

1 A bill to be entitled
 2 An act relating to divers-down warning devices;
 3 amending s. 327.331, F.S.; revising the definitions of
 4 the terms "divers-down buoy," "divers-down flag," and
 5 "divers-down symbol"; defining the term "divers-down
 6 warning device"; expanding the types of indicators or
 7 devices allowed to be used to signal the presence of
 8 submerged divers; specifying requirements for divers-
 9 down warning devices; amending ss. 327.395 and 327.73,
 10 F.S.; conforming provisions to changes made by the
 11 act; reenacting s. 327.33(1), F.S., relating to
 12 reckless or careless operation of a vessel, to
 13 incorporate the amendment made to s. 327.331, F.S., in
 14 a reference thereto; providing an 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 to read:

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

23 (1) As used in this section:

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

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

31 (c) "Divers-down flag" means a flag that displays a
32 divers-down symbol and ~~that meets the following specifications:~~

33 1. ~~Is~~ The flag must be square or rectangular. ~~If~~
34 ~~rectangular,~~ the length must not be less than the height, or
35 more than 25 percent longer than the height. The flag must have
36 a wire or other stiffener to hold it fully unfurled and extended
37 in the absence of a wind or breeze.

38 2. ~~The flag must consist of~~ and has a divers-down symbol
39 on each face. ~~side~~

40 2. Has with a white diagonal stripes on each face which
41 begin stripe that begins at the top, staff-side of the flag and
42 extend extends diagonally to the lower opposite corner.

43 3. If rectangular, is of a length that is not less than
44 the height or more than 25 percent longer than the height.

45 4. Has a wire, or other stiffener, or is otherwise
46 constructed to ensure that it remains fully unfurled and
47 extended in the absence of a wind or breeze.

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~~
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 ~~may~~ must not be less than the height or more than 25 percent
59 longer than the height. The width of the stripe must be 25
60 percent of the height of the symbol and the stripes must be
61 oriented in the same direction if multiple stripes are
62 displayed.

63 (e) "Divers-down warning device" means a divers-down flag,
64 buoy, or other similar warning device that:

65 1. Contains a divers-down symbol that is at least 12
66 inches by 12 inches in dimension when displayed from the water
67 or at least 20 by 24 inches in dimension when displayed from a
68 vessel;

69 2. Is designed for, and used by, divers and dive vessels
70 as a means to notify nearby boaters of the presence of a diver
71 in the waters of the immediate area; and

72 3. Is prominently visible when in use.

73 (f)-(e) "Underwater breathing apparatus" means any
74 apparatus, whether self-contained or connected to a distant
75 source of air or other gas, whereby a person wholly or partially
76 submerged in water is enabled to obtain or reuse air or any
77 other gas or gases for breathing without returning to the
78 surface of the water.

79 (2) All divers must prominently display a divers-down
80 warning device ~~flag or buoy~~ in the area in which the diving
81 occurs, other than when diving in an area customarily used for
82 swimming only. A divers-down buoy may not be used or displayed
83 onboard a vessel.

84 (3) A diver or group of divers may not display one or more
85 divers-down warning devices ~~flags or buoys~~ on a river, inlet, or
86 navigation channel, except in case of emergency, in a manner
87 that ~~which shall~~ unreasonably constitutes ~~constitute~~ a
88 navigational hazard.

89 (4) Divers shall make reasonable efforts to stay within
90 100 feet of a divers-down warning device ~~flag or buoy~~ on rivers,
91 inlets, and navigation channels. A person operating a vessel on
92 a river, inlet, or navigation channel must make a reasonable
93 effort to maintain a distance of at least 100 feet from any
94 divers-down warning device ~~flag or buoy~~.

95 (5) Divers must make reasonable efforts to stay within 300
96 feet of a divers-down warning device ~~flag or buoy~~ on all waters
97 other than rivers, inlets, and navigation channels. A person
98 operating a vessel on waters other than a river, inlet, or
99 navigation channel must make a reasonable effort to maintain a
100 distance of at least 300 feet from any divers-down warning
101 device ~~flag or buoy~~.

102 (6) A vessel other than a law-enforcement ~~law-enforcement~~
103 or rescue vessel that approaches within 100 feet of a divers-
104 down warning device ~~flag or buoy~~ on a river, inlet, or

HB 681

2016

105 navigation channel, or within 300 feet of a divers-down warning
 106 device ~~flag or buoy~~ on waters other than a river, inlet, or
 107 navigation channel, must proceed no faster than is necessary to
 108 maintain headway and steerageway.

109 (7) A divers-down warning device ~~flag or buoy~~ may not be
 110 displayed once all divers are aboard or ashore. A person may not
 111 operate any vessel displaying a divers-down warning device ~~flag~~
 112 unless the vessel has one or more divers in the water.

113 (8) A divers-down flag displayed from a vessel must be
 114 displayed from the highest point of the vessel or another
 115 location that ensures the visibility of the divers-down flag is
 116 not obstructed from any direction.

117 (9)~~(8)~~ Except as provided in s. 327.33, a violation of
 118 this section is a noncriminal infraction punishable as provided
 119 in s. 327.73.

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

122 327.395 Boating safety identification cards.—

123 (3) Any commission-approved boater education or boater
 124 safety course, course-equivalency examination developed or
 125 approved by the commission, or temporary certificate examination
 126 developed or approved by the commission must include a component
 127 regarding diving vessels, awareness of divers in the water,
 128 divers-down warning devices ~~flags and buoys~~, and the
 129 requirements of s. 327.331.

130 Section 3. Paragraph (u) of subsection (1) of section

131 327.73, Florida Statutes, is amended to read:

132 327.73 Noncriminal infractions.—

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

135 (u) Section 327.331, relating to divers-down warning
136 devices ~~flags and buoys~~, except for violations meeting the
137 requirements of s. 327.33.

138

139 Any person cited for a violation of any provision of this
140 subsection shall be deemed to be charged with a noncriminal
141 infraction, shall be cited for such an infraction, and shall be
142 cited to appear before the county court. The civil penalty for
143 any such infraction is \$50, except as otherwise provided in this
144 section. Any person who fails to appear or otherwise properly
145 respond to a uniform boating citation shall, in addition to the
146 charge relating to the violation of the boating laws of this
147 state, be charged with the offense of failing to respond to such
148 citation and, upon conviction, be guilty of a misdemeanor of the
149 second degree, punishable as provided in s. 775.082 or s.
150 775.083. A written warning to this effect shall be provided at
151 the time such uniform boating citation is issued.

152 Section 4. For the purpose of incorporating the amendment
153 made by this act to section 327.331, Florida Statutes, in a
154 reference thereto, subsection (1) of section 327.33, Florida
155 Statutes, is reenacted to read:

156 327.33 Reckless or careless operation of vessel.—

HB 681

2016

157 (1) It is unlawful to operate a vessel in a reckless
158 manner. A person is guilty of reckless operation of a vessel who
159 operates any vessel, or manipulates any water skis, aquaplane,
160 or similar device, in willful or wanton disregard for the safety
161 of persons or property at a speed or in a manner as to endanger,
162 or likely to endanger, life or limb, or damage the property of,
163 or injure any person. Reckless operation of a vessel includes,
164 but is not limited to, a violation of s. 327.331(6). Any person
165 who violates a provision of this subsection commits a
166 misdemeanor of the first degree, punishable as provided in s.
167 775.082 or s. 775.083.

168 Section 5. This act shall take effect July 1, 2016.