1 A bill to be entitled 2 An act relating to vessels; creating s. 327.332, F.S.; 3 requiring vessel operators to reduce speed in 4 specified hazardous situations; providing penalties; 5 amending s. 327.4107, F.S.; revising criteria for 6 determining that a vessel is at risk of becoming 7 derelict; amending s. 327.73, F.S.; revising civil 8 penalties relating to certain at-risk vessels and 9 prohibited anchoring or mooring; providing civil 10 penalties relating to vessels that fail to reduce 11 speed for special hazards; providing an effective 12 date. 13 14 Be It Enacted by the Legislature of the State of Florida: 15 16 Section 1. Section 327.332, Florida Statutes, is created 17 to read: 18 327.332 Special hazards requiring slow speed.-19 (1) A vessel operator must reduce to slow speed, minimum 20 wake upon approaching within 300 feet of any emergency vessel, 21 including, but not limited to, a law enforcement vessel, United 22 States Coast Guard vessel or auxiliary vessel, fire vessel, or 23 tow vessel, with its emergency lights activated. 24 A vessel operator must reduce to slow speed, minimum 25 wake upon approaching within 300 feet of any construction vessel

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or barge when workers are present and actively engaged in operations and an orange flag or yellow flashing light is displayed from the tallest portion of the vessel or barge.

- (3) A vessel operator found in violation of this section is guilty of a noncriminal infraction as provided in s. 327.73.
- Section 2. Paragraph (e) of subsection (2) of section 327.4107, Florida Statutes, is amended to read:
- 327.4107 Vessels at risk of becoming derelict on waters of this state.—
- (2) An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:
- (e) The vessel does not have <u>or is unable to demonstrate</u> an effective means of propulsion for safe navigation within 72 hours after the vessel owner or operator receives telephonic or written notice, which may be provided by facsimile, electronic mail, or other electronic means, stating such from an officer, and the vessel owner or operator is unable to provide a receipt, proof of purchase, or other documentation of having ordered necessary parts for vessel repair. The commission may adopt rules to implement this paragraph.
- Section 3. Paragraphs (aa) and (bb) of subsection (1) of section 327.73, Florida Statutes, are amended, and paragraph (cc) is added to that subsection, to read:

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51	327.73 Noncriminal infractions.—
52	(1) Violations of the following provisions of the vessel
53	laws of this state are noncriminal infractions:
54	(aa) Section 327.4107, relating to vessels at risk of
55	becoming derelict on waters of this state, for which the civil
56	penalty is:
57	1. For a first offense, \$50.
58	2. For a second offense occurring 30 days or more after a
59	first offense, $\frac{$250}{}$
50	3. For a third or subsequent offense occurring 30 days or
51	more after a previous offense, $\frac{$500}{$250}$.
52	(bb) Section 327.4109, relating to $\underline{\text{vessels}}$ anchoring or
53	mooring in a prohibited area, for which the penalty is:
54	1. For a first offense, up to a maximum of \$50.
55	2. For a second offense, up to a maximum of $\frac{$250}{}$
56	3. For a third or subsequent offense, up to a maximum of
57	<u>\$500</u> \$250 .
8	(cc) Section 327.332, relating to vessels failing to
59	reduce speed for special hazards, for which the penalty is:
70	1. For a first offense, \$50.
71	2. For a second offense occurring within 12 months after a
72	<pre>prior conviction, \$250.</pre>
73	3. For a third offense occurring within 36 months after a

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For a fourth or subsequent offense occurring within 72

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prior conviction, \$500.

74

75

months after a prior conviction, \$1,000.

Any person cited for a violation of any provision of this subsection 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. This act shall take effect July 1, 2019.

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