



HB 1645

2003

1                                   A bill to be entitled  
2           An act relating to vessel safety; amending s. 327.73,  
3           F.S.; providing civil penalties for violations of  
4           described regulations; providing for liability for payment  
5           of citations for certain infractions; providing an  
6           effective date.

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

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10           Section 1. Paragraph (v) is added to subsection (1) of  
11           section 327.73, Florida Statutes, and paragraphs (d) and (e) are  
12           added to subsection (9) of said section, to read:

13           327.73 Noncriminal infractions.--

14           (v) Violations relating to a vessel within 500 feet of a  
15           pier established by local government authorities pursuant to s.  
16           327.22 or s. 327.60, for which the civil penalty is \$250.

17  
18           Any person cited for a violation of any such provision shall be  
19           deemed to be charged with a noncriminal infraction, shall be  
20           cited for such an infraction, and shall be cited to appear  
21           before the county court. The civil penalty for any such  
22           infraction is \$50, except as otherwise provided in this section.  
23           Any person who fails to appear or otherwise properly respond to  
24           a uniform boating citation shall, in addition to the charge  
25           relating to the violation of the boating laws of this state, be  
26           charged with the offense of failing to respond to such citation  
27           and, upon conviction, be guilty of a misdemeanor of the second  
28           degree, punishable as provided in s. 775.082 or s. 775.083. A  
29           written warning to this effect shall be provided at the time  
30           such uniform boating citation is issued.



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31 (9)

32 (d) The owner of a vessel is responsible and liable for  
33 payment of any citation unless the owner can furnish evidence  
34 that the vessel was, at the time of the violation, in the care,  
35 custody, or control of another person. In such instance, the  
36 owner of the vessel is required, within a reasonable time after  
37 notification of the violation, to furnish to the appropriate law  
38 enforcement authorities an affidavit stating the name, address,  
39 and driver's license number of the person who leased, rented, or  
40 otherwise had the care, custody, or control of the vessel. The  
41 affidavit submitted under this paragraph is admissible in a  
42 proceeding charging a violation and raises the rebuttable  
43 presumption that the person identified in the affidavit is  
44 responsible for payment of the citation. The owner of a vessel  
45 is not responsible for a violation if the vessel involved was,  
46 at the time, stolen or in the care, custody, or control of a  
47 person who did not have permission of the owner to use the  
48 vessel.

49 (e) Any county or municipality may provide by ordinance  
50 that the clerk of the court or the traffic violations bureau  
51 shall supply the department with a magnetically encoded computer  
52 tape reel or cartridge or send by other electronic means data  
53 which is machine readable by the installed computer system at  
54 the department, listing persons who have outstanding violations.  
55 The department shall mark the appropriate registration records  
56 of persons who are so reported. Section 320.03(8) applies to  
57 each person whose name appears on the list.

58 Section 2. This act shall take effect October 1, 2003.