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HB 1049, Engrossed 1

2014 Legislature

1  
 2 An act relating to divers; amending s. 327.331, F.S.;  
 3 defining the terms "divers-down buoy" and "divers-down  
 4 symbol"; revising the definition of "divers-down  
 5 flag"; requiring all divers to prominently display a  
 6 divers-down flag or buoy in the area in which the  
 7 diving occurs; requiring vessel operators encountering  
 8 divers-down buoys to take specified actions;  
 9 prohibiting a divers-down buoy from being used or  
 10 displayed onboard a vessel; conforming provisions to  
 11 changes made by the act; making technical changes;  
 12 amending ss. 327.395 and 327.73, F.S.; conforming  
 13 provisions to changes made by the act; providing an  
 14 effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18 Section 1. Section 327.331, Florida Statutes, is amended,  
 19 and subsection (1) of that section is reordered, to read:

20 327.331 Divers; definitions; divers-down flag or buoy  
 21 required; obstruction to navigation of certain waters; penalty.-

22 (1) As used in this section:

23 (a) "Diver" means a ~~any~~ person who is wholly or partially  
 24 submerged in the waters of the state and is equipped with a face  
 25 mask and snorkel or underwater breathing apparatus.



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26        ~~(e)~~ (b) "Underwater breathing apparatus" means any  
27 apparatus, whether self-contained or connected to a distant  
28 source of air or other gas, whereby a person wholly or partially  
29 submerged in water is enabled to obtain or reuse air or any  
30 other gas or gases for breathing without returning to the  
31 surface of the water.

32        (b) "Divers-down buoy" means a buoyant device, other than  
33 a vessel, which displays a divers-down symbol of at least 12  
34 inches by 12 inches on three or four flat sides, which is  
35 prominently visible on the water's surface when in use.

36        (c) "Divers-down flag" means a flag that meets the  
37 following specifications:

38        1. The flag must be square or rectangular. If rectangular,  
39 the length must not be less than the height, or more than 25  
40 percent longer than the height. The flag must have a wire or  
41 other stiffener to hold it fully unfurled and extended in the  
42 absence of a wind or breeze.

43        2. The flag must consist of a divers-down symbol on each  
44 side with ~~be red with~~ a white diagonal stripe that begins at the  
45 top staff-side of the flag and extends diagonally to the lower  
46 opposite corner. ~~The width of the stripe must be 25 percent of~~  
47 ~~the height of the flag.~~

48        3. The minimum size for any divers-down flag displayed on  
49 a buoy or float towed by the diver is 12 inches by 12 inches.  
50 The minimum size for any divers-down flag displayed from a



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51 vessel or structure is 20 inches by 24 inches.

52 4. Any divers-down flag displayed from a vessel must be  
53 displayed from the highest point of the vessel or such other  
54 location which provides that the visibility of the divers-down  
55 flag is not obstructed in any direction.

56 (d) "Divers-down symbol" means a rectangular or square red  
57 symbol with a white diagonal stripe. If rectangular, the length  
58 must not be less than the height or more than 25 percent longer  
59 than the height. The width of the stripe must be 25 percent of  
60 the height of the symbol.

61 (2) All divers must prominently display a divers-down flag  
62 or buoy in the area in which the diving occurs, other than when  
63 diving in an area customarily used for swimming only. A divers-  
64 down buoy may not be used or displayed onboard a vessel.

65 (3) A diver or group of divers may not ~~No diver or group~~  
66 ~~of divers shall display one or more divers-down flags~~ or buoys  
67 on a river, inlet, or navigation channel, except in case of  
68 emergency, in a manner which shall unreasonably constitute a  
69 navigational hazard.

70 (4) Divers shall make reasonable efforts to stay within  
71 100 feet of a ~~the~~ divers-down flag or buoy on rivers, inlets,  
72 and navigation channels. A ~~Any~~ person operating a vessel on a  
73 river, inlet, or navigation channel must make a reasonable  
74 effort to maintain a distance of at least 100 feet from any  
75 divers-down flag or buoy.



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76 (5) Divers must make reasonable efforts to stay within 300  
 77 feet of a ~~the~~ divers-down flag or buoy on all waters other than  
 78 rivers, inlets, and navigation channels. A ~~Any~~ person operating  
 79 a vessel on waters other than a river, inlet, or navigation  
 80 channel must make a reasonable effort to maintain a distance of  
 81 at least 300 feet from any divers-down flag or buoy.

82 (6) A ~~Any~~ vessel other than a law enforcement or rescue  
 83 vessel that approaches within 100 feet of a divers-down flag or  
 84 buoy on a river, inlet, or navigation channel, or within 300  
 85 feet of a divers-down flag or buoy on waters other than a river,  
 86 inlet, or navigation channel, must proceed no faster than is  
 87 necessary to maintain headway and steerageway.

88 (7) A ~~The~~ divers-down flag or buoy may not be displayed  
 89 ~~must be lowered~~ once all divers are aboard or ashore. A ~~No~~  
 90 person may not operate any vessel displaying a divers-down flag  
 91 unless the vessel has one or more divers in the water.

92 (8) Except as provided in s. 327.33, a ~~any~~ violation of  
 93 this section is ~~shall be~~ a noncriminal infraction punishable as  
 94 provided in s. 327.73.

95 Section 2. Subsection (3) of section 327.395, Florida  
 96 Statutes, is amended to read:

97 327.395 Boating safety identification cards.—

98 (3) Any commission-approved boater education or boater  
 99 safety course, course-equivalency examination developed or  
 100 approved by the commission, or temporary certificate examination



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101 developed or approved by the commission must include a component  
102 regarding diving vessels, awareness of divers in the water,  
103 divers-down flags and buoys, and the requirements of s. 327.331.

104 Section 3. Paragraph (u) of subsection (1) of section  
105 327.73, Florida Statutes, is amended to read:

106 327.73 Noncriminal infractions.—

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

109 (u) Section 327.331, relating to divers-down flags and  
110 buoys, except for violations meeting the requirements of s.  
111 327.33.

112 Section 4. This act shall take effect July 1, 2014.