

By Senator Baxley

12-01042-22

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1 A bill to be entitled
2 An act relating to vessel safety flags; amending s.
3 327.391, F.S.; removing the requirement that airboats
4 be equipped with masts or flagpoles bearing certain
5 safety flags; amending s. 327.50, F.S.; prohibiting
6 the operation and anchoring of vessels without masts
7 or flagpoles bearing certain safety flags under
8 specified conditions; providing applicability;
9 providing penalties; amending s. 327.73, F.S.;
10 conforming provisions to changes made by the act;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Subsections (1) and (3) of section 327.391,
16 Florida Statutes, are amended to read:

17 327.391 Airboats regulated.—

18 (1) The exhaust of every internal combustion engine used on
19 any airboat operated on the waters of this state shall be
20 provided with an automotive-style factory muffler, underwater
21 exhaust, or other manufactured device capable of adequately
22 muffling the sound of the exhaust of the engine as described in
23 s. 327.02(31). The use of cutouts or flex pipe as the sole
24 source of muffling is prohibited, except as provided in
25 subsection (3) ~~(4)~~. A person who violates this subsection
26 commits a noncriminal infraction, punishable as provided in s.
27 327.73(1).

28 ~~(3) An airboat may not operate on the waters of the state~~
29 ~~unless it is equipped with a mast or flagpole bearing a flag at~~

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30 ~~a height of at least 10 feet above the lowest portion of the~~
31 ~~vessel. The flag must be square or rectangular, at least 10~~
32 ~~inches by 12 inches in size, international orange in color, and~~
33 ~~displayed so that the visibility of the flag is not obscured in~~
34 ~~any direction. Any person who violates this subsection commits a~~
35 ~~noncriminal infraction punishable as provided in s. 327.73(1).~~

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

38 327.50 Vessel safety regulations; equipment and lighting
39 requirements.—

40 (4) A vessel may not operate or be anchored on the waters
41 of this state where visibility is limited by vegetation that
42 extends 18 inches or higher above the current water line and is
43 present within 10 feet on both sides of the vessel unless the
44 vessel is equipped with a mast or flagpole bearing a flag at a
45 height of at least 10 feet above the lowest portion of the
46 vessel. The flag must meet design, minimum size, and color
47 requirements as established by commission rule and be displayed
48 so that the visibility of the flag is not obscured in any
49 direction. This subsection does not apply to a vessel that has a
50 height greater than 10 feet above the water line. A person who
51 violates this subsection commits a noncriminal infraction
52 punishable as provided in s. 327.73(1).

53 Section 3. Paragraphs (m) and (w) of subsection (1) of
54 section 327.73, Florida Statutes, are amended to read:

55 327.73 Noncriminal infractions.—

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

58 (m) Section 327.50(1), ~~and~~ (2), and (4) relating to

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59 required safety equipment, lights, ~~and~~ shapes, and flags.

60 ~~(w) Section 327.391(3), relating to the display of a flag~~
61 ~~on an airboat.~~

62
63 Any person cited for a violation of any provision of this
64 subsection shall be deemed to be charged with a noncriminal
65 infraction, shall be cited for such an infraction, and shall be
66 cited to appear before the county court. The civil penalty for
67 any such infraction is \$50, except as otherwise provided in this
68 section. Any person who fails to appear or otherwise properly
69 respond to a uniform boating citation shall, in addition to the
70 charge relating to the violation of the boating laws of this
71 state, be charged with the offense of failing to respond to such
72 citation and, upon conviction, be guilty of a misdemeanor of the
73 second degree, punishable as provided in s. 775.082 or s.
74 775.083. A written warning to this effect shall be provided at
75 the time such uniform boating citation is issued.

76 Section 4. This act shall take effect July 1, 2023.