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LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Martin) recommended the following:

1       **Senate Substitute for Amendment (128674) (with title**  
2 **amendment)**

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4       Delete lines 60 - 87  
5 and insert:

6       Section 4. Subsection (1) of section 327.33, Florida  
7 Statutes, is amended to read

8       327.33 Reckless or careless operation of vessel.—

9       (1) It is unlawful to operate a vessel in a reckless  
10 manner. A person who operates any vessel, or manipulates any



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11 water skis, aquaplane, or similar device, in willful or wanton  
12 disregard for the safety of persons or property at a speed or in  
13 a manner as to endanger, or likely to endanger, life or limb, or  
14 damage the property of, or injure a person is guilty of reckless  
15 operation of a vessel. Reckless operation of a vessel includes,  
16 but is not limited to, a violation of s. 327.331(6). If a person  
17 who violates this subsection and the violation:

18 (a) Does not result in an accident, the person commits a  
19 misdemeanor of the first degree, punishable as provided in s.  
20 775.082 or s. 775.083.

21 (b) Results in an accident that does not cause serious  
22 bodily injury, the person commits a felony of the third degree,  
23 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

24 (c) Results in an accident that causes serious bodily  
25 injury, the person commits a felony of the second degree,  
26 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

27 (d) Results in an accident that causes the death of another  
28 person or an unborn child, the person commits a felony of the  
29 first degree, punishable as provided in s. 775.082, s. 775.083,  
30 or s. 775.084.

31 Section 5. Section 327.731, Florida Statutes, is amended  
32 and subsections (2) through (4) are redesignated as (3)-(5) to  
33 read:

34 327.731 Mandatory education for violators.—

35 (1) A person convicted of a criminal violation under this  
36 chapter, convicted of a noncriminal infraction under this  
37 chapter if the infraction resulted in a reportable boating  
38 accident, or convicted of a ~~two~~ noncriminal infractions  
39 infraction as specified in s. 327.73(1)(h)-(k), (m), (o), (p),



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40 and (s)-(y), ~~the infractions occurring within a 12-month period,~~  
41 must:

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

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

48 (c) Refrain from operating a vessel until he or she has  
49 filed proof of successful completion of the course with the  
50 commission. ~~and~~

51 ~~(d) Pay a fine of \$500. The clerk of the court shall remit~~  
52 ~~all fines assessed and collected under this paragraph to the~~  
53 ~~Department of Revenue to be deposited into the Marine Resources~~  
54 ~~Conservation Trust Fund to support law enforcement activities.~~

55 (2) A person convicted of a criminal violation under this  
56 chapter, convicted of a noncriminal infraction under this  
57 chapter if the infraction resulted in a reportable boating  
58 accident, or convicted of two noncriminal infractions as  
59 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),  
60 the infractions occurring within a 12-month period, must pay a  
61 fine of \$500 and complete a boater safety education course that  
62 meets the requirements of s. 327.395. The clerk of court shall  
63 remit all fines assessed and collected under this paragraph to  
64 the Department of Revenue to be deposited into the Marine  
65 Resource Conservation Trust Fund to support law enforcement  
66 activities.

67 (3) ~~(2)~~ For the purposes of this section, "conviction"  
68 means a finding of guilt, or the acceptance of a plea of guilty



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69 or nolo contendere, regardless of whether or not adjudication  
70 was withheld or whether imposition of sentence was withheld,  
71 deferred, or suspended. Any person who operates a vessel on the  
72 waters of this state in violation of the provisions of this  
73 section is guilty of a misdemeanor of the second degree,  
74 punishable as provided in s. 775.082 or s. 775.083.

75 (4) ~~(3)~~ The commission shall print on the reverse side of  
76 the defendant's copy of the boating citation a notice of the  
77 provisions of this section. Upon conviction, the clerk of the  
78 court shall notify the defendant that it is unlawful for him or  
79 her to operate any vessel until he or she has complied with this  
80 section, but failure of the clerk of the court to provide such a  
81 notice shall not be a defense to a charge of unlawful operation  
82 of a vessel under subsection (3) ~~(2)~~.

83 (5) ~~(4)~~ The commission shall maintain a program to ensure  
84 compliance with the mandatory boating safety education  
85 requirements under this section. This program must:

86 (a) Track any citations resulting in a conviction under  
87 this section and the disposition of such citations.

88 (b) Send specific notices to each person subject to the  
89 requirement for mandatory boating safety education.

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91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete line 8

94 and insert:

95 reckless or careless operation of a vessel; amending  
96 s. 327.731, F.S.; requiring a boating safety course  
97 after certain conditions; creating