

Admiralty Committee

FLORIDA STATUTORY MARITIME LAW UPDATE

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The following Florida boating statutes regarding collisions were significantly changed, effective July 1, 2022. WE HOPE THIS NEVER HAPPENS TO YOU...but read this and be prepared to follow the law.

§ 327.30, Florida Statutes, now mandates vessel operators involved in collisions must render assistance to others affected by the accident. It states, at section (1) “It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he or she can do so without serious danger to the operator’s own vessel, crew, and passengers, if any, to render to other persons affected by the collision, accident, or other casualty such assistance as is practicable and necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also to give his or her name, address, and identification of his or her vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. The operator of a vessel involved in an accident with an unattended vessel shall take all reasonable steps to locate and notify the owner or person in charge of such vessel of the accident, furnishing to such owner his or her name, address, and registration number and reporting as required under this section.”

The revised statute further states, at section (2), “ In the case of collision, accident, or other casualty involving a vessel in or upon or entering into or exiting from the water, including capsizing, collision with another vessel or object, sinking, personal injury requiring medical treatment beyond immediate first aid, death, disappearance of any person from on board under circumstances which indicate the possibility of death or injury, or damage to any vessel or other property in an apparent aggregate amount of at least \$2,000, **the operator shall without delay, by the quickest means available give notice of the accident to one of the following agencies: the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the**

sheriff of the county within which the accident occurred; or the police chief of the municipality within which the accident occurred, if applicable.” (Emphasis added)

§ 327.731, Florida Statutes, now makes education and \$500 fines for boating law violators mandatory and prohibits their operation of a boat until completion of the education and payment of the fine. The statute specifically states: “(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this chapter if the infraction resulted in a reportable boating accident, or convicted of two noncriminal infractions as specified in s. 327.73(1)(h) -(k), (m), (o), (p), and (s)-(y), the infractions occurring within a 12-month period, must: “(a) Enroll in, attend, and successfully complete, at his or her own expense, a classroom or online boating safety course that is approved by and meets the minimum standards established by commission rule; (b) File with the commission within 90 days proof of successful completion of the course; (c) Refrain from operating a vessel until he or she has filed proof of successful completion of the course with the commission; and (d) Pay a fine of \$500. For the purposes of this section, “conviction” means a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, regardless of whether or not adjudication was withheld or whether imposition of sentence was withheld, deferred, or suspended. Any person who operates a vessel on the waters of this state in violation of the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.



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