

## CHAPTER 2014-138

### House Bill No. 1049

An act relating to divers; amending s. 327.331, F.S.; defining the terms “divers-down buoy” and “divers-down symbol”; revising the definition of “divers-down flag”; requiring all divers to prominently display a divers-down flag or buoy in the area in which the diving occurs; requiring vessel operators encountering divers-down buoys to take specified actions; prohibiting a divers-down buoy from being used or displayed onboard a vessel; conforming provisions to changes made by the act; making technical changes; amending ss. 327.395 and 327.73, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

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

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

(1) As used in this section:

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

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

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

(c) “Divers-down flag” means a flag that meets the following specifications:

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

2. The flag must consist of a divers-down symbol on each side with ~~be red with~~ a white diagonal stripe that begins at the top staff-side of the flag and

extends diagonally to the lower opposite corner. ~~The width of the stripe must be 25 percent of the height of the flag.~~

3. The minimum size for any divers-down flag displayed on a buoy or float towed by the diver is 12 inches by 12 inches. The minimum size for any divers-down flag displayed from a vessel or structure is 20 inches by 24 inches.

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

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

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

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

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

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

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

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

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

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

327.395 Boating safety identification cards.—

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

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

327.73 Noncriminal infractions.—

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

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

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

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.