

1 A bill to be entitled
 2 An act relating to vessel safety equipment; providing
 3 a short title; amending s. 327.50, F.S.; providing
 4 definitions; requiring operators of certain motorboats
 5 to use an engine cutoff switch while the motorboat is
 6 making way; providing applicability; providing
 7 penalties; amending s. 327.73, F.S.; conforming
 8 provisions to changes made by the act; providing an
 9 effective date.

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

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 13 Section 1. This act may be cited as "Ethan's Law."

14 Section 2. Subsection (4) is added to section 327.50,
 15 Florida Statutes, to read:

16 327.50 Vessel safety regulations; equipment and lighting
 17 requirements.—

18 (4) (a) As used in this subsection, the term:

19 1. "Engine cutoff switch" means an emergency switch
 20 installed on a motorboat or motorboat engine that is designed to
 21 immediately shut off the engine if the motorboat operator falls
 22 overboard, whether triggered by a physical attachment such as a
 23 lanyard or wirelessly through some electronic means.

24 2. "Making way" means that a motorboat is being propelled
 25 through the water by the use of mechanical machinery.

26 3. "Trolling motor" means a self-contained unit that
 27 contains an electric motor, a propeller, and controls that affix
 28 to the bow or stern of a motorboat and are used to move the
 29 motorboat.

30 (b) A person operating a motorboat less than 26 feet in
 31 length upon the waters of this state shall use an engine cutoff
 32 switch while the motorboat is making way. This paragraph does
 33 not apply to a motorboat making way solely by the use of a
 34 trolling motor.

35 (c) A person who violates this subsection and:

36 1. Does not cause a boating accident as defined s. 327.02
 37 commits a noncriminal infraction, punishable as provided in s.
 38 327.73.

39 2. Causes damage to the property of another or causes an
 40 injury less than serious bodily injury as defined in s.
 41 327.353(1)(b) to another commits a misdemeanor of the second
 42 degree, punishable as provided in s. 775.082 or s. 775.083.

43 3. Causes serious bodily injury as defined in s.
 44 327.353(1)(b) to another commits a misdemeanor of the first
 45 degree, punishable as provided in s. 775.082 or s. 775.083.

46 4. Causes the death of another commits vessel homicide,
 47 punishable as provided in s. 782.072.

48 (d) This subsection does not apply to a vessel with a main
 49 helm installed within an enclosed cabin.

50 Section 3. Paragraph (m) of subsection (1) of section

HB 1099

2021

51 327.73, Florida Statutes, is amended 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 (m) Section 327.50(1), ~~and (2), and (4)~~, relating to
56 required safety equipment, lights, and shapes.

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

71 Section 4. This act shall take effect July 1, 2021.