

CHAPTER 97-16

Committee Substitute for House Bill No. 229

An act relating to the Florida Vessel Registration and Safety Law; amending s. 327.25, F.S.; providing an exemption from annual vessel registration fees for vessels owned and operated by the Safe Harbor Haven, Inc.; amending s. 327.52, F.S.; revising language with respect to maximum loading and horsepower requirements for specified vessels and prohibiting the operation of vessels in an overloaded or overpowered condition; amending s. 327.73, F.S.; creating a noncriminal infraction for overloaded and overpowered vessels; providing effective dates.

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

Section 1. Subsection (15) of section 327.25, Florida Statutes, 1996 Supplement, is amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(15) EXEMPTIONS.—Vessels owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, the Safe Harbor Haven, Inc., or the Associated Marine Institutes, Inc., and its affiliates are exempt from the provisions of subsection (1). Such vessels shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection (7).

Section 2. Effective October 1, 1997, section 327.52, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 327.52, F.S., for present text.)

327.52 Maximum loading and horsepower.—

(1) Except for sailboats, canoes, kayaks, and inflatable boats, this section applies to all monohull motorboats less than 20 feet in length that are: manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers for hire.

(2) No person shall sell or offer for sale any vessel described in subsection (1) unless said vessel displays the maximum capacity information as prescribed in Part 183 of Title 33 of the Code of Federal Regulations. This shall not apply to resales but it is the intent of this section to require dealers and manufacturers to furnish this information upon the original sale.

(3) No person shall operate any vessel described in subsection (1) when said vessel exceeds the maximum weight capacity, maximum persons capacity, or maximum horsepower capacity. If no maximum capacity information

is displayed, the capacities shall be calculated as provided in subparts C and D of Part 183 of Title 33 of the Code of Federal Regulations. This subsection shall not preclude the finding of reckless operation under s. 327.33(1) when a vessel is operated in a grossly overloaded or overpowered condition.

Section 3. Effective October 1, 1997, paragraph (t) is added to subsection (1) of section 327.73, Florida Statutes, 1996 Supplement, to read:

327.73 Noncriminal infractions.—

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

(t) Section 327.52(3), relating to operation of overloaded or overpowered vessels.

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

Section 4. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Became a law without the Governor's approval April 22, 1997.

Filed in Office Secretary of State April 21, 1997.