

By Senator Bradley

5-01601-21

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1 A bill to be entitled
 2 An act relating to power-driven vessel safety
 3 requirements; providing a short title; creating s.
 4 327.396, F.S.; prohibiting sitting in a specified
 5 manner upon the bow, transom, or gunwale of a power-
 6 driven vessel while the vessel is making way;
 7 prohibiting a power-driven vessel operator from
 8 allowing a person to sit in such a way; defining
 9 terms; providing a noncriminal infraction; amending s.
 10 327.73, F.S.; providing a noncriminal infraction for
 11 violations relating to power-driven vessel safety
 12 requirements; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. This act may be cited as the "Limb Preservation
 17 Act."

18 Section 2. Section 327.396, Florida Statutes, is created to
 19 read:

20 327.396 Power-driven vessel safety requirements.-

21 (1) A person may not sit upon the bow, transom, or gunwale
 22 of a power-driven vessel with any portion of his or her foot or
 23 leg over the uppermost outside edge of the vessel while the
 24 vessel is making way.

25 (2) The operator of a power-driven vessel may not allow a
 26 person to sit upon the bow, transom, or gunwale of the vessel
 27 with any portion of his or her foot or leg over the uppermost
 28 outside edge of the vessel while the vessel is making way.

29 (3) As used in this section, the term:

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30 (a) "Making way" means moving relative to the surface of
31 the water as a result of a power-driven vessel's machinery.

32 (b) "Power-driven vessel" means a vessel propelled by
33 machinery.

34 (4) A person who violates this section commits a
35 noncriminal infraction, punishable as provided in s. 327.73.

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

38 327.73 Noncriminal infractions.—

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

41 (cc) Section 327.396, relating to power-driven vessel
42 safety requirements.

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44 Any person cited for a violation of any provision of this
45 subsection shall be deemed to be charged with a noncriminal
46 infraction, shall be cited for such an infraction, and shall be
47 cited to appear before the county court. The civil penalty for
48 any such infraction is \$50, except as otherwise provided in this
49 section. Any person who fails to appear or otherwise properly
50 respond to a uniform boating citation shall, in addition to the
51 charge relating to the violation of the boating laws of this
52 state, be charged with the offense of failing to respond to such
53 citation and, upon conviction, be guilty of a misdemeanor of the
54 second degree, punishable as provided in s. 775.082 or s.
55 775.083. A written warning to this effect shall be provided at
56 the time such uniform boating citation is issued.

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