

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senators Rader and Book

576-04138-18

20181612c2

1 A bill to be entitled
2 An act relating to airboat regulation; providing a
3 short title; amending s. 327.391, F.S.; requiring, by
4 a specified date, a commercial airboat operator to
5 have specified documents on board the airboat while
6 carrying passengers for hire; requiring all airboat
7 operators carrying passengers for hire to complete a
8 boater education course; providing an exception;
9 providing a penalty; providing applicability;
10 requiring the Fish and Wildlife Conservation
11 Commission to adopt rules by a specified date;
12 amending s. 327.73, F.S.; providing a penalty for
13 violation of airboat operation requirements; providing
14 an effective date.

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

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18 Section 1. This act may be cited as "Ellie's Law."

19 Section 2. Subsection (5) is added to section 327.391,
20 Florida Statutes, to read:

21 327.391 Airboats regulated.—

22 (5) (a) Beginning July 1, 2019, a person may not operate an
23 airboat carrying one or more passengers for hire on waters of
24 the state, unless he or she has all of the following on board
25 the airboat:

26 1. Photographic identification.

27 2. Proof of completion of a boater education course
28 compliant with s. 327.395(1) (a). All airboat operators carrying
29 passengers for hire must complete this course, regardless of age

576-04138-18

20181612c2

30 or exemptions provided in s. 327.395, except as otherwise
31 provided in this section.

32 3. Proof of successful completion of a commission-approved
33 airboat operator course that meets the minimum standards
34 established by commission rule.

35 4. Proof of successful course completion in cardiopulmonary
36 resuscitation and first aid.

37 (b) A person issued a captain's license by the United
38 States Coast Guard is not required to complete the boating
39 safety education course required under s. 327.395. Proof of the
40 captain's license must be on board the airboat when carrying
41 passengers for hire on waters of the state.

42 (c) A person who violates this subsection commits a
43 noncriminal infraction, punishable as provided in s. 327.73.

44 (d) This subsection does not apply to a person who is a
45 member of a federally recognized Indian tribe operating an
46 airboat on the reservation-owned or reservation-leased land of
47 such tribe.

48 (e) The commission shall adopt rules to implement this
49 subsection no later than October 1, 2018.

50 Section 3. Paragraph (cc) is added to subsection (1) of
51 section 327.73, Florida Statutes, to read:

52 327.73 Noncriminal infractions.—

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

55 (cc) Section 327.391(5), relating to airboat operation
56 requirements, for which the civil penalty is up to a maximum of
57 \$500.

576-04138-18

20181612c2

59 Any person cited for a violation of any provision of this
60 subsection shall be deemed to be charged with a noncriminal
61 infraction, shall be cited for such an infraction, and shall be
62 cited to appear before the county court. The civil penalty for
63 any such infraction is \$50, except as otherwise provided in this
64 section. Any person who fails to appear or otherwise properly
65 respond to a uniform boating citation shall, in addition to the
66 charge relating to the violation of the boating laws of this
67 state, be charged with the offense of failing to respond to such
68 citation and, upon conviction, be guilty of a misdemeanor of the
69 second degree, punishable as provided in s. 775.082 or s.
70 775.083. A written warning to this effect shall be provided at
71 the time such uniform boating citation is issued.

72 Section 4. This act shall take effect upon becoming a law.