate.
- 21 (d)~~(e)~~ Section 328.48(5), relating to display of decal.
- 22 (e)~~(d)~~ Section 328.52(2), relating to display of number.
- 23 (f)~~(e)~~ Section 328.54, relating to spacing of digits and
24 letters of identification number.
- 25 (g)~~(f)~~ Section 328.60, relating to military personnel and
26 registration of vessels.
- 27 (h)~~(g)~~ Section 328.72(13), relating to operation with an
28 expired registration.
- 29 (i)~~(h)~~ Section 327.33(2), relating to careless operation.
- 30 (j)~~(i)~~ Section 327.37, relating to water skiing,
31 aquaplaning, parasailing, and similar activities.
- 32 (k)~~(j)~~ Section 327.44, relating to interference with
33 navigation.
- 34 (l)~~(k)~~ Violations relating to boating-restricted areas and
35 speed limits:
- 36 1. Established by the commission or by local governmental
37 authorities pursuant to s. 327.46.
- 38 2. Speed limits established pursuant to s. 379.2431(2).
- 39 (m)~~(l)~~ Section 327.48, relating to regattas and races.
- 40 (n)~~(m)~~ Section 327.50(1) and (2), relating to required



265794

41 safety equipment, lights, and shapes.

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

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

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

46 2. That results in an accident not causing serious bodily
47 injury or death, for which the penalty is:

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

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

50 c. For a third or subsequent offense, up to a maximum of
51 \$1,000.

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

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

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

58 (t)~~(s)~~ Section 327.395, relating to boater safety
59 education.

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

62 (v)~~(u)~~ Section 327.331, relating to divers-down warning
63 devices ~~flags and buoys~~, except for violations meeting the
64 requirements of s. 327.33.

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

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

69 (y)~~(x)~~ Section 253.04(3)(a), relating to carelessly causing



265794

70 seagrass scarring, for which the civil penalty upon conviction
71 is:

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

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

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

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

79

80 Any person cited for a violation of any provision of this
81 subsection, unless otherwise provided, shall be deemed to be
82 charged with a noncriminal infraction, shall be cited for such
83 an infraction, and shall be cited to appear before the county
84 court. The civil penalty for any such infraction is \$50, except
85 as otherwise provided in this section. Any person who fails to
86 appear or otherwise properly respond to a uniform boating
87 citation shall, in addition to the charge relating to the
88 violation of the boating laws of this state, be charged with the
89 offense of failing to respond to such citation and, upon
90 conviction, be guilty of a misdemeanor of the second degree,
91 punishable as provided in s. 775.082 or s. 775.083. A written
92 warning to this effect shall be provided at the time such
93 uniform boating citation is issued.

94 Section 3. Section 373.469, Florida Statutes, is created to
95 read:

96 373.469 Protection zones for springs.—

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

98 (a) "Commission" means the Fish and Wildlife Conservation



265794

99 Commission.

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

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

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

110 (3) The commission shall develop such protection zones in
111 consultation with in consultation and coordination with the
112 water management district, the Department of Environmental
113 Protection, and the governing bodies of the county and
114 municipality, if applicable, in which the zone is located. If
115 the zone includes navigable waters of the United States, the
116 commission shall additionally coordinate with the United States
117 Coast Guard and the United States Army Corps of Engineers.

118 (4) Any individual who operates a vessel in violation of a
119 spring protection zone rule adopted pursuant to this section
120 shall be charged on a uniform boating citation as provided in s.
121 327.74 and is subject to the following penalties:

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

124 (b) Third and subsequent violations are misdemeanors of the
125 second degree, punishable as provided in s. 775.082 or s.
126 775.083.

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



265794

128 (a) To law enforcement, firefighting, or rescue personnel
129 operating a vessel in the course of performing their official
130 duties; or

131 (b) In emergency situations. However, the emergency
132 operation of a vessel must be a reasonable response given the
133 circumstances.

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

136 (7) The commission shall adopt rules to implement this
137 section.

138 Section 4. Subsection (3) of section 327.395, Florida
139 Statutes, is amended to read:

140 327.395 Boating safety identification cards.—

141 (3) Any commission-approved boater education or boater
142 safety course, course-equivalency examination developed or
143 approved by the commission, or temporary certificate examination
144 developed or approved by the commission must include a component
145 regarding diving vessels, awareness of divers in the water,
146 divers-down warning devices ~~flags and buoys~~, and the
147 requirements of s. 327.331.

148 Section 5. Subsection (1) of section 327.731, Florida
149 Statutes, is amended to read:

150 327.731 Mandatory education for violators.—

151 (1) A person convicted of a criminal violation under this
152 chapter, convicted of a noncriminal infraction under this
153 chapter if the infraction resulted in a reportable boating
154 accident, or convicted of two noncriminal infractions as
155 specified in s. 327.73(1)(i)-(l), (n), (p), (q), and (t)-(y) ~~s.~~
156 ~~327.73(1)(h)-(k), (m), (o), (p), and (s)-(x)~~, said infractions



265794

157 occurring within a 12-month period, must:

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

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

164 (c) Refrain from operating a vessel until he or she has
165 filed proof of successful completion of the course with the
166 commission.

167 Section 6. For the purpose of incorporating the amendment
168 made by this act to section 327.331, Florida Statutes, in a
169 reference thereto, subsection (1) of section 327.33, Florida
170 Statutes, is reenacted to read:

171 327.33 Reckless or careless operation of vessel.—

172 (1) It is unlawful to operate a vessel in a reckless
173 manner. A person is guilty of reckless operation of a vessel who
174 operates any vessel, or manipulates any water skis, aquaplane,
175 or similar device, in willful or wanton disregard for the safety
176 of persons or property at a speed or in a manner as to endanger,
177 or likely to endanger, life or limb, or damage the property of,
178 or injure any person. Reckless operation of a vessel includes,
179 but is not limited to, a violation of s. 327.331(6). Any person
180 who violates a provision of this subsection commits a
181 misdemeanor of the first degree, punishable as provided in s.
182 775.082 or s. 775.083.

183
184 ===== T I T L E A M E N D M E N T =====

185 And the title is amended as follows:



265794

186 Delete lines 2 - 14
187 and insert:
188 An act relating to vessels and navigation; amending s.
189 327.331, F.S.; revising the definitions of the terms
190 "divers-down buoy," "divers-down flag," and "divers-
191 down symbol"; defining the term "divers-down warning
192 device"; expanding the types of indicators or devices
193 allowed to be used to signal the presence of submerged
194 divers; specifying requirements for divers-down
195 warning devices; amending 327.73, F.S.; providing
196 penalties for violations relating to protection zones
197 for springs; creating s. 373.469, F.S.; defining
198 terms; authorizing the Fish and Wildlife Conservation
199 Commission to establish protection zones to prevent
200 harm to springs; authorizing the commission to set
201 vessel speed and operation standards for protection
202 zones; requiring the commission to consult with
203 certain other entities when developing protection
204 zones; providing penalties; providing exceptions;
205 specifying responsibility for posting and maintaining
206 regulatory markers; requiring the commission to adopt
207 rules; amending ss. 327.395 and 327.731, F.S.;
208 conforming provisions to changes made by the act;
209 reenacting s. 327.33(1), F.S., relating to reckless or
210 careless operation of a vessel, to incorporate the
211 amendment made to s. 327.331, F.S., in a reference
212 thereto; providing an effective date.