

By Senator Gruters

23-01256-21

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1                   A bill to be entitled  
2           An act relating to motorboat engine cutoff switches;  
3           providing a short title; amending s. 327.02, F.S.;  
4           defining terms; amending s. 327.50, F.S.; requiring  
5           the use of an engine cutoff switch when operating  
6           certain motorboats that are making way; providing  
7           applicability; providing penalties; amending s.  
8           327.391, F.S.; conforming a cross-reference; amending  
9           s. 327.73, F.S.; conforming provisions to changes made  
10          by the act; reenacting s. 327.54(1)(c), F.S., relating  
11          to liveries and safety regulations, to incorporate the  
12          amendment made to s. 327.50, F.S., in a reference  
13          thereto; reenacting s. 327.731(1), F.S., relating to  
14          mandatory education for violators, to incorporate the  
15          amendment made to s. 327.73, F.S., in a reference  
16          thereto; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. This act may be cited as "Ethan's Law."

21           Section 2. Present subsections (14) through (23), (24)  
22 through (44), and (45), (46), and (47) of section 327.02,  
23 Florida Statutes, are redesignated as subsections (15) through  
24 (24), (26) through (46), and (48), (49), and (50), respectively,  
25 and new subsections (14), (25), and (47) are added to that  
26 section, to read:

27           327.02 Definitions.—As used in this chapter and in chapter  
28 328, unless the context clearly requires a different meaning,  
29 the term:

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30       (14) "Engine cutoff switch" means an emergency switch  
31 installed on a vessel or motor which is designed to immediately  
32 shut off the engine if the vessel operator falls overboard,  
33 whether triggered by a physical attachment such as a lanyard or  
34 wirelessly through electronic means.

35       (25) "Making way" means that a vessel is being propelled  
36 through the water by engaging the use of an equipped sail or  
37 mechanical machinery.

38       (47) "Trolling motor" means a self-contained unit that  
39 contains an electric motor, a propeller, and controls which  
40 affixes to a vessel's bow or stern and which is used to move the  
41 vessel.

42       Section 3. Subsection (4) is added to section 327.50,  
43 Florida Statutes, to read:

44       327.50 Vessel safety regulations; equipment and lighting  
45 requirements.—

46       (4) A person operating a motorboat less than 26 feet in  
47 length upon the waters of this state shall use an engine cutoff  
48 switch while the vessel is making way. This subsection does not  
49 apply to motorboats making way solely by the use of a trolling  
50 motor or to vessels with a main helm installed within an  
51 enclosed cabin. If a person violates this subsection and:

52       (a) Does not cause a boating accident as defined in s.  
53 327.02, the person commits a noncriminal infraction, punishable  
54 as provided in s. 327.73.

55       (b) Causes damage to the property of another or causes  
56 injury to another less severe than serious bodily injury as  
57 defined in s. 327.353, the person commits a misdemeanor of the  
58 second degree, punishable as provided in s. 775.082 or s.

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59 775.083.

60 (c) Causes serious bodily injury to another as defined in  
61 s. 327.353, the person commits a misdemeanor of the first  
62 degree, punishable as provided in s. 775.082 or s. 775.083.

63 (d) Causes death, the person commits vessel homicide as  
64 defined in s. 782.072, punishable as provided in s. 782.072.

65 Section 4. Subsection (1) of section 327.391, Florida  
66 Statutes, is amended to read:

67 327.391 Airboats regulated.—

68 (1) The exhaust of every internal combustion engine used on  
69 any airboat operated on the waters of this state shall be  
70 provided with an automotive-style factory muffler, underwater  
71 exhaust, or other manufactured device capable of adequately  
72 muffling the sound of the exhaust of the engine as described in  
73 s. 327.02(32) ~~s. 327.02(30)~~. The use of cutouts or flex pipe as  
74 the sole source of muffling is prohibited, except as provided in  
75 subsection (4). Any person who violates this subsection commits  
76 a noncriminal infraction punishable as provided in s. 327.73(1).

77 Section 5. Paragraph (m) of subsection (1) of section  
78 327.73, Florida Statutes, is amended to read:

79 327.73 Noncriminal infractions.—

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

82 (m) Section 327.50(1), ~~and~~ (2), and (4)(a), relating to  
83 required safety equipment, lights, and shapes.

84  
85 Any person cited for a violation of any provision of this  
86 subsection shall be deemed to be charged with a noncriminal  
87 infraction, shall be cited for such an infraction, and shall be

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88 cited to appear before the county court. The civil penalty for  
89 any such infraction is \$50, except as otherwise provided in this  
90 section. Any person who fails to appear or otherwise properly  
91 respond to a uniform boating citation shall, in addition to the  
92 charge relating to the violation of the boating laws of this  
93 state, be charged with the offense of failing to respond to such  
94 citation and, upon conviction, be guilty of a misdemeanor of the  
95 second degree, punishable as provided in s. 775.082 or s.  
96 775.083. A written warning to this effect shall be provided at  
97 the time such uniform boating citation is issued.

98 Section 6. For the purpose of incorporating the amendment  
99 made by this act to section 327.50, Florida Statutes, in a  
100 reference thereto, paragraph (c) of subsection (1) of section  
101 327.54, Florida Statutes, is reenacted to read:

102 327.54 Liveries; safety regulations; penalty.—

103 (1) A livery may not knowingly lease, hire, or rent a  
104 vessel to any person:

105 (c) When the vessel does not contain the required safety  
106 equipment required under s. 327.50.

107 Section 7. For the purpose of incorporating the amendment  
108 made by this act to section 327.73, Florida Statutes, in a  
109 reference thereto, subsection (1) of section 327.731, Florida  
110 Statutes, is reenacted to read:

111 327.731 Mandatory education for violators.—

112 (1) A person convicted of a criminal violation under this  
113 chapter, convicted of a noncriminal infraction under this  
114 chapter if the infraction resulted in a reportable boating  
115 accident, or convicted of two noncriminal infractions as  
116 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),

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117 said infractions occurring within a 12-month period, must:

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

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

124 (c) Refrain from operating a vessel until he or she has  
125 filed proof of successful completion of the course with the  
126 commission.

127 Section 8. This act shall take effect July 1, 2021.