

By Senator Atwater

25-1340A-03

1 A bill to be entitled
2 An act relating to boating citations; amending
3 s. 327.73, F.S.; providing that a violation
4 relating to a vessel being within 500 feet of a
5 pier, established by a local government is a
6 noncriminal infraction; providing for the
7 liability of the owner of a vessel for payment
8 of a citation for a boating violation unless
9 the owner furnishes an affidavit showing that
10 the vessel was in the care, control, or custody
11 of another person; providing for the clerk of
12 court to electronically supply the Division of
13 Law Enforcement of the Fish and Wildlife
14 Conservation Commission a list of persons with
15 outstanding fines; providing an effective date.

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

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19 Section 1. Subsections (1) and (9) of section 327.73,
20 Florida Statutes, are amended to read:

21 327.73 Noncriminal infractions.--

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

24 (a) Section 328.46, relating to operation of
25 unregistered and unnumbered vessels.

26 (b) Section 328.48(4), relating to display of number
27 and possession of registration certificate.

28 (c) Section 328.48(5), relating to display of decal.

29 (d) Section 328.52(2), relating to display of number.

30 (e) Section 328.54, relating to spacing of digits and
31 letters of identification number.

- 1 (f) Section 328.60, relating to military personnel and
2 registration of vessels.
- 3 (g) Section 328.72(14), relating to operation with an
4 expired registration.
- 5 (h) Section 327.33(2), relating to careless operation.
- 6 (i) Section 327.37, relating to water skiing,
7 aquaplaning, parasailing, and similar activities.
- 8 (j) Section 327.44, relating to interference with
9 navigation.
- 10 (k) Violations relating to restricted areas and speed
11 limits:
- 12 1. Established by the commission pursuant to s.
13 327.46.
- 14 2. Established by local governmental authorities
15 pursuant to s. 327.22 or s. 327.60.
- 16 3. Speed limits established pursuant to s. 370.12(2).
- 17 (l) Section 327.48, relating to regattas and races.
- 18 (m) Section 327.50(1) and (2), relating to required
19 safety equipment, lights, and shapes.
- 20 (n) Section 327.65, relating to muffling devices.
- 21 (o) Section 327.33(3)(b), relating to navigation
22 rules.
- 23 (p) Section 327.39(1), (2), (3), and (5), relating to
24 personal watercraft.
- 25 (q) Section 327.53(1), (2), and (3), relating to
26 marine sanitation.
- 27 (r) Section 327.53(4), (5), and (7), relating to
28 marine sanitation, for which the civil penalty is \$250.
- 29 (s) Section 327.395, relating to boater safety
30 education.
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1 (t) Section 327.52(3), relating to operation of
2 overloaded or overpowered vessels.

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

5 (v) Violations relating to a vessel being within 500
6 feet of a pier, established by a local government under s.
7 327.22 or s. 327.60, for which the civil penalty is \$250.

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

23 (9)(a) Any person who fails to comply with the court's
24 requirements or who fails to pay the civil penalties specified
25 in this section within the 30-day period provided for in s.
26 327.72 must pay an additional court cost of \$12, which shall
27 be used by the clerks of the courts to defray the costs of
28 tracking unpaid uniform boating citations.

29 (b) Any person who fails to comply with the court's
30 requirements as to civil penalties specified in this section
31 due to demonstrated financial hardship shall be authorized to

1 satisfy such civil penalties by public works or community
2 service. Each hour of such service shall be applied, at the
3 rate of the minimum wage, toward payment of the person's civil
4 penalties; provided, however, that if the person has a trade
5 or profession for which there is a community service need and
6 application, the rate for each hour of such service shall be
7 the average standard wage for such trade or profession. Any
8 person who fails to comply with the court's requirements as to
9 such civil penalties who does not demonstrate financial
10 hardship may also, at the discretion of the court, be
11 authorized to satisfy such civil penalties by public works or
12 community service in the same manner.

13 (c) If the noncriminal infraction has caused or
14 resulted in the death of another, the court may require the
15 person who committed the infraction to perform 120 community
16 service hours in addition to any other penalties.

17 (d) The owner of a vessel is responsible and liable
18 for payment of any citation unless the owner can furnish
19 evidence that the vessel was, at the time of the violation, in
20 the care, custody, or control of another person. In such
21 instances, the owner of the vessel shall, within a reasonable
22 time after notification of the violation, furnish to the
23 appropriate law enforcement authorities an affidavit setting
24 forth the name, address, and driver's license number of the
25 person who leased, rented, or otherwise had care, custody, or
26 control of the vessel. The affidavit submitted under this
27 paragraph is admissible in a proceeding charging a violation
28 and raises the rebuttable presumption that the person
29 identified in the affidavit is responsible for payment of the
30 citation. The owner of a vessel is not responsible for a
31 payment of the citation if the vessel involved was, at the

1 time of the violation, stolen or in the care, custody, or
2 control of a person who did not have permission of the owner
3 to use the vessel.

4 (e) Any county or municipality may provide by
5 ordinance that the clerk of the court or the traffic
6 violations bureau shall supply the division with a
7 magnetically encoded computer tape reel or cartridge, or send
8 by other electronic means data that is machine-readable by the
9 division's installed computer system, listing persons who have
10 outstanding fines. The division shall mark the appropriate
11 registration records of persons who are so reported. Section
12 320.03(8) applies to each person whose name appears on the
13 list.

14 Section 2. This act shall take effect upon becoming a
15 law.

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18 SENATE SUMMARY

19 Provides that a violation relating to a vessel being
20 within 500 feet of a pier established by a local
21 government is a noncriminal infraction. Provides that
22 the owner of a vessel who receives a citation for a
23 boating violation is liable for payment of the fine
24 unless he or she furnishes an affidavit showing that
25 another person had care, control, or custody of the
26 vessel at the time of the violation. Provides
27 circumstances under which the clerk of court may be
28 required to electronically supply the Division of Law
29 Enforcement of the Fish and Wildlife Conservation
30 Commission a list of persons with outstanding fines.
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